

MEMORANDUM OF UNDERSTANDING FOR ROUTE TAXI ASSOCIATIONS

THIS MEMORANDUM OF UNDERSTANDING is made the _____ day of _____ **2010** **BETWEEN THE TRANSPORT AUTHORITY** with offices situated at 119 Maxfield Avenue, Kingston 10 in the parish of St. Andrew (herein referred to as “the TA”) of the **ONE PART** and _____ (herein referred to as “the Association”) an Association registered by the Companies Office of Jamaica with offices at 1 Grenada Way, Kingston 5 or by the Department of Cooperatives and Friendly Societies with offices at 2 Musgrave Avenue, Kingston 10 _____ of the **OTHER PART** referred to jointly as “the parties”.

WHEREAS:

1. The Transport Authority by virtue of the Transport Authority Act (Section 4) is designated to regulate and monitor public passenger transport throughout the island and to perform such duties as immediately prior to the 8th day of July 1987 were required to be performed by the Licensing Authorities under the Road Traffic Act, the Public Passenger Transport (Corporate Area) Act, and the Public Passenger Transport (Rural Area) Board of Control.
2. The Transport Authority is desirous of having an organized system within which route taxis are expected to operate.
3. The route taxi operators, in their best interest, are also desirous of having an organized system and have consequently formed themselves into a number of Associations to be registered as not for profit organizations/associations.
4. And whereas Associations were formed to serve the sole purpose of facilitating & streamlining taxi operations within each parish.
5. And whereas Route Taxi Associations, in their best interest, are also desirous of having an organized system and have formed themselves into a number of Umbrella Taxi Associations focused on overseeing and administering the general operations of their members.

IT IS HEREBY AGREED THAT:

- 1.1 The Transport Authority shall officially recognize each Association upon their successful application to the Authority and their meeting specific criteria as enumerated subsections 1.2-1.4.
- 1.2 Every Association shall be duly registered as a not for profit association and a Certificate of Registration shall be submitted to the Transport Authority.

PRESCRIBED STRUCTURE FOR EACH ASSOCIATION:

- 1.3 Every Association shall have an executive body which shall be comprised of not less than seven (7) persons including the following executive officers:
- President
 - Vice President
 - Secretary
 - Treasurer
 - Assistant Treasurer, and
 - Two (2) Co-opted members

The list of Executive Officers shall be submitted to the Transport Authority by the first working day of the calendar year, annually. The Authority shall also be advised, within ten (10) working days, in writing of any changes to the Executive during the year, and new executive members shall meet the requirements set herein.

- 1.4 No person shall be appointed to be an executive officer of an Association if he/she:
- Was a member of the executive of a delisted Association (at the time of delisting,)
 - Is a delisted member of an Association
 - Is convicted and sentenced
 - Becomes bankrupt/ or is a Director of a Bankrupt entity

OPERATIONS OF TAXI ASSOCIATIONS

1.5 A list of persons authorized to sign on behalf of the Association, along with certified copies of their signatures and one (1) passport size photograph certified by a Justice of the Peace (in the parish of residence), must be forwarded to the Authority as a prerequisite for conducting business with Associations. Associations shall submit the foregoing by first working day of the calendar year, annually.

1.6 (a) All Associations shall operate from a business office with scheduled opening and closing hours of 8:30 a.m. to 4:00 p.m. Mondays to Thursdays and from 8:30 to 3:00 p.m. on Fridays. Information related to its location and contact information is to be sent to the Transport Authority.

(b) Any changes in address or contact information shall be submitted to the Transport Authority within 10 working days.

1.7 Each Association shall abide by the Code of Conduct and Operational Standards for Taxi Associations developed by the Transport Authority in consultation with the Associations (see appendix 1).

1.8 (a) Every Association shall maintain proper records of accounts and a register of its members. Associations shall ensure that all owners and operators (drivers) are registered with the Association. Registration as a driver shall be contingent on provision of a valid

Public Passenger Vehicle Driver's Licence, Transport Authority Badge, and approval by Insurers.

(b) Upon registration all drivers shall be provided with a Taxi Association Identification Card. A current list of members and drivers must be submitted to the Transport Authority by the first working day of the year, annually. Associations will ensure that owners of vehicles provide notification of change of driver to the Transport Authority within five working days.

(c) Where a road licence or drivers/conductor badge for a route taxi operator has been suspended or revoked the Transport Authority shall advise the Umbrella Taxi Associations which shall take the necessary steps to ensure their members are duly notified. Any Association which registers this individual, knowing that he/she has been barred commits a breach of this Memorandum of Understanding and shall be subject to de-listing.

PROCESSING OF ROAD LICENCES

1.9 The Transport Authority's fees payable for a route taxi licence shall not be paid to any Association and any Association guilty of collecting such fees shall be guilty of fraud. In the case of renewal of licences the Authority will provide the Association with bank vouchers to be used for the payment of all the Authority's fees. The Association shall issue to the applicant the bank vouchers and application forms. The applicants shall take the vouchers to any branch of the National Commercial Bank and pay the requisite fees. Completed application forms and vouchers are to be submitted to the various Associations and proof of receipt of the applications and vouchers shall be given to the applicants. Each Association found collecting the Transport Authority's fees for route taxi licence commits a breach of the MOU and shall be subject to de-listing.

1.10 All applications received by the Associations shall be submitted to the Transport Authority no later than five (5) working days after receipt of relevant documents from the operators. Every Association shall issue a stamped receipt to each member in respect of each road licence application received. Every application received shall bear the date received by the Association, the stamp of the Association and the signature of two members of the executive.

MEMBERSHIP

1.11(a) An operator shall be eligible for membership in any Association of his/her choice subject to the condition that the Association must have jurisdiction for the parish in which the route originates. No Association's authority shall be broadened to incorporate island wide operations; this shall be limited to one Parish. No Association shall establish chapters within a parish or nationally. Each Association which operates in contravention of the above commits a breach of the MOU and may be subject to de-listing.

(b) The Transport Authority shall, as the need arises, prescribe conditions for governance of Associations. These conditions may also be prescribed by a special committee comprising representatives of Umbrella Taxi Associations and the Transport Authority including but not limited to the following:

(i) Each Association shall have a minimum number of one hundred (100) members and a maximum of six hundred (600) members for Associations save an except for those associations already in existence at the coming into force of this MOU.

(ii) If at any time the membership exceeds the maximum limit set by the Transport Authority, the Association must advise the Transport Authority of the steps to be taken to ensure membership' needs are adequately addressed. Additionally, if an Association's membership falls beneath the required numbers of individuals, the Association shall within twenty (20) working days, request a meeting with the Transport Authority and Umbrella Taxi Association and may be subject to de-listing. Where an Association's membership falls beneath the required number, the matter will be referred to a special committee comprising representatives of Umbrella Taxi Associations and the Transport Authority.

(c) Where the need arises for new Associations to be formed, a written request must be submitted to the Authority providing evidence that an Association is required. The Transport Authority will assess the need and determine whether or not the need exists.

1.12 (a) No Association shall accept into membership any person who is a member of another Association. Members who wish to transfer from one Association to another are required to resign in writing from an Association. A copy of this resignation letter, bearing the stamp of the original Association shall be forwarded to the Transport Authority with the member's licence application. Transfer request should be considered by the Association within seven (7) days of receipt of document by the Association. Any disagreements regarding processing time should be referred to the special committee comprising of Umbrella Taxi Associations and the Transport Authority.

(b) No member who has obtained a transfer should continue to display the logo and wear the uniform of the previous Association. The Association to which the member is transferred should ensure that these emblems are no longer used.

(c) If a Route Taxi Operator wishes to surrender the Road Licence, all related markings/signs or other emblems which are used to distinguish Route Taxis, must be removed (stripped) from the vehicle before he/she is allowed to do so.

1.13 No Association shall issue a logo to a member prior to the member receiving an approval for a licence from the Transport Authority. All members of the Associations must sign upon joining an Association, a binding agreement that they agree to pay the dues as outlined in the approved schedule of fees. It is the responsibility of Associations to ensure that dues are collected from members. No Road Licence shall be held in lieu of payment. Any Association that holds a member's Road License in lieu of payment of fees shall be deemed to be in breach of the MOU and may be subject to de-listing.

MEMBERSHIP FEES:

- 1.14 The fees to be charged by the Association, along with justification for such fees, shall be submitted to the Transport Authority by the first working day of each year, annually. The Presidents and Treasurer of all Associations must meet with the Umbrella Taxi Association which they are affiliated with to discuss fees to be charged to each member. The Umbrella Taxi Association shall ensure that Taxi Associations implement the required strategies to notify their members of the fees/any changes in fees and the breakdown of fees. These fees are to be posted at the beginning of the licensing period in a conspicuous area in each Association's office or communicated electronically and advertised in the daily newspaper twice prior, to implementation. Associations will endeavor to collect membership fees by the last working day in February of each year.

ASSOCIATION REPORTING OBLIGATIONS:

- 1.15 Each Association shall submit an Annual report (in the prescribed format, inclusive of audited financial statements) to the Authority and the Umbrella Taxi Association for each year. Audited financial statements, shall be duly signed by an Auditor certified by the Public Accountancy Board. Each Association which fails to meet this requirement shall be suspended from conducting business with the Transport Authority, until the requirement is satisfied. If after three (3) months of the breach, the Association fails to meet the requirement such Association shall be de-listed.

GENERAL

- 1.16 Associations are encouraged to develop information communication technology infrastructure to facilitate efficient and effective service delivery to its members.
- 1.17 No employee of the Transport Authority should engage in the Operations of any Association.

IT IS ALSO AGREED THAT:

- 1.18 To ensure that applications are expeditiously processed, Associations are encouraged to submit applications for renewal of licences by the end of February, each year. Upon submission of properly completed applications for renewal of licences and all the requisite documentation by the Association, the Transport Authority will endeavor to process the licences in ten (10) working days during the peak period and seven (7) working days during the off peak period.
- 1.19 In the case of new licences, the Authority will endeavor to advise the Association of the status of the application within fifteen (15) working days of receipt thereof.

1.20 Upon approval of a new application for a licence, the Transport Authority will, upon receipt of the assigned public passenger vehicle registration number and the relevant insurance documentation, endeavor to process applications within seven (7) working days.

1.21 The Transport Authority will advise the Associations prior to coming to any conclusion as it relates to increases in fees.

1.22 The Parties shall use their best efforts to settle amicably all disputes arising out of or in connection with this Agreement or its interpretation, any dispute and controversy or claim between the Parties as to matters arising out of or relating to this Agreement

APPEAL PROCESS

If any dispute or difference of any nature between the parties shall arise pursuant to this Agreement then such dispute or difference shall at first be referred to a single mediator to be appointed in accordance with the mediation procedures of the Dispute Resolution Foundation or such other organisation which provides mediation services. The Mediator shall be agreed to by the parties but failing such Agreement within 28 days of one party requesting the appointment of the mediator, the mediator shall be appointed by the Head of the Dispute Resolution Foundation.

If not resolved by this procedure, such dispute or difference shall be referred to a single arbitrator under the rules of the Arbitration Act of Jamaica which shall be binding.

Each Association shall ensure that all the necessary steps are taken to resolve disputes prior to making the nature of these disputes public.

IT IS MUTALLY AGREED THAT:

AN ASSOCIATION found in breach of this Memorandum of Understanding may be removed from the Transport Authority's list of Certified Associations.

Where an Association is de-listed, the Authority shall make arrangements to accommodate members of the Association at its offices until an Interim Executive Committee is formed or members join an alternate Association. The Interim Executive Committee must be formed no later than two (2) months after the de-listing of the Association.

In instances where breaches of the statutes governing the Transport Authority are discovered the Transport Authority shall be obliged to report the matter to the relevant Authority or body without prior consultation with the Association.

LEGAL EFFECT

The terms of this Memorandum of Understanding shall be legally binding and/or legally enforceable and shall be reviewed every three years.

DATED this day of 2010.

SIGNED

By _____
**MANAGING DIRECTOR
TRANSPORT AUTHORITY**

WITNESS

By _____
PRESIDENT OF THE

WITNESS

APPENDIX #1

TAXI ASSOCIATION CODE OF ETHICS AND OPERATIONAL STANDARDS

Preamble

In the interest of improving the quality and standards of the transportation services in Jamaica, taxi operators have come together to form Associations with the objective of achieving this common goal. Members of the Associations recognize that guidelines and standards of conduct are important to the development and efficient operation of such Associations and to this end adopt and declare the Associations' principles and standards set out hereunder as being those governing their operations:

1) Members of the Associations shall serve the interest of the traveling public by delivering quality services aimed at improving public transportation.

Members shall:

- a) Be sensitive to the needs of the traveling public.
- b) Promote the development and implementation of programs geared at addressing the needs of the public and the transportation system in general.
- c) Operate in such a manner as to ensure timely and efficient movement of the traveling public within the respective areas of operation.
- d) Ensure as far as possible the comfort of the traveling public.

2) Members of Associations shall display and maintain a standard of behavior acceptable to all well-thinking and decent members of the public.

Members shall:

- a) At all times, while performing duties as drivers of public passenger vehicles, be properly attired in uniform.
- b) Be respectful and courteous to passengers.
- c) Refrain from engaging in any conduct that offends public morals and decency.
- d) Behave in such manner as to avoid conflict with members of their Association and members of other Associations.

3) The Executive members shall exercise due care and diligence in the conduct of the affairs of the Associations and shall:

- a) Create and maintain proper record keeping systems that identify members.
- b) Be scrupulous, honest and thorough in the maintenance of all records and funds.
- c) Ensure that the accounting records are correct and current in keeping with proper accounting practices.
- d) Advise the Transport Authority and other relevant authority of any dishonest or fraudulent act by any person relative to the handling of the funds of the Associations.

4) Associations shall set reasonable fees/dues

- a) All fees demanded of members must be reasonable and are subject to review by the Transport Authority.
- b) No member shall be charged handling fees for any transaction dealt with by the Association on the members' behalf.

5) The Executive shall provide proper leadership and guidance to the membership

- a) The Executive or any member of the Association shall not incite other members to Commit acts of civil disobedience or engage in unlawful activities.
- b) The Executive shall encourage participation in meeting responsibilities as well as in the quality performance of duties.
- c) The Executive shall represent the interest of its members as far as is consistent with the public welfare and this Code of Standards.
- d) There shall be established in each Association disciplinary rules, a disciplinary Committee and the procedures for dealing with disputes and disciplinary matters. Appeals from the decisions of the Disciplinary Committee shall be dealt with as outlined in the Memorandum of Understanding.

6) Members shall know and respect existing laws pertaining to public transportation

- a) Members must obey existing laws and rules.
- b) Members shall comply with the relevant provisions of the Road Traffic Act and its Regulation and the Transport Authority Act and its Regulations.
- c) Policies and procedures of the Transport Authority must be adhered to.

7) Members of Associations shall follow the procedure set out below in dealing with the transfer of membership from one Association (current) to another Association (alternate).

- a) The member wishing to transfer from one association to another is required to resign in writing from the current Association.
- b) Within seven (7) days of receipt of the request, the current Association shall consider the request and stamp the resignation
- c) The stamped copy of the resignation is then forwarded to the Transport Authority with the road licence application by the member's new association

8) Associations shall uphold and promote the principles of this Code

- a) Members shall adhere to the principles and standards expressed in this Code
- b) Each member shall encourage and support adherence by other members
- c) Any serious breach of the principles of this Code may result in a review of certification of the Association.

The principles set out in this Code are not exhaustive and the code is subject to amendment as the Transport Authority deems fit, after consultation with the Associations.

Name of Association _____

Members of the Executive	Signature	Position
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____