Memorandum

MIAMI-DADE COUNTY

Date: March 7, 2011

RTC
Agenda Item No. 2B

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Dillard-Lewis, Inc. d/b/a Highland Express Shuttle Service application for a Passenger Motor Carrier Certificate of Transportation

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RECOMMENDATION

It is recommended that the Board approve the application of Dillard-Lewis, Inc. d/b/a Highland Express Shuttle Service for a Passenger Motor Carrier (PMC) Certificate of Transportation to provide contract carrier service.

SCOPE

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

FISCAL IMPACT/FUNDING SOURCE

There is minimal fiscal impact to the County. Licensing, operating permit and inspection fees are collected by the Consumer Services Department (CSD) to support regulatory activities. There is an annual regulatory fee of $625 per certificate and $625 per vehicle. Vehicle inspections are $38 per vehicle.

TRACK RECORD/MONITOR

The applicant is a new permit holder. There is no enforcement history. The Consumer Services Department (CSD) will be responsible for monitoring this company.

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 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 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 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.

Dillard-Lewis, Inc. d/b/a Highland Express Shuttle Service., located at 4209 Willow Oak Road, Raleigh, North Carolina 27604, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide prearranged contract carrier transportation. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under written contracts with one or more persons. Dillard-Lewis, Inc. will provide service exclusively to military recruits transporting them from Miami's Military Entrance Processing Station (MEPS), located at 7789 NW 48 Street, Suite 150, Miami, Florida 33166 to either Miami International Airport or Fort Lauderdale International Airport

On September 28, 2010, Dillard-Lewis, Inc. and its agent, TRANSCOR, Inc., entered into an agreement with the United States Military Entrance Processing to provide transportation services to military recruits for all branches of the Armed Forces from its Miami station to the two major South Florida international airports (Attachment A). Dillard-Lewis, Inc., a Department of Defense (DOD) approved carrier, currently provides this type of service in 34 states throughout the United States. Transportation is required to be prearranged at least 24-hours prior to service, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver.

The management plan submitted by Ms. Kathryin A. Cluff, Vice-President of Dillard-Lewis, 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.

In July 1998, the Board approved Resolution R-1404-98 placing a moratorium on new PMC applications, with certain exceptions. One of the exceptions is a finding of public interest. According to DOD regulations, any company providing transportation services to military recruits must be certified by the DOD's Defense Travel Management Office. Approval of this certificate to Dillard-Lewis, Inc. is of vital importance to the Military Entrance Processing Station to ensure its operations in Miami-Dade County. This service will not compete with existing transportation providers since only military recruits will be transported. Based on this information, we believe it is in the best interest of the County to approve this request to offer prearranged contract carrier service as described herein.

Assistant County Manager

ATTACHMENT A

Transportation Agreement

I. This Agreement is made between TRANSCOR, INC., a Florida corporation with its main office at 9310 Old Kings Road South Suite 501, Jacksonville, Florida, 32257 as agent for, and the carrier, Dillard-Lewis,Inc. doing business as Highland Express Shuttle Service, a North Carolina corporation with its main office at 4209 Willow Oak Road, Raleigh, NC 27604, hereinafter called "Bus Company" United States Military Entrance Processing(USMEPCOM), for Miami Military Entrance Processing Station 7789 NW 48th St Suite150 Miami, Fl 33166 hereinafter called "MEPS."

II. Bus Company agrees that to provide quality passenger vehicles to MEPS specified days and designated hours in fulfilling the MEPS transportation requirements, pursuant to the following specifications:

1. Transporting Military Recruits (Shippers) for all Branches of Armed Forces from MEPS to Miami International Airport or Ft. Lauderdale International Airport. This is a one-way passenger service of approximately 6 miles or 28 miles.

III. These services are provided in accordance with the conditions and terms of this Agreement.

IV. **General Terms and Conditions**

1. The term of this Agreement extends for a period of approximately twelve (12) months beginning approximately on or about October 1 2010, and ending on September 30, 2011.

2. An option will exist to renew this Agreement for a period of an additional twelve (12) months and is available to the parties, subject to a mutually acceptable E-Pass Fare reflecting the economy and circumstances at the time of renewal. Both Bus Company and MEPS will provide the other party thirty (30) days notice of their intention in the renewal optional term.

3. The specified days of chartered service under this Agreement will be subject to actual MEPS calendar (MEPCOM Operating Schedule).

4. In consideration of the transportation services provided under this Agreement the MEPS, on behalf of the various Branches of the Armed Services, will facilitate payment to Bus Company. The MEPS will process the respective payment transactions with the various Branches and this obligation will be conducted in a timely manner and in accordance with the customary procedure and payment cycle, which is currently by Central Billing Account credit card.

5. **Pick-up & Drop Off Points**

1. Pick-up Points: Miami Military Entrance Processing Station (USMEPCOM), 7789 NW 48th St Suite150 Miami, Fl 33166

2. Drop-Off Points:

   a) Miami International Airport or Ft Lauderdale International Airport

6. **Operating Hours**
   As specified in the agreement.

7. **E-Pass Fare**
   See attached quote from Transcor, Inc. , dated Sept. 21, 2010.

All services would operate Monday through Friday except legal holidays to be announced by MEPS. Service will also operate on selected Saturdays to be determined by MEPS.

This Agreement is formalized in a spirit of partnership between the parties, each understanding conditions may change justifying modification of terms from time to time. In accordance with this understanding it is agreed the parties will conduct an annual review of conditions to determine if modifications are in order.

Either party may break the agreement with thirty (30) days written notice.

The Transportation Vendor operates under the Authority of the Military Bus Agreement Addendum effective 1 October 1998, between the Defense Travel Management Office (DTMO), and (Transportation Vendor), dated 25 Sep 1998, and the parties thereto are subject to all of its terms and conditions. A copy of the Signature Page of the Military Bus Agreement Addendum granting the authority is attached hereto, and made a part thereof.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed this 28 day of September 2010.

TRANSCOR, INC.
On behalf of itself and its carrier
Dillard-Lewis, Inc.
9310 Old Kings Road South, # 501
Jacksonville, Florida 32257

Charles Speranzella /SR
By: Charles Speranzella
President Transcor

HQ USMEPCOM

By: Jackie L. Morris, JR
Chief Contracting Branch

must be made available for inspection and copying within one (1) business day of such request by the CSD or any police agency during regular business hours and shall be retained for one (1) year;

(5) Shall maintain a log of all customer complaints;

(6) Shall maintain quarterly vehicle accident records for all vehicles operated in the prior quarter;

(7) Shall not refuse to dispatch or neglect to dispatch a request to transport to or from any place in the county, any orderly person requesting service;

(8) Shall hold any personal property deposited in the lost and found facility for a period of six (6) months, at the end of which time the personal property shall become the property of the finder. A record of personal property reported to or deposited at the lost and found facility shall be kept for at least one (1) year; and

(9) Shall comply with all applicable obligations of the for-hire license holder when acting as his, her or its agent.

(l) *Responsibility for violations of chapter.* The holder of a passenger service company registration or any person providing passenger services directly shall be responsible for any violation of this chapter involving passenger services and shall be subject to the penalties provided for in this chapter for any such violation. In addition, the registration shall be subject to suspension or revocation for any such violation. Charges against or penalties imposed on a for-hire license holder or for-hire chauffeur for the same or related offense shall not relieve the passenger service company of its responsibilities or liabilities under this chapter. Violations shall be punishable as provided in this chapter.
(Ord. No. 98-105, § 1, 7-9-98; Ord. No. 01-178, § 1, 11-6-01; Ord. No. 03-45, § 1, 3-11-03)

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.

5

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: April 4, 2011

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

SUBJECT: Agenda Item No.

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.
Veto _____
Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO DILLARD-LEWIS, INC. D/B/A HIGHLAND EXPRESS SHUTTLE SERVICE TO PROVIDE CONTRACT CARRIER 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, a Certificate of Transportation to provide contract carrier passenger motor carrier services to Dillard-Lewis, Inc. d/b/a Highland Express Shuttle Service is approved. This class of service is defined as any passenger motor carrier who is not a common carrier and who repeatedly or continuously transports persons for compensation under a written contract with one (1) or more persons.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of April, 2011. 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

Memorandum

MIAMI-DADE COUNTY

Date: FEB 1 1 2011

To: Diane Collins, Acting Division Chief
Clerk of the Board

From: Cathy Grimes Peel, Director
Consumer Services Department

Subject: Advertisement of Application for Certificate of Transportation

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Please advertise the attached item for the March 7, 2011, Regional Transportation Committee of the Board of County Commissioners' meeting at least seven (7) days in advance.

Attachment

c: Joe Mora, Director, PTRD
Eugene Love, Office of Agenda Coordination

MIAMI-DADE COUNTY

PUBLIC NOTICE

THE REGIONAL TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Monday, March 7, 2011, 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 for a Certificate of Transportation to Dillard-Lewis, Inc. d/b/a Highland Express Shuttle Service to provide contract carrier service

A person who decides to appeal any decision made by the Government Operations Committee of the Board of County Commissioners, with respect to any matter considered at this 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.