



City of Milwaukee

200 E. Wells Street
Milwaukee, Wisconsin 53202

Meeting Minutes TAXICAB REVIEW BOARD

ALD. JAMES BOHL, JR, CHAIR
Elizabeth A. Nicols, Todd O'Leary, Carmela Peot, Michael Sanfelippo, Peter N. Tsounis
Staff Assistant: Joanna Polanco, 286-2366, Fax: 286-3456, jpolan@milwaukee.gov
Legislative Liaison: Richard Withers, 286-8532, rwith@milwaukee.gov

Friday, May 21, 2010

9:00 AM

Room 301-B, City Hall

Meeting convened: 9:05 A.M.

1. Roll call

Present 4 - Bohl, O'Leary, Khalsa and Tsounis

Excused 3 - Nicols, Sanfelippo and Peot

**Also present: Richard Withers, Legislative Reference Bureau
Richard Pfaff, License Division**

2. Review and approval of the minutes of the March 5, 2010 meeting

*Mr. O'Leary moved approval of the minutes, Mr. Tsounis seconded.
There were no objections.*

3. Discussion relating to limousine and shuttle regulations and permits

Discussion will include but not limited to, the following:

- Discussion of relating to the proposed changes to the code of ordinances, permit and inspection requirements for airport and non-airport shuttle service.**
- Discussion relating to Common Council File #07478 - An ordinance clarifying regulations relating to restricting the operations of public passenger vehicles for hire.**

Ald. Bohl referred members to the memorandum dated, May 17, 2010, prepared by Mr. Withers (Exhibit 1).

Mr. Withers summarized the memo provided, where an ordinance was passed on April 13, 2010 by Common Council changing the definition of shuttle vehicles and updated the reference to the Milwaukee County Code of Ordinance provisions authorizing a concession agreement for exclusive rights to shuttle service from General Mitchell International Airport. "Go Airport Connection" has agreed to obtain permit. Mr. Withers referred to Mr. Pfaff to provide information as to whether those permits and inspections requirements have been met. It was intended that by this

time all shuttles would have Private Passenger Vehicle permits (PPV).

Chair stated that some discussion from the board caught the attention of some representatives from Go Airport Connection, there was a meeting held between Rebecca Grill, License Division Manager, Mr. Bruce Shrimpf, Assistant City Attorney, and Ald. Bohl. One point of discussion was the definition of the ordinance then written, defining a shuttle vehicle as an 11 passenger cargo van. The understanding of this body was that new vehicles are not market for 11 passengers, the question as to whether or not should there be changes to the ordinance and list exactly 10 or try to create a distinguishable characteristic. Also in the discussion, whether or not Go Airport Connection was in compliance in using services to and from the airport which is part of their agreement with the County. Was the exception to the current ordinance, allowed? and the question of, is Go Airport Connection providing services to other venues? Chair informed the company, based on the ordinance interpretation, they are in violation. So, they agreed to take all cargo passenger vans to be licensed with the City of Milwaukee, pulling them under the same regulations as the taxicabs.

Mr. Khalsa asked for more explanation of the ordinance. The shuttles have been given four stickers for inspection. Are these shuttles the only ones providing to and from city limits services, can they all do that without the city stickers?

Mr. Pfaff explained that there are four vehicle licenses. Ordinance says that if you operate solely to and from airport, you don't need to be licensed, but if you operate outside of the that, you do. Also he said that 15-passenger vehicles are considered commercial vehicles and the city does not license for that.

Mr. Withers stated that these changes in the ordinance were to address the specific situation involving this particular operator, that has county agreement. It appeared they were going the extra mile. Mr. Withers offered to study the ordinance further for the need of more changes.

Chair explained that this body is here to help in the discussion of this matter and welcomes the taxicab representation to this board to assist in the regulations of these issues. Chair is open for these discussions to continued. Another concern he presents is the maintenance and safety inspection of these vehicles.

Mr. Withers stated that the county has some requirements in the service agreement for the taxicab, but they don't have an inspection process.

Mr. Tsounis asked if the state allowed the County to transport more passengers than capacity allowed, per ordinance as long as they are in the city of milwaukee, why or why not? Does it mean you have to have a license for that city, so are we creating new van licenses?

Chair asked if it would be prohibited, given Go Airport Connection has an exclusive agreement with Milwaukee County, and the airport is not in the City of Milwaukee jurisdiction, it is a Milwaukee County facility.

Mr. Withers stated that the state has given the county the right to administer the airport. He asked Mr. Pfaff if there was any limits in the number of shuttles outside Go Airport Connection that could be licensed Public Passenger Vehicle (PPV)?

Mr. Pfaff responded that there is no limit.

Mr. Tsounis stated that he does not agree with the exclusivity Go Airport Connection has

Mr. Withers stated that this matter is probably best dealt at the state legislature, given it is the state legislation that conferred upon the county exclusive authorization to operate all the airport area.

Chair asked if there are roads that lead to the airport terminals City of Milwaukee jurisdiction or is that somehow under county jurisdiction?

Mr. Pfaff stated that this is an issue that came up in the last meeting, why the county created this exclusive agreement and are those reasons still in existence today? Should this agreement even be enforced today?

Chair responded that the County had a 3-year renewal agreement

Mr. Kahlsa requested if the city could check with county if we can have more cab permits. They are needed. There are only 54 currently.

Mr. Withers stated that he recalls a conversation he had with airport administration. They feel it is more important that, security have higher control of services to and from the airport. Mr. Withers will check again with the airport to see if they're interested in accommodating more services we licensed and permit, so they would feel confident they are being regulated.

Chair requested for Mr. Withers to provide the board with a memo with information from the county with the current definition of ordinance practice and how it applies for business.

Officer Tyshnsky, Milwaukee Police Department (MPS) stated that from an enforcement standpoint, does not see how MPD can logistically enforce the law on these vehicles. He understands how there can be a competition between limo, taxicab and shuttles. He asks, if the City of Milwaukee is giving PPV permits to Go Airport Connection, than why should the company not be able to take the passenger elsewhere other than to and from the airport?

Mr. Withers stated that at the present time, any other shuttle company that meets the definition of a shuttle and has a PPV permit, can do that.

Mr. Tsounis said that there is none.

Mr. Withers said that there is none, at this time, but there is no limitation.

Mr. Tsounis stated that shuttles and limos are supposed to work by appointment only. There is no restriction.

Mr. Kahlsa stated that in order to avoid all these issues, he is not very optimistic, he suggests the used of a different sticker for shuttles.

Officer Tyshnsky stated that this is an unrealistic situation.

Mr. Kahlsa stated that if the city can regulate the inspection rules and issue the stickers, we should be able to regulate or look into if they can pick up within the city limits.

Officer Tyshinsky defined a shuttle as one having a fixed rate.

Mr. Pfaff said that a shuttle could be defined in two ways:

*Fixed Route Shuttle, where you have scheduled stops. We don't have any like these.
Group Travel Shuttle, capacity is for 5 or more passengers.*

Chair asked if there is a group travel with prior reservation, does it still mandate that at least from the point of origin should be 5 or more passenger from the point of departure?

Mr. Pfaff answered that it is presumed you are traveling with a group for the duration of the ride, but it does not explicitly state that all five need to be from and to point of origin to same destination.

Chair stated that he does not know a specific way of enforcing the ordinance.

Mr. Pfaff stated that the License Division does not regulate those that have private periodic shuttles.

Mr. Tsounis stated that the word shuttle, states is a free service, is it?

Chair stated that he is not certain. Would like to continue this dialogue and asks Mr. Withers if he can provide the definitions from selected cities, is the county seeking changes in the current ordinance, as it is practiced, and how it applies to use service from one business to a venue, whether or not licensed.

Mary Smarelli, President of Transit Express - also present, came to express her concern regarding the language of To and From the airport and the For Hire. She stated that if the recommended language mirrored what the recommendation from the Finerty Law Firm, it would be more consistent. She thinks more discussion needs to take place between all the entities involved in these process in order to best serve passengers and what can the marketplace support in terms of companies being able to provide that service, before an appropriate regulation can be drafted. She is very much in favor of regulation.

Chair stated that he agrees with Ms. Smarelli and also states that there should be some discussion as to changing the name of this task force, so it can legally expand on discussion beyond the scope of taxicab.

Mr. Withers stated that it would be appropriate to adopt an ordinance where this board can have a more permanent nature.

Mr. Pfaff explained that what it means to operate "For Hire", the police enforces it as you can't pick up here. At this time we are working with the City Attorney to define what it means to operate For Hire. Sub A attempt to codify the City Attorneys's opinion. the file was heard in front of Public Safety Committee and held to the call of the chair.

Chair asked, what does the ordinance reads if enforcement is not consistant with what we are told is legally the case? is there a problem based on the opinion listed, that would preempt City of Milwaukee from creating legislation that would be consistent with how we are enforcing the ordinance, presently?

Mr. Pfaff challenged Mr. Shrimpf, however, he stands by the opinion given by the city attorney.

Mr. Withers stated that he will work closely with Mr. Shrimpf in the process of clarifying and making it consistent

Mr. Pfaff stated that the License Division is faced with these kind of issues in dealing with the LImos, so they need to be clear in the matter.

Chair stated that he wants it concise, clear and easy to interpret, therefore, he will continue to work with Mr. Withers, Mr. Shrimpf and Mr. Pfaff and will inform the board of any results in the matter.

4. Discussion relating to payment of taxicab fare by credit card

Ald. Bohl referred members to the memorandum dated, May 17, 2010, prepared by Mr. Withers (Exhibit 1).

Mr Withers researched this topic and did not find much information, with the exception of New York and Chicago. Spoke with the Executive Vice President of a National Association of Taxis and Transportation, Mr. Al Morgan, who said that at first when the use of credit cards was imposed to the cab drivers, they were a bit resistant, but after realizing the increase in their tips, they are happy for the change. Some municipalities are still in dicussion as to weather this practice is even permissible and some are required to imposed a surcharge for the use of credit cards that, is not the same as the credit card service charge.

As long as the city establishes a set fee, there is not a rule or regulation from the credit cards companies for taxcabs to use on their services.

Chair stated that he likes the idea for the surcharge to be applied for the use and convenience of the credit card service.

Justice Khalsa stated that although in favor of the idea to require the use of credit cards by taxicabs, requests this item be held for a later meeting, to buy time for their computer system to become PCI compliant with credit cards companies.

Chair stated that he does not opposed to holding this discussion for another 3/9 months - a year. Would like to be sure every taxicab has the necessary technology. In the event it becomes mandatory, there will be an implementation period.

Mr. O'Leary suggested the changes would take place sooner rather than later, however, he is aware of the PCI compliant and the time implementation factor.

Mr Pfaff stated that the lack of not having this service available sooner continues to be a daily problem. He suggests for taxicab to display a sticker if they are providing the service of the credit card use. at least until it becomes a mandatory requirement.

Mr. Tsounis made the motion for \$1.00 for every \$20.00 charge and a mandatory sticker.

Chair stated that the recommendation of a policy to that, there be some legislation moving to adopt a policy to require mandatory surcharge and a sticker if taxicab provides credit card usage in addition allowing an accessible rate of a \$1.00 for every \$20.00 dollar charge. Motion unanimously accepted.

Mr. O'Leary suggested to have a mandatory surcharge that could be competitive, fair, and uniform.

Mr. O'Leary excused at 10:57 am

Quorum lost at 10:58 a.m.

5. Discussion relating to the vehicle inspection process

Mr. Pfaff offered a status report by saying that the License Investigation Unit was opposed at the last meeting to their proposal on several points. License Division will be able to address the issue of how to administratively have a work balance. Other missing piece was to be able to print stickers on demand in house, that are unique and specific to a vehicle. We are still waiting for a quote and we expect to have a significant cost savings to print out permits for all vehicles in house.

Mr. Khalsa asked if parking checkers can take care of the inspections.

Mr. Withers stated that the state law requires the Health Department take care of inspections.

6. Next meeting date, time and agenda

Friday, September 10, 2010 at 9:00 A.M.

Last quarter meeting or last meeting of the year to be scheduled on December 3rd, 2010 at 9:00 A.M.

Chair suggests the following topics of discussion for the next meeting agenda:

- 1. Continuation of the Shuttle question, to expand the scope of discussion of the task force.*
- 2. Taxicab fare survey update and related information.*
- 3. Discussion on Meter Inspection by the Health Department.*
- 4. Public comments/complaint from the public in the areas of service animals and credit cards.*

Meeting adjourned: 11:13 a.m.

**Joanna Polanco
Staff Assistant**