



Council Minutes

www.tbrpc.org

4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782
Phone: 727-570-5151 Suncom 513-5066 Fax: 727-570-5118

March 9, 2015
10:00 a.m.

REPRESENTATIVES PRESENT

Commissioner Victor Crist, Hillsborough County, Chair
Mayor Woody Brown, City of Largo, Vice Chair
Councilman Patrick Roff, City of Bradenton, Sec./Treasurer
Mr. Andy Núñez, Pinellas County gubernatorial appointee, Past Chair
Commissioner Scott Black, City of Dade City
Council Member Bob Boss, City of Temple Terrace
Commissioner Larry Bustle, Manatee County
Councilwoman Yvonne Yolie Capin, City of Tampa
Councilman Jonathan Davis., City of Palmetto
Commissioner Carlos Diaz, City of Safety Harbor
Mr. Nick DiCeglie, Pinellas County gubernatorial appointee
Vice Mayor Bill Dodson, City of Plant City
Council Member Michael Fridovich, City of Gulfport
Council Member Hoyt Hamilton, City of Clearwater
Ms. Angeleah Kinsler, Hillsborough County gubernatorial appointee
Commissioner Bruce Livingston, City of Dunedin
Mayor Maria Lowe, City of St. Pete Beach
Councilor Bob Matthews, City of Seminole
Mayor Bob Minning, City of Treasure Island
Mr. Mike Moore, Pasco County gubernatorial appointee
Mr. John Neal, Manatee County gubernatorial appointee
Councilwoman Darden Rice, City of St. Petersburg
Mr. Tim Schock, Hillsborough County gubernatorial appointee
Commissioner Kathryn Starkey, Pasco County
Ms. Barbara Sheen Todd, Pinellas County gubernatorial appointee
Mr. Waddah Farah, Alt., Ex-officio, FDOT

REPRESENTATIVES ABSENT

Mayor David Archie, City of Tarpon Springs
Commissioner Janet Long, Pinellas County
Commissioner Gail Neidinger, City of South Pasadena
Deputy Mayor Bill Phillips, City of New Port Richey
Mr. Robert Sebesta, Pinellas County gubernatorial appointee
Mr. Scott Sheridan, Hillsborough County gubernatorial appointee
Councilman Ed Taylor, City of Pinellas Park
Ms. Mary Yeargan, Ex-officio, FDEP

OTHERS PRESENT

Trisha Neasman, Planner, SWFWMD
Scott Anderson, Sr. Manager, Cherry Bekaert
Robert Coats, Risk Analyst, City of St. Petersburg
Chris Minnow, VP Marketing, Tampa International Airport
Kyle Cockream, Hillsborough PTC
Travis Norton, St. Petersburg Chamber
Kaitlyn Johnson
Christopher Heintz, Hillsborough County

Louie Minardi, Yellow Cab of Tampa
Daniel Santos, DOT
Matthew Daus, President, International Association of Transportation Regulators
Philip Morgaman, Gulf Coast Transportation
Kevin Thurman, Transportation User Advocacy, Connect Tampa Bay

STAFF PRESENT

Manny Pumariega, Executive Director
Don Conn, Legal Counsel
Maya Burke, Senior Planner
Lori Denman, Recording Secretary
Randy DeShazo, Principal Planner
Wren Krahl, Director of Administration/Public Information
John Meyer, Principal Planner
Brady Smith, Principal Planner
Beth Williams, Accounting Manager
Avera Wynne, Planning Director

Call to Order – Chair Crist

The March 9, 2015 meeting of the Tampa Bay Regional Planning Council (TBRPC) was called to order at 10:08 a.m. A quorum was present.

Voting Conflict Report – None

The invocation was given by Councilwoman Darden Rice, followed by the pledge of allegiance.

Public Comment: Trisha Neasman, Planning Supervisor, Southwest Florida Water Management District (SWFWMD). The District has been in the process of identifying lands that are no longer needed from a water resources standpoint and are holding a number of workshops. One will be held on March 24th at the Sarasota Office on 6750 Fruitville Road at 5:30 pm. Another workshop will be held April 1st at 5:30 pm in Tampa at 7601 U.S. 301. If you would like additional information go to: www.watermatters.org

Motion to close the Public Comment portion of the agenda (Matthews/Hamilton)

Announcements:

- Future of the Region Awards: March 27th, 11:45, Carillon Hilton, RSVP to Lori
- Congratulations to Councilwoman Capin for winning her re-election to the City of Tampa.

1. **Approval of Minutes – Councilman Roff, Sec./Treas.**
Approved the minutes from the February 9, 2015 regular meeting. (Long/Black)
2. **Budget Committee – Councilman Roff, Sec./Treas.**
 - a. Approved the Financial Report for the period ending 1/31/15. (Minning/Livingston)
 - b. Scott Anderson of Cherry Bekaert presented the FY 14 Audit.
We presented the Audit to the Executive/Budget Committee on February 9th and issued an unmodified opinion. The Audit was conducted in accordance with generally accepted auditing standards as well as government auditing standards. We have also issued a management letter.

Motion to approve the 2014 Annual Audit (Todd/Nunez)

4. **Item(s) Removed from the Consent Agenda and Addendum Item(s) - None**

Council members shall notify the Chair of any items they wish to be pulled from the Consent Agenda. These items will be discussed and voted on separately after the remainder of the Consent Agenda is approved.

5. Review Item(s) or Any Other Item(s) for Discussion – None

Chair Crist: We have a panel discussion today which will be on Transportation Network Companies, otherwise known as ride-sharing. This has been a growing phenomenon throughout the world. There has been a lot of media coverage in the Tampa Bay area. It is being run in some areas without controversy and in other areas with a lot of controversy. We wanted to bring this subject area forward so that you can ask questions and be informed on the issues surrounding it. We wanted to do this in the most objective way possible. I am the Chair of the regulatory agency for taxis and limos in Hillsborough County so in order to ensure fairness I am passing the gavel to our Vice Chair, Mayor Woody Brown and ask Avera Wynne to moderate the program so I can separate myself from it. Staff has invited representatives from the two leading companies – UBER and LYFT. We worked with them to set up this panel discussion at a date and time convenient to them. After getting their commitment we invited others to participate including an individual who is a consultant who flew down from New York. On Friday afternoon UBER and LYFT cancelled. We immediately identified a group called Connect Tampa Bay, which has been actively engaged behind the scenes trying to bring contemporary modes of transportation to the Tampa Bay area. Mr. Kevin Thurman who is the President and Executive Director agreed to participate. Staff has worked hard to make sure that all sides of the argument were equally represented, and that no side had an advantage over the other.

6. Panel Discussion: Vehicles for Hire and Transportation Network Companies (TNCs)

Mr. Wynne provided a brief overview. With us today is Matthew Daus who is an attorney from New York and former Taxi Commissioner. He is the President of the International Association of Transportation Regulators Association. Also with us today is Philip Morgaman who is with United Cab Company in Tampa. We had UBER scheduled and they had to back out, as well as LYFT. Joining us also is Kevin Thurman as Chair Crist mentioned. Connect Tampa Bay is a transportation users advocacy group.

TNCs is the general classification that is given to folks like UBER and LYFT and the like that try to connect people with drivers.

Vehicle for Hire Issues:

I found out there are about 3 or 4 key issues that are being discussed.

Background checks for the drivers. If you get into a taxi the driver has had a background check. Different folks that are doing regulations are asking that the drivers for the TNCs also do background checks. If representatives from the TNCs were here they would say they do, but whether or not they are checked at the same level that the regulators are looking to see, that's the point of departure. For example, in St. Petersburg they require a background check. You have to go to the police department and get fingerprinted and the taxi cab folks that give the permit (hack license) are doing that. In order to be legal a UBER or LYFT driver would also have to have a background check. The ones that they have now generally do not have that. They do their own on-line type background checks that don't involve fingerprinting. That's the key difference between what the TNCs are doing and what the taxicabs that are permitted are doing.

Regulations:

Hillsborough County has the Public Transportation Commission (PTC) and they regulate vehicles for hire, limos, taxis. The limos are a pre-arranged service and a taxicab is something you can hail or pick-up in front of a hotel or restaurant. A taxicab is metered. A limo is more of a fixed fee, a prearranged price to go from point A to point B. Hillsborough County has the most regulations. They also have taxi permits capped.

The City of St. Petersburg has the next closest thing to a regulatory environment. You get a business license, a background check, vehicle inspection, and proof of insurance which meets Florida Insurance Guarantee Association requirements then you can get a license to operate. There are no limits to the number of people.

The difference in Hillsborough County is that they have a cap on the number of taxi permits that are issued and currently that's in the 800 range. There are more drivers than that but that's the number of permits that can be in operation at any given time. That number changes from year to year. CUTR (Center for Urban Transportation Research) works with the county to determine the number. The number is 1 per 1900.

Manatee, Pasco and Pinellas Counties have little to no regulations. They may have, in some instances, a business license requirement or small levels of regulation.

The Tampa International Airport has exclusive agreements with United Cab and Yellow Cab of Tampa to pick up passengers at the airport.

Vehicle for Hire Issues:

Vehicle inspections in both Hillsborough County and the City of St. Petersburg are both required in order to operate. The TNCs have their own vehicle criteria – age of vehicle and that type of thing but there's not a particular regulation for vehicle inspections.

Service across county borders is a regional issue as well as an economic development issue. From the regional perspective that's one of the main things we want to be able to focus on at this level of the regional planning council because it's important to our hospitality industry in the region as well as people getting to large scale events at stadiums, etc. and how do you have an orderly transportation system as it relates to vehicles for hire. Currently if you are a taxi operator in Pinellas County and you pick up a fare in Clearwater Beach and you take them to Tampa Airport and drop them off, you cannot pick up another fare at the Tampa Airport to return to Clearwater Beach. That creates issues. When business travelers come to our region and cross county borders, how do we make it work the best that we can for them?

Social or social equity concerns – how do you make sure that all areas are served or at least have a certain level of service and the ADA issues, services for disabled persons. In some areas they have a regulatory environment for taxis and they might have ADA requirements. There are a lot of different ways you can address ADA, we have transportation disadvantaged programs and the like.

Matthew Daus has the experience on what is happening across the country and how people work through the issues between the taxicab industry and the TNC industry.

Mr. Daus thanked the Chair for inviting him and thanked Hillsborough County for being a member of the organization he is president of – the ICR. The ICR is a government based non-profit that is an educational institute for modes of transportation - taxis, limos. His primary job is as a distinguished lecturer at the City University of New York's (CUNY's) Transportation Research Center of The City College of New York. He is a part of the U.S. Department of Transportation Research Facility where they teach graduate students and do research for all transportation matters including northern New Jersey and Puerto Rico. Also he is a former taxi commissioner for New York City as well as a general counsel for many years (14 years) as a regulator serving two mayors and a commissioner for almost 9 years. By trade he is a transportation lawyer and deals with transportation regulation and law and is an expert witness and has served in that capacity for Hillsborough County for lawsuits.

I have never seen such a unique time. Taxi regulation has been pretty much handled on a local level. It's been that way since day one. By law it could be anything from a city, a county, a town, regional or statewide regulation. At the end of the day you usually have a passenger get into a car and go

from point A to point B. It's not that simple. Over the years the regulations and laws that were built were built with some commonalities not just internationally but within our country. Our definitions for taxis and limos and what they are supposed to do and not do evolved over 100 years, since the automobile has been around. There are a lot of loopholes. There are a lot of different standards for regulation and a lot of different ways in which its approached in terms of government resources. New York has, with the exception of London, the best transportation regulatory systems. The PTC in Hillsborough has a very good one, one of the best as well in many ways. What we do in New York is very different. It is considered to be the international model everybody follows especially since the late 90s. It's a resource issue. The City of New York is dedicated significant resources whether its enforcement, licensing, personnel to building a system that works. We had a market failure after the Great Depression when people would trade their medallions in because there were way to many medallions to serve the people when people couldn't afford to take cabs anymore and everybody was out of work. The same thing is happening in Atlantic City, NJ where Mr. Daus is working with the Mayor on a partial pro bono basis to reform that system where the casinos are closing and there's a market failure taking place. That's what happens when you have deregulation. There is no bias, just concerns for not having regulations in place especially in a urban environment. Most studies show that deregulation or not having any regulation in a lot of urban areas does not work. We tried under the Reagan administration to deregulate various industries in the U.S. and most of those entities ended up re-regulating with more regulations. There are studies written about this in New Zealand, Ireland, and the Netherlands. Anyone who has tried to deregulate ended up regulating. There are two types of regulation. There's a closed and open market like the closed number of permits in Hillsborough which is not a bad thing for environmental concerns. When you deregulate your saying you want to put a car on the street with very minimal licensing standards or no cap on number it's amazing with the environmental movement in this country that nobody is talking about this. It may actually violate various environmental laws to not have any type of analysis or environmental impact study when you open a market up. It's government action and there are lawsuits that are pending that are dealing with that.

In New York City there is a very old regulatory system. For all the disruption that's going on in the marketplace – there's a lot of misinformation out there. The bottom line is, we have a constitutional provision in the New York State constitution that is an executive privilege provision. This is disturbing to me as a lawyer and former regulator that you're not supposed to make laws to benefit one company. You're supposed to make laws that are even-handed and that apply to everyone based upon a rational basis for meeting some type of public service goal, whether it's public safety or whatnot. It's unconstitutional to say we want to let one company exist. I think we need to take a step back and realize that there's a lot of misinformation about what some of these companies are doing or planning to do.

Some of these technology disrupters don't want to face in New York, where we have 115 inspectors and we can shut you down in a heartbeat if you don't get a license, they have obtained licenses like everybody else. The hard question you have to ask is, how hard could it possibly be when you have billions and billions of dollars to pay a couple of hundreds of dollars to get a permit and stand in line to get your drivers to get fingerprinted and get some insurance that all taxis must have? There's some basic equal protection issues and there's over 35-40 lawsuits that are challenging these new regulations called Transportation Network Company regulations that evolved in Southern California, and other states like Colorado and Illinois. What's basically happened is that you have two sets of standards but you have one underlying activity – a passenger going from point A to point B in a vehicle and paying for that trip. There's one set of laws and licensing standards for those people who are using an app and it's different for the taxis and limos. It runs into those three areas – criminal background checks, insurance, and disability rights and making sure there is wheelchair accessible service. Those are the three big issues and there's a fourth issue that hasn't been mentioned but which is emerging now which is the privacy and security of data that's on the smart phone that you have. These new transportation network companies I believe are fundamentally flawed from a legal protection standpoint because there's no rational basis for saying because you're getting into a car using an "App" and going from point A to point B that you're criminal background

check should be done by the company itself and not the government and have a different type of less expensive insurance and not be required to service disabled individuals that because you're using an app you do not have to do all these things that taxi/limo companies have to do with higher insurance and more rigorous criminal background checks and yes, these companies are using apps too. There's no rational basis for these laws. And when you ask the companies what is the rational basis for having a different license classification they don't have an answer, they basically say "it's innovative" but these other companies are innovative too. They have dispatch systems, they have Apps as well. I think a level playing field argument is a good one. If you are going to change regulations, I believe you have to legally change them for everyone whether you're going to make them more strict for everyone or less strict they should be at the level playing field and that's our perspective. We have regulations at the ITR. Our organization put together a book with all the best regulatory minds in the country as well as internationally and as well as the federal government which covers issues such as how do you regulate the taxi meter that is inside this smart phone application? They are doing GPS based time and distance calculations. If you're off by a couple of blocks and it's not working well you're being overcharged. A taxi meter has to go through a rigorous in most states set standards of approvals with weights and measures regulators where they actually have a certification process and they have to make sure that nobody is being ripped off and overcharged with the taxi meters in this app. That doesn't mean it can't be done. The National Weights and Measures Conference is looking at changes to that handle. There's a handle 44 that governs all the nuances of a taxi meter that is pretty much adopted in most jurisdictions by state regulators. It goes into tremendous detail as to the type of algorithms that are used and making sure they are tested and accurate so that people are not being overcharged. Unfortunately the regulators are not moving fast enough. There was a survey and a study done by a university in the 1990s which looked at all employment and licensing and criminal background checks in the state of Florida and the findings were basically, when we compare biometric fingerprint checks and the accuracy of finding perpetrators who have been convicted of prior criminal offenses compared to a computer-based search where you plug in somebody's name into a computer the identifier is not as accurate. They were off 10-15%. There were basically a whole bunch of people who never should have gotten government jobs with the state of Florida or licenses who slipped through the cracks. There is a gap. There's a criminal justice gap where there's room for error and these new TNC laws which I think they are proposing in the state of Florida and allow companies to regulate themselves. Let them do their own background checks not using biometrics but using a computer search which is not as accurate and keeping it in your files in your office. I believe, as a regulator, that's not very responsible. There are ways that you can allow a system like that to exist. The federal government for trucking and interstate commerce (Federal Highway Safety Administration) requires that trucking companies actually get a medical certification for their drivers and do it on their own and keep it in their files. However, there are a lot of inspectors that have the resources to go out and investigate you and if you didn't do what you were supposed to do you're in big trouble and have to pay serious fines. If you are into a system like that you really have to have some good checks and balances and audit functions. On the insurance issue, maybe insurance reform is necessary at some level. The insurance industry is very slow to respond. There is a supplemental line that companies have that drops down when the personnel automobile coverage doesn't apply. There's some serious issues there and I would defer to looking into this issue more closely. More than half of the insurance commissioners have issued consumer alerts/advisories and warning about whether there is actually coverage in place when you have a son or daughter who is a college student who takes your car out and starts picking people up off the street. Those policies are not intended to engage in "for hire" commercial activity. There are exclusions from coverage and all of these issues are going to make their way to the courts. Maybe there does need to be some type of better coverage that's cheaper and more effective for everybody. Some companies are looking at real-time insurance policies where you only get charged your premium based upon the amount of time you use your car. I think it's too serious with people being injured or killed which has already happened. People have been hurt by slipping through the cracks on criminal background checks. There have been people who have been killed by ride-share vehicles. This is serious. You can't just say I want to stop operating without changing these insurance laws and regulations. It's bad policy. Technology is great and its innovative and government should invest but move faster doing what? To allow

exemptions and special laws for people who have ten times the amount of money? I think that's wrong. If you are going to do insurance reform, maybe there is a better policy but we have to do it the same for everybody. I read a Florida statute that's being proposed. It simply says this is what a TNC is and there's a sentence that says a natural line food, taxi and limo services but if you look at the definition it's exactly what the taxi and limo system is already doing. Dispatching either through an app or dispatch system. These laws are, in my opinion, completely flawed and illegal on their face. They are going to be challenged and they are being challenged. A report I have contains a description of the 40 lawsuits ranging from disability discrimination, labor violations, racketeering, unfair competition, false advertising. This is serious. UBER and LYFT have a Pollyanna version of what's happening and what they want to do. I have to tell you that what it's really about is that they don't want to be licensed. The reason why is simple. The people that are taking their personnel cars out of their driveways are people that are younger millennials who are looking for some spare cash. They don't want a full time job. I support that but it's the convenience factor. They are trying to expand as many people as they possibly can to download these apps and get as many drivers as they can. There is a risk factor. I do think they've done some risk management. They realize there is a risk to putting these unlicensed people on the road and just like the NY Times and other publishers have a defamation fund, they put aside money for lawsuits. Their valuation of their companies is based upon having as many downloads of their app as possible and having as many drivers on the road as they can. If they don't have that many drivers on the road they can't provide the service and the whole system falls apart. It's a great innovative idea, I support it and our regulators support it 100% but there's a way to make it work and I keep going back to New York because in New York they did it. They got a license like everybody else. UBER and LYFT. UBER is now the largest ground transportation company in New York City history. They did it legitimately with a license like everybody else and they took over the market and are in a dominant market position after getting full insurance, \$100,000/\$300,000 coverage and \$200,000 in PIP (personal injury protection) and for the limos \$1 million in insurance per vehicle with the driver. There is no supplemental excess policies. They get biometric fingerprints by the New York City Taxi & Limo Commission. There is a lot of misinformation about how long it takes to get a license. You have a son or daughter who is a college student and they are thinking about doing this and you say they need an insurance policy and that's complicated so I'm not going to do that. That's basically what they are up against (UBER & LYFT). They are trying to do these different things to ease the licensing process but there are ways that you and the PTC and anyone here can actually make it better. There are so many ways you can ease the process. They say it takes a month to get a license, that's not true. In New York City when I was there we reduced the timeframe to get a license to under two weeks for a taxicab and you could get it within 5-7 days. Criminal background checks can be turned around in 72 hours and once you have the background check, if you are arrested, the TLC gets a feed within 24 hours of what you were arrested for so that if we need to suspend your license we suspend it. There are probably too many regulations in general. The ones that they are trying to change are the ones that matter the most. The car working well, being inspected for safety and emissions to the environment; that the driver is safe and is not a murderer; that the insurance is going to be there to cover people who get injured – pedestrians, passengers or the driver. All the other issues are big as well, but those are the basics. Most people move into urban environments and by 20-30 years of age most will be living in cities. Because of technology we will have more and more seniors and more and more people who will need to get around, not driving themselves but being driven by others. Reform and accessibility needs to be moved to the forefront in the policy making discussion. We need to have wheelchair accessible vehicles and ways to get people around. These companies (the TNC) don't provide that service. In Seattle when the debate came down with the Mayor and the legislature they said we are not set up to provide wheelchair accessible service. We want the taxis to do that. We'll pay a licensing fee of \$400,000 and let the taxis do it. That's not necessarily the way. Why shouldn't people who are seniors and disabled have the same rights as you and I to hail one of these cars? Can you imagine telling a college kid that if you want to drive for UBER or LYFT that you have to have a car that has a wheelchair ramp that costs \$10,000-\$15,000 more than a taxi? The times are changing but these are big issues. The real issue is deregulation. Their business model is based upon less regulation than what we have and I am in the business, as well as my members, of regulation. I think there is somewhere in between that we're going to end up. It's not going to be

the new laws that are being created, I think a lot of those laws are going to be thrown out. At the end of the day there is a person taking a vehicle and paying money for it. It's no different. Just because you order a pizza with an app, it's still pizza. It's not any different. It's not innovative. The only thing that's innovative is the way of dispatching the call. The service is not innovative. The limos that are out there, what they've basically done in most jurisdictions is they exploited the loophole between taxis and limos. In California you have the California Public Utilities Commission and the Local Tax Regulators with a handful of inspectors for the state. Very little enforcement. They found the easiest way to basically engage in this for hire service was to use limos to provide more expensive taxi type demand service.

In terms of performing laws, there are a lot of loopholes here that I've seen. You have one county that regulates well and you have St. Petersburg. I was in SoHo the other night, I see what's happening with all the young people that would like to take these services. Let's make the regulations apply to everybody, but let's have regulations and let's make them apply in a way that all of the various counties in this regional center can have their flow of services from one to the other. There's a way in which you can structure a system like we have in New York for instance, where you can have reciprocity where the licensing requirements could be similar in all four counties and if you're in Pinellas you could actually be licensed to pick someone up in Hillsborough and come back. Each county can regulate point to point travel within their borders using their own permits but there are ways in which you could probably have better ease in transportation moving between the counties. It's been done in New York. We had a reciprocity law. There's also something known as the Ride Act which is a federal act that allows cars and limos to go between states. That's something you should probably look at.

Philip Morgaman stated his family is one of the principal owners of United Cab in Tampa for the last 28 years. He also spent six years on the Transportation Disadvantaged Commission in Florida and worked with other transportation companies in Florida. How many have ever used UBER? It's a cool app. I like it. The LYFT cars are really cute with their pink mustaches. If cool and cute were the sole basis for public policy or economic planning I think you should just pay by the door. There's more to this. We have to start with the definitional thing. I once was talking to a press advisor for a political campaign and one of the things they were advising candidates to do is first, not necessarily accept the premise in question. You had to say what you needed to say. The premise that these disruptive technologies would like to accept is that they are somehow something different, but they're not. That they are somehow a different form of transportation. If you actually break it down – I'm in the taxi business. I advertise to take people from point A to point B for a fare, they advertise to take people from point A to point B for a fare. My fare is computed based on time and distance, their fare is computed based on time and distance. Our drivers are independent contractors and many of them own their own cars, their drivers are independent contractors who own their own cars. I have to run a business that is in essence a transportation business and if I am a taxi company, then they are a taxi company. If they are a Transportation Network Company (TNC) I'm a TNC. I dispatch calls, they dispatch calls. It is the same function, they do the same things. The best thing I heard in Mr. Daus' presentation was, if you order a pizza by an app, it's still a pizza. That is true. There are public policy benefits in order to publically operate transportation companies and there are burdens placed on those transportation companies by those regulators. Where the comparison begins to fall apart is, I can take credit cards and they take credit cards but I also have to take cash, they don't. I have to accept the street pickup, they don't. I have to serve the entire Hillsborough County, they don't. I have to do the 24 hours a day, 7 days a week, they don't. I have to put my rates out there and come rain or shine, busy or not busy, poor or rich and everyone in between, I have to stick to those rates. When they get busy they can charge 10x their fare. In other fields like building supplies after hurricanes we have a term for that, we call that price gouging. But we're not allowed to engage in that because the public policy is not well served by it. These apps that they do are really cool. They set a new standard but industries react, competition occurs. If you were to pull up my company's app now you would see moving cars, running around, using GPS. You would have your credit card loaded in it. The only difference between that and the UBER app is that we look like taxicabs. Yes, that competition has to occur. What this company is, and it's underscored by the

fact that they submitted to regulation in New York because New York was too important of a market for them to ignore, is it's not that there's anything about the business methodology of these companies that is somehow mutually exclusive from the public policy and regulation. It's that they don't want people to tell them how to pick their drivers. And if anybody really believes that somebody sitting anomalously behind the computer screen and giving you a social security number is as good a means of telling who that person is as sending a fingerprint to the FBI then I have some bridges I can sell you. These people are funded with a lot of money and they know better, they just think you don't. What they really are is no more nor less than a giant "gypsy" cab company. They're a transportation operation who wants to operate outside the rules and to make their own rules and they try to change the law. I remember when I was in college during Watergate and National Lampoon published an album that was a comedy album about Watergate called "The Missing Whitehouse Tapes." They spliced pieces of the President and in one of them the President said, "if we do not like a law let us work to change it but let us not obey it until it has been changed." That could be UBER's slogan. Can you imagine any other industry where companies would tell their people that they were approved to disobey the law? Would tell them that we will pay your citation and hire lawyers to defend you? Would send out emails to them like they did in South Florida last week telling them how to cheat at the airports? Turn your phone upside down so it's not seen. Ask your passenger to sit in the front seat. Make sure you stay in the far left lane so they can steal the regulatory fees straight from the airport. Mr. Daus is right, regulation is an evolving thing. There's no excuse anywhere within your planning horizon to sanction operations that simply willfully choose to disobey the law. And the law varies with different areas within your purview. That's been the magic of transportation regulation on this level for a long time. There is an important policy flow here. We live in an environment that doesn't have perfect mass transit. 65% of our passengers are local, socially or economically disadvantaged. Only 35% of our passengers are business travelers. The 65% are people who depend on these vehicles to go to and from the grocery store, to and from the doctors, to and from their friends because the bus systems don't get them all that closely. Over 50% of taxis riders in Florida don't have a single major credit card. They are automatically disenfranchised by these companies because you can't use them without a major credit card. These regulations exist for safety – vehicle inspections, driver criteria, insurance. This new bill in Tallahassee talks about insurance including some sort of type of insurance that allegedly will only kick in when they have a passenger in the car. Think about that. It's one of those things that sounds really good from a policy standpoint. Taxicabs and limos have higher insurance costs because they have more accidents. Because they are on the road more hours. It's as simple as that. Hours of exposure on the road. In the United States an average taxi type vehicle whether it does or doesn't have a meter will have one accident or two accidents per year. Think of your private insurance if you had two accidents every year. Even in Tampa, which has a better safety record because of tight regulation and controls of who is behind the wheel, it's still one for one – one accident per vehicle per year. That doesn't mean there is always passengers in the vehicle. A vehicle riding through the airport or roaming the streets searching for fares presents just as much of a safety risk, whether it has a passenger or not. The only difference is if it has a passenger in it is that you have one more person that could be injured. The little girl that was killed by a UBER car last year in California was a pedestrian, not a passenger. Taxi companies and limo companies are required to have that insurance and they are required to have it 24/7 because they present a risk to the public 24 hours a day, 7 days a week. Private vehicles don't spend as much time on the road as vehicles in the transportation business. The requirement to serve all areas of the community is critical. One of things that the Public Transportation Commission in Hillsborough says is service lags in Ruskin or Plant City or somewhere else because there's an obligation to move everybody all the time. Taxis are not allowed to redline a neighborhood. These things are important because they are a link for the public. Even entryway regulation, it's never going to be profitable to serve the rural areas. It's never going to be profitable on a Sunday afternoon unless there's a big football game. But if you want service all the time you make sure there's a balance between supply and demand so that you don't just have crowded airport ramps and crowded hotel ramps and crowded convention centers. If you want to see what that's like all you have to do is travel to Washington D.C. get a cab in the government corridor – try going three blocks off and finding a cab.

The push in Tallahassee this year is going to be to exempt these types of vehicles in a guise of regulating them. But providing them a regulation that is so thin that it is a hope that there is a chance to deregulate them. The proponents of these things will say anything. Last year they tried to do it first by dissolving the Hillsborough County Public Transportation Commission and they are all about why should you have a state mandated commission run local politics. And they lost. So they went right away to Tallahassee and the very same people sponsored a bill to put regulation at the state. The champions of local rule are fine as long as local rule agrees with them. But when it didn't it got preempted to Tallahassee. They came back this year with this new network regulations and these insurance policies. I'm not saying to you that you shouldn't be open to figuring out how to incorporate new and innovative ideas in the system, you should. I'm not saying UBER is not welcome. It is. I'm not saying LYFT isn't welcome. It is. I'm just saying that anybody that comes needs to fit themselves within the regulatory system that exists.

Questions & Comments:

Councilman Fridovich: I lived in Myrtle Beach and drove a taxi. What's the reason for even having a UBER or a LYFT? You said there is a difference between what they can charge than a taxicab, then why even have those if you have taxicabs on the road?

Mr. Morgaman: I would agree. As I said, I think they're just another kind of taxicab driver that doesn't want to obey the rules.

Mr. Daus: With all due respect to the taxi and limo industries they aren't perfect. I think that the taxi industry in a lot of cities is not providing the best service and this all happened and started in San Francisco where there weren't enough cabs to serve the people, you have a lot of younger folks who were making a lot of money who can't get a cab. Unlike the limo industry the taxi industry companies don't share business in San Francisco and in a lot of places around the country so if you call a taxi company they will say there's no cab for 30 minutes, you're going to have to wait as opposed to the limo industry which the operating mechanism is, one limo company you call can't serve they will send their competitor who they have a contract with. It's all about the service and what they did, they realized that they have two separate systems of regulation which is complicated in California. Limos are regulated by the state with less regulation and Yellow Cab is regulated by the SFMTO. UBER realized that these people who want the service are well technological, what better way to dispatch than through an app; they can afford to pay 2-3-4 times the amount of the fare whereas other people, maybe in Oakland, can't. They also exploited the loophole between the California Public Utilities Commission and local tax regulation in L.A. and San Francisco. That loophole being – what's not to like about taking all these well-dressed limo drivers and having them pick you up with an app and provide taxi service? They basically stole the limo industry. I'm not saying it's a bad idea but there needs to be somebody at the top who brings order to the whole thing and has a level playing field.

Commissioner Starkey: I think technology has really disrupted a lot of things and I think it's all about being innovative with the things that you own like Air B&B (Be My Designated Driver). Now there are apps where you can rent your boat out when you're not using it. Rent your lawn mower out. You can rent out anything that you own. I don't think they are necessarily going after one industry, it's just technology is moving us faster than government can figure out how to get involved. In Pasco County we have no taxis. I don't know of anyone that's used UBER but my son, who lives in New York, he uses it all the time and told me to use UBER if you need a ride.

Vice Chair Brown introduced Kevin Thurman as the next speaker.

Chair Crist thanked Mr. Thurman for participating and stated he has had the pleasure of working with him in Hillsborough County for the last 4 ½ years. Mr. Thurman is a strong advocate for moving forward with transportation ideas to make the Tampa Bay area more mobile and has a thorough understanding of the issues and will offer a counterpoint and perspective that needs to be heard in this process.

Mr. Thurman said the counterpoints he will provide is one as a user as opposed to the industries overall. As government regulators and planners the number one question you have is how can we move people about? While the industries are important in our businesses and the jobs they create are important so if you have many different ways and quicker ways to move around that is the goal. The question we have to ask is, are we getting somebody to a meeting from the airport on time? Are we getting people to a planning council meeting quickly? Are we getting people to do business that makes things happen? Connect Tampa Bay is a grass roots transportation advocacy. We have a few thousand members throughout the Tampa Bay region and we heard a lot from our members on this topic. Our members are almost unequivocally for the ability of having more choices in transportation which is why I tend to be on the hot seat.

The reason why we are for it has more to do with the options of choice that they are looking for. I don't know if regulation is the solution or deregulation is the solution but the problem that they approached me with is that it is difficult to get a private vehicle. That it's something that this area while growing these urban areas and you look at downtown St. Pete, Clearwater, Dunedin, Tampa to places like Wiregrass and Plant City and Lakeland all have much more urban areas so the question is how do we move people around in those areas? We've been transit advocates for a very long time and we will continue to make that our number one priority but the question from our members is how to make sure they can get that access. An anecdote is – a few months ago myself and one other Tampa Bay member requested service from taxis and UBER, taxis first, from their apps and if taxis' didn't arrive within 20 minutes then we requested UBER and it was all done in Tampa. We only took taxis twice. We took UBER or LYFT 14 times. Every single time we ordered UBER or LYFT they were there within 10 minutes. From a user perspective this is a customer service problem. The taxi industry as they probably said, in terms of the amount of vehicles on the road, the cost to keep the vehicle on the road, the regulations should be able to serve the entire area, especially in Hillsborough County – but my problem is not with the industry UBER or the taxi industry. Our region needs to look at this as how we make sure we take advantage of options that are coming down the pike. Whether it's an app from a taxicab or an app from UBER the question is, can we get somebody from the airport to a business meeting in Pinellas and back without a lot of confusion. And right now we can't without expense, without time wasted. That's the question we have to ask. I talked to a number of people in the taxi industry who have ideas on how to solve that problem. UBER and LYFT have ideas on how to solve that problem. The key thing is we have to aggressively solve that problem because it is something the consumers and users are demanding. We can't just sit back and say to ourselves that we're not going to look at trying to solve this problem. That's the most important thing to walk away from this discussion, from our perspective, is that our users want the choice. In the absence of changes to regulations they're just going to demand that UBER and LYFT operate. This comes down to a question of being able to make sure that that service is provided. There's old regulations from the 1950s-1960s that we're dealing with. In Hillsborough and other places there's no regulation. I think the question that we have for the region is how do we come out on top? How do we move on from conversations related to legal to having conversations about getting that data and making it to our use? Data is being used in Boston and other cities right now. How do we make sure that it connects well with the other transportation investments that we're putting into our area? Those are the questions we need to move on to so that we can find the best user experience.

Councilwoman Rice: I wanted to say that regardless of your late entry to the conversation Mr. Thurman this is obviously been a lopsided conversation and I think that it's just as important to recognize that in the region Hillsborough County does have a different experience with this because of the taxi medallion system. The taxi medallion system is the way that you can regulate competition by limiting the potential new entrants into your industry so you have a long history of regulating new entrants within the taxicab industry, much less fending off competition from disrupters like UBER and LYFT. I really wish that representatives from UBER and LYFT had been here because the City of St. Petersburg had the opportunity to have all the players present for a workshop that I thought was very useful. We got the chance to hear a lot of good information from all sides and I think as public officials we all know how to discern what each groups self-interests

are and to separate some of the hyperbolae from the facts and information that's being told to looking at a solution to this issue. I will tell you that our legal staff and our administrative staff in St. Petersburg are working on drafting a final ordinance and meeting with the Mayor, Deputy Mayor and the Chair of the City Council this week. We should be able to present soon how St. Pete is starting to tackle this issue. Incidentally I understand the State of Virginia just passed a law legalizing UBER and LYFT and I'm not familiar with all the details of the Virginia law but it reflects the fact that we have to have new laws that account for public safety, levels the playing field and some important issues dealing with insurance and inspections. I think it's important that we keep an open mind, that we look at ways to ensure safety, that we provide more transportation options and that we forward ourselves regionally as leaders who are pro-business and we have a reputation for reasonable regulations. I wanted to share what St. Petersburg is doing and the fact that there are some counties in this room that don't have quite the same conflicts maybe that Hillsborough does and I feel like the conversation so far as reflected respectfully how Hillsborough is going to have a tougher time.

Vice Chair Brown: Certainly the way that our region is made up causes some specific challenges because rarely do you pick a cab up in Clearwater and not leave Clearwater or going to a different jurisdiction and that proposes a lot of challenges with Hillsborough having one set of rules, potentially St. Petersburg, and every municipality could have their own set of rules and it affects the cab company and certainly it affects UBER as well.

Councilman Hamilton: I'm very disappointed to a degree that Pinellas County doesn't already have county-wide regulation of their taxis. I have no issue with competition. My question for Mr. Thurman is, why are you or why is UBER or LYFT and those alternative services so adverse to having commercial insurance? Technically when you get in a second party vehicle everybody operates under the assumption that they are insured. If there is an accident that the person operating the vehicle has you covered whereas in Clearwater specifically we have people who slap a sign on the side of their car with a cell number on it calling themselves a taxi and people actually call that number. You get in that car and you have no coverage whatsoever if there's an accident because their insurance company won't cover it. With tourism being our number one industry we should not be putting anybody in that situation. Regulation from the top for all the companies (UBER, LYFT, and taxi companies) is imperative. My question is, Mr. Daus talked about reciprocity and I think that's something that we need as a region. If we had regulations in Pinellas County I think you would see the two entities looking at each other and saying, if you're going to say I can't pick up a fare at Tampa Airport and live in Pinellas I'm going to say you can't bring one from the airport to Pinellas but you can't pick one up going back. Now let's work together and let's have reciprocity. How do we address that and how do we get there?

Mr. Morgaman: One of the things I always liked about local regulation in transportation is just that – it was local. We didn't try the one size fits all. Local communities could decide what serves their means best but there are regional concerns too. I actually had proposed among the industry, and I still think it's a good idea, I agree with you – Pinellas County is of a size that a system of county-wide basic regulation in Pinellas County of some kind would be good. Once one was established it would pave the way for that body however it was done. It doesn't have to mirror what's done in Hillsborough. Let Pinellas create its own solution. But things like Interlocal Agreements that govern reciprocity can be devised in that format. You're right, there is a need to address those things and there's no reason not to. The problem right now is there really isn't a counterparty to do that with. Were there a counterparty of some kind in Pinellas to do that with certainly I think that's something that would have strong support from the industry on both sides of the bay.

Councilman Hamilton: I'm sorry Commissioner Long from Pinellas County is not here today because I think this is something that needs to be addressed and the commercial insurance – everybody that gets in a second party vehicle for transportation, a for-hire vehicle, should have insurance coverage in case there is an accident.

Mr. Thurman: I don't represent UBER or LYFT and I have no ability to bring up any data. They have problems and I openly acknowledged that in multiple meetings. But so does the taxicab industry and they're not making movements to do that. We have to meet in the middle. We can't keep this as a stand-off where you have one side saying they're not going to see any evaluation to the property that we have even though technology is making it less valuable every day. Until we fundamentally address that issue we can't have reciprocity. What you're essentially saying is those medallions will mean less money because now people can pick people up from the airport and take them over to Pinellas County. If you are going to do that they are going to say they have a problem with that because now the medallion is worth less money unless there is a similar medallion system in Pinellas County that they can invest in. Until we have a better understanding of what the economics are to regulate it – everybody here, Council members, leaders, it's your job to say to UBER and LYFT yes, you need to do this. But it's also your job to recognize that your users and your citizens are set somewhere in the middle of this conversation and we have to had this conversation pretty much since Connect Tampa Bay started 2 ½ years ago. We have to get outside of this box and this conversation to a point. But we are probably not going to see them move from their negotiating position and this will end up in court. That's where this is headed. Unless we get ready for the fact that it's going to be there and we want to come out of it in a different way. Even if they pass the state law it's going to end up in various different ways. They're not going to give up their negotiating position right now. That's not good for the user either. It's a complicated situation in that we are dealing with two industries – one that is overregulated and one that is under-regulated and yet they operate in the same space.

Councilman Hamilton: Are we or are we not putting people at risk when they get in a UBER vehicle where the driver has insurance on that vehicle as a personal vehicle and not commercial? I've never used UBER but my son uses it quite a bit in Texas.

Mr. Thurman: There's nobody sitting around saying they are operating within any legal framework that allows that to happen right now. They don't even say that. They say they have insurance that covers that and so therefore I can only say what they say. As far as I understand it if there's a gap it only exists when the driver is driving and there's nobody in the car. My concern is that we're having a conversation about insurance and money when we should be having a conversation about the fact that yes, something could happen.

Mr. Schock: There are some concerns that have been raised, one around regulations of ride-sharing companies like UBER and LYFT have come up with something and their apps, in my opinion, work better. There are apps like Yellow Cab and it works. You can hail a cab, you can call for a cab for pick up, you can get a fare estimator. It's not as easy to use. I can't submit feedback, I can't see the driver's ratings are. There are some really innovative things that they are doing so to say that they're not doing anything new is really not legitimate. They have done something really innovative and that's why they're gathering the market share that they are. I'm concerned as well over the fact that those companies like UBER and LYFT don't require the same level of commercial insurance. That should be something that should be pretty easy with some basic regulations as Councilman Hamilton mentioned and that they have criminal background checks that meet certain stipulations. Whether those are done by the government or private sector, that they meet a base line standard. Some of those things are really big issues. Vehicle inspections, what that means, how much does that cost per month or per year? I've taken plenty of cabs in Tampa, in Washington D.C., in New York that I'm amazed that the wheels stay on the vehicle and yet somehow that passed a vehicle inspection. I've sat down at the PTC when we've been re-certifying a driver that's applying for re-application only to find out that his new background check, not the one that was done before that allowed him to have his original license, and he was convicted by heroin trafficking back in the 70s. I think there are holes in all of these potential regulations. He didn't get re-certified when it came out that he had a heroin trafficking conviction. My concern is this, that we are creating a marketplace. We have a cap on 800 licenses. I know United Cab has 300 vehicles in their fleet. Yellow Cab has over 250 vehicles in their fleet. That's almost 70% of the entire marketplace. How often do licenses become available to purchase? What's the cost inhibitor to do that? Are we

limiting the marketplace to do that? The public transportation cannot provide the level of service that's really needed on an on-call basis for elders, parents, someone that's needed on a cost protective basis. Costs them roughly \$78 to obtain an \$8 fare. The regulations that are in place now restricts competition, restricts any kind of price incentive to ensure it limits the supply that's in the marketplace and in doing so what we've met with an innovative solution that can't break in to the marketplace because we've capped it out and those certificates aren't becoming available either. I think we have to find some common ground here around the regulations that are really necessary as well as looking at what the restrictions are in the marketplace, what restrictions are in the existing regulations that may be difficult for a company to create an innovation solution and bring it to market.

Mayor Lowe: I would like to echo what Councilwoman Rice was saying because I do think that there is an element here that we aren't talking about and that's the competitive advantage that UBER and LYFT have and I think there is also a mindset that we haven't discussed about why are they even competitors with local taxi companies in this regard. I'm going to speak as a user. There have been several comments "my children use this" but "I don't" and I think it's a generational difference here. The first is responsiveness. Mr. Thurman talked about that when he talked about going out and doing the test on how quickly you get a response from a cab company as compared with UBER. It is astronomically different. Immediately you have responsiveness. The second part of that is it's a total mentality. Last month when I went to Denver I could get to UBER, I could specify that I wanted a 4-wheel drive vehicle with snow chains and my driver having experience in the mountains because I needed to get from Denver to Breckenridge. I didn't have to think about what cab company I was going to call when I got to Denver because I was going to use UBER and on Friday when I fly to Paris and I get to Charles DE Gaulle Airport I'll pull up UBER again because I need to get to Normandy. I have a global taxicab company by using that application and I don't care whether they have Interlocal agreements because they're signed on through one app in one way. I don't think any further than that when I need to get somewhere. So you have a global mentality, you have a nationalized mentality that's really overarching what two counties are doing, what two states are doing. You have a system that has risen above all of that through this application because it's on an application technology platform website. There's also the mindset of live, work, play. I want to be able to get somewhere quickly. I don't want to own my own car so therefore I'm going to use somebody else's car and if I have the choice between public transportation outlets, which one am I going to do? I'm going to use the one that has the best rating. The reason it has the best rating is because it's just like YELP and the impact it's had on the local dining markets. You have self-monitoring because your customers are immediately giving you ratings so I'm going to choose the drive that has the best smelling car, that makes me feel good when I get in that car, that I'm not going to get creepy bugs getting out of it and I'm going to use them again and again. I think that is what rises well above just a hip, cool app. I want it to be there when I need it, I want a good experience with it, and if I pay a little bit more for that then I'm going to. I think the other portions that we're talking about are very legitimate regulatory considerations and that would be safety, ADA compliance, and insurance but I think that there are healthy ways to regulate that without stymieing the competitive advantage that's being created in a really capitalistic environment. I think it's really cool to pay the college kid who is out there driving his car trying to make money and put himself through school. That's the other part I experienced with UBER and LYFT. Again, I think those are ways to think about it and we have ways when we do land development to incentivize urban housing. The people who come in and want to develop, they aren't going to go and build urban housing but they're going to pay an element to Pinellas County in order to supply a system of urban housing. Is that something we could look at if UBER or LYFT are going to work in our environments and market, they pay a penalty. They don't have to have ADA compliance, but they pay something toward the county to help us be able to provide ADA compliance. Is there a nationalized, globalized insurance policy? If anybody is in insurance, whoever comes up with that idea first to provide that is going to make a billion. That creates a burden on the insurance company to be able to provide that insurance, and again, that way of promoting competitive advantage in the capitalistic marketplace.

Mr. Thurman: In New York, after they allowed UBER and LYFT to operate, right now they don't pay a fee towards the MTA but taxicabs do. It's six million dollars a year. It's not going to make a huge dent. I think one of the things we need to look at are solutions like that, paying a more significant fee on a yearly basis to be able to subsidize the existing industries' ability to bring ADA. I don't know if that will work but that's the kind of idea that our users tend to look for when they try to figure out what's going on.

Vice Chair Brown: We need to vote on two items while we still have a quorum.

Taken out of order:

3. Consent Agenda - Chair Crist

A. Budget and Contractual

1. FRCA Statewide REMI Model Maintenance

The Tampa Bay Regional Planning Council has received the new maintenance and technical support contract for the statewide version of REMI Policy Insight from Regional Economic Models, Inc. The contract will begin on March 25, 2015 and run through March 24, 2016 at a cost of \$37,513. TBRPC owns this version of the model separately from the Council version to allow all RPCs in the state to have REMI. \$18,513 is for the annual data and licensing while the balance is for the other RPCs to receive secondary user licenses and unlimited technical support from REMI staff. All costs are paid by the RPC secondary users, not TBRPC. TBRPC has been a REMI user since 1999 and continues to provide technical support and assistance to the Council's members, economic development organizations, the business community and others. The REMI model can be used to forecast the economic and demographic effects of policy initiatives. Policy Insight answers the "What if...?" questions concerning regional and local economies. Any type of policy that influences economic activity can be evaluated including economic development, transportation, energy, environmental, and taxation.

Action Recommended: Authorize the Executive Director to sign the Annual User Agreement for Software Licensing and Services.

2. Investing in Manufacturing Communities Partnership

TBRPC is once again partnering with Southwest Florida Regional Planning Council and South Florida Regional Planning Council to seek IMCP designation. Current proposals are due April 1, 2015. Last year TBRPC in its capacity as an Economic Development District (EDD) partnered with SWFRPC and SFRPC to submit the I-75 Medical Corridor Initiative for regional designation under the U.S. Economic Development Administration's (EDA) Investing in Manufacturing Communities Partnership (IMCP) program. Staffs of the three RPCs are working to improve our proposal for submittal. SWFRPC is the lead applicant and TBRPC is participating under an memorandum of understanding.

Action Recommended: Authorize the Executive Director to enter a Memorandum of Understanding with SWFRPC and SFRPC for the purposes of seeking IMCP designation.

B. Intergovernmental Coordination & Review (IC&R) Program

1. IC&R Review by Jurisdiction – February 2015
2. IC&R Database – February 2015

Action Recommended: None. Information Only.

C. DRI Development Order Reports (DOR) – None

D. DRI Development Order Amendment Reports (DOAR)

Due to statutory and contractual requirements, the following report has been transmitted to the State Land Planning Agency and all relevant review agencies in accordance with Rule 29H-1.003(3), F.A.C.:

DRI # 233 – Connerton, Pasco County

Action Recommended: Approve staff reports

E. Notice of Proposed Change Reports (NOPC) - None

F. Annual Report Summaries (ARS) / Biennial Report Summaries (BRS)

1. DRI # 119 – Northwood, RYs 2012-14 BRS, Pasco County

2. DRI # 166 – Wesley Chapel Lakes, RY 2013-14 ARS, Pasco County

Action Recommended: Approve staff reports.

G. DRI Status Report

Action Recommended: None. Information Only.

H. Local Government Comprehensive Plan Amendments (LGCP)

Due to statutory and contractual requirements, the following reports have been transmitted to the State Land Planning Agency and the appropriate local government in accordance with Rule 29H-1.003(3), F.A.C. No Report is prepared for adopted amendments that do not require Council comments.

1. DEO # 15-1ESR, Pasco County

2. DEO # 15-1ESR, City of Seminole

Action Recommended: Approve staff report(s)

I. Local Government Comprehensive Plan Amendments (LGCP)

The following report(s) are presented for Council action:

1. DEO # 15-3ESR, Pasco County

Action Recommended: Approve staff report(s)

Motion to approve the Consent Agenda. (Nunez/Black) Motion approved unanimously.

D. Medical Tourism Request for Proposal

Action Recommended: Authorized Executive Director to issue an RFP to select a medical tourism consultant. (Dodson/Boss) Motion approved unanimously.

Continuing with the Panel Discussion:

Mr. Diaz: Mr. Thurman was talking about market-driven, it's definitely market-driven and I think there's a fine line. You have a market that wants to go one way but there has to be some regulation, and you have the private industry. UBER is a recent phenomenon. Where I grew up if you had a buddy you gave him \$10 to drop you off in New York City. Right now, as you know Mr. Daus, in New York right outside the George Washington Bridge there are private cars. People that are going to drive into New York will park their cars and people will knock on the window to share a car and pay the toll. People are going to find ways and I think UBER has formalized it. Now you have this ugly bear that's infringing on your business Mr. Morgaman and like you say, everybody is welcome but it's got to be a level playing field, which I 100% agree with you. It's only fair if any company is taking money out of your pockets. My question to you Mr. Morgaman is, what are you doing differently to compete in this new industry? What if Tallahassee comes in and says, you are free to do what you want? You provide a very valuable service and your service basically is, you can go to the public and say your car is insured, all my drivers have the FDLE checks, I have full insurance. You have been like this for 28 years. I for one, where UBER may be convenient if you're in Paris or in Colorado Springs, there has to be something to say for dealing with the local business. There are advantages for your industry.

Mr. Morgaman: All transportation is an evolving thing. I don't know how it is that in some of the comments the taxi industry kind of got pushed into a box here. We hate all things UBER and we're out for stymieing competition, that just isn't true. The reality is that, for example, apps have gotten better as a result of the technology and investments have been made in order to be competitive. All I'm saying is there is an innovative way to do this. The point I was trying to make is the way is not to allow an 800 lb. bully with a \$40 billion market cap to simply walk in wherever it wants and say they aren't going to obey the laws that everybody else has to. That they don't change into legitimate public policy today. None of the rest of us are allowed to simply defy the law because we want to. The 55% of our riders who can never use an UBER or a LYFT because they don't have a credit card, they have to depend on something too. For a public policy standpoint, you have to decide what it is you want. Our phones flood on a rainy day. That's a given in the taxi industry. Do you really want us to be allowed to charge every elderly person ten times the fare on a rainy day when they are picked up? If you want to then let us play under the rules UBER plays under and we will do that. I don't think that's good policy. Maybe the debate is companies that don't want to do all those things like UBER or LYFT should pay some sort of penalties to the government and maybe companies that do those things should fall into a different category and be subsidized for doing that. In which case you invent a new version of doing this. But you can't have a meaningful dialogue to actually do that. If one of the two parties to the dialogue simply says, pass the law my way and if not I'm not going to obey it anyway.

Mr. Thurman: I have an area of real fear about UBER and that is their \$80 million market cap. I have a fear that one day I'll walk out and my only option is UBER and that is something incumbent upon you to. We can't only have one option. This can't become one situation to another. I guarantee you by the laws of economics UBER will very quickly become every single thing you don't want in a transportation company. I think the key thing is, how do we create a regulatory fair competition? That's the question Mr. Morgaman is asking, that's what I'm asking.

Mr. Daus: I don't think this is a lop-sided debate to be honest with you. There's not much that Mr. Thurman has said that I disagree with. I think on this responsibility the government has to understand and draw the line between what someone is willing to take in terms of a risk as opposed to what you feel is your obligation as government to protect them from themselves. I hear this argument all the time from my students who feel that if I want to take a car I have no problem with doing that, just give me a notice and explain to me that yes, these are all risks of what I'm doing. That there's not the best background check, the insurance could have issues. Yes, we could do that but then it's not a victimless crime. When someone gets into an accident in a car it's not just the person who is a passenger, it's the driver, it's other drivers, other pedestrians, other passengers. I think we need to draw a line here and I think Mr. Morgaman had a good point, there may have to end up being some subsidy. Part of the para-transit system is incapable of operating for profit just like mass transit is and we are actually a debate on this MTA tax in New York. The taxis have been subsidizing their competition. I'm looking at this objectively and as fairly as I can with my ultimate bias being that yes, I am a full regulator. There's a middle ground somewhere. San Antonio found it. The Mayor pushed back and said, I'm not in the business to make profit for you UBER. That's not my job. But I'm going to have background checks and vehicle inspections and insurance like everyone else but loosen the other restrictions. That's probably where we're going to end up at some point and I believe you're right, there's a generation of people who don't care. If I didn't know what I know I wouldn't care either. But that's what people want and we should give them what they want and figure out a way to do it and there are arguments on both sides. The government is going to be somewhat held accountable because we live in America with constitutional protection by taking care of the medallion system. It's not these people that made the medallion system, they bought something. Could you imagine going to your constituents and telling them we want to have a housing competition. We're going to take your house away from you, but you're not going to be paid for eminent domain compensation. That's kind of what's happening to those folks. We contemplated this in New York City before I became Commissioner. The legal answers, you have to buy the medallions back. They may not be worth much anymore but there is some value that

somebody paid for something, operating under a system, and that is worth something. So on both sides of it there has to be some way where everybody can live in between, but under one set of rules.

Commissioner Crist: I want to thank our panelists for being here today. The purpose for doing this was to not call for a vote or take a position, but just to bring this issue to this group. There's a representative from every city and every county in our jurisdiction here and this is an emerging issue that we're all going to have to deal with. It's important that we begin to look it at, try to understand it, listen to the pros and cons, look at what the issues are involving around it, and as it moves forward you may want to read this again at some point. I think this was a good start. I wish that UBER and LYFT would have been here, I think they would have found a welcoming environment where they could have spoken freely. Again, I passed the gavel because I do Chair the PTC in Hillsborough County and I have been sued by both in court and am currently being sued. Good discussions and good dialogue is best for everyone and I think today we did that.

7. Council Members' Comments - None

8. A. Legislative Committee – Commissioner Black, Chair

On February 3rd Ron Book met with Governor Scott and Senator Simpson regarding SB484. In your folder is the follow-up letter to the Governor along with a copy of SB484.

Currently, SB484 is now in the Community Affairs Subcommittee on Transportation, Tourism and Economic Development. The companion bill, HB873 by Representative Mayfield is now in the Economic Development and Tourism Subcommittee.

The working group which was comprised of two staff members from each of the following: the Senate, the House, the Governor's office and the RPCs, met last week to review RPC statutes and boundaries. As a result of this meeting a strike-all amendment for SB 484 was filed on March 5th. This draft bill is scheduled to be heard in Committee tomorrow afternoon at 1:30 p.m. We have placed a copy of SB 484 in your folder. One of the most significant provisions in the bill is the proposed RPC boundaries on page 5. Another important provision in this draft is on page 21 regarding funding for the Regional Planning Councils.

Also, in your folder is the FRCA Legislative Highlights report and the bill tracking report which includes several bills which may be of interest to our membership.

- SB 86 relates to the medical tourism statewide marketing plan.
- SB 392 relates to enterprise zones.
- SB 551 requires local governments to address Protection of Private Property Rights in the Comprehensive Plans.
- SB 562 and HB 579 requires large developments that qualify as a DRI follow the State Comprehensive Review Process.
- HB 895 creates the "Florida Flood Insurance Reform Act" which specifies elements to be included in the Coastal Management element of the Local Comp Plans.

B. Agency on Bay Management (ABM) – Mayor Minning, Chair

The Habitat Restoration Committee of the ABM met jointly with the Tampa Bay Estuary Program Technical Advisory Committee on February 12th. A summary of that meeting was in the Council agenda packet. A full agency meeting will be held on March 12th at 9:00 a.m.

C. Local Emergency Planning Committee – No Report

9. Other Council Reports - None

10. Executive/Budget Committee Report – Chair Crist – No Report

The next meeting will be held May 11th at 9:00 a.m.

11. Chair's Report

We had talked earlier about collecting ideas from each member of best practices that you experimented with that you think would be a good idea to share. Please submit to Manny before the end of the month so we can pick out six good ones to bring before you over the next nine months. The purpose is to try and share best practices through ideas.

12. Executive Director's Report – Mr. Manny Pumariaga

The Future of the Region Awards Luncheon will be held on March 27th.
The FRCA Activity Report was distributed in Council folders.

Next Meeting: Monday, April 13, 2015 at 10:00 a.m.

Adjournment: 12:04 p.m.



Victor Crist, Chair



Lori Denman, Recording Secretary