

100-54. Regular Driver's License

We would suggest that this heading be re-titled to 'Public Passenger Driver's License' so as not to be confused with the Wisconsin Department of Transportation's Regular Driver's License.

In Section 100-54 2. f-3 , 3. a-3 and 9. d that the words "...or by another state, district, or territory of the United States." be deleted. The State of Wisconsin Department of Motor vehicles requires a person that moves to Wisconsin to surrender their license issued by another State, district or territory to surrender that license to WISDOT within 10 days and then WISDOT will issue a Wisconsin License. Failure to require a Wisconsin license will add administrative time for both the "examiner" and the "city clerk's" office. If the objective of this section is to allow driver's with out of state licenses to operate under this provision it could be facilitated through the "Provisional Driver's License" section.

100-54 (part 9/ e2)

We would suggest that the words "charged with or" be deleted. Failing to delete this language would preclude employment both prior to a trial and even after a trial if the applicant is cleared of the charges.

100-55 Provisional Driver's License

We would ask that the following sentence be added at the end of 100-55 1. :
'This Provisional License shall be issued by the City Clerk's Office no later than 3 business days after the submission of the completed PPVL to the city clerk's office.'

Failing to establish a maximum time line to issue this Provisional License will continue to delay employment, add to response times and diminish the quality of available drivers.

100-59 Operating Regulations for all Public Passenger Vehicles.

CHAPTER 100-54. Driver's License suggested change

State Statue 349.24 provides statutory authority to *"any city, and every village or town board in point a, b, c, and points 2 & 3 that provides local authority to regulate Taxi cabs, taxi companies and taxi drivers."* This authority does not extend to vehicles other than taxi cabs. There is absolutely no authority to regulate other types of vehicles beyond taxi cabs under 349.24 .

State Statue Chapter 194.01 provides 13 definitions of various types and terms used in the transportation field. Among the definitions are "Common Motor Carrier", and "Contract Motor Carrier".

(1) "**Common Motor Carrier**" means any person who holds himself or herself out to the public as willing to undertake for hire to transport passengers by motor vehicle between fixed end points or over a regular route upon the public highways or property over regular or irregular routes upon the highways. The transportation of passengers in taxicab service or in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 16 persons or in a school bus under s. 120.13 (27) shall not be construed as being that of a common motor carrier."

There are two critical factors in this definition are,

1. *"...who holds himself or herself out to the public ..."* and
2. *"...as willing to undertake for hire ..."*. The key difference in this definition is (1) *"holds himself or herself out"*, hence advertising to the general public.

(2) "**Contract Motor Carrier**" means any person engaged in the transportation by motor vehicle over a regular or irregular route upon the public highways of property for hire, including the transportation of buildings, as defined in s. 348.27 (12m) (a) 1.

The key differences here is the absence of the *"holds himself or herself out"* to the general public language and that the terms of the relationship are defined by "Contract". This category of "Carrier" is very different than "Common Carrier" which is an advertised service open to the general public. The Contract Motor Carrier provides service consistent with the terms and conditions of the contract and to those organizations under contract with the Contract Carrier.

State Statute Chapter 194.02 "*Legislative Intent*" state that *"It is the intent of the legislature to remove the economic regulations which limit motor carrier operations in the state. The legislature intends to let the market promote competitive and efficient transportation services, while maintaining the safety regulations necessary to protect the welfare of the traveling and shipping public."*

We believe it is safe to conclude that Chapter 194 was not intended to permit the government to inject itself into the relationships between Contract Motor Carriers and their customers when the terms and conditions of this relationship are defined contractually.

In a communication dated August 13, 2007, From City Attorney Grant Langley and Assistant City Attorney, Bruce Schrimpf take the position that State Statute Chapter 194 permits the City of Milwaukee to regulate taxicabs and other small vehicles. While, we would concur that Wis. Stat. s 349.24 does provide the "*Authority to license taxicab operators and taxicabs*". On the other hand, Chapter 194.01 which they cite, in 194.01 specifically exempts "*The transportation of passengers in taxicab service or in commuter car pool or van pool vehicles with a passenger-carrying capacity of less than 16 persons or in a school bus under s. 120.13 (27) shall not be construed as being that of a common motor carrier.*". There can be little doubt that State Statute 194 does not apply to taxicabs and other types of vehicles referenced.

Transit Express Incorporated does not "*...hold himself or herself out to the public as willing to undertake for hire to transport passengers...*". Transit Express provides "Contract Motor Carrier" passenger transportation under contract with various public and private organizations. These services are not performed as a Common Carrier. The organizations that contract for our services does not offer services to the general public, but only to the individuals they so designate. While there are other paratransit operators that do "*...hold himself or herself out to the public as willing to undertake for hire to transport passengers*", Transit Express does not fall into that category of Common Carrier.

The August 13, 2007 communication would dramatically increase the organizations that would require compliance with Chapter 100. These would include Charter Bus Companies, hotel vehicles, County Transit Buses, staffing agency vehicles, and a host of other vehicles and operations not currently subject to Chapter 100. It was not the intention of State Statute 194, specifically as cited in 194.02 to allow municipalities to regulate paratransit Contract Motor Carrier operators such as Transit Express. The Wisconsin Department of Transportation under Trans. 301 specifically regulates Human Service Vehicles and their operators. This is why the City of Milwaukee in Chapter 100 had specifically exempted Human Service Vehicles from its licensing and inspection provisions. A change of interpretation in this long standing provision will add duplication of regulation and an additional burden not supported by State Statute.

It is totally inconsistent to acknowledge the existence of the Human Service Vehicle designations, as established under the Wisconsin Department of Transportation Trans. 301 regulations, while at the same time, attempt to dictate regulations for the drivers of those vehicles.

On the basis of the above comments, we would request that the first sentence in 100-54. (1) Driver's License be changed as follows:

As 1. c Unless the Vehicle is licensed as a Human Service Vehicle by the State of Wisconsin, a person operating a public passenger vehicle for hire upon the streets of the city and is required to hold a valid license issued under this section whenever the person is transporting a passenger for hire on either:

This language change is consistent with State enabling legislation and recognizes the extensive State of Wisconsin Department of Transportation regulations for vehicles and drivers as delineated in WISDOT Trans. 301.