



ADMINISTRATIVE REPORT

Report Date: May 4, 2009
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Meeting Date: May 21, 2009

TO: Standing Committee on Planning and Environment

FROM: Chief Licence Inspector

SUBJECT: Pedicabs and Motor Assisted Pedicabs: Additional Licences and Amendments to Vehicles for Hire By-Law

RECOMMENDATION

- A. THAT Council approve an increase in the maximum number of pedicab and/or motor assisted pedicab licences, as permitted in the Vehicles for Hire By-Law, from thirty (30) to sixty (60);
- B. THAT Council approve the following amendments to the Vehicles for Hire By-Law as outlined in this report:
 - i. Restrict all third-party advertising to a maximum 0.45 square metre area on the rear of the pedicab only;
 - ii. require all pedicabs to have rear hydraulic disc brakes and front V-brakes or other braking system as approved by the Chief License Inspector;
 - iii. require pedicab owner/operators to undertake annual bike safety inspections through a municipally-licensed bicycle repair shop;
 - iv. require pedicab owners/operators to undertake safety inspections and maintenance prior to each day of operation;
 - v. require all pedicabs to have a business name and identification number painted on or permanently affixed to the rear and each side of the pedicab carriage;
 - vi. require a pedicab owner/operator to demonstrate, at the request of the Chief Licence Inspector, that the pedicab is available for transporting passengers.
- C. THAT Council instruct the Director of Legal Services to prepare a by-law amending the Vehicles for Hire By-law generally in accordance with Appendix A.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services recommends approval of the foregoing recommendations.

COUNCIL POLICY

Vehicles for Hire By-Law No. 6066 licenses and regulates the owners and drivers of vehicles for hire in the City of Vancouver. Section 20 of the Vehicle for Hire By-law regulates the operation of pedicabs¹. Certain guidelines for pedicab operation on city streets are also enforced through Council policy as shown in Appendix B. Some pedicab regulations are included both in the Vehicles for Hire by-Law and Council policy.

As a form of sustainable transportation, pedicabs complement Council's priorities on sustainable transportation initiatives and a robust green economy.

PURPOSE

The purpose of this report is to seek Council's approval for the issuance of 30 additional pedicab licences and amendments to the Vehicles for Hire By-Law designed to improve and strengthen existing pedicab regulations.

BACKGROUND

In May 1983, the City received a request for the licensing of a three-wheel pedal-powered tourist carriage business. Individual carriages were to be operated by trained student cyclists on designated tour routes throughout the City. Although the business appeared to be an asset to the City's tourism industry, Engineering Services was concerned that these carriages could seriously impede traffic and create a hazard to both motorists and passengers. To avoid problems on roadways and near congested sidewalk areas, staff recommended to Council that pedicab operations be allowed on a trial basis in Gastown only for the 1983 summer season subject to conditions regulating the type, number and licensing of carriages and limitations on routing and times of operation. Council approved the recommendation on June 28, 1983 on the condition that a review of the pedicab operation(s) be completed after the trial period to determine if the operation should continue in future years, and if so, under what conditions. This review subsequently revealed that only one pedicab applicant attempted to operate in Gastown during the summer of 1983 and quickly found his operation to be economically unviable because of the City's strict limitations on the number of pedicabs and routes. Eventually, the pedicab operation was relocated to Granville Island which falls under federal authority.

In 1984, the City received another similar request for the operation of foot-powered rickshaws as a taxi service during the months of March through November. To avoid the problems experienced by the pedicab business in 1983, this operator requested that the City allow greater flexibility in routings, pick-ups and operation time, enabling the business to be run more like a taxi operation. As the 1983 pedicab trial period was too short and sporadic to determine the extent of interaction with automobiles and pedestrians on City streets, Council approved a second trial period for 1984 which increased the total number of carriages to thirty, expanded the designated tour routes and included both rickshaws and pedicabs.

A review of the second 1984 trial period showed that the impacts caused by the pedicabs/rickshaws were tolerable, largely because the approved routes and times of

¹ Pedicabs also include motor assisted pedicabs as defined in the Vehicles for Hire By-Law.

operation were chosen to minimize interruptions with other vehicular and pedestrian traffic. Furthermore, it was evident that operation of pedicabs in the evening proved the most beneficial from an economic perspective. Based on these findings, on May 7, 1985, Council approved the continuation of pedicab operations in the City in future years in a manner similar to the 1984 trial period with only minor refinements in the downtown during rush hour.

On March 25, 1986, Council approved the use of vehicles such as pedicabs, horse-drawn carriages, rickshaws and various demonstration land vehicles to operate on City streets during the period of Expo 86 subject to certain conditions designed to minimize adverse impacts on the downtown street system. For pedicabs in particular, the number of approved licenses was increased from 30 to 40 and the designated routes expanded for the duration of EXPO only to meet the anticipated increased demand. After EXPO 1986, pedicab regulations reverted back to those originally established in 1985.

In February 2003, Council approved amendments to the Vehicles for Hire By-Law which allowed pedicabs to operate 24 hours a day throughout the year, and introduced additional pedicab regulations pertaining to safety.

On July 24, 2007, Council approved an amendment to the Vehicles for Hire By-Law which extended existing pedicab provisions to include motor assisted pedicabs. Related by-law provisions and guidelines were also amended accordingly.

On June 24, 2008, Council directed that as 30 pedicab licences have been issued by the City and other organizations have expressed an interest in an additional 10 licences, staff report back on considerations around issuing a further 10 pedicab licenses.

DISCUSSION

Pedicab Licences

The Vehicles for Hire By-Law stipulates that a maximum of 30 pedicab licenses can be issued and Council policy states that one business cannot hold more than 10 licenses.

Prior to 2008, less than ten pedicab licences were issued at any one time with all licences held by a single company. In 2008, all 30 licences were issued. This year, 17 pedicab renewal applications have been received to date. In the past year, the City has also received five applications for an additional 26 licences as follows:

- Dragon Rickshaw Adventures (5 licences) - application submitted by the Chinatown BIA Society in April 2008 to provide transport from Downtown to Gastown and Chinatown.
- Green Pedicab (2 licences) - application submitted in April 2008 catering to the tourism market by offering pedicabs as an environmentally-friendly means of transport.
- Cruise Cab Pedicab Company (8 licences) - business currently has two pedicab licences and submitted an application for additional pedicabs in June 2008.
- Kabuki Cabs (10 licences) - application submitted in January 2009.
- Independent (1 licence) - application submitted in March 2009.

With only 17 pedicab renewal applications to date, 13 of the requested 26 new licences could be issued under existing by-law limitations. This would result in the need for an additional 13 pedicab licences to satisfy existing demand as shown in the table below.

Current Demand for Pedicab Licences

Pedicab Application Status	Number
2009 Renewal Applications	17
2009 New Applications:	
• Dragon Rickshaw	5
• Project	2
• Cruise Cabs	8
• Kabuki Cabs	10
• Independent	1
Total 2009 Pedicab Applications	43
less maximum licences permitted	-30
Shortfall	13

Although the current shortfall is only 13 licences, staff recommend that Council increase the current maximum number of pedicab licences from 30 to 60. To date, there have been no significant problems with pedicab operations in the City. Discussions with Engineering Services have concluded that 30 additional pedicab licences is not likely to have a considerable negative impact on existing traffic flow in the approved pedicab areas downtown as long as the existing restrictions in the Vehicles for Hire By-Law and the Guidelines for the Operation of Pedicabs in Appendix B are followed. It is particularly important that pedicabs comply with the operating prohibitions along streets in the downtown peninsula and on arterials city-wide as shown in the pedicab routing map in Appendix C. Generally, pedicabs are prohibited on all bridges into the downtown peninsula, as well as the Georgia and Dunsmuir viaducts. As well, the main streets in the West End prohibit pedicabs during rush hour and other main streets in the remainder of the downtown area prohibit pedicabs from 7:00 am to 7:00 pm. Finally, all arterials in Vancouver, with the exception of the West End, prohibit pedicabs during rush hours.

It is important to note that the current pedicab routing map will not be valid during the 2010 Olympics/Paralympics as the City's transportation plan will result in further pedicab route restrictions during the Games period. All pedicab licensees and applicants will be advised of further route restrictions and changes prior to the 2010 licence renewal period.

Staff believe that as pedicabs currently operate mainly in the downtown core, an additional 30 licenses would provide enough flexibility to accommodate additional applicants, without causing a negative impact on existing traffic flows throughout the already congested downtown peninsula. Given the experience to date, the demand for additional licences, tourism benefits related to pedicabs and the inherent sustainability of this form of transportation, staff recommend that the Vehicles for Hire By-Law be amended to increase the maximum number of pedicab licences from 30 to 60.

Proposed Amendments to Vehicles for Hire By-Law: Pedicabs and Motor-Assisted Pedicabs

Safety Equipment - Brakes

A recent pedicab-related fatality in Seattle has emphasized the need for more stringent vehicle braking requirements. Currently, the Vehicles for Hire By-Law requires pedicabs to have certain safety equipment attached to, on or within the pedicab, including heavy duty front and back brakes.

Research into the pedicab safety requirements of other jurisdictions and discussions with the local pedicab industry have revealed that the combination of rear hydraulic disc brakes and front V-brakes are becoming an industry standard, and would provide appropriate braking capability. For this reason, staff recommend that the Vehicles for Hire By-Law be amended to require all pedicabs to have rear hydraulic disc brakes and a front V-brake or other braking system as approved by the Chief Licence Inspector. This requirement would apply immediately to all new and existing pedicab licences.

To ensure the continued maintenance of safe operating front and rear brakes for all licensed pedicabs, staff recommend that pedicab owners/operators be required to undertake annual bike safety inspections, including thorough braking effectiveness checks. These inspections are to be undertaken by a bicycle repair shop with a current valid municipal licence. Maintenance and repair records for each pedicab are to be retained for at least two years after such maintenance and repair has been completed, and such records are to be provided to City staff upon request.

Staff also recommend that pedicab owners/operators be required to inspect and make any adjustments to braking and other safety equipment each day prior to a pedicab being put into operation.

Pedicab Identification

Presently, there is no requirement to identify individual licensed pedicabs in order to visually distinguish one from the other. As a result, passengers that experience concerns/problems with a certain pedicab vehicle or operator have no means of identifying the company and particular vehicle when lodging a complaint. For this reason, staff recommend that similar to the identification requirement for taxicabs, all licensed pedicab vehicles must have painted on or otherwise permanently affixed to each side and to the rear of the bicycle carriage a business name and number which uniquely identifies the pedicab in figures not less than 5 cm high.

Pedicab Deployment

In Section 20(3) of the Vehicles for Hire By-Law, a pedicab owner must have each pedicab used in the business fully operational within 60 days after the date of issuance of the licence. The intent of this requirement is to ensure that licences are not held for speculative purposes. Pedicab licences are normally issued or renewed at the beginning of the year. As pedicab operations in the City are largely seasonal, normally commencing operation in late spring/early summer, the current requirement would require pedicabs to be fully operational prior to the usual operating season. This has become an outdated and unreasonable requirement. Therefore, staff recommend that this requirement be deleted and replaced with a requirement that an operator demonstrate, at the request of the Chief Licence Inspector, that the pedicab is available for transport.

Third-Party Advertising

Advertising on pedicabs is currently unrestricted with some companies choosing to display advertising on bike carriages. The concern is that allowing unrestricted third-party advertising could lead to pedicabs being operated more for generating advertising revenue than for transportation purposes. This could result in traffic disruption and congestion with pedicabs sitting idle on city streets for the sole or primary purpose of advertising.

In discussion with the pedicab industry about this concern and the possibility of advertising restrictions, the industry suggested a compromise of restricting advertising to a defined maximum area on the rear of the pedicab carriage only. Therefore, to ensure that all licensed pedicabs in the City are used primarily for the sustainable transportation purpose intended, staff recommend that the by-law be amended to restrict all third-party advertising to a maximum 0.45 square metre area on the rear of the pedicab carriage only. No other surface of the pedicab carriage may be used for advertising. This restriction would apply immediately to all new and existing pedicab licences.

This solution is generally consistent with the way companies currently advertise, provides an important revenue source to the industry and minimizes the potential for using pedicabs solely or primarily for advertising purposes.

Housekeeping Amendments

To ensure that certain existing pedicab guidelines are enforceable, staff recommend that the following policies, as required by the Chief License Inspector, be included in the Vehicles for Hire By-Law:

- Pedicabs are subject to inspection by City inspectors prior to being issued a license; and
- Pedicab licences are non-transferable.

PEDICAB INDUSTRY CONSULTATION

Staff met with the pedicab industry on two separate occasions to discuss outstanding issues and concerns. In response to staff concerns about third-party advertising, pedicab company representatives noted that the industry relies on advertising revenues to assist with general overhead costs and other miscellaneous expenses. A compromise to restrict advertising to a defined maximum area on the rear of the pedicab carriage was suggested. There was general concurrence around the table on the other recommendations in this report and acknowledgement that there would be further pedicab route restrictions during the Olympic Games period.

CONCLUSION

In light of the recent demand for additional pedicab licences and the possibility of more licence requests in the future, it is recommended that the maximum number of pedicab licences be increased from 30 to 60. In addition, it is recommended that the Vehicles for Hire By-Law be amended to adopt more stringent equipment safety, inspection and testing requirements, additional vehicle identification and restriction on third-party advertising on pedicab carriages.

Proposed By-Law Amendments - Vehicles for Hire No.6066

1. In Section 20(2), replace "30" with "60";
2. In Section 20(1) (b), delete "heavy duty front and back brakes" and replace with "rear hydraulic brakes and front V-brakes or other braking system as approved by the Chief Licences Inspector". This is applicable immediately to all new and existing pedicab licences.
3. Include new provisions under "Pedicabs and motor assisted pedicabs" section similar to the following:
 - a. Pedicab owners/operators are required to undertake annual bike safety inspections, including braking effectiveness checks, through a bicycle repair shop with a current valid municipal licence.
 - b. Maintenance and repair records are to be retained for at least two years after such maintenance and repair has been completed and are to be provided to by-law enforcement officers upon request;
 - c. Pedicab owners/operators are required to inspect pedicab braking and other safety equipment, and make adjustments as necessary, each day prior to operation;
 - d. Pedicabs are subject to inspection by City inspectors prior to being issued a licence;
 - e. Pedicab licences are non-transferable;
 - f. Pedicab vehicles must have painted on or otherwise permanently affixed on each side and to the rear of the bicycle carriage a business name and number which uniquely identifies the pedicab in figures not less than 5 cm high.
 - g. Third-party advertising is restricted to a maximum 0.45 square metre area on the rear of the pedicab carriage. This restriction is applicable immediately to all new and existing pedicab licences.

4. Section 20(3) of the Vehicles for Hire By-Law be deleted and replaced with a requirement similar to the following:

"An owner of a pedicab or motor assisted pedicab must demonstrate, at the request of the Chief Licence Inspector, that the pedicab is available for transporting passengers."

Guidelines for the Operation of Pedicab and Motor Assisted Pedicab Tourist Carriages on City Streets (2007)

1. Carriages are subject to inspection by the Licenses and Inspections, and Engineering Departments prior to being allowed on the street.
2. Pedicabs or Motor Assisted Pedicabs must be equipped with:
 - heavy duty front and back brakes
 - front headlight/rear rail lights
 - rear flashing light (for night time operations)
 - turn signal lights
 - reflectors on wheels and carriages
 - standard bell
 - rear mud flaps or similar protection
 - first aid kit
 - repair kit
 - rear bumper or similar protection
 - 6' safety flag (unless rooftop design exceeds 6')
3. All pedicab or Motor Assisted pedicab operators are required to obtain a license from the Licenses and Inspections Department under the "Vehicles for Hire By-law #6066." Please see Schedule "A" of the bylaw for the amount per carriage, per calendar year. The current Vehicle for Hire plate must be displayed at the rear of the pedicab, as well as the owner/operator must have a current business license. All operators must carry current photo identification that includes the person's name, address, and date of birth. The license cannot be transferred to other individuals.
4. All persons operating leased pedicabs on a daily fee basis must obtain a license from the License and Inspections Department, under the Vehicles for Hire By-law #6066, and pay an annual fee as stated in Schedule A of the bylaw.
5. The carriages must only be operated on designated streets as approved by the City Engineer. Drivers who operate on prohibited streets are subject to having their licenses suspended.
6. Operators must **not** stop to load/unload passengers in any location which would disrupt traffic. When parked, they **must** pay at parking meters and must not park in any restricted zones identified for other vehicles.
7. All operators must carry liability insurance required under the Vehicles for Hire Bylaw #6066 and satisfactory to the Director of Risk Management.
8. Operators of all carriages must obey all provisions of the Street and Traffic **By-law #2849** and all provisions of the Motor Vehicle Act (normally those applicable to the definition of a vehicle).
9. A total of **30** licenses will be available. The limit of the number of licenses per applicant is **10**.
10. Operators have until **February 2nd** of each year to renew their licenses. If not renewed by this time, they become available on a first come, first serve basis.
11. Areas of operation may be changed by the Engineering Department after consultation with the Police Department and the pedicab operators.
12. All owners of pedicabs or Motor Assisted pedicabs must have their carriages fully operational

within **60 days** from the date of license application.

13. An owner of a pedicab or motor assisted pedicab must ensure that parking, storage, and maintenance of the pedicab or motor assisted pedicab occurs only on private property, except for parking on streets in accordance with other by-laws during business hours while waiting for customers.

