
M E M O R A N D U M

DATE: March 22, 2010
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Ordinance: Enacting Processing Fee for Transportation Security Administration Review
CC: Cindy Gust-Jenson, David Everitt, Ed Rutan, Frank Gray, Maureen Riley, Orion Goff, Randy Berg, Dave Korzep, Laura Kirwan, Marco Kunz, Brent Kovac, Larry Bowers

This memorandum pertains to a proposed ordinance to enact a three dollar fee to pay the City's cost to obtain security threat assessments required by the federal Transportation Security Administration for ground transportation drivers. The proposed fee would be in addition to the current \$112 annual fee for drivers of taxicabs, limousines and other ground transportation vehicles.

The proposed ordinance is scheduled for a briefing before the City Council on April 13. The briefing will be held during the City Council work session in Room 326 of the City & County Building, 451 South State Street. The briefing session is scheduled to start at 3:30 p.m.

OPTIONS

- Adopt the proposed ordinance.
- Do not adopt the proposed ordinance.
- Amend the proposed ordinance.

POTENTIAL MOTIONS

- I move that the City Council adopt the ordinance enacting *Salt Lake City Code* Section 5.71.295 establishing a fee for security threat assessments required by the federal Transportation Safety Administration in order for drivers employed in ground transportation businesses to obtain a Salt Lake City vehicle operator certificate.
- I move that the City Council consider the next item on the agenda.
- I move that the City Council adopt the ordinance enacting *Salt Lake City Code* Section 5.71.295 establishing a fee for security threat assessments required by the federal Transportation Safety Administration in order for drivers employed in ground transportation businesses to obtain a Salt Lake City vehicle operator certificate.

ISSUES/QUESTIONS FOR CONSIDERATION

- What is involved in a Transportation Safety Administration security threat assessment on an individual?
- How is a security threat assessment different from a Bureau of Criminal Identification background check already required by City ordinance?

DISCUSSION/BACKGROUND

According to the Administration transmittal, the federal Transportation Security Administration since January 4, 2010, has charged a three-dollar-per-driver fee to Salt Lake City for conducting security threat assessments on people who drive for ground transportation companies regulated by the City's ground transportation ordinance. The fee is the TSA's cost of processing a driver's security threat assessment, according to the Administration. (Salt Lake City Code Chapter 5.71)

The proposed ordinance would add three dollars to the City's annual \$112 fee to drivers who apply for a City vehicle operator permit.

To date, the City has not paid the Transportation Security Administration. However, if the proposed ordinance is not adopted, the fee would be paid from the existing budget of the Ground Transportation Office. The fee would be retroactive to January 4, 2010.

According to the transmittal, the Department of Airports conducted a study to see if the proposed fee could be collected through the International Airport's AVI fees and found that collecting the fee by that method is not feasible. AVI fees are automatically charged every commercial vehicle that is allowed access to airport terminals.

By way of background, the City Council in June 2009 adopted an ordinance adjusting the cost of the application fee to \$112 a year and requiring City Council approval of any fees provided in Section 5.71.290.

SCANNED TO: *Mayer*
SCANNED BY: *Reyes*
DATE: *3/11/2010* -
RALPH BECKER

SALT LAKE CITY CORPORATION

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT
OFFICE OF THE DIRECTOR

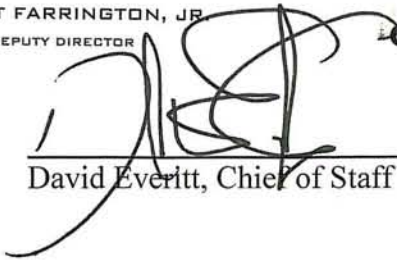
FRANK B. GRAY
DIRECTOR

MARY DE LA MARE-SCHAEFER
DEPUTY DIRECTOR

ROBERT FARRINGTON, JR.
DEPUTY DIRECTOR

CITY COUNCIL TRANSMITTAL






David Everett, Chief of Staff

Date Received: 03/11/2010

Date Sent to City Council: 03/11/2010

TO: Salt Lake City Council
JT Martin, Council Chair

DATE: December 07, 2009

FROM: Frank Gray, Community & Economic Development Director 

RE: Ordinance enacting Section 5.71.295 Transportation Security Administration Fee

STAFF CONTACTS: Orion Goff, Building Services & Licensing Director, 535-6681
Laura Kirwan, Senior City Attorney, 535-7685
Brent Kovac, Ground Transportation Administrator, 908-7195

RECOMMENDATION: That the City Council hold a briefing and schedule a public hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: Proposed fee will cover the Transportation Security Administration fee for a Security Threat Assessment of all ground transportation drivers.

DISCUSSION:

Issue Origin:

This change to the ordinance originates with the Transportation Security Administration (TSA). They have instituted a fee of three dollars (\$3.00) for their required Security Threat Assessments (STA) of all ground transportation drivers accessing the Airport.

Effective January 4, 2010, TSA will charge all those who obtain an annual STA a three dollar (\$3.00) fee. This code change allows for a fee that will assist in offsetting their costs.

The Airport did a study to see if these fees could be collected through their Airport AVI fees, but found that this method of collection is not feasible.

Analysis:

In consulting the City's financial analysts, they indicated that they are not ready to recommend any changes to the fees charged by Ground Transportation for their services. Therefore, this fee for the STA will only increase the total background check fee from one hundred and twelve dollars (\$112.00) to one hundred and fifteen dollars (\$115.00).

The City will be billed monthly by TSA/Airport in a manner similar to how we are currently billed monthly by the Utah State Bureau of Criminal Identification (BCI) for the FBI criminal history background checks.

RELEVANT ORDINANCES:

Section 5.71.290

Existing Code

5.71.290 Application Fee Required:

At the time an application is filed, the applicant shall pay to the city a fee of one hundred twelve dollars (\$112.00). If a ground transportation vehicle operator is working for more than one company, he or she must submit an application for each company. There is no additional fee for such applications. There is no fee for replacement of a lost or stolen vehicle operator's certificate. None of the fees provided in this section may be changed without the approval of the Salt Lake City Council. (July 2009)

Proposed Addition to Code

5.71.295 Security Threat Assessment Fee

At the time an application is filed, the applicant shall pay, in addition to the fee stated in section 5.71.290, a fee of three dollars (\$3.00), which is the cost to the City for obtaining the security threat assessment required by the Federal Transportation Safety Administration for ground transportation vehicle operators.

Ordinance No. _____ of 2010

(Enacting Section 5.71.295, *Salt Lake City Code*, establishing a fee for security threat assessments required by the federal Transportation Safety Administration in order to obtain a vehicle operator certificate.)

An ordinance enacting Section 5.71.295, *Salt Lake City Code*, establishing a Security Threat Assessment fee, to be paid at time of application for a vehicle operator's certificate, to cover the costs to the City for obtaining a required security threat assessment from the federal Transportation Safety Administration.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Salt Lake City, Utah, as follows:

SECTION 1. That Section 5.71.295, *Salt Lake City Code*, be enacted as follows:

5.71.295 Security Threat Assessment Fee

At the time an application is filed, the applicant shall pay, in addition to the fee stated in section 5.71.290, a fee of \$3.00, which is the cost to the City for obtaining the security threat assessment required by the federal Transportation Safety Administration for ground transportation vehicle operators.

SECTION 2. This ordinance shall become effective upon first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2010.

CHAIRPERSON

ATTEST:

CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date 8/11/10

BY [Signature]

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.

Published: _____.

HB_ATTYY-#11975-v1-enacting_5_71_295_TSA_security_threat_assessment_fee.docx

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CHAIRPERSON

ATTEST:

CITY RECORDER

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MAYOR

CITY RECORDER

(SEAL)

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