

ISSUES PAPER

Pertaining to TAXI REGULATION in Northern Ireland

Prepared for the
Combined Group of Belfast Taxi Proprietors Associations

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Pertaining to TAXI REGULATION Northern Ireland

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Introduction

This issues paper has been compiled on behalf of the Combined Group of Belfast Taxi Proprietors (the Proprietors), comprising the West Belfast Private Hire Taxi Proprietors Association, the North and West Belfast Taxi Proprietors Association, and the Belfast Private Hire Taxi Proprietors Association. This report sets out issues pertinent to the delivery and regulation of taxi services in Northern Ireland, and is intended to highlight issues highlighted in the current ongoing review being undertaken by the Department of the Environment for Northern Ireland (DOE) (the Department).

The paper accompanies a separate 'Heads of Agreement' document compiled on behalf of the Proprietors, and circulated in September 2004.

This report represents the views of the consultant.

Summary of Conclusions

1. Taxi Associations should commit, acting in good faith, to take all reasonable measures within their power to ensure taxi services operate legally, meeting appropriate individual Insurance and licensing requirements. The associations should not be held responsible in the event of the presentation of fraudulent documentation accepted in good faith, nor for activities outwith the control of depots.
2. It is appropriate for depots and associations to be licensed on the basis of common provision of minimum physical amenity, where such licenses are achieved in agreement with the taxi trade.
3. The associations believe that taxi services should continue to be operated under a 'dual-system' of public and private operators, where such a system is administered fairly and with view of equity to all operators.
4. Taxi fleets should allow for the accommodation and transport of those with ambulant disability, in line with section 5 of the Disability Discrimination Act 1993. Such measures should be applied consistently and as appropriate to the Northern Ireland taxi trade, on the basis of pro-rata provision, taking account of DfT and DPTAC recommendations¹.
5. The Northern Ireland Taxi trade should employ such measures as appropriate for the indication and fair application of taxi tariffs, set in agreement with the

¹ DPTAC Good Practice Guidelines

Department or similar public bodies. These are considered to include taximeter in city centre fleets, and laminated tariff sheet appropriate to the (differing) needs of peri-urban and rural fleets.

6. The trade is in agreement with the need to license and allow for identification of licensed drivers. This to include picture identity visible to passengers.
7. The associations believe that current taxi vehicle testing is appropriate to the operation of such vehicles, and should remain a function of the agencies of the department. The trade does not feel a change in testing regime appropriate. Notwithstanding this agreement, the associations are concerned with the apparent inefficiencies of management of the testing agencies. To wit:
 8. The associations call upon the Department to enforce maximum waiting times for confirmation and completion of tests, and the specific inclusion of taxi testing waiting time in the agency's Charter Standards, and their enforcement.
 9. In the event of vehicles not being tested within stipulated taxi testing waiting periods, as a result of backlog, strike or other incident affecting the ability of the Agency of the Department to achieve regular test waiting periods, temporary certification be issued to allow for vehicles in good order to be used on the road in pursuance of taxi business, until such time as testing is possible.
10. No vehicle should be offered in regular service upon reaching the age of 10 years following first registration.

11. New vehicles entering service as PSV taxis should be exempt from testing requirements until the first anniversary of first registration.
12. PSV testing and vehicle licensing requirements be transferable within their normal period of validity between correctly licensed drivers.
13. The associations are concerned about the apparent conflict of interest with the Department specific to legislation, regulation and enforcement; and call upon the department to establish an independent ombudsman specific to the regulation of taxi matters in Northern Ireland.
14. Enforcement of existing and emerging regulation of the taxi industry in Northern Ireland is the right and proper duty of a regulator or ombudsman.

Overview of Taxi Regulation in Northern Ireland

Taxi services in Belfast operate under a system of private hire (PHV) and Public Hire vehicles. Public hire is distinguished by the ability to ply for trade to pick up on demand. A separate Taxibus fleet exists in the North and West of the city.

The operation of differing types of taxis is often referred to as a 'dud system'. Such a system is common in other areas and formed a part of the recent OFT report² considering the wider operation of services in the UK. The current Northern Ireland review has within its remit a full cross section of operational and structural issues in the future provision of taxi services. In essence these relate to the structure of the industry, the types and numbers of vehicles licensed to operate, fares that may be charged, and standards applied to the vehicles themselves. Implicit also are issues of enforcement, market acceptance and the avoidance of abuse acting against the interest of the public.

In its current review, the DoE provides a comprehensive assessment of the situation as pertinent to provision of services in Northern Ireland. Taxi services are provided under a dud system of licensed taxicabs, available for hire on demand by hailing at the kerbside, and private hire vehicles (minicabs) operating on the basis of pre-booked journeys. In addition a significant number of collective taxis (taxibus) services operate in specified areas of Belfast. The department has approached the associations, as with other interested parties, to provide comment to a discussion document, as part of a process of consultation.

² OFT Report No 676, The regulation of licensed taxi and PHV services in the UK. November 2003

1.0 Requirement for and Extent of Regulation

The extent regulation of public and utility services appears to reflect the political and economic priorities of administrative authorities. Regulation, as opposed to its enforcement, is the setting of appropriate rules, by an appropriate body for the optimal provision of public services. The supply of public transport in the UK has remained consistent only for very short periods of time. The regulation and control of transport varies on the basis of political objective, economic performance, and societal pressure for improvements in the delivery of transport. The concept of lack of consistency remains true throughout the supply of all public transport modes, through most periods of history.

The visibility of taxis, and the consistency of a 'taxi' image has been a factor in their provision over a significant period, and sets expectation of service in the mind of the travelling public. The apparent consistency of taxi operations over time raises questions as to the desirability of significant change. To what extent the system in force matches the optimum level of services, and on what basis should benefits arising from change be measured. Use of the OFT criteria, set out in report 676, provide a framework for assessment of:

- Regulation of Quantity
- Regulation of Quality and Safety
- Regulation of Fare Tariffs

1.2 Licensing and Enforcement

Licensing and enforcement, as opposed to the definition of regulation, is the application of rules pertinent to the optimal running of taxis in Northern Ireland. Licensing, where regulation is seen to be fair and workable, tends to reinforce the acceptance of prevailing legislation. Licensed operators benefit from added perception of safety and legality, both commercial benefits, while public interest benefits can be ensured through appropriate enforcement measures. Conversely, inappropriate legislation, including the adoption of unachievable restrictions, can run contrary to the public interest, and result in the operation of grey and black markets in the provision of taxi/cab services.

It is necessary to the successful operation of current taxi services that new regulation is cognisant of the abilities of the market to supply. Moreover, it is a pre-requisite of developing a better service, that regulatory frameworks allow for market advancement.

Significant also to the success of regulation, is the ability of the licensing authority to enforce legislation as appropriate to the prevailing situation. Options include the concepts of self-regulation, whereby operators maintain appropriate levels of control, authority enforcement, in this issue DoE personnel involved in checking and upholding regulation; and essential service enforcement, in Great Britain this is usually through Police or Public Carriage Office enforcement.

1.3 Lack of Supply at Peak times

The supply of finite services across a wide-ranging profile of demand has been shown to result in a mismatch, whereby insufficient supply is made available at points of key demand. In the taxi industry this is visible in cities on Friday and Saturday evenings, and at other points of peak demand. The demand for taxi services peaks as revelry and partygoers seek to return home from weekend leisure activities.

Measurement of unmet demand is common in GB authority areas as required by legislation governing restriction on supply, where this is imposed, and can be measured by extent of waiting at rank³, or in delay in obtaining taxi services.

A number of solutions to the problem of peak demand have been tried. In the taxi industry most are aimed at increasing supply,⁴ as opposed to restriction of demand. These can relate to an absolute increase in the numbers of licensed taxis, or measures to increase the use of existing licensed taxis. Extra supply is available and currently provided in the private hire market, and easily transferable to critical points of excess demand.

³ No agreed methodology exists for determining extent of, or to define what constitutes, significant unmet demand. The OFT Report and Halcrow Group (Dundee Taxi Study) use waiting at rank, however differing criteria for acceptable waiting are adopted. See Cooper et al. 2003.

⁴ Parallels in the railway, where significant unmet demand also exists, have resulted in increases to commuter season ticket prices, pricing off the market.

2.0 Review of Critical Arguments

The provision of taxi/cab services in Northern Ireland, as in most western economies plays a vital role in the maintenance and delivery of economic activity. The taxi/cab provides a service across a wide range of social and economic groups, facilitating access and social inclusion to a wide range of users and groups of users. It is essential that any review take cognisance of the extent of the market served by the taxi, and the role of the mode of public transport in the continued development of the communities served. It would be considered normal for any such review to consider the appropriateness of the current structure, and investigate the impacts of developing the system in the interests of its current customers. It is also important that the review measures impacts on the wider community, the continued ability of the industry to function and develop, and the potential for growth of the use of taxis. Establishing an optimal solution is recognised as a particularly significant challenge to the review body, the licensing authorities, and the profession. A Pareto Optimising solution⁵ taking on board all of the interests in the communities, licensing body and profession is seen as paramount, and the objective outcome of this review by the DoE.

⁵ Pareto Optimisation is a method of achieving improvements to all identifiable market 'actors' users, industry and licensing authority, to the extent that improvement in services impacting positively in one domain does not impact negatively in another.

2.1 Structure and organisation of the industry

Key to maintaining and improving taxi services in Northern Ireland, is the ability of the trade to operate services appropriate to the needs of the travelling public, operating legally within a structure appropriate to the continued development of the industry. Licensing responsibilities, together with the ability to conform to legislated requirements work together in ensuring the delivery of such a structure.

The responsibility for ensuring compliance with governing legislation currently falls, correctly, on the owner and operator of a taxi vehicle. This responsibility includes the maintenance of a taxi vehicle in a roadworthy condition, correct PSV licensing and provision of legally required Motor Vehicle Insurance. In some instances, such as set out in Block Insurance policies, this responsibility can be shared with a company, depot or associations.

Responsibilities also lie with the Department and its Agencies in the timely and accurate delivery of licensing, administration and vehicle testing. In order to ensure legality, taxi operators depend upon the efficiencies and accuracy of administrative organisations. Failure to deliver adequate or accurate services, as for example through strike action or missing Charter Mark standards can place the operator in the unwitting position of operating illegally.

The relationship between an association and its members, or a depot working with independent owner operators varies by circumstance. Common areas of agreement exist in the delivery of standard facilities, bookings, and minimum physical services, applying to

the safety and comfort of passengers. Associations may also voluntarily enter agreements specific to the setting of standards including, for example, requirements specific to driver uniforms, and in the signage applied to vehicles. Associations also have a role in preliminary overview of driver credentials, presence of insurance certification and appropriate departmental licenses. It is in the interests of the associations as well as the drivers to ensure these are complete, and while acting in good faith an associations should ensure documents appear in order.

2.2 Association and Depot Licensing

In addition to the licensing requirements applied to drivers, arguments exist specific to the regulation and control of taxi premises, and facilities open to the public in gaining access to taxi transport.

Transport of passengers is a physically demanding operation reliant on the operation of vehicles and machinery in addition to what might be considered as hazards regularly experienced in daily activity. It is appropriate, therefore, that the premises and facilities used in the supply of taxi transport be maintained safely with a view to common provision of minimum levels of physical amenity.

A number of options exist in control of taxi premises available for public access.

Controls contained within the meanings of Health and Safety legislation, together with emerging requirements for Disability Access under section 3 (and Section 5 specific to

vehicles themselves) of the Disability Discrimination Act provide a framework for safe and accessible operation. Certification of taxi depots on a voluntary or legislated basis would act to ensure compliance with appropriate access and minimum facility provision, and provide an indication to the public of appropriate actions being assured.

Voluntary schemes are likely to prove successful in the regulation and control of legitimate taxi operations.

A required scheme operated under additional legislation would act to re-enforce requirements likely to be met under a voluntary scheme. In addition, appropriate enforcement would allow for rogue operators, sometimes called 'Pirate Taxis', to be pursued, thus improving the overall level of service offered, and achieving a better taxi image in the view of the public.

2.3 Dual and Single Tier operations

Supply of taxis in Northern Ireland currently follows a dual system of Public and Private Hire vehicles. In addition, some services are operated on the basis of taxibus provision. Operation of taxibus services in some areas of the city fall outside a traditional structure of taxi operations, yet continue to provide a significant service in the areas of operation. Legislation set out under the 1985 Transport Act, and its regional derivatives allows for the accommodation of such services as multiple occupancy operations.

Key to the operation of a dual system is the question as to whether it achieves best service delivery to the public. A variety of documented studies have investigated the operation of the dual and single systems (Cooper, 2002, 2003 and 2004) (OFT 2003) (Leisy 2000) (Yang 2002) and include methodologies for the assessment of passenger benefits.

Dual systems are synonymous with an active urban market for Hail and Ride, with specialist or localised demand being met by a Private Hire market. This does not preclude a successful urban market for Private Hire Services operating from identifiable depots.

In the instance of supply in Northern Ireland, and specific to Belfast, a distinct and identifiable need exists for city centre services, served best through a hail and ride sector, while the unique community structures in peripheral and peri-urban locations is ideally suited to the private hire market; where a single tier system would concentrate supply in central locations, depriving many communities of the levels of service currently enjoyed. Documented examples (Leisy 2000) (Schaller XXX) of a move away from dual systems suggest that driver preference to congregate at locations of known demand (stations, central shopping areas etc.) reduce the supply from peripheral and suburban locations.

2.4 Disability Access

The ability to obtain access is seen as a fundamental Human Right. Taxis, as with other forms of public passenger transport should facilitate, to the extent reasonably possible, the movement of passengers regardless of disability. Section 5 of the Disability

Discrimination Act, sets out considered requirements for such provision within the taxi trade.

The method by which taxi services are made available to differing disabilities forms the basis of advice set out by the Disabled Persons Transport Advisory Committee (DPTAC).

Vehicle types, proportionate to need, should be made available to the travelling public, including wheelchair accessible vehicles of the type set out in the Department for Transport's guidance.

Changes in a fleet are costly, and inappropriately applied, legislation intended to benefit the public may result in a loss of service levels. However, accommodation for an extended period of fleet enhancement is anticipated within the regulations applied in Great Britain, which on a pro-rata basis would enhance the supply of services in Northern Ireland.

2.5 Tariff and Economic Regulation

Economic regulation applied to taxis normally refers to the structure and control of charges paid by the passenger. In larger metropolitan areas Tariffs are usually set and/or agreed by licensing authorities and operators, and will typically break down into distance and time elements. Many licensing authority areas regulate tariffs, particularly in the public hire fleet, to ensure consistency and fairness. In Great Britain licensing authorities requiring adherence to tariffs generally rely on meters, calibrated at the point of vehicle inspection, or on change in tariffs. Meters are generally accepted as representing authoritative and licensed charges, although this is not always the case.

The private hire industry will often operate a tariff on the basis of mileage done, and have a lower tendency to use meters. Although this does not necessarily imply any form of deviation from agreed tariff rates or over charging.

The development of a metric allowing for transparent and accountable tariffs, fares charged to passengers, is seen as being consistent with the aims of and in the best interest of the trade. This would not need full application of meters in all vehicles, particularly peri-urban fleets, given expense and difficulties in supply a short-term move to meters is not seen as appropriate. However, application and consistency in approach in charging and responsibility for charges is felt highly desirable.

2.6 Driver Licensing

Individual passenger safety is a key concern to the associations and taxi operator. Taxi drivers, as with other commercial transport provision needs to be perceived as safe. Unfortunately small numbers of incidents can bring a large industry into disrepute. Minimum standards of safety and competence are therefore required, together with a sufficient procedural framework to ensure maintenance and confidence in the system. In this respect a number of options are possible:

- Driver Testing, a cross the board minimum standard of driving competence, applies to all vehicles not specific to taxis
- Driver Licensing, a separate license appropriate to display to confirm identity and competence to the travelling public

- Driver Knowledge, a specific test in the layout, geography and peculiarities of an area. Most known in relation to London Taxi Drivers Knowledge Tests

The issue of driver identification is sometimes contentious as it may lead to a fear of malicious complaint or inappropriate commentary. The benefits of identifiable vehicle and operators are, however, significant in an association or company identifying and addressing incorrect behaviour. It is desirable to allow for a suitable method of addressing complaints identifiable by vehicle number (Company car no. etc.) and a set and identifiable procedure for making complaint. It is essential that the complaints procedure is felt to be even handed and not open to inappropriate application.

2.7 Vehicle Testing

The delivery of safe vehicles in pursuit of taxi trade is seen as an essential pre-requisite to appropriate operation. There are no arguments appropriate that counter the requirement for safe vehicles. Common acceptance of vehicle licensing across all transport industries should apply to the taxi industry in Northern Ireland.

Current legislation covers the minimum safety standards appropriate to the operation of vehicles in public service, and it is suggested that no further amendment be made to the underlying safety standards in place.

Enforcement of vehicle safety standards is the proper task of the appropriate authority, specific to which an existing framework of testing stations and enforcement activities

exist. Associations may also wish to be involved in developing additional quality and voluntary standards of appearance appropriate to their own fleet. There should be no overlap between legislative enforcement by appropriate agency, and voluntary additional standards set by associations or companies.

An additional concern remains the length of time taken by the department in the processing of official documents, including applications for renewal and testing. The associations have experience of applications exceeding 16 weeks and by doing so questioning the department's ability to maintain its own charter mark standards.

3.0 Conclusions

The DoE Review provides a comprehensive and timely review of the issues surrounding taxi provision in Northern Ireland, and contains many significant findings specific to the improvement of services in the taxi and wider public transport markets in the region.

Structure and organisation of the industry

The associations would wish any emergent structure to be applied within the context of equity to operator, and best value to its customers. The dual system approach has broadly functioned in the interest of passengers and industry in Belfast to date. Other inherent inequities relate to access public hire vehicles to bus lanes, while private hire vehicles are not entitled to use the same facilities. The taxi industry is recognised, Transport Act 2000, Transport Act 1985, and in regional derivatives, as an essential element in the provision of public transport.

The associations would wish to support review activities that allow for a continued expansion in the operation and development of taxi services in Belfast, and in the public interest. It would not be seen to be appropriate for review and reform to result in deterioration of services to the public, either through loss of service standards, or in out migration of employment to other trades. The associations would wish any review and reform to be appropriate to Pareto Optimisation criteria.

The appointment of a regulator and / or ombudsman is seen as being in the interest of both operator and public and is supported by the associations.

Economic Regulation

The associations recognise the requirement for economic control in taxi markets where market mechanisms fail to deliver an appropriate equilibrium in the interests of the passenger. To this end, the associations support equitable regulation of maximum fare levels, as appropriate and affordable to both public and operator.

Meters used in the measurement of fare levels by time and distance are common in many urban areas, however, the requirement for fitting meters in a private hire fleet is a significant expense that will affect the economics of operation to small companies and individual operators. Such application must be consistent with the differing needs of local communities and the operator.

The associations recognise the need to address access to all members of the community, and would wish to promote disability access as a normal part of its operations. We are aware of activities elsewhere in the assessment of appropriate vehicle operations, and

would feel it appropriate to address numbers of and type of vehicles appropriate to disability access in light of findings from the DfT.

Driver Licensing

The associations support appropriate driver licensing. This includes the requirement for competencies to be tested, typically through current driver licensing frameworks. The associations do not feel the inclusion of knowledge tests to be an appropriate element of driver licensing.

Vehicle Licensing

The associations support the requirement for vehicle licensing, within the current framework of testing, and the adoption of appropriate plating as set out in the Department's document introducing taxi-plating requirements⁶.

Vehicles should not be offered in regular service where older than 10 years from first registration.

Taxi Regulator and Ombudsman

The associations are in agreement with the concepts of regulation and control, insofar as it acts in the interests of the public and long-term development of the taxi industry in Northern Ireland. Moreover, the associations believe there are significant benefits in the development of appropriate structures in the regulation of the industry.

⁶ DoE 2002, Proposals for the introduction of a plating system for licensed taxis, July 2002

The associations would wish to forward the development of an independent operating regulator with regulatory and ombudsman responsibilities. The associations would anticipate such a role including responsibilities as follows:

- Oversight and Inspection of appropriate Licenses held by operators (on a compulsory basis)
- Oversight and recommendation to the department of appropriate action where licenses not current.
- Oversight, development of best practice, and occasional inspection of depot facilities
- Reception and action upon customer complaints not satisfactorily dealt with by operator or associations, these to include:
 - Adherence to tariff levels
 - Quality of service
 - Customer Refusal

The associations feel that separation of legislative and enforcement issues is appropriate in the best interest of the passenger and industry.

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