**Minutes of the Virgin Islands Taxicab Commission – May 24, 2021 –**

**Meeting with Director McIntosh – BMV**

Chairperson Lloyd welcomed everyone and asked Secretary George to open with a Prayer. She then requested Roll Call:

Present were: Chairperson Lloyd

Vice – Chair Elizabeth Hansen-Watley

Secretary – Myrna S. George

Member Vincent Georges

Member Sweeny Toussaint, Jr.

Member Franklyn Brathwaite

Member Camille Paris, Jr., - unable to connect Director Shane Benjamin

Director Barbara McIntosh

ADA Coordinator Julien Henley

Madam Chair, there are 6 Members present with 1 absent. We also have with us Directors Benjamin and McIntosh. Thank you, Secretary Myrna.

Has everyone received and read the updated 9.3 Automobile for Hire? All answered yes. Do you have any questions on this? Yes, this is Secretary George, I do.

**George**: The first paragraph states “no request for a seating capacity greater than 20 seats shall be approved however, if you were the registered owner of a safari of 25 passengers, applicant must provide a copy of the vehicle registration of the same seating capacity”. “Why are we speaking to twenty-five (25) seats only? What about the twenty-two and twenty-seven seats and even those Safaris that have a seating capacity lower than twenty?

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**Lloyd**: Member Georges, since you were at the meeting with the Drivers, please speak to this.

**Georges**: I will ask Director McIntosh to speak to this as she was speaking on it at the meeting. She is the one that presented at the meeting.

**Director McIntosh**: Sure, at our meeting, this is what was proposed by the four or five of us that were present. I was just following along with what was requested and the request was there should be no more 25 passenger Safaris going forward. The ones that are there will remain but if there are any **changes to the vehicle**, it cannot be no more than 25. That is why it was written like that. However, at the appropriate time, I want us to address the language because to me it is not clear. It should be more specific.

**Georges:** Why its stated as 27 is because 25 passengers sit in the back and two up front.

**Benjamin**: That is correct. It states 27 so there is insurance coverage for the two that are in the front. Seating capacity is 25 passengers. I think McIntosh is misunderstanding us. When we say no more 27 passenger vehicles, that is for new owners not for replacements.

**McIntosh**: I am not misunderstanding you. If you read the regulations, any vehicle put into operations for the first time; let’s say you had a 25 seater before and you now have a brand new Cab, now you are modifying that vehicle, This regulation will hold you to 20, This is a brand new vehicle. If you have and own a 25 passenger vehicle and you are changing the back, you can change it on the old vehicle for another 25 passenger back or less. The difference is in the New vehicle or the Old vehicle. New vehicles must be modified. We are holding all to 20 passengers. This document should say **UP TO 25 not specific to 25. If you have a brand-new vehicles, you are held to 20 passengers.**

**George:** Now I understand. It should say **up** to 25 not just specific to 25. Thanks, understood.

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Georges: We need to include 27 passengers and not just say 25 passengers.

McIntosh: We can say 27 passengers to include the 2 front seat passengers.

Georges: And the same wording should say 22 to include the front seat passengers

George: No objection if the insurance covers it.

Benjamin: Insurance covers the front seat passengers

McIntosh (looking for the final wording on draft policy):

**Different revision**: No request for a seating capacity greater than 22 seats, which includes the 2 seats in the front, shall be approved after the effective date of this policy. If applicant is the owner of a 27-passenger vehicle, which includes the 2 seats in the front, you will not be affected by this policy if you are not changing the vehicle. If you are changing the vehicle, meaning the Cab is changing, this means there is a modification to the vehicle and this policy will not allow any new vehicles to increase in seating capacity beyond 22 seats, which includes the 2 seats in the front, if there is a change in the vehicle (cab).

**Benjamin:** What if we have a policy unless you have an extended Chassis. Here we are making the vehicles smaller. As long as the vehicle will be modified, you cannot have more than 22 passengers. New vehicles, it cannot be modified. This is a Board decision. You are making the vehicles small for bigger ships.

**McIntosh**: You have to look at it from a different perspective. You are a regulator.

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**George**: Safety first. Based on the dimensions that these vehicles should be, we cannot have these large and extended vehicles on our roadway. It becomes a safety issue. Bear in mind the width of our roads and the width of the vehicles. We must conform to safety.

Sweeny: We have 24 months to come in compliance? Can anyone enlighten me in this?

**McIntosh**: In order to be approved to certify a Safari, there must be an approval by one of our End-stage Manufacturers (passing it on for someone else to do something). To become such a Manufacturer, you must go to the website and telephone number and they must register. Mr. Brice has been approved already. For the vehicle to be certified to be on the roadway, this manufacturer has to affix a label, stating the description of the vehicle and what they have modified, and lots more stuff. This information is prescribed by the National Highway Safety Administration. It is a tamper proof label that they put on the door. The regulations even said, where it must be affixed. It’s on the left-hand driver side and in 4 different locations. If not available, the Manufacturer must get approval to put the label somewhere else. It is incumbent on the driver to know that the Manufacturer has done what they are supposed to do. BMV is not responsible for that. We look for the label and we take it for Gospel. If an inspection comes up and we see the Manufacturer has lied, there are fines for this and they are reported back to the NHSA.

Sweeny: All this is good information. Can this information be packaged and distributed among the drivers? We must first solidify the information.

George: How many Safaris do we have on St. Croix Sweeny?

Sweeny: 4 not more than 5

**Julien Henley** – ADA Coordinator entered the room:

**Secretary George** told him we are discussing Safaris as Taxis and said his opinion as the Coordinator was welcomed.

**Julien Henley**: One of the things we have an issue with, they do not have to meet the ADA code, but they **should not transport persons** that have a disability. They

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lift the persons and should not unless the person asks for your permission to do so. This becomes a liability issue. At the Cruise Docks and Airport, if you have contracts with any vehicles transporting persons with disabilities and you have all Safaris, then you need a contract with someone who has the ADA vehicle to accommodate the disabled passenger. If you have such a contract but lack the capability, the company is in violation of the law. Taxi must have a lift or the mechanism to transport a disabled person. You would need to have an MOU with

a carrier that can accommodate a disabled person. Henley said he would like to do an ADA training with your taxi drivers.

**Benjamin**: VI Taxi has two vehicles, St. Thomas Taxi 2, Best has one and other companies as well. There are several on St. Thomas. St. Croix would have more of an issue with this.

**George**: Coordinator Henley, what information do you have on St. Croix?

**Henley**: St. Croix just purchased one. I have been working with the guys at the airport that this is the only ADA compliant vehicle that can be contracted on St. Croix. We still have the issue at the Cruise Dock. They need to have a contracted MOU or a van within their fleet that can accommodate disabled individuals. What great with St. Thomas is there are a lot of private taxis that have these vehicles but on St. Croix, they are losing this type of tourism because of the lack of transportation and hotels on St. Croix. He will be working with Tourism to get this to increase for St. Croix.

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**George:** Benjamin and Henley, for training purpose please exchange numbers so VITCC would be included in any upcoming training.

**Henley**: I do the training in conjunction with the UVI Cell Taxi and Tour class which prepares Taxi Drivers for the exam. I am involved with the upcoming on beginning June 1st and I have been involved in this way for the last 3 to 4 years.

We will be providing training for some of your drivers that are on the street now, especially those older drivers that never got this training. Its all oral, so there is no written exam. It’s a lot to learn.

**George**: Oral exam, how do persons with English as a second language handle this?

**Henley:** He has not had anyone to ask for accommodation. If the person requests assistance, the taxi commission would need to request so that we can accommodate them. He is not sure what is required by the Commission in terms of the language required to take the test. Commission would have By-Laws that would reflect their intentions.

**Watley**: Who is the host of these courses.

**Benjamin**: UVI Cell is the host.

**Watley:** Well, UVI should be providing the language accommodations.

**Julien Henley**: Who makes the decision that one can be a taxi driver if one does not speak English? We are required by Civil Rights Laws to provide interpretation to persons speaking in their native tongue. However, although they are speaking in their native language, they must still be able to speak English enough to communicate to English speaking tourists. Thank you so much for inviting me to present today.

**Benjamin:** If you do not speak English, you do not take the class.

We do not have translators provided in the class.

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**George**: We need to get back to the Safaris. I think now that Coordinator Henley has explained this to us, we understand that Safaris can be used but we need to have a Memorandum of Understanding in place that when a disabled persons needs transportation and cannot be accommodated by a Safari, there must be an automobile available to assist that person.

**Lloyd:** What about Churches and Hotels?

**Henley**: Churches and private clubs are not under the ADA. They do not need to provide ADA accommodations.

**Lloyd**: Thank you very much for all your information shared with us.

Do we have any questions on 9.4? Hearing no, we move on.

**Henley**: Apologised for his tardiness today and thanked the Board for inviting him to speak today and then left.

**Georges:** Referencing (9.4.2), I am looking at “Stamp, pass inspection check list”, which comes from BMV. When you go to the BMV, they do not have certified Inspectors. They are only checking the lights and the horns. No mechanical inspection is being done. For the safety of our passengers, it should be a certified Motor Inspector. BMV do not have that.

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**George:** What you are saying Georges is that you are recommending we change the way Taxis are being inspected. There should be a more thorough inspection.

This would mean we have to create a policy as to how the vehicles should be inspected. If we do not get a stamped approval from “Elders”, Best Taxi would not pass the vehicle. No one checks the brakes and so forth.

**Benjamin:** The Checklist should be coming to VITCC and placed in the file and these forms should be stamped.

**Sweeny**: Has no objection to this but how would it impact the regular driver?

Remember too that we are suggesting increases in the cost of operating a taxi, but we are not talking about increasing the Tariff.

**Georges**: We are looking out for the tourism product and the benefit and interest of the taxi drivers.

**Benjamin**: He agrees to a better way of inspecting vehicles. This should be changed. Also, he wants a copy of the stamped inspection checklist brought to VITCC and placed in their file as well.

**Brathwaite**: I agree with what Member Georges suggested. He further noted that McIntosh and he have a discrepancy in the understanding of 9.4.2. That needs to be cleared up.

**Georges**: When we were at VI Taxi, McIntosh said the same thing today that she said at the meeting. Benjamin needs to share the ACT with McIntosh and Benjamin said he sent it to her already. I believe we said the 25 seaters could have maintained its capacity but today McIntosh is against a vehicle applying a 27 vehicle. If you are bringing in a new vehicle, it must be a 20-seater.

**George: S**aid if you had one before and you putting on a new back, its ok with her but no new one will come through.

**Watley:** How can one limit vehicles such as we are discussing?

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**Georges**: Years ago, they were trying to phase out 27-seater vehicles.

**George**: Years ago, I was the Assistant Director at the time and while I was there the goal was to phase out safaris completely. They found they were not certified to be on our roadways and that federal dollars could have been impacted. Director Jerris Browne of the BMV at the time, tried to work around it to the point where doors went on Safaris and steps could not by at the tires. Our streets are 9 feet wide, some of our Safaris are wider than that.

**Watley:** I understand. I would like to see it in writing that Safaris that are now being labeled with the manufacturer’s label, that these vehicles are not federally authorized. We need to send inquiry to McIntosh for written verification.

**Georges**: He thinks the Safaris are now federally approved. I wish she were still in the meeting, but she had to leave. Another thing that McIntosh said at the VI Taxi meeting and Brathwaite can correct me where I am wrong, McIntosh said that when a Safari is sold to another entity or private person, they must take out the

seats and take off the roof. In other words, only the Taxi Industry can have these vehicles. That was explained to us by Director McIntosh.

**George:** This is 9.4.3 in the BMV document. McIntosh is only following the guidelines she inherited.

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**Watley:** If you are selling to another Taxi person, is there still a problem?

**Georges:** No, this pertains to Taxi going private.

**Watley**: In the policy about the seating, if I am registered for 20 seats but I buy a safari at more seating, what happens in that case?

**Georges:** You don’t get it registered. It was accommodated for the original owner but not for the new owner.

**Benjamin:** You continue to maintain your approved seating. You cannot increase in seating size.

**George:** They have been trying to reduce the about of Safaris, especially the larger ones. They are trying to phase them out.

**Lloyd:** We need to take about something else. Director Benjamin, thanks for your presence. Georges, please speak to the book that’s out there.

**Georges:** He got a call that Director Benjamin is issuing to new applicants for Taxi Drivers. He got it and the Codes being used is 259 (under DLCA), noting that the Governor is his Boss. He asked Lloyd to send each member a copy of the book. (Georges got up to get a copy of the book). It appears to Georges that Benjamin is behaving the way he is because he is following the wrong information. He is selling this book.

**Lloyd:** This is one of the blatant things that Mr. Benjamin continues to do. He also has the book reflecting that it was promulgated. It is an old book, and he changed the cover.

**Georges:** Will send a copy of this book to each Member.

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**Lloyd:**  She investigated the raises by speaking to the budget analyst and found that Taxicab Commission should have received the raises.

Let me say thanks to all for coming and contributing to the meeting. Meeting ended after 2 hours 10 minutes.

Respectfully submitted,

Myrna S. George

Secretary, VITCC