

CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 10/6/2015

ALL

Item Creation Date: 9/15/2015

ARA-Amend Chapter 46 - Houston Transportation Accessibility Task Force
Recommendations

Agenda Item#: 4.

Summary:

APPROVE AN ORDINANCE AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO REGULATION OF VEHICLES FOR HIRE; IMPLEMENTING WHEELCHAIR ACCESSIBILITY REQUIREMENTS FOR CERTAIN VEHICLES FOR HIRE.

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that City Council approve an ordinance amending Chapter 46 of the City of Houston Code of Ordinances (Chapter 46) relating to vehicles-for-hire to implement the recommendations of the Houston Transportation Accessibility Task Force (Task Force).

City regulations governing vehicles-for-hire are in place to ensure the health and safety of the riding public, ensure passenger service quality and encourage the operation of professional transportation services. Regulations also serve to ensure that vehicle-for-hire services are available to all Houstonians. Chapter 46 establishes the standards, regulations and permitting/licensing requirements for the vehicle-for-hire industry operating within the City of Houston. ARA's Regulatory Affairs Division is responsible for administration and enforcement of these provisions.

In August 2014, City Council approved omnibus changes to Chapter 46 that, among other things, created a framework to allow Transportation Network Companies (TNC), such as Uber and Lyft, to operate in Houston. Recognizing Houston's historic role in the passage of the Americans with Disabilities Act, several Council Members also expressed concerns about the limited number of vehicle-for-hire services accessible to Houstonians with disabilities, particularly those individuals who depend on a wheelchair or other assistive device. In order to ensure that transportation services serve all Houstonians, City Council approved the creation of the Houston Transportation Accessibility Task Force—comprised of representatives from the vehicle-for-hire industry and the disabilities community—to recommend changes to Chapter 46 that promote accessibility.

On October 8, 2014, City Council unanimously confirmed the appointment of the representatives to the Task Force. Beginning on November 20, 2014, the Task Force met at least once a month to craft recommendations and on August 19, 2015 the Task Force voted to approve final recommendations for presentation to City Council. The Task Force presented these recommendations to a joint session of the Public Safety & Homeland Security and the Transportation, Technology & Infrastructure Committees on August 25, 2015.

Chapter 46 Accessibility Requirements

Due to the wide variation in business models in the vehicle-for-hire industry, the Task Force determined that regulations must account for this diversity in order to be successful. As a result, the Task Force crafted recommendations that give individual companies the flexibility to create innovative solutions to provide accessible service, but still hold these companies accountable for their responsibility to serve all Houstonians. All traditional vehicle-for-hire companies will be required to provide some form of accessible service. Each company, however, will have the choice to be evaluated based either on fleet composition or on outcome-based performance metrics.

Fleet Composition Method

Companies that choose to be evaluated on fleet composition must maintain a certain percentage of their fleet as wheelchair accessible vehicles (WAV). Companies that operate 20 or more vehicles must meet a three percent (3%) goal within one year of the effective date of this ordinance. The percentage requirement will subsequently increase by one percent (1%) each year thereafter for the following five years. ARA may conduct an annual study assessing the demand for wheelchair accessible service in the City and adjust the percentage requirement accordingly in order to achieve an appropriate balance between supply and demand.

Beginning in 2017, companies that operate between two and 19 vehicles and that choose to be evaluated by fleet composition must replace the first vehicle that comes offline with a WAV and maintain at least one accessible vehicle in service. Beginning in 2018, companies that operate only one permitted vehicle must replace all vehicles that come offline with a WAV. Any company may meet the percentage requirement by establishing an exclusive contractual relationship with a third party to provide the service on the company's behalf.

Outcome-Based Method

Companies that choose to be evaluated on outcome-based performance metrics are responsible for achieving specific, average customer wait times for wheelchair accessible service. Within one year of the effective date of this ordinance, companies must provide an average wait time of 40 minutes or less. The average wait time must decrease by ten minutes each year thereafter for the following two years to an average wait time of 20 minutes by the end of the third year. Any company may meet the outcome-based requirements by establishing a contractual relationship with a third party to provide the service on the company's behalf.

Enforcement

Companies will be responsible for submitting all necessary data to ARA to demonstrate compliance with the milestones in either the fleet composition option or the outcome-based option. Any companies found to be out of compliance based on the City's analysis have 30 days to either cure the failure or demonstrate that the City's initial determination of non-compliance was incorrect. Companies who fail to come into compliance after this cure period are subject to a permit or registration revocation hearing.

Wheelchair Accessible Service Provider Permit

A company may meet both the fleet composition and the outcome-based methods by contracting with a third party to provide wheelchair accessible service on its behalf. Because this ordinance will create substantial demand in Houston for companies that are capable of providing this service, ARA expects that companies with WAVs will enter the local market. In order to ensure that these third party contractors meet the same safety standards as the existing vehicle-for-hire industry, ARA has created a new permit category that allows these companies to operate in Houston, provided that they have undergone the same vehicle inspection and driver licensing process as the existing industry.

Other Requirements

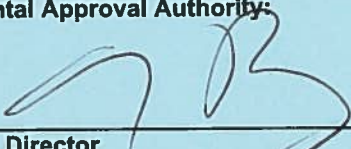
The Task Force also made several other recommendations that pertain to providing service to Houstonians with other types of disabilities:

- No company may segregate its accessible service option from that provided to the general public
- ARA will maintain an administrative list of approved accessible vehicles and conversions that meet basic safety and customer service standards
- ARA will amend its administrative rules to ensure that all new Passenger Information Modules (PIMs) installed in taxicabs have a text to speech capability to assist passengers with a visual impairment

Recommendation:

ARA recommends that City Council approve the Houston Transportation Accessibility Task Force's proposed revisions to Chapter 46 of the Code of Ordinances. These revisions are based on extensive deliberation between representatives from the vehicle-for-hire industry and the disabilities community as well as research and consultation with other stakeholders. They are necessary to further protect the health and welfare of the riding public and are an essential first step toward creating the greater availability of accessible vehicle-for-hire services for the riding public.

Departmental Approval Authority:



Tina Paez, Director
Administration & Regulatory Affairs
Department

Other Authorization

Prior Council Action:

8/6/2014; Ord. #2014-754

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