

MEMORANDUM OF UNDERSTANDING FOR TAXI ASSOCIATIONS

THIS MEMORANDUM OF UNDERSTANDING is made the day of **2007**
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”) and Association registered under the
 of Jamaica with offices at of the **OTHER**
PART.

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 (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 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.

IS HEREBY AGREED THAT:

- 1.1 The Transport Authority shall officially recognize each Association upon their successful application to the Authority and their meeting certain criteria as enumerated below.
- 1.2 Every Association shall be duly registered as a not for profit association and proof of registration shall be submitted to the Transport Authority as a pre-requisite for recognition by the Authority.
- 1.3 Every Association shall have an Executive body which shall be comprised of not less than seven (7) persons namely:
 - President
 - Vice President
 - Secretary
 - Treasurer
 - Assistant Treasurer and
 - 2 Co-opted members

- 1.4 A list of executive officers shall be submitted to the Transport Authority at the beginning of each financial year. The Authority shall also be advised in writing of any changes to the executive during the year, and new executive members shall meet the requirements set herein.
- 1.5 Every member of the executive shall have a clean Police Record which may be requested by the Authority, at any time.(add additional)
- 1.6 The fees to be charged, along with justification for such fees, shall be submitted to the Transport Authority at the beginning of each financial year. The Executives of all Associations must meet with Transport Authority by the 15th of April of each year to discuss fees to be charged by each member. The Associations shall ensure that Association members are duly notified of the fees/any changes in fees and the breakdown of fees. These fees are to be posted at the beginning of the financial year in a conspicuous area in each Association's office. Associations will endeavour to collect membership fees at the beginning of the year.
- 1.7
 - (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 an offence.
 - (b) For Associations already in existence at the coming into force of this MOU, it is agreed that they will not recruit new members, who operate outside the parish in which the Association is located. For the next licensing period the members of these Associations, operating outside the parish in which the Association is located, should join Associations in the parish in which routes originate.
 - (c) The Transport Authority shall, as the need may arise, stipulate conditions for rationalization of Associations. These conditions may also be prescribed by a special committee comprising representatives of umbrella Taxi Associations and the Transport Authority. In keeping with the rationalization exercise, the Transport Authority shall establish a minimum number of fifty (50) members for newly formed Associations and a maximum of one hundred (100) members for Associations already in existence. 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 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.
 - (d) In the case of major townships, 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.
 - (e) The Transport Authority will assess the need and determine whether or not the need exists.
- 1.8 The Transport Authority's fees payable for a route taxi licence shall not be paid to any Association. 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 an offence.

- 1.9 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 operators. In the case of renewal of licences, applications are to be submitted in bulk. 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.
- 1.10A 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. Existing Associations shall submit the foregoing by 1st of February, 2007.
- 1.11(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 License and approval by Insurers. 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 for the next licensing period; in the first instance by (February 15, 2007) and thereafter upon renewal of licences. Associations will ensure that owners of vehicles provide notification of change of driver within the prescribed time period.
 - (b) If a driver is found to be habitually misbehaving or breaching the Association's code of conduct, once it is reported and such a driver is found guilty on different occasions, he shall be de-listed and should be barred from membership in any other Association. (A period of recourse, should be employed; 6 months for the 1st offense, 1 year for the 2nd offense) and such information shall be made public. Any Association which registers this individual, knowing that he has been barred, shall commit an offense.
- 1.12(a) No member 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 stamp of original Association shall be forwarded to the Transport Authority with the member's license application. Transfer request should be considered by the Association within seven (7) days of receipt of document by Association. Any disagreements regarding processing time should be referred to the special committee comprising of umbrella Taxi Association.
 - (b) No member who has obtained a transfer should continue to wear the logo and 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 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 commit an offense.
- 1.14 Each Association must practice good accounting principles and shall submit to the Authority, by June of each year, financial statements. Further, within six (6) months after each accounting year, Associations shall submit audited financial statements, which shall be duly signed by an Auditor certified by the Institute of Chartered Accountants of Jamaica. 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.
- 1.15 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.
- 1.16 No immediate family member or employee of the Transport Authority should engage in the Operations of any Association.

IT IS ALSO AGREED THAT:

- 1.17 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 endeavour to process the licences in ten (10) working days. However, if processing is not completed within this time period, the Authority will endeavor to complete the process within the next ten (10) working days.
- 1.18 In the case of new licences, the Authority will endeavour to submit the applications to the Licensing Committee for consideration within seven (7) working days of receipt thereof.
- 1.19 Upon approval of a new application for licence, the Transport Authority will, upon receipt of the assigned public passenger vehicle registration number and the relevant insurance documentation, endeavour to process applications within seven (7) working days.
- 1.20 The Transport Authority must have dialogue with the Associations prior to coming to any conclusion as it relates to increases in fees.
- 1.21 If the Authority's Officers have reason to doubt the validity of a photocopy document (motor vehicle registration, fitness, insurance) produced to an Inspector, a period of no more than five (5) days should be given to produce the

original or authentic document to the Transport Authority's personnel along with the photocopy of the document that was produced.

APPEAL PROCESS

The parties agree that within each Association there will be an established appeals process (grievance procedure) whereby disputes between the members and the Association can be resolved.

An attempt shall be made to settle the dispute at the local level, failing which either party may within fourteen (14) days of the beginning of the dispute, report the dispute to the Transport Authority, which shall refer the matter to a Standing Hearing Committee consisting of the Regional Manager of the Transport Authority or his nominee, the Custos of the Parish or his nominee and the Superintendent of Police or his nominee, which will within fourteen (14) working days endeavour to hand down a ruling.

If the grievance is not settled at that level then, there is a right of appeal to a committee comprising the Managing Director of the Transport Authority or his nominee, a nominee of the Commissioner of Police and a nominee of the Solicitor General which will hand down a decision within seven (7) working days from the date of referral.

A ruling emanating from this step will be final and binding.

It is agreed that disputes may develop between Associations. Such disputes are to be referred to a Standing Hearing Committee consisting of a representative of the Transport Authority, the Custos of the Parish or his nominee and the Superintendent of Police or his nominee, which will hear both sides and hand down a decision within fourteen (14) working days.

If the grievance is not settled at that level then, there is a right of appeal to committee comprising the Managing Director of the Transport Authority or his nominee, a nominee of the Commissioner of Police and a nominee of the Solicitor General which will hand down a decision within seven (7) working days inclusive of the date of referral.

Such decision shall be final and binding.

Where a dispute develops between an Association and the Transport Authority and remains unresolved, either party may within fourteen (14) days report the matter to the Minister of Transport and Works or his nominee, who will hear such dispute and hand down a decision within fourteen (14) days. Such decision shall be final and binding.

At each step parties to a dispute will be afforded an opportunity to be heard orally or in writing. Each side is entitled to have representation of their choice, if they so desire.

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 the Memorandum of Understanding may be removed from the Transport Authority's list of recognized Associations. If an offence occurs, then the offender may be issued a written reprimand. The first offence will not necessarily warrant a de-listing.

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 uncovered, 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 two years.

DATED this day of **2008.**

SIGNED

By _____
MANAGING DIRECTOR
TRANSPORT AUTHORITY

WITNESS

By _____
PRESIDENT OF THE

WITNESS