

Metropolitan Taxicab Commission

**March 28, 2011 @ 9:00 am
Commission Headquarters, 2628 Delmar, Hearings Room**

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

MINUTES

The Meeting was called to order by Chairman Hamilton and the roll was called by Kim Dodd. Chairman Hamilton accepted a motion to approve the minutes of the February 11th, 2011 and the March 8th, 2011 meetings by Commissioner Reeves, the motion was seconded by Commissioner Satz and with no discussion the vote was called for by roll and the motion was approved unanimously. The board then selected Tuesday, April 26th, 2011 for the next board meeting to be held at 9:00am in the hearings room at Commission Headquarters.

NEW BUSINESS

The first item on the agenda was the CCN Hearing for Eric Brende DBA St. Louis Rickshaw. The Director stated that this is a new CCN application that is in order, and is recommended for approval. There will be 2 vehicles in use. Chairman Hamilton accepted the motion to approve the CCN application Eric Brende, moved by Rudawsky, seconded by Tucci. The roll was called and the application was approved unanimously.

Next order of business is the proposed code changes for special requirements for alternative transportation vehicles. This addresses the needs for alternate transportation vehicles, such as golf carts and rickshaws. These vehicles need to be regulated and licensed by the MTC to put limitation on them when they operate and where they can go.

The additions to Vehicle for Hire Code Section 611 - Special Requirements for Alternative Transportation Vehicles as follows:

- 611 Special Requirements for Alternative Transportation Vehicles.
 - A. All restrictions and requirements for motorized vehicles contained in the Revised Statutes of Missouri shall apply to Alternative Transportation Vehicles except those which by nature could have no application.
 - B. All restriction and requirements for slow-moving vehicles contained in the Revised Statutes of Missouri or the Code of State Regulations shall apply to Alternative Transportation Vehicles except those which by nature could have no application.
 - C. Alternative Transportation Vehicles shall abide by any ordinance pertaining to slow-moving vehicles within the respective political subdivision of which they are specifically operating and concurrently within the boundaries of the MTC's jurisdiction.
 - D. Operation:
 - 1. All Alternative Transportation Vehicle drivers shall obey all traffic laws while operating on public streets.

2. The Alternative Transportation Vehicles shall not operate during the weekday rush hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on public streets except by approval of the Director in advance or as specified by Director rules.
3. Any person who operates any such vehicle shall at all times while the vehicle is in motion or conveying passengers display at least one amber or yellow flashing light visible under normal atmospheric conditions from a distance of five hundred feet in all directions.
4. Any person who operates any such vehicle during the hours between sunset and one-half hour before sunrise, and at all other times as conditions of poor visibility exist, shall cause the front and rear lights of the vehicle to be in operation.
5. Alternative Transportation Vehicles are hereby prohibited from use of limited access highways.
6. For the purpose of taking on and discharging passengers, Alternative Transportation Vehicles shall stop at the far corner of all intersections by safely passing through the intersection as directed by traffic control device, and while so stopped shall keep as close to the right-hand curb as practicable, and shall take on and discharge passengers as quickly as possible, so as not to unreasonably interfere with traffic.
7. Drivers must display their MTC driver license at all times on the rear of the driver's seat between the center and the right side of seat, in clear view from the rear seating area.
8. Drivers must have his or her valid, state-issued driver's license in his or her possession at all times while operating an Alternative Transportation Vehicle.
9. No driver shall permit more passengers in an Alternative Transportation Vehicle than it has been designed to carry. Design capacity shall be posted in the vehicle.
10. No person shall be permitted to stand or ride on any part of an Alternative Transportation Vehicle while in motion, except seated inside the vehicle.
11. Drivers shall take all necessary precautions to prohibit such activity, including safely bringing the vehicle to a stop until the situation has been corrected.
12. All passengers must remain seated except when loading and unloading.
13. No Alternative Transportation Vehicle operations will be conducted when so ordered by any emergency services or public safety official.
14. Violations of this section 611 subsection D shall be Class II violations.
Violations of all other subsections shall be IV violations.

- E. The Director may set specific rules and enact special orders which establish geographic boundaries and hours of operations for Alternative Transportation Vehicles and may modify those limits at his discretion in the interest of the safety, welfare and convenience of the public.

Chairman Hamilton made the motion to approve the amendment of the code by adding section 611, the motion was made by Commissioner Hamilton and seconded by Commissioner Tucci. The roll was called and the changes were approved unanimously.

The next item was a suggestion for a new category of Vehicle for Hire that deals with handicap accessible vehicles the director to implement for the ADA when it becomes appropriate.

The Vehicle for Hire Code Change for Section 101. A. 26 – Handicap Accessible Vehicle to read as follows:

Chapter 1

26. Handicap Accessible Vehicle: Shall be a vehicle for hire specifically designed and certified to transport passengers suffering from physical handicaps including those who are wheelchair bound as well as being capable of accommodating non-handicap passengers.

Chairman Hamilton requested a motion to approve recommendation to approve the revision of the code under 101.A.26 which was seconded by Commissioner Satz. The roll was called and the changes were approved unanimously.

Chapter 13 Compliance with the Americans with Disabilities Act (ADA)

1301 Certificate of Convenience and Necessity for Special Designed Handicap Accessible Vehicles

- A. There is hereby created a special CCN category to operate handicap accessible vehicles only.
- B. Vehicles permitted under this category must be handicap accessible vehicles by design and fully compliant with all qualifications of the ADA.
- C. No permit granted under this category of CCN may ever be used for any other type vehicle than a handicap vehicle.
- D. Vehicles permitted under this type of CCN must be dispatched.
- E. A CCN holder operating under this type of CCN will be subject to all of the provisions relevant to on call taxicabs except the age of vehicles and the restrictions pertaining to airport operations.
- F. Vehicles permitted under this type of CCN may not enter service when they are more than 6 years old and must be taken out of service when they are 9 years old.
- G. Vehicles permitted under this type of CCN may stage at the airport to the extent such staging is permitted by the airport.
- H. CCN holders operating under this type of CCN may make arrangements with other CCN holders to provide handicap vehicle access service for them on a contract basis. They may also provide handicap access service under contract for other agencies or companies but all contracts must be on file with the MTC with ten (10) days of being signed.
- I. Any CCN holder operating under this type of certificate may pick up non-handicap as well as handicap passengers but the primary duty of this type of CCN will be to serve the handicap market.
- J. In order that the MTC may determine the extent of the demand for handicap vehicles in its market area, all vehicles operating under this type of CCN shall keep a written log in each permitted vehicle in which every trip shall be recorded indicating clearly whether or not it was a handicap trip. Such reports are to be submitted to the MTC weekly for a period of 18 months from the inception period of the CCN or for such longer period as the Director may provide in his Rules. Failure to accurately document a trip shall be Class II violation.
- K. Any CCN holder choosing to replace an exiting taxicab or premium sedan with a handicap accessible vehicle must follow all rules for handicap accessible vehicles including reporting weekly the number of handicap trips taken for each vehicle, however, such a handicap vehicle may be replaced by a regular fleet vehicle if it is not being operated under a handicap CCN.
- L. Refusal to provide transport for a handicap passenger by a handicap accessible vehicle shall be a Class I violation and in addition to other penalties under this code may result in

suspension or revocation of the driver's license and permit involved as well as the handicap CCN.

Chairman Hamilton moved to approve the revisions of the code under Chapter 13, section 1301, sections A through L with additions, requiring 24-hour operations and that any new CCN Holder who wishes to operate any of these type vehicles need to establish a place of business with an office within the boundaries of the City or County of St. Louis and that the operators (drivers) of these vehicles must also abide by all provisions of the ADA within jurisdiction of the commission and the ADA driver training, Also Chairman Hamilton advised Counselor McCarthy to make all necessary technical changes to this addition to the Vehicle for Hire Code this was seconded by Commissioner Tucci.

The roll was called votes were as follows Chairman Hamilton – yes, Commissioner McNutt – yes, Commissioner Reeves – yes, Commissioner Rudawsky – abstain, Commissioner Satz – yes, Commissioner Tucci – yes, Commissioner Asfaw – present, and Commissioner Gidey – no, the measure was approved with a majority vote.

TREASURER'S REPORT

Commissioner Reeves then discussed the financial report for February. He stated that there was a net income of \$6,010.04 for the month of February, he also stated we are tracking ahead of budget and continue to be at a strong cash position.

The second item is the draft of the 2010 audit, which has been completed. The audit was clean with no exceptions in addition there is a management letter that the commission is required to add to explain the operations of the taxi commission as we submit this report to the county executives and the mayor.

Commissioner Hamilton made a motion to accept the 2010 fiscal year financial audit, which was seconded on Commissioner Tucci. The roll call vote was taken and the motion to accept passed unanimously.

One other item is to formally adopt an Investment Policy. MTC funds will be deposited in a financial institution that provides full FDIC insurance or will be invested in securities with a maturity of one year or less and backed by the full faith and credit of the United States government. Commissioner Reeves made the motion to approve the investment policy, which was seconded by Commissioner Hamilton. The roll call vote was taken and the motion to accept passed unanimously.

DIRECTOR'S REPORT

The Director stated that opening day in baseball is coming and beginning March 28th, 2011 until Sunday, April 2nd, 2011, he had sent a letter to all CCN holders regarding to celebrate opening day baseball he has waived the uniform requirements during this period of time to allow for Cardinal baseball hats, jackets, and jerseys to be worn by taxi drivers.

The other item on the agenda is the COGIC Convention. He stated that he met with the Kitty Radcliff and Kathy Steffin's and the staff of the CVC concerning the COGIC convention and how it was handled by the CVC as related to the love donation and other volunteer vehicles. The group stated that they are aware of the dissatisfaction of how it was handled. The COGIC group is asking for a flat rate exclusion for the convention goes from the taxi companies to get from one convention location to another. The Director stated that this is not a decision to be made by the Commission it would be for the taxi companies to do so. And also does not affect the way the commission handles the code violations.

OTHER BUSINESS

The CCN hearing for Metro West Transport, Tom McCarthy stated that the commission can treat the application under the new CCN category. David Pentland attorney for Metro West Transport stated that this service would fall under the new CCN category. The Director stated that the application applied for was an airport class of CCN, and would need modification for the new CCN class. Chairman Hamilton stated that we have no approved growth or moratoriums for the airport class. Chairman Hamilton stated that the application for the airport class was unfavorable of the expansion of airport CCN category. This will be table until the commissioners are able to have a voting quorum.

PUBLIC COMMENTS

Mark Goodman Attorney, on behalf of the airport taxi companies, is opposed to granting new airport CCN, under the new category of CCN the airport stated they would commit to outfitting an existing vehicle in the handicap fashion that is ADA compliant as long as they do not add to the 184 spots the airport has. Chairman Hamilton stated that the commission does not intend to expand the airport class licenses. He also stated that there is a need for ADA equipped vehicles no one knows what the need is, therefore the 18 month period to review the records.

Joshua Osho had a meeting with airport director on this subject matter he is working hard to make sure the vehicles are in service for the inspections and hopes to be completed by the middle of April to compliance. He stated he was opposed to any new taxi company coming to airport, he knows the implications of expanding the airport business.

Fred Sweets would like to expand to fulfill the needs of the public. He is anxious to be on the docket for the meeting to be approved for growth. He stated the need is there and he will do whatever it takes to get approved for growth.

Debra Wilson on behalf of Wilson's Taxi has requested their annual 10 percent increase, requested on April 16th, she received a reply on April 22nd stating that they were not in compliance that they were actually deficient, which was an insurance matter we corrected these things and sent to Director. Then we asked for our 10 percent again we were told that we were not full at the time which we could not get our annual 10 percent, she stated that this was not correct. Thomas McCarthy stated the automatic 10 percent annual increase had been repealed by the commission at the January meeting, there is no automatic increase, is on an individual basis.

Raja Naeem regarding Whelan Security giving drivers tickets to airport taxicabs on the behalf of the commission, he wanted to know if the commission has a contract with them. Thomas McCarthy stated that there is no contract with Whelan Security and the commission has a relationship with the airport, the airport delegates their security people to act under the code.

EXECUTIVE SESSION

None

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

Presented and approved by the Commission at the April 26, 2011 Meeting.

With no further business before the Commission a motion to adjourn the meeting was made by Commissioner Hamilton, seconded by Commissioner Reeves and with no further discussion the previous roll and vote was called for and the motion was unanimously approved.

Minutes were interpreted from an audio recording of the meeting by Kim Dodd.