Memorandum

MIAMI-DADE COUNTY

Date: October 7, 2008

Agenda Item No. 8(C)(1)(A)

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

From: George M. Burgess
County Manager

Subject: Excel Transportation, Inc. application for modification of Passenger Motor Carrier Certificate of Transportation No. 123

RECOMMENDATION

It is recommended that the Board approve the application of Excel Transportation, Inc. to modify existing Passenger Motor Carrier (PMC) Certificate of Transportation No. 123 for the provision of jitney service.

SCOPE

This PMC Carrier Certificate of Transportation is countywide, allowing the license holder to operate in unincorporated and incorporated areas of Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

The principal of the company, Mr. Yves Polynice, has been a licensed permit holder since 1992. There has been some enforcement within the last five years. Between April 2003 and August 2005, the company and its drivers received two citations, one vehicle deficiency and five vehicle suspensions. All violations were satisfied timely. There have been no further enforcement actions. The Consumer Services Department will be responsible for monitoring this company.

BACKGROUND

On February 17, 1981, the Board 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 (m) of the Code provides the procedures to be followed by the County in processing certificate applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment or transfer has been approved by the Board. In considering the proposed modification of the certificate, the Board shall determine whether or not said modification is contrary to the public interest, upon evidence submitted at the September 10, 2008 Economic Development and Human Services Committee meeting (Attachment A). The Board may approve or refuse to approve the modification of certificate upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions if in the public's best interest. In reaching its determination, the EDHS Committee and 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 Board.

(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 29 minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry.

Mr. Yves Polynice, President of Excel Transportation, Inc., located at 1665 NW 121 Street, Miami, Florida 33168, seeks to modify PMC Certificate of Transportation No. 123, to provide expanded jitney service. This class of service is defined as any motor vehicle having a maximum seating capacity of 15 or less, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis. The existing route has been operated by the applicant since approval was granted by the Board in 1992. The route modification includes an extension to the north. The Miami-Dade Transit (MDT) Service and Mobility Planning Division determined that the proposed route modification is in compliance with the criteria of Section 31-103 (g)(4) of the Miami-Dade County Code (Attachment B).

Excel is required to adhere to the terms of Resolutions R-1304-92 (Attachment C) and R-259-98 (Attachment D). Excel will continue transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule. Transportation will be provided using chauffeur driven vehicles with a seating capacity of at least nine or more, excluding the driver, seven days a week, from 5:00 a.m. to 10:00 p.m. The proposed rates are $1.25 per person, one-way.

The management plan submitted by Mr. Yves Polynice, President of Excel Transportation, 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. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

The applicant expressed during this time period that its existing route is not financially viable. In fact, this applicant has been attempting to modify its route since March 21, 2002. MDT rejected several routes that did not meet the 30 percent route duplication standard. Several protests were also filed which delayed the application process. In September 2007, the applicant submitted a revised route to MDT which was approved in January 2008.

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 passenger motor carrier certificate holders and interested parties affording them an opportunity to protest the application. No protests were filed.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: October 7, 2008

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

SUBJECT: Agenda Item No. 8(C)(1)(A)

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. 8(C)(1)(A)
10-7-08

RESOLUTION NO. _____

RESOLUTION APPROVING APPLICATION OF EXCEL TRANSPORTATION, INC. TO MODIFY CERTIFICATE OF TRANSPORTATION NO. 123 TO PROVIDE JITNEY SERVICE AS A PASSENGER MOTOR CARRIER

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 in accordance with Chapter 31 of the Code, the application of Excel Transportation, Inc. to modify Certificate of Transportation No. 123, to provide jitney transportation service in Miami-Dade County as a Passenger Motor Carrier is approved. This class of service is defined as any motor vehicle having a maximum seating capacity of fifteen (15) or less, transporting passengers for compensation on a semi-fixed route between fixed terminals not on a fixed schedule basis.

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:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of October, 2008. 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:_____
Deputy Clerk

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

Gerald K. Sanchez

Attachment A

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE ECONOMIC DEVELOPMENT AND HUMAN SERVICES COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Wednesday, September 10, 2008, at approximately 9:30 a.m. in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

> Resolution approving application by Excel Transportation, Inc. to modify Certificate of Transportation No. 123, to provide jitney service as a passenger motor carrier.

A person who decides to appeal any decision made by the Economic Development and Human Services 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.

Attachment B.

Memorandum

MIAMI-DADE COUNTY

Date: JAN 30 2008

To: Cathy Grimes Peel
Director
Consumer Services Department

From: Harpal Kapoor
Director
Miami-Dade Transit

Subject: Jitney Route Review
Excel Transportation, Inc.
(PMC No. 512)

As requested per your memo of December 13, 2007, the Service and Mobility Planning Division of Miami-Dade Transit (MDT) analyzed, in accordance with Section 31-103(g)(4) of the Miami-Dade County Code, the new jitney route alignment modification proposal filed with the Consumer Services Department (CSD) by Mr. Polynice d/b/a Excel Transportation Inc. The proposed alignment would connect the CBD to the NE Miami-Dade area (NE 159 Street and West Dixie Highway) via mainly NW 2 Avenue, N. Miami Avenue and NE 159 Street.

The results of the analysis show that 30% of the new jitney route alignment proposed by Excel Transportation Inc. duplicates Miami-Dade Transit and authorized jitney service. The maximum percentage of duplication allowed for compliance with the Miami-Dade County Code is 30%.

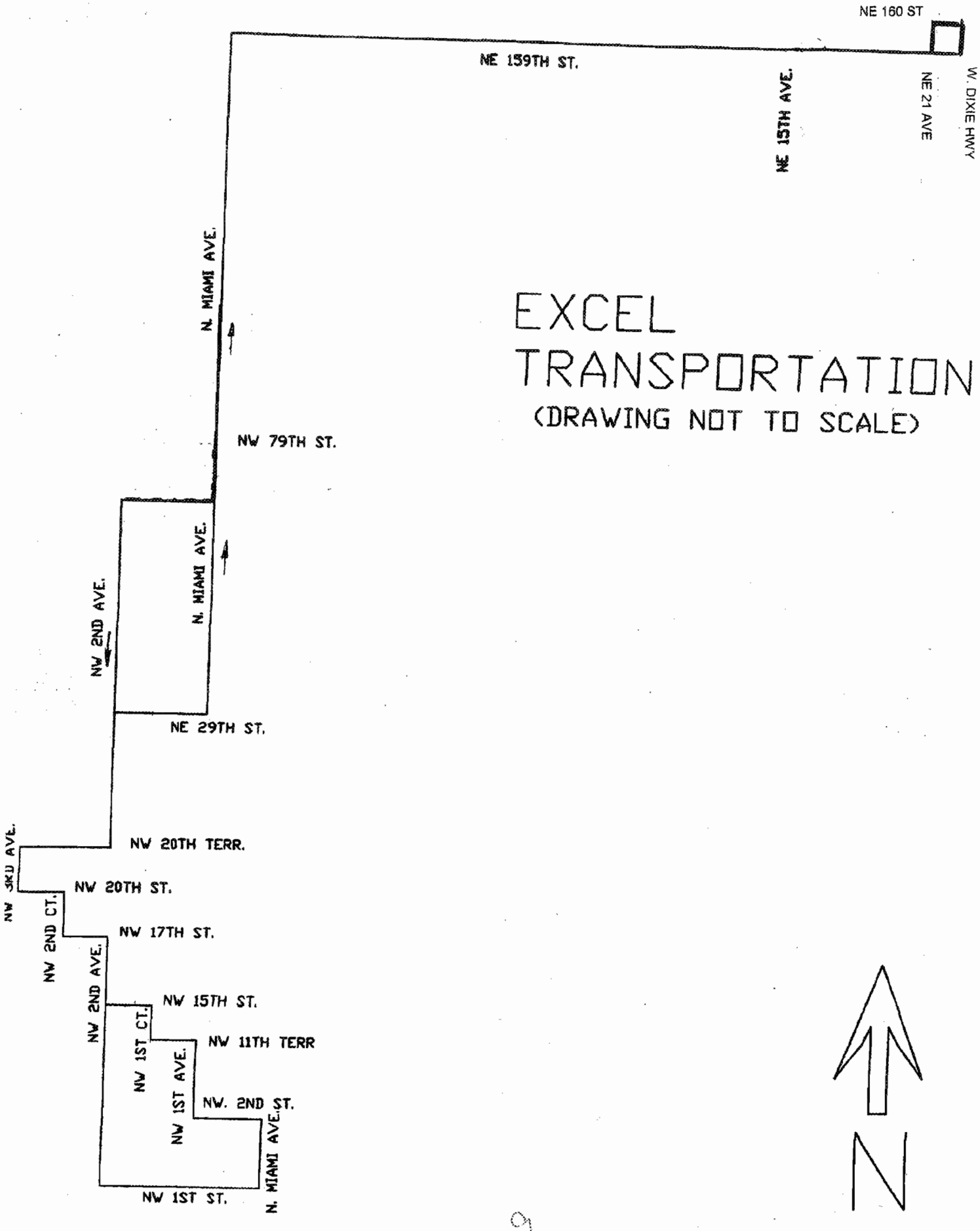
Based on these results Miami-Dade Transit has found that the modified route proposed by Excel Transportation is in compliance with the criteria established in Section 31-103(g)(4) of the Miami-Dade County Code, as amended by the new Ordinance No. 02.1 relating to Regulation of Passenger Motor Vehicle Carriers.

Attachments

cc: Mario Goderich, Deputy Director, Consumer Services Department.
Joe Mora, Director, Passenger Transportation Regulatory Division.
Hugh Chen, Miami-Dade Transit
Rosie Perez, Miami-Dade Transit
David R. Fialkoff, Miami-Dade Transit

EXCEL TRANSPORTATION

(DRAWING NOT TO SCALE)



EXCEL TRANSPORTATION					
ROUTE MILEAGE					
(CHANGES MADE ON 05/2007)					
	DIST.	CUM.			
DESCRIPTION	B. P.	DIST.	DUP	EXIST.	
	(MILES)	(MILES)	(MILES)	SERVICES	HEADWAY
N.W. 2 AVE & N.W. 1 ST ST		0.00	0.00		
N.W. 1 ST & N. MIAMI AVE	0.25	0.25	0.25	11, 77 AO, TRBC, DJ, KJ, LCJ, SJ	
N. MIAMI AVE & N.W. 2 ST	0.10	0.35	0.10	6, 8, DJ, SJ, LCJ, KJ	
N.W. 2 ST & N.W. 1 AVE	0.10	0.45	0.10	11, 77 AO, TRBC, DJ, KJ, LCJ, SJ	
N.W. 1 AVE & N.W. 3 ST	0.10	0.55	0.10	48, SC, DJ, LCJ, KJ.	
N.W. 1 AVE & N.W. 6 ST	0.20	0.75	0.20	SC, 6, 8	
N.W. 1 AVE & N.W. 11 TERR	0.35	1.10	0.35	2, 6	
N.W. 11 TERR & N.W. 1 CT	0.10	1.20	0.00	NONE	
N.W. 1 CT & N.W. 15 ST	0.30	1.50	0.30	2, NO	
N.W. 15 ST & N.W. 2 AVE	0.10	1.60	0.10	M, NO	
N.W. 2 AVE & N.W. 17 ST	0.15	1.75	0.15	2, 21, M	
N.W. 17 ST & N.W. 2 CT	0.10	1.85	0.00	NONE	
N.W. 2 CT & N.W. 20 ST	0.20	2.05	0.20	2	
N.W. 20 ST & N.W. 3 AVE	0.10	2.15	0.10	2, 32	
N.W. 3 AVE & N.W. 20 TERR	0.10	2.25	0.00	NONE	
N.W. 20 TERR & N.W. 2 AVE	0.10	2.35	0.10	32	
NW 2 AVE & NW 29 ST	0.50	2.85	0.50	2	
NW 29 ST & N. MIAMI AVE	0.30	3.15	0.00	6	
N.MIAMI AVE & NW 79 ST	3.00	6.15	0.00	NONE	
N. MIAMI AVE & N.W. 83 ST	0.30	6.45	0.30	2, 202	
N. MIAMI AVE & N.W. 84 ST	0.10	6.55	0.00	NONE	
N. MIAMI AVE & N.W. 91 ST	0.50	7.05	0.00	(2)	H>29
N. MIAMI AVE & N.W. 95 ST	0.30	7.35	0.00	NONE	
N. MIAMI AVE & N.W. 119 ST	1.70	9.05	0.00	(2)	H>29
N. MIAMI AVE & N.W. 125 ST	0.35	9.40	0.35	(2, 10)	H>29
N. MIAMI AVE & N.W. 135 ST	0.65	10.05	0.00	(2)	H>29
N. MIAMI AVE & N.W. 146 ST	0.70	10.75	0.00	(2)	H>29
N. MIAMI AVE & Memorial HWY	0.10	10.85	0.00	NONE	
N. MIAMI AVE & NE 159 ST	0.70	11.55	0.00	NONE	
NE 159 ST & NE 15 Ave	2.00	13.55	0.00	NONE	
NE 159 ST & NE 16 AVE	0.15	13.70	0.15	16, 75	
NE 159 ST & W. DIXIE HWY/ 22 AVE	0.80	14.50	0.00	NONE	
NE 22 AVE & NE 160 ST	0.00	14.50	0.00	NONE	
NE 160 ST & NE 21 ST	0.00	14.50	0.00	NONE	
NE 21 AVE & NE 159 ST	0.00	14.50	0.00	NONE	
NE 159 ST & NE 16 AVE	0.60	15.10	0.00	NONE	
NE 159 ST & NE 15 AVE	0.15	15.25	0.15	16, 75	

NE 159 ST & N. MIAMI AVE	2.00	17.25	0.00	NONE	
N. MIAMI AVE & Memorial HWY	0.70	17.95	0.00	NONE	
N. MIAMI AVE & NW 146 ST	0.10	18.05	0.00	NONE	
N. MIAMI AVE & NW 135 ST	0.70	18.75	0.00	(2)	H>29
N. MIAMI AVE & NW 125 ST	0.65	19.40	0.00	(2)	H>29
N. MIAMI AVE & NW 119 ST	0.35	19.75	0.35	(2, 10)	H>29
N. MIAMI AVE & NW 95 ST	1.70	21.45	0.00	(2)	H>29
N. MIAMI AVE & NW 91 ST	0.30	21.75	0.00	NONE	
N. MIAMI AVE & NW 84 ST	0.50	22.25	0.00	(2)	H>29
N. MIAMI AVE & NW 83 ST	0.10	22.35	0.00	NONE	
N. MIAMI AVE & NW 79 ST	0.25	22.60	0.25	2, 202	
N. MIAMI AVE & NW 71 ST	0.50	23.10	0.00	NONE	
NW 71 ST & NW 2 AVE	0.25	23.35	0.00	202	H>29
NW 2 AVE & NW 62 ST	0.50	23.85	0.50	2	
NW 2 AVE & NW 54 ST	0.50	24.35	0.50	2, 202	
NW 2 AVE & NW 29 ST	1.50	25.85	1.50	2	
NW 2 AVE & NW 20 TERR	0.50	26.35	0.50	2	
NW 20 TERR & NW 3 AVE	0.10	26.45	0.10	32	
NW 3 AVE & NW 20 ST	0.10	26.55	0.00	NONE	
NW 20 ST & NW 2 CT	0.10	26.65	0.10	2, 32	
NW 2 CT & NW 17 ST	0.20	26.85	0.20	2	
NW 17 ST & NW 2 AVE	0.10	26.95	0.00	NONE	
NW 2 AVE & NW 15 ST	0.15	27.10	0.15	2, 21, M	
NW 2 AVE & NW 1 ST	0.85	27.95	0.85	2, MO, NO	
			8.50		
Percentage of duplication			30%		

Attachment C

107.07-17A METRO-DADE/GSA-MAT. MGT

MEMORANDUM

Agenda Item No. 2(r)

TO: Honorable Mayor and Members
Board of County Commissioners

DATE: November 17, 1992

SUBJECT: Application for Issuance of a Certificate of Transportation

FROM: Joaquin G. Avino, P.E., P.L.S.
County Manager

R#: R-1304-92

RECOMMENDATION:

It is recommended that the Board, at the conclusion of the public hearing, consider the application of Excel Transportation, Inc., d/b/a Excel Jitney, Inc., and approve the certificate as requested.

BACKGROUND:

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the Passenger Motor Carrier Industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedure to be followed by Metropolitan Dade County in processing certificate applications. Based on these requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing, the Board may issue or refuse to issue the certificate or issue it with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, 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 the certificate, and is able to comply with this article and regulation 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 Metro-Dade Transportation Plan. In particular, it shall be deemed not in the public interest to authorize certificate of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at frequencies of thirty (30) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry.

ANALYSIS:

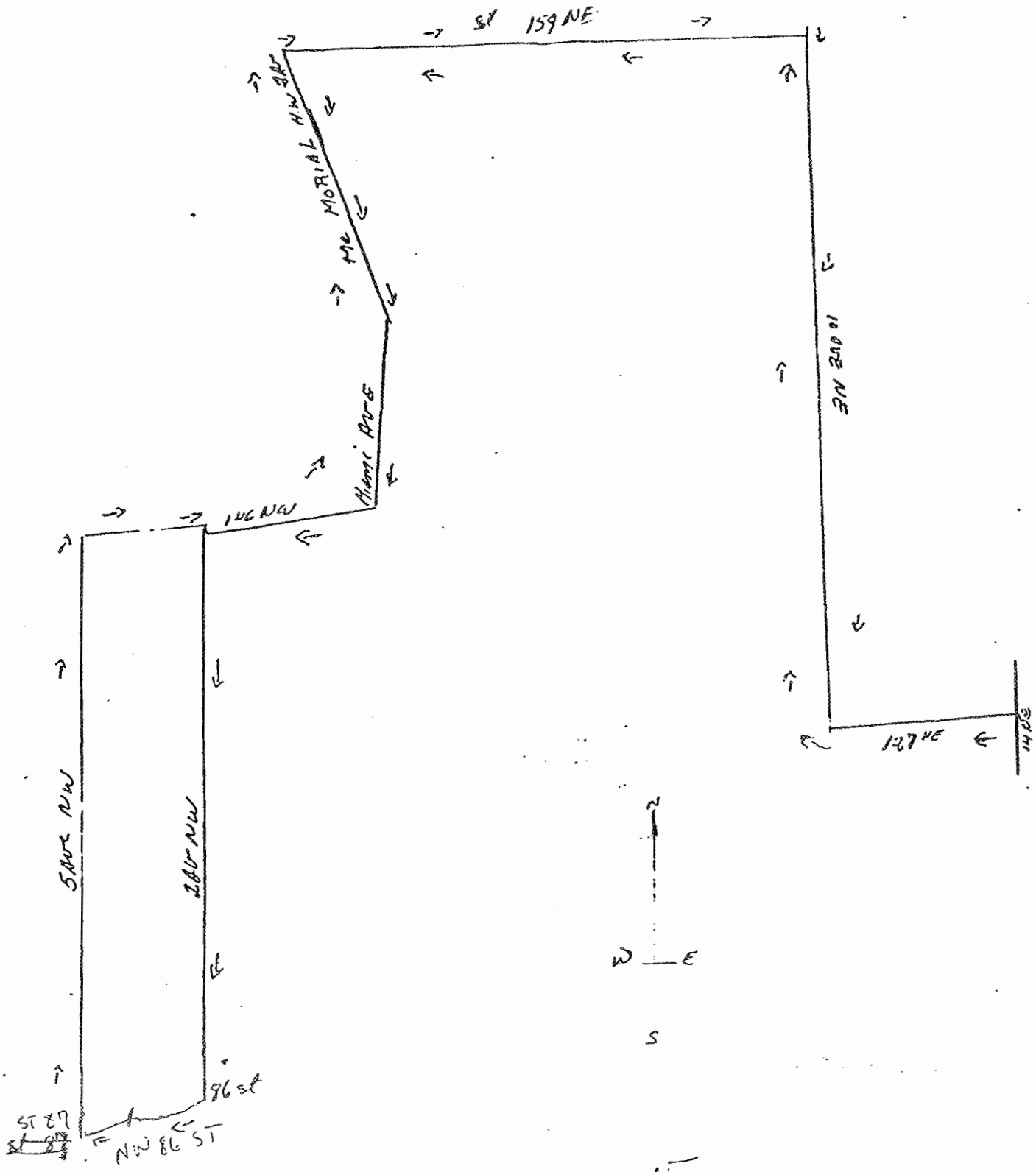
Excel Transportation, Inc., d/b/a/ Excel Jitney, Inc., located at 1665 N.W. 121 Street, Miami, Florida 33167, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide jitney transportation service on a semi-fixed route as follows: Starting at the corner of N.E. 127th Street and N.E. 14th Avenue, west on N.E. 127th Street to N.E. 10th Avenue, north on N.E. 10th Avenue to N.E. 159th Street, west on N.E. 159th Street to N.W. 2nd Avenue, south on N.W. 2nd Avenue along the Memorial Highway corridor to North Miami Avenue, south on North Miami Avenue to N.W. 146 Street, west on N.W. 146 Street to N.W. 2nd Avenue, south on N.W. 2nd Avenue to N.W. 86 Street, west on N.W. 86 Street to N.W. 5 Avenue, north on N.W. 5 Avenue to N.W. 146 Street, east on N.W. 146 Street to North Miami Avenue and return. * Serves only in one direction from: N.W. 146 Street and 2nd, south to N.W. 86 Street and N.W. 2nd Avenue, and from N.W. 87 Street, N.W. 5 Avenue to N.W. 146 Street and N.W. 5 Avenue. Hours and days of operation are 7:00 a.m. to 9:00 p.m., seven days a week, using vehicles with a seating capacity of nine to fifteen (15) passengers excluding the driver, with rates at $1.00 per person one-way.

The management plan submitted by the applicant indicates that the business facility 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. A background investigation revealed no criminal record for the applicant.

A Metro Dade Transit Agency analysis shows little or no conflict with existing jitney services or duplication of Metrobus service. The MDTA analysis determined that the proposed route is in compliance with the criteria of Section 31-103(g)4 of the Metropolitan Dade County Code.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders, and interested parties. No protests were filed.

This item was reviewed and approved by the Transportation Committee at its October 5, 1992 meeting.



159 NE
MORIAL HW 3RD
Miami Ave
146 NW
5 AVE NW
2 AVE NW
86 st
ST 87
NW 86 ST
127 NE
N
W
E
S

Secs. 31-94—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 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 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 Dade County who use the services of passenger motor carriers to meet their transportation needs.

(8) Recognition that a strong, viable, private sector passenger motor carrier industry has a role in efforts to improve

*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.

16

Agenda Item No. 2(r)
11-17-92

RESOLUTION NO. R-1304-92

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO EXCEL TRANSPORTATION, INC. TO PROVIDE JITNEY SERVICE AS A PASSENGER MOTOR CARRIER

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 DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide Passenger Motor Carrier Services in Dade County, as recommended by the County Manager, be issued to Excel Transportation, Inc.

The foregoing resolution was offered by Commissioner Mary Collins, who moved its adoption, the motion was seconded by Commissioner Charles Dusseau and upon being put to a vote, the vote was as follows:

Mary Collins	aye
Charles Dusseau	aye
Joseph M. Gersten	absent
Larry Hawkins	aye
Alexander Penelas	aye
Harvey Ruvin	aye
Arthur E. Teele, Jr.	absent
Sherman S. Winn	absent
Stephen P. Clark	absent

The Mayor thereupon declared the resolution duly passed and adopted this 17th day of November, 1992.

17

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MARSHALL ADER, CLERK

RAYMOND REED

Approved by County Attorney as
to form and legal sufficiency.

By: _____
Deputy Clerk

STATE OF FLORIDA)
) SS:
COUNTY OF DADE)

I, MARSHALL ADER, 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-1304-92, adopted by the said Board of County Commissioners at its meeting held on November 17, 1992.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 20th day of November, A.D. 19 92.

MARSHALL ADER, Clerk
Board of County Commissioners
Dade County, Florida

By Linda J. Cone
Deputy Clerk

102.01-3 Rev. 12/90 METRO-DADE GSA-MA MGT

Attachment D

MEMORANDUM

Agenda Item No. 5(S)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: March 17, 1998

SUBJECT: Amended Application by Excel Transportation, Inc. for modification of a Passenger Motor Carrier Certificate of Transportation (PMC Control No. 313)

FROM: Armando Vidal, P.E.
County Manager

- R-259-98

RECOMMENDATION

It is recommended that the Board approve the application of Excel Transportation, Inc. d/b/a Excel Jitney, Inc. to modify and extend Passenger Motor Carrier Certificate of Transportation No. 123, authorized by R-1304-92, to provide jitney service.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedures to be followed by Metro-Dade County in processing certificate applications. Based on those requirements, a public hearing has been scheduled before 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 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 Metro-Dade.

Transportation Plan. In particular, it shall be deemed not in the public interest to authorize a certificate of transportation for service on actual transit or passenger motor carrier corridors where service presently exists at frequencies of thirty (30) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry.

ANALYSIS

Excel Transportation, Inc. d/b/a Excel Jitney, Inc., located at 1665 NW 121 Street, Miami, Florida 33167, seeks to modify Passenger Motor Carrier Certificate of Transportation No. 123 to provide expanded jitney transportation service. This is an existing route which has been operated by the applicant since approval was granted by the Board in 1992. The route modification, which is attached, eliminates some areas and extends service from NW 86 Street to downtown Miami. The total route will be 22 miles. The Metro-Dade Transit Agency (MDTA) analysis determined that the proposed route modification is in compliance with the criteria of Section 31-103 (g) (4) of the Metropolitan Dade County Code.

Transportation services will be provided using chauffeur driven vehicles with a seating capacity of at least nine (9) or more, but no more than 15 passengers, excluding the driver, between the hours of 7:00 a.m. and 9:00 p.m., seven days a week. The proposed rates are $1.25 per person, one way. The management plan submitted by Mr. Yves Polynice, President of Excel Transportation, 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. A background investigation reveals no criminal record for the applicant.

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all existing PMC Certificate Holders and interested parties affording them an opportunity to protest the application. Five protests were filed by: Liberty City Jitney, Alphe Willingham, Dade Jitney, Alto Screen, and Ernest Johnson. The protesters allege conflict of the applicant's route with their existing jitney routes. Liberty City Jitney and Dade Jitney allege that the proposed route extension filed by Excel Transportation is within close proximity of their existing routes and that it effectively provides no new service for which a need has been identified.

Pursuant to the provisions of the Code, an administrative hearing was conducted during which the Hearing Examiner received comments from the above-named protesters. The Hearing Examiner recommended denial of the protest as indicated in the Hearing Examiner's report. Staff concurred with the recommendation of the Hearing Examiner and prepared the item for Commission consideration.

Subsequently, staff met with the applicant and the protesters to determine if the latter continued to have concerns regarding the applicant's route. The protesters requested that a revision be made in the downtown area of the proposed route. The applicant agreed and modified the route. MDTA determined that the modification is in compliance with the criteria of Section 31-103 (g) (4) of the Metropolitan Dade County Code. Because the applicant modified his route, the protesters agreed, in writing, to withdraw their protest of the application. A copy of the agreement is attached.

The applicant's citation history is concentrated in the period of March through December, 1993. There is no current citation history.

DIRECTIVES

No directives were received.

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 5(S)
3-17-98

RESOLUTION NO. R-259-98

RESOLUTION APPROVING MODIFICATION OF CERTIFICATE OF TRANSPORTATION NO. 123 TO EXCEL TRANSPORTATION D/B/A EXCEL JITNEY, INC. TO PROVIDE JITNEY SERVICE AS A PASSENGER MOTOR CARRIER

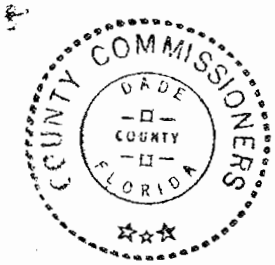
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a modification of Certificate of Transportation No. 123 to Excel Transportation d/b/a Excel Jitney, Inc. to provide jitney transportation service in Dade County as a Passenger Motor Carrier is approved. Said certificate shall be subject to revocation if there is failure, on the part of the operator, to operate the route in its entirety when jitney service is being provided.

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

Dr. Miriam Alonso	aye	Dr. Barbara M. Carey	nay
Miguel Diaz de la Portilla	aye	Betty T. Ferguson	aye
Bruce C. Kaplan	absent	Gwen Margolis	aye
Natacha Seijas Millan	aye	Jimmy L. Morales	absent
Dennis C. Moss	aye	Pedro Reboredo	aye
Dorrin D. Rolle	absent	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of March, 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. GHS

PROTEST WITHDRAWAL AGAINST EXCEL TRANSPORTATION, INC. D/B/A EXCEL JITNEY

In consideration for Yves Polynice altering his route, as requested, we hereby withdraw our protest against his application for modication of Certificate of Transporation No. 123 to provide jitney service.

Alphe Willingham — 2-25-98
Alphe Willingham — Date

Ernest Johnson — 2-25-98
Ernest Johnson — Date

Alto D Screen — Feb 24, 1998
Alto Screen — Date

25

METROPOLITAN DADE COUNTY

PUBLIC NOTICE - **REVISED**

THE BOARD OF COUNTY COMMISSIONERS of Dade County, Florida will meet on Tuesday, March 17, 1998 at 9:30 a.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 Liebt Way Tour Services, Inc. to provide special operations service as a passenger motor carrier.

Resolution approving application for one Certificate of Transportation to Progress Wholesale of America, Inc. to provide charter service as a passenger motor carrier.

Resolution approving application for one Certificate of Transportation to Citi Limit Transportation & Tours, Inc. to provide special operations service as a passenger motor carrier.

Resolution approving application for one Certificate of Transportation to Prince Line, Inc. to provide special operations service as a passenger motor carrier.

Resolution approving application for one Certificate of Transportation to Harriet Quarles Transportation to provide special operations service as a passenger motor carrier.

Resolution approving application for one Certificate of Transportation to Excel Transportation, Inc. to extend jitney service as a passenger motor carrier.

A person who decides to appeal any decision made by 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.

HARVEY RUVIN, CLERK

KAY SULLIVAN, DEPUTY CLERK

M E M O R A N D U M

TO: Sheila Rushton, Director
Consumer Services Department

DATE: March 5, 1998

FROM: Danny Alvarez, Acting Director
Metro-Dade Transit Agency

SUBJECT: Jitney Route Review
Excel Transportation, Inc.
(PMC Control No. 313)

Attached is a jitney route review conducted by Metro-Dade Transit Agency (MDTA) for Excel Transportation, Inc. Excel Transportation, Inc. submitted an application seeking to modify its existing jitney route.

MDTA has determined that the application of Excel Transportation, Inc. is in compliance with the criteria established in Section 31-103(g)(4) of the Metro-Dade County Code such that it does not affect the existing transportation system as a whole or future planned transit service as designated in the current Transit Development Program.

Attachment

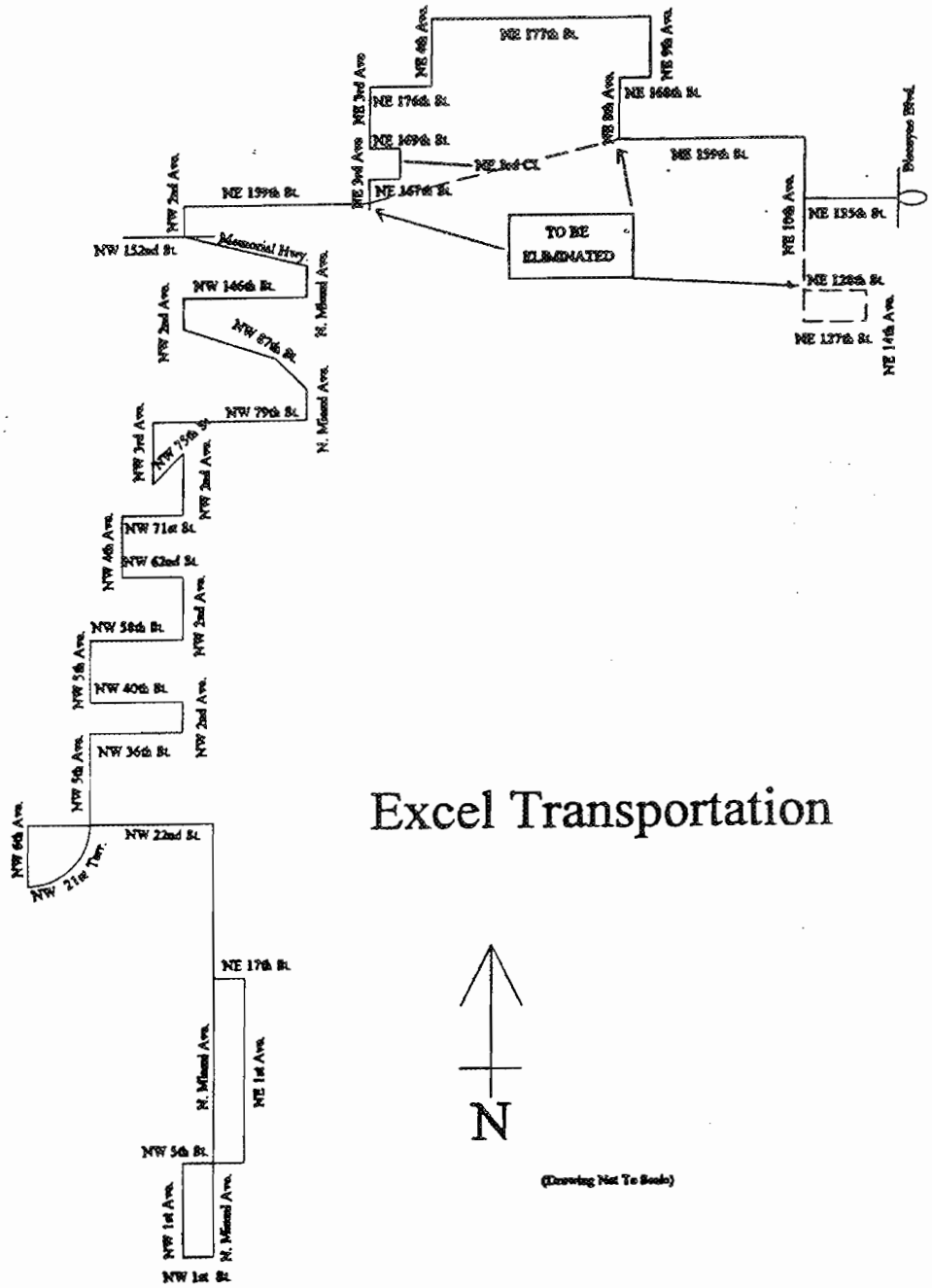
Applicant: Excel Transportation, Inc., PMC Control No. 313

Reviewed by: MDTA Service Planning and Scheduling Division

Date: March 25, 1997

The application of Excel Transportation, Inc. to modify its existing jitney route has been analyzed for compliance with the criteria established in Section 31-103 of the Metro Dade County Code. The result is as follows:

	Miles	Percent of Duplication
Total one way length of application	19.6	
Miles of duplication	5.8	30%



Excel Transportation

N

(Drawing Not To Scale)

Preliminary approval granted
02-13-98
A. Duverger

29

EXCEL TRANSPOR ATION, INC.

Route Description

Begin on the corner of NE 135th Street and Biscayne Blvd.
Proceed West to NE 10th Ave.
Make right heading North to NE 159th Street
Make left heading West to NE 8th Ave.
Make right heading North to NE 168th Street
Make right heading East to NE 9th Ave.
Make left heading North to NE 177th Street
Make left heading West to NE 4th Ave.
Make left heading South to NE 176th Street
Make right heading West to NE 3rd Ave.
Make left heading South to NE 169th Street
Make left heading East to NE 3rd Court
Make right heading South to NE 167th Street
Make right heading West to NE 3rd Ave,
Make left heading South to NE 159th Street
Make right heading West to NW 2nd Ave.
Make left heading South until NW 2nd Ave. becomes Memorial Highway
Continue along Memorial Highway heading Southeast to N. Miami Ave.
Make right heading South to NW 146th Street
Make right heading West to NW 2nd Ave.
Make left heading South to NW 87th Street
Make left heading East to N. Miami Ave.
Make right heading South to NW 79th Street
Make right heading West to NW 3rd Ave.
Make left heading South to NW 75th Street
Make left heading East to NW 2nd Ave.
Make right heading South to NW 71st Street
Make right heading West to NW 4th Ave.
Make left heading South to NW 62nd Street
Make left heading East to NW 2nd Ave.
Make right heading South to NW 58th Street
Make right heading West to NW 5th Ave.
Make left heading South to NW 40th Street
Make left heading East to NW 2nd Ave.
Make right heading South to NW 36th Street
Make right heading West to NW 5th Ave.
Make left heading South to NW 21st Terrace
Continue South curving West to NW 6th Ave.
Make right heading North to NW 22nd Street
right Make [redacted] heading East to N. Miami Ave.
Make right heading South to NW 1st Street
Make right heading West to NW 1st Ave.
Make right heading North to NW 5th Street
Make right heading East to NE 1st Ave.
Make left heading North to NE 17th Street
Make left heading West to N. Miami Ave.
Make right heading North and return along route (north of the intersection of NE 17th Street) to the corner of NE 135th Street and Biscayne Blvd.

METRO-DADE

METROPOLITAN DADE COUNTY, FLORIDA
PASSENGER MOTOR CARRIER
CERTIFICATE OF TRANSPORTATION

B.C.C. RESOLUTION NO.: R-1304-92 CERTIFICATE NO.: 123 DATE OF ISSUANCE: 5/3/93

THIS CERTIFICATE, ISSUED IN ACCORDANCE WITH CHAPTER 31, ARTICLE III OF THE CODE OF METROPOLITAN DADE COUNTY, FLORIDA AUTHORIZES:

NAME	DOING BUSINESS AS	ADDRESS
Excel Transportation, Inc.	Excel Jitney, Inc.	1665 N.W. 121 Street, Miami, Florida 33167

TO PROVIDE JITNEY TRANSPORTATION ON A SEMI-FIXED ROUTE AS FOLLOWS: Starting at the corner of N.E. 127th Street and N.E. 14th Avenue, west on N.E. 127th Street to N.E. 10th Avenue, north on N.E. 10th Avenue to N.E. 159th Street, west on N.E. 159th Street to N.W. 2nd Avenue, south on N.W. 2nd Avenue along the Memorial Highway corridor to North Miami Avenue, south on North Miami Avenue to N.W. 146 Street, west on N.W. 146 Street to N.W. 2nd Avenue, south on N.W. 2nd Avenue to N.W. 86 Street, west on N.W. 86 Street to N.W. 5 Avenue, north on N.W. 5 Avenue to N.W. 146 Street, east on N.W. 146 Street to North Miami Avenue and return. Transportation will be provided from 7:00 a.m. to 9:00 p.m., 7 days per week; using CONTINUES... vehicles with a seating capacity of nine (9) to fifteen (15) passengers excluding the driver. Rates are $1.00 per person and may only be changed by filing with the Consumer Services Department any proposed rate thirty (30) days prior to its effective date and posting said notice in the passenger compartment section of the vehicle fifteen (15) days prior to its effective date. Each vehicle and chauffeur must be licensed by the Consumer Service Department prior to operating.

BY ORDER OF METROPOLITAN DADE COUNTY BOARD OF COUNTY COMMISSIONERS

Director, Consumer Services Department

THIS CERTIFICATE MUST BE ANNUALLY RENEWED BY MARCH 31 OF EACH YEAR.