

Vehicle for Hire Licensing Board/ Transportation Energy and Utilities Joint Committee (Tuesday, January 24, 2023)

Generated by Sarah Montgomery on Wednesday, January 25, 2023

Mark Barlow called the meeting to order at 5:03pm.

Present: Youness Jamil, Gene Bergman, Mark Barlow, Hayley Mclenahan, Sarah Montgomery

1. Agenda

Motion to approve made by Gene Bergman. Seconded by Karen Paul. Passed unanimously.

2. Introductions

Board member introductions:

Mark Barlow introduced himself as a ward/district City Councilor, chair of the TEUC committee, and by default, chair of the Joint Committee.

Youness Jamil introduced himself as the new member of the taxi board committee.

Gene Bergman introduced himself as the Ward 2 City Councilor and member of this committee.

Karen Paul introduced herself as Ward 6 City Councilor and a member of this committee for the time being.

3. Public Forum

No members of the public to speak to items outside of the scheduled hearings.

4. Hearings**4.01 Adria Taxi - Alija Bajramovic**

Neither the business owner nor the complainant were present for this hearing. Karen Paul made a motion to defer this item to the next meeting to give the parties another opportunity to attend. Youness Jamil asked Sarah Montgomery if she sent a notice to the business owner. Sarah answered that she did send a certified letter to Adria Taxi but did not receive confirmation of receipt, so she is unsure if he received it. She noted that she also called the business owner and left him a voicemail. Gene Bergman asked if the address that the letter was sent to was the one that the business had provided. Sarah Montgomery confirmed, yes, this was the address they listed when they registered their business. Gene Bergman noted that it is the responsibility of the business owner to keep their address on file up to date. Mark Barlow seconded the motion on the floor. The board unanimously voted to defer this complaint to the next Vehicle for Hire Licensing meeting.

4.02 JD's Taxi - Slobodon Josic

Hayley Mclenahan swore in Jordana Churchill. Hayley Mclenahan swore in Slobodon Josic, the owner of JD's Taxi.

Jordana Churchill explained that the taximeter was not turned on for the duration of the trip and that a fee inconsistent with what the airport described it should be was given. This seemed to fit the circumstances of it being after midnight and cold rather than fitting the description of what it should be. It was her and two other individuals that were picked up. They told the driver that they were going to two separate locations that were near each other. They were told that the charge would be \$30 each, rather than following the policy that was described on the website. The taximeter was not turned on for the duration of the trip.

Youness Jamil asked: how much did he charge you?

Jordana Churchill answered: I believe \$30 for each of the drop offs.

Youness Jamil asked: Did he tell you that he was going to charge you \$30 in the beginning, when you took the ride with him?

Jordana Churchill answered: Correct. We had put our luggage in and that was what was described.

Youness Jamil: So he told you \$30 and that was what he charged you and the other customers. Did he drop you off first?

Jordana Churchill answered: No, he dropped the other person off first.

Youness Jamil asked: And he got \$30 from them?

Jordana Churchill answered: Correct.

Youness Jamil asked: And then he dropped you at your house and charged you \$30?

Jordana Churchill answered: Correct.

Mark Barlow asked Jordana Churchill if she was finished with her testimony. She answered yes.

Gene Bergman asked Jordana Churchill who took the photo of the meter that was submitted.

Jordana Churchill answered that the photo was taken by her husband because he had a better view of the meter.

Gene Berman asked if she observed her husband taking the picture. She answered, yes. Gene Bergman asked if this was a fair and accurate description of what was seen on the meter. Jordana Churchill answered yes.

Karen Paul asked: Without giving any identifying information, can you tell us how far away the drop off was from the airport?

Jordana Churchill answered that having the taximeter on would be a good way to have an accurate representation of this, but estimated it was a couple of blocks over. She estimated the trip was less than five minutes.

Slobodon Josic testified. He said that the airport rule is that drivers can charge for each stop they make. He said that he was charging \$30 per stop. It was after midnight and there were no other taxis available at the airport so he took the complainant and another customer together. He told them it would be \$30 per stop. One of the ladies complained and he asked them if they would like to get out and not take the ride. They agreed to continue with the ride because they were freezing and wanted to go home. Slobodon said that he charged them \$30 per stop and he has the proof to show that. He stated that he has had a taxi business since 2006 and that there are many costs associated with running the business, including expensive insurance costs. Nobody else was working on this night, which is why he took multiple customers at once.

Youness Jamil asked the complainant if she paid \$60 for her and her husband. Johana Churchill answered that it was \$30 for her and her husband.

Mark Barlow spoke to establish the rules of the hearing stating that first the board take testimony and can ask questions, and then later in the meeting they will deliberate.

Youness asked Johanna again if she was charged \$30 or \$60 as noted in the written complaint. Johanna explained that they were originally quoted \$30 per person, which would have been \$60 for her and her husband, but once the driver realized they were getting off at the same stop, changed the price to \$30 for the couple and \$30 for the other passenger.

Gene Bergman clarified that the facts have been established now that the charge was \$30 per stop. He also asked if Josic Slobodon could submit his proof of this into the evidence.

Karen Paul asked if it is correct that after midnight you do not need to use a meter. Hayley Mclenahan answered that she is not aware of anything in ordinance that would state that. Hayley stated that there is a difference in ordinance between a taxi and a vehicle for hire. A taxi is a vehicle that accepts street hails and is required to use a meter, while a vehicle for hire provided a prearranged ride with a fee stated in advance.

Gene Bergman asked if it has been established by the evidence that this was a taxi. If not, he would like that to be established. What information is needed to make that factual finding?

Hayley Mclenahan shared the definition of a taxicab from the ordinance. A taxicab is a special type of vehicle for hire. All taxicabs are vehicles for hire but not all vehicles for hire are taxicabs.

Gene Bergman suggested going back to the circumstances of getting the ride to help clarify if it was a taxicab or not.

Youness Jamil stated that when a customer is getting a ride there is a negotiation between the customer and the driver. At this point, he would categorize it as a vehicle for hire since there was a negotiation before the ride was accepted. He thinks it is clear in this case that there was that negotiation.

Gene Bergman noted that this may not be the best time to get into a debate. Gene Bergman asked if Youness was on the board. Youness answered yes, he is sitting with the board because he is on the board.

Mark Barlow said that he will recognize board members to speak. He focused the group on two discussion items: was this a vehicle for hire, and is there something significant that changes after midnight?

Slobodon Josic said if there are no taxis in the queue behind him he is able to take multiple passengers at once. There were no other taxis there since it was after midnight.

Gene Bergman said he wasn't satisfied that the board is able to determine whether it was a taxicab or not.

Johanna Churchill asked if it made a difference since it was hailed at the airport.

Gene Bergman asked Slobodon Josic if his vehicle had a roof light and a meter. Slobodon answered that was correct.

Jordana Churchill noted that if there is a rule about different charges occurring after midnight, she was unaware. If this is something she was unaware of, she accepts that her complaint would no longer be valid.

Gene Bergman asked Slobodon Josic why he was not using the meter since he has one? Slobodon Josic answered that he does not use the meter when he has multiple stops he is making. Gene Bergman asked if he was given written rules that said to operate this way. Slobodon answered that he learned from other drivers in the business.

Youness Jamil added that it is up to the discretion of the driver to take multiple customers at the same time.

Karen Paul said that the driver discretion that is seemingly practiced is not outlined in the ordinance.

Hayley Mclenahan agreed and noted that just because a vehicle for hire is equipped to function as a taxicab (with a roof light, meter, etc.), does not mean that it is required to act as a taxicab.

Karen Paul noted that it sounds like the negotiation about the cost should have happened before the passengers got into the vehicle and before the luggage was put into the car, so that if the parties did not want to pay, they could make that choice. It does not sound like that happened, since the passengers and luggage was already in the vehicle. Councilor Paul suggested that there was probably a better way to handle it.

Jordana Churchill stated that she requested and received a business card at the end of the ride and that the card has a picture of a taxi meter. She submitted this card into evidence. Johanna said it was not clear to her that there could be a difference between being a taxicab and a vehicle for hire considering the context of the drive.

Mark Barlow asked about the other rider on the trip and asked if there was any complaint from them. Hearing none, he clarified that the complaint is only about the \$30 for the customer who made the complaint. Councilor Barlow asked if there were any further questions from the board or any further testimony from the parties.

Gene Bergman asked Jordana if she agreed to pay the \$30 before the car took off. Jordana stated that yes, they had.

Youness Jamil asked if Jordana had tried to reach out to a Lyft or an Uber. Jordana answered that there are none available. Mark Barlow noted that they may not be relevant to the topic at hand, but that they will take up the larger issue of taxi availability at a future TEUC meeting.

Mark Barlow closed the hearing. The board will deliberate and will be in touch with the owner and complainant with decisions.

5. New Business

5.01 Taximeters: Rates and Use

Sarah Montgomery spoke to this saying that the taxi rates set by the city have not been updated in a long time and the vehicle for hire office is hearing complaints and concerns from drivers. She stated that her and Hayley Mclenahan have been researching when rates were last changed and the last action that could be found was a memo from 2016 that stated there would be no rate increase. Currently the rate is set at .25 per 1/10 mile. Regarding meter use, Sarah Montgomery noted that the office has been receiving general complaints from residents about drivers not using meters when they should be. The staff from the airport has shared that this has been their experience as well. A document from 2007 was found that shows how the taxi board at the time had planned to implement taxi meter rate increases each year. She is unaware of anything similar in the more current years, but shared the older document for reference.

Gene Bergman said he was involved in the old ordinance and the idea of building in automatic cost of living increases for the increase and/or decrease in the cost of operating a vehicle for hire is a really smart move.

Youness Josic agreed that it is a problem. Everything has increased in price. He thinks it is time to adjust the rates and knows that some drivers are really hurting.

Mark Barlow asked if the board has the authority to set rates.

Hayley Mclenahan referred to city ordinance, chapter 30, section 4, B, which gives the board the power to set the rates. Hayley Mclenahan has had difficulty finding any proper rules that the board has set, so the power doesn't seem to have been utilized historically.

Mark Barlow stated that the board will need to take more time on this discussion at a future date.

Gene Bergman noted that the case heard tonight has also shown him that the ordinance itself should be looked at more closely. Youness Jamil said that he thinks that more people from the industry should be involved in the process.

Karen Paul agreed with Gene that the rules are not as clear as they should be. Consumers should know what to expect when accepting a ride.

Slobodon Josic noted that it would be helpful to, as a driver, have a copy of the rules to post in his vehicle.

Gene Bergman recommend that the board hold another meeting that is not paired with a TEUC meeting. Mark Barlow envisions a larger meeting where vehicle for hire companies could be invited to give testimony.

6. Deliberative Session

The board decided to deliberate on the hearing at another time, either via email or through a phone conversation.

7. Adjournment

Mark Barlow adjourned the vehicle for hire board at 5:56pm.



Taxi Administration Office

Clerk/Treasurer's Office
149 Church St., Burlington, VT 05401
Phone (802)865-7011, Fax (802)865-7014

Taxi Complaint Form

If you have experienced a problem while using a taxi and would like to file a formal complaint, please fill out the form below. If your complaint involves a traffic offense, please contact the Burlington Police Department at (802) 658-2700.

Fields marked with an * indicates required information. We will contact you within 15 business days.

Personal Information:

First and Last Name: * Tim King
Address: * _____ City, State, Zip * Williston 05495
Daytime Phone Number: * _____ Email: _____

Incident Information:

When did the incident occur date/time? * multiple times! I fly a lot
Location of Incident: * BTV Location of Pick-Up: * BTV
Name of the Taxi Company: Various! Driver's Name: does not matter
Taxicab License Plate Number (if known): _____
Taxicab Number: _____

Please explain the nature of the incident

Every time (or 4 out of 5 times) I use a taxi I encounter issues on back side

If needed, would you be willing to attend a brief hearing regarding this incident?

No
Someone needs to "talk" them and you will experience the issue... it is rampant!

What happened? Please check any of the appropriate boxes.

- ☐ Driver operated vehicle in an unsafe manner or refused to provide insurance information after accident
- ☐ Driver failed to take most direct route or take passenger to requested destination
- ☐ Driver overcharged, charged for service or attendant animal, or charged additional fee for wheelchair, crutches or other medical devices
- ☐ Driver picked up another passenger without consent
- ☒ Driver refused to transport passenger
- ☐ Driver discourteous or physically abusive
- ☐ Driver was sleeping
- ☐ Driver was using pornography
- ☐ Driver smoked in vehicle/vehicle smells of smoke
- ☐ Driver using cell phone unless in the case of emergency
- ☒ Zone descriptions and rates not in vehicle or visible
- ☐ Fare receipt not provided after request
- ☒ Taxi meter rates not posted, or taximeter not working, not used, not visible
- ☐ No air conditioning or heating
- ☐ Doors and/or windows did not operate easily or close securely
- ☐ Interior/trunk compartment of vehicle not clean

The taxis at BTV
are not being
managed!

- ask for cash only
- don't accept major CC's
- refer to next taxi if you want to use a CC
- have to be asked to use meter
- take you to your destination then tell you they only take cash

IF Uber is available at reasonable fee I use them to avoid taxis. Think of VT tourists!



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Personal Information:

First and Last Name: * Eva (Lini) Wollenberg

Address: * _____ City, State, Zip * Shelburne VT 05482

Daytime Phone Number: * _____ Email: _____

Incident Information:

When did the incident occur date/time? * Nov 1 10 pm

Location of Incident: * Drive from airport to SI ☒ Location of Pick-Up: * BIA

Name of the Taxi Company: Adria Driver's Name: ?

Taxicab License Plate Number (if known): HXA 316 (or 318)

Taxicab Number: Seemed to be ☒

Please explain the nature of the incident

Last night I took the Adria taxi (licence number HXA 316 (or



If needed, would you be willing to attend a brief hearing regarding this incident? Yes

What happened? Please check any of the appropriate boxes.



Driver operated vehicle in an unsafe manner or refused to provide insurance information after accident



Driver failed to take most direct route or take passenger to requested destination



Driver overcharged, charged for service or attendant animal, or charged additional fee for wheelchair, crutches or other medical devices



Driver picked up another passenger without consent



Driver refused to transport passenger



Driver discourteous or physically abusive



Driver was sleeping



Driver was using pornography



Driver smoked in vehicle/vehicle smells of smoke



Driver using cell phone unless in the case of emergency



Zone descriptions and rates not in vehicle or visible



Fare receipt not provided after request



Taxi meter rates not posted, or taximeter not working, not used, not visible



No air conditioning or heating



Doors and/or windows did not operate easily or close securely



Interior/trunk compartment of vehicle not clean

Personal Information:

First and Last Name:

Eva (Lini) Wollenberg

Shelburne VT 05482

Incident Information:

When did the incident occur date/time?

Nov 1 10pm

Location of Incident:

Drive from airport to Shelburne, with worst incident on Thompson Rd

Location of Pick-Up:

BIA

Name of the Taxi Company:

Adria

Driver's Name:

?

Taxicab License Plate Number (if known):

HXA 316 (or 318)

Taxicab Number:

Seemed to be rubbed off window

Please explain the nature of this incident:

Last night I took the Adria taxi (licence number HXA 316 (or 318) from the airport to Shelburne. It was foggy and the driver drove slowly and suitably carefully for these conditions for most of the road—perhaps even too cautiously. He seemed to have cognitive troubles though. For example, he would start to stop at the stop sign warning signs (stop sign in a yellow sign)—not recognizing as these as warnings only. Also, when he turned onto my road in Shelburne, instead of making the full turn he started to go straight toward the shoulder until I told him to turn back onto the street. He also drove unusually slowly when there was no fog. At a four-way stop, he was very slow to take his turn and someone else went first. Regarding directions, I told him my destination, but he kept asking at each intersection whether to turn. I want to be supportive of someone with cognitive troubles making a living, but I feel this person makes decisions too slowly to be capable of driving safely. At least last night he was not 100% safe. In addition, he was also somewhat disheveled, not shaven and his car had an unpleasant odor. No taxi number visible on window- seems to have been worn off

If needed, would you be willing to attend a brief hearing regarding this incident?

Yes

***** Copied by Vehicle for Hire office from original submitted complaint form for completeness when printing. *****



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Fields marked with an * indicates required information. We will contact you within 15 business days.

Personal Information:

First and Last Name: * FLORENCE McCLOUD

Address: * _____ City, State, Zip * S. BURL, VT 05403

Daytime Phone Number: * _____ Email: _____

Incident Information:

When did the incident occur date/time? * 1/18/23, approx 3 PM

Location of Incident: * 370 FARRELL ST, S. BURLINGTON Location of Pick-Up: * BTV airport

Name of the Taxi Company: "WINOOSKI RAMP + RIDE TAXI" Driver's Name: ?

Taxicab License Plate Number (if known): ?

Taxicab Number: ?

Please explain the nature of the incident

Cab driver said I owed \$29 (!) for ride * from airport to 370 Farrell St. I objected, he argued. I gave him \$20 and he got out of cab, screaming "Bitch!" at me, then screaming all flights got cancelled last week. He was scary, wanted my name.

If needed, would you be willing to attend a brief hearing regarding this incident?

Yes

* I've never been charged close to this!
It's a 5-10 minute ride.

over

What happened? Please check any of the appropriate boxes.

- ☐ Driver operated vehicle in an unsafe manner or refused to provide insurance information after accident
- ☐ Driver failed to take most direct route or take passenger to requested destination
- ☒ Driver overcharged, charged for service or attendant animal, or charged additional fee for wheelchair, crutches or other medical devices
- ☐ Driver picked up another passenger without consent
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