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Agenda

Taxicab Advisory Committee Meeting

TAXI 585.3

September 19, 2014

10:00 a.m.

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

1. Roll Call
2. Approval of Meeting Minutes – March 19, and June 11, 2014
3. Non-Agenda Public Comment

The public may address the Committee regarding a matter not on the agenda. Each speaker has three minutes to speak. Give a completed *Request to Speak* form to the Clerk of the Committee prior to the call to order.

4. Committee Member and Management Communications

Bill Kellerman (verbal report):

- City of San Diego Council Policy 500-02 Update
- Fare Standardization Subcommittee Status
- 2014 Round Inspection Results
- TNC Developments



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

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

That the Taxicab Advisory Committee review and approve the proposed permit holder election process and appoint a subcommittee to validate the election results.

6. Taxicab Advisory Committee *Lease Driver* Member Nomination and Election Process

That the Taxicab Advisory Committee review and approve the proposed lease driver election process and appoint a subcommittee to validate the election results.

7. Next Meeting – Wednesday, December 17, 2014, 10:00 a.m.

8. Adjournment

DSundh/Taxicab/Taxicab Committee
AGN-14-SEPT19

DRAFT

METROPOLITAN TRANSIT SYSTEM

TAXI 585.3

Taxicab Advisory Committee Meeting

March 19, 2014

10:00 a.m.

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

Minutes

~Revised~

1. Roll Call

The new chair of the Committee, Ms. Myrtle Cole, called the meeting to order at 10:05 a.m. A roll call sheet is attached listing Taxicab Advisory Committee member attendance.

2. Approval of Meeting Minutes – December 13, 2013

Public Comment:

Mr. Mikail Hussein, UTWSD, 4265 Fairmount Avenue, #180, San Diego, CA 92105, 619.255.7355

Prior to approval of the minutes, Mr. Hussein stated that everything he said in the December 13 meeting had not been reflected in the minutes of that meeting. It was his feeling that all of the points he made should be in the minutes, since the points of others who spoke were. Ms. Sharon Cooney asked if Mr. Hussein would like to make the correction and provide the portion of his statement that he would like to see reflected. Mr. Hussein replied that he did not have his notes from that meeting, but in the future, all of his statements should be in the minutes.

Ms. Margo Tanguay stated that some of her comments during the meeting had also been left out. Ms. Tanguay referenced the *Discussion* portion of Agenda Item 5, MTS Taxicab Advisory Committee Representative Appointment-Lease Driver, where Mr. Antonio Hueso stated he resented the allegations made by some of the speakers. Ms. Tanguay said that she also resented allegations of corruption in the industry, as it was not true, and if there were problems, they could be discussed, and felt that it was a heavy allegation. This change will be noted in the original minutes of meeting of December 13, 2013.

Motion:

A motion was made by Mr. Antonio Hueso to approve the meeting minutes from the meeting held on December 13, 2013. The motion was seconded by Ms. Margo Tanguay.

Vote:

The motion passed unanimously, with corrections, with Mr. Alexander Gebreselassie, Mr. Josh Layne, and Mr. Mike Staples absent.

3. Public Comment – Non-agenda

Mr. Masoud Shahri, BB&T-John Burnham Insurance, 750 B Street, #2400, San Diego, CA, 619.525.2849

Mr. Shahri spoke on behalf of lowering the insurance limits from \$1M to \$500k, and provided information regarding the difficulty in obtaining carriers for taxicab insurance. He said that the \$1M limit in San Diego was the highest among the top 20 cities in the U.S, and that there currently were fewer than 8 insurance companies that wrote taxi insurance out of 3,300 insurance companies. He said there were a lot of obstacles to overcome in order to obtain carriers. He cited the fact that in the City of San Diego, he did not recall there having ever been a loss over \$350k in the last 20 years. He felt the decision makers should look at the situation, because within a couple of years, there may be no insurance and the companies would need to go on assigned risk, which would increase the cost.

Ms. Sarah Saez, Program Director, UTWSD, 4265 Fairmount Avenue, #180, San Diego, CA 92105

Ms. Saez stated the taxi industry was currently dying as it was no longer a good business model. She stated Uber and Lyft would take over the market, and it was ironic that lowering insurance limits for taxis was being discussed, but MTS was holding Uber and Lyft to task for their insurance. She said she could not blame drivers and customers for leaving and going to Uber and Lyft, because the industry was sick and dying. She said drivers were paying too much for leases, that there were cabs sitting for more than 72 hours and that those medallions were supposed to be returned to the City. She stated they were there to collaborate, and wanted retaliation protection for drivers. She also said they wanted lease caps so drivers did not have to work 16 hours to feed their families. She said they were not going anywhere and would continue to serve the taxi industry. She asked if the Committee wanted to strategize and innovate together, or do nothing and the taxi industry would die.

Mr. Mikail Hussein, UTWSD, 4265 Fairmount Avenue, #180, San Diego, CA 92105, 619.255.7355

Mr. Hussein spoke with regard to the fact that he did not feel it was fair to have a *Passenger Bill of Rights*, but not a *Driver Bill of Rights*. He said that in other cities there was a bill of rights for passengers on one side window, and on the other side, there was a bill of rights for drivers. He said he had reached out to the previous administration at the airport and told them this was not right. He said if there was a consumer bill of rights, but no driver bill of rights, it would be problematic.

Ms. Savitar Sahou, 5612 Amaya Drive, #18, 619.302.4296

Ms. Sahou spoke about the necessity for mandatory cameras in taxicabs, and stated she had been advocating for this issue since the passing of her father who was killed in 2011 while on the job driving his. She wanted to remind everyone that she would like to have this addressed in the future because it was still important. She said that with cameras, at least authorities would know what happened, as was not the case with her father and her family still did not know what happened.

4. Committee Member and Management Communications

Member Communications:

Ms. Margo Tanguay – Ms. Tanguay stated she had spoken with other drivers, permit holders, and customers and there were a lot of questions regarding the inequity between drivers, permit holders, TCPs, and the rideshare companies. Drivers had Sheriff's permits, which required background checks. They had to list what they were driving, and for whom. She advised that TCPs did not need Sheriff's permits unless they worked at the airport, and then background checks were done by the Harbor Police at the airport. All other TCP drivers did not have background checks. Many previously had Sheriff's permits, but could not get a Sheriff's permit renewed because they could not pass the check. She also said that from what she understood, the insurance for Uber would cover a dispatched Uber passenger, but not the driver when on the street alone, or during personal pickups. Ms. Tanguay also advised that most of the current driver shifts were from 4 a.m. to 4 p.m., and that there were a lack of cabs between the hours of 1 and 3, both a.m. and p.m. She suggested staggering the shifts, stating she felt it would build business on both ends, as there were people that needed to go places during those hours.

Ms. Tanguay referenced a top sign on Yellow Cab that advertised the fact that there was an app available for scheduling rides. She said it was a nice sign, and not bulky like some others. She also stated she did not feel the taxicab industry was a dying industry, but was in transition and growing.

Mr. Kamran Hamidi – Mr. Hamidi provided a history of SB 1534 regarding the implementation of cameras in taxicabs stating it had been held up for three years because of the audio feature in the cameras, and that he hoped that Lorena Gonzales and Marty Block would be able to push this forward soon. Mr. Hamidi also stated he hoped that the members of the Committee could view the insurance company loss-run reports so the Committee could see what MTS was talking about when the insurance issue was an action item on the agenda.

Ms. Cole stated her office would follow up with Lorena Gonzales and other Assembly members.

Management Communications:

Ms. Sharon Cooney supplied information as follows:

- Update on contract renewal w/City of San Diego - Ms. Cooney passed out an attachment to an agenda item that was scheduled to go to the Board the following day, stating that it was the result of an ad hoc committee of the Board that had been put together to discuss basic guidelines for negotiation of what MTS was interested in seeing in the contract renewal. She

stated that if it was approved at the Board meeting, it would then go to City staff, and, ultimately, through the City Council, then back to the Board of Directors prior to the July 1 deadline.

Note from the Clerk of the Committee:

*****The following portion of the minutes of the March 19 TAC meeting marked with a ** have been corrected as follows, per the request of the Committee. The corrections and/or additions appear in bold and/or are underlined. The corrected minutes are included in their entirety for review and final approval by the TAC.***

- Insurance CSL Reduction (\$1 million to \$500,000) – Mr. Kellerman explained that after extensive research and reviewing the loss-run reports, staff was making the recommendation that the insurance limits remain at \$1 million CSL. He introduced Susan Lockwood, MTS Manager of Risk and Claims, who further explained that decision, stating that staff had reviewed the loss-run reports provided by BB&T, and found several six-figure losses that had occurred over the past four years. She said the airport had also been contacted. They had done their own study, finding several seven-figure losses. ** As such, MTS was not in a position to recommend to the City that the limits be lowered from the current \$1M requirement to \$500k. She said what MTS was willing to do was to consider allowing non-California-admitted carriers to provide the coverage, which would hopefully open up some of the competitions when obtaining premiums. They must have A.M. Best ratings that equal to the current insurance requirements.

Ms. Cooney said MTS still felt this was a policy decision, and that the City Council should weigh in on the issue as to whether they chose to lower the minimum requirement.

Ms. Tanguay – Ms. Tanguay stated that she had been monitoring the other major insurance issue in the country, and one of the problems was limiting care within the state and do not have access to something outside the state that was life-saving, and she was in favor of opening up the insurance.

Mr. Akbar Majid – Mr. Majid requested that staff identify the claimants and date of loss on those claims that were seven and eight figures, and forward the information to the Committee. Ms. Lockwood stated there were none in the eight figure category from the Airport Authority, there were two in the seven-figure category. She stated there were several in the six-figure category from the loss-runs that BB&T provided. Mr. Majid requested that information, and the information from the airport be shared with the Committee. Mr. David Boenitz said the airport would provide the information if Mr. Majid would submit a public records request.

Mr. Hamidi – Mr. Hamidi asked if the information could be provided without going through the lengthy request for public information process, or the information could be handed out to the members so they could see the figures. He stated he did not know of anyone who was aware of seven-figure claims, and six figures could be \$100k or \$900k. He felt more information was required in order to make a decision. Ms. Cooney stated that MTS staff was not willing to provide personal or private company information without a Public Records Act request, and that if he wished to submit a request, he could come to MTS and review the materials. **

Mr. Palmeri – Mr. Palmeri suggested raising the deductible from \$25k to \$100k as they do in Los Angeles, which would lower the premium. He also said he would like to see evidence of a seven-figure loss, as he had never heard of that happening at the airport.**

Mr. Kellerman replied that he would discuss this with Ms. Lockwood after the meeting to see if it were feasible.

Mr. Ben Lemma – Mr. Lemma said that he did not want that cost to be passed on to the drivers, and that most of the individual permit holders could not cover \$100k deductible.

Mr. Hamidi asked Ms. Lockwood if the seven-figure amount was paid, or if it was a claim. Ms. Lockwood responded that the \$7M claims were from the Airport Authority and they could get that information from them. She again stated that based on review of the loss-runs, MTS was not comfortable recommending to the City that the limits be lowered from \$1M to \$500k. However, the City could make that decision. Mr. Antonio Hueso asked Ms. Lockwood to clarify whether the claims were for \$7M, or seven-figure, and she stated they were seven-figure. Mr. Majid asked Ms. Lockwood if there was an amount over \$500k that was paid, and Ms. Lockwood stated there was not.**

- *Status of Fare Standardization Study* – Mr. Kellerman brought the Committee up-to-date on the status of the study, stating that a rough draft had just been delivered to staff, and after review, it would be presented to the TAC at the next meeting in June, with recommendations to the Board.
- *Update on Passenger Bill of Rights* – Mr. Kellerman stated the *Passenger Bill of Rights* that had previously been approved by the TAC would be going to print soon, and that it would be used in place of the current airport bill of rights. There would be one document for both, printed in red. He explained he eventually planned to take it to the Board for approval, but in the meantime, stickers would be provided to permit holders as they came in for inspection, and they could voluntarily choose to use them to replace their airport bill of rights. Ms. Cooney stated that this was a culmination of what the TAC had worked on over the past year, and that there had been a rise in the number of bad complaints. This would give the public an idea of what they should be able to expect, and to get what they were paying for, which was a good for-hire ride. She clarified that the *Passenger Bill of Rights* was mandatory at the airport, as the airport already had that regulation in place, but voluntary for all taxicabs not operating at the airport, as the change had not yet been made to MTS Ordinance No. 11. She advised that many other policy decisions had been delayed until the pending contract between the City and MTS had been settled.

Member Communications:

Ms. Namara Mercer – Ms. Mercer advised the Committee that the Hotel-Motel Association had been receiving some very bad reports regarding drivers from passengers coming from the airport. She felt that everyone needed to protect the tourist industry in the city, and recommended that advising the public to observe the cab number might be important so that they could identify a vehicle. Mr. Kellerman advised Ms. Mercer to forward any complaints to the MTS Taxicab Administration for investigation and resolution.

Mr. Anthony Palmeri – Mr. Palmeri cited the fact that at LAX, the taxicab starters handed the passengers a paper with the taxicab number and an explanation of the surcharge to be paid, and he suggested that the airport implement this type of system.

Mr. Ben Lemma – Mr. Lemma stated the drivers needed more time with training and education in customer service, and that they never got handouts or other training. He felt the Foundation Community Services training was not adequate, and there should be more training opportunities and materials offered to drivers.

Ms. Edna Rains advised that the drivers were given all the rules and regulations as to what was expected when they applied for a license, and were also given a copy of the Ordinance. She said the biggest complaint she heard was that drivers would not accept credit cards, and that if a customer wanted to see the driver's ID card, the driver hid it so they could not see it. Sometimes, if the customer tried to take a picture of the ID, the driver would hit the hand of the customer. She stated that two years ago, MTS staff offered the drivers additional training, and were available at the training facility to answer any questions, and offer suggestions, but that no drivers took advantage of this opportunity.

Mr. Boenitz stated the airport offered a mandatory 3-hour training class prior to re-permitting, which covered defensive driving, customer service, and airport rules and regulations, and that they were trying to impress upon the drivers the importance of service, courtesy, and good driving skills.

Ms. Tanguay said that she had previously taken all of the training classes every year, and that she had been to one of the extra classes that were offered by MTS staff. She stated she could verify that no other drivers showed up. She also said she thought there was a MTS rule that each company provide an information packet to its drivers.

Mr. Hueso said there was a certain pride of ownership. Smaller operators did not have sophisticated methods of training, but USA Cab offered orientations. He advised that there was a lot of information available, but drivers needed to seek out the information. He stated service was very important in the industry, and many drivers were not good at it, but that good drivers personalized their businesses.

Ms. Cole said she would like the opportunity to take a look at the training, and have the issue brought back to the next meeting.

5. Taxicab Advisory Committee Proposed 2014 Meeting Schedule

Motion:

A motion was made by Mr. Antonio Hueso to approve the proposed Taxicab Advisory Committee meeting schedule for 2014. The motion was seconded by Ms. Margo Tanguay.

Vote:

The motion passed unanimously.

The approved meeting schedule for 2014 is as follows:

<u>Meeting Date</u>	<u>Time</u>
Wednesday, March 19, 2014	10:00 a.m.
Wednesday, June 11, 2014	10:00 a.m.
Friday, September 19, 2014	10:00 a.m.
Wednesday, December 17, 2014	10:00 a.m.

All meetings will be held in the Metropolitan Transit System Board of Directors meeting room, 1255 Imperial Avenue, 10th Floor, San Diego, California.

6. Public Hearing: City of San Diego and Airport Maximum Allowable Taxicab Rates of Fare

Ms. Cole opened the public hearing regarding the rates of fare.

Public Comment:

There were no public comments.

Ms. Cole closed the public hearing portion.

Since the draft of the *Rates of Fare Study* had just been received by staff, and had yet to be reviewed, Mr. Kellerman requested that action regarding the rates of fare be deferred until the next meeting, when the study had been reviewed. It would then be presented to the Committee.

Motion:

Mr. Majid made a motion to defer the item until the next meeting pending the outcome of the *Rates of Fare Study*. The motion was seconded by Ms. Tanguay.

Vote:

The motion passed unanimously.

7. Next Meeting – June 11, 2014

8. Adjournment

The meeting was adjourned at 11:15 a.m.

Accepted:

Filed by:

Myrtle Cole, Chair
MTS Taxicab Advisory Committee

Office of the Clerk
MTS Taxicab Administration

**METROPOLITAN TRANSIT SYSTEM
TAXICAB COMMITTEE MEETING
ROLL CALL SHEET**

CALL TO ORDER TIME: 10:00

WEDNESDAY, MARCH 19, 2014

ADJOURN TIME: 11:10

MEMBER NAME		ORGANIZATION	ALTERNATES	
MYRTLE COLE (nonvoting)	<input checked="" type="checkbox"/>	MTS Board of Directors/SD City Counsel		
GEORGE ABRAHAM	<input checked="" type="checkbox"/>	Eritrean Cab Co.		
DAVID BOENITZ	<input checked="" type="checkbox"/>	S.D. County Regional Airport Authority		
ALEXANDER GEBRESELAASSIE	<input type="checkbox"/>	Cross Town Transportation, LLC		
KAMRAN HAMIDI	<input checked="" type="checkbox"/>	V.I.P. Cab		
CAMERON HARATIAN	<input checked="" type="checkbox"/>	P. B. Cab	ANOOSH AMAN, Space Cab	<input type="checkbox"/>
BRIAN HILEMON	<input checked="" type="checkbox"/>	S.D. Tourism Authority	JOE TERZI	<input type="checkbox"/>
TONY HUESO	<input checked="" type="checkbox"/>	USA Cab LTD		
JOSH LAYNE	<input type="checkbox"/>	S.D. Convention Center	DARYL MAYEKAWA	<input type="checkbox"/>
BERHANU LEMMA	<input checked="" type="checkbox"/>	Lease Driver Representative		
AKBAR MAJID	<input checked="" type="checkbox"/>	SDYC Holdings, LLC		
NAMARA MERCER	<input checked="" type="checkbox"/>	Greater S.D. Hotel/Motel Association		
HUSHANG NAHAVANDIAN	<input checked="" type="checkbox"/>	ESM Corp.		
TONY PALMERI	<input checked="" type="checkbox"/>	S.D. Travelers Aid Society	MICHEL ANDERSON	<input type="checkbox"/>
REZA SOLATI	<input checked="" type="checkbox"/>	Lease Driver Representative		
MIKE STAPLES	<input type="checkbox"/>	Greater S.D. Hotel/Motel Association Catamaran Hotel		
MARGO TANGUAY	<input checked="" type="checkbox"/>	Lease Driver Representative		

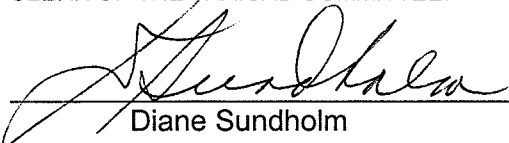
MTS Representatives Present (nonvoting):

Others Present (nonvoting):

PAUL C. JABLONSKI, MTS Chief Executive Officer	<input type="checkbox"/>	STEVE CELNIKER, City of S.D. Liaison/ SANDAG	<input checked="" type="checkbox"/>
SHARON COONEY, MTS Chief of Staff	<input checked="" type="checkbox"/>	EDNA RAINS, S.D. County Sheriff (nonvoting member)	<input checked="" type="checkbox"/>
BILL KELLERMAN, MTS Taxicab Administration Manager	<input checked="" type="checkbox"/>		<input type="checkbox"/>
KAREN LANDERS, MTS General Counsel	<input type="checkbox"/>		

CLERK OF THE TAXICAB COMMITTEE:

TAXICAB ADMINISTRATION MANAGER:


Diane Sundholm


Bill Kellerman

3/27/14
Date

DRAFT

METROPOLITAN TRANSIT SYSTEM

TAXI 585.3

Taxicab Advisory Committee Meeting

June 11, 2014

10:00 a.m.

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

Minutes

1. Roll Call

The chair of the Committee, Ms. Myrtle Cole, called the meeting to order at 10:05 a.m. A roll call sheet is attached listing Taxicab Advisory Committee member attendance.

2. Approval of Meeting Minutes – March 19, 2014

Mr. Kamran Hamidi - Mr. Hamidi commented with regard to the portion of the minutes of the March 19 meeting, located on page 4, middle of the first paragraph, which stated that *staff had found several six-figure **losses** that had occurred over the past four years*. Mr. Hamidi stated that information was found to be incorrect later in the discussion. He advised that after Mr. Anthony Palmeri spoke, Mr. Hamidi spoke to Ms. Susan Lockwood, and made a differentiation between *claims* and *losses*, and Mr. Akbar Majid asked Ms. Lockwood 'point blank' if there were **losses** greater than \$500k, to which Ms. Lockwood replied there were not. This was not reflected in the minutes, and he felt it left the impression that there had been six-figure **losses**, which was untrue: There had been six-figure **claims**, but no **losses** greater than \$500k. He felt the minutes should be corrected, and Ms. Sharon Cooney suggested that the TAC delay approval of the March 19 minutes until the September 19 meeting, pending review of the recording, since the matter was referring to Ms. Lockwood, who was not present.

****Note from the Clerk of the Committee:**

*The portions of the minutes of the March 19 TAC meeting, marked with a (**) have been corrected, per the following request of the Committee. The corrections and/or additions appear in bold and/or are underlined. The corrected minutes are included in their entirety for review and final approval by the TAC.*

Motion:

A motion was made by Mr. Hamidi to delay approval of the minutes of the Taxicab Advisory Committee meeting on March 19, 2014, until the next meeting on September 19. The motion was seconded by Mr. Palmeri.

Vote:

The motion was approved unanimously, with Mr. Gebreselassie, Mr. Layne, Ms. Mercer, Mr. Solati, and Mr. Staples absent.

3. Non-Agenda Public Comment:

Mr. Paul Polishuk, 617.835.5864

Mr. Polishuk stated he was a paralyzed individual and had been so for about four years and had been in San Diego for two years. A number of questions were brought up at Sharp Rehab. regarding transportation issues and he decided to do a study on wheelchair availability of transportation. He stated he would present the results of the MTS ASAC, and that he would make copies available to TAC members if they wished. His report was based upon his observations. He said there were only two in the city of San Diego and only four including North County. He said there were two cities with which he was familiar, Boston and Houston. He said in Houston there were 250 cabs that were wheelchair accessible on demand at the same rate as other cabs. He wondered if this issue had been looked into in San Diego to get service on demand rather than with a one- or two-day reservation time. He advised to be aware of anything that claimed to be "ADA Compliant," as the term is so broad, anything could be covered.

Mr. Michel Anderson, San Diego Transportation Association (SDTA)

Mr. Anderson addressed the Committee regarding Transportation Network Companies (TNC), such as Uber, UberX, Sidecar, and Lyft, stating they are transportation vehicles, but are not taxis, but are competing with taxis. They have no signage, no prices, no minimum insurance requirements, and no background checks. When any of these apps. were used for pick-up, it was just like hitchhiking. You did not know who you were getting into the car with. He implored MTS and the TAC to look into this because the public safety was at risk. In San Francisco on New Years' Eve, a family of three was hit in a crosswalk by an Uber driver, and a six-year-old child was killed. Uber claimed they did not have any responsibility, and no insurance, and the matter is being litigated. In Los Angeles, a woman was sexually assaulted by an Uber driver. He stated there should be something done before there is a tragedy such as there was with the pedicabs when a tourist was killed. He requested a report be provided by staff at the meeting in September as to how the TNCs were affecting the industry.

Ms. Sarah Saez, Program Director, UTWSD, 4265 Fairmount Avenue, #180, San Diego, CA 92105

Ms. Saez stated she felt it was extremely ironic that Mr. Anderson, the lobbyist for many of the TAC attendees, was talking about Uber and Lyft. She stated that the reason that Uber and Lyft were in San Diego was because of many of the TAC members lobbying against issuing medallions into the taxi market, and there was not enough taxis. She also felt that it was ironic

that they were discussing the public safety of Uber and Lyft when drivers were working very long hours. She said that the driver involved in the Stingary accident was working a 16-hour shift, and she found it extremely ironic that Mr. Hamidi was trying to lower the insurance on taxis. She stated they were back at MTS, not because it was a good idea, but because the political winds blew that way, so congratulations. She said that if you make enough political contributions, any bad idea can become a reality, and that is why they were back at MTS. She advised that Uber and Lyft are \$18 billion dollar companies, owned by Google and Wells Fargo - MTS could not take them on. Unless the Committee began making common sense reforms, like lease caps and retaliation protection, Uber and Lyft would take over the market. She said they were out talking to a taxi driver, and he said Uber and Lyft was the best thing that ever happened, because they offered competition to the permit holders. He told her leases had started lowering, and they were being treated much better. She stated the competition was necessary in San Diego so what happens in the taxi industry stops. She said the UTWSD hoped to work with MTS, and that they would be there having that conversation about Uber and Lyft as well. She hoped that the Committee would see the irony about public safety being the issue, because they knew it was not.

Mr. Mikail Hussein, UTWSD, 4265 Fairmount Avenue, #180, San Diego, CA 92105,
619.255.7355

He stated he wanted to remind the Committee about the fact that in 2011, they asked for small reforms, and they were still at MTS and MTS did not want to do anything. He said he knew Mr. Kellerman was doing his best to go talk to drivers, but he hoped change would come. He said the reality was if there was not any change, the industry would die. He said some people gain, and he was sorry to say Mr. Anderson was the lobbyist for taxi drivers – sometimes he claimed 400, sometimes he claimed 600, but they did not know how many there were. He said Mr. Anderson was gaining the most, so that was the reality, so they had to look into that. What they were asking was nothing if you look at it - Taxi reform. He said to go back and look at the documentation. Anti-retaliation – it was just simple. A lot of states do that. He lost his job in 2010 when he organized drivers. Mr. Abebe also lost his job. One of the TAC representatives that were present kicked him out and took his key, so that is retaliation. What they were asking was nothing if you looked at it. Lease caps and uniform lease agreements. He stated it could not be happening and it was ridiculous that there were so many different leases for so many different groups. Mandatory receipts were normal, and he knew that some of those present would agree that if he paid them \$1000, and he did not want to mention someone that was there. Maybe he would talk to them later. He stated he actually charged about \$1030, and now he changed and charged \$930, but he said that three people cannot drive. Some drivers go to school. Why would you make that determination and say you will charge \$1030 because there were three drivers? It did not make sense if you looked at it. The rest of the stuff was just simple, but they did not want to do anything and now were complaining about Uber, Lyft, and Sidecar. He said he believed the biggest problem was charter buses, because they could accommodate 40-50 people at a time, and MTS was not equipped to do so. He hoped the Committee would do something.

There were no Committee member comments.

4. Committee Management and Member Communications

Management Communications:

Mr. Bill Kellerman provided a report as follows:

Update – Contract renewal, City of San Diego – Mr. Kellerman reported that the contract with the City of San Diego was approved for five years by the City Council on June 9, and that it would go to the MTS Board the following week. He said the contracts were also sent to the six other cities for five years.

City of San Diego Policy 500-02 - Mr. Kellerman stated that the most recent version of the policy was created in June 2012, and spoke to some of the issues previously raised, such as ADA issues and how the fleet would respond to the demands for ADA-compliant vehicles. There had been some uncertainty as to who would be the regulator beyond last year and this year, but now that the City Council had approved the contract, MTS could move forward with some of the items. The policy called for a certain number of vehicles to be ADA-compliant when there was a transfer or a new permit issuance. He said there had been no new permit issuance since the document was crafted, but in the future there would be a requirement for new permit holders, whether through a new permit issuance or a transfer, to have a certain number of either zero or low emission vehicles, and ADA compliance vehicles. He stated MTS planned to move forward with the requirements when the contract was approved by the Board, with some possible adjustments to the timeline. Ms. Cooney added that this meant that all permit holders would be required to comply with the policy within five years after the Ordinance No. 11 changes went into effect. This meant that 50% of the fleet would be required to be ADA-compliant, and zero emissions or low emissions vehicles.

Mr. Anthony Palmeri inquired whether the policy stated 50% of the vehicles must be ADA-compliant or zero or low emissions, or if they had to be both? He stated he did not know of a car that had both. Ms. Cooney clarified that it actually said *and*. She also stated staff was trying to determine if there was even a vehicle in the marketplace that could comply. He asked if she was saying that 50% had to be an ADA car **and** low emissions, and Ms. Cooney quoted from the Policy as follows: *"Vehicles must: a) Meet regulatory and ordinance requirements; b) Meet California Air Resources Board criteria for Zero Emission Vehicle or Low Emission Vehicles.* She stated that applied to **all** cars, and at least 50% of vehicles must comply with ADA, along with being equipped with GPS and security cameras. She advised that the City wanted the Ordinance to be in compliance with Policy 500-02 as soon as possible, and that staff was trying to get the language decided to see what that would look like. Mr. Palmeri stated he did not know of a vehicle that could be *both* low emission and ADA compliant. Ms. Cooney stated staff understood there was a difficulty with the policy, but had to work it out, because MTS was not the policy setter.

Mr. Hamidi advised that it was his understanding that Policy 500-02 revisions only applied when new medallions were issued, and he did not believe that it applied to existing permit holders. Mr. Kellerman stated that the language in the policy addressed transfers and new medallion issuance, so if there was a transfer, the new permit holder would have to comply with those requirements. Ms. Cooney clarified by quoting the applicable portion of Policy 500-02. Mr. Hamidi stated that MTS Policy 34 was now outdated and needed to be revised to coordinate with 500-02. Ms. Cooney replied that it would be updated as well, but staff was still in discussion with the City.

Mr. Antonio Hueso inquired if there was a consensus as to whether the issue of the cameras was going to be resolved. Ms. Cooney replied that MTS could not authorize an illegal activity, and that state law trumped local ordinances, so there had been no movement on legislation to change it. She stated staff would try to work to find a way to implement the policy to allow for what was in the marketplace at this time.

Update – *Driver Bill of Rights/Driver Resource Guide* – Mr. Kellerman stated that the drivers would now be able to get copies of their leases and receipts for lease payments, which would be added to the *Driver Resource Guide*.

Report – Special Enforcement Detail – Mr. Kellerman reported on a recent joint enforcement operation involving MTS enforcement officers and the Harbor Police on May 14, and he stated there was an awareness of the impact of TNCs on public safety and the industry. A sting was implemented at the airport, and there were 14 citations written for no airport permit and not having commercial insurance on various rideshare vehicles. Drivers were contacted via the cell phone applications, and most of them had been aware they were not supposed to pick up at the airport.

Member Communications:

Ms. Tanguay stated she was at the airport board meeting and Mr. Paul Peterson requested that the fines be increased, since Uber was paying all the tickets at the airport.

Mr. Palmeri noted that the current regulations stated that the TNCs must have markings on them. He also stated that some of the other airports are towing the vehicles and putting them into storage. He wondered if MTS or the Harbor Police could implement this type of action. Mr. Kellerman responded that there were a number of regulations that were supposed to be implemented by the PUC, but with regard to PUC violations, there was nothing that was codified and nothing that a police officer could write citations for. He stated he hoped to expand the Ordinance No. 11 so that the enforcement officers had more ability to write citations for PUC vehicles. Mr. David Boenitz stated they were going before the airport board in July to up the citation fees for TNCs. He did not know how high they would be, but he stated Salt Lake City had a \$6500 fine, and Mr. Palmeri added that Pittsburgh had a \$2500 fine. Mr. Boenitz said at the time, the airport could not impound cars. Mr. Palmeri asked what the airport had to do to impound cars, and Mr. Boenitz replied that the board would need to move forward with a regulation that would allow that to happen, but at the time there was no legal right, only an administrative right, to impound cars. He said at this time they were only looking to increase the fines for TNCs at the airport. Mr. Kellerman said that law enforcement could tow a vehicle for many different reasons, which he was certain was happening at LAX. Ms. Tanguay said that some of the vehicles were in violation of airport security and wondered if Homeland Security could assist, and Mr. Boenitz replied that Homeland Security had some definite rules on what the airport could and could not do, and having pickups at the curb was one of them. Ms. Cooney said MTS could not go too far against the app-based services and could only keep in compliance with PUC regulations or Ordinance No. 11. The policy as to whether to go after them is not for MTS to decide, but is the decision of the cities served, as well as the airport. MTS could do what they were able to do to enforce the regulations that were allowed.

5. Taxicab Administration Proposed FY 2015 Budget

Mr. Lucas Kromer and Mr. Mike Thompson, MTS Finance, reviewed the proposed FY 2015 budget, and were available to answer any questions.

Motion:

Mr. Akbar Majid moved to approve the Taxicab Administration *proposed* FY 2015 budget. The motion was seconded by Mr. Hueso.

Vote:

The motion passed unanimously, with Mr. Gebreselassie, Mr. Layne, Ms. Mercer, Mr. Solati, and Mr. Staples absent.

6. 2014 Fare Standardization Study

Ms. Cooney addressed the Committee, reminding them that the study came out of discussions held when the airport trip fee went into effect. At the time, the executive director of the SDCRAA made a request that there be a standardized fare whereby the airport fare would be the same as the MTS fare. At that time, the MTS Executive Committee thought it might be a good idea to look into what the fare might look like and the impact on the industry, and this was what brought about the study. The Committee agreed to put some funding into it.

Dr. James Cooper, Taxi Research Partners, provided a presentation regarding the findings of the *2014 Fare Standardization Study*.

Public Comment:

Anoosh Aman, 11525 Eaglesview Court, San Diego, CA, 619.997.2305

Mr. Aman spoke in favor of a standardized fare, saying the way the fares were right now made the public confused, since they varied from company to company, as well as being different at the airport. He felt the standardization would be a good thing because the public would know what to expect in the way of fares, and when they were being taken advantage of.

Sara Saez, UTWSD, 4265 Fairmount Avenue, Suite 180, San Diego, CA, 92105, 774.392.0377

Ms. Saez stated she wanted to go on record regarding the salaries of drivers and the concerns regarding the earnings and working hours. She said the study represented the upper bounds of driver income, and that she believed most drivers did street hails, so she stated they would like the study to reflect that a bit more, as it was not only insulting to drivers who did work 12 to 16 hours, but also dangerous. She said they supported San Diego State study, and she was certain that when they had the opportunity to review the fare study, they would respond in front of the full MTS Board. She also stated they wanted to request that the study did not pass until the Committee had an equal number of drivers and permit holders.

Mikail Hussein, UTWSD, 4265 Fairmount Avenue, Suite 180, San Diego, CA 92105, 619.255.7355

Mr. Hussein spoke in opposition and said as a driver advocate, he had some questions regarding the study. He cited the fact that Mr. Berhanu was a driver and had not been asked to take the survey. He said he would like to see the documentation on who was surveyed, because he surveyed permit holders who were working 16 hours at the airport, they made a lot of money. He said right now things were changing and maybe there was going to be more than 300 cabs, and instead of 300 cabs there would be 600 and they were going to suffer from that, so that was one of the questions they had. He also had a question regarding what dispatch data was used. He said he wanted to know what data was used. He also stated he did not know any drivers that were working part-time, unless he was a student and he worked two days, and although some owners were objecting because they did not want to allow three drivers to drive one cab, and that was unfortunate. He said drivers at the airport worked 16 hours, and that when he was a driver, he worked one day in and one day out, and worked 16 hours just to cover his lease. So no drivers, unless an owner wants to work the two days, a day in and a day out, and that was considered part-time, but with a lease of \$400-\$500, there was no way he could work only part-time. He said the data needed to be reflected in reality.

Ian M. Seruelo, 5392 Caminito Velasquez, San Diego, CA, 92124, 281.455.2462

Mr. Seruelo stated he was a legal clerk with the Employee Rights Center, working with the UTWSD. He stated they were concerned with the points raised by the SDSU. He said there was some response to the SDSU study, but felt the fare study was still influenced by outside interests and not representative of a random sample of lease drivers. He said they were not against the fare standardization, but were concerned as to the methodology and the use during the study, as they understood the documents would be used to make very important decisions, so they wanted to make sure that the data that was being used to arrive at the conclusion was something that was reliable and on which everyone could agree. He stated that the response did not answer the points raised by the SDSU professors and scholars. He wanted to make sure the data were completely accurate before the Committee approved the study.

Discussion:

After a very lengthy discussion by members of the Committee, and explanations by Dr. Cooper, it was decided to vote only on the first portion of the agenda item, as outlined below. A copy of the recording is available for review upon request.

Motion

A motion was made by Mr. Hushang Nahavandian to discuss and accept the *2014 Fare Standardization Study* (and the attachments), and consider it final. The motion was seconded by Mr. David Boenitz.

Vote:

Nays: Mr. Abraham, Mr. Lemma, Mr. Majid, Mr. Palmeri

Yays: Mr. Boenitz, Mr. Hamidi, Mr. Haratian, Mr. Hilemon, Mr. Hueso, Mr. Nahavandian, Ms. Tanguay

Absent: Mr. Gebreselassie, Mr. Layne, Ms. Mercer, Mr. Solati, Mr. Staples

There was no consensus as to whether there should be a standardized fare, or what it should be, so it was decided to table the second portion of the agenda item, *“Forward a recommendation to the MTS Executive Committee to accept the report’s recommendation for a standardized fare, and to seek San Diego County Regional Airport Authority (SDCRAA) approval for adoption of MTS’s new standardized fare for airport-permitted taxicabs.”* This will be added to the TAC agenda on September 19 for further discussion. Ms. Cooney recommended, and the Committee agreed, that a subcommittee should be formed to discuss the subject sometime between the June 11 meeting and the meeting on September 19.

7. Next Meeting – September 19, 2014, at 10:00 a.m.

8. Adjournment

The meeting was adjourned at 12:07 p.m.

Accepted:

Filed by:

Myrtle Cole, Chair
MTS Taxicab Advisory Committee

Office of the Clerk
MTS Taxicab Administration

DSUNDH/Taxicab/Taxicab Committee/2014
MIN-14-JUN11

**METROPOLITAN TRANSIT SYSTEM
TAXICAB COMMITTEE MEETING
ROLL CALL SHEET**

DATE: JUNE 11, 2014

CALL TO ORDER TIME: 10:11 a.m.

ADJOURN TIME: 12:07 p.m.

MEMBER NAME		ORGANIZATION	ALTERNATES	
MYRTLE COLE (nonvoting)	<input checked="" type="checkbox"/>	MTS Board of Directors/SD City Counsel		
GEORGE ABRAHAM	<input checked="" type="checkbox"/>	Eritrean Cab Co.		
DAVID BOENITZ	<input checked="" type="checkbox"/>	S.D. County Regional Airport Authority		
ALEXANDER GEBRESELASSIE	<input type="checkbox"/>	Cross Town Transportation, LLC		
KAMRAN HAMIDI	<input checked="" type="checkbox"/>	V.I.P. Cab		
CAMERON HARATIAN	<input checked="" type="checkbox"/>	P. B. Cab	ANOOSH AMAN, Space Cab	<input type="checkbox"/>
BRIAN HILEMON	<input checked="" type="checkbox"/>	S.D. Tourism Authority	JOE TERZI	<input type="checkbox"/>
TONY HUESO	<input checked="" type="checkbox"/>	USA Cab LTD		
JOSH LAYNE	<input type="checkbox"/>	S.D. Convention Center	DARYL MAYEKAWA	<input type="checkbox"/>
BERHANU LEMMA	<input checked="" type="checkbox"/>	Lease Driver Representative		
AKBAR MAJID	<input checked="" type="checkbox"/>	SDYC Holdings, LLC		
NAMARA MERCER	<input type="checkbox"/>	Greater S.D. Hotel/Motel Association		
HUSHANG NAHAVANDIAN	<input checked="" type="checkbox"/>	ESM Corp.		
TONY PALMERI	<input checked="" type="checkbox"/>	S.D. Travelers Aid Society	MICHEL ANDERSON	<input type="checkbox"/>
REZA SOLATI	<input type="checkbox"/>	Lease Driver Representative		
MIKE STAPLES	<input type="checkbox"/>	Greater S.D. Hotel/Motel Association Catamaran Hotel		
MARGO TANGUAY	<input checked="" type="checkbox"/>	Lease Driver Representative		

MTS Representatives Present (nonvoting):

Others Present (nonvoting):

PAUL C. JABLONSKI, MTS Chief Executive Officer	<input type="checkbox"/>	STEVE CELNIKER, City of S.D. Liaison/ SANDAG	<input type="checkbox"/>
SHARON COONEY, MTS Chief of Staff	<input checked="" type="checkbox"/>	EDNA RAINS, S.D. County Sheriff (nonvoting member)	<input checked="" type="checkbox"/>
BILL KELLERMAN, MTS Taxicab Administration Manager	<input checked="" type="checkbox"/>		<input type="checkbox"/>
KAREN LANDERS, MTS General Counsel	<input type="checkbox"/>		

CLERK OF THE TAXICAB COMMITTEE:

TAXICAB ADMINISTRATION MANAGER:


Diane Sundholm


Bill Kellerman


Date

MANAGEMENT COMMUNICATIONS

PAUL E. COOPER
EXECUTIVE ASSISTANT CITY ATTORNEY

MARY T. NUESCA
ASSISTANT CITY ATTORNEY

RYAN P. KOHUT
DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO
JAN I. GOLDSMITH
CITY ATTORNEY

CIVIL ADVISORY DIVISION
1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178
TELEPHONE (619) 236-6220
FAX (619) 236-7215

MEMORANDUM OF LAW

DATE: August 26, 2014

TO: Councilmember Marti Emerald

FROM: City Attorney

SUBJECT: Removing the Current Limitation on the Number of Taxicab Permits

QUESTION PRESENTED

Can the City lawfully remove its limitations on the number of permits available to operate a taxicab within the City?

SHORT ANSWER

Yes. The City has broad discretionary powers over the granting of taxicab permits and may remove the limit on the number of permits.

BACKGROUND

The City has used several approaches to regulate the taxi industry. *See* City Mgr. Report No. 01-050 (Mar. 14, 2001). The policy through the mid-1970s required the City Council to hold hearings to determine whether to issue certificates of convenience and necessity whenever specific requests were received from existing or prospective operators. In the late 1970s, the Council decided to increase the supply of taxicabs to encourage competition and diversity, to allow drivers to own their own cabs, and to detach taxicab matters from the political process. A series of amendments to the Municipal Code were passed that set no limit on the total number of taxicabs and transformed licensing to an administrative process. The number of taxicabs more than doubled to 928 taxicabs by 1984. Subsequently, the City Council adopted Council Policy 500-02 to limit the number of taxicab permits within the City and instituted a moratorium on new permits. San Diego Resolution R-260636 (May 7, 1984).

In 1988, the City delegated the administration and regulation of taxicabs to the San Diego Metropolitan Transit System (MTS), while maintaining authority over major policy matters including the number of taxicab permits. In 2001, the City Council amended Council Policy

500-02 to replace the moratorium on new taxicab permits with a formula intended to balance the supply of taxicabs to the demand for taxicab services within the City. San Diego Resolution R-295355 (August 6, 2001). This formula has been modified twice with the intent of balancing the issuance of new permits with the increased demand for taxicab services. San Diego Resolution R-302130 (Dec. 6, 2006); San Diego Resolution R-307494 (Jun. 26, 2012).

ANALYSIS

In the State of California, cities and counties are required to adopt a resolution or ordinance regulating taxicab transportation services within their limits. Cal. Gov. Code § 53075.5(a). These regulations include “A policy for entry into the business of providing taxicab transportation service[s].” Cal. Gov. Code § 53075.5(b)(1).

As the City Attorney’s Office has opined before, taxicabs are considered common carriers for purposes of regulation because the industry services offered are public in nature and take place on streets and highways in and around the City. *See* City Att’y MOL No. 99-7 (Aug. 2, 1999). No vested rights are associated with the granting or prohibiting of permits, so no fundamental rights are affected that would raise constitutional concerns requiring more than a rational basis for the regulation.¹

The use of highways by a common carrier is a privilege which may be granted or withheld by the State in its discretion, without violating either the due process or equal protection clause. *Buck v. Kuykendall*, 267 U.S. 307, 314 (1925). Ordinances may condition the granting of taxicab licenses on the basis of public need. *Capitol Taxicab Co. v. Cermak*, 60 F. 2d 608, 609-610 (1932). This exercise of discretion was appropriate where public convenience and necessity required the issuance of new certificates for taxicab service. *Luxor Cab Co. v. Thomas Cahill*, 21 Cal. App. 3d 551, 576 (1971). In *Luxor*, a cab company and chauffeurs union sought to prevent a city board of permit appeals from issuing new certificates for the operation of taxicabs; the Court held that the board had broad discretion in passing upon permit matters and that the issuance of new certificates did not infringe on the vested rights of present certificate holders. *Id.* at 551.

In the past, the City has expanded and limited the number of taxicab permits issued. At present, Council Policy 500-02 governs how new taxicab permits are to be issued. While this Council Policy currently contemplates additional permits being granted based upon certain supply and demand conditions being present, it remains within the discretion of the City Council to amend this criteria. There is no legal impediment to the City Council modifying Council Policy 500-02 to allow for unlimited taxicab permits to be issued if the City Council has a reasonable basis for doing so. If the City Council desires to do so, it should develop a record through public hearings and testimony as to the rational reason for the change.

¹ Under the rational basis test, legislative classifications are constitutional if they bear some reasonable relationship to a permissible governmental objective. *See* City Att’y MOL No. 99-7 (Aug. 2, 1999) at pg. 4.

CONCLUSION

The City Council may remove the limit on the number of taxicab permits. Such a change should be memorialized as an amendment to Council Policy 500-02, which governs how taxicab permits are issued.

JAN I. GOLDSMITH, City Attorney

By . /s/ Ryan P. Kohut
RYAN P. KOHUT
Deputy City Attorney

RPK:RPG:cfq

ML-2014-9

Attachment: CP-500-02



Agenda

Item No. 4

Taxicab Advisory Committee Meeting

TAXI 585.3, 585.11

September 19, 2014

Subject:

TAXICAB ADVISORY COMMITTEE MEMBER PERMIT HOLDER NOMINATION AND ELECTION PROCESS

RECOMMENDATION:

That the Taxicab Advisory Committee review and approve the proposed permit holder election process and appoint a subcommittee to validate the election results.

Budget Impact

The complete election process will require approximately \$1,500.00 in mailing and reproduction costs.

DISCUSSION:

In September 1994, MTS established the Taxicab Advisory Committee to review policies and procedures relative to taxicab regulations, and to provide recommendations to the MTS Board of Directors. The "*MTS Taxicab Committee Guidelines*" (Attachment A) designate one MTS Board representative, one member each of representatives not in the taxicab industry appointed by the San Diego Convention and Visitors Bureau (ConVis) (now San Diego Tourism Authority), San Diego Convention Center, San Diego Travelers Aid Society, San Diego County Regional Airport Authority (SDCRAA), two members of the Hotel-Motel Association, and a representative from the San Diego County Sheriff's Department as a nonvoting member. In addition, the Guidelines designate five (5) seats for representation of taxicab permit holders; three seats are for representation of permit holders with four or more taxicabs and two of those seats are for representation of permit holders with one to three taxicabs. Also, there are five seats for taxicab driver representatives elected by licensed drivers operating in MTS areas of jurisdiction. Each member is elected for a three-year term. The MTS Board of Directors representative is appointed on an annual basis to be designated by the MTS Board of



Directors to serve as Chairman of the Taxicab Committee, historically, the representative from the City of San Diego.

The current industry members were elected in the fall of 2011, and their terms should have expired December 31, 2013. Due to delays caused by the contract renewals, the process was postponed, and existing members agreed to remain on the Committee until the contract issue was resolved. The time is here to elect five new taxicab permit holder members, and five lease driver representatives to serve for the next three years, beginning January 1, 2015, through December 31, 2018.

The non-taxicab organizations will be contacted after the Taxicab Advisory Committee meeting, requesting that these entities appoint members for the new three-year term. The permit holder election process will begin on Friday, October 10, 2014, with the mailing of instructions and nomination forms to all permit holders of record. All nominations must be received by 4:00 p.m. Friday, October 24, 2014.

Ballots listing the nominees will be mailed on November 5, 2014. Each permit holder will receive one ballot that will list the number of votes that may be cast. The number of votes will equal the number of permits our records show for each permit holder as of Wednesday, October 8, 2014.

Votes may be cast in any combination for anyone on the ballot, up to the total number of votes shown for the permit holder. Completed ballots must be returned to the Taxicab Administration office located at 1501 National Avenue, San Diego, California 92113, no later than 4:00 p.m. on Wednesday, November 19, 2014. Ballots returned after the deadline will not be considered in the vote count.

Votes will be counted on Thursday, November 20, 2014, in the Taxicab Administration conference room. Candidates will be rank-ordered by the number of votes received within two categories:

- Category One: Eligible participants are permit holders of four or more taxicabs. Three (3) spots are available.
- Category Two: Eligible participants are permit holders of three or fewer taxicabs. Two (2) spots are available.

Staff requests that the Committee select a subcommittee of not less than three (3) members whose task will be to validate the vote count. The subcommittee will meet at the offices of Taxicab Administration at 10:00 a.m. on Friday, November 21, 2014. The subcommittee will confirm its validation of staff's vote count by affixing their signatures to a Memo of Validation.

The staff vote count, and the Taxicab Advisory Committee's Vote Validation Subcommittee *Memo of Validation* forms, will be attached to a recommendation to the MTS Board to appoint to the Taxicab Advisory Committee as new members those five candidates determined to have received the greatest number of votes within their respective categories.

The new members will be notified by mail following their appointment by the MTS Board on Thursday, December 11, 2014, and will be introduced at the first 2015 meeting of the Taxicab Committee, which is yet to be determined.



Bill Kellerman
Taxicab Administration Manager

Key Staff Contact: Bill Kellerman, 619.595.7034, bill.kellerman@sdmts.com

Attachment: A. Taxicab Committee Guidelines

DSundh/Taxicab/Taxicab Committee
AI4.14-SEPT.19-P.H.



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

METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE GUIDELINES

TAXI 585.3
(PC 50761)

1 PURPOSE

The Taxicab Advisory Committee's purpose is to:

- 1.1 Provide feedback on taxicab matters destined for Board action;
- 1.2 Review summaries of administrative hearing officer decisions concerning taxicab owner and driver penalties;
- 1.3 Discuss taxicab owners'/drivers' written grievances;
- 1.4 Review summaries of complaints concerning taxicab service;
- 1.5 Review vehicle inspection criteria, process, results, and rankings;
- 1.6 Review the Chief Executive Officer's Annual Fee Schedule; and
- 1.7 Comment on MTS's work program concerning taxicab matters.

2 MEMBERSHIP

Seventeen members are appointed as follows:

- 2.1 One representative of the MTS Board of Directors appointed on an annual basis, who will be designated by the MTS Board of Directors to serve as Chairman of the Taxicab Advisory Committee.
- 2.2 One member appointed by the San Diego Convention and Visitor's Bureau, the San Diego County Regional Airport Authority, San Diego Convention Center, San Diego Travelers Aid Society, and two members from the Hotel Industry, each serving a three-year term.



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

- 2.3 Five taxicab owners with at least three years' experience and in good standing, each serving a three-year term, elected by taxicab owners, divided as follows:
- a. Two seats are designated for representation of owners of one to three taxicabs; and,
 - b. Three seats are designated for representation of owners of four or more taxicabs.
- 2.4 Five taxicab lease drivers in possession of a San Diego Sheriff's Department-issued Taxicab Driver Identification Card valid in the MTS areas of jurisdiction, being in good standing with the Sheriff's Licensing Division, and currently serving as a driver for at least three years leading up to the election. The election shall comply with the following guidelines:
- a. Lease driver representatives shall be elected by licensed drivers operating in MTS areas of jurisdiction.
 - b. Beginning with the 2013/2014 election, lease driver representative elections shall take place every three years at the same time as the owner representative elections.
 - c. Both owners and lease driver representatives shall meet the eligibility requirements at all times while serving on the Taxicab Advisory Committee.
- 2.5 A taxicab owner member unable to attend a meeting may appoint an alternate from the same or similarly sized company to attend in his or her absence.
- 2.6 A taxicab driver unable to attend a meeting may appoint a driver with a similar experience level (within 2 years), not less than three years, to attend in his, or her, absence.
- 2.7 The Taxicab Advisory Committee shall make an interim appointment if a member's seat becomes vacant within the three-year term.
- 2.8 The Vice Chairman will be the representative for the San Diego Convention & Visitors Bureau.

3 MEETINGS

- 3.1 Taxicab Advisory Committee meetings are subject to the provisions of the Ralph M. Brown Act, California Government Code, Section 54950, et. seq.
- 3.2 Taxicab Advisory Committee meetings will be held quarterly at the offices of MTS.
- 3.3 The agenda for each meeting will be posted in the MTS lobby.
- 3.4 The agenda, backup materials, and minutes of the previous meeting will be sent to each member ten calendar days in advance of the meetings.
- 3.5 The Chairman may call special meetings, as necessary.

3.6 Fifty-one percent attendance is a quorum to hold a meeting.

4 VOTING

4.1 Each member of the Taxicab Advisory Committee has an equal vote.

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

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

5 APPROVAL

5.1 These Guidelines were revised by the MTS Board of Directors on September 15, 2011.

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



Agenda

Item No. 5

Taxicab Advisory Committee Meeting

TAXI 585.3, 585.11

September 19, 2014

Subject:

**TAXICAB ADVISORY COMMITTEE LEASE DRIVER REPRESENTATIVE MEMBER
NOMINATION AND ELECTION PROCESS**

RECOMMENDATION:

That the Taxicab Advisory Committee review and approve the proposed lease driver representative election process and appoint a subcommittee to validate the election results.

Budget Impact

The complete election process will require approximately \$2,000 in mailing and reproduction costs. This cost does not include staff time. Cost for staff time is estimated at \$13,080.

DISCUSSION:

In September 1994, MTS established the Taxicab Advisory Committee to review policies and procedures relative to taxicab regulations, and to provide recommendations to the MTS Board of Directors. The *"MTS Taxicab Committee Guidelines"* (Attachment A) were revised in September 2011, to accommodate the election of five (5) lease driver representatives, and reduce the number of permit holder seats to an equal number of five (5). Each member is elected for a three-year term.

The current lease driver representative members were elected in the fall of 2011, and their terms should have expired December 31, 2013. Due to delays caused by the contract renewals, the process was postponed, and existing members agreed to remain on the Committee until the contract issue was resolved. The time is here to five lease driver representatives to serve for the next three years, beginning January 1, 2015, through December 31, 2018.

On September 26, 2014, memorandums will be mailed to all MTS permit holders, radio service organizations, the San Diego Sheriff's Licensing Division, San Diego County



Regional Airport Authority (SDCRAA), and the driver safety training facility advising the election process, and nomination requirements. Permit holders are required to forward this memorandum to lease drivers.

From 9:00 a.m. to 4:00 p.m., Tuesday, October 14 through Thursday, October 16, 2014, MTS will be seeking self-nominations, in person, from taxicab drivers willing to attend a *minimum* of four TAC meetings per year, and who meet the nomination requirements. Driver self-nomination forms will be available at the MTS Taxicab Administration business office. Driver nominee eligibility will be verified at the Sheriff's Licensing Division.

On Monday, November 3, 2014, a list of all drivers on the ballot will be mailed to all permit holders, radio service organizations, SDCRAA, Sheriff's Licensing Division, and driver safety training facility, along with the voting requirements. Beginning at 9:00 a.m., Monday, November 17 through Wednesday, November 19, 2014, driver voting will be held at the Taxicab Administration office.

Votes will be counted on Thursday, November 20, 2014, by MTS staff. Candidates will be rank-ordered by the number of votes received.

Staff requests that the Committee select a subcommittee of not less than three (3) members whose task will be to validate the vote count. The subcommittee will meet at the offices of Taxicab Administration at 10:00 a.m. on Friday, November 21. The subcommittee will confirm its validation of the vote count by affixing their signatures to a *Memo of Validation*.

The staff vote count, and the Taxicab Advisory Committee's Vote Validation Subcommittee *Memo of Validation* will be attached to a recommendation to the MTS Board to appoint those five candidates determined to have received the greatest number of votes. The new members will be notified by mail following their appointment by the MTS Board on Thursday, December 11, 2014, and will be introduced at the first 2015 meeting of the Taxicab Advisory Committee, which is yet to be determined.



Bill Kellerman
Taxicab Administration Manager

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DSundh/Taxicab/Taxicab Committee
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