

Memorandum



Date: November 9, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over a horizontal line.

Subject: Ordinance relating to SunPass utilization in taxicabs

GO
Agenda Item No. 1E3

RECOMMENDATION

It is recommended that the Board approve the attached ordinance that requires taxicab chauffeurs to obtain a SunPass transponder and utilize SunPass lanes when transporting passengers.

SCOPE

This ordinance applies countywide.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County.

TRACK RECORD/MONITOR

The Consumer Services Department (CSD) is responsible for administering for-hire regulations.

BACKGROUND

Chapter 31 sets forth the regulations that govern for-hire transportation. Section 31-304 establishes various requirements that apply to chauffeurs providing taxicab services.

The attached ordinance provides that a chauffeur must obtain a SunPass transponder and utilize SunPass lanes when the taxicab is transporting a passenger. The SunPass lanes ensure that passengers are afforded the fastest and most economical route to their destination, frees up the taxicab for the next trip more quickly, reduces traffic congestion, and conserves fuel that would otherwise be consumed waiting in toll lanes.

Chauffeurs have been required to obtain and utilize a SunPass since 2005 as part of the last taxicab meter fare adjustment. Prior to that meter adjustment, tolls were included in the overall fare and could not be collected by the chauffeur. The 2005 meter rate adjustment authorized chauffeurs to recover the toll from the passenger, at the SunPass rate, in addition to the metered fare. This ordinance codifies the requirement.

A proposed ordinance requiring chauffeurs to utilize SunPass lanes was considered at a public hearing held at the May 11, 2010 Government Operations Committee, where several amendments were made. Although it was originally scheduled for second reading on June 3, 2010, the County Attorney determined that a title change was necessary and the item was withdrawn. The ordinance is being resubmitted and incorporates the changes made at the May committee meeting. The memorandum has also been expanded to provide additional information.

The committee amendments clarified that chauffeurs must obtain the SunPass transponder, that the requirement to use the SunPass lane applies to roads where the toll is fixed, and that on roads where the toll is not fixed the chauffeur must determine whether the passenger desires to use the SunPass

lane and comply with the wishes of the passenger. Warnings will be issued for 30 days following the effective date to allow ample time for an awareness campaign.

SunPass offers two types of transponders. The SunPass Mini is permanently affixed to the windshield and cannot be transferred between vehicles. The portable SunPass temporarily adheres to a windshield with suction cups or Velcro. Both transponders are widely available in retail establishments.

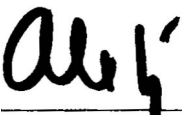
SunPass accounts can be opened and maintained using credit cards (regular or prepaid), debit cards that display a MasterCard or Visa logo, checks, money orders, and cash. A minimum payment of \$10 is required for activation. Automatic replenishment can be set up or the account may be replenished as needed. Replenishment can be done on-line, in person, by mail, or by telephone. SunPass is not able to directly debit an individual's bank account. Cash, checks and money orders are accepted at any Wachovia branch bank. Effective June 1, 2010, cash and other forms of payment are accepted at 225 Touch-N-Buy kiosks located in pharmacies, check cashing establishments, supermarkets, gas stations and other locations. Additional locations will be added in August. All of these venues make paying for a SunPass convenient for the chauffeurs.

An account can be set up on-line or on the telephone. When an account is set up on-line, entering a vehicle TAG number is required. Many chauffeurs own and operate their own vehicles, and some operate the same vehicle every day even if they do not own the vehicle. These chauffeurs should enter the TAG number of that vehicle. If a chauffeur does not operate the same vehicle every day, it is recommended that they enter the TAG number of their personal vehicle, or to set up the account via telephone where a TAG number is not required to open an account.

The mechanism for collecting the toll is the SunPass transponder, not the TAG number. The TAG number is utilized for invoicing a vehicle owner in the event of a SunPass transponder reading error. Failures can result from low batteries or from not properly placing the SunPass on the windshield. SunPass transponders that are hand held or placed on the dashboard may experience reading errors. It is possible that a taxicab fleet operator/vehicle owner may receive a SunPass invoice if a SunPass does not register in one of its vehicles. The fleet operator will be able to identify the chauffeur who had possession of the vehicle by consulting their own records.

Open road tolling is being implemented on SR 878 Snapper Creek Expressway, SR 874 Don Shula Expressway, and SR 924 Gratigny Parkway. All of these roads will be cashless by summer of 2010. In addition, the toll booths will be eliminated on SR 836 Dolphin Expressway and SR 112 Airport Expressway within 18 months. In addition to providing a benefit for passengers, chauffeurs, traffic congestion and the environment, the attached ordinance will ensure that taxicabs are able to operate in this new system.

CSD's taxicab industry advisory group indicated support for the original ordinance at its meeting of February 16, 2010.



Assistant Coun Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: July 8, 2010

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

[Handwritten signature] 7

SUBJECT: Agenda Item No. 4 (A)

Please note any items checked.

- _____ "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
- _____ Ordinance creating a new board requires detailed County Manager's report for public hearing
- _____ No committee review
- _____ Applicable legislation requires more than a majority vote (i.e., 2/3's, 3/5's, unanimous) to approve
- _____ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved

Mayor

Agenda Item No. 4 (A)

Veto _____

7-8-10

Override _____

ORDINANCE NO. _____

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-304 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REQUIRING TAXICAB CHAUFFEUR TO OBTAIN A SUNPASS TRANSPONDER AND UTILIZE SUNPASS LANE WHEN TRANSPORTING PASSENGERS UNDER CERTAIN CIRCUMSTANCES; AMENDING CHAPTER BCC OF THE CODE TO PROVIDE FOR CIVIL PENALTIES; AND PROVIDING DEFINITIONS, 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 of the Code of Miami-Dade County, Florida, is
hereby amended to read as follows:¹

CHAPTER 31

VEHICLES FOR HIRE

* * *

ARTICLE V. GENERAL REQUIREMENTS

* * *

Sec. 31-304. Chauffeur's registration-Additional taxicab
requirements.

¹Words 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.

Each chauffeur shall :

* * *

»(6) Obtain a SunPass transponder and utilize the "SunPass Only" or "SunPass Express" lane, if available, when the route to a trip destination includes a SunPass toll road and/or bridge where the toll is fixed. Where the "SunPass Only" or "SunPass Express" toll is not fixed, the chauffeur shall determine whether the passenger desires to use the "SunPass Only" or "SunPass Express" lane and comply with the wishes of the passenger. For purposes of this section, "SunPass Only" or "SunPass Express" lane shall be defined as a lane that is not equipped with toll attendants or coin-operated toll baskets and installed exclusively for persons using the SunPass transponder. «

* * *

Section 2. Chapter 8CC of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

* * *

Sec. 8CC-10. Schedule of civil penalties.

* * *

Code Section	Description of Violation	Civil Penalty
>>31-304(6)	Failure to obtain a SunPass transponder	50.00
31-304(6)	Failure to utilize "SunPass Only" or "SunPass Express" lane when transporting passenger	50.00«

Section 3. 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 4. 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 5. Warning notices shall be issued to chauffeurs for violations of this ordinance for the first thirty (30) days after the effective date of this ordinance.

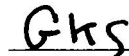
Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Gerald K. Sanchez