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Metropolitan Transit System

Agenda

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

April 12, 2012

Executive Conference Room

9:00 a.m.

**ACTION
RECOMMENDED**

- A. ROLL CALL
- B. APPROVAL OF MINUTES - March 8, 2012 Approve
- C. COMMITTEE DISCUSSION ITEMS
 - 1. Trolley Renewal Project Update (Wayne Terry and John Haggerty of SANDAG) Receive
Action would receive a report for information.
 - 2. Airport Taxicab Trip Fee (Karen Landers) Approve
Action would forward a recommendation to the Board of Directors to hold a public hearing to amend MTS Ordinance No. 11 and Board Policy No. 34 to authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for San Diego International Airport (Airport) taxicab fees.
- D. REVIEW OF DRAFT APRIL 19, 2012, JOINT BOARD AGENDA
- E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA Possible
Action
Review of SANDAG Transportation Committee Agenda and discussion regarding any items pertaining to MTS, San Diego Transit Corporation, or San Diego Trolley, Inc. Relevant excerpts will be provided during the meeting.
- F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS
- G. PUBLIC COMMENTS
- H. NEXT MEETING DATE: May 10, 2012
- I. ADJOURNMENT

Please SILENCE electronics
during the meeting

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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



JOINT MEETING OF THE EXECUTIVE COMMITTEE FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS),
SAN DIEGO TRANSIT CORPORATION (SDTC), AND
SAN DIEGO TROLLEY, INC. (SDTI)
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

March 8, 2012

MINUTES

A. ROLL CALL

Chairman Mathis called the Executive Committee meeting to order at 9:02 a.m. A roll call sheet listing Executive Committee member attendance is attached.

B. APPROVAL OF MINUTES

Mr. Roberts moved for approval of the minutes of the February 9, 2012, MTS Executive Committee meeting. Mr. Ovrom seconded the motion, and the vote was 4 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

1. Trolley Rehabilitation Project Update

John Haggerty of the San Diego Association of Governments (SANDAG) gave the Executive Committee an update on the Trolley Rehabilitation Project. He provided an update of the station construction schedule for the Blue and Orange Line Improvement Corridor. He covered the schedule of milestone segments within the Blue & Orange Line Improvement Corridor. He talked about the project status in terms of design and construction and stated that the Blue Line contact wire replacement is complete. Mr. Haggerty also talked about the construction work in progress and the percentage of completion for each project. He then explained the phases of construction for the Green Line Extension Stations. He provided photographs of the America Plaza Station and the C Street Double Crossover improvements that were completed at the end of February.

Mr. Haggerty gave an update on the Blue Line Crossovers and Signaling Project. He provided pictures of the work being done near the 8th Street Station and near Main Street.

Mr. Haggerty then gave the Committee an update on the Orange Line Stations. He showed pictures of the platform improvements in progress at the 47th Street Station, Encanto/62nd Street Station, and the Massachusetts Station. He also showed pictures of the trenching work in progress at the Lemon Grove Station and the track replacement work taking place at the 32nd & Commercial Station and the Euclid Avenue Station.

Mr. Haggerty also briefly updated the Committee on the Light Rail Vehicle Procurement status stating that 19 vehicles have been delivered thus far with 10 vehicles in production at the plant.

The Committee members discussed the possibility of purchasing additional cars under the Utah contract to capture savings, which would only be feasible if the Federal Transit

Administration (FTA) granted a Letter of No Prejudice for the Balboa segment of the Mid-Coast project.

Action Taken

Mr. Young moved to receive a report for information. Mr. Roberts seconded the motion, and the vote was 5 to 0 in favor.

2. Report on System Ridership and Revenue

Mark Thomsen, Senior Transportation Planner, gave the Committee a report on system ridership and revenue. He explained that the fiscal year 2012 projected ridership revenue is approximately \$89.7 million with a farebox recovery ratio of 41.8%. He then discussed ridership statistics based on a triennial survey conducted by SANDAG. He stated the following statistical information; the majority of MTS riders are male, between 19-49 years old, 71% are transit-dependent, and 80% are low-income minorities-mainly Hispanic.

Mr. Thomsen discussed the fare revenue generation based on ridership. He gave a brief overview of the types of fares and types of fare boardings with the majority of boarding passengers holding Senior/Disabled/Medicare (SDM) passes. He then discussed the fare-revenue-by-fare-component figures and the percent of boardings by fare revenue shares and explained that passes generate 85% of system boardings and 77% of fare revenue (83% with TransNet). He explained further that the average fare revenue for cash boardings is \$1.909 per passenger, \$0.993 for pass holders, and the overall system revenue is \$1.029 per passenger boarding.

Mr. Thomsen then talked about the SDM fare-boarding rates compared to peer properties in California based on statistics from fiscal year 2009 with MTS having the highest rate of SDM boardings at 31.3% and the lowest price for SDM holders at \$18 a month (Orange County Transit Authority also has a monthly rate of \$18). He then stated that a disproportionate portion of operating revenue is from non-SDM riders with SDM pass holders representing 30% of trips but generating only 9% of fare revenue.

Sharon Cooney, Chief of Staff, provided the Committee an overview of the SDM pass process, and there was discussion regarding additional avenues for verifying disabilities. Mr. Young directed staff to research legal liabilities associated with contracting with a physician to verify disabilities of SDM applicants. He also directed staff to add comparisons to the previous triennial survey regarding ridership and revenue when presenting the information to the Board of Directors next week.

Action Taken

Mr. Ovrom moved to receive a report for information. Mr. Young seconded the motion, and the vote was 5 to 0 in favor.

The Executive Committee convened to Closed Session at 10:05 a.m.

3. CLOSED SESSION – PUBLIC EMPLOYEE PERFORMANCE EVALUATION CHIEF EXECUTIVE OFFICER Pursuant to California Government Code Section 54957

The Executive Committee reconvened to Open Session at 10:44 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, MTS General Counsel, reported the following:

The Committee received a report and gave direction to staff.

D. REVIEW OF DRAFT MARCH 15, 2012, JOINT BOARD AGENDA

Recommended Consent Items

6. SDTI System Safety and Security - Audit Report

Action would receive an internal audit report on San Diego Trolley, Inc.'s (SDTI's) system safety and security.

7. HSQ iLON System Upgrade and Recertification - Sole Source

Action would authorize the CEO to execute MTS Doc. No. L1069.0-12 with HSQ Technology for a system upgrade and recertification of the HSQ iLON fire-safety system.

8. San Diego Transit Corporation (SDTC) Passenger Services - Audit Report

Action would receive internal audit reports on SDTC passenger services.

9. HMS Construction - Job Order Contract

Action would authorize the CEO to execute a Job Order Contract (JOC) with HMS Construction Corporation using MTS Doc. No. PWL136.0-12 for as-needed railroad signal, overhead catenary, and track-work construction services.

10. The ARC of San Diego Interior Bus-Cleaning Services - Exercise Contract Option Years One and Two

Action would authorize the CEO to execute MTS Doc. No. B0517.1-09 with The ARC of San Diego to exercise option years one and two for interior bus-cleaning services.

11. FY 2012 Caltrans Transportation Planning Grant Programs

Action would approve Resolution No. 12-5 authorizing the CEO to submit applications and enter into a contract (if awarded) with the California Department of Transportation (Caltrans) for FY 2012 Transportation Planning Grant Programs.

12. Property Insurance Renewal

Action would authorize the CEO to renew the property insurance coverage for MTS, San Diego Transit Corporation (SDTC), and San Diego Trolley, Inc. (SDTI) with the California State Association of Counties - Excess Insurance Authority (CSAC-EIA) Property

Insurance Program, effective March 31, 2012, through March 31, 2013, with various coverage deductibles of \$25,000 (basic), \$100,000 (collision-related), and \$1,500,000 (roads, bridges, and tunnels).

13. Banking and Line of Credit Services

Action would authorize the CEO to execute MTS Doc. No. G1413.0-12 and award a contract to JPMorgan Chase Bank, N.A. for banking and line of credit services for MTS.

Recommended Consent Items

There was no additional discussion of the recommended Consent Items.

E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

There was no SANDAG Transportation Committee agenda discussion.

F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

There was no Committee Member Communications and Other Business discussion.

G. PUBLIC COMMENTS

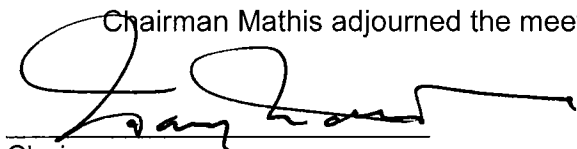
There were no Public Comments.

H. NEXT MEETING DATE

The next Executive Committee meeting is scheduled for April 12, 2012, at 9:00 a.m. in the Executive Committee Conference Room.

I. ADJOURNMENT

Chairman Mathis adjourned the meeting at 10:45 a.m.



Chairman

Attachment: A. Roll Call Sheet

**EXECUTIVE COMMITTEE
METROPOLITAN TRANSIT SYSTEM**

ROLL CALL

MEETING OF (DATE) March 8, 2012

CALL TO ORDER (TIME) 9:02 AM

RECESS _____

RECONVENE _____

CLOSED SESSION 10:05 AM

RECONVENE 10:44 AM

ADJOURN 10:45 AM

BOARD MEMBER (Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
YOUNG <input checked="" type="checkbox"/> (Gloria) <input type="checkbox"/>		
MATHIS <input checked="" type="checkbox"/>		
OVROM <input checked="" type="checkbox"/> (Bragg) <input type="checkbox"/>		
ROBERTS <input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>		
MINTO <input type="checkbox"/> (Cunningham) <input checked="" type="checkbox"/>	9:10 AM	
Transportation Committee Rep Slot (Mathis)		

SIGNED BY OFFICE OF THE CLERK OF THE BOARD: Valerie Vizkelety

CONFIRMED BY OFFICE OF THE GENERAL COUNSEL: Karen Lande



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Agenda

Item No. C1

MEETING OF THE EXECUTIVE COMMITTEE for the Metropolitan Transit System

April 12, 2012

SUBJECT:

TROLLEY RENEWAL PROJECT UPDATE (WAYNE TERRY AND JOHN HAGGERTY
OF SANDAG)

RECOMMENDATION:


That the Executive Committee receive a report for information.

Budget Impact

None with this action.

DISCUSSION:

The Trolley Renewal Project is a system-wide rehabilitation and upgrade of the existing Trolley system. The project includes the purchase of new low-floor vehicles, the rehabilitation and retrofit of stations and transit centers throughout the system, new crossovers and upgraded signaling, replacement of the overhead catenary wire, track work and rail replacement, slope repair, and traction power substation replacement and rehabilitation. Construction and infrastructure work is currently underway in downtown San Diego and on the Orange and Blue Lines. Staff will provide an update.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Wayne Terry, 619.595.4906, wayne.terry@sdmts.com

APRIL12-12.C1.TROLLEY RENEWAL.TERRY

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MTS Executive Committee

Blue and Orange Line Improvement Corridor

Updated
April 12, 2012



Blue & Orange Line Improvement Corridor



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MTS Executive Committee


Construction Schedule

Comparison of Station Construction and Scheduled Vehicle Arrivals

	2011												2012												2013												2014											
	Vehicle #10				Vehicle #20				Vehicle #30				Vehicle #40				Vehicle #50				Vehicle #60																											
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec															
Vehicle Procurement	Vehicles 1-11 for Existing Green Line												Vehicles 12-20 for Green Line Extension												Vehicles 21-34 for the Orange Line												Vehicles 35-47 for the Blue Line											
OCS Contact Wire	[Bar]												[Bar]												[Bar]												[Bar]											
Fiber Optic / Aerial Cabling	[Bar]												[Bar]												[Bar]												[Bar]											
Crossovers and Signaling	[Bar]												[Bar]												[Bar]												[Bar]											
C Street Double Crossover	[Bar]												[Bar]												[Bar]												[Bar]											
Green Line Extension Stations	1	1	2	2	3	3	3	3	4	4	3	3	2																																			
Downtown Stations	[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]															
Orange Line Stations	[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]				[Bar]															
Blue Line Stations	[Bar]												[Bar]												[Bar]				[Bar]				[Bar]				[Bar]				[Bar]							
Substation Procurement	[Bar]												[Bar]												[Bar]												[Bar]											
Substation Installation	[Bar]												[Bar]												[Bar]												[Bar]											
90-LB Rail Replacement	[Bar]												[Bar]												[Bar]												[Bar]											




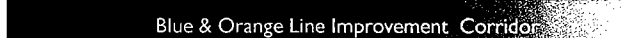

Blue & Orange Line Improvement Corridor



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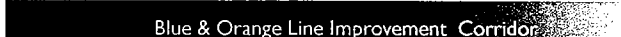

MTS Executive Committee Budget – Expended Status				
Description	\$ in Millions			
	FY2012 Budget	Committed As of 3/30/2012	Expended As of 3/30/2012	Expended (percent of Budget)
Program & Construction Management	\$33.4	\$16.8	\$10.8	32%
Blue Line Crossovers & Signaling	\$41.6	\$36.6	\$18.9	45%
Blue Line Station Improvements	\$79.7	\$6.4	\$6.0	8%
Blue Line Infrastructure	\$89.0	\$15.7	\$2.4	3%
Slope Repair / Substation Roof Repair	\$5.0	\$0.0	\$0.0	<1%
Green Line Extension, Downtown & Orange Line Station Improvements	\$63.1	\$47.1	\$20.9	33%
Low Floor Vehicles	\$240.2	\$230.7	\$70.3	29%
TOTAL	\$562.0	\$353.3	\$129.3	23%

3

3

MTS Executive Committee Project Status	
• Design	2009 – 2012
– Rail Rehabilitation	In Process
▪ 90 lb Rail Replacement	
▪ Track and Tie Replacement	
• Construction (Work Completed)	
– Blue Line Contact Wire	
– Euclid Avenue Station Trackwork and Grade Crossing	
– 32 nd & Commercial Station Trackwork	
– America Plaza Station	
– Civic Center Station Trackwork	

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MTS Executive Committee
12th and Imperial Station



Phase III Improvements in Progress

MTS

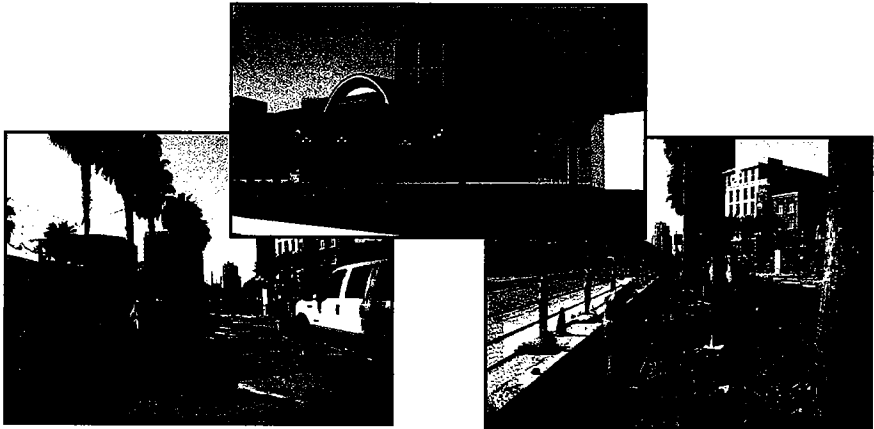
Blue & Orange Line Improvement Corridor

SANDAG

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MTS Executive Committee
Gaslamp Station



Construction began February 16th

Preparations for final improvements

MTS

Blue & Orange Line Improvement Corridor

SANDAG

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MTS Executive Committee Gaslamp Station



North Platform Opened April 5th



Gaslamp Plaza Area Completed



Blue & Orange Line Improvement Corridor



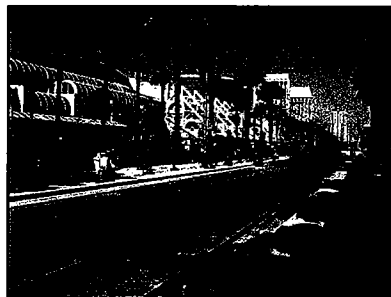
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MTS Executive Committee Gaslamp Station



South Platform Currently Under Construction



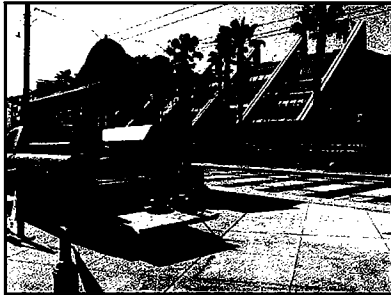
Blue & Orange Line Improvement Corridor



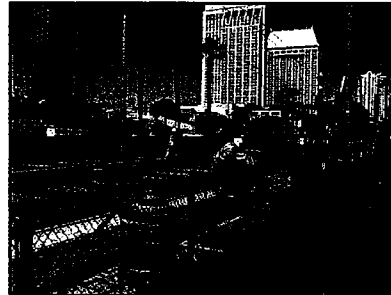
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MTS Executive Committee Convention Center Station



Station Improvements Started April 9th



Sawcutting for Conduit Trenching



Blue & Orange Line Improvement Corridor



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MTS Executive Committee

BLUE LINE CROSSOVERS & SIGNALING PROJECT



Blue & Orange Line Improvement Corridor



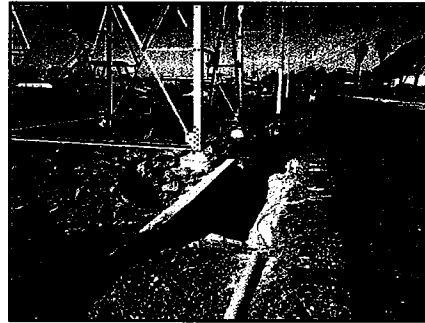
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MTS Executive Committee
Blue Line Crossover & Signaling



Railroad Signal Pole Foundation



Conduit Installation

Near 8th Street Station



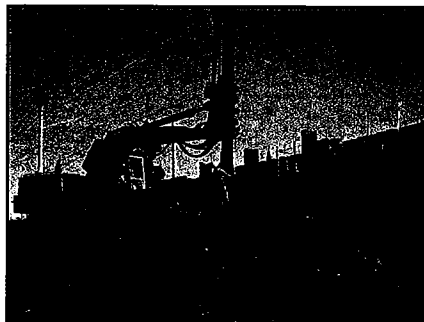
Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Blue Line Crossover & Signaling



Retaining Wall for Signal Cabinets

Near Main Street



Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Blue Line Crossover & Signaling



Crossover Installation



Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Blue Line Crossovers & Signaling



Concrete Tie Replacement



Track Installation

Crossover Installation



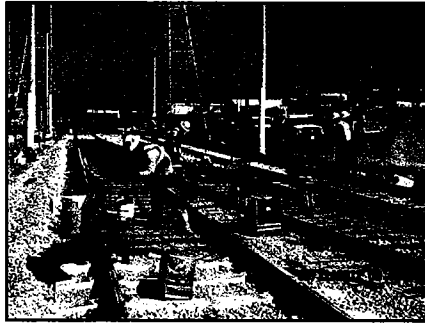
Blue & Orange Line Improvement Corridor



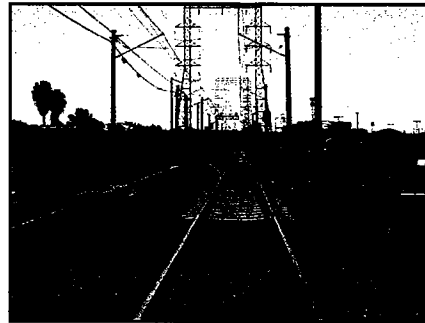
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MTS Executive Committee
Blue Line Crossovers & Signaling



Track Installation



Completed Crossover

Crossover Installation



Blue & Orange Line Improvement Corridor



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MTS Executive Committee

ORANGE LINE STATIONS



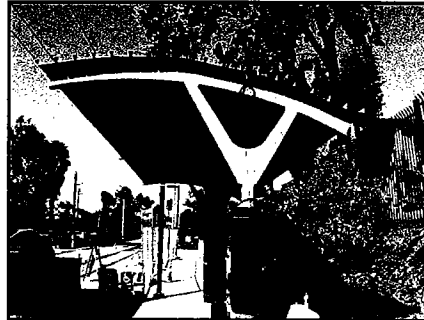
Blue & Orange Line Improvement Corridor



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MTS Executive Committee Orange Line



Station Shelters Installed

47th Street Station



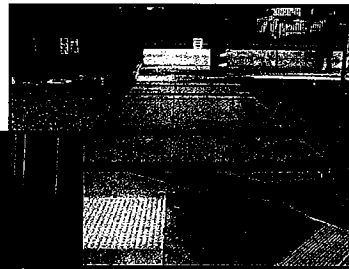
Blue & Orange Line Improvement Corridor



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MTS Executive Committee Orange Line



Platform Improvements In Progress

47th Street Station



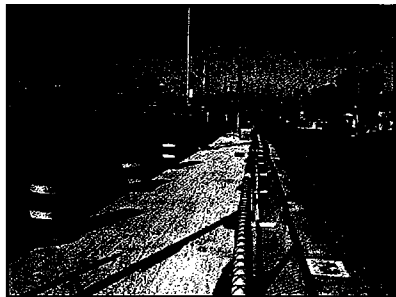
Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Orange Line



Platform Improvements In Progress



Platform Improvements In Progress

Encanto / 62nd Street Station



Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Orange Line



Shelter Installation In Progress



Massachusetts Station



Blue & Orange Line Improvement Corridor



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MTS Executive Committee Orange Line



Platform Improvements



Substantial Completion April 10th

Massachusetts Station



Blue & Orange Line Improvement Corridor



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MTS Executive Committee Orange Line



Platform Improvement in Progress



Lemon Grove Station



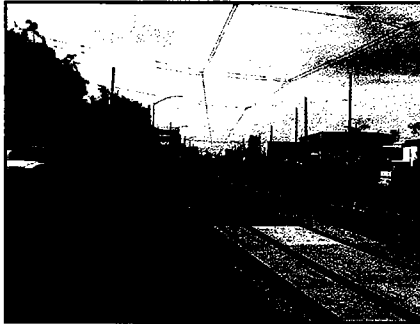
Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Orange Line



Track Replacement on Commercial Street



Concrete Work at Grade Crossing

32nd Street Station Track Replacement



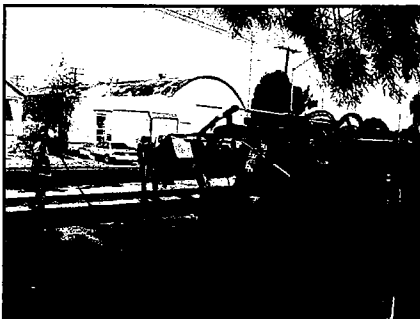
Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Orange Line



Track Replacement on Commercial Street



Concrete Work at Grade Crossing

32nd Street Station Track Replacement



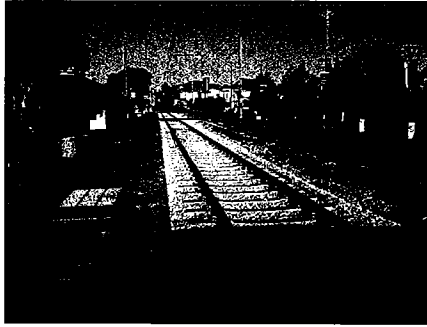
Blue & Orange Line Improvement Corridor



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MTS Executive Committee Orange Line



Track Replacement Completed in December 2011



Trackway Paving will be Completed in April

- Requires Single Track Operations Over 2 Weekends
- 8:00 PM Saturday to 2:00 PM Sunday

Euclid Avenue Station



Blue & Orange Line Improvement Corridor



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MTS Executive Committee Audio-Visual Messaging System

Mission San Diego station



Existing INOVA VMS Signs retrofitted with "Next Train Arrival" software

Provides audio-visual next train arrival announcements

Now activated at stations between Mission San Diego and Gillespie Field in Santee



Blue & Orange Line Improvement Corridor



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MTS Executive Committee Audio-Visual Messaging System

12th and Imperial Transit Center

- Data Display Sign at the Imperial Station bus way
- New rail station signs will have same depth, but 64 inches long
- This sign will be specified for all stations undergoing platform rehabilitation to accommodate low-floor service



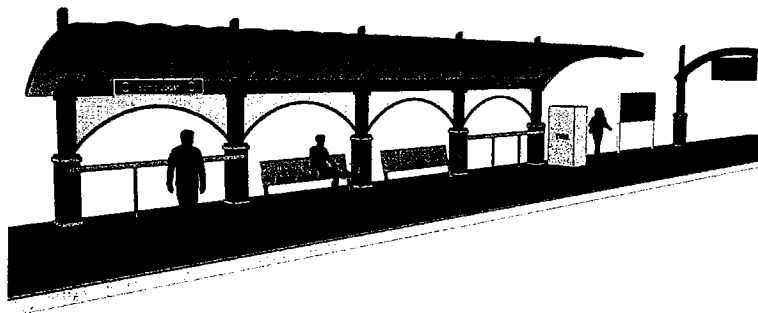
Blue & Orange Line Improvement Corridor



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MTS Executive Committee Station Rendering with Sign Display



Blue & Orange Line Improvement Corridor



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MTS Executive Committee
MTS Board Meeting, April 19, 2012
Agenda Item No. 30

Title: Exercise Option to Purchase 7 Light Rail Vehicles from Siemens Industry, Inc.

- Original Board-approved procurement (9/24/09) was for 65 LRVs, but only 57 LRVs were ordered at that time.
- Orange Line ridership is steadily increasing and the additional 7 LRVs will allow for a low-floor LRV on each end of all trains system-wide
- Cost efficiencies; \$3,844,520 vs. \$3,906,989 per LRV, a savings of \$62,469 (with tax) per LRV from original order. Subject to the identification of funding, the option pricing is available until the end of April 2012

Total option price savings \$437,284 (with tax)



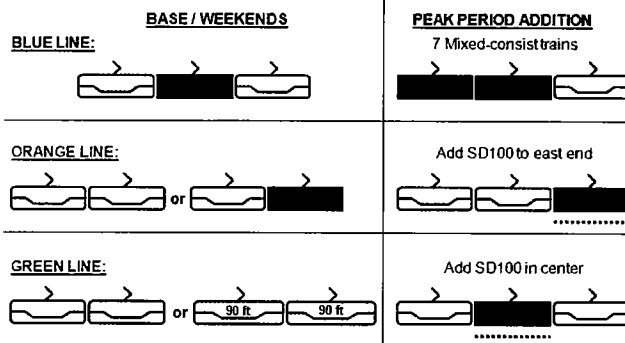
Blue & Orange Line Improvement Corridor



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MTS Executive Committee
Current Low-Floor S70 Plan
Total: 57














Blue & Orange Line Improvement Corridor


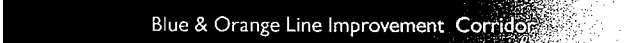



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MTS Executive Committee
Purchase 7 Additional S70
Total: 64

	WEEKDAY BASE	WEEKDAY PEAK	EVENINGS / WEEKENDS
BLUE LINE:			
ORANGE LINE:			
GREEN LINE:	 or  or 		








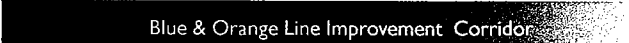

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MTS Executive Committee
Light Rail Procurement Status

- **Production Timeframe:** 2010 to 2013
 - Production Status: 50%
 - Delivered: 25
 - In Revenue Service: 13
 - In Production at the Plant: 10

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Agenda Item No. C2

MEETING OF THE METROPOLITAN TRANSIT SYSTEM EXECUTIVE COMMITTEE

April 12, 2012

SUBJECT:

AIRPORT TAXICAB TRIP FEE (KAREN LANDERS)

RECOMMENDATION:

Action would forward a recommendation to the Board of Directors to hold a public hearing to amend MTS Ordinance No. 11 (Attachment A) and Board Policy No. 34 (Attachment B) to authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for San Diego International Airport (Airport) taxicab trips.

Budget Impact

None.

DISCUSSION:

Starting in 2010, taxicabs operating at the San Diego International Airport have been required to pay an additional "Airport Trip Fee" to the San Diego County Regional Airport Authority ("SDCRAA") for all trips originating at the airport. The Airport Trip Fee has varied between \$0.50 and \$1.00. It could reach as high as \$4.00. Currently, airport taxicab operators are only allowed to collect from customers a standard rate of fare based on mileage and time. The rate of fare is set by MTS Ordinance No. 11 and Board Policy No. 34. Charges not authorized by these MTS regulations cannot be charged to passengers.

Since imposition of the Airport Trip Fee, the taxicab industry has petitioned the SDCRAA and MTS for the ability to recoup the costs associated with the fee by charging additional amounts to passengers. The SDCRAA has formally asked MTS to authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for Airport taxicab trips. (See Letter from SDCRAA Board Chair dated March 7, 2012 – Attachment C.)



The additional charge would be authorized by programming an “extra” button on applicable taxicabs, set at the Airport Trip Fee amount paid by that individual taxicab. Use of the “extra” button by airport taxicab operators would allow those operators to recoup some of the additional costs associated with taxicab operations at the Airport. Programming of an extra button and charging such additional amounts would be at the option of airport taxicab operators. It would not be mandatory.

MTS as Taxicab Administrator

MTS carries out the responsibilities of Taxicab Administrator for the cities of San Diego (since 1988), El Cajon (since 1990), Poway (since 1991), Lemon Grove (since 1990), La Mesa (since 1999), Imperial Beach (since 1990), and Santee (since 1990). Each city has delegated to MTS its authority to regulate the operation of taxicabs and other vehicles for hire through a separate agreement between MTS and the city. This authority includes the collection and administration of all fees, fines, and forfeitures related to taxicabs. Each of the agreements cites MTS Ordinance No. 11, “An Ordinance Providing for the Licensing and Regulating of Transportation Services within the City,” as the basis for MTS’s authority and responsibilities (Attachment A). All agreements expire in June 2013.

SDCRAA regulates, permits, and collects fees for taxicabs operating at the airport. However, MTS carries out inspections for those vehicles and, to work at the airport, the taxicab must have both an SDCRAA permit and an MTS/City of San Diego medallion.

History of the Airport Trip Fee

On January 7, 2010, the Board of Directors for SDCRAA adopted a Comprehensive Ground Transportation Management Plan (the Plan). The Plan identified various users of ground-transportation facilities at the Airport and identified sources of revenue from these users that would be used to fund the capital, operational, and maintenance costs of the Airport.

The Plan called for the imposition of trip fees on taxicab operators leaving the Airport. Effective July 1, 2011, the Airport Trip Fee is \$1.00. The fee is based on SDCRAA cost-recovery calculations related to SDCRAA’s costs of constructing, managing, regulating, and maintaining the commercial ground transportation operations and improvements used by and for the benefit of commercial taxicabs at the Airport. SDCRAA determines the amount of the fee and has the authority to issue increases or decreases in the fee. (An SDCRAA PowerPoint presentation about the Airport Trip Fee program is available for review per request.)

SDCRAA maintains that the Airport Trip Fee is an exempt user, service, privilege, regulatory, and benefit fee charging those conducting and operating commercial taxicab businesses on proprietary Airport property of the SDCRAA and is therefore expressly exempt from the provisions of Article XIII C, Section 1(e)(1), (2), (3) and (4) of the California Constitution (“Proposition 26”). Because the scope of Proposition 26 is untested in California courts, MTS and the SDCRAA are on notice of potential challenges to the SDCRAA’s right to impose the Airport Trip Fee. SDCRAA acknowledges that neither MTS nor any of its member agencies had or has any role in the adoption, monitoring, or collection of the Airport Trip Fee. Neither MTS nor its member agencies receive any funds from the Airport Trip Fee. On this basis, SDCRAA has agreed to indemnify MTS and its member agencies from any legal action challenging the Airport Trip Fee or the action being requested of the Board (authorizing an “extra” button that

would allow airport taxicab operators to charge an amount equivalent to the Airport Trip Fee on trips originating at the Airport). (See Indemnification Agreement – Attachment D.)

Requested Action

Amend Ordinance No. 11 and Board Policy No. 34 to permit the programming of an “extra” button in an amount equivalent to the applicable Airport Trip Fee.

The proposed amendments are outlined as follows:

- Ordinance No. 11, Section 2.2(b): (new language shown in underline; see also Attachment A):

Taxicab trips from Lindberg Field International Airport shall be at a uniform rate. Rates for trips originating at the Airport may include an extra charge equal to the Airport Trip Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the Airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the customer by utilizing the extra button on the taxicab meter. A driver may not verbally request payment. All taxicabs utilizing the Airport Trip Fee extra button must have a decal approved by the General Manager and the County of San Diego Office of Weights and Measures. The decal shall identify and accurately describe the extra charge consistent with regulatory requirements.

- Board Policy No. 34, Section 34.5.1: (new language shown in underline; see also Attachment B):

34.5.1 The uniform rates of fare for taxicab trips from Lindbergh Field Airport are initially established at \$1.40 flag drop, \$1.50 per mile, and \$12.00 per hour, effective June 1, 1990.¹

The airport rates shall be reviewed annually, beginning in January 2009, by the Chief Executive Officer. Airport rates shall be adjusted based on the 1990 amounts, in accordance with the change in the Annual All Urban Western Transportation Consumer Price Index/San Diego. Adjustments shall be rounded up or down, as appropriate, to the nearest even \$0.10 increment.

In addition to the airport uniform rate of fare, a taxicab operator may charge an “extra” equal to the Airport Trip Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the customer by utilizing the extra button on the taxicab meter. A driver may not verbally request payment.

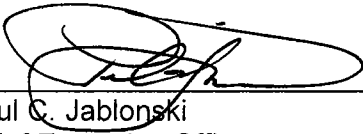
¹ The airport rates of fare for the period beginning April 11, 2012, are: \$2.80 flag drop; \$3.00 permit; \$24.00 per hour waiting time.

Taxicab Advisory Committee Review

At its meeting on March 16, 2012, the Taxicab Advisory Committee reviewed the proposal set forth above and voted to recommend that the MTS Board grant the SDCRAA's request that MTS, through amendments to Ordinance No. 11, or other required action, authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for Airport taxicab trips. The Taxicab Advisory Committee's motion also included a recommendation that the Board be provided with documentation from SDCRAA that justifies the implementation of the Airport Trip Fee; and a request that the MTS General Counsel provide a legal opinion concerning the liability of taxicab owners and drivers under Proposition 26.

The SDCRAA has provided a PowerPoint presentation regarding its Airport Trip Fee, which can be reviewed by the Board or the public upon request.

In the event that the MTS Board wants to grant the Taxicab Advisory Committee's request that a legal opinion be prepared concerning individual taxicab owner and driver liability for using the extra button, MTS General Counsel recommends that outside counsel be hired and paid for from Taxicab Administration funds for such purpose.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Sharon Cooney, 619.557.4513, sharon.cooney@sdmts.com

Attachments: A. Proposed Changes to Ordinance No. 11 (redline format)
B. Proposed Changes to MTS Board Policy No. 34 (redline format)
C. March 7, 2012 Letter from SDCRRA Board Chair
D. Indemnification Agreement

SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD

CODIFIED ORDINANCE NO. 11

(as amended through ~~October 16, 2003~~ April 19, 2012)

An Ordinance Providing for the Licensing and the Regulating
of Transportation Services Within the City By the Adoption
of a Uniform Paratransit Ordinance

MTDB CODIFIED ORDINANCE NO. 11

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SAN DIEGO METROPOLITAN TRANSIT DEVELOPMENT BOARD

CODIFIED ORDINANCE NO. 11

(as amended through August 7, 2003 April 19, 2012)

An Ordinance Providing for the Licensing and the Regulating
of Transportation Services Within the City By the Adoption
of a Uniform Paratransit Ordinance

SECTION 1.0 - GENERAL REGULATIONS

Section 1.1 - Definitions

The following words and phrases, wherever used in this section, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

(a) "Association" shall mean an incorporated or unincorporated group of persons united for some purpose related to the operation of for-hire vehicles.

(b) "Board" shall mean the Board of Directors of the San Diego Metropolitan Transit Development Board.

(c) A "low-speed vehicle" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a "low-speed vehicle" is not a golf cart, except when operated pursuant to California Vehicle Code Section 21115 or 21115.1.

(d) "Charter vehicle" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;

(2) Is routed at the direction of the hiring passenger;

(3) Is prearranged in writing for hire;

(4) Is not made available through "cruising"; and

(5) Is hired by and at the service of a person for the benefit of himself or herself or a specified group.

(e) "City" and "Cities" shall mean the incorporated areas of the Cities of El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, and Santee; and the unincorporated area of the county of San Diego within MTDB's area of jurisdiction.

(f) "Compensation" shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner of any vehicle in

exchange for transportation of a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

(g) "Cruising" shall mean the movement over the public streets of a taxicab or low-speed vehicle (LSV) in search of prospective passengers; except the term does not include either the travel of a taxicab or LSV proceeding to answer a call for service received by telephone or radio from an intended passenger or the travel of such a vehicle, having discharged a passenger or passengers, returning to the owner's place of business or to its established point of departure.

(h) "Days" shall mean working days, exclusive of weekends and holidays for which MTDB offices are closed.

(i) "Doing business" shall mean accepting or soliciting passengers for hire in a City.

(j) "Driver" shall mean every person operating any for-hire vehicle.

(k) "Driver's identification card" shall mean license, issued pursuant to this Ordinance, which permits a person to drive a for-hire vehicle within the City.

(l) "Employ" as used in this Ordinance includes any form of agreement or contract under which the driver may operate the permit holder's for-hire vehicle.

(m) "Exclusive ride" shall mean exclusive use of a for-hire vehicle by one or more related passengers at a time.

(n) "For-hire vehicle" shall mean every vehicle, other than public transit vehicles or vehicles involved in an organized carpool not available to the general public, which is operated for any fare for compensation and used for the transportation of passengers over city public streets, irrespective of whether such operations extend beyond the boundary limits of said City. Such for-hire vehicles shall include taxicabs, vehicles for charter, jitneys, nonemergency medical vehicles, sightseeing vehicles, and LSVs.

(o) "General Manager" shall mean the General Manager of MTDB or his or her designated representative.

(p) "Group ride" shall mean shared use of a taxicab or LSV where a group of related passengers enter at the same point of origin and disembark at the same destination and pay a single fare for the trip.

(q) "Hearing officer" shall mean any person or entity that meets the requirements of this ordinance and that has been retained to conduct administrative hearings.

(r) "Jitney" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;

(2) Follows a fixed route of travel between specified points with the fare based on a per capita charge established in its permit; and

(3) Is made available to boarding passengers at specified locations along its route on a variable schedule.

(s) "Medallion" shall mean the numbered plate, sticker, or decal issued by MTDB to the permit holder which is displayed on a for-hire vehicle to indicate the authorized use or uses of that vehicle.

(t) "MTDB" shall mean the San Diego Metropolitan Transit Development Board, a public agency created pursuant to Public Utilities Code Section 120050 et seq.

(u) "MTDB inspector" shall mean those individuals, regardless of job title, who are authorized by the Board, by ordinance, to enforce the provisions of this Ordinance.

(v) "Nonemergency medical vehicle" shall mean every vehicle which:

(1) Transports physically and/or mentally disabled persons who require supervision and/or specialized transportation equipment or assistance related to the disability, and such persons' attendants, over the public streets of the city.

(w) "Operate" or "Operating" shall refer to the solicitation or acceptance of a fare within City limits for compensation. It shall also include, as the context may require, the act of driving, managing or directing the utilization of one or more for-hire vehicles.

(x) "Owner" shall mean the person, partnership, association, firm or corporation that is the registered owner of any for-hire vehicle and that holds the right to use the vehicle for its advantage.

(y) "Passenger" shall mean every occupant other than the driver of the for-hire vehicle.

(z) "Permit" shall mean the authority under which a person, firm, partnership, association, or corporation may operate a for-hire vehicle as a business.

(aa) "Permit holder" shall mean any person or approved entity operating a business under a for-hire vehicle permit.

(bb) "Shared ride" shall mean nonexclusive use of a for-hire vehicle by two or more unrelated passengers traveling between different points of origins and/or destination, and traveling in the same general direction.

(cc) "Shifts" shall mean the minimum number of hours a permit holder or driver operates a for-hire vehicle.

(dd) "Sightseeing vehicle" shall mean every vehicle which:

(1) Transports passengers for sightseeing purposes of showing points of interest over the public streets of the City; and

(2) Charges a fee or compensation therefor; regardless of whether any fee or compensation is paid to the driver of such sightseeing vehicle, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or hires such sightseeing vehicle with a driver to transport or convey any passenger; and irrespective of whether or not such driver receives any fee or compensation for his or her services as driver.

(ee) "Stands" shall mean public areas designated for specific use of for-hire vehicles.

(ff) "Street" shall mean any place commonly used for the purpose of public travel.

(gg) "Taxicab" shall mean every vehicle other than a vehicle-for-charter, a jitney, a nonemergency medical vehicle, a sightseeing vehicle, or LSV which:

(1) Transports passengers or parcels or both over city public streets.

(2) Is made available for hire on call or demand through "cruising," at taxi stands or by telephone to destination(s) specified by the hiring passenger.

(hh) "Taximeter" shall mean any instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is calculated, either for distance traveled or time consumed, or a combination of both, and upon which such charge is indicated by figures.

(ii) "Vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a street, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(Section 1.1 amended 8/7/03)

(Section 1.1 amended 11/14/02)

(Section 1.1 amended 6/24/99)

(Sections 1.1(d), 1.1(R)(1) amended 6/22/95)

(Section 1.1 amended 1/12/95)

(Section 1.1 amended 6/27/91; effective 7/27/91)

(Section 1.1 amended 5/23/91; effective 6/23/91)

Section 1.2 - Operating Permits

(a) No person shall engage in the business of operating any for-hire vehicle or in the business of providing any vehicle for the operation of vehicle for-hire services within the cities without first having obtained an operating permit from the General manager or his designated representative, which permit has not been revoked, suspended or otherwise canceled or terminated by operation of law or otherwise. A separate permit is required for each for-hire vehicle operated or provided for operation.

(b) An operating permit represents the granting of a privilege to operate a for-hire vehicle within the cities or zones specified by the permit for the purpose of the public convenience and necessity. This privilege may be rescinded at any time by operation of law or otherwise.

(c) A person who obtains an operating permit shall be responsible for the provision of vehicle-for-hire services in accordance with the provisions of this ordinance and shall exercise due diligence to assure that drivers of the permitted vehicles adhere to all pertinent requirements of this ordinance.

(Section 1.2 amended 8/7/03)

(Section 1.2 amended 11/14/02)

(Section 1.2 amended 6/24/99)

Section 1.3 - Application for Permit

(a) All persons applying to the General Manager for permit(s) for the operation of one or more for-hire vehicles shall file with the General Manager a sworn application therefore on forms provided by the General Manager, stating as follows:

- (1) The individual and business name, address, and telephone number of the permit applicant;
- (2) The number of permitted vehicles actually owned and operated by such owner on the date of application, if any;
- (3) The name and address of all legal and registered owner(s) of the vehicle(s);
- (4) The name and address of each person with a financial interest in the business which operates the vehicle;
- (5) Data sufficient to establish the applicant's financial responsibility;
- (6) The number of vehicle(s) for which a permit(s) is desired;
- (7) The intended make, type, year of manufacture and passenger seating capacity of each vehicle for which application for permit is made;
- (8) The rates of fare which the applicant proposes to charge for vehicle-for-hire services;
- (9) A description of the proposed color scheme, insignia, trade style, or any other distinguishing characteristics of the proposed vehicle design;
- (10) Where the application is for a limited permit or LSV, a detailed description of the geographic area in which said permit shall be in existence; and
- (11) Such other information as the General Manager may in his or her discretion require.

(b) The applicant shall also submit, with the application, a nonrefundable filing fee to be determined by the General Manager in order to recover the cost of processing such applications.

(Section 1.3 amended 8/7/03)

(Section 1.3 amended 11/14/02)

Section 1.4 - Issuance of Permit

(a) The Board shall, in its discretion, determine the total number of for-hire vehicle permits to be granted.

(b) The General Manager shall, in accordance with Board policy, determine the number of permits to be granted any applicant(s) and approve permits for any applicant(s) subject to such conditions as the Board may deem advisable or necessary in the public interest. Before a permit may be approved, the applicant shall pay an initial regulatory fee in an amount to be determined by the General Manager.

(c) The General Manager shall deny the approval of a permit upon making a finding:

(1) That the applicant is under twenty-one (21) years of age; or

(2) That within the five (5) years immediately preceding the processing of the application, the applicant has been convicted of, or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the permit in accordance with Section 1.13 of this Ordinance. For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere or a forfeiture of bail shall be deemed a conviction; or

(3) That the applicant provided false information of a material fact in an application within the past five (5) years.

(d) Permits shall be approved for a period of one (1) year and be renewable annually upon payment of a regulatory fee in an amount to be determined by the General Manager.

(e) No permit shall be approved or renewed for any person who has not fully complied with all of the requirements of this Ordinance and all other applicable laws and/or regulations necessary to be complied with before commencement of the operation of the proposed service.

(f) When the permit has been approved and upon determination by the General Manager that the color scheme and for-hire vehicle are sufficiently distinctive so as not to cause confusion with other for-hire vehicles already operating, and that the for-hire vehicle, after appropriate inspection, meets the requirements of this Ordinance, the General Manager will issue a numbered medallion(s) to be affixed to the for-hire vehicle.

(Section 1.4 amended 11/14/02)

Section 1.5 - Transfer and Administration of Permits

(a) Each permit issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the permit holder to another person or entity only with the approval of the General Manager. City of San Diego taxicab permits represented by medallion numbers 0001 through 1199 may be transferred only after the passage of one (1) year from the date a permit was issued to the current permit holder. All other City of San Diego taxicab permits and LSV permits shall be transferable only after the passage of five (5) years from the date a permit was issued to the current permit holder. All taxicab permits may be transferred upon the verifiable death or permanent disability of the current permit holder. The transferability of permits may be limited by policy of the Board established by resolution.

(b) In the event that the permit holder is a corporation, partnership or legal entity other than a natural person, prior approval of the General Manager shall be required for any transfer or acquisition of majority ownership or control of that corporation, partnership or legal entity to a person or group of persons acting in concert, none of whom already owns or controls a majority interest. Any such acquisition or transfer occurring without prior approval of the General Manager shall constitute a failure to comply with a provision of this section.

(c) The proposed transferee shall file with the General Manager a sworn application for the transfer and shall comply with the requirements of Section 1.3. The permit holder shall certify in writing

that the permit holder has notified the proposed transferee of the requirements of this section pertaining to the transfer of a permit. Whenever an application for a transfer of permit is filed, the General Manager shall process the application for transfer in accordance with Section 1.4 of this Ordinance.

(d) The General Manager shall charge regulatory fees to affect the full cost recovery of activities associated with the administration, regulation, issuance, or transfer of for-hire vehicle permits and associated records.

(1) Changes in fee schedules affecting permits shall be mailed to all permit holders. Changes shall be effective thirty (30) calendar days thereafter.

(2) Any person objecting to a particular fee or charge may file, within ten (10) days of the mailing of such changes, an appeal for review with the General Manager who shall thereafter process it in accordance with Section 1.17; provided, however, that the sole issue to be determined on review is whether the fee or charge exceeds the reasonable costs for personnel salaries and administrative overhead associated with the particular administrative service or function.

(Section 1.5 amended 8/7/03)

(Section 1.5 amended 11/14/02)

Section 1.6 - Limited Permits

(a) The General Manager may approve permits which are limited in duration of time and/or limited to a specific geographical area of the cities. Applicants for limited permits must submit all relevant information as set forth in Section 1.3 (a), Subsections (1) through (11), and shall state specifically the appropriate time and/or the geographical limitations. In addition to the requirements set forth in this section, services operating pursuant to a limited permit shall:

(1) Commence operations at the specified date approved by the General Manager and cease operations at the ending date approved by the General Manager;

(2) Pick up passengers only in the specified geographical area of the City approved by the General Manager and shall not pick up passengers under any circumstances outside the specified geographical area;

(3) Be allowed to transport passengers from a specified geographical area to points within or outside the area;

(4) Prominently display on the vehicle the geographical area of the City in which the driver is authorized to pick up passengers; and

(5) Be subject to each and every provision relating to the operation of a for-hire vehicle as if granted a regular permit for the operation of a for-hire vehicle.

(Section 1.6 amended 11/14/02)

Section 1.7 - Blank

The text of Section 1.7 is deleted in its entirety effective October 24, 1998.
(Section 1.7 was deleted 9/24/98)

Section 1.8 - Equipment and Operating Regulations

(a) No medallion shall be issued for a vehicle unless the vehicle conforms to all the applicable provisions of this Ordinance.

(b) The privilege of engaging in the business of operating a for-hire vehicle in a City granted in the permit is personal to the permit holder, who must be the owner of the for-hire vehicle. The rights, requirements, and responsibilities which attach to the permit remain with the holder at all times the for-hire vehicle is operated under the authority of the permit. These rights, requirements and responsibilities, which include, but are not limited to, the requirements of this Ordinance, will remain unaffected by any agreement or contractual arrangement between the permit holder and those persons who operate for-hire vehicles, irrespective of the form or characterization of the agreement under which the driver operates the for-hire vehicle.

(c) The permit holder shall maintain a business address, a mailing address where he or she can accept mail directed to his or her company, and a business telephone in working order which must be answered during normal business hours, Monday through Friday, and during all hours of operation. The permit holder shall, in the case of any change in his or her business address, mailing address, or business telephone, notify the General Manager in writing of such change within forty-eight (48) hours of the effective date of this change.

(d) Before a for-hire vehicle is placed in service and at least annually thereafter, the for-hire vehicle shall be delivered to a place designated by the General Manager for inspection. MTDB inspectors shall inspect the for-hire vehicle and its equipment to ascertain whether the vehicle complies with the provisions of this Ordinance. Failure to produce the vehicle for inspection shall be cause for suspension or revocation of the permit for such vehicle.

(e) Any MTDB inspector or peace officer, after displaying proper identification, may make reasonable and periodic inspections of any for-hire vehicle operating under an MTDB permit for the purpose of determining whether the vehicle is in compliance with the provisions of this Ordinance.

(f) Any for-hire vehicle which fails to meet the requirements of the California Vehicle Code or this section after inspection shall be immediately ordered out-of-service by an MTDB inspector or Peace Officer if it is unsafe for service. Ordering a vehicle out-of-service does not constitute a suspension or revocation of the permit. A vehicle is deemed unsafe for service when any of the following conditions exists:

- (1) Tires fail to meet the requirements of the California Vehicle Code;
- (2) Headlights, taillights or signal lights are inoperable during hours of darkness (sunset to sunrise);
- (3) Windshield wipers are inoperable during rain conditions;
- (4) Meter is not working or the seal is broken;
- (5) Brakes, brake lights or brake system are inoperable or otherwise fail to meet the requirements of the California Vehicle Code;
- (6) Excessive play in steering wheel exceeding three (3) inches;

(7) Windshield glass contains cracks or chips that interfere with driver's vision;

(8) Any door latch is inoperable from either the interior or exterior of the vehicle;

(9) Any seat is not securely fastened to the floor;

(10) Seat belts, when required, fail to meet requirements of the California Vehicle Code;

(11) Either side or rearview mirrors are missing or defective; and

(12) Any other condition which reasonably and rationally pertains to the operating safety of the vehicle or to passenger or pedestrian safety.

(g) If the vehicle is not unsafe but is unsuitable or otherwise in violation of this Ordinance, the operator or permit holder, as appropriate, shall be issued a notice to correct said violation within seventy-two (72) hours.

(1) Failure to correct such violation within the seventy-two (72) hours shall then be cause to order the vehicle out-of-service. When a vehicle is ordered out-of-service, the medallion shall be immediately removed.

(2) Before the vehicle may again be placed in service, the violation shall be corrected and the vehicle shall be inspected by an MTDB inspector.

(3) The medallion shall be reaffixed when the MTDB inspector finds that the vehicle meets prescribed standards.

(h) The interior and exterior of the for-hire vehicle shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements and the requirements of this Ordinance at all times when in operation. The following minimum vehicle standards must be maintained to comply with this section:

(1) Wheels. Hubcaps or wheel covers shall be on all wheels for which hubcaps or wheel covers are standard equipment.

(2) Body Condition. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. Fenders, bumpers, and light trim shall be securely fixed to the vehicle. No extensive unrepaired body damage shall be allowed. The vehicle shall be equipped with front and rear bumpers. The exterior of the vehicle shall be maintained in a reasonably clean condition so as not to obscure the approved color scheme and/or vehicle markings.

(3) Paint. The vehicle shall be painted and marked in accordance with the color scheme approved under Section 1.4 (f) of this Ordinance. Paint and markings may not be faded or deteriorated in such a manner as to preclude immediate recognition of the approved color scheme.

(4) Lights. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights shall all be operable.

(5) Wipers. Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.

(6) Brakes. Both the parking and hydraulic or other brake system must be operable.

(7) Steering. Excessive play in the steering mechanism shall not exceed three (3) inches free play in turning the steering wheel from side to side.

(8) Engine. The engine compartment shall be reasonably clean and free of uncontained combustible materials.

(9) Mufflers. Mufflers shall be in good operating condition.

(10) Windows. The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer. The windows and windshield shall be maintained in a reasonably clean condition so as not to obstruct visibility.

(11) Door Latches. All door latches shall be operable from both the interior and exterior of the vehicle.

(12) Suspension. The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.

(13) Seats. All seats shall be securely fastened. Seat belts, when required by the California Vehicle Code, shall be installed. The upholstery shall be free of grease, holes, rips, torn seams, and burns.

(14) Interior. The interior of each vehicle and the trunk or luggage area shall be maintained in a reasonably clean condition, free of foreign matter, offensive odors, and litter. The seats shall be kept reasonably clean and without large wear spots. The door handles and doors shall be intact and clean. The trunk or luggage area shall be kept empty except for spare tire and personal container for the driver not exceeding one (1) cubic foot in volume and emergency equipment, to allow maximum space for passenger luggage and belongings.

(i) Each for-hire vehicle except taxicabs shall contain:

(1) A fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 5 B/C units and a current inspection card affixed to it.

(2) A minimum of three (3) red emergency reflectors.

(3) A first-aid kit containing medical items to adequately attend to minor medical problems.

(j) In the event that a for-hire vehicle for which a permit has been approved is taken out of service, the permit holder may utilize a spare for-hire vehicle which has been duly inspected by an MTDB inspector and approved prior to use. The permit holder must immediately inform an MTDB inspector when a spare for-hire vehicle is in use and the location of the disabled vehicle. The spare vehicle will be issued a "spare vehicle" sticker which must be affixed to the left rear portion of the for-hire vehicle for which it is approved, in plain view from the rear of the for-hire vehicle. The permit holder may utilize one (1) spare for-hire vehicle for a period not to exceed sixty (60) days. This

subsection shall not be construed, nor deemed to replace, those provisions in this Ordinance which apply to permanent replacement of a for-hire vehicle.

(k) The medallion issued to the permit holder must be affixed by an MTDB inspector on the for-hire vehicle for which the permit is approved in plain view from the rear of the for-hire vehicle. The permit holder must immediately report the loss, destruction, or defacing of a medallion to the General Manager. Except as provided in Subsection (j), it shall be unlawful to operate a for-hire vehicle without the medallion affixed and visible.

(l) There shall be displayed in the passenger compartment of each for-hire vehicle between the sun visors, in full view of the passengers in the front and rear seats, a card not less than ten (10) inches wide by six (6) inches high in size. Posted on this card, utilizing "Univers" font in black ink on white background, shall be:

1) The first line of the card, 3/4 inch in height, shall say one of the following according to permit type: TAXICAB, SIGHTSEEING, CHARTER, NONEMERGENCY, LOW-SPEED VEHICLE, OR JITNEY LOST AND FOUND.

2) Below this, the card shall include the vehicle medallion number in three-inch numerals.

3) Below the medallion number, the name, address, and phone number of the MTDB Taxicab Administration and the permit holder and/or permit holder trade name shall be printed, 1/4-inch in height.

4) No other signs, markings, lettering, decals, or any type of information shall be displayed within 18 inches around the above sign.

5) No other signs, markings, lettering, decals or any type of information except the rates of fare and the tire size specifications required by San Diego County Weights and Measures shall be posted within the area 18 inches around the taxicab meter.

(m) There shall be carried either on the person of the driver or in each for-hire vehicle, a map of the City, published within the past two (2) years, which shall be displayed to any passenger upon request.

(n) The rates of fare charged for for-hire vehicle services shall be clearly displayed in the passenger compartment.

(o) Each for-hire vehicle licensed to operate in the City shall have located in a convenient place in the driver's compartment, in full view of the passengers, a container of type and design approved by the General Manager. The container shall contain a card provided by the Sheriff of the County of San Diego or by the General Manager. The card shall be visible to passengers and shall bear the following information:

- (1) The number of the license of the driver;
- (2) The name and business address of the driver;
- (3) The name of the owner of the vehicle; and
- (4) A small photograph of the driver.

(p) Each for-hire vehicle shall be equipped with a rearview mirror affixed to the right side of the vehicle, as an addition to those rearview mirrors otherwise required by the California Vehicle Code.

(q) The driver shall offer each passenger a receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the medallion number, the trade name, and the name and signature of the driver.

(r) All disputes to fare shall be determined by the peace officer or MTDB inspector most readily available where the dispute is had. It shall be unlawful for any person to fail or refuse to comply with such determination by the peace officer or MTDB inspector.

(s) It is unlawful for any person to refuse to pay the lawful fare of a for-hire vehicle after employing or hiring the same.

(t) The driver of any for-hire vehicle shall promptly obey all lawful orders or instructions of any peace officer, fire fighter, or MTDB inspector.

(u) No driver of any for-hire vehicle shall transport any greater number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(v) It shall be unlawful for any person to solicit business for a for-hire vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any passenger to a specific for-hire vehicle or company. It shall be unlawful for any permit holder, association, or driver to have or make a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agents or employees of such owner, by which the permit holder, association or driver receives any type of payment or commission for recommending or directing any passenger to an establishment operated by a specific owner.

(w) The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, an identification card approved by the General Manager.

(x) The Board specifically finds that the dress, grooming, and conduct of for-hire vehicle drivers affect the public health and safety, particularly as it relates to visitors and the tourist industry. Therefore, while driving or operating a for-hire vehicle, drivers shall be hygienically clean, well groomed and neat, and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(2) The term "well-groomed" shall mean that male drivers shall be clean-shaven, except for those parts of the face where a beard or mustache is worn and their hair shall be neatly trimmed; beards or mustaches shall be groomed and neatly trimmed at all times in order not to present a ragged appearance. For all drivers, it shall mean that scalp or facial hair shall be combed or brushed and that all clothing is clean, free from soil, grease and dirt, and without unrepaired rips or tears.

(3) The term "neat and suitably dressed" shall be interpreted to require that a driver shall be fully covered by clothing at a minimum from a point not to exceed four (4) inches above the

center of the kneecap to the base of the neck, excluding the arms. Drivers shall wear shoes. It shall not be permissible for any driver to wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swim wear, jogging or warm-up suits or sweatshirts or similar attire, jogging or bathing shorts or trunks, or sandals. Trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(y) The color scheme of a for-hire vehicle may not be changed without the prior written permission of the General Manager.

(z) For-hire vehicles shall comply with the California Vehicle Code, e.g., not impede traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers, including taxicab, shall not load or unload passengers in traffic lanes.

(Section 1.8 amended 8/7/03)

(Section 1.8 amended 11/14/02)

(Section 1.8 amended 9/24/98)

(Section 1.8 amended 2/13/97)

(Section 1.8 amended 6/24/93)

Section 1.9 - Public Liability

(a) It shall be unlawful to operate a for-hire vehicle unless the permit holder establishes and maintains in effect one of the forms of financial responsibility specified in this section.

(1) This requirement may be met by maintaining a valid policy of insurance executed and delivered by a company authorized to carry on an insurance business in the State of California, the financial responsibility of which company has been approved by the General Manager. The terms of the policy shall provide that the insurance company assumes financial responsibility for injuries to persons or property caused by the operation of the for-hire vehicle in an amount determined by the General Manager.

(2) The permit holder may also meet this requirement by obtaining a certificate of self-insurance for a specified amount approved by the Board and pursuant to the applicable provisions of the California Vehicle Code.

(b) A valid certificate of insurance issued by the company providing the insurance policy required under Subsection (a) (1) of this section shall be filed with and approved by the General Manager. This certificate shall provide that MTDB is a named certificate holder. It shall also provide that the insurer will notify MTDB of any cancellation and that the cancellation notice shall be in writing and shall be sent by registered mail at least thirty (30) days prior to cancellation of the policy. The certificate shall also state:

- (1) The full name of the insurer;
- (2) The name and address of the insured;
- (3) The insurance policy number;
- (4) The type and limits of coverage;
- (5) The specific vehicle(s) insured;
- (6) The effective dates of the certificate; and
- (7) The certificate issue date.

(Section 1.9 amended 11/14/02)

Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements

(a) Every person engaged in the business of operating a for-hire vehicle within the City under a permit granted by the General Manager shall maintain:

- (1) Financial records in accordance with good accounting practices;
- (2) Ownership records; and
- (3) Operating records in a form, and at intervals, which shall be determined from time to time by the General Manager.

(b) Ownership and operating records shall be made available to the General Manager upon demand at any reasonable time. The permit holder shall retain operating records for a minimum of six (6) months from the date the records are created.

(c) For purposes of this section, ownership records shall include, but are not limited to, the following:

- (1) Copies of the Articles of Incorporation as filed with the Secretary of State of California;
- (2) Records identifying all corporate officers and members of the corporation's Board of Directors. A corporation shall report any change in corporate officers or members of its Board of Directors to MTDB within ten (10) days of the effective date.
- (3) A stock register recording the issuance or transfer of any shares of the corporate stock; and
- (4) The registration cards issued by the State of California Department of Motor Vehicles to the vehicle owner for all for-hire vehicles operated under the authority of an MTDB for-hire vehicle permit.

(d) For purposes of this section, operating records shall include, but are not limited to, the following:

- (1) Typed or written dispatch records for taxicab or LSV companies which operate their own radio dispatch service;
- (2) Any logs which a for-hire vehicle driver keeps describing the trips carried by a for-hire vehicle other than a taxicab;
- (3) Copies of the daily trip log required by taxicab or LSV drivers under Section 2.4 (p); and
- (4) Any other similar records.

(e) Between January 1 and December 31 of each calendar year, every permit holder shall file with the General Manager a signed statement which shall report and attest to the accuracy of the following information:

(1) The individual name(s), business name, business address, and telephone number of the permit holder(s);

(2) The name and address of all legal and registered owner(s) of the for-hire vehicle(s);

(3) The name and address of each person with a financial interest in the business which operates the vehicle(s); and

(4) The year, manufacturer, model, vehicle identification number, license plate, and medallion number affixed to the permitted vehicle(s).

(f) If the permit holder is an individual, the permit holder must appear in person in the offices of MTDB to file the statement; if the permit holder is a partnership, one of the partners must appear in person in the offices of MTDB to file the statement; if the permit holder is an association or corporation, an officer of the association or corporation authorized to represent the company must appear in person in the offices of MTDB to file the statement.

(Section 1.10 amended 8/7/03)

(Section 1.10 amended 11/14/02)

(Section 1.10 amended 6/24/93)

Section 1.11 - Destruction, Permanent Replacement or Retirement of For-Hire Vehicles

(a) Whenever a for-hire vehicle is destroyed, rendered permanently inoperative, is sold, or the permit holder is no longer the owner of the for-hire vehicle, the permit holder shall notify the General Manager in writing within forty-eight (48) hours.

(b) A replacement vehicle must be placed in service within sixty (60) days of the date the original vehicle is removed from service unless prior written permission has been obtained from the General Manager. It is the intent of this section that the General Manager, in granting such permission, gives due consideration to the operating situation of the permit holder on a case-by-case basis.

The following guidelines are to be used in granting permission for a permit holder to take longer than sixty (60) days in placing a replacement vehicle in service.

(1) The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and identifying a plan and timetable for placing the replacement vehicle in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.

(2) The plan and timetable submitted must reflect a reasonable approach for placing the vehicle in service within the shortest possible time frame.

(3) An additional period of time, not to exceed sixty (60) calendar days, may be granted to a permit holder in case of severe personal illness or other similar hardship.

(4) An additional period of time, not to exceed thirty (30) calendar days, may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.

(5) No extensions will be granted to any permit holder who is unable to meet the basic operational costs, including liability insurance, regulatory fees, and normal maintenance and repairs of operating a for-hire vehicle.

(6) No more than one (1) extension will be granted for each vehicle in a single twelve (12) month period.

(c) The General Manager shall, as a matter of owner right, allow the replacement of a vehicle which is destroyed, rendered inoperative, sold or transferred, provided that the permit holder has complied with, and the for-hire vehicle is in conformance with, all applicable provisions of this Ordinance. An owner must remove the markings from the vehicle that indicate it is a taxicab or LSV before the owner disposes of it.

(d) When a permit holder retires any for-hire vehicle or vehicles from service and does not replace them within sixty (60) days, the permit for each such retired for-hire vehicle shall be considered abandoned and will be void. The permit holder shall immediately surrender each related medallion to the General Manager. Such abandoned permits may not be restored by any means other than through application for new permits in the manner provided in this Ordinance.

(Section 1.11 amended 8/7/03)

(Section 1.11 amended 11/14/02)

(Section 1.11 amended 2/13/97)

Section 1.12 - Driver's Identification Cards

(a) No person shall drive or operate any for-hire vehicle under the authority of a permit granted under this Ordinance unless such person has and displays a valid driver's identification card obtained annually through the Sheriff of the County of San Diego.

(b) No permit holder shall employ as a for-hire vehicle driver or operator any person who has not obtained a for-hire vehicle driver's identification card through the Sheriff of the County of San Diego.

(c) No permit holder shall employ as a driver or operator any person whose privilege to operate a for-hire vehicle within the City has expired, or has been revoked, denied or suspended or prohibited.

(d) A driver may drive for more than one permit holder. The driver must, however, have on file with and accepted by the Sheriff of the County of San Diego, a separate application on forms provided by the Sheriff, for each permit holder with whom he has a current driving agreement. A driver may have on file with the Sheriff a maximum of four (4) such applications at any one time. It shall be unlawful for a driver to accept or solicit passengers for hire in the City while operating the taxicab or LSV of any permit holder for whom the driver does not have such an application on file with the Sheriff.

(e) No person shall drive or operate any for-hire vehicle, except nonemergency medical, under the authority of a permit granted under this Ordinance unless such person has successfully completed an MTDB-approved driver training course concerning driver courtesy and professionalism and a corresponding qualification examination.

(f) No person who has received a notice of prohibition pursuant to Section 1.14, or whose privilege to operate a for-hire vehicle within the City has expired, or has been suspended, revoked or denied by the Sheriff or the General Manager shall drive or operate a for-hire vehicle within the City.

(g) No for-hire vehicle driver's identification card shall be issued or renewed to any of the following persons:

(1) Any person under the age of twenty-one (21) years.

(2) Any person who has been convicted of a felony involving a crime of force or violence against any person, or the theft of property, unless five (5) years have elapsed since his or her discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time his or her record is good.

(3) Any person who, within the five (5) years immediately preceding the processing of the application, has been convicted of or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally related to the for-hire vehicle industry or any similar business operation which would have authorized the suspension or revocation of the driver's identification card in accordance with Section 1.14 of this Ordinance.

(4) Any person who is required to register as a sex offender pursuant to the California Penal Code.

(5) Any person who has provided false information of a material fact in their application within the past five (5) years.

(6) No person shall obtain or renew a driver's identification card unless such person has successfully completed a personal safety training course approved by the General Manager.

(h) The Sheriff is authorized to issue temporary for-hire vehicle driver identification cards pending the approval or denial of an application for a regular for-hire vehicle driver identification card. No temporary for-hire vehicle driver identification card shall be issued without the satisfactory completion of a local law enforcement agency record check of the applicant. Any temporary identification card so issued shall be valid for a period not to exceed ninety (90) days or until the date of approval or denial of the application for a regular for-hire vehicle driver identification card, whichever shall occur first. The issuance of a temporary identification card hereunder shall not authorize the operation of a for-hire vehicle following the denial of the application while pending the resolution of any appeal otherwise provided for in Section 1.16 of this Ordinance.

(1) The Sheriff or the General Manager shall establish nonrefundable filing fees to defray the costs of processing regular and temporary driver identification cards.

(Section 1.12 amended 8/7/03)

(Section 1.12 amended 11/14/02)

(Section 1.12 amended 9/24/98)

(Section 1.12 amended 10/30/97)

(Section 1.12 amended 11/9/95)

Section 1.13 - Suspension and Revocation of Permit

(a) Permits may be suspended or revoked by the General Manager at any time in case:

(1) The General Manager finds the permit holder's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance.

(2) The permit holder fails to comply with the applicable provisions of this Ordinance.

(3) The drivers of the for-hire vehicle or vehicles fail to act in accordance with those provisions of this Ordinance which govern driver actions. The permit holder shall have strict liability in this regard; however, this provision shall not restrict the General Manager's ability to penalize a driver for violations of those provisions of this Ordinance which govern driver actions.

(4) The owner shall cease to operate any for-hire vehicle for a period of sixty (60) consecutive days without having obtained written permission for cessation of such operation from the General Manager. It is the intent of this section that the General Manager, in granting such permission, gives due consideration to the operating situation of the permit holder on a case-by-case basis.

The following guidelines are to be used in granting permission for a permit holder to cease operating a for-hire vehicle for a period longer than sixty (60) days.

(a) The permit holder must submit a written request for an extension of time, stating the specific reason(s) additional time is required and identifying a plan and timetable for placing the vehicle back in service. Written documents sufficient to substantiate the factual information contained in the request should also be submitted.

(b) The plan and timetable submitted must reflect a reasonable approach for placing the vehicle back in service within the shortest possible time frame.

(c) An additional period of time, not to exceed sixty (60) calendar days, may be granted to a permit holder in case of severe personal illness or other similar hardship.

(d) An additional period of time, not to exceed thirty (30) calendar days, may be granted to a permit holder in case of extensive vehicle repairs or other similar reasons.

(e) No extension will be granted to any permit holder who is unable to meet the basic operational costs including liability insurance, regulatory fees, and normal maintenance and repairs of operating a for-hire vehicle.

(f) No more than one (1) extension in time will be granted for each vehicle permit in a single twelve (12) month period.

(5) The for-hire vehicle or vehicles, if operated as other than a taxicab, are operated at a rate of fare other than those fares on file with the General Manager.

(6) The for-hire vehicle or vehicles, if operated as a taxicab or LSV, are operated at a rate of fare greater than those fares on file with the General Manager or posted on the taxicab or LSV pursuant to Section 2.2 (b) of this Ordinance.

(7) The for-hire vehicle or vehicles, if operated as a taxicab or LSV, are operated at a rate of fare greater than current maximum rate established by the Board pursuant to Section 2.2(a) of this Ordinance.

(8) The permit holder fails to begin operating the for-hire vehicle for which the permit is first approved within ninety (90) days after the approval date.

(9) The permit holder has been convicted of assault, battery, resisting arrest, any felony involving force and violence, or any crime reasonably and rationally related to the paratransit

industry or any similar business operation which bears upon the integrity or ability of the applicant or holder to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(10) The permit holder has been convicted of a crime that would require a person to register as a sex offender under the California Penal Code. For purposes of this section, a plea or verdict of guilty, a finding of guilt by a court, a plea of nolo contendere or a forfeiture of bail shall be considered a conviction.

(a) A permit holder shall be notified in writing within 10 working days when a credible complaint has been filed with the General Manager by a member of the public where such complaint involves the permit holder, the driver of the permitted for-hire vehicle, or the radio service to which the permit holder is subscribed. It shall be the responsibility of the permit holder to investigate the complaint and report in writing to the General Manager within 30 days the result of the investigation and any corrective action taken or proposed. Where the complainant has agreed to the sharing of their identity, the results of the investigation, findings, and actions shall be communicated to the complainant.

(b) In the event the General Manager finds a permit holder has failed to responsibly respond to notification of complaints or to initiate corrective action, the General Manager shall issue a notice of proposed adverse action to the permit holder. If the circumstances of the complaint or subsequent investigation so warrant, the General Manager may issue a notice of adverse action to a driver independently of or in conjunction with any adverse action proposed to the permit holder. The General Manager shall refer to the Administrative Penalty Guidelines in determining a proposed adverse action.

(c) The permit holder or driver in receipt of a notice of proposed adverse action shall be given the opportunity to appear for an informal hearing before the General Manager or his designated representative. Failure to appear will constitute waiver of the hearing. Following the hearing or waiver thereof, the General Manager shall issue the notice of adverse action if justified by the facts. If the General Manager determines that the performance of the permit holder or driver involves criminal activity or constitutes a serious degradation of the public safety, convenience, or necessity, a notice of adverse action may be issued and the action effected without hearing.

(d) Upon a finding by the General Manager that a permit holder falls within the provisions of this section, the permit holder or driver shall be notified that his or her permit has been subjected to an adverse action and that the matter is such that the action may be appealed. In lieu of an action provided for in the Administrative Penalty Guidelines, the General Manager may impose a fine or a fine and a period of suspension for any violation(s) of this Ordinance.

(Section 1.13 amended 8/7/03)

(Section 1.13 amended 11/14/02)

(Section 1.13 amended 6/24/99)

Section 1.14 - Suspension and Revocation of Driver's Identification Cards

(a) Driver's identification cards may be suspended or revoked by the General Manager at any time in case:

(1) The General Manager finds the driver's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance; or

(2) The driver fails to comply with the applicable provisions of this Ordinance; or

(3) Circumstances furnish grounds for the denial, suspension, revocation or refusal to renew the driver's identification card by the Sheriff under the terms of the applicable Ordinance of the County of San Diego; or

(4) His/her California Driver's License is revoked or suspended; or

(5) The driver is convicted of reckless driving or driving while under the influence of intoxicating liquors and/or narcotics; or

(6) The driver has been convicted of assault, battery, resisting arrest, any felony involving force and violence, or any crime reasonably and rationally related to the ability or integrity of the driver to operate a for-hire vehicle or transport passengers; or

(7) The driver has ever been convicted of a crime that requires registration under the California Penal Code as a sex offender.

(b) For purposes of Subsections (a) (1) through (a) (6) of this section, a plea of nolo contendere, or a forfeiture of bail shall be considered a conviction if it occurred within the five (5) years immediately preceding the date of application for a permit or identification card.

(c) Notwithstanding a driver's possession of a valid taxicab or LSV driver identification card, the General Manager may deny, suspend, revoke, or refuse to renew the driver's privilege to operate a for-hire vehicle in the City if the driver falls within the provisions of this section. The General Manager shall send a notice of prohibition to operate a taxicab or LSV to any holder of a Sheriff's driver identification card who is ineligible under Subsection (a) to operate a for-hire vehicle within the City limits. The notice of prohibition shall be appealable in accordance with Section 1.16.

(Section 1.14 amended 8/7/03)

(Section 1.14 amended 11/14/02)

(Section 1.14 amended 6/24/99)

Section 1.15 - Surrender of Medallion

(a) When a permit has been suspended or revoked, the operation of any for-hire vehicle authorized by such permit shall cease, and its medallion surrendered immediately to the General Manager.

(Section 1.15 amended 11/14/02)

Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or Driver's Identification Card or Related Adverse Action

(a) The permit holder or driver shall be notified that he or she may file with the General Manager a written administrative appeal ten (10) days after delivery of the notice of revocation or suspension, or the denial of a license, permit, or driver's identification card, the notice of prohibition to operate or the imposition of a fine. The permit holder or driver shall set forth in the appeal the reasons why such action is not proper.

(b) If no administrative appeal is filed within the proper time, the permit or driver's identification card shall be considered revoked, suspended or denied, and shall be surrendered, the fine be imposed, as applicable, or the notice of prohibition to operate take effect.

(c) Except as provided in Subsection (d), once an administrative appeal is filed, the revocation or suspension of the permit or driver's identification card, the effect of the notice of prohibition to operate, or the imposition of the fine shall be stayed pending the final determination of the administrative appeal.

(d) If, in the General Manager's opinion, the continued operation of a for-hire vehicle or possession of a driver's identification card represents an unsafe condition for any passenger or pedestrian, the revocation or suspension of the related permit, driver's identification card, or the effect of any notice of prohibition to operate shall not be stayed. A revocation or suspension of a permit imposed for failure to comply with Section 1.8 (f) or Section 1.9 is rebuttably presumed to represent an unsafe condition pending the determination of the appeal or the correction of the violation, whichever shall occur first. Notwithstanding, no medallion shall be reaffixed to a vehicle until the violation under Sections 1.8 (f) or 1.9 has been corrected.

(Section 1.16 amended 8/7/03)

(Section 1.16 amended 11/14/02)

Section 1.17 - Procedure Upon Administrative Appeal

(a) When an appeal is filed, the General Manager shall review the appeal, and based on additional information provided therein, may revise his findings and penalty; in accordance with the additional information provided; or cause the appeal to be assigned to a Hearing Officer, who shall expeditiously schedule the hearing before him/her.

(1) The General Manager shall maintain a list of qualified Hearing Officers and shall regularly rotate assignments based on availability of the proposed Hearing Officers.

(2) The Hearing Officer shall be appointed by the General Manager, shall be a member of the California State Bar, and shall not be an MTDB employee.

(b) The appellant and the General Manager or designate shall each have the right to appear in person and be represented by legal counsel, to receive notice, to present evidence, to call and cross-examine witnesses under oath, and to present argument.

(1) The Hearing Officer shall have the power to compel attendance of witnesses and documents by subpoena, in accordance with state law.

(2) The formal rules of evidence need not apply, and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs shall be admissible. Hearsay evidence may be considered by the Hearing Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The formal exceptions to the hearsay rule shall apply.

(c) The General Manager shall promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.

(d) The decision of the Hearing Officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.

(e) If the Hearing Officer decides to suspend or revoke a permit or driver's identification card, the appellant shall immediately surrender the medallion or driver's identification card to the General Manager.

Section 1.18 - Exceptions to Provisions

(a) The provisions of this Ordinance do not apply to a vehicle properly licensed under the jurisdiction of the Public Utilities Commission of the State of California, or to public transit vehicles owned, operated, or contracted for by the Metropolitan Transit Development Board or to a vehicle properly licensed by the State or County as an ambulance.

(Section renumbered to 1.18 9/24/98)

(Section 1.17 amended 1/12/95)

(Section 1.17 amended 6/24/93)

Section 1.19 - General Manager's Authority to Adopt Rules and Promulgate a Schedule of Fines

(a) Except where Board action is specifically required in this Ordinance, the General Manager may adopt any rules and regulations reasonable and necessary to implement the provisions of this Ordinance. The General Manager shall promulgate a schedule of administrative fines and penalties for violations of this Ordinance in lieu of the revocation or suspension of a permit or identification card, a copy of which schedule shall be filed with the Clerk of the Board.

(Section renumbered to 1.19 9/24/98)

Section 1.20 - Americans with Disabilities Act

(a) Permit holders, vehicles, and drivers are required to comply with the requirements of the federal Americans with Disabilities Act (ADA), and ADA regulations are hereby incorporated into MTDB Ordinance No. 11 by reference. A violation of ADA requirements is a violation of this Ordinance and subject to a fine or suspension or revocation or a combination.

(Section renumbered to 1.20 9/24/98)

(Section 1.19(a) was added 4/10/97)

SECTION 2.0 - TAXICABS AND/OR LSVs

Section 2.1 - Types of Service

(a) A taxicab or LSV is authorized to provide exclusive ride and group ride service.

(Section 2.0 and 2.1 amended 8/7/03)

Section 2.2 - Rates of Fare

(a) After a notice and open public hearing of the Taxicab Committee, MTDB shall establish a maximum rate of fare for exclusive ride and group ride hire of taxicabs and/or LSVs except for trips from Lindbergh Field International Airport. A permit holder may petition the Board for any desired change in the maximum taxicab or LSV rates for exclusive ride and/or zone rates and group ride hire.

(b) Taxicab trips from Lindbergh Field International Airport shall be at a uniform rate of fare. Rates for trips originating at the airport may include an extra charge equal to the Airport Trip Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the customer by utilizing the extra button on the taxicab meter. A driver may not verbally request payment. All taxicabs utilizing the Airport Trip Fee extra button must have a decal, approved by the General Manager and the County of San Diego Office of Weights and Measures. The decal shall identify and accurately describe the extra charge consistent with regulatory requirements.

(c) Each permit holder shall file with the General Manager the rates of fare that he/she will charge, which shall not exceed the maximum rate set by the Board pursuant to Section 2.2(a).

(1) Each taxicab permit holder shall set the taximeter for the rate that he/she will charge and have the taximeter sealed and inspected.

(2) Each taxicab permit holder shall prominently post rates in dollars-per-mile centered on the upper third part of both rear doors one (1) inch in height utilizing "Univers" or other MTDB pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(3) No other information shall be posted on rear doors.

(d) If a taxicab permit holder desires to change his/her rates of fare, he/she shall file with the General Manager the new rates, reset the taximeter, have the taximeter sealed and inspected, and post the revised rates on each side of the taxicab as provided in Subsection (c) of this section.

(e) It shall be unlawful for a permit holder or driver to operate any taxicab in the City, unless the vehicle is equipped with a taximeter that meets the requirements of the State of California.

(1) The taximeter shall be of a style and design approved by the General Manager.

(2) The taximeter shall calculate fares upon the basis of a combination of mileage traveled and time elapsed. When operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this, and when the vehicle is not in motion.

(3) Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate. Waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged the taxicab.

(4) It shall be the duty of every permit holder operating a taxicab to keep the taximeter in proper condition so that the taximeter will, at all times, correctly and accurately indicate the charge for the distance traveled and waiting time. The taximeter shall be at all times subject to the charge for the distance traveled and waiting time.

(5) The taximeter shall be at all times subject to inspection by an MTDB inspector or any peace officer. The MTDB inspector or peace officer is hereby authorized at his or her instance or

upon complaint of any person to investigate or cause to be investigated the taximeter, and upon discovery of any inaccuracy in the taximeter, or if the taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of the City until the taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and taximeter must be inspected and approved by the General Manager.

(6) Any device repairperson who places into service, repairs, or recalibrates a taximeter shall record the tire size and pressure of the drive wheels of that vehicle, as tested, on the repair person's sticker.

(7) It shall be the duty of the permit holder to ensure the proper device repair person's sticker is affixed to the taximeter and to ensure the tires are the proper size.

(f) It shall be unlawful for any driver of a taxicab, while carrying exclusive or group ride passengers, to display the flag or device attached to the taximeter in such a position as to denote that the vehicle is for hire, or is not employed, or to have the flag or other attached device in such a position as to prevent the taximeter from operating. It shall be unlawful for any driver to throw the flag into a position which causes the taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into nonrecording position at the termination of each and every service.

(g) The taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well-lighted and easily readable by the passenger riding in such taxicab.

(h) It shall be unlawful for any permit holder and/or driver of a taxicab or LSV to demand of a passenger a charge for hire which is greater than the current maximum rate approved by the Board pursuant to Section 2.2 (a) or (b) of this Ordinance.

(i) Except as provided in this section, it shall be unlawful for any permit holder and/or driver to demand of a passenger a charge for hire which is greater than the permit holder's meter rate filed with the General Manager pursuant to Sections 2.1 (a), 2.2 (b), or 2.2 (c) of this Ordinance.

(j) Nothing in this Ordinance shall preclude a permit holder or driver from agreeing with prospective passenger(s) to a rate of fare which is less than the permit holder's filed and posted rates of fare if the agreement is entered into in advance of the passenger(s), hiring the taxicab for the trip, except for trips commencing at the Lindbergh Field International Airport.

(Section 2.2(b) amended 4/19/12)

(Section 2.2 amended 8/7/03)

(Section 2.2 amended 5/8/03)

(Section 2.2 amended 11/14/02)

(Section 2.2 amended 6/24/99)

(Section 2.2 amended 9/24/98; Section 2.2c operative May 1, 1999)

(Section 2.2 amended 10/30/97)

(Section 2.2 amended 4/10/97)

Section 2.3 - Equipment and Specifications

(a) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed by an authorized representative of the State of California, and thereafter so maintained in a manner satisfactory to the General Manager.

(b) Each taxicab shall be equipped with a device which shall plainly indicate to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(c) Exterior Markings

(1) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both front doors utilizing "Univers" or other General Manager pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

(2) The medallion number shall be painted or permanently affixed, on both front doors, one (1) inch below the permit holder's trade name, six (6) inches high, utilizing "Univers" or other General Manager pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(3) The permit holder's trade name and medallion number shall be painted or permanently affixed on the rear of the taxicab, four (4) inches high, utilizing "Univers" or other General Manager pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the rear of the vehicle does not have four inches of vertical space for the trade name and medallion number, the rear lettering may be less than four inches, provided that it is easily readable from a distance of 50 feet.

(4) No other information shall be permitted to be posted on front doors.

(5) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her taxicab which must be posted only at the specific location and in the size noted and are subject to the General Manager's approval.

a) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

b) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot utilize the words "cab" or "taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

c) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than three (3) inches in height and posted only on the top front portion of both front side quarter panels.

d) "Driver Carries Only \$ _____ Change." If the permit holder chooses to post "Driver Carries only \$ _____ Change," postings must be located only on rear quarter panels near the rear door but clear of the rates of fare.

e) "Leased to Driver." If permit holder chooses to post "Leased to Driver," it must be posted only on both side rear quarter panels near the rear door but clear of the rate of fares in lettering no larger than 1 inch.

(6) Body Numbers. If the permit holder chooses to post an internally assigned body number, different from the medallion number, the body number shall be posted in one (1) inch numerals on the front and rear bumpers.

(7) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the General Manager.

(d) All taxicabs shall be equipped and operated so that they may be dispatched by two-way radio communication in response to a telephone or other request for service by a prospective passenger. This requirement may not be met by use of a mobile radio telephone service.

(1) Radio must be turned on, and audible to driver, at all times the taxicab is in service.

(e) The radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

(1) The current valid FCC license shall be on file with MTDB.

(2) Taxicab permit holder shall provide current proof the radio has passed inspection by an MTDB-approved inspector.

(3) Taxicab radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(f) Radio scanners are not allowed in taxicabs.

(Section 2.3 amended 6/27/02)

(Section 2.3 amended 9/24/98; Section 2.3c operative May 1, 1999)

(Section 2.3 amended 6/27/91; effective 7/27/91)

(Section 2.3 amended 4/10/97)

Section 2.4 - Operating Regulations

(a) Operating regulations shall be promulgated and adopted from time to time by resolution of the Board. These resolutions will have the force of law and will be published and processed as though set forth in this Ordinance.

(b) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to his destination safely and expeditiously.

(c) It shall be unlawful for the driver or operator of any taxicab or LSV to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis of race, creed, color, age, sex, national origin, disability, or for any other reason, unless it shall be readily apparent that the prospective or actual fare is a hazard to the driver or operator. Rude or abusive language directed to a passenger(s) or any physical action that a reasonable person would construe as threatening or intimidating shall be specifically defined as a violation of this section.

(1) A driver, however, is not obligated to transport any person who is verbally or otherwise abusive to the driver. Such incidents shall be reported immediately to a police officer or to an MTDB inspector.

(2) A failure of the driver of any taxicab or LSV to assist a passenger with the loading or unloading of a reasonable size, number, and kind of passenger luggage or other items, when requested to do so, shall be specifically defined as a violation of this section. A driver is not required to lift any single piece of passenger luggage or other item that exceeds 25 pounds in weight. The requirement for loading or unloading assistance shall be limited to retrieval from or deposit onto the nearest curbside adjacent to the legally parked taxicab or LSV. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE."

(3) A driver with a lawful disability that prevents him/her from handling items as defined in subsection (2) above is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (2). A driver so situated may affix a small sign either in the passenger section of the vehicle to be clearly visible to a rear seat passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(d) It shall be unlawful for taxicab operators to refuse or discourage a prospective or actual fare based upon trip length within the cities.

(1) A vehicle designated as an LSV may refuse a prospective or actual fare if the trip distance is outside allowed areas of operations.

(2) All LSV operators will carry a current list of MTDB-approved radio services and refer the prospective or actual fare to that list of radio service organizations. All referrals shall be noted on the driver daily trip sheet.

(3) A failure to promptly dispatch (within the standards required by Sections 2.6(a)(1), (2), and (3) of this Ordinance), or any action by a driver of any taxicab or LSV to refuse or discourage a prospective or actual passenger who must transport foodstuffs or who must meet a medical appointment, irrespective of trip length, shall be specifically defined as a violation of this section so long as that prospective passenger has notified the dispatch service of this circumstance at the time a request for taxi service was made.

(e) No driver of any taxicab or LSV shall stop, park, or otherwise leave standing a taxicab or LSV on the same side of the street in any block in which taxicabs or LSVs are already stopped, parked, or otherwise standing except the taxicab or LSV may actively unload in a passenger loading zone or be parked in a marked taxi/LSV stand.

(f) No driver shall stop, park or otherwise leave standing a taxicab or LSV within one-hundred (100) feet of any other taxicab or LSV except in a marked taxi/LSV stand or while actively loading or unloading passengers.

(g) No driver shall stop, park, or otherwise leave standing a taxicab or LSV within fifteen (15) feet of any fire plug except as modified in Section 2.5 of this Ordinance.

(h) An out-of-service sign must be displayed when the taxicab or LSV is not available for hire and is being operated or is lawfully parked for purposes of maintenance, inspection, or personal

use. The sign must be placed in a location in the vehicle that is clearly visible from the exterior of the vehicle. The sign must be of durable material and written in block letters in black ink and easily readable from a distance of not less than 10 feet.

(i) A taxicab driver may seek passengers by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic.

(j) It shall be unlawful, however, for the driver to seek passengers by stopping at or driving slowly in the vicinity of an entertainment center or transportation center or any other location of public gathering, in such a manner as to interfere with public access to or departure from that center or location, or so as to interfere with or impede traffic.

(k) It shall also be unlawful for a taxicab or LSV driver, having parked and left his or her taxicab or LSV, to solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.

(l) No person shall solicit passengers for a taxicab or LSV other than the driver thereof; however, the General Manager may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his or her discretion, public service and traffic conditions require.

(m) It shall be unlawful for the driver or operator of any taxicab or LSV to remain standing in any established taxicab or LSV stand or passenger loading zone, unless the driver or operator remains within twelve (12) feet of his or her taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

(n) Only paying passengers and persons specifically authorized by the General Manager may occupy a taxicab or LSV that is already occupied by a paying passenger. No driver, once a paying passenger has occupied his taxicab or LSV, shall permit any other nonpaying passenger to occupy or ride in the taxicab or LSV.

(o) It shall be unlawful to respond to a call for service dispatched to another operator except when an LSV refers service to another operator because the trip distance is outside of the approved area of jurisdiction.

(p) The taxicab or LSV driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTDB inspector. The trip log will accurately show the driver's name, taxicab or LSV number, date, time, beginning odometer reading, starting and ending locations, type of service provided, and fare paid for each trip provided.

(1) The daily trip log shall consist, at a minimum, of a five- by seven-inch paper form retained on a stiff-board writing surface with ruled lines and columns sufficient to contain the required information. All entries will be in black or dark blue ink, block letters, and be clearly legible. Colored paper that is lightly shaded is allowed provided there is sufficient contrast for entries to be easily read. Onboard electronically generated reports that meet the legibility requirements are acceptable.

(2) The driver shall deliver trip logs to the permit holder upon request or at a weekly interval, whichever is less.

(q) All operating regulations set forth in Section 1.8 apply.

(r) The permit holder for any taxicab or LSV with a permit issued after July 1, 1991, shall comply with the following:

(1) The color scheme of the vehicle will conform to that of the radio dispatch service organization.

(2) Establish a business office in a location available to the public, and have staff on duty during regular business hours.

(3) File with MTDB, and charge a rate of fare common to the radio service organization providing service required by this Ordinance.

(Section 2.4 amended 8/7/03)

(Section 2.4 amended 11/14/02)

(Section 2.4 amended 6/24/99)

(Section 2.4 amended 2/13/97)

(Section 2.4 amended 6/27/91; effective 7/27/91)

Section 2.5 - Stands

(a) The Board may, by resolution, locate and designate shared use taxicab/LSV stands for one or more taxicabs/LSVs, which stands when so established shall be appropriately designated "Taxis/LSVs Only." The operating regulations of this Ordinance shall apply to such stands and to taxicab/LSV stands established by the San Diego Unified Port District in areas under its jurisdiction within the City.

(b) Each taxicab or LSV stand established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the General Manager.

(c) Any individual, partnership, association, or other organization may petition MTDB requesting that a new taxicab/LSV stand be established, or that the location of an existing taxicab/LSV stand be changed to another location. A nonrefundable filing fee to be determined by the General Manager must be paid at the time the petition is submitted.

(d) It shall be unlawful for a vehicle other than a taxicab or LSV with a proper MTDB taxicab or LSV permit to occupy a taxi/LSV stand.

(e) LSVs may only occupy taxicab stands that are specially signed, designated their approved use.

(Section 2.5 amended 8/7/03)

Section 2.6 - Radio Services

(a) In order to provide taxicab or LSV radio dispatch service required by Section 2.3(d, e), the dispatch service organization adding or changing subscribers after July 1, 1991 shall establish and conform to written policies and procedures concerning the following:

(1) Standard time elapse for answering the telephone service-request line(s).

(2) Standard time elapse for the taxicab's or LSV's arrival at requested pick-up location.

- (3) Passenger's request for a specific driver ("personals").
- (4) Additional two-way communication devices (mobile or cellular phones) in taxicabs or LSVs.
- (5) 10-code.
- (6) Lost and found for passengers' items.
- (7) Assignment of vehicle body numbers.

Current written policies and procedures shall be available to subscribers from the radio dispatch organization, and on file with MTDB.

(b) Taxicab and or LSV radio dispatch services shall, 24 hours a day, have dispatch staff on duty, answer telephone-request line(s), and provide radio response to all licensed radio frequencies/channels.

(c) Taxicab and or LSV radio dispatch services shall keep written records of all requests for taxi and/or LSV service, calls dispatched, and the time(s) each taxicab and/or LSV goes in and out of service. These records shall be kept on file for a minimum of six months, and made available to MTDB, upon request.

(d) Taxicab and/or LSV radio dispatch services shall maintain a listing in the major business telephone directory.

(e) No person, partnership, corporation, association, other organization providing radio or other dispatch service shall dispatch a request for service to a driver, owner, or vehicle unless the driver, owner, and vehicle are properly licensed to provide the service requested.

(f) The General Manager may, at any time, revoke or suspend the taxicab or LSV privileges of or fine any person, partnership, corporation, association, other organization providing radio or other dispatch service that violates a provision of this ordinance.

(Section 2.6 amended 8/7/03)

(Section 2.6 amended 9/24/98)

(Section 2.6 added 6/27/91; effective 7/27/91)

Section 2.7 - Driver Safety Requirements

(a) No taxicab vehicle or LSV shall be operated unless such vehicle is equipped with an emergency signaling device approved by the General Manager.

(b) No taxicab vehicle may be operated with window tinting, shades, or markings that could interfere with a clear view of the cab interior from the outside.

(c) Taxicab/LSV radio services required by Section 2.3 shall at all times have a dispatch staff person on duty who has successfully completed a driver safety training course approved by the General Manager.

(Section 2.7 amended 8/7/03)

(Section 2.7 added 9/24/98)

SECTION 3.0 - CHARTER VEHICLES

Section 3.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the General Manager, each permit holder shall file a document with the General Manager reflecting the rates of fare being charged by said permit holder for charter services.

(b) If a permit holder desires to change the rates of fare being charged for charter services during any calendar year, he shall first file a document with the General Manager indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for charter services unless said rates are on file with the General Manager as aforesaid, and duly displayed.

(d) The rates of fare shall be established by a prearranged written contract on a per-mile or per-hour basis.

(Section 3.1 amended 4/10/97)

Section 3.2 - Operating Regulations

(a) It shall be unlawful for any charter vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) The charter for-hire vehicle driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTDB inspector. The trip log will accurately show the driver's name and the medallion number on the vehicle. In addition, the trip log shall identify the scheduling parties by name, date, and time of the prearranged hire.

(d) All other operating regulations defined in Section 1.8 apply.

(Section 3.2 amended 11/14/02)

SECTION 4.0 - SIGHTSEEING VEHICLES

Section 4.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the General Manager, each permit holder shall file a document with the General Manager reflecting the rates of fare being charged by said permit holder of sightseeing vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for sightseeing services during any calendar year, he shall first file a document with the General Manager indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said changes.

(c) No permit holder shall charge any rate of fare for sightseeing services unless said rates are on file with the General Manager as aforesaid, and duly displayed.

(d) The rate of fare shall be established on a per capita or per event basis.

(Section 4.1 amended 4/10/97)

Section 4.2 - Operating Regulations

(a) It shall be unlawful for any sightseeing vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) All other operating regulations defined in Section 1.8 apply, except Section 1.8 (v).

SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES

Section 5.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the General Manager, each permit holder shall file a document with the General Manager reflecting the rates of fare being charged by said permit holder for nonemergency medical vehicle services.

(b) If a permit holder desires to change the rates of fare being charged for nonemergency medical vehicle services during any calendar year, he shall first file a document with the General Manager indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for nonemergency medical vehicle services unless said rates are on file with the General Manager as aforesaid, and duly displayed.

(d) The rate of fare for exclusive ride service shall be established on a per capita plus per mile basis.

(e) The rates of fare for shared ride service shall be established on a per capita plus per mile basis, or on a per capita plus per zone basis.

(Section 5.1 amended 4/10/97)

Section 5.2 - Operating and Equipment Regulations

(a) It shall be unlawful for any nonemergency medical vehicle to remain standing on any public street in the City, except when enabling passengers to load or unload.

(b) All other operating regulations defined in Section 1.8 apply.

(c) Special equipment on a nonemergency medical vehicle shall, at all times the vehicle is in operation, be in proper working order. Such vehicles equipped with wheelchair ramps or lifts shall have proper device(s) to secure each wheelchair on board.

(d) The permit holder is responsible for ensuring that the driver of a nonemergency medical vehicle is properly trained:

(1) in the use of any of the vehicle's special equipment;

(2) concerning supervision of or assistance to the disabled passengers whom the driver is to transport.

(Section 5.2 amended 6/22/95)

(Section 5.2 amended 6/24/93)

Section 5.3 - Driver Identification Cards

In addition to the requirements set forth in Section 1.12, nonemergency medical vehicle drivers shall acquire and maintain valid proof of proper first-aid and CPR training.

(Section 5.3 added 6/24/93)

SECTION 6.0 - JITNEY VEHICLES

Section 6.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the General Manager, each permit holder shall file a document with the General Manager reflecting the rates of fare being charged by said permit holder for jitney services.

(b) If a permit holder desires to change the rates of fare being charged for jitney services during any calendar year, he shall first file a document with the General Manager indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for jitney services unless said rates are on file with the General Manager as aforesaid, and duly displayed.

(d) The rates of fare shall be established on a per capita basis.

(Section 6.1 amended 4/10/97)

Section 6.2 - Jitney Routes

(a) A permit holder who wishes to provide a fixed route service shall apply to the General Manager for authorization to serve a defined route with a specific vehicle. No for-hire vehicle may be operated as a jitney until it has met all other requirements of this Ordinance and has been approved for service on a specific fixed route. A jitney may be authorized to serve more than one route; however, a jitney may provide fixed route service on only those routes which the General Manager has approved in writing for that vehicle.

(b) The application for a fixed route shall be in writing and shall contain the following information:

(1) A description of the vehicle(s) which will be utilizing the route;

(2) A detailed written description of the route, to include starting location, ending location, and the street name and direction of travel for all streets to be used in the route;

(3) A map in sufficient detail to clearly indicate the proposed route;

(4) The fare to be charged; and

(5) Such other information as the General Manager may, in his or her discretion, require.

(c) Upon approval of a fixed route by the General Manager, the permit holder shall display a representation of the route, the fare, and the permit holder's trade name on each side of the vehicle in letters large enough to be easily read by potential customers in accordance with the standards established by the General Manager under Section 6.5 of this Ordinance. Only one (1) route may be displayed on a vehicle at any time.

(d) If a permit holder wishes to alter his or her approved fixed route(s), he or she must apply in writing to the General Manager, submitting the information required in Section 6.2 (b).

(e) The General Manager may, in his or her discretion, place conditions on the approval of fixed routes.

(f) The General Manager may change a route that has been approved previously when the General Manager finds it necessary to do so. A change of route may be necessary when a street has been closed temporarily or permanently because of construction, or the direction of a street has been changed, or a street has been vacated, or for similar reasons as determined by the General Manager. The General Manager shall notify in writing any permit holder whose route has been changed. The General Manager's change of a route is subject to appeal under Section 1.16 of this Ordinance.

(g) Except as provided for within this subsection, an approved fixed route may not be transferred to another vehicle or permit holder. A permit holder may receive approval for a vehicle that is replacing a jitney already in service to use the approved fixed routes of the replaced vehicle.
(Section 6.2 amended 11/14/02)

Section 6.3 – Operating Regulations

(a) It is unlawful for any jitney to remain standing on any public street in the City, except when enabling passengers to load or unload, or except when standing in a jitney holding zone for the time period established by MTDB.

(b) It is unlawful for any person including, but not limited to, a jitney owner, driver, or agent thereof, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway, airport, or light rail transit station.

(c) A peace officer or MTDB inspector may authorize a dispatcher to solicit passengers and assist with loading passengers at such times and places as, in his/her discretion, public service and traffic conditions require.

(d) Except when a driver or operator is actually engaged in assisting passengers to load or unload, a jitney driver or operator must remain within twelve (12) feet of his/her jitney while the jitney is in service.

(e) It is unlawful for a jitney vehicle to operate a fixed route service on other than that route designated by the General Manager.

(f) It shall be unlawful for a jitney driver to load or unload passengers in any place other than an authorized jitney stop, bus stop, or passenger loading zone.

(g) All other operating regulations defined in Section 1.8 apply.

(Section 6.3 amended 11/14/02)

Section 6.4 - Jitney Holding Zones

(a) The Board may, by resolution, locate and designate holding zones for one (1) or more jitneys, which holding zones when so established, shall be designated by appropriate signs. The operating regulations of Section 6.3 shall apply to any holding zones so established, and to holding zones established by the San Diego Unified Port District in areas under its jurisdiction. The Board may, in its resolution, establish the maximum number of jitneys permitted to remain standing at one time in a holding zone.

(b) Each holding zone established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the General Manager. The General Manager shall adopt written standards to determine whether to allow holding zones to be in operation fewer than twenty-four (24) hours every day. If a holding zone is to be in operation fewer than twenty-four (24) hours every day, the General Manager shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

(c) The Board may, on its own motion, or upon the recommendation of the General Manager, establish holding zones.

(d) Any individual, partnership, corporation, association or other organization may petition MTDB requesting that a new holding zone be established. The petition must be filed in writing with the General Manager or his/her designee. The petition must state the reason for the request and the proposed location(s). The Board may approve, deny, or modify the request.

(e) Whether initiated by the Board under Subsection (c) of this section or by persons described in Subsection (d) of this section, before any holding zone is established, the proposed location of any holding zone must be reviewed by the Traffic Engineer of the City. The Traffic Engineer shall report his/her recommendations to approve, deny, or modify the proposed location in writing to the Board. The Traffic Engineer's report shall include a statement of reasons supporting the recommendation to the Board.

(f) The Board shall, by resolution, establish a maximum time limit for individual jitneys to remain standing in any holding zone. The time limit shall apply uniformly to all holding zones.

(g) It shall be unlawful for a vehicle other than a jitney with a proper MTDB jitney permit to occupy a jitney holding zone.

Section 6.5 - Equipment and Specifications

(a) Each jitney shall bear on the outside, signs clearly designating the route which it serves. The specifications of the sign are subject to the approval of the General Manager. The General

Manager shall adopt written standards for approval or denial of the size of the signs, the location of the signs on the vehicle, the size of the lettering or graphics on the signs, and other specifications that the General Manager finds necessary.

(b) All jitney vehicles must bear a trade name and shall be assigned a body number by the permit holder. The trade name and body number so assigned shall be placed on the vehicle in accordance with written standards adopted by the General Manager.

Any violation of this Ordinance shall constitute an infraction unless otherwise specified.

SECTION 7.0 – LOW-SPEED VEHICLES

Section 7.1 – Low-Speed Vehicle (LSV) Definition

Low-Speed Vehicles (LSV) shall mean every vehicle that is designated per the requirements of Ordinance No. 11, Section 1.1(c). LSVs may operate by zones and/or a prearranged basis as set forth in Section 1.1 (d) (1)-(5).

(Section 7.0 and 7.1 added 8/7/03)

Section 7.2 – Establishment of Zones

The General Manager shall establish and authorize the use of zones of operation.

(Section 7.2 added 8/7/03)

Section 7.3 – Zone Rates of Fare

(a) All vehicles permitted as LSV may use two methods of seeking compensation, either by zone rates or on a prearranged basis. Either method may be used when working inside of an approved zone. However, when operating on a prearranged charter basis, within an approved zone, no operator may exceed the maximum number of vehicles that are medallioned.

(b) Within thirty (30) calendar days following the issuance of a permit by the General Manager, each permit holder shall file a document with the General Manager reflecting the rates of fare being charged by said permit holder for LSV services.

(c) When a permit holder desires to change the rates of fare being charged for LSV services during any calendar year, he shall first file a document with the General Manager indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(d) No permit holder shall charge any rate of fare for LSV services unless said rates are on file with the General Manager as aforesaid, and duly displayed.

(e) The rates of fare shall be established by a zone and/or prearranged written contract on a per-mile or per-hour basis.

(f) The maximum rates of fare shall be established pursuant to Section 2.2.

(Section 7.3 added 8/7/03)

Section 7.4 – Spare Vehicle Policy

(a) The following sets out procedures for LSV permit holders to place a spare vehicle into service as either a temporary replacement for a permitted vehicle that is out of service for recharging or mechanical problems.

(1) Spare LSVs must be marked with the approved company markings.

(2) In place of the medallion number, the spare LSV must be marked "Spare LSV." Where more than one spare LSV is being requested, under the provisions of paragraph 9, the LSVs will be marked "Spare LSV 1," "Spare LSV 2," and so on. The "Spare LSV" marking should be sized to fit in approximately the same space as the medallion number would otherwise be placed with legibility and visibility being the primary criteria.

(3) Spare LSVs must be inspected upon initial issuance and annually thereafter.

(4) All spare LSVs must meet all MTDB insurance requirements.

(5) To use a spare LSV that meets the requirements of 1 through 4 above, the permit holder must communicate in writing (facsimile is acceptable), a request to place a spare LSV into service.

The request must state:

(a) the medallion number of the LSV being taken out of service, the reason for being out of service, and the location of the out-of-service LSV; and

(b) the estimated time the spare LSV will be in use.

(6) When the out-of-service LSV is ready to re-enter service, the permit holder must immediately notify MTDB in writing (facsimile is acceptable).

(7) The out-of-service LSV may not be required to be reinspected to be placed back into service.

(8) The spare LSV must be removed from service at the time the LSV it has been replacing is placed back into service.

(9) Under normal circumstances, a permit holder may utilize spare LSVs. Permit holders may utilize spare LSVs in a ratio of 3:1 permits held.

(10) Spare LSVs that are placed in service may only operate inside of the MTDB-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular medallioned vehicles.

(11) A permit holder found to have operated a spare LSV in deliberate violation of these procedures will be subject to immediate suspension/revocation of the permit and the loss of the spare LSV utilization privilege.

(Section 7.4 amended 10/16/03)

(Section 7.4 added 8/7/03)

Section 7.5 – LSV Driver Identification Cards

(a) Refer to Section 1.12 of this Ordinance to reference driver and permit holder ID requirements.

(Section 7.5 added 8/7/03)

Section 7.6 - Equipment and Specifications

(a) Each LSV shall be equipped with a device which shall plainly indicate to a person outside the LSV whether the LSV is in operation or is not.

(b) Exterior Markings

(1) The permit holder's trade name shall be painted or permanently affixed in letters and numerals 2-1/2 inches high all on one line on the upper third part of both the front and rear of the vehicle utilizing "Univers" or other General Manager preapproved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing 2-1/2 inch lettering, the trade name lettering must be as large as possible, up to 2-1/2 inches in height, to enable the trade name to fit on one line.

(2) The medallion number shall be painted or permanently affixed, on both the front and rear of the vehicle, one (1) inch below the permit holder's trade name, two (2) inches high, utilizing "Univers" or other General Manager pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(3) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her LSV which must be posted only at the specific location and in the size noted and are subject to the General Manager's approval.

a) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

b) Radio Service Provider. If the permit holder chooses to display the radio service provider name or logo, the radio service provider name or logo cannot utilize the words "cab" or "taxi." The radio service provider name or logo must be displayed only on the rear portion of both side rear quarter panels.

c) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than two (2) inches in height and posted only on the top front portion of both front side quarter panels.

d) "Driver Carries Only \$ _____ Change." If the permit holder chooses to post "Driver Carries only \$ _____ Change," postings must be located only on panels near the rear door but clear of the rates of fare.

e) "Leased to Driver." If permit holder chooses to post "Leased to Driver," it must be posted only on both rear quarter panels near the rear door area but clear of the rate of fares in lettering no larger than 1 inch.

(4) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the General Manager.

(c) All LSVs shall be equipped and operated so that they may be dispatched by two-way radio communication in response to a telephone or other request for service by a prospective passenger. This requirement may not be met by use of a mobile radio telephone service.

(1) Radio must be turned on, and audible to driver, at all times the LSV is in service.

(d) The radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

(1) The current valid FCC license shall be on file with MTDB.

(2) LSV permit holder shall provide current proof the radio has passed inspection by an MTDB-approved inspector.

(3) LSV radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(e) Radio scanners are not allowed in LSVs.

(Section 7.6 added 8/7/03)

SECTION 8 - EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be effective 30 days after the second reading adoption, and before the expiration of 15 days after its passage, this Ordinance shall be published once with the names of the members voting for and against the same in a newspaper of general circulation published in the County of San Diego.

DDarre

~~CD-ORD11-JSCOTT/10/21/03~~

Amended: 4/19/12

Amended: 10/16/03

Amended: 8/7/03

Amended: 5/8/03

Amended: 11/14/02

Amended: 6/27/02

Amended: 5/23/02

Amended: 6/24/99

Amended: 9/24/98

Amended: 10/30/97

Amended: 4/10/97

Amended: 2/13/97

Amended: 11/9/95

Amended: 6/22/95

Amended: 1/12/95

Amended: 6/24/93

Amended: 6/27/91

Amended: 5/23/91

Amended: 10/11/90

Repealed & Readopted: 8/9/90

Amended: 4/12/90

Amended: 4/27/89

Adopted: 8/11/88



1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619/231-1466
FAX 619/234-3407

Policies and Procedures

No. 34

SUBJECT:

Board Approval: 07/17/0804/19/1

FOR-HIRE VEHICLE SERVICES

PURPOSE:

To establish a policy with guidelines and procedures for the implementation of MTS Ordinance No. 11.

BACKGROUND:

Regulation of for-hire vehicle service is in the interest of providing the citizens and visitors to the MTS region and particularly the Cities of El Cajon, Imperial Beach, La Mesa, Lemon Grove, Poway, San Diego, and Santee, with a good quality local transportation service. Toward this end, MTS finds it desirable to regulate the issuance of taxicab permits, to establish maximum rates of fare, and to provide for annual review of cost-recovery regulatory fees.

POLICY:

34.1 City of San Diego Entry Policy

34.1.1 MTS will periodically establish the maximum number of taxicab permits to be issued for the City of San Diego.

34.1.2 New City of San Diego permits will be issued in accordance with amended City Council Policy No. 500-2, "Taxicab Permits," adopted on August 6, 2001.

34.2 City of San Diego Entry Policy Implementation

The following guidelines should be observed with respect to the issuance of taxicab permits when the formula yields an increase of at least 40 permits.

34.2.1 The percentage of growth in population divided by 2 plus the percentage of growth in hotel room nights occupied times the current number of permits. All changes are to be calculated on a two-year rolling average.



Metropolitan Transit System (MTS) is a California public agency and is comprised of San Diego Transit Corporation and San Diego Trolley, Inc. nonprofit public benefit corporations, in cooperation with Chula Vista Transit and National City Transit. MTS is the taxicab administrator for eight cities and the owner of the San Diego and Arizona Eastern Railway Company. MTS member agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

34.2.2 The process through which permits are issued will limit the concentration of permits. No permit will be issued or transferred to any person, partnership, corporation, association, or other entity if such issuance or transfer would result in any permit holder having an interest in more than 40 percent of the existing permits. New permits shall not be transferred for a period of five years after issuance.

34.2.3 No single permit will be issued or transferred to any person, company, business, corporation, or other entity if such issuance or transfer would result in single permit holders in aggregate having interest in more than 40 percent of the existing permits.

34.3 City of San Diego Entry Policy Exclusions

This policy is not intended to govern the issuance of limited permits as authorized by Section 1.7 of MTS Ordinance No. 11.

34.4 Maximum Fare Policy

Pursuant to MTS Ordinance No. 11, Section 2.2(a) and after a duly noticed and open public hearing, MTS determined that the maximum rate of fare for exclusive ride and group ride hire of taxicabs shall be that fare that does not exceed twenty percent (20%) more than the weighted average of fares as established in accordance with this policy.

34.4.1 Maximum Fare Determination

The weighted average of fares shall be computed by the Chief Executive Officer and duly promulgated in writing upon the passage of this policy and thereafter each year by averaging each segment of the fare structure of all MTS taxicab permit holders. The fare structure shall consist of the dollar amounts charged by said permit holders for the flag drop, the per-mile charge, waiting-time charge, first zone, and each additional zone charge. The weighted average of these charges shall be arrived at by adding each segment of each respective charge and dividing it by the total number of taxicabs holding effective permits.

34.4.2 The Chief Executive Officer will use his discretion when the maximum rates of fare and the uniform rates of fare for trips from Lindbergh Field airport are incompatible. The Chief Executive Officer may adjust the maximum rates of fare so that the uniform rates of fare, based on the change in the Annual All Urban Western Transportation Consumer Price Index, do not exceed the maximum rates allowed in accordance with Section 34.4.1.

34.5 Airport Taxicab Fare Policy

Rates of fare for trips from Lindbergh Field Airport shall be uniform.

In the event an owner chooses a different rate for nonairport trips for taxicabs authorized to service the airport, two meters or a multirate meter shall be installed and identified. The meter(s) shall be activated according to the proper rate for the

trip's origin, and it shall be clearly visible to the passenger which rate is being charged.

- 34.5.1 The uniform rates of fare for taxicab trips from Lindbergh Field Airport are initially established at \$1.40 flag drop, \$1.50 per mile, and \$12.00 per hour, effective June 1, 1990.

The airport rates shall be reviewed annually, beginning in January 2009, by the Chief Executive Officer. Airport rates shall be adjusted based on the 1990 amounts, in accordance with the change in the Annual All Urban Western Transportation Consumer Price Index/ San Diego. Adjustments shall be rounded up or down, as appropriate, to the nearest even \$0.10 increment.

In addition to the airport uniform rate of fare, a taxicab operator may charge an "extra" equal to the Airport Trip Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the customer by utilizing the extra button on the taxicab meter. A driver may not verbally request payment.

34.6 Regulatory Fee Review

The following procedures will be utilized for the establishment of for-hire vehicle regulatory fees.

- 34.6.1 In accordance with State of California Public Utilities Code Section 120266, MTS shall fully recover the cost of regulating the taxicab and other for-hire vehicle industry. Pursuant to MTS Ordinance No. 11, Sections 1.3(b), 1.4(b), and (d), and 1.5(d), the Chief Executive Officer establishes a fee schedule to effect full-cost recovery and notify affected permit holders of changes in the fee schedule.

- 34.6.2 The procedure for establishing a regulatory fee schedule will include an annual review of the audited expenses and revenue of the previous fiscal year associated with MTS for-hire vehicle activities. The revised fee schedule will be available for review by interested parties in November each year and is subject to appeal as provided for in Ordinance No. 11, Section 1.5(d).

- 34.6.3 A fee schedule based on previous year expenses and revenue amounts will be put into effect each January.

This policy was originally adopted on 12/8/88.
This policy was amended on 7/26/90.
This policy was amended on 5/9/91.
This policy was amended on 6/13/91.
This policy was amended on 1/28/93.
This policy was amended on 5/11/95.

This policy was amended on 10/31/02.
This policy was amended on 4/24/03.
This policy revised on 3/25/04.
This policy was amended on 4/26/07.
This policy was amended on 7/17/08.
This policy was amended on 4/19/12.

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

Att. B, AI C2, 4/12/12

P.O. BOX 82776, SAN DIEGO, CA 92138-2776
3225 NORTH HARBOR DRIVE, THIRD FLOOR, COMMUTER TERMINAL, SAN DIEGO, CA 92101
619.400.2405 619.400.2406 FAX WWW.SAN.ORG

March 7, 2012

Mr. Harry Mathis, Chairman of the Board
Metropolitan Transit System
1255 Imperial Ave, Suite 1000
San Diego, CA 92101-7490

Dear Chairman Mathis:

Re: Airport Taxicab Trip Fees

This letter will follow up correspondence between our respective staffs regarding our request to have the use fee imposed by the San Diego International Airport ("Airport") on taxicabs leaving the Airport placed on the taximeter as an additional charge. We respectfully request that MTS move immediately to act positively upon our request.

By way of background, the San Diego County Regional Airport Authority ("Authority") operates the Airport and issues permits to and regulates taxicabs operating at the Airport. Since 2010, the Authority has collected Airport use fees ("Trip Fee") from taxicabs leaving the Airport taxicab hold lot. The Trip Fee is based on the actual costs incurred by the Authority to provide services, improvements, facilities and regulatory enforcement to taxicab operators. The Trip Fee is a pure cost recovery user fee intended to defray Authority costs.

Since February 2010, the Authority has requested that MTS add the Trip Fee to the taximeters of taxicabs serving the Airport, either as a surcharge, as an increase in the Airport rates of fare, or by abolishing the difference between airport rates and those approved for the rest of San Diego. The Authority has provided MTS with written substantiation and calculations supporting the Trip Fee.

In response to a letter from MTS CEO Paul Jablonski dated September 16, 2011, the Authority's Board adopted Resolution 2012-0024 on February 9, 2012, (1) finding the Trip Fee is a user fee based on pure cost recovery, and (2) approving a draft Indemnity Agreement with MTS to facilitate MTS acting to place the Trip Fee on taximeters of taxicabs serving the Airport.

Recently, our respective legal counsels, coordinating with the San Diego City Attorney's Office, have agreed upon the terms of a draft Indemnity Agreement. Therefore, on behalf of the Authority, I request your assistance in scheduling for the earliest possible consideration by the MTS Board our request to place the Trip Fee (as set by the Authority from time to time) on the taximeters of taxicabs serving the Airport.



BOARD MEMBERS

LAURIE BERMAN*
BRUCE R. BOLAND
GREG COX
JIM DESMOND
ROBERT H. GLEASON
LLOYD B. HUBBS
JIM PANKNIN
PEDRO REYES*
COL. FRANK A. RICHIE*
PAUL ROBINSON
TOM SMISEK
ANTHONY K. YOUNG

* EX OFFICIO BOARD MEMBERS

PRESIDENT/CEO
THELLA F. BOWENS

I appreciate your attention to this matter and look forward to working with you to move this proposal forward to a successful conclusion.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Gleason", with a long horizontal flourish extending to the right.

Robert H. Gleason
Board Chair

cc: Board Members
Thella F. Bowens

INDEMNITY AGREEMENT

This Agreement is made and entered into effective March 6, 2012 by and between the San Diego County Regional Airport Authority ("Authority") and the San Diego Metropolitan Transit System ("MTS").

RECITALS

- A. MTS is authorized under Public Utilities Code § 120266 to enter into contracts to regulate transportation services within a city in its area of jurisdiction; and
- B. Through an agreement beginning July 1, 1988 (MTDB Doc. No. 00-89-502, T370; City of San Diego Doc. No. RR-271306), and subsequent amendments thereto ("MTS-City Agreement"), MTS regulates taxicabs and other for-hire vehicles and services within the City of San Diego ("City"); and
- C. Pursuant to the MTS-City Agreement, MTS regulates taxicab operations subject to the City's right to "set fundamental public policy" related to taxicab operations within the City; and
- D. MTS Ordinance No. 11 establishes the rules and regulations for taxicab operations within MTS's area of jurisdiction, including establishing taxicab rates of fare and amounts that may be charged to the public for taxicab services; and
- E. MTS Board Policy No. 34 calculates the annual taxicab rates of fare in accordance with the rules established in Ordinance No. 11; and
- F. Taxicabs operating in the City are required to have a permit issued by MTS in accordance with Ordinance No. 11; and
- G. Authority, as the owner and operator of San Diego International Airport ("Airport") requires taxicabs, taxicab owners, and taxicab drivers ("Airport Taxicab Operators") conducting business on the Airport to have separate permits issued by the Authority; and
- H. As part of the Authority's taxicab permitting process, a per trip fee ("Airport Trip Fee") for each taxicab trip originating at the Airport is required to be paid to the Authority; and
- I. The Airport Trip Fee was adopted and approved by the Authority through the actions of its Board after completion of a study and public hearing process by Board Resolutions 2010-0006; 2010-0027 and 2010-0082, all which were approved prior to the passage on November 2, 2010 of Proposition 26 (Cal. Const., Article XIII C) and were not created by a state law; and

- J. The Airport Trip Fee is paid by each Airport Taxicab Operator to the Authority as each taxicab leaves the Airport taxicab hold lot; and
- K. The Airport Trip Fee is a user and privilege fee predicated on cost recovery to reimburse the Authority for the Airport Taxicab Operators' "fair share" of Authority's costs of constructing, managing, regulating and maintaining the commercial ground transportation operations and improvements at the Airport used by and for the benefit of commercial taxicabs; and
- L. The Authority's Airport Trip Fee is an exempt user, service, privilege, regulatory and benefit fee charging those conducting and operating commercial taxicab businesses on the proprietary airport property of the Authority, expressly being exempt under the provisions of California Constitution Article XIII C, Sections 1(e)(1),(2),(3) and (4); and
- M. The Authority also imposes Airport fees on the operators of other commercial ground transportation entities for the privilege of operating on the Airport; and
- N. Neither MTS nor City had any role in the adoption, monitoring or collection of the Authority's Airport Trip Fee; and
- O. Neither MTS nor City receive any funds from the Airport Trip Fee; and
- P. In response to requests from the taxicab industry for the ability to recoup the costs associated with the Airport Trip Fee directly from passengers, the Authority has requested MTS, through amendments to Ordinance No. 11 or other required action, to authorize collection of an amount equal to the Airport Trip Fee (an "extra") in addition to the standard rate of fare authorized for Airport taxicab trips; and
- Q. MTS, City and Authority have been put on notice of potential challenges to the Authority's right to impose the Airport Trip Fee and/or the ability of Airport Taxicab Operators to collect the Airport Trip Fee from passengers; and
- R. Authority has conducted its own research and review of the Airport Trip Fee and applicable law and determined that the Airport Trip Fee and the actions requested in Recital P and Section 1 of this Agreement comply with State and Federal law, including California Constitution Article XIII C; and
- S. As described in this Agreement, MTS has agreed to hold a hearing to consider authorizing collection of an "extra" from passengers equivalent to the Airport Trip Fee paid by individual Airport Taxicab Operators, subject to Authority's agreement to defend and indemnify MTS and MTS member agencies, from any costs, claims or liability related to the Airport Trip Fee or the actions required by MTS to authorize the collection of the "extra" from passengers.

AGREEMENT

1. MTS agrees to:

- a. Notice and hold a public hearing at the March 16, 2012, MTS Taxicab Advisory Committee ("TAC") to consider the Authority's recommended changes to Ordinance No. 11 and Board Policy No. 34 allowing Airport Taxicab Operators to charge passengers an amount equivalent to the Airport Trip Fee paid to Authority. The TAC will forward its recommendations on the proposed amendments to the MTS Board for further action.
 - b. Following the TAC meeting described in paragraph (a), notice and hold a public hearing pursuant to Public Utilities Code § 120109, to consider the Authority's recommended changes to Ordinance No. 11 at a MTS Board meeting.
 - c. If approved by the MTS Board after the notice and public hearing described in paragraph (b), MTS will take action to implement the proposed amendments to Ordinance No. 11 by:
 - i. Working with the County of San Diego Office of Weights and Measures and Airport Taxicab Operators to install "extra" button taximeters, consistent with documentation provided by the Authority identifying the amount of the Airport Trip Fee to be paid by an individual taxicab.
 - ii. Working with the County of San Diego Office of Weights and Measures, the Authority, and Airport Taxicab Operators to design and install a decal in or on each Airport taxicab that identifies and accurately describes the Airport Trip Fee consistent with the requirements of § 5.54 UR.3 of the National Institute of Standards and Technology (NIST) Handbook 44 as adopted by Title 4, California Code of Regulations § 4000.
2. Authority agrees to:
- a. Provide MTS with all information necessary to take the actions described in Section 1.
 - b. In the event MTS takes action to amend Ordinance No. 11 as described in Section 1, Authority shall indemnify, defend and hold harmless the MTS, including its Board, officers, directors, agents, and employees; and all other MTS member agencies (City of San Diego, County of San Diego, City of Chula Vista, City of Coronado, City of Imperial Beach, City of National City, City of La Mesa, City of Lemon Grove, City of Poway, City of El Cajon, and City of Santee), including their governing boards, officers, directors, agents and employees (collectively "Indemnitees"), from any and all liability, loss, expense (including reasonable attorneys' fees and other defense costs), demands, suits, liens, damages, costs, claims, or legal challenges that are incurred by or asserted against the Indemnitees arising out of or connected with the Authority's Taxicab Trip Fee being added to or placed on taximeters of taxicabs serving the Airport. This defense and indemnification obligation shall apply to all challenges based on the actions taken by Indemnitees required by this Agreement.
 - i. In the event a claim, lawsuit or other legal document is filed against one or all Indemnitees, the Indemnitee shall tender the defense of the claim, lawsuit or other legal document to Authority by sending a request for defense and indemnification to Authority's General Counsel.

- ii. Upon receipt of a tender request, Authority shall immediately take all action necessary to defend Indemnitee against liability.
- iii. Authority shall be entitled to select the legal counsel of its choice to defend Authority and/or Indemnites in any legal action.
- iv. Authority shall instruct its legal counsel to keep Indemnitee's designated legal representative informed of the defense of the action, including any settlement discussions or stipulations on behalf of Indemnitee.
- v. In the event a judgment or settlement is reached requiring the payment of money, disgorgement of payments or other out-of-pocket cost or penalty under the Airport Trip Fee program, Authority shall be responsible for all such payments and shall not request reimbursement from Indemnitee.
- vi. This Agreement does not require the Authority to indemnify or defend the Indemnites, or any of them, for any liability, claim or action caused their sole negligence or malfeasance.
- vii. The term of this Agreement shall terminate if (a) the Airport taxicab trip fee is repealed by the Authority, or (b) no action is taken by the Indemnites, or any of them, to place or approve the Airport taxicab trip fee on taximeters.

3. General Provisions

- a. Notices. All notices to be given under this Agreement shall be in writing and either:
 - i. Sent by a nationally recognized overnight courier, in which case notice shall be deemed delivered upon actual receipt or one (1) business day after deposit with this courier, whichever occurs first; or
 - ii. Sent by facsimile, electronic mail or similar means, if a copy of the notice is also sent by United States Mail, in which case notice shall be deemed delivered on transmittal by facsimile or electronic mail provided that evidence is generated reflecting the accurate transmission date of the notice, as follows:

San Diego Metropolitan Transit System
 1255 Imperial Avenue, Suite 1000
 San Diego, CA 92101
 Attn: General Counsel
 Tel: 619-557-4512 Fax: 619-234-3172
 Email: Karen.Landers@sdmts.com

San Diego Regional Airport Authority
 Address: 3225 North Harbor Drive, 3rd Floor, San Diego, CA 92101
 Attn: General Counsel
 Tel: (619) 400-2423 Fax: (619) 400-2428
 Email: blobner@san.org

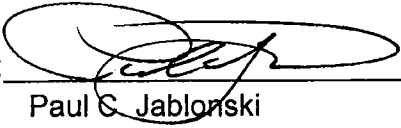
These addresses may be changed by written notice to the other Parties provided that no notice of a change of address shall be effective until actual receipt by the Parties of the notice. Copies of notices, if any are so indicated, are for informational purposes only, and a failure to give or receive copies of any notice shall not be deemed a failure to give notice.

- b. Waiver. Any party's failure to enforce or exercise its rights with respect to any provision hereof shall not be construed as a waiver of such rights or of such provision.
- c. Laws, Venue, and Attorneys' Fees. This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of San Diego, State of California. In the event of any claim, legal action or proceeding between the parties arising under or concerning this Agreement, the prevailing party(ies) shall be entitled to reasonable attorneys' fees and expenses as part of the judgment resulting there from.
- d. Dispute Resolution.
 - i. The Parties agree that they shall first meet, through their senior staff representatives and internal legal counsel, to attempt to informally resolve any dispute that arises under this Agreement.
 - ii. If the informal efforts are unsuccessful, then the Parties agree to participate in mediation. Within five (5) business days of the request of any party, the parties shall mutually agree on the person or alternative dispute resolution agency to conduct the mediation. If the Parties are unable to agree on the person or alternative dispute resolution agency to conduct the mediation, the initiating party may arrange for the office of the American Arbitration Association in downtown San Diego, California, to perform the mediation. The initiating party shall then schedule the mediation so that it is conducted within five (5) business days of the mediator's appointment. The costs of the mediation and fees of the mediator, if any, shall be shared equally by the Parties.
 - iii. Any dispute not resolved through the mediation required by paragraph (ii) of this Section, may proceed to litigation unless the Parties agree in writing to submit the dispute to binding arbitration.

[Remainder of page intentionally left blank]


IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective officers duly authorized on the date written below their signatures.

SAN DIEGO METROPOLITAN TRANSIT
SYSTEM

By: 
Paul G. Jablonski
Chief Executive Officer

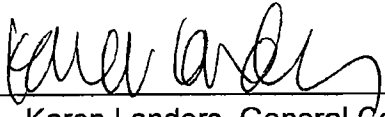
Date: 3/14/12

SAN DIEGO COUNTY REGIONAL
AIRPORT AUTHORITY

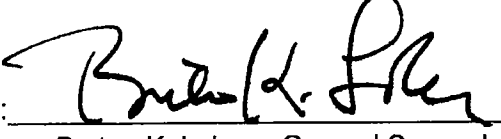
By: 
Thella F. Bowens
President and CEO

Date: MAR 8 2012

APPROVED AS TO FORM:

By: 
Karen Landers, General Counsel

APPROVED AS TO FORM:

By: 
Breton K. Lobner, General Counsel

AIRPORT TAXICAB TRIP FEE

Karen Landers, General Counsel



1



RECOMMENDATION:

Forward a recommendation to the MTS Board of Directors to hold a public hearing to:

- amend MTS Ordinance No. 11, and Board Policy No. 34
- authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for San Diego International Airport taxicab trips.



2



MTS REGULATION OF TAXICAB INDUSTRY:

- Agreements with various cities, including City of San Diego
- Regulates amounts that can be charged by taxicabs to passengers
- Generally: Rate of Fare – Adjusted Annually
 - Flag Drop
 - Per Mile Rate
 - Waiting Time Rate



3



SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY:

- Regulates business activity on private Airport property, including taxicabs
- Separate Airport permit/medallion required to pick up passengers at the Airport
- Separate Rate of Fare – Adjusted Annually per formula in MTS Ordinance No. 11



4



AIRPORT TRIP FEE

In 2010, the Airport Authority began charging an “Airport Trip Fee” for all trips originating at the airport. The Trip Fee is paid by the airport taxicab operator to the Airport Authority.

The Airport Trip Fee was imposed as part of the Airport Authority’s Comprehensive Ground Transportation Management Plan (the Plan).

The Airport Trip Fee is based on cost-recovery calculations under the Plan that were tied to taxicab operations at the Airport.



AIRPORT TAXICAB INDUSTRY REQUEST

Under pressure from Airport taxicab operators, the Airport Authority has requested that MTS allow Airport taxicab operators to recoup some of the extra costs they are incurring as a result of the Airport Trip Fee.



Proposal:

- Allow installation of an “extra” button on the taxicab meter that would allow Airport taxicabs to charge an additional amount for trips originating at the Airport.
- “Extra” button would be programed in an amount equal to the Airport Trip Fee paid by each individual taxicab.



PROP 26 ISSUES:

- The Airport Trip Fee is a fee imposed by the Airport Authority on taxicab operators for the privilege of operating at the Airport. It is based on a cost-recovery formula.
- Neither MTS nor any of its member cities had any role in imposing or collecting the Airport Trip Fee, nor do they receive any funds from the Airport Trip Fee.
- Prop 26 established new rules for when a “fee” is a fee or a tax.



INDEMNIFICATION:

- Since the Airport Trip Fee is purely for the benefit of the Airport Authority, and was imposed by that public board following a public meeting process, the Airport Authority has agreed to indemnify MTS and its member cities for any liability associated with the Airport Trip Fee and/or the action requested today.



RECOMMENDATION:

Forward a recommendation to the MTS Board of Directors to hold a public hearing to:

- amend MTS Ordinance No. 11, and Board Policy No. 34
- authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for San Diego International Airport taxicab trips.





1255 Imperial Avenue, Suite 1000
San Diego, CA 92101-7490
619.231.1466 FAX 619.234.3407

DRAFT

Agenda

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 19, 2012

9:00 a.m.

James R. Mills Building
Board Meeting Room, 10th Floor
1255 Imperial Avenue, San Diego

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

**ACTION
RECOMMENDED**

1. Roll Call
2. Approval of Minutes - March 15, 2012 Approve
3. Public Comments - Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion items. If you have a report to present, please give your copies to the Clerk of the Board.

Please SILENCE electronics
during the meeting



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Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.

CONSENT ITEMS

- | | | |
|----|---|---------|
| 6. | <u>Investment Report - January 2012</u>
Action would receive a report for information. | Receive |
| 7. | <u>Investment Report - February 2012</u>
Action would receive a report for information. | Receive |
| 8. | <u>Fiber-Optics Cable Project - Funds Transfer</u>
Action would approve the transfer of funds from: (1) the LRV Onboard Cameras Project (CIP 11271) to the MVW Security Fiber Installation Project (CIP 11444000) for construction use; and (2) from the Substation SCADA Design Project (CIP 1144000) to the MVW Security Fiber Installation Project (CIP 11444000) to purchase network switches. | Approve |

CLOSED SESSION

- | | | |
|-----|--|--------------------|
| 24. | a. CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL Existing Litigation Pursuant to California Government Code Section 54956.9(a): <u>John Reed</u> - WCAB Case Numbers SDO 32850, ADJ3376677, ADJ2175282, ADJ543101, and ADJ2280282 | Possible
Action |
| | b. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS Pursuant to California Government Code Section 54957.6; Agency-Designated Representative – Harry Mathis, Board Chair; Unrepresented Employee – Chief Executive Officer | Possible
Action |
| | <u>Oral Report of Final Actions Taken in Closed Session</u> | |

NOTICED PUBLIC HEARINGS

- | | | |
|-----|--|---------|
| 25. | <u>Public Hearing on Proposed Airport Taxicab Trip Fee (Karen Landers)</u>
Action would approve amending MTS Ordinance No. 11 and Board Policy No. 34 to authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for San Diego International Airport (Airport) taxicab trips. | Approve |
|-----|--|---------|

DISCUSSION ITEMS

- | | | |
|-----|---|---------|
| 30. | <u>Exercise Option to Purchase 7 Light Rail Vehicles from Siemens Industry, Inc. (Karen Landers and Wayne Terry)</u>
Action would authorize the CEO to exercise an option for 7 additional SD-8 light rail vehicles (LRVs) under MTS Doc. No. L0914.0-10 (as amended) subject to identification of funding. The option price shall not exceed \$3,844,520 per LRV (including 7.75% sales tax). | Approve |
| 31. | <u>Chief Executive Officer Executive Employee Agreement - Contract Amendment (Karen Landers)</u>
Action would approve Amendment No. 5 to the Executive Employment Agreement. | Approve |

REPORT ITEMS

- | | | |
|-----|---|-------------|
| 45. | <u>Federal Legislative Update (Peter Peyser of Blank Rome, LLC)</u>
Action would receive a report for information. | Receive |
| 46. | <u>System Ridership and Revenue (Mark Thomsen and Sharon Cooney)</u>
Action would receive a report for information. | Receive |
| 47. | <u>Annual Security Report (Bill Burke)</u>
Action would receive a report for information. | Receive |
| 48. | <u>Disadvantaged Business Enterprise (DBE) Report (Karen Landers)</u>
Action would receive a report for information. | Receive |
| 60. | <u>Chairman's Report</u> | Information |
| 61. | <u>Audit Oversight Committee Chairman's Report</u> | Information |
| 62. | <u>Chief Executive Officer's Report</u> | Information |
| 63. | <u>Board Member Communications</u> | |
| 64. | <u>Additional Public Comments Not on the Agenda</u>
If the limit of 5 speakers is exceeded under No. 3 (Public Comments) on this agenda, additional speakers will be taken at this time. If you have a report to present, please furnish a copy to the Clerk of the Board. Subjects of previous hearings or agenda items may not again be addressed under Public Comments. | |
| 65. | <u>Next Meeting Date:</u> May 17, 2012 (9:00 a.m. Finance Workshop) | |
| 66. | <u>Adjournment</u> | |



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Agenda Item No. 6

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 19, 2012

**Draft for
Executive Committee
Review Date: 4/12/12**

SUBJECT:

INVESTMENT REPORT – JANUARY 2012

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

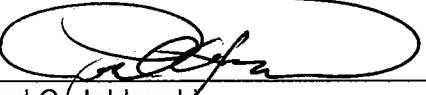
None.

DISCUSSION:

Attachment A comprises a report of MTS investments as of January 2012. The combined total of all investments has decreased from \$179.4 million to \$172.7 million in the current month. This \$6.7 million decrease is due to expenditures for acquisition of capital assets totaling \$10.7 million partially offset by receipt of TransNet funds dedicated to acquisition of capital assets.

The first column provides details about investments restricted for capital improvement projects and debt service—the majority of which are related to the 1995 lease and leaseback transactions. The funds restricted for debt service are structured investments with fixed returns that will not vary with market fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities. The second column (unrestricted investments) reports the working capital for MTS operations allowing for employee payroll and vendors' goods and services.

During January, \$10 million was transferred from the general operating account to the Local Agency Investment Fund temporary investment account.



Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tom Lynch, 619.557.4538, tom.lynch@sdmts.com

Attachment: A. Investment Report for January 2012

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • www.sdmts.com

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



**San Diego Metropolitan Transit System
Investment Report
January 31, 2012**

	Restricted	Unrestricted	Total	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 3,505,497	\$ 14,493,809	\$ 17,999,306	0.00%
Total Cash and Cash Equivalents	<u>3,505,497</u>	<u>14,493,809</u>	<u>17,999,306</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	4,036,673	-	4,036,673	N/A *
Local Agency Investment Fund (LAIF) Proposition 1B TSGP grant funds	<u>5,508,446</u>	<u>-</u>	<u>5,508,446</u>	0.39%
Total Cash - Restricted for Capital Support	<u>9,545,119</u>	<u>-</u>	<u>9,545,119</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	23,481,234	23,481,234	0.39%
San Diego County Investment Pool	<u>-</u>	<u>691,563</u>	<u>691,563</u>	
Total Investments - Working Capital	<u>-</u>	<u>24,172,797</u>	<u>24,172,797</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	38,939,490	-	38,939,490	
Rabobank - Payment Undertaking Agreement	<u>82,053,636</u>	<u>-</u>	<u>82,053,636</u>	7.69%
Total Investments Restricted for Debt Service	<u>120,993,126</u>	<u>-</u>	<u>120,993,126</u>	
Total cash and investments	<u>\$ 134,043,742</u>	<u>\$ 38,666,606</u>	<u>\$ 172,710,348</u>	

N/A * - Per trust agreements, interest earned on retention account is allocated to trust beneficiary (contractor)



AGENDA ITEM NO.

6

REQUEST TO SPEAK FORM

ORDER REQUEST RECEIVED

PLEASE SUBMIT THIS COMPLETED FORM (AND YOUR WRITTEN STATEMENT) TO THE CLERK OF THE BOARD PRIOR TO DISCUSSION OF YOUR ITEM

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach any written statement to this form). Communications on hearings and agenda items are generally limited to three minutes per person unless the Board authorizes additional time; however, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.

(PLEASE PRINT)

Date	3-12-12		
Name	Lorraine M. Leighton		
Address	2514 Jamnisch Rd. Ste 502-82		
Telephone	Ø		
Organization Represented	DISABLED PASSENGER		
Subject of Your Remarks	New Floor & Ramps		
Regarding Agenda Item No.	Public Cement		
Your Comments Present a Position of:	<input checked="checked" type="checkbox"/>	SUPPORT	<input type="checkbox"/> OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

At Public Hearings of the Board, persons wishing to speak shall be permitted to address the Board on any issue relevant to the subject of the Hearing.

3. DISCUSSION OF AGENDA ITEMS

The Chairman may permit any member of the public to address the Board on any issue relevant to a particular agenda item.

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five speakers with three minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

REMEMBER: Subjects of previous hearings or agenda items may not again be addressed under General Public Comments.



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Agenda Item No. 7

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 19, 2012

**Draft for
Executive Committee
Review Date: 4/12/12**

SUBJECT:

INVESTMENT REPORT – FEBRUARY 2012

RECOMMENDATION:

That the Board of Directors receive a report for information.

Budget Impact

None.

DISCUSSION:

Attachment A comprises a report of MTS investments as of February 2012. The combined total of all investments has increased from \$172.7 million to \$176.3 million in the current month. This \$3.6 million increase is due to receipt of STA and TransNet funds dedicated to acquisition of capital assets, partially offset by expenditures for capital asset acquisition totaling \$7 million

The first column provides details about investments restricted for capital improvement projects and debt service—the majority of which are related to the 1995 lease and leaseback transactions. The funds restricted for debt service are structured investments with fixed returns that will not vary with market fluctuations if held to maturity. These investments are held in trust and will not be liquidated in advance of the scheduled maturities. The second column (unrestricted investments) reports the working capital for MTS operations allowing for employee payroll and vendors' goods and services.

A handwritten signature in black ink, appearing to read 'Paul C. Jablonski', is written over a horizontal line.

Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Tom Lynch, 619.557.4538, tom.lynch@sdmts.com

Attachment: A. Investment Report for February 2012

1255 Imperial Avenue, Suite 1000, San Diego, CA 92101-7490 • (619) 231-1466 • www.sdmts.com

Metropolitan Transit System (MTS) is a California public agency comprised of San Diego Transit Corp., San Diego Trolley, Inc., San Diego and Arizona Eastern Railway Company (nonprofit public benefit corporations), and San Diego Vintage Trolley, Inc., a 501(c)(3) nonprofit corporation, in cooperation with Chula Vista Transit. MTS is the taxicab administrator for seven cities. MTS member agencies include the cities of Chula Vista, Coronado, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee, and the County of San Diego.



**San Diego Metropolitan Transit System
Investment Report
February 29, 2012**

	Restricted	Unrestricted	Total	Average rate of return
Cash and Cash Equivalents				
Bank of America - concentration sweep account	\$ 3,482,762	\$ 18,049,581	\$ 21,532,343	0.00%
Total Cash and Cash Equivalents	<u>3,482,762</u>	<u>18,049,581</u>	<u>21,532,343</u>	
Cash - Restricted for Capital Support				
US Bank - retention trust account	4,250,414	-	4,250,414	N/A *
Local Agency Investment Fund (LAIF) Proposition 1B TSGP grant funds	<u>5,508,446</u>	<u>-</u>	<u>5,508,446</u>	0.39%
Total Cash - Restricted for Capital Support	<u>9,758,860</u>	<u>-</u>	<u>9,758,860</u>	
Investments - Working Capital				
Local Agency Investment Fund (LAIF)	-	23,481,234	23,481,234	0.39%
San Diego County Investment Pool	<u>-</u>	<u>691,563</u>	<u>691,563</u>	
Total Investments - Working Capital	<u>-</u>	<u>24,172,797</u>	<u>24,172,797</u>	
Investments - Restricted for Debt Service				
US Bank - Treasury Strips - market value (Par value \$39,474,000)	38,775,213	-	38,775,213	
Rabobank - Payment Undertaking Agreement	<u>82,053,636</u>	<u>-</u>	<u>82,053,636</u>	7.69%
Total Investments Restricted for Debt Service	<u>120,828,849</u>	<u>-</u>	<u>120,828,849</u>	
Total cash and investments	<u><u>\$ 134,070,471</u></u>	<u><u>\$ 42,222,378</u></u>	<u><u>\$ 176,292,849</u></u>	

N/A * - Per trust agreements, interest earned on retention account is allocated to trust beneficiary (contractor)



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Agenda Item No. 8

MEETING OF THE METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

April 19, 2012

**Draft for
Executive Committee
Review Date: 4/12/12**

SUBJECT:

FIBER-OPTICS CABLE PROJECT - FUNDS TRANSFER

RECOMMENDATION:

That the Board of Directors approve the transfer of funds from:

1. the LRV Onboard Cameras Project (CIP 11271) to the MVW Security Fiber Installation Project (CIP 1144400) for construction use; and
2. the Substation SCADA Design Project (CIP 1144000) to the MVW Security Fiber Installation Project (CIP 1144400) to purchase network switches.

Budget Impact

1. Funds are available within MTS CIP 11271 (LRV Onboard Cameras) in the amount of \$900,870 (see the IFAS report for information—Attachment A).
2. Funds are available within SANDAG CIP 1144000 (Substation SCADA Design) in the amount of \$800,632—\$500,000 of which would be transferred to SANDAG CIP 1144400 for the MVW Security Fiber Installation Project.

DISCUSSION:

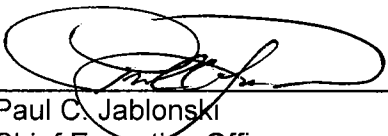
SANDAG is overseeing a project to install fiber-optic cable on the Green and Orange Lines, which will carry video images from MTS's closed-circuit television (CCTV) network. The installation of the fiber-optic cable is currently under construction along Mission Valley East track using a job order contract with Select Electric. Contracts for the Mission Valley West track and 12 miles of the Orange Line have not been awarded. The fiber-optic cable installation is scheduled to be completed by July 2013.



Funding for the project was provided by MTS totaling \$5,960,245.40 (as per Board approval in January 2011) based on engineer's estimates available at the time. Using updated estimates and the pricing for the segment currently in construction, the projected cost to complete the fiber-optics installation is estimated to be \$6,874,627. Since MTS CIP funds are being used to fund this project, SANDAG has requested that the project budget be supplemented to meet the new cost estimate.

MTS has identified funds from the security grant for LRV Onboard Cameras for transfer to the Fiber-Optics Cable Project. This is an appropriate use of the grant funds because the fiber will be utilized for viewing the LRV onboard cameras once all wayside equipment has been installed.

In addition, as part of the upgrades to the Orange Line infrastructure and to provide for SCADA (supervisory control and data acquisition) capability, SANDAG is requesting to purchase eight network switches for installation by the fiber-optics contractor, Select Electric. Funds available from the SCADA CIP are also proposed for transfer to the Fiber-Optics Cable Project to meet the updated budget estimates.


Paul C. Jablonski
Chief Executive Officer

Key Staff Contact: Michael Diana, 619.595.1021, Michael.Diana@sdmts.com

APRIL19-12.8.FIBER-OPTIC CABLE FUNDS TRANSFER.MDIANA

Attachment: A. MTS IFAS Report 11271 and SANDAG IFAS Report 1144000

PROJECT BUDGET TO ACTUAL - FROM INCEPTION (with Encumbrances)

Att. A, AI 8, 4/19/12

Fiscal Year 2012 Report Date: 04/04/2012

PROJECT NO: 11271 LRV On Board Cam Project Manager Bill Burke

EXPENDITURES

TASK	Description	Total Project Budget	Expended To Date	Current Encumb	Total Exp & Enc	Contract Contingency	Total Project Budget Available
01	Administration	35,000.00	56,200.38	0.00	56,200.38	0.00	-21,200.38
02	Miscellaneous Equipment	50,000.00	14,917.16	0.00	14,917.16	0.00	35,082.84
06	Engineering & Design	150,000.00	137,304.78	2,151.32	139,456.10	0.00	10,543.90
08	Professional Services	4,638,445.00	1,824,379.82	1,937,621.21	3,762,001.03	0.00	876,443.97
TOTAL		4,873,445.00	2,032,802.14	1,939,772.53	3,972,574.67	0.00	900,870.33

REVENUES

Project Number	Description	Total Budgeted Revenue	Fiscal Year	Priority	Percent	Total Earned Revenue
11271-85050007	TSGP Grant FY 07	1,008,000.00	2009	1	75.00 %	0.00
11271-46135	TDA - ARTICLE 4.0 - CAPITAL	336,000.00	2011	1	25.00 %	0.00
11271-85050008	TSGP Grant FY08	750,000.00	2011	2	100.00 %	0.00
11271-46370	Prop 1B TSGP	2,779,445.00	2011	3	100.00 %	0.00
TOTAL:		4,873,445.00				0.00

Project Comments:

07/01/09- Add FY10 Budget of \$1,086,000.
 07/26/10- Add FY11 Budget of \$2,700,000.
 11/14/11 - Add additional TSGP FY09/10 funding per CalEMA letter dated
 9/19/11. (\$79,445.00)

Project Budget To Actuals [Multi-year 7-Digit OWP Projects]

Project Number	1144000	Substation SCADA Design	Project Manager	Ray Rizman				
Expenditures								
Task	Description	Total Project Budget	Expended To Date	Current Encumb	Total Exp & Enc	Contract Contingency	Total Project Budget Available	
01	Administration	171,000.00	22,996.60	0.00	22,996.60	0.00	148,003.40	
06	Engineering & Design	372,000.00	29,821.86	748.90	30,570.76	0.00	341,429.24	
07	Construction Management	72,000.00	0.00	0.00	0.00	0.00	72,000.00	
10	Construction	169,200.00	0.00	0.00	0.00	0.00	169,200.00	
38	Contingency	70,000.00	0.00	0.00	0.00	0.00	70,000.00	
		854,200.00	52,818.46	748.90	53,567.36	0.00	800,632.64	

Revenues								
Project Number	Description	Total Budgeted Revenue	Fiscal Year	Priority	Percent	Total Revenue Recorded	Total Earned Revenue	
1144000-72330001	Federal 5307 CA-90-Y819	640,000.00	2011	1	80 %	1,193.00	0.00	
1144000-91040000	TDA (1)	160,000.00	2011	1	20 %	297.82	0.00	
1144000-92060001	Miscellaneous Project Revenue	54,200.00	2011	2	100 %	0.00	0.00	
1144000	Other Revenue Sources					57,390.00		
		854,200.00				58,880.82	0.00	