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Agenda

SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE MEETING

September 11, 2019

10:00 a.m.

James R. Mills Building
Board Meeting Room, 10th Floor
1255 Imperial Avenue, San Diego, CA 92101

To request an agenda in an alternative format or to request accommodations to facilitate meeting participation, please call the Clerk of the Board at least two working days prior to the meeting. Assistive Listening Devices (ALDs) are available from the Clerk of the Committee 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 13, 2019 and July 10, 2019 Approve
3. Non-Agenda Public Comment

The public may address the Committee regarding a matter not on the agenda. Each speaker has three minutes to speak. Give a completed *Request to Speak* form to the Clerk of the Committee.
4. Revisions to MTS Ordinance No. 11 Sections 2.3(h), 1.8(r) and 2.2(j) Approve
Action would forward a recommendation to the MTS Board of Directors to approve the proposed revisions to MTS Ordinance No. 11 regarding devices and software capable of electronically processing credit card transactions, issuance of electronically printed or digitally conveyed receipts, and allowing up-front fare calculated pricing by dispatch services.
5. Appointment of Antonio Hueso and George Abraham to Fulfil Remaining Category B Taxicab Advisory Committee Seats Approve
Action would forward a recommendation to the MTS Chief Executive Officer or his designee to allow Antonio Hueso and George Abraham to fulfill remaining category B Taxicab Advisory Committee seats.



6. Revisions to Taxicab Advisory Committee Guidelines Approve
Action would forward a recommendation to the MTS Board of Directors to approve the proposed revisions to Taxicab Advisory Committee Guidelines.
7. Proposal to Allow the Current Taxicab Administration Regulatory Fee to be Paid in Bi-Annual Payments for Fiscal Year 2020 (FY20) Approve
Action would approve the proposed optional bi-annual payment due dates for when the Taxicab Administration Regulatory Fee may be paid.
8. Committee Member Communications
Brief comment on any Taxicab Administration related item not included in the Agenda.
9. Next Meeting: December 11, 2019
10. Adjournment

San Diego Metropolitan Transit System
Taxicab Advisory Committee Meeting

March 13, 2019

10:00 am

James R. Mills Building
Board Meeting Room, 10th Floor
1255 Imperial Avenue, San Diego, CA 92101

DRAFT MINUTES

1. Roll Call

Mr. Nelson, MTS Taxicab Administration Manager, called the Taxicab Advisory Committee meeting to order at 10:06 a.m. A roll call sheet listing Taxicab Advisory Committee member attendance is attached

2. Approval of Meeting Minutes – June 13, 2018, September 12, 2018 and December 12, 2018.

Mr. Hueso moved to approve the minutes, with a second by Mr. Tasem. The vote was 8 to 0 with Mr. Chasteen, Mr. Mayekawa, Mr. Mercer, Mr. Palmeri, Mr. Seifu, Mr. Terzi and Mr. Weldegiorgis absent.

3. Non-Agenda Public Comment

Ebrahim Seyedalizadeh-The new ordinance requires an address other than a PO Box or Radio Service, and requires a home address; it appears on Sherriff's address and for privacy and security reasons does not want to have home address. He would like this to be readdressed for the privacy of driver, sometimes customers take a picture of ID's and all private identifying information is captured. He feels this is safer as he has been driving for 37 years for USA Cab and was previously using this address.

Chairperson Ward stated that MTS staff would work offline to see if there are any other options.

Kelly Quinn and Somali Family Services- The nonprofit organization they have designed to help small businesses, specifically in the transportation industry starting NEM (Nonemergency Medical), taxi driver and LYFT was described. They will assist with such items as business documentation, licensing, accounting/bookkeeping and other business requirements, licensing fees, monthly workshops help with any business needs. Once someone attends workshops they can assist with developing business plans. Will work directly with other organizations to provide business startup fees-these funds are grants, not loans so funds do not have to be repaid.

4. Management and Committee Member Communications

Chairperson Ward began with an introduction of himself as a member of the San Diego City

he emphasized that as part of the committee to represent those areas he feels a strong connection to the represented Industries success. This will be a shared success and he's very excited to be part of the mission of the board.

Mr. Nelson reviewed the Taxicab, NEM (Nonemergency Medical) and other for hire vehicle data; the figures were provided with the original meeting packet. Mr. Nelson noted that there is no longer a time limit on permit abeyance as long as the yearly permit fee is paid. It was also noted that the active permit numbers have declined since 2018. FRED (Free Ride Everywhere Downtown) has started the permit process for their LSV's and will be able to share stands once they are permitted just as other permitted vehicles.

Citation data was reviewed to reemphasize that MTS Regulatory Inspectors have not been overly judicious in issuing cites.

Mr. Nelson reviewed the Customer Feedback figures that were provided with the original packet. He noted that most of the complaints were customer service related. These issues will continue to be reviewed in the Diver Training Courses. As the data tracking system is new, complaint outcome is not included, but will be in the future.

Mr. Banks said that he thinks the Taxi Stands are an issue. Mr. Nelson reiterated that all permitted LSV's (Low Speed Vehicles) pay the same fees get the same rights as other permitted vehicles.

Mr. Tasem said that most Taxi stands do not have numbers delineated. Again, Mr. Nelson said that he would look into reevaluating the stands and capacities.

Ms. Tanguay shared that the situation has been volatile in the past, due to matters such as taxi curbs not being enforced.

Mr. Nelson stated that MTS Taxicab Administration only has four to five Regulators to enforce across four to five cities and he will speak to law enforcement if necessary.

Chairperson Ward offered his help with City representatives where FRED is concerned if needed to help lessen any conflicts.

Chairperson Ward stated that inspection data is promising and shows the importance of customer safety. In regards to complaints, he agrees with the importance of outcomes as many times complaints can be a "he said, she said" situation. He asked if there is a way to work with industry partners to identify how many trips are in account to narrow down the complaint data.

Mr. Hueso said he is thankful for the data provided as it legitimizes the information and helps with providing the information to drivers from MTS, as an official regulator, rather than just coming from radio services. He also noted that there are changes in the horizon that he would like the TAC, and relevant San Diego City Committees, to start considering now; such as the existing grandfather clause that will mature for specific equipment in relation to age of vehicles, digital dispatch, hybrids and alternative fuel sources.

5. Taxicab Advisory Committee Permit Holder Member Nomination and Election Process

Mr. Nelson reviewed the TAC election process and guidelines; the detailed information was provided with original packet. He did note that lack of quorum has had a negative impact on action items. Mr. Hueso commented that the lack of participation has created problems in the past as well. Action would review and approve the proposed permit holder election process and appoint a subcommittee to validate the election results.

Action Taken

Mr. Tasem moved for approval, Ms. Tanguay seconded the motion and the vote was 8 to 0 in favor with Mr. Chasteen, Mr. Mayekawa, Mr. Mercer, Mr. Palmeri, Mr. Seifu, Mr. Terzi and Mr. Weldegiorgis absent.

6. Taxicab Advisory Committee Lease Driver Representative Member Nomination and Election

Mr. Nelson reviewed the TAC election process and guidelines; the detailed information was provided with original packet. Mr. Hueso commented that the lack of participation has created problems in the past and maybe seat numbers should be reconsidered. Mr. Tasem stated that one vacancy remained due to the driver representative losing his license and it was decided to leave the seat open until the next election period as no one else wanted to take the position. Mr. Nelson stated that these items would be considered after the election period close. Action would review and approve the proposed lease driver election process and appoint a subcommittee to validate the election results. Mr. Nelson suggested that the subcommittee meet on the same day to count both vote categories rather than two separate days as in the past.

Action Taken

Subcommittee volunteers are Mr. Majid, Mr. Hueso, Mr. Tasem, Ms. Tanguay and Mr. Tehrani.

Ms. Tanguay moved for approval, Mr. Tasem seconded the motion and the vote was 8 to 0 in favor with Mr. Chasteen, Mr. Mayekawa, Mr. Mercer, Mr. Palmeri, Mr. Seifu, Mr. Terzi and Mr. Weldegiorgis absent.

7. Next Meeting – June 19, 2019

8. Adjournment

The meeting was adjourned at 10:40 am.

Accepted:

Filed by:

Christopher Ward
Chair of Taxicab Advisory Committee

Jamila L Larkins, Clerk of the Committee
MTS Taxicab Administration

Attachment: Roll Call Sheet

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC) MEETING
ROLL CALL

MEETING OF (DATE): March 13, 2019

CALL TO ORDER (TIME): 10:06 am

ADJOURN: 10:40 am

COMMITTEE MEMBER (Alternate)	ORGANIZATION	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Christopher Ward (Chair) <input checked="" type="checkbox"/>	MTS Board of Directors/SD City Council	10:00 am	10:40 am
George Abraham <input checked="" type="checkbox"/> <input type="checkbox"/>	Taxicab Owner/Eritrean Cab Co.	10:00 am	10:40 am
Alfred Banks <input checked="" type="checkbox"/> <input type="checkbox"/>	Taxicab Lease Driver	10:00 am	10:40 am
Marc Nichols <input checked="" type="checkbox"/> <input type="checkbox"/>	San Diego County Regional Airport Authority	10:00 am	10:40 am
Ryan Chasteen <input type="checkbox"/> <input type="checkbox"/>	Hotel Industry		
Tony Hueso <input checked="" type="checkbox"/> Alfredo Hueso <input type="checkbox"/>	Taxicab Owner/USA Cab, LTD	10:00 am	10:40 am
Akbar Majid <input checked="" type="checkbox"/> <input type="checkbox"/>	Taxicab Owner/SDYC Holdings, LLC	10:00 am	10:40 am
Daryl Mayekawa <input type="checkbox"/> Josh Layne <input type="checkbox"/>	San Diego Convention Center		
Namara Mercer <input type="checkbox"/> <input type="checkbox"/>	Hotel Industry		
Tony Palmeri <input type="checkbox"/> Michel Anderson <input checked="" type="checkbox"/>	San Diego Travelers Aid Society	10:00 am	10:40 am
Able Seifu <input type="checkbox"/> <input type="checkbox"/>	Taxicab Lease Driver		
Margo Tanguay <input checked="" type="checkbox"/> <input type="checkbox"/>	Taxicab Lease Driver	10:00 am	10:40 am
David Tasem <input checked="" type="checkbox"/> <input type="checkbox"/>	Taxicab Lease Driver	10:00 am	10:40 am
Nasser Tehrani <input checked="" type="checkbox"/> Houshang Nahavandian <input type="checkbox"/>	Taxicab Owner/N.A.T. Cab Co.	10:00 am	10:40 am
Joe Terzi <input type="checkbox"/> Brian Hilemon <input type="checkbox"/>	San Diego Tourism Authority		
Medhanie Weldegiorgis <input type="checkbox"/> <input type="checkbox"/>	Taxicab Owner/"A" Transportation, LLC		
Marco Mares <input type="checkbox"/> non-voting	San Diego County Department of Agriculture, Weights and Measures		
Edna Rains <input type="checkbox"/> non-voting	San Diego County Sheriff's Department Licensing Division		
Paul Jablonski <input type="checkbox"/> non-voting	MTS Chief Executive Officer		
Sharon Cooney <input type="checkbox"/> non-voting	MTS Chief of Staff		
Kenneth Nelson <input checked="" type="checkbox"/> non-voting	MTS Taxicab Administration Manager	10:00 am	10:40 am
Samantha Leslie <input checked="" type="checkbox"/> non-voting	MTS Staff Attorney/Regulatory Compliance	10:00 am	10:40 am

CLERK OF THE TAC: 

TAXICAB ADMINISTRATION MANAGER: 

San Diego Metropolitan Transit System
Taxicab Advisory Committee Meeting

July 10, 2019

10:00 am

James R. Mills Building
Board Meeting Room, 10th Floor
1255 Imperial Avenue, San Diego, CA 92101

DRAFT MINUTES

1. Roll Call

Christopher Ward, Chair of the Committee, called the Taxicab Advisory Committee meeting to order at 10:00 a.m. A roll call sheet listing Taxicab Advisory Committee member attendance is attached.

2. Approval of Meeting Minutes – March 13, 2019

March 13, 2019 minute approval moved to September 11, 2019 meeting due to lack of quorum.

3. Non-Agenda Public Comment

Mark McGee, Lease Driver, Sea Cab – Mr. McGee spoke to address the current lack of taxi stands throughout Little Italy, and the greater San Diego and downtown areas. He also noted the absence of Hillcrest area taxi stands available for larger events, such as Pride, and the negative impact it has on business for drivers, owners and the public.

Mr. Nelson shared that although the Taxicab Administration may provide input on existing taxi stands they don't have any actual authority over placement or removal of stands. He is having MTS Field Investigators surveying the stands for follow up with the City.

4. Taxicab Advisory Committee Election Results for Lease Drivers

The Taxicab Advisory Committee Guidelines requires that every three (3) years the MTS Taxicab Administration hold an election to determine who will represent taxicab lease drivers on the Taxicab Advisory Committee. Candidates applied through a self-nomination process. Ballots were received beginning Tuesday, May 14, 2019, through Thursday, May 16, 2019, from 9:00 a.m. to 4:00 p.m. each day.

Prior to the election, information on the election process was sent to the following entities with the request they share them with their lease drivers: all taxicab dispatch service organizations, the United Taxi Workers Association, and the San Diego International Airport Ground Transportation Division. Additionally, both before and during the election, MTS Taxicab Administrative staff went to several taxicab stand locations to inform and remind lease drivers about the election.

Per the Taxicab Advisory Committee Guidelines, five (5) seats are available for taxicab lease drivers.

MTS Taxicab Administration Staff, the MTS Internal Auditor, and the vote validation subcommittee (comprised of current Taxicab Advisory Committee members Margo Tanguay, Alfred Banks, Akbar Majid, and David Tasem) met on May 21, 2019 to confirm the validity of the ballots and count the votes. The vote validation forms were included with the original meeting packet.

The appointed members to the Taxicab Advisory Committee for the next three (3) year term, beginning July 10, 2019 and ending in 2022 are:

Alfred Banks, Guillermo Morquecho, Margo Tanguay and David Tasem. One Lease Driver seat remains vacant due to only four (4) self-nominations being received.

PUBLIC COMMENT

Mikail Hussein, United Taxi Workers of San Diego (UTWSD) - Mr. Hussein spoke regarding the composition of the TAC Board and the possibility of adding the UTWSD as an organizational representative on the TAC due to the close working relationship, support and advocacy for lease drivers. A letter outlining the details of such was provided to TAC members.

5. Taxicab Advisory Committee Election Results for Permit Holders

The Taxicab Advisory Committee Guidelines requires that every three (3) years the MTS Taxicab Administration hold an election to determine who will represent taxicab permit holders on the Taxicab Advisory Committee. Permit holders were advised by mail of the dates and deadlines of all election related activities. Candidates applied through a self-nomination process. On May 6, 2019, ballots listing the nominees were mailed to all current taxicab permit holders. Completed ballots were received until 4:00 p.m. on May 20, 2019.

Per the Taxicab Advisory Committee Guidelines, five (5) seats are available for taxicab permit holders. Two (2) seats are designated for representation of permit holders of three (3) or less taxicabs (Category A). Three (3) seats are designated for representation of permit holders of four (4) or more taxicabs (Category B).

MTS Taxicab Administration Staff, the MTS Internal Auditor, and the vote validation subcommittee (comprised of current Taxicab Advisory Committee members Margo Tanguay, Alfred Banks, Akbar Majid, and David Tasem) met on May 21, 2019 to confirm the validity of the ballots and count the votes. The vote validation forms were included with the original meeting packet.

The appointed members to the Taxicab Advisory Committee for the next three (3) year term, beginning July 10, 2019 and ending in 2022 are:

Category A – Permit Holders of three (3) or less taxicabs, (two (2) seats):
Akbar Majid and Nasser Tehrani.

Category B – Permit Holders of four (4) or more taxicabs, (three (3) seats): Houshang Nahavandian and two (2) vacancies due to only two (2) nomination forms received and only one nominee receiving votes.

Mr. Nelson addressed the issue of the current vacancies and the difficulties in getting action items approved due to repeated lack of quorum. He presented examples of possible solutions to fill the existing vacancies such as internal committee nominations, opening an additional self-nomination period, or reinstating Permit Holders Anthony Hueso and George Abraham. Mr. Ward agreed that reinstating Permit Holders Anthony Hueso and George Abraham would be an excellent option due to their long time Industry knowledge, contributions and continued TAC commitment. Mr. Nelson will review the possible options with subcommittee members at the next Workshop on Regulatory Matters (WORM).

Action Taken

Informational item only.

6. Taxicab/Nonemergency Medical Industry Report

Mr. Nelson provided updates on various Taxicab Administration data, such as Customer Feedback, Inspection's performed, Inspector Field Contacts/Citations and current permit data. The report was provided with the original meeting packet.

Chairperson Ward made a follow up comment from previous meeting about the Customer Feedback numbers; he was able to get some information regarding "total trips" performed and airport figures alone totaled approximately 55,000 rides. He is still hoping to obtain further detail ride information to be able to better gauge the customer feedback numbers in comparison to actual rides performed.

Preliminary permit data was provided with the original packet; the final figures of the numbers of permits retained vs. surrendered was not finalized due to the extension of the Annual Regulatory Fee due date from May 10, 2019 to June 10, 2019. Mr. Nelson noted that additional payment options and ideas will be discussed at the next WORM, meeting date TBD.

Action Taken

Informational item only.

7. MTS Taxicab Administration Fiscal Year (FY) 2020 Proposed Budget

Gordon Myer, MTS Operation Budget Supervisor, reviewed the Board approved FY 19-20 budget for the Taxicab Administration; a copy of the presentation materials were provided with the original meeting packet. Mr. Myer was available for follow up questions to the budget information presented.

Mr. Nelson made special note of the low Contingency Reserves balance, and that although a decision has yet to be made regarding Annual Regulatory Fees, the Taxicab Administration Department runs on a cost recovery basis; despite cost saving implementations (such as cutting Regulatory Inspection Staff positions) an increase may be

necessary. Chairperson Ward noted that the Rent expense line seemed very high; Mr. Nelson reported that he has inquired about the rent charge in the past and was told by MTS Management that the rent costs were fair and reasonable. It was agreed that Mr. Nelson and Mr. Myer would have additional meetings to review the budget.

Mr. Palmeri noted past conversations with prior Taxicab Administration Manager Barbara Lupro and that the introduction of rideshare companies to the transportation industry would “put taxicabs out of business”. He noted that without drivers/owners having the ability to raise their revenues and cut their expenses it is going to be very difficult for the industry to survive. He would like to see more support and push in this area from MTS as well. He appeals to MTS management to not increase fees. Mr. Banks asked if there was any way possible to reduce fees it would help tremendously; the possibility of an alternate payment schedule for Annual Fee’s was raised as an additional option. Ms. Tanguay shared her frustration with neither cities, nor states, trying to enforce Federal Laws regarding ride sharing companies and the fact that they are indeed transportation companies who should have to follow the same regulations. The increase in costs is making survival in the business very difficult, but the reality is there are not even enough cabs to cover the calls. Mr. Tehrani enquired if MTS has done any research on how to help increase business for the industry. Mr. Palmeri noted that in MTS advertisements for events like ComicCon and Padre Games, Uber and Lyft are included as options to augment public transport methods such as Trolley and Bus Lines-but without any mention of Taxicabs as a viable means of transport. Mr. Nelson stated that the position of MTS is not to promote the taxi industry; rather promote those transportation options for not only the public as a whole, but those which promote cost savings and generate revenue-such as the ACCESS service recently piloted with Yellow Cab.

PUBLIC COMMENT

Mikail Hussein, UTWSD- Mr. Hussein thanked Chair Ward for his help and assistance in getting an extension to the Annual Regulatory Fee deadline. He hopes that MTS and Committee Management will continue to assist the industry in these positive ways.

Action Taken

Informational only.

8. Taxicab Advisory Committee Membership

Existing organization representatives were requested to confirm their intent to continue as a member for the upcoming three-year term. The San Diego Hotel-Motel Association indicated their desire to withdraw from the Committee; combined with the additional Lease Driver position vacancy and two Permit Holders position vacancies could have a negative impact in acquiring the necessary quorum for action items in future meetings. A proposal to remove the San Diego Hotel-Motel Association from the committee will be discussed. Also to be discussed is options for the Permit Holder and Lease Driver vacancies, which may include, but is not limited to, the Taxicab Advisory Committee appointing members to these seats.

Chairperson Ward noted the continued lack of participation and the impact to meeting quorum. He noted that he would be in support of filling two of the vacancies with prior

members Antonio Hueso and George Abraham due to their strong Industry involvement in the past. Mr. Nelson said that he would present possible alternatives at the next WORM.

PUBLIC COMMENTS

Mikaili Hussein, UTWSD- Mr. Hussein thanked Mr. Nelson for his help with various issues impacting the taxi industry currently; he said that he feels in the time that Mr. Nelson has been manager he has developed not only a good working relationship with him, but a friendship as well. He also stated that he appreciates Mr. Nelson's availability when he has had questions. Although he thinks a great effort was done with the TAC Elections he feels that there were some problems with the process not related to the Taxicab Administrations efforts but rather perhaps the process itself. He noted that in past years Lease Drivers were much more active and involved in the process and he would like to see a return to that level of involvement.

Kamran Hamidi, Permit Holder/Airport Dispatch- Mr. Hamidi in agreeance with a shift of the board composition to effect more equal representation of the various groups as he feels the current categories no longer apply as in the past.

Peter Zschiesche, UTWSD- Mr. Zschiesche appealed for the UTWSD to be given a permanent seat on the TAC. Their organization has a long history and very close working relationship with Lease Drivers and feels they would be able to provide a voice for the drivers and do a good job of collective representation.

Action Taken

None taken.

9. Revision to MTS Ordinance No. 11 Sections 2.3(h) and 1.8(r)

Discussion of potential revision to MTS Ordinance No. 11 Section 2.3(h) that would require the device capable of electronically processing credit card transactions to: a) be connected to the taximeter so it accurately displays the fare to be charged, and b) is capable of printing electronic payment receipts. This revision would allow enhanced taxicab business practices by adopting current industry standards and reducing the amount of complaints related to fare overcharges and failure to produce accurate and legible receipts.

Discussion of potential revision to MTS Ordinance No. 11 Section 1.8(r) that would require the fare receipt to be electronically sent to the passenger's e-mail account, or electronically printed at the passenger's requests.

Mr. Nelson noted that the largest, and most common, problems with the payment method (most often Square) not being connected to the actual meter have been customer credit cards being handed to drivers, drivers entering incorrect amounts (either in error, or on purpose) and drivers refusing to provide customers receipts, either printed or electronically transmitted.

PUBLIC COMMENTS

Able Seifu, Permit Holder- Mr. Seifu spoke in opposition of Agenda Item 9: he feels that the proposed changes to the credit card requirements are not reasonable, based on a few extreme situations, and as a result the entire industry is going to be penalized. He noted that it has been less than two years that they have finally been able to use alternate methods to Verifone and it's already being taken away. He also mentioned that he feels it is unfair to say that you are not able to work because sometimes there are technical problems that are unavoidable. He also feels that there are ulterior motives for this change that are not related to customer service. He stated that he feels that the TAC should be promoting problem solving ideas that help the drivers not parties with other personal interests. He shared that the industry is already facing so many challenges and does not see the point in causing additional undue hardship.

Ray Seyed Salehi, Permit Holder- Mr. Salehi spoke in opposition of Agenda Item 9: he feels that there are already enough challenges and problems in the industry that make it very challenging to be successful. He explained the vast difference in costs of various payment methods to outline why such a change would have such a large negative impact. He asked that MTS do more to address the drivers that these complaints are about rather than penalizing the entire industry.

Kamran Hamidi, Permit Holder/Airport Dispatch- Mr. Hamidi spoke in support of Agenda Item 9: He believes that implementation of a system that prevents the amount of payment errors that are currently being seen with payment systems such as Square would be beneficial to the industry. He reported that such systems are being implemented in many other areas and it is in the best interest of the industry to begin to utilize more current technologies.

Iraj Kashani, Permit Holder- Mr. Kashani spoke in opposition of Agenda Item 9: He spoke at length about the specific challenges that are being presented by the operation of Rideshare companies. He stated that nothing is being done to enforce or regulate these companies but MTS wants to impose more changes and restrictions to drivers who are barely making it as it is. He said the credit card changes are another example of this and he thinks more should be done to help them rather than creating more problems.

Armstrong Deanany, Lease Driver, Ivory Cab- Mr. Deanany spoke in opposition to Agenda Item 9: He said not being able to use the Square for payment creates a big problem for Lease Drivers, not only in the surcharges they end up paying but in their ability to get payment easily without hold up.

Mr. Nelson clarified to all commenters that it is not his intent to take away Square, or any other electronic method being used, as a payment source but rather make sure that whatever device or method is used will adhere to the proposed changes to Ordinance No. 11. Both Mr. Nelson and Mr. Ward suggested that the item be added to the next WORM agenda for further discussion.

Action Taken

None taken.

10. Revisions to MTS Taxicab and For-hire Vehicle Insurance Requirements

San Diego City Council Policy 500-02 requires taxicab permit applicants to provide evidence of ability to meet insurance requirements, which are specified in the MTS Taxicab and For-Hire Vehicle Insurance Requirements.

In light of industry shifts with onset of Transportation Network Companies (TNCs) who are able to generally provide rides at lower costs to consumers, possible revisions to the MTS Taxicab and For-Hire Vehicle Insurance requirements will be discussed. Specifically, revisions pertaining to Insurance Company acceptable A.M. Best ratings and Financial Size categories while maintaining all other aspects of financial responsibility and insurance levels, that could also result in Taxicab and For-Hire vehicle operational costs savings.

PUBLIC COMMENTS

Abebe Antallo, Permit Holder - Mr. Antallo spoke in support of Agenda Item 10: Mr. Antallo thanked the Committee and their work at lowering the insurance coverage amounts. He did note that although it helped some, it did not create the large cost savings hoped and believes that if the rating requirements were also changed it would be a big help to the industry.

Mikail Hussein, UTWSD- Mr. Hussein thanked Mr. Nelson and the Committee for their work on successfully reducing the insurance limit amounts required and would like to see the same efforts put towards the insurance rating requirements for even bigger cost savings for the industry.

Action Taken

None taken.

11. Next Meeting – September 11, 2019 at 10:00 am.

12. Adjournment

The meeting was adjourned at 11:52 am.

Accepted:

Filed by:

Christopher Ward
Chair of Taxicab Advisory Committee

Jamila L Larkins, Clerk of the Committee
MTS Taxicab Administration

Attachments: Roll Call Sheet
Letter from M. Hussein

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC) MEETING
ROLL CALL

MEETING OF (DATE): July 10, 2019

CALL TO ORDER (TIME): 10:00 am

ADJOURN: 11:52 am

COMMITTEE MEMBER	(Alternate)	ORGANIZATION	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Christopher Ward (Chair)	<input checked="" type="checkbox"/>	MTS Board of Directors/SD City Council	10:00 am	11:52 am
Alfred Banks	<input checked="" type="checkbox"/>	Taxicab Lease Driver	10:00 am	11:52 am
Ryan Chasteen	<input type="checkbox"/>	Hotel Industry		
Marc Nichols	<input type="checkbox"/>	San Diego County Regional Airport Authority		
Akbar Majid	<input checked="" type="checkbox"/>	Taxicab Owner/SDYC Holdings, LLC	10:00 am	11:52 am
Daryl Mayekawa	<input type="checkbox"/>	Josh Layne <input type="checkbox"/>	San Diego Convention Center	
Guillermo Morquecho	<input type="checkbox"/>	Taxicab Lease Driver		
Houshang Nahavandian	<input checked="" type="checkbox"/>	Taxicab Owner/ESM Corporation	10:02 am	11:52 am
Tony Palmeri	<input checked="" type="checkbox"/>	San Diego Travelers Aid Society	10:00 am	11:52 am
Margo Tanguay	<input checked="" type="checkbox"/>	Taxicab Lease Driver	10:00 am	11:52 am
David Tasem	<input type="checkbox"/>	Taxicab Lease Driver		
Nasser Tehrani	<input checked="" type="checkbox"/>	Taxicab Owner/N.A.T. Cab Co.	10:00 am	11:52 am
Joe Terzi	<input checked="" type="checkbox"/>	Brian Hillemon <input type="checkbox"/>	San Diego Tourism Authority	10:00 am
VACANT	<input type="checkbox"/>	Lease Driver		
VACANT	<input type="checkbox"/>	Taxicab Owner/Permit Holder		
VACANT	<input type="checkbox"/>	Taxicab Owner/Permit Holder		
VACANT	<input type="checkbox"/>	Industry Organization		
Garret Cooper John Kinkaid	<input type="checkbox"/> non-voting <input type="checkbox"/> non-voting	San Diego County Department of Agriculture, Weights and Measures		
Edna Rains	<input checked="" type="checkbox"/> non-voting	San Diego County Sheriff's Department Licensing Division	10:00 am	11:52 am
Paul Jablonski	<input type="checkbox"/> non-voting	MTS Chief Executive Officer		
Sharon Cooney	<input type="checkbox"/> non-voting	MTS Chief of Staff		
Kenneth Nelson	<input checked="" type="checkbox"/> non-voting	MTS Taxicab Administration Manager	10:00 am	11:52 am
Samantha Leslie	<input checked="" type="checkbox"/> non-voting	MTS Staff Attorney/Regulatory Compliance	10:00 am	11:52 am

CLERK OF THE TAC: /s/Jamila L Larkins

TAXICAB ADMINISTRATION MANAGER: /s/Kenneth Nelson



4265 Fairmount Ave. • Suite 180 • San Diego • California • 92105

6/14/2016

To: Members of the Taxi Advisory Committee (TAC) and Taxi Administration Staff
Re: United Taxi Workers of San Diego Seat on the TAC

Dear TAC Board Members and Staff,

I am writing to you today regarding the composition of the TAC Board and the seats available to outside entities that have a stake in the taxi industry.

Since 2009, UTWSD has become a leading expert and advocate on behalf of the taxi industry. We have brought together drivers and owner-operators to achieve many things, including allowing lease drivers, who make up a majority of the industry, to have a true and equal voice on the TAC board, putting forward amendments to Ordinance 11, and penalty guidelines among many other things.

We have built bridges and partnership with community organizations, labor groups, nonprofits, small businesses and corporations. Our number one goal is to ensure a healthy and safe taxi industry for both driver's and the public. Our existence is intertwined with that of the success of our industry and our intention is to see it collectively succeed.

We are at a moment in time where the taxi industry is in extreme peril from rideshares and the overregulation of our industry. We simply cannot compete. We would like to continue working to advise the MTS board on how to ensure our survival. To do this, we respectfully request your consideration of our voice at the table as industry partners of the TAC board along with the Convention Center, Hotels and Motels. Three minutes during public comment or on agenda items is simply not enough to give meaningful input and to offer our extensive knowledge of transportation policy. We believe having a seat at the table will allow us to offer our expertise and also engage in a conversation with the goal being consensus around our shared objectives.

We welcome questions and a thoughtful discussion about how we can continue to work together in a meaningful way to ensure a long and prosperous future for taxicabs in San Diego and ask for you to vote at your next scheduled meeting to add United Taxi Workers of San Diego as a representative on the Taxi Advisory Committee.

Sincerely,

Mikail Hussein

President, United Taxi Workers of San Diego

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Agenda Item No. 4

SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE MEETING

September 11, 2019

SUBJECT:

REVISIONS TO MTS ORDINANCE NO. 11 SECTIONS 2.3(h), 1.8(r) AND 2.2(j)

RECOMMENDATION:

That the Taxicab Advisory Committee forward a recommendation to the MTS Board of Directors to approve revisions to MTS Ordinance No. 11 regarding devices and software capable of electronically processing credit card transactions, issuance of electronically printed or digitally conveyed receipts, and allowing up-front fare calculated pricing by dispatch services.

Upon approval, implementation of these revisions would take place on January 1, 2020.

Budget Impact

None.

DISCUSSION:

MTS Ordinance No. 11 Section 2.3(h) currently states:

"Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions. The device must be visible to all passengers and must allow the passenger to operate the payment device independently of the driver, without having to hand the credit card to the driver. The device must be fully operational at all times. The permit holder or dispatch service shall be the merchant of record associated with the device. Any means of electronic credit card acceptance is acceptable so long as it complies with the provisions set forth in Section 1.8 (r)."



The proposed revisions to MTS Ordinance No. 11 Section 2.3(h) would require the device capable of electronically processing credit card transactions to: a) be connected to the taximeter so it accurately displays the fare to be charged; and b) be installed in a manner that renders the device visible and immediately accessible to passengers.

MTS Ordinance No. 11 Section 1.8(r) currently states:

“The driver shall offer each passenger a printed receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the driver’s name and ID number, the taxicab number, the company (DBA) name, and the dispatch service name with phone number if a taxicab.”

The proposed revisions to MTS Ordinance No. 11 Section 1.8(r) would simplify the required receipt information content by removing the requirement to print the driver’s name and driver’s ID number and would require the fare receipt to be electronically printed or digitally conveyed.

On August 13, 2019, the Workshop on Regulatory Matters (WORM) sub-committee, voted 6-1 to forward a recommendation to the Taxicab Advisory Committee (TAC) to approve these revisions.

These revisions would enhance taxicab business practices by adopting current industry standards and reducing the amount of complaints related to fare overcharges and failure to produce accurate and legible receipts.

In addition, to facilitate implementation of soft-meter technology for taxicabs, a revision to MTS Ordinance No. 11 Section 2.2(j) is being proposed by staff.

MTS Ordinance No. 11 Section 2.2(j) currently states:

“Nothing in this Ordinance shall preclude a permit holder or driver from agreeing with prospective passengers(s) to a rate of fare which is less than the permit holder’s posted rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip.”

This proposed revisions would allow for dispatch services to provide up-front calculated fare prices to prospective passengers so long as equal to or less than the maximum allowed rate of fare.

/s/ Kenneth E. Nelson

Kenneth E. Nelson

Taxicab Administration Manager

Key Staff Contact: Kenneth E. Nelson, 619.595.7034, Kenneth.Nelson@sdmts.com

Attachment A: Proposed revisions (red-line) to MTS Ordinance No. 11

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~February 14, 2019~~ October 10, 2019)

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

MTS CODIFIED ORDINANCE NO. 11

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SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~February 14, 2019~~ October, 10, 2019)

An Ordinance Providing for the Licensing and the Regulating
of Transportation Services Within the City and County 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) "Board" shall mean the Board of Directors of the San Diego Metropolitan Transit System.

(b) "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.

(c) "Chief Executive Officer" shall mean the Chief Executive Officer of MTS or his or her designated representative.

(d) "City" and "Cities" shall mean the incorporated areas of the Cities of Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, Santee and any other City that has entered into a contractual agreement with MTS for the licensing and regulation of transportation services.

(e) "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.

(f) "County" shall mean the unincorporated area of the County of San Diego located within MTS's jurisdictional boundaries. Only the sections of MTS Ordinance No. 11 that apply to taxicab permit holders and taxicab drivers shall be applicable to the County of San Diego.

(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 MTS offices are closed.

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

(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 or County.

(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 public streets, irrespective of whether such operations extend beyond the boundary limits of said City or County. Such for-hire vehicles shall include taxicabs, vehicles for charter, jitneys, nonemergency medical vehicles, sightseeing vehicles, and LSVs.

(o) "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.

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

(q) "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.

(r) A "low-speed vehicle" or "LSV" 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" or "LSV" is not a golf cart, except when operated pursuant to California Vehicle Code Section 21115 or 21115.1.

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

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

(u) "MTS 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: transports persons, regardless of whether specialized transportation equipment or assistance is needed, for primarily medical purposes, over the public streets of the City. Medical purposes is defined as providing transportation services to or from the following places: hospitals, convalescent homes, retirement homes, homes receiving funding for the board and care of residents living in those homes, medical or rehabilitation clinics, senior citizen centers, and any other like social service category, over the public streets of the City. It shall be the responsibility of the transportation provider to determine if the service is primarily for medical purposes.

(w) "Operate" or "Operating" shall refer to the solicitation or acceptance of a fare within City or County for compensation or providing passenger transportation for compensation, regardless if such compensation is obtained from the passenger or a third party. 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) "Substantially Located" shall mean where the primary business address of the taxicab permit holder is located and/or the jurisdiction where the largest share of the taxicab permit holder's total number of prearranged and non-prearranged trips originate over the previous calendar year, as determined annually. Trip logs and/or other documentation shall be used to substantiate the jurisdiction where the largest share of taxicab permit holder's total number of originating trips occur over the applicable time period.

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

(1) Carries not more than eight (8) passengers excluding the driver;

(2) Transports passengers or parcels or both over City or County public streets;

(3) Is made available for hire on call or demand through "cruising," at taxi stands or by telephone or other communication devices to destination(s) specified by the hiring passenger; and

(4) Is Substantially Located within the jurisdiction of City and/or County.

(ii) "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. Includes both a Hard Meter and a Soft Meter.

(1) A Hard Meter is a Taximeter that has a prefixed fare with an external seal approved by the County of San Diego Agriculture, Weights and Measures and mileage is calculated based on distance and time.

(2) A Soft Meter is a Taximeter that is provided through a smartphone or tablet that uses GPS or other on-board diagnostics approved by the California Department of Food and Agriculture Division of Measurement Standards to calculate distance and rates.

(jj) "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 2/14/2019)

(Section 1.1 amended 11/8/2018, effective 1/1/2019)

(Section 1.1 amended 9/20/2018)

(Section 1.1 amended 12/14/2017)

(Section 1.1 amended 5/12/2016)
(Section 1.1 amended 8/7/2003)
(Section 1.1 amended 11/14/2002)
(Section 1.1 amended 6/24/1999)
(Sections 1.1(d), 1.1(R)(1) amended 6/22/1995)
(Section 1.1 amended 1/12/1995)
(Section 1.1 amended 6/27/1991; effective 7/27/1991)
(Section 1.1 amended 5/23/1991; effective 6/23/1991)

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 or County without first having obtained an operating permit from the Chief Executive Officer or 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, County 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 11/8/2018, effective 1/1/2019)
(Section 1.2 amended 12/14/2017)
(Section 1.2 amended 8/7/2003)
(Section 1.2 amended 11/14/2002)
(Section 1.2 amended 6/24/1999)

Section 1.3 - Application for Permit

(a) All persons applying to the Chief Executive Officer for new permit(s) for the operation of one or more for-hire vehicles shall file with the Chief Executive Officer a proposal to meet San Diego City Council Policy 500-02 requirements, and a sworn application therefore on forms provided by the Chief Executive Officer, stating as follows:

(1) The applicant name, company name, doing business as ("DBA") name if different than company name, mailing and business address (a business address or mailing address is not a Post Office [PO] Box or dispatch service address), and business telephone number of the permit applicant. If a taxicab permit applicant, the business address will also serve the purpose of establishing where Substantially Located;

(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) Proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions, are ADA-compliant, are no older than 10 years of the model age and do not have a "salvage" title, and are equipped with a Global Positioning System (GPS);
- (8) The rates of fare which the applicant proposes to charge for vehicle-for-hire services. This requirement does not apply to taxicab permit applicants;
- (9) A description 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;
- (11) Such other information as the Chief Executive Officer may in his or her discretion require;
- (12) Provide evidence of at least six-months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business;
- (13) Provide a customer service and a customer complaint plan;
- (14) Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use; and
- (15) Provide a dispatch service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology, if a taxicab permit applicant.

(b) The applicant shall also submit, with the application, a nonrefundable application fee prior to the permit approval. Upon issuance of the permit, the applicant shall also pay an initial nonrefundable permit vehicle regulatory fee to be determined by the Chief Executive Officer in order to recover the cost of processing such applications.

(Section 1.3 amended 11/8/2018, effective 1/1/2019)

(Section 1.3 amended 12/14/2017)

(Section 1.3 amended 2/12/2015)

(Section 1.3 amended 11/15/2012)

(Section 1.3 amended 8/7/2003)

(Section 1.3 amended 11/14/2002)

Section 1.4 - Issuance of Permit

(a) Based on San Diego City Council Policy 500-02 requirements, the Chief Executive Officer shall 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 and San Diego City Council Policy 500-02 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 Chief Executive Officer.

(b) The Chief Executive Officer 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.

(c) All permits issued after April 1, 2015 shall be renewable annually upon evidence San Diego City Council Policy 500-02 requirements are being met, that if a taxicab permit holder they are Substantially Located within City or County, and payment of a regulatory fee in an amount and on a date to be determined by the Chief Executive Officer.

(d) No permit issued after April 1, 2015 shall be approved or renewed for any person who has not fully complied with all of the requirements of this Ordinance, San Diego City Council Policy 500-02, and all other applicable laws and/or regulations necessary to be complied with before commencement of the operation of the proposed service.

(e) Permits held prior to April 1, 2015 by corporations and LLCs shall meet all of the screening criteria included in San Diego City Council Policy 500-02 by February 12, 2020. However, upon issuance of any new permits to said corporation or LLC, or upon the transfer of a permit to said corporation or LLC, the corporation or LLC shall need to be in compliance with requirements of this Ordinance and San Diego City Council Policy 500-02 for the new permit(s).

(f) When the permit has been approved and upon determination by the Chief Executive Officer that the for-hire vehicle, after appropriate inspection, meets the requirements of this Ordinance, the Chief Executive Officer will issue a numbered medallion(s) to be affixed to the for-hire vehicle.

(Section 1.4 amended 11/8/2018, effective 1/1/2019)

(Section 1.4 amended 12/14/2017)

(Section 1.4 amended 2/12/2015)

(Section 1.4 amended 11/15/2012)

(Section 1.4 amended 11/14/2002)

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 Chief Executive Officer, and upon meeting the requirements of this Ordinance and San Diego City Council Policy 500-02 including, but not limited to:

(1) Provide evidence of at least six-months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business.

(2) Vehicle(s) must meet California Air Resources Board criteria for zero emissions/low emissions, be ADA-compliant, be equipped with a Global Positioning System (GPS), be no older than 10 years of the model age and not have a "salvage" title, if a taxicab.

(3) Provide a customer service plan that demonstrates, a requirement for drivers to accept credit cards, detailed record keeping of all calls for service, trips provided, and a customer service complaint resolution plan.

(4) Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use.

(5) Provide a Dispatch service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology, if a taxicab.

(b) Permits held prior to April 1, 2015 shall be in compliance with San Diego City Council Policy 500-02 Screening Criteria by February 12, 2020. Whenever a corporation or LLC is issued any new permits, then it shall be in compliance with requirements of this Ordinance and San Diego City Council Policy 500-02.

(c) The proposed transferee shall file with the Chief Executive Officer 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 Chief Executive Officer shall process the application for transfer in accordance with Section 1.4 of this Ordinance.

(d) The Chief Executive Officer 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 Chief Executive Officer 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 11/8/2018, effective 1/1/2019)

(Section 1.5 amended 12/14/2017)

(Section 1.5 amended 2/12/2015)

(Section 1.5 amended 8/7/2003)

(Section 1.5 amended 11/14/2002)

Section 1.6 - Blank

The text of Section 1.6 is deleted in its entirety effective February 12, 2015.

(Section 1.6 deleted 2/12/2015)

(Section 1.6 amended 11/14/2002)

Section 1.7 - Blank

The text of Section 1.7 is deleted in its entirety effective October 24, 1998.

(Section 1.7 was deleted 9/24/1998)

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 or County 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. A post office box or dispatch service address shall not be used for the business address or mailing address. The permit holder shall, in the case of any change in his or her business address, mailing address, or business telephone, notify the Chief Executive Officer 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 Chief Executive Officer for inspection. All new permit holders are required to observe at least one full vehicle inspection as part of the initial permit issuance. MTS 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 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.

(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 MTS 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 rainy conditions;

(4) Taximeter is not working, the Taximeter displays signs of tampering, the seal of a Hard Meter is broken, the County of San Diego seal of a Hard Meter is more than thirteen (13) months old from the date of issuance, a Service Agent's temporary seal of a Hard Meter is more than ninety (90) days old from the date of issuance, or a Soft Meter displays technology not approved by the California Department of Food and Agriculture Division of Measurement Standards or does not appear to be operating as is intended or approved;

(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;

(12) Any vehicle safety system light is activated; and

(13) 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 or any vehicle condition/equipment section of the California Vehicle Code, the operator or permit holder, as appropriate, shall be subject to a seventy-two (72) hours correction notice.

(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 MTS inspector.

(3) The medallion shall be reaffixed when the MTS 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 and exterior paint shall be free from excessive fading. 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 approved vehicle markings.

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

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

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

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

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

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

(9) 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.

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

(11) 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.

(12) 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.

(13) 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 and Low Speed Vehicles, 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, by the permit holder for maintenance or any purpose, other than a violation of any provision of this Ordinance, a spare vehicle operating permit may be granted. The spare vehicle operating permit shall only be valid for the vehicle for which it was issued. The permit holder may only utilize a spare for-hire vehicle which has been duly inspected by an MTS inspector and approved prior to use. The permit holder must immediately inform an MTS 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 thirty (30) calendar days from the date of issuance. 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 MTS 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 Chief Executive Officer. 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 "Universe" 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 MTS Taxicab Administration and the permit holder and/or permit holder trade name shall be printed, 1/4-inch in height.

4) Without approval from MTS, no other signs, markings, lettering, decals, or any type of information shall be displayed within 18 inches around the card.

(m) Advertisements, whether displayed on the inside or outside of the vehicle, shall be posted in accordance with MTS Board Policy No. 21, Revenue-Generating Display Advertising, Concessions, and Merchandise, any guidelines developed by the Chief Executive Officer, and the provisions of this Ordinance. Advertisements shall not be displayed without prior approval from MTS.

(n) The driver of each for-hire vehicle may either carry: a map of the City or County, published within the past two (2) years; or an electronic device equipped with a GPS enabled map, which shall be displayed to any passenger upon request.

(o) The maximum rates of fare charged for for-hire vehicle services shall be clearly and conspicuously displayed in the passenger compartment, unless if a taxicab which shall be in compliance with Section 2.2(d) of this Ordinance.

(p) Each for-hire vehicle licensed to operate in the City or County shall have located on the passenger side dashboard area a driver identification card provided by the County of San Diego or Sheriff. The driver identification card shall have no alterations or information covered. The driver identification card shall be visible to passengers, peace officers and MTS inspectors so they can easily view the driver identification card from either inside or outside the vehicle. The driver identification card 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.

(q) 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.

(r) The driver shall offer each passenger an electronically printed receipt or digitally conveyed receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, ~~the driver's name and ID number~~, the taxicab number, the company (DBA) name, and the dispatch service name with phone number if a taxicab.

(s) All disputes to fare shall be determined by the peace officer or MTS 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 MTS inspector.

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

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

(v) 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.

(w) 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.

(x) The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, an identification card approved by the Chief Executive Officer.

(y) 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.

(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.

(aa) Smoking is not permitted at any time inside a MTS-permitted vehicle.

(bb) A driver or permit holder shall not prejudice, disadvantage, or require a different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex or any characteristic listed or defined in Section 11135 of the Government Code.

(cc) A driver shall not use rude or abusive language toward a passenger(s) or conduct any physical action that a reasonable person would construe as threatening or intimidating.

(dd) A driver may refuse a fare if it is readily apparent that the prospective or actual fare is a hazard to the driver or operator. A driver is not obligated to transport any person who is verbally or otherwise abusive to the driver. Such incidents shall also be noted on the trip log and notification shall be immediately sent to the dispatch service organization, if a taxicab, which shall record the incident and keep the record for the minimum of 6 months.

(ee) No driver shall stop, park, or otherwise leave standing any MTS permitted vehicle within fifteen (15) feet of any fire plug except as modified in Section 2.5 of this Ordinance.

(ff) No driver shall stop, park or otherwise leave standing any MTS permitted vehicle in a disabled parking zone except as authorized per California Vehicle Code section 22507.8.

(Section 1.8 amended 10/10/2019)

(Section 1.8 amended 11/8/2018, effective 1/1/2019)

(Section 1.8 amended 12/14/2017)

(Section 1.8 amended 10/13/2016)

(Section 1.8 amended 5/12/2016)

(Section 1.8 amended 2/12/2015)

(Section 1.8 amended 8/7/2003)

(Section 1.8 amended 11/14/2002)

(Section 1.8 amended 9/24/1998)

(Section 1.8 amended 2/13/1997)

(Section 1.8 amended 6/24/1993)

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, the financial responsibility of which company has been approved by the Chief Executive Officer. 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 Chief Executive Officer.

(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 proof 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 Chief Executive Officer. This certificate shall provide that MTS is a named certificate holder and shall be placed in each vehicle, per California Vehicle Code Section 16020. It shall also provide that the insurer will notify MTS 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 9/17/2015)

(Section 1.9 amended 11/14/2002)

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 Chief Executive Officer shall maintain:

(1) Financial records, including but not limited to the current executed taxicab driver lease agreement that includes all aspects of the business relationship between the permit holder and the lessee, and written receipts of all payments from lessee 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 Chief Executive Officer.

(b) Ownership and operating records shall be made available to the Chief Executive Officer 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 MTS 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 MTS for-hire vehicle permit. Valid proof of registration shall be maintained in the vehicle at all times.

(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 companies which operate their own 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 (o); and

(4) Any other similar records.

(e) Between January 1 and December 31 of each calendar year, every permit holder shall file with the Chief Executive Officer 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 email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a partnership, one of the partners must email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a corporation or LLC, an officer of the corporation, or a member of the LLC, authorized to represent the company, must email, mail or appear in person in the offices of MTS to file the statement and provide evidence San Diego City Council Policy 500-02 requirements are being met. If email or mail is used, the email address or mailing address used by the permit holder must be an email address or mailing address that is on file with the Chief Executive Officer.

(Section 1.10 amended 11/8/2018, effective 1/1/2019)

(Section 1.10 amended 5/12/2016)

(Section 1.10 amended 2/12/2015)

(Section 1.10 amended 8/7/2003)

(Section 1.10 amended 11/14/2002)

(Section 1.10 amended 6/24/1993)

Section 1.11 - Destruction, Permanent Replacement, Retirement or Inactive Status 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 Chief Executive Officer in writing within forty-eight (48) hours.

(b) If a taxicab permit holder plans to change where it is Substantially Located, the permit holder shall notify the Chief Executive Officer and the new jurisdiction in which it will become Substantially Located within six (6) months or as soon as practicable prior to making that change.

(c) A permit holder may place a for-hire vehicle under inactive status after written permission is obtained from the Chief Executive Officer. The following guidelines are to be used in granting permission for a for-hire vehicle to be placed and kept on inactive status:

(1) No laps in payment of annual regulatory fees during any time of inactive status;

(2) Permit must be in good standing (e.g. no pending disciplinary or enforcement action); and

(3) Annual statement must be filed in accordance with Section 1.10(e).

(d) At any time a permit holder may bring a for-hire vehicle under inactive status back into service after written permission is obtained from the Chief Executive Officer. The following guidelines are to be used in granting permission to return a for hire vehicle under inactive status back to service:

- (1) Permit holder must notify Chief Executive Officer in writing of their intent to place their vehicle back into service;
- (2) Permit holder must show proof of a valid vehicle insurance policy as required by Section 1.9;
- (3) Permit holder must show proof of current vehicle registration;
- (4) Permit holder must show proof of current subscription to a dispatch service organization, if a taxicab; and
- (5) Vehicle must pass MTS required inspection.

(e) The Chief Executive Officer 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.

(Section 1.11 amended 2/14/2019)

(Section 1.11 amended 10/13/2016)

(Section 1.11 amended 8/7/2003)

(Section 1.11 amended 11/14/2002)

(Section 1.11 amended 2/13/1997)

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 or County 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, under the authority of a permit granted under this Ordinance unless such person has successfully completed an MTS-approved driver safety training course concerning driver safety rules and regulations, map reading, crime prevention, courtesy and professionalism, compliance with ADA, 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 Chief Executive Officer 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 has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or 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 driver 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.

(4) 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.

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

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

(7) No person shall obtain or renew a driver's identification card unless such person has successfully completed a driver safety training course approved by the Chief Executive Officer.

(8) When a driver permanently no longer drives for an MTS Taxicab Administration permit holder, the permit holder shall report this to the Sheriff's Department within ten (10) calendar days.

(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. The Sheriff or the Chief Executive Officer shall establish nonrefundable filing fees to defray the costs of processing regular and temporary driver identification cards.

(Section 1.12 amended 11/8/2018, effective 1/1/2019)

(Section 1.12 amended 12/14/2017)

(Section 1.12 amended 5/12/2016)

(Section 1.12 amended 11/15/2012)

(Section 1.12 amended 8/7/2003)

(Section 1.12 amended 11/14/2002)

(Section 1.12 amended 9/24/1998)

(Section 1.12 amended 10/30/1997)

(Section 1.12 amended 11/9/1995)

Section 1.13 - Suspension and Revocation of Permit

(a) Permits may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer 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 Chief Executive Officer's ability to penalize a driver for violations of those provisions of this Ordinance which govern driver actions.

(4) The owner ceases to operate a for hire vehicle without having obtained written permission from the Chief Executive Officer.

(5) The permit holder is found to be operating a for-hire vehicle that is under inactive status.

(6) 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 Chief Executive Officer.

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

(8) The for-hire vehicle or vehicles, if operated as a taxicab, 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 or the applicable rate provided to passenger pursuant to Section 2.4 (q) of this Ordinance.

(9) 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.

(10) The permit holder has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or 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 permit 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.

(11) 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.

(b) A permit holder shall be notified in writing within 10 working days when a credible complaint has been filed with the Chief Executive Officer by a member of the public where such complaint involves the permit holder, the driver of the permitted for-hire vehicle, or the dispatch 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 Chief Executive Officer 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.

(c) In the event the Chief Executive Officer finds a permit holder has failed to responsibly respond to notification of complaints or to initiate corrective action, the Chief Executive Officer shall issue a notice of proposed adverse action to the permit holder. If the circumstances of the complaint or subsequent investigation so warrant, the Chief Executive Officer 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 Chief Executive Officer shall refer to the Administrative Penalty Guidelines in determining a proposed adverse action.

(d) 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 Chief Executive Officer or designated representative. Failure to appear will constitute waiver of the hearing. Following the hearing or waiver thereof, the Chief Executive Officer shall issue the notice of adverse action if justified by the facts. If the Chief Executive Officer 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.

(e) Upon a finding by the Chief Executive Officer 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 Chief Executive Officer may impose a fine or a fine and a period of suspension for any violation(s) of this Ordinance.

(Section 1.13 amended 2/14/2019)
(Section 1.13 amended 11/8/2018, effective 1/1/2019)
(Section 1.13 amended 12/14/2017)
(Section 1.13 amended 10/13/2016)
(Section 1.13 amended 5/12/2016)
(Section 1.13 amended 8/7/2003)
(Section 1.13 amended 11/14/2002)
(Section 1.13 amended 6/24/1999)

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

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

- (1) The Chief Executive Officer 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, solicitation of prostitution, any crime involving force and violence, or reasonably and rationally is 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 Chief Executive Officer 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 Chief Executive Officer shall send a notice of prohibition the date postmarked 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 5/12/2016)
(Section 1.14 amended 8/7/2003)
(Section 1.14 amended 11/14/2002)
(Section 1.14 amended 6/24/1999)

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 Chief Executive Officer.

(Section 1.15 amended 11/14/2002)

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 Chief Executive Officer 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 Chief Executive Officer'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 8/7/2003)

(Section 1.16 amended 11/14/2002)

Section 1.17 - Procedure Upon Administrative Appeal

(a) When an appeal is filed, the Chief Executive Officer shall review the appeal, and based on additional information provided therein, may revise the 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 Chief Executive Officer shall use California Department of General Services, Office of Administrative Hearings Administrative Law Judges as Hearing Officers. The assignment of Administrative Law Judges as Hearing Officers shall be determined by the California Department of General Services, Office of Administrative Hearings.

(2) The Hearing Officer shall be a member of the California State Bar and shall not be an MTS employee.

(b) The appellant and the Chief Executive Officer 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.

(c) An appellant may select an individual to interpret for them. MTS will not pay any costs or be held responsible for any aspect of the interpreter's ability to accurately interpret the hearing.

(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.

(d) The Chief Executive Officer 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.

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

(f) 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 Chief Executive Officer.

(Section 1.17 amended 5/12/2016)

(Section 1.17 amended 11/15/2012)

Section 1.18 - Exceptions to Provisions

(a) The provisions of this Ordinance do not apply to:

(1) a vehicle properly licensed under the jurisdiction of the California Public Utilities Commission (CPUC) unless such vehicle also provides transportation services regulated by MTS under this Ordinance;

(2) or to public transit vehicles owned, operated, or contracted for by MTS; or

(3) to a vehicle properly licensed by the State or County as an ambulance.

(b) For compliance purposes, MTS inspectors may inspect all CPUC licensed vehicles, ensure they are not exceeding the authority granted by their license or operating as unlicensed private-hire transportation provider.

(Section 1.18 amended 12/14/2017)

(Section 1.18 amended 5/12/2016)

(Section 1.18 amended 11/15/2012)

(Section renumbered to 1.18 9/24/1998)

(Section 1.17 amended 1/12/1995)

(Section 1.17 amended 6/24/1993)

Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines

(a) Except where Board action is specifically required in this Ordinance, the Chief Executive Officer may adopt any rules and regulations reasonable and necessary to implement the provisions of this Ordinance. The Chief Executive Officer 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 9/24/1998)

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 MTS 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 9/24/1998)

(Section 1.19(a) was added 4/10/1997)

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 8/7/2003)

Section 2.2 - Rates of Fare

(a) After a noticed and open public hearing of the Taxicab Advisory Committee, MTS shall establish a maximum rate of fare for exclusive ride and group ride hire of taxicabs and/or LSVs except for trips from San Diego 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 San Diego International Airport shall not be charged more than the authorized maximum rate of fare. Notwithstanding, rates for trips originating at the airport may include an extra charge equal to the Airport Access 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 passenger by visually identifying the Airport Access Fee on the taxicab meter. A driver may not verbally request payment. All taxicabs utilizing the Airport Access Fee must have a decal, approved by the Chief Executive Officer 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) All taxicabs shall accept major credit cards including, but not limited to, VISA, MasterCard, American Express, and Discover. Credit Card fees shall not be passed onto passengers.

(d) The taxicab permit holder or taxicab driver shall disclose fares, fees or rates to the passenger. The taxicab permit holder or taxicab driver may disclose by website, mobile telephone application or telephone orders.

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

(1) If Hard Meter, each taxicab permit holder shall have the Taximeter set by properly licensed personnel for the rate that he/she will charge and have the Taximeter sealed and inspected.

(2) If Soft Meter, a certificate of approval must be provided by the California Department of Food and Agriculture Division of Measurement Standards

(3) 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.

(4) 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.

(5) 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.

(6) The Taximeter shall be at all times subject to inspection by an MTS inspector or any peace officer. The MTS 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 Chief Executive Officer.

(7) 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.

(8) 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 non-recording 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 pursuant to Sections 2.1 (a), or 2.2 (c) of this Ordinance.

(j) Nothing in this Ordinance shall preclude a dispatch service, permit holder or driver from agreeing with prospective passenger(s) to a rate of fare which is less or equal to than the permit holder's posted maximum allowed rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip,

(Section 2.2 amended 10/10/19)

(Section 2.2 amended 11/8/2018, effective 1/1/2019)

(Section 2.2 amended 12/14/2017)

(Section 2.2 amended 5/12/2016)

(Section 2.2(c)(2)amended 11/15/2012)

(Section 2.2(b) amended 4/19/2012)

(Section 2.2 amended 8/7/2003)

(Section 2.2 amended 5/8/2003)

(Section 2.2 amended 11/14/2002)

(Section 2.2 amended 6/24/1999)

(Section 2.2 amended 9/24/1998; Section 2.2c operative May 1, 1999)

(Section 2.2 amended 10/30/1997)

(Section 2.2 amended 4/10/1997)

Section 2.3 - Equipment and Specifications

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

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

(c) Mandatory Exterior Markings: The permit holder must display one of the following exterior markings schemes on each taxicab:

(1) Exterior Marking Scheme 1: The following must be displayed if in use of Exterior Marking Scheme 1:

(A) 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 rear doors or both rear quarter panels utilizing "Univers" or other Chief Executive Officer 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.

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

(2) Exterior Marking Scheme 2: The following must be displayed if in use of Exterior Marking Scheme 2:

(A) 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 Chief Executive Officer 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.

(B) 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 Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability.

(C) 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 Chief Executive Officer 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.

(d) 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.

(1) 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.

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

(3) 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.

(4) "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.

(5) "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.

(e) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.

(f) All taxicabs shall be equipped and operated so that they may be dispatched by two-way radio or two-way electronic communication, monitored by a dispatcher, in response to a telephone or other request for service by a prospective passenger.

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

(2) Dispatch equipment, such as a two-way radio, cellular phone or tablet, shall be securely mounted within the vehicle in such a way to be visible to peace officers and MTS inspectors and allow for hands-free operation while the vehicle is in motion.

(g) If radio dispatch capability is utilized, the dispatch service must abide by the following: 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 (FCC) 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 MTS.

(2) Taxicab permit holder shall provide current proof the radio or electronic device has passed inspection by an MTS-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.

(h) Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions. The device must be installed in a manner that renders the device visible and immediately accessible to all passengers and must allow the passenger to operate the payment device independently of the driver, without having to hand the credit card to the driver. The device must be fully operational at all times and must be electronically linked to the taxicab meter. The permit holder or dispatch service shall be the merchant of record

associated with the device. Any means of electronic credit card acceptance is acceptable so long as it complies with the provisions set forth in Section 1.8 (r).

(Section 2.3 amended 10/10/19)

(Section 2.3 amended 11/8/2018, effective 1/1/2019)

(Section 2.3 amended 12/14/2017)

(Section 2.3 amended 10/13/2016)

(Section 2.3 amended 5/12/2016)

(Section 2.3 amended 2/12/2015)

(Section 2.3 amended 11/15/2012)

(Section 2.3 amended 6/27/2002)

(Section 2.3 amended 9/24/1998; Section 2.3c operative May 1, 1999)

(Section 2.3 amended 6/27/1991; effective 7/27/1991)

(Section 2.3 amended 4/10/1997)

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 the destination safely and expeditiously.

(c) 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.

(1) 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."

(2) 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 City or County, or method of payment. Driver shall not refuse payment by credit card.

(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) 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) 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 ten (10) feet.

(h) 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.

(i) 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.

(j) 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.

(k) No person shall solicit passengers for a taxicab or LSV other than the driver thereof; however, the Chief Executive Officer 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.

(l) 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.

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

(n) 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.

(o) The taxicab or LSV driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS 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.

(3) If a taxicab, the trip log shall be retained for at least 18 months.

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

(q) The permit holder or the driver of the taxicab shall notify the passenger of the applicable rate prior to the passenger accepting the ride for walkup rides and street hails. The rate may be provided on the exterior of the vehicle, with an application of a mobile phone, device, or other internet-connected device, or be clearly visible in either print or electronic form inside the taxicab.

(Section 2.4 amended 11/8/2018, effective 1/1/2019)

(Section 2.4 amended 12/14/2017)

(Section 2.4 amended 10/13/2016)

(Section 2.4 amended 5/12/2016)

(Section 2.4 amended 2/12/2015)

(Section 2.4 amended 11/15/2012)

(Section 2.4 amended 8/7/2003)

(Section 2.4 amended 11/14/2002)

(Section 2.4 amended 6/24/1999)

(Section 2.4 amended 2/13/1997)

(Section 2.4 amended 6/27/1991; effective 7/27/1991)

Section 2.5 - Stands

(a) The Chief Executive Officer may establish, 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 may be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer.

(c) Any individual, partnership, association, or other organization may petition MTS 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 Chief Executive Officer 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 MTS 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 11/15/2012)

(Section 2.5 amended 8/7/2003)

Section 2.6 - Dispatch Services

(a) In order to provide taxicab 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 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
- (5) Lost and found for passengers' items.
- (6) Assignment of vehicle body numbers.
- (7) Immediately notify the permit holder of all lost items and inquiries.

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

(b) Taxicab service organizations shall, 24 hours a day, have dispatch staff on duty at the business location, which must be a preapproved physical address, answer telephone- request line(s), properly dispatch those requests to all members, provide radio response to all licensed radio frequencies/channels, and respond to direct requests from drivers, permit holders, and MTS as well as law enforcement and local regulatory agencies.

(c) Taxicab dispatch services shall keep written records of all requests for taxi service, calls dispatched, and the time(s) each taxicab goes in and out of service. These records shall be kept on file for a minimum of six (6) months, and made available to MTS, upon request.

(d) 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.

(e) The Chief Executive Officer may, at any time, revoke or suspend the taxicab 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 11/8/2018, effective 1/1/2019)

(Section 2.6 amended 12/14/2017)

(Section 2.6 amended 10/13/2016)

(Section 2.6 amended 11/15/2012)

(Section 2.6 amended 8/7/2003)
(Section 2.6 amended 9/24/1998)
(Section 2.6 added 6/27/1991; effective 7/27/1991)

Section 2.7 - Driver Safety Requirements

- (a) No taxicab vehicle shall be operated unless such vehicle is equipped with an emergency signaling device approved by the Chief Executive Officer.
- (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, unless equipped by the vehicle manufacturer and approved by an MTS inspector.
- (c) Taxicab dispatch 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 Chief Executive Officer.
- (d) The use of a cellular phone or other similar electronic device by drivers is prohibited at all times when the vehicle is in motion. Otherwise, California Vehicle Code rules apply.

(Section 2.7 amended 11/8/2018, effective 1/1/2019)
(Section 2.7 amended 12/14/2017)
(Section 2.7 amended 10/13/2016)
(Section 2.7 amended 5/12/2016)
(Section 2.7 amended 11/15/2012)
(Section 2.7 amended 8/7/2003)
(Section 2.7 added 9/24/1998)

Section 2.8 – Prearranged Trips by Taxicabs

- (a) A Prearranged Trip shall mean a trip using an online enabled application, dispatch or Internet Web site.
- (b) A MTS taxicab permit holder may provide Prearranged Trips anywhere within San Diego County.
- (c) A taxicab not permitted by MTS, but permitted by another authorized agency within San Diego County, may provide Prearranged Trips within City or County. MTS will not require such a taxicab to apply for a permit with MTS if the taxicab is not Substantially Located in City or County. MTS will require such a taxicab to comply with mechanical safety regulations within Section 1.8 (f) as a public health, safety and welfare measure.

(Section 2.8 amended 2/14/2019)
(Section 2.8 added 11/8/2018, effective 1/1/2019)

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 Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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 4/10/1997)

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 MTS 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. If the trip is medical in nature, the passenger's name may be omitted.

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

(Section 3.2 amended 12/14/2017)

(Section 3.2 amended 11/14/2002)

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 Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer 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, the permit holder shall first file a document with the Chief Executive Officer 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 Chief Executive Officer 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 11/8/2018, effective 1/1/2019)

(Section 4.1 amended 4/10/1997)

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 Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer as aforesaid.

(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 12/14/2017)

(Section 5.1 amended 4/10/1997)

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 6/22/1995)
(Section 5.2 amended 6/24/1993)

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 6/24/1993)

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 Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer and duly displayed.

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

(Section 6.1 amended 11/8/2018, effective 1/1/2019)
(Section 6.1 amended 4/10/1997)

Section 6.2 - Jitney Routes

(a) A permit holder who wishes to provide a fixed route service shall apply to the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer may, in his or her discretion, require.

(c) Upon approval of a fixed route by the Chief Executive Officer, 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 Chief Executive Officer 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 Chief Executive Officer, submitting the information required in Section 6.2 (b).

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

(f) The Chief Executive Officer may change a route that has been approved previously when the Chief Executive Officer 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 Chief Executive Officer. The Chief Executive Officer shall notify in writing any permit holder whose route has been changed. The Chief Executive Officer'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 11/14/2002)

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 MTS.

(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 MTS 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 Chief Executive Officer.

(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 11/14/2002)

Section 6.4 - Jitney Holding Zones

(a) The Chief Executive Officer 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 Chief Executive Officer may, by his or her discretion, 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 Chief Executive Officer. The Chief Executive Officer 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 Chief Executive Officer shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

(c) The Chief Executive Officer may, on his or her own motion, establish holding zones.

(d) Any individual, partnership, corporation, association or other organization may petition MTS requesting that a new holding zone be established. The petition must be filed in writing with the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer. The Traffic Engineer's report shall include a statement of reasons supporting the recommendation to the Chief Executive Officer.

(f) The Chief Executive Officer 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 MTS jitney permit to occupy a jitney holding zone.

(Section 6.4 amended 11/15/2012)

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 Chief Executive Officer. The

Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer.

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(r). LSVs may operate by zones and/or a prearranged basis as set forth in Section 1.1 (b) (1)-(5).

(Section 7.1 amended 2/14/2019)

(Section 7.1 amended 11/8/2018, effective 1/1/2019)

(Section 7.0 and 7.1 added 8/7/2003)

Section 7.2 – Establishment of Zones

The Chief Executive Officer shall establish and authorize the use of zones of operation.

(Section 7.2 added 8/7/2003)

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 permitted.

(b) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer 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 Chief Executive Officer 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 Chief Executive Officer 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 amended 10/13/2016)

(Section 7.3 added 8/7/2003)

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 MTS 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 MTS 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 MTS-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular permitted 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 10/13/2016)

(Section 7.4 amended 10/16/2003)

(Section 7.4 added 8/7/2003)

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 8/7/2003)

Section 7.6 - Equipment and Specifications

(a) Each LSV shall display whether out of service in accordance with section 2.4 (g) of this Ordinance, which shall indicate to a person outside the LSV whether the LSV is in operation or is not.

(b) Exterior Markings

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

(2) 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 Chief Executive Officer'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.

(3) All other exterior vehicle markings are prohibited unless they are directly related to the permit holder's business and pre-approved by the Chief Executive Officer.



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Agenda Item No. 5

SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE MEETING

September 11, 2019

SUBJECT:

APPOINTMENT OF ANTONIO HUESO AND GEORGE ABRAHAM TO FULFILL
REMAINING CATEGORY B TAXICAB ADVISORY COMMITTEE SEATS

RECOMMENDATION:

That the Taxicab Advisory Committee issues a recommendation to the MTS Chief Executive Officer or his designee to allow Antonio Hueso and George Abraham to fulfill remaining category B Taxicab Advisory Committee seats.

Budget Impact

None.

DISCUSSION:

Between April 8 and April 22, 2019, MTS Taxicab Administration received self-nominations from permit holders interested in participating as candidates for the Taxicab Advisory Committee (TAC). Between May 6 and May 20, 2019, voting for the permit holder category took place, and on May 21 2019, the TAC Validation sub-committee validated the following results for the Permit Holder Category B:

For the election for the three (3) assigned committee seats for Category B (four or more permits) Permit Holders, only two (2) permit holders submitted self-nomination forms. Thus, only two (2) candidates were listed in the permit holder election ballot, one of which did not receive any votes. Therefore, two (2) seats within this category are vacant.

Current TAC seat vacancies hamper the ability to obtain the 51% attendance needed to reach a committee quorum for members to be able to vote on agenda items.

As allowed by TAC Membership Guidelines, the TAC may make interim appointments if a member's seat becomes vacant. It is recommended that Antonio Hueso and George



Abraham be appointed to TAC because of their previous experience as TAC members representing Permit Holders, their commitment to providing valuable feedback during TAC meetings, and showing a continued interest in being actively involved on TAC.

On August 13, 2019, the Workshop on Regulatory Matters (WORM) sub-committee voted 7-0 to forward a recommendation to the TAC to approve these appointments.

Upon approval by the TAC, a recommendation will be issued to the MTS Chief Executive Officer or his designee to allow Antonio Hueso and George Abraham to fulfill remaining category B Taxicab Advisory Committee seats.

/s/Kenneth E. Nelson

Kenneth E. Nelson

Taxicab Administration Manager

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Agenda Item No. 6

SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE MEETING

September 11, 2019

SUBJECT:

REVISIONS TO TAXICAB ADVISORY COMMITTEE GUIDELINES

RECOMMENDATION:

That the Taxicab Advisory Committee issues a recommendation to the MTS Board of Directors to approve proposed revisions to Taxicab Advisory Committee Guidelines.

Budget Impact

None.

DISCUSSION:

To address vacancies and non-attendance by members on the Taxicab Advisory Committee (TAC) that cause concerns with meeting quorum, the following revisions are proposed to the TAC Guidelines:

- 1) Remove one (1) taxicab lease driver seat and replace with the addition of the United Taxi Workers of San Diego (UTWSD) to TAC

UTWSD has expressed interest in TAC membership and MTS Taxicab Administration recognizes the UTWSD as a valued industry stakeholder representing lease driver interests. Since the recent elections resulted in one (1) of the five (5) seats for taxicab lease drivers to be vacant, it is recommended that the UTWSD be added to ensure there are still five (5) members on TAC that are representing the interests of lease drivers.

- 2) Remove one (1) hotel industry seat



The San Diego Hotel-Motel Association through their current Executive Director, Ms. Namara Mercer, has declined to continue participating on TAC. MTS Taxicab Administration staff was unable to find any other hotel representative to sit on the committee. The proposed revisions would reduce the hotel industry seats from two (2) seats, to one (1) seat. This change will reduce TAC membership from 17 to 16 voting members.

3) Alternates

The proposed revision would expressly allow any organization or agency member to appoint an alternate. Currently, the TAC Guidelines only allows lease drivers and permit holders to appoint an alternate.

4) Removal and Resignations

The current TAC Guidelines do not make any reference to removal or resignations. The proposed revisions would add the ability to remove members who do not attend for four (4) consecutive meetings (with notice provided after three (3) missed meetings) and allow members to resign upon written notification. These revisions are intended to address the issue of not having a quorum at TAC meetings, a meeting that occurs generally only four (4) times a year.

5) Subcommittees

The current TAC Guidelines do not make any reference to standing or ad hoc subcommittees. The proposed revisions would add the requirement that standing committees (e.g. Workshop of Regulatory Matters Subcommittee) be approved by the Board of Directors and ad hoc subcommittees by approved by the Chief Executive Officer or designee.

6) Change in Designation of TAC Vice-Chair

The current TAC Guidelines identifies the Vice Chair as a representative of the San Diego Tourism Authority. The proposed revision would designate the Taxicab Administration Manager as the Vice-Chair.

On August 13, 2019, the Workshop on Regulatory Matters (WORM) sub-committee voted 7-0 to forward a recommendation to the Taxicab Advisory Committee (TAC) to approve these revisions to the (TAC) guidelines.

All other proposed revisions are minor and non-substantive.

/s/Kenneth E. Nelson

Kenneth E. Nelson

Taxicab Administration Manager

Key Staff Contact: Kenneth E. Nelson, 619.595.7034, Kenneth.Nelson@sdmts.com

Attachment: A. Taxicab Advisory Committee Guidelines (red-lined with proposed revisions)



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SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE GUIDELINES

1 PURPOSE

The Taxicab Advisory Committee's purpose is to:

- 1.1 Provide feedback to the Chief Executive Officer and designated staff on taxicab matters to formulate recommended courses of action that the Chief Executive Officer or Board of Directors, whichever applicable, may review for approval ~~destined for Board action~~;
- 1.2 Review summaries of administrative hearing officer decisions concerning taxicab owner and driver penalties;
- 1.3 Discuss taxicab owners'/drivers' written grievances;
- 1.4 Review summaries of complaints concerning taxicab service;
- 1.5 Review vehicle inspection criteria, process, results, and rankings;
- 1.6 Review the Chief Executive Officer's Annual Fee Schedule; and
- 1.7 Comment on MTS's work program concerning taxicab matters.

2 MEMBERSHIP

~~Seventeen~~ Sixteen voting members are appointed as follows:

- 2.1 One representative of the MTS Board of Directors appointed on an annual basis, who will be designated by the MTS Board of Directors to serve as Chair~~man~~ of the Taxicab Advisory Committee.
- 2.2 One member appointed by the San Diego Tourism Authority, the San Diego County Regional Airport Authority, San Diego Convention Center, San Diego Travelers Aid Society, ~~and two members from~~ the Hotel Industry, and the United Taxi Workers of San Diego (UTWSD), each serving a three-year term.



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.

a. ~~Each organization or agency may designate one (1) alternate member by providing written notification to the MTS Clerk of the Taxicab Advisory Committee.~~

~~2.2b.~~ The UTWSD member must either be: a current member of the UTWSD; or be a current employee or other authorized representative of the UTWSD.

~~2.3~~ ~~Five~~ taxicab owners with at least three years' experience and in good standing, each serving a three-year term, elected by taxicab owners, divided as follows:

~~a.~~ ~~Two~~ seats are designated for representation of owners of one to three taxicabs;

~~and,~~

~~2.3~~ ~~Three~~ seats are designated for representation of owners of four or more taxicabs.
~~b.~~

~~2.4~~ ~~2.4~~ ~~Five~~ Four taxicab lease drivers in possession of a San Diego Sheriff's Department-issued Taxicab Driver Identification Card valid in the MTS areas of jurisdiction, being in good standing with the Sheriff's Licensing Division, and currently serving as a driver for at least three years leading up to the election. The election shall comply with the following guidelines:

a. Lease driver representatives shall be elected by licensed drivers operating in MTS areas of jurisdiction.

b. Lease driver representative elections shall take place every three years at the same time as the owner representative elections.

~~b.~~

~~c.~~

d. ~~2.5~~ Both The taxicab owners, and lease drivers and UTWSD representatives shall meet the eligibility requirements at all times while serving on the Taxicab Advisory Committee.

~~2.6~~ A taxicab owner member unable to attend a meeting may appoint an alternate from the same or similarly sized company to attend in ~~his or her~~ their absence.

~~2.5~~

~~2.7~~

~~2.6~~ A taxicab driver unable to attend a meeting may appoint a driver with a similar experience level (within 2 years), not less than three years, to attend in ~~his, or her~~ their absence.

~~2.8~~ ~~2.7~~ The Taxicab Advisory Committee or the Chief Executive Officer or designee shall make an interim appointment if a member's seat becomes vacant within the three-year term.

~~2.9~~ ~~2.8~~ The Vice Chair~~man~~ will be the Taxicab Administration Manager ~~representative for the San Diego Convention & Visitors Bureau.~~

2.10 ~~—~~One non-voting member will be appointed by the County of San Diego's Department of Agriculture, Weights and Measures.

2.11 ~~—~~One non-voting member will be appointed by the County of San Diego Sheriff's Department.

3 REMOVAL AND RESIGNATION

3.1 ~~—~~ Any member who misses four (4) consecutive meetings may be subject to removal. For any member who has missed three (3) consecutive meetings, a documented warning shall be provided to the member.

3.2 ~~—~~ A member may resign by providing written notification to the MTS Clerk of the Taxicab Advisory Committee.

34 MEETINGS

3.1 ~~—~~

3.2 4.1 ~~—~~ Taxicab Advisory Committee meetings are subject to the provisions of the Ralph M. Brown Act, California Government Code, Section 54950, et. seq.

3.3 4.2 ~~—~~ Taxicab Advisory Committee meetings will be held quarterly at the offices of MTS.

3.4 4.3 ~~—~~ The agenda for each meeting will be posted in the MTS lobby.

3.5 4.4 ~~—~~ The agenda, backup materials, and minutes of the previous meeting will be sent to each ~~member~~ ten calendar days in advance of the meetings, upon request.

3.6 4.5 ~~—~~ The Chair~~man~~ may call special-additional meetings, as necessary.

3.7 4.6 ~~—~~ Fifty-one percent attendance is a quorum to hold a meeting.

45 VOTING

4.15.1 ~~—~~ Each voting member of the Taxicab Advisory Committee has an equal vote.

4.2 5.2 ~~—~~ Fifty-one percent of the votes of those in attendance will approve an item.

54.3 ~~—~~ A roster of the Taxicab Advisory Committee members who voted will be provided to the MTS Board of Directors, along with the item, for MTS Board action on an agenda item.

6 SUBCOMMITTEES

6.1 ~~—~~ MTS Board of Directors approval is required to establish a standing subcommittee. The Workshop of Regulatory Matters is a standing subcommittee for Taxicab Advisory Committee and is subject to the Brown Act.

6.2 Chief Executive Officer or designee approval is required to establish an ad hoc subcommittee.

5.7 APPROVAL

5.17.1 These Guidelines were revised by the MTS Board of Directors on ~~January 14, 2016~~October 10, 2019.

5.2

5.3 7.2 The MTS CEO shall have the authority to implement additional procedures to carry out elections and maintain regular and orderly meetings of the Taxicab Advisory Committee.

Agenda Item No. 7

SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE MEETING

September 11, 2019

SUBJECT:

PROPOSAL TO ALLOW THE CURRENT TAXICAB ADMINISTRATION
REGULATORY FEE TO BE PAID IN BI-ANNUAL PAYMENTS FOR FISCAL YEAR
2020 (FY20)

RECOMMENDATION:

Action would recommend that the Taxicab Advisory Committee approve the proposed optional bi-annual payment due dates for when the Taxicab Administration Regulatory Fee may be paid.

Budget Impact

None.

DISCUSSION:

MTS Taxicab Administration staff has received multiple requests from permit holders to allow alternate payment deadlines for the once a year vehicle regulatory fee.

These alternatives are being discussed in an effort to facilitate payment options and provide relief to the financial impact resulting from the current and only available option of paying the regulatory fee in its entirety by the determined yearly deadline.

The proposed bi-annual (optional) payment dates for FY20 are as follows: January 13, 2020, and June 8, 2020. Permit holders who wish to take advantage of this option must pay exactly half of the regulatory fee due on January 13, 2020, and the remaining half, on June 8, 2020. Permit holders may also pay the entire regulatory fee due on June 8, 2020.

/s/Kenneth E. Nelson

Kenneth E. Nelson

Taxicab Administration Manager

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