



**Metropolitan
Transit
System**

Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE (TAC)

December 8, 2021

10:00 a.m.

Meeting will be held via webinar

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	<u>ACTION RECOMMENDED</u>
1. ROLL CALL	
2. APPROVAL OF MINUTES – October 27, 2021	Approve
3. PUBLIC COMMENTS	
COMMITTEE DISCUSSION ITEMS	
4. Fiscal Year (FY) 2022 Amended Budget (Gordon Meyer)	Informational
5. 2022 Fee Schedule (Leonardo Fewell)	Informational
6. Proposed Ordinance No. 11 Revisions (Leonardo Fewell) Action would forward a recommendation to the MTS Board of Directors to approve the proposed revisions to Ordinance No. 11.	Approve
7. For-Hire Vehicle Administration Operations Update (Leonardo Fewell)	Informational



OTHER ITEMS

8. [Topics for Next Taxicab Advisory Committee Meeting \(Leonardo Fewell\)](#) Informational
9. Committee Member Communications
Brief comment on any taxicab related item not included in the Agenda
10. NEXT MEETING DATE: TBD
11. ADJOURNMENT

DRAFT MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE (TAC)

October 27, 2021

1. Roll Call

Chair Elo-Rivera called the Taxicab Advisory Committee meeting to order at 10:05 a.m. A roll call sheet listing Taxicab Advisory Committee member attendance is attached.

2. Approval of Minutes

Peter Zschiesche moved to approve the minutes of the July 7, 2021, MTS Taxicab Advisory Committee meeting. Antonio Hueso seconded the motion, and the vote was 15 to 0 in favor with Hamid Amini absent.

3. Public Comments

There were no Public Comments.

COMMITTEE DISCUSSION ITEMS

4. Flexible Fleet Procurement Presentation (Antoinette Meier and Danielle Kochman of SANDAG)

Antoinette Meier, SANDAG Director of Mobility and Innovation and Danielle Kochman, SANDAG Mobility Planning Manager presented on the flexible fleet procurement.

They presented on: a new approach to planning for the future, 5 big moves, mobility hubs and flexible fleets, flexible fleets operate everywhere, flexible fleet implementation strategic plan, regional on-call flexible fleet services, previous pilots, regional on-call flexible fleet services and next steps.

MEMBER COMMENTS

Chair Elo-Rivera acknowledged the importance of SANDAG's participation in today's meeting to provide the committee with access to the information and allow for questions and feedback.

PUBLIC COMMENT

Lily Irani – A professor at UC San Diego made a verbal statement to the Committee during the meeting. They encouraged SANDAG and the City of San Diego to ensure both riders and transportation workers are treated well. Irani asked SANDAG to include climate and labor equity in the evaluation criteria to align with the region's climate equity goals. They cited the Transportation for Smart and Equitable Cities as a resource. Irani stated that research shows that resistance to public regulation of TNCs has various negative consequences and results. Irani advocated to create transportation infrastructures and acknowledged benefits such as safety, equitability, sustainability in order to have a more fuel-efficient, price regulated fleet.

Jeanette Lilliane – A resident, made a verbal statement to the Committee during the meeting. They encouraged planning agencies to ensure that taxis remain a reliable part of public transportation infrastructure.

Sim Singh – A student, made a verbal statement to the Committee during the meeting. Sim urged the Committee to incorporate San Diego's taxis into the flexible fleets. They asked that the agency partner with taxi drivers and incorporate them into public transportation.

MEMBER COMMENTS

Peter Zschiesche asked the presenters to cite how equity issues will be addressed in the Request for Proposal (RFP). He was interested to understand how proposers would be ranked and asked SANDAG defines equity for this project.

Ms. Kochman distinguished the Regional Plan from the RFP and provided resources to either document. She acknowledged that the sections of the RFP were currently under development but assured the committee equity ranking criteria would be involved in the process.

Ms. Meier assured the Committee that the evaluation criteria would be listed in the RFP.

Ms. Kochman acknowledged there were three different projects in the RFP.

Peter Zschiesche asked about the long-term longevity with the IOS plan since he perceived it to bring in data and experience to assist in managing the transportation system. He acknowledged an app and taxi category as separate applications. He was concerned about integration between the industry and SANDAG.

Ms. Meier clarified that with service provider partnerships, one of the requirements will be to have data sharing agreements with both public and private sector companies. The goal of this is to monitor the performance of services.

Peter Zschiesche asked how the agency has separated the categories.

Ms. Kochman responded that there are existing transit providers that had their own vehicles that are looking to outfit those services with technology. They continued that there are other application companies that already provide that service. The expectation is not to develop a new technology but to have a mechanism to outfit existing services.

Akbar Majid asked Ms. Kochman to clarify the Guaranteed Ride Home Program since he was under the impression that the program had been discontinued. He asked that the program be reestablished. He also asked to be added to stakeholder participants.

Ms. Kochman confirmed they would follow up with Akbar Majid.

Antonio Hueso acknowledged the market is saturated and the industry has struggled to reach previous operation levels. He urged the region to seek a more thoughtful approach. He was concerned that if agencies continued to allow, Ubers, Lyfts and Free Ride Everywhere Downtown (FRED) who do not go through a formal vetting process, vested industry leaders are pushed out. He asked that particular focus be placed on providers that are financially limited and struggling to stay afloat, to provide services to the public. He requested SANDAG does not show any preference based on the transportation provider's financial capacity.

Ms. Kochman clarified that the California Public Utilities Commission (CPUC) regulates Uber and Lyft, SANDAG does not. They continued, that SANDAG recognized shortcomings of those services, and that they played an active role in participating with CPUC on how they regulate those types of services. She urged the industry to evaluate both the negatives and positives of the TNC industry.

Ms. Meier acknowledged that the services Uber, Lyft or bikes and scooters took the agency by storm because they were unregulated with no infrastructure. She acknowledged that the new plan aims to thoughtfully incorporate technology and to develop policies and fair regulations for flexible fleet services.

Ms. Kochman acknowledged the shortage of services for wheelchair accessible rides. She acknowledged that an obstacle is the permitting process through the taxicab administration as an expensive service adding cost and the permitting process makes it cumbersome to acquire.

Antonio Hueso noted that wheelchair accessibility was an expensive process.

David Tasem acknowledged that a strategy has not been offered to give drivers the opportunity to gain capital. He acknowledged that the presentation does not offer solutions to produce an income for the industry and asked what the agencies efforts are to provide one.

Ms. Kochman acknowledged that the Regional Plan does not have specific earmarks for specific industries or funding sources.

David Tasem claimed that the industry is being neglected since money is being allocated to Uber and Lyft.

Ms. Kochman clarified that there were no money allotments.

Ms. Meier added that there are flexible fleet service allocations and it is not specific to a type of service.

David Tasem asked for SANDAG to clarify if all industries were getting equal representation.

Ms. Kochman answered that there is funding allocation to operate flexible fleet services and taxi is one of the categories that falls under flexible fleet. There is not a specific part of the plan that's dedicated to taxi services.

Ms. Meier continued that an operator is not specified in the plan, rather the services are.

Chair Elo-Rivera thanked the presenters. He clarified that the CPUC is the regulatory agency that sets standards for ridesharing companies. He asked for intentionality about creating opportunities for the industry on the basis of equality

Ms. Kochman stating looking forward to work with Taxicab Administration of potential pilot projects.

Action Taken

Informational item only. No action taken.

5. Proposed Revisions to Taxicab Advisory Committee Membership Guidelines (Leonardo Fewell)

Leonardo Fewell, MTS For-Hire Vehicle Administration Manager presented on the proposed revisions to Taxicab Advisory Committee membership guidelines. He outlined proposed changes to Taxicab Advisory Committee Guidelines and staff's recommendations.

Margo Tanguay asked about the requirement for drivers to have transportation experience.

Mr. Fewell clarified that the industry will vote for the representative and that many of the lease drivers do already have prior experience in the industry. He assured her that he would cover this topic further in the next agenda item.

Margo Tanguay stated that the driver requirement asks that drivers hold a business license. She asked about what was needed to be in good standing with city business licenses so that responsibility falls on individual holders.

Mr. Fewell stated that a business license is one of many administrative requirements that permit holders and lease holders have, but that the agency does not enforce. He acknowledged that the agency does not have oversight to the requirements Cities impose, and it was the responsibility of the permit holders to follow-up on those requirements

Ms. Tanguay pointed out that drivers are also required to have a business permit.

Akbar Majid acknowledged that 70% of permit holders are owner operators who are drivers. He proposed reflecting the proportion of committee representation and acknowledged that it would be fair to reduce the number of lease drivers and increase the number of permit holders

Action Taken

Akbar Majid moved to forward a recommendation to the MTS Board of Directors to approve staff's recommendation to revise the Taxicab Advisory Committee Membership Guidelines with the following changes: maintain 6 permit holder seats, change permit number categories to: two (2) seats for permit holders of two (2) or more permits, four (4) seats for permit holders of one (1) taxicab and reduce lease driver representatives from 4 to 3. Margo Tanguay seconded the motion, and the vote was 15 to 0 in favor with Hamid Amini absent.

Mr. Fewell pointed out the continuous decline of lease drivers as some of them move on to become permit holders.

6. Proposed Changes to Taxicab Advisory Committee Election Process (Leonardo Fewell)

Mr. Fewell presented on the proposed changes to Taxicab Advisory Committee Election Process. He discussed: the selection of the online voting platform, outreach methods, key dates and deadlines and election validation/notification of results.

Action Taken

Informational item only. No action taken.

7. Taxicab Wheelchair Accessible Vehicle Policy Update (Leonardo Fewell)

Mr. Fewell presented on the Taxicab Wheelchair Accessible Vehicle Policy Update. He provided details on: requests for wheelchair taxicab trips, peer regulatory agency review and next steps.

David Tasem asked why this topic wasn't discussed when SANDAG representatives were presenting.

Mr. Fewell clarified that because the agency is a regulatory agency, the policy will be developed at MTS. He continued, once the developments progress and once possible recommendations are made, the agency will reach out to SANDAG Social Services Accessibility Committee and provide an update to them and incorporate feedback. He assured the Committee this was an update and that the agency will contact SANDAG once a proposal has been solidified further.

Margo Tanguay acknowledged that the industry needs more vehicles to supply the handicap and aging population. She explained that the industry needs more handicap equipment, and offered to assist with driver training

Mr. Fewell reiterated that the agency is working with SANDAG to address the demand for wheelchair accessibility so that policy makers can understand the incentives needed to produce an effective result.

Akbar Majid acknowledged that the acquisition and maintenance on the new vehicles is higher than the previous models. Along with the vehicle incentive upgrade, he also asked that there would be maintenance incentives included. He cited the Access program in the city of Los Angeles be used as a model here and that the taxi industry incentivizes the operators to purchase and provide service.

Action Taken

Informational item only. No action taken.

8. For-Hire Vehicle Administration Quarterly Report and Operations Update (Leonardo Fewell)

Mr. Fewell presented on For-Hire Vehicle Administration quarterly report and operations update. He outlined the following items: number of active versus surrendered permits, 2021 July to September field inspections, per type percentages and warnings, customer feedback cases, San Diego Airport pick up trips, office relocation update, business and vehicle inspections by appointment, document and payment drop box, COVID-19 sanitary measures, AB 302 update and For-Hire Vehicle Administration acceptable insurance providers.

Action Taken

Informational item only. No action taken.

9. Topics for Next Taxicab Advisory Committee Meeting (Leonardo Fewell)

Mr. Fewell presented on topics for next Taxicab Advisory Committee Meeting and feedback for additional topics requested.

Peter Zschesche asked to have an agenda on advertising taxi service at the airport.

Marc Nichols reported that the airport is receiving an update in activity levels. He acknowledged that trends suggest leisure travel versus business. He thanked the Committee for continuing their permits. The airport receives the final environmental a milestone approval for the new terminal one project and construction will begin in the near future. Mid-November, the airport will begin moving employee shuttle service to the Old Town Transit Center. Starting in January of 2022, the tier one parking lot will be reduced by half and then close in June of 2022 for construction on the new Terminal 1 parking plaza.

Antonio Hueso encouraged the Committee to review the meeting materials before the meeting in order to have a better dialogue.

George Abraham suggested permit holders of multiple permits be allowed to keep those permits for which the regulatory fee is not paid due to a lack of lease drivers willing to drive those vehicles. He suggested the regulatory fee can be paid later as lease drivers become available to driver those vehicles.

Margo Tanguay asked for more Taxicab stands. She was also concerned about the technology and increased operational costs. She also mentioned the handicap equipment can cost for drivers.

David Tasem commented that the SANDAG presentation should not have been brought to the Committee, he claimed there wasn't direct correlation to the industry. He recommended

charging a \$1 sur charge for gasoline and asked that this request be brought to the next Committee meeting.

Chair Elo-Rivera acknowledged an overall strategy is needed to be more proactive and less reactive. Chair Elo-Rivera noted the next meeting will focus on goals for 2022.

Action Taken

Informational item only. No action taken.

10. Committee Member Communications and Other Business

Alfred Banks asked MTS to provide clarity on COVID-19 guidelines that recommend passengers sit at the rear of a taxicab to maximize social distancing. Banks stated that dependent of the length of the trip, some drivers would refuse or accept a trip by allowing passengers to sit in the front seat.

Mr. Fewell stated that drivers may not refused service based of trip length and all complaints will be investigated by For-Hire Vehicle Administration.

11. Next Meeting Date

The next Taxicab Advisory Committee meeting is scheduled for December 8, 2021, at 10:00 a.m.

12. Adjournment

Chair Elo-Rivera adjourned the meeting at 12:01 p.m.

Chairperson
San Diego Metropolitan Transit System

Attachment: Roll Call Sheet

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

MEETING OF (DATE): October 27, 2021 CALL TO ORDER (TIME): 10:05 am

ADJOURN: 12:01 pm

COMMITTEE MEMBER	(Alternate)		ORGANIZATION	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Voting Committee Members					
Sean Elo-Rivera (Chair)	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	MTS Board of Directors/ SD City Council	10:05 am	12:01 pm
Akbar Majid	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	Taxicab Owner/SDYC Holdings, LLC	10:05 am	12:01 pm
Alfred Banks	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	Taxicab Lease Driver	10:05 am	12:01 pm
Antonio Hueso	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	USA Cab, LTD	10:05 am	12:01 pm
Brian Hilemon	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	San Diego Tourism Authority	10:05 am	11:28 am
Daryl Mayekawa	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	San Diego Convention Center	10:05 am	12:01 pm
David Tasem	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	Taxicab Lease Driver	10:05 am	12:01 pm
George Abraham	<input checked="" type="checkbox"/> Daniel Fesshaye	<input type="checkbox"/>	Taxicab Owner/Eritrean Cab Co.	10:05 am	12:01 pm
Guillermo Morquecho	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	Taxicab Lease Driver	10:05 am	12:01 pm
Hamid Amini	<input type="checkbox"/> None	<input type="checkbox"/>	Jazzy Cab	-	-
Marc Nichols	<input checked="" type="checkbox"/> Michael Anderson	<input type="checkbox"/>	San Diego County Regional Airport Authority	10:05 am	12:01 pm
Margo Tanguay	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	Taxicab Lease Driver	10:05 am	12:01 pm
Michael Trimble	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	San Diego Gaslamp Quarter Association	10:05 am	12:01 pm
Mikaiil Hussein	<input type="checkbox"/> Peter Zschiesche	<input checked="" type="checkbox"/>	United Taxi Workers Federation San Diego	10:05 am	12:01 pm
Nancy Gudiño	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	Cross Border X-Press	10:05 am	12:01 pm
Nasser Tehrani	<input checked="" type="checkbox"/> Kamran Hamidi	<input type="checkbox"/>	Taxicab Owner/N.A.T. Cab Co	10:05 am	12:01 pm
Non – Voting Committee Members					
Garret Cooper	<input type="checkbox"/> None	<input type="checkbox"/>	San Diego Department of Agriculture, Weights and Measures	-	-
Edna Rains	<input checked="" type="checkbox"/> None	<input type="checkbox"/>	San Diego County Sheriff's Department Licensing Division	10:51 am	12:01 pm

CLERK OF THE TAC: /S/Dalia Gonzalez For-Hire Vehicle Administration Manager: /S/Leonardo Fewell



**Metropolitan
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System**

Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC)

December 8, 2021

SUBJECT:

Fiscal Year (FY) 2022 Amended Budget Updated Forecast

INFORMATIONAL ONLY

Budget Impact

None with this informational item.

DISCUSSION:

Background

The San Diego Metropolitan Transit System For-Hire Vehicle (FHV) Administration is a self-funded entity, meaning all expenses must be funded by FHV Administration revenue. Any time operating revenues are unable to cover operating expenses, the shortfall must be funded by the contingency reserve.

During FY21, the FHV Administration increased regulatory fees and implemented a variety of cost savings measures to balance the budget and right-size the contingency reserve. Specifically, regulatory fees were increased from \$600 for all vehicle types to \$875 for Non-Emergency Medical Vehicles (NEMs) and Charters and \$700 for Taxicabs, Low-Speed Vehicles (LSVs) and Jitneys. Cost savings measures included vacating the current Administration building and reducing staff headcount by two full-time positions.

FY21 ended with significantly favorable budget results. Attachment A shows the final income statement for FY21. Operating revenues were favorable by \$205,000 (22.1%), primarily due to favorable regulatory permit volumes as well as favorable application revenue. Final permit figures were 1,046 permits versus the budgeted estimate of 850 permits, leading to a significant increase in revenue versus budget. Application and processing revenue also came in favorable to budget due to increased activity toward the end of the year.

Operating expenses in FY21 were favorable by \$68,000 (10.7%). This was primarily due to favorable Outside Services expenses and General & Administration expenses. Outside Services



were favorable due to favorable legal expenses. General & Administration costs were favorable primarily due to a one-time credit from the current vehicle lease vendor.

When combining revenues and expenses, the FHV Administration ended FY21 with a favorable net operating income of \$255,879. The favorable net operating income, plus interest earned on the reserve during the fiscal year, resulted in a \$267,000 contribution to the contingency reserve balance for FY21. The ending contingency reserve balance as of June 30, 2021 is \$411,000.

Regulatory Fee Decrease in FY22

The contingency reserve balance as of June 30, 2021 is \$411,000. Staff have decided that the current reserve balance is too high and that the FHV Administration should set a reserve target going forward. After evaluating different options, staff decided that the contingency reserve target should be set at 50 percent of forecasted operating expenses for each fiscal year. Staff believes this target will allow for enough cushion to endure permit volume volatility and allow for operational adjustments throughout the fiscal year without depleting reserves.

The current reserve balance of \$411,000 is 71 percent of the most recent forecasted operating expenditures for FY22. Since the reserve target is set at 50 percent of operating expenditures, this means that there is currently excess funding in reserves. This excess funding is being utilized to fund a one-time regulatory fee reduction in FY22. Specifically, NEM/Charter regulatory fees are being reduced from \$875 to \$440, while Taxi/Other permit types are being reduced from \$700 to \$350.

The one-time reduction in permit fees has been calculated to achieve the 50 percent reserve target for FY22. Staff plans to re-calculate the regulatory fee every year in order to achieve the 50 percent reserve target based on current forecasts. The FY22 operating budget forecast detailed below includes the impact of the one-time fee reduction.

FY 2022 Amended Budget Forecast

Attachment B includes forecasted expenditures and revenues in a summary format. Attachment C includes the same information but in a more detailed format.

Revenues. FHV Administration receives operating revenue from annual regulatory fees and other processing fees. The revised forecast for operating revenue for FY22 is \$464,000, a decrease of \$258,000 from the original budget. Regulatory fee revenue is decreasing by \$290,000, primarily because the original budget assumed 850 permits and the original regulatory fees, whereas the revised forecast includes 916 permits at the reduced regulatory fees discussed in the prior section. Other processing revenue is increasing by \$32,000, primarily based on the prior year experience as well as activity in the first part of this fiscal year.

Expenses. Total operating expenses are projected to be \$580,000, a decrease of \$79,000 from the prior forecast.

Personnel Costs are projected to be \$448,000, a decrease of \$45,000 from the prior forecast. This reduction is due to the reduction of one Regulatory Analyst position through attrition. It is currently under evaluation whether to fill the vacant position this fiscal year.

Outside Services are projected to remain at the original budget.

Materials and Supplies costs are projected to remain at the original budget.

Energy costs are projected to decrease by \$8,000 due to vacating the Administration building and no longer paying directly for facility utilities.

Risk Management costs are expected to remain at the original budget.

General and Administrative costs are decreasing by \$25,000, primarily due to reduced facility rent expenses as a result of re-locating operations to the Imperial Avenue Division.

Vehicle Lease costs are projected to remain at the original budget level.

Overhead allocation charges are projected to remain at the original budget.

Net Revenues less Expenses. Total operating expenses are projected to be \$580,000, and total operating revenues are projected to be \$464,000, resulting in a net operating deficit of \$117,000 in FY21. The net operating deficit is due to the one-time reduction in regulatory fees and will be funded by the contingency reserve in FY22.

Contingency Reserves. The FHV Administration is a self-funded entity, meaning all expenses must be covered by FHV Administration revenues. If expenses exceed revenues, the deficit must be funded by the FHV Administration contingency reserve. Attachment D details the contingency reserves. The audited FY21 year-end contingency reserve balance was \$411,000. The current forecast of the FY22 amended budget projects the usage of \$117,000 in FY22. This results in a projected contingency reserve balance of \$295,000 at the end of FY22, which achieves the 50% reserve target for FY22.

/S/ Leonardo Fewell
Leonardo Fewell
For-Hire Vehicle Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, Leonardo.Fewell@sdmts.com

Attachment: A. Summary report of FY 2021 Budget Versus Actuals
B. Summary report of the FY 2022 midyear budget
C. Detailed report of the FY 2022 midyear budget
D. Contingency reserve balance report

SAN DIEGO METROPOLITAN TRANSIT SYSTEM Att. A, AI 4, 12/08/2021
FOR HIRE VEHICLE (FHV) ADMINISTRATION (761)
OPERATING BUDGET - CONSOLIDATED
FISCAL YEAR 2021

	ACTUAL FY20	ACTUAL FY21	AMENDED BUDGET FY21	VARIANCE FY21	% CHANGE VARIANCE FY21
OPERATING REVENUE					
PASSENGER REVENUE	-	-	-	-	-
ADVERTISING REVENUE	-	-	-	-	-
CONTRACT SERVICE REVENUE	-	-	-	-	-
OTHER INCOME	856,152	925,610	720,826	(204,784)	-22.1%
TOTAL OPERATING REVENUES	856,152	925,610	720,826	(204,784)	-22.1%
NON OPERATING REVENUE					
SUBSIDY REVENUE	-	-	-	-	-
RESERVE REVENUE	88,825	(255,879)	16,585	272,464	-106.5%
OTHER INCOME	-	-	-	-	-
TOTAL NON OPERATING REVENUE	88,825	(255,879)	16,585	272,464	-106.5%
TOTAL COMBINED REVENUES	944,977	669,730	737,411	67,681	10.1%
OPERATING EXPENSES					
LABOR EXPENSES	478,316	358,996	350,000	(8,995)	-2.5%
FRINGE EXPENSES	223,542	188,598	199,219	10,621	5.6%
TOTAL PERSONNEL EXPENSES	701,857	547,594	549,220	1,626	0.3%
SECURITY EXPENSES	-	-	-	-	-
REPAIR/MAINTENANCE SERVICES	7,263	4,017	4,000	(17)	-0.4%
ENGINE AND TRANSMISSION REBUILD	-	-	-	-	-
OTHER OUTSIDE SERVICES	38,831	26,904	50,118	23,214	86.3%
PURCHASED TRANSPORTATION	-	-	-	-	-
TOTAL OUTSIDE SERVICES	46,094	30,922	54,118	23,197	75.0%
LUBRICANTS	-	-	-	-	-
TIRES	-	-	-	-	-
OTHER MATERIALS AND SUPPLIES	5,045	834	120	(714)	-85.6%
TOTAL MATERIALS AND SUPPLIES	5,045	834	120	(714)	-85.6%
DIESEL FUEL/GASOLINE	4,332	6,217	7,000	783	12.6%
CNG	-	-	-	-	-
TRACTION POWER	-	-	-	-	-
UTILITIES	8,689	6,965	8,150	1,185	17.0%
TOTAL ENERGY	13,022	13,182	15,150	1,968	14.9%
RISK MANAGEMENT	8,471	13,444	13,448	3	0.0%
GENERAL AND ADMINISTRATIVE	101,853	36,631	45,089	8,459	23.1%
DEBT SERVICE	-	-	-	-	-
VEHICLE / FACILITY LEASE	23,071	(7,392)	25,750	33,141	-448.4%
TOTAL OPERATING EXPENSES	899,413	635,214	702,895	67,680	10.7%
NET OPERATING SUBSIDY	(43,261)	290,395	17,931	(272,464)	93.8%
OVERHEAD ALLOCATION	(45,564)	(34,516)	(34,515)	1	0.0%
ADJUSTED NET OPERATING SUBSIDY	(88,825)	255,879	(16,584)	(272,463)	106.5%
TOTAL REVENUES LESS TOTAL EXPENSES	0	-	1	1	-

SAN DIEGO METROPOLITAN TRANSIT SYSTEM Att. B, AI 4, 12/08/2021
FOR HIRE VEHICLE (FHV) ADMINISTRATION (761)
OPERATING BUDGET - CONSOLIDATED
FISCAL YEAR 2022

	ACTUAL FY21	ORIGINAL BUDGET FY22	AMENDED FORECAST FY22	\$ CHANGE AMENDED/ ORIGINAL	% CHANGE AMENDED/ ORIGINAL
OPERATING REVENUE					
PASSENGER REVENUE	-	-	-	-	-
ADVERTISING REVENUE	-	-	-	-	-
CONTRACT SERVICE REVENUE	-	-	-	-	-
OTHER INCOME	925,610	721,555	463,662	(257,893)	-35.7%
TOTAL OPERATING REVENUES	925,610	721,555	463,662	(257,893)	-35.7%
NON OPERATING REVENUE					
SUBSIDY REVENUE	-	-	-	-	-
RESERVE REVENUE	-	(62,766)	116,564	179,330	-285.7%
OTHER INCOME	-	-	-	-	-
TOTAL NON OPERATING REVENUE	-	(62,766)	116,564	179,330	-285.7%
TOTAL COMBINED REVENUES	925,610	658,789	580,226	(78,563)	-11.9%
OPERATING EXPENSES					
LABOR EXPENSES	358,996	320,657	281,019	(39,638)	-12.4%
FRINGE EXPENSES	188,598	173,087	167,318	(5,769)	-3.3%
TOTAL PERSONNEL EXPENSES	547,594	493,744	448,337	(45,407)	-9.2%
SECURITY EXPENSES	-	-	-	-	-
REPAIR/MAINTENANCE SERVICES	4,017	4,000	4,000	-	0.0%
ENGINE AND TRANSMISSION REBUILD	-	-	-	-	-
OTHER OUTSIDE SERVICES	26,904	39,600	39,600	-	0.0%
PURCHASED TRANSPORTATION	-	-	-	-	-
TOTAL OUTSIDE SERVICES	30,922	43,600	43,600	-	0.0%
LUBRICANTS	-	-	-	-	-
TIRES	-	-	-	-	-
OTHER MATERIALS AND SUPPLIES	834	-	-	-	-
TOTAL MATERIALS AND SUPPLIES	834	-	-	-	-
DIESEL FUEL/GASOLINE	6,217	7,000	7,000	-	0.0%
CNG	-	-	-	-	-
TRACTION POWER	-	-	-	-	-
UTILITIES	6,965	8,220	-	(8,220)	-100.0%
TOTAL ENERGY	13,182	15,220	7,000	(8,220)	-54.0%
RISK MANAGEMENT	13,444	9,500	9,500	-	0.0%
GENERAL AND ADMINISTRATIVE	36,631	64,500	39,564	(24,936)	-38.7%
DEBT SERVICE	-	-	-	-	-
VEHICLE / FACILITY LEASE	(7,392)	25,750	25,750	-	0.0%
TOTAL OPERATING EXPENSES	635,214	652,314	573,751	(78,563)	-12.0%
NET OPERATING SUBSIDY	290,395	69,241	(110,089)	(179,330)	259.0%
OVERHEAD ALLOCATION	(34,516)	(6,475)	(6,475)	-	0.0%
ADJUSTED NET OPERATING SUBSIDY	255,879	62,766	(116,564)	(179,330)	285.7%
TOTAL REVENUES LESS TOTAL EXPENSES	255,879	-	-	(0)	-

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FOR HIRE VEHICLE (FHV) ADMINISTRATION (761)
OPERATING BUDGET - DETAIL
FISCAL YEAR 2022**

	ACTUAL FY21	ORIGINAL BUDGET FY22	AMENDED FORECAST FY22	\$ CHANGE AMENDED/ ORIGINAL	\$ CHANGE AMENDED/ ORIGINAL
OPERATING REVENUE					
OTHER INCOME					
425100 TAXI VEHICLE ANNUAL REGULATORY FEES	953,975	641,825	353,662	(288,163)	-44.9%
425150 TAXI REGULATORY FEE ADJUSTMENT	1,900	1,800	-	(1,800)	-100.0%
425160 TAXI REGULATORY FEE WRITE-OFF	(160,650)	-	-	-	-
425200 TAXI PROCESSING FEES	116,040	70,000	100,000	30,000	42.9%
425900 OTHER INCOME	14,345	7,930	10,000	2,070	26.1%
TOTAL OTHER INCOME	925,610	721,555	463,662	(257,893)	-35.7%
TOTAL OPERATING REVENUES	925,610	721,555	463,662	(257,893)	-35.7%
NON OPERATING REVENUE					
491100 CONTINGENCY RESERVES	-	(62,766)	116,564	179,330	-285.7%
TOTAL NON OPERATING REVENUE	-	(62,766)	116,564	179,330	-285.7%
TOTAL COMBINED REVENUES	925,610	658,789	580,226	(78,563)	(0)
OPERATING EXPENSES					
LABOR EXPENSES					
502010 ADMINISTRATIVE WAGES REGULAR	358,996	320,657	280,019	(40,638)	-12.7%
502020 ADMINISTRATIVE WAGES OVERTIME	-	-	1,000	1,000	-
507010 TEMP HELP	-	-	-	-	-
TOTAL LABOR EXPENSES	358,996	320,657	281,019	(39,638)	-12.4%
FRINGE EXPENSES					
521100 FICA	31,153	28,000	28,033	33	0.1%
523100 HEALTH & WELFARE - MGMT	110,000	98,295	98,295	-	0.0%
523120 HEALTH & WELFARE - MGMT DEDUCTIONS	(18,257)	(15,786)	(15,786)	-	0.0%
524200 VACATION - REGULAR CASH BASIS	16,008	27,747	24,231	(3,516)	-12.7%
524220 VACATION PAYOFF	15,565	10,000	10,000	-	0.0%
524300 HOLIDAY	22,039	18,036	15,750	(2,286)	-12.7%
524900 OTHER PAID ABSENCE	3,916	-	-	-	-
525100 WORKERS COMP - DISABILITY PAYMENTS	-	-	-	-	-
525150 WORKERS COMP - MEDICAL PAYMENTS	-	-	-	-	-
525250 WORKERS COMP - APPLICANT LEGAL	-	-	-	-	-
525300 WORKER COMP - RECOVERIES	-	-	-	-	-
525500 WORKERS COMP - LEGAL FEES	-	-	-	-	-
525600 WORKERS COMP OUTSIDE SERVICES	-	-	-	-	-
526100 CLOTHING ALLOWANCE	-	100	100	-	0.0%
526300 OTHER FRINGE BENEFITS	8,174	6,695	6,695	-	0.0%
TOTAL FRINGE EXPENSES	188,598	173,087	167,318	(5,769)	-3.3%
TOTAL PERSONNEL EXPENSES	547,594	493,744	448,337	(45,407)	-9.2%
OUTSIDE SERVICES EXPENSES					
REPAIR/MAINTENANCE SERVICES					
536200 NON REV VEHICLE MAINTENANCE SERVICES	4,017	3,000	3,000	-	0.0%
536300 FACILITY MAINTENANCE REPAIR SVC	-	-	-	-	-
536500 EQUIP MAINTENANCE REPAIR SVC	-	1,000	1,000	-	0.0%
TOTAL REPAIR/MAINTENANCE SERVICES	4,017	4,000	4,000	-	0.0%
OTHER OUTSIDE SERVICES					
571110 GENERAL LEGAL EXPENSES	-	10,000	10,000	-	0.0%
571142 CONSTRUCTION SERVICES	-	-	-	-	-
571180 MANAGEMENT TRAINING	-	500	500	-	0.0%
571190 MAINTENANCE TRAINING	-	-	-	-	-
571200 OPERATOR TRAINING	-	1,000	1,000	-	0.0%
571210 GENERAL SERVICE AGREEMENTS	2,659	1,600	1,600	-	0.0%
571230 PUBLIC NOTICES	-	-	-	-	-
571240 OTHER PRINTING SERVICES	1,952	3,500	3,500	-	0.0%
571250 GENERAL OUTSIDE SERVICES	20,903	21,000	21,000	-	0.0%
571280 UNIFORM PURCHASES	1,391	2,000	2,000	-	0.0%
TOTAL OTHER OUTSIDE SERVICES	26,904	39,600	39,600	-	0.0%
TOTAL OUTSIDE SERVICES	30,922	43,600	43,600	-	0.0%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FOR HIRE VEHICLE (FHV) ADMINISTRATION (761)
OPERATING BUDGET - DETAIL
FISCAL YEAR 2022**

	ACTUAL FY21	ORIGINAL BUDGET FY22	AMENDED FORECAST FY22	\$ CHANGE AMENDED/ ORIGINAL	\$ CHANGE AMENDED/ ORIGINAL
MATERIALS AND SUPPLIES					
OTHER MATERIALS AND SUPPLIES					
545300 MAINTENANCE SUPPLIES (NON REV VEHICLES)	714	-	-	-	-
545400 MAINTENANCE SUPPLIES (FACILITIES)	-	-	-	-	-
545500 EQUIPMENT MAINTENANCE SUPPLIES	-	-	-	-	-
545910 INVOICE DISCOUNT TAKEN	26	-	-	-	-
545700 SAFETY AND MAINTENANCE SUPPLIES	94	-	-	-	-
TOTAL OTHER MATERIALS AND SUPPLIES	834	-	-	-	-
TOTAL MATERIALS AND SUPPLIES	834	-	-	-	-
ENERGY					
DIESEL FUEL					
541100 DIESEL FUEL	-	-	-	-	-
541200 GASOLINE	6,217	7,000	7,000	-	0.0%
541300 FUEL TAXES	-	-	-	-	-
TOTAL DIESEL FUEL	6,217	7,000	7,000	-	0.0%
UTILITIES					
552100 FACILITY ELECTRIC	6,817	8,220	-	(8,220)	-100.0%
553100 GAS	-	-	-	-	-
554100 WATER	-	-	-	-	-
555100 TELEPHONE	148	-	-	-	-
TOTAL UTILITIES	6,965	8,220	-	(8,220)	-100.0%
TOTAL ENERGY	13,182	15,220	7,000	(8,220)	-54.0%
RISK MANAGEMENT					
561110 PAYOUT LIABILITY CLAIMS	4,377	-	-	-	-
562210 PREMIUM WORKMAN'S COMP EXCESS	9,067	9,500	9,500	-	0.0%
TOTAL RISK MANAGEMENT	13,444	9,500	9,500	-	0.0%
GENERAL AND ADMINISTRATIVE					
575120 RENT	35,960	54,000	29,064	(24,936)	-46.2%
575130 OFFICE SUPPLIES	376	1,500	1,500	-	0.0%
575150 NON CAPITAL FURNITURE/OFFICE EQUIPMENT	-	-	-	-	-
575170 NON MAINTENANCE GENERAL SUPPLIES	30	-	-	-	-
575180 LICENSES AND PERMITS	-	-	-	-	-
575220 DUES AND SUBSCRIPTIONS.	200	1,000	1,000	-	0.0%
575230 TRAVEL AND MEETINGS	-	3,000	3,000	-	0.0%
575270 POSTAGE	65	500	500	-	0.0%
579900 OTHER MISC.	-	4,500	4,500	-	0.0%
TOTAL GENERAL AND ADMINISTRATIVE	36,631	64,500	39,564	(24,936)	-38.7%
VEHICLE / FACILITY LEASE					
596150 NON REVENUE VEHICLE LEASE COSTS	(7,392)	25,750	25,750	-	0.0%
TOTAL VEHICLE / FACILITY LEASE	(7,392)	25,750	25,750	-	0.0%
TOTAL OPERATING EXPENSES	635,214	652,314	573,751	(78,563)	-12.0%
NET OPERATING SUBSIDY	290,395	69,241	(110,089)	(179,330)	-259.0%
OVERHEAD ALLOCATION					
597151 OVERHEAD ALLOCATION	(34,516)	(6,475)	(6,475)	-	0.0%
TOTAL OVERHEAD ALLOCATION	(34,516)	(6,475)	(6,475)	-	0.0%
ADJUSTED NET OPERATING SUBSIDY	255,879	62,766	(116,564)	(179,330)	-285.7%
TOTAL REVENUES LESS TOTAL EXPENSES	255,879	-	-	-	-

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FOR HIRE VEHICLE (FHV) ADMINISTRATION
RESERVES ANALYSIS**

Fiscal Year 2020 (Audited)	
Contributions / (Usage)	(84,621)
Contingency Balance - FY 2020 (Audited)	144,677
Fiscal Year 2021 (Audited)	
Contributions / (Usage)	266,542
Contingency Balance - FY 2021 (Audited)	411,219
Fiscal Year 2022 (Projected)	
Contributions / (Usage)	(116,564)
Contingency Balance - FY 2021 (Projected)	294,655



**Metropolitan
Transit
System**

Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC)

December 8, 2021

SUBJECT:

2022 FEE SCHEDULE (LEONARDO FEWELL)

INFORMATIONAL ONLY

Budget Impact

None with this informational item.

DISCUSSION:

FHVA annually adopts a fee Schedule to recover FHVA's expenses for the administration and enforcement of for-hire vehicle permit requirements and processing permit applications and transfers. Enclosed is the 2022 Fee Schedule. It is also available for review on FHVA's website (<https://www.sdmts.com/about-mts-for-hire-vehicle-administration/fees>). The following is the 2022 Annual regulatory Fee, which is due on April 1, 2022 by the close of business.

Permit Type	2022 Regulatory Fee
Non-Emergency Medical /Charter	\$ 440
Taxicab / Jitney / Low-Speed Vehicle / Sightseeing	\$ 350

Other Changes made to the Fee Schedule

- a. Addition of a \$100 "Permit Renewal Late Fee.

Permit holders who miss the April 1, 2022 regulatory fee payment deadline but still want to keep their permit(s), may do so by paying the \$100 late fee in addition to the vehicle regulatory fees by close of business on April 29, 2022. Failure to pay the regulatory fee and permit late fee by April 29, 2022 will result in permit revocation. No payment extensions will be given.

- b. Removal of \$10 "Certificate Replacement fee"

As part of the "Driver Safety Training" required by Ordinance No. 11, drivers receive a "Certificate of Completion" upon completion of the course. A PDF copy is e-mailed to the driver,



free of charge. If the driver wished to obtain a physical paper copy, FHVA would research the driver training records and print a copy, and charge the drivers \$10.00. To ensure FHVA continues to work toward use of only electronic communication with drivers, FHVA will no longer offer the option of printing these certificates for \$10,00, and instead urge drivers to rely on the electronic copy of their driver certificate and explain what free or limited cost alternatives are available if they still require a physical printed copy (e.g. print through their dispatch service; local library etc.)

c. Addition of \$100 “Failure to Produce Mechanical Inspection by due date fee”

Ordinance No. 11 requires a vehicle inspection to be produced for each permitted vehicle within a timeframe determined by MTS. To maintain the flow of operations and ensure permitted vehicles are safe to operate, permit holders must produce the inspection form on time. Failure to produce the inspection form on time requires staff to incur additional labor to place the vehicle “out of service” until the form is provided. FHVA will provide permit holders with 60 days advanced notice to produce the required vehicle inspection forms. Inspection forms may be submitted at anytime within this 60-day period. Failure to submit the vehicle inspection form within the required 60 days will result in a \$100 fee.

/S/ Leonardo Fewell

Leonardo Fewell

For-Hire Vehicle Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, Leonardo.Fewell@sdmts.com

Attachment: A. 2022 Fee Schedule



**Metropolitan
Transit
System**

SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS) FOR-HIRE VEHICLE ADMINISTRATION
2022 FEE SCHEDULE

FEE AMOUNTS

1. **Annual Regulatory Fee per Vehicle** (If not paid or post-marked by close of business, Friday, April 1 2022, the permit(s) is not renewed).
 - 1.1 Non-Emergency Medical / Charter \$ 440
 - 1.2 Taxicab / Jitney / Low-Speed Vehicle / Sightseeing \$ 350
 - 1.3 Permit Renewal Late Fee (if missed the Deadline, the Annual Regulatory Fee and Permit Renewal Late Fee will be accepted, so long as received by close of business on April 29, 2022) \$ 100

2. **Permit Application**
 - 2.1 Permit application (New Company) \$ 1,500
 - 2.1.1 Plus each permit in excess of one \$ 200
 - 2.1.2 Plus additional charge if applicant is a corporation \$ 200
 - 2.1.3 Prorated Regulatory Fee (Section 1.0; based on application approval date)
 - 2.2 Permit application (Transfer to a New or Existing Company) \$ 875
 - 2.2.1 Plus each permit in excess of one \$ 200
 - 2.2.2 Plus additional charge if applicant is a corporation \$ 200
 - 2.2.3 Annual Regulatory Fee (Section 1.0; paid in full upon filing of transfer application)
 - 2.3 Permit application (Existing Company / Not Transferring)
 - 2.3.1 Adding new permitted vehicle to existing company \$ 200



2.3.2 Prorated Regulatory Fee (Section 1.0; based on application approval date)

3. Driver Training Class

3.1 Class Fee \$ 30

4. Operational Requests

4.1 Jitney route change or additional route request \$ 250

4.2 Taxicab stand request or jitney zone, if installed \$ 250

4.3 Fictitious name change, Corp./LLC name change (same officers) \$ 100

4.3.1 Plus per-vehicle fee \$ 10

4.4 Dispatch Service Change \$ 50

4.4.1 Plus per-vehicle fee \$ 10

4.5 Rate of fare filing per company (other than taxicabs) \$ 50

4.5.1 Plus per-vehicle fee \$ 10

4.6 Replacement vehicle (more than one per permit per year) \$ 50

4.7 Add corporation officer (each) \$ 100

4.8 Addition, deletion, or change of stockholder (each) \$ 100

5. Vehicle Inspection (Non-Mechanical Items)

5.1 As a result of failing scheduled inspection \$ 50

5.2 Reschedule inspection with less than 24-hour notice \$ 50

5.3 Failure to appear for inspection appointment \$ 50

5.4 Supplemental scheduled inspection (Out of Service) \$ 50

5.5 Re-inspection pursuant to a 72-hour notice \$ 25

5.6 Failure to produce mechanical inspection by due date \$ 100

5.7 MTS Regulated Vehicle reflective decals \$ 10

6. Dispatch Services

6.1 Initial review of new dispatch service organization \$ 150

6.2 Name change \$ 50

7. Medallion and Permit Reassignment (same permit holder)

7.1 Permit Type Reassignment under same Permit Holder (per vehicle) \$ 250

7.1.1 Annual Regulatory Fee (Section 1.0; paid upon filing of permit reassignment application) *See Section 4.6 for replacing vehicles*

PAYMENT

- The 2022 regulatory fee is due for each permit held as of January 1, 2022, irrespective of whether permit is later transferred, abandoned, or revoked. The permit is considered not renewed if fee is not paid or post-marked by close of business on April 1, 2022, or by April 30, 2022 if no Permit Renewal Late Fee is received.
- For new permits issued after January 1, 2022, prorated regulatory fee is due when permit is issued.
- Other fees (i.e. non-regulatory fee) are due when the request is made.
- No refunds will be issued.

BASIS FOR FEES

- Fees have been calculated to recover MTS's expenses for the administration and enforcement of for-hire vehicle requirements and processing of permit applications.

REFERENCES

- California Public Utilities Code Section 120266; MTS Ordinance No. 11, Sections 1.3(b), 1.4(a) and 1.5(c); and MTS Board Policy No. 34, Section 4.



Sharon Cooney, Chief Executive Officer

11/05/2021
Date



**Metropolitan
Transit
System**

Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC)

December 8, 2021

SUBJECT:

PROPOSED ORDINANCE NO. 11 REVISIONS (LEONARDO FEWELL)

RECOMMENDATION:

That the Taxicab Advisory Committee (TAC) forward a recommendation to the MTS Board of Directors to approve the proposed revisions to MTS Ordinance No. 11.

Budget Impact

None with this item.

DISCUSSION:

MTS Ordinance No. 11 provides for the licensing and regulation of taxicab and other for-hire transportation services. The proposed revisions to MTS Ordinance No. 11 are as follows:

MTS Ordinance No. 11, Section 2.3(c)

Currently, Section 2.3 requires permit holders display one of two allowable exterior marking schemes on each taxicab. The proposed revision will allow a third "light vehicle branding" scheme option, allowing the permit holder's trade name (DBA) and medallion number to be affixed to the vehicle's front and rear windshields

Implementing this proposed marking scheme is *optional*, could lower the costs for owners to place a taxicab vehicle in service, provides for a clean, modern look and could help attract transportation network company (e.g. Lyft, Uber) drivers.

MTS Ordinance No. 11, Section 2.3 (d)(1)

Currently, Section 2.3(d)(1) allows permit holders the option to display the trade name logo so long as it is posed on the rear portion of both side rear quarter panels. The proposed revision would also placement of the trade name logo on the bottom parts of the front or rear windshields farthest removed from the driver.



MTS Ordinance No. 11, Section 2.3(d)(3)

Currently, Section 2.3(d)(3) allows permit holders the option to display the dispatch service telephone number so long as it is posted on the top front portion of both front side quarter panels. The proposed revision will also allow the dispatch service telephone number to be displayed also in the lower part of left and right rear windows.

All other proposed revisions to MTS Ordinance No. 11 that are not described here are minor and non-substantive (e.g. removing gender specific language and replacing with gender neutral language).

/S/ Leonardo Fewell
Leonardo Fewell
For-Hire Vehicle Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, Leonardo.Fewell@sdmts.com

Attachment: A. Proposed Revisions to Ordinance No. 11 (revisions shown in track changes)

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

*(as amended through **November 12, 2020XXXX**)*

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 ~~XXXX-November 12, 2020~~)

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~~themselves or a specified group.

(c) "Chief Executive Officer" shall mean the Chief Executive Officer of MTS or ~~his or her~~the 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 if entered into a contractual agreement with MTS for the licensing and regulation of transportation services.

(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;
and

(2) Follows a fixed route of travel between specified locations along its route on a variable schedule -or operates a flexible route within a geographic boundary and specific timeframes as approved by MTS, with the fare based on a per capita charge established in its permit.

(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. It shall only operate within a geographic boundary as approved by MTS. 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~~their 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, mobile telephone application, 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.

(kk) "Vehicle for Developmentally Disabled Persons (VDDP) driver certificate" shall mean certificate issued by California Highway Patrol pursuant to Vehicle Code section 12523.6, which is required for any driver who primarily transports persons with developmental disabilities on a for-hire basis. A VDDP driver certificate with a commercial driver's license may be used in lieu of a driver identification card to drive a for-hire vehicle within the City or County, unless for a taxicab.

(Section 1.1 amended XXXX)
(Section 1.1 amended 11/12/2020)
(Section 1.1 amended 10/10/2019)

(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 sworn application -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 may include, but is not limited to, a Post Office [PO] Box or dispatch service address), e-mail address, and 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 name and address of all legal and registered owner(s) of the vehicle(s);

- (3) The number of vehicle(s) for which a permit(s) is desired;
- (4) The rates of fare which the applicant proposes to charge for vehicle-for-hire services. This requirement does not apply to taxicab permit applicants;
- (5) If the application is for a jitney or LSV, a detailed description of the geographic area in which said permit shall be in existence; and
- (6) Such other information as the Chief Executive Officer may in ~~his or her~~their discretion require.

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 XXXX)

(Section 1.3 amended 11/12/2020)

(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) Before a permit may be approved or renewed, 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) No permit shall be approved or renewed unless evidence of compliance with applicable MTS regulations.

(d) 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 11/12/2020)
(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.

(b) 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.

(c) 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 posted, at a minimum, on the MTS website and notice of such posting will be sent to all permit holders' email address. Changes shall be effective thirty (30) calendar days thereafter.

(2) Any person objecting to a particular fee or charge may file, within ten (10) calendar days of posting 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 11/12/2020)
(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 an email address, mailing address that can accept mail directed to company, and a business telephone in which the permit holder can be reached during reasonable business hours and during all hours of operation. The permit holder shall, in the case of any change in ~~his or her~~their email 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) If a taxicab, permit holders must participate in the pull-notice program pursuant to Section 1808.1 of the Vehicle Code and enroll all employed or contracted drivers who drive a vehicle for permit holder.

(1) Upon the termination of the employee or contractor driver, the permit holder shall notify the Department of Motor Vehicles (DMV) to discontinue the driver's enrollment in the pull notice system.

(2) Permit holders shall present upon request, during regular business hours, to MTS and/or the Sheriff's Department, as well as during annual permit renewal, proof of enrollment and names of any and all drivers enrolled in the DMV driver pull-notice program pursuant to Section 1.8(d) of this Ordinance.

(3) Permit holders who fall under one or more of the following categories must enroll in the DMV pull-notice program: if registered with the State of California as a Corporation and or LLC; if own more than one vehicle; employs or contracts a lease driver(s); and/or vehicle is otherwise driven by more than one driver.

(e) Before a for-hire vehicle is placed in service and at least annually thereafter, the for-hire vehicle shall be delivered to a certified Automotive Service Excellence or Bureau of Automotive Repair registered facility for mechanical inspections, or other place designated by the Chief Executive Officer for inspection. Certified mechanics and 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 within a timeframe determined by MTS shall be cause for suspension or revocation of the permit for such vehicle.

(f) 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.

(g) 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.

(h) 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 a certified mechanics or MTS inspector

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

(i) 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.

(j) Each for-hire vehicle, except taxicabs and ~~Low-Speed Vehicles~~LSVs, 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.

k) 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.

(l) 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 (k), it shall be unlawful to operate a for-hire vehicle without the medallion affixed and visible.

(m) 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 For-Hire Vehicle 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.

(n) 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.

(o) 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.

(p) 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 comply with Section 2.2(d) of this Ordinance.

(q) 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 Sheriff or provide upon a request a valid VDDP driver certificate with a commercial driver's license. 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 issued by the Sheriff 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.

(r) 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.

(s) 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.

(t) 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.

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

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

(w) 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.

(x) 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.

(y) 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.

(z) 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 mean~~ that: driver is wearing appropriate clothing to operate a for-hire vehicle; 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. ~~d~~ Drivers shall wear shoes; ~~It shall not be permissible for any driver to cannot~~ 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; ~~and t~~ trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(aa) 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.

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

(cc) 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.

(dd) 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.

(ee) 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.

(ff) 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.

(gg) 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.

(hh) If a taxicab, proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions.

(Section 1.8 amended XXXX)

(Section 1.8 amended 11/12/2020)

(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 be received at least thirty (30) days prior to cancellation of the policy. The certificate shall also state:

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

(Section 1.9 amended 11/12/2020)

(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) As a condition of permit renewal, upon permit renewal 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 mailing address, e-mail 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);

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

(5) Proof of enrollment and names of any and all drivers enrolled in the DMV driver pull-notice program pursuant to Section 1.8(d) of this Ordinance.

(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. 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. Failure to produce the statement may result in permit suspension or denial of permit renewal.

(Section 1.10 amended 11/12/2020)

(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: displays a valid driver's identification card obtained annually through the Sheriff of the County of San Diego; or provides upon request a VDDP driver certificate with a commercial driver's license.

(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 or VDDP driver certificate with a commercial driver's license.

(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, and compliance with the ADA. As determined by the Chief Executive Officer, a corresponding qualification examination may be required.

(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, California Highway Patrol, 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 by the Sheriff 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~~their discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time ~~his or her~~their 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 For-Hire Vehicle 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 XXXX)

(Section 1.12 amended 11/12/2020)

(Section 1.12 amended 10/10/2019)

(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 (~~ab~~) 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~~their 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 XXXX)

(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 issued by the Sheriff 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~~Their 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 XXXX)

(Section 1.14 amended 10/10/2019)

(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~~they 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 issued by the Sheriff, 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 issued by the Sheriff 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 issued by the Sheriff, 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 issued by the Sheriff 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 (g) 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 reattached to a vehicle until the violation under Sections 1.8 (g) or 1.9 has been corrected.

(Section 1.16 amended XXXX)
(Section 1.16 amended 11/12/2020)
(Section 1.16 amended 10/10/2019)
(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) public transit vehicles owned, operated, or contracted for by MTS and operators and drivers of such vehicles;

(3) a vehicle properly licensed by the State or County as an ambulance, and its driver if properly licensed by the California Highway Patrol pursuant to Vehicle Code section 12527 (i.e. for-hire driver for an ambulance); or

(4) a vehicle properly regulated by the California Highway Patrol pursuant to Vehicle Code sections 34500 et seq. (i.e. bus, schoolbuses, school pupil activity buses, or youth buses), and its driver if properly licensed by the California Highway Patrol pursuant to Vehicle Code sections 12523.6 (i.e. for-hire driver of vehicles for developmentally disabled) or 12517.3 (i.e. for-hire driver for a schoolbus, school pupil activity bus, or youth bus).

(b) For compliance purposes, MTS inspectors may inspect all vehicles listed in Section 1.18 (a) to ensure they are not exceeding the authority granted by their license or operating as unlicensed private- hire transportation provider.

(Section 1.18 amended 10/10/2019)
(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 issued by the Sheriff, a copy of which schedule shall be filed with the Clerk of the Board.

(Section 1.19 amended 10/10/2019)
(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. 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~~their 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 authorized permit holder's meter maximum rate pursuant to Sections ~~2.1 (a), or~~ 2.2 (~~ae~~) 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 equal to or less than the maximum rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip. To ensure the fare agreement is equal to or less than the maximum rates of fare, the taximeter shall remain in recording position until the termination of the trip.

(Section 2.2 amended XXXX)

(Section 2.2 amended 12/12/2019)

(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 any solid color ~~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 any solid color 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 any solid color 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.

(3) —Exterior Marking Scheme 3: Shall only apply to taxicab vehicles with an unladen weight of 6,000 pounds or less. The following must be displayed if in use of Exterior Marking Scheme 3:

:

(A) —The permit holder's trade name shall be permanently affixed to the upper edge of the front and rear windshields and lower part of both left and right rear windows, three (3) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in any solid color to produce maximum contrast adequately spaced for maximum readability.

(B) —The medallion number shall be permanently affixed on the upper right side of the front windshield, upper left part of the rear windshield, and both right and left rear glass panels. The Medallion number shall be a minimum of (4) inches high utilizing "Univers" or other Chief Executive Officer pre-approved font any

in any solid color to produce maximum contrast adequately spaced for maximum readability.

(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~~their 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~~their trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter ~~panels~~panels or bottom parts of the front or rear windshields- farthest removed from the driver. The logo shall not exceed (6) six inches in diameter.

(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) Dispatch Telephone Service Telephone Number. If permit holder chooses to display the dispatch service 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 or lower part of left and right rear windows-

(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 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 dispatch service, or driver 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 (s).

(Section 2.3 amended XXXX)

(Section 2.3 amended 11/12/2020)

(Section 2.3 amended 12/12/2019)

(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) — (2)~~ A driver with a ~~lawful~~ disability that prevents ~~them~~him/her from handling items as defined in subsection (12) above must receive prior approval from MTS and provide is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (12) — supporting documentation of such a disability. After receiving MTS approval, 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~~their 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~~their 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~~their 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 XXXX)

(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) Dispatch service organizations shall, be able to receive and respond to service requests or other operational questions 24 hours a day, have dispatch staff on duty for lost and

found pick-ups and drop offs during reasonable hours or by appointment, at a preapproved physical commercial business location, 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) 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 11/12/2020)

(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 or any other emergency electronic communication 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 11/12/2020)

(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 (g) as a public health, safety and welfare measure.

(Section 2.8 amended 11/12/2020)

(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~~they 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 XXXX)

(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 (x).

(Section 5.0 amended 11/12/2020)

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~~they 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 XXXX)
(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-they~~ 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 XXXX)
(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~~their 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~~their approved fixed route(s), ~~he-or-
shethey~~ 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~~their 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.

(h) A permit holder may apply for a non-fixed, flexible route within an MTS determined geographic boundary and operational timeframe that MTS determines to be beneficial to passengers and businesses located within such boundaries. The application for a non-fixed, flexible 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 map in sufficient detail to clearly indicate the proposed operation within the MTS approved geographic boundary;

(3) The fare to be charged; and

(4) Such other reasonable information as the Chief Executive Officer may, ~~in his or her~~their discretion, require.

(Section 6.2 amended XXXX)
(Section 6.2 amended 11/12/2020)
(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~~their 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~~their 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 XXXX)
(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~~ they 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 XXXX)
(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~~their 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~~their 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.

(c) All LSVs shall be equipped and operated so that they have adequate means of electronic communication during business hours. The LSV company business address shall serve as the storefront for the purpose of handling lost and found items. All other operational requirements shall be met as set forth in section 1.8 (c).

(Section 7.6 amended XXXX)

(Section 7.6 amended 11/8/2018, effective 1/1/2019)

(Section 7.6 amended 12/14/2017)

(Section 7.6 amended 10/4/2016)

(Section 7.6 added 8/7/2003)

SECTION 8 - EFFECTIVE DATE OF ORDINANCE

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

Amended: XXXX

Amended: 11/12/2020

Amended: 12/12/2019

Amended: 10/10/2019

Amended: 2/14/2019

Amended: 11/8/2018

Amended: 9/20/2018

Amended: 12/14/2017

Amended: 10/13/2016

Amended: 5/12/2016

Amended: 9/17/2015

Amended: 2/12/2015

Amended: 11/15/2012

Amended: 4/19/2012

Amended: 10/16/2003

Amended: 8/7/2003

Amended: 5/8/2003

Amended: 11/14/2002

Amended: 6/27/2002

Amended: 5/23/2002

Amended: 6/24/1999

Amended: 9/24/1998

Amended: 10/30/1997

Amended: 4/10/1997

Amended: 2/13/1997

Amended: 11/9/1995

Amended: 6/22/1995

Amended: 1/12/1995

Amended: 6/24/1993

Amended: 6/27/1991

Amended: 5/23/1991

Amended: 10/11/1990

Repealed & Readopted: 8/9/1990
Amended: 4/12/1990
Amended: 4/27/1989
Adopted: 8/11/1988



Agenda Item No. 7

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC)

December 8, 2021

SUBJECT:

FOR-HIRE VEHICLE ADMINISTRATION OPERATIONS UPDATE (LEONARDO FEWELL)

INFORMATIONAL ONLY:

Budget Impact

None with this informational item.

DISCUSSION:

I. Current For-Hire Vehicle Administration (FHVA) Insurance Providers

FHVA provides a quarterly report on companies providing for-hire vehicle insurance in San Diego. Below is a list of insurance companies on file with MTS. For more information, permit holders may contact these insurance companies directly or provide this list to an insurance broker of their choice.

ACE AMERICAN INSURANCE COMPANY	NEW YORK MARINE AND GENERAL INSURANCE CO.
ACE PROPERTY & CASUALTY INSURANCE COMPANY	NONPROFITS' INSURANCE ALLIANCE OF CALIFORNIA
BERKSHIRE HATHAWAY HOMESTATE INSURANCE	PROGRESSIVE CASUALTY INSURANCE SERVICES
FARMERS INSURANCE EXCHANGE	REDWOOD FIRE & INSURANCE COMPANY
GATEWAY INSURANCE COMPANY	SCOTTSDALE INSURANCE COMPANY
NATIONAL CONTINENTAL INSURANCE COMPANY	SURYA INSURANCE COMPANY
NATIONAL INTERSTATE INSURANCE COMPANY	THE AMERICAN INSURANCE COMPANY
NATIONAL UNION FIRE INS. CO. OF PITTSBURG, PA	UNITED FINANCIAL CASUALTY COMPANY
NATIONWIDE INSURANCE COMPANY OF AMERICA	UNITED SPECIALTY INSURANCE COMPANY



II. Reduction of County of San Diego Insurance Limit Requirement for Non-Emergency Medical Vehicles (NEMT's)

The County of San Diego Emergency Medical Services (County of San Diego EMS) division has revised its liability insurance requirements and lowered the general and commercial auto liability limits from \$2,000,000 to \$1,000,000 per occurrence. These revisions to the County of San Diego's insurance limits could incentivize non-emergency medical transportation companies (NEMTs) that have yet to obtain an MTS and/or County of San Diego EMS operating permit to do so, and provide cost relief to already permitted companies by potential reductions in insurance premiums.

Additional information on County of San Diego EMS requirements for NEMTs can be found at: https://www.sandiegocounty.gov/content/sdc/ems/ambulance_ordinance.html.

III. San Diego County Department of Weights and Measures Taximeter Inspections

Ordinance No.11 Section 1.8(g)(4) requires hard taximeters to display a San Diego County Department of Weights and Measures (Department of Weights and Measures) that is no more than (13) months old from the date of issuance, or a Service Agent's temporary seal that is no more than ninety (90) days old from the date of issuance. Due to COVID-19 pandemic restrictions, the Department of Weights and Measures recently resumed taximeter inspections in August 2021.

To allow permit holders to arrange their required taximeter inspections with the Department of Weights and Measures, FHVA and the San Diego Airport will not enforce these provisions unless the taximeter shows signs of tampering. For those permit holders that require taximeter service calibrations, below is a list of all authorized taximeter service agents in San Diego County:

Taximeter Service Agent	Address	Phone Number
Administrative Services SD (Yellow Cab)	3473 Kurtz St	619-239-8061
Airport Dispatch	PO Box 26221	619-946-8294
Atlas Ventures	2550 Brown Dr	619-518-7979
SD Taximeters and Communications	2664 Imperial Av	619-227-0850

Permit holders should contact the Department of Weights and Measures to inquire about future taximeter registration and inspection appointments. Additional information can be found at: https://www.sandiegocounty.gov/content/sdc/awm/WM_New/device-and-pos-registration.html?cq_ck=1422629903410.

IV. Airport Originated Trips Minimum "Flat Rate" Feasibility Study

Taxicab permit holders have requested MTS analyze the implementation of a minimum "flat rate" for trips originating from the Airport into the downtown area. Many airports throughout the United States allow taxicabs charge a flat rate for trips within a certain mile range or pre-determined city zone. In cooperation with the San Diego Airport and from a consumer protection and industry practices perspective, FHVA will examine the

feasibility to establish an Airport taxicab flat rate. More details of this study will be provided at a future Taxicab Advisory Committee Meeting.

V. Vehicle Registration

Per MTS Ordinance No. 11, all for-hire vehicles must have valid and current vehicle registration with the Department of Motor Vehicles (DMV). In practice, MTS would also require that each for-hire vehicle maintain commercial vehicle registration. Moving forward, MTS will only check that the vehicle maintains valid vehicle registration, regardless of whether the vehicle is registered as a commercial vehicle or non-commercial vehicle. This change aligns with how other for-hire vehicle regulatory agencies review vehicle registration and the DMV's requirements for transportation network companies (e.g. Uber, Lyft). Please note the California Vehicle Code and/or DMV may require certain for-hire vehicles to maintain commercial vehicle registration however as stated above, MTS will not require commercial vehicle registration as part of its regulatory function.

VI. 2022 TAC Meeting Schedule

The 2022 TAC Meeting Schedule has yet to be finalized and will be sent to TAC Members at a later date via email.

/S/ Leonardo Fewell

Leonardo Fewell
For-Hire Vehicle Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, Leonardo.Fewell@sdmts.com



**Metropolitan
Transit
System**

Agenda Item No. 8

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC)

December 8, 2021

SUBJECT:

TOPICS FOR NEXT TAXICAB ADVISORY COMMITTEE MEETING (LEONARDO FEWELL)

INFORMATIONAL ONLY:

Budget Impact

None with this informational item.

DISCUSSION:

Feedback is requested on what topics should be addressed at the next Taxicab Advisory Committee (TAC) (date to be determined). At this time, staff recommends the following agenda items: 2022 Taxicab Maximum Rates of Fare, 2022 Taxicab Advisory Committee Election Process update, For-Hire Vehicle Administration Quarterly Report and Operations Update, Taxicab service advertisement options at the Airport, and AB 302 City Outreach Update.

/S/ Leonardo Fewell _____

Leonardo Fewell
For-Hire Vehicle Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, Leonardo.Fewell@sdmts.com



San Diego Metropolitan Transit System

Taxicab Advisory Committee

December 8, 2021 Meeting

Fiscal Year (FY) Amended Budget

Agenda Item #4

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

FHV ADMINISTRATION

Background

- During FY21, FHV Administration increased regulatory fees and implemented variety of cost savings measures to balance budget and right-size reserves
- FY21 ended with favorable revenues over expenses, resulting in higher than anticipated addition to reserves
- Staff have set annual reserve target of 50% of forecasted operating expenses for FY22 and future years, resulting in significant regulatory fee reduction in FY22
- This presentation includes the following:
 - Summary of final FY21 budgetary results
 - Current forecast of FY22 operating budget, with reduced fees included
 - Five-year forecast with preliminary estimates of future reserves and regulatory fees

FHV ADMINISTRATION
FY21 Actuals - Net Operating Income

	ACTUAL FY20	ACTUAL FY21	BUDGET FY21	\$ VARIANCE	% VARIANCE
Annual Regulatory Fees	\$ 709,200	\$ 795,225	\$ 643,625	\$ 151,600	19.1%
Processing/Other Fees	146,952	130,385	77,201	53,184	40.8%
Total Operating Revenue	\$ 856,152	\$ 925,610	\$ 720,826	\$ 204,784	22.1%
Personnel Costs	\$ 701,857	\$ 547,594	\$ 549,220	\$ 1,626	0.3%
Outside Services	46,094	30,922	54,118	23,197	75.0%
Materials & Supplies	5,045	834	120	(714)	-85.6%
Energy	13,022	13,182	15,150	1,968	14.9%
Risk	8,471	13,444	13,448	3	0.0%
General & Administration	124,924	29,239	70,839	41,600	142.3%
Overhead Allocation	45,564	34,516	34,515	(1)	0.0%
Total Costs	\$ 944,977	\$ 669,730	\$ 737,409	\$ 67,679	10.1%
Revenues Less Expenses	\$ (88,825)	\$ 255,879	\$ (16,584)	\$ (272,463)	-106.5%

- Annual Regulatory Fees -1,046 permits versus 850 budgeted
- Outside Services – favorable legal and general outside services
- General & Administration – favorable NRV lease costs due to one-time credit

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FOR HIRE VEHICLE (FHV) ADMINISTRATION
RESERVES ANALYSIS**

Fiscal Year 2020 (Audited)	
Contributions / (Usage)	(84,621)
Contingency Balance - FY 2020 (Audited)	144,677
Fiscal Year 2021 (Audited)	
Contributions / (Usage)	266,542
Contingency Balance - FY 2021 (Audited)	411,219

- Current contingency reserve balance is \$411K as of June 30, 2021
- \$411K is 71% of the re-forecasted FY22 operating budget, too high
- Using 50% reserve target for fee calculations going forward

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FHV ADMINISTRATION**

FY22 Forecast - Total Operating Revenues (\$)

	FY21 ACTUAL	FY22 ORIGINAL	FY22 AMENDED	\$ VARIANCE	% VARIANCE
Annual Regulatory Fees	\$ 793,325	\$ 641,825	\$ 353,662	\$ (288,163)	-44.9%
Processing/Other Fees	130,385	77,930	110,000	32,070	41.2%
Total Operating Revenue	\$ 923,710	\$ 719,755	\$ 463,662	\$ (256,093)	-35.6%

- Annual Regulatory Fees
 - Forecasting 916 permits for year
 - Fees reduced this year due to one-time reserve surplus:
 - NEM/Charter: reduced from \$875 to \$440
 - Taxi/Other: reduced from \$700 to \$350
 - Regulatory fee revenue forecasted at \$354K in total

- Processing/Other Fees
 - Increasing by \$32K based on prior year and current year run rate

- Reduction in fees being paid for by one-time reserve surplus

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FHV ADMINISTRATION**

FY22 Forecast - Total Operating Expenses (\$)

	FY21 ACTUAL	FY22 ORIGINAL	FY22 AMENDED	\$ VARIANCE	% VARIANCE
Personnel Costs	\$ 547,594	\$ 493,744	\$ 448,337	\$ (45,407)	-9.2%
Outside Services	30,922	43,600	43,600	0	0.0%
Materials & Supplies	834	0	0	0	0.0%
Energy	13,182	15,220	7,000	(8,220)	-54.0%
Risk	13,444	9,500	9,500	0	0.0%
General & Administration	29,239	90,250	65,314	(24,936)	-27.6%
Overhead Allocation	34,516	6,475	6,475	0	0.0%
Total Costs	\$ 669,730	\$ 658,789	\$ 580,226	\$ (78,563)	-11.9%

- Personnel – 1 Regulatory Analyst position became vacant through attrition; no immediate plans to fill the vacancy
- Energy – removing building utility costs since FHV Admin moved to new location
- General & Administration – facility lease costs reduced due to staff relocating to Imperial Avenue Division location

SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FHV ADMINISTRATION
FY22 Forecast - Net Operating Income (\$)

	<u>FY21</u> <u>ACTUAL</u>	<u>FY22</u> <u>ORIGINAL</u>	<u>FY22</u> <u>AMENDED</u>	<u>\$</u> <u>VARIANCE</u>	<u>%</u> <u>VARIANCE</u>
Total Operating Revenue	\$ 923,710	\$ 719,755	\$ 463,662	\$ (256,093)	\$ (0)
Total Operating Costs	669,730	658,789	580,226	(78,563)	-11.9%
Net Operating Income	\$ 253,979	\$ 60,966	\$ (116,564)	\$ (177,530)	-291.2%
Contingency Reserves	253,979	60,966	(116,564)	(177,530)	-291.2%
Revenues Less Expenses	\$ -	\$ -	\$ -	\$ -	

- FHV Administration is self-funded and must fund operating deficits with contingency reserves
- This forecast projects an operating deficit of \$117K in FY22 due to fee reduction
- \$117K deficit will be paid for from existing contingency reserve balance, while achieving 50% reserve target

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FHV ADMINISTRATION
Fee Forecast / Reserves Analysis**

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025
Operating Revenues	\$ 925,610	\$ 463,662	\$ 598,472	\$ 618,889	\$ 635,240
Operating Expenses*	669,730	580,226	595,418	611,065	627,182
Net Operating Income (Loss)	\$ 255,879	\$ (116,564)	\$ 3,054	\$ 7,824	\$ 8,058
Contingency Reserve Target (50% of Expenses)		\$ 290,113	\$ 297,709	\$ 305,533	\$ 313,591
Contingency Reserve - Beginning Balance	\$ 144,677	\$ 411,219	\$ 294,655	\$ 297,709	\$ 305,533
Contingency Reserve - Ending Balance	\$ 411,219	\$ 294,655	\$ 297,709	\$ 305,533	\$ 313,591
Fees to Achieve 50% Reserve Target					
NEM/Charter	\$ 875	\$ 440	\$ 603	\$ 628	\$ 648
Other	\$ 700	\$ 350	\$ 482	\$ 502	\$ 518

- Operating Revenues calculated to achieve ending reserve balance of 50% of forecasted operating expenses for each year (assuming 916 permits each year)
- Expenses forecasted with 3% inflation in FY23 through FY25
- One-time large reduction in FY22, followed by increase in FY23 and gradual growth that should mimic inflation if permit numbers hold steady around 916
- Will re-assess regulatory fee every year to achieve reserve target in current market conditions

2022 Fee Schedule

Agenda Item #5

2022 Fee Schedule

- 2022 Regulatory Fee
 - NEM/ Charter: \$440
 - Taxicab/Jitney/LSV/Sightseeing: \$350
- Other Changes Made to Fee Schedule
 - Addition of \$100 Permit Renewal Late Fee
 - For those permit holder who miss the April 1, 2022 Deadline, they can pay \$100 in addition to the Regulatory Fee.
 - Late fee payment deadline is April 29, 2022

2022 Fee Schedule

- Other changes
 - Removal of \$10 certificate replacement fee
 - All driver training certificates will be delivered by email
 - Addition of \$100 Failure to Produce Mechanical Inspection by due date fee
 - FHVA will provide all permit holders with at least 60 day advance notice
 - Vehicle place out of service for failure to return Form within 60 days

Proposed Ordinance No. 11 Revisions

Agenda Item #6

Proposed Ordinance No. 11 Revisions

- Ord. 11, Sec. 2.3(c)
 - Additional light branding marking scheme
 - Lower costs to place taxicab into service
 - Cleaner, more modern look
 - Access to new TNC driver pool
 - OPTIONAL, not required to be implemented

- Ord. 11, Sec. 2.3(d)(1)
 - Option for trade logo placement at bottom of rear windows

Proposed Ordinance No. 11

Revisions

- Ord. 11, Sec 2.3(d)(3)
 - Option to display dispatch service telephone number in lower part of rear windows
- Other minor and non-substantive revisions
 - E.g. removing gender specific language

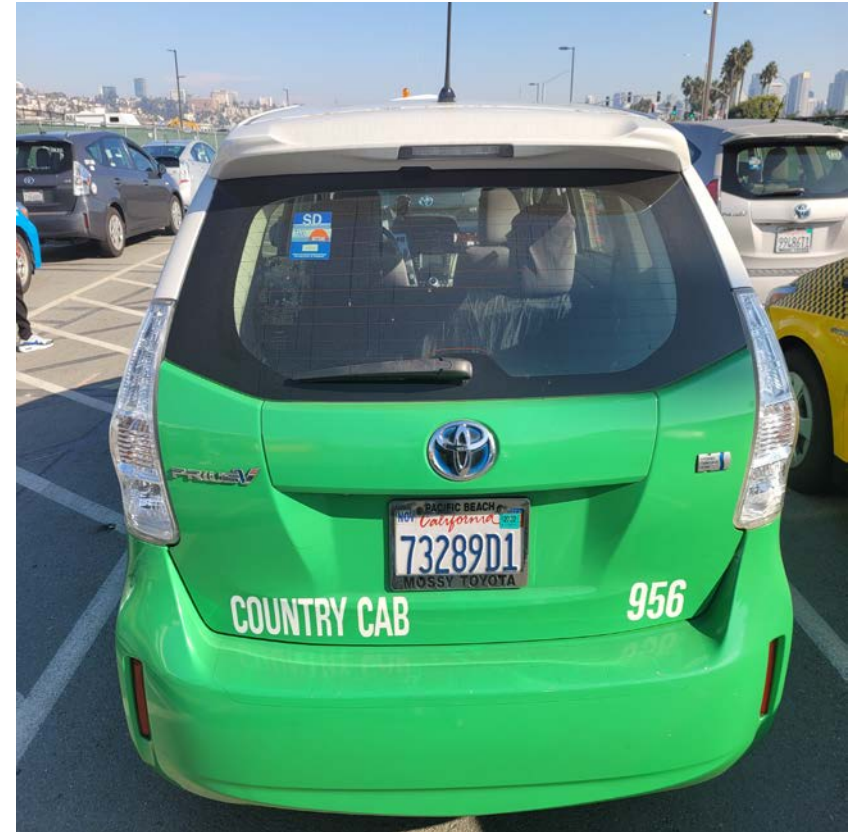
“Light Branding” Markings (front windshield, side windows)



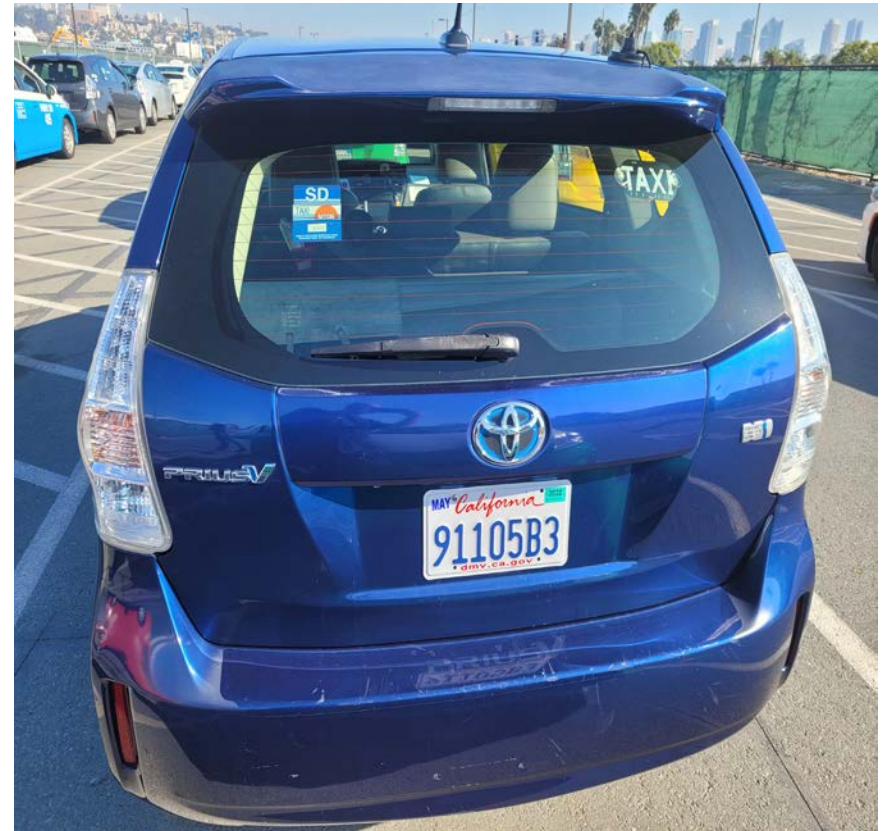
Glass only decal markings (Rear/Front windshields)



Traditional Marking Scheme (optional)



Minimum Markings Scheme (optional)



Staff Recommendation

- For TAC to forward a recommendation to the MTS Board of Directors to approve the proposed revisions to MTS Ordinance No. 11

For-Hire Vehicle Administration Operations Update

Agenda Item #7

For-Hire Vehicle Administration Operations Update

- Current FHVA Insurance Providers

ACE AMERICAN INSURANCE COMPANY	NEW YORK MARINE AND GENERAL INSURANCE CO.
ACE PROPERTY & CASUALTY INSURANCE COMPANY	NONPROFITS' INSURANCE ALLIANCE OF CALIFORNIA
BERKSHIRE HATHAWAY HOMESTATE INSURANCE	PROGRESSIVE CASUALTY INSURANCE SERVICES
FARMERS INSURANCE EXCHANGE	REDWOOD FIRE & INSURANCE COMPANY
GATEWAY INSURANCE COMPANY	SCOTTSDALE INSURANCE COMPANY
NATIONAL CONTINENTAL INSURANCE COMPANY	SURYA INSURANCE COMPANY
NATIONAL INTERSTATE INSURANCE COMPANY	THE AMERICAN INSURANCE COMPANY
NATIONAL UNION FIRE INS. CO. OF PITTSBURG, PA	UNITED FINANCIAL CASUALTY COMPANY
NATIONWIDE INSURANCE COMPANY OF AMERICA	UNITED SPECIALTY INSURANCE COMPANY

For-Hire Vehicle Administration Operations Update

- Reduction of County of San Diego Insurance Requirements for NEMs
 - Lowered the general and commercial auto liability limits from \$2mil to \$1mil per occurrence
 - Could incentivize NEMs that have yet to obtain an MTS and or County of San Diego operating permit, to do so
 - Provide cost relief to already permitted companies by potential reductions in insurance premiums

For-Hire Vehicle Administration Operations Update

- County of San Diego Dept. of Weights and Measures
 - Taximeter Inspections
 - To allow permit holders to arrange their required taximeter inspections with the Dept. of Weights and Measures, FHVA and Airport will not enforce meter provisions unless the taximeter shows signs of tampering

Taximeter Service Agent	Address	Phone Number
Administrative Services SD (Yellow Cab)	3473 Kurtz St	619-239-8061
Airport Dispatch	PO Box 26221	619-946-8294
Atlas Ventures	2550 Brown Dr	619-518-7979
SD Taximeters and Communications	2664 Imperial Av	619-227-0850

For-Hire Vehicle Administration Operations Update

- Airport Originated Trips Minimum “Flat Rate” Feasibility Study
 - Taxicab permit holders have requested MTS analyze the implementation of a minimum “flat rate” for trips originating from the Airport into the downtown area
 - Many airports throughout the United States allow taxicabs charge a flat rate for trips within a certain mile range or pre-determined city zone
 - FHVA will examine the feasibility of establishing an airport flat rate from a consumer protection and industry practices perspective

For Hire Vehicle Administration Operations Update

- Vehicle Registration
 - Per Ordinance No. 11 all for-hire vehicles must have current and valid registration with the DMV
 - In practice MTS would require commercial registration
 - Moving forward, MTS will only require vehicles to maintain valid and current registration (commercial or non-commercial)
 - Please note, CA Vehicle code and/or DMV may require certain for-hire vehicles to maintain commercial registration
- 2022 TAC Meeting Schedule (TBD)

Topics for Next TAC Meeting

Agenda Item #8

Topics for Next TAC Meeting

- 2022 Taxicab Maximum Rates of Fare
- 2022 Taxicab Advisory Committee Election Process Update
- For-Hire Vehicle Administration Quarterly Report and Operations Update
- Taxicab advertisement options at the Airport
- AB 302 City Outreach Update

Committee Member Communications

Agenda Item #9

Brief Comment on any taxicab related item not include on
the Agenda