

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

TAXICAB ADVISORY COMMITTEE (TAC)

November 15, 2023

[Clerk's note: Except where noted, public, staff and board member comments are paraphrased. The full comment can be heard by reviewing the recording at the [MTS website](#).]

1. Roll Call

Chair Elo-Rivera called the Taxicab Advisory Committee meeting to order at 1:02 p.m. A roll call sheet listing Taxicab Advisory Committee member attendance is attached.

2. Approval of Minutes

Zewdu Girma moved to approve the minutes of the July 12, 2023, MTS Taxicab Advisory Committee meeting. Margo Tanguay seconded the motion, and the vote was 9 to 0 in favor, with Agustin Hodoyan, Antonio Hueso, David Tasem, Karen Higareda, Daryl Mayekawa, and Michael Trimble absent.

3. Public Comments

No public comments.

DISCUSSION ITEMS

4. 2024 Fee Schedule

Leonardo Fewell, For Hire Vehicle Administration Manager, presented on the 2024 Fee Schedule which is adopted to defray the costs incurred by FHVA as a cost-recovery department.

Mr. Fewell announced that the Annual Regulatory fees would remain the same as the previous year, \$350 for Taxicab/Jitney/Low Speed Vehicle permits and \$440 for Non-Emergency Medical/Charter permits. He detailed how invoices would be emailed out around January 4, 2024 with the payments due on March 4, 2024, and that a late renewal would be available for an extra \$100 until March 31, 2024. Additionally, he outlined three other changes: fee waivers would be available to taxicab Wheelchair Accessible Vehicles (WAVs), "MTS Regulated Vehicle" reflective decals would increase in price by \$5, and a \$35 returned payment fee would be implemented.

PUBLIC COMMENTS

No public comments.

MEMBER COMMENTS

Chair Elo-Rivera reminded the committee that this was an informational item only with no action required.

David Tasem requested clarification on the cost of the "MTS Regulated Vehicle" reflective decal. Mr. Fewell responded that previously it had been \$5 per sticker, and that now it was \$10 per sticker; because each vehicle requires two stickers it will cost \$20 for each vehicle to have both stickers.

Action Taken

Informational item only. No action taken.

5. Proposed Ordinance No. 11 Revisions

Mr. Fewell began by inviting committee members to contact FHVA staff with any questions regarding this topic, as it is a lengthy agenda item.

Mr. Fewell outlined the proposed revision which concerned the Taxicab/TNC partnership between Uber and Yellow Cab, in which taxicabs provide prearranged trips from Uber customers with an upfront fare calculated by TNC "dynamic pricing". After an ad hoc meeting held on October 5, 2023 where members expressed concerns that these early proposed revisions were too tailored to Yellow Cab and Uber, FHVA has proposed revisions where all taxicabs would be allowed an exception to maximum rates of fare for any prearranged trips that offer upfront pricing through mobile application or internet website. Maximum rates of fare would continue to apply only to trips from taxicab stands, street hails, or telephone requests from dispatch services. Mr. Fewell asked committee members to review the relevant MTS Ordinance No. 11 sections that were posted in the agenda and to provide feedback.

Mr. Fewell moved to the next set of proposed revisions, which were related to Dispatch Service Requirements. The first proposed revision would allow a dispatch center to utilize a remote call center in conjunction with other dispatch services to satisfy the 24-hour service requirement. The next proposed revision would define computerized dispatch as a transportation specialized computer system that is designed to automate the flow of information between a dispatch service and driver and at a minimum, electronically record trip information start/end locations, route taken, up-front or final fare, and any additional information related to a trip. The other proposed revision for radio services would require a GPS tracking method that is installed directly, though Mr. Fewell acknowledged this could change after hearing feedback from committee members.

Mr. Fewell presented a final proposed revision which would allow three-wheeled vehicles to be considered "Low Speed Vehicles" for permitting purposes.

Mr. Fewell outlined the next steps, where after receiving feedback from committee members on the proposed revisions, MTS will provide a red-line track change of MTS Ordinance No. 11 at the next TAC Meeting for approval and subsequent MTS Board of Directors approval.

PUBLIC COMMENTS

John Finley, from Uber, expressed his enthusiasm regarding their partnership with Yellow in Southern California and that he appreciated the thoughtful approach MTS was taking toward the regulation of taxicab/TNC partnerships. Mr. Finley also said that he was open to any questions that anyone may have.

MEMBER COMMENTS

Mr. Girma asked if any other radio services had begun the process of partnering with a TNC besides Yellow Cab, as many other taxicab drivers had expressed interest. Mr. Fewell answered that the Yellow Cab/Uber partnership was the only one currently, but that Flywheel had recently been approved as a radio dispatch service with a mobile platform.

Mr. Girma asked Mr. Finley why they were only partnering with Yellow Cab. Mr. Finley replied that their partnership with Yellow Cab was just the first in the area, as they had begun looking at

this kind of partnership originally for the Los Angeles market with room for growth. Mr. Girma also asked if there was a future for additional partnerships with Uber in San Diego. Mr. Finley answered that there absolutely was, and that Uber was very interested in expanding in San Diego.

Alfred Banks asked if these three-wheeled vehicles would be considered taxicabs. Mr. Fewell answered that that they would be considered Low Speed Vehicles. Mr. Banks expressed concerns that they would create issues on busy streets, to which Mr. Fewell responded that traffic conditions were not something that could be accounted for when issuing a permit.

David Tasem asked Mr. Finley how Uber would handle other radio services wanting to partner Uber. Mr. Finley responded that they were open to speaking with any other radio service, just as they had with Yellow. Mr. Tasem asked if they would be open to having partnerships with individual permit holders as opposed to radio services. Mr. Finley responded that they would probably have to start at the current scale. Mr. Tasem asked if there had been any research done on this partnership, and Mr. Finley responded that they had data from their partnerships with taxicabs in San Francisco and New York City.

Antonio Hueso asked Chair Elo-Rivera what City of San Diego committee taxicabs fell under, or if they were only regulated by MTS. Chair Elo-Rivera responded that the Taxicab Advisory Committee was the only committee that his office interacted with which governed taxicabs. Mr. Hueso responded that they had previously been a part of the "Safe Neighborhoods" committee at the city level. Chair Elo-Rivera responded that there was no city committee that dealt with taxicabs specifically, but that issues related to taxicabs could fall under several committees.

Mr. Hueso clarified that there are regulatory statutes which he feels need to be updated to better reflect an industry in flux, specifically in regards to the requirements which govern radio dispatch services. Chair Elo-Rivera stated that the most efficient process would be to have committee members identify the policies that were having negative repercussions and bring that information to the TAC to be discussed, but acknowledged that it could be difficult to parse who exactly owned each regulation which affected the taxicab industry.

Mr. Hueso suggested that there be a moratorium on proposed revisions to Ordinance No. 11 until there is a further discussion. He continued on to say that there was a conflict within the industry having to do with a desire to be relevant technologically against a difficulty raising the funds to do so. Mr. Hueso also pointed out that companies like Uber were afforded relaxed regulations while they "ironed out the kinks" in their programs. Chair Elo-Rivera responded that this created even more complications, because Mr. Hueso was now bringing in policies that exist at a state level. Chair Elo-Rivera asked that the committee work to identify those specific barriers the industry is facing, so that as a group they can identify if the relevant policy exists at the MTS level, the city level, or the state level. Chair Elo-Rivera expressed that he was not ignorant to the difficulties the people in his district are facing.

Mr. Hueso continued to say that he was concerned about the enforcement of certain policies coming in January, and repeated his desire for a moratorium. Chair Elo-Rivera expressed his skepticism that any moratorium could be in place at the city level with such short notice.

Peter Zschiesche agreed with Mr. Hueso that the taxicab industry needed to "lift itself up" to be relevant again in the 20th century. Mr. Zschiesche suggested that there be an ad hoc meeting to discuss how to clearly communicate the issues the taxicab industry is facing to the City of San Diego. Chair Elo-Rivera responded that before doing an ad hoc meeting, it would be beneficial to create a future agenda item to identify specific city policies that may be inhibiting the taxicab

industry. Chair Elo-Rivera also suggested that TAC members work together in compliance with the Brown Act, to create a more efficient and effective discussion during each committee meeting.

Margo Tanguay stated that at previous board meetings members had expressed concerns regarding viability of three-wheeled vehicles in various parts of the city due to their low speeds. Chair Elo-Rivera responded that he was excited for this opportunity to center clean transportation, and that technology has advanced to create more powerful vehicles.

Akbar Majid commented that many of the regulations cited by Mr. Fewell during his presentation came from City of San Diego Policy 500-02, which cannot be amended by MTS. Mr. Majid also agreed with Mr. Hueso that they had previously attended city committee meetings, and asked Chair Elo-Rivera to identify which committee was responsible for making any amendments to the relevant policies. Chair Elo-Rivera responded that this helped narrow down what committee may have jurisdiction over this specific policy; he also acknowledged that the TAC could continue to discuss and search for other policies which may govern other aspects of the taxicab industry.

Mr. Finley thanked the committee and offered to answer any additional questions. Chair Elo-Rivera asked if it was possible to have Uber set up some kind of tutorial or workshop to allow individual permit holders to more easily access the partnership they were offering. Mr. Hueso cut in to comment that in San Francisco Uber was already partnering with individual taxicab drivers, and asked Mr. Finley if it was possible to do the same. Mr. Finley responded that each of these partnerships was negotiated individually, but that seeing the interest expressed in San Diego was helpful.

Action Taken

Informational item only. No action taken.

6. For-Hire Vehicle Administration Operations Update

Mr. Fewell again invited the committee members to review the agenda materials on their own time.

Mr. Fewell went on to provide several operations updates, the first of which was a reminder that email is the primary method of communication used by the FHVA and that permit holders are required to notify the FHVA of any changes in their contact info. Additionally, he clarified that FHVA staff are available by appointment only, and that any calls or emails are returned by the end of the next business day.

The next update provided was regarding the 2024 Annual Regulatory Fee payment process; Mr. Fewell announced that payments and other annual renewal documents would be collected from January 2 to March 4, 2024 at the San Diego Airport Holding Lot, San Ysidro, Otay Mesa, and CBX. He also said that payments could be dropped off at the FHVA Office at 100 16th St. Mr. Fewell emphasized that payments in the form of check or money order must be received by March 4, 2024 in order to avoid a \$100 late fee.

Mr. Fewell next announced that as of November 11, 2023 the City of Oceanside would be added to the FHVA jurisdiction. FHVA companies that were already in operation in Oceanside would be transitioning over and all other existing FHVA companies would be able to operate in Oceanside going forward.

Mr. Fewell finally provided statistics on the number of active and surrendered permits, field enforcement contacts, citations, customer feedback cases, and San Diego Airport Taxicab/TNC trips. Mr. Fewell noted that there had been an increase in fare refusal complaints and that TNC's continued to outpace taxicab trips.

PUBLIC COMMENTS

No public comments.

MEMBER COMMENTS

Able Seifu commented that the customers have been making negative comments about the Maximum Rates of Fare, and he asked that something be done when they are reevaluated in the coming months instead of ignoring the issue. Chair Elo-Rivera responded that he did not feel the issue was being ignored, but he said perhaps there was something to discuss in the idea that customers perceived taxicabs to have a high cost than TNC's.

Mr. Girma pointed out that other ride-share companies did not have any rules governing how much they could charge and that wait times were extremely high for taxicabs working at the airport. Mr. Girma suggested that a flat-rate or a lower maximum rate of fare could be possible solutions.

Mr. Majid suggested that these issues began when Ordinance No. 11 was amended to allow individual taxicab permit holders set fares and that it may be beneficial to return to the system where radio dispatch services set uniform rates of fare for their subscribers.

Mr. Tasem commented to Mr. Seifu and Mr. Girma that their issues stem from them refusing to charge below the maximum rate of fare at the airport.

Mr. Banks suggested that drivers could ask for the customers address to calculate an estimate of the fare, rather than simply answering that the price depended on the meter which can confuse customers.

Mr. Hueso reinforced Mr. Majid's comment, and suggested that they form subcommittees to address certain topics.

Action Taken

Informational item only. No action taken.

7. Topics for Next Taxicab Advisory Committee Meeting

Mr. Fewell informed the committee of the topics for the upcoming TAC meeting, which included: the 2024 Maximum Rates of Fare, proposed revisions to MTS Ordinance No. 11, flat-rate fares for airport originated trips, and the FHVA update.

PUBLIC COMMENTS

No public comments.

MEMBER COMMENTS

Mr. Girma asked that the high cost of living in San Diego be taken into account when calculating possible flat-rate fares from the airport. Mr. Fewell assured that this was a factor which was being considered.

Mr. Hueso asked Chair Elo-Rivera to speak with Mr. Fewell about what committee has authority over City of San Diego Policy 500-02. Chair Elo-Rivera responded he would speak with Mr. Fewell and Samantha Leslie to create an agenda item to discuss this topic. Chair Elo-Rivera asked Mr. Hueso to temper his expectations on the results of this discussion, and that the TAC should continue to research how different governing bodies affect the taxicab industry.

8. Committee Member Communications and Other Business

Michael Anderson thanked the committee for their discussion, and asked if the flat rate was only being considered for airport originated trips and whether there was discussion of fare “zones”. Mr. Fewell thanked Mr. Anderson for collaborating with the FHVA, and responded that this topic was in the beginning stages of development and that a presentation would be made fleshing out all the aspects of a flat-rate from the airport.

Mr. Hueso shared that he had found that insurance rates for Wheelchair Accessible Vehicles were so expensive as to be prohibitive. Mr. Hueso asked that there be a discussion as to how to approach this issue as an industry.

Ms. Tanguay commented that she had seen the “war” between taxicabs and Uber. She also commented that she felt that today’s meeting had been respectful and productive, and she encouraged everyone to take that attitude into the field.

Mr. Banks expressed his concern again about the three-wheeled vehicles being unable to keep with the speed of traffic on city streets. Mr. Fewell responded that they were required to follow the California Vehicle Code. Chair Elo-Rivera discontinued this discussion, as it had already been covered in an agenda item.

Action Taken

Informational item only. No action taken.

9. Next Meeting Date

The next Taxicab Advisory Committee meeting is to be determined

10. Adjournment

The meeting was adjourned at 2:31 p.m.

/S/ Sean Elo-Rivera
Chairperson
San Diego Metropolitan Transit System

/S/ Carina Michelle Kenney
Committee Clerk
San Diego Metropolitan Transit System

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

ROLL CALL

MEETING OF (DATE): November 15, 2023

CALL TO ORDER (TIME): 1:02 pm

ADJOURN: 2:31 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 | 1:01 pm | 2:31 pm |
| Able Seifu | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Permit Holder / Odyssey Cab | 1:00 pm | 2:31 pm |
| Agustin Hodoyan | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Permit Holder / Soul Cab | 1:29 pm | 2:31 pm |
| Alfred Banks | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Taxicab Lease Driver | 12:47 pm | 2:31 pm |
| Akbar Majid | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Permit Holder / SDYC Holdings | 12:48 pm | 2:31 pm |
| Antonio Hueso | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Permit Holder / USA Cab, LTD | 1:05 pm | 2:31 pm |
| David Tasem | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Taxicab Lease Driver | 1:04 pm | 2:27 pm |
| George Abraham | <input checked="" type="checkbox"/> Daniel Fesshaye <input type="checkbox"/> | Permit Holder / Eritrean Cab | 12:54 pm | 2:31 pm |
| Karen Higareda | <input type="checkbox"/> None <input type="checkbox"/> | Cross Border X-Press | | |
| Daryl Mayekawa | <input type="checkbox"/> Claudia Rubio <input type="checkbox"/> | SD Convention Center | | |
| Marc Nichols | <input type="checkbox"/> Michael Anderson <input checked="" type="checkbox"/> | SD Regional Airport Authority | 12:57 pm | 2:31 pm |
| Margo Tanguay | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Taxicab Lease Driver | 12:47 pm | 2:31 pm |
| Michael Trimble | <input type="checkbox"/> None <input type="checkbox"/> | SD Gaslamp Quarter Association | | |
| None | <input type="checkbox"/> None <input type="checkbox"/> | SD Tourism Authority | | |
| Mikail Hussein | <input type="checkbox"/> Peter Zschiesche <input checked="" type="checkbox"/> | United Taxi Workers SD | 12:54 pm | 1:49 pm |
| Zewdu Girma | <input checked="" type="checkbox"/> None <input type="checkbox"/> | Permit Holder / Beezee Taxi | 1:00 pm | 2:31 pm |
| Non – Voting Committee Members | | | | |
| Jonathan Garcia | <input checked="" type="checkbox"/> None <input type="checkbox"/> | SD Department of Agriculture, Weights and Measures | 12:41 pm | 2:31 pm |
| Jessica Marty | <input checked="" type="checkbox"/> None <input type="checkbox"/> | SD County Sheriff's Department Licensing Division | 12:41 pm | 2:31 pm |

FOR COMMITTEE CLERK: /S/ Carina Michelle Kenney