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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

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

Resolution Number: R-131-11

Date: March 1, 2011

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

From: George M. Burgess
County Manager

Subject: La Flecha Transit Corp. application for a Passenger Motor Carrier Certificate of Transportation

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RECOMMENDATION

It is recommended that the Board approve the application of La Flecha Transit Corp. for a Passenger Motor Carrier (PMC) Certificate of Transportation to provide jitney service.

SCOPE

This PMC Certificate of Transportation is countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County; however, as a jitney operator service must be provided in their approved route.

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

Applicant is a new permit holder; however, the principal of the corporation, Mr. Livio Martinez, has been a registered chauffeur since June 2010. 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.

4. That, if applying for a 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 twenty-nine (29) minutes or less and/or where such service will impair special transportation provided by the passenger motor carrier industry.

La Flecha Transit Corp., located at 2400 NW 167 Street, Miami, Florida 33054, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide jitney service along the route depicted in Attachment A. 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.

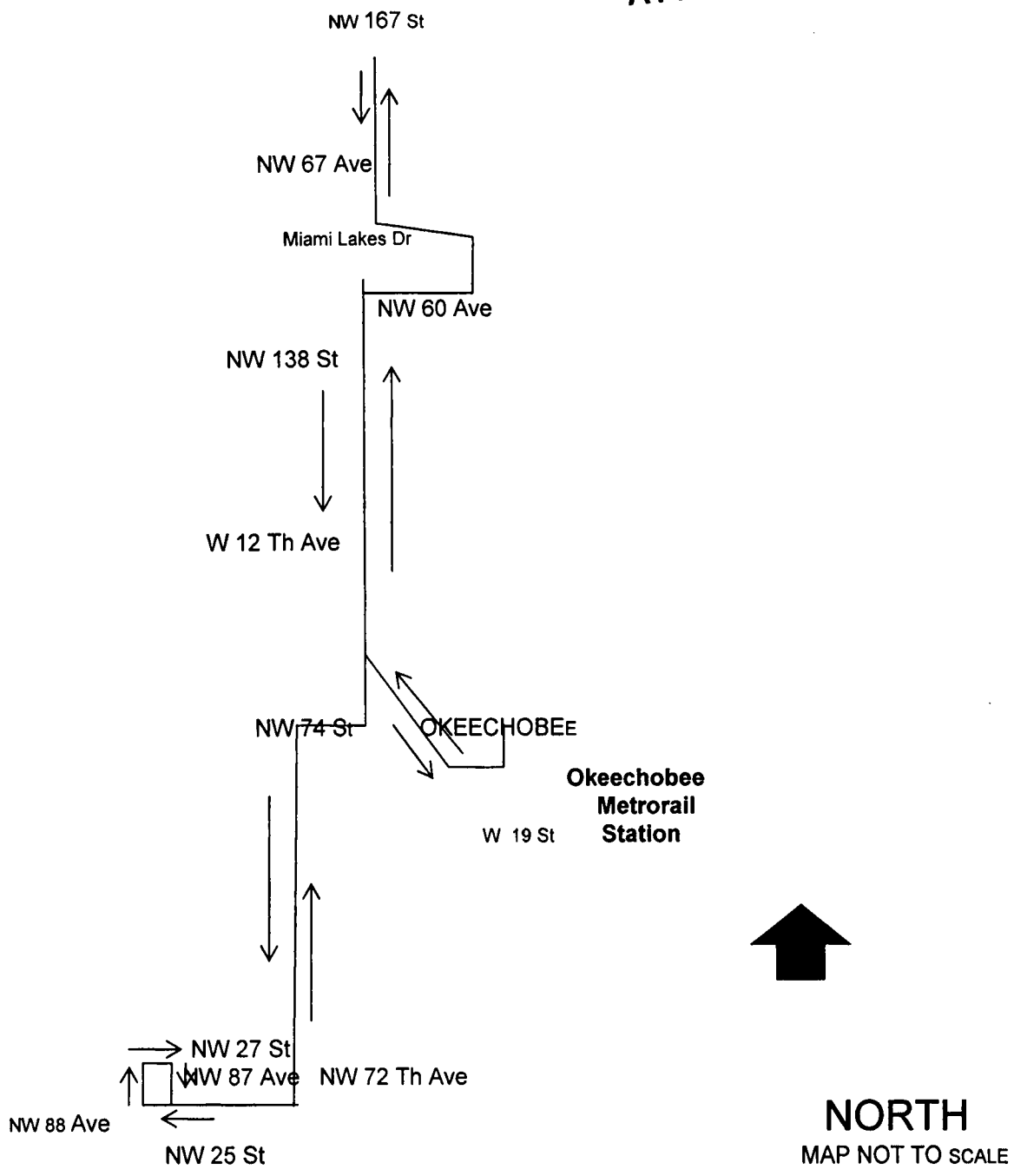
Transportation services will be provided using chauffeur-driven vehicles with a seating capacity of at least nine (9) or more, but no more than 15 passengers, excluding the driver, between the hours of 5:00 a.m. to 7:30 p.m., seven days a week. The proposed rates are $2.00 per person, one way. Miami-Dade Transit conducted an analysis of the proposed route (Attachment B) and determined that it is in compliance with the criteria of Section 31-103 (g) (4) of the Miami-Dade County Code.

The management plan submitted by Mr. Livio Martinez, President of La Flecha Transit Corp., 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 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 jitney certificate holders and interested parties affording them an opportunity to protest the application. One protest was filed by Hialeah Transit Systems, Inc. d/b/a Conchita's Transit Express (Attachment C). An administrative hearing was conducted during which the Hearing Officer considered testimony from the applicant, the protestor, and the County. The report filed by the Hearing Officer denied the protest and recommended that the applicant be permitted to apply for a Certificate of Transportation (Attachment D).

Assistant County Manager

ATTACHMENT A



Livio Martinez

Begin on the corner of NW 167th St and NW 67 Ave (Ludlam Road)
Proceed South on NW 67th Avenue
Make left on Miami Lakes Drive (NW 150 St) heading East to NW 60th Avenue
Make right heading South to NW 138 Street (W 84th St)
Make right heading West towards West 12 Ave
Make left heading South and proceed to Okeechobee Metrorail Station (2005 **Okeechobee Road)**
Departing from Okeechobee Metrorail station head East to NW 74St
Make left heading South to NW 72nd Ave
Make left heading West to NW 25th Street
Make right heading North to NW 88th Ave
Make right heading East to NW 27th Street
Make right heading North to NW 87th Ave
Make left heading East to NW 25th Street
Then make left heading North on NW 87th Ave to restart route back to
NW 167th St/NW 67th Ave.

Memorandum

MIAMI-DADE COUNTY

Date: September 3, 2010

ATTACHMENT B

To: Cathy Grimes Peel, Director
Consumer Services Department

From: Harpal S. Kapoor, Director
Miami Dade Transit

Subject: Jitney Route Review
La Flecha Transit Corporation

The Service Planning and Scheduling Division of Miami-Dade (MDT) reviewed, in accordance with Section 31-103(g)(4) of the Miami-Dade County Code, the new jitney route alignment proposal filed with the Consumer Service Department (CSD) by Mr. Livio Martinez of La Flecha Transit Corporation.

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

Attachments

c: Hugh W. Chen, Deputy Director, Operations, MDT
Rosie Perez, Chief, IT and Support Services, MDT
Clinton Forbes, Senior Executive Assistant, MDT
Robert Pearsall, Planning Section Supervisor, MDT

Route Mileage	Dist. B.P. (Miles)	Cum dist.	Dupl. Miles	Exist Serv.	Headway
NW 167 St/ NW 67 Ave	0.00	0.00	0.00		
Miami Lakes Dr (NW 150 St)/ NW 67 Ave	1.12	1.12	0.00	73	
Miami Lakes Dr (NW 150 St)/ NW 60 Ave	0.70	1.82	0.00	73	
NW 60 Av/ NW 138 St	0.80	2.62	0.80	29, 73, 135, Conchita	**<29**
NW 138 St/ W 12 Ave.	0.60	3.22	0.00	73	
West 12 Ave/ NW 68 St	1.00	4.22	0.00	73	
West 12 Ave/ West 49 St	1.20	5.42	0.00	73	
West 12 Ave/ West 37 St	0.80	6.22	0.80	73, Hialeah Transit	**<29**
West 12 Ave/ West 29 St	0.50	6.72	0.00	73	
Okeechobee Station	0.70	7.42	0.00	73	
NW 74 St/ NW 72 Ave	0.70	8.12	0.00	73	
NW 72 Ave/NW 66 St	0.40	8.52	0.00	73	
NW 72 Ave/NW 58 St	0.50	9.02	0.00	73	
NW 72 Ave/NW 36 St	1.20	10.22	0.00	73	
NW 72 Ave/ NW 25 St	0.80	11.02	0.00	73	
NW25 St/ NW 87 Ave	1.50	12.52	0.00	238	
NW25 St/ NW 88 Ave	0.20	12.72	0.00	95, 238	**<29**
NW 88 Ave/ NW 27 St	0.10	12.82	0.00	None	
NW 27 St/ NW 87 Ave	0.10	12.92	0.00	None	
NW 87 Ave/ NW 25 St	0.20	13.12	0.00	87, 95	**<29**
			1.60		
Percentage of Duplication			**12%**		

RECEIVED
SEP 20 2010
Passenger Transportation
Regulatory Division

MIAMI TRANSIT SYSTEMS, Inc.
dba
Conchita's Transit Express
313 Palm Ave
Hialeah, Fl 33010
(305)681-0130

ATTACHMENT C

September 8, 2010

Mr. Raul Gonzalez, SPA2
Passenger Transportation Regulatory Division
Consumer Services Department
Miami-Dade County
140 W. Flagler Street, Suite 904
Miami, Florida 33130-1561

Dear Mr. Gonzalez,

We respectfully request your assistance in resolving a situation that will adversely effect our Jitney Company. La Flecha Transit Corp is seeking a Certificate of Transportation(COT), which Mr. Livio Martinez will be the sole owner of. Mr. Martinez joined our company as an Owner-Operator on June 8, 2010. During his brief employment, we were not happy with his character or judgement. He promised to pay a franchise fee of $2000, which he only paid $300. Conchita's Transit Express has sent a certified demand letter and if not paid will proceed with legal action. Most importantly he deviated from our set route knowing that he was not following company policy. A few passengers called to complain, when we later spoke to him he clearly stated he wouldn't provide service to the less populated parts of our route.

We would like to know the level of experience needed to be approved for a COT. Mr. Martinez had no prior transportation experience until our training. His total experience is less than one month. Also, his proposed route overlaps our route from Miami Lakes Drive (NW 150th St) and NW 60th Ave to W 84th St and W 8th Ave and in other populated areas of our route, he would be just 4 blocks away. Our concern is Mr. Martinez is not an ethical person and we believe he will deviate and infringe upon our route. From our experience with Mr. Martinez, he is just motivated by money and will not provide a safe and reliable service. He will cause chaos in both routes.

Due to these issues, we do not recommend La Flecha Transit Corp. to be approved and issued a

COT . Included is proof of the money owed to us by Mr. Martinez and the Certified letter sent to him. Please deny Mr. Martinez's application, there by avoiding future problems for the Miami-Dade County jitney riders.

Sincerely,

Ms. Tania Gil
Director of Operations & Advertising

Cc:
Ms. Cathy Grimes Peel, Director, Consumer Services Department
Mr. Mario Goderich, Deputy Director, Consumer Services Department
Mr. Joe Mora, Director, Passenger Transportation Regulatory Division

The Hon. Barbara J. Jordan, Commissioner, District 1
The Hon. Dorrim D. Rolle, Commissioner, District 2
The Hon. Audrey Edmonson, Commissioner, District 3
The Hon. Sally A Heyman, Commissioner, District 4
The Hon. Bruno A. Barreiro, Commissioner, District 5
The Hon. Rebecca Sosa, Commissioner, District 6
The Hon. Carlos A. Gimenez, Commissioner, District 7
The Hon. Katy Sorenson, Commissioner, District 8
The Hon. Dennis C. Moss, Commissioner, District 9
The Hon. Javier D. Souto, Commissioner, District 10
The Hon. Joe A. Martinez, Commissioner, District 11
The Hon. Jose (Pepe) Diaz, Commissioner, District 12
The Hon. Natacha Seijas, Commissioner, District 13

Mr. Carlos Alvarez, Mayor
Mr. George M. Burges, County Manager

Mr. Livio Martinez

ATTACHMENT D

MIAMI-DADE COUNTY, FLORIDA
CODE ENFORCEMENT

HEARING OFFICER FINDINGS OF FACT AND CONCLUSIONS OF LAW

In Re: Administrative hearing on October 27,2010, on the protest against PMC Application, Control No. 31008 of Miami-Dade Consumer Services Department, Passenger Transportation Regulatory Division pursuant to Section 31-103(e) as amended of the Miami-Dade County Code of Miami-Dade County, Florida.

Miami Transit Systems, Inc d/b/a
Cochita's Transit Express
313 Palm Ave
Hialeah, FL 33010

Pursuant to the provisions of Section 31-103(e) of the Code of Miami-Dade County and upon the request of Ms Conception Gil, owner of Miami Transit Systems, I conducted a hearing protesting the issuance of PMC Application, Control No. 31008. The hearing was held on October 27, 2010 at 9 a.m. Petitioner was advised of the time, date, place of the hearing and Ms Conception attended the hearing.

1.Present at the hearing were:
Ms Conception Gil, Ms Tonya Gil of Miami Transit Systems
Livio Martinez, LaFlecha Transit Corp. - applicant
Yain Ramos, Translator
Raul Gonzalez and Esther M. Frometa-Spring, Department of Consumer Services

2.Findings:
a. Certificate of Completion, Driver Improvement Course – Livio Martinez.
b. MDPD arrest records search, August 06, 2010 – Livio Martinez
c. Chauffeur's Registration, No. 33898 – Livio Martinez

3. Conclusions of Law

The Hearing Examiner recommends that the protest to application entered by Miami Transit Systems, Inc d/b/a Conchita's Transit Express be denied and that La Flecha Transit Corp. be allowed to submit an application for a jitney route.

By: Dean Hofmeister
Dean Hofmeister
Hearing Officer

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.

MEMORANDUM

(Revised)

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

DATE: March 1, 2011

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

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

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**

11

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(C)(1)(B)
3-1-11

RESOLUTION NO. R-131-11

RESOLUTION APPROVING APPLICATION FOR ONE CERTIFICATE OF TRANSPORTATION TO LA FLECHA TRANSIT CORP. TO PROVIDE JITNEY SERVICE

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 jitney service 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 **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 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: DIANE COLLINS
Deputy Clerk

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

Gerald K. Sanchez