

Metropolitan Taxicab Commission

**April 23, 2013 @ 10:00 am
Commission Headquarters, 2628 Delmar, Hearings Room**

Members present: Commissioners: Hamilton, McNutt, Rudawsky, Satz, and Asfaw
Members absent: Commissioners: Reeves, Bennett, Gidey, and Tucci
Legal Department: Tom McCarthy

MINUTES

The Meeting was called to order by Chairman Hamilton and the roll was called by Beth Dunham; Chairman Hamilton-here, Commissioner McNutt-here, Reeves-absent, Bennett-absent, Gidey-absent, Rudawsky-here, Satz-here, Tucci-absent, and Asfaw-here. A quorum being found the meeting was called to order. The first order of business was approving the minutes from the March 18, 2013 meeting. A motion to approve the minutes was made by Chairman Hamilton and seconded by Commissioner Asfaw. With no further discussion roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the minutes were approved.

NEW BUSINESS

The first order of new business was setting a date for the May meeting. Chairman Hamilton explained the Commission was going to try a set schedule for meetings being on the third Wednesday of each month at 10:00a.m., so the May meeting will be May 15, 2013 at 10:00a.m

The second order of new business was the CCN Hearing for St. Louis Valet Service. The Deputy Director explained to the Commissioners that the CCN Application had been reviewed and everything was in order, and that it was the staff's recommendation that the CCN be approved. After a brief discussion Chairman Hamilton made a motion that the CCN be approved, seconded by Commissioner Asfaw. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-abstain, Rudawsky-abstain, Satz-yes, and Asfaw-abstain, and the CCN could not be approved until another vote can be taken.

The final order of new business was the CCN Hearing for St. Louis Cart Tours, LLC. The Deputy Director explained it was a business that would provide golf cart tours of the City of St. Louis. Rose Harmon asked how far of a distance the tours would be able to go. The Director explained to Ms. Harmon the tours would go between downtown St. Louis and the Souldard area. There was a brief discussion on how the trips were booked, by prearranged appointments, or if a customer could just flag down a cart for a ride. Chairman Hamilton made a motion to approve the staff's recommendation to grant the CCN for St. Louis Cart Tours, LLC, seconded by Commissioner Asfaw. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-abstain, Rudawsky-yes, Satz-yes, and Asfaw-yes, the CCN was approved.

DIRECTOR'S REPORT

The Director stated he wanted to open dialogue on some of the complaints and concerns being expressed with credit card processing devices and fees.

TREASURER'S REPORT

Chairman Hamilton explained that the financial report was in the packets, and there was no discussion on the treasurer's report at the April 23, 2013 meeting.

OLD BUSINESS

The following Code Revisions tabled from the March 18, 2013 meeting were discussed and voted on;

The first Code Revision was to Chapter 1 – Definitions;

CHAPTER 1 – DEFINITIONS

101 Definitions.

A. Unless it is apparent from context that a different meaning is intended, the following words shall have the meaning given them in this code:

24. ***Dispatch Service:** Any person **or entity that** acts as any intermediary of any sort for a fee in the provision of transportation for hire by a vehicle for hire to another person.*

Chairman Hamilton made a motion to approve the Code Revision to Chapter 1 – Definitions, seconded by Commissioner McNutt. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the Code Revision was approved.

The second Code Revision was also to Chapter 1 – Definitions;

CHAPTER 1 – DEFINITIONS

101 Definitions.

A. Unless it is apparent from context that a different meaning is intended, the following words shall have the meaning given them in this code:

44. ***Operator of a Vehicle for Hire Company:** Any person **or entity that** directly or indirectly causes a vehicle in commerce to provide transportation to another person for a fee at the request of such other person and receives a fee for so providing as a part of the total fee paid by the person receiving such transportation.*

Chairman Hamilton made a motion to approve the Code Revision to Chapter 1 – 101 Definitions, seconded by Commissioner McNutt. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the Code Revision was approved.

The third Code Revision was also to Chapter 1 Definitions;

CHAPTER 1 – DEFINITIONS

101 Definitions.

A. Unless it is apparent from context that a different meaning is intended, the following words shall have the meaning given them in this code:

50. Service Category: shall mean a specified service comprised entirely of airport shuttles, airport taxicabs, alternative transportation vehicles, carriages, commercial shuttles, courtesy vehicles, limousine, and non-emergency medical transport vehicles, on call taxicabs or premium sedans.

Is hereby amended to read:

CHAPTER 1 – DEFINITIONS

101 Definitions.

A. Unless it is apparent from context that a different meaning is intended, the following words shall have the meaning given them in this code:

52. Service Category: shall mean a specified service comprised entirely of airport shuttles, airport taxicabs, alternative transportation vehicles, carriages, commercial shuttles, courtesy vehicles, ***dispatching service***, limousine, and non-emergency medical transport vehicles, on call taxicabs or premium sedans.

Chairman Hamilton made a motion to approve the Code Revision to Chapter 1 – 101 Definitions, seconded by Commissioner McNutt. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the Code Revision was approved.

The fourth Code Revision was to Chapter 2 – Certificate of Convenience and Necessity;

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

201 Certificate of Convenience and Necessity Required - Application.

- A. 2. An application for a CCN or any modification shall be addressed to the MTC on forms provided by the MTC.

Is hereby amended to read:

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

201 Certificate of Convenience and Necessity Required - Application.

- A. 2. An application for a CCN or any modification shall be addressed to the MTC on forms provided by the MTC. ***Forms may be designed by the Director so as to elicit appropriate information for the type of CCN sought. For example, a CCN application for a Dispatch Service CCN would not require information regarding the type of vehicles to be operated.***

Chairman Hamilton made a motion to approve the Code Revision to Chapter 2 –Certificate of Convenience and Necessity 201 A., seconded by Commissioner McNutt. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the Code Revision was approved.

The fifth Code Revision was to Chapter 2 – Certificate of Convenience and Necessity;

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

211 Drivers Training

- A. Subject to the Director's approval, CCN holders must develop and implement a training program and procedure manual for licensed cab drivers that are affiliated with that CCN Holder.

At a minimum, the program and manual should deal with general street knowledge, basic customer service skills, and safety. Violation of this section 211 shall be a Class II violation.

Is hereby amended to read:

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

211 Drivers Training

- A. Subject to the Director's approval, CCN holders (*in all appropriate classes*) must develop and implement a training program and procedure manual for licensed cab drivers that are affiliated with that CCN Holder. At a minimum, the program and manual should deal with general street knowledge, basic customer service skills, and safety. Violation of this section 211 shall be a Class II violation.

Chairman Hamilton made a motion to approve the Code Revision to Chapter 2 –Certificate of Convenience and Necessity 211 A., seconded by Commissioner McNutt. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the Code Revision was approved.

The sixth Code Revision was also to Chapter 2 – Certificate of Convenience and Necessity;

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

214 Validation of CCN.

- A. During the calendar year 2010 and every other year thereafter in January all holders of CCN's must reapply to the Director for a revalidation of the CCN. Any CCN holder failing to so reapply shall have its CCN revoked at year's end.

Is hereby amended to read:

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

214 Validation of CCN.

- A. During the calendar year 2010 and every other year thereafter in January all holders of CCN's must reapply to the Director for a revalidation of the CCN. Any CCN holder failing to so reapply shall have its CCN revoked at year's end.

- B. **As part of the above reference January submission all CCN holders must submit a list of all vendors with which they contract for VHC related services and a short description of the nature of that service.**

There was a brief discussion regarding Code Revision 214 Validation of CCN section B. The Code Revision was tabled until the May 15, 2013 meeting

The seventh Code Revision was also to Chapter 2 – Certificate of Convenience and Necessity;

CHAPTER 2 – CERTIFICATE OF CONVENIENCE AND NECESSITY

215 Special Classes of CCN.

- A. A CCN for a Dispatching Service will not require either a public hearing nor will the holder of such a CCN be allowed to own or operate vehicles for hire directly. The holder of a CCN of this class must provide its service solely through third parties.
- B. The holder of a CCN for a Dispatching Service may only contract with other CCN holders for the provision of its service and may never contract directly with non-CCN holders. Contracting with persons other than other CCN holders will be a Class I violation and be grounds for revocation of the CCN. Additionally, each CCN holder operating under this section shall provide notice to the MTC within ten (10) working days if it enters into a new contract with a CCN holder with whom it did not previously contract. Failure to abide by this provision shall be a Class I violation.
- C. The holder of a CCN for a Dispatching Service must maintain records for all bookings for at least a two year period and must provide those records to the MTC upon request of the Director with ten (10) working days. Failure of a CCN holder to maintain the required records or to provide them in a timely fashion upon request shall be a Class I violation and be grounds for revocation of the CCN.
- D. Any CCN Holder who in addition to owning and operating vehicles for hire directly also has its own dispatching services shall not be subject to any additional requirements as set forth in this section.

Chairman Hamilton made a motion to adopt the Code Revisions to Chapter 2 –Certificate of Convenience and Necessity 215 Special Classes of CCN A-D, seconded by Commissioner Rudawsky. Commissioner McNutt made a motion to amend the Code Revisions to Chapter 2, 215 A-D from five (5) working days to ten (10) working days. The amendment was seconded by Chairman Hamilton, and roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the Code Revision to Chapter 2, 215 Special Classes of CCN was approved.

The final Code Revision was to Chapter 5 – General Operating Requirements;

CHAPTER 5 - GENERAL OPERATING REQUIREMENTS

501 Lettering and Signs Required - Taximeters - Correct Fares Charged.

- E. The display of a taximeter shall be programmed to the increment in uniform whole cent values, at one-tenth (1/10) of a mile intervals for distance, and at time intervals. The uniform intervals for distance and time apply to both the initial and subsequent intervals. All taximeters will be certified by the MTC at least once a year as set out in this code and pursuant to Rules Promulgated by the Director at a fee as authorized in section 304.

Is hereby amended to read:

CHAPTER 5 - GENERAL OPERATING REQUIREMENTS

501 Lettering and Signs Required - Taximeters - Correct Fares Charged.

F. The display of a taximeter shall be programmed to the increment in uniform whole cent values, at one-tenth (1/10) of a mile intervals for distance, and at time intervals. The uniform intervals for distance and time apply to both the initial and subsequent intervals. All taximeters will be certified by the MTC at least once a year as set out in this code and pursuant to Rules Promulgated by the Director at a fee as authorized in section 304. **CCN holders will be assigned a date for meter certification for each permitted vehicle. In the event that a CCN holder cannot comply with the date assigned the CCN holder shall seek an alternate from the Director who will grant one extension and may grant more for good cause shown. Failure to comply with an assigned inspection date without a valid extension shall be a Class I violation of this code and may be grounds for revocation of the permit involved.**

Chairman Hamilton made a motion to approve the Code Revision to Chapter 5 –General Operating Requirements, section 501 F., seconded by Commissioner McNutt. Roll was called; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the Code Revision was approved.

PUBLIC COMMENTS

Charles Passmore, from St. Louis American Cab Company was the first to address the Commission with a written statement in hand. In Mr. Passmore's statement he expresses concerns on his behalf and other taxicab drivers in regards to Chapter 507 of the Vehicle for Hire Code, Credit Card Processing.

Raja Naeem from Harris Cab Company was the second to address the Commission. Mr. Naeem voiced his concerns on the Commission's rules and regulations it would have over dispatching services such as Uber in the St. Louis Area. The Chairman explained to Mr. Naeem that it was the Commission's responsibility to keep the public safe, and any such dispatching service would be required to have a CCN through the Commission.

Rodney Whitrock from Harris Cab Company was the third to address the Commission. Mr. Whitrock explained to the Commission he had received a citation from a MTC Agent in February, and was concerned why it took so long to receive notification in the mail on any information regarding the summons issued. Mr. Whitrock also stated he believed it was not up to the Commission on how his customers process credit cards in his cab. Chairman Hamilton explained to Mr. Whitrock he would look into why the information regarding his summons was not received in a timely matter.

Rose Harmon from Harris Cab Company voiced her concerns on credit card processing. She stated the fees associated with the credit card processing devices were too expensive, and it should be up to her and the customer paying on what processing device is used. The Chairman explained to Ms. Harmon that it is the Commission's responsibility to protect the customer's information, and that's why each CCN Holder is required to have some sort of Credit Card Processing system in place.

Marion Jackson from Laclede Company told the Commission he was having problems with the Chase Hotels bell boy's, favoring some cab company's more than others when it comes to trips. The Commission explained to Mr. Jackson that this was an age old problem, and would be looked into.

Muhammad Akram from Harris Cab also addressed the Commission on two issues. Mr. Akram's first concern to the Commissioners was the credit card processing fee's being charged by the CCN Holder. Mr. Akram also addressed the Commission on illegal cabs coming into St. Louis City and County stealing trips. Mr. Akram finished with stating his concerns to the Commission about the ten year age limit on vehicles, and that the 2003's would be aging out, and having to change out vehicle with newer model to stay in service.

Qassim Al-Moaiber from Harris Cab Company expressed concerns over one of the MTC Enforcement Agents. Mr. Al-Moaiber felt he was being checked on by one of the Enforcement Agents, and he stated the Enforcement Agent should address any issues at the Company he works for and not his home address.

Shahzad Rafir from Harris Cab addressed the Commissioners about the Airport Cabs coming into downtown and taking trips from them. Mr. Rafir also addressed the Commission in regards to dealing with intoxicated people on the weekends and not being able to charge extra fees to the customer for vomiting in there cabs. He explained that if someone has an accident in his cab, he loses the whole night in money while his cab is being cleaned. Mr. Rafir included that sometimes at night he feels unsafe taking certain trips and worries of being harmed, but does not want to receive a ticket for refusing a trip. The Director told Mr. Rafir he understands his frustration on losing a nights pay over someone vomiting in his cab and this issue would be addressed in the future. The Director also told Mr. Rafir he would look into each situation, but would not make a driver pay a summons for refusing a trip because he felt unsafe.

Marius Palmer was the last to address the Commission. Mr. Palmer stated he just wanted a general discussion regarding the actual level of what the Taxicab Commission is supposed to be doing. Mr. Palmer said he's heard a lot of complaints from his driver's, and has not been invited, and/or present at any Commission meetings in the last few years. Mr. Palmer stated he was unhappy with the Code Revision making each CCN Holder install a credit card processing device into each cab. Mr. Palmer told the Commission he would be more involved with coming to meetings, and taking care of his drivers concerns.

EXECUTIVE SESSION

There was no Executive Session at the April 23, 2013 meeting.

Pursuant to Missouri Statute 620.021, an Executive Session may be held to discuss legal, confidential or privileged matters under §610.021(1), RSMo 1988 Supp.; leasing, purchase or sale of real estate under §610.021(2); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9); personnel records or applications under §610.021(13); or records under §610.021(14) which are otherwise protected from disclosure by law; or confidential or privileged communications with the District's auditor, including auditor work products under §X610.021(17).

ADJOURNMENT

With no further discussion on the agenda Chairman Hamilton made a motion to adjourn the April 23, 2013 meeting, seconded by Commissioner McNutt. Chairman Hamilton moved the previous roll; Chairman Hamilton-yes, Commissioner McNutt-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the meeting was adjourned at 11:52a.m.

Minutes were interpreted from an audio recording of the meeting by Beth Dunham.