



GOVERNMENT OF THE VIRGIN ISLANDS
OF THE
UNITED STATES

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VIRGIN ISLANDS TAXICAB COMMISSION

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Good morning Senator Lewis, Members of 36th Legislature Committee on Government Operations, Veterans Affairs and Consumer Protection and the listening and viewing audience. Thank you for the opportunity to present Testimony on matters of

- The growing trend of illegal taxi operators, operating large passenger vehicles while posing as legitimate taxi drivers or limousine operators;
- Unregulated operators that violate the law and pose a significant threat to public safety;
- The agency's staffing shortages; and
- Any other matters relative to the discussion of the status of the agency.

The Virgin Islands Taxicab Commission (VITCC) was established under Title 20, Chapter 37 of the Virgin Islands Code. This law outlines the creation, structure, and responsibilities of the Commission, to regulate the Virgin Islands Taxi Industry. Key duties and powers of the commission include:

- Licensing and regulation of taxi drivers and vehicles.
- Setting and enforcing fare schedules.
- Conducting hearings and investigations.
- Enforcing compliance with taxi laws and regulations.
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Title 3 Governs VITCCs administrative processes.

“The Commission is charged with the responsibility for the continuance, further development, and improvement of taxicab passenger services within the Virgin Islands and the overall regulation of taxicabs, taxicab companies, and taxicab associations. In addition to the other powers and duties granted to it by law, the Commission may:

- (1) Issue medallions in accordance with the procedures of Title 20, chapter 37, subchapter II of this code;
- (2) Issue license plates to owners of automobiles for hire who properly registered their vehicles with the Motor Vehicle Bureau and in accordance with the procedures of Title 20, section 339, of this code, and who also are owners of medallions as provided in Title 20, chapter 37, subchapter II, of this code;”

Issue

The issue of illegal taxi operators, operating within the Territory has become increasingly urgent. The rise in the number illegal, unlicensed Taxi Operators is visibly evident at the airports, hotels, restaurants and certain popular shopping areas such the malls and grocery stores.

Unlicensed drivers take on multiple forms whether, operating large passenger vehicles posing as drivers or gypsy taxis, often targeting tourists and undercutting legitimate taxi services. Local riders are targeted as well. This creates unfair competition within the taxi industry and weakens the integrity of the Virgin Islands transportation system. Further, these illegal operators masquerading as legitimate taxi or limousine drivers, create confusion and safety risks for passengers.

Operating illegal taxis in the U.S. Virgin Islands carries several legal implications, as outlined by the Virgin Islands Taxicab Commission and related laws. All drivers operating vehicles for hire must possess a valid Class C taxi license and badge issued by the Virgin Islands Taxicab Commission in coordination with the Bureau of Motor Vehicles (BMV). Operating without an authorized taxi license and badge is a violation of local law, other violations also exist and depending on the nature of the offense, violators may be subject to administrative hearings, fines, and possible criminal charges.

In an effort to address these concerns, VITCC is committed to ensuring safe, accountable passenger service for residents and visitors of the Territory. This commitment begins with a thorough, document, compliance review of each customer that presents themselves to the VITCC for approval to become a taxi operator and/or medallion owner. Each client must meet a strict checklist of requirements which then allows them to operate within the Virgin Islands as Class C' operators or become medallion owners.

A legitimate taxi operator in the Virgin Islands must poses the following medallion accessories and compliance review documents:

- Certificate of entitlement
- Operator Badge
- Business License
- Class C Drivers License
- Proof of Insurance
- Current Registration
- Police Record
- Traffic Record
- Proof of Citizenship
- Proof of Residency
- Tax Clearance
- Executed Lease
- Agreement (as applicable)

The Commission has the authority to issue citations for any infraction and hold hearings for violations that include are not limited to:

- Operating without a medallion or class c license.
- Operating without a certificate of entitlement.
- Operating without vehicle registration.
- Operating without a Class C Operators License.
- Misrepresenting oneself as a licensed operator-Gypsy Taxiing.

- Not properly displaying a dome sign.
- Not Properly displaying an on-off duty sign.
- Not displaying a capacity sign.
- Not providing a current fare schedule -Tariff.
- Sever Violations-misdemeanours or felonies.
- A third offense relative to all applicable taxicab regulations or any act that may be tried as a felony or misdemeanour.

Penalties may include:

- Fines
- Suspension or revocation of any business licenses
- Vehicle impoundment
- Referral to the Department of Justice for further legal action
- Tariff

Passenger and Road Safety

Unregulated operators potentially lack proper insurance, vehicle inspections, and background checks. This increases the risk of accidents, assaults, and other safety incidents, not only for residents but for Virgin Islands visitors as well.

Passengers that choose to utilize unregulated services are particularly at risk due to the absence of background checks, vehicle maintenance standards, and accountability mechanisms that are required through the class C licensing process. These unregulated operators may also contribute to traffic congestions at authorized taxi stand locations, contributing an additional hazard element to the industry, road safety.

Economic Impact

To add, legitimate taxi businesses suffer financially, as illegal operators undercut prices without adhering to regulatory costs which are published by the Taxicab Commission through the issuance of tariff cards.

It is also understood that due to the invasion of unlicensed taxi drivers, legitimate taxi drivers are potentially losing business, leading to tensions and confrontations between legal and illegal operators. The situation undermines the integrity of the transportation industry and affects the territory's tourism reputation branding the tourism package with unsafe drivers.

Addressing the Matter

While the Taxicab Commission is short staffed, added assurance is usually provided with the staffing of officers who are specifically assigned to complete thorough regulatory enforcement and public safety duties relative to the taxi enforcement as follows:

Regulatory Enforcement:

- Ensure taxi drivers comply with licensing and medallion regulations.
- Inspect vehicles for safety, cleanliness, and proper documentation.
- Enforce fare regulations and prevent overcharging or unauthorized services.

Public Safety and Law Enforcement:

- Respond to complaints or incidents involving taxi operators or passengers.
- Investigate illegal taxi operations (e.g., gypsy cabs or unlicensed drivers).
- Collaborate with the Virgin Islands Police Department (VIPD) on traffic and safety issues.

Support to the Taxicab Commission:

- Assist in audits or compliance checks.
- Help maintain order at high-traffic areas like airports, cruise ports, and ferry terminals.
- Participate in sting operations or undercover investigations if needed.

Community Engagement:

- Educate drivers and the public on taxi laws and passenger rights.
- Serve as a liaison between the taxi industry and law enforcement.

Administrative Duties:

- File reports on violations, incidents, and inspections.
- Testify in hearings or court cases related to taxi regulation violations.

Virgin Islands Taxicab Commission Officers are also expected to work in coordination with partner law enforcement agencies.

As previously stated, “VITCC is committed to ensuring safe, accountable passenger service for residents and visitors of the Territory.”

With this in mind, VITCC provides a formal complaint process by which residents and visitors involved in an adverse taxi experience may report the incident to VITCC. This process is initiated by the complainant with a report to VITCC. Depending on the nature of the complaint VITCC then follows through as determined with investigations, administrative hearings, and potential disciplinary actions.

Please note the process as follows:

1. Filing a Complaint:

- Complaints may be submitted by passengers, other drivers, or the public.
- These may involve issues like overcharging, rude behaviour, unsafe driving, or operating without proper licensing.

2. Initial Review:

- The Commission reviews the complaint to determine if it falls under its jurisdiction.
- If valid, an investigation is initiated.

3. Investigation:

- Investigators may gather evidence, interview witnesses, and inspect records or vehicles.
- If the complaint involves illegal activity (e.g., unlicensed operation), it may be referred to law enforcement or the Department of Justice.

4. Administrative Hearings:

- For serious or unresolved complaints, the Commission holds formal hearings.
- These hearings allow both the complainant and the accused to present evidence and testimony.

- Legal representation is allowed, and decisions are made based on the findings.

5. Outcomes and Penalties:

- Penalties can include fines, suspension or revocation of taxi licenses or medallions, and mandatory retraining.
- In some cases, the Commission may also recommend criminal charges if laws were broken.

This complaint and enforcement process allows for due process and transparent execution of the law.

Challenges:

While VITCC is committed to a stringent review, compliance and enforcement process there are challenges with its implementation. These include:

- Insufficient personnel to conduct enforcement, inspections, and administrative duties.
- Delays in processing licenses and responding to complaints.
- Reduced capacity to monitor and regulate transportation services effectively.
- Technology & Infrastructure:
- Need for improved digital systems for licensing and enforcement.
- Budgetary Constraints

RECOMMENDATION

VITCC recommends several solutions that will begin to pave the way for improved taxi operator oversight throughout the Territory.

1. Pooling Resources:

Implement consolidated policing services throughout the Territory with the creation of Memorandums of Agreement and or Memorandums of Understanding across the GVI to pool resources and improve efficiency in regulating infractions. VITCC is currently in communications with the Virgin Islands Police Department to address enforcement gaps.

Another approach, is to simply reintroduce and maintain open the lines of communication.

2. Policy Updates and Changes :

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There is a need for the update of current regulations that address and define operational boundaries and also consider other regulatory categories.

Title 3 and all applicable laws may be revisited to address the reallocation of resources that would assist in addressing current challenges.

Legislative support is needed.

There is also a need for increased fees penalties for illegal operations.

4. Technology Integration:

Utilize existing surveillance tools to help monitor illegal operations more effectively.

5. Automation & Modernization:

- VITCC is working to digitize operations, including:
- A vehicle and medallion owner database.
- Electronic mail and file-sharing systems.
- A revamped website to improve transparency and access.

6. Provide Avenues for Legal Operators:

The Taxi Cab Commission in collaboration with the Virgin Islands Department of Tourism (DOT) and The University of the Virgin Islands Centre for Excellence in Leadership and Learning (UVICELL) is currently offering a Taxi Operators Class that will be hosted in the near future.

Consider other classes of operators that may be regulated by the Commission.

7. Public Awareness

Implement public awareness campaigns to educate residents and tourists about identifying legitimate operators.

8. Augment Staffing Levels

VITCC has reviewed its vacancy listing and will begin the process of hiring needed staff as budgetary constraints allow.

9. Budgetary Ceiling Increase:

Last but not least, increased funding will allow VITCC to effectively address administrative, staffing and technological challenges within the agency.

Thank you for your time and consideration.