Memorandum

MIAMI-DADE COUNTY

Date: December 2, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 7(H)

From: George M. Burgess
County Manager

Subject: Ordinance establishing a taxicab medallion lottery

RECOMMENDATION

It is recommended that the Board approve the attached ordinance amendment that establishes an annual lottery of 43 taxicab medallions for a three-year period. Seventeen of these licenses will be directed to the South Miami-Dade and North Miami-Dade underserved taxicab areas and 26 medallions will be operated with wheelchair taxicabs. All new medallions issued after January 1, 2008 must be operated using a vehicle equipped with a two-way radio or electronic dispatch system connected to and subscribed to a Passenger Service Company (PSC) that has a fixed base call center operated 24 hours a day, 365 days a year.

SCOPE

This proposed ordinance applies countywide.

FISCAL IMPACT/FUNDING SOURCE

The ordinance will result in the issuance of 129 medallions through 2010. The fiscal impact at the medallion price of $15,000 would yield revenues of $645,000 in 2008, 2009 and 2010, for a total of $1,935,000 over the three-year period. All fees derived from medallions are retained by the Consumer Services Department (CSD) to support taxicab regulatory activities. The projected revenues for 2008 and 2009 are included in the department's Board-approved budget.

TRACK RECORD/MONITOR

The CSD is responsible for regulating for-hire transportation in Miami-Dade County.

BACKGROUND

The Board adopted Ordinance 98-105 on July 9, 1998 that enacted regulatory reform of the taxicab industry. A major goal of the reform was to foster a system of owner-drivers to improve the quality of taxicab services and provide driver opportunities. This goal was supported through two primary mechanisms: new taxicab medallions were to be issued by lottery only to taxicab chauffeurs who actually drive the vehicles and transfers of medallions were to be made only to taxicab chauffeurs who actually drive the vehicles, with certain gift exceptions. Since 1999, the CSD has issued 256 medallions to taxicab chauffeurs by lottery, and approved 254 to chauffeurs by transfer. Prior to the 1998

ordinance, 114 (6 percent) of the 1,824 taxicab licenses were held by owner-drivers as compared to 605 (29 percent) of the 2,080 medallions today.

In May 2004, following the expiration of the first lottery series, the Board approved Ordinance 04-103 that continued a lottery through 2006, eliminated a 1:1,000 taxicab to population ratio and required that a taxicab study be conducted. The study was performed by the Tennessee Transportation & Logistics Foundation (TTLF) and was accepted by the Board on July 10, 2007. The study reviewed the use of taxicabs by visitors and residents, the utilization of wheelchair accessible taxicabs, the geographic distribution of taxicabs, the impact of additional taxicabs on existing taxicab chauffeurs, and provided recommendations for a formula to establish the number of taxicabs in the future, as well as other matters.

TTLF recommended that, in the long-term, the County adopt a formula for future growth that combines year over year increases in four areas weighted equally at 25 percent: 1) the percentage growth in taxicab trips at the Airport and Seaport, 2) hotel occupancy, 3) population and 4) electronic dispatch records of taxicab companies. Given the current lack of electronic dispatch technology throughout the industry, TTLF recommended the continuation of an annual lottery directed to underserved areas as an interim approach. This will allow the ongoing issuance of medallions to owner-drivers while the more permanent formula is finalized and technology is introduced. Prior to the implementation of this formula, Passenger Service Companies will need to be modernized by having electronic dispatching to facilitate the collection of the dispatch records.

The proposed amendment recommends an annual lottery of 43 medallions in 2008, 2009 and 2010, with 26 medallions to be operated with wheelchair taxicabs, and 17 medallions directed to the underserved taxicab service area created in 1999 and the South Miami-Dade taxicab service area created in 2004. The boundaries of these areas were expanded by the Board in April 2007.

TTLF also concluded that a two-way radio dispatch system is important to ensuring service throughout the County, especially in areas where there is not a high degree of street hail or walk up work, and for wheelchair accessible taxicabs. The present Code allows a taxicab to have either a radio or cellular telephone for two-way dispatch. This proposed ordinance requires all vehicles operated under taxicab medallions issued after January 1, 2008, to be equipped with a two-way radio or electronic dispatch system that is connected to and subscribed to a Passenger Service Company that has a fixed base call center operated 24 hours a day, 365 days a year.

Miami-Dade County launched its Wheelchair Accessible Cab (WAC) program in March 2003. Ordinance 03-45 established a goal of at least 3 percent of all taxicabs being wheelchair accessible no later than 2006. Currently, 65 vehicles (3.1 percent) of the taxicab fleet are WAC's. The proposed lottery adds 78 new WAC's over the three lotteries that will bring the total number to 143, or 6.5 percent of the entire taxicab fleet by the end of 2010. Many members of the community and visitors have benefited from the wheelchair taxicab program; however, improvements are needed. WAC's are difficult to obtain as they are scattered among many different taxicab companies that a user must call and because over half of the accessible taxicabs are not connected to a radio dispatch service. The additional wheelchair taxicabs issued in the lottery, coupled with the requirement that all taxicab medallions issued during the 2008, 2009 and 2010 lotteries be equipped with a two-way radio or electronic dispatch system, should help to improve the service.

The attached ordinance distributes the 43 taxicabs as follows:

LOTTERY TYPE	YEAR 2008	2009	2010	TOTAL
Regular Wheelchair Taxicabs	26	26	26	78
North Miami-Dade Underserved Area Taxicabs	9	9	9	27
South Miami-Dade Area Taxicabs	8	8	8	24
Total Lottery	43	43	43	129
Total Taxicabs After Lottery	2,123	2,166	2,209	

As in the past, the proposed lottery has separate categories to allocate medallions to veterans, chauffeurs with 20 or more years of service, and chauffeurs with 25 or more years of service. In response driver concerns, two new categories are included for drivers with 10 and 15 or more years of service, with the balance to drivers with five or more years of service. Drivers may apply in each category in which they qualify. The allocations improve chances for drivers who have been driving the longest.

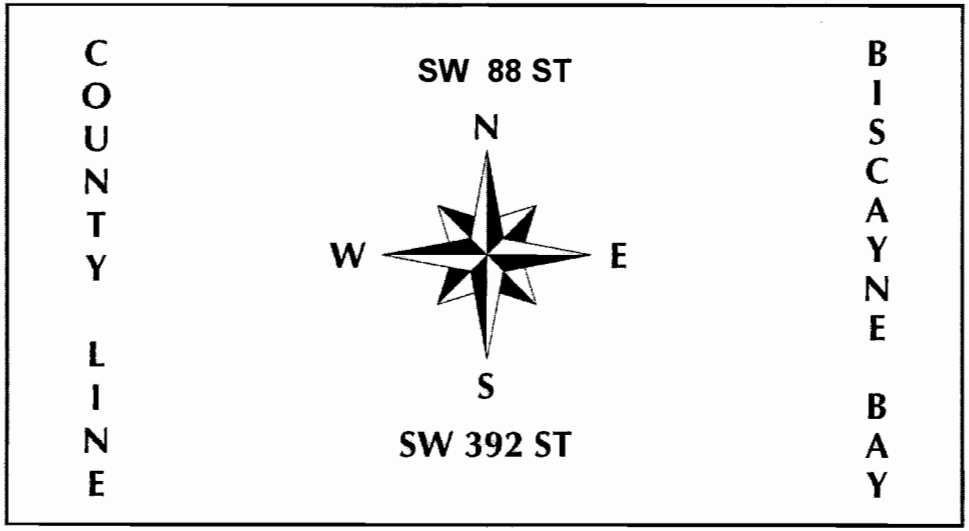
DISTRIBUTION	YEAR 2008	2009	2010	TOTAL
25 year driver	13	13	13	39
20 year driver	12	12	12	36
15 year driver	6	6	6	18
10 year driver	5	5	5	15
5 year driver	5	5	5	15
Veteran	2	2	2	6
Total Lottery	43	43	43	129
Total Taxicabs After Lottery	2,123	2,166	2,209	

The initial lottery proposal was discussed at CSD's Taxicab Advisory Group (TAG), which consists of representatives from industry, hospitality, municipalities and others, in April, July and October 2007 and January and April 2008. The lottery was also reviewed with taxicab drivers attending three of CSD's driver training sessions in October 2007, and at two taxicab driver workshops held in September 2007. Additionally, the lottery was discussed at the November 28, 2007 and April 23, 2008 Taxicab Workshops held by the Economic Development and Human Services Committee.

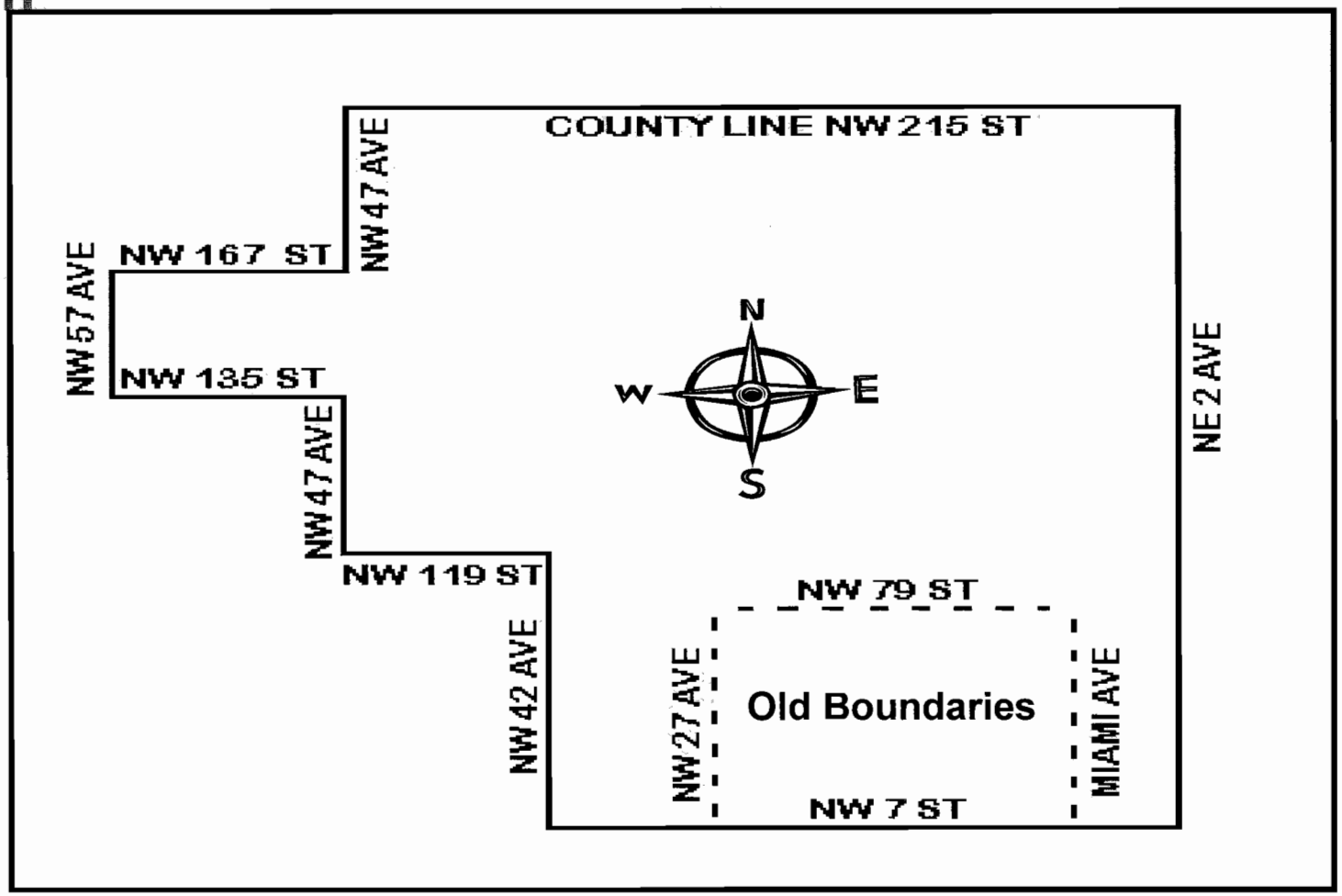
Assistant County Manager

UNDERSERVED AREA TAXICABS

South Miami-Dade Area Region Taxicab (S.M.A.R.T.)



NORTH DADE UNDERSERVED AREA



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 2, 2008

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 7(H)

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
Veto _____
Override _____

Agenda Item No. 7(H)
12-2-08

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 31-82 (O) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGARDING THE TAXICAB LICENSE LOTTERY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Chapter 31 Article II of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec 31-82. For-hire licenses.

(o) For-hire taxicab license lottery

(1) Beginning [[~~January 1, 2004~~]], >>in the year 2008<< [[~~twenty-five (25)~~]] >>twenty-six (26)<< for-hire taxicab licenses shall be issued on an annual basis until December 31, [[~~2006~~]], >>2010<< utilizing the criteria and procedure provided in Section 31-82. [[~~In 2004 and 2005, fourteen (14)~~]] >>Each<< of the [[~~twenty-five (25)~~]] for-hire taxicab licenses shall be operated using accessible vehicles. [[~~In 2006, twelve (12) of the twenty-five (25) for-hire taxicab licenses shall be operated using accessible vehicles. Two (2) of the~~

[1]Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

~~twenty-five (25) for-hire licenses to be issued annually shall be issued through a separate lottery to veterans of the United States Armed Forces who have been honorably discharged and satisfy all of the requirements of this chapter, two (2)~~]] >>One (1)<< of the for-hire licenses shall be issued through a separate lottery to >>a<< driver[[~~s~~]] who [[~~have~~]] >>has<< been a Miami-Dade County chauffeur for [[~~twenty (20)~~]] >>fifteen (15)<< or more years and [[~~satisfy~~]] >>satisfies<< all of the requirements of this chapter >>.<< [[~~and five (5)~~]] >>Twelve (12)<< of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for [[~~twenty-five (25)~~]] >>twenty (20)<< or more years and satisfy all of the requirements of this chapter. >>Thirteen (13) of the for-hire licenses shall be issued through a separate lottery to drivers who have been a Miami-Dade County chauffeur for twenty-five (25) or more years and satisfy all the requirements of this chapter. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for fifteen (15) years is equal to or more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license.<< When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is >>equal to or<< more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in

such lottery will be issued a for-hire taxicab license. [[~~When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license.~~]] When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is >>equal to or<< more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place that year and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for twenty (20) years. >>When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty (20) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for fifteen (15) years. Notwithstanding any other provision of this chapter, taxicab licenses issued pursuant to this subsection after January 1, 2008 are not

authorized to pick up passengers at Miami International Airport.<<

(2) In addition to the for-hire licenses authorized by the preceding subsection, [[~~an additional seven (7)~~]] >>eight (8)<< South Miami-Dade taxicab service area for-hire taxicab licenses shall be issued in [[~~2004, 2005 and 2006~~]] >>2008, 2009, and 2010<<, pursuant to Section 31-93(d) utilizing the criteria and procedure provided in Section 31-82. [[~~One of the for hire taxicab licenses issued pursuant to this subsection (c)(2) shall be operated using an accessible vehicle. Three (3) of the seven (7)~~]] >>Six (6) of the eight (8)<< for hire licenses issued pursuant to this subsection shall be issued as follows: one (1) of the [[~~seven (7)~~]] for-hire licenses [[~~to be issued~~]] shall be issued through a separate lottery to a veteran of the United States Armed Forces who has been honorably discharged and satisfies all the requirements of this chapter; [[~~one (1)~~]] >>two (2)<< of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for [[~~twenty (20)~~]] >>ten (10)<< or more years and satisfies all the requirements of this chapter; and [[~~one (1)~~]] >>three (3)<< of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for [[~~twenty-five (25)~~]] >>fifteen (15)<< or more years and satisfies all of the requirements of this chapter. [[~~When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty (20) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to~~

~~participate in such lottery will be issued a for-hire taxicab license.~~]] When the number of for-hire taxicab licenses reserved for the lottery of chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is >>equal to or<< more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for [[~~twenty-five (25)~~]] >>fifteen (15)<< years is >>equal to or<< more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. [[~~When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for ten (10) years is equal to or more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license.~~]] When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have been a Miami-Dade County chauffeur for [[~~twenty (20)~~]] >>ten (10)<< years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire

taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for [[~~twenty-five (25)~~]] >>fifteen (15)<< years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for [[~~twenty (20)~~]] >>ten (10)<< years.

(3) In addition to the for-hire licenses authorized by the preceding subsections, an additional [[~~six (6)~~]] >>nine (9) underserved area<< for-hire taxicab licenses shall be issued in [[~~2004, 2005 and 2006~~]] >>2008, 2009, and 2010<<, pursuant to Section 31-93(c), utilizing the criteria and procedure provided in Section 31-82. [[~~Two (2) of the for-hire taxicab licenses issued pursuant to this subsection (o)(3) shall be operated using an accessible vehicle.~~]] >>Six (6) of the for-hire licenses issued pursuant to this subsection shall be issued as follows: one (1) of the for-hire licenses shall be issued through a separate lottery to a veteran of the United States Armed Forces who has been honorably discharged and satisfies all the requirements of this chapter; three (3) of the for-hire licenses shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for ten (10) or more years and satisfies all the requirements of this chapter; and two (2)<< [[~~One (1)~~]] of the for-hire licenses issued pursuant to this subsection shall be issued through a separate lottery to a driver who has been a Miami-Dade County chauffeur for [[~~twenty-five (25)~~]] >>fifteen (15)<< or more years and satisfies all of the requirements of this chapter. >>When

the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who are veterans of the United States Armed Forces who have been honorably discharged is equal to or more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for fifteen (15) years is equal to or more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for ten (10) years is equal to or more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for veterans of the United States Armed Forces or drivers who have driven for ten (10) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who satisfy the requirements of Section 31-82(q). When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for fifteen (15) years exceeds the number of qualified applicants allowed to participate in the

lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who have been Miami-Dade County chauffeurs for ten (10) years. << [[~~When the number of for-hire taxicab licenses reserved for the lottery for chauffeurs who have driven for twenty-five (25) years is more than the number of qualified applicants allowed to participate in such lottery, the random selection or lottery process will not take place and all applicants qualified to participate in such lottery will be issued a for-hire taxicab license. When the number of for-hire taxicab licenses reserved for drivers who have been a Miami-Dade County chauffeur for twenty-five (25) years exceeds the number of qualified applicants allowed to participate in the lottery, the remaining number of licenses to be issued shall be included in the lottery for chauffeurs who meet the requirements of Section 31-82(q).~~]]

>>(4) All taxicab licenses issued pursuant to this section after January 1, 2008 shall have a mobile two-way radio or electronic dispatch system, installed and operating properly that is connected to and subscribed to service with a passenger service company that has a fixed-base call center operated twenty-four (24) hours a day, 365 days a year and by which a dispatcher may communicate with the taxicab chauffeur during all hours of vehicle operation to provide for-hire transportation to a passenger. <<

* * *

Section 2. If any section, subsection, sentence, clause or provision of

this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

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

Prepared by: GKS

Gerald K. Sanchez