



Memorandum



Miami-Dade County Office of the Inspector General
A State of Florida Commission on Law Enforcement Accredited Agency
601 NW 1st Court ♦ South Tower, 22nd Floor ♦ Miami, Florida 33136
Phone: (305) 375-1946 ♦ Fax: (305) 579-2656
Visit our website at: www.miamidadeig.org

To: The Honorable Carlos A. Gimenez, Mayor, Miami-Dade County
The Honorable Audrey M. Edmonson, Chairwoman
and Members, Board of County Commissioners, Miami-Dade County

From: Mary T. Cagle, Inspector General

Date: October 29, 2019

Subject: *OIG Final Inspection Report Re: Assessment of the Special Transportation Services (STS) Self-Certification Process—IG18-0005-A*

Attached please find the above-captioned Final Report issued by the Office of the Inspector General (OIG) detailing the OIG's assessment of the recently established self-certification process for Special Transportation Services (STS) vehicles. The OIG sought to assess the County's regulation of the STS vehicle fleet by the Department of Transportation and Public Works (DTPW) and its various divisions. Miami-Dade County contracts with Supernice STS Inc., d/b/a Transportation America (TA) for STS services. The OIG's assessment resulted in six recommendations, all of which have been accepted by DTPW. The responses received from TA and DTPW are included in the Final Report as Appendix A and B respectively.

The OIG requests that DTPW provide the OIG with a status report in 90 days, on or about January 29, 2020, advising of the implementation status of the recommendations. The OIG would like to thank the staffs of DTPW and TA for their cooperation and for the courtesies extended to the OIG throughout this assessment.

For your reading convenience, an Executive Summary follows.

Attachment

cc: Abigail Price-Williams, County Attorney, Office of the County Attorney
Jennifer Moon, Deputy Mayor
Alice Bravo, Director, Department of Transportation and Public Works
Cathy Jackson, Director, Miami-Dade Audit and Management Services Department
Yinka Majekodunmi, Commission Auditor, Office of the Commission Auditor

Under Separate Cover

Ray Gonzalez, President & CEO, Transportation America, Inc.

OIG EXECUTIVE SUMMARY

Assessment of the Special Transportation Services (STS) Self-Certification Process

The Office of the Inspector General (OIG) conducted an assessment of the recently established self-certification process for Special Transportation Services (STS) vehicles. The OIG's assessment was precipitated by the passage of Ordinance No. 18-94 (hereinafter the STS Ordinance) by the Board of County Commissioners (BCC) on September 5, 2018. The STS Ordinance's key provisions provided STS operators the option to self-certify that their vehicles are in compliance with the vehicle standards set forth in the Code of Miami-Dade County. Operators electing to self-certify must have their vehicles inspected and certified by an American Advanced Technicians Institute (AATI) or National Institute for Automotive Service Excellence (ASE) certified master mechanic or an automobile technician at a licensed and state registered auto repair shop.

Similar ordinances already passed by the BCC for the Taxi, Limousine, and the Passenger Motor Carrier (PMC) industries provided a basis for comparison and assessment of the STS Ordinance. After evaluating these other ordinances and the history of providers/certificate holders opting for self-certification, the OIG focused on the Passenger Transportation Regulatory Division's (PTRD's) experience with PMC operators electing self-certification. Specifically, the language of that ordinance closely mirrored the STS Ordinance and PTRD had already been regulating the PMC operators opting for self-certification under that ordinance for approximately one year. Also, Transportation America, Inc. (TA), the main STS contract operator, likewise operated a large PMC fleet, Limousines of South Florida (LSF), d/b/a TA, including shuttle buses, trolleys and circulators in the County, and had previously opted for self-certification under that ordinance.

The OIG identified early on that TA was not in compliance with the requirements of the PMC and STS Ordinances, as codified in Chapter 31 of the Code. Specifically, TA's inspections of its PMC and STS vehicles were not conducted by an AATI or ASE certified master mechanic, nor were they performed at a licensed or state registered auto repair shop. Additionally, TA's facilities lacked adequate brake testing equipment, so it could not assure brake tests within allowable parameters. PTRD, as regulator, had failed to recognize the existence of both of these key factors until they were identified during the OIG's inspection.

The OIG formally notified DTPW of these concerns through a series of meetings and correspondence. DTPW concurred with the OIG and required TA to re-inspect its PMC and STS fleets in conformance with the self-certification requirements. TA replied that it would re-inspect its fleet using its recently acquired brake testing equipment. The documentation reviewed by OIG representatives, near the conclusion of this inspection, confirmed that TA satisfactorily completed all the necessary re-inspections in advance of the June 30, 2019 remediation date established by DTPW. The OIG believes that an open issue still exists as to the level of participation required of the certified master mechanic in order to satisfy the ordinance's requirement that the inspection be "conducted by" the certified master mechanic.

The OIG also assessed DTPW's Paratransit Operations Division (POD) and how it coordinates its functions with PTRD. OIG representatives shadowed PTRD officers in the field to observe how the enforcement activities have been affected by the new self-certification protocols. We also note that POD recently hired two Quality Assurance (QA) monitors whose job responsibility involves resolving complaint-driven service complaints, as well as conducting random vehicle

inspections in the field. OIG representatives also shadowed the QA monitors and found their work to be very effective. Even so, we recommend that the QA Monitors' inspection protocol include review of the self-certification inspection forms required to be carried in self-certified STS vehicles.

In its response, TA reaffirmed its commitment to comply with the amended policies, as well as the recommendations posited by the OIG. DTPW responded positively to each recommendation indicating either that it will prospectively implement our suggestions or has already taken steps in the direction of our recommendations during the course of the assessment. Furthermore, the OIG, DTPW and TA all agree that a legal opinion from the County Attorney's Office is required to ensure that the STS Ordinance's intent is clearly understood and complied with by all certificate and permit holders.

MIAMI-DADE COUNTY
OFFICE OF THE INSPECTOR GENERAL



FINAL INSPECTION REPORT

IG15-0005A

Assessment of the Special Transportation Services (STS) Self-Certification Process

October 29, 2019

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

TABLE OF CONTENTS

I.	INTRODUCTION & SYNOPSIS	1
II.	AUDITEE RESPONSES & OIG REJOINDER	3
III.	OIG JURISDICTIONAL AUTHORITY	3
IV.	ABBREVIATIONS & ACRONYMS FREQUENTLY USED IN THIS REPORT	3
V.	THE STS PROGRAM & STS CONTRACT NO. 800	4
VI.	DTPW DIVISIONS INVOLVED WITH THE STS PROGRAM	5
	A. The Passenger Transportation Regulatory Division (PTRD)	5
	B. Office of Safety and Security (OSS)	7
	C. Paratransit Operations Division (POD)	8
VII.	SELF-CERTIFICATION LEGISLATION & REQUIREMENTS	9
	A. Legislative History	9
	B. Self-certification Requirements	9
VIII.	OBJECTIVES, SCOPE & METHODOLOGY	10
IX.	OIG FINDINGS, OBSERVATIONS & CONTINUED CONCERNS	11
	A. TA's Inspections and Self-certifications were initially not in compliance with the PMC and STS ordinances	11
	B. Ongoing Concern – What level of participation by the certified master mechanic satisfies the statutory requirement that the safety inspections be “conducted by” the certified master mechanic in order to execute the self-certification inspection form?	17
	C. PTRD's tracking of inspection activity and field enforcement activities should be adjusted in light of the self-certification process	19
	D. POD's Quality Assurance (QA) Monitors – ensuring contractor satisfaction of customer service standards	25
X.	CONCLUSION	26
	OIG SCHEDULE A – PMC & STS Self-Certification Ordinances	
	EXHIBIT 1 – OIG Notification of Noncompliance with Chapter 31 Requirement Dated December 7, 2018	
	EXHIBIT 2 – Letter of Noncompliance to Transportation America from DTPW Director Bravo Dated December 18, 2018	
	EXHIBIT 3 – TA Letter to DTPW Director Bravo – Vehicle Inspections and Self-Certification Dated December 21, 2018	
	EXHIBIT 4 – PTRD Email Approval of TA Request for Extension Dated January 9, 2019	
	APPENDIX A – Transportation America Response	
	APPENDIX B – Department of Transportation & Public Works Response	

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

I. INTRODUCTION & SYNOPSIS

Following the first reading on June 19, 2018, of what became codified as Ordinance No. 18-94, relating to self-certifying safety inspections of Special Transportation Services (STS) vehicles (hereinafter the STS Ordinance), the Office of Inspector General (OIG) considered initiating an assessment of the potential impact of this change in law. Consideration of that assessment was precipitated by the fact that the STS Program involves the transportation of a particularly vulnerable group of individuals, including the elderly and disabled, as well as the fact that the current STS contract with Supernice STS, d/b/a Transportation America (TA) (hereinafter, Supernice/TA)¹ and its subcontractors, is one of the County's largest services contracts, exceeding \$400,000,000. Further, the OIG sought to assess the County's regulation of the STS vehicle fleet by the Department of Transportation and Public Works (DTPW) and its various divisions. The STS Ordinance was ultimately passed by the Board of County Commissioners (BCC) September 5, 2018, and shortly thereafter the OIG formally initiated its inspection.

The STS Ordinance's key provisions provided STS operators the option to self-certify that their vehicles were in compliance with the vehicle standards provisions of the Miami-Dade County Code, by ensuring each vehicle had a safety inspection conducted by an American Advanced Technicians Institute (AATI) or National Institute for Automotive Service Excellence (ASE) certified master mechanic or an automobile technician at a licensed and state registered auto repair shop, in lieu of an inspection at the County's inspection facility. Similar ordinances already passed by the BCC for the Taxi, Limousine, and the Passenger Motor Carrier (PMC) industries provided a basis for comparison and assessment of the STS Ordinance. After evaluating these other ordinances and the history of providers/certificate holders opting for self-certification, the OIG focused on the Passenger Transportation Regulatory Division's (PTRD's) experience with PMC operators electing self-certification. Specifically, the language of that ordinance closely mirrored the STS Ordinance and PTRD had already been regulating the PMC operators opting for self-certification under that ordinance for approximately one year. Also, TA, the main STS contract operator, likewise operated a large PMC fleet, Limousines of South Florida (LSF), d/b/a TA, including shuttle buses, trolleys and circulators in the County, and had previously opted for self-certification under that ordinance.

During the inspection, OIG auditors visited the County's inspection facility, observed its vehicle inspection process and equipment, observed the PTRD Enforcement Unit's activities, including at TA's facilities, and met with PTRD staff, managers and the Division Chief, to better understand their regulatory approach. Additionally, they also met with TA's representatives, toured TA's facilities to gain an overview of its vehicle inspection and self-certification process, and observed TA's test equipment and personnel. Auditors also reviewed hundreds of vehicle inspection forms completed by TA personnel in the course of self-certification, and reviewed TA's policies, procedures, and training materials.

¹ References in this report to "SuperNice/TA" identify the County's STS contractor, whereas references to "TA" identify Transportation America, Inc., the parent corporate entity.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

The OIG's inspection identified early on that TA was not in compliance with either the requirements of the PMC or STS Ordinances, as codified in Chapter 31 of the Code. Specifically, TA's inspections of its PMC and STS vehicles were not conducted by an AATI or ASE certified master mechanic, nor were they performed at a licensed or state registered auto repair shop. Additionally, TA's facilities lacked adequate brake testing equipment, so it could not assure brake tests within allowable parameters. PTRD, as regulator, had failed to recognize the existence of both of these key factors until they were identified during the OIG's inspection. These two factors called into question the validity of TA's vehicle inspection process as to both its PMC and STS fleets.

The OIG formally notified DTPW of these concerns through a series of meetings and correspondence. DTPW concurred with the OIG and required TA to remedy the situation and re-inspect its PMC and STS fleets in conformance with the self-certification requirements. TA replied that it would re-inspect its fleet using new brake testing equipment that it had since acquired. TA's mechanic had also then obtained the required master mechanic certification. TA was given until June 30, 2019 to re-test its PMC fleet, and any STS vehicles it had initially self-certified prior to DTPW's notification. The documentation reviewed by OIG representatives, near the conclusion of this inspection, supported TA's representation of having satisfactorily completed all the necessary re-inspections by June 30, 2019.

Notwithstanding TA completing the re-inspections, the OIG believes that an open issue still exists as to the level of participation required of the certified master mechanic in order to satisfy the ordinance's requirement that the inspection be "conducted by" the certified master mechanic. This particular open issue is addressed in section VIII.(B) of this report.

The OIG's fieldwork, which included accompanying PTRD enforcement officers on their daily inspections, revealed there was a difference between how PTRD treated vehicles cited with a red reject (safety) violation (Field Enforcement Report or FER) or green (vehicle cleanliness, etc.) warning violation, depending on whether the vehicle was county-inspected, or inspected as part of the self-certification process. Specifically, for cited county-inspected vehicles, the officers would remove the county-issued inspection decal, and replace it with a red or green decal corresponding to the violation. However, for self-certified vehicles, the officers would not remove any self-certification decal, or place either a red or green decal on the vehicle, but merely note on the FER citation that the vehicle was "self-certified". The OIG suggested to PTRD that the manner of enforcement should be the same for county-inspected or self-certified vehicles. Thus, PTRD should follow the same inspection decal removal and replacement (with red or green decal as appropriate) protocol for county-inspected and self-certified vehicles. TA representatives have tentatively agreed to this OIG recommendation, as has PTRD.

Further, the OIG's inspection also assessed DTPW's Paratransit Operations Division (POD) and how it coordinates its functions with PTRD. The OIG also observed how POD's

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL INSPECTION REPORT

Assessment of the Special Transportation Services (STS) Self-Certification Process

recently hired Quality Assurance (QA) monitors perform their safety and customer service based field inspections of STS vehicles. These two new QA monitors, who cover the north and south portions of the County, conduct random inspections of STS vehicles in an effort to ensure that Supernice/TA and its subcontractors are meeting the safety and contractually required customer service standards under the STS contract. This report recommends that as part of their daily monitoring process, the QA Monitors inspection protocol should include review of the self-certification inspection forms required to be carried in self-certified STS vehicles.

II. AUDITEE RESPONSES & OIG REJOINER

This report, as a draft, was provided to the TA and DTPW for their review and comment. Their responses are included in this report as Appendix A and B, respectively. TA reaffirmed its commitment to comply with the amended policies, as well as the recommendations posited by the OIG. DTPW responded positively to each recommendation indicating either that it will prospectively implement our suggestions or has already taken steps in the direction of our recommendations during the course of the assessment. Furthermore, the OIG, DTPW and TA all agree that a legal opinion from the County Attorneys Office is required to ensure that the STS Ordinance's intent is clearly understood and complied with by all certificate and permit holders.

Further summation of the auditees' responses, and the OIG rejoinders to them, are located in the body of the report at the end of the each related audit finding and recommendation.

III. OIG JURISDICTIONAL AUTHORITY

In accordance with Section 2-1076 of the Code of Miami-Dade County, the Inspector General has the authority to make investigations of County affairs; audit, inspect and review past, present and proposed County programs, accounts, records, contracts and transactions; conduct reviews, audits, inspections, and investigations of County departments, offices, agencies, and Boards; and require reports from County officials and employees, including the Mayor, regarding any matter within the jurisdiction of the Inspector General.

IV. ABBREVIATIONS & ACRONYMS FREQUENTLY USED IN THIS REPORT

AATI	American Advanced Technicians Institute
ASE	National Institute for Automotive Service Excellence
DTPW	Department of Transportation and Public Works
FER	Field Enforcement Report
LSF	Limousines of South Florida (an entity of Transportation America)
OSS	Office of Safety and Security

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT

Assessment of the Special Transportation Services (STS) Self-Certification Process

PMC	Passenger Motor Carrier
POD	Paratransit Operations Division
PTRD	Passenger Transportation Regulatory Division
QA	Quality Assurance (as in POD QA Monitors)
STS	Special Transportation Services
Supernice/TA	Supernice STS, d/b/a Transportation America; (Miami-Dade County's STS contractor)
TA	Transportation America, Inc.; (the corporate parent of Supernice/TA and Limousines of South Florida (LSF))
8CC Violation	Chapter 8CC of the Code of Miami-Dade County, Civil Offenses and Penalties

V. THE STS PROGRAM & STS CONTRACT NO. 800

To comply with the Americans with Disabilities Act of 1990, the County administers a 24-hour/7-day per week paratransit STS program. STS is a shared-ride, specialized, public transportation service for the elderly and disabled, whose physical or mental disability (temporary or permanent) precludes them from independently using the County's public transportation system (Metrobus, Metrorail or Metromover). STS provides door-to-door transportation service from "the main entrance of pick-up to the main entrance of drop-off locations." STS services are available to eligible customers via on-demand reservations (made at least one day in advance) or by subscription (regularly scheduled rides).

The County's STS program, and its current STS Contract, Contract No. 800, is substantially funded with federal funds, passed through from the U.S. Department of Transportation's Federal Transit Administration, to the County's DTPW, and therefore is also subject to Federal Transit Administration regulations. In addition, the STS contract includes a 20% Disadvantaged Business Enterprise goal as determined by DTPW's Office of Civil Rights.

The County contracts with Supernice STS Inc., d/b/a TA for STS services. County Contract No. 800 was awarded in November 2012. The contract's initial term is 5 years, and contains one 5-year option to renew. The contract amount for the initial 5-year term is \$208 million, or \$416 million if the option to renew is exercised—which it was in March 2018.

The STS contract is an extensive agreement. It describes, in great detail, the type of equipment required in each vehicle, such as Automatic Vehicle Locating and Global Positioning Systems, Mobile Data Terminals, Long Range Radio Frequency Identification Readers, and vehicle standards correlating to those set forth at Chapter 31, Section 89 of the County Code. As described in Article 2 of the contract, contract carriers may use vans, minivans, sedans, and lift-equipped vans to transport riders who contact STS to transport them to their destination.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

Apart from the STS contract services provided through Supernice (a separate legal entity) and its subcontractors, TA provides circulator and trolley services to the County and many local municipalities, non-emergency transportation services, ambulance services, and on-demand and reservation-based services, including limousine and SuperShuttle services, through contracts with Miami International Airport. TA has five locations in Miami-Dade and Broward Counties. It provides similar services in Broward and other locations in Florida. TA, owned by Raymond and Rene Gonzalez, is the largest privately-held transportation company in South Florida.

During the OIG's inspection, the STS fleet was composed of approximately 345 vehicles, including approximately 237 vehicles operated by Supernice/TA, and approximately 58 and 50 vehicles, respectively, operated by TA's sub-contractors Minority Mobile System, Inc. and iTransport Services, Inc.

VI. DTPW DIVISIONS INVOLVED WITH THE STS PROGRAM

A. The Passenger Transportation Regulatory Division (PTRD)

PTRD, formerly a division within the County's Department of Regulatory and Economic Resources, is comprised of two main units: inspection and enforcement. PTRD operates the County's vehicle inspection facility, located at 2615 N.W. 10th Avenue in Miami, which is open Tuesday through Saturday, from 7:30 a.m. to 3:30 p.m., except on County holidays. The County charges a fee for each vehicle inspected.

The County Code requires that any company or individual seeking to provide transportation for compensation be licensed, their drivers trained and insured, and their vehicles registered, insured and inspected. Thus, vehicles including taxis, limousines, passenger motor carriers (PMCs), and STS vehicles must be inspected. Depending on vehicle age and type, these vehicles may be required to undergo annual, semi-annual, or quarterly inspections. Prior to the passing of self-certifying inspection ordinances, all these vehicles had to be inspected at the County's facility.

At the County's facility, vehicles are inspected for compliance with vehicle standards contained in Chapter 31 of the County Code. Section 31-89 contains vehicle inspection standards including, but not limited to, the inspection of the brakes, tires, headlights, turn signals, horn, and brake lights. Specifically in the case of brakes, they must be tested to be "within allowable parameters as provided by test equipment readings for stopping effectiveness."² The County's facility is equipped with brake testing equipment, using ground level grid plates, which notify the inspector if a vehicle passes or fails a brake test. Vehicles are also inspected for other safety components, including operable seat belts, mirrors, reflectors, windows free of cracks, functioning interior lights, horn, and air

² See County Code Section 31-89(1).

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

conditioning, as well as general cleanliness and other components, according to a punch-list of items by vehicle type. For certain STS vehicles, the inspection may include the operability of wheelchair lifts.³

Vehicles failing the inspection must remedy the noted deficiency and pass a re-inspection before being able to transport passengers. Additionally, vehicles receiving a “red” citation issued by PTRD field enforcement personnel are suspended from operating until the deficiency is corrected and the vehicle passes re-inspection. Upon a vehicle passing inspection, a County inspection decal is placed on the vehicle.

Inspection results are manually recorded on a vehicle inspection report, and then contemporaneously entered into the CAVU database. The CAVU system tracks all vehicles requiring inspection (and their required frequency), any citations issued to them, and the status of said citations (whether remedied and/or paid). Notably, once a vehicle has opted for the self-certification route, its inspection status is no longer tracked by CAVU—the system would only have citation history on said vehicle.

PTRD’s enforcement unit is charged with enforcing compliance with Chapter 31 of the County Code, Vehicles for Hire, which includes taxis, limousines, and PMCs. Article IV of Chapter 31 covers STS Carriers and, as such, STS vehicles are subject to enforcement by PTRD. The unit is comprised of two supervisors and 18 officers. They carry badges, allowing them to identify and cite violators throughout the County. The officers operate either in day shifts, covering from 6:30 a.m. to 4 p.m., or in night shifts that cover from 2 p.m. to 10:30 p.m. All days of the week are covered. The officers are generally assigned enforcement details according to their geographic residence.

PTRD officers are authorized to issue Field Enforcement Reports (FERs) and Civil Violation Notices (8CC violation). Violators cited with a FER can be issued a “red” citation, also referred to as a “red reject” citation, with a corresponding red decal, for a safety violation (worn tire; cracked windshield), which results in immediate suspension and being taken out-of-service, or a “green” citation, with corresponding decal, which is a warning for issues such as cleanliness and cosmetic defects. Both types of decals are affixed to the windshield of the cited vehicles. Additionally, both types of violations have remediation deadlines and require re-inspection, including the issuance of a new inspection decal. Whereas the FER relates to the physical condition of the vehicle, an 8CC violation pertains to the status of the driver and legal status of the vehicle, for example operating without a valid, current permit or inspection decal; operating without a valid chauffer’s license; or operating an unsafe vehicle. An 8CC violation imposes a monetary fine, which can be as high as \$1,500. These violations may be remediated by filing an appeal (within 20 days) or payment of the fine within 30 days.

³ See County Code Section 4-49 for non-emergency ambulatory and non-emergency medical transportation vehicle standards

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

PTRD enforcement officers also engage in joint operations that are planned and coordinated with Miami-Dade Police and focused on illegal activities at various countywide locations including the airport, seaport, hospitals, hotels, schools and clinics. These operations, conducted 3 – 4 times per month, typically arise from reports of unlicensed transportation activities observed by licensed operators.

B. Office of Safety and Security (OSS)

OSS ensures compliance with Florida Statute Section 341.061 and Florida Department of Transportation (FDOT) Rule 14-90, Equipment and Operational Safety Standards for Bus Transit Systems. In addition to overseeing the safety standards of the County's bus fleet, OSS's work extends to privately-owned passenger vehicles that are operated under contract to the public-sector bus transit system, such as STS. TA, as a County-contracted transportation provider, is required to develop a System Safety Program Plan and a Security Program Plan that details its policies, objectives and responsibilities towards ensuring compliance with Florida Statute Section 341.061 and FDOT Rule 14-90.

As explained to the OIG, OSS conducts an annual prearranged inspection of TA's STS, county circulator and municipal trolley fleets. This inspection is typically conducted in October and November each year, in order to allow TA time to remediate any issues identified during the inspection, as the certification is due to FDOT by February of the following year. OSS conducts a "spot check" of approximately 10% of these fleets. Noncompliant vehicles are documented and taken out of service until they are brought into compliance. OSS uses a pre-printed checklist that covers 12 areas of the review.

1. The System Safety Program Plan
2. The Security Program Plan
3. Qualification, Selection, and Training of Drivers
4. Record Maintenance, Retention, and Distribution
5. Drug Free Workplace
6. Bus Maintenance
7. Event Investigation
8. Medical Exams for Bus Transit System Drivers
9. Operational and Driving Requirements
10. Vehicle Procurement
11. Bus Safety Inspections
12. Certification

The results of the annual OSS inspection are documented, summarized and submitted to FDOT on or before the February deadline. Supernice/TA, as the publicly contracted agency, must also certify that its written System Safety Program Plan and Security Program Plan are up to date and in compliance with FDOT Rule 14-90, and are being properly implemented.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

C. Paratransit Operations Division (POD)

POD oversees the STS program. The County-owned Trapeze Mobile Data Terminal system (Trapeze) is used by both Supernice/TA and POD to manage all STS activities. POD is responsible for determining client eligibility, maintaining client records, monitoring contractor performance, resolving client complaints, and overall contract administration, including invoicing and payments. Supernice/TA uses Trapeze for reservations, scheduling, dispatching, routing, daily itineraries, and the like. Trapeze also produces the reports required to calculate the contractor's invoice, including the application of penalties.

PTRD personnel explained that STS vehicles cited for safety deficiencies, e.g., receiving a "red reject" citation/decal, are required to be taken out of service in Trapeze until the deficiency is remedied. Upon remediation, the permit holder (i.e., Supernice/TA or one of its subcontractors) is required to provide PTRD and POD an updated inspection form. Furthermore, PTRD prepares and maintains an Excel spreadsheet regarding these citations and forwards it to POD monthly. That spreadsheet puts POD on notice that these vehicles should not be transporting STS clients, unless and until the safety deficiency is remediated.

POD is responsible for ensuring that trips conducted by vehicles cited for safety violations (which remain un-remediated) are not included in the contractor's request for payment, as the vehicle should have been taken "out-of-service" in Trapeze. However POD personnel stated this disallowance review is only conducted as time permits, as it is an extensive and laborious process which includes accessing Trapeze using multiple criteria (i.e., ambulatory vs non-ambulatory, sedan vs van, etc.) for each cited vehicle. A review of the documentation provided by POD shows that an STS trip disallowance, identified as "STS Vehicle Removal from Service", is included with liquidated damage items under the contract, including formal complaints, trip denials, customer complaints, and invalid no-show.

The OIG was recently informed that, in May 2019, POD hired two Quality Assurance (QA) monitors. In preparing the two QA monitors for their duties, POD had them shadowing PTRD officers in the field for approximately two weeks to observe their enforcement activities related to STS vehicles. The QA monitors' primary responsibility is to ensure the STS contractor (Supernice/TA) is meeting its contractually required customer service standards. These monitors cover the entire County, with one assigned to the north and the other assigned to the southern portion of the county.

POD representatives further explained that QA monitoring activities occur in two ways: randomly and in response to a reported customer complaint (e.g. hot vehicle—air conditioning not working). The QA monitors' field activities are documented on a "Quality Assurance Monitoring Form" that contains twenty (20) vehicle standards and two (2) columns indicating whether the vehicle passed or failed this evaluation. Upon arriving at a particular site, the QA monitor evaluates the respective vehicle's condition in accordance with the QA form and determines if compliance has been met by indicating "Pass" or "Fail".

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

If the STS vehicle is found to be in violation of the standards listed on the QA form, it would be taken out of service and prohibited from transporting STS riders until the deficiency is remediated. As noted previously, trips conducted during this period should be disallowed in the billings submitted by the contractor for payment.

VII. SELF-CERTIFICATION LEGISLATION & REQUIREMENTS

A. Legislative History

The Transportation Network Entities (aka Uber and Lyft) legislation passed by the BCC in May 2016 served as the impetus for similar legislation authorizing self-certification of vehicles for certificate holders in the Taxi, Limousine, PMC and STS industries. The Taxi Ordinance (Ord. 16-43) and Limousine Ordinance (Ord. 16-44), both passed in January 2016, in relevant part, provided the option for self-certifying vehicle inspections, in lieu of inspections at the County facility. To date, there has only been one license holder of taxis (Century Cab) that elected to self-certify its vehicle inspections. However, Century Cab later rescinded that election, so all taxi inspections are being conducted at the County facility. To date, there have been three limousine certificate holders that have elected self-certification.

In June 2017, the BCC passed Ordinance No. 17-30 relating to vehicles for hire and amending certain provisions of Chapter 31 of the County Code regulating passenger motor vehicles (PMCs). Among its many amendments, the ordinance provided PMC certificate holders the option of self-certifying vehicle inspections, in lieu of inspections at the County facility. LSF, d/b/a TA, was among the certificate holders electing to self-certify their vehicle inspections. LSF/TA's PMC fleet is composed of approximately 241 vehicles, including trolleys, and circulators. The self-certification of these vehicles is included in the scope of the OIG's review.

On September 5, 2018, the BCC passed Ordinance No. 18-94 relating to safety regulations and inspection of vehicles performing special transportation services. In line with the three self-certification ordinances passed before it, the STS Ordinance provided a mechanism and requirements for the self-certification of STS vehicles. On September 19, 2018, two weeks after the STS Ordinance passed, Supernice/TA notified PTRD that it would be self-certifying its fleet (comprising of 237 vehicles). Minority Mobile and iTransport also opted for self-certification, but have continued having their vehicles inspected at the County facility. Supernice/TA's vehicles are included in the scope of the OIG's review.

B. Self-certification Requirements

The self-certification requirements found in the PMC and STS ordinances are the generally the same. Both require that the permit holder certify that each vehicle was inspected and complies with the vehicle standards found in Section 31-89 and Section 31-

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

107 of the County Code. Moreover, STS vehicles may also have to comply with the vehicle standards found in Section 4-49 of the County Code (pertaining to non-emergency ambulances and non-emergency medical transportation vehicles). Both ordinances also require that the safety inspection be “conducted by” either an AATI or ASE certified master mechanic⁴ or by an automobile technician at a licensed or state-registered auto repair shop. The ordinances further require that the certificate holder (PMC) and permit holder (STS vehicles) maintain the inspection records for at least three years and that the driver of each vehicle maintain proof of inspection in the vehicle, which can be produced upon request by any PTRD or code enforcement officer. (See OIG Schedule A detailing the requirements of the PMC and STS self-certification ordinances.) TA has also created its own vehicle inspection decal which it affixes to its STS vehicles, demonstrating the vehicles have passed a self-certified inspection.

VIII. OBJECTIVES, SCOPE & METHODOLOGY

The objectives of the inspection were to assess how the new STS self-certification ordinance would operate and how it would affect the current enforcement and compliance activities affecting STS vehicles.

In order to achieve its main objectives, the OIG initially sought to assess and compare PTRD's regulatory experience with the Taxi, Limousine and Passenger Motor Carrier (PMC) certificate holders opting to self-certify their vehicle inspections under those ordinances, with those opting for self-certification under the STS Ordinance. Ultimately, the OIG focused on assessing PTRD's experience with the PMC Ordinance, and with LSF, a large PMC fleet operated by TA, which was among the PMC Certificate holders opting to self-certify vehicle inspections under the Ordinance. TA was also the common owner and operator of Supernice, the only STS permit holder actually self-certifying vehicle inspections under the STS Ordinance.

The OIG's inspection covered an approximate 17-month period, from August 2017 through February 2019. Thus, it covered/spanned almost the first 16 months the PMC Ordinance was in effect, and the first several months the STS Ordinance was in effect.

OIG representatives began their fieldwork activities by first visiting the County's Inspection Facility and witnessing various types of vehicles, including PMC and STS vehicles, being inspected. They also observed the operation of the facility's brake testing equipment. Additionally, the OIG representatives met with PTRD inspectors and managers to gain an understanding of PTRD's regulatory approach and function. They also gained a working knowledge of PTRD's CAVU database system. Likewise, they met with POD personnel to gain an understanding of their program and contract driven activities.

⁴ AATI stands for the American Advanced Technicians Institute, and ASE stands for the National Institute for Automotive Service Excellence. Both organizations offer Master Mechanic certifications that require coursework and testing. Maintaining one's certification also requires taking continuing education courses.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

OIG representatives also joined PTRD officers in the field and observed them conducting enforcement activities, including as to PMC and STS vehicles. Separately, OIG representatives joined POD's QA monitors in the field and observed their activities, which are specific to the STS program. In both cases, the OIG representatives observed and evaluated the PTRD's and POD's actions in light of the self-certification inspection provisions.

The OIG also made several visits to TA's facilities. These site visits occurred both before and after the non-compliance issues raised by the OIG. The OIG also obtained and reviewed various documentation and support materials from TA, including its executed inspection forms (again both before and after the non-compliance issues were addressed), policies, procedures, and training materials.

This inspection was conducted in accordance with the *Quality Standards for Reviews, Inspections and Evaluations* as promulgated by the Association of Inspectors General.

IX. OIG FINDINGS, OBSERVATIONS & CONTINUED CONCERNS

A. TA's inspections and self-certifications were initially not in compliance with the PMC and STS ordinances.

The OIG's inspection identified early on that TA was not in compliance with either the requirements of the PMC or STS Ordinances, as codified in Chapter 31 of the Code. Specifically, TA's inspections of its PMC and STS vehicles were not conducted by an AATI or ASE certified master mechanic, nor were they performed at a licensed or state registered auto repair shop. Additionally, TA's facilities lacked adequate brake testing equipment, so it could not assure brake tests within allowable parameters. PTRD, as regulator, had failed to recognize the existence of both of these key factors until they were identified during the OIG's inspection. These two factors called into question the validity of TA's vehicle inspection process as to both its PMC and STS fleets.

Through a series of meetings and correspondence, the OIG formally notified DTPW of these concerns. DTPW concurred and required TA to remedy the situation and re-inspect its PMC and STS fleets in conformance with the self-certification requirements. TA replied that it would re-inspect its fleet using new brake testing equipment that it had since acquired. TA's mechanic had also then obtained the required master mechanic certification. TA was given until June 30, 2019 to re-test its PMC fleet, and any STS vehicles it had initially self-certified prior to DTPW's notification. On June 20, 2019, TA verbally notified PTRD/DTPW of its completion of all the necessary re-inspections. PTRD is satisfied with TA's representations and told the OIG it would prospectively verify compliance through its field enforcement activities.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

Notwithstanding TA completing the re-inspections, the OIG believes that an open issue still exists as to the level of participation required of the certified master mechanic in order to satisfy the ordinance's requirement that the inspection be "conducted by" them. This particular open issue is addressed in section VIII(B) of this report.

Below is a timeline and short summary of events involving the identified non-compliance and of how they were addressed by DTPW and TA.

- July 28, 2017 – LSF/TA notifies DTPW of its election to inspect and self-certify its PMC fleet.
- September 19, 2018 – Supernice/TA notifies DTPW of its election to inspect and self-certify its STS vehicle fleet.
- October 12, 2018 – OIG personnel, accompanied by PTRD personnel, toured TA's facility located at 2766 NW 62nd Street. At that location, the OIG observed the repair and maintenance shop, vehicle inspection area, and vehicle lots 1- 3. Specifically, two hydraulic lifts were observed, but noticeably missing was a brake testing machine similar to the one observed at the County's facility. OIG personnel asked if there was a brake testing machine. TA's Chief Information Officer (CIO), who was accompanying the group, replied that TA did not have such a machine, but the mechanic can determine when brakes need to be changed by making a visual determination.⁵

During this visit, the OIG auditor requested a copy of all TA's vehicle inspection forms for PMCs inspected since July 2017, when TA elected to self-certify their PMC fleet. That was to include inspection forms for vehicles that failed inspection. Later that same day, TA's Chief Operating Officer (COO) provided the OIG with a tour of its 43rd Street facility, which houses trolleys and circulators.

- November 13, 2018 – OIG personnel returned to TA's 62nd Street facility and met with TA's COO and CIO, as well as TA's head mechanic and TA's legal counsel. During the meeting the OIG learned that TA's head mechanic was not an AATI or ASE certified master mechanic, nor were any of TA's other mechanics or technicians.⁶ Moreover, TA's facility was not a licensed or state registered auto repair shop.

⁵ TA's head mechanic later informed auditors of TA's recent purchase of a portable, dash mounted, brake testing unit, but it appeared the unit was never used, as its purchase coincided with the mechanic's recent 5-week vacation.

⁶ While TA's head mechanic had many years' experience in automotive repair, he was apparently a few hours short of qualifying for either the AATI or ASE master mechanic certification. TA's head mechanic and another TA employed mechanic had obtained ASE master mechanic certification by February 2019.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

During the visit, OIG representatives commented the inspection forms (requested earlier/provided by TA) appeared pre-populated with computerized/mechanical printer entries, and with each inspection component item marked as passing (i.e., the “pass” box was already checked’), but with some items crossed out (with X’s) and marked failing. TA’s head mechanic explained that process was used because the mechanics’ hands would be greasy, causing the forms to be stained, but they had since changed that process and the forms were now being filled out by hand, contemporaneous with the inspection.

During this same visit, the OIG representatives also learned that as part of its safety inspections, TA was planning to conduct its brake tests using a portable, dash mounted, brake testing unit. As indicated previously, it appeared the unit was never used, due to the head mechanic’s absence on vacation, but in any event, this factor contributed to the OIG’s conclusion that the brake testing equipment was insufficient to conduct brake tests within allowable parameters, as required for self-certification under the PMC and STS Ordinances.

Further discussions between the OIG and TA representatives revealed that TA was under the belief it was exempted from the requirements of either having its vehicles inspected by a certified master mechanic, or having them inspected in a licensed or state registered auto repair shop. According to TA’s representatives, since TA was making repairs only to its own vehicle fleet, an exception to the Motor Vehicle Repair Shop (MVRS) requirements, under County Code Sections 8A-161.1 and 8A-161.3, allowed TA to make such repairs using automobile technicians who need not be certified master mechanics. They further contended that as its repair facility was exempted from the definition of an MVRS under Code Section 8A, its self-certified vehicle inspections could also be performed by such technicians.

In support of its interpretation, TA provided the OIG with a copy of a letter dated June 21, 2017 from the PTRD Division Chief describing the self-certification requirements for PMCs under Chapter 31-115(f) and (g) of the Code, and a September 7, 2018 email from the PTRD Division Chief defining an MVRS, as well exceptions from that definition, citing Chapter 8A, Section 161.1 of the Code. However, neither of these documents supported TA’s exemption claims.

The OIG representatives advised that notwithstanding the two documents produced, OIG’s reading of the PMC and STS self-certification ordinances (codified in Section 31 of the County Code) versus the MVRS requirements (found in Section 8A of the County Code) revealed they imposed distinct and separate requirements not be conflated. The exemption found in Section 8A could not be superimposed onto the requirements for self-certification under the PMC and STS Ordinances and codified in Section 31.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT

Assessment of the Special Transportation Services (STS) Self-Certification Process

- November 20, 2018 – OIG personnel met with the PTRD Division Chief and members of the County Attorney’s Office to discuss the requirements of the PMC and STS ordinances governing inspections and self-certifications vis-à-vis the exemption from the definition of an MVRS, under Code Section 8A-161.1, for a “person performing repair work on the motor vehicles of a single commercial, industrial, or governmental establishment” The Assistant County Attorneys concurred with the OIG that the definitional exemption found in Section 8A-161.1 did not supplant the requirements of the self-certification ordinances.

- December 7, 2018 – The OIG sent a memorandum to the DTPW Director, formally informing her of TA’s non-compliance with the self-certification requirements of Ordinance 17-30 (the PMC Ordinance). The OIG’s memorandum, a copy of which is attached as **Exhibit 1** hereto, provided specific notice that TA’s inspections were not being conducted by an AATI or ASE certified master mechanic, or in a licensed or state-certified auto repair shop. Additionally, of greater concern, TA, despite opting to self-certify its PMC fleet in July 2017, had only recently (in December 2018) acquired test equipment sufficient to conduct brake tests within allowable parameters, as part of its vehicle safety inspections. The OIG expressed concern that TA’s PMC fleet was not in compliance with the self-certification ordinance, and that TA’s prospective self-inspections and certifications of its STS fleet would also be deficient. Finally, the memorandum recommended that DTPW rescind approval of TA’s application to self-certify its STS fleet until it could demonstrate it met the requirements for self-certification and employed qualifying personnel to conduct safety inspections. TA could then be allowed to reapply.

- December 10, 2018 – OIG personnel met again with the PTRD Division Chief and an Assistant County Attorney. Topics discussed included the OIG’s December 7th memorandum and how DTPW would address TA’s non-compliance.

- December 18, 2018 – The DTPW Director sent a certified letter to TA notifying it of its noncompliance with the self-certification requirements for its PMC and STS fleets. The letter, a copy of which is attached as **Exhibit 2** hereto, also attached the OIG’s December 7th memorandum, and provided TA with the following four options in order to achieve compliance:
 1. Bring its vehicles to the County’s facility for inspection;
 2. Hire properly certified master mechanics to conduct the safety inspections and acquire the proper testing equipment to conduct the required brake tests;
 3. Conduct the required vehicle inspections at any licensed or state-certified auto repair shop; or
 4. Complete the process to become either licensed by the County, or registered as a repair shop with the State of Florida.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

The letter concluded by requiring that any new vehicle placed into service must immediately abide by these requirements, and that all vehicles currently in service meet compliance by March 1, 2019. Lastly, the letter included an updated vehicle inspection form to be used in conducting and documenting vehicle safety inspections.

- December 21, 2018 – TA responded to DTPW’s letter, stating, that while it respectfully disagreed with some of the OIG’s interpretations, it was willing “to adhere to the recommendations offered by the OIG.” TA’s letter, a copy of which is attached as **Exhibit 3** hereto, also stated TA now employed a certified master mechanic, and had procured a vehicle inspection module (Vis-Check), which is an electrically-powered unit complete with a 10-ton hydraulic jack capable of brake, steering, and suspension testing capabilities, while also storing said testing results. The letter went on to state TA would be providing training to its inspection staff, and its master mechanic “will oversee and execute all inspection documentation, as required.” Lastly, TA, citing logistical factors such as its operation of municipal trolleys throughout the County, requested an extension of the cure date to June 30, 2019.
- January 9, 2019 – PTRD granted TA’s request for an extension, as it had provided “a copy of the ASE Master Automotive Technician certificate for the individual that will be conducting the for-hire inspections...” The correspondence, a copy of which is attached hereto as **Exhibit 4**, ended by stating that, “any vehicle currently in service must have a valid and current inspection conducted by a certified master mechanic by June 30, 2019.”
- June 20, 2019 – TA contacted PTRD personnel and informed them that re-inspection of the previously self-inspected vehicles (a total of 213) had been completed. According to TA’s notes of the phone call, and PTRD’s confirmation to the OIG of said call, TA offered to transmit the documentation to PTRD, but PTRD said it would not be necessary. TA stated it would maintain all of the documentation of the re-inspections in the event PTRD wished to inspect/audit the records.
- August 13, 2019, the OIG made a final site visit to TA’s offices. At that time, the OIG was presented with the documentation (two substantial binders) of TA’s re-inspection paperwork. The OIG reviewed said documentation, and made copies of selected inspection reports.

The OIG acknowledges that our assessment of the self-certification process took place during the early implementation phases of the program. While detecting initial non-compliant practices, we are satisfied that both PTRD and TA, as the permit/certificate holder, has timely addressed and remedied these concerns.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

Transportation America Response

TA, in its response, addressed the OIG's finding of non-compliance made in December 2018 and the remedial action it then undertook. While first stating that TA sought "explicit guidance" from DTWP/PTRD "on how to implement the provisions of the Ordinance . . . upon being notified by the OIG of its review and suggestions vis-à-vis the Program and self-certification practices, TA and LSF fully cooperated with the OIG, providing all information and documentation requested and participating in several meetings with the OIG representatives." TA further states in its response, "As verified by the OIG's office, TA completed its re-inspection of all its vehicles prior to the agreed upon deadline, and provided access to the PTRD and OIG's staff to its records verifying compliance. We are grateful for the OIG's acknowledgement that TA timely addressed and remedied the concerns identified by the OIG."

Recommendation 1: For any prospective certificate and permit holders opting in to the self-certification inspection process, DTPW, and specifically PTRD, must ensure that vehicle inspections are being conducted at a licensed or state registered auto repair shop or are being conducted by an AATI or ASE certified master mechanic and that the inspectional facility is equipped with the proper vehicle testing equipment.

DTPW Response

PTRD stated that it has already revised its licensing procedures regarding self-certification of vehicle inspections. According to PTRD, "The new procedures include that upon request for self-certification, the company must provide specific information about the auto repair shop where vehicle inspections will be conducted. PTRD will verify that inspections are to be conducted by either an AATI or ASE certified master mechanic or by an automobile technician at a licensed or state-registered auto repair shop; and that the shop is equipped with brake testing equipment capable of determining braking parameters as provided by test equipment readings for stopping effectiveness. See Attachment A."

OIG Rejoinder

The OIG appreciates TA's acknowledgment of the recommendation and its timely reinspection of its vehicle fleet in advance of the remediation date provided by PTRD. The OIG is also encouraged by PTRD's timely revision of its vehicle inspection and testing equipment procedures as it relates to prospective certificate and permit holders opting for self-certification. Employing this procedure at the inception of the self-certification election provides the certificate and permit holders with clear notice of the Department's expectation as it relates to vehicle safety and inspection.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL INSPECTION REPORT

Assessment of the Special Transportation Services (STS) Self-Certification Process

B. Ongoing Concern – What level of participation by the certified master mechanic satisfies the statutory requirement that the safety inspections be “conducted by” the certified master mechanic in order to execute the self-certification inspection form?

In November 2018, prior to the OIG issuing the above-noted non-compliance memorandum to the DTPW Director, the OIG, during its site visit to TA’s 62nd Street facility, spoke to TA’s head mechanic and learned of TA’s inspection and self-certification process. TA’s head mechanic, who later obtained his ASE master mechanic’s certification, described that the inspections were being performed by him and three other mechanics. The forms were being filled out by the mechanic actually conducting the inspection. The head mechanic also explained that, in his absence while on vacation, one of the other three mechanics would conduct the inspections and would sign the self-certification forms. He also described that an inspection takes approximately 30 – 40 minutes, and that some inspections take place outside of regular business hours, to avoid having to take a vehicle out of service.

On February 8, 2019, OIG representatives made another site visit to TA’s NW 62nd Street facility. During that visit, the OIG learned that TA’s certified master mechanic was not personally performing all the vehicle inspections, but was instead “overseeing” them as TA alluded to in its December 21, 2018 letter to DTPW. OIG representatives questioned TA on its vehicle inspection practice given that the precise language of both the PMC and STS ordinances required the safety inspection be “conducted by” either an AATI or ASE certified master mechanic or by an automobile technician at a licensed or state-registered auto repair shop. TA’s COO explained that the certified mechanic need not be present during the inspection, or every part of it, as long as he oversaw the inspection and signed the inspection form. The COO also stated that he would seek an opinion from TA’s legal counsel on this issue.

TA’s COO forwarded to the OIG a copy of a letter, dated March 5, 2019, from TA’s attorney, addressing the subject of “Interpretation of Section 31-115 of the Code.” In the letter, which was addressed to TA’s President, the attorney cited the requirements of Section 31-115(g) of the County Code, concerning “Vehicle Certifications,” and narrowed the issue down to the meaning of the term “conducted by.” He analyzed the dispute by focusing on whether the particular vehicle inspection component item required visual inspection by the certified mechanic—such as inspection of the windshield for cracks and proper operation of vehicle doors—for which the mechanic’s presence was required, or whether it involved inspection of component items by a machine—such as a brake machine. TA’s attorney then reasoned the certified mechanic need not be present during the time a vehicle is placed on the brake test machine, as that process required no interface or intervention by the mechanic. Thus, a technician trained to operate the machine could conduct the test and generate a print-out of the result. The certified mechanic need only review the results of the machine’s analytical tests and determine the next steps in the process to certify that the vehicle meets all the relevant requirements, such as following up on reported failures

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

identified by the machine, directing any required repairs, and ordering a re-test by the machine to verify that any issues have been resolved.

TA's attorney further reasoned that since the key purpose of these ordinances was to expedite vehicle inspections, the protocol adopted by TA, concerning the certified master mechanic's role, furthered that objective. In conclusion, the attorney stated that final determination as to whether the methodology employed by TA complied with the ordinance would ultimately be decided by the relevant regulatory department in consultation with the County Attorney's Office.

The OIG finds that the language of the ordinances is clear and unambiguous. It is undisputed that the language of the PMC and STS ordinances, in relevant part, uses the phrase "a safety inspection 'conducted by' an AATI or ASE certified master mechanic." Moreover, the discussion by the BCC during the passage of this legislation is instructive as to legislative intent.

Questioning by Commissioners during the second reading of the STS ordinance focused on the quality of the inspection process. There were concerns voiced about ensuring that self-inspections would be no less stringent than the County's inspection process. The DTPW Director reassured that quality of the inspection process, including the County's ability to conduct spot inspections, would not be compromised. The DTPW Director also pointed out that all inspections must be performed by certified and licensed mechanics.

The OIG believes that the BCC's intent matched that of the ordinances' express language that inspections be conducted by specially qualified inspectors or at state licensed auto repair shops. Moreover, both the DTPW Director's letter to TA dated December 18, 2018, and the PTRD Director's email to TA on January 9, 2019, reiterated the requirement that the inspections be conducted by an AATI or ASE certified master mechanic.

On August 13, 2019, OIG representatives met with TA representatives and this issue was discussed for a final time. The TA representatives explained that during the re-inspection process (from the time of DTPW's letter to the compliance date of June 30, 2019) inspections were being performed at odd hours of the day in order to meet the compliance deadline. Typically, the certified master mechanics would be assisted by two auto technicians as multiple vehicles were being inspected. Even though the master mechanic was not personally conducting the vehicle test on the Vis-Check machine, he was in the vicinity, and was being provided with the testing equipment's generated report results. The OIG ended the discussion that day noting that whether the inspection practice utilized by TA complies with the ordinance would be a matter for regulatory and legal interpretation by County officials.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL

OIG FINAL INSPECTION REPORT

Assessment of the Special Transportation Services (STS) Self-Certification Process

Recommendation 2: DTPW, and more specifically PTRD, should seek a legal opinion from the County Attorney's Office as to the level of participation required of the certified master mechanic, in order to satisfy the statutory requirement that the safety inspection was "conducted by" the certified master mechanic, in order to execute the self-certification form.

Transportation America Response

TA believes that its interpretation of the language in the Ordinance to the effect that "such vehicle has a safety inspection conducted by a Master Mechanic" does not require the Master Mechanic's physical presence during the time that the vehicle is placed on the machine. TA indicated that it has attempted to contact the County Attorney's Office, and stands ready to meet with the County—if and when it is appropriate—to demonstrate that its interpretation of the Ordinance is substantively correct, and supported by the policy objectives that the Ordinance seeks to achieve.

DTPW Response

"The Department agrees that the inspection practice utilized by Transportation America (TA) where the master mechanic is assisted by auto technicians requires review by the County Attorney. PTRD staff has scheduled a meeting with the CAO to determine if this practice complies with Code requirements."

OIG Rejoinder

The OIG, DTPW and TA all concur that this matter requires further clarity and therefore defers to the County Attorney Office's interpretation of the Ordinance, as it relates to the required level of participation required by a certified master mechanic.

C. PTRD's tracking of inspection activity and field enforcement activities should be adjusted in light of the self-certification process

1. Current tracking of required inspections – differences between county-inspected vehicles and self-certified vehicles

As described earlier in this report, OIG personnel visited the County's vehicle inspection facility, where we observed inspections being completed by county mechanics. The information contained on the inspection form, including the result of pass or fail, and the deficiencies found resulting in said failure, are inputted into the CAVU system. CAVU not only tracks vehicles by permit type, age, and the required frequency of inspection, but PTRD enforcement personnel also use the system to track citations issued, the payment status of fines, deficiency remediation and re-inspection status. However, with respect to self-certified vehicles (i.e., those not inspected at the County facility), CAVU is currently devoid of these vehicles' inspection status, as the ordinances authorizing self-certification of safety inspections do not require the permit holder to submit a copy of the inspection results to the

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

County/PTRD. Instead, proof that the vehicle passed its safety inspection is to be maintained in each vehicle and produced upon request, as well as maintained on file by the certificate/permit holder.

2. PTRD's field enforcement and citations process – differences between county-inspected vehicles and self-certified vehicles

OIG personnel accompanied PTRD officers on several occasions to observe both their regular daily enforcement activities, as well as the pre-planned joint operations. Further, the OIG sought to observe the manner in which PTRD enforcement officers manage their citation/violations process for PMCs, as part of their jurisdiction over “for hire” operators, and STS operators. Even though STS vehicles are specifically excluded from the definition of “for hire” vehicles, PTRD enforcement covers this class of operators as well. PTRD enforcement equally applies to county-inspected vehicles and to self-certified vehicles. The jurisdictional authority is the same; the manner of enforcement is not.

PTRD enforcement officers are authorized to cite violators with a Field Enforcement Report (FER) or a Civil Violation Notice (8CC violation). Violators cited with a FER can be issued a “red reject” citation, with a corresponding decal placed on the vehicle, which results in immediate suspension, or a “green” citation, with a corresponding decal (warning). “Red reject” citations/decal are issued to vehicles cited for safety violations including, a worn tire, inoperable brake lights, or a cracked windshield; whereas “green” citations/decal mainly serve as a warning for issues including cleanliness and cosmetic defects. Both types of FER violations and 8CC violations are entered into the CAVU database. From there CAVU tracks the violation’s remediation deadline, and tracks the required subsequent re-inspection, which would also include the issuance of a new inspection decal. PTRD has historically used CAVU to track all FERs and 8CCs violations issued, but with the passing of the PMC and STS self-certification ordinances, differences have arisen regarding how citations are issued to self-certified vehicles, and how they are processed and ultimately tracked for remediation.

For county-inspected vehicles, upon the issuance of an FER, the PTRD officer immediately removes the county-issued inspection decal and replaces it with a red/green decal indicating the type of violation and the timeframe for remediation. Additionally, the vehicle would be required to undergo re-inspection at the county facility (after paying the fee for the re-inspection). Upon passage, a new vehicle inspection decal would be affixed to the windshield of the vehicle. Moreover, the original citation and re-inspection information would have been entered and tracked in CAVU.

However, upon the issuance of a similar red/green citation for a self-certified vehicle, the PTRD officer does not currently remove the self-certified inspection decal⁷ from the

⁷ TA created its own self-certification inspection decal similar to the County’s own inspection decal. Coincidentally, PTRD staff was not aware of TA’s own decal until it was brought up in a meeting with the OIG in August 2019.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

vehicle, and does not place a red/green decal on the vehicle. Instead, the FER documenting the respective red/green citation violation would simply be annotated as “self-certified.” The violator (TA management) would then be notified by email about the vehicle cited and the timeframe for compliance. TA achieves compliance by remediating the vehicle at its facility and undergoing another self-inspection. TA then provides PTRD with a copy of the new inspection form showing that the deficiency has been remediated. Further, rather than track these violations in CAVU, PTRD maintains an Excel spreadsheet for all self-certified vehicles cited by PTRD. On a monthly basis, PTRD provides POD with the spreadsheet listing all the STS vehicles cited, and information concerning remediation. POD uses this list to determine if the contractor is billing for trips made by affected vehicles that were supposed to be out-of-service, while remediation was pending.

The fact that with self-certified vehicles, because the inspection decal is not removed and replaced by a red or green decal, and because the FER or 8CC citation is not entered into CAVU, means that in the field, unless the same enforcement officer encounters the same vehicle and remembers having cited it, it would be difficult to verify if the vehicle was previously cited and remediation was pending. Meanwhile, for county-inspected vehicles, the green or red decal would provide immediate visible notice that an FER was issued, and that remediation and re-inspection were pending. Additionally, for county-inspected vehicles the citation and re-inspection status would be recorded in CAVU, whereas for self-certified vehicles no such computer-based record would exist. The only records that would exist would be the actual paper copy FER (marked “self-certified”) and the monthly Excel spreadsheet to be provided to POD.

3. OIG follow-up with PTRD and TA addressing these differences

The OIG arranged a round table meeting with both TA representatives and PTRD staff to discuss the above-noted differences observed by the OIG in the course of this inspection. On August 15, 2019, the OIG met with these parties in the PTRD offices and specifically discussed how the self-certified inspections and re-inspections were being tracked, and how citations/violations were being handled in the field.

As it related to inputting the self-certification inspection results into CAVU—similar to those vehicles inspected at the County facility—PTRD argued against such an approach. PTRD noted that the paperwork must already be produced on request, and if it isn’t produced, the vehicle/operator would be cited. PTRD also noted that with implementation of self-certified inspections, there has been a reduction in revenue from inspection fees, and, thus, there is less staff (or staff time) available to perform that function. While TA was amenable to producing its inspection reports on a standing basis (e.g., monthly or quarterly), PTRD also did not believe that having this information in CAVU would be of much benefit to the field enforcement officers. We agreed that imposing such a requirement would require

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

further consideration of the costs and operational benefits.⁸ The discussion then turned to how PTRD actually cited STS vehicles in the field.

The OIG questioned why PTRD enforcement officers were not removing the self-certification decal from the vehicle's windshield and replacing it with a red/green decal, like they used to do. PTRD explained that because the self-certified vehicles do not have a county-issued inspection decal, there was nothing to remove. At that point, the fact that TA had created, and was using, its own decal (modeled after the County's decal) was brought to PTRD's attention. The OIG suggested that the manner of enforcement should be the same for a self-certified and a county-inspected vehicle, i.e., the inspection decal should be removed, and a red or green decal affixed in its place. The TA representatives tentatively agreed to the OIG's recommendation that PTRD officers remove TA's inspection decal and affix the red/green decal. Upon re-inspection by TA of its vehicle, TA would then place a new inspection decal on its vehicle's windshield. Naturally, TA would maintain all documentation supporting its remediation and re-inspection.

Since the enactment of the self-certification ordinance, the OIG noted that PTRD was not entering and tracking the FERs in CAVU for the self-certified vehicles.⁹ As to STS vehicles, both PTRD and Supernice/TA explained that the turn-around time to demonstrate compliance is very short, as TA wants to ensure that the vehicle can be operational as quickly as possible to provide fee-based trips. In other words, according to Supernice/TA, they are very motivated to ensure timely compliance.

In addition to receiving an email notice from PTRD of any FERs issued against Supernice/TA's self-certified vehicles, Supernice/TA also advised that its drivers are required to notify managers immediately of any violations. Supernice/TA then remediates the vehicle and has it re-inspected (self-certified). Upon passing re-inspection, Supernice/TA provides PTRD, by email, a copy of the FER, the TA work order showing remediation of the deficiency, and the new TA re-inspection report. According to PTRD, the procedure would then be to list all of the FERs, their actual deficiencies (e.g., cracked windshield, bald tire, etc.), the vehicle identification number, the identity of the operator, and the eventual remediation status on the aforementioned monthly-distributed Excel spreadsheet. What wasn't happening, however, was providing contemporaneous notice to POD of the FERs that were being issued against STS vehicles. This was only happening via the transmittal of the monthly Excel spreadsheet. While the spreadsheet may only be required on a monthly basis in order to reconcile the contractor's billing for that month, the once-a-month transmittal is inadequate to provide actual and timely notice of vehicles that have been issued a red reject decal for a safety violation.

⁸ Moreover, any analysis should evaluate the relative costs and benefits for PMCs and STS vehicles separately, as PMCs fit into the larger universe of "for-hire" vehicles and STS vehicles are a direct product of a county-contracted program.

⁹ The OIG observed that the 8CC citations were still being handled in the same manner prior to the enactment of the self-certification ordinance, in that they are entered into CAVU and then transmitted to Clerk of Courts, who tracks remediation of the violation, i.e., payment of fines.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

In a separate meeting between PTRD and POD officials on August 19, 2019, attended by the OIG, we learned that the two divisions were already using a process that effectively addresses the “lag-time” issue described above. First, it was agreed that upon receipt of an FER from its enforcement officers, PTRD would simultaneously notify, by email, the contractor (Supernice/TA) and POD of the citations issued to STS vehicles. Secondly, since as noted previously, the Supernice/TA drivers are required to notify managers immediately of any violations, in practice, the remediation process is often completed by TA even before the PTRD Enforcement Officer has delivered the original FER to its downtown office (usually near the end of the work-week). Thus, recently TA began to simultaneously provide to PTRD and POD, by email, a copy of the remediation documentation, including the re-inspection report, work order, and the underlying FER.

The second part of the aforementioned process will result in near contemporaneous notice of the FER and the remediation process in those instances when the Supernice/TA driver informs TA of the FER violation and the remediation process is promptly initiated. However, there may still be an inherent delay where the driver does not provide such notice. Specifically, TA would then be receiving notice of the FER violation via the email transmittal from PTRD, which transmittal could be delayed by the fact the PTRD enforcement officer usually returns to the office from the field near the end of the work week. In those instances, it could be several days before POD is notified that an STS vehicle was cited with a serious safety violation warranting a red decal. However, despite that “lag-time”, the month-end Excel spreadsheet would ensure that non-compliant trips would be disallowed for payment.

Although this “lag-time” condition was not created due to the new self-certification procedures, its existence is amplified by the fact that POD now has two QA monitors who are actively monitoring STS vehicles out in the field on a daily basis. These QA monitors should be made aware of any vehicles cited for safety violations by PTRD officers to ensure that these vehicles are not operational until there has been a successful re-inspection.

Accordingly, this process already being utilized and agreed to by the parties, in practice, should be formalized, and the month-end Excel spreadsheet, if it is necessary at all, could be formally converted to a monthly reconciliation provided to all the affected parties, TA, PTRD and POD, to assure all safety-related FER and 8 CC violations issued during the month have been properly addressed, including as to their effect on contractor payment.

Recommendation 3: PTRD should administratively require that all operators, opting-in to the self-certification process, create their own self-certification inspection decal modeled after the County’s inspection decal. PTRD should approve all decals prior to use. PTRD should also dictate where the decal must be placed on the windshield. Furthermore, in light of the fact that TA is already utilizing its self-created vehicle inspection decal, PTRD should assess and retroactively approve TA’s current decal.

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

Transportation America Response

TA fully supports OIG Recommendations 3, 4 and 5, and responded that it “stands ready to fully cooperate with DTPW and PTRD.” More specifically, in its response states that it “supports a uniform process both in regards to self-certification, tracking, and regulatory enforcement. Thus, TA is amenable to producing inspection reports on a standing basis – either monthly or quarterly – and would not object to the OIG’s recommendation that PTRD utilize the same protocol regarding citations that it employs with County inspected vehicles. TA is amenable to employing any reasonable self-reporting protocols that may be required by the County.”

DTPW Response

DTPW agreed with this recommendation and stated that “a letter requesting that all vehicles display an inspection decal approved by the Division prior to December 31, 2019 will be sent to all operators that have opted to the self-certification process. In addition, TA self-inspection decal will be approved retroactively by PTRD. Compliance with this provision will be verified on the field by PTRD’s enforcement officers.”

OIG Rejoinder – none needed

Recommendation 4: PTRD enforcement officers should cite and enforce violations of self-certified vehicles no differently than how it cites county-inspected vehicles by 1) removing the vehicle’s self-inspection decal, and 2) replacing it with a red (suspension) or green (warning) decal, as appropriate.

DTPW Response

“Following this recommendation, PTRD amended the enforcement procedure for self-certified vehicles to include the removal of the vehicle’s self-certification decal if safety and non-safety violations are observed. In addition, this decal will be replaced with a red or green decal depending on the type of violation. In the coming weeks, PTRD’s enforcement officers will be trained on the new procedure and the companies will be informed about the new procedure. This procedure will be implemented on December 1, 2019. See attachment B.”

OIG Rejoinder

The OIG is encouraged by the newly amended enforcement procedures; we look forward to reviewing its impact during future OIG follow-up assessments.

Recommendation 5: DTPW should explore ways for PTRD enforcement officers and POD QA monitors to communicate the status of FERs and 8CC citations more seamlessly. For example, if a POD QA monitor was made aware of a red decal FER against a certain vehicle,

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

yet that same vehicle remained on the Trapeze schedule of trips for the next day, the QA monitor could plan his daily itinerary with that knowledge in hand. (See Section **D**, below, for further discussion about the QA monitor's daily routine.)

DTPW Response

“As indicated in the draft report, POD and PTRD are already working together to be notified as quickly as possible so that the QA monitors can add those vehicles as part of their daily checks. If PTRD removes an STS vehicle from service for a safety related requirement, that information is transmitted to POD who will immediately review the Trapeze system to verify that the vehicle is no longer in service. If a vehicle and or STS chauffeur is found to be in service after the FER removal, the trips performed will be disallowed.”

OIG Rejoinder – none needed

D. POD's Quality Assurance (QA) Monitors – ensuring contractor satisfaction of customer service standards

As mentioned earlier in this report, POD recently hired two QA monitors, who cover the north and south portions of the County, to ensure that Supernice/TA and its subcontractors are meeting their contractually required customer service standards under the STS contract. During the final phase of this inspection, OIG representatives accompanied a QA monitor over several days, observing that monitor's field activities.

Specifically, the OIG representatives observed how the QA monitor planned his daily activities based on vehicle routes and trip schedules as garnered from the Trapeze database, customer complaints, and known areas of major STS vehicle concentrations. We observed how the QA monitor was able to track specific STS vehicle progress throughout its route, allowing the QA monitor to report to specific locations to conduct inspections. Additionally, we observed how the QA monitor researched Trapeze and scoured through available customer complaints in planning his inspection schedule. Further, we observed how the QA monitor incorporated an element of randomness, leading to unpredictability of where and when he would appear to conduct such inspections. For instance, the QA monitor could just as likely report to a residence where an STS user was being picked up, or dropped off, or to a health care facility, and either very early in the morning, or well into the day.

Unlike PTRD enforcement officers, QA monitors do not issue citations. QA monitors utilize a QA monitoring form containing 20 vehicle standards based on contract standards. QA monitors can, however, take a vehicle out-of-service when safety violations are observed. For instance, if in the course of an inspection the QA monitor observes a clear safety violation, such as failing brakes, or a bald tire, he can immediately direct the vehicle to be taken out-of-service until proof of satisfactory repair and re-inspection is provided. This means the vehicle cannot be contractually operated and paid for trips, until such repair and

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

re-inspection is documented and the vehicle is returned to service. The act of taking a vehicle out-of-service provides an important compliance incentive for the STS contractor.

During the OIG's observations of the QA monitor's activities no remarkable contract or customer service standards issues were noted. It was evident the QA monitor was well prepared, trained, and able in conducting inspections of the STS vehicles, including verifying that contractually-mandated equipment, such as Mobile data terminals, Long Range Radio Frequency Identification Readers, Automatic Vehicle Locating and Global Positioning Systems, were in working order. It was noted, however that the QA monitor did not ask for, nor review, any STS vehicle self-certification inspection forms, which are required to be kept in each vehicle, as that item is not currently included in the their inspection protocol. While generally the QA inspections averaged from 3 to 5 minutes, the QA monitors maintained a steady pace and covered a significant geographic area within their designated north or south Miami-Dade territory.

Recommendation 6: POD should include among the QA monitors' inspection protocol a request to see the self-certification inspection forms that the STS Ordinance requires to be kept in each vehicle. If the driver cannot provide a copy of that form, the vehicle should be taken out of service until the self-certification inspection form can be produced or until a re-inspection of the vehicle is performed.

Transportation America Response

"TA does not object to the recommendation that POD should include - among the QA monitors' inspection protocol - a request to see the self-certification inspection forms that the STS Ordinance requires to be kept in each vehicle."

DTPW Response

"POD will revise the monitoring form to include a check for "STS Vehicle Certification Inspection form" as recommended."

OIG Rejoinder

The OIG looks forward to reviewing the updated QA monitoring form.

X. CONCLUSION

Undeniably, the delivery of efficient STS services without compromising passenger safety is an overriding goal for all parties involved. This is especially true given the fact that this contractual service is provided to some of the more vulnerable members of the community. Furthermore, passenger safety is one of the key mandates pursuant to federal, state, and local statutes and ordinances. The non-compliance issues identified in the OIG's inspection were caught, addressed, and remedied in the early phases of the new self-

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL
OIG FINAL INSPECTION REPORT
Assessment of the Special Transportation Services (STS) Self-Certification Process

certification program. Accordingly, the fact they were promptly addressed and remedied shows that the collaborative efforts of TA, PTRD and POD can result in the timely identification and remediation of noted deficiencies with minimal impact to the users of the STS program.

Moreover, the recent implementation of the POD QA Monitor program will, on a daily basis, attempt to ensure that Supernice/TA and its subcontractors are meeting their contractually-required customer service and safety standards under the STS contract. Considering that approximately 69% of the STS fleet (i.e. Supernice/TA's 237 vehicles out of a total of 345 STS vehicles) now undergo self-certified inspections, the addition of more QA monitors would further enhance those customer service and safety goals.

The OIG appreciates DTPW's acceptance of all recommendations. The OIG asks DTPW to report on the status of fully implementing recommendations 2, 3, 4, and 6, and to include with its response any documents, new or amended policies and procedure, supporting their implementation. We kindly request that DTPW provide the OIG with this status report in 90 days, on or before January 28, 2020.

Last, the OIG would like to thank the staffs of DTPW and TA for their cooperation and for the courtesies extended to the OIG throughout this assessment.

**OIG Schedule A
PMC & STS Self-Certification Ordinances**

Limousine Ordinance 16-44 January 20, 2016	PMC Ordinance 17-30 June 6, 2017	STS Ordinance 18-94 September 5, 2018
<p>The proposed ordinance amends Chapter 31, Article VI of the Code of Miami-Dade County relating to the regulation of limousines by amending requirements relating to licensing and regulations of limousines. Amendments to the Code include, among other things, changes to the chauffeur licensing and training requirements, vehicle age requirements, frequency of vehicle inspections, the elimination of the prearrangement requirement and changes to the rate regulations.</p>	<p>The proposed Ordinance amends Chapter 31, Article III, of the Code of Miami-Dade County, Florida, relating to the regulation of passenger motor carriers (PMCs) by amending requirements relating to licensing and regulation of PMCs. Amendments to the Code include changes to the certificate approval process, frequency of vehicle inspections, amendments to transfer requirements and new provisions providing for self-certification of drivers and vehicles.</p>	<p>The proposed Ordinance amends Chapter 31, Article IV of the Code of Miami-Dade County, Florida relating to the regulation of special transportation service (STS) providers by amending requirements relating to vehicle inspections. Specifically, the ordinance provides the option to STS operators to self-certify that their vehicles are in compliance with the vehicle standards provisions of the Code upon inspection of the vehicles by a certified master mechanic or automobile technician. These vehicles will not have to pass the required vehicle inspection at the County's inspection facility.</p>
31-613(f)(1)-(4) & (g) Special Provisions	31-115(g)(1)-(4) Special Provisions	31-207 (d)(1)-(4) & (e) Safety Regulations & Inspection
<p>(f) Vehicle Certification. In lieu of obtaining a vehicle inspection decal issued by RER after passing the required vehicle inspection at RER's inspection facility, a limousine license holder shall have the option to certify that such vehicles comply with the requirements of this article. Before any vehicle may be operated under the authority of such limousine license and issued a vehicle operating permit by RER, the limousine license holder shall ensure that each such vehicle has a safety inspection conducted by an American Advanced Technicians Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE") certified master mechanic or automobile technician at a licensed or state-registered auto repair shop and that proof of inspection for each such vehicle, in the form required by RER, has been submitted to the limousine license holder and is available for inspection with the limousine license holder and in the vehicle.</p>	<p>(g) Vehicle Certification. In lieu of obtaining a vehicle inspection decal issued by DTPW after passing the required vehicle inspection at the DTPW inspection facility, a passenger motor carrier certificate holder shall have the option to certify that such vehicles comply with the requirements of this article. Before any vehicle may be operated under the authority of such certificate and issued a vehicle operating permit by the DTPW, the passenger motor carrier certificate holder shall ensure that such vehicle has a safety inspection conducted by an American Advanced Technicians Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE") certified master mechanic or automobile technician at a licensed or state-registered auto repair shop and that proof of inspection for each such vehicle, in the form required by the DTPW, has been submitted to the passenger motor carrier certificate holder and is available for inspection with the passenger motor carrier certificate holder and in the vehicle.</p>	<p>(d) In lieu of an inspection performed by CSD, a permit holder shall have the option to certify that such vehicle complies with the requirements of Sections 4-49, 31-89, or 31-107. Before any vehicle may be operated under the authority of such permit, the permit holder shall ensure that each such vehicle has a safety inspection conducted by an American Advanced Technicians Institute ("AATI") or National Institute for Automotive Service Excellence ("ASE") certified master mechanic approved by CSD or an automobile technician at a licensed or state-registered auto repair shop approved by CSD. Additionally, the permit holder shall provide to CSD proof of inspection in accordance with this subsection and in the form required by CSD. CSD shall verify that each inspection conducted pursuant to this subsection was performed in accordance with the Code of Miami-Dade County, Florida.</p>

MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL



EXHIBITS

1. **OIG Notification of Noncompliance with Chapter 31 Requirement**
Dated December 7, 2018
2. **Letter of Noncompliance to Transportation America from DTPW Director Bravo**
Dated December 18, 2018
3. **TA Letter to DTPW Director Bravo – Vehicle Inspections and Self-Certification**
Dated December 21, 2018
4. **PTRD Email Approval of TA Request for Extension**
Dated January 9, 2019



Memorandum



Miami-Dade County Office of the Inspector General
A State of Florida Commission on Law Enforcement Accredited Agency
601 NW 1st Court ♦ South Tower, 22nd Floor ♦ Miami, Florida 33136
Phone: (305) 375-1946 ♦ Fax: (305) 579-2656
Visit our website at: www.miamidadelg.org

To: Alice Bravo, Director
Department of Transportation and Public Works (DTPW)

From: Mary T. Cagle, Inspector General 

Date: December 7, 2018

Subject: Notification of Noncompliance with Chapter 31 Requirement

By way of this memo we are formally notifying you of important safety-related matters that have come to the attention of the Office of the Inspector General (OIG), and which require your immediate attention. As you may be aware, the OIG has been conducting an inspection to assess DTPW's Passenger Transportation Regulation Division's (PTRD) current practices regarding private motor carriers (PMCs) that elected to self-certify pursuant to County Ordinance 17-30. We initiated this inspection in light of the Special Transportation Services (STS) ordinance recently passed in September 2018, which mirrors the PMC ordinance, and for purposes of assessing compliance with County Ord. 17-30 by those permit holders who opted for self-certification.

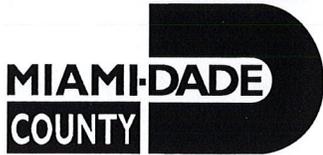
In accordance with our fieldwork procedures, we have met with staff at PTRD, including the Division Director, conducted site visits to the PTRD's inspection facility and observed PTRD's Enforcement Unit activities. We also met with representatives of Transportation America (TA) and toured its facilities to gain an overview of its vehicle inspection and self-certification process for PMCs, in accordance with County Ord. 17-30.

Based on our preliminary fieldwork we believe the following two matters require your immediate attention:

- (1) TA is not, and has not been, in compliance with the self-certification requirements of County Ord. 17-30. TA does not employ any master mechanic certified by AATI or ASE, and is not a licensed or state-certified auto repair shop. Of greater concern is that despite opting to self-certify their PMC fleet in July 2017, according to TA they only recently acquired test equipment sufficient to conduct brake tests, within allowable parameters, as part of those vehicle safety inspections.
- (2) As TA is not in compliance with County Ord. 17-30, we are very concerned that TA's application for self-certification of its STS fleet has been approved. Our recommendation would be to rescind the approval, until TA can demonstrate they meet the requirements for self-certification and employ qualifying personnel to conduct safety inspections. After which, they could be allowed to reapply.

We would be glad to meet with you in person to discuss these concerns. We recognize that as the County Department enforcing County Ord. 17-30 and the certification provisions of Section 31-115(g) of the County Code, various options are available to your Department to assure adequate safety inspections are conducted, so as to bring Transportation America's PMC and STS fleet into compliance with the ordinance and code.

cc: Abigail Price-Williams, County Attorney



Department of Transportation and Public Works
Passenger Transportation Regulatory Division

601 NW 1 Court, 18th Floor
Miami, Florida 33136
Tel (786) 469-2300 Fax (786) 469-2313

CERTIFIED MAIL NO: 7016 2070 0000 7766 3538

December 18, 2018

Mr. Ray Gonzalez
Limousines of South Florida, Inc.
Super Nice Cab Corp. d/b/a Transportation America
2766 NW 62 Street
Miami, FL 33147

2018 JAN -8 PM 12:07
OFFICE OF THE
INSPECTOR GENERAL

Re: For-Hire Vehicle Self-Certification

Dear Mr. Gonzalez:

As you are aware, in July of 2017, Limousines of South Florida, Inc. (LSF) notified the Department's Passenger Transportation Regulatory Division (PTRD) that it would commence self-certifying all vehicles operating under its various Passenger Motor Carrier (PMC) Certificates as provided by Section 31-115 (g) of the Miami-Dade County Code (Code). Similarly, in September of 2018, Transportation America (TA) advised PTRD that it would self-certify its fleet of Special Transportation Services (STS) vehicles as provided by Section 31-207 (d).

On December 7, 2018, we received the attached Notification of Noncompliance from the Office of the Inspector General (OIG), relating to LSF and TA's self-certification process. It was brought to our attention that a master mechanic certified by American Advanced Technician Institute (AATI) or Automotive Service Excellence (ASE) was not employed by your company to conduct the required vehicle inspections, and that the auto repair shop where the inspections were being conducted was not a licensed or state-certified auto repair shop. Based on this information, it appears that neither LSF nor TA are in compliance with the self-certification requirements of the Code. Consequently, in order to bring the fleet of for-hire vehicles into compliance with Sections 31-115 (g) and 31-207 (d) of the Code, the following options are available to LSF and TA:

- Bring the for-hire vehicles to PTRD's Vehicle Inspection Station for their required vehicle inspection; or
- Hire master mechanics properly certified by AATI or ASE to conduct the vehicle safety inspections at the LSF/TA auto repair shop and secure proper equipment to perform the Code required test brake; or
- Conduct the required vehicle inspections at any licensed or state-certified auto repair shop; or
- Complete the process to become either licensed by the County, or registered as a repair shop with the State of Florida.

Please be advised, that any vehicle initially placed into service must be in compliance with these requirements **immediately**. In addition, any vehicle currently in service must have a valid and current inspection conducted in accordance with the above provisions by **March 1, 2019**. During the 2019 PMC and STS renewal processes proof of valid inspection will be required for **each** for-hire vehicle prior to the issuance of new operating permits. Attached please find an updated vehicle inspection form which is the only form that will be accepted as proof of inspection. Failure to comply with this directive may cause the certificates to be subject to suspension or revocation.

If you have any questions, please contact PTRD Division Chief Raul A. Gonzalez at (786) 469-2366 or by email at Raul.Gonzalez2@miamidade.gov

Sincerely,



Alice N. Bravo, P.E.
Director

- c: Mary T. Cagle, Inspector General, Office of the Inspector General
Steve Fail, Deputy Director, DTPW
Raul A. Gonzalez, Division Chief, PTRD
Ruben Legra, Division Chief, Paratransit Operations



TRANSPORTATION AMERICA

December 21, 2018

Alice Bravo
Director
Miami-Dade County
Department of Transportation & Public Works
601 NW 1st Court, 18th Floor
Miami, FL 33136

Re: For-Hire Vehicle Self-Certification

Ms. Bravo:

This is in response to your December 18, 2018 correspondence regarding the above-referenced subject-matter. The purpose of this communication is to clarify the public record as it relates to the referenced Notification of Noncompliance from the Office of the Inspector General (OIG), relating to Transportation America (TA) and Limousines of South, Florida, Inc.'s (LSF) self-certification process.

While the OIG has opined that the methodology employed by TA and LSF – and explicitly approved by the Department of Transportation & Public Works (Department) – was non-compliant, it is important that the public record accurately reflect the fact that, prior to commencing in any self-certification of our for-hire vehicle fleet, TA and LSF sought written clarification from the County as to the correct interpretation of the Ordinance for purposes of compliance. Indeed, at TA and LSF's request, the Department (in consultation with the County Attorney's Office) provided guidance as to how TA and LSF should conduct the inspection and self-certification of the for-hire vehicles. At all times thereafter, TA and LSF performed the inspections and self-certifications in strict adherence to the methodology delineated by the Department.

Upon notification from the OIG of its review of the self-certification process, TA and LSF fully cooperated with audit and investigative staff, conferring and meeting on multiple occasions, and timely provided any and all information and documentation sought from the OIG. While TA and LSF, and our legal counsel, respectfully disagree with some of the interpretations provided by the OIG, we expressed our willingness to adhere to the recommendations offered by the OIG. In that regard, please be advised that TA and LSF does, in fact, employ a master mechanic certified by the American Advanced Technician Institute (AATI) or the Automotive Service Excellence (ASE), and has procured a Vehicle Inspection Module (Vis-Check), which, amongst other features, is comprised of an electrically-powered unit, and includes brake testing capability, steering and suspension testing capability, a 10-ton hydraulic jack, storable data base of results, and training for our inspection staff and master mechanic, who will oversee and execute all inspection documentation, as required. Indeed, the Vis-Check equipment utilized by TA and LSF is a model in the automotive industry, which the Department's PTRD staff is considering as a replacement to the outdated equipment used at the County Inspection Station. It is important to note that other for-hire vehicles in the County, like those operated by Uber and Lyft, do not have such verifiable

Exhibit 3

inspection equipment that tracks vehicle maintenance. Nevertheless, TA and LSF is pleased to be an industry leader when it comes to safety, reliability, and verification of maintenance in its for-hire fleet.

To this end, please also be advised that consistent with the directive in your correspondence, effective immediately, any vehicle initially placed into service will be in compliance with the Department's new interpretation of the requirements of the Ordinance. However, your letter also advises that any vehicle currently in service that was previously approved by the County under the Department's prior interpretation, must have a valid and current inspection conducted in accordance with the revised interpretation by March 1, 2019. Respectfully, this ambitious timeframe is logistically unachievable and may adversely impact various municipal trolley service routes. As you know, LSF is the operator of most municipal trolley routes throughout Miami-Dade County. Many of these routes run daily, between 12-18 hours per day – and the few hours that they are not in operation, LSF is contractually required to perform preventive maintenance, cleaning, wrapping, and other time-consuming maintenance activities. In order for these vehicles to be re-inspected, LSF must ensure that spare vehicles are available to cover routes, and at times, exigencies may arise that affect such scheduling, like accidents, unavailability or parts, recalls, severe traffic or weather issues, etc, without disrupting service that will adversely impact public ridership. Accordingly, in order to re-inspect the 213 previously-inspected and approved for-hire vehicles by the County, LSF estimates that it will need until June 30th, 2019. Please be so kind to confirm that this reasonable deadline is acceptable.

Regards,



Ray Gonzalez
President

cc: Mary T. Cagle, Inspector General, Office of the Inspector General
Steve Fail, Deputy Director, DTPW
Raul A. Gonzalez, Division Chief, PTRD
Ruben Legra, Division Chief, Paratransit Operations

RG/nm

Exhibit 3

From: [Gonzalez, Raul \(DTPW\)](#)
To: [Nick Mazorra](#)
Cc: [Orelle, Pedro \(DTPW\)](#); [Cotayo, Ivan J. \(DTPW\)](#)
Subject: RE: Self-Certification Procedures
Date: Wednesday, January 9, 2019 3:35:00 PM

Good Afternoon Mr. Mazorra,

This is provided in response to your letter of December 21, 2018 regarding self-certification procedures. Since then, you have provided PTRD with a copy of the ASE Master Automotive Technician certificate for the individual that will be conducting the for-hire inspections, Mr. Oscar Jimenez. In addition, PTRD's staff visited your motor vehicle repair facilities and verified the operation of the company's state of the art brake testing machine. Consequently, we have approved your request to provide you with additional time to complete the re-inspection of the vehicles that were inspected prior to January 1, 2019.

Please ensure that any vehicle **initially** placed into service is in compliance with the inspection requirements immediately. In addition, any vehicle currently in service must have a valid and current inspection conducted by a certified master mechanic by **June 30, 2019**.

Thank you for your attention to this matter. Please let me know if you have any additional questions.

Raul A. Gonzalez, Division Chief
Miami-Dade County
Passenger Transportation Regulatory Division
Department of Transportation and Public Works
(786) 469-2366 Phone
(786) 469-2303 Fax
<http://www.miamidade.gov>

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

From: Nick Mazorra [mailto:nick@transportationamerica.com]
Sent: Friday, December 21, 2018 12:21 PM
To: Bravo, Alice (DTPW) <alice.bravo@miamidade.gov>
Cc: Cagle, Mary (OIG) <Mary.Cagle@miamidade.gov>; Feil, Steve (DTPW) <Steve.Feil@miamidade.gov>; Gonzalez, Raul (DTPW) <Raul.Gonzalez2@miamidade.gov>; Legra, Ruben (DTPW) <Ruben.Legra@miamidade.gov>; Ray Gonzalez <rgonzalez@mctflorida.com>; Miguel.deGrandy@hklaw.com; Robert D Beers <bob@mctflorida.com>
Subject: RE: Self-Certification Procedures

This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected emails. Please click here if this is a suspicious message reportspam@miamidade.gov **Enterprise Security Office**

Ms. Bravo:

Raul Gonzalez forwarded us a copy of a letter you sent via Certified Mail regarding for-hire vehicle inspections and self-certification.

Attached, please find TA and LSF's response.

After you have reviewed and considered our response, please be so kind to confirm whether the proposed plan meets your approval.

Happy Holidays.

Regards,

Nick

From: Ray Gonzalez
Sent: Friday, December 21, 2018 9:35 AM
To: Nick <nick@transportationamerica.com>
Subject: FW: Self-Certification Procedures

From: Gonzalez, Raul (DTPW) [<mailto:Raul.Gonzalez2@miamidade.gov>]
Sent: Friday, December 21, 2018 9:23 AM
To: Ray Gonzalez
Cc: Robert D Beers; Orelle, Pedro (DTPW); Cotayo, Ivan J. (DTPW)
Subject: Self-Certification Procedures

Good Morning Mr. Gonzalez,

This is to provide you with a courtesy copy of the attached letter from Ms. Bravo which is being sent by certified mail. Attached also find a copy of the Non-Compliance Memorandum from the Office of the Inspector General and the new inspection form approved by our Department.

Please let me know if you have any additional questions.

Merry Christmas!

Raul A. Gonzalez, Division Chief
Miami-Dade County
Passenger Transportation Regulatory Division
Department of Transportation and Public Works
(786) 469-2366 Phone
(786) 469-2303 Fax
<http://www.miamidade.gov>

"Delivering Excellence Every Day"

Miami-Dade County is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

MIAMI-DADE COUNTY
OFFICE OF THE INSPECTOR GENERAL



FINAL INSPECTION REPORT

Appendix A

Transportation America Response

Assessment of the Special Transportation Services (STS) Self-Certification Process

IG18-0005-A

Holland & Knight

701 Brickell Avenue, Suite 3300 | Miami, FL 33131 | T 305.374.8500 | F 305.789.7799
Holland & Knight LLP | www.hkllaw.com

October 23, 2019

Mary T. Cagle Esq.
Miami Dade County Inspector General
601 NW 1st court
South Tower 22nd floor
Miami, Florida 33136

Sent Via E-Mail:
Mary.Cagle@miamidade.gov

**Re: RESPONSE TO OIG DRAFT INSPECTION REPORT – ASSESSMENT OF
THE SPECIAL TRANSPORTATION SERVICE (STS) SELF-
CERTIFICATION PROCESS – IG – 18 – 0005 – A**

Dear Mary,

At the outset, on behalf of Transportation America (TA) and its related entities, we would like to thank the members of the Office of Inspector General (OIG) for their professional approach and guidance throughout this process. While TA respectfully disagrees with one of the conclusions and recommendations in the OIG Report (See in more detail below), it believes that the cooperative and collegial approach by the OIG, together with the Department of Transportation and Public Works (DTPW), as well as the Passenger Transportation Regulatory Division (PTRD) has brought greater clarity and efficiency to the self-certification process.

Below, TA respectfully sets forth its response and comments regarding the OIG's findings, observations, and recommendations:

A) TA's response to the OIG's contention that inspections and self-certifications were initially not in compliance with PMC and STS Ordinances.

The Ordinance relating to safety regulations and inspections of vehicles performing special transportation services, adopted just over a year ago, contains requirements which led to different interpretations. Once TA elected to self-certify its vehicle fleet, it sought explicit guidance from the County as to how to implement the provisions of the Ordinance in order to fully comply with its terms. The DTPW provided guidance as to how private providers, like TA and its related entities that are governed by the Ordinance, should conduct the inspection and self-certification process for its vehicle fleet. To be clear, contrary to the OIG's finding in this regard, TA and LSF respectfully submits that it fully complied with the County's instructions, and implemented its

self-certification program with strict adherence to the methodology set forth by the Department. Indeed, in subsequent dialogue, and in a meeting with the Department, TA, and the OIG, this adherence to the established protocols at that time was verified.

Nevertheless, despite compliance with practices approved by the County at the time, upon being notified by the OIG of its review and suggestions vis-à-vis the Program and self-certification practices, TA and LSF fully cooperated with the OIG, providing all information and documentation requested and participating in several meetings with the OIG representatives.

In December of 2018, TA received a letter from DTPW advising that the previously directed methodology was now considered to be non-compliant with the Ordinance. In particular, DTPW required TA and LSF to have its safety inspections conducted by either an AATI or ASC Certified Master Mechanic, and additionally required specialized equipment for brake testing. TA timely responded to the directive of DTPW, advising in a December 21st letter that it's highly experienced Master Mechanic was now certified, and in compliance with the Ordinance, and that it had procured a Vehicle Inspection Module capable of performing the brake testing functions, as well as other capabilities.

Because of the size of the fleet, and the need to keep a sufficient number of vehicles on the road to provide adequate service to the disabled community, and other riders that TA and its related entities services through public contracts, TA requested a reasonable extension to comply with the self-certification process, which required re-certification of its existing vehicles.

As verified by the OIG's office, TA completed its re-inspection of all its vehicles prior to the agreed upon deadline, and provided access to the PTRD and OIG's staff to its records verifying compliance. We are grateful for the OIG's acknowledgement that TA timely addressed and remedied the concerns identified by the OIG.

Recommendation 1: The recommendation regarding this Section is directed to DTPW and PTRD. To the extent that uniformity should be, and is required in the self-certification inspection process, TA certainly supports the recommendation.

B) Ongoing Concern – What level of participation by a certified Master Mechanic satisfies the statutory requirement that the safety inspections be “conducted by” the certified Master Mechanic in order to execute the Self-Certification Inspection Form?

TA and the OIG continue to have a difference of opinion regarding the language in the Ordinance relative to interpretation and application of the language that the inspection be “conducted by” the certified Master Mechanic. It is important to note that this difference of opinion and statutory interpretation only relates to the components of the inspection which are conducted by use of technology (such as the Vehicle Inspection Module).

Stated another way, both TA and the OIG agree that portions of this inspection must be personally conducted by the Master Mechanic. Thus, determining whether windshields are cracked, whether doors open and close correctly, whether seat-belts are functioning properly, etc. are things that must be personally observed and inspected by the Master Mechanic. However, inspections to test components such as brakes, steering and suspension are performed mechanically, through highly sophisticated equipment (which the Department has expressed interest in procuring). The only necessary human interaction with the equipment involves driving the vehicle up onto the machine, which then analyzes these components and issues a report. As a comparison, this is akin to driving a vehicle into a car wash, and placing the vehicle in neutral, while the car wash pushes the vehicle forward through the cleaning process.

Simply stated, the equipment's analytical process requires no interface, interaction, or intervention by the Master Mechanic. The Master Mechanic's involvement in regard to these tests is limited to reviewing the test results reported by the machine, and, if the vehicle fails any of these components of the inspection, to direct repairs and order re-testing of the vehicle once the issue has been resolved.

Thus, TA continues to believe that the Master Mechanic's presence is not required while the machine is performing its analysis of these systems. It should be noted that TA's inspection protocols require that the VIN number, as well as tag information of the vehicle report matches the specific vehicle tested. Therefore, there are appropriate checks to ensure that the report which the Master Mechanic analyzes corresponds to the vehicle that was actually tested.

Recommendation 2: This recommendation is also addressed to DTPW and PTRD. The recommendation urges the Department to seek a legal opinion from the County Attorney's Office as to the level of participation required by the certified Master Mechanic.

As stated above, TA believes that its interpretation of the language in the Ordinance to the effect that "such vehicle has a safety inspection conducted by a Master Mechanic" does not require the Master Mechanic's physical presence during the time that the vehicle is placed on the machine, and the machine conducts its analysis. The purpose of having an inspection conducted by a certified Master Mechanic is to ensure that the knowledge and expertise of such individual is utilized to identify potential deficiencies or defects affecting the safe operation of the motor vehicle.¹ In sum, the Master Mechanic's presence during the time the machine performs its analytical functions adds nothing to the mechanical analysis performed by the machine.

Moreover, TA believes the language of the Ordinance must be interpreted in light of its legislative intent, which was to expedite inspections of vehicles subject to the County's

¹ In fact, it should be noted that the County has not, and still does not, employ Master Mechanic(s) to conduct the inspections of the vehicles that do not avail themselves of the self-certification process for brake testing, steering and suspension, nor even the aforementioned visual inspections in connection to the same vehicle inspections.

regulations. Allowing the Master Mechanic to perform other functions – such as visual inspection of vehicles that have already successfully passed the machine’s analytical inspection process – aids in streamlining the inspection process, and thus, furthers the legislative objective without in any way affecting the quality or thoroughness of the inspection process. Nevertheless, TA has attempted to contact the County Attorney’s Office, and stands ready to meet with the County – if and when it is appropriate – to demonstrate that its interpretation of the Ordinance is substantively correct, and supported by the policy objectives that the Ordinance seeks to achieve.

C) PTRD’s tracking of inspection activity and field enforcement activities should be adjusted in light of the self-certification process.

TA supports a uniform process both in regard to self-certification, tracking, and regulatory enforcement. Thus, TA is amenable to producing inspection reports on a standing basis – either monthly or quarterly – and would not object to the OIG’s recommendation that PTRD utilize the same protocol regarding citations that it employs with County inspected vehicles. TA is amenable to employing any reasonable self-reporting protocols that may be required by the County.

Recommendation 3: TA supports the OIG’s recommendation that all operators opting into the self-certification process create their own self-certification special decal. In fact, as noted in the OIG’s report, TA has already set the example by utilizing its self-created vehicle inspection decal, and supports the OIG’s recommendation to have PTRD assess and approve TA’s implementation of its self-certification decals.

Recommendation 4: TA supports the OIG’s recommendation to create a uniform system of citation and enforcement of violations of vehicles, regardless of whether they are self-certified or County inspected.

Recommendation 5: TA stands ready to cooperate with DTPW and PTRD in any efforts they may take to facilitate and streamline information regarding citations.

C) POD’s Quality Assurance (QA) monitors ensuring contractor satisfaction of customer service standards.

TA notes that this Section is addressed to County regulators and quality assurance monitors; thus, TA’s comments are limited to simply acknowledging that QA monitors are, in fact, well-prepared, trained, and able to conduct inspections of STS vehicles.

Recommendation 5: TA does not object to the recommendation that POD should include – among the QA monitors’ inspection protocol – a request to see the self-certification inspection forms that the STS Ordinance requires to be kept in each vehicle.

Conclusion:

TA notes and appreciates the OIG's recognition that it worked collaboratively with PTRD, POD, DTPW and the OIG's to address any concerns regarding the implementation of this nascent self-certification program with minimal impact to the users of the STS services. TA has, and will continue to work cooperatively with the County to ensure that its STS Program, and other transportation services provided through public contracts, is efficiently managed, and that the safety, security, and comfort of our STS clients remain our number one priority.

Please do not hesitate to contact me if you have any questions or need further clarification.

Sincerely yours,
HOLLAND & KNIGHT, LLP



Miguel De Grandy
Partner

cc: Ray González

MIAMI-DADE COUNTY
OFFICE OF THE INSPECTOR GENERAL



FINAL INSPECTION REPORT

Appendix B

**Department of Transportation and Public Works
Response**

Assessment of the Special Transportation Services (STS) Self-Certification Process

IG18-0005-A

Memorandum



Date: October 23, 2019

To: Mary T. Cagle, Inspector General
Office of the Inspector General

From: *ABJ* Alice N. Bravo, P.E., Director
Department of Transportation and Public Works

Subject: Response to the Assessment of the Special Transportation Services Self-Certification Process Report - IG18-0005-A

This memorandum is provided in response to the October 9, 2019 Office of the Inspector General's (OIG) draft report regarding the self-certification inspections of special transportation services (STS) vehicles. The Department of Transportation and Public Works (DPTW) is pleased that the non-compliance issues identified at the beginning of the OIG's inspection were promptly addressed and remedied by the Passenger Transportation Regulatory (PTRD) and Paratransit Operations (POD) Divisions with minimal impact to the clients of the STS program.

Below you will find a summary of the actions taken by the Department in response to the report's six (6) recommendations.

Recommendation 1: For any prospective certificate and permit holders opting in to the self-certification process, DPTW, and specifically PTRD, must ensure that vehicle inspections are conducted at a licensed or state registered auto repair shop or are being conducted by an AATI or ADE certified master mechanic and that the inspectional facility is equipped with the proper vehicle testing equipment.

PTRD has already revised its licensing procedures regarding vehicle inspection self-certification. The new procedures include that upon request for self-certification, the company must provide specific information about the auto repair shop where vehicle inspections will be conducted. PTRD will verify that inspections are to be conducted by either an AATI or ASE certified master mechanic or by an automobile technician at a licensed or state-registered auto repair shop; and that the shop is equipped with brake testing equipment capable of determining braking parameters as provided by test equipment readings for stopping effectiveness. See Attachment A.

Recommendation 2: DPTW, and more specifically PTRD, should seek a legal opinion from the County Attorney's Office as to the level of participation required of the certified master mechanic, in order to satisfy the statutory requirement that the safety inspection was "conducted by" the certified master mechanic, in order to execute the self-certification form.

The Department agrees that the inspection practice utilized by Transportation America (TA) where the master mechanic is assisted by auto technicians requires review by the County Attorney's Office (CAO). PTRD staff has scheduled a meeting with the CAO to determine if this practice complies with Code requirements.

Recommendation 3: PTRD should administratively require that all operators opting-in to the self-certification process, create their own self-certification inspection decal modeled after the County's inspection decal. PTRD should approve all decals prior to use. PTRD should also dictate where the decal must be placed on the windshield. Furthermore, in light of the fact that

TA is already utilizing its self-created vehicle inspection decal, PTRD should assess and retroactively approve TA's current decal.

The Department concurs with this recommendation. A letter requesting that all vehicles display an inspection decal approved by the Division prior to December 31, 2019 will be sent to all operators that have opted to the self-certification process. In addition, TA self-inspection decal will be approved retroactively by PTRD. Compliance with this provision will be verified on the field by PTRD's enforcement officers.

Recommendation 4: DPTW enforcement officers should cite and enforce violations of self-certified vehicles no differently than how it cites county inspected vehicles by 1) removing the vehicle's self-certification decal, and 2) replacing it with a red (suspension) or green (warning) decal, as appropriate.

Following this recommendation, PTRD amended the enforcement procedure for self-certified vehicles to include the removal of the vehicle's self-certification decal if safety and non-safety violations are observed. In addition, this decal will be replaced with a red or green decal depending on the type of violation. In the coming weeks, PTRD's enforcement officers will be trained on the new procedure and the companies will be informed about the new procedure. This procedure will be implemented on December 1, 2019. See attachment B.

Recommendation 5: DPTW should explore ways for PTRD enforcement officers and POD QA monitors to communicate the status of Field Enforcement Reports (FER) and 8CC citations more seamlessly. For example, if a POD QA monitor was made aware of a red decal FER against a certain vehicle, yet that same vehicle remained on the Trapeze schedule of trips for the next day, the QA monitor could plan his daily itinerary with that knowledge in hand.

As indicated on page 22 of the draft report, POD and PTRD are already working together to be notified as quickly as possible so that QAs can add those vehicles as part of their daily checks. If PTRD removes an STS vehicle from service for a safety related requirement, that information is transmitted to POD who will immediately review the Trapeze system to verify that the vehicle is no longer in service. If a vehicle and or STS chauffeur is found to be in service after the FER removal, the trips performed will be disallowed.

Recommendation 6: POD should include among QA monitors' inspection protocol a request to see the self-certification inspection forms that the STS Ordinance requires to be kept in each vehicle. If the driver cannot provide a copy of that form, the vehicle should be taken out of service until the self-certification inspection form can be produced or until a re-inspection of the vehicle is performed.

POD will revise the monitoring form to include a check for "STS Vehicle Certification Inspection form" as recommended.

Thank you for your assistance during this process. If you should have any additional questions, please do not hesitate to contact me at (786) 469-5406.

Attachments

C: Raul A. Gonzalez, Division Chief, Passenger Transportation Regulatory Division
Ruben Legra, Division Chief, Paratransit Operations Division
Eric Muntan, Chief, Office of Safety and Security

ATTACHMENT A



Department of Transportation & Public Works

PTRD Licensing Procedure # 002
For-Hire Vehicle Self Certification Process

Prepared by: Raul A. Gonzalez

Version control:

Version	Date	Author	Change description
1.0	07/13/16	Pedro Orelle	Original Draft
2.0	10/17/19	Pedro Orelle	Amended procedures.

Purpose: To create a standardized procedure for vehicle self-certification process.

Scope: PTRD Licensing Section.

Procedure: Listed below are the procedures used within the Department of Transportation and Public Works, Passenger Transportation Regulatory Division (PTRD) Licensing Section when allowing a passenger motor carrier, special transportation service, taxicab or limousine license holder to self-certify for-hire vehicles.

A license holder who chooses to self-certify for-hire vehicles must submit the following documents which are to be reviewed by licensing staff for accuracy.

- A written notification must be provided from an authorized representative notifying Department of Transportation & Public Works, (DTPW) Passenger Transportation Regulatory Division, (PTRD) he/she wishes to self-certify the companies for-hire vehicles. Request provided must indicate shop(s) inspecting vehicles and a sample of the inspection decal to be utilized. Shop provided must be equipped with brake testing equipment capable of determining braking parameters as provided by test equipment readings for stopping effectiveness. Staff will verify that the vehicle inspection is to be conducted by either an AATI or ASE certified master mechanic or by an automobile technician at a licensed or state-registered auto repair shop. Upon review a conditional approval letter will be sent requesting attachments #1 through #4.
- **Submit as attachment #1**, a completed Miami-Dade County For-Hire Vehicle Inspection Certification Form, which may be downloaded at <http://www.miamidade.gov/transit/for-hire-transportation.asp>. Taxicabs must have a clean title and have no rebuilt or salvage titles.
- **Submit as attachment #2**, a certificate of insurance which complies with the Code requirements as provided in Chapter 31 of the Miami-Dade County Code.
- **Submit as attachment #3**, a completed Vehicle Operating Permit Application Form (TD42).

- **Submit as attachment #4**, A final rendering of the inspection decal to be utilized.
- **Fees:** any additional limousine, passenger motor carrier vehicle or special transportation service vehicle added to a must pay an operating permit fee. Payment must be made by check, cashier's check or money order payable to Miami-Dade County. Credit card payments may be made using a credit authorization form which may be requested via email. Please refer to the operating permit fee schedule below:

Limousine Vehicle Operating Permit Fees

May	\$350.00	Sept	\$233.36	Jan	\$116.68
June	\$320.87	Oct	\$204.19	Feb	\$87.51
July	\$291.70	Nov	\$175.02	Mar	\$58.34
Aug	\$262.53	Dec	\$145.85	April	\$29.17

PMC and STS Vehicle Operating Permit Fees

April	\$350.00	Aug	\$233.36	Dec	\$116.68
May	\$320.87	Sept	\$204.19	Jan	\$87.51
June	\$291.70	Oct	\$175.02	Feb	\$58.34
July	\$262.53	Nov	\$145.85	Mar	\$29.17

- Upon receipt of all the documents required PTRD shall enter any new for-hire vehicle into CAVU. PTRD shall submit in person or by mail an operating permit (if applicable). The license holder shall provide an additional \$5.00 payment if he/she wishes to have the operating permit mailed. All forms submitted in person must be provided Monday through Friday 8:00 am to 12:00 pm.



ATTACHMENT B

Department of Transportation and Public Works Vehicle Standards Enforcement Procedures for Special Transportation Services (STS) Vehicles Self-Certification Process

Prepared by: Ivan J. Cotayo

Version control:

Version	Date	Author	Change description
1.0	11-07-2018	Cotayo, Ivan	Original Draft
1.5	10-17-2019	Cotayo, Ivan	Removal of county or company inspection decal and the issuance of a county Temporary or Reject decal for violations of vehicle standard.

Purpose: To ensure STS chauffeurs and vehicles are in compliance with Chapter 31, Article IV of the Miami-Dade County Code.

Scope: PTRD Enforcement Officers.

Procedures:

1. Driver is unable to produce a valid chauffeur's registration.
 - ✓ Related Enforcement Actions:
 - **BCC – DRV. 31-303(a)** Failure to obtain a chauffeur's registration. Fine shall be reduced to \$50.00 if the person issued the citation has held a valid Miami-Dade County chauffeur registration within the past six months.
(Note, all chauffeurs operating an STS vehicle must obtain a Miami-Dade County Chauffeur's registration. Certificate Holders are not allowed to Self-Certified their drivers)
 - **BCC – DRV. 31-303(i)(1)** Failure to provide and or display a valid chauffeur's registration.

2. Driver is unable to produce a vehicle inspection form.
 - ✓ Related Enforcement Actions:
 - **DRV - BCC - 31-303(i)(20)** Vehicle operation with no valid operating permit and/or vehicle inspection displayed. Fine shall be reduced to \$50.00 if valid operating permit or valid inspection decal is presented to CSD within two (2) business days of citation issuance.
(Note. pursuant to Sec. 31-207(d) states, in lieu of an inspection performed by DTPW, a permit holder shall have the option to certify that such vehicle complies with the requirements of section 4-49, 31-89, or 31-107 and the department approved vehicle inspection form shall be available for inspection upon request by a Code Enforcement Officer)
 - **DRV – FER (SUSPENSION) – 31-207(a)** No valid vehicle inspection.
(Code Enforcement Officer will remove the county or company issued inspection decal and place a RED Reject Decal in front passenger side windshield)

3. STS vehicle operating in violation of a safety vehicle standard violations, (e.g. tires, headlights, break lights, etc.)
 - ✓ Related Enforcement Actions:
 - **8CC - DRV. 31-303(i)(9)** Operating an unsafe vehicle.
 - **FER – DRV. (suspension)** – Please refer to the vehicle standards cheat card (see attached) *(Code Enforcement Officer will remove the county or company issued inspection decal and place a RED Reject Decal in front passenger side windshield)*

4. STS vehicle operating in violation of a non-safety vehicle standard violations, (e.g., minor body damage, color scheme, etc.).
 - ✓ Related Enforcement Actions:
 - **FER - DRV. (Deficiency)** – Please refer to the vehicle standards cheat card (see attached). *(Code Enforcement Officer will remove the county or company issued inspection decal and place a Green Temporary Decal in front passenger side windshield)*

Lastly, the Department will notify the certificate holder for any safety and non-safety related issues and will request that a new vehicle inspection form be submitted as proof of re-inspection. Certificate holder that fails to provide a re-inspection form is subject to enforcement provisions contained in this chapter. Noncompliance is subject to enforcement and suspension of the permit until such conditions remedied.