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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

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

R-14-08

Date: January 10, 2008

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

From: George M. Burgess
County Manager

Subject: Resolution approving transfer of Passenger Motor Carrier Certificate of Transportation No. 113 to Fort Lauderdale Transportation, Inc. d/b/a USA Transportation

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RECOMMENDATION

It is recommended that the Board approve the transfer of Passenger Motor Carrier Certificate of Transportation No. 113 from M.C.R. Holding, Inc. d/b/a Fifth Avenue Bus & Limo Service.

SCOPE

This Passenger Motor 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

Fort Lauderdale Transportation, Inc. d/b/a USA Transportation is a current permit holder with one super stretch permit and 17 luxury sedan licenses. The company received four citations from July 2004 to June 2007, for allowing or permitting someone to operate a for-hire vehicle without a chauffeur registration. All citations have been satisfied. The Consumer Services Department 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 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Economic Development and Human Services Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

M.C.R. Holdings, Inc. d/b/a Fifth Avenue Bus & Limo Service has filed an application to transfer Passenger Motor Carrier (PMC) Certificate of Transportation No. 113 to Fort Lauderdale Transportation, Inc. d/b/a USA Transportation. The Code requires that such transfers be approved by the Board. PMC No. 113, originally issued on October 13, 1992, to M.C.R. Holding, Inc., d/b/a Fifth Avenue Bus & Limo Service authorizes special operations services. This class of service is defined as the transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route. Fort Lauderdale Transportation, Inc. d/b/a USA Transportation located at 1330 S.E. 4th Avenue, Fort Lauderdale, Florida 33316, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-1100-92, attached). Fort Lauderdale Transportation, Inc. d/b/a USA Transportation seeks to continue transporting resident and tourist groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Mr. William Bodenhamer, President of Fort Lauderdale Transportation, Inc. d/b/a USA Transportation, 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.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Sales Agreement between M.C.R. Holding, Inc. and Fort Lauderdale Transportation, Inc. d/b/a USA Transportation establishes the acquisition by Fort Lauderdale Transportation, Inc. d/b/a USA Transportation of PMC Certificate of Transportation No. 113 for a total price of twelve thousand dollars ($12,000.00).

Alina T. Hudak

Alina Tejeda Hudak
Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: January 10, 2008

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

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

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)(B)
01-10-08

RESOLUTION NO. **R-14-08**

RESOLUTION APPROVING TRANSFER OF CERTIFICATE OF TRANSPORTATION NO. 113 FROM M.C.R. HOLDING, INC. d/b/a FIFTH AVENUE BUS AND LIMO SERVICE TO FORT LAUDERDALE TRANSPORTATION, INC. d/b/a USA TRANSPORTATION TO PROVIDE SPECIAL OPERATIONS SERVICES 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 transfer of Certificate of Transportation No. 113 from M.C.R. Holding, Inc. d/b/a Fifth Avenue Bus and Limo Service to Fort Lauderdale Transportation, Inc. d/b/a USA Transportation to provide special operations services which is defined as transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, included but not limited to charter, sightseeing, or subscription service, not between fixed terminals or on a regular route.

The foregoing resolution was offered by Commissioner Jose "Pepe" Diaz who moved its adoption. The motion was seconded by Commissioner Sally A. Heyman and upon being put to a vote, the vote was as follows:

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of January, 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: **Kay Sullivan**
Deputy Clerk

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

Gerald K. Sanchez

107 07-17A METRO-DADE/GSA-MAT MGT

MEMORANDUM

Agenda Item No.2(u)

TO: Honorable Mayor and Members
Board of County Commissioners

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

DATE: October 13, 1992

SUBJECT: Application for Issuance of a Certificate of Transportation - Special Operations

RECOMMENDATION:

It is recommended that the Board, at the conclusion of the public hearing, consider the application of M.C.R. Holding, Inc., (d/b/a M.C.R. Holding, 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 Metro 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.

ANALYSIS:

M.C.R. Holding, Inc., d/b/a M.C.R. located at 9449 Collins Avenue, Surfside, Florida 33154, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide special operations, prearranged transportation to passengers throughout all of Dade County. This class of service is defined as the transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminal or on a regular route. The company seeks to transport tourist groups to various points in Dade County including the airport and seaport. Transportation will be available on a one week minimum pre-arranged basis. These services will be provided seven (7) days a week, from 8:00 a.m. to 5:00 p.m.; using chauffeur-driven vehicles with a seating capacity of nine (9) or more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached fare schedule.

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 or its corporate officers.

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 Community Affairs Committee at its September 9, 1992 meeting.

Agenda Item No. 2(u)
10-13-92

RESOLUTION NO. R-1100-92

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO M.C.R. HOLDING, INC. TO PROVIDE SPECIAL OPERATIONS 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 special operations Passenger Motor Carrier Services to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to M.C.R. Holding, Inc.

The foregoing resolution was offered by Commissioner Sherman S. Winn, who moved its adoption, the motion was seconded by Commissioner Larry Hawkins and upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared the resolution duly passed and adopted this 13th day of October, 1992.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MARSHALL ADER, CLERK

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

By: RAYMOND REED
Deputy Clerk

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 ECONOMIC DEVELOPMENT AND HUMAN SERVICES COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Wednesday, December 12, 2007, 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 transfer of Certificate of Transportation No. 113 to Fort Lauderdale Transportation, Inc. d/b/a USA Transportation to provide special operations services 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.