Government Operations Committee

Monday, March 21, 2016

(Immediately following the Finance Committee Meeting)

City Council Chambers

AGENDA

1. Review of Innovative Neighborhoods Plan and proposed Steering Committee membership positions.

   - Please see attached Innovative Neighborhoods Plan and the proposed Steering Committee membership positions.

2. Approval and Adoption of Title VI Environmental Justice Non-Discrimination Plan for Community Connector Public Transit Service.

   - Please see attached Memorandum from Bus Superintendent Linscott, proposed Title VI Non- Discrimination Plan, Council Action page and Council Order.

3. Review of Proposed Taxicab Ordinance Revisions.

   - Please see attached memorandum from Assistant City Solicitor Nicklas and the proposed taxicab ordinance

4. Proposed Fee for Emergency Service with No Transport – Fire Department

   - Please see attached memorandum from Assistant City Solicitor Nicklas and proposed fee schedule.

Bangor Innovative Neighborhoods Initiative

Innovative Neighborhoods will:

1. Enhance the livability of Bangor's neighborhoods through innovation
2. Expand volunteer service in Bangor's neighborhoods
3. Energize a "laboratory of democracy" in which citizens craft exciting, feasible ideas to move Bangor forward.

The Goal

Create an **earned** reputation for Bangor as the most creative, caring, and entrepreneurial small city in America using the most bold and scientific methods.

Making a Strong Community Stronger

In Bangor there is a vigorous if largely tongue-in-cheek pride in our neighborhoods, such as Fairmount, The Tree Streets, Little City, Bangor Gardens, and more. Some neighborhoods have instituted Facebook pages on which neighborhood topics are discussed. Bangor neighborhoods take understandable pride in their little league teams.

The Innovative Neighborhoods Initiative seeks to harness that energy and growing community activism in Bangor and focus citizens on data-driven, grassroots innovation leading to a more creative, caring, entrepreneurial city.

Utilizing an Excellent Tool To Start

The City of Bangor is participating in an AARP Livable Communities Initiative. This survey, while focused on Bangor residents 50 and over, analyzes issues that appeal to all ages. In addition, this initiative will utilize the results of the recently produced Bangor Forward survey (which included many young people) to frame actions plans. These are excellent starting points for action based on community needs leading to service (expanding on a Village-to-Village model described in more detail in Section A) and innovation with the goal of a more creative, caring and entrepreneurial city.

Innovative Neighborhoods will:

1. Utilize surveys such as Livable Cities and Bangor Forward to spark creative thinking about improving Bangor.
2. Create a Steering Committee that structures Innovative Neighborhood teams and competitions in Bangor.
3. Expand the Village-to-Village model so that, under the Innovative Neighborhood's model, volunteers of any age can serve others of any age in Bangor.
4. Foster cohesive goal-oriented neighborhoods, possibly based on elementary school catchment areas.
5. Coordinate volunteer efforts in each Innovative Neighborhood.
6. Spark innovative ideas bubbling up from each laboratory of democracy via the Innovative Neighborhoods model.
7. Establish criteria for recognizing winners each year of the Innovative Neighborhood Award.

8. Coordinate a gala to celebrate Innovative Neighborhood winners.
9. Earn the reputation and reality of a city of vision, pragmatism and innovation.

A. A Strong Platform on Which to Build

The Innovative Neighborhoods program begins with a solid, proven base, the Village-to-Village modeled on direct service. (On this base we will build cohesive Innovative Neighborhood teams that, in addition to direct service, spark innovation new initiatives for our city. This is further described in Sections C through G.) The Village-to-Village Program exists around the United States. Maine has the second highest percentage of seniors in America. Under Village-to-Village seniors are offered a greatly-enhanced opportunity to age in place. Specifically, in a program already proven successful, seniors pay fees on a sliding scale to get help (often from other seniors) with activities such as a ride to the grocery store or doctor, snow shoveling, companionship, and more.

For example, under the At Home Downeast Village-to-Village Program an individual pays between $130 and $1,000 per year on an income-based sliding scale. A couple pays $150 to $1,300 per year. (At Home Downeast focuses on people 60+. Innovative Neighborhoods expands the program to all ages). Under the current program seniors get four rides per month to medical appointments, a check-in from a nurse twice a month, weekly grocery and prescription delivery, a safety assessment of their home, and social gatherings. Many older people need just a small amount of assistance to remain safe at home. This successful program increases self-reported health improvements, social engagement, increased knowledge of local resources, and decreased hospitalization rates.

Our base, the Village to Village model, has been credited with saving and lengthening the lives of older people. The Innovative Neighborhood model will coordinate and improve this methodology while organizing and sparking citizens to lead Bangor into an innovative future -- grassroots up.

Bangor, being more compact, offers some economy of scale and may be able to operate at a lower cost per person. Our initiative also offers the opportunity for an expanded brand of program: Innovative Neighborhoods.

B. Broadened Demographic, Increased Innovation

Bangor lends itself to a new approach, large enough and compact enough to provide a model for other cities, small enough so Bangor's neighborhood feel and community spirit offer a strong cohesion in which gatherings to discuss a neighborhood challenge are a walk from one's door. This program envisions neighborhood teams based on four sectors of the city that include demographic and socioeconomic diversity. (Fairmont might be paired with Capehart, for example.) The team structure might correspond with Bangor elementary school catchment areas.

The same concepts that benefit older citizens can benefit a variety of younger people. This program can help a person who uses a wheelchair better live in place in the same way it can help an older resident live in place. There are parents of children

with disabilities and other challenges who could benefit from this effort. Community Partnerships for Protecting Children is interested in working as a partner on this project. Thus Innovative Neighborhoods would expand the village-to-village model to a broader demographic.

The delivery of services to the disabled and the elderly and the ability to foster the dignity of living at home is essential. All of us benefit from walk-able neighborhoods, good parks, and smart municipal decisions. This coincides with AARP's livable communities model. The Innovative Neighborhood concept taps and organizes the growing energy in our city.

C. Cohesive Neighborhoods, Innovative City

There has sometimes been talk that, with all the focus on downtown (a commendable focus), there has not been enough focus on Bangor's neighborhoods. This effort will formalize a city government interest in neighborhoods while fostering neighborhood cohesion and pride.

Some neighborhood-based Facebook pages have popped up in Bangor. Such pages can be the basis for something even more exciting – an organized effort that focuses citizens on results that improve the livability of the neighborhoods and inspire new ideas for our entire city.

A neighborhood watch might focus on the most recent burglary or a community group might mobilize around fixing potholes. Innovative Neighborhoods, while considering those issues, will go further, focusing residents' efforts not just on the latest complaint, but rather the newest idea -- and the associated design, activities and planning — that can make Bangor's neighborhoods, and the city as a whole, more livable and more attractive places to do business. The Innovative Neighborhoods concept challenges Bangor to find feasible, evidence-based creative ideas that will set Bangor apart as a great and innovative city.

D. Data Analytics Advisors

Chris Dalton is a software developer from California who lives in Bangor. His firm is paid to engage in decision analysis for the pharmaceutical industry, and oil and gas firms. Lance Blackstone also lives in Bangor. He manages software development projects focused on large-scale assessment of students and professionals to support learning and career progress.

These two developers -- with decades of experience between them -- have offered to serve as advisors to the Innovative Neighborhoods initiative. Their advice would indeed help analyze and coordinate the (broadened) service delivery described in the village-to-village model above.

In addition, these software engineers will advise the four or five Innovative Neighborhood Teams in crafting goals drawn from brainstorming, the AARP livable communities survey, the Bangor Forward report, and a data-driven approach to analysis.

This initiative would benefit greatly from the creative involvement of city staff, particularly with regard to data and mapping information. The project will incorporate data analysis to consider any neighborhood challenges as discussed by neighbors.

Each Innovative Neighborhood team would be charged with cultivating the key people they think they will need in various areas they decide (data, planning, the environment, transportation, etc.) to work with their volunteer neighbors in general on crafting exciting and feasible ideas.

E. Institutionalizing a Big Vision

The Innovative Neighborhood Teams can make recommendations informed by the Livable Communities survey or Bangor Forward, but also by whatever inspires the team that improves either their specific neighborhood or the city as a whole. This Innovative Neighborhood initiative is a pragmatic tool to implement exactly that type of big positive vision. The Innovative Neighborhood Teams might imagine things like; can we establish a permanent non-profit theater that shows independent films? Can we address the problems in a local watershed? How can we pragmatically welcome and entice foreigners to our community? How can we weatherize more homes? How can we establish a downtown, mid sized music venue? How can we increase the rate of high school graduates going to college locally? How do we establish a maker's space in Bangor? How can we better connect businesses with the local higher education community so they can connect with the workers they need or get help with their latest innovation?

Innovative Neighborhoods teams could choose to tackle any number of other challenges. What the teams have in common is that, after selecting their challenges, they craft the most innovative, feasible plan to achieve the goal -- addressing logistics and financing while using an evidence-based, data-driven approach. The plans are not intended to be mere concept drafts, but a specific strategic plan that foresees a pragmatic business plan with specific realistic steps specified through to reaching the ultimate goal. Their plans will be judged by an objective, outside set of judges selected by the Steering Committee.

Most important is the problem-solving ethic that Innovative Neighborhoods aims to foster: using evidence to offer inspiring innovations that set Bangor apart as a dynamic city.

F. Light-hearted Competition, Innovative Results

It is wonderful to root for the neighborhood little league team, but imagine Bangor with four Innovative Neighborhood Teams -- each focused on the problems their neighbors raise – ranging from ways to improve the local watershed, ways to improve walk-ability, coordination of neighborhood forums, volunteer service delivery, neighborhood revitalization, increased physical activity.

G. The Image Our City Projects Matters

Some have, perhaps accurately, described Bangor as facing a tsunami of old people. Fair enough, but the best solution (and the smarter marketing method) is a community-wide approach that celebrates bringing people of all ages into a team that makes it fun to generate and carry out ideas that allow Bangor to compete more effectively for business, for young workers, for our creative and caring economy -- and through building a reputation as a city moving with confidence into the future.

H. A Most Useful Awards Show

As advisors, experienced data and software thinkers Blackstone and Dalton, would work with AARP, Penquis Cap and neighborhood leaders on structuring the Innovative Neighborhood program and offering, once per year, the Innovative Neighborhood Award -- with a festive annual gala presenting an Innovation Oscar to the Innovative Neighborhood Team that crafts the most exciting, pragmatic step forward for our City of Bangor. When seeking grants to support the entire program, the Innovative Neighborhoods Steering Committee could potentially allocate money as part of the award to the winning Innovative Neighborhood, but this could possibly be a more nominal amount to cover start-up logistics of an idea.

Generally, Innovative Neighborhood teams would be required to draft a plan that is feasible either because: a) it is inexpensive; or b) if significant costs are involved, the proposal specifies a realistic method of garnering sufficient funds, whatever the source. Prospects of a given plan would be further boosted were it the recipient of an Innovative Neighborhood prize.

The Village to Village Model organizes retail service, person to person; The Innovative Neighborhood competition inspires wholesale change -- large-scale positive impact.

I. Our City and Community Organizations Lead Together

Innovative Neighborhoods will set apart Bangor as a leading innovative city – tapping, organizing, and recognizing the talents and plans of our citizens.

The Fairmount School Innovative Neighborhood Team might be in the same sector as the Capehart area. Each of the Innovative Neighborhood areas will be economically diverse; each challenged to address a range of socioeconomic challenges. Consider the sheer fun and the challenge of community volunteers, from engineers to professors to software developers to teachers to mechanics being let loose to innovate. They might start their brainstorming with tools such as placemeter, https://www.placemeter.com/about, or Timebanks, http://timebanks.org.

Just as neighbors cheer on their school sports team, a new set of teams made up of innovators will engage in good-natured competition to improve our city while administering the community care that the Village-to-Village program offers and taking the concept to new heights: toward full community involvement and greater innovation, awarded and recognized. James Fallows, in a lengthy series in the Atlantic, notes that a key characteristic of successful citizens is the respect and recognition given community leaders by the general citizenry.

J. Earning an Innovative Reputation for Bangor
The opportunity for media partnership and national recognition is strong if we work together. The Bangor Daily News COO Todd Benoit has met twice about this project along with Producer Dan MacLeod and Editorial Writer Matt Stone. Matt Stone has been designated to the Steering Committee for this project.

City politics and city government can sometimes get bogged down in inside-baseball disputes, petty rivalries, and retrograde thinking. The state and federal governments are widely perceived as gridlocked. Thus Bangor must lead.

Bangor has done a good job compared to other cities in taking a forward-thinking stance. Innovative Neighborhoods, if well-crafted, can garner attention in the media and around Maine, and possibly nationally, in a way that sets Bangor in a positive light. That is an economic development tool in itself.

K. Leadership Roles
Steering Committee
The City of Bangor (two members)
AARP
Bangor Daily News, Matt Stone has been designated.
Bangor Savings Bank
Lance Blackstone, Software Engineer has volunteered
Chris Dalton, Software Engineer has volunteered
Eastern Area Agency on Aging
George Kinghorn, UMaine Art Museum, a leader of Bangor Forward
Penquis CAP
Bangor Fusion

The City has submitted a grant application to AARP that references and incorporates this concept. With the formation of this partnership (and additional partners as we strategize), we hope to boldly seek improvement of our city through stakeholder participation and citizen engagement and by garnering support from grant funders.

Next Steps
This project will require collaboration. As Bangor City Council Chair, I seek to collaborate thoughtfully with my fellow councilors, with city staff, and other stakeholders on a Steering Committee crafting this initiative and establishing Innovative Neighborhood teams.

Innovative Neighborhood Teams will be guided in part by using the surveys already completed by AARP for Bangor related to the Livable Communities initiative, by the information offered by Bangor Forward, and by new ideas offered by citizens.

Penquis CAP can build on the proven record of Washington Hancock Community Agency with a similar initiative. Penquis CAP has reviewed this proposal and expressly supports this project. Penquis CAP has created a team of top leaders to

participate in planning, including President and CEO Kara Hay, Housing Development Director Jason Bird, Child Development Director Heidi LeBlanc, and Housing and Energy Services Director Jennifer Giosa.

The partnership our city can have with the Bangor Daily News through Innovative Neighborhoods also presents a powerful and positive opportunity for a potentially transformational initiative.

We can build a dramatic success that will reflect well on all the participating partners and engage in truly creative change through the Innovative Neighborhoods Initiative. A well crafted, well executed program can deepen and broaden the livability of Bangor's neighborhoods and polish the reputation of our city in a way that is attractive to new citizens seeking an exciting, forward-thinking community in which to live. This initiative has the potential, if we pull together, the citizens of this city will make Bangor the most creative, caring and entrepreneurial city in America.

The city of Bangor must play a lead role. I hope this council will choose to become an official partner in this project and play a leadership role.

Sean Faircloth is Mayor of Bangor.

PENQUIS

Helping Today • Building Tomorrow

March 21, 2016

City of Bangor
Government Operations Committee
73 Harlow Street
Bangor, ME 04401

Dear Committee Members:

As an organization dedicated to the wellbeing of individuals and families, Penquis enthusiastically supports the Innovative Neighborhoods initiative. We welcome the opportunity to be part of this effort and are confident that this model, which is grounded in proven approaches and capitalizes on the strengths and resources of the Bangor community, will not only be successful, but also transformative.

At Penquis, we recognize that individuals are their own change agents who access the tools and resources of the organization to improve their lives and shape their futures. Innovative Neighborhoods applies this perspective to the community level, mobilizing, engaging, and empowering citizens to enhance their neighborhoods, improve the quality of life for families residing in them, and create a vibrant city for all. It is a concept that is visionary, but also immensely practical. Those who are most invested in their communities are best able to effect positive change. If funded, the recently submitted AARP Age Friendly Community grant would be especially helpful to jump start this initiative. This funding would support the hiring of a trained facilitator to conduct focus groups and to engage city staff and community partners in our efforts to make Bangor 'age-friendly' and to provide data to support the Innovative Neighborhoods project concept.

With the divisiveness of national politics as a backdrop, a city-supported initiative that exemplifies caring, inclusivity, and shared problem solving will serve as a shining example of democracy at its best. More importantly, it will result in measurable differences, both in the lives of residents and in the lifeblood of the city. Penquis not only endorses this initiative, but also pledges its full participation and partnership. We look forward to collaborating on this important endeavor and urge the committee to proceed with this project.

Sincerely,

Kara Hay

Kara Hay
President and Chief Executive Officer

262 Harlow Street
PO Box 1162
Bangor, Maine 04402
www.penquis.org

(207) 973-3500
Fax (207) 973-3699
TDD (207) 973-3520
1-800-215-4942

To: Government Operations Committee

From: Laurie Linscott, Community Connector Superintendent

Subject: Title VI / Non-Discrimination Plan

Date: March 15, 2016

City of Bangor, Community Connector is required by Federal Transit Administration (FTA) to have a Title VI / Non-Discrimination Plan as part of being a direct recipient of federal funding. The VI program refers to a document developed by an FTA recipient to demonstrate how the recipient is complying with Title VI requirements. Direct and primary recipients must submit their Title VI programs to FTA every three years. The Title VI program must be approved by the recipient's board of directors or appropriate governing entity or officials responsible for policy decisions prior to submission to FTA. Our first plan was approved Dec 26, 2012 and expires May 31, 2016. The Title VI plan needs to be submitted to FTA 60 days before it expires. Our plan is due to FTA April 1, 2016.

The City of Bangor, Community Connector is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin. This plan was developed pursuant to FTA Circular 4702.1B to guide Community Connector and its administration and management of Title VI-related activities.

Our Title VI Plan outlines in detail how Community Connector will address certain issues related to discrimination, such as public outreach , public participation, LEP Analysis and LEP Plan, Title VI Complaints, Public Notification, Title VI Investigations, Service Standards, and Service Policies.

Staff recommends that the Committee endorse our updated Title VI Plan and forward to the City Council with a recommendation to approve as written. After City Council approval, the plan will be submitted to FTA for review. At that point, the FTA will either approve the Plan as submitted, or recommend modifications so that the Plan will be in compliance.

Service stand

Title VI/Environmental Justice Non-Discrimination Plan

For Discrimination based on Race, Color, National Origin

City of Bangor
Community Connector
481 Maine Avenue
Bangor, Maine 04401
207-992-4670

March 31, 2016

Contents

Page

Introduction 1

1. Community Connector Public Outreach Plan 2

2. Community Connector LEP Analysis and Plan 3

3. Title VI Complaint Procedure 6

Discrimination Complaint Form 7

4. Notifying the Public of Rights under Title VI 9

5. Community Connector Title VI Investigations 10

6. Racial Breakdown of Board 10

7. Efforts of Primary Recipient to Ensure Title VI Compliance of Sub recipients 10

8. Title VI Analysis for Facility Construction 10

9. Service Standards 11

10. Service Policies 14

Introduction

Plan Statement

Title VI of the Civil Rights Act of 1964 as amended prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance” (FTA) 42 U.S.C. Section 2000d).

The City of Bangor’s transit system, Community Connector, is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color, or national origin. This plan was developed pursuant to FTA Circular 4702.1B to guide Community Connector (CC) and its administration and management of Title VI-related activities.

Title VI Coordinator Contact Information

Laurie Linscott, Superintendent, Community Connector, 481 Maine Avenue, Bangor, Maine, 04401, 992-4672.

Subcontractors and Vendors

All subcontractors and vendors who receive payments from Community Connector where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

Record Keeping

The Title VI Coordinator shall maintain permanent records which include, but are not limited to, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

1. Community Connector Public Outreach Plan

Public outreach is essential to the success of Community Connector, the public transit system operated by the City of Bangor that serves Bangor, Brewer, Old Town, Orono, Veazie and Hampden. Community Connector's ongoing public outreach efforts extend beyond maintaining a website and marketing its services through brochures and schedules to include public workshops. These workshops benefit both Community Connector officials and the general public in a number of ways:

- They provide users of the transit system with an opportunity to describe what they like about the system and what they would like to see changed;
- They introduce potential riders of Community Connector with basic information about how the system works and how it can meet their needs;
- They engender a sense of ownership among people, especially those who are often at the mercy of their surroundings;
- They help Community Connector officials design a transit system that meets the needs of the public within the constraints of available funding;
- They help Community Connector officials gauge the success of the transit system; and
- They provide Community Connector officials with new ideas and alert them to potential environmental justice issues.

The following is a summary of public outreach efforts undertaken by Community Connector during calendar year 2013-2015. These outreach efforts are aimed at helping these organizations understand the transit services provided by Community Connector. While all of the meetings are open to the public, some of the meetings are focused on smaller groups with a unique interest. Participation at meetings of groups that target either minority, elderly or low income populations are underlined. Presentations were made to the following organizations:

Brewer Affordable Housing
Local Schools
University of Maine –Student Orientations
University of Maine – Commuter Day
University of Maine – International Students
Husson University - International Students
Eastern Maine Community College
City of Bangor Council – Government Operations Committee
Veazie Town Council
Hampden Town Council
Transportation for All Committee
Bangor House
Ellen Leach Home-Brewer

Community Connector makes available one-on-one training to help all passengers to learn how to navigate the transit system. The Bus Ambassador Program was started in 2015. This is a group of trained volunteers who want to teach people how to ride the transit bus. Call the Community Connector office or The Bus Ambassador office to reach a trained volunteer who

will assist you. Community Connector's Public Outreach Plan is to continue efforts similar to those listed above into the future.

2. Community Connector LEP Analysis and Plan

Introduction

On August 11, 2000, President Clinton signed Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiency, which requires meaningful access to all federally assisted programs and activities by persons with limited English proficiency (LEP).

Executive Order 13166 states that individuals who do not speak English well and who have a limited ability to read, write, speak or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit or encounter. It reads in part:

> *Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities.*

In addition to the requirement that federal agencies prepare LEP plans, all recipients of federal financial assistance have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided. The Federal Highway Administration has mandated that all "…recipients must take reasonable steps to ensure that such persons have meaningful access to the programs, services and information those recipients provide, free of charge…"

Who is an LEP Individual?

According to FTA Circular 4702.1B, "Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all."

The Four Factor Analysis

Under the provisions of FTA Circular 4702.1B, Community Connector is obligated to determine the extent of its obligation to provide LEP services to its transit-dependent population. This determination must be based on an analysis of four factors as described in the paragraphs below.

Factor #1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or recipient. The 2010-2014 American Community Survey 5-Year Estimates shows that the number and percentage of persons who speak English less than very well within four major groups in each of the six municipalities served

by Community Connector falls below the 1,000 person/5% threshold, as shown in the table below.

Table 1
Summary of Limited English Proficiency (LEP) Persons 5 Years and Older
Community Connector Service Area
2010-2014 Census Estimates

			Persons Speaking English Less than Very Well			
	Total Persons	**5 % Threshold**	**Spanish**	**Indo-European**	**Asian or Pacific**	**Other**
Bangor	31,230	1,562	57	128	268	6
Brewer	8,899	445	0	63	0	0
Hampden	7,041	352	0	23	17	0
Old Town	7,244	362	0	59	83	0
Orono	10,252	513	0	53	83	0
Veazie	1,902	95	0	5	0	0

Source: 2010-2014 American Community Survey 5-Year Estimates, Table DP02

a. **How LEP persons interact with the Agency.** LEP persons can potentially interact with Community Connector when they telephone the agency, when they board or exit a transit vehicle, or when they attend a meeting sponsored by Community Connector.

b. **Identify LEP communities by language group and assess the number of proportion of LEP persons from each language group to determine the appropriate language services for each language group**. As shown in Table 1, the number and percentage of persons within each of the four major language groups falls well below the 1,000 person/5% threshold. Based on these relatively small numbers, Community Connector's use of a language poster, the use of "I Speak" cards, and the potential to use one of the translator services in Maine, is an appropriate level of service.

c. **The literacy skill of LEP populations in their native languages, in order to determine whether translation documents will be an effective practice**. Community Connector has no data that suggests that the literacy skills of LEP persons are a barrier to using Community Connector's services. There have been no requests for translation services, and no requests for documents in another language.

d. **Whether LEP persons are underserved by Community Connector due to language barriers.** Community Connector has no data that suggests that LEP populations are underserved in our programs and services.

Factor #2: The frequency with which LEP persons come in contact with programs, activities or services. Language barriers have not been an issue.

a. **Buses.** Community Connector has no data that suggests that LEP populations are using its buses. Although LEP persons connected with the University of Maine, Husson University, and Eastern Maine Medical Center do use the buses.

b. **Public meetings.** Community Connector has no data that suggests that LEP populations are attending its meetings.
c. **Customer service interactions.** There have been few customer services interactions with LEP persons during the last three years.
d. **Surveys.** Community Connector has no data that suggests that LEP populations have participated in any customer surveys during the past three years.

Factor #3: The nature and importance of programs, activities or services to the LEP population. The bus service may be important to some LEP individuals. Community Connector is not aware of any LEP population in its service area that is unable to use the bus system because of language barriers.

Factor #4: The resources available to the recipient for LEP outreach, and overall costs to provide LEP assistance. Community Connector bus drivers and administrative staff have "I speak" language identification cards for use in the event that they encounter an LEP person who needs language assistance. In the event that an LEP person requires language assistance, Community Connector would utilize one of the translation services identified by MaineDOT at a cost of about $50 - $65/hour.

Language Assistance Plan

a. **Results of the Four Factor Analysis, including a description of the LEP Population(s) served.** The 2010-2014 American Community Survey 5-Year Estimates shows that the number and percentage of persons who speak English less than very well within four major groups in each of the six municipalities served by Community Connector falls below the 1,000 person/5% threshold. There are no known LEP communities in Community Connector's service area.

b. **How Community Connector provides language assistance services by language.** Community Connector has "I Speak" language identification cards available on its buses and at public meetings. Should the need arise, Community Connector can utilize translation services identified by MaineDOT.

c. **How Community Connector provides notice to LEP persons about the availability of language assistance.** Community Connector has "I Speak" language identification cards available on its buses and at public meetings. Community Connector also posts Title VI posters in its offices and at other prominent places.

d. **How Community Connector monitors, evaluates and updates the language assistance plan.** On a yearly basis, Community Connector's title VI Coordinator will review the Title VI plan in conjunction with Census data, FTA requirements, and any developments that would impact the plan including complaints and requests for language assistance services. Based on this review, Community Connector's Language Assistance Plan will be updated accordingly.

e. **How Community Connector trains employees to provide timely and reasonable language assistance to LEP populations.** Periodically, Community Connector includes Title VI training and one of its training sessions. Training includes providing a copy of the Title VI plan to employees, and highlighting key features of the Plan including a definition of LEP persons, and the steps that Community Connector has agreed to take to assist LEP persons, including the use of "I Speak" cards.

3. Title VI Complaint Procedure

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin by the City of Bangor Community Connector (hereinafter referred to as "the agency") may file a Title VI complaint by completing and submitting the agency's Title VI Complaint Form. The agency investigates complaints received no more than 180 days after the alleged incident. The Authority will process complaints that are complete.

Once the complaint is received, the agency will review it to determine if Community Connector has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by the agency.

The agency has 30 days to investigate the complaint. If more information is needed to resolve the case, the agency may contact the complainant. The complainant has 30 business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within 30 business days, the agency can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue her/his case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not a Title VI violation and that the case will be closed. An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member, or other action will occur. If the complainant wishes to appeal the decision, she/he has 30 days after the date of the letter of the LOF to do so.

A person may also file a complaint directly with the Federal Transit Administration, at FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

DISCRIMINATION COMPLAINT FORM
Community Connector
Title VI/Environmental Justice and Related Statutes

Section I:				
Name:				
Address:				
Telephone (Home):		Telephone (Work):		
Electronic Mail Address:				
Accessible Format Requirements?	Large Print		Audio Tape	
	TDD		Other	

Section II:		
Are you filing this complaint on your own behalf?	Yes*	No
*If you answered "yes" to this question, go to Section III.		
If not, please supply the name and relationship of the person for whom you are complaining:		
Please explain why you have filed for a third party: _____		
Please confirm that you have obtained the permission of the aggrieved party if you are filing on behalf of a third party.	Yes	No

Section III:

I believe the discrimination I experienced was based on (check all that apply):

[ ] Race [ ] Color [ ] National Origin

Date of Alleged Discrimination (Month, Day, Year): _____

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as names and contact information of any witnesses. If more space is needed, please use the back of this form.

_____

_____

Section IV		
Have you previously filed a Title VI complaint with this agency?	Yes	No

Section V

Have you filed this complaint with any other Federal, State, or local agency, or with any

Federal or State court? [ ] Yes [ ] No If yes, check all that apply: [ ] Federal Agency: _____ [ ] Federal Court _____ [ ] State Agency _____ [ ] State Court _____ [ ] Local Agency _____
Please provide information about a contact person at the agency/court where the complaint was filed.
Name:
Title:
Agency:
Address:
Telephone:
Section VI
Name of agency complaint is against:
Contact person:
Title:
Telephone number:

You may attach any written materials or other information that you think is relevant to your complaint.

Signature and date required below

_____ _____

Signature Date

Please submit this form in person at the address below, or mail this form to:
City of Bangor Community Connector
481 Maine Avenue
Bangor, Maine 04401

4. Notifying the Public of Rights under Title VI

City of Bangor
Community Connector

- The City of Bangor operates Community Connector without regard to race, color and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with Community Connector.
- For more information on Community Connector's civil rights program, and the procedure to file a complaint, contact 207-992-4670, or visit our administrative office at 481 Maine Avenue, Bangor, Maine 04402.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Avenue., SE, Washington, D.C. 20590.
- If information is needed in another language, contact 207-992-4670.

Note: this notice will be prominently and publicly displayed at the Community Connector dispatch center, and on transit buses. This notice will also be posted on Community Connector's website and will be distributed whenever specialized training or assistance is provided to disabled or visually impaired customers. Additional information relating to nondiscrimination can be obtained from the Title VI Coordinator. Title VI information shall be disseminated to Community Connector employees annually. During new employee orientation, new employees shall be informed of the provisions of Title VI, and Community Connector's expectations that they will perform their duties accordingly.

5. Community Connector Title VI Investigations

There have been no Title VI investigations, complaints or lawsuits filed with the agency during the past three calendar years (2013, 2014 and 2015). In the event that there are any investigations, complaints or lawsuits in the future, Community Connector plans to use the following form for documenting them.

	Date (Month, Day, Year)	Summary (include basis of complaint; race, color, or national origin)	Status	Action(s) Taken
Investigations				
1.				
2.				
Lawsuits				
1.				
2.				
Complaints				
1.				
2.				

6. Minority Representation on Governing Board

Community Connector is governed by the Bangor City Council, an elected body consisting of nine members. The requirement in FTA Circular 4702.1B to include a table showing the racial breakdown of the governing board does not apply to boards consisting of elected officials.

7. Efforts of Primary Recipient to Ensure Title VI Compliance by Sub-recipients

Community Connector is a primary recipient of FTA funds and does not have sub-recipients.

8. Title VI Analysis for Facility Construction

Community Connector has not constructed a facility such as a vehicle storage facility in the last two years. In the future, construction of any such facility will require a Title VI analysis with regard to the location of the facility.

9. Service Standards

Vehicle Loads

The average of all loads during the peak operating period should not exceed the vehicles' achievable capacities which are shown in the table below.

BUS NO.	Run Assignment	High Floor	Low Floor	Seating	Standees	Total	Load Factor
ORION							
0202	Brewer North	X		29	26	55	1.9
0209	Capehart - 2	X		29	26	55	1.9
0203	Capehart -3	X		29	26	55	1.9
0207	Brewer South	X		29	26	55	1.9
0210	Capehart - 1	X		29	26	55	1.9
GILLIG							
1046	Old Town - 1		X	31	23	54	1.75
1047	Old Town - 2		X	31	23	54	1.75
1048	Mt Hope		X	31	23	54	1.75
1049	Hammond St		X	31	23	54	1.75
1050	Stillwater		X	31	23	54	1.75
ORION							
43	Spare	X		29	25	54	1.9
44	Spare	X		29	25	54	1.9
ELDORADO							
0725	University	X		28	20	48	1.7
0726	University	X		26	18	44	1.7
CHEV. GOSHE							
0924	Hampden	X		24	15	39	1.6
CHAMPION							
0722	Spare	X		22	15	37	1.7
0723	Spare	X		22	15	37	1.7
BLUEBIRD							
0621	Spare		X	32	24	56	1.75
NEW FLYER							
0027	Spare		X	25	18	43	1.72
0028	Center St		X	25	18	43	1.72
0029	Mall Hopper		X	25	18	43	1.72

Vehicle Headway

The Community Connector provides service every 30 minutes on four of the routes (Capehart, Center Street, Hammond Street, Orono Black Bear Express) and every 60 minutes on the remaining routes, as shown in the table below. Service begins and ends at different times on different routes, as shown in the table below.

Scheduling involves consideration of a number of factors including contract financial support, cost, ridership productivity, and the density of transit population densities and activities.

Community Connector – Headway and Service Hours

Weekday Service

Route	Headway	Service Hours	
		Beginning	**Ending**
Capehart	30 minutes	6:06 am	6:27 pm
Hammond Street	30 minutes	5:55 am	6:15 pm
Center Street	30 minutes	6:15 am	6:08 pm
Black Bear Orono Express	30 minutes	6:55 am	9:55 pm
Brewer South	60 minutes	6:45 am	6:30 pm
Brewer North	60 minutes	7:15 am	6:00 pm
Hampden	60 minutes	6:15 am	6:15 pm
Mall Hopper	60 minutes	6:55 am	6:45 pm
Old Town	60 minutes	5:45 am	7:05 pm
Stillwater	60 minutes	6:45 am	6:45 pm
Mount Hope	60 minutes	6:15 am	6:15 pm

Saturday Service

Route	Headway	Service Hours	
		Beginning	**Ending**
Capehart	30 minutes	7:06 am	6:15 pm
Hammond Street	60 minutes	9:15 am	6:15 pm
Center Street	60 minutes	8:45 am	6:15 pm
Black Bear Orono Express	30 minutes	12:13 pm	4:55 pm
Brewer South	60 minutes	6:45 am	6:30 pm
Brewer North	60 minutes	7:15 am	6:00 pm
Mall Hopper	60 minutes	6:55 am	6:45 pm
Old Town	60 minutes	6:15 am	7:05 pm
Stillwater	60 minutes	6:45 am	6:45 pm
Mount Hope	60 minutes	6:15 am	6:15 pm

Note: Hampden is the only route that doesn't have Saturday service.

On-Time Performance

- Ninety-five (95) percent of Community Connector transit vehicles will complete their established runs no more than 5 minutes early or late in comparison to the published timetables. The exception will be inclement weather such as a major snowstorm.

- A transit vehicle is considered on time if it departs a scheduled time-point no more than 1 minute early and no more than 5 minutes late. The Community Connector's on-time performance objective is 90% or greater. The exception will be inclement weather such as a major snowstorm. Community Connector continuously monitors on-time performance.

Service Availability

- Community Connector distributes transit service so that 98% of all residents in the City of Bangor's urbanized area are within a ¾ mile walk of bus service.

- Community Connector distributes transit service to other communities on a contract basis. The extent of service is based on the amount of financial support from these communities as well as federal and state financial support. Service to residents in the urbanized area of these communities within a ¾ mile walk of bus service is:

  Brewer: 100%
  Veazie: 100%
  Old Town: 100%
  Orono: 98%
  Hampden: 100%

- Buses will stop at any safe intersection.

10. Service Policies

Vehicle Assignment Policy

- Bus assignments take into account the operating characteristics of buses of various lengths and loading capacity, which are matched to the operating characteristics of the route. Routes with lower ridership may be assigned smaller buses with lower loading capacities. Buses are assigned to routes on a more permanent basis.

- Buses are replaced on a rotating basis, based on bus conditions and the availability of funds. Replacement buses will be assigned to all routes on an equitable, rotating basis such that no route will be favored by newer buses.

- Transit Amenities. All transit vehicles will continue to have equal amenities such as air conditioning and all routes will have equal amenities such as signs to the extent that permission to install signs can be obtained.

COUNCIL ACTION

Item No._____

Date: March 28, 2016

Item/Subject: Order, Approving and Adopting Title VI Environmental Justice Non-Discrimination Plan for Community Connector Public Transit Service.

Responsible Department: Executive

Commentary:

This Order would approve and adopt a Title VI / Non-Discrimination Plan for the Community Connector transit system. This Plan is required by the Federal Transit Administration (FTA) for entities that are direct recipients of federal funds. The City is required to adopt a Title VI / Non-Discrimination Plan and submit to the FTA for approval.

The Governmental Operations Committee reviewed and recommended approval and adoption of the Plan to the City Council at its March 21, 2016 meeting.

_____
Department Head

Manager's Comments:

Recommend Approval

_____
City Manager

Associated Information: Order, Non-Discrimination Plan

Budget Approval:

_____
Finance Director

Legal Approval:

_____
City Solicitor

Introduced for
__X_ Passage (Consent Agenda)
___ First Reading
___ Referral

Page __ of ___

16-XXX
MARCH 28, 2016

Assigned to XXXXXXXXXXXX

CITY OF BANGOR

(TITLE.) ORDER, Approving and Adopting Title VI/Environmental Justice Non-Discrimination Plan for Community Connector Public Transit Service.

WHEREAS, the City of Bangor operates Community Connector serving six communities and the University of Maine; and

WHEREAS, federal funding to assist with operational and capital costs; and

WHEREAS, federal funding will be received and administered by Community Connector is a Direct Recipient; and

WHEREAS, all Direct Recipients of Federal Transit Administration (FTA) funding must approve and adopt a Title VI Environmental Justice Non-Discrimination Plan in order to remain eligible to receive federal funding.

By the City Council of the City of Bangor:

ORDERED, That the attached Title VI Environmental Justice Non-Discrimination Plan dated March 31, 2016 is hereby approved and adopted for purposes of meeting the requirements of, and submission to, the Federal Transit Administration

Memorandum

To: Government Operations Committee
From: Paul Nicklas, Assistant City Solicitor
Date: March 21, 2016
Re: Taxicab Ordinance

This ordinance amendment is a comprehensive revision of the City's taxicab ordinance.

Over the last several years, the City has fielded concerns about taxicabs and their regulation in the City from a number of sources, often from taxicab companies and drivers themselves, but also from citizens, the Police Department, and others. In an effort to address these issues, staff from the Police, City Clerk, and Legal Departments has held meetings and discussions with taxicab owners, operators, the State, and other interested parties, including two large public meetings, and have developed a new draft ordinance.

The new ordinance would carry forward many provisions of the existing ordinance, but would also make a number of changes. The new ordinance:

- Defines taxicabs, livery vehicles, and other passenger transportation vehicles more clearly.
- Requires drivers of livery vehicles, who are currently effectively acting as unlicensed taxicabs, to undergo the same application process and background checks as taxicabs.
- Updates and clarifies the requirements for taxicab inspections and taxicab driver's licenses.
- Adds conduct requirements for taxicab drivers.
- Clarifies rules regarding smoking, bringing them into line with state law.
- Amends and clarifies procedures regarding license suspension and revocation, as well as removal of unsafe taxicabs from service.

Staff from the Police, City Clerk, and Legal Departments will be available to answer any questions.

VEHICLES FOR HIRE

§ 278-1. Definitions.

For the purposes of this chapter, the following terms are to be deemed and construed to have the meanings indicated in this section:

BUS

An unmetered commercial passenger vehicle which carries more than 15 persons, including the driver, and operates on a fixed route for a fare.

BUSINESS ~~TAXICAB~~ LICENSE YEAR

The period of time commencing on the ~~first~~ sixteenth day of ~~June~~ May of one year and expiring on the ~~31st~~ fifteenth day of May of the following year.

CITY

The City of Bangor.

CITY COUNCIL

The City Council of the City of Bangor as established by Article II of the Charter of the City of Bangor.

COURTESY VEHICLE

A commercial vehicle service that carries passengers over a short distance to or from a fixed destination (e.g. the airport) at no charge to the customer.

DISPATCH CENTER

Any person, firm, association, partnership or corporation that provides dispatching services, including any form of electronic dispatch, to owners of taxicabs or liveries, in the City of Bangor.

DRIVER

Any person who is engaged in the driving of a taxicab or livery for hire.

EMPLOYED BY OR EMPLOYEE

Includes, but is not limited to, any employee, independent contractor, lessee or person permitted to drive a taxicab or livery of the business licensee.

FOR HIRE

The transportation of passengers for compensation.

~~HOLDER~~

~~The person, firm, association, partnership or corporation to whom or to which a certificate of public convenience and necessity has been granted.~~

LIVERY

A motor vehicle used for the transportation of passengers for hire, having the following characteristics:

A. A seating capacity of at least three and no more than fifteen passengers behind the driver's seat;

B. Hired by means of a request or contract arranged in advance of the time transportation is needed;

C. Charge is by flat fee or by the minute;

D. A price estimate is provided to the customer in advance of pickup; and

E. Does not operate on a fixed route.

LIMOUSINE

Any unmetered luxury vehicle designed to carry no less than five and not more than fourteen passengers behind the driver's seat which is of a type built or modified for use as a luxury "stretch limousine" and is used for the transportation of passengers for-hire, solely by pre-arrangement, on a reserved hourly or flat rate basis.

OPERATE

The act of driving, attempting to drive, or exercising control over a vehicle.

OWNER

The person, firm, association, partnership or corporation to whom or to which a taxicab or livery business license has been issued.

TAXICAB

A motor vehicle used for the transportation of passengers for hire, having the following characteristics:

A. ~~a~~ A seating capacity of nine passengers or fewer, including the driver~~,~~;

B. ~~o~~Operated on call and demand~~,~~;

C. Operated without fixed routes or termini~~,~~;

D. ~~t~~The destination and route of which are under the control of the passenger or passengers being carried therein~~,~~; and

E. ~~t~~The fares for which are at rates per mile, or fraction thereof, or wait time, or both.

TAXIMETER

A mechanical instrument or device by which the fare for hire of the taxicab is ~~mechanically measured and~~ automatically calculated, either for distance traveled or waiting time or both, and ~~upon which such fare is~~ plainly and accurately indicated in figures that are illuminated and clearly visible to the passenger.

§ 278-2. Applicability.

A. The provisions of this article shall apply to taxicabs and liveries which operate within Bangor City limits.

B. The following vehicles are exempt from the provisions of this Chapter except as otherwise indicated herein.

1. Limousines.

2. Buses.

3. Courtesy vehicles.

4. Livery operators which hold a current interstate operating authority from the Federal Motor Carrier Safety Administration and the liveries covered by such interstate operating authority.

5. Vehicles used solely in connection with transportation for funerals.

6. Vehicles being used to conduct prearranged rides on behalf of a transportation network company by a transportation network company driver, as defined in 24-A M.R.S § 7302.

C. No livery or limousine shall operate as a taxicab nor accept passengers on a "hail" or walk-up basis.

§ 278-3. Permitted For-Hire vehicles.

No person shall operate or cause to be operated any vehicle transporting passengers for hire unless they are operating a licensed taxicab or livery, or a vehicle qualifying as exempt under § 278-2(B).

§ 278-~~2~~4. Licenses Required.

A. It shall be unlawful for any ~~owner~~ person to operate or cause to be operated in the City of Bangor any taxicab or livery unless such ~~without first having obtained a~~ taxicab or livery is covered by a business license provided for by § 278-~~3~~5 of this chapter; provided,

nevertheless, that it shall not be deemed to be the operation of a taxicab or livery or the causing of a taxicab or livery to be operated within the meaning of this chapter if~~:~~

~~1.~~ ~~An~~ an owner licensed to operate a taxicab or livery in any municipality which grants the same rights as are granted herein to taxicabs and liveries licensed in the City of Bangor shall, upon previous call therefore, take a passenger or passengers from Bangor to the City in which such taxicab or livery is licensed or to Bangor from the City in which such taxicab or livery is licensed.~~; or~~

~~2. An owner licensed to operate a taxicab in any municipality which grants the same rights as are granted herein to licensed in the City of Bangor shall, upon delivery in Bangor of a bona fide passenger from the City where said taxicab is licensed, take a passenger or passengers from said point of delivery in Bangor to said City where his or her taxicab is licensed without parking, standing or cruising in Bangor to obtain said passenger or passengers.~~

B. Business license. Each taxicab or livery business, whether an individual, corporation, d/b/a, limited liability corporation, partnership, or other legal entity, shall obtain a taxicab or livery license from the City Clerk's office prior to permitting the operation of any taxicab or livery vehicles in the city. A taxicab or livery business license shall be obtained which covers all vehicles which will be used under the license. There shall be a fee for each vehicle listed on the business license in accordance with Chapter 109 of this Code. Only those vehicles listed on the business license may be used by the licensee as a taxicab or livery in the city. Vehicles can only be used for one purpose, i.e. either a taxicab or livery, and can only be listed on one license, either a taxicab business license or a livery business license.

C. Driver's license. No person shall operate a taxicab or livery, whether or not carrying passengers, within the city unless such taxicab or livery is covered by a taxicab or livery business license and the driver thereof is currently licensed by the city to operate a taxicab or livery; except when a taxicab or livery is clearly marked on at least one door per side of the vehicle with a magnetic "out of service" sign with letters no less than 2.5 inches in height, an unlicensed driver may operate the taxicab or livery for the following purposes:

(a) A mechanic operating the vehicle for the purpose of diagnosing a problem or testing to assure that a mechanical issue is resolved.

(b) Any individual operating the vehicle for the purpose of moving it between locations while not in operation as a taxicab or livery.

D. Licenses non-transferable. Licenses issued hereunder are not transferable.

§ 278-~~3~~5. Taxicab or Livery Business License.

A. A taxicab or livery business license shall be issued ~~for each taxicab~~ upon compliance with the following:

(1) Applicants shall obtain and complete application forms from the ~~Bangor Police Department~~ City Clerk's Office.

(2) Every application shall be signed and verified by each of the principal officers of the applicant if the applicant is a corporation, and in all other cases by all persons having an actual ownership interest in the applicant. All applications shall state the name, address, and phone number of every person having management authority in the business of the applicant.

(3) Applicant shall provide a comprehensive list including the make, model, passenger capacity, year, vehicle identification number (VIN), taxicab or livery identification number and license plate number of each vehicle which is to be covered by the taxicab or livery business license.

(4) Applicants for a taxicab business license shall obtain from the Sealer of Weights and Measures, at their own cost, a written statement that the taximeter installed in ~~the~~ each taxicab for which the taxicab business license is sought complies with the requirements of Subsection B, below.

(5) Applicants shall obtain from the Chief of Police, or his or her designee, a written statement that an inspection has been made of ~~the~~ each taxicab or livery for which the taxicab or livery business license is sought and ~~the~~ each taxicab or livery has been found to be safe and suitable for taxicab or livery service in accordance with Subsection D ~~C~~, below.

(6) Applicant shall submit to the City Clerk the applicable items listed in Subsection A(1) through ~~(3)~~ (5) above, the nonrefundable annual fee for a taxicab or livery business license as provided for in § ~~85-4~~278-4(B), a valid State of Maine motor vehicle registration certificate for each vehicle listed in Subsection (3), and ~~proof~~ certificate(s) of insurance from a reputable insurance agency stating that the vehicles ~~taxicab~~ for which the taxicab or livery business license is sought ~~is~~ are insured in accordance with Subsection E ~~D~~, below and listing the City of Bangor as an additional insured.

(7) A person or business may obtain both a livery and taxicab business license, but there must be a separate application form and fee for each such license. A vehicle may not be licensed nor used as both a taxicab and a livery.

B. Taximeters. ~~On and after March 8, 1976, every~~ Every taxicab shall be equipped with a taximeter tested, approved and sealed by the Sealer of Weights and Measures ~~and~~ which ~~shall~~ accurately ~~represents the distance traveled by said taxicab. Said taximeter shall be adjusted to accurately~~ calculates no more than the maximum rates of fare hereinafter set forth and mileage by means of ~~, shall show the fare in~~ clear and distinct figures which are electronically illuminated during the period between sunset and sunrise, and which clearly indicates the type of fare being charged, mileage and/or time. The taximeter shall be placed ~~and shall be illuminated during the period between sunset and sunrise~~ so that the figures are in plain view of all ~~to enable the~~ passengers ~~to read the figures indicated thereon~~. The taximeter shall be permanently affixed to

the taxicab and sealed by the Sealer of Weights and Measures. It shall be the responsibility of the owner to submit his or her taxicab or taxicabs for inspection to the Sealer of Weights and Measures~~, or the Chief of Police or the City Manager~~. If, upon inspection of the taximeter, the Sealer of Weights and Measures determines that the taximeter meets the requirements of this section, he or she shall issue a statement stating that the taximeter complies with the requirements of this section.

C. Updates. It is the responsibility of the applicant to update, in the City Clerk's office, the list of vehicles covered by the taxicab or livery business license throughout the year if any vehicles are removed from or added to the taxicab or livery business fleet. A fee will be charged for each vehicle added in accordance with Chapter 109 of this Code. The City Clerk must be notified of a vehicle being added to the fleet within 15 days of completing the taxicab or livery inspection, and before the vehicle is put in service. It is also the responsibility of the applicant to update, in the City Clerk's office, the list of licensed drivers operating their taxicabs or liveries throughout the year if drivers are hired or no longer employed by the taxicab or livery business licensee; notification must be provided within 15 days of the driver being hired or employment terminating and before the driver begins operating a taxicab or livery, and must include the driver's current address and telephone number. Failure to update the list shall result in the automatic suspension of the taxicab or livery business license until the list is updated and a reinstatement fee of as set out in Chapter 109 of this Code is paid.

D. Inspection of Taxicabs and Livery.

(1) Frequency. The Chief of Police, or his or her authorized agent, shall have the authority to inspect, or cause to be inspected, any and all taxicabs and liveries so as to ensure that any taxicab or livery is safe and suitable for taxicab or livery service as follows:

(a) Prior to issuance of any new taxicab or livery business license;

(b) Once each calendar year prior to the renewal of any existing taxicab or livery business license; ~~and~~

(c) Prior to adding a taxicab or livery to a taxicab or livery business license; and

(d) ~~Randomly~~ At any other time, at the discretion of the Chief of Police or his or her authorized agent.

(2) Scope. During any taxicab or livery inspection, the Chief of Police or his or her authorized agent shall inspect each taxicab or livery and find that such ~~taxicab~~ vehicle:

(a) Has a valid State of Maine motor vehicle registration certificate;

(b) Has a valid State of Maine inspection sticker placed on the windshield in accordance with state law issued the same month or the month immediately preceding the inspection by the Chief of Police, or his or her designee;

(c) In the case of a taxicab, is equipped with a sealed taximeter placed in accordance with Subsection B of this section;

(d) Meets the identifying lights and identifying markings requirements of § 278-~~5~~8 of this chapter;

(e) In the case of a taxicab, meets the fare markings requirements of § 278-9 of this chapter;

(f) Has a "No Smoking" sign clearly visible on all passenger windows inside the taxicab or livery.

~~(g) Has an emergency brake in good operating condition;~~

~~(h) Has operable headlights, to include high and low beams;~~

~~(i) Has operable directional signals;~~

~~(j) Has operable brake lights;~~

~~(k) Has tires which comply with existing statutes, rules and regulates relating to State of Maine inspection laws;~~

(l) Is in a clean and sanitary condition, inside and out, with no unsightly soil spots;

(m) In all other respects is safe and suitable for taxicab or livery service; ~~and~~

(n) Complies with the following standards:

1. No dents larger than six inches in diameter.
2. No missing or hanging mirrors, trim or body work.
3. No cracks in the windshield or windows.
4. No missing hubcaps.
5. No visible primer paint.
6. All original and replacement parts and components of the vehicle are similar in appearance and are of the same color or design.
7. No rust greater than one inch in diameter.
8. No loose trash or large amounts of dirt or sand in the interior passenger area, whether or not the area is currently occupied by a passenger.
9. No visible tears in carpeting or seat upholstery.

10. No unpleasant odors or strong fragrances inside.

11. Seat belts for all passenger seats visible and in working order.

12. Two operating doors affording direct entrance and exit to and from the passenger compartment.

(o) A taxicab or livery shall at all times be maintained in compliance with the laws of the State of Maine relating to passenger vehicles and the rules and regulations of the State Commissioner of Transportation enacted pursuant thereto.

(3) The City Clerk shall issue a nontransferable Bangor Taxicab or Bangor Livery inspection sticker to each taxicab or livery ~~licensed~~ inspected under this section, valid for one year from the date of issue, unless the vehicle is added to a taxicab or livery business license after the initial date of issuance of said license, in which case the vehicle inspection sticker will expire upon expiration of the taxicab or livery business license. All taxicabs and liveries operating in the City of Bangor shall display said stickers in accordance with § 278-~~5~~8.

E. Insurance. Each taxicab or livery shall be insured for the period over which the taxicab or livery business license is to remain in force, insuring persons and property from liability for injuries and damages resulting from the use and operation of such taxicab or livery. Such insurance policy or coverage shall be issued in an amount or amounts sufficient to meet state law requirements.

F. Termination and Expiration of taxicab or livery business license. Unless revoked or suspended under §§ 278-~~9A~~15 or 278-16 of this chapter, each taxicab and livery business license shall expire on the ~~31st~~ 15th day of May next after the date of issuance; provided, however, that any new application filed between May 1 and May ~~31~~ 15 and approved shall be valid until May ~~31~~ 15 of the following year.

G. It shall be a violation of this article for any taxicab or livery business, or the owner thereof, to allow any person not holding a valid City of Bangor taxicab or livery driver's license to operate a taxicab or livery licensed as part of their fleet, unless under the conditions specified in § 278-4(C).

§ 278-~~3.16~~. ~~Dispatch center list; tTaxicab or livery company~~ Driver and vehicle lists.

A. Every dispatch center shall, on the first day of January and July of each year, file with the ~~Chief of Police~~ City Clerk a current list of all taxicab and livery companies and owners for whom the dispatch center provides dispatching services.

B. Every taxicab or livery company or owner shall, on the first day of January and July of each year, file with the ~~Chief of Police~~ City Clerk a current list of its taxicab and livery drivers.

C. Every taxicab or livery company or owner shall, on the first day of January and July of each year, file with the City Clerk a current list of its taxicabs or liveries, including the make, model, passenger capacity, year, vehicle identification number (VIN), taxicab or livery identification number as required by § 278-8(D) and license plate number of each vehicle which is covered by the taxicab or livery business license.

§ 278-47. Taxicab or livery driver's license.

It shall be unlawful for any person to operate any taxicab or livery for hire without first obtaining a taxicab or livery driver's license.

A. Fees. If a person has not previously held a City of Bangor taxicab or livery driver's license or if a person is renewing an existing license after the 15th of the month in which such license shall expire the nonrefundable new/late licensing fee shall be as set forth in Chapter 109 of this Code. Any person renewing an existing taxicab or livery driver's license between the 1st and 15th of the month in which such license shall expire be charged a nonrefundable renewal fee as set forth in Chapter 109 of this Code. All taxicab or livery driver's licenses shall expire annually on the last day of the month in which the license was issued except that any license renewed within 3 months following the expiration of the license will expire the following year on the last day of the month in which the expired license was issued. Any license renewed more than 3 months after its expiration will be treated as a first time license.

B. ~~New~~ Application and issuance.

(1) ~~New~~ An application for a taxicab or livery driver's license shall be made upon forms furnished by the City Clerk and shall be signed in front of the City Clerk by the applicant. The application shall require the applicant to set out the following ~~such~~ information: ~~as the City Council may require. Applications for licenses that have expired for more than 30 days shall be considered new applications. Before such license shall be issued by the City Clerk, the application must be approved by the Chief of Police, and the applicant must:~~

(a) That the applicant is 18 years of age or older.

(b) That the applicant has held a valid driver's license for more than two years.

(c) Current contact information, including home and work address, and home, work and cell telephone numbers, and e-mail address if available.

(d) Maine Driver's License number.

(e) List of all states in which the applicant has resided over the past 7 years.

(f) List of all criminal convictions from any and all jurisdictions, not including convictions for crimes committed as a juvenile.

(g) Whether any driver's license held by the applicant is presently revoked or has been revoked during the three (3) years preceding the application and the reasons for such revocation(s).

(h) Applicant's signature certifying that all information provided is complete and accurate and that they understand the taxicab and livery driver rules.

(i) Any other information requested by the City Clerk, Chief of Police, or City Council.

(2) Before such license shall be issued by the City Clerk, the application must be approved by the Chief of Police, or his or her designee, and the applicant must:

(a) Present a valid State of Maine driver's license.

(b) Demonstrate to the City Clerk that he or she can ~~fluently~~ read, write and speak the English language.

(c) Present the taxicab or livery driver's license to be renewed, if renewal is sought.

~~(d) Present a valid letter from a reputable physician stating that the applicant has no physical or mental condition which would affect his or her ability to function as a taxicab driver and thereby impair the safety of himself, herself or that of his or her passengers; however, this requirement may be waived at the discretion of the Chief of Police.~~

~~(e) Present sufficient evidence that he or she is at least 18 years of age.~~

(f) In the case of a new application, ~~H~~ have his or her photograph taken at a place, time and date designated by the ~~City Clerk for City~~ Chief of Police, or his or her designee, for City photo identification to be displayed as provided in Subsection ~~C~~ D, below. In the case of a renewal application, the applicant must present their City photo identification.

(g) Pay the nonrefundable annual fee for a taxicab driver's license~~, which shall be as provided in~~ required under § ~~85-4~~278-7(A) above.

(h) Demonstrate to the Chief of Police, or his or her designee, that the applicant is competent to operate a motor vehicle safely and in accordance with all applicable traffic laws and ordinances. In determining whether the applicant is competent to operate a motor vehicle safely and in accordance with law, the Chief of Police, or his or her designee, shall consider factors including but not limited to whether the applicant has any of the following:

1. Three or more convictions for motor vehicle violations within the past 3 years.

2. One or more major moving violations within the past 3 years, including but not limited to attempting to evade the police, reckless driving or driving on a suspended or revoked license.

(i) Satisfy the Chief of Police, or his or her designee, that the applicant is at present of such good moral character that the applicant can be trusted with the safe care and custody of taxicab passengers. In determining whether the applicant is of "good moral character," the Chief of Police, or his or her designee, shall consider factors including, but not limited to, the following:

[1] Whether the applicant has been convicted at any time of murder, manslaughter, or a Class A, B, or C crime against a person;

[2] Whether the applicant has been convicted within the past 7 years of operating under the influence of drugs or alcohol, fraud, a sexual offense, use of a motor vehicle to commit a felony, a crime involving property damage or theft, an act of violence or an act of terror, a drug-related crime, criminal threatening, or harassment; and

[3] Whether the applicant made any false statement or omission on the application or in the course of the application process.

(j) ~~Pay a nonrefundable criminal background fee of $25. This background check will be conducted through the State Bureau of Investigation (SBI).~~ No ~~new~~ license will be issued until the results of the State Bureau of Investigation (SBI) ~~SBI~~ criminal background check are received and found to be acceptable by the Chief of Police, or his or her designee.

(k) Have no outstanding warrants of arrest in Maine or any other jurisdiction; and

(l) Not be a convicted sex offender who is required to register as a sex offender within the State of Maine or is on the national sex offender registry.

(m) Failure to meet any of the requirements in Subsection (a)-(j) shall be grounds for denial of a taxicab or livery driver's license.

~~C.~~ ~~Renewal applications and issuance. Renewal applications for a taxicab driver's license shall be made upon forms furnished by the City Clerk and shall be signed by the applicant. The application shall require the applicant to set out such information as the City Council may require. Before such license shall be issued by the City Clerk, the application must be approved by the Chief of Police, and the applicant must:~~

~~(1) Present a valid State of Maine drivers license, City photo identification, and the taxicab license to be renewed.~~

~~(2) Present a valid letter from a reputable physician stating that the applicant has no physical or mental condition which would affect his or her ability to function as a taxicab driver and thereby impair the safety of himself, herself or that of his or her passengers; however, this requirement may be waived at the discretion of the Chief of Police.~~

~~(3) Pay a nonrefundable license fee as provided in § 85-4.~~

~~(4) Demonstrate to the Chief of Police that the applicant is competent to operate a motor vehicle safely and in accordance with all applicable traffic laws and ordinances.~~

~~(5) Satisfy the Chief of Police that the applicant is at present of such good moral character that the applicant can be trusted with the safe care and custody of taxicab passengers.~~

D. Identification tag. Upon the issuance of the taxicab or livery driver's license, the ~~City Clerk~~ Chief of Police, or his or her designee, shall also deliver to the licensee an identification tag containing the applicant's photograph. The identification tag shall be worn in a conspicuous place on the licensee's uniform at all times while operating a taxicab within the City of Bangor. Failure to display the identification tag in a conspicuous place at all times constitutes ground for license revocation.

E. Expiration of taxicab or livery driver's license. Unless suspended or revoked under ~~§278-9B of~~ this chapter, all taxicab and livery driver's licenses shall expire annually on the last day of the month in which the license was issued ~~will continue in force for one year from the date of issuance~~. Any license renewed within 3 months following the expiration of the license will expire the following year on the last day of the month in which the license was originally issued. Any license renewed more than 3 months after its expiration will be treated as a first time license.

F. Record of denial. The City Clerk shall make and keep a written record of every decision to deny an application for a taxicab driver's license. Records of denial shall be kept for three years from the date of denial.

§ 278-~~5~~8. Identification of taxicabs and liveries.

A. Name and logo. Every taxicab and livery shall have the name of the owner or the owner's dispatch center or trade name and, in the case of a taxicab, the word "taxicab" or "taxi" or "cab," or in the case of a livery, the word "livery" permanently placed on the exterior of one door on each side of the vehicle, or in the case of livery said doors or each rear fender of the vehicle, ~~taxicab~~ in letters at least 2 inches high. In lieu thereof, a logo or monogram, approved by the Chief of Police, or his or her designee, containing the same information ~~owner's or the owner's dispatch center's name or trade name and the word "taxicab" or "taxi" or "cab,"~~ and being not less than eight inches in diameter, shall be permanently placed on one door on each side of the taxicab or livery.

B. Lights. In addition to the outside lights required by law, all taxicabs shall be equipped with an identifying light attached to the top of each taxicab. Such identifying light shall be constructed in one unit consisting of an illuminated plate or cylinder upon which is printed the word "taxicab" or "taxi" or "cab" or the name of the ~~owner~~ taxicab business ~~or the owner's dispatch center~~. The overall dimensions of such identity light shall not exceed eight inches in height and 23 inches in

length. Other than the outside lights required by law, a livery vehicle is prohibited from having an exterior light.

C. Identification sticker. Every taxicab or livery ~~licensed~~ inspected to operate in the City of Bangor shall display a valid Bangor taxicab or livery sticker on the front windshield adjacent to the state inspection sticker.

D. Identification number. Every taxicab or livery licensed to operate in the City of Bangor shall display their taxicab or livery identification number, on the rear of the vehicle and on the exterior by the door handles in letters and numbers at least 2 inches high. Identification numbers must be in numerical order starting with 1 and must be filed and updated with the City Clerk.

E. Taxicab contact number. Every taxicab licensed to operate in the City of Bangor shall display a telephone number for the taxicab business or dispatch center on the rear and each side of the vehicle in numbers at least 2 inches high.

F. Notice to the Public. Every taxicab and livery shall display a card, provided by the City Clerk's office, in clear view of all passengers, in the passenger compartment, illuminated between the hours of sunset and sunrise, displaying the following rules and information:

(1) For taxicabs only, maximum fare schedule;

(2) Smoking is prohibited in any taxicab or livery vehicle and failure to comply will result in a fine;

(3) Taxicab or livery identification number; and

(4) Contact information passengers can use for reporting any violations or misconduct observed during taxicab or livery transportation.

§ 278-~~6~~9. Taxicab Rates of fare.

A. Fares to be collected from any taxicab passenger or passengers shall be no greater than that shown on the taximeter, and no owner or driver shall charge rates to such passenger or passengers for taxicab services within the limits of the City of Bangor greater than the following:

(1) For the first 1/6 of a mile or fraction thereof: $2.50

(2) For each 1/6 of a mile or fraction thereafter: $0.35

B. Provided, however, that in addition to the rates of fare permitted under Subsection A(1) and (2) above, a fare of not more than $0.30 per minute may be charged in the event that any taxicab is forced, by reason of traffic conditions or other circumstances beyond the driver's control, to travel at a speed of less than 10 miles per hour for a continuous period of more than two minutes.

C. All taxicabs operated under a license granted by the City of Bangor must display the ~~rate~~ notice to the public card provided by the City of Bangor, which sets forth the maximum rates permitted under this chapter, as outlined in § 278-8. ~~This rate card shall be placed so as to be in full and plain view of the passenger while riding in such taxicab.~~ Maximum rates, including for the initial 1/6 mile, for each additional 1/6 mile, and for wait time, shall also be permanently placed on the exterior of one door or fender on each side of the taxicab in letters at least 1 inch high.

D. Additional passengers. If there is more than one passenger having the same origin and destination, each passenger may be charged not more than an equal proportionate part of the charges shown on the taximeter. At the option of the owner of such taxicab, an additional charge of not more than $0.25 may be made for each additional passenger having the same origin and destination as the first passenger. If there is more than one passenger and the destinations are different, each passenger may be charged not more than his or her equal proportionate part of the difference between the amount then shown on the taximeter and the amount shown by the taximeter at the next preceding stop. ~~However, notwithstanding the above requirements, the additional passenger fare may not be changed to bearers of Greater Bangor Ride Tickets, provided that every passenger boards together and travels to the same destination.~~

E. Waiting time. If~~, at the request of the passenger,~~ the taxicab waits for the passenger after the taxicab has arrived at the place of origin, at the expiration of five minutes after such taxicab has arrived or after being requested to wait by the passenger, whichever comes sooner, the passenger may be charged not more than a maximum rate of $20 per hour, or any such fraction thereof, as the actual waiting time bears to one hour. No charge shall be made for waiting time in advance of the time at which the taxicab is required in the request for the taxicab service, nor for the delay due to the inefficiency of the taxicab or its operation, nor for mileage or time other than proceeding in the most direct way to the destination.

F. Hand luggage. Hand luggage shall be carried free of charge.

G. Surcharge. The Bangor City Council may, by order, authorize the levy of a surcharge per trip in addition to the fare authorized by this section where it determines that such surcharge is warranted by conditions beyond the control of taxicab drivers and companies and where such conditions affect the cost of providing taxicab services.

~~H. Rate card. Upon the issuance of a taxicab license, the City Clerk shall also issue a rate of fare card to be displayed in all taxicabs as required by § 278-8 of this chapter.~~

I. No taxicab or livery driver shall engage in barter with a passenger in lieu of the arranged compensation.

§ 278-10. Record of daily trips.

The owner or licensed operator of a taxicab or livery shall keep daily records of all trips made by such vehicle, the beginning and end time and place of each trip, and the amount of payment received, not including any tip or gratuity given voluntarily by the customer. Such records, upon demand, shall be open to inspection by the City Clerk or any police officer. Said records shall be kept for a period of not less than three years.

§ 278-~~7~~11. Taxi stands; soliciting passengers.

A. Taxi Stands. The Chief of Police, or his or her designee, by and with the consent of the City Manager, is hereby empowered to assign, to each and every licensed taxicab owner, suitable taxi stand space on public streets and ways.

~~A. Use of hydrant areas. The Chief of Police, in his or her discretion, by and with the consent of the City Manager, is hereby empowered to designate the area in front of any fire hydrant within the fire limits as a taxi stand; provided, however, that any such stand so designated shall only be used by a taxicab occupied by the driver thereof, and any such stand so designated may, at any time, be abolished by the Chief of Police.~~

B. Passenger soliciting. No driver of a taxicab shall solicit any passenger or passengers within 50 feet of an established taxicab stand except while parked in said stand.

§ 278-12. Conduct of Taxicab and Livery Drivers.

To facilitate the safe, orderly and professional provision of taxicab and livery services, taxicab and livery drivers are required to follow these guidelines:

A. Cell Phones. Taxicab and livery drivers shall not use their cell phone while transporting a passenger unless it is an emergency or to receive calls from dispatch or customers.

B. Appearance. Every taxicab or livery driver operating a taxicab or livery that is in service shall be suitably and professionally dressed, and neat and clean in appearance. No clothing which is ripped or torn or has a large or unsightly stain is permitted. Gym or workout shorts or pajama pants are not permitted. Footwear must be closed-toe and clean.

C. Personal Hygiene: Taxicab and livery drivers will maintain good personal hygiene.

§ 278-13. No Smoking.

A. No person, including but not limited to taxicab and livery operators and passengers, may smoke in a taxicab or livery at any time, including times when there are no passengers in the vehicle or when the vehicle is not in operation as a taxicab or livery.

B. Notwithstanding § 278-13(A) above, if allowed under state law, an owner of a taxicab or livery who is also the sole operator of the taxicab may smoke in the taxicab or livery as long as he or she does not do so while the vehicle is in operation as a taxicab or livery or less than an hour before or after the vehicle is in operation as a taxicab or livery.

§ 278-~~8~~14. Display of licenses ~~and rate card~~.

~~Cards issued by the City Clerk upon issuance of a taxicab license, showing the rates of fare, shall be conspicuously displayed in every taxicab so that they can be read by passengers riding therein. The~~ A copy of the taxicab or livery business license issued for ~~that~~ a taxicab or livery must be kept inside the vehicle. ~~and that~~ The taxicab or livery driver's license issued to the driver of that taxicab or livery shall ~~also~~ be conspicuously displayed on their person. ~~so that they can be read by passengers while riding therein. All such taxicab licenses, taxicab driver's licenses and rates of fare cards shall be illuminated between the hours of sunset and sunrise so as to enable the passenger to read the information contained thereon.~~

§ 278-~~9~~15. License suspension and revocation.

A. Automatic revocation.

(1) Conviction of a crime. No taxicab or livery driver's license shall be valid for purposes of this article upon the licensee's conviction of a crime listed in § 278-7(B)(2)(f). It is the responsibility of the driver and business owner employing said driver to notify the City Clerk of any such conviction.

(2) Conviction of motor vehicle violations. No taxicab or livery driver's license shall be valid for the purposes of this article upon conviction of three or more motor vehicle violations during a license year, or one major moving violation as defined in § 278-7(B)(2)(e)[2]. It is the responsibility of the driver and business owner to notify the City Clerk of any such convictions.

B. Automatic suspension.

(1) State of Maine driver's license. No taxicab or livery driver's license shall be valid for the purposes of this article during any period in which the state driver's license of the licensee is suspended or revoked. It is a violation of this ordinance for a licensee to continue to operate a taxicab or livery vehicle after suspension or revocation of his or her state driver's license. It is the responsibility of the driver and business owner employing said driver to notify the City Clerk of any such suspension or revocation.

C. Grounds for suspension or revocation of driver's license.

In addition to the grounds for denial of a taxicab driver's license set forth in § 278-7(B), which are also grounds for suspension or revocation of a license, a taxicab or livery driver's license shall be subject to suspension or revocation upon a determination that the licensee:

(1) Knowingly took a longer route to his or her destination than was necessary unless so requested by the passenger, provided that longer routes may be necessary due to traffic, construction, detours, accidents, weather, road conditions, and other reasonable factors;

(2) Knowingly conveyed any passenger to a place other than that which the passenger or paying party specified;

(3) Solicited taxicab or livery passenger business in the manner prohibited by § 278-11;

(4) In the case of a livery driver, picked up or attempted to pick up a passenger on the street or in a public place, without an agreement arranged in advance for such pick up; the burden shall be on the livery business or driver licensee to show the existence of such a pre-arranged agreement;

(5) Transported any person in addition to or other than the passenger first engaging the taxicab or livery without the express consent of the original passenger;

(6) Drove a taxicab or livery when the licensee was not clean and neat in appearance;

(7) Drove a taxicab or livery that was out of compliance with any of the provisions of this article when the licensee knew or should have known it was out of compliance;

(8) Refused to transport any orderly person upon request, unless the taxicab or livery was already engaged, or unless, three or more times in the previous six months, a person has failed to appear to be transported from the requested address or when the call for transport was made from the same phone number. Examples of a person who is not orderly may include someone who is aggressive, or excessively dirty or unhygienic. Drivers are not required to assist passengers in entering or exiting their vehicle;

(9) In the case of a taxicab driver, charged more than the maximum fare specified in this chapter;

(10) Failed to carry change sufficient to make change for a $20 bill;

(11) Violated the no smoking section of this chapter more than two times within a twelve-month period.

(12) Removed or obscured any notice or decal required to be posted in the taxicab or livery by this chapter;

(13) Was convicted of a crime in any jurisdiction; or

(14) Acted in an aggressive, threatening, verbally abusive or disorderly manner while engaged in taxicab or livery services.

D. Grounds for suspension or revocation of business license.

In addition to the grounds for denial set forth in §278-5, which shall also be grounds for suspension or revocation of a license, a taxicab or livery business license shall be subject to suspension or revocation upon a determination that the owner or manager of the taxicab or livery business:

(1) Caused another person to transport any person in addition to or other than the passenger first engaging the taxicab or livery without the express consent of the original passenger;

(2) Caused another person to refuse to transport any orderly person upon request unless, in the case of business operating a single taxicab or livery, the taxicab or livery is engaged, or, in the case of a business operating more than one taxicab or livery, all vehicles were then engaged; or unless, three or more times in the previous six months, a person has failed to appear to be transported from the requested address or when the call for transport was made from the same phone number. Examples of a person who is not orderly may include someone who is aggressive, or excessively dirty or unhygienic. Drivers are not required to assist passengers in entering or exiting their vehicle;

(3) In the case of a taxicab business, caused or allowed a passenger to be charged more than the maximum fare specified in this chapter;

(4) Removed, or obscured, or caused to be removed or obscured from a taxicab or livery the notice or decal required to be posted in the vehicle by this chapter;

(5) Knew of a driver's conviction, repeated motor vehicle offenses, or the suspension or revocation of his or her State of Maine driver's license and failed to notify the City Clerk of the same as required under § 278-15(A) or (B).

(6) Operated, or any person employed by such licensee operated, a taxicab or livery without a current and valid taxicab or livery driver's license;

(7) Operated, or any person employed by such licensee operated, a taxicab or livery which is not covered by a current and valid taxicab or livery business license;

(8) Operated, or any person employed by such licensee operated, a taxicab for which the telephone number required under § 278-8(E) at any time did not ring through to a person capable of dispatching a taxicab; provided that the if the number may ring through to an answering machine or voicemail if the caller is then directed to call a number that does ring through to a person capable of dispatching a taxicab. This Section 278-15(D)(8) shall not be grounds for suspension or revocation of a taxicab or livery business license if the failure to ring through to a person capable of dispatching a taxicab is due to severe weather conditions or unexpected illness or injury.

(9) Operated a taxicab or livery business after there had been repeated violations by the driver(s) employed by the licensee which resulted in three or more suspensions of the same driver, or five or more suspensions of employees of the licensee, within any three year period; or

(10) Operated a taxicab or livery business after the taxicabs or liveries covered by the taxicab or livery business license have collectively been the subject of two or more violation notices for failure to comply with the standards set forth in § 278-5.

E. ~~Revocation or suspension of taxicab license. The City Council may, after notice to the owner and public hearing, suspend a taxicab license for a period of not more than 90 days or revoke said taxicab license if it finds that~~:

~~(1) The rate card or taxicab license has consistently not been on display as required by § 278-8 of this chapter; or~~

~~(2) Such licensed taxicab has consistently failed to meet the standards required under § 278-3C of this chapter.~~

F. ~~Suspension or revocation of taxicab driver's license. The City Council may, after notice to the licensee and public hearing, suspend for a period of not more than 90 days, or revoke, the taxicab driver's license of such licensee if the City Council finds that~~:

~~(1) The licensee has been convicted of a moving violation while operating a taxicab containing a passenger;~~

~~(2) The licensee has consistently failed to wear the badge issued to his or her, as required under § 278-4B of this chapter;~~

~~(3) The licensee has consistently failed to display his or her taxicab driver's license as required by § 278-8 of this chapter; or~~

~~(4) The licensee no longer complies with the standards contained in § 278-4A of this chapter.~~

§ 278-16. Suspension and revocation process.

The Board of Appeals may suspend or revoke a taxicab or livery driver's license or taxicab or livery business license for the grounds listed in § 278-15(C) or (D) according to the following procedure:

A. The Chief of Police, or his or her designee, shall give notice in writing of the grounds for suspension or revocation of the license. Said notice shall be directed to the licensee and the City Clerk.

B. Upon receipt of the notice, the City Clerk shall notify the Chair of the Board of Appeals, who shall take action to have the matter heard at a regular or special meeting of the Board of Appeals within 40 days of the City Clerk's receipt of the notice. Before the hearing, the City Clerk shall notify the licensee, the Board of Appeals members, the Chief of Police or his or her designee, and any appropriate members of City staff of the time and place of the hearing.

C. The hearing shall be conducted in accordance with the following:

(1) The Chief of Police, or his or her designee, shall be heard first to present the grounds for suspension or revocation of the license. The licensee shall then present his or her position in response.

(2) All parties shall be given the opportunity to be represented by an attorney or other spokesperson.

(3) Evidentiary and presentation standards shall be as set in 30-A M.R.S. § 2691, Subdivision 3D.

(4) A hearing shall not be continued to another time except for good cause.

D. After the hearing, the Board of Appeals may suspend a taxicab or livery driver's license or taxicab or livery business license for a period of up to one year or revoke said license if it finds that the grounds for suspension or revocation presented by the Chief of Police, or his or her designee, were sufficient to warrant suspension or revocation and were consistent with this chapter, including but not limited to § 278-15. Notice of suspension or revocation of a taxicab or livery driver's license shall be sent to the driver and to the business for which the driver works. Notice of suspension of revocation of a taxicab or livery business license shall be sent to the business.

§ 278-17. Removal of taxicab or livery from service.

A. If a law enforcement officer determines that there is a violation of this Chapter which poses a threat to the health or safety of passengers, they may order the taxicab or livery to be removed from service immediately and may remove or order removed from the vehicle the taxicab or livery inspection sticker. The Chief of Police or his or her authorized agent shall make him- or herself available for a re-inspection of the vehicle no more than three business days thereafter. If, upon appeal of the law enforcement officer's determination that there was a threat to the health or safety of passengers, it is found that there was no such threat, the inspection sticker shall be replaced at no cost.

B. If a law enforcement officer determines that there is a violation of this Chapter that is not directly linked to the health or safety of passengers, then the officer may issue a written order to correct the violation within thirty days; if, after thirty days, the taxicab or livery does not pass re-inspection, an officer may order the vehicle to be removed from service. There shall be a fee as set in Chapter 109 of this Code for each re-inspection of any taxicab or livery ordered removed from service hereunder.

C. A law enforcement officer may immediately order any taxicab or livery that fails to display the decal required by § 278-8C be removed from service until said decal is displayed.

D. The Chief of Police or his or her authorized agent, at his or her discretion, may require a licensee to present a taxicab or livery for inspection.

§ 278-~~10~~18. ~~Passenger privileges.~~ Receipt upon demand.

~~A. Additional passengers. No driver of a taxicab shall carry any person other than the passenger first engaging his or her taxicab without the latter's consent. Any taxicab agent at any railroad, airport or motor bus terminal, before directing a second passenger to enter a taxicab already~~

~~engaged, shall ask the first passenger engaging such taxicab if he or she consents to its use by another passenger or passengers. The rate of fare card required to be displayed under § 278-8of this chapter shall inform the passenger of the above law by stating as follows: You, as the first passenger in this taxicab, are the one to decide who will ride with you. Unless it is your request or with your consent, this taxicab driver is prohibited by law from accepting additional passengers.~~

~~B. Refusal to provide taxicab service. Any orderly person, upon request, shall not be refused or neglected transportation by a driver unless the taxicab is previously engaged or unable or forbidden by provisions of this chapter to accept such passenger. Such wrongful refusal or neglect shall be unlawful, and, upon conviction therefor, such driver shall be subject to penalties provided for in § 278-12 of this chapter.~~

~~C. Receipt upon demand.~~ The driver of any taxicab or livery shall, upon demand by the passenger, render to such passenger a receipt for the amount paid. Such receipt shall bear the name of the owner, the name of the driver, the date of transaction and the amount paid.

§ 278-~~11~~19. Refusal to pay legal fare.

The refusal of any passenger to pay the legal fare as shown on the taximeter of a taxicab shall be unlawful, and, upon conviction therefor, shall be subject to such penalties provided for in § 278-~~12~~20 of this chapter.

§ 278-~~12~~20. Violations and penalties.

Violations of this chapter shall be subject to ~~a fine of not less than $50~~ the penalties of 30-A M.R.S. § 4452. Any such fine may be in addition to the provisions of this chapter providing for the suspension or revocation of the taxicab or livery business license and the taxicab or livery driver's license. In the case of a suspension or revocation, both the license and the right of the licensee to apply for or renew a license are suspended or revoked. A licensee whose license is revoked cannot apply for a new/renewal license for one year. If a license is denied, the applicant may not reapply for 6 months thereafter. Suspensions and revocations issued by the Board of Appeals may last up to one year from the date of suspension or revocation.

§ 278-~~13~~21. Appeals.

A. Any person aggrieved by a denial by the City Clerk of an application for a taxicab or livery business license or a taxicab or livery driver's license filed under § 278-~~3~~5 or 278-~~4~~7 of this chapter, or removal of a vehicle from service or a violation notice under § 278-17, may appeal said denial, ~~suspension or revocation~~ removal or violation notice to the Board of Appeals, subject to the following:

(1) Notice of said appeal shall be in writing, shall state briefly the grounds therefor, shall be directed to the Board of Appeals, and shall be filed with the City Clerk not more than 15

days after notice of said denial has been received by the applicant. No fee shall be required for the appeal.

(2) Upon receipt of a notice of appeal, the City Clerk shall immediately notify the Chair of the Board of Appeals, who shall take action to have it heard at a regular or special meeting of the Board of Appeals within 40 days of receipt of the notice. Before the hearing, the City Clerk shall notify the applicant, the Board of Appeals members, and any appropriate members of City staff of the time and place of the hearing.

(3) The hearing shall be conducted in accordance with the following:

(a) The appellant's case shall be heard first. The City Clerk or other City representative shall then present the position of the City.

(b) All parties shall be given the opportunity to be represented by an attorney or other spokesperson.

(c) Evidentiary and presentation standards shall be as set in 30-A M.R.S.~~A.~~ § 2691, Subdivision 3D.

(d) A hearing shall not be continued to another time except for good cause.

(4) Decisions and notices of decisions shall be rendered in public in accordance with 30-A M.R.S.~~A.~~ § 2691, Subdivision 3E. This decision must be based solely on evidence presented at the hearing.

B. Further appeals. Any decision of the Board of Appeals pursuant to Subsection A of this section may be appealed to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

C. For purposes of this chapter, the procedures outlined in this §278-~~13~~21 are intended to entirely supplant the administrative appeals procedure outlined in § 23-3A through E of this Code; § 23-3F through H shall still apply.

Memorandum

To: Government Operations Committee
From: Paul Nicklas, Assistant City Solicitor
Date: March 21, 2016
Re: Fee for Emergency Service - No Transport

The Fire Department is experiencing increased requests for emergency assistance where no transport is required. Most of these calls are for people who are not injured, but are unable to help themselves. The most common calls are for a "lift assist" back to their feet from the floor or from a bathroom, but people have called for as little as having a firefighter retrieve an out of reach TV remote control.

In 2015, a single person generated 171 calls for assistance; there are several similar examples. Sometimes one person will call as many as 5 times per day. Many of the requests originate from 911 calls or medical call button activations, so the Fire Department's emergency medical personnel must respond to assist and evaluate.

The increase in these requests appears to come from several sources. For varying reasons, many disabled or aging people are electing to stay at home rather than move to a healthcare facility, even after they are no longer able to care for themselves. Also, several area healthcare facilities have instituted "no lift" policies for staff. Workers at these facilities have started calling the Fire Department for lift assists.

It is costly to provide lift assists and other non-medical assistance to people on a repeated basis. At present, the Fire Department invoices for emergency medical transportation services, but there is no fee structure for services when there is no medical transport. Furthermore, most of these calls require multiple FD resources (rescue truck & fire truck) since the people are obese or in precarious positions. Trending in the call volume suggests these service requests will continue to increase into the future.

The Fire Department would like to discuss instituting a charge for service when no transportation is required or requested. A graduated fee, with no or a reduced cost for the first few requests, and based on the cost to the City for service thereafter, would balance the legitimate needs of citizens with recognition of the limited resources of the Department. The focus of a fee would be on uncontrolled repeated requests and institutions with no lift policies.

While a need does exist for assistance for those unable to perform certain tasks, the Fire Department is not always the appropriate institution to be filling that need. The Fire Department is intended to be an emergency services department, not a way for people and institutions to get no-cost, non-medical assistance at City expense. The proposed fee would encourage individuals and institutions to seek help from more appropriate sources, or at least compensate the Fire Department for its costs in providing assistance.

Proposed Fee Structure

Emergency Assistance - No Transport Required

	Requests/Year		
	0 to 3 per request	4 to 8 per request	9 or more per request
Individual	$0	$25/vehicle	$125/vehicle
Institution	$25/vehicle	$125/vehicle	$125/vehicle

For instance, an institution making 7 requests in a year, where each request required 2 vehicles, would owe $1,150 in total: $50 each for the first three requests, and $250 each for the other four requests.