

Minutes of the Metropolitan Taxicab Commission Board Meeting
Friday, May 7, 2004
1:00 p.m., in the Auditorium at 100 North Tucker Boulevard

Call to Order at 1:10 pm by Vice Chairman Lou Hamilton. He explained that, due to the absence of Chairman McCarthy, who is in Jefferson City today working on Legislative matters for the Commission, he will chair this meeting.

Roll Call was conducted. All members were present except Chairman McCarthy and Commissioners Bennett, Harris and Satz. Note: MTC legal counsel Patrick McCarthy was not in attendance.

Note: there were 13 attendees in the audience.

The Minutes of the April 2, 2004 meeting were reviewed (advance copies had been sent to all Commissioners); there being no additions, deletions or corrections, the Minutes were approved.

** Motion was made by Mr. McNutt, seconded by Mr. Rudawsky and passed by unanimous vote.*

Chairman directed that the agenda be re-ordered, and that we begin with the Treasurer's Report. Mike Morgan, Treasurer, presented his report. He stated that the figures are current through April 30; the percentages shown are contrasted with total expenses. Mr. Morgan is not showing our expenses as compared to our revenues and budget, since our revenue is so cyclical in nature. Chairman called for any questions about the budget; hearing none, the report was accepted and the Treasurer was thanked for his research and this report.

Chairman further revised the agenda order, and instructed Mr. Tully to give his report, combining it as much as possible with his replies to various outstanding items of old business.

Director's Report

1. Investigation of CCNs: the MTC enforcement agents are making "check calls" at odd hours, and inspecting office locations, to ensure compliance. He will keep all apprised as it develops.
- 2 At the last meeting, Tully was asked to check premium sedans – there were no *applications* made, but four companies have inquired about the moratorium.
3. Distribution of Violation Report forms - in each Commissioner's folder is a sample of the Missouri Uniform Traffic Ticket, which staff will redesign to make it applicable to our function – that is already in development.
4. We had an inquiry from a company, regarding fuel surcharges. Mr. Tully has reviewed the Code and has verified that he as Director can make a *recommendation*, but the Commission still must vote on this. He asked for comments from the panel.

Mr. McNutt stated he supports adopting a surcharge, but proposed capping the amount at \$1 each way, per trip. He stated that Director Tully should be empowered to approve it, but stated it must be posted very clearly so passengers know it is an authorized surcharge. Mr. Hamilton suggested instead that Mr. Tully approve these requests case by case, so it's on record; he clarified that nobody is *required* to add a fuel surcharge but that if they do so, there must be a record of their application and of the Director's approval. No one will be denied, and the approval shall not be unreasonably withheld, Mr. Hamilton stated.

Following a discussion of how to word this policy, and how to address rescinding the surcharge should fuel prices decline, Mr. Hamilton made the motion to authorize the Director to grant and to rescind permanent certificate holders the permission to add \$1 *per trip* as a surcharge, to deal

with the fuel issue. Mr. Hamilton dictated the specific wording to be used : “at the discretion of the Director – and not to exceed \$1 per trip.”

** Mr. Hamilton then made the motion to adopt this policy; Mr. Morgan seconded, and it was passed by unanimous vote.*

Mr. Tully proceeded to the issue of allowing ‘reserve cabs’ at the airport. He stated he has taken an industry survey, and the consensus is that there is already a sufficient number of cabs, and no additional *airport* cabs are needed or desired. A discussion ensued about the fact that the Code does permit *on-call* cabs to hold reserves as long as they pay the applicable fees.

Mr. Tully addressed the matter of ‘sub-leasing,’ stating he has referred this to our counsel to more clearly define it, adding that the sub-leasing issue leads into the subject of establishing a ratio of ‘one cab/one driver.’ Mr. Hamilton replied that he will exercise the prerogative of the Chair to get this defined, and directed Mr. Tully to report back to the Commission at the next meeting.

Mr. Tully moved on, to the ‘staging’ issue. He has talked with the Deputy Airport Director and with Homeland Security; he recommends that we send a letter to the Director of the Airport and require premium sedans also to be staged in the ‘blast zone’, meaning these drivers will have to remain with their vehicles at all times. He clarified that *everyone* will now have to do so. He stated the airport director agrees, and Homeland Security agrees, so that the ‘starter agents’ can oversee all facets of vehicle-for-hire operations from a single vantage point.

Mr. Rudawsky stated that he wants to be on record as dissenting with staging premium sedans as the Director now suggests; in his view, ‘meeting and greeting’ customers is *part* of the premium sedan service, and their customers do pay extra money to receive that level of service.

Mr. Hamilton noted Mr. Rudawsky’s opinion, then stated that, as the Chairman, he will allow the Director to issue said letter; he clarified that *no motion is needed in this regard*.

Mr. Tully moved to his report on the Municipal League, stating he has had two meetings with the League’s Executive Director, with their counsel, and with our own counsel – and that this liaison is developing slowly, but well.

Mr. Tully then addressed the subject of ‘top lights,’ explaining that he has consulted with a graphic artist, who is developing prototypes and a cost projection. In addition, this subject has been placed on our website to solicit input from the industry and the general public.

Mr. Tully proceeded to the concealed carriage of weapons, stating that this matter was referred to our counsel to investigate and to report on, however, Mr. Patrick McCarthy is out of town on a legal matter and was unable to attend today’s meeting.

Mr. Hamilton instructed Mr. Tully to proceed to his actual Director’s Report.

Mr. Tully enumerated some special enforcement actions, including a field investigation conducted on Opening Day of the baseball season, at Busch Stadium, and at the first home game following the opener, to check compliance with MTC Code.

Mr. Tully stated that he has imposed two suspensions since last month, and mentioned there are two other cases awaiting hearings.

Mr. Tully continued, issuing a public reminder that June 30 is the absolute deadline for all on-call cabs to be inspected and licensed. Since the Commission has already extended the deadline from April 30, to June 30, everyone is being reminded there will be no exceptions granted.

Mr. Tully announced that, in response to industry complaints, a 12-week study of metro area cab stands is being undertaken. This study is being publicized on our website, again to solicit feedback, comments and suggestions from interested parties.

Mr. Tully also announced that the staff is developing a quarterly newsletter, in response to inquiries from on-call company owners and drivers, since many still have no Internet access. These newsletters will be printed at the MTC office, then sent to the companies for distribution.

Mr. Tully added that the remaining agenda item is the insurance coverage situation, and said that Mike Morgan will address that subject in his Treasurer's Report.

Mr. Hamilton asked for any questions of the Director; hearing none, he directed Mr. Tully to proceed to items of new business.

New Business

Mr. Tully explained a formal appeal is being made to a decision he has made as Director. At last month's meeting, a merger was approved, (AWAB, Central and Medina Cabs became Express Airport Taxi Service) and when the (merged) fleet was subsequently being inspected, a few of their vehicles, although in good condition, could not be licensed since they did not conform to the Code's vehicle age requirement. Mr. Tully, as Director, had rejected Dr. Ioan Ziub's appeal for an exception to be made. Dr. Ziub is in the audience today, as are the affected drivers, to appeal the Director's decision to the full Commission. Mr. Tully explained that the merger is considered a transfer, so as the merger is fulfilled, all these vehicles must enter the new (merged) company in complete compliance with our Code.

Mr. Hamilton stated that the VFH Code is very clear, and he concurs with the Director's decision. Mr. Rudawsky interjected the opinion that he also believes the Director had acted appropriately. Dr. Ziub's appeal on behalf of Express Airport Taxi Company was therefore denied.

Mr. Tully then stated the MTC staff is recommending we adopt a summer uniform policy, which would be *optional*, permitting drivers to wear black dress shorts, and short-sleeved polo shirts. Mr. Shiferaw asked what the summer standard for footwear would be. Mr. Tully replied it would remain as now: black, closed-toe shoes, however, they could be made of black fabric/canvas. Mr. Hamilton deferred to the company representatives on this Commission for their comments. Mr. Rudawsky stated his belief this is inappropriate, and would completely undermine the image of professionalism that the Commission is striving to convey. Mr. Morgan agreed, saying we have spent so much time and energy in trying to upgrade all that we do; in his view, this would be a major step backwards.

Mr. Hamilton stated he will accede to the objections of these Commissioners, and that no summer uniform policy will be adopted; the current uniform policy will stand as written in our Code.

Mr. Tully reported a staff recommendation to increase his level of expenditure authority from \$300, to \$600. Mr. Hamilton questioned the need for this, and Mr. Tully replied that he soon will need to purchase some computer software, and a few other items, that exceed his current level of authority. Rather than to increase Mr. Tully's expenditure authority, Mr. Hamilton instructed Mr. Tully to work with MTC Treasurer, Mr. Morgan, to obtain advance approval of those large, one-time expenditures so as to facilitate the purchasing process.

Mr. Tully then introduced another proposed merger, that between Metropolitan Cab, and Midwest Cab, adding that Mr. David Pentland, attorney for Metropolitan Cab, and the company president, Mr. Zerebrook (Brook) Gebru are in attendance here today.

Mr. Hamilton explained that as a procedural matter, the merger application cannot be made directly to the Commission; the application must first be submitted to the MTC staff, who will review it as to content and substance. Only after the staff makes its recommendation will the Commission members consider the merger application.

Mr. Hamilton stated the only consideration is the process itself, not the merits of the application, reassuring the applicants that they need not wait until the Commission's next public meeting to receive a determination. He suggested that a conference call may be conducted, following the staff review of the application's merits, to obtain an expeditious ruling on the application.

Mr. Hamilton asked Director Tully about the logistical issues of transferring the licenses with this merger. Mr. Tully replied that the staff will work it out, but explained that the transfer to another (single) entity constitutes a new license; therefore the vehicle age limitations apply, and no vehicle older than a 1998 can be transferred.

Mr. Hamilton then consulted the members, to choose the date for the June meeting; due to the start of vacation season, he will also tentatively set the July meeting date. After consultation among the members, the dates of Friday, June 11, and Thursday July 15 were chosen, subject to the availability of the Auditorium, with both meetings to begin at 1:00 p.m.

Mr. Hamilton then addressed Mr. Morgan, asking for his report on the insurance issue, and asking whether the effective date is still expected to be July 1. Mr. Rudawsky interjected that the effective date was actually *supposed to have been* January of this year, 5 months ago, but it was deferred while Mr. Morgan investigated all aspects of the issue to make a comprehensive report.

A discussion ensued, which addressed various considerations: the effective date, the specific circumstances which led to the phase-in terms set forth last autumn, the financial impact this will have on company owners, the ability to have these terms underwritten at reasonable cost; the impact of any company's loss record. Mr. Morgan mentioned that the VFH Code does not address S.I.R., ('Self Insured Retention'); he asked if we should incorporate it, and the consensus was that to do so is unnecessary.

Mr. McNutt emphasize that, per the Code, the coverage requirements will become \$200,000 for all companies alike, as of January 1, 2005, and that companies were notified in an official letter (in August 2003) that these changes were forthcoming.

** Mr. Rudawsky made the motion, that effective July 1, all formerly City cab companies - must raise their coverage to \$50,000-100,000-25,000 (split level), or \$100,000 (CSL) at minimum. Mr. Hamilton interjected the specific wording: "effective July 1 2004 the minimum coverage for all cab companies formerly licensed by the City shall be \$50-100-25 split level, or \$100,000 CSL. Additionally all formerly licensed by St. Louis County must be at \$100-200-50 split level or at \$200,000 CSL."*

** Mr. Morgan seconded; motion was passed by unanimous vote.*

Mr. Hamilton asked Director Tully and Commissioners Morgan and Rudawsky to work together to script the precise wording of the insurance coverage letter; all agreed to do so.

Mr. Hamilton then moved to adjourn; hearing no opposition, the meeting was adjourned. The time is 2:30 p.m.

-- minutes taken by Judith Cannon, MTC Office Administrator