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## Licensing Board

# Minutes

Of the Provincetown Licensing Board Work Session on **Tuesday, April 25, 2017** at 3:30 p.m. in the Judge Welsh Room, Town Hall, 260 Commercial Street.

**Members Present:** Shawn Byrne, Guy Barbarulo, Michelle Foley, Frank Thompson, Zachary Luster and Breton Alberti

**Staff Present:** Aaron Hobart, Rich Alves and Rex McKinsey

### Work Session

Discussion regarding the current Provincetown Licensing Board tax regulations and the State's regulations of "network transportation" companies.

We are here to discuss state cab regulations. Section 10 was read into record. The only sentence that pertains to the town is the last one which deals with parking laws and traffic flow. A question was asked regarding Uber access to parking in the taxi stand spots. They don't have access because they are private vehicles not taxis. Discussion regarding qualifications for parking were the main focus of the work session.

The hope is that regulations can be modified to support local cab companies so that year round service can still be provided. If TNC company cabs take a substantial amount of local business it will be difficult to operate in the winter at a loss. Mr. Hobart indicated that the current regulations might be too restrictive and that it is important to review them in order to help compete with TNC's.

Questions asked beforehand.

What is a TNC?

It is defined by the state as a transportation network company which exclusively gets passengers via an app request which is then transferred electronically to an Uber driver.

What cab companies are being represented at this meeting?

There are no Uber representatives present.

Raphael Richter - Mercedes Cab

Sabrina Hash - Black and White Cab

Neil Hennigan - Atlantic Rides

Jeffrey Haley - Jeffery Taxicabs

Raphael Richter reviewed the document that he drafted regarding regulation changes that would benefit local cabs.

1. Definitions and regulations regarding livery and taxis need to be revised. References to taxi and livery should be modified to vehicle for hire. The suggestion for defining vehicle for hire was as follows.

All vehicles with any type of MA commercial registration used in the transportation of passengers.

Mr. Hobart asked if that definition would encompass the common carrier license? (Buses and trolleys) Mr. Richter stated that all of them are regulated anyway. Wording excluding the common carrier in the definition would be a good solution.

Another suggestion was that the board work with the Parking Department and the Board of Selectmen to change taxi stand signs to read "Local vehicle for hire stands". All local cabs could park on a first come first serve basis. A yearly parking fee could apply and only locally licensed cabs could use the spots. Mr. Hobart asked if livery insurance excludes hails? Mr. Richter indicated that insurance companies varied. It is not a law but it's a matter of enforcement. Mr. Hobart asked if there was a difference between a hail and someone walking up to you at a taxi stand. All cab company representatives answered "no".

Insurance for taxi vs. livery varies. Livery insurance is cheaper than taxi. Changing the language to "local vehicle for hire" would level the playing field. The assumption is that the town doesn't get involved with what the insurance companies care about. As long as the town has a valid certificate town risks should be covered. Risk and liability would be on the cab companies.

Is there a down side in switching the definition of taxi and livery to vehicles for hire? Mr. Richter's reply was that he could not find one. Operations will be easier, higher liability will better protect the public and there would be no affect on the TNC drivers. Would the sign language change include the TNC drivers? No, the license would not be local. How can an unlabeled licensed TNC vehicle park? TNC vehicles park for long periods of time in one spot. Local cabs are told to move. Enforcement is the key.

TNC vehicles parked in taxi stands is not really the issue but they aren't supposed to use those spots. The fact that livery vehicles cannot park in taxi stands would be solved by the new definitions. Currently only taxis can park in the stands.

Rex McKinsey, representing the Pier Corporation, explained how they decided to handle cab parking on the pier.

Rates have gone up this year.

There is no distinction between taxis and liveries on the pier.

All taxis for hire will be directed to park on the side of the pier that has parking spaces and will be marked as "cab stands".

The driver must stand near his or her car and cabs must move for licensed fisherman.

DPU doesn't have all the regulations in place yet. If cars can not be identified we can't regulate them. Hopefully, we will start seeing stickers on the front and back. Enforcement on TNC: 1. identifying stickers must be on the front and back of the vehicle, 2. insurance is a big deal and 3. parking will be in the taxi stand area.

The chair of the Pier Corporation has requested an opinion from town counsel regarding not allowing DPU vehicles to park on the pier. As of yet there has been no response so parking must be available to all cabs. It was suggested that like local cabs DPU vehicles

should have to pay for parking permits.

TNC vehicles should only pick up passengers via their apps. It is a violation but enforcement is the issue. It was suggested that an area be set aside for TNC parking only and that that spot would be the only place TNC vehicles could sit and wait for app transmissions. This would mirror airport regulations. Local drivers did not think this would work.

It was also suggested that the town not allow a TNC vehicle or company to be licensed locally. This would be granting local rights and in addition they would be protected by the state because of the TNC status. Another solution to deterring TNC vehicles would be not allowing TNC cabs to pickup or discharge passengers on Commercial Street.

Discussion on modifying the length of a temporary operators and vesicle license form ten to thirty days. Rates lower than what is dictated in the regulations should not be advertised.

At the next meeting the board would submit the modified regulation language and vote on it. There would be an advertised public hearing. if there are no changes the newly modified regulations would go into effect.

There was a request to loosen advertising restraints. This topic is not a big priority.

Mr. Hobart requested help from cab company owners regarding unlicensed drivers. Is every drivers license approved by the board? No. He also requested that cab licenses be renewed in December. Annual liquor licensing occurs in November, seasonal liquor licensing in March and Health Department lodging licenses in October.

Mr. Richter volunteered to draft the revised regulation document for review.

**Respectfully submitted by Sandy Fay**