

# Minutes of the Public Carrier Workshop

## January 20, 2010

The Public Carrier workshop was called to order by Russell Holleger on January 20, 2010 at approximately 1:10 pm in the Division of Motor Vehicle Conference Room (room 205). He opened the meeting by introducing the Division of Motor Vehicle Director, Jennifer Cohan. She greeted the attendees and thanked everyone for taking time out of their busy schedules to attend the workshop.

Jeff Kohel then took the floor to review the recent legislative and administrative code changes that will be made in the Public Carrier operations. The following is a summary of the changes highlighted:

1. The changes to the Annual Gross Revenue assessments will be moved from .002 to .004 effective January 2010. One return needs to be filled for each entity (I.E. If a company is a limousine and charter bus we need a return for the limousine side and a return for the charter bus side)
2. The changes to the passenger capacity to both the definition of a limousine and charter bus. Moving the passenger capacity of a limousine to 15, allows companies with larger vehicle to hold a certificate for one service type. Moving the passenger capacity of a charter bus to 16, meets the CDL requirement for licensing.
3. The new taxi medallions are in process and will be issued to all taxi operators in the next few weeks. This step promotes public awareness and there is no charge to the certificate holder for the initial distribution of the medallions.
4. The Office of Public Carrier Regulation established a "LX" tag for limousine certificate holders. Title work, registration renewals and renewal of the Certificate of inspection sticker will now be handled by the Office of Public Carrier Regulation staff. Anyone with registration fees paid beyond the date of the "LX" tag conversion will be reimbursed for the additional registration fees.
5. The cost of the registration renewal for 6 months will be half of the yearly registration fee identified on the vehicles registration card and the renewal of the Certificate of Inspection sticker will be \$20. The vehicles registration and Certificate of Inspection sticker will expire concurrently. A passing DMV inspection can be obtained from any DMV inspection lane in the State. Renewals will only be handled in the Dover office and can be completed 90 days prior to the vehicles expiration.
6. All new hires who operate a vehicle for hire must submit a Federal Bureau of Investigation and State Bureau of Investigation background check within 30 days of employment.
7. Limousines engaged in prearranged transportation must possess either a written trip ticket or the surname of the passenger in the rear side window while awaiting the passenger.
8. Established new service type. Medical Transport vehicles will now operate as a subsection of limousine service.
9. Established the Certificate of Calibration form designed for the annual calibration and sealing of taximeters due on or before January 1, 2011.
10. A Record keeping form will be filled out once a year. Records need to be kept for at least four years.
11. Carriers have been informed to keep our office informed of illegal operations.

# Minutes of the Public Carrier Workshop

## January 20, 2010

12. It was brought to this offices attention that there are illegal companies running with just Federal DOT numbers and according to Federal law they are supposed to be licensed through the state before the federal will allow them to be licensed. (On June 9, 1998 the FMCSA amended the passenger-vehicle component of the Commercial Motor Vehicle definition in 49 U.S.C. 31132(1) to read in part; “a self-propelled or towed vehicle used in interstate commerce to transport passengers or property, if the vehicle has a vehicle weight rating or gross vehicle weight of at least 10,001 pounds, is designed or used to transport more than 8 passengers (including the driver) for compensation, or is designed or used to transport more than 15 passengers (including the driver) and is not used to transport passengers for compensation.”)
13. Carriers were informed to come directly to room 208 for customer service. They no longer need to wait in the DMV. They can also start vehicle inspections 90 days prior to the due date and encouraged to complete this process by mail.

Russell Holleger provided a guided tour of the Office of Public Carrier’s revised website to show the recent changes made to improve customer service. All of the forms need to do business with the office are now on the website including the Annual Gross Revenue Returns for the past four years. Russell demonstrated how to use the Microsoft Excel version of the returns to prepare the return. The new format allows companies to data enter the information and all of the calculations are done automatically. Russell also demonstrated the online complaint form to be used by the public or other carriers to communicate complaints to this office on carriers that are not in compliance or operating without proper authority.

Several of the attendees gave suggestions to improve the website. One suggestion was to place a search box at the top of the page for the online listing of carriers to make finding carriers easier. It was also suggested that we add a link for all of the public carriers that have their own websites so that the public can go directly to that carrier’s website once they have located the company on the online listing. Russell will take these ideas back to the web development team to determine feasibility.

### **The following questions were asked:**

1. Will electronic trip tickets be accepted? A lot of companies send them via email or blackberry.

This will be considered and looked into determine if this is acceptable. As technology advances we will have to address any new ways that records are maintained.

2. If have vanity tags what do they do with them?

The vanity tags have to come off the back of the car and be replaced with the LX tag. Companies can put their vanities on the front of the vehicles if they elect to. The LX tags will help the police and the public identify a licensed limo company. Public safety is important.

# Minutes of the Public Carrier Workshop

## January 20, 2010

3. Why are Taxi and Limos being lumped together in the insurance part?

This is an issue that the Office of Public Carrier Regulation does not oversee. For insurance questions pertaining to rates they should consult with their insurance agents or contact the Insurance Commissioners Office.

4. Are background checks going to be required for all employees that work for a company regardless of their position?

Background checks are required for all drivers and all owners of the company. No background check will need to be performed for maintenance workers, clerical staff, or other non-drivers. The law requires a background check of all owners of the business regardless of their relationship to the principal owner.

5. Are background checks required for seasonal employees?

Yes, all drivers must have a background check regardless of the time period that they work for the company.

6. If the Delaware State Police have a backlog of work and can not get the background checks done within the time allotted for the new regulations, will the Office of Public Carrier Regulation allow a waiver?

During peak periods when the Delaware State Police have a backlog of work, the Office of Public Carrier Regulation will entertain extensions of time to provide the background checks for new employees. All requests must be submitted in writing and will be reviewed to determine if there is cause to provide the extension.

7. If an employee leaves a company and goes to another company, can the background check from the previous company be used?

As long as the background check is less than 180 days old, the Office of Public Carrier Regulation will accept it.

8. Is there a list of disqualifying offenses that can be used to screen the driver pool prior to employment?

There currently is no list of disqualifying offenses issued by the Office of Public Carrier Regulation for drivers of limousines. Taxi cab drivers are required to have a "Z" endorsement which has specific guidelines; however, there are none currently for limousine drivers. This office will work with the industry to develop these guidelines in the next several months. The best practice for companies to use is to do a good review of the driver's credentials, driving record, references, back

9. The State of Pennsylvania only requires a state background check. Will the state of Delaware accept this background check to avoid additional costs by the carriers?

# **Minutes of the Public Carrier Workshop**

## **January 20, 2010**

Currently, the regulations require a Federal background check and a State of Delaware background check. The Office of Public Carrier Regulation will look into working with other states to have reciprocity for background checks for employees that may work in several states.

### **Carrier insight:**

1. Several of the attendees felt that we need to be harsher on the unlicensed carriers. It was recommended that the Office of Public Carrier Regulation conduct more compliance work. Russell assured them that the office will have a much greater presence in the upcoming year. He asked everyone to let the office know of any activity that they are aware of. An investigation will be conducted to determine if the company is out of compliance.
2. The attendees would like to see a link to the Insurance Commissioner's office added to our website.
3. There should be another category of public carriers for shuttle operators separate from the limousine designation. Their operations are different from a traditional limousine and need different regulations.
4. Most of the attendees were in agreement that more public carrier workshops should be held to discuss the emerging issues in the industry. It was recommended that the workshops be separated for each carrier type and special workshops could be held for specific issues.
5. The idea of a central dispatch system for taxi cabs was discussed. Many felt that a central dispatch system is needed in order to better regulate the taxi cabs especially for the single vehicle operator that is just using a cell phone to conduct business. This would provide better service to public carrier customers.

### **Charter buses and School buses:**

There were several questions raised on how the new regulations will affect school bus companies that also operate as charter buses. They already have to be inspected twice per year but there may be conflicting regulations with the Division of Motor Vehicles, the Office of Public Carrier Regulation, and the Department of Education. The DOE pays for the school bus registrations for their contractors with a voucher issued to the Division of Motor Vehicles. The question was raised about having to get two vouchers per year instead of one to pay for the renewals.

### **Applications:**

The question was raised about why other companies are intervening. They were reassured by our office that interveners are required to provide a written response as to the nature of their intervention in order for the Office of Public Carrier Regulation to allow the intervention to proceed. If they do not show sufficient cause, no hearing will be required. This process was implemented in order to prevent other public carriers from intervening for no legitimate reason and driving up the costs of the application for the applicant. It was suggested that the interveners pay the cost of the hearing to cut down on the amount of vexatious interventions.

# **Minutes of the Public Carrier Workshop**

## **January 20, 2010**

The new applications that have been developed now include a supplemental questionnaire to be completed by the applicant to provide more information to the Office of Public Carrier Regulation to determine the nature of their business operations. This should help expedite the application process and minimize the number of interventions for questions regarding basic compliance.

Several attendees expressed their concern over excessive requirements to amend their applications to add more vehicles. It was suggested that a streamlined process be developed that will speed up the process by eliminating additional red tape. The Office of Public Carrier Regulation will look into this initiative and seek feedback from the industry on possible solutions.

### **Public Convenience:**

The Office of Public Carrier Regulation is looking for ideas on how to improve customer satisfaction through safety, convenience, and affordability. (i.e. more taxi stands). We want the customers to feel safe and know they can afford to use transportation. We need to educate the public to get them to ask for the carriers credentials. This process will help eliminate the illegal operations. Additional workshops will be organized on this topic in the future to address this issue.

### **Drivers Identification Card Program:**

Jeff Kohel presented the idea of a driver's identification card to better regulate the drivers and provide the public with more assurance that the driver is eligible to drive the vehicle. This program is similar to what is commonly referred to in the industry as a "hack" license. The drivers would be subject to additional reviews by the state of their criminal history, driving record, drug testing, medical physical, etc. Several attendees suggested that we just expand the "Z" endorsement currently used by taxi cab drivers; however, after some spirited discussion on the subject a majority of the attendees appeared to be in support of the identification program. A larger identification that is visible from a short distance is preferred and would be a big help to the public in identifying authorized drivers. This subject will require more discussion and it was recommended that either a workshop or a working committee be formed to follow up on this issue.

### **Public Carrier Hours of Operation:**

The office hours of the Office of Public Carrier Regulation were discussed to determine if the current hours are adequate to meet the needs of public carriers. More specifically the question was raised regarding being open on Wednesday nights until 8:00 pm like the Division of Motor Vehicles. Everyone agreed that the current office hours of 8:00 am to 4:30 Monday through Friday are sufficient at this time.