

Metropolitan Taxicab Commission

November 21, 2007 @ 10:00 am
100 North Tucker Boulevard, Auditorium

Members present: Commissioners Hamilton, Banahan, Reeves, Rudawsky, and Satz

Members absent: Commissioners Bennett, Haile, and McNutt. (*One seat on the Commission remains vacant.*)

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

Legal Department: Counselor McCarthy

Chairman Hamilton called the meeting to order at 10:17 AM.

MINUTES

Chairman Hamilton requested approval for the Metropolitan Taxicab Commission meeting minutes of October 31, 2007 including amended wording of the Treasurer's report from Mr. Reeves. A motion was made to approve the minutes as amended by Mr. Banahan and seconded by Mr. Rudawsky. The motion passed unanimously.

NEW BUSINESS

The Commissioners scheduled the next Commission meeting for December 19, 2007 at 10:00 AM at 100 North Tucker Boulevard in the Auditorium, pending the availability of the facility.

Mr. Satz expressed his concern with mileage on vehicles and related excessive emissions. A discussion ensued. Although no formal decision resulted, the Commission felt vehicles with excessive emissions will continue to be reviewed by the Director on an individual basis, rather than setting an arbitrary mileage cap. The Chairman asked that Director Tully meet with industry members to review the vehicle age and condition policy. After meeting with the industry, he shall report back to the Commission.

OLD BUSINESS

Chairman Hamilton presented the proposed Code revisions and the Director's Rules regarding the Non-Emergency Medical Transportation (NEMT) class. (*SEE APPENDIX A & B*) Chairman Hamilton recapped the history of the development of the NEMT class. After working with the 2 major industry members to develop the Code, the Commission is ready to adopt the new additions. A motion to accept the Code additions was made by Mr. Banahan and seconded by Mr. Satz. There was no discussion. Mr. Hamilton reiterated the historical roadblocks and thanked the parties involved for their participation. A roll-call vote was called. Mr. Banahan, Mr. Hamilton, Mr. Reeves, and Mr. Satz voted yea. There were zero nay votes. Mr. Rudawsky abstained from the vote. The motion passed four yeas, no nays, and one abstention.

DIRECTOR'S REPORT

Director Tully began by pointing out the statistics in the Commissioner's packets. Premium sedan inspections were completed with a total of 119. The new Carriage class was initially licensed and permitted totaling 31 horse-drawn carriages under our authority. The next Taxi court is scheduled for November 28th at 10am.

The Director reported on an airport sting operation. Undercover Airport Police Detectives targeted illegal soliciting and staging at on the departing flight levels. The operation resulted in the issuance of four summonses in lieu of arrest.

TREASURER'S REPORT

Vice Chairman Reeves reported on the Commission's finances. The first ten months of the year indicate a net positive of \$11,070. That is over budget by about \$7000 for the month and continues to track towards a probable break-even for the year. He reported he did not see anything that is out of the ordinary or abnormal. Some discussion ensued regarding specific items in the financial papers from the Commissioner's packets.

PUBLIC COMMENTS

No one was signed up to address the Commission.

Mr. Gabi Sniatkewicz, of Express Car Service, requested verbally to address the Commission. He asked if more Premium Sedan C.C.N.s were going to be granted at the beginning of the year. Chairman Hamilton responded by explaining that the Commission was waiting for the completion of Dr. Mundy's study and his subsequent recommendations before they make any decisions.

EXECUTIVE SESSION

No Executive Session was held.

ADJOURNMENT

With no further business, Chairman Hamilton entertained a motion to adjourn by Mr. Rudawsky, and seconded by Mr. Banahan. The motion passed unanimously. The meeting was adjourned at 10:42AM.

*The meeting recording was transcribed by A. Hammond.
Minutes were interpreted from the transcript by D. Barker.*

Appendix A

Amendments to the Vehicle for Hire Code

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 Medical Transport Vehicle.
- (27) **Service Category:** shall mean a specified service comprised entirely of Airport Taxicabs, On Call Taxicabs, Courtesy Vehicles, Premium Sedans, or Medical Transport Vehicles.
- (30) **Vehicle for Hire:** shall refer collectively to Airport Taxicabs, On-Call Taxicabs, Courtesy Vehicles, Premium Sedans, and 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 as amended October 31, 2007).
- (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 Medical Transport Vehicle.
- (33) **Medical Transport Vehicle:** shall mean any motor vehicle designed or used to transport not more than eight passengers including the driver, on a prearranged 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."

Medical Transport Vehicle: shall also mean a "Stretcher Van" and shall not mean an ambulance.

208 Insurance Required.

- 3.1 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 Medical Transport Vehicle is \$300,000 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 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:
 - a. 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.
 - g. Whether applicant is applying for an Airport Taxicab License, On-Call Taxicab License, Courtesy Vehicle License, Premium Sedan License, or Medical Transport Vehicle License.
 - k. When an applicant has applied for a vehicle license, the Director shall issue, at the time of acceptance of the application, a temporary vehicle license to the applicant, which shall expire upon rejection of the application or issuance of a permanent license.
 - l. A vehicle license may be in the form of what is commonly known as "Hang Tag" which shall be placed upon the rear-view mirror of the licensed vehicle.

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 Medical Transport Vehicle shall be as follows:
 - g. The fee for a Medical Transport Vehicle License shall be Fifty-five Dollars (\$55.00) per year period.

306 Vehicle Licenses - Terms, Expiration and Renewal

- e. All Medical Transport Vehicle Licenses 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 Denial 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 Medical Transport Vehicle, each license shall be issued for a specific driver; no transfer of a license shall be permitted under this Code. The Director may issue a temporary driver's license pending issuance of a permanent license.

605 Special Requirements for Medical Transport Vehicles.

1. As of September 30, 2010, any Medical Transport Vehicle that is not wheelchair accessible shall not be entered into service older than nine (9) model years. All vehicles presently in service shall be phased out as follows:
 - a. As of September 30, 2008, no vehicle shall be older than eleven (11) years.
 - b. As of September 30, 2009, no vehicle shall be older than ten (10) years.
 - c. As of September 30, 2010, no vehicle shall be older than nine (9) years.
2. Medical Transport 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 except for precautionary signage.
3. Drivers shall wear such uniforms as determined by the Director.
4. It is the non-delegable responsibility of each Medical Transport Vehicle Driver to ensure and make certain that passengers properly utilize safety restraints (seat belts).
5. All wheelchair accessible vehicles shall be no older than 12 model years while in service.
6. Each Medical Transport Vehicle Certificate Holder is required to have and maintain on file with the Commission, on a form prescribed by the Director, a mailing address to which any correspondence may be directed, as well as telephone contact number to which inquiries and other appropriate contacts, including lost articles, complaints and related matters may be directed during normal business hours of 8 am to 5 pm Monday through Friday.
7. All vehicles operating as Medical Transport Vehicles must comply with the rules promulgated by the Director, as approved by the Commission, but not limited to, compliance with all State and Federal laws, vehicle design and markings, vehicle inspection standards, driver training, uniforms and record keeping. Proposed rules will be circulated to Certificate Holders for comment prior to implementation.
8. A Stretcher Van shall not transport a passenger that, in the opinion of a licensed medical professional, would require medical care or monitoring during such transport.

Appendix A

DIRECTOR'S RULES PROMULGATED RULE 605

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 605.

CERTIFICATE HOLDERS

1. 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. The minimum standard for vehicle inspection is that which the State's contract with its Non-Emergency Medical Transportation Broker for Medicaid stipulates. The Medicaid transportation broker shall inspect all Medical Transport Vehicles utilized in the program bi-annually. The Commission or its agent or designee shall inspect all other Medical Transport Vehicles. Within thirty (30) days for an inspection made by the State's broker, a copy of the final inspection report shall be sent to the Director. These inspections do not replace, nor excuse the owner or lessee of a Medical Transport Vehicle from obtaining vehicle safety inspections as may otherwise required by law. Any vehicle failing to meet the requirements of the Medicaid transportation broker's inspection must be removed from service until repairs or replacements are made which allow the vehicle to operate in conformance.
4. Any vehicle used for wheelchair transport must comply with all ADA standards.
5. All Medical Transport Vehicles in a fleet must permanently display the Certificate Holder's name and telephone number on the exterior of the vehicle with a minimum of 3 inches in height. For purposes of this rule, a fleet shall mean two (2) or more vehicles used in for medical transport purposes owned by the same person or entity.
6. 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
 - e) extra electrical fuses
 - f) flashlight
 - g) ice scraper
 - h) functional door handles
 - i) 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 or a call for business purposes
 - p) All Vehicles must be clean inside and out.
7. 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").
 8. 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.
 9. All Medical Transport Vehicles with wheelchair lifts must have a design load of at least 600 pounds.
 10. No ramps may be used for the loading and unloading of passengers unless they meet ADA accessibility guidelines.
 11. All tie-downs or other securement devices used for paralift operations must meet the ADA Accessibility Guidelines.

DRIVERS

12. All Medical Transport Vehicle drivers must keep a daily trip manifest with them at all times.
13. All Medical Transport Vehicle drivers shall wear uniforms as required by State Medicaid transportation broker's contract or other contract. All drivers shall display the MTC ID badge on the outermost garment.
14. All Medical Transport Vehicle drivers must complete training courses in first aid, defensive driving courses and assisting passengers with disabilities approved by the Director or the Missouri State Contract for Non-Emergency Transportation Broker. A copy of such certification must be on file with the MTC.