Kay
Stinnett
Akers
Gibbs
Lamb
Farmer
Scutchfield
Mossotti
Bledsoe
Henson

AGENDA
Planning & Public Safety Committee
January 13, 2015
1:00 P.M.

1 Election of Committee Chair

2 Appointment of Vice Chair

3 Committee Summaries, p. 1-8

4 EMS Transport Fees – Henson, p. 9-18

5 Ridesharing/Taxicab Services – Henson, p. 19-46

6 Current & Future IT Needs in Public Safety – Henson, p. 47-61

7 Items Referred to Committee, p. 62

"Planning and public safety committee, to which shall be referred matters relating to the division of planning and including, but not limited to, matters relating to housing, infill and redevelopment, purchase of development rights and historic preservation, and any related partner agencies and to which shall be referred matters relating to the department of public safety and its related divisions." Council Rules & Procedures, Section 2.102 (1) Effective January 1, 2015. Adopted by Urban County Council September 25, 2014

2015 Meeting Schedule (Meeting Time 1:00 PM Unless Otherwise Noted)

January 13	August 11
February 10	September 8
April 14	October 13
May 12	November 10
June 9	December 8

Planning and Public Works Committee – Special Meeting
November 11, 2014
Summary and Motions

Chair Bill Farmer Jr. called the meeting to order at 1:32 p.m. Committee members Mossotti, Gorton, Ellinger, Kay, Ford, Lawless, Beard, Clarke, and Henson were in attendance. CMs Akers, Stinnett, and Myers were also in attendance.

1. October 14, 2014 Committee Summary

<u>Motion by CM Ellinger to amend the October 14, 2014 committee summary to show the motion to remove the "MAP Fund Usage Policies" referral item was made by CM Ellinger rather than CM Stinnett. Seconded by CM Henson, and passed without dissent.</u>

<u>Motion by CM Beard, second CM Clarke to approve the October 14, 2014 committee summary. Motion passed unanimously.</u>

2. H-1 Notification Process

CM Myers introduced the item, and stated that he had met with Chris King recently to discuss this issue. He recommended that Mr. King make a presentation to the Council and community regarding this issue during a future Work Session meeting.

CM Myers agreed to provide an outline for future action regarding this item, per CM Farmer's recommendation.

Vice Mayor Gorton stated that Council typically does not hear presentations during Work Session that do not result in Council actions, due to time constraints. She recommended that informational presentations remain in committees.

CM Mossotti stated that the presentation should be made during Work Session to allow for viewing by the public.

CM Myers reiterated that the full Council should hear this presentation due to the importance of the issue and the need to provide information and clarification.

3. Electrical Inspection Fees

CM Farmer provided introductory comments, and invited public comment.

Steven Vicroy, the contractor's attorney, stated that he had provided additional information in the committee packets regarding Commonwealth Inspection Bureau, Inc.'s ("contractor's") financials. He reviewed the provided information pertaining to residential and commercial inspections, and stated agreement with Commissioner Paulsen's proposal for the committee to review electrical inspection fees annually. Mr. Vicroy asked the committee to approve the fee increases as proposed.

In response to a question from CM Farmer, Mr. Vicroy stated that apartment inspection fees are higher in the updated fee increase request. CM Farmer noted that some of the proposed fees will result in significant fee increases for inspections.

Vice Mayor Gorton referred to the contractor's current and proposed income analysis, as well as information regarding expenses. She noted that the proposed fees would generate more than the difference in projected expenses. Mr. Vicroy stated that the analysis assumed that only one additional inspector would be hired.

Vice Mayor Gorton asked if the contractor keeps records of time spent on inspections, and if this information was used to create the fee increase request. Mr. Vicroy stated that the contractor does not keep records of time spent on inspections. In response to a follow up question from Vice Mayor Gorton, Mr. Vicroy stated that the proposed increase in final inspection fees and apartment inspection fees are the two highest priority items for the contractor.

CM Kay asked for clarification regarding the time demands created by the new Code. Mr. Jones, the contractor, responded that the changes in the Code, in addition to anticipated increase in the number of inspections, will create the need to hire an additional employee. CM Kay noted that an increase in the number of inspections should be offset by the fees charged for those inspections.

CM Kay asked for additional information regarding Mr. Jones' salary supplement referred to in the packet. Mr. Vicroy stated that this information is shown as profit in the information provided to the committee. In response to follow up questions from CM Kay, Mr. Vicroy stated that depreciation is not shown in the contractor's financials, and profit is frequently reinvested as a capital expenditure.

In response to a question from CM Stinnett, Commissioner Paulsen stated that the contractor is in the second year of the current contract. He stated that there were no other bidders during the last contract award process. CM Stinnett stated concern that fees are being based on the current contractor's opinions. In response to additional questions from Mr. Stinnett, Commissioner Paulsen stated that he has received positive feedback regarding the responsiveness of the contractor, although commercial contractors are concerned about the proposed fee increases.

In response to a question from CM Stinnett, Mr. Vicroy responded that the financial information provided to the committee was generated by the contractor based on information contained in tax returns. He referred to electrical inspection fee schedules for other communities.

Commissioner Paulsen reminded the committee that staff is recommending an annual or biannual review of inspections and fees to identify necessary changes to the fee structure.

In response to a question from CM Henson, Commissioner Paulsen stated that the LFUCG has not conducted its own electrical inspections in the past. He stated that Code changes occur on a regular basis.

Motion by Vice Mayor Gorton to conduct an annual review of the fee structure and schedule of electrical inspection fees. Seconded by CM Henson, and approved unanimously.

Vice Mayor Gorton stated that increases in fees will affect housing costs, which will be passed onto consumers. She stated that an annual review of the fee structure will be helpful in the future. She asked for the contractor to identify a particular inspection type where current fees are not consistent with the time required for inspection. Mr. Jones confirmed that final inspections will take a significant amount of time, as well as inspections of apartments.

CM Kay stated that there are inconsistencies in the information provided, and that the fees cannot be raised based on the information available to the committee.

CM Farmer reviewed the information provided, and stated that this item may remain in committee without current action. CM Henson recommended that the item remain in committee until more detailed information is submitted by the contractor.

CM Farmer confirmed that this item will remain in committee until additional information is provided.

4. **Code Enforcement Fines; Assistance for Code Enforcement Compliance**

CM Lawless stated that she expected information regarding proposed fine increases, which isn't reflected in the presentation.

Jonathan Hollinger presented a review of Code Enforcement operating procedures, assistance programs, technology improvements, and fines. He stated that the Department of Planning is not recommending an increase in Code Enforcement fines at this time, and is addressing compliance through improvements to operating procedures and implementation of improved technology. He stated that increases in fines would not improve effectiveness at this time.

CM Mossotti asked for a synopsis of Code violations, compliance, and Division operations in a future meeting.

CM Lawless provided examples of the effectiveness of escalating fines, and stated the need to reexamine the implementation of an escalating fine schedule. Mr. Hollinger stated that staff will implement any changes that Council adopts.

CM Farmer asked CM Lawless for proposed language for Council consideration.

5. Building Inspection Civil Offenses

Jonathan Hollinger presented this item, and provided information regarding enforcement challenges and recommendations.

CM Lawless stated that the intention in amending building inspection penalties from criminal to civil was to allow Code Enforcement action, including fines, abatement, and placing liens when necessary to ensure compliance. She stated the importance of utilizing escalating fines for compliance. CM Lawless stated that Code Enforcement should enforce these issues, rather than Zoning.

In response to a question from CM Henson, Mr. Hollinger stated that construction within a sight triangle but outside of the road right-of-way would be an example of an abatement item. Illegal sign structures would also be examples of items that could be abated. He stated that a civil penalty would be applied to the cost of abatement. CM Henson asked if the creation of an Enforcement Division is being considered; Mr. Hollinger stated that this is being evaluated for potential implementation in the future.

CM Kay suggested that Planning draft language to amend Resolution 343-2012 to include zoning enforcement activities in addition to nuisance abatement. He also suggested that Council staff draft options for increasing civil penalties. He stated that the Infill Redevelopment Committee has been addressing these issues as well.

<u>Motion by CM Kay, seconded by CM Lawless, to amend Resolution 343-2012 to include zoning enforcement activities in addition to nuisance abatement. Motion passed unanimously.</u>

CM Lawless stated that issues such as gravel and off-site signage should be enforced by Code Enforcement rather than Zoning. She requested a list of civil penalties that were previously addressed by Building Inspection that are now enforced by Zoning for examination of items that may be enforced by Code Enforcement.

6. Zoning Text Amendments for Food Trucks in the P-1 and AU Zones

CM Kay provided background information on this item, and brought forth a potential text amendment on CM Akers’ behalf. This amendment would affect four areas: the Paragon Centre; Perimeter Office Park; Corporate Drive; and Southcreek Park.

<u>Motion by CM Kay, seconded by CM Mossotti, to allow Mobile Food Unit Vendors as accessory uses if located 500 feet or greater from a property zoned residential. Motion approved unanimously.</u>

Vice Mayor Gorton stated that she previously recommended the subject motion, with the addition of language stating that Mobile Food Unit Vendors must be located within a designated

Professional Office Project. In response to a question from Vice Mayor Gorton, Chris King stated that the motion would affect any site zoned Professional Office (P-1). He stated that Law would need to research the possibility of restricting application for variance from the 500 feet requirement.

Vice Mayor Gorton noted that letters of support from this item came from tenants or owners of Professional Office Projects.

Motion by Vice Mayor Gorton, seconded by CM Mossotti , to amend the motion to initiate a text amendment for the Planning Commission's consideration that combines Alternate 2 and Alternate 4 as indicated on page 96 of the committee packet. Motion approved unanimously.

In response to a question from CM Kay, Mr. King confirmed that an applicant could apply for a variance from the 500 feet requirement. CM Kay clarified that the amended motion requires designation as a Professional Office Project. Mr. King stated that Professional Office Projects are defined by Code, and are designated as such as part of the development review process.

Meeting adjourned at 3:05 PM.

CLB 2014-11-18

Public Safety Committee
December 2, 2014
Summary and Motions

This meeting started at 1:00 pm. Council Members in attendance were Peggy Henson, Kevin Stinnett, Chuck Ellinger, Shevawn Akers, Bill Farmer, George Myers and Harry Clarke. Diane Lawless and Ed Lane were absent.

1. Approval of October 7th Summary

On a Motion by Ellinger, seconded by Mossotti, the summary of the October 7th 2014 Committee meeting was approved unanimously.

2. EMS Transport Fees

Council Member Henson stated that she referred this item to Committee out of concern for seniors who might be on limited or fixed incomes.

Mike Sanner of the Law Department referred to a memo in the packet, which he drafted, dated November 25th 2014. Sanner stated that the US Office of Inspector General has proposed rules that could waive co – payment from Medicare beneficiaries if 5 conditions were met, including: 1. State/Municipal Owned Service; 2. Must Not Be Considered Free Services; 3. Uniform Waiver or Reduction;4. Cannot Claim as Bad Debt; 5. Emergency Ambulance Services.

Sanner stated that during the comment period for the proposed regulations there could be an interest in expanding the waiver to Medicaid services as well.

In response to a question from Council Member Clarke, Sanner stated that these were federal regulations and could not be supplemented by local rules.

Council Member Henson asked Revenue and Fire to provide numbers for projected lost revenue if the action were approved.

Council Member Mossotti requested that the number of potential Medicare and Medicaid recipients also be provided.

Council Member Henson requested that this item be moved to the Planning & Public Safety Committee that will convene in 2015.

3. Ridesharing/Taxicab Services

Council Member Henson stated this was a continuation of previous conversations the Committee has had regarding regulation of both ridesharing and local taxicab companies.

Glenda George referred to a memo from Law regarding emergency regulations for ridesharing companies which the State has issued in draft form. She stated there was not yet a timetable for the regulations to be enacted.

George recommended that Law proceed with drafting a local ordinance for Committee review in January with the understanding that the local ordinance would be repealed if and when the State regulations go into effect.

Council Member Stinnett stated that Lexington should request local authority similar to the way Lexington and Louisville have regulatory authority over local taxicabs. He stated that the draft emergency regulations reference KRS 281.600, which provides Lexington authority over local taxicabs.

In response, George stated that the draft does not include that provision, but Lexington can request such a provision. Council Member Stinnett stated that he suggests receiving this in writing from the State.

Council Member Henson stated that Lexington should re-examine the local taxicab ordinance to make sure that taxicabs are not at a competitive disadvantage.

George reviewed the efforts of Council Member Lawless to streamline access into the taxicab business. She stated that Lawless wanted to reduce the number of taxicabs needed to enter the market and remove the requirement for a 24 hr-a-day dispatch system.

In response to a question from Council Member Akers, George stated that neither the ridesharing businesses nor its drivers have registered as businesses with the Division of Revenue as is required by local ordinance.

Council Member Clarke stated that customers should be remembered in this discussion. He noted that young people are probably very comfortable using ridesharing companies but others without internet access are dependant on transit and taxicabs. Council Member Clarke stated that both taxicabs and ridesharing companies should be treated fairly and equally.

In response to a question from Council Member Mossotti, George stated that the State emergency regulations had not gone into effect.

Council Member Mossotti stated that she agreed with Council Member Stinnett regarding home rule. Council Member Mossotti stated that Lexington should ask for the authority to regulate ridesharing companies in Lexington.

Council Member Myers stated that Lexington should be flexible but fair with ridesharing and taxicab companies.

In response to a question from Council Member Myers, George and Rusty Cook stated that Law & Revenue will work together to develop a process by which ridesharing companies and their drivers comply with Revenue regulations for business permits.

George reminded the Committee that Law will provide a draft local ridesharing ordinance at its January meeting.

Council Member Stinnett requested that the draft include a provision for local authority similar to taxicab ordinance.

In response to a question from Council Member Stinnett, Bill O'Mara stated that Public Safety regulates the taxi companies and their drivers, and Revenue requires the companies and drivers to obtain local business permits for taxation purposes.

Sally Hamilton stated that enforcement will be a component of what the Administration will present at the January meeting.

Council Member Henson requested that revisions to the taxicab ordinance reflect a decrease to a number of (10) ten taxicabs to enter the market and the elimination of the requirement for a 24 hr-a-day central dispatch.

In response to a question from Mossotti, George stated that the Lexington is not enforcing the taxicab ordinance on the ridesharing companies at present.

Council Member Akers stated that regulations of ridesharing companies and taxicabs should be equitable.

In response to a question from Council Member Myers, George stated that several local governments have duel regulatory positions, one set for taxicabs and another set for ridesharing companies, because the way in which they operate is different.

Council Member Henson requested regulations to include language compliant with the ADA in order to protect those with physical accessibility limitations.

4. Items in Committee

Motion by Council Member Myers to remove the Outsourcing Fire Building Maintenance issue from the list of items in Committee. Seconded by Council Member Ellinger. Motion passed without dissent.

Motion by Council Member Farmer to change the sponsor from Council Member Clarke to Council Member Farmer on the Sky Lantern issue in the list of items in Committee. Seconded by Council Member Akers. Motion passed without dissent.

Meeting adjourned at 1:55 pm.

PAS 12.22.14

Average Medicare Cost Per Run

Patients with Medicare & Supplemental Insurance

Total Medicare Runs	$	824
Medicare Disallowed		(429)
Amount Due		395
Paid by Medicare		(305)
Patient Responsibility before Supplemental Insurance		90
Supplemental Insurance Payments		(67)
Patient Responsibility	$	23

Average cost per run scenario based on period July 2011 - June 2014

EMS Revenue Fiscal Year Averages

Patients with Medicare & Supplemental Insurance

Per Fiscal Year Averages		
Annual EMS Revenue	$	6,887,199
Annual Medicare Collections	$	2,301,897
Medicare % of total EMS revenue		33.4%
Annual Medicare EMS Runs		7,536

Annual Averages based on 3 year period July 2011 - June 2014

Average Medicare Cost Per Run

Patients with Medicare Coverage Only

Total Medicare Runs	$	822
Medicare Disallowed		(431)
Amount Due		391
Paid by Medicare		(304)
Patient Responsibility		88

Average cost per run scenario based on period July 2011 - June 2014

EMS Revenue Fiscal Year Averages

Patients with Medicare Coverage Only

Per Fiscal Year Averages		
Annual EMS Revenue	$	6,887,199
Annual Medicare Collections	$	1,309,498
Medicare % of total EMS revenue		19.0%
Annual Medicare EMS Runs		1,593

Annual Averages based on 3 year period July 2011 - June 2014

Explanation of *Three Year Medicare Payment Analysis*
Provided by: Mark Jenkins, LAN Application Manager, Software Development, Inc.

The first report summarizes the Medicare paid claims over the three year period from June 2011 through July 2014 for the LFUCG Ambulance Service. This chart shows Medicare paid on 22,608 runs that totaled $18,627,769.68 in charges. Medicare disallowed $9,691,983.81 and paid a total of $6,905,690.14 which left patients responsible for $2,030,095.73 of the total charges. Supplemental insurance from Medicaid ($615,502.89) and commercial insurance ($869,602.51) plus other sources ($31,009.35) such as Veteran's Administration helped reduce the patient's responsibility by $1,516,114.75 leaving $513,980.98 in patient out of pocket expense. Thus far out of the $513,980.98 out of pocket expenses, $219,993.62 has been paid by the patient and $247,697.66 has been written-off.

This means that for each Medicare paid incident between June 2011 and July 2014, the patient was responsible on average for $22.73 and paid out of pocket on average $9.73.

The second report contains the numbers as you requested for patients that had only Medicare coverage. This is a subset of the numbers used for the previous (12/04/2014) report. In other words, the data source used to generate the 12/04/2014 report was a saved snapshot at that point in time and has not been altered in any way since then and this same data was used for this report.

The attached spreadsheet summarizes the claims where Medicare was the only payer (other than the patient) over the three year period from June 2011 through July 2014 for the LFUCG Ambulance Service. This chart shows Medicare paid being the only non-private payer on 4,778 runs that totaled $3,928,494.35 in charges. Medicare disallowed $2,059,682.61 and paid a total of $1,450,537.84 which left patients responsible for $418,273.90 of the total charges as out of pocket expense. Thus far, $144,586.37 has been paid by the patient and $273,687.53 has been written-off.

This means that for each incident where the patient had Medicare only as coverage between June 2011 and July 2014, the patient was responsible on average for $87.54 and paid out of pocket on average $30.26.

		Medicare		Medicaid		Commercial Insurance		Other Providers		Patient	
Run Count	Charges	Paid	Disallowed	Paid	Disallowed	Paid	Disallowed	Paid	Disallowed	Paid	Adjusted
22,608	$18,627,769.68	$6,905,690.14	$9,691,983.81	$16,663.28	$598,839.61	$868,367.06	$1,235.45	$26,694.68	$4,314.67	$219,993.62	$247,697.66

	Charges	Credit	Balance
Total Charges	$18,627,769.68		$18,627,769.68
Medicare		$16,597,673.95	$2,030,095.73
Medicaid		$615,502.89	$1,414,592.84
Commercial Insurance		$869,602.51	$544,990.33
Other Providers		$31,009.35	$513,980.98
Patient		$219,993.62	$293,987.36
Write Offs		$247,697.66	$46,289.70

Mont/Year	Run Count	Charges	Medicare Paid	Medicare Disallowed	Medicaid Paid	Medicaid Disallowed	Commercial Insurance Paid	Commercial Insurance Disallowed	Other Providers Paid	Other Providers Disallowed	Patient Paid	Patient Adjusted
JUL 2011	568	$452,225.36	$176,448.80	$223,545.98	$23.32	$15,315.55	$25,573.34	$2,088.67	$0.00	$0.00	$5,089.20	$4,093.75
AUG 2011	751	$596,423.04	$234,932.37	$296,652.02	$23.00	$21,791.11	$28,388.75	-$378.92	$391.87	-$391.87	$6,223.49	$7,992.62
SEP 2011	571	$452,495.36	$178,210.69	$225,945.26	$555.78	$17,118.36	$20,361.78	$128.46	$0.00	$0.00	$4,482.30	$5,567.24
OCT 2011	538	$426,562.76	$167,812.61	$214,176.54	$177.52	$14,628.35	$20,194.54	-$255.22	$0.00	$0.00	$4,788.38	$5,040.04
NOV 2011	714	$564,976.08	$221,596.64	$283,358.16	$359.54	$17,328.80	$27,585.53	$832.71	$391.87	-$179.88	$4,452.60	$9,121.93
DEC 2011	561	$445,349.56	$174,169.40	$219,230.27	$734.76	$12,878.76	$23,935.13	$371.88	$1,164.20	$510.72	$4,478.79	$7,875.65
JAN 2012	565	$453,164.58	$174,898.72	$228,919.84	$192.39	$14,072.21	$23,094.38	-$103.38	$461.23	-$391.87	$4,735.40	$7,240.66
FEB 2012	726	$587,589.45	$208,710.98	$301,946.89	$848.73	$25,164.08	$27,925.81	$199.52	$1,094.71	$1,159.53	$11,207.48	$9,306.26
MAR 2012	596	$486,174.75	$180,552.60	$252,352.94	$525.87	$15,989.34	$23,752.12	-$2,882.72	$0.00	$0.00	$8,834.71	$4,481.95
APR 2012	593	$479,771.26	$179,206.37	$250,298.37	$356.09	$14,716.05	$20,303.70	-$932.76	$848.84	$0.00	$7,898.46	$6,300.39
MAY 2012	749	$604,915.14	$226,710.02	$312,184.30	$188.37	$18,675.61	$30,541.10	-$629.13	$1,542.29	$1,370.81	$9,044.57	$5,287.20
JUN 2012	581	$480,349.35	$180,988.31	$248,741.67	$301.54	$15,815.14	$22,432.30	$306.87	$1,664.87	$0.00	$5,367.96	$4,684.69
JUL 2012	715	$593,927.96	$223,223.69	$307,863.75	$654.10	$18,664.28	$27,893.41	-$193.55	$795.50	$858.54	$7,185.72	$7,045.45
AUG 2012	577	$480,742.15	$182,188.72	$249,328.84	$1,534.83	$12,824.12	$22,286.34	-$121.96	$274.87	-$274.87	$5,279.59	$7,421.67
SEP 2012	597	$495,492.22	$187,669.96	$257,273.25	$1,666.19	$14,498.65	$23,605.35	-$837.96	$0.00	$0.00	$6,559.78	$5,038.00
OCT 2012	689	$571,703.11	$216,195.98	$298,279.02	$1,825.89	$17,128.82	$24,515.26	-$282.89	$403.63	$433.31	$6,674.00	$6,454.47
NOV 2012	578	$474,007.54	$179,013.85	$244,302.76	$100.23	$14,263.81	$21,562.33	$260.15	$2,063.99	$1,877.63	$5,781.02	$4,781.77
DEC 2012	500	$409,702.75	$154,456.16	$211,934.83	$393.60	$12,869.57	$18,454.09	-$454.69	$474.34	$353.08	$5,073.39	$6,148.38
JAN 2013	673	$554,634.86	$201,596.04	$288,337.88	$317.61	$18,286.95	$27,597.35	$298.73	$854.79	$0.00	$7,780.58	$8,755.51
FEB 2013	617	$512,292.36	$182,843.84	$271,004.03	$725.27	$16,079.49	$26,312.41	-$792.81	$0.00	$0.00	$8,807.85	$7,312.28
MAR 2013	537	$445,285.68	$161,130.91	$235,639.34	$664.55	$16,237.16	$20,499.65	$209.98	$0.00	$0.00	$6,990.33	$3,919.01
APR 2013	757	$636,502.22	$234,937.98	$336,676.47	$681.19	$18,694.16	$25,419.80	$224.95	$678.50	$253.71	$7,961.77	$10,973.69
MAY 2013	618	$525,832.39	$191,730.89	$278,956.51	$302.29	$16,349.66	$21,755.42	-$482.11	$1,967.83	-$299.14	$10,065.92	$5,571.67
JUN 2013	589	$499,030.93	$181,958.75	$261,447.64	$132.77	$15,293.59	$24,679.63	-$201.71	$284.66	$584.26	$5,822.35	$8,053.12
JUL 2013	553	$469,693.69	$171,364.12	$248,555.36	$106.28	$17,400.17	$21,798.70	-$619.30	$986.91	$0.00	$4,172.29	$4,973.88
AUG 2013	651	$551,428.27	$202,230.10	$291,126.56	$566.76	$16,859.40	$25,038.27	$917.22	$0.00	$0.00	$4,934.91	$8,662.28
SEP 2013	550	$467,886.58	$170,806.51	$249,063.61	$305.69	$13,429.92	$20,884.57	$164.53	$953.10	$0.00	$4,399.77	$6,952.26
OCT 2013	696	$585,354.97	$212,270.72	$310,160.76	$156.60	$17,385.56	$25,065.76	$495.08	$196.85	$0.00	$6,548.46	$10,110.56
NOV 2013	503	$417,350.17	$152,440.27	$222,726.46	$22.79	$10,997.57	$18,780.19	$720.59	$0.00	$0.00	$3,036.37	$6,730.81
DEC 2013	676	$556,609.37	$202,637.18	$297,592.68	$4.68	$16,623.51	$25,877.13	$106.70	$312.90	$0.00	$5,649.46	$5,791.86
JAN 2014	726	$597,953.23	$209,263.48	$316,783.57	$683.12	$21,459.18	$27,643.14	$607.77	$0.00	$0.00	$6,634.00	$11,525.53
FEB 2014	549	$456,123.61	$157,725.69	$242,632.21	$520.97	$17,556.44	$19,636.53	$812.80	$2,582.36	-$1,549.29	$5,037.83	$8,788.08
MAR 2014	703	$587,863.74	$210,441.96	$312,567.83	$446.58	$20,929.05	$26,353.10	$298.68	$0.00	$0.00	$4,708.03	$8,795.84
APR 2014	746	$621,759.16	$222,047.05	$324,537.68	$139.56	$20,957.62	$31,179.41	$1,736.35	$857.60	$0.00	$5,295.47	$6,574.43
MAY 2014	562	$471,336.92	$171,123.21	$247,587.08	$64.56	$13,737.13	$20,296.13	-$313.65	$5,446.97	$0.00	$3,597.51	$7,577.44
JUN 2014	733	$615,259.11	$222,155.57	$330,253.45	$360.26	$16,820.44	$27,144.61	-$63.43	$0.00	$0.00	$5,393.88	$2,747.29
Totals	**22,608**	**$18,627,769.68**	**$6,905,690.14**	**$9,691,983.81**	**$16,663.28**	**$598,839.61**	**$868,367.06**	**$1,235.45**	**$26,694.68**	**$4,314.67**	**$219,993.62**	**$247,697.66**

			Medicare		Patient	
Mont/Year	Run Count	Charges	Paid	Disallowed	Paid	Adjusted
JUL 2011	107	$85,216.84	$33,563.61	$43,132.99	$2,907.77	$5,612.47
AUG 2011	148	$118,498.00	$46,873.10	$58,367.75	$5,088.10	$8,169.05
SEP 2011	106	$84,354.32	$33,232.26	$41,922.61	$3,524.69	$5,674.76
OCT 2011	107	$85,320.40	$32,937.72	$43,065.77	$4,294.58	$5,022.33
NOV 2011	150	$119,163.52	$46,454.42	$59,922.31	$3,817.36	$8,969.43
DEC 2011	136	$108,273.00	$42,289.67	$54,323.95	$3,417.32	$8,242.06
JAN 2012	129	$103,620.54	$40,354.16	$52,527.96	$3,476.92	$7,261.50
FEB 2012	178	$143,128.78	$51,570.78	$73,942.58	$6,817.65	$10,797.77
MAR 2012	139	$112,433.48	$41,461.93	$59,265.73	$5,624.71	$6,081.11
APR 2012	148	$118,641.89	$43,964.46	$61,783.65	$5,837.83	$7,055.95
MAY 2012	155	$124,745.12	$46,362.97	$65,109.48	$5,721.31	$7,551.36
JUN 2012	117	$96,142.58	$36,256.96	$50,580.60	$3,227.01	$6,078.01
JUL 2012	157	$130,135.21	$48,707.40	$68,383.05	$4,386.73	$8,658.03
AUG 2012	147	$124,105.69	$47,111.26	$64,835.58	$4,541.89	$7,616.96
SEP 2012	120	$99,481.72	$37,413.45	$51,447.06	$3,992.59	$6,628.62
OCT 2012	141	$117,507.71	$43,995.46	$61,253.67	$5,054.56	$7,204.02
NOV 2012	123	$100,762.75	$37,870.06	$52,935.23	$4,137.23	$5,820.23
DEC 2012	113	$91,877.76	$34,144.88	$47,000.50	$4,534.44	$6,197.94
JAN 2013	144	$118,657.70	$43,414.16	$60,780.38	$4,136.93	$10,326.23
FEB 2013	144	$118,658.39	$42,318.23	$62,555.53	$5,314.66	$8,469.97
MAR 2013	96	$78,813.37	$27,951.30	$41,301.39	$3,256.68	$6,304.00
APR 2013	196	$163,343.18	$59,423.78	$86,513.96	$5,559.76	$11,845.68
MAY 2013	141	$119,811.04	$43,108.61	$63,365.70	$6,121.22	$7,215.51
JUN 2013	139	$118,192.44	$43,275.64	$62,505.11	$4,316.78	$8,094.91
JUL 2013	101	$85,677.21	$31,372.53	$46,581.21	$2,734.61	$4,988.86
AUG 2013	125	$105,938.14	$38,909.72	$55,307.12	$1,916.79	$9,804.51
SEP 2013	126	$104,848.36	$38,131.95	$56,870.54	$2,300.31	$7,545.56
OCT 2013	160	$133,954.82	$48,190.33	$71,174.97	$3,709.83	$10,879.69
NOV 2013	111	$92,290.41	$33,565.27	$49,961.59	$1,934.23	$6,829.32
DEC 2013	134	$110,333.54	$40,500.78	$59,861.38	$3,242.69	$6,728.69
JAN 2014	162	$133,079.42	$46,374.10	$71,553.57	$4,440.47	$10,711.28
FEB 2014	118	$98,069.73	$33,194.50	$53,202.92	$2,859.05	$8,813.26
MAR 2014	142	$117,058.14	$41,821.32	$63,473.10	$3,347.17	$8,416.55
APR 2014	113	$93,172.37	$32,539.06	$50,509.24	$3,476.63	$6,647.44
MAY 2014	117	$98,366.61	$35,090.87	$53,253.80	$2,565.55	$7,456.39
JUN 2014	88	$74,820.17	$26,791.14	$41,110.63	$2,950.32	$3,968.08
Totals	**4,778**	**$3,928,494.35**	**$1,450,537.84**	**$2,059,682.61**	**$144,586.37**	**$273,687.53**

ORDINANCE NO. _______ - 2015

AN ORDINANCE AMENDING SECTION 13-65 OF THE CODE OF ORDINANCES OF THE LEXINGTON-FAYETTE COUNTY GOVERNMENT RELATED TO EMERGENCY MEDICAL UNIT; FEES TO CREATE SUBSECTION (D) TO WAIVE THE FEES IN SUBSECTIONS (A) AND (B) FOR COST SHARING AMOUNTS DUE FROM MEDICARE BENEFICIARIES BY WAIVING COINSURANCE OR DEDUCTIBLE AMOUNTS.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That Section 13-65, of the Code of Ordinances of the Lexington-Fayette Urban County Government be and hereby is amended to read as follows:

(a)

The commissioner of finance shall collect fees for life support services, whenever transportation is furnished by the emergency medical treatment unit of the division of fire and emergency services, as follows:

(1)

Six hundred fifty dollars ($650.00) for basic life support services;

(2)

Seven hundred fifty dollars ($750.00) for advanced life support level 1 emergency; and

(3)

Nine hundred dollars ($900.00) for advanced life support level 2.

(b)

In addition to the fee collected under subsection (a) of this section, the commissioner of finance shall collect a fee of eleven dollars ($11.00) for each mile of patient transportation furnished by the emergency medical treatment unit of the division of fire and emergency services.

(c)

The fees charged pursuant to subsections (a) and (b) of this section shall be adjusted annually each January 1, beginning January 1, 2009, by a percentage equal to the annual adjustment of Medicare's reimbursement rate.

<u>(d)</u>

<u>The fees described in subsections (a) and (b) above are waived for cost sharing amounts due from Medicare beneficiaries which will include waiver of coinsurance or deductible amounts owed by patients for emergency ambulance services.</u>

Section 2 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

____

MAYOR

ATTEST:

____
CLERK OF URBAN COUNTY COUNCIL

PUBLISHED:

MRS:X:\Cases\FIRE\15-LE0001\LEG\00468693.DOC

Statement of Emergency

601 KAR 1:112E

This emergency administrative regulation establishes the requirements for a Transportation Network Company to apply for and maintain operating authority in the Commonwealth. The current lack of oversight of businesses that use web-related mobile applications to connect drivers using their personal vehicles with potential passengers has created a public safety concern. An increasing number of people in the Commonwealth rely on the transportation network companies and their drivers as a means of transportation. This emergency administrative regulation has been promulgated to address an imminent risk to public safety caused by a lack of oversight of businesses on which the public increasingly relies for transportation. It will include the requirement of a criminal background check for TNC drivers, and will ensure that safety inspections are performed on vehicles used to transport the public. In this emergency regulation, regulatory requirements are established for the operation of a Transportation Network Company with an emphasis on public safety.

This emergency administrative regulation shall be replaced by an ordinary administrative regulation which is being filed simultaneously with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency administrative regulation.

STEVEN L. BESHEAR, Governor

MICHAEL W. HANCOCK, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(New Emergency Administrative Regulation)

601 KAR 1:112E. Transportation Network Company.

RELATES TO: KRS 17.500, 61.878(1)(c)1,186.281, 189.290, 189A.010, 281.600, 281.620, 281.6301(2), 281.650, 281.655, 281.730(1), 281.912, 281.990, 304.39-020(2), 304.39-320, 532.060

STATUTORY AUTHORITY: KRS 281.600

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.600 authorizes the Department of Vehicle Regulation ("department") to promulgate administrative regulations to regulate and establish requirements for the safe operation of motor vehicles and motor carriers. This administrative regulation establishes the requirements for a transportation network company ("TNC") to operate in Kentucky.

Section 1. Definitions. (1) "Mobile application" means an application or a computer program designed to run on a smartphone, tablet computer, or other mobile device that is used by a TNC to connect TNC drivers with potential passengers.

(2) "Operating Authority" means the authority granted to operate as a TNC in the Commonwealth through the application process with the department.

(3) "Prearranged ride" means the period of time that begins at the time a TNC driver accepts a requested ride through a TNC's digital network or mobile application, continues while the

driver transports the rider in a personal vehicle, and ends at the time the rider departs from the vehicle.

(4) “Pre-trip acceptance liability policy” means the TNC insurance liability coverage that may apply if a TNC driver is logged into a TNC mobile application and available to receive requests for TNC services if the driver has not accepted a request, is not in route to pick up a passenger, or is not transporting a passenger.

(5) “Street hail” means a request for service made by a potential passenger by using hand gestures or verbal statements.

(6) "Transportation Network Company" ("TNC") means an entity operating in Kentucky as a motor carrier that uses a digital network or mobile application service to connect passengers to TNC drivers providing transportation network company services.

(7) "Transportation Network Company driver" ("TNC driver") means an individual who operates a motor vehicle that is owned or leased by the individual and used to provide transportation network company services.

(8) "Transportation Network Company Services" ("TNC Services") means the transportation of a passenger between points chosen by the passenger and prearranged with a TNC driver through the use of a TNC digital network or software application.

Section 2. Application. (1) A TNC shall register as a business with the Kentucky Secretary of State unless the applicant is a sole proprietor.

(2) A TNC shall submit a completed Transportation Network Company Authority Application, TC 95-627 and an application fee pursuant to KRS 281.620 to the Division of Motor Carriers.

(3) An application may be submitted electronically, by mail, or by hand delivery.

(4) A TNC shall submit an annual renewal fee to the Division of Motor Carriers pursuant to KRS 281.650.

(5) Operating authority obtained pursuant to this section is not transferable.

(6) The following documents shall be submitted with an application and thereafter with each annual renewal:

(a) An affidavit from the corporate officer in charge of Kentucky operations certifying that the national criminal background check of TNC drivers established in Section 5 of this administrative regulation shall be completed prior to allowing the TNC driver to accept rides on the digital network; and

(b) One (1) copy of the current contractual agreement between the TNC and TNC drivers.

(7) A deficient application shall be returned to the applicant with no formal action taken by the department.

Section 3. Demonstration of Financial Responsibility and Insurance. (1) While engaged in a prearranged ride a TNC shall have primary liability insurance coverage of no less than $1,000,000 per occurrence for damages arising out of claims for bodily injury, death, or destruction of property.

(2) Primary liability insurance coverage during a prearranged ride shall include:

(a) Basic reparation benefits as defined in KRS 304.39-020(2);

(b) Uninsured vehicle coverage as established in KRS 304.20-020; and

(c) Underinsured vehicle coverage as established in KRS 304.39-320.

(3) While a TNC driver is logged into a TNC mobile application but prior to accepting a prearranged ride a TNC shall maintain pre-trip acceptance liability insurance coverage for TNC drivers in accordance with subsection (4) of this section if:

(a) A TNC driver is logged into a TNC mobile application and is available to receive requests for transportation services from a passenger through the mobile application;

(b) A TNC driver has not accepted a request for TNC services through the mobile application;

(c) A TNC driver is not in route to pick up a passenger; and

(d) A TNC driver is not transporting a passenger to his or her destination.

(4) A TNC shall maintain a pre-trip acceptance liability insurance policy of no less than $50,000 for death and personal injury per person, $100,000 dollars for death and personal injury per incident, and $25,000 dollars for property damage during the periods of time established in subsection (3). This policy shall provide coverage in the event the driver's personal motor vehicle liability policy does not provide coverage for an incident.

(5) The insurance coverage required by subsections (1) and (3) may be provided either by an insurer licensed pursuant to KRS 304.3-070 or with a surplus lines insurer eligible under KRS 304.10-010 through KRS 304.10-070.

(6) The insurance coverage prior to a prearranged ride shall include basic reparation benefits pursuant to KRS 304.39-040.

(7) A certificate of liability insurance that meets the required insurance coverage under subsection (3) on a standard Acord form shall be filed with the department for each policy.

(8) A TNC shall require TNC drivers to maintain a personal motor vehicle liability insurance policy that provides coverage in accordance with KRS 304.39 for the vehicle and TNC driver if the driver is not logged into the TNC's digital network or mobile application or engaged in a prearranged ride.

Section 4. Vehicles. (1) A vehicle used by a driver for TNC services shall be qualified by the department to operate by submitting a completed Transportation Network Company Authority Application, TC 95-627 and the minimum annual license fee pursuant to KRS 186.281(3) at the time of the application process established in Section 2.

(2) The TNC shall ensure that the vehicles used by TNC drivers to transport passengers shall be subject to an annual safety inspection by an automotive technician who holds a valid automotive service excellence (A.S.E.) certification.

(3) A TNC shall collect and maintain information on the vehicles being used to provide service by TNC drivers including:

(a) The VIN and license plate number; and

(b) Records of official vehicle inspections by the automotive technician.

(4) Records of vehicle inspection and VIN and license plate numbers shall be kept by the TNC for a minimum of three (3) years from the date of inspection and the TNC shall make the records available to the department or its representative on request. The information and records may be submitted as proprietary information pursuant to KRS 61.878(1)(c)1.

(5)(a) A vehicle used to provide TNC services shall be readily identifiable by the following:

1. A decal affixed to the front windshield on the passenger side of the vehicle provided by the department to the TNC to distribute to qualified vehicles; and

2. An optional decal or trade dress that is company specific and issued by the TNC.

(b) A vehicle fee receipt card that shall be presented on inspection.

(6) A driver who is no longer providing TNC service shall return the department issued decal and the vehicle fee receipt card to the TNC who shall return it to the Division of Motor Carriers.

(7) A TNC shall ensure that the vehicles used by drivers to provide TNC services shall:

(a) Have at least four (4) doors;

(b) Be designed to carry no more than eight (8) persons including the driver; and

(c) Be no more than ten (10) model years old with an odometer reading of less than 200,000 miles.

Section 5. TNC Drivers. (1) A TNC shall require each driver to undergo a national criminal background check before providing TNC services. The background check shall be updated every three (3) years that a driver provides TNC services.

(2) The TNC shall submit verification of the background check via an affidavit to the department pursuant to Section 2 of this administrative regulation. The national criminal background check shall be either:

(a) A comprehensive background check using fingerprint analysis; or

(b) An individual analysis using a social security number.

(3) The analysis required in subsection (1) shall be conducted by a business or firm engaged in determining criminal background history.

(4) A TNC shall also require that each TNC driver:

(a) Is at least twenty-one (21) years old and the registered owner of the vehicle;

(b) Has a valid state-issued driver license and vehicle registration;

(c) Has personal automobile insurance coverage as established in Section 3;

(d) Has completed an annual driver safety training course approved by the department;

(e) Provides a written or electronic affirmation that he or she is fit and able to operate a motor vehicle to provide TNC services;

(f) Is in compliance with applicable state law and local ordinances.

(5) A current list of drivers shall be kept on file with the TNC and made available for inspection by the department on request. A TNC driver's electronic file shall include the following:

(a) A current driving history record to be updated annually;

(b) The current address of the driver;

(c) A copy of a valid state-issued driver's license and the operator's license number;

(d) Proof of his or her personal automobile insurance coverage;

(e) Proof of personal vehicle registration;

(f) Proof of the written or electronic affirmation that a TNC driver is fit and able to operate a motor vehicle to provide TNC services;

(g) Verification of the criminal background check required in subsection (1);

(h) Records indicating whether a driver has refused to accept a prearranged ride and the reason for doing so; and

(i) Records of complaints against a driver.

(6) No person shall be a TNC driver whose driving history record shows a conviction of driving under the influence of alcohol or drugs in the previous five (5) years before application to become a driver.

(7) A TNC driver shall not provide transportation services if he or she has been convicted of one (1) of the following offenses:

(a) A Class A felony:

(b) A Class B felony:

(c) An offense involving unlawful sexual behavior as established in KRS 17.500;

(d) Leaving the scene of a traffic accident;

(e) Causing a fatality or fatalities through negligent operation of a vehicle; or

(f) Using a vehicle in the commission of a felony involving the manufacture or distribution of a controlled substance; and

(g) Four (4) moving violations in the past three (3) years or one (1) major violation in the past three (3) years including:

1. Driving on a suspended license;

2. Speeding in excess of twenty-six (26) miles per hour; or

3. Reckless driving as established in KRS 189.290.

(8) A person who has been convicted in another jurisdiction of an offense comparable to one of the offenses in subsections (6) and (7) shall not serve as a TNC driver.

Section 6. Passenger Service. (1) A TNC shall adopt a policy of non-discrimination based on the following:

(a) Destination;

(b) Race or color;

(c) National origin;

(e) Religious belief or affiliation;

(f) Sex and sexual orientation or identity;

(g) Disability;

(h) Age; and

(i) The presence of a passenger's service animal.

(2) A TNC shall notify TNC drivers of the adopted policy of non-discrimination established in subsection (1).

(3) After acceptance, a TNC driver may refuse to transport a passenger who is acting in an unlawful, disorderly, or endangering manner but shall comply with the non-discriminatory policy in subsection (1). A driver may also refuse to transport a passenger with a service animal if the driver has a documented medical allergy.

(4) A TNC driver shall not transport a passenger under the age of fourteen (14) unless accompanied by a person over the age of eighteen (18).

(5) A TNC shall establish policies regarding TNC driver behavior that shall include the following prohibitions:

(a) Being under the influence of alcohol or another substance or combination of substances that impair the driving ability while providing TNC services;

(b) Accepting a "street hail" by a potential rider;

(c) Directly soliciting a passenger or responding to a direct solicitation;

(d) Providing services for cash.

(6) A driver shall immediately report the following to their affiliated TNC:

(a) A refusal to transport a passenger and the reasons for the refusal within forty-eight (48) hours after the refusal where the refusal occurred after the ride had been accepted by the driver;

(b) Information regarding a driving citation, incident, or accident within twenty-four (24) hours after the event; or

(c) Information regarding a conviction within twenty-four (24) hours.

(7) A TNC shall provide the following information to the public on its website and mobile device application software:

(a) A schedule of its rates or the method used to calculate rates and peak pricing;

(b) Information indicating a zero tolerance policy related to drug and alcohol usage by its drivers while performing TNC services and a passenger support telephone number or email address where a suspected violation may be immediately reported;

(8) A TNC shall provide the following information to a person requesting a ride through its mobile application:

(a) A statement indicating that cash shall not be accepted in payment for the transportation service and that the acceptance of cash may invalidate insurance coverage in the event of an accident;

(b)The expected cost of the trip if requested by a potential passenger;

(c)The first name and a photograph of the TNC driver accepting the ride request;

(d) A photograph or description, including license plate number, of the vehicle that will be used for the ride.

(9) At the completion of the prearranged ride a TNC shall electronically provide the passenger with a receipt showing:

(a) The point of origin and destination of the ride;

(b) The duration and distance of the ride;

(c) The cost of the ride broken down into base fare and additional charges; and

(d) The driver's first name.

(10) Hours of service for a TNC driver shall be the same as established in KRS 281.730(1).

Section 7. Terms of Service. (1) The TNC shall not require a hold harmless or indemnification clause in the terms of service for a TNC driver or passenger that may be used to evade the insurance requirements of this administrative regulation and KRS Chapter 281.

(2) A TNC shall not disclose to a third party the personally identifiable information of a user of the TNC's mobile application unless:

(a) The TNC obtains the user's consent to disclose personally identifiable information;

(b) The disclosure is required to comply with a legal obligation; or

(c) The disclosure is required to protect or defend the terms of use of the service or to investigate violations of the terms of use.

(3) A TNC may disclose a passenger's name and telephone number to the TNC driver in order to facilitate correct identification of the passenger by the driver, or to facilitate communication between the passenger and the driver.

Section 8. Penalties. (1) Penalties for a violation of the provisions of this administrative regulation shall be assessed pursuant to KRS 281.990.

(2) A TNC shall be responsible for an affiliated TNC driver's failure to comply with these administrative regulations if the driver's violation has been previously reported to the TNC in writing and the TNC has failed to take action within ten (10) days of the report.

Section 9. Incorporation by Reference. (1) "Transportation Network Company Authority Application," TC 95-627, November, 2014;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Vehicle Regulation, 200 Mero Street, Frankfort, Kentucky 40622. This material may also be obtained by accessing the department's Web site at http://transportation.ky.gov/.

APPROVED:

Michael W. Hancock, P. E.
Secretary
Kentucky Transportation Cabinet

12/4/14
Date

APPROVED:

Rodney Kuhl
Commissioner
Department of Vehicle Regulation

12-4-14
Date

APPROVED AS TO FORM
AND LEGALITY:

D. Ann DAngelo

D. Ann DAngelo
Office of Legal Services
Kentucky Transportation Cabinet

Dec. 4, 2014
Date

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ann DAngelo
Assistant General Counsel
Office of Legal Services
200 Mero Street
Frankfort, KY 40622
Telephone: (502) 564-7650
Fax: (502) 564-5238

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for a transportation network company to operate in the state of Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to address the growing use of online mobile applications to connect riders with vehicles for hire.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 281.600 authorizes the cabinet to promulgate administrative regulations to establish requirements for the safe operation of motor vehicles and motor carriers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will establish the regulatory requirements for the safe operation of a transportation network company.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of: This is a new administrative regulation.

(a) How the amendment will change this existing administrative regulation: n/a
(b) The necessity of the amendment to this administrative regulation: n/a
(c) How the amendment conforms to the content of the authorizing statutes: n/a
(d) How the amendment will assist in the effective administration of the statutes: n/a

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation

will affect companies desiring to operate as a transportation network company and the cabinet's Division of Motor Carriers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:
A business desiring to operating as a transportation network company will be required to submit an application and attachments to the department; ensure that a criminal background check is performed for each driver; ensure that a vehicle safety check has been performed on vehicles used to transport the public; and maintain up to date files on drivers.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): A transportation network company applying to operate in Kentucky will submit a fee pursuant to KRS 281.620; an annual renewal fee pursuant to KRS 281.650, and an annual license fee pursuant to KRS 186.281(3).
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): If compliant with the requirements of this regulation, businesses desiring to operate as transportation network companies will be granted operating authority.

(5) Provide an estimate of how much it will cost the administrative body to implement the administrative regulation:
(a) Initially: Approximately $7,500
(b) On a continuing basis: Approximately $1,000 annually

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: road funds

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Fees shall be pursuant to statute.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees are established by this regulation either directly or indirectly.

(9) TIERING: Is tiering applied? (Explain why or why not) No. Tiering is not applied. All TNC applications for operating authority will be handled the same.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 601 KAR 1:112E
Contact Person: Ann DAngelo
Phone number: 564-7650

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? KYTC Division of Motor Carriers, Department of Vehicle Regulation

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 281.600

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. Initial programming fees of approximately $7,500 will affect the expenditures and revenue of the Division of Motor Carriers at KYTC.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation may generate approximate $9,000 annually. The amount is dependant on the number of TNC vehicles qualified under the administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation is not expected to generate revenue.

(c) How much will it cost to administer this program for the first year? Approximately $7,500.

(d) How much will it cost to administer this program for subsequent years? Approximately $1,000.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Revenues (+/-):
Expenditures (+/-):
Other Explanation:

SUMMARY OF MATERIAL INCORPORATED BY REFERENCE

601 KAR 1:112E

1. TC Form 95-627 "Transportation Network Company Authority Application" is a nine (9) page form dated November, 2014 that must be completed in order to obtain a permit to operate a transportation network company.

Total pages: 9

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 22, 2015 at 10:00 a.m. local time at the Transportation Cabinet, Transportation Cabinet Building, Hearing Room C121, 200 Mero Street, Frankfort, Kentucky, 40622. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirement five working days prior to the hearing. This request does not have to be in writing. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the close of business February 2, 2015. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON:

D. Ann DAngelo
Asst. General Counsel
Transportation Cabinet
Office of Legal Services
200 Mero Street
Frankfort, Kentucky 40622
Telephone: (502) 564-7650
Fax: (502) 564-5238

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
Transportation Network Company Authority Application

COPY

Transportation Network Company

Application for

New Authority or Authority for Additional Vehicles

This form contains documents required for applications for intrastate Transportation Network Company motor carrier authority and for applications for additional qualified vehicles under an existing authority. The following sections are contained in this application form:

Application Index

For your security, authority and vehicle credentials will be mailed by regular mail to your address on file with the Department of Vehicle Regulation unless the credential may be delivered in person to either a sole proprietor or an authorized company representative whose identity can be verified. You may request overnight or other expedited mail delivery by submitting a prepaid envelope addressed to the mailing address on file for the carrier.

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 1. Application Instructions

To Apply for Transportation Network Company Authority

You are required to follow these instructions to complete and mail or deliver this application form including the Authority Application and Affidavit (Section 2) and enclose the required fees to the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Carriers, Qualification and Permits Branch, at 200 Mero Street, Frankfort, KY 40622. Your application may be returned for the correction of any deficiencies.

Enclose a Check or Money Order

You must enclose one check or money order made payable to the "Kentucky State Treasurer" in an amount equal to the total of the $25 application fee plus the per qualified vehicle fee of $15 prorated for the month the vehicle is first authorized for service (See chart in Section 5, page 8). ($25 application fee) + (number of vehicles _____ X per vehicle fee of $15 prorated for the month of service $_____) = total fees $_____.

Register your Business or Business Name

Business Organizations Must Register with the Kentucky Secretary of State

If you are a business organization that is required to be registered with the Kentucky Secretary of State in order to do business in Kentucky, you shall complete your registration as a domestic or foreign business organization prior to submitting this application. If you have any questions regarding the registration process please contact your attorney or the office of the Kentucky Secretary of State.

Sole Proprietors Must File a Certificate of Assumed Name with the County Clerk

If you are operating your business as a sole proprietor you are not required to and may not register your business name directly with the Kentucky Secretary of State, but you are required to file a certificate of assumed name with the county clerk where you maintain your principal place of business. Complete and record the enclosed Certificate of Assumed Name for Sole Proprietor (Section 3) then enclose the recorded copy with this application.

Commercial Insurance

You are required to have an insurance carrier authorized to transact business in Kentucky file one or more certificates of insurance directly with the Division of Motor Carriers prior to submitting this application. The certificates of insurance, taken together, shall evidence the commercial motor vehicle insurance coverage required for a Transportation Network Company. Each certificate of insurance evidences a commercial policy that provides particular coverage for all equipment operated pursuant to the authority requested. Each certificate of insurance must be issued in the name of the holder of the authority and may only be filed by your insurance carrier by mail directly with the Division of Motor Carriers or through the Motor Carrier Information Exchange (NOR) website. Faxed copies shall not be accepted. You need not include a copy of a certificate of insurance with this application. If you have any questions regarding the applicable policy limits or to confirm a certificate of insurance has been filed please contact your insurance company.

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 1. Application Instructions

Qualification of Vehicles and Drivers

You are required to initially qualify at least one Transportation Network Company vehicle with the Division of Motor Carriers in connection with this application. You must qualify each vehicle to be operated pursuant to a grant of authority before it may be lawfully operated under that authority. You must identify the authorized driver who may operate each vehicle to be qualified. You must complete and submit the enclosed Vehicle Qualification form (Section 5) listing required information for each vehicle to be qualified. You may make additional copies of the blank form on page 9 and submit as many completed qualification forms as may be necessary to list each vehicle you intend to qualify. You may qualify additional vehicles under an existing authority at any time by completing and resubmitting this application form for an amendment to an existing authority.

Inspection of Vehicles

You must have an automotive service technician certified by the National Institute for Automotive Service Excellence (ASE) to annually inspect each vehicle to be qualified and complete the enclosed Vehicle Inspection form (Section 4) annually for each vehicle. Do not include a copy of a completed vehicle inspection form with this application or otherwise submit a vehicle inspection form to the department. You are required to maintain each vehicle inspection form in your records for three years from the date of inspection.

Criminal Background Check of Drivers

You are required to obtain a national criminal background check of each driver prior to qualifying the driver or an associated vehicle and prior to the driver providing Transportation Network Company services. The background check shall be updated every three years that a qualified driver provides Transportation Network Company services.

Contractual Agreement and Related Policies

You must enclose one unexecuted copy of the current contractual agreement between you and your drivers including any policies, procedures, and terms of service with which you intend a driver to comply. You shall submit a copy of the then current agreement with each subsequent request to qualify additional vehicles and drivers and upon each annual renewal.

Applying to Qualify Additional Vehicles under an Existing Authority

You may use this application form to apply to qualify additional vehicles and drivers as an amendment to an existing authority. If using this application to request the authority to qualify additional vehicles and drivers you shall submit only the Authority Application and Affidavit (Section 2), the Vehicle Qualification form (Section 5), listing information for each additional vehicle, and enclose one check or money order made payable to the "Kentucky State Treasurer" in an amount equal to the total of the $25 application fee plus the prorated $15 per qualified vehicle fee (See chart in Section 5, page 8).

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 1. Application Instructions

Authority and Qualified Vehicle Credentials

For your security, if the Department of Vehicle Regulation approves your application for new authority or for additional qualified vehicles and drivers, the authority and vehicle credentials issued by the department will be mailed by first class mail to your mailing address on file with the department. Alternatively, the credentials may be delivered in person to either a sole proprietor or an authorized company representative whose identity and authority can be readily verified. You may request overnight or other expedited mail delivery by submitting with this application a corresponding prepaid envelope addressed to your mailing address on file.

Application Process Assistance

If you have questions about this application form or the application process, please contact the Department of Vehicle Regulation, Division of Motor Carriers, Qualification and Permits Branch, by phone at (502) 564-1257 or by email at kytc.passhhg@ky.gov.

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 2. Authority Application and Affidavit

STATE OF ________________)
) ss.
COUNTY OF ________________)

COMES NOW the affiant being first duly sworn, under oath, and states that the following information is within his or her personal knowledge and belief:

Each driver listed on the enclosed Vehicle Qualification (Section 5) forms has passed the required national criminal background check, a record of which was retained by the applicant.

Each vehicle listed on the enclosed Vehicle Qualification (Section 5) forms has passed the required vehicle inspection completed by an ASE certified automotive service technician. The inspection was recorded on the Vehicle Inspection form (Section 4), a copy of which was retained by the applicant.

Number of Vehicles Requested			
New Authority	☐	Or Additional Vehicles	☐

Docket No.	
Authority No.	

(Department use)

Legal name ____________________

Doing business as ____________________

Mailing street address ____________________

City ____________ County ____________ State ____ ZIP ________

Phone ____________ Fax ____________

Email address *(required)* ____________________

Signature ____________________

Print name ____________________ Print title ____________

SUBSCRIBED AND SWORN TO before me this ______ day of ____________ 20 ____ by

Notary Public ____________________

My commission expires on ____________________

42 Vehicle fee	
73 Application fee	

(Department use)

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 3. Certificate of Assumed Name for Sole Proprietor

(Complete, record, and return only if the applicant is a sole proprietor.)

Only if the applicant is a sole proprietor, file and record this page with the county clerk where you maintain your principal place of business and then enclose the recorded copy with this application.

Pursuant to the provisions of KRS 365.015, the undersigned applies to assume a name and, for that purpose, submits the following statement:

1. The assumed name is: ______________________________
2. The legal name of the individual adopting the assumed name is:

____

3. The street address is: ______________________________

City ____________ County ____________ State ____ ZIP ________

4. The mailing address is: ______________________________

City ____________ County ____________ State ____ ZIP ________

I declare under penalty of perjury under the laws of Kentucky that the foregoing is true and correct.

Signature ______________________________

Print name ____________________ Date ____________

THIS SIGNATURE SHALL BE NOTARIZED.

STATE OF ____________________

COUNTY OF ____________________

Subscribed and sworn to before me on this the _____ day of ____________________ 20 __.

Notary Public ______________________________

My commission expires on ____________________.

An assumed name shall be effective for a term of five (5) years from the date of filing and may be renewed for successive terms upon filing a renewal certificate within six (6) months prior to the expiration of the term, in the same manner of filing the original certificate of assumed name.

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 4. Vehicle Inspection

Each Transportation Network Company vehicle shall be inspected annually by an ASE certified automotive service technician who shall approve it for service. Have the service technician complete this inspection form annually. Maintain a copy for three years from the date of inspection for each vehicle that passed inspection and has been qualified.

Date of Inspection		Odometer		Model Year		Make	
Vehicle Type:	☐ Sedan	☐ Limousine	☐ Minivan	☐ Van	☐ Other	Model	
License Plate No.		VIN		Authority No.			

(Department use)

	Pass	Fail		Pass	Fail		Pass	Fail
LIGHTS			**SAFETY BELTS**			**TIRES**		
Headlights	☐	☐	Front/Rear	☐	☐	Right Front	☐	☐
Reverse Lights	☐	☐	**SPEEDOMETER/ODOMETER**			Left Front	☐	☐
High Beam	☐	☐	Operational/Legible	☐	☐	Right Rear	☐	☐
Parking Lights	☐	☐	**ELECTRICAL SYSTEM**			Left Rear	☐	☐
Turn Signals	☐	☐	Horn	☐	☐	**WIPERS**		
Taillights	☐	☐	Switches/Wiring	☐	☐	Arms/Blades	☐	☐
Hazard Lights	☐	☐	Battery	☐	☐	Controls	☐	☐
Brake Lights	☐	☐	Safety Switches	☐	☐	**FUEL SYSTEM**		
STEERING			**BRAKES**			Tank	☐	☐
Steering Wheel	☐	☐	Brakes/Brake Pads	☐	☐	Cap	☐	☐
Column	☐	☐	Parking Brake	☐	☐	Accelerator	☐	☐
Power Steering	☐	☐	**WINDOWS/DOORS**			**EXHAUST SYSTEM**		
UNDER HOOD			Windshield	☐	☐	Muffler	☐	☐
Fluid Levels	☐	☐	Window Cranks/Switches	☐	☐	Exhaust Pipes	☐	☐
Engine Air Filter	☐	☐	Operable Door Locks	☐	☐	Mountings	☐	☐
Hoses	☐	☐	Door Seals/Gaskets	☐	☐	Catalytic Converter	☐	☐
EXTERIOR			**MIRRORS**			**INTERIOR**		
Body Condition	☐	☐	Interior	☐	☐	Cleanliness	☐	☐
Paint Condition	☐	☐	Exterior	☐	☐	Condition	☐	☐
No Modifications	☐	☐	Comments:					

Inspection Results	☐ Pass ☐ Fail

Inspection Address			Print Name of Service Technician	
Company			ASE Certificate No.	
Street			Phone	
City			Email	
State		ZIP	Signature	

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 5. Vehicle Qualification

Prorated Vehicle Fee Chart

The annual qualification fee for a Transportation Network Company Vehicle is $15.00. For a vehicle qualified after January, the initial vehicle fee is prorated according to this Prorated Vehicle Fee Chart.

January	$15.00
February	$13.75
March	$12.50
April	$11.25
May	$10.00
June	$8.75
July	$7.50
August	$6.25
September	$5.00
October	$3.75
November	$2.50
December	$1.25

Qualification year	20__
Prorated per vehicle fee	
Number of vehicles	
Total vehicle fees	

(Completed by applicant)

Authority no.	
Vehicle qualification fees	☐ 42 - $

(Department use)

Plate[1]	VIN[2]	Unit No.	Seats	Driver Name[345]	Driver Lic. No.[6]	MC Decal

(Department use)

[1] If the vehicle is not registered in Kentucky, provide a copy of the out-of-state registration.
[2] Each vehicle must have passed the required vehicle inspection by an ASE certified service technician.
[3] Each driver must be a registered owner of the associated vehicle.
[4] Each driver has passed the required national criminal background check.
[5] Each driver has affirmed to the TNC that he or she is fit to provide TNC services.
[6] If the driver is not licensed in Kentucky, provide a copy of the out-of-state license.

Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers

Transportation Network Company Authority Application

Section 5. Vehicle Qualification

Plate[1]	VIN[2]	Unit No.	Seats	Driver Name[3,4,5]	Driver Lic. No.[6]	MC Decal

(Department use)

[1] If the vehicle is not registered in Kentucky, provide a copy of the out-of-state registration.

[2] Each vehicle must have passed the required vehicle inspection by an ASE certified service technician.

[3] Each driver must be a registered owner of the associated vehicle.

[4] Each driver has passed the required national criminal background check.

[5] Each driver has affirmed to the TNC that he or she is fit to provide TNC services.

[6] If the driver is not licensed in Kentucky, provide a copy of the out-of-state license.

Public Safety IT

Planning and Public Safety Committee

January 13, 2015

Chief Information Officer

Agenda

- Overview
- Background
- Working Group Membership and Charge
- Request for Information (RFI)
- Next Steps
- Questions

Overview

- Public Safety Systems Requiring Upgrades
  - Jail Management System (JMS)
    - Part 1 implementation
      - Funded FY15
    - Part 2 implementation
      - Budget Request – FY16
  - Computer Aided Dispatch (CAD)
  - Records Management System (RMS)

Overview

- Computer Aided Dispatch (CAD)
  - First point of entry for information coming in to public safety system
    - Calls generated in CAD system become the basis for police and fire incidents which are stored in the RMS

Overview

- Computer Aided Dispatch (CAD)
  - Used to initiate public safety calls for:
    - Service
    - Dispatch
    - Maintenance of the status of responders in field
  - Consists of several modules that provide services:
    - Call input
    - Call dispatching
    - Call status maintenance
    - Event notes

Overview

- Records Management System (RMS)
  - Comprehensive software application designed to capture, track and store statistical crime data
  - Enables public safety agencies to manage and analyze criminal and non-criminal events

Overview

- Records Management System (RMS)
  - Public safety agencies use RMS to facilitate public safety activities and improve operations
  - Data and information management:
    - Data sharing mechanisms
    - Powerful searching capabilities
    - Thorough reporting features
    - Robust investigative tools
  - Covers life span of records development

Challenges

- Current Systems
  - We are not CSI!
  - Near the end of their useful lives
  - "Silos" that don't talk to each other
  - Incompatible
  - Expensive to maintain
  - Difficult to hire expertise to maintain

Opportunities

- Improve Safety
  - Provide critical information to our first responders
  - Respond more quickly to multi-agency incidents
- Increase Efficiency
  - Eliminate / reduce redundant entry and errors
  - Single instances of CAD & RMS for multiple agencies reduces training and support requirements
- Proactively Manage Future Trends
  - NextGen 911; Body video

Working Group

- Formed by CAO and CIO
  - Membership
    - CAO staff
    - Police
    - Fire
    - E911
    - Community Corrections
    - CIO
    - Public Safety Commissioner

Working Group

- Met from September to December 2014
  - Discussed challenges with current systems
  - Discussed requirements for new systems
  - Drafted requirements for new CAD and RMS systems RFI
  - Drafted RFI
  - Released RFI

Request for Information

- Drafted with Input from all Public Safety Divisions
  - Gathered requirements:
    - Size of municipality
    - Number of users
    - Call volume
    - Pain points
    - Current operating system and database management system
    - Number of files requiring conversion

Request for Information

- RFI Criteria
  - What platform are you using?
  - What are the opportunities for integration?
  - Who are your customers?
  - What is the approximate price range for a public safety suite?
  - Who are your references?
- Released in December 2014
- Responses Due Late January 2015

Next Steps

- Review CAD and RMS Systems RFI Responses
- Assign or Hire a Project Manager
  - Gathering of detailed requirements for each Division
- Advertise Request For Proposal (RFP)
- Award RFP
  - Award contingent on FY16 budget allocation
- Begin Implementation of New Systems

Questions?

Planning & Public Safety Committee Referrals

Planning & Public Works Committee Item	Referred By	Date Referred	Status
Possible Revision of Sign Ordinance	Farmer	6.12.12	Summer 2014
~~Private Streets: Enforcement, Maintenance & Specifications~~	~~Mossotti~~	~~11.29.13~~	~~Summer 2014~~
H-1 Notification Process	Myers	1.19.13	November 2014
Greenway Manual & Plan	Mossotti	10.8.13	February 2014
Explore Providing Assistance to Low Income Homeowners with Code Compliance	Gorton	12.5.13	May/Nov. 2014
Code Enforcement Fines	Lawless	2.11.14	May/Nov. 2014
Building Inspection Civil Offenses	Lawless	2.11.14	Nov. 2014, Feb. 2015
~~Snow Removal Plan~~	~~Stinnett~~	~~2.11.14~~	~~October 2014~~
Initiate Zoning Text Amendments for Food Trucks in the P-1 and AU Zones	Akers	2.18.14	Aug./Nov. 2014
Design Excellence Ordinance	Kay	4.22.14	February 2015
~~Fiber Optic Technology~~	~~Farmer~~	~~5.6.14~~	~~September 2014~~
Electrical Inspection Fees	Gorton	6.17.14	Oct./Nov. 2014
Code Enforcement Nuisance Abatement Process	Gen. Svcs. Link	7.10.14	October 2014
~~Permanent Barricading of Agape Drive~~	~~Clarke~~	~~7.1.14~~	~~September 2014~~
~~Streetlights -- Analysis of lighting types, installation/lease costs, rebates for LED lights~~	~~Myers~~	~~10.7.14~~	~~Date uncertain~~
~~Todd's Road Widening Phase II~~	~~Stinnett~~	~~4.15.09~~	~~September 2014~~
Downtown Traffic Study	Farmer	4.13.12	Date uncertain
Design Excellence Update	Kay	4.8.14	February 2015

Public Safety Committee Item	Referred By	Date Referred	Status
Taxi Cab Ordinance	**Lawless**	**2.11.14**	**Dec. 2014, Jan. 2015**
Merge Division of Emergency Management (DEM) into Fire & Em. Management Services	Public Safety Link	6.19.14	Winter-Spring 2015
EMS Transport Fees	**Henson**	**6.21.14**	**Dec. 2014, Jan. 2015**
Ridesharing Regulations	**Henson**	**6.22.14**	**Dec. 2014, Jan. 2015**
Scrap Metal Dealers UCG Code 13.54-3	Farmer	6.23.14	Winter-Spring 2015
Sky Lanterns	Farmer	6.24.14	Winter-Spring 2015
Current & Future IT Needs in Public Safety	**Henson**	**6.25.14**	**January 2015**

Note: ~~Strikethrough~~ items recommended for referral to the Environmental Quality & Public Works Committee or removal, as applicable.

CLB 2014-12-08