

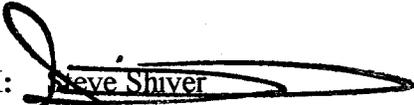


# MEMORANDUM

TC  
Agenda Item No. 1(F)5

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** June 12, 2003

**FROM:**   
County Manager

**SUBJECT:** Application for Jitney Certificate  
of Transportation by Power  
Shuttle, Inc.

## RECOMMENDATION

It is recommended that the Board approve the application of Power Shuttle, Inc. d/b/a Power Jitney for a Passenger Motor Carrier Certificate of Transportation to provide jitney service. The route between the 163<sup>rd</sup> Street Mall area and the Central Business District in downtown Miami, mainly along Biscayne Boulevard, will be operated seven days per week as follows:

- 1) Between 9:15 p.m. and 4:59 a.m., the portion of the route from N.E. 167 Street and N.E. 12 Avenue to N.E. 6 Avenue (N.E. 87 Street) and Biscayne Boulevard.
- 2) Between 10:20 p.m. and 4:59 a.m., service may be extended to Biscayne Boulevard and N.E. 62 Street.
- 3) Between 1:10 a.m. and 4:59 a.m., service may be extended to N.W. 1 Avenue and S.W. 1 Street.

## BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, Ordinance 98-123 on September 3, 1998, and Ordinance No. 02-1 on January 29, 2002, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 of the Code provides the procedures to be followed by Miami-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before the Transportation Committee of the Board of County Commissioners. At the conclusion of the public hearing, the Board may issue or refuse to issue the certificate, or issue the certificate with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Committee and the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able, in accordance with the requirements of this section, to provide the transportation to be authorized by this certificate and is able to comply with this article and regulations of the Commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

- (4) That, if applying for jitney or fixed route authority, the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami-Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificates of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at average frequencies of twenty-nine minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry. The provisions of the preceding sentence shall not apply when the applicant is applying for a certificate of transportation to provide jitney or fixed route authority and the Commission finds: (1) that the proposed transportation will not adversely affect the existing transportation system as a whole or future planned transit service as designated in the most current Miami-Dade Transportation Plan; (2) the route applied for has been operated by the applicant for at least five (5) years utilizing at least twelve (12) vehicles during 1997 which were issued permits by the CSD; (3) the fixed or jitney route traverses at least five (5) miles on either NW 7th Avenue or NE 2nd Avenue in Miami-Dade County; and (4) the applicant has held a certificate of transportation issued by Miami-Dade County for at least eight (8) years. (31-82(q) codifies the July 5, 1999 sunset of the requirements contained in the preceding sentence.)

#### ANALYSIS

Power Meus, President of Power Shuttle, Inc., d/b/a Power Jitney, located at 7325 N. Miami Avenue, Miami, Florida 33150, applied for a Passenger Motor Carrier Certificate of Transportation to provide jitney service along the route depicted in Attachment A, which covers an area between the 163<sup>rd</sup> Street Mall and the Central Business District in downtown Miami, mainly along Biscayne Boulevard. Transportation services will be provided using chauffeur-driven vehicles with a seating capacity of at least nine (9) or more, excluding the driver, but no more than 15 passengers. The proposed rates are \$1.25 per person, one way.

The management plan submitted by Mr. Power Meus, President of Power Shuttle, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. The Code requires a criminal background check for crimes for which the Applicant was convicted, excluding traffic, for a five-year period prior to application. The Applicant has a 2000 misdemeanor conviction with fine and costs for Battery; and a 2000 County Court conviction (withhold adjudication) for operating without a Certificate of Transportation. These are not deemed disqualifying events. Mr. Meus is the holder of a valid chauffeur registration issued under more stringent background requirements.

The Miami-Dade Transit Agency conducted an analysis of the proposed route (see Attachment B) and determined that the route would not adversely affect the existing transportation system as a whole or future planned transit service and therefore meet the criteria of Section 31-103 (g)(4) provided that operations are conducted in accordance with the following: Between 9:15 p.m. and 4:59 a.m., service is provided along the portion of the route from N.E. 167 Street and N.E. 12 Avenue to N.E. 6 Avenue (N.E. 87 Street) and Biscayne Boulevard; between 10:20 p.m. and 4:59 a.m., service may be extended to Biscayne Boulevard and N.E. 62 Street; and between 1:10 a.m. and 4:59 a.m., service may be extended to N.W. 1 Avenue and S.W. 1 Street. Mr. Meus has affirmed to staff that he believes there is a viable market sector to be served during these hours of operation.

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all existing PMC Certificate Holders, and interested parties affording them an opportunity to protest the application. One protest was filed by Miami Mini Bus Transportation Service, Inc. An administrative hearing was conducted during which the Hearing Examiner considered testimony from the applicant, the protestor, and the County. The protestor alleged that the route is not viable and that the Applicant will eventually abandon the route; that there is some overlapping of the routes; that there has already been an incident involving Mr. Meus and the protestor's drivers; and that the granting of a Certificate is not consistent with 31-101 of the Code relating to the intent of Article III. The report filed by the Hearing Examiner makes findings of fact and renders a recommendation to deny the protest. (See Attachment C)

In 1992, the Board authorized issuance of a Certificate of Transportation (No. 30098) for special operations service to Power Shuttle. The Certificate was operated as authorized; however, the Certificate Holder later engaged in jitney route work illegally. The Certificate Holder was suspended for six months during which no operations were noted. Based on compliance, this application was processed.

On July 16, 2002, a resolution approving this application was submitted to the Ways and Means Committee for its consideration. However, this application (as well as all other jitney applications) were deferred pending the outcome of the People's Transportation Plan, scheduled for November 5, 2002. Subsequently, the Office of Public Transportation Management (OPTM) conducted an analysis of the proposed route and determined that the route would not adversely affect the existing transportation system as designated in the People's Transportation Plan and the most current Transit Development Program. (See attachment D)

Resolution No. R-1404-98 directed staff to review Article III of Chapter 31 and prepare recommendations for amendments. A draft ordinance has been released to the industry and interested parties for comment. The ordinance will be submitted to the Board after any changes that may be made after meeting with the industry. Until submission of the amendments, no new Certificates of Transportation were to be accepted unless one of four conditions was met. One of the conditions is a finding of public interest. The Board and the MPO have expressed an interest in expanding transportation service, including the use of alternate modes, such as jitney service. Based thereon and the opportunity to increase transportation service, we believe it is in the best interest of the County to approve this request to offer jitney service as described herein.

# POWER SHUTTLE INC.

7248 NE 2<sup>nd</sup> Avenue  
Miami, Fl 33138  
Telephone: (305) 754-9730

244 0874 (BP)  
305-757-1394 office  
305-296 7611 cell  
954 893 6745 Home

September 25,2000

CONSUMERS SERVICE DEPT.  
PASSENGER TRANSPORTATION-  
REGULATORY DIVISION  
140 WEST FLAGLER STREET  
ROOM 904, MIAMI, FL 33130

RE: APPLICATION FOR P.M.C. JITNEY ROUTE  
COMPANY TRADE NAME: POWER SHUTTLE INC  
PRESIDENT: POWER MEUS, I  
COMPANY ADDRESS: 7424B NE 2<sup>ND</sup> AVE., MIAMI, FL 33137

Dear Sirs,

This is a formal Public Request by POWER SHUTTLE INC, and its President Power Meus, I, for a PMC Jitney Route 3. Starting service at the corner of NE 12<sup>th</sup> Avenue, South corner going north to NE 167<sup>th</sup> Street making right turn going <sup>East</sup> west to NE 15<sup>th</sup> Avenue, then right turn south to NE 163<sup>rd</sup> Street. From there we go left to Biscayne Boulevard, then turn right, going south on Biscayne to West Flagler Street. Then right turn on West Flagler to NW 1<sup>st</sup> Avenue, then left on NW 1<sup>st</sup> Avenue to SW 1st Street. Then make left turn going east on Biscayne Boulevard continuing left along Biscayne Boulevard heading north to where trip began at starting boundary.

Service will be at night after 9:15 PM to 4:59AM., from NE 12 Avenue and NE 167 Street to NE 6 Avenue (NE 87 Street) and Biscayne Boulevard. Operations may be extended to Biscayne Boulevard and NE 62 Street after 10:20PM and to NW 1 Avenue And SW 1 Street after 1:10AM and can continue to operate until 4:59AM.

ATTACHMENT A

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(2)

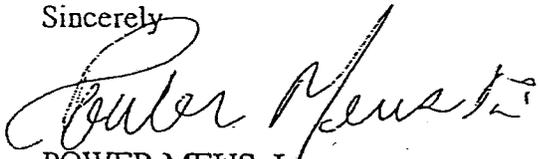
The Power Jitney will begin with number 700 and will end with the number 800. The passenger vans which will undertake this route are painted white with the sign POWER JITNEY in blue background with yellow writing on the fronts and sides. All vans will Display the company name and bus number.

This company is concencious and works well with its chauffeurs as the chauffeurs represent and aid the company in providing a great service to the community. All Chauffeurs will be in uniform in order for the public to recognize them to be associated With the company.

The president Mr. Power Meus, I, has been in the Transportation Industry in South Florida for over 20 years. His ability to manage in this field is respected by the people he works with. Granting this license at this time is right, as the local people who rely on daily transportation need to have a company that is loyal, dependable and trustworthy to work with. For the after hours service put in place by the County Commission, a dependable company like POWER SHUTTLE INC, will indeed strenghten this present system.

Thank you for giving me the opportunity to file this application. May this system of fairness to all people, which have served this Great and Mighty Country, live for ever in the hearts and minds of all its Great Leaders.

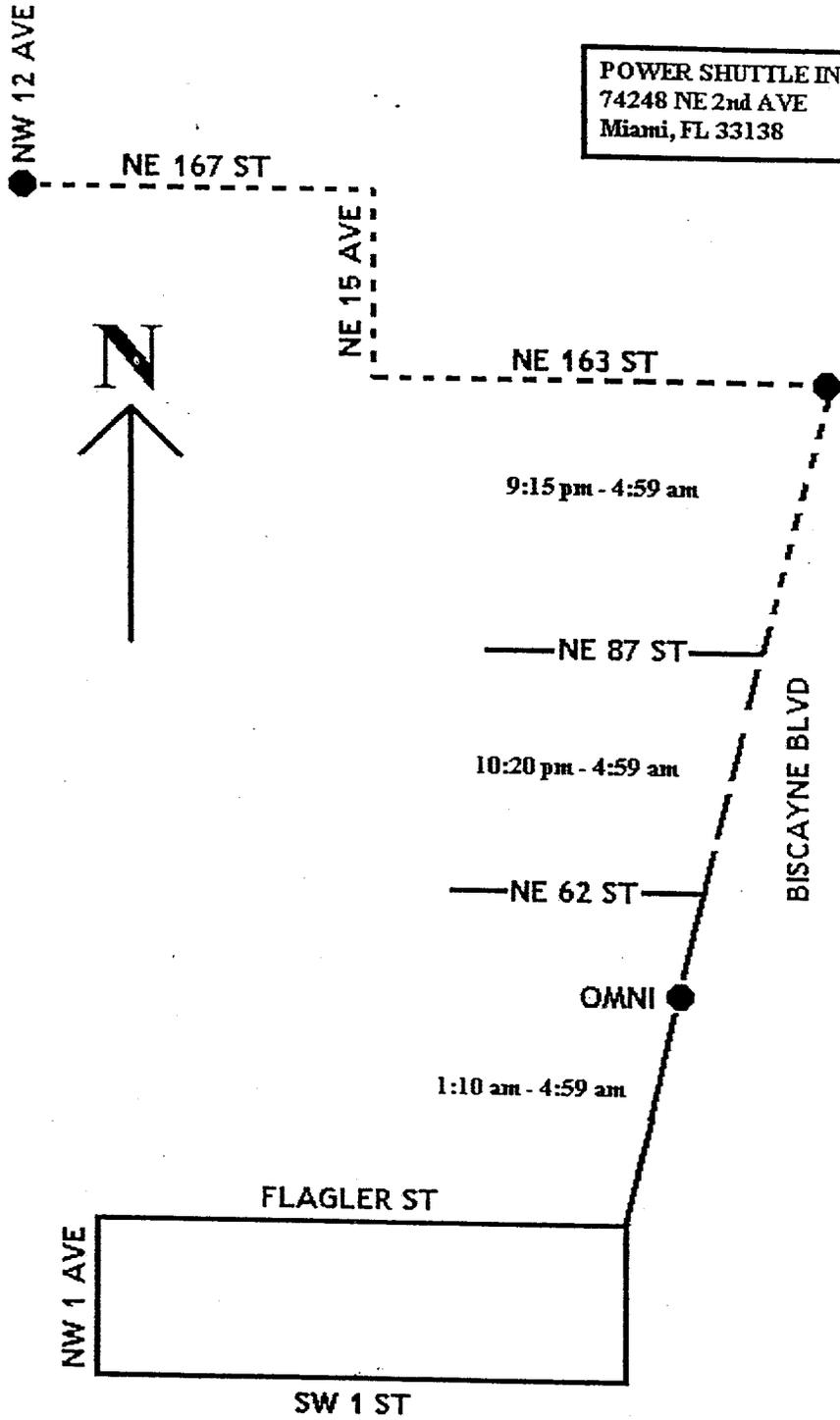
Sincerely



POWER MEUS, I  
PRESIDENT

5

POWER SHUTTLE INC.  
 74248 NE 2nd AVE  
 Miami, FL 33138

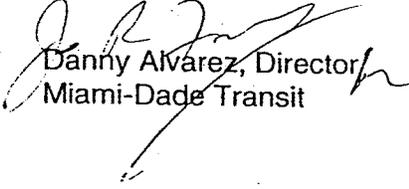


- After 9:15 PM operation between NE 167 Street and NE 12 Ave and Biscayne Blvd and NE 6 Ave.
- . - . - . - After 10:20 PM operation may be extended to Biscayne Blvd and NE 87 Street.
- \_\_\_\_\_ After 1:10 AM the next morning operation may be extended to NW 1 Ave and SW 1 Street.

# MEMORANDUM

TO: Sheila Rushton, Director  
Consumer Services Department

DATE: April 4, 2002

FROM:   
Danny Alvarez, Director  
Miami-Dade Transit

SUBJECT: Jitney Route Review  
Power Shuttle, Inc.  
(PMC Control No. 492)

Power Shuttle Inc. submitted for review a jitney route alignment proposal that would run between the 163rd Street Mall and the Central Business District, mainly along Biscayne Boulevard. The proposed service would operate after 9:15 p.m. from N.E.167 Street and N.E.12 Avenue to N.E. 6 Avenue (N.E. 87 Street) and Biscayne Boulevard. Operation may be extended to Biscayne Boulevard and N.E. 62 Street after 10:20 p.m. and to N.W. 1 Avenue and S.W.1 Street after 1:10 a.m. the next morning. The service would operate until 4:59 a.m. each morning.

Miami-Dade Transit analyzed the alignment in accordance with Section 31-103(g)(4) of the Miami-Dade County Code, as amended by the new Ordinance No. 02.1 relating to Regulation of Passenger Motor Carriers. The jitney route application is in compliance with the criteria established in Section 31-103(g)(4) of the Miami-Dade County Code, such that it would not adversely affect the existing transportation system as a whole or future planned transit service.

Attachment

cc: David R. Fialkoff, MDT

ATTACHMENT B

**RECEIVED**  
APR 08 2002  
CONSUMER SERVICES  
DEPARTMENT  
DIRECTOR'S OFFICE

7

Applicant: Power Shuttle Inc., PMC Control No. 492

Reviewed by: Service and Mobility Planning Division

Date: June 05, 2001

Proposed operating plan: After 9:15 p.m. from N.E. 167 Street and N.E. 12 Avenue  
to N.E. 6 Avenue (N.E. 87 Street) and Biscayne Boulevard.

After 10:20 p.m. service extended to Biscayne Boulevard  
and N.E. 62 Street.

After 1:10 a.m. the next morning service is extended to  
N.W. 1 Avenue and S.W. 1 Street.

2

# MEMORANDUM

O: Sheila Rushton, Director  
Consumer Services Department

DATE: 12/11/01

ROM: Rolando Jose Behar  
Administrative Hearing Examiner

SUBJECT: Protest Hearing Control # 493  
Applicant: Power Shuttle, Inc.  
Protester: Miami Mini Bus &  
Motorcoach Transportation Service,  
Inc. (Miami Mini Bus)

Pursuant to section 31-103(e) of the Code of Miami-Dade County, I was appointed to preside over an administrative hearing to hear a formal protest to an application made by Power Shuttle, Inc. for a new Passenger Motor Carrier Certificate of Transportation (COT) to provide "Jitney" service. The hearing was held on November 16, 2001.

Present at the hearing were:

The Applicant, Power Shuttle, Inc., was represented by Mr. Power Meus.

The Protester, Miami Mini Bus, was represented by Daniel Fils-Aime Sr. and Daniel Fils-Aime Jr.

Mr. Eddy Nelson, dispatcher for Miami Mini Bus.

Consumer Services Department representative Guillermo Cuadra.

BACKGROUND:

On February 2001, Power Shuttle applied for a Certificate of Transportation to provide fixed route "Jitney" service. In accordance to the Code notice was mailed to all parties and governmental bodies affected by the proposed application. Miami Mini Bus timely filed a formal protest to the proposed application. This protest was based on points outlined in a letter from Miami Mini Bus to Ms. Sheila Rushton dated August 24, 2001.

BURDEN OF PROOF:

Section 31-103(h) states:

The applicant shall have the burden of providing all of the prerequisites of the issuance of the certificate except that if a protestant objects on the ground that issuance will adversely affect the existing transportation system or impair essential transportation services being provided by the passenger motor carrier industry then, on that issue, the protestant shall have the burden of proof.

FINDINGS OF FACT:

The route described in the application and Miami Mini Bus' route overlap minutely in Downtown Miami and around 167<sup>th</sup> Avenue. The hours of operation only overlap for forty-five minutes since, if approved, Power Shuttle would operate from at 9:15 pm until 4:59 am, and Miami Mini Bus operates from 6:00 am until 10:00 pm. Miami Mini Bus provided testimony and a citation listing report from P.T.R.D. records to illustrate how Power Shuttle has operated outside its authorized route in the past. Miami Mini Bus contends that the route applied for by Power Shuttle is not a viable route and that Mr. Meus will eventually abandoned the route and the designated hours of operation and will operate illegally on Miami Mini Bus' route. Miami Mini Bus, expressed great concern for the safety of its drivers because of the overlapping of the routes on several blocks along 167<sup>th</sup> Avenue, where one finds the staging area for Miami Mini Bus' vehicles. This concern stems from a physical altercation between Mr. Eddy Nelson and Mr. Power Meus that occurred on April 5<sup>th</sup>, 2000.

FILED FOR RECORD  
01 DEC 12 PM 2:00  
MIAAMI COUNTY, FLA.  
CLERK OF COUNTY  
OFFICE #1

Miami Mini Bus also contends that if the application is approved it will be contrary to Sections 31-101(5), (7) and (8) of the Code of Miami-Dade County.

Sheila Rushton  
Page 2

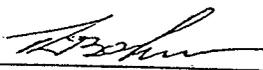
Sections 31-101(5), (7) and (8) are items considered as being in the public interest such as reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices; promotion of the safety and welfare of residents and visitors of Miami-Dade County who use passenger motor carriers; and recognition that a strong, viable, private sector passenger motor carrier industry has a role in efforts to improve transportation.

As required by the Code, Miami-Dade Transit reviewed this jitney route proposal and has determined that the proposal would be in compliance with the criteria established in Section 31-103(g)(4) as it would not adversely affect the existing transportation system as a whole or future planned transit service.

**OPINION:**

As stated above, the applicant has the burden of proof with respect to all the prerequisites of the certificate of transportation. At this hearing, the only question related to the applicant's ability to meet those prerequisites was whether the County conducts criminal background checks of applicants. The County answered in the affirmative and later informed me that in the case of Mr. Meus, since he holds a valid chauffeur's registration, a more rigorous check is conducted when applying or renewing his chauffeur's registration. No evidence of specific criminal convictions was submitted at this hearing; however, I am confident that the County, as it continues the review process of this application, will determine if the applicant meets the criteria related to criminal background checks as required in the Code.

Miami Mini Bus argues that approval of this application would adversely affect existing transportation. The basis for these arguments is Mr. Meus' past history of operating jitneys. According to the Code, if this application is approved, the applicant must comply with all the requirements and standards of operation under the Code. There are fines and penalties for operations of a certificate that are in violation of the Code that include suspension and revocation of the Certificate as well as impoundment of the vehicles involved. If the certificate were to be operated within the designated time and route, according to Miami-Dade Transit, it would be in compliance with the criteria in Section 31-103(g)(4). According to the proposed route, service will be provided during the late hours, thus enhancing the availability of transportation to the residents of the area. In conclusion, Power Shuttle proposes to provide transportation service that is compatible with the existing transportation system, however, special attention must be placed to ensure compliance with all the rules and conditions for operating jitney routes.



Rolando Jose Behar  
Administrative Hearing Examiner

FILED FOR RECORD  
01 DEC 12 PM 2:00  
MIAMI-DADE COUNTY COURTS  
CODE ENFORCEMENT #1

RECEIVED

DEC 19 2001

CONSUMER SERVICES  
DEPARTMENT  
DIRECTOR'S OFFICE



# MIAMI MINI BUS & MOTORCOACH TRANSPORTATION SERVICE, INC.

8340 N.E. 2nd Avenue, #209 • Miami, FL 33138 • Tel: (305) 759-2221 • Fax: (305) 759-0800

Wheel Chair Service  
Excursions  
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Charter  
Sightseeing  
Weddings  
Hospitals  
Clinics  
Nursing Homes, etc.  
Transfer  
Limousine Service  
Special Transportation

August 14<sup>th</sup>, 2001

Ms. Sheila Rushton, Director  
Miami-Dade Consumer Services Department  
140 West Flagler Street  
Suite 903  
Miami, FL 33130

**RECEIVED**  
AUG 15 2001  
PASSENGER TRANSPORTATION  
REGULATORY

**RE: FORMAL PROTEST, REQUEST FOR HEARING**

Dear Ms. Rushton:

Pursuant the correspondence received by our office dated July 20, 2001, Miami Minibus Transportation Service, Inc. is submitting this letter as a formal protest against the proposed jitney route under consideration by the Consumer Services Department for Power Shuttle, Inc.

It is our understanding that awarding Power Shuttle Inc. the route as described in your July 20<sup>th</sup> letter will violate several sections of the Miami-Dade County Code as an act not in the public interest. By approving this jitney route the Miami-Dade Commission would counteract the efforts made to prevent deceptive practices, promote the safety and welfare of the residents and visitors of Miami-Dade County, and establish a strong and viable private sector motor carrier industry (Miami Dade County Code Article III Sec. 31-101 (5), (7), (8)).

The Consumer Services Department along with Miami-Dade Passenger Transportation Regulatory division have documented numerous Code violations by the Power Shuttle over the past decade. In some instances Power Shuttle's vehicles have been unsafe. This operator has also illegally operated on our route and has been found guilty in a court of law for physically assaulting a Miami Minibus company representative (April 2000) who was documenting his illegal operation on the Miami Minibus Route.

Power Shuttle has now submitted this application which will authorize him to operate on a portion of our route. We believe, based on the Power Shuttle's past aggressive behavior, this would increase the possibility of altercation between the two companies as Power Shuttle may choose to abandon his route in order to once again illegally operate on that of Miami Mini Bus.

We formally protest Power Shuttle Inc.'s application for a jitney route and request a hearing in accordance with Miami-Dade County Code Article III Section 31-103 (e) in order to be heard on the aforementioned issues.

Should you need to reach me, please contact our office at (305) 759-2221. Thank You.

Sincerely,



Daniel Fils-Aime, Sr.  
President

cc: Dr. Barbara Carey Shuler, Commissioner, Miami-Dade County  
Mr. Power Meus, Power Shuttle, Inc.  
Mr. Raul Gonzalez, Consumer Services Department

**RECEIVED**  
AUG 15 2001  
PASSENGER TRANSPORTATION  
REGULATORY

# MEMORANDUM

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**TO:** Sheila Rushton, Director  
Consumer Services Department

**DATE:** May 1, 2003

**FROM:** Danny Alvarez, Executive Director  
Office of Public Transportation Management

**SUBJECT:** Jitney Route Review  
Power Shuttle, Inc.  
(PMC Control No. 492)

---

Power Shuttle Inc. submitted for review a jitney route alignment proposal that would run between the 163rd Street Mall and the Miami Central Business District, mainly along Biscayne Boulevard. The proposed service would operate after 9:15 p.m. from N.E.167 Street and N.E.12 Avenue to N.E.6 Avenue (N.E. 87 Street) and Biscayne Boulevard. Operation may be extended to Biscayne Boulevard and N.E. 62 Street after 10:20 p.m. and to N.W. 1 Avenue and S.W.1 Street after 1:10 a.m. until 5:00 a.m.

The Service Planning Division of the Office of Public Transportation Management (OPTM) analyzed the proposed alignment in accordance with Section 31-103(g)(4) of the Miami-Dade County Code, as amended by the new Ordinance No. 02.1 relating to Regulation of Passenger Motor Carriers and has determined that the application is in compliance with the criteria established in Section 31-103(g)(4) of the Miami-Dade County Code, such that it would not adversely affect the existing transportation system as designated in the People Transportation and the most current Transit Development Program (TDP).

## Attachments

Cc: Pepe Valdes, Chief of Staff, OPTM  
Cathy Grimes Peel, Deputy Director, CSD  
Joe Mora, Director, Passenger Transportation Regulatory Division, CSD  
Robert Pearsall, Chief of Service Planning, OPTM

ATTACHMENT D

Applicant: Power Shuttle Inc., PMC Control No. 492

Reviewed by: Service Planning Division, OPTM

Date: January 7, 2003

Proposed operating plan:

After 9:15 P.M. from N.E. 167 Street and N.E. 12 Avenue to Biscayne Blvd. and N.E. 87 Street.

After 10:20 P.M. service extended to Biscayne Blvd. and N.E. 62 Street.

After 1:10 A.M. the next morning service extended to N.W. 1 Avenue and N.W. 1 Street.

No service would be operated on any segment of the proposed route between 5:00 a.m. and 9:15 p.m., seven days a way.



TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: December 15, 1998

SUBJECT: Resolution relating to Passenger  
Motor Carrier section of the Code

FROM: Merritt E. Sperheim  
County Manager

RECOMMENDATION

It is recommended that the Board approve the attached resolution which provides that County staff will conduct a review of Article III of Chapter 31 of the Code and submit amendments no later than October 31, 1999; declares the Board's policy that with the exception of 1) municipal circulator service, 2) emergencies, 3) circumstances wherein the County Manager states that issuance is in the best interest of the County or 4) issuance of temporary certificates, no further applications for Certificates of Transportation shall be accepted; and provides that applications on file as of the adoption date for this resolution shall be processed for submission to the Board.

BACKGROUND

Article III of Chapter 31 of the Code of Miami-Dade County contains the regulations relating to vehicles with a passenger capacity of nine or more and 28 or less exclusive of the driver. The maximum passenger capacity does not apply to vehicles providing route service. Vehicle types are vans, jitneys and minibuses, as well as stretch limousines, which meet the minimum passenger capacity.

Changes to Article III, Chapter 31 were originally contemplated within a comprehensive for-hire transportation ordinance; however, the comprehensive approach was set aside due to the complexity of the industries and issues. In July, 1998 the Board adopted changes to Article II relating principally to taxicabs.

The prior review of Article III provisions occurred several years ago. Staff indicates that changes to Article III are still warranted. The number of applications for certificates has continued to increase. Staff deems it to be in the best interest to temporarily delay the filing of new applications while Code changes are being made in order to eliminate possible inconsistencies with the proposals. Moreover, as staff is considering the regulations relating to limousines, including executive sedans, the provisions of Article III, which also include the larger stretched limousines, should be concurrently reviewed.

Similar to the Board's declaration that non emergency stretcher applications should not be accepted during a review of the non emergency stretcher provisions of the Code, staff recommends the same policy declaration during the review of the Passenger Motor Carrier Code provisions. The recommended exceptions to the policy of not accepting applications are 1) municipal circulator service, 2) emergencies, 3) circumstances wherein the County Manager states that issuance is in the best interest of the County or 4) issuance of temporary certificates. Lastly, staff recommends that applications on file as of the approval date of this resolution, continue to be processed for the Board's consideration inasmuch as applicants have filed their documents and fees consistent with current laws.

The ordinance amendments will be submitted to the Board no later than October 31, 1999. This period will allow staff to conduct the review, prepare amendments, meet with industry representations and finalize an ordinance for submission to the Board. It should also be noted that during this period staff is concurrently implementing new taxi ordinance provisions and drafting limousine and non emergency Code amendments.

Approved \_\_\_\_\_ Mayor

Agenda Item No. 6(C)(1)(B)  
12-15-98

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. R-1404-98

RESOLUTION DIRECTING REVIEW OF ARTICLE III, CHAPTER 31  
OF THE CODE OF MIAMI-DADE COUNTY RELATING TO PASSENGER  
MOTOR CARRIERS AND DECLARING THE POLICY OF THE BOARD  
REGARDING FUTURE APPLICATIONS FOR CERTIFICATES  
OF TRANSPORTATION

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs County staff to conduct a review of the requirements of Article III, Chapter 31 of the Code of Miami-Dade County and to submit amendments no later than October 31, 1999. It is the Commission's desire that no further applications for Certificates of Transportation shall be accepted until such time as the Commission has received the proposed amendments, provided however, that applications for 1) municipal circulator service, 2) emergencies, 3) circumstances wherein the County Manager states that issuance is in the best interest of the County or 4) issuance of temporary certificates are excepted from the aforementioned policy. Applications for Certificates of Transportation on file as of the date of adoption of this resolution shall continue to be processed for submission to the Board.

The foregoing resolution was offered by Commissioners ~~Pedro Reboredo~~, who moved its adoption. The motion was seconded by Commissioner ~~Jimmy L. Morales~~ and upon being put to a vote, the vote was as follows:

|                       |        |                            |        |
|-----------------------|--------|----------------------------|--------|
| Dr. Miriam Alonso     | aye    | Bruno A. Barreiro          | absent |
| Dr. Barbara M. Carey  | aye    | Miguel Diaz de la Portilla | aye    |
| Betty T. Ferguson     | aye    | Gwen Margolis              | aye    |
| Natacha Seijas Millan | absent | Jimmy L. Morales           | aye    |
| Dennis C. Moss        | aye    | Pedro Reboredo             | aye    |
| Dorrian D. Rolle      | aye    | Katy Sorenson              | aye    |
| Javier D. Souto       |        |                            | absent |

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 1998. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

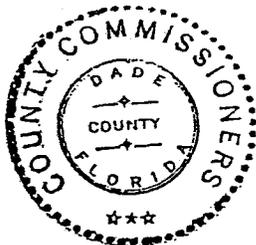
HARVEY RUVIN, CLERK  
By: KAY SULLIVAN  
Deputy Clerk

Approved by County Attorney as to  
form and legal sufficiency: GKS

STATE OF FLORIDA )  
 ) SS:  
COUNTY OF DADE )

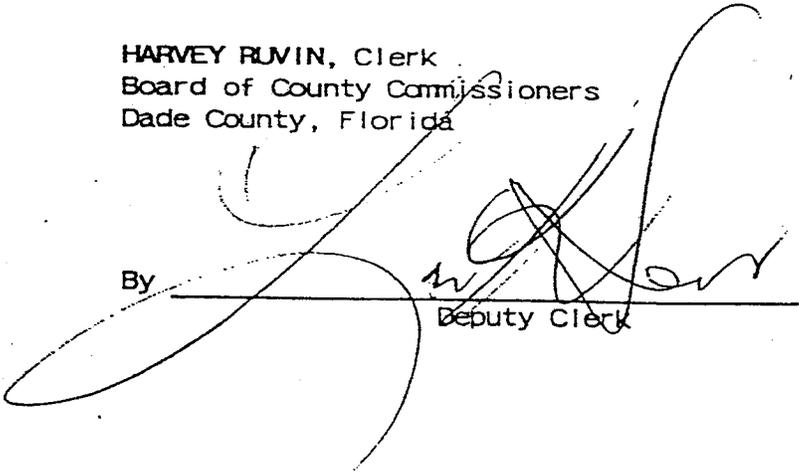
I, HARVEY RUVIN, Clerk of the Circuit Court in and for Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. R-1404-98, adopted by the said board of County Commissioners at its meeting held on December 15, 19 98.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 21st day of December, A.D. 19 98.



HARVEY RUVIN, Clerk  
Board of County Commissioners  
Dade County, Florida

By

  
Deputy Clerk

SEAL

Board of County Commissioners  
Dade County, Florida

mination of violation was mailed to the owner pursuant to Section 31-94(E)(5) herein; or

- (c) Has not paid the fines, if any, and towing and storage fees within ten (10) days of denial of a motion to vacate a default determination pursuant to Section 31-94(E)(5); or
  - (d) Has not paid the fines, if any, and towing and storage fees within ten (10) days after a notice was mailed by the CSD to the owner that the County will not pursue the remedy of forfeiture pursuant to Section 31-94 herein.
- (3) In the event that a vehicle has been deemed abandoned pursuant to paragraphs (1) and (2) of this subsection (H), the CSD shall mail to the owner a notice that the vehicle has been recovered by CSD as an abandoned vehicle and that, if unclaimed, its ownership shall vest in Miami-Dade County and it will be sold at public auction or by bid after ten (10) days from the date such notice was mailed. Such notice shall also be mailed to any lienholder or mortgagee shown in the records of the jurisdiction which issued the number of license plates on the vehicle.
- (4) An owner, lienholder or mortgagee may claim the vehicle within ten (10) days from the date that the notice described in paragraph (3) of this subsection (H) was mailed, by paying the towing and storage fees due and any fine(s).
- (5) In the event that an abandoned vehicle is not claimed within ten (10) days after the notice described in paragraph (3) of this subsection (H) was mailed, ownership of the abandoned vehicle shall vest in CSD after a duly noticed hearing and declaration of abandonment by a circuit court judge. The CSD may sell an abandoned vehicle at public auction or by bid. Proceeds shall be paid into the Enforcement Trust Fund.

(Ord. No. 98-3, § 1, 1-13-98)

Secs. 31-95—31-100. Reserved.

### ARTICLE III. PASSENGER MOTOR CARRIERS\*

#### Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

\*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2—16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Thursday, June 12, 2003 at approximately 2:00 p.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving application for one Certificate of Transportation to Power Shuttle, Inc. d/b/a Power Jitney to provide jitney service as a passenger motor carrier.

*A person who decided to appeal any decision made by the Transportation Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.*



# MEMORANDUM

(Revised)

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** July 8, 2003

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No.

Veto \_\_\_\_\_

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING APPLICATION FOR ONE  
PASSENGER MOTOR CARRIER CERTIFICATE OF  
TRANSPORTATION TO POWER SHUTTLE, INC. D/B/A  
POWER JITNEY TO PROVIDE JITNEY SERVICE**

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, this Board believes that it is in the best interest of the County to issue a Passenger Motor Carrier Certificate of Transportation for jitney transportation service to Power Shuttle, Inc. d/b/a Power Jitney,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board authorizes issuance of a Passenger Motor Carrier Certificate of Transportation to Power Shuttle, Inc. d/b/a Power Jitney, to provide jitney transportation service in Miami-Dade County on the route appended hereto as follows: between 9:15 p.m. and 4:59 a.m. the portion of the route from N.E. 167 Street and N.E. 12 Avenue to N.E. 6 Avenue (N.E. 87 Street) and Biscayne Boulevard; between 10:20 p.m. and 4:59 a.m., service may be extended to Biscayne Boulevard and N.E. 62 Street; and between 1:10 a.m. and 4:59 a.m., service may be extended to N.W. 1 Avenue and S.W. 1 Street. Said certificate shall be subject to suspension and/or revocation if there is failure on the part of the operator to comply with the conditions of the Certificate or requirements of the Code.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

|                                       |                  |
|---------------------------------------|------------------|
| Dr. Barbara Carey-Shuler, Chairperson |                  |
| Katy Sorenson, Vice-Chairperson       |                  |
| Bruno A. Barreiro                     | Jose "Pepe" Diaz |
| Betty T. Ferguson                     | Sally A. Heyman  |
| Joe A. Martinez                       | Jimmy L. Morales |
| Dennis C. Moss                        | Dorrian D. Rolle |
| Natacha Seijas                        | Rebeca Sosa      |
| Sen. Javier D. Souto                  |                  |

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. GKS

By: \_\_\_\_\_  
Deputy Clerk