

Metropolitan Taxicab Commission

Friday, January 19th, 2006 @ 1:00 pm
100 North Tucker Boulevard

Members present: Chairman Hamilton, Commissioners Bennett, McNutt, Reeves, Rudawsky, Satz, Shiferaw, and Harris

Members absent: *(Note: One seat on the Commission is currently vacant)

MTC staff: Barker, Deering, Hammond, Hinton, Lampkin, Scherer, and Tully.

Legal Department: Counselor McCarthy

Media: Elisa Crouch, St. Louis Post Dispatch; Cameraman, KSDK Ch. 5

The meeting was called to order at 1:08 PM by Chairman Hamilton.

MINUTES

Approval was requested for the minutes of the December 19, 2005 Metropolitan Taxicab Commission meeting. A motion was made to approve the minutes by Mr. Reeves, seconded by Mr. Satz. The motion passed unanimously.

The Commissioners scheduled the next Commission meeting for Friday, February 24, 2006 at 1:00 PM at 100 North Tucker Boulevard in the Auditorium.

OLD BUSINESS

Counselor McCarthy presented the proposed additions to the Vehicle for Hire Code. (See Appendix A) He concurrently presented the proposed ruled promulgated.(See Appendix B) Chairman Hamilton called for any discussion regarding the proposed code and rules. Hearing none, he requested a motion to adopt the proposed code and rules. Mr. Bennett motioned to adopt the changes, seconded by Mr. Satz. The motion passed unanimously.

NEW BUSINESS:

Chairman Hamilton yielded the floor to Mr. Shiferaw. Mr. Shiferaw presented the concept of a medallion system. He advocated the concept of associating value to the medallions. Chairman Hamilton suggested the formation of a sub-committee to research medallions. Chairman Hamilton asked Mr. Shiferaw to chair the sub committee. Mr. Harris and Mr. Bennett were asked to sit on the sub-committee.

Mr. Bennett was excused by Chairman Hamilton at 1:20pm.

TREASURER'S REPORT

Mr. Reeves presented the financial position of the Commission. He reviewed the Profit and Loss report and the Balance Sheet as of December 31, 2004. He compared them to documents of the previous year-end of 12/31/04.

The income report indicates a loss for the year of \$28,860. Adjusting for depreciation, the actual cash loss was about \$15,600. Despite the loss, the Commission maintains a strong cash position of \$223,000. He reiterated that current year to date numbers and last year numbers were not comparable.

Mr. Reeves advised the Commission the finalization of the 2006 budget was in the works and it would be presented at the next meeting for approval. Additionally, preparations for the annual audit were underway for the presentation of the annual report to the County Executive and the Mayor.

Mr. Reeves motioned to continue operations on the present basis and equal to last year until a formal budget can be approved. Mr. McNutt seconded the motion. The motion unanimously passed.

DIRECTOR'S REPORT

The Director reported the monthly statistics. 41 new drivers were licensed since December 19th. 411 driver's licenses were renewed and \$860 was collected in late fees. For December, the airport access fees totaled approximately \$20,000. The next bill date is 1/21/06. Last month, 1 airport taxi, 8 on-call taxis, 6 courtesy shuttles, and 11 premium sedans were inspected. Between 12/15 and 1/18, 31 citations were issued by airport starters and 29 by MTC agents. 13 vehicles were red-tagged and citations were issued for each red-tag.

At the January 5th administrative hearing, 27 cases were on the docket. Ten plead not-guilty, two plead guilty, two dismissals, and 13 failures to appear. The failures to appear were treated as administrative revocations.

Four appeals are to be heard by Special Commissioner Cundiff on January 20th.

The Director reported on enforcement actions for the past month. Agents worked directed patrols at the 12/21 Mizzou-Illinois basketball game. On 12/22, Agents were deployed to Washington University to oversee the cabs and premium sedans transporting the students off campus for the holidays. Agents worked with the University Police. No illegals were found and no citations were issued. On 12/23, directed patrols were concentrated at the airport, train stations (downtown and Kirkwood), and the bus station. No illegals were observed and several routine inspections were conducted. On 12/26, two secret shoppers were in the field monitoring cabs, taking rides, and calling for service at various shopping centers.

On New Years Eve, two Agents were in the field plus the Director until 2 am on the 1st. Enforcement was focused on downtown monitoring restaurants, bars, and hotels. One illegal operator was caught. He was issued a summons by the St. Louis Police and MTC Agents.

1/7 through 1/16, Agents were focused on the Savvis Center during the Olympic Figure Skating events. The Director commended the agents for taking initiative by setting up and running a temporary taxi stand to service the event goers. They were able to keep 10 to 12 cabs continuously running through the line.

Mr. Harris asked about the status of the license plates with DOR. The Director explained the details are still being worked out. Mr. Harris then inquired about the Agent's ability to make

sure a driver, who is no longer working for a company, is not operating under the company's colors. Counselor McCarthy explained a plan in the works that would make it a condition of your license, which allows agent to better accomplish that task. He added the eventual issuance of license plates would help, as Agents or Police could seize the plates in certain situations. Counselor McCarthy and Mr. McNutt further explained the concept of a waiver to be signed by the owner of the vehicle. Director Tully then clarified that a terminated employee's license is administratively revoked upon notification from the company.

EXECUTIVE SESSION

Chairman Hamilton then read the sunshine law regarding executive sessions. He then requested a motion to suspend the public session and enter an executive session to discuss legal matters. Mr. McNutt moved, seconded by Mr. Reeves. The motion passed unanimously. The Commissioners left the auditorium and convened in the Commission's offices at 1:37pm.

The Executive Session ended at 2:30pm and the Public Session reopened.

PUBLIC COMMENTS

Mr. Bernie Squitieri of EMT was the first to speak. Mr. Squitieri stated he had provided industry input to Mr. McNutt, Mr. Tully, and Mr. McCarthy regarding the Medical Transport code. He stated he endorsed the code as it was written on January 12th. He stated what was written January 12th has been changed. He stated he does not endorse way it was written today. Mr. Squitieri, Chairman Hamilton, and Counselor McCarthy debated the merits and definitions of what constitutes medical and non-medical business.

Mr. Lawrence Goldstein, an individual representing himself, was called to speak about "24 hour dispatcher and Medical takeover." Mr. Goldstein was no longer present at the meeting, so no comments could be made.

Mr. Donald Tiemeyer, Executive Vice-President and General Counsel for Medical Transportation Management, Inc., spoke last. Mr. Tiemeyer expressed his concern regarding the broadening of the regulatory powers of the Commission into the medical transport areas. He felt the Commission lacked the expertise that other organizations have regarding the special needs of their medical transport patients require. He pointed out the glaring differences between the taxicab and medical transportation industries. He questioned the expertise of the Commission to regulate drivers, companies, and the number of vehicles in the medical transport industry. Lengthy discussion ensued between Mr. Tiemeyer and the Commissioners.

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 2:47pm. Motion by Mr. McNutt, seconded by Mr. Reeves, and passed unanimously.

*The meeting was recorded and transcribed by A. Hammond.
Minutes were interpreted from the transcript by MTC Staff.*

Appendix A

CHAPTER 1 – DEFINITIONS

101 Definitions.

- (15) Lessee: shall mean a Person who has permission to operate a Vehicle for Hire pursuant to a written lease agreement with the Owner or with a Person who has a written contractual relationship with the Owner of an On-Call Taxicab, Airport Taxicab, Courtesy Vehicle, Premium Sedan, or Grandfathered Vehicle,
- (27) **Service Category:** shall mean a specified service comprised entirely of Airport Taxicabs, On Call Taxicabs, Courtesy Vehicles, Premium Sedans, or Grandfathered Vehicles, including Medical Transport Vehicles.
- (30) **Vehicle for Hire:** shall refer collectively to Airport Taxicabs, On-Call Taxicabs, Courtesy Vehicles, Premium Sedans, and Grandfathered Vehicles, including Medical Transport Vehicles, and any motor vehicle engaged in the business of carrying persons for hire on the streets of the City or County where the Compensation for said transportation is made either directly or indirectly.-(Adopted January 23, 2004)
- (31) **Vehicle License:** shall mean a license issued by the Commission for operation of a specific Airport Taxicab, On-Call Taxicab, Courtesy Vehicle, Premium Sedan, or Grandfathered Vehicle, including Medical Transport Vehicle.
- (32) **Grandfathered Vehicle:** shall mean any motor vehicle designed or used to transport not more than eight passengers, including the driver, previously authorized with legal Missouri Department of Transportation (MoDOT) operating authority immediately prior to and including August 27, 2005, and verified by MoDOT Registration Receipt Form RS-3, such authority being in active status and not suspended or revoked on August 27, 2005. This category includes Medical Transport Vehicles as defined below:

Medical Transport Vehicle: shall mean any motor vehicle other than a sedan designed or used to transport not more than eight passengers, including the driver, on a prearranged charter basis for visits to medical care providers or other destinations related to health and welfare that require “Protective Oversight” of passengers with special needs.

Protective Oversight, Definition shall mean:

“Due to level of disability, behavior, physical ability or medical condition, some passengers are at risk if left alone and require continuous oversight by another party. Protective Oversight is the term used to describe the continuity of responsibility for the safety and welfare of passengers.”

- (33) **Grandfathered Vehicle License:** shall mean a license issued by the Commission to a Grandfathered Vehicle Company for the operation of a specific Grandfathered Vehicle, including Medical Transport Vehicles. The total number of Grandfathered Vehicle

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Licenses issued to a Grandfathered Vehicle Company may not exceed the total number licensed to that Company under the original MoDOT authority and verified by RS-3.

208 Insurance Required.

- 3.1 Any Grandfathered Vehicle operating as a Medical Transport Vehicle must meet the coverage requirements for commercial automobile liability insurance set by the MTC or the applicable federal, state, and local laws and regulations, whichever is greater. The minimum auto liability insurance coverage required for any Grandfathered Vehicle operating as a Medical Transport Vehicle by MTC is \$500,000 combined single limit (CSL).

CHAPTER 3 – VEHICLE LICENSE REQUIREMENTS

301 Vehicle License Requirements.

1. No Person shall own or lease a Vehicle for Hire without first obtaining a license for such Vehicle for Hire from the Commission. The applicant may apply for and the Commission may issue a license for an Airport Taxicab, an On-Call Taxicab, a Courtesy Vehicle, a Premium Sedan, or a Grandfathered Vehicle, including Medical Transport Vehicle, but not more than one kind of license for any specific vehicle. Each license shall be issued for a specific vehicle, provided however, that the Director may authorize the transfer of a license to a substitute vehicle if the Director determines that such a substitute vehicle complies with all requirements of this Code.

302 Application for Vehicle License.

2. An applicant for a license for a Vehicle for Hire shall provide the following information and proof for each application:

[To be added to Section 302.2. (a)]

- i. For all Grandfathered Vehicles, including Medical Transport, Proof in the form of Missouri Department of Transportation Registration Receipt Form RS-3 indicating that the applicant has had, immediately prior to and including August 27, 2005, legal MoDOT operating authority, for a number of vehicles equal to or greater than the total number of Grandfathered Vehicle Licenses applied for.

and

- ii. For all Vehicles for Hire, Proof that the applicant is the Owner or Lessee of each vehicle for which a license is requested, or proof that the applicant has a written contractual agreement with the Owner of each vehicle for which a license is requested.

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g. Whether applicant is applying for an Airport Taxicab License, On-Call Taxicab License, Courtesy Vehicle License, Premium Sedan License, or Grandfathered Vehicle License including Medical Transport Vehicles.

305 Vehicle for Hire License Fees - Term.

1. The annual license fee for an Owner or Lessee of an Airport Taxicab, On-Call Taxicab, Courtesy Vehicle, Premium Sedan, or Grandfathered Vehicle shall be as follows:
 - a. The fee for an Airport Taxicab License shall be Fifty-Five Dollars (\$55.00) per year period.
 - b. The fee for an On-Call Taxicab License shall be Fifty-five Dollars (\$55.00) per year period.
 - c. The fee for a Courtesy Vehicle License shall be Two Hundred Forty Dollars (\$240.00) per year period.
 - d. The fee for a Premium Sedan License shall be Two Hundred Forty Dollars (\$240.00) per year period.
 - e. The fee for any replacement license shall be Ten Dollars (\$10.00).
 - f. A fee of Twenty Five Dollars (\$25.00) per day, per license, will be assessed for failure to renew licenses by the prescribed dates.
 - g. The fee for a Grandfathered Vehicle License shall be Two Hundred Forty Dollars (\$240.00) per year period except as provided below.
 - h. The fee for a Medical Transport Vehicle License shall be Twenty-five Dollars (\$25.00) per year period.

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e. All Grandfathered Vehicle Licenses, including Medical Transport Vehicles, shall expire on the thirtieth day of September of each year and shall be renewed annually prior to such expiration date.

401 Driver Licensing – Qualifications - Hearing on annual of License.

1. No Person shall operate a Vehicle for Hire in the County or the City without first obtaining a Driver's License authorizing the operation of that particular type of Vehicle for Hire. The applicant may apply for, and the Director may issue, a Driver's License for the operation of an Airport Taxicab, an On-Call Taxicab, a Courtesy Vehicle, a Premium Sedan, or a Grandfathered Vehicle, including Medical Transport Vehicle, each license shall be issued for a specific driver; no transfer of a license shall be permitted under this Code.

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605 Special Requirements for Grandfathered Vehicles

1. Grandfathered Vehicles shall bear identifying marking(s) of content, size, color, and other specification as determined by the Director, permanently affixed as specified by the Director. The car shall bear no other markings.
2. Grandfathered Vehicle drivers shall wear such uniforms as determined by the Director.
3. Effective August 27, 2007 any Grandfathered Vehicle that can be classified under one of the currently existing Service Categories or Medical Transport Vehicle and will be expected to meet all rules, regulations and guidelines pertaining to that Service Category.

606 Special Requirements for Grandfathered Vehicles Operating As Medical Transport Vehicles

- 606.1. Any Grandfathered Medical Transport Vehicle that is not wheelchair accessible shall not be entered into service older than 6 model years. No sedan-type vehicles will be accepted for Medical Transport use. All vehicles presently in service shall be phased out as follows: the first year, no vehicle shall be older than 11 model years; the second year, no vehicle shall be older than 10 model years; the third year, no vehicle shall be older than 9 years.
- 606.2. All wheelchair accessible vehicles shall be no older than 12 model years while in service.
- 606.3. Each Grandfathered Medical Transport Vehicle Certificate Holder is required to have and maintain a separate non-residential business office at which can be found during the normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, a responsible representative of that Certificate Holder and to which can be directed any reports of lost articles, complaints, inquiries, and related matters, and shall maintain a listing in all such business directories as are commonly available to the public.
- 606.4. All Grandfathered Vehicles operating as Medical Transport Vehicles must comply with the rules promulgated by Director, including, but not limited to, compliance with all State and Federal laws, vehicle design and markings, driver training, uniforms and record keeping.

Appendix B

**METROPOLITAN TAXICAB COMMISSION
DIRECTOR'S RULES PROMULGATED
RULE 606**

Under authority of Chapter 9, Section 901 of the Vehicle for Hire Code as amended, the Director hereby promulgates the following rules for implementation of Section 606.4

CERTIFICATE HOLDERS

1. Each Holder of a Grandfathered Medical Transport Vehicle Certificate of Convenience and Necessity (CCN) is required to have and maintain a separate non-residential business office at which can be found during the normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, a responsible representative of that Certificate Holder and to which can be directed any reports of lost articles, complaints, inquiries, and related matters, and shall maintain a listing in all such business directories as are commonly available to the public.
2. Each Certificate Holder must comply with all applicable State and Federal laws, including, but not limited to, The Americans with Disabilities Act (ADA) of 1990: Federal Transit Administration (FTA) regulations (including FTA's drug and alcohol regulations); the Federal Highway Administrations drug and alcohol regulations Rehabilitation Act of 1973, Section 504; the requirements of 42 Code of Regulations, Part 431, Subpart F; and Title VII of the Civil Rights Act of 1964.

VEHICLES

3. Any Medical Transport Vehicle that is not wheelchair accessible shall not be entered into service older than 6 model years. No sedan-type vehicles will be accepted for Medical Transport use. All vehicles presently in service shall be phased out as follows: the first year, no vehicle shall be older than 11 model years; the second year, no vehicle shall be older than 10 model years; the third year, no vehicle shall be older than 9 years.
4. All wheelchair accessible vehicles shall be no older than 12 model years while in service.
5. All vehicles used to transport passengers who must remain in a Wheelchair during transport must be equipped with a raised roof to accommodate such wheelchairs.
6. Any vehicle used for wheelchair transport must be equipped with a wheelchair lift meeting all ADA standards.
7. All Medical Transport Vehicles must permanently display the Certificate Holder's name and phone number on the exterior of the vehicle with a minimum of 3 inches in height.
8. All Medical Transport Vehicles must be equipped with:
 - a) Emergency first-aid kit
 - b) fire extinguisher - (A,B,C)
 - c) three (3) reflective triangles or similar emergency warning devices
 - d) blood borne pathogen spill kits

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- e) extra electrical fuses
 - f) flashlight
8. Continued - All Medical Transport Vehicles must be equipped with:
- g) ice scraper
 - h) functional door handles
 - l) Accurate speedometers and odometers
 - j) Functioning interior lighting
 - k) Adequate side-wall padding and ceiling covering
 - l) One (1) interior rearview mirror
 - m) Two (2) exterior rearview mirrors one on each side of the vehicle
 - n) Passenger compartments that are clear and free from unsightly and potentially hazardous, torn upholstery, torn floor covering or dangling seat belts
 - o) Cell phones are not to be used unless making an emergency call
 - p) All Vehicles must be clean inside and out
9. When a Medical Transport Vehicle utilizes a high-profile/tall vehicle to transport passengers that has greater ground clearance than an average-sized van, Medical Transport Driver must provide a sturdy, nonskid stepping aid to assist the passenger in entering and exiting the vehicle. This stepping aid must be capable of safely supporting 300 pounds, must be no higher than twelve inches (12") above the ground, with a nonskid top surface not less than eight inches by twelve inches (8" x 12").
10. For all Medical Transport Vehicles used for paralift operations, the overhead clearance between the top of the door opening and the raised lift platform, or highest point of ramp, shall be a minimum of 56 inches, or such other distance as may be required by ADA or other federal or state laws or regulations.
11. All Medical Transport Vehicles with wheelchair lifts must have a design load of at least 600 pounds.
12. No ramps may be used for the loading and unloading of passengers unless they meet ADA accessibility guidelines.
13. All tie-downs or other securement devices used for paralift operations must meet the ADA Accessibility Guidelines.

DRIVERS

14. All Para-Transit drivers must keep a daily trip manifest with them at all times.
15. All Para-Transit drivers will be in company uniform that will display company name and a MTC ID badge.
16. All Para-Transit drivers must complete training courses in first aid as approved by the American Red Cross, defensive driving courses approved by the National Safety Council and assisting passengers with disabilities approved by the Director of the MTC. A copy of such certification must be on file with the MTC.