



Committee of the Whole Report

For the Meeting of May 26, 2016

To: Committee of the Whole
From: Chris Coates, City Clerk
Subject: Review of Pedicab Regulations

Date: June 21, 2016

RECOMMENDATION

That Council:

1. Direct staff to bring forward amendments to the Vehicles for Hire Bylaw that would:
 - a) increase the total number of pedicab licences to 35,
 - b) limit the total number of pedicabs that a person can operate to 28,
 - c) require an applicant for a pedicab licence to demonstrate to the satisfaction of the Licence Inspector that the person has procedures in place to ensure that persons operating the pedicab will do so in a safe manner,
 - d) that the name of the company be clearly displayed on the pedicab, and
 - e) that the current licence holders can hold 28 pedicab licences, but the cap for any individual licence holder to hold or operate in the future would be 15 pedicabs licences.
2. Direct staff to invite comments from pedicab operators in the City on the proposed bylaw amendments as outlined in the November 12, 2015 Council motion.

EXECUTIVE SUMMARY

Under the City's Vehicles for Hire Bylaw, a person must not transport passengers in a pedicab unless the pedicab is licensed. The total number of pedicab licences currently available under that bylaw is 28 and all are currently issued.

Council considered the attached staff report at the May 5, 2016 Committee of the Whole meeting and subsequently on May 12, 2016 directed staff to report back on the implications of not limiting the total number of licenses made available.

Council is free to limit or not the total number of pedicab licenses issued in the City. There is a best practice around limiting the numbers, although such a practice is not the normal practice in an overall business licensing regime for local government. Seemingly the purpose behind the limits are both transportation impact oriented as well as ensuring that residents and visitors are not subjected to aggressive marketing tactics.

PURPOSE

The purpose of this report is to provide information resulting from the May 12, 2016 Council resolution in connection with potential impacts of eliminating the regulations that limit the number of pedicab licenses the City can issue.

BACKGROUND

At the May 5, 2016 Committee of the Whole meeting, council passed the following motion:

1. Direct staff to bring forward amendments to the Vehicles for Hire Bylaw that would:
 - a) increase the total number of pedicab licences to 35,
 - b) limit the total number of pedicabs that a person can operate to 28,
 - c) require an applicant for a pedicab licence to demonstrate to the satisfaction of the Licence Inspector that the person has procedures in place to ensure that persons operating the pedicab will do so in a safe manner,
 - d) that the name of the company be clearly displayed on the pedicab, and
 - e) that the current licence holders can hold 28 pedicab licences, but the cap for any individual licence holder to hold or operate in the future would be 15 pedicabs licences.
2. Direct staff to invite comments from pedicab operators in the City on the proposed bylaw amendments as outlined in the November 12, 2015 Council motion.

A copy of the staff report considered at the May 5, 2016 Committee of the Whole meeting is attached as Appendix A.

Upon consideration of the May 5th Committee of the Whole recommendations, Council directed staff to report back in two weeks on the implications of removing the limit on the number of pedicabs licenses in the City.

ISSUES & ANALYSIS

Previous reports addressed the potential implications of not placing limits on the total number of licenses in the City for pedicabs. These issues involve the potential for the number of operators exceeding the market demand and using overly competitive business practices to solicit customers. It is not conventional for the local government to involve itself in market conditions of business operation to the extent that influence is exercised over market share. Typically market demand is self-limiting or self-regulating.

In cities in North America where pedicabs operate, there seems to be a best practice exception in order to limit the number of licenses.

Transportation staff in the City consider pedicabs active transportation and are not concerned with transportation impacts on the number of licenses issued each year.

Whether or not Council chooses to limit or not, the number of licenses in the City, there are still other issues noted in the staff report around enhancing operator proficiency by way of demonstrable evidence of safe procedures as well contact information for operators being displayed in the units, that Council may consider advisable to implement, to minimize the implications of the pedicabs within the areas of operation in the City.

OPTIONS AND IMPACTS

Two possible resolutions are presented for Council's consideration:

1. Increasing the number of pedicab licences from 28 to 35 (Recommended)

1. Direct staff to bring forward amendments to the Vehicles for Hire Bylaw that:
 - a) require an applicant for a pedicab licence to demonstrate to the satisfaction of the Licence Inspector that the person has procedures in place to ensure that persons operating the pedicab will do so in a safe manner.
 - b) increase the total number of available licences to 35.
 - c) establish a termination date to all existing licenses at December 31, 2018.
 - d) that staff undertake a review of the impacts of pedicabs for consideration in 2018.
2. Direct staff invite comments from pedicab operators in the City to provide further comments on this issue for Council's consideration as outlined in the November 16, 2015 Council motion.

2. Removing Limits on the number of Licenses to be made available.

1. Direct staff to bring forward amendments to the Vehicles for Hire Bylaw that would:
 - a) eliminate the number of licenses available in the City,
 - b) require an applicant for a pedicab licence to demonstrate to the satisfaction of the Licence Inspector that the person has procedures in place to ensure that persons operating the pedicab will do so in a safe manner,
 - c) that the name of the company be clearly displayed on the pedicab, and
2. Direct staff to invite comments from pedicab operators in the City on the proposed bylaw amendments as outlined in the November 12, 2015 Council motion.

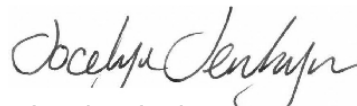
CONCLUSIONS

It is important to balance the City's objectives for development of local businesses in step with promoting the downtown area for residents and visitors as well as ensuring there is sufficient infrastructure capacity in the City. Pedicabs are an important active transportation mode and can continue to provide service without negative impacts on these important City objectives. Further assurances are possible by placing reasonable limits on the number of units in operation and with enhanced operational requirements.

Respectfully submitted,



Chris Coates
City Clerk



Jocelyn Jenkyns
Deputy City Manager

Report accepted and recommended by the City Manager:

