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Date January 14, 2013

REVIEW OF APPLICATION BY EXECUTIVE EXPRESS TO INCREASE THE NUMBER OF LIMOUSINES OPERATED UNDER THEIR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE A LIMOUSINE SERVICE IN THE CITY OF DES MOINES FROM THREE (3) LIMOUSINES TO FIVE (5) LIMOUSINES

WHEREAS, Section 126-62 of the Municipal Code of the City of Des Moines, Iowa, forbids the operation of a limousine as defined under the limousine subchapter of the municipal code (Article IV of Chapter 126) as a vehicle for hire upon the streets of Des Moines without obtaining a certificate of public convenience and necessity; and

WHEREAS, Executive Express, 3358 Southway Drive, St. Cloud, Minnesota, has filed an application requesting permission of the City Council to increase the number of limousines operated under their Certificate of Public Convenience and Necessity to Operate a Limousine Service in the City of Des Moines from three (3) to five (5) limousines; and

WHEREAS, pursuant to Section 126-64 on December 17, 2012, by Roll Call No. 12-1929, the City Council has fixed this date as the time and place for a public hearing on the matter of the application; and

WHEREAS, Section 126-65 provides if this Council finds at the conclusion of such public hearing that limousine, or further limousine, service in the City of Des Moines, or between any point or points in the City and elsewhere, is required by the public convenience and necessity and the applicant is fit, willing, and able to perform such public transportation and to conform to the provisions of the subchapter, then the Council shall direct the City Traffic Engineer to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under said certificate and the date of issuance; otherwise the section provides the application shall be denied; and

WHEREAS, Section 126-65(a) provides that in making the findings of subsection (b) of said section, this Council shall take into consideration the number of limousines already in operation, whether existing transportation is adequate to meet the public need, the probable effect of increased service on local traffic conditions, and the character, experience, and responsibility of the applicant;

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

That the hearing is hereby closed and the application is granted or denied, as the case may be, as set out in the next paragraph.

_____ Alternative One: That the application to increase the number of limousines operated under their certificate of public convenience and necessity from three (3) to five (5) limousines be approved and hereby granted and the City Traffic Engineer is directed to issue a certificate stating the name and address of the applicant, the number of vehicles authorized under the certificate, and the date of issuance, it being the finding of this City Council of the City of Des Moines that such service is required by the public convenience and necessity and that the applicant, Executive Express, is fit, willing, and able to perform such public transportation and to conform to the provisions of the subchapter, all as shown by the evidence brought forth at the public hearing;

or

_____ Alternative Two: That the application by Executive Express to increase the number of limousines operated under their certificate of public convenience and necessity from three (3) to five (5) limousines be hereby denied it being the finding of this City Council of the City of Des Moines that such service is not required by the public convenience and necessity, and/or that the applicant is unfit to perform such public transportation and unable to conform to the provisions of the subchapter, all as shown by the evidence brought forth at the public hearing.

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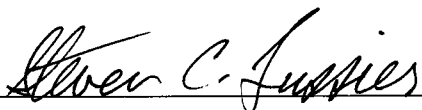
Date January 14, 2013

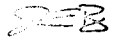
BE IT FURTHER RESOLVED that upon adoption of Alternative One (to grant the request to increase the number of limousines from three (3) to five (5) limousines, the City Traffic Engineer is hereby directed to issue a certificate to Executive Express stating the name and address of the applicant, the number of vehicles authorized under said certificate, as set out in the application, and the date of issuance.

(Council Communication Number 13-012 Attached)

MOVED BY _____ to adopt.

APPROVED AS TO FORM:


 Steve Lussier
 Assistant City Attorney



COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED

 Mayor

 City Clerk

January 11, 2013



The Honorable Mayor
and
Members of the City Council
City of Des Moines

RE: Current Limousines Operations

Dear Mayor and City Council Members:

On December 17, 2012, the City Council posed a question to staff about current limousines operations in the City of Des Moines. There are currently 11 companies that have certificates of public convenience and necessity to operate limousine companies in the City. Under these certificates granted by Council, there can be up to 78 limousines operating in the City at one time. In addition, to the certificate of public convenience and necessity, each limousine company must also obtain an individual annual license for each limousine in operation. The total number of individual annual limousine licenses issued for 2013 is 61. The difference comes from some companies that have "cushion" in their certificate so they can increase their number of vehicles operating on street without having to go back through a lengthy process every time they want to add one new limousine to their fleet. The lowest number of limousines currently operated by a limousine company is two and the highest is 22.

The daily operation of limousines when transporting passengers varies from that of taxicabs. Limousines shall charge an hourly rate of not less than \$35/hours and a minimum of one hour must be charged for each trip, even if the trip requires less than an hour. This minimum trip rate does not apply when the operator has entered into an agreement or contract with a certain business, like an area hotel, to provide transportation service on a pre-arranged basis to pre-determined destinations. Limousine service cannot be booked less than one hour in advance, except for contracted services. The hourly schedule of rates that is charged must be on file with Traffic and Transportation, and limousine drivers are not allowed to solicit passenger's curbside or cruise for passengers.

Taxicab service can be booked on demand, on short-notice, through a central dispatch service or arranged curbside at a cabstand. Taxicab rides can be of any duration and there is not a minimum trip length requirement. The cost for each ride is calculated using a taximeter.

The difference in operations makes it difficult for limousines to compete with taxicabs in daily operations when the trip is of short duration, i.e. less than one hour. The cost to the passenger would often be more to take a limousine than to take a cab. The only exception to this would be a contracted service that a hotel may have pre-arranged for their patrons to provide transport to places like the airport.

To date, no other limousine companies have made statements to the City that they feel the market is saturated in the Des Moines Metro Area.

Sincerely,

 A handwritten signature in black ink, appearing to read "Richard A. Clark".

Richard A. Clark
City Manager

cc: Jeb E. Brewer, P.E., City Engineer
Jennifer L. Bohac, P.E., City Traffic Engineer