



Vehicle for Hire Licensing Board

**Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee
- Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor,
City Hall, 149 Church St. Burlington, VT or Join via Zoom.**

Join Zoom Meeting

<https://zoom.us/j/95247176818?pwd=QmQzRnFrOTBYTzIxcksrU2p1cEJqUT09>

Meeting ID: 952 4717 6818

Passcode: 880984

One tap mobile

+13092053325,,95247176818#,,,,*880984# US

+13126266799,,95247176818#,,,,*880984# US (Chicago)

Dial by your location

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- **+1 253 215 8782 US (Tacoma)**
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- **+1 564 217 2000 US**
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- **+1 669 900 6833 US (San Jose)**

Meeting ID: 952 4717 6818

Passcode: 880984

Find your local number: <https://zoom.us/u/adygJxGzi5>

1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.
Category	1. Agenda
Department	
Type	
Recommended Action	

2. Introductions

Subject	2.1. Board Member Introductions
Meeting	August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.
Category	2. Introductions
Department	Clerk/Treasurer's Office
Type	

3. Previous Minutes

Subject	3.1. Previous Minutes Approval
Meeting	August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.
Category	3. Previous Minutes
Department	Clerk/Treasurer's Office
Type	
Recommended Action	

4. Public Forum

Subject	4.1. PUBLIC FORUM - Verbal Comments
Meeting	August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.
Category	4. Public Forum
Department	

Type

5. Hearings

Subject **5.1. Airport Winooski Cab**

Meeting August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.

Category 5. Hearings

Department Clerk/Treasurer's Office

Type

6. Appeals

Subject **6.1. Atlas Cab**

Meeting August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.

Category 6. Appeals

Department Clerk/Treasurer's Office

Type

7. Deliberative Session

Subject **7.1. Deliberative Session**

Meeting August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.

Category 7. Deliberative Session

Department Clerk/Treasurer's Office

Type

Recommended Action

8. New Business

Subject **8.1. New Business**

Meeting August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.

Category 8. New Business

Department Clerk/Treasurer's Office

Type

9. Adjournment

Subject **9.1. Motion to adjourn**

Meeting	August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.
Category	9. Adjournment
Department	Council and Board
Type	
Recommended Action	

10. Informational and Non-Discrimination Statements

Subject	10.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. This meeting will also air on Town Meeting TV the Wednesday after the meeting, starting at 8:00 pm and repeating at 1:00 am and 7:00 am the following day. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	August 10, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Thursday, August 10, 2023, 5:30 PM, Sharon Bushor Conference Room, 1st Floor, City Hall, 149 Church St. Burlington, VT or Join via Zoom.
Category	10. Informational and Non-Discrimination Statements
Department	Council and Board
Type	



**BURLINGTON VEHICLE FOR HIRE LICENSING BOARD
ZOOM OR FRONT CONFERENCE ROOM AT DPW (645 PINE STREET, BURLINGTON,
VT 05401).**

MINUTES OF MEETING

June 27, 2023

MEMBER PRESENT: Mark Barlow
Gene Bergman
Paul Hines
Hannah King

OTHERS PRESENT: Sarah Montgomery
Tenzin Chokden
Kyle Clauss

Councilor Mark Barlow called the meeting to order at 5:10 PM.

1. Agenda

Subject

1.1. Motion to amend/adopt agenda

Motion to approve made by Gene Bergman. Seconded by Hannah King.
Passed unanimously.

2. Previous Minutes

Subject

2.1. 3.01 Previous Minutes Approval

Motion to approve made by Gene Bergman. Seconded by Hannah King.
Passed unanimously.

3. Public Forum

Subject

3.1. PUBLIC FORUM - Verbal Comments

No member present for the public forum.

4. Hearings

Subject

4.1. 4.01 Prestige Taxi and Vermont Shuttle

Complainant was not present at the meeting.
Vehicle for Hire companies, Vermont Shuttle and Prestige Taxi were present.

Gene Bergman made the motion to introduce all of the documents posted in the agenda as part of the record. Seconded by Hannah King. Passed unanimously.

Kyle Clauss swore in Donald Corbett from Vermont Shuttle and Aziz Bakkali from Prestige Taxi.

Aziz Bakkali introduced himself as the owner of the Prestige Taxi and said he has collaborated with Donald Corbett with sharing business when he needed help.

Donald Corbett recalled giving this reservation to Aziz Bakkali in 2021 due to high demand of people going to Canada. He works alone so could not fulfill all the rides himself. He didn't have any idea of what happened until he saw the email from the complainant.

Aziz Bakkali wanted to know why did the customer waited this long to file a complaint about the service that was given in 2021. He has been in the business for five years and understands the importance of customer satisfaction and never had a complaint before.

Donald Corbett asked, what the does the complainant want out of this?

Mark Barlow answered: The complainant is not present today and we only have the written materials to understand the complainant's view.

Donald Corbett said that he has been working with Aziz Bakkali for the past five years and has given him a lot of business and never had a complaint against him. He has had customers who specifically request taxi service from Aziz Bakkali.

Gene Bergman asked if Aziz Bakkali remembers this customer and if he has seen what the customer is accusing him of.

Aziz Bakkali answered no, because this happened back in 2021.

Donald Corbett explained that, from the email, the customer is complaining about rude service and price gouging.

Gene Bergman stated the complainant is complaining about \$300 charge for taxi service from Burlington International Airport to Montreal.

Donald Corbett replied: He sent an email respond to Sarah Montgomery explaining the cost of a trip from Burlington to Montreal. If he had went by meter rate which is \$2.50/mile, 98 miles distance, plus \$7.50 start fee and waiting time, the total is \$275. He argued that if there was price gouging, the charge would have been way more than that.

Paul Hines asked: what's the typical cost for trip from Burlington to Montreal?

Donald Corbett replied \$300.

Gene Bergman asked how it was communicated to the customer on what the price would be prior to taking off to Montreal.

Donald Corbett replied probably by email, but he would have to look.

Gene Bergman noted from the evidence that the customer made the reservation and agreed upon the negotiated price. Therefore, he doesn't have any further questions.

Mark Barlow asked if the customer paid by credit card or cash and would he have charged \$275 cash or \$300 by credit card?

Donald Corbett said the reservation that he had sent to the customer was quoted \$275 cash.

Kyle Clauss asked if they were using a meter for the trip.

Donald Corbett replied 99% of business is flat rate. He owns three cars and none of them have a meter. He works as contract vehicle and service is done through reservation with price negotiated beforehand. He added he would have to know the price before he subcontracted to another driver because they need to know as well.

Kyle Clauss asked who received the reservation and who provided the service.

Donald Corbett replied: he received the reservation and Aziz Bakkali from Prestige Taxi provided the service.

Gene Bergman asked if they have any receipt of form of payment for the trip to show whether it was paid by cash or credit card.

Donald Corbett replied he doesn't because he didn't provide the service.

Aziz Bakkali said he doesn't remember because this happened in 2021.

Tenzin Chokden showed a receipt from the evidence submitted showing \$300 USD with signature on Prestige Taxi's business card.

Aziz Bakkali stated he gave this receipt to the customer and he normally writes cash if it was by cash and he believes the customer paid with credit card.

Donald Corbett asked if this complaint will be dismissed because the complainant didn't show up for the hearing.

Kyle Clauss replied: The board will deliberate on this hearing and a decision notice will be sent by mail.

5. Deliberative Session

The board deliberated on the hearing privately.

6. Adjournment

Subject

6.1. Motion to adjourn

The meeting was adjourned at 5:55pm.

7. Informational and Non-Discrimination Statements

Subject	7.1. This agenda is available in alternative formats upon request. For more information on access, call Lori Olberg, Licensing, Voting and Records Coordinator (802-865-7136)(TTY 802-865-7142). Persons with disabilities who require assistance or special arrangements to participate are encouraged to contact 802-865-7000 (voice) or 802-865-7142 (TTY) at least 72 hours in advance so that proper arrangements can be made. The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information.
Meeting	June 27, 2023 - Vehicle for Hire Licensing Board/Transportation Energy and Utilities Joint Committee - Tuesday, June 27, 2023, 5:00 PM, Zoom or Front Conference room at DPW (645 Pine Street, Burlington, VT 05401).
Category	7. Informational and Non-Discrimination Statements
Department	Council and Board
Type	



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: * Nicholas Junjulas

Address: * [REDACTED] City, State, Zip * Willston, VT 05495

Daytime Phone Number: * [REDACTED] Email: [REDACTED]

Incident Information:

When did the incident occur date/time? * 5/16/2023 10:30pm

Location of Incident: * Burlington Airport Location of Pick-Up: * Burlington Airport

Name of the Taxi Company: Airport Winooski Cab Driver's Name: Unk

Taxicab License Plate Number (if known): Unk

Taxicab Number: UNK

Please explain the nature of the incident

Please see attached

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

On May 16th at about 10:30 pm I arrived at Burlington, VT International Airport. I walked over to the taxi stand where a line of taxis was waiting. I entered the taxi at the front of the line. I asked him to take me to my home at 86 Sundown Drive in Willison VT. My home is about 3 miles from the airport. I have taken this taxi ride many, many times over the years. When we arrived, the driver told me the fair was \$33.00. This is about double the usual price. I asked him to show me the fare on the meter. He said he did not have or need a meter. I informed him that per the laws and regulations I know that he is required to have a meter. He became very angry and argumentative. He asked for my credit card. I told him he violated the law and over charged me by double. I told him I would pay half the \$33.00. I could not see the amount on his phone where he ran my credit card. He would not provide a receipt. I took my card and my luggage and left. The next thing I saw was a charge for the full amount which is NOT what I agreed to pay.

He is operating illegally in the city of Burlington. He is gouging airport customers. In addition, his car was filthy and I had to give him directions to my home. He had no navigation.

Here is the information on my credit card statement:

Purchased On
May 16, 2023 10:46 PM ET
Posted On
May 16, 2023
Cardmember Name
Nicholas Junjulas
Spend Category
Taxicab/limousine
Merchant Details
Airport Winooski Cab

North Hero, Vermont 05474

United States



Vehicle for Hire Administration Office

City of Burlington • 149 Church Street • Burlington, VT 05401
Tel: 802-865-7000 • Fax: 802-865-7014

July 19, 2023

VIA: CERTIFIED AND FIRST CLASS MAIL

Farah Ali Mohamed
Atlas Cab
15 Cascade Way Apt.305
Winooski, VT 05404

RE: Vehicle for Hire Business License Application

Dear Farah Ali Mohamed,

Pursuant to Burlington City Ordinance Sec. 30-15 Inspections, we cannot recommend Atlas Cab for vehicle for hire business licensing in the City of Burlington.

The business license applicant, Farah Ali Mohamed, applied to operate a single vehicle under the business name, Atlas Cab. The vehicle is a 2012 Toyota Siena, which is more than ten (10) model years older than the current calendar year. Burlington City Ordinance §30-15 (b) provides that all motor vehicles operating as vehicles for hire shall not be more than ten (10) model years older than the current calendar year. You will find a copy of said Sec. 30-15 on the reverse side of this correspondence for your reference.

If you would like to appeal this denial and have an opportunity to be heard by the Vehicle for Hire Appeals Panel, you must complete the attached Request for Hearing Form and return it to the address indicated on the form. The Vehicle for Hire Administration Office will contact you to schedule a hearing.

If you have any questions, please feel free to contact me.

Sincerely,

Tenzin Chokden
City of Burlington
Vehicle for Hire Administration Office

30-15 Inspections

- a)** Documentation of state inspection and registration. Any motor vehicle being used as a vehicle for hire must comply with the safety inspections requirements for motor vehicles under the state law in which the vehicle is registered.
- b)** All motor vehicles operating as vehicles for hire shall not be more than ten (10) model years older than the current calendar year.
- c)** All motor vehicles being operated as vehicles for hire must be properly registered as required under applicable law.

VERMONT AGENCY OF TRANSPORTATION, DEPARTMENT OF MOTOR VEHICLES
120 STATE STREET, MONTPELIER, VERMONT 05603-0001

REGISTRATION CERTIFICATE				
MAKE TOYT	MODEL SNA	IDENTIFICATION NUMBER 5TDYK3DC6CS250055		
YEAR 12	BODY SV	COLOR BLK	FUEL GAS	REGISTERED WGT
MISCELLANEOUS		BRAKE TYPE	TITLE ISSUED	UNLADEN WGT

RECEIPT LINE VALIDATES THIS CERTIFICATE
SEP-23-22 0W-0087 KDH869 AUT 76.00

FARAH,ALI,M
MOHAMED,YURUB,A
15 CASCADE WAY #305
WINOOSKI VT 05404

Expires Last Day Of
SEP 23
PLATE NUMBER KDH869

PASSENGER CAR
OR SCHOOL BUS

VERMONT AUTOMOBILE INSURANCE IDENTIFICATION CARD

Policy Number: 04387867-2 NAIC Number: 11770
Effective Date: 03/28/2023 Expiration Date: 09/28/2023
Policy Type: Commercial
Insurer: United Financial Casualty Company 1-800-444-4487
PO Box 94739 Cleveland, OH 44101
Named Insured(s):
ALI FARAH
Your agent:
FJG FINANCIAL INC 1-603-888-9911
3 F TAGGART DR
NASHUA, NH 03060
Year Make Model VIN
2012 Toyota Sienna 5TDYK3DC6CS250055

FOLD
This card must be carried in the possession of or in the vehicle of the
named insured at all times that the named insured is operating a vehicle.

This policy provides the minimum insurance prescribed by law.

Request for Hearing Form Vehicle for Hire Appeals Board

Use this form if you have been denied or provisionally denied a taxi license and are requesting a hearing.

Last Name: Farah First Name: Ali MI: Mohamed

Mailing Address: 15 Cascade Way APT 305

City: Winooski State: Vermont Zip Code: 05404

Telephone #: [REDACTED] Alternate/Cellular Telephone: [REDACTED]

You may be represented by an attorney at your own expense, summon witnesses on your behalf and cross-examine witnesses that testify regarding your application.

☐ Check here if you are represented by an attorney. [REDACTED]

You may provide a statement or additional information below:

(If you need additional space, please use the back of this form.)

Mail or Fax to:
TAXI ADMINISTRATION OFFICE
City of Burlington
149 Church Street
Burlington, VT 05401
PHONE: 802-865-[REDACTED] 7019
FAX: 802-865-7014

You will be contacted at the telephone number you list above with the date, time and location of the hearing after your written request is received. This may take up to 10 working days.

x Ali Farah 7/28, 2023
(Signature) (Date)

Office Use Only

Notification of Hearing

Scheduled Date of Hearing: 08/10/2023 @ 5:30

Date Applicant Notified: 7/31/23

Phone # Contacted: 802-829-7721

Date Written Confirmation Sent: 8/2/2023

BCO Chapter 30-4

<https://www.codepublishing.com/VT/Burlington/#!/Burlington30/Burlington3002.html#30-4>

30-4 Licensing board.

(a) A vehicle for hire licensing board (board) is established, which shall be composed of five (5) members appointed by the city council with mayor presiding. The initial terms of the members shall be staggered. The first two (2) shall be appointed for a term of three (3) years, and the remaining three (3) shall be appointed for a term of two (2) years. Thereafter, all such appointments shall be for a term of three (3) years commencing the first day of July following their appointment and continuing until their successors have been appointed and qualified. In making appointments, the city council with mayor presiding should consider including members of the general public who use vehicles for hire, representatives of the vehicle for hire industry, representatives from the public safety community, and any other persons expressing an interest in serving, but they are not required to satisfy each category of representatives when making appointments. Terms of board members shall be for three (3) years. Three (3) members of the board shall constitute a quorum.

(b) *Authority.* The board shall diligently see that all ordinances related to vehicles for hire operating in the city and the airport are enforced and promulgate such rules and regulations, policies and procedures, and enforcement system and practices as are necessary to ensure the efficient administration of and compliance with standards established in this chapter.

The board shall have authority to audit licensees' filings, monitor licensees' conduct and operations, and to affirm or reverse decisions made by the administration office. The board shall also have the authority to fine a licensee and/or suspend or revoke a license for any violation of this chapter.

(1) *Out of service order.* The board shall have the authority to order removed from operation on the streets of the city or airport any vehicle regulated by this chapter which is deemed unfit for public patronage, and to prohibit operation of such vehicle pursuant to this chapter until all deficiencies have been corrected. The board or its designee shall have the sole authority to determine if deficiencies have been corrected.

(2) *Removal and impoundment.* The board shall have authority to order removal and impoundment by its designee of any unauthorized vehicle, including one ordered out of service pursuant to subsection (b)(1) of this section, or any vehicle being used by any unlicensed or suspended driver after previous written warning has been given the owner and driver of the vehicle. The vehicle shall be removed and impounded in accordance with due process requirements.

(c) *Appeals.* The board shall have the authority to hear appeals regarding denials, suspensions and/or revocations of licenses issued by the administration office pursuant to this chapter, and to hear complaints regarding all vehicle for hire operations in the city and at the airport. In the event that the total membership of the board falls below a quorum as defined in Section [30-4\(a\)](#), authority to hear appeals and complaints shall be vested in a joint committee comprised of the board and the transportation, energy, and utilities committee ("joint committee") until such time as the membership on the board reaches a quorum. After holding a hearing on any such matter, the board or joint committee shall issue a written decision. The board or joint committee, in addition to having the authority to affirm or reverse an action of the administration office and to issue its own determinations regarding complaints, may also impose a fine of up to eight hundred dollars (\$800.00) per day for each violation of this chapter found. This fine may be in addition to any fines imposed for a municipal violation. Any decision by the board or joint committee under this chapter shall be final. Any aggrieved person may appeal a decision of the board or joint committee by instituting relief in the Chittenden Superior Court under V.R.C.P. 74.

(Ord. of 2-16-16; Ord. of 10-25-21(1))

VFHLB New Business Items - 08/10/2023

1. Transitioning TEUC out of VFHLB Role

VFHLB has a quorum with three appointed members and may soon have a fourth. BCO Chapter 30-4 describes the TEUC relationship with VFHLB. How do we transition TEUC out of the role?

Considerations:

- a. Election of a Chair
- b. Adoption of formal hearing procedures (see Clauss redline from 3/15)
- c. Training for board members
- d. Other?

2. Process for Improvements to Vehicle for Hire System

At a previous meeting this joint committee has discussed various opportunities to improve and update the vehicle for hire system including taxi fare increases, better communication and engagement with drivers, information resources for riders, technology changes, equity with Uber and Lyft, and increased availability at BTV during late night hours. What is the process for making improvements and updates to the VHF and Taxi system?

Considerations:

- a. Formal resolution from City Council
- b. Funding for potential consultancy / study
- c. Role for City Information Technology Department
- d. Collaboration with BTV
- e. Other?

MEMORANDUM ON CONDUCTING VEHICLE FOR HIRE LICENSING BOARD HEARINGS

Due Process Fundamentals

This hearing is required to meet the constitutional due process requirements of a fair and impartial hearing. Due process requires that the licensee be given the right to

- Hear the complaint against them;
- Respond to the complaint;
- Present evidence on their own behalf; and
- Present argument on any relevant issues.

Fair and Impartial

~~No Board member may have any bias (such as a strong personal friendship) or conflict of interest, and any potential situation should be stated on the record. In accordance with § 133 of the Charter, no Board member shall participate in any fashion or cast a vote on any matter before the Board in which either a direct or indirect conflict of interest is present, nor shall any Board member participate or vote on any question in which such participation or vote would reasonably create in the mind of an objective person the appearance of a direct or indirect conflict of interest. Where such a conflict exists, the affected Board member shall, at the first opportunity, disclose the conflict on the record and refrain from participating in discussion of the matter or casting a vote related to the matter.~~

Preliminary Matters

Attendance and Presiding Officer

The chair of the Board presides ~~at over~~ the hearing. The chair may allow any witness or party to participate by phone or electronic means. A party must be able to participate in and hear the entire proceeding.

Official Record

A formal record of the proceeding must be kept in accordance with Open Meeting Law, 1 V.S.A. § 312(b)(1). That record should include accurate spelling of the names of all witnesses and parties and copies of any documents or physical evidence accepted into the record by the Board.

Conduct of Hearing

Order of Presentation

Once the hearing is called to order, the chair will explain how the hearing will be conducted. Generally, the complainant party is expected to go first and present whatever argument and evidence they want. When the first party has presented all their witnesses and evidence, then the second party would present its case. After the second party has finished, the first party may be given an opportunity for

rebuttal. The Board may, however, arrange the order differently if all parties are given a full and fair opportunity to present any relevant and material evidence.

Swearing In Witnesses

Any party or witness who is to ~~address-testify before~~ the Board ~~should-shall first~~ be sworn in. This may be done by asking everyone who may speak to swear in unison, or by asking each witness or party when they first speak to swear. The language could be, “Do you swear or affirm that everything you say in the course of this hearing will be the truth, the whole truth, and nothing but the truth?”

Evidence

Each party shall have the opportunity to argue their case. To this end, each party may present witness testimony and offer relevant physical or documentary evidence.

The chair shall have the discretion to admit or exclude evidence, though a majority of the Board may, on motion by a member, overrule the chair’s decision. Evidence that is irrelevant, immaterial, or unduly repetitious may be excluded. Though the Vermont Rules of Evidence apply generally, the Board may also consider, in its discretion, evidence of a type commonly relied upon by a reasonably prudent person in the conduct of their affairs.

It is easiest to mark each item with an exhibit number and for the chair to ask the other party if they have any objection to the exhibit being admitted. This is not an opportunity for that party to explain why the information in the document is wrong, but an opportunity to indicate that the exhibit should not be shown to the Board in the first place—for example, because it is irrelevant or is only the type of hearsay that is not commonly relied upon by reasonably prudent people. If a party objects to any evidence presented by another party, the Board must decide on the record, by majority vote, whether to accept the evidence.

Each person offering testimony shall clearly identify themselves for the record. After a party has questioned their witness, the opposing party shall have an opportunity to cross-examine the witness. The chair shall have the discretion to allow Board members to question a witness only after both parties have had an opportunity to do so.

~~Evidence does not have to mean formal questioning of witnesses but may include a party’s talking through their concerns or process or presentation of documents or physical evidence. That is generally the party’s choice. Each person speaking must be clearly identified for the record, however. After the first party has questioned a witness, or spoken their piece, the other party would be entitled to cross~~

examine the witness or party. It would be up to the chair whether to allow the Board members to ask questions during the examination, but it is often better to have the Board wait until both sides have asked their questions of the witness.

The chair makes the decision about what evidence (testimony or documents) is allowed. A majority of the board may on a motion of a member overrule the chair's decision. Evidence may be excluded if it is irrelevant, immaterial, or unduly repetitious. Generally, the Rules of Evidence apply, but any evidence that is of a type commonly relied upon by reasonably prudent people in the conduct of their affairs may be admitted. It is easiest to mark each item with an exhibit number and for the chair to ask the other party if they have any objection to the exhibit being admitted. This is not an opportunity for that party to explain why the information in the document is wrong, but an opportunity to indicate that the exhibit should not be shown to the Board in the first place—for example, because it is irrelevant or is only the type of hearsay that is not commonly relied upon by reasonably prudent people. If a party objects to any evidence presented by another party, the Board must decide on the record whether to accept the evidence.

The Board must ensure that the applicable ordinance, rule, or regulation alleged to have been violated is placed into evidence and the evidence necessary to determine if there was a violation has been admitted. If the parties do not place this information into evidence on their own, then it is the Board's responsibility to take the actions needed to introduce this evidence.

Ex Parte Communications

No member of the Board may communicate about any issue in the proceeding with any party or person interested in the outcome of the proceeding while the proceeding is pending. (These are considered ex parte communications). The chair or board staff may communicate with the parties about the scheduling of hearings or other procedural matters if an opportunity is provided for all parties to participate. If any ex parte communication occurs, it must be revealed on the record by the board member with whom the communication was had.

Decision

Members of the Board may only participate in the decision if they have heard all the testimony and reviewed all the evidence submitted. The decision must be based on a preponderance of the evidence ~~is admitted into~~ the record at the hearing. Board members may not do any independent research and may not communicate with each other until formal deliberation is held and a decision is made. The Board may choose to exclude all the parties and deliberate in executive session, even if the hearing was public, or may do its deliberations with the parties or public present.

Final Decision

Commented [KC1]: My concern with a party cross-examining another party is that it could quickly devolve into a petty argument.

Also, as noted here, it is better for members to question witnesses only after both sides have had an opportunity. Members supplementing a party's questioning might be prejudicial.

Commented [KC2]:

A final decision of the Board must be issued in writing with findings of fact and conclusions stated separately. The findings of fact should be the Board's decision about which facts are relevant, important, and credible. Findings are not simply recitations of the evidence. The conclusions must be based on those facts and the law or City's rules applied to them. The chair then must have copies of the decision delivered to each party. The decision should state that the Board's decision is its final decision, but the parties have the right to ask it to reconsider it; the board has the discretion to decide whether or not to reconsider its final decision. Decisions of the Board may be appealed by an aggrieved party to the Vermont Superior Court, Civil Division, under Vermont Rule of Civil Procedure 75.

Technology Options for Municipal Vehicle-for-Hire Management

Paul Hines
Vehicle for Hire board
Aug 10, 2023

Overview of the Problem

- Almost all of the problems that come before the vehicle-for-hire board involve disputes about how much the driver charged, relative to what the passenger expected
- One solution to the problem is to force all drivers to use meters. However conventional taxi meters suffer from several problems:
 - Lack of transparency - It is hard to know if the meter is accurate, and there is no paper record of what the meter actually said after the event, so it could be difficult to adjudicate disputes. Similarly there a meter will not record exactly where the vehicle traveled, so if a passenger felt that the driver took an overly long route, there would be no way for us to verify a passenger claim.
 - Safety - If a passenger felt that they were taken to an unsafe location, a meter would not provide a record of where the vehicle went.
 - Lack of flexibility - If the rates need to change for various reasons (time of day, seasonality, inflation, etc), changing the rates reflected in a meter is difficult to implement and hard to verify.
- In my own experience travelers to BTV often find it difficult to find vehicle-for-hire options (either app-based or taxi style), and their experience with those options is often less-than-welcoming.

Technology solutions

From a very preliminary review, there appears to be several technology options available that could address many of the concerns above and could potentially help Burlington Vermont to be a more welcoming place for visitors to our beautiful city.

Here are a few services that appear, based on a quick review of web material, provide technology solutions for Taxi metering.

- Flywheel: <https://www.flywheel.com/government>
 - Provides data/analytics solutions for taxi regulation.
 - Would need to ask if they provide a consumer app experience.
- Curb: <https://www.gocurb.com/fleet-systems>
 - System used in many cities to “hail” a taxi.
 - Would need to ask if they provide a replacement for taxi metering.
- Onde: <https://onde.app/products>
 - It seems that this could be a “white label” ride hailing app that could be used as a replacement for taxi metering.

- ezMeter: <https://www.ezmetr.com/>
 - A replacement for taxi metering, but does not appear to provide a ride hailing feature.
- Trafi: <https://www.trafi.com/>
 - This system is interesting as it seems to intend to work for both public transport and taxis, but it is not totally clear from their website.