

A Holistic, Forward-looking, Cautious & Financially Responsible Approach to Late-Night Transit

Need to Really Understand “the Market”	1
Understanding the Impact of New Technologies	2
Understanding the Impact of Existing Unsolved Problems in City services.....	2
Understanding Alcohol-related Issues, Liabilities & Civic Responsibilities	3
The Vehicle-for-Hire Industry Importance.....	4
Hybrid-Oriented-Solutions.....	6
Late-Night Transit Adoption Starting Points	7
Appendix A – Liability Issues	8
Appendix B – Cabs More like Buses	9
Appendix C – Secure Taxi Stands	11

Need to Really Understand “the Market”

- Not understanding the market can easily lead to under-utilization of services
- Hospitality industry a key component
 - Whyte Ave alone is licensed for approximately 10,000 seats
 - Most of these trips involve groups traveling together, and often “crashing” at one residence at the end of the evening
 - **Question:** Can we facilitate groups traveling together (elaborated below)
 - Alcohol-related issues (elaborated below)
- Anecdotal evidence suggests that Smartphone adoption is very high
 - **Question:** Should we investigate what opportunities this presents (elaborated below)?
- **Research Questions:** Should we...
 - ... act more like a business trying to understand “the Customer”?
 - ... engage Stats Canada or similar organization to “mine data” & create a single map that combine many factors into one picture of potential demand?
 - Age, income, marital status, rental/owner occupied, other factors etc ...
 - Can be done by overlaying the known demand data (e.g. Night Ride final destination survey) with detailed demographic data to develop correlations of factors.

- ... utilize Municipal Census data-gathering opportunities to backfill data not available from Stats Canada
- ... conduct future industry focused surveys (similar to what Night Ride has done)

Understanding the Impact of New Technologies

- Smartphone adoption is very high with 18-25 age segment
 - **Questions:** Should we ...
 - ... make it easier for cabs to find patrons?
 - ... make it easier for patrons to find cabs?
 - ... particularly at transfer points (assuming multiple transfer points on a route)?
 - ... facilitate new transit services that make buses act more like cabs? (elaborated below in Hybrid Oriented Solutions)
 - Increased closed-circuit monitoring appears to increase public safety, but ...
 - Once we are “notified” of a public safety issue we are responsible to deal with it in a diligent fashion, or we are partially liable. See Appendix A – Liability Issues for details.
 - **Question:** Should we budget for legal costs related to late-night transit?
 - It appears that when it comes to severely intoxicated patrons the value of monitoring is more in Court evidence than being able to avert a situation
 - Digitization of video & audio presents new opportunities.
 - **Question:** Should we facilitate EPS to “patch into” the closed-circuit systems, driver, and public address systems?
- Technological advancements often create structural changes in an industry (e.g. iTunes impact to the music distribution system, eliminating the middle-man)
 - **Question:** Are there technologically influenced structural changes coming that require civic statutory intervention (e.g. Vehicles for Hire Commission)?

Understanding the Impact of Existing Unsolved Problems in City services

- The City currently does not have a “Drunk-Tank” facility; this increases the work-load on ETS security/EPS
 - **Question:** should the City engage in Late-Night transit service before a drunk-tank facility comes online?
- Fare collection & driver safety contradiction:
 - Increasing driver safety concerns and counter-measures contradict the ability of the driver to enforce fare collection.
 - **Question:** Will this increase the number of transients and petty-criminals in our neighbourhoods?
 - **Question:** Are we prepared to provision the security-related infrastructure around late-night transit?
- Public order & driver safety contradiction:
 - Increasing driver safety concerns and counter-measures contradict the ability of the driver to enforce order on the vehicle.

- **Question:** Will this increase the number of assaults and other disorder?
- **Question:** Will this contradiction require additional enforcement staff?
- LRT efficiency & fare collection contradiction:
 - LRT is more efficient in moving large numbers of people to transport hubs after closing time.
 - LRT is less effective in fare-collection; there are no turnstiles, no checks on entry.
 - **Question:** Will this increase the number of transients and petty-criminals in our neighbourhoods?
 - **Question:** Will this contradiction require additional enforcement staff or other measures (e.g. turnstiles)?

Understanding Alcohol-related Issues, Liabilities & Civic Responsibilities

- “People consistently underestimate the extent to which alcohol impairs their brain’s “executive” functioning (i.e., diminished ability to assess risks and consequences, see other’s perspective, control impulses, and defuse a hostile situation) despite being aware of how alcohol affects others. An environmental factor.... is the rate of unintended low-level physical contact between patrons.”¹
 - **Question:** Is our proposed service reducing or increasing the rate of unintended low-level physical contact between intoxicated patrons?
- “Aggressive male behaviour is amplified by the presence of male security staff”.²
 - **Question:** should our proposed service utilize lower-cost security staff or Peace/Police officers with enforcement powers?
- “Refusal of entry/line-ups often causes problems when excluded patrons react aggressively, especially if they have waited in line for a long time, if the refusal is done disrespectfully, or if patrons feel they are being treated unfairly.”³
 - **Question:** for bus feeder/taxi service, what do you do with the patrons that don’t pass the “fitness to ride” standard for taxis at the remote taxi stand?
- “Common locations of violent incidents include the area adjacent to licensed premises, taxi ranks, parking lots, bus stations, food outlets, sporting venues and main pedestrian thoroughfares.”⁴
 - **Question:** what are the “hot spots” in our proposed service that require additional enforcement staff?
- Once a patron has been assaulted by another patron while in ETS jurisdiction, and the situation was monitored or detected otherwise, ETS becomes liable if the assault is continued without intervention, but possibly not for the first assault. See Appendix A – Liability Issues for details.

¹ REPORT OF THE Downtown Late Night Task Force City of Victoria November 16, 2009, Aggression and Violence, Alcohol pg 14, Environment pg 14

² REPORT OF THE Downtown Late Night Task Force City of Victoria November 16, 2009, Aggression and Violence, Patrons pg 14

³ REPORT OF THE Downtown Late Night Task Force City of Victoria November 16, 2009, Aggression and Violence, Role of Staff pg 14

⁴ REPORT OF THE Downtown Late Night Task Force City of Victoria November 16, 2009, Aggression and Violence, Outside the licensed establishment pg 15

- **Question:** Should we budget for legal costs related to late-night transit?
- **Question:** Are we prepared to provision the security-related infrastructure around late-night transit?
- Over-serving of alcohol seems to be a common problem
 - **Questions:**
 - Should we engage in cost-sharing with the Province to increase enforcement?
 - Have we reached the point of last resort where we should proceed to seek a remedy from the Court? (e.g. mandatory injunction to a higher rate of inspection and more severe penalties⁵)
- If we create a large scale, hospitality industry focused service (e.g. Night Ride on steroids); there are some moral issues in facilitating/subsidizing alcohol-based activities & businesses.
 - **Question:** is there voter appetite for such a service? Moral issues tend to be divisive. Is this the kind of issue that should go to plebiscite?
- In case-law, if we create new congregation points for late-night patrons, avoiding new nuisances generally overrides transport-efficiency considerations.
 - from "Injunctions and specific performance", Sharpe, Robert J.:
 - On Injunctions to Protect Property, (1) Traditional rule 4.60 (pg 4-3): In nuisance cases, once the plaintiff has made out a substantial right, the ordinary remedy is an injunction. (6) Conclusion. 4.350 (pg 4-17) The English approach, and that taken by most Canadian courts, is to deny any power to allow efficiency or general welfare to govern in adjudication.
 - **Questions:**
 - Do proposed new congregation points for late-night patrons have the potential to create nuisances?
 - How can we mitigate these and at what cost?

The Vehicle-for-Hire Industry Importance

- Just as (if not more) important as ETS for this market:
 - Taxis: Organic – adaptive – customer-driven service
 - ETS: Fixed – slow to adapt – subsidized, bureaucracy-driven service
- Traditionally not treated with the same level of respect and attention as “public transit”
- Need to ensure a living wage for drivers and reasonable profits for brokers
 - **Questions:** Should we ...
 - ... put more focus on what drivers are permitted to be charged for cars/services by brokers/cab companies?
 - ... engage Stats Canada to determine driver income on a recurring basis and adjust fares/broker rates as needed.
 - ... examine the financial records of brokers?
- Current fare structure does not compensate for costly (to cab industry) late-night “dead-heading” (passenger-less) trips

⁵ Sharpe’s “Injunctions and Specific Performance”. Chapter 3 Injunctions to Enforce Public Rights

- **Question:** Should we ...
 - ... fix this in the fare structure? Flat-rate premiums for late-night transit don't make sense for many situations.
 - ... consider facilitating an auction market for distant trips enabled by Smartphone technology? Trips would be prepaid.
 - ... facilitate passenger vans that offer sector/group fares? See Appendix B – Cabs More like Buses.
- Current By-Laws do not promote cab (nor private-car use) of transit center transit zones during late-night periods
 - **Question:** Should we fix Bylaw 5590 Traffic Bylaw, Bus Zone, 35?⁶
- Addressable “fitness to ride” risks to late-night drivers:
 - High level of intoxication (e.g. near passing-out stage).
 - high level of aggression, tendency to violence
 - ability to pay
 - likelihood for vomit in the cab
 - **Questions:**
 - Should we provide screening services at Secure Taxi Stands (called Secure Taxi Ranks in many parts of the Commonwealth)? See Appendix C – Secure Taxi Stands for “Best Practices”.
 - Would this increase ...
 - ... the safety of drivers?
 - ... public safety and order in the queues for cabs?
 - ... the number of drivers willing to drive during this potentially lucrative time period?
 - Should these Secure Taxi Stands be funded by the Hospitality Industry or tax revenue or a combination of the two? (e.g. in New York City the business associations fund them)
- Vehicle for Hire Commission mandate and processes may require an overhaul to deal with current and future issues.
 - **Questions:** Should we consider engaging industry-experts to ...
 - ... conduct a study and provide recommendations to ensure that “the tail is not wagging the dog”?
 - ... prepare for changes coming through the use of smart phones?
 - ... ensure drivers can earn a living wage?

⁶ Additional note: the word “highway(s)” should be replaced by “roadway(s)” to be consistent with actual usage and the Alberta Traffic Safety Act. Transit zones in transit centers are off limits to the public, and hence are not on “highways” but on “roadways”.

Hybrid-Oriented-Solutions

- Simply extending regular bus service to 24 hours will result in some very under-utilized segments and time-periods, and some under-served needs (e.g. Hospitality Industry)
- Hybrid solutions mitigate this problem
- Hybrid oriented-solutions:
 - Making cabs more like buses; cabs serve specific districts and have group discounts (see Appendix B – Cabs More like Buses for a successful example)
 - Making buses more like cabs:
 - riders can request stops almost anywhere along the route (e.g. Night Ride)
 - envision new Smartphone-facilitated public transit services, one example:
 - buses are assigned to areas rather than routes
 - patrons enter destination information via their smart phones
 - fares based on distance
 - patrons pay by Smartphone
 - patrons are issued a virtual ticket on their Smartphone they can show the operator
 - back-end information systems route the bus
 - route information is made available to both the operator and the riders on their smart phones
 - back-end information systems reward multiple passenger-drops at one location with electronic refunds
 - Combining bus feeders & cars (cabs or private cars) for the “last leg” (e.g. Night Ride initiative)
 - Allowing new specialized services :
 - A number of US cities have introduced enhanced “taxi” services. In Detroit, several late night transportation services have been started by young entrepreneurs and students. They emphasize a good service and fun. They use 14 passenger vans, operate from 8 or 9 p.m. until 2:30 a.m. – 4 a.m., and charge a nominal fee.
 - In Mount Pleasant, Michigan (population 26,000) university students started several taxi companies in response to the lack of late night transportation. They also focus on service and a fun experience. Cabs hold up to 14 passengers and cost \$3 a ride and run until 4 a.m. on weekends.
- Night Ride, first attempt
 - Great intentions: 50% of buses should be filled with patrons that will take a cab or private car (e.g. parent-ride) at the transport-hub location(s)
 - Limited Scale
 - May be underfunded (apparently the security cost component is approximately 50%)
 - Community Concerns:

- May congregate patrons very near “quiet” single-family housing neighbourhood(s) – e.g. Kiss & Ride on the Malmo Side of 111 St.
- Requires on-going monitoring to determine community spill-over effects from intoxicated patrons
- City may reduce safeguards over time to save money

Late-Night Transit Adoption Starting Points

- Take a holistic approach, this is more than simply a transportation problem
- Evolutionary rather than “big bang” approach. Set a budget and determine best use of those funds.
- Hybrid approaches may be considered “low-hanging fruit”, less-expensive and well-utilized
- Target high-utilization opportunities, do the research first
- Target opportunities that offer the most support to increased public safety
- Target opportunities that offer the most support to economically-disadvantaged customers
- Embrace and leverage Smartphone opportunities
- Budget for indirect costs (additional enforcement & legal liability)
- Mind the details (e.g. questions posed above), especially around alcohol-related issues
- The “drunk-tank” facility may be a pre-requisite to starting large-scale late-night transit given some of the social problems we have in the City
- Fix taxi fare problems that are disincentives to late-night transportation
- Create a proper, heated, permanent Secure Taxi Stand with effective “fitness to ride” screening just off Whyte Ave funded largely by the night-time businesses (or associated tax revenue). See Appendix C – Secure Taxi Stands.
- Individual Transportation Plans (including Taxi service) are mandated for entertainment districts and large sporting events venues. (As in Brisbane, Australia)

Appendix A – Liability Issues

Subject Title: Transportation

Classification Number: **I.5.a.v** [Find all digests under this classification]

Digest Number: TSP 116.1049

Carriers — Liability for injury — Injury to passengers — Liability for injury by other passengers

Drunken passenger permitted to board train — Committing assault — Liability of carrier.

Where a carrier allows a passenger, who is obviously drunk, to come on board his vehicle or vessel, it becomes a duty of the carrier to prevent any inconvenient or injurious consequences to other passengers arising from his condition. The extent of this duty, and what will amount to reasonable care in any given case, depends upon the circumstances.

Booth v. Canadian Pacific Railway (1938), [1938] 1 W.W.R. 753, 52 B.C.R. 538, 1938 CarswellBC 19 (S.C.) [British Columbia]

Subject Title: Transportation

Classification Number: **I.5.a.v** [Find all digests under this classification]

Digest Number: TSP 116.1054

Carriers — Liability for injury — Injury to passengers — Liability for injury by other passengers

Assault by intoxicated passenger — Failure of conductor to take proper precautions — Knowledge of threatened injury — Liability of carrier.

Plaintiff, a passenger on one of defendant company's trains, was assaulted by a drunken passenger, and plaintiff thereupon informed the conductor and requested him to get a constable or to eject the drunken passenger at the next station. The conductor failed to do; and plaintiff was again assaulted by the passenger, and sustained serious injuries. Held: The company was liable for damages arising from the assault made after the conductor was informed of the state of affairs, but not for damages arising from the first assault, since neither plaintiff nor the conductor could have anticipated that attack.

Blain v. Canadian Pacific Railway (1903), 1903 CarswellOnt 811, 34 S.C.R. 74, 3 C.R.C. 143 (S.C.); reversing (1903), 5 O.L.R. 334, 2 C.R.C. 85, 2 O.W.R. 76, 1903 CarswellOnt 51 (Ont. C.A.); affirming (1902), 2 C.R.C. 69 (Ont. H.C.); leave to appeal refused (1904), [1904] A.C. 453 (Ontario P.C.) [Ontario]

Appendix B – Cabs More like Buses

Excerpt below is from Brisbane's <http://www.tmr.qld.gov.au/Travel-and-transport/Taxis/Safety-initiatives/Nightlink-flatfare.aspx>

The NightLink FlatFare taxi service is a new way to get people home from Brisbane's Central Business District and Fortitude Valley precincts late on Friday and Saturday nights. This innovative, personalised taxi service has been developed by the Department of Transport and Main Roads in partnership with Black and White Cabs, Yellow Cabs and the Taxi Council of Queensland. NightLink FlatFare is part of the Queensland Government's Brisbane City Safety Action Plan designed to get people home quickly and safely.

The service operates on Friday and Saturday nights (Saturday and Sunday mornings) from:

- George Street (at top of Treasury taxi rank)
- Eagle Street (at top of taxi rank outside Friday's)
- Warner Street in Fortitude Valley (approaching Wickham Street).

Note: the times of operation might vary slightly according to passenger demand.

The NightLink FlatFare taxi service uses modified TransLink zones as there are a number of operating differences between taxis and buses/train. TransLink zones 1 to 6 have been adjusted for NightLink FlatFare taxis to identify the 'inner' parts of these zones. The inner parts of a zone are cheaper to travel to on a metered fare but attract a lower FlatFare than the outer part of the zone. For further information see [Nightlink \(PDF, 43 KB\)](#).

Passengers can pay a flat fare rate to share the ride home with other people going in the same direction. FlatFare taxi services are 'share ride' and not a personalised taxi service.

FlatFare services offer:

- Single fare – a per person fare
- Couples fare – per two people
- Group fare – for groups of five or more people travelling to the same location.

Single passengers and couples using the service will be required to wait until the taxi rank marshal forms a suitable group going in the same general direction to share the taxi.

The fare is paid directly to the driver at the beginning of the journey. To facilitate quick movement from the taxi ranks passengers are required to pay cash. Credit cards are not accepted.

FlatFare rates are as follows:

Zone	Single fare (per drop-off)	Double fare (per drop-off)	Group fare - five or more (per drop-off)
1A	A\$6	A\$9	A\$22
1	A\$9	A\$12	A\$26
2A	A\$14	A\$20	A\$35
... etc ...	A\$17	A\$22	A\$39

The fare is paid directly to the NightLink FlatFare driver at the beginning of the journey.

NightLink services cannot be pre-booked

The NightLink FlatFare taxi service is ideal for patrons who are happy to share a taxi with other people travelling in the same general direction. Just go to the NightLink FlatFare rank and report to the taxi rank marshal who will arrange your trip. The taxi's route is determined by the location of passenger drop-off points with the driver deviating from major roads only to drop passengers at their door.

The NightLink taxi fare is more than an equivalent [NightLink](#) bus or train ticket but less than a standard taxi fare home.

For NightLink train and bus timetables call TransLink on 13 12 30° or visit [NightLink](#).

Appendix C – Secure Taxi Stands

The “best practices” below were gleaned by listening to this “Taxi Service Strategies” webinar sponsored by the “Responsible Hospitality Institute” (<http://rhiwebinar.org/webinar/2010/transport.html>). Subject-matter experts from Brisbane, New York and Calgary provided their successful strategies. Brisbane appeared to be the most advanced in terms of their practices, services and successes.

Issue	Best Practice & Source
<p>Funding Sources – the cost of funding a Secure Taxi Stand is approximately \$50,000 to \$60,000 per Secure Taxi Stand plus overhead. Brisbane spends close to \$800,000 per year total on approximately 10 Secure Taxi Stands. (The Aussie dollar is close in value to the Canadian dollar).</p>	<p>A mix of public and private funding. New York pays for the additional costs exclusively through levies collected by the entertainment districts associations (aka Business Improvement District). In Brisbane there are funding sources from public safety agencies, as this is very much a public safety issue (getting people home quickly, orderly, and safely). Getting home quickly reduces the chances that 1) a patron will be frustrated by a lack of order or timeliness, 2) frustration and/or drinking-related crime and 3) that a patron will be a victim of a crime.</p> <p>Brisbane noted that Secure Taxi Stands are a 2nd choice substitute to the more costly alternative of more police on the entertainment district night beat.</p>
<p>Staffing & Roles</p>	<p>Brisbane: The Taxi Stand Supervisor is a taxi driver that has at least 4 years experience. He is primarily responsible for screening “fitness to ride”, opening doors, and providing payment information. At least one security-guard is required, sometimes several. Their primary job is to protect the Taxi Stand Supervisor (with muscle and 2 way radios to police dispatch), and secondly for crowd control. Calgary: Taxi Inspectors are also Peace Officers able to detain misbehaving patrons.</p>
<p>Orderly Queuing</p>	<p>Brisbane has physical barriers that maintain order and reduce queue jumping manned by security personnel (one or more per stand). Security personnel have quick convenient access to police services via 2-way radio.</p>
<p>Crime Prevention Through Environmental Design Considerations</p>	<p>Brisbane: Area is well lit and monitored by CCTV (to provide court evidence of misbehavior). On-hand security provides security, <u>not</u> CCTV.</p>
<p>Assurance of Payment / Insufficient Cabs</p>	<p>Brisbane Secure Taxi Stand Supervisors provide payment options and assess ability of patrons to pay before they allow them in the cab. Shared rides always require pre-payment (but offer fixed rates based on destination zones and degree of sharing destinations).</p>

<p>“Fitness to Ride” / Insufficient Cabs</p>	<p>Brisbane: Secure Taxi Stand Supervisors assess patrons to determine if they are “fit to ride”. Those a little green around the gills, or aggressive/angry are asked to sit out or stand-by for 20 minutes or so for observation and assessment. Politeness to these patrons is critical.</p> <p>If they are eventually deemed fit to ride by the supervisor, they go to the head of the queue, not the back (<u>very important</u>).</p> <p>If they are not deemed fit to ride, the police are called to deal with them.</p> <p>“Fitness to Ride” also includes assessing “Fitness to Pay”, if there is some doubt in that area.</p>
<p>Shared Rides / Hybrid Bus/Taxi Service / Insufficient Cabs</p>	<p>Brisbane: Since people often go out in groups to party and bar-hop, it makes sense to offer a hybrid between a bus and a taxi service that allows transportation for small groups. This has been enormously successful. These are dispatched from Secure Taxi Stands.</p> <p>See Appendix B – Cabs More like Buses</p>
<p>Branding “Secure Taxi Stands” / Communications</p>	<p>Brisbane: Media packages for patrons. Information packages for cabbies outlining new protocols and to convince them to return to providing late-night service.</p>
<p>Traffic Congestion for Cabs</p>	<p>Brisbane: One lane for 1-3 city blocks are blocked off (expanded as needed) for the screening/loading area and staging area of the cabs/vans.</p>