TAXI REFORM SUB-COMMITTEE
REPORT 09-002
2:30 p.m.
Thursday, October 22, 2009
Hamilton Convention Centre
Room 207, 2nd Floor, 1 Summers Lane

Present: Councillors S. Merulla (Chair), C. Collins (Vice Chair) and B. Morelli

Also Present: M. Hazell, Senior Director, Parking & By-law Services
B. Young, Director, Municipal Law Enforcement
V. Ormond, Superintendent, Municipal Law Enforcement
L. Pasternak, Senior Solicitor
J. Lee, Director, Customer Service and Access & Equity
S. Paparella, Legislative Assistant, City Clerk’s Office

THE TAXI REFORM SUB-COMMITTEE PRESENTS REPORT 09-002 AND RESPECTFULLY RECOMMENDS:

1. Aznive Mallett and Terri Wallis, of the Advisory Committee for Persons with Disabilities, respecting the Lack of Accessible Taxi Cabs (Item 5.1)

   That the presentation made by Aznive Mallett and Terry Wallis, on behalf of the Advisory Committee for Persons with Disabilities, respecting the lack of accessible taxi cabs, be received.

2. Licensing By-law Requirements that Taxicab Plate Owners Hold a Taxicab Driver’s Licence and take Service and Skills Training (PED09030(a)) (City Wide) (Item 6.1)

   (a) That Taxi Cab Owners not be required to hold a Taxi Cab Driver’s Licence.

   (b) That the requirement for Taxi Cab Owners to complete the Service and Skills Training remain in the Licensing Code By-law 07-170.

Economic Development & Planning Committee – November 3, 2009
3. Taxi Shields (PED09283) (City Wide) (Item 6.2)

(a) That the requirement for on-board cameras in taxis be restored to the Licensing By-law, and that this requirement become effective May 1, 2010.

(b) That taxi shields not be considered a prohibited device, but may be used at the discretion of a taxi owner/operator, provided that the shield in no way interferes with any required safety feature or the safe operation of the taxicab and complies with the general requirements of the Licensing By-law.

(c) That the amending By-law to Licensing Code By-law 07-170, attached as Appendix ‘A’ to Report 09-002, to restore the requirement for on-board camera’s in taxis, be passed and enacted.

(d) That the City of Hamilton support, in principle, the installation of shields in taxi cabs, upon approval of the Federal and Provincial governments’ Health & Safety requirements, and approval of standards for Taxi Shields by the Canadian Standards Association.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

(i) Added as Item 4.3 – A delegation request made by Manfred Rudolph, Rudolph Law Office, respecting the late Khalil Zourob and Various Proposed Amendments to the Licensing Code By-law

For clarification, the Committee Clerk advised that Mr. Rudolph does not have a pending hearing before the Licensing Tribunal with respect to Mr. Khalil Zourob, as this matter is not within the jurisdiction of the Licensing Tribunal. Ms. Pasternak, Senior Solicitor was available for further clarification.

(ii) Added as Item 7.2 – Mr. Hazel would like to provide an update respecting various taxi industry matters.

The Agenda for the October 22, 2009 meeting of the Taxi Reform Sub-committee was approved, as amended.
(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

3.1 March 26, 2009

The Minutes of the March 26, 2009 meeting of the Taxi Reform Sub-committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Cab Drivers’ Welfare Association respecting the Recommendations of the iTaxiworkers’ Association (Item 4.1)

The Committee Clerk advised that she had been informed by staff that the following items, outlined in the delegation request, were not within the jurisdiction of the City of Hamilton, but rather were the interest of the private business operators:

Item 3: Brokers Providing Discounted or Flat Rate Fares

Item 6: Brokers’ Conflict of Interest

Item 7: One Owner One Plate

Item 8: Cab Drivers, Customers, Brokers Complaints and Appeals toward Brokers

Item 9: While the City does have a regulatory they do not have an administrative role.

Item 10: Multi Leasing

Item 14: Dues Control

That the request, made by the Cab Drivers’ Welfare Association, to appear before the Taxi Reform Sub-committee, respecting the recommendations of the iTaxiworkers’ Association, be approved, but is limited to the following items (listed in the written submission):

Item 1: Illegal Taxis
Item 2: Spare Taxi Cabs

Item 4: Brokers and Dispatchers Qualifications

Item 5: Police Cruisers

Item 9: City’s Role in the Taxi Cab Industry – Regulatory Role Only

Item 11: Two Tiered System

Item 12: Accessible Taxi Cab Plates

Item 13: Taxi Rest Areas

(ii) Aznive Mallet and Terri Wallis, of the Advisory Committee for Persons with Disabilities respecting the Lack of Accessible Taxi Cabs (Item 4.2)

The delegation from the Advisory Committee for Persons with Disabilities, respecting the Lack of Accessible Taxi Cabs, was added to the Agenda as Item 5.1.

(iii) Manfred Rudolph, Rudolph Law Office, respecting the late Khalil Zourob and Various Proposed Amendments to the Licensing Code By-law (Item 4.3)

The Committee Clerk advised Committee that Licensing Tribunal was not permitted to hear the matter that Mr. Rudolph notes with respect to Mr. Khalil Zourob, as this matter is not within the jurisdiction of the Licensing Tribunal. Ms. Pasternak, Senior Solicitor was available to answer any questions.

The request, made by Manfred Rudolph, Rudolph Law Office, respecting the late Khalil Zourob and Various Proposed Amendments to the Licensing Code By-law, was approved, but is limited to the following item:

- Proposed amendment to the Licensing Code By-law 07-170 to permit the issuance of a Taxi Cab Owner plate to persons reaching the top of the Taxi Cab Priority List in the year prior to or in the year of the purported issuance of the plate; and, that by-law clearly state the effect of a Taxi Cab Priority list individual’s death.
Aznine Mallet and Terri Wallis, of the Advisory Committee for Persons with Disabilities respecting the Lack of Accessible Taxi Cabs (Item 5.1)

Aznine Mallet and Terri Wallis, of the Advisory Committee for Persons with Disabilities provided Committee with a presentation. The presentation included, but was not limited to, the following:

The current situation:

- number of accessible taxis in Hamilton is zero;
- accessible vans operating as livery services;
- exorbitant rates being charged;
- vehicles being used that may not pass inspection;
- no 24-hour service;
- trips must be booked in advance;
- spontaneous trips rarely available; and,
- only two (2) providers of taxi-like service: (1) WAVE; and, (2) Blue Line.

Pending Accessibility for Ontarians with Disabilities Act Standards for Transportation:

- same fares for all persons;
- no additional fees for assistance;
- no fees for storage of equipment;
- door-to-door service;
- municipalities required to ensure provision or service;
- disability community striving for 100% accessibility; and,
- Minister of Transportation states that access is not a privilege.

Proposed Approaches and Solutions:

It is recommended that City of Hamilton should:

- ensure 100% full taxi accessibility by 2025;
- ensure that all new licenses will be for wheelchair accessible taxis;
- determine a process to convert existing licenses to wheelchair accessible licenses;
- develop a process ensuring affordable service; and,
- consult with persons with disabilities in system design, delivery, implementation and evaluation.

Staff was directed to review the existing by-law(s) to determine what criteria is in place respecting public safety for vehicles, which are utilized as accessible vehicles and are owned by Taxi Cab Brokers, and report back to the Taxi Reform Sub-committee.
(f) Licensing By-law Requirements that Taxicab Plate Owners hold a Taxicab Driver’s Licence and take Service and Skills Training (PED09030(a)) (City Wide) (Item 6.1)

M. Hazell, Senior Director, Parking & By-Law Services, provided Committee with a presentation. The presentation included, but was not limited to, the following:

- 2001 – Former Taxi Reform Sub-committee dealt with amalgamation issues and taxi reforms.
- 2003 - harmonized by-law included reforms related to:
  - operating borders;
  - taxi plate priority list;
  - inactive taxi plates;
  - customer service;
  - quality of vehicles; and,
  - driver training/safety.
- The following requirements were not effective until May 28, 2008:
  - Service & Skills Training; and,
  - holding taxicab driver’s licence.
- January 2009, staff recommended rescinding requirement that taxi owners hold a Taxi Driver’s Licence, but that Service and Skills Training be maintained.
- Concern that long-time owners need not take the training; and
- February 2009 Council referred to Taxi Reform Sub-committee for review and amended deadline to Sept 30, 2009 for existing plate owners.
- Service and Skills Training:
  - contributes to image, operation and by-law compliance;
  - promotes industry involvement and professionalism;
  - has a driver safety training component;
  - to-date only eight (8) plate owners haven’t completed training;
  - not onerous; special needs/situations accommodated;
  - could appeal to Licensing Tribunal if application to renew License is not accepted and licence is not renewed.
That the presentation, respecting Report PED09030(a) – Licensing By-law Requirements that Taxicab Plate Owners hold a Taxicab Driver’s Licence and take Service and Skills Training, was received.

(g) Taxi Shields (PED09283) (City Wide) (Item 6.2)

M. Hazell, Senior Director, Parking & By-Law Services, provided Committee with a presentation. The presentation included, but was not limited to, the following:

- 2001 – Taxi Reform Sub-committee dealt with amalgamation issues/taxi reforms.
- Harmonized Licensing By-law enacted in 2003.
- Some provisions (e.g. Cameras/GPS) effective May 2008.
- Driver safety concerns; assaults/robberies Christmas 2007.
- Camera requirement deferred pending review of taxi shields.
- Taxi Reform Sub-committee met March 26, 2009; directed that another public meeting be held primarily for passenger consultation.
- Public meeting June 18, 2009; verbal and written submissions referred to staff for review and report back.
- Businesses licensed for public health and safety, consumer protection and/or nuisance prevention.
- Taxis regulated for public who use this transportation mode; City’s primary mandate is passenger safety.
- Driver safety equipment/initiatives implemented, subject to Licensing Code By-law requirements/City inspections such as:
  - exterior emergency lighting systems;
  - GPS devices;
  - Service & Skills training (safety training module); and,
  - taxi operator safety training by Police.
- Shield Pros
  - driver/passenger barrier; and,
  - prevents attacks from rear.
• Shield Cons
  • reduced capacity, leg room, difficult for those with disabilities, driver seat not adjustable;
  • false sense of security and no record of event;
  • safety devices and air flow affected;
  • after market – no Technical Safety Association or Canadian Standards Association approval; and,
  • increased passenger head injury reports and escalated violence.

• Camera Pros
  • influences passenger behaviour – assault/criminal activity and images recorded;
  • influences driver behaviour – drinking, smoking and overcrowding; and,
  • effective for resolving driver/passenger disputes.

• Camera Cons
  • assaults may not prevented;
  • lens can be obstructed/device could fail; and,
  • privacy concerns.

<table>
<thead>
<tr>
<th>City</th>
<th>Shields versus Cameras</th>
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</thead>
<tbody>
<tr>
<td>Ottawa</td>
<td>Cameras Required - Shields Not Prohibited</td>
</tr>
<tr>
<td>Toronto</td>
<td>Cameras Required - Shields Not Prohibited</td>
</tr>
<tr>
<td>Mississauga</td>
<td>Cameras Required - Shields Not Prohibited</td>
</tr>
<tr>
<td>Brampton</td>
<td>Cameras Required - Shields Not Prohibited</td>
</tr>
<tr>
<td>Burlington</td>
<td>Cameras Required May 1, 2010 - Shields Not Allowed</td>
</tr>
<tr>
<td>Windsor</td>
<td>Cameras Required - Shields Not Prohibited</td>
</tr>
<tr>
<td>Brantford</td>
<td>By-Law Doesn’t Require or Prohibit Shields or Cameras</td>
</tr>
<tr>
<td>Kitchener</td>
<td>By-Law Doesn’t Require or Prohibit Shields or Cameras</td>
</tr>
<tr>
<td>Niagara Falls</td>
<td>Shields/Cameras Prohibited - Not Wanted by Owners/Drivers</td>
</tr>
<tr>
<td>Kingston</td>
<td>By October 1/11 – Must have one of the following:</td>
</tr>
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</table>
  • Dual Lens Camera/911 Lights/Half Shield |

• No cities require shields over cameras.

• Cameras required effective May 1, 2010.

• Shields not be prohibited, but used at discretion of taxi owner/operator:

Economic Development & Planning Committee – November 3, 2009
• Safe environment for both drivers/passengers;
• Consistent with other Ontario Cities;
• No interference with employee/employer relationship (Occupational Health and Safety Act);
• City not establishing/endorsing shield standards; and,
• Costs not paid for by passengers (fare increase).

The presentation, respecting Report PED09283 – Taxi Shields, was received.

(h) Outstanding Business List

The following items were considered complete and removed from the Taxi Reform Sub-committee’s Outstanding Business List:

(i) “A” - Ban on Hand Held Cell Phones and Other Similar Devices, as the Province of Ontario has passed legislation banning use Display Screens and Hand Held Devices while driving; and,

(ii) Item “C” – Skills/Service Training and Taxi Operator Licence Requirements, as the matter was addressed as Item 6.1 in today’s agenda.

(i) Correspondence from M. Dar respecting a Petition for the Issuance of Ambassador Plates to Taxi Drivers (Item 7.1)

The correspondence from M. Dar, respecting a Petition for the Issuance of Ambassador Plates to Taxi Drivers, was received and referred to staff to review and to provide a report to the Taxi Advisory Working Group.

(j) Various Updates respecting the Taxi Industry (Item 7.2)

M. Hazell, Senior Director, Parking & By-Law Services, provided a verbal update respecting the following matters:

(i) Licensing Code By-law Schedule Amendments – L. Pasternak, Senior Solicitor, is spending a great deal of time working on the amendments, and they will be forthcoming to either the Taxi Reform Sub-committee or the Economic Development & Planning Committee, as appropriate.

(ii) Licensed Mechanics – The Parking and By-law Services Division currently has only one (1) licensed mechanic on staff, which in turn, is creating vehicle inspection timing issues when the mechanic is on vacation or ill. Therefore, the Division has been borrowing mechanics
from the Fleet Services Section of the Public Works Department, and has hired one (1) temporary mechanic and is in the process of posting for a second temporary mechanic to catch up on the backlog and to prepare for the license renewal period in January 2010.

(k) **Taxi Reform Sub-committee Members Attendance at the Economic Development & Planning Committee Meetings**

At least one (1) member of the Taxi Reform Sub-committee is to attend the Economic Development & Planning Committee meetings, when there is a Taxi Reform Sub-committee Report on the agenda, to speak to that report.

(l) **ADJOURNMENT (Item 8)**

There being no further business of the Taxi Reform Sub-committee, the meeting adjourned at 3:15 p.m.

Respectfully submitted,

Councillor S. Merulla  
Chair, Taxi Reform Sub-committee

Stephanie Paparella  
Legislative Assistant  
October 22, 2009
CITY OF HAMILTON

BY-LAW NO. __________

To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses

WHEREAS Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170;

AND WHEREAS this By-law provides for an amendment to By-law 07-170;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Paragraph 64(1)(o) of Schedule 25 is deleted and replaced by the following new paragraph:

   64(1)(o) equip each licensed taxicab with:
   (i) a Global Positioning System; and
   (ii) an onboard camera on or before May 1, 2010;

2. This By-law comes into force on the date it is passed.

PASSED this ___ day of _______________________, 2009.

_________________________            __________________________
Fred Eisenberger               Kevin C. Christenson
Mayor                           City Clerk
SUBJECT: Taxi Shields (PED09283) - (City Wide)

RECOMMENDATION:

(a) That the requirement for on-board cameras in taxis be restored to the Licensing By-law, and that this requirement become effective May 1, 2010.

(b) That taxi shields not be considered a prohibited device, but may be used at the discretion of a taxi owner/operator, provided that the shield in no way interferes with any required safety feature or the safe operation of the taxicab and complies with the general requirements of the Licensing By-law.

(c) That the amendment to the Licensing By-Law, attached as Appendix ‘A’ to Report PED09283, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

EXECUTIVE SUMMARY:

On February 25, 2009, City Council, re-established the Taxi Reform Sub-Committee (TRS) with the following mandate:
To review the taxicab by-law provisions enacted by City Council in 2003 under current context, and to review current issues and emerging taxi industry trends and make recommendations to the Economic Development and Planning Committee.

The TRS met on March 26, 2009 and directed that a public meeting be held primarily for passenger consultation related to taxi safety as City Council had deferred the requirement that cameras be installed in all licensed taxis by May 28, 2008 to allow for a full review of taxi shields.

That meeting was held on June 18, 2009, where a number of verbal and written submissions were received and referred to staff for review and a report back to the TRS. This report fulfils that directive, and recommends that cameras be required in taxis effective May 1, 2010 and that taxi shields not be considered a prohibited device, but may be used at the discretion of a taxi owner/operator provided that the shield in no way interferes with any required safety feature or the safe operation of the taxicab and complies with the general requirements of the Licensing By-law.

BACKGROUND:

In June 2000, the Transition Board for the New City of Hamilton received the Taxi Industry Reform report, which cited issues concerning lack of driver training and the need for a review of driver safety through the implementation various safety features.

On July 10, 2001, City Council approved the formation of a Taxi Reform Sub-Committee to deal with issues relating to municipal amalgamation and proposed reforms to the taxi industry. The 2001 Reform Sub-Committee (7 Councillors) met 8 times (including 2 public meetings). Also, staff was directed to consult with industry stakeholders on major amalgamation and reform issues.

In 2003, the former TRS made a number of recommendations intended to improve public safety and encourage active industry involvement including a requirement that taxicabs be equipped with on-board cameras and Global Positioning System (GPS) devices.

On May 28, 2003, City Council enacted a harmonized Licensing By-law, but some provisions such as those related to cameras and GPS devices in taxis were not to come into effect until five years after the passing and enactment of the By-law (May 28, 2008) in order to allow the taxi industry time to prepare financially and operationally.

Prior to those By-law requirements coming into effect on May 28, 2008 concerns respecting driver safety were received from the industry as a result of a number of assaults/robberies over 2007 Christmas Season. As a result, Council deferred the camera requirement to allow time for a full review of taxi shields.

As part of that review, a public meeting of the Economic Development and and Planning Committee was held on June 19, 2008, at which time staff was directed:
- to consider all the information received at the Special Public meeting, and report back to Committee, with recommendations respecting taxi safety measures, excluding cameras; and,

- to review and include in the report the Committee’s preferred option, which is the installation of permanent removable shields on all taxicabs with the costs to be covered by the taxicab owners.

In the meantime, on February 25, 2009, City Council, re-established the TRS with a mandate “To review the taxicab by-law provisions enacted by City Council in 2003 under current context, and to review current issues and emerging taxi industry trends and make recommendations to the Economic Development and Planning Committee.”

The current TRS met for the first time on March 26, 2009 and directed that another public meeting be held primarily for passenger consultation. That meeting was held on June 18, 2009, where a number of verbal and written submissions were received and referred to staff for review and a report back to the Sub-Committee.

Cameras and shields offer different forms of protection to both taxi operators and taxi passengers, and there are also drawbacks to each device as outlined in the analysis section of this report. Therefore, while some taxi operators demand protective shields, the City must be concerned as well about maximizing passenger safety. It should be noted too that a number of driver safety equipment/initiatives have been implemented, subject to Licensing By-law requirements and City inspections such as:

- all licensed taxis are now equipped with exterior emergency warning lighting systems;

- as of May 29, 2008 all licensed taxis are now equipped with Global Positioning System (GPS) devices; and,

- as of July 1, 2008, a “Service and Skills” training program for all owners/operators and drivers commenced which contains safety training modules.

The aforementioned By-law requirements are augmented from time-to-time by training sessions offered by the Hamilton Police Service primarily directed at taxi operator safety education.

After reviewing the matter in detail, staff recommends that cameras be required in taxis, and that shields not be a considered prohibited device, but may be used at the discretion of a taxi owner/operator provided that the shield in no way interferes with any required safety feature or the safe operation of the taxicab and complies with the general requirements of the Licensing By-law.

**ANALYSIS/RATIONALE**
The City licenses certain classes of businesses in the interest of promoting public health or safety, consumer protection and/or nuisance prevention. The taxi industry is heavily regulated through the City’s Licensing By-Law for the benefit of the public who use this form of transportation (e.g. vehicle standards, driver training and performance, meter rates, number of licences, etc.). Therefore, while every effort must be made to provide a safe environment for everyone, the City’s primary mandate is passenger safety.

**Shields versus Cameras:** Both cameras and shields can provide an increased level of safety/protection for drivers and passengers. However, the two devices offer entirely different safety features and have pros and cons as outlined in the following tables:

<table>
<thead>
<tr>
<th>TAXI SHIELDS</th>
<th>CAMERAS</th>
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<tbody>
<tr>
<td><strong>PROS</strong></td>
<td><strong>CONS</strong></td>
</tr>
<tr>
<td>driver/pas-</td>
<td>reduced capacity - 3</td>
</tr>
<tr>
<td>senger barrier</td>
<td>passengers in rear/none in front</td>
</tr>
<tr>
<td>prevent attacks from back seat</td>
<td>false sense of security – assaults can occur while exiting or through open window or when assisting a customer - no recording of event</td>
</tr>
<tr>
<td>can have sliding door that opens/closes for transaction</td>
<td>reduced passenger leg room driver’s seat not adjustable</td>
</tr>
<tr>
<td>safety devices/air flow affected</td>
<td>works if driver is present or not</td>
</tr>
<tr>
<td>aftermarket not subject to rigorous TSA/CSA standards</td>
<td>voice recording and outside visual perimeter recording option</td>
</tr>
<tr>
<td>health professionals report increased passenger head injuries</td>
<td></td>
</tr>
<tr>
<td>industry moving toward a more accessible service delivery - shields</td>
<td></td>
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</tbody>
</table>

[See the full document for more details](https://example.com).
Ontario Experience: Most municipalities have/are struggling with attempting to find a balance between optimizing passenger safety, comfort and riding experience and driver safety. None of the Cities surveyed however, require taxi shields over on-board cameras. Many take no position whatsoever in their by-laws thereby leaving the device unregulated and up to the individual owner/operators, while some municipalities do not allow shields and require their removal upon inspection.

The following table identifies how various other Ontario Cities deal with the issue of shield versus cameras in taxis:

<table>
<thead>
<tr>
<th>City</th>
<th>Shields vs. Cameras</th>
</tr>
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<tbody>
<tr>
<td>Ottawa</td>
<td>cameras required –shields not prohibited</td>
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<tr>
<td>Brampton</td>
<td>cameras required - shields not prohibited</td>
</tr>
<tr>
<td>Burlington</td>
<td>cameras required May 1, 2010 - shields not allowed.</td>
</tr>
<tr>
<td>Windsor</td>
<td>cameras required - shields not prohibited</td>
</tr>
<tr>
<td>Brantford</td>
<td>by-law doesn’t require or prohibit shields or cameras</td>
</tr>
<tr>
<td>Kitchener</td>
<td>by-law doesn’t require or prohibit shields or cameras</td>
</tr>
<tr>
<td>Niagara Falls</td>
<td>Shields/cameras prohibited – not wanted by owners/drivers</td>
</tr>
<tr>
<td>Kingston</td>
<td>by October 1, 2011 must have one of the following safety devices: dual lens camera/911 lights/Shanghai (half) shield</td>
</tr>
</tbody>
</table>

Basic Design Concepts of Safety Shields: Staff research has found that there are four basic types of shield designs, as outlined below:

- **Traditional Police Type Shields:** Designed for policing needs. Appear to be inappropriate for taxis as they are designed/built to be truly bullet-proof and secure in order to withstand serious abuse and to be able to contain criminals/suspects. Rear seat passengers in such vehicles are normally secured into place by knowledgeable policemen, to ensure no harm comes to either party. They appear to be ominous, intimidating, and not intended for taxi purposes.

- **Sliding Shields:** Are those in which a modest portion of the clear section may be slid to one side to facilitate driver-passenger communications. They are ordinarily
left in the open position, but a driver, at his/her discretion, may choose to close and lock it, depending upon perceived risks. These are typically the least costly shields, but do leave in place, an aura of confinement in the perception of a passenger.

- **Retractable Shields**: Consist of a full width clear polycarbonate panel that may be lowered into a bullet-resistant container normally affixed to the floor. While more costly, it provides the least significant barrier to driver-passenger communications, and may be raised at will by the driver depending on his assessment of risk.

- **Emergency Shields**: Are collapsible steel embedded within the seat itself and ordinarily in the retracted position. It may in an emergency situation be instantly raised by the driver to block an imminent assault. In the upright position, a firm barrier to driver-passenger communications is introduced.

**ANALYSIS OF ALTERNATIVES:**

Council could choose to amend the Licensing By-law to require:

- taxi shields instead of on-board cameras; or,
- both the installation of shields and cameras; or,
- to eliminate the requirement for any on-board safety devices.

In staff’s opinion, the recommendation that on-board cameras be required and that taxi shields be installed at the discretion of a taxi owner/operator, is a reasonable approach to providing a safe environment for both drivers and passengers, and consistent with the approach of many other Ontario Cities.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

On May 28, 2003, City Council enacted a harmonized Licensing By-law, but some provisions such as those related to cameras and GPS devices in taxis, were not to come into effect until five years after the passing and enactment of the By-law on May 28, 2003 in order to allow the taxi industry adequate time to prepare financially and operationally. Therefore, a May 1, 2010 requirement for on-board cameras should not be too onerous for taxi owners.

It is important to note that, while individuals working in the taxi industry as drivers are required to hold a valid taxicab driver’s licence, the Licensing By-Law does not control the business relationship between the Taxicab Owner/Broker and the Taxicab Driver. Taxicab drivers employed by Taxicab Plate Owners/Brokers are protected by the Occupational Health and Safety Act, however, a majority of the taxi drivers are considered to be self-employed licensed drivers or independently contracted drivers, and therefore are not covered by the Occupational Health and Safety Act. By not prohibiting shields the City will not be interfering with the employee/employer

The recommendation is that the City not endorse or prohibit the use of shields, but to allow each owner/operator to determine if such a device is warranted for their operation. From a risk management perspective, it is therefore important that the City not establishing or endorsing standards for the product.

The cost of purchasing and installing taxi shields is estimated to be between $1,000.00 and $3,000.00. Staff recommends that shields not be considered a prohibited device, but may be used at the discretion of a taxi owner/operator, in accordance with the general requirements of the By-law.

As shields are intended primarily for driver safety, the cost of such should be borne by the owner and not funded by passengers through a fare increase.

**POLICIES AFFECTING PROPOSAL:**

N/A

**RELEVANT CONSULTATION:**

Legal Services
Risk Management
Hamilton Police Service

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes  ☐ No
An efficient and effective taxi service contributes directly to the health, safety and well being of the community.

Environmental Well-Being is enhanced. ☑ Yes  ☐ No
An efficient and effective taxi service contributes directly to the health, safety and well being of the community.

Economic Well-Being is enhanced. ☑ Yes  ☐ No
An efficient and effective taxi service contributes directly to the health, safety and well being of the community.

Does the option you are recommending create value across all three bottom lines?

☑ Yes  ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

☐ Yes  ☑ No
MH/VO/dt
Attach. (1)