ORDINANCE NO. <u>20051027-011</u>

AN ORDINANCE AMENDING CHAPTER 13-2 OF THE CITY CODE TO CREATE A TAXICAB FUEL SURCHARGE AND PROVIDE FOR REIMBURSEMENT OF TOLL ROAD FEES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Chapter 13-2 of the City code is amended to add a new section 13-2-371 to read:

§ 13-2-371 TAXICAB FUEL SURCHARGE.

(A) In this section, "price of gasoline" means the average cost of regular unleaded gasoline in the City of Austin as reported by the American Automobile Association or another source determined by the department.

(B) As provided by this section, a fuel cost recovery fee shall be added to the taximeter rates of fare set by the city council.

(C) The fuel cost recovery fee shall be determined by the department at quarterly intervals beginning November 8, 2005 and shall be based on the most recently reported price of gasoline.

(D) The following price range schedule for the price of gasoline shall be used to determine the fuel cost recovery fee:

	Low end price for each gallon	High end price for each gallon	Rollback price for each gallon	Applicable fuel cost recovery fee
Price range 1	$2.45	$3.20	$2.10	10 cents
Price range 2	$3.20	$3.95	$2.85	20 cents
Price range 3	$3.95	$4.70	$3.60	30 cents
Price range 4	$4.70	$5.45	$4.35	40 cents

Price range 5	$5.45	$6.20	$5.10	50 cents
Price range 6	$6.20	$6.95	$5.85	60 cents
Price range 7	$6.95	$7.70	$6.60	70 cents
Price range 8	$7.70	$8.45	$7.35	80 cents
Price range 9	$8.45	$9.20	$8.10	90 cents
Price range 10	$9.20	$9.95	$8.85	$1.00

(E) The fuel cost recovery fee shall be determined on the first business day of each quarterly interval using the most recently reported price of gasoline and the price ranges in Subsection (D). The fuel cost recovery fee for the quarterly interval shall be:

    (1) inapplicable during the quarterly interval if:

        (a) no fuel cost recovery fee applied during the previous quarterly interval and the price of gasoline is less than the low end price of Price Range 1; or

        (b) a fuel cost recovery fee applied during the previous quarterly interval and the price of gasoline is less than the rollback price of Price Range 1;

    (2) 10 cents for each paid mile if:

        (a) the price of gasoline is equal to or greater than the low end price of Price Range 1 but less than the high end price of Price Range 1; or

        (b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 10 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 1 but less than the high end price of Price Range 1;

    (3) 20 cents for each paid mile if:

        (a) the price of gasoline is equal to or greater than the low end price of Price Range 2 but less than the high end price of Price Range 2; or

        (b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 20 cents for each paid mile and the price of

gasoline is above the rollback price of Price Range 2 but less than the high end price of Price Range 2;

(4) 30 cents for each paid mile if:

    (a) the price of gasoline is equal to or greater than the low end price of Price Range 3 but less than the high end price of Price Range 3; or

    (b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 30 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 3 but less than the high end price of Price Range 3;

(5) 40 cents for each paid mile if:

    (a) the price of gasoline is equal to or greater than the low end price of Price Range 4 but less than the high end price of Price Range 4; or

    (b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 40 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 4 but less than the high end price of Price Range 4;

(6) 50 cents for each paid mile if:

    (a) the price of gasoline is equal to or greater than the low end price of Price Range 5 but less than the high end price of Price Range 5; or

    (b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 50 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 5 but less than the high end price of Price Range 5;

(7) 60 cents for each paid mile if:

    (a) the price of gasoline is equal to or greater than the low end price of Price Range 6 but less than the high end price of Price Range 6; or

    (b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 60 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 6 but less than the high end price of Price Range 6;

(8) 70 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 7 but less than the high end price of Price Range 7; or

(b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 70 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 7 but less than the high end price of Price Range 7;

(9) 80 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 8 but less than the high end price of Price Range 8; or

(b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 80 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 8 but less than the high end price of Price Range 8;

(10) 90 cents for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 9 but less than the high end price of Price Range 9; or

(b) the fuel cost recovery fee for the previous quarterly interval was equal to or greater than 90 cents for each paid mile and the price of gasoline is above the rollback price of Price Range 9 but less than the high end price of Price Range 9;

(11) $1.00 for each paid mile if:

(a) the price of gasoline is equal to or greater than the low end price of Price Range 10 but less than the high end price of Price Range 10; or

(b) the fuel cost recovery fee for the previous quarterly interval was $1.00 for each paid mile and the price of gasoline is above the rollback price of Price Range 10 but less than the high end price of Price Range 10.

(F) Not later than the third business day of each quarterly interval, the department shall provide written notice to each taxicab franchise holder of the fuel cost recovery fee, if any, that will apply in the quarterly interval.

(G) A franchise holder shall adjust the taximeter in each of its taxicabs to accurately reflect the fuel cost recovery fee, if any, for the current quarterly interval not later than the fifteenth day after notice from the department.

PART 2. Chapter 13-2 of the City Code is amended to add a new Section 13-2-372 to read:

§ 13-2-372 TOLL ROAD FEE.

(A) If a toll road is the most direct route to a passenger's destination the driver must give the passenger the option of using the toll road or a different route. If a passenger chooses a route that includes a toll road, the passenger shall be responsible for paying the toll road fees incurred by the driver. If a trip on a route including a toll road involves multiple passengers going to different destinations, each passenger shall equally share the toll road fees.

(B) The toll road fees must be posted in the taxicab in a manner approved by the department. Before entering a toll road, the driver must inform the passenger of the requirements of Subsection (A). The driver is responsible for paying the toll road fee if the driver fails to explain the requirements of Subsection (A) to the passenger and provide the passenger the option to choose between the tolled route and a route without a toll.

PART 3. This ordinance takes effect on November 7, 2005.

PASSED AND APPROVED

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_____October 27_____, 2005

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Will Wynn
Mayor

APPROVED: _____
David Allan Smith
City Attorney

ATTEST: _____
Shirley A. Brown
City Clerk