

San Diego Metropolitan Transit System
Taxicab Advisory Committee
Workshop On Regulatory Matters

TAXI 585.3

July 21, 2016

10:00 a.m.

Taxicab Administration Building
Conference Room
1501 National Avenue, Suite 100, San Diego, CA 92113

1. Roll Call

Bill Kellerman, Taxi Administration Manager, called the Workshop On Regulatory Matters (WORM) Subcommittee meeting to order at 10:15 a.m. A roll call sheet listing WORM Subcommittee member attendance is attached.

2. Non-agenda Public Comment

Kidane Weldemichael – Mr. Weldemichael is the Permit Holder of Loop Cab. Mr. Weldemichael stated that Transportation Network Companies (TNC's) like Uber and Lyft have done everything in their power to avoid regulation. He feels taxicab drivers are burdened by regulations and heavy handed enforcement. Mr. Weldemichael believes this is business discrimination. He mentioned taxicab drivers are getting tickets and Uber and Lyft are not for the same infractions. Mr. Weldemichael received a \$235.00 ticket when a passenger got out of his vehicle in the middle of the street. He asked the San Diego Metropolitan Transit System (MTS) to regulate Uber and Lyft for public safety and believes that there is an unfair business practice going on.

William Johnson – Mr. Johnson represents the United Taxi Workers of San Diego (UTWSD). His concern is the taxicab driver's access to taxicab stands during Comic Con. He stated the drivers are being denied access to downtown and are being shut out. Mr. Kellerman inquired where and how they are being shut out. Mr. Johnson said he would have to get that information. The other issue is the wildcatters at the border. The drivers are requesting more enforcement on wildcatters.

Kamran Hamidi – Mr. Hamidi asked if there was a staff presentation on the proposed Ordinance No. 11 revisions. Mr. Kellerman stated the proposed revisions did not come from San Diego Metropolitan Transit System (MTS) but from members of the Taxicab Advisory Committee (TAC). Mr. Hamidi wanted to know the source of the proposed revisions. He stated he is concerned MTS just wants to cut costs. Mr. Hamidi suggested lowering the annual fee, insurance requirements and reducing penalties on failed inspections to help the taxicab industry. Mr. Hamidi is also apprehensive that MTS partnered with Uber and feels this is a conflict of interest.

Gemechu Gutema – Mr. Gutema inquired about MTS partnering with Uber.

Abdi Abdul – Mr. Abdul representing the United Taxi Workers of San Diego (UTWSD) questioned the Ordinance No. 11 proposed revisions and wanted to know why MTS is proposing to support this agenda item. He believes San Diego Metropolitan Transit System

(MTS) should regulate Uber to make it fair. He stated the revised proposals would turn the taxicab industry into an Uber and Lyft operation.

Ray Seyed Salehi – Mr. Salehi representing Royal Jr, LLC stated he is concerned about MTS partnering with Uber.

Mr. Kellerman addressed the concerns to alleviate any confusion on these items. Mr. Kellerman stated the redline version of Ordinance No. 11 did not come from anyone at San Diego Metropolitan Transit System (MTS). There was a discussion at the last Taxicab Advisory Committee (TAC) meeting and a recommendation was made to have a workshop to review the Ordinance No. 11 language and requirements and to address regulations on Transportation Network Companies (TNC's). This workshop will only address the Ordinance No. 11 proposed revisions. A recommendation was made to have a separate meeting for TNC regulation. Mr. Kellerman reiterated MTS does not regulate Uber and Lyft, so MTS cannot impose any regulations on those vehicles. MTS can only take enforcement action if they are violating the MTS ordinance. Mr. Kellerman then addressed the Uber partnership, he stated the voucher was a MTS marketing partnership and was a surprise to the Taxicab Administration. The Taxicab Administration was not consulted and did not have any input. Mr. Afifi asked how much money was generated and suggested getting the marketing department into this meeting for explanation. Mr. Kellerman advised that anyone who wants to partner with MTS has that option. It was also suggested that attending the MTS Board meetings would allow individuals the opportunity to address the board with the Uber concerns. Mr. Palmeri asked that the meeting get back on topic and noted the reason for the revisions is to reduce costs and the ability to survive in the industry. The proposed revisions are just something to think about and discuss.

3. Proposed Revisions to MTS Ordinance 11

Mr. Kellerman provided the Workshop On Regulatory Matters (WORM) Subcommittee and the members of the public a copy of Ordinance No. 11 red lined by TAC committee members dated September 17, 2015, and a copy of the current Ordinance No. 11 dated May 12, 2016 for reference. The WORM subcommittee discussed each proposed red line item.

The subcommittee discussed at length Section 1.8 (e) Any MTS inspector or peace officer, after displaying proper identification, may make reasonable and periodic inspections of any for-hire vehicle operating under an MTS permit for the purpose of determining whether the vehicle is in compliance with the provisions of this Ordinance. Mr. Kellerman stated although staff will not support the removal of this language, a vote was taken to bring this item to the Taxicab Advisory Committee (TAC).

Action Taken

Mr. Afifi moved to approve the removal of the text "under an MTS permit." Mr. Seifu seconded the motion and the vote was 6 to 1 in favor with Messrs. Palmeri and Majid absent and Mr. Abraham abstaining.

After discussing Section 1.8 (h) (3) the subcommittee suggested consolidating colors and to unify certain radio services. Mr. Kellerman asked the subcommittee members to give

proposals to modify paint requirements. Mr. Hueso suggested removing the unified color on door jams.

Reviewing Section 1.8 (h) (8) Ms. Tanguay believes keeping the engine compartment reasonably clean and free of uncontained combustible materials is still a valid requirement. Mr. Hueso also suggested not having to steam clean the engines but make sure the engines are free from leaks. It was decided to keep Section 1.8 (h) (8) as is.

Section 1.8 (l) 1 – 5 describes the card display requirements. Ms. Tanguay doubts the passengers read or pay attention to the card. Mr. Hueso explained the Sheriff's License on the dash past and present. The card was 4 by 5 and now it is 6 by 9. He is trying to create a smaller display holder for the Sheriff's identification card, rates of fare and airport trip fee. Mr. Hueso would like to start a dialogue with the Sheriff's Licensing Department to have the size modified, while still having the applicable information available for the consumer. Mr. Kellerman stated staff is limited in taking action on some of these items, like the County Weights and Measures requirements. Mr. Kellerman suggested having a discussion at the next TAC meeting when the Sheriff's Licensing Department and San Diego County Weights and Measures are represented. Mr. Hueso is recommending a conversation on more or less signage, color scheme, and design all to be more attractive and appealing; not to become Uber as suggested earlier in the meeting. Mr. Kellerman will bring these ideas to the TAC for consideration.

Mr. Kellerman will recommend Section 1.8 (m) requiring a map of the City be available to a passenger upon request to be removed from Ordinance No. 11.

Mr. Kellerman explained the intent of Section 1.8 (v) regarding compensation to a business from a driver or permit owner. Mr. Afifi wants the word compensation removed. The subcommittee decided to leave Section 1.8 (v) as is with no modifications.

Section 1.8 (w) the driver of a for hire vehicle shall wear, in a manner clearly visible on their person, an identification card was discussed and in conclusion Mr. Kellerman stated that this is a Sheriff's requirement and it will not be removed.

The subcommittee reviewed and decided to leave Section 1.8 (y) the color scheme of a for-hire vehicle may not be changed without the prior written permission of the Chief Executive Officer, as is.

Section 1.11 (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 Chief Executive Officer and Section 1.11 (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 were examined. Mr. Kellerman will support the subcommittees proposed ninety (90) day for Section 1.11 (b) and Section 1.11 (d) but not one hundred-twenty (120) days as initially proposed.

Regarding Section 1.13 (a) (3) Mr. Kellerman stated as the regulator, the Taxicab Administration holds the permit holder responsible for the driver's actions; owner operator or lease driver. If a driver is continually violating the ordinance, the regulator will address the

violations with the permit holder to get corrective behavior. Sergeant Fewell reviewed reasons why this would affect the permit holder. The most prevalent action would be taking a vehicle out of service if a driver does not have a Sheriff's identification card. The permit holder would have to pay the administrative fee to put the vehicle back in service. Sergeant Fewell also explained drivers are responsible for the safety of the vehicle as well as the permit holder. It was decided to keep Section 1.13 (a) (3) with no modification. Mr. Afifi opposed leaving the section as is.

Section 1.13 (a) (4) 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. Mr. Kellerman would support a proposed ninety (90) day for Section 1.13 (a) (4) but not one hundred-twenty (120) days as initially proposed.

Section 1.13 (a) (6) prevents a driver from over-charging. The subcommittee decided to move on and leave the section as is.

Section 2.2 (e) 5 and Section 2.2 (e) (6) is a County Weights and Measures requirement and the subcommittee cannot change.

Mr. Kellerman stated he was comfortable with eliminating Section 2.3 (f) in regards to radio scanners. Mr. Kellerman reviewed the reason why drivers would have a scanner.

The subcommittee would like Section 2.4 (e) removed. Sergeant Fewell mentioned this is in place to eliminate cars from stacking up outside of the taxicab stands. Mr. Kellerman said staff would not support the removal of this section. The subcommittee consensus was to remove Section 2.4 (e) from the ordinance.

Mr. Kellerman explained the administration requires an out of service sign to be displayed, for example if the driver is using the car for personal use. He would not support the removal of Section 2.4 (i). Mr. Afifi would like this section removed. Sergeant Fewell stated the sign proves to law enforcement that a taxicab is truly out of service. This section is for the benefit of the driver. Mr. Boenitz gave the example that the sign indicates to enforcement that a taxicab is not picking up passengers illegally when in the airport parking lot. The subcommittee eventually agreed to leave Section 2.4 (i) unmodified.

In regards to Section 2.6 Mr. Hueso would like to streamline equipment instead of making a five year commitment to Verifone. Mr. Kellerman proposed that a draft ordinance be provided to the Taxicab Advisory Committee (TAC) proposing alternative communications to communicate with a dispatcher. It was mentioned that if there is no two-way radio requirement there will be no need for a 10-code and those items may be removed from the current ordinance.

In Section 2.7 (b) Sergeant Fewell stated if the vehicle has factory window tint and it is reasonable, the vehicle will pass inspection and will be put into service. Mr. Kellerman said the reasoning behind this section is enforcement needs to see if there is a passenger in the taxicab. Mr. Hueso is concerned that certain factory window tints appear darker or lighter depending on sunlight. He has personally had a car that did not pass inspection because of the factory window tint. Mr. Kellerman said they will take it on a case by case basis. The

committee asked that Mr. Kellerman add language to the ordinance allowing factory privacy glass.

Mr. Hueso is concerned he is unable to close his office due to Section 2.6 (b) requiring 24 hours a day dispatch staff and would like to modify the section. Mr. Kellerman reiterated Section 2.6 (b) is a safety issue for drivers and passengers. There must be someone available and a device to activate with the ability to respond to a call for help. Mr. Kellerman believes staff would not support eliminating Section 2.6 (b) and suggested Mr. Hueso put a proposal in writing to present at the next Taxicab Advisory Committee (TAC) meeting for the committee to consider. A suggestion was made to unify radio services as a possible solution. Mr. Afifi believes it is important to have multiple radio services in case a driver has a conflict with one radio service they have another radio service to go to and so it does not create a monopoly.

Mr. Kellerman will provide a draft revised Ordinance No. 11 before the next Taxicab Advisory Committee (TAC) meeting capturing the changes the subcommittee agreed to today. He asked the members to read and review the draft revised ordinance before the TAC meeting. Mr. Hueso reminded the new committee members that this is a long process and changes do not take effect immediately. The Taxicab Advisory Committee (TAC) may make recommendations and motions may be made, but then the revisions will go to the MTS Board for approval.

4. Adjournment

The meeting was adjourned at 12:23 p.m.

Accepted:


FOR

Bill Kellerman, Manager
MTS Taxicab Administration

Filed by:


FOR

Kristen Foster, Clerk of the Committee
MTS Taxicab Administration

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC)
WORKSHOP ON REGULATORY MATTERS (WORM) MEETING
ROLL CALL

MEETING OF (DATE): July 21, 2016

CALL TO ORDER (TIME): 10:15 a.m. ADJOURN: 12:23 p.m.

| COMMITTEE MEMBER (Alternate) | ORGANIZATION | PRESENT (TIME ARRIVED) | ABSENT (TIME LEFT) |
|---|---|------------------------|--------------------|
| George Abraham <input checked="" type="checkbox"/> | Taxicab Owner/Eritrean Cab Co. | 10:15 a.m. | 12:23 p.m. |
| Tarek Afifi <input checked="" type="checkbox"/> <input type="checkbox"/> | Taxicab Lease Driver | 10:15 a.m. | 12:23 p.m. |
| Alfred Banks <input checked="" type="checkbox"/> <input type="checkbox"/> | Taxicab Lease Driver | 10:15 a.m. | 12:23 p.m. |
| David Boenitz <input checked="" type="checkbox"/> Marc Nichols <input type="checkbox"/> | San Diego County Regional Airport Authority | 10:15 a.m. | 12:23 p.m. |
| Tony Hueso <input checked="" type="checkbox"/> Alfredo Hueso <input type="checkbox"/> | Taxicab Owner/USA Cab, LTD | 10:15 a.m. | 12:23 p.m. |
| Akbar Majid <input checked="" type="checkbox"/> <input type="checkbox"/> | Taxicab Owner/SDYC Holdings, LLC | 10:15 a.m. | 10:28 a.m. |
| Tony Palmeri <input checked="" type="checkbox"/> Michel Anderson <input type="checkbox"/> | San Diego Travelers Aid Society | 10:15 a.m. | 10:28 a.m. |
| Able Seifu <input checked="" type="checkbox"/> <input type="checkbox"/> | Taxicab Lease Driver | 10:15 a.m. | 12:23 p.m. |
| Margo Tanguay <input checked="" type="checkbox"/> <input type="checkbox"/> | Taxicab Lease Driver | 10:15 a.m. | 12:23 p.m. |
| Medhanie Weldegiorgis <input checked="" type="checkbox"/> <input type="checkbox"/> | Taxicab Owner/"A" Transportation, LLC | 10:15 a.m. | 12:23 p.m. |
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| Sharon Cooney <input type="checkbox"/> non-voting | MTS Chief of Staff | | |
| Bill Kellerman <input checked="" type="checkbox"/> non-voting | MTS Taxicab Administration Manager | | |
| Samantha Leslie <input type="checkbox"/> non-voting | MTS Staff Attorney/Regulatory Compliance | | |
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CLERK OF THE TAC: Truster Foster TAXICAB ADMINISTRATION MANAGER: Bill Kellerman