

Agenda

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

TAXICAB ADVISORY COMMITTEE

October 14, 2020

10:00 a.m.

Meeting will be held via webinar

To request an agenda in an alternative format or to request accommodations to facilitate meeting participation, please call the Taxicab Advisory Committee Clerk at least two working days prior to the meeting. Meeting webinar/teleconference instructions can be accessed at the following link:

<https://www.sdmts.com/about-mts-meetings-and-agendas/other-committee>

		ACTION RECOMMENDED
1.	<u>Roll Call</u>	
2.	<u>Approval of Minutes – January 3, 2020 and July 15, 2020</u>	Approve
3.	<u>Non-Agenda Public Comment</u> The public may address the Committee regarding a matter <u>not</u> on the agenda. Each speaker has three minutes to speak. If you have a report to present, please submit copies to the Clerk of Taxicab Advisory Committee.	
4.	<u>Fiscal Year (FY) 2021 Amended Budget Forecast</u>	Informational
5.	<u>Active and Surrendered Permits Report</u>	Informational
6.	<u>Permit Reinstatement and Department Name Change</u>	Informational
7.	<u>Taxicab Advisory Committee (TAC) Proposed 2021 Meeting Schedule</u>	Informational
8.	<u>Nominations for Workshop on Regulatory Matters (WORM) Subcommittee Membership</u> Action would nominate members to the WORM subcommittee.	Action

- | | | |
|-----|--|---------------|
| 9. | <u>Proposed Ordinance No. 11 Revisions</u> | Informational |
| 10. | <u>Committee Member Communications</u>
Brief comment on any taxicab related item not included in the Agenda | |
| 11. | <u>Next Meeting:</u> TBD | |
| 12. | Adjournment | |

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

DRAFT MINUTES

January 15, 2020

[Clerk's note: Except where noted, public, staff and committee member comments are paraphrased].

1. Roll Call

Chair Ward called the Taxicab Advisory Committee (TAC) meeting to order at 10:00 am. A roll call sheet listing Taxicab Advisory Committee member attendance is attached.

2. Approval of Meeting Minutes – December 2, 2019

Mr. Hueso moved for approval of the meeting minutes of the December 2, 2019 TAC Meeting, with a second by Mr. Palmeri. The vote was 10 to 0 in favor with Mr. Chasteen, Mr. Hilemon, and Mr. Nichols absent and one member vacancy.

3. Non-Agenda Public Comment

Mark McGee, Lease Driver - Mr. McGee spoke to address the current lack of taxi stands throughout San Diego and downtown areas. The areas of greatest need noted were Balboa Park, Broadway Pier, The Fish Market, the San Diego Zoo and some Pacific Beach areas. He stated that this is not only a great need for the drivers themselves but for the public, particularly the disabled and elderly. He said there is also a great abuse of taxi stands by other non-taxi vehicles, especially on weekend evenings in the Gaslamp Area. He said he has pointed out the problem to San Diego Police Department but they do not have the resources to address the issue. In addition to Lyft, Uber, UPS and scooter charging vehicles, there are even downtown employees who use the spots for entire days while working. He believes that most people park there as they know that there is no enforcement by Police or MTS Enforcement.

4. Fiscal Year (FY) 2020 Amended Budget

Gordon Meyer, MTS Operating Budget Supervisor, presented a PowerPoint on Taxicab Administration Finances including, a summary and detailed budget report, the current contingency reserve balance, and a report of the finalized FY20 amended budget. A copy of the presentation and supplemental reports were provided with the original meeting packet. Ms. Cooney and Chair Ward noted the efforts by the Taxicab Administration Department to affect savings where possible. Chair Ward and Ms. Cooney both shared that they recognize the reduction in ability to make revenue and the difficulties facing permit holders; as such, they are invested in assisting with efforts to aid in the support and success of the industry.

Public Comment

No Public Comment.

Committee Member Comment

Mr. Hussein said that he has gone to the MTS Board previously to inquire about a possible reduction, or waiver, of rent costs and would like to know what decision was made. He also mentioned that Taxi Administration is heavily staffed, although he knows they have let some people go; he would like to know if there has been any research into what other regulatory agencies in other areas are doing with their operations.

Mr. Hueso asked if permit counts included all modes of regulated transportation. Mr. Fewell gave a verbal report of the permit breakdown as: 847 Taxicabs, 20 Low Speed Vehicle, 159 Charter vehicles, 376 Nonemergency Vehicles and 8 Jitneys for a combined total of 1,410. Mr. Meyer clarified that the permit figure of 1273 was used for budgeting purposes to account for voided/revoked permits, he noted that last years final figure was 1255. Mr. Fewell confirmed Mr. Hueso's question regarding NEM vehicles and the likelihood that those permits will continue to increase. Ms. Cooney said that may be impacted due to the way the State is handling Managed Care Providers and how they are paying for medical transportation. Those discussion are still ongoing so it is unclear if this will benefit NEM's, taxis or other TNC's. She is having conversations with Sacramento to keep a close watch on any potential negative impact to our industry.

Action Taken

None. Informational only.

5. Maximum Rates of Fare

Leonardo Fewell, Taxicab Administration Manager, presented the 2020 Maximum Rates of Fare released by the US Bureau of Labor Statistics on January 14, 2020. In addition to the established Maximum Rates of Fare taxicabs equipped with Point of Sale Devices (POS) electronically connected to the taximeter and printed or electronically conveyed receipt capabilities may charge 6% more than the maximum rates of fare for taxicabs without such devices. Mr. Fewell noted that taxicab companies may adopt the 2020 maximum rates of fare immediately thereafter by filing a Statement of Rates of Fare form and finalizing a taximeter inspection by Taxicab Administration.

Public Comment

Kamran Hamidi, SD Airport Dispatch/VIP Taxi-Mr. Hamidi thanked the committee for the support of Agenda Item 4. He stated that currently anyone can complete a Statement of Rates of Fare with MTS to raise their rate to the maximum. He said that city rates and airport rates will now be aligned with the use of the CPI method and the additional 6% with POS technology. AB1069 allows drivers to charge up to the maximum rate but they may also charge a lower fare if desired. He did note that San Diego is really behind on industry technology.

Committee Member Comment

Ms. Tanguay said that she is in favor of keeping the rates as they are, and even possibly reducing them, to be more competitive.

Mr. Banks asked if it is possible for a permit holder to opt out of increasing the rate. Mr. Fewell clarified that the rates established are a Maximum Rate but adoption of the rate increase is completely optional.

Mr. Tehrani said that business is really not good and many customers are not happy with the existing prices; he questioned the decision to increase rates in such a market. He said this is going to contribute to further killing the taxi market.

Mr. Hueso thinks that there is misunderstanding of what the maximum rate means. He said the industry is fairly saturated and needs to find other cost saving methods, such as more economical vehicles. He said that he will not be raising rates as the market is dictating prices and it is already very difficult to be competitive. In speaking with other permit holders, he has found that they will not be raising their rates either.

Mr. Majid asked if this rate increase would impact airport rates, he also asked if perhaps the rates should be frozen to reduce confusion.

Mr. Nichols, San Diego County Regional Airport Authority clarified this change applies to City maximum rates only and do not impact airport rates at all, the airport does not have a separate rate but rather an established "trip/access fee".

Mr. Abraham said that there is very little work already, this matter was discussed at the Workshop on Regulatory Matters (WORM) and he feels it is a waste of time to have discussions regarding rate increases.

Mr. Banks would like to see the rates frozen as well, he asked if this is something that needs to be presented to the State. Ms. Cooney said that industry interest, and request, were the motivating factors in both the maximum rate increase and the additional 6% for Point of Sale equipment. Chair Ward reiterated that charging an increased rate, up to the maximum, is a personal business decision to be made by each permit holder. He said that customer feedback regarding this matter, particularly in regards to airport fare confusion, will be monitored and reported back to the committee.

Action Taken

None. Informational only.

6. February 12, 2020 Deadline for Permits Held by Corporations and LLC's to Meet Council Policy 500-02 Screening Criteria Extended to January 1, 2021

Mr. Fewell noted that February 12, 2020 vehicle requirement changes due to Policy 500-02 could create a potential loss of regulatory fees for 133 taxicab permits. Council Policy No. 500-02 states that new taxicab permit holders must have a vehicle that 1) is no older than 10 years of the model age and 2) not have a salvage title. For all existing permit holders held by corporations or limited liability companies, City Council Policy No. 500-02 required compliance within 5 years. In response to these concerns, MTS Taxicab Administration has reviewed this issue. Mr. stated in order to allow time for the City of San Diego to review this issue, MTS Taxicab Administration will not enforce these two requirements until January 1, 2021. If by January 1, 2021 the City of San Diego has not adopted changes to Council Policy 500-02 in regards to vehicle age limits and title status, MTS will enforce Council Policy 500-02 and MTS Ordinance No. 11 as currently stated.

Public Comment

Kamran Hamidi, SD Airport Dispatch/VIP Taxi – Mr. Hamidi said that Policy 500-02 also addresses security cameras and that he has been using dash cameras for around three years. He thinks cameras can help reduce regulatory burden on MTS and aids with driver safety. He has notices, in

English and Spanish, informing passengers that they are being recorded. He said this is another step towards moving ahead in technology.

Committee Member Comment

Ms. Tanguay shared that she has been a lease driver since 1979 and that she recalls that many permit holders were told to register as LLC's and now they are being faced with this additional expense when there is no business or money. She feels like this is discriminatory. Chair Ward clarified that the item being presented today is to extend the deadline and that there will be further conversations taking place at the WORM and the City level.

Mr. Hussein would like the off-street parking regulation to be addressed as well.

Mr. Banks asked if there is any enforcement happening around cameras in taxis, he thinks that many customers are opposed to the use of cameras.

Action Taken

None. Informational only.

7. Workshop on MTS For-Hire Vehicle Insurance Requirements

Mr. Fewell reviewed the MTS Taxicab Administration minimum required public liability insurance requirements and coverage amount limits for Taxicabs and for-hire vehicles. The minimum required public liability insurance limit for taxicabs (9 passengers or less) is \$350,000 combined single limit. The insurer must have a minimum A.M. Best rating of A-minus (A-) or above, and a financial size category of no less than VII (seven), or a similar Standard and Poor's rating.

He noted that there have been multiple requests from Taxicab Advisory Committee members, drivers and permit holders to revise the current MTS for-hire vehicles insurance requirements, specifically, to eliminate insurance company minimum standard ratings with the expected result of lower insurance premiums for the San Diego taxicab industry.

Mr. Fewell said minimum insurance requirements are established in the interest of public and passenger safety and that MTS current insurance coverage limits and requirements are on par with similar regulatory agencies in the state of California. In order for MTS to consider revisions to the current for-hire vehicle insurance requirements, and in an effort to find effective and sustainable solutions that may result in lower insurance premiums for taxicabs, Taxicab Administration will convene an invitation only, one-day workshop Friday, January 17, 2020 at 10:00 am.

Public Comment

No Public Comment.

Committee Member Comment

Mr. Hussein asked if changes in the rating would happen in time for insurance policy renewals in April. Mr. Fewell acknowledged the urgency and hopes to have any approved changes in place by the time policy renewals happen.

Action Taken

None. Informational Only.

8. Revisions to Taxicab Advisory Committee Membership

Mr. Fewell reviewed the Taxicab Advisory Committee (TAC) committee member make up and recent changes. On December 2, 2019, TAC member Anthony Palmeri, San Diego Traveler's Aid Society announced his retirement and Hotel Industry Representative, Mr. Ryan Chasteen has relocated out of state. Neither organization reappointed a new representative. On the suggestion of the WORM sub-committee members both the Gaslamp Quarter Association (GQA) and Cross Border Xpress (CBX) airline bridge terminal in Otay Mesa were recommended as potential committee members. Both organizations expressed interest in participating in the TAC, a proposal to amend the Taxicab Committee Guidelines will be presented at the next scheduled TAC meeting and provided to the MTS Board of Directors for final approval.

Public Comment

No Public Comment.

Committee Member Comment

Mr. Tasem asked why CBX was invited to join as they are a privately-owned company, he said that he thought the Committee was to be comprised of public entities. Mr. Fewell explained that there is no regulation that Committee members be public organizations; he also noted that CBX was approached based on the WORM recommendation. He said there is a lot of development happening in the Otay Mesa area and CBX's participation is an opportunity for a good business partnership. Mr. Tasem would like them to change their requirements regarding required permitting to work at CBX.

Mr. Banks shared that he has had problems at CBX as well, he would like to see MTS and CBX work together. Mr. Ward suggested that once a CBX representative attends a meeting more time be spent to suss out such matters.

Mr. Hussein said that he feels there needs to be value to whomever is added to the TAC and that he also has had problems with CBX in the past regarding their policies and procedures. He feels that it is not a good idea to invite CBX and thinks it would be preferable to add an NEM company as they currently do not have representation. He alternatively suggested more single cab permit holders. Ms. Cooney explained opportunity of inviting an organization like CBX; their attendance will provide for relationship building, facilitate shared policy and regulation development, and encourage accountability across agencies.

Mr. Hueso echoed that there are significant transportation opportunities for taxicabs and this should be seen as a positive. Mr. Ward suggested that once CBX attends a meeting, more time be spent to suss out any issues or concerns

Action Taken

None. Informational Only.

9. Additional Committee Member Comment

No additional committee member comment.

10. Next Meeting – April 15, 2020 at 10:00 am.

11. Adjournment

The meeting was adjourned at 11:07 am.

Accepted:

Filed by:

Chris Ward
Chair of Taxicab Advisory Committee

Jamila Larkins, Clerk of the Committee
MTS Taxicab Administration

Attachments: Roll Call Sheet
2020 Maximum Rates of Fare

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

MEETING OF (DATE): January 15, 2020

CALL TO ORDER (TIME): 10:00 am

ADJOURN: 11:07 am

COMMITTEE MEMBER		(Alternate)		ORGANIZATION	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Christopher Ward	<input checked="" type="checkbox"/>			MTS Board of Directors/SD City Council	10:00 am	11:07 am
George Abraham	<input checked="" type="checkbox"/>			Taxicab Owner/Eritrean Cab Co.	10:25 am	11:07 am
Alfred Banks	<input checked="" type="checkbox"/>			Taxicab Lease Driver	10:00 am	11:07 am
Vacant	<input type="checkbox"/>			Organizational Representative		
Brian Hilemon	<input type="checkbox"/>			San Diego Tourism Authority		
Antonio Hueso	<input checked="" type="checkbox"/>			USA Cab, LTD	10:00 am	11:07 am
Mikail Hussein	<input checked="" type="checkbox"/>	Abebe Antallo	<input type="checkbox"/>	United Taxi Workers Federation San Diego	10:00 am	11:07 am
Daryl Mayekawa	<input checked="" type="checkbox"/>			San Diego Convention Center	10:00 am	11:07 am
Akbar Majid	<input checked="" type="checkbox"/>			Taxicab Owner/SDYC Holdings, LLC	10:00 am	11:07 am
Guillermo Morquecho	<input type="checkbox"/>			Taxicab Lease Driver		
Houshang Nahavandian	<input checked="" type="checkbox"/>			Taxicab Owner/ESM Corporation	10:00 am	11:07 am
Marc Nichols	<input checked="" type="checkbox"/>	Michael Anderson	<input type="checkbox"/>	San Diego County Regional Airport Authority	10:03 am	11:07 am
Vacant	<input type="checkbox"/>		<input type="checkbox"/>	Organizational Representative		
Margo Tanguay	<input checked="" type="checkbox"/>			Taxicab Lease Driver	10:04 am	10:50 am
David Tasem	<input checked="" type="checkbox"/>			Taxicab Lease Driver	10:00 am	11:07 am
Nasser Tehrani	<input checked="" type="checkbox"/>			Taxicab Owner/N.A.T. Cab Co.	10:00 am	11:07 am
Garret Cooper non-voting	<input type="checkbox"/>			San Diego Department of Agriculture, Weights and Measures		
Edna Rains non-voting	<input checked="" type="checkbox"/>			San Diego County Sheriff's Department Licensing Division	10:00 am	11:07 am
Sharon Cooney non-voting	<input checked="" type="checkbox"/>			MTS Chief of Staff	10:09 am	11:07 am
Leonardo Fewell non-voting	<input checked="" type="checkbox"/>			MTS Taxicab Administration Manager	10:00 am	11:07 am
Paul Jablonski non-voting	<input type="checkbox"/>			MTS Chief Executive Officer		
Samantha Leslie non-voting	<input checked="" type="checkbox"/>			MTS Staff Attorney/Regulatory Compliance	10:00 am	11:07 am

CLERK OF THE TAC: 

TAXICAB ADMINISTRATION MANAGER: 

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

2020 Maximum Rates of Fare

	<u>2020 Maximum Rate of Fare</u>	<u>2020 Maximum Rate of Fare, Point of Sale (POS) Device Equipped Taxicabs, additional 6%</u>
Flag Drop	\$3.00 flag drop 1/10 of a mile	\$3.20 flag drop 1/10 of a mile
Per Mile Rate	\$3.20	\$3.40
Per Hour Waiting Time	\$25.00	\$27.00

Instructions on how to calculate rates of fare:

233.299 (Annual Consumer Price Index report value for 2019)

-121.000 (1990 Value)

112.299 (Replace "Y" with the subtracted value)

Flag Drop

Step 1- $\$1.40 \times 112.299(Y) = 157.2186$ convert it into a dollar amount \$1.572186

Step 2- $\$1.40 + 1.1572186 = \2.972186 round up/down to the nearest .10 cent = **\$3.00 flag drop**

Per Mile

Step 1- $\$1.50 \times 112.299(Y) = 168.4485$ convert it into a dollar amount \$1.684485

Step 2- $\$1.50 + 1.684485 = \3.184485 round up/down to the nearest .10 cent = **\$3.20 per mile**

Wait Time

Step 1- $\$12.00 \times 112.299(Y) = 1347.588$ convert it into a dollar amount \$13.47588

Step 2- $\$12.00 + 13.47588 = \25.47588 round up/down to the nearest \$1.00 = **\$25.00 wait time**

Fraction Calculation

Step 1- $\$3.20$ (per mile) / .10 cent (fraction in which the meter clicks) = 20 = 1/16th fraction

The Time It Takes For Each Fraction to Click the Meter

Step 1- $\$25.00 / .20$ cent (or 1/16th in which the meter clicks) = 125

Step 2- 3600 (seconds per hour) / 125 = 28.8 seconds the meter will click 1/16th of a mile every 28.8 seconds the taxicab moves



MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE

DRAFT MINUTES

July 15, 2020

[Clerk's note: Except where noted, public, staff and committee member comments are paraphrased. Meeting conducted via webinar to comply with public health orders].

1. Roll Call

Chris Ward, Chair of the Committee, called the Taxicab Advisory Committee meeting to order at 10:08 am. A roll call sheet listing the Taxicab Advisory Committee member attendance is attached.

2. Approval of Meeting Minutes – January 15, 2020

Approval of January 15, 2020 minutes moved to next scheduled TAC due to no quorum.

3. Non-Agenda Public Comment

There were no non-agenda public comments.

4. Proposed Revisions to City Council Policy No. 500-02

Mr. Fewell reviewed the proposed revisions to Policy No. 500-02. Fundamental proposals included: Removal of six (6) month commercial driving experience for permit applicants, removal proof of ability to meet insurance requirements, removal proof of ability to finance meeting screening criteria and regulatory requirements, addition of ADA-compliant vehicle guidelines to “be consistent with MTS Taxicab Administration regulations and policies...”, remove security camera requirement and update to require that Customer Service Plans include “utilization of GPS”, replacement of current vehicle age requirements from 10 years to 15 years, and removal of the salvage title restriction; as long as vehicle passes MTS’s 49-point inspection and complies with the California Air Resources Board (CARB). Changes to requirements regarding adequate administrative and vehicle maintenance facilities, removal of street parking restrictions, revision to 24-hour dispatch coverage requirement and revision to policy section that specifies Corporation and LLC compliance with Screening Criteria within 5 years to reflect **all** existing permits shall comply. Policy No. 500-02, and the specific detail of each proposal, background and alternative was provided with the original meeting packet.

Public Comment

No public comment.

Committee Member Comment

Mr. Ward said these changes will be good for the industry without compromising quality of service, or safety, to passengers. Ms. Leslie noted that these changes are slated to go in to

effect in January and that it is critical to present to the City of San Diego prior to maturation date, or any possible enforcement, of the current policy.

Mr. Majid said he feels that the majority of the revisions being presented are in response to guidelines that were initially politically motivated, rather than based on any data or facts. He said the age limit of the vehicle impacts Corporations/ LLC's but exempts Sole Proprietors and is possibly discriminatory. He has some concern that the 10-year age limit was selected arbitrarily and the same is being done with choosing the 15-year age limit. Vehicles frequently used for current fleets are lasting much longer and this policy may again require further revision. He proposes to consider asking for no age limit but does acknowledge the most important thing is to move forward.

Mr. Hueso also expressed concerns about the time frame of the changes as he noted that Chair Ward would be moving on and continuity would be impacted.

Mr. Zschesche was in agreeance with Mr. Majid, he thinks that the year of the vehicle is insignificant if the vehicle is deemed safe. He also would like to see this moved forward so that the changes may already be in place once the pandemic restrictions ease up.

Ms. Tanguay said she doesn't believe these matters are political and that these are logical concerns. She does have some concerns about not having 24-hour dispatch, particularly in the event of an emergency.

Chair Ward suggested taking the matter back to the Workshop on Regulatory Matters (WORM) and then presenting it to City based on Committee Member support. He suggests offering the proposal to the City tentatively in September and also recognizes that timeliness is of the essence. He said he also thinks the year seems a bit arbitrary, but it was selected based on when the policy went into effect, current vehicle ages and to ensure currently operating vehicles are still in compliance. Mr. Fewell clarified that CARB, and their standards, is the main determinate factor when it comes to vehicle age. When doing research on the matter he solicited information from other industry counterparts and learned that some have already removed agency age restrictions, while others are contemplating revisions. As an example, he noted that although the San Diego Airport has existing guidelines regarding taxi vehicle age, they have currently suspended their 10-year age requirement.

Action Taken

None. No quorum.

5. Revisions to Taxicab Advisory Committee Guidelines

To address vacancies, and/or low attendance appointments, on the Taxicab Advisory Committee (TAC) impacting quorum, the following revisions were proposed to the TAC Guidelines: removal of the San Diego Travelers' Aid Society and San Diego Hotel Industry and appointment of the Gaslamp Quarter Association and Cross Border Xpress (CBX).

MTS has confirmed that both Jorge Goytortua, Chief Executive Officer for CBX, and Michael Trimble, Gaslamp Quarter Association, are interested in joining TAC. Upon TAC member approval of the appointment of the Gaslamp Quarter Association and CBX, a proposal to amend

the Taxicab Advisory Committee Guidelines will be presented to Board of Directors at the July 30, 2020. Ms. Leslie noted that if TAC is in support of the item, even though there is not a quorum, it can still be presented to the Board at the July meeting. This should to ensure a quorum at the October 2020 TAC Meeting.

Public Comment

No public comment.

Committee Member Comment

Ms. Tanguay stated that Gaslamp is in very bad shape and she is in support of bringing them on. She also said that she is aware of some of the problems CBX is experiencing and thinks they are also a very wise addition to help the industry.

Mr. Majid also feels both organizations will be good additions, particularly as they are not well versed in the taxi industry.

Mr. Zschiesche said the Hotel Industry should be represented; Mr. Fewell explained that neither prior Hotel Organization was interested in participating.

Action Taken

None. No quorum.

6. COVID-19 Sanitary Measures for Taxicab, Jitney, Low Speed, Charter and Nonemergency Medical Transport Vehicles and Associated Administrative Penalties

Mr. Fewell reviewed the established mandatory COVID-19 sanitary measures for all modes of MTS Regulated For-Hire Vehicles. The following organizational mandates and guidelines were reviewed and utilized in doing such: The County of San Diego (COSD) Health Orders; the Centers for Disease Control and Prevention (CDC) sanitary recommendations for Rideshare, Taxi, Limo, and other Passengers and Drivers of For-Hire vehicles; and COVID-19 related measures implemented by other for-hire and TNC industries. A 10-day period beginning June 17, 2020 and ending on June 27, 2020 was given to allow permit holders and lease drivers to comply with these measures.

Mr. Fewell shared that on June 19, 2020, MTS issued a news media release announcing New Safety Protocols for Taxicab Drivers and Passengers. Additionally, Taxicab Administration distributed an informational memorandum and sample COVID-19 response plan to Taxicab Advisory Committee members, dispatch services, interested parties and other industry stakeholders. Mr. Fewell presented a list of the COVID-19 sanitary measures implemented on June 17, 2020 and noted that they will remain in force until further notice. The summarized required measures are: Driver Temperature/Symptom Screening, Driver Face Coverings, Disinfection of vehicle touchable surfaces, no passenger/fares in front seat and posting of a COVID-19 Business Plan. The additional recommended measures are: partitions between front and rear passenger seats, car ventilation via windows and vents, and driver hand sanitizer usage after handling passenger items. MTS Taxicab Administration will be utilizing warnings and re-training as the primary tool for enforcement. Following issuance of two warnings to any

driver and/or permit holder, administrative penalties will apply which include, but are not limited to: five-day Driver I.D. Suspension and/or removing vehicle from service until corrected (RTC). The vehicle will remain out of service pending a vehicle inspection by MTS Inspectors to verify the violation(s) have been corrected. Detailed specifications of required, and recommended, items were provided with the original meeting materials.

Public Comment

No public comment.

Committee Member Comment

Chair Ward stated that he appreciated MTS coming up with industry standards in order to ensure the safety of drivers, passengers and subsequent passengers. He asked if there were any passenger requirements, particularly for those who appear ill. Ms. Leslie replied that it is up to the driver to decide to provide rides to those they feel may be ill, additionally for those passengers it is recommended that drivers refer them to immediate appropriate medical care. Chair Ward asked specifically about any requirements for passengers regarding face coverings. Mr. Fewell said that there are existing County mandates regarding face coverings, MTS does not have a separate specific mandate. Mr. Fewell said that any drivers who deny fare based on COVID related reasons should notify their dispatch company immediately to ensure appropriate record keeping. He stated that, to date, there have not been any complaints or concerns arising from passengers not following the COSD mandate.

Mr. Hueso wanted clarification on interior partitions being mandatory, and if so, when the sunset date would be. Mr. Fewell responded that interior partitions are only an optional recommendation at this time. He said that as COSD guidelines are currently being utilized there is no established sunset, or expiration date; requirements may change as the COSD changes their guidelines or recommendations. MTS will communicate any changes with all permit holders as they happen.

Mr. Banks asked if a passenger does not seem sick, and the number of passengers exceeds the backseat, they can use the front seat. Mr. Fewell responded that a driver does have the discretion in such situations but suggested that calling for a second vehicle may be safer solution to consider.

Action Taken

None, informational only.

7. Preliminary Report on Regulatory Fee Payments and Voluntary Surrender Permit Update

Mr. Fewell gave a preliminary report of Regulatory Fee deadline updates and Surrendered Permits to date. He announced the extension of the full payment deadline from June 8, 2020, to September 1, 2020. He explained that permit holders have the option of paying the entire \$600 per permit or a minimum \$200 payment per permit on, or before, June 8, 2020 with remaining balances to be paid on, or before, September 1, 2020. Failure to pay the remaining \$400, or other outstanding balances, will result in permit revocation. No further payment extensions will

be provided. A preliminary update on payments was reported as 27% (390) paid in full, 63% (927) partial payment and 10% (153) no payment made.

Permit holders were also allowed to place their vehicle under voluntary surrender at any time, free of charge. MTS provides proof that the vehicle is placed under voluntary surrender as necessary for the purpose of suspending insurance, dispatch service and other operating costs while the vehicle is not in service. He reported the current "voluntary surrender" figure for all permits as 46% (664 of 1450). The figures by permit mode were reported as: Taxi 64% (545 of 850), NEM 10% (39 of 394), and combined Charter, Jitney and LSV as 39% (80 of 206).

Public Comment

No public comment.

Committee Member Comment

Mr. Banks asked when the airport is opening and if permit status with MTS will impact the ability to work the airport. Mr. Fewell said that as long as the MTS permit is paid and valid, even if the vehicle is temporarily surrendered, they are still eligible to apply for an airport permit.

Action Taken

None, informational only.

8. National Science Foundation Civic Innovation Challenge Grant Opportunity

Mr. Fewell announced a collaborative partnership between UCSD and MTS on the National Science Foundation's "Civic Innovation Challenge" grant competition. The competition consists of a \$50,000 planning grant to be awarded this fall, and a follow-up \$1,000,000 full grant starting by fall 2021. The grant is designed to develop a way to connect a traveler's origin/destination and a transit station/stop, commonly referred to as the "first/last mile". Grant funds would be used to develop a taxi dispatch software application that could synchronize with future MTS fare collection and trip planning mobile applications. With the MTS mobile application, passengers can pay for both their MTS fare and their taxicab fare in order to complete their trip. This pilot program would both assist MTS's goal of increasing ridership on public transportation and provide a source of additional business for the local taxicab industry. If the grant application is successful, MTS plans to elicit feedback via public engagements with community stakeholders to be used by UCSD in developing the pilot program. The National Science Foundation should announce the grant award recipients late in the fall of 2020.

Public Comment

No public comment.

Committee Member Comment

Mr. Banks asked how fares will be collected; if tickets, vouchers or some other payment method will be used. Mr. Fewell replied that the specific details will be worked out at a later date.

Mr. Hueso asked if this is something that will this be available to single, or multiple, service providers. Mr. Fewell said that MTS did share with UCSD that they would like multiple service providers to be able to participate to ensure equitability. He does envision that there will be some guidelines developed for those who may provide the service; these details will be worked out and shared with the TAC as they develop.

Action Taken

None, informational only.

9. Committee Member Communications

No additional committee member communications were received.

10. Next Meeting: October 14, 2020

11. The meeting was adjourned at 11:32 am.

Accepted:

Filed by:

Chris Ward
Chair of Taxicab Advisory Committee

Jamila Larkins, Clerk of the Committee
MTS Taxicab Administration

Attachment: Roll Call Sheet

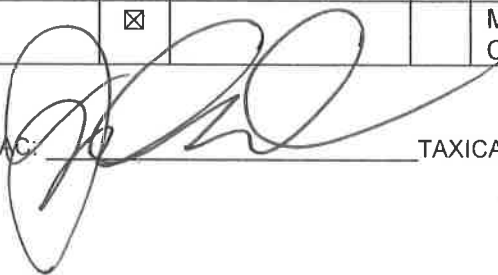
SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADVISORY COMMITTEE (TAC) MEETING
ROLL CALL

MEETING OF (DATE): July 15, 2020

CALL TO ORDER (TIME): 10:08 am

ADJOURN: 11:32 am

COMMITTEE MEMBER		(Alternate)		ORGANIZATION	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Christopher Ward	<input checked="" type="checkbox"/>			MTS Board of Directors/SD City Council	10:00 am	11.32 am
George Abraham	<input type="checkbox"/>			Taxicab Owner/Eritrean Cab Co.		
Alfred Banks	<input checked="" type="checkbox"/>			Taxicab Lease Driver	10:00 am	11.32 am
VACANT (Chasteen)	<input type="checkbox"/>			Hotel Industry		
Brian Hilemon	<input checked="" type="checkbox"/>			San Diego Tourism Authority	10:00 am	11.32 am
Antonio Hueso	<input checked="" type="checkbox"/>			USA Cab, LTD	10:00 am	11.32 am
Mikaiil Hussein	<input type="checkbox"/>	Peter Zschiesche	<input checked="" type="checkbox"/>	United Taxi Workers Federation San Diego	10:00 am	11.32 am
Daryl Mayekawa	<input type="checkbox"/>			San Diego Convention Center		
Akbar Majid	<input checked="" type="checkbox"/>			Taxicab Owner/SDYC Holdings, LLC	10:00 am	11.32 am
Guillermo Morquecho	<input type="checkbox"/>			Taxicab Lease Driver		
Houshang Nahavandian	<input type="checkbox"/>			Taxicab Owner/ESM Corporation		
Marc Nichols	<input checked="" type="checkbox"/>	Michael Anderson	<input type="checkbox"/>	San Diego County Regional Airport Authority		
VACANT (Palmeri)	<input type="checkbox"/>		<input type="checkbox"/>	San Diego Travelers Aid Society		
Margo Tanguay	<input checked="" type="checkbox"/>			Taxicab Lease Driver	10:00 am	11.32 am
David Tasem	<input type="checkbox"/>			Taxicab Lease Driver		
Nasser Tehrani	<input checked="" type="checkbox"/>			Taxicab Owner/N.A.T. Cab Co.	10:00 am	11.32 am
Garret Cooper non-voting	<input checked="" type="checkbox"/>			San Diego Department of Agriculture, Weights and Measures	10:00 am	11.32 am
Edna Rains non-voting	<input type="checkbox"/>			San Diego County Sheriff's Department Licensing Division		
Sharon Cooney non-voting	<input type="checkbox"/>			MTS Chief Executive Officer		
Leonardo Fewell non-voting	<input checked="" type="checkbox"/>			MTS Taxicab Administration Manager	10:00 am	11.32 am
Samantha Leslie non-voting	<input checked="" type="checkbox"/>			MTS Staff Attorney/Regulatory Compliance	10:00 am	11.32 am

CLERK OF THE TAC: 

TAXICAB ADMINISTRATION MANAGER: 

Agenda Item No. 4

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

October 14, 2020

SUBJECT:

FISCAL YEAR (FY) 2021 AMENDED BUDGET FORECAST

INFORMATIONAL ONLY:

Budget Impact

MTS staff has conducted a preliminary forecast of the FY21 amended budget for the For-Hire Vehicle (FHV) Administration based on recent trends and the current operating environment. Based on the new forecast, staff is expecting significant declines in operating revenue versus the original FY21 budget. The current forecast suggests that reserves could be depleted as early as FY21 and certainly by the end of FY22 without significant decreases to expenditures or increases to revenues. Hence, staff is currently evaluating options and developing a strategy to reduce the projected operating deficit and maintain contingency reserves at their current levels.

DISCUSSION:

FY 2021 Amended Budget Forecast

Revenues. FHV Administration receives operating revenue from annual regulatory fees and other processing fees. The revised forecast for operating revenue in FY21 is \$757,000, a decrease of \$186,000 from the FY21 original budget. The decrease in operating revenue is primarily due to a reduction in projected annual regulatory fee revenue and other processing fees. Annual regulatory fee revenue is projected to be \$637,000, a reduction of \$127,000 from the original FY21 budget. The original budget assumed 1,273 active permits whereas the forecast has been reduced to 1,115 based on prior year experience. Other processing fees, which includes application fees, driver class fees, and other fees, are projected to be \$100,000, a reduction of \$59,000 from the original budget. This reduction was based on current year trends where these revenues have been lower than initial projections.

Expenses. Total operating expenses are projected to be \$887,000, a decrease of \$149,000 from the FY21 original budget.

Personnel Costs are projected to be \$637,000, a decrease of \$76,000 from the FY20 original budget. This is due to the retirement of one Regulatory Analyst in June 2020. The headcount has been reduced from nine to eight employees and the vacant position will not be filled.

Outside Services are projected to decrease by \$13,000, primarily due to a reduction of \$10,000 for legal costs. The original budget included \$20,000 for possible litigation costs; however, the FHV Administration has not incurred any legal costs in recent years and the forecast has been reduced to \$10,000.

Materials and Supplies costs are projected to remain at the original budget of \$1,000.

Energy costs are projected to remain at the original budget of \$17,000.

Risk Management costs are expected to decrease by \$433, due to the actual cost for Special Liability Insurance Program (SLIP) costs being lower than expected.

General and Administrative costs are decreasing \$47,000, primarily due to a 50 percent reduction of facility lease costs for FY21 as a result of MTS rent abatement for lessees impacted by the COVID-19 pandemic.

Vehicle Lease costs are projected to remain at the original budget of \$26,000.

Overhead allocation charges are projected to decrease by \$11,000. The overhead allocation is an allocation of MTS administrative department costs to the operating divisions based on headcount. Overhead costs are expected to decrease as a result of higher projected revenue and lower projected expenses within the administrative departments, leading to less overhead costs to be allocated to the FHV Administration.

Net Revenues less Expenses. Total operating expenses are projected to be \$887,000, and total operating revenues are projected to be \$757,000, resulting in a projected net operating deficit of \$130,000 in FY21.

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. The audited FY20 year-end contingency reserve balance was \$145,000. The current forecast of the FY21 amended budget results in an operating deficit of \$130,000, meaning \$130,000 of contingency reserves would need to be utilized in order to balance revenues and expenses in FY21. This results in a projected contingency reserve balance of \$15,000 at the end of FY21.

/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 the FY 2020 budget
B. Detailed report of the FY 2020 budget
C. Contingency reserve balance report

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FOR HIRE VEHICLE (FHV) ADMINISTRATION (761)
OPERATING BUDGET - CONSOLIDATED
FISCAL YEAR 2021**

Att. A, AI 4, 10/14/20
Attachment A

	ACTUAL FY20	ORIGINAL BUDGET FY21	AMENDED BUDGET FY21	\$ CHANGE AMENDED/ ORIGINAL	% CHANGE AMENDED/ ORIGINAL
OPERATING REVENUE					
PASSENGER REVENUE	-	-	-	-	-
ADVERTISING REVENUE	-	-	-	-	-
CONTRACT SERVICE REVENUE	-	-	-	-	-
OTHER INCOME	856,152	942,730	756,800	(185,930)	-19.7%
TOTAL OPERATING REVENUES	856,152	942,730	756,800	(185,930)	-19.7%
NON OPERATING REVENUE					
SUBSIDY REVENUE	-	-	-	-	-
RESERVE REVENUE	88,825	92,979	129,898	36,919	39.7%
OTHER INCOME	-	-	-	-	-
TOTAL NON OPERATING REVENUE	88,825	92,979	129,898	36,919	39.7%
TOTAL COMBINED REVENUES	944,977	1,035,709	886,698	(149,011)	-14.4%
OPERATING EXPENSES					
LABOR EXPENSES	478,316	467,573	411,000	(56,573)	-12.1%
FRINGE EXPENSES	223,542	245,905	226,403	(19,502)	-7.9%
TOTAL PERSONNEL EXPENSES	701,857	713,478	637,403	(76,075)	-10.7%
SECURITY EXPENSES	-	-	-	-	-
REPAIR/MAINTENANCE SERVICES	7,263	5,000	5,000	-	0.0%
ENGINE AND TRANSMISSION REBUILD	-	-	-	-	-
OTHER OUTSIDE SERVICES	38,831	83,200	69,768	(13,432)	-16.1%
PURCHASED TRANSPORTATION	-	-	-	-	-
TOTAL OUTSIDE SERVICES	46,094	88,200	74,768	(13,432)	-15.2%
LUBRICANTS	-	-	-	-	-
TIRES	-	-	-	-	-
OTHER MATERIALS AND SUPPLIES	5,045	1,000	1,000	-	0.0%
TOTAL MATERIALS AND SUPPLIES	5,045	1,000	1,000	-	0.0%
DIESEL FUEL/GASOLINE	4,332	6,000	6,000	-	0.0%
CNG	-	-	-	-	-
TRACTION POWER	-	-	-	-	-
UTILITIES	8,689	11,000	11,000	-	0.0%
TOTAL ENERGY	13,022	17,000	17,000	-	0.0%
RISK MANAGEMENT	8,471	9,500	9,067	(433)	-4.6%
GENERAL AND ADMINISTRATIVE	101,853	104,420	56,710	(47,710)	-45.7%
DEBT SERVICE	-	-	-	-	-
VEHICLE / FACILITY LEASE	23,071	25,750	25,750	-	0.0%
TOTAL OPERATING EXPENSES	899,413	959,348	821,698	(137,650)	-14.3%
NET OPERATING SUBSIDY	(43,261)	(16,618)	(64,898)	(48,280)	-290.5%
OVERHEAD ALLOCATION	(45,564)	(76,361)	(65,000)	11,361	-14.9%
ADJUSTED NET OPERATING SUBSIDY	(88,825)	(92,979)	(129,898)	(36,919)	-39.7%
TOTAL REVENUES LESS TOTAL EXPENSES	0	-	-	-	-

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FOR HIRE VEHICLE (FHV) ADMINISTRATION (761)
OPERATING BUDGET - DETAIL
FISCAL YEAR 2021**

Att. B, AI 4, 10/14/20
Attachment B

	ACTUAL FY20	ORIGINAL BUDGET FY21	AMENDED BUDGET FY21	\$ CHANGE AMENDED/ ORIGINAL	\$ CHANGE AMENDED/ ORIGINAL
OPERATING REVENUE					
OTHER INCOME					
425100 TAXI VEHICLE ANNUAL REGULATORY FEES	851,400	763,800	636,800	(127,000)	-16.6%
425160 TAXI REGULATORY FEE WRITE-OFF	(142,200)	-	-	-	-
425200 TAXI PROCESSING FEES	127,264	150,000	100,000	(50,000)	-33.3%
425900 OTHER INCOME	19,688	28,930	20,000	(8,930)	-30.9%
TOTAL OTHER INCOME	856,152	942,730	756,800	(185,930)	-19.7%
TOTAL OPERATING REVENUES	856,152	942,730	756,800	(185,930)	-19.7%
NON OPERATING REVENUE					
491100 CONTINGENCY RESERVES	88,825	92,979	129,898	36,919	39.7%
TOTAL NON OPERATING REVENUE	88,825	92,979	129,898	36,919	39.7%
TOTAL COMBINED REVENUES	944,977	1,035,709	886,698	(149,011)	(0)
OPERATING EXPENSES					
LABOR EXPENSES					
502010 ADMINISTRATIVE WAGES REGULAR	478,316	466,573	410,000	(56,573)	-12.1%
502020 ADMINISTRATIVE WAGES OVERTIME	-	1,000	1,000	-	0.0%
507010 TEMP HELP	-	-	-	-	-
TOTAL LABOR EXPENSES	478,316	467,573	411,000	(56,573)	-12.1%
FRINGE EXPENSES					
521100 FICA	41,200	39,000	36,000	(3,000)	-7.7%
523100 HEALTH & WELFARE - MGMT	105,513	146,000	136,000	(10,000)	-6.8%
523120 HEALTH & WELFARE - MGMT DEDUCTIONS	(21,504)	(24,000)	(21,000)	3,000	-12.5%
524200 VACATION - REGULAR CASH BASIS	46,470	39,091	35,000	(4,091)	-10.5%
524220 VACATION PAYOFF	15,170	10,000	10,000	-	0.0%
524300 HOLIDAY	25,042	25,411	20,000	(5,411)	-21.3%
524900 OTHER PAID ABSENCE	-	-	-	-	-
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	2,100	3,708	3,708	-	0.0%
526300 OTHER FRINGE BENEFITS	9,551	6,695	6,695	-	0.0%
TOTAL FRINGE EXPENSES	223,542	245,905	226,403	(19,502)	-7.9%
TOTAL PERSONNEL EXPENSES	701,857	713,478	637,403	(76,075)	-10.7%
OUTSIDE SERVICES EXPENSES					
REPAIR/MAINTENANCE SERVICES					
536200 NON REV VEHICLE MAINTENANCE SERVICES	4,056	3,000	3,000	-	0.0%
536300 FACILITY MAINTENANCE REPAIR SVC	-	-	-	-	-
536500 EQUIP MAINTENANCE REPAIR SVC	3,207	2,000	2,000	-	0.0%
TOTAL REPAIR/MAINTENANCE SERVICES	7,263	5,000	5,000	-	0.0%
OTHER OUTSIDE SERVICES					
571110 GENERAL LEGAL EXPENSES	-	20,000	10,000	(10,000)	-50.0%
571142 CONSTRUCTION SERVICES	1,570	-	3,768	3,768	-
571180 MANAGEMENT TRAINING	-	500	500	-	0.0%
571190 MAINTENANCE TRAINING	-	-	-	-	-
571200 OPERATOR TRAINING	-	15,000	15,000	-	0.0%
571210 GENERAL SERVICE AGREEMENTS	2,198	3,200	-	(3,200)	-100.0%
571230 PUBLIC NOTICES	-	-	-	-	-
571240 OTHER PRINTING SERVICES	2,669	3,500	3,500	-	0.0%
571250 GENERAL OUTSIDE SERVICES	32,010	40,000	36,000	(4,000)	-10.0%
571280 UNIFORM PURCHASES	385	1,000	1,000	-	0.0%
TOTAL OTHER OUTSIDE SERVICES	38,831	83,200	69,768	(13,432)	-16.1%
TOTAL OUTSIDE SERVICES	46,094	88,200	74,768	(13,432)	-15.2%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
FOR HIRE VEHICLE (FHV) ADMINISTRATION (761)
OPERATING BUDGET - DETAIL
FISCAL YEAR 2021**

	ACTUAL FY20	ORIGINAL BUDGET FY21	AMENDED BUDGET FY21	\$ CHANGE AMENDED/ ORIGINAL	\$ CHANGE AMENDED/ ORIGINAL
MATERIALS AND SUPPLIES					
OTHER MATERIALS AND SUPPLIES					
545300 MAINTENANCE SUPPLIES (NON REV VEHICLES)	-	1,000	1,000	-	0.0%
545400 MAINTENANCE SUPPLIES (FACILITIES)	632	-	-	-	-
545500 EQUIPMENT MAINTENANCE SUPPLIES	4,413	-	-	-	-
545700 SAFETY AND MAINTENANCE SUPPLIES	-	-	-	-	-
TOTAL OTHER MATERIALS AND SUPPLIES	5,045	1,000	1,000	-	0.0%
TOTAL MATERIALS AND SUPPLIES	5,045	1,000	1,000	-	0.0%
ENERGY					
DIESEL FUEL					
541100 DIESEL FUEL	-	-	-	-	-
541200 GASOLINE	4,332	6,000	6,000	-	0.0%
541300 FUEL TAXES	-	-	-	-	-
TOTAL DIESEL FUEL	4,332	6,000	6,000	-	0.0%
UTILITIES					
552100 FACILITY ELECTRIC	8,086	11,000	11,000	-	0.0%
553100 GAS	-	-	-	-	-
554100 WATER	-	-	-	-	-
555100 TELEPHONE	603	-	-	-	-
TOTAL UTILITIES	8,689	11,000	11,000	-	0.0%
TOTAL ENERGY	13,022	17,000	17,000	-	0.0%
RISK MANAGEMENT					
562210 PREMIUM WORKMAN'S COMP EXCESS	8,471	9,500	9,067	(433)	-4.6%
TOTAL RISK MANAGEMENT	8,471	9,500	9,067	(433)	-4.6%
GENERAL AND ADMINISTRATIVE					
575120 RENT	94,420	94,420	47,210	(47,210)	-50.0%
575130 OFFICE SUPPLIES	965	3,000	3,000	-	0.0%
575150 NON CAPITAL FURNITURE/OFFICE EQUIPMENT	-	-	-	-	-
575170 NON MAINTENANCE GENERAL SUPPLIES	-	-	-	-	-
575180 LICENSES AND PERMITS	-	-	-	-	-
575220 DUES AND SUBSCRIPTIONS.	-	1,000	1,000	-	0.0%
575230 TRAVEL AND MEETINGS	1,590	3,000	3,000	-	0.0%
575270 POSTAGE	1,344	2,500	2,000	(500)	-20.0%
579900 OTHER MISC.	3,535	500	500	-	0.0%
TOTAL GENERAL AND ADMINISTRATIVE	101,853	104,420	56,710	(47,710)	-45.7%
VEHICLE / FACILITY LEASE					
596150 NON REVENUE VEHICLE LEASE COSTS	23,071	25,750	25,750	-	0.0%
TOTAL VEHICLE / FACILITY LEASE	23,071	25,750	25,750	-	0.0%
TOTAL OPERATING EXPENSES	899,413	959,348	821,698	(137,650)	-14.3%
NET OPERATING SUBSIDY	(43,261)	(16,618)	(64,898)	(48,280)	290.5%
OVERHEAD ALLOCATION					
597151 OVERHEAD ALLOCATION	(45,564)	(76,361)	(65,000)	11,361	-14.9%
TOTAL OVERHEAD ALLOCATION	(45,564)	(76,361)	(65,000)	11,361	-14.9%
ADJUSTED NET OPERATING SUBSIDY	(88,825)	(92,979)	(129,898)	(36,919)	39.7%
TOTAL REVENUES LESS TOTAL EXPENSES	0	-	-	-	-

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

Fiscal Year 2019 (Audited)	
Contributions / (Usage)	(77,952)
Contingency Balance - FY 2019 (Audited)	229,298
Fiscal Year 2020 (Audited)	
Contributions / (Usage)	(84,621)
Contingency Balance - FY 2020 (Audited)	144,677
Fiscal Year 2021 (Projected)	
Contributions / (Usage)	(129,898)
Contingency Balance - FY 2021 (Projected)	14,779

Agenda Item No. 5

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

October 14, 2020

SUBJECT:

ACTIVE AND SURRENDERED PERMITS REPORT

INFORMATIONAL ONLY:

Budget Impact

None.

DISCUSSION:

For-Hire Vehicle Administration operating revenue is based on the collection of regulatory and other administrative processing fees. Under California Public Utilities Code Section 120266, taxicab regulatory activities administered by MTS must generate full cost recovery.

On January 27, 2020, a total of 1433 operating permits were billed by For-Hire Vehicle Administration. As of October 8, 2020, a total 318 permits were voided due to failure to pay the 2020 regulatory fee payments.

Permit Type	Permits Billed for each Permit type	Permits Voided	% Permit Loss
Charter	161	83	51%
Jitney	7	3	48%
Low Speed Vehicle	27	6	22%
Nonemergency	392	55	14%
Taxi	846	171	20%
Total	1433	318	22%

The following table contains information on the current number of permits in good standing as well as surrendered permits, by permit type as of October 8, 2020.

Permit Type	Total Number of Permits	Number of Permits Surrendered	Currently Active Permits	% Loss in Active Permits
Charter	78	11	67	14%
Jitney	4	4	0	100%
Low Speed Vehicle	21	0	21	0%
Nonemergency	341	28	313	8%
Taxi	683	333	350	49%
Total	1127	376	751	33%

The above totals include permit reinstatements for eight (8) taxicab and four (4) Nonemergency vehicle operating permits.

For-Hire Vehicle Administration continues to assist permit holders by allowing them to return their vehicles in to service at any time and at no additional inspection costs. In order to place a vehicle back in to service, permit holders need to provide For-Hire Vehicle Administration with proof of valid commercial insurance and a dispatch service authorization form.

/s/Leonardo Fewell

Leonardo Fewell

For-Hire Vehicle Administration Manager

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

Agenda Item No. 6

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

October 14, 2020

SUBJECT:

PERMIT REINSTATEMENT AND DEPARTMENT NAME CHANGE

INFORMATIONAL ONLY:

Budget Impact

None.

DISCUSSION:

Permit Reinstatement

On September 25, 2020, in an effort to assist permit holders experiencing hardship due to the COVID-19 pandemic, MTS CEO Sharon Cooney approved the addition of a \$100 Permit Reinstatement fee to the 2020 fee schedule.

Effective September 25, 2020 through December 31, 2020, MTS is allowing permit holders to reinstate their voided permits for the current Calendar Year (CY) 2020. Permit holders whose permits were voided for failure to pay the full regulatory fee of \$600 may reinstate their permits by paying the total CY 2020 regulatory fee balance, in addition to a one-time \$100 permit reinstatement fee.

The \$100 permit reinstatement fee covers staff time and labor, associated with updating MTS's files, databases, insurance verification, and other related procedures needed to reinstate an operating permit. By paying the \$100 permit reinstatement fee, permit holders avoid having to pay the \$1,500 new permit application fee in order to recover a voided permit.

As of October 8, 2020, a total of eight (8) Taxicab and four (4) Nonemergency permits have been reinstated.

Department Name Change

As the regulatory agency for Taxicab, Nonemergency, Charter, Sightseeing, Jitney and Low-Speed vehicles, in order to better reflect the different types of for-hire vehicles MTS regulates, MTS Taxicab Administration has changed its business name to MTS For-Hire Vehicle Administration. The department name change has no impact on any business aspects between MTS and current permit holders.

/s/Leonardo Fewell

Leonardo Fewell

For-Hire Vehicle Administration Manager

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

Attachment: A. Permit Reinstatement Fee Memorandum Dated September 25, 2020



COVER LETTER

DATE: September 25, 2020

TO: For-Hire Vehicle Permit Holders and Authorized Dispatch Services

FROM: Sharon Cooney, Chief Executive Officer

SUBJECT: Approval of Permit Reinstatement Fee

The COVID-19 pandemic has caused significant business hardship on the industry. To assist permit holders during these difficult times, this letter approves adding a \$100 Permit Reinstatement Fee to the 2020 Fee Schedule. The attached memorandum from Leonardo Fewell, For-Hire Vehicle Administration Manager, further describes the Fee in more detail.

Sincerely,

Sharon Cooney
Chief Executive Officer



MEMORANDUM

DATE: September 25, 2020

TO: MTS For-Hire Vehicle Permit Holders and Authorized Dispatch Services

FROM: Leonardo Fewell, For-Hire Vehicle Administration Manager

SUBJECT: Permit Reinstatement and Department Name Change

Permit Reinstatement Fee

Effective September 25, 2020 through December 31, 2020, MTS is allowing permit holders to reinstate their voided permits for the current Calendar Year (CY) 2020. Permit holders whose permits were voided for failure to pay the full regulatory fee of \$600 may reinstate their permits by paying the total CY 2020 regulatory fee balance, in addition to a one-time \$100 permit reinstatement fee.

The \$100 permit reinstatement fee covers staff time and labor, associated with updating MTS's files, databases, insurance verification, and other related procedures needed to reinstate an operating permit. By paying the \$100 permit reinstatement fee, permit holders avoid having to pay the \$1,500 new permit application fee in order to recover a voided permit.

MTS Ordinance No. 11 does require changes in fee schedules to be effective after 30 days of notice. If a permit holder chooses to reinstate their permit before October 25, 2020, they may do so if they waive their right to receive 30 days' notice of changes to the 2020 Fee Schedule.

MTS is no longer accepting credit or debit card payments at this time. Only checks or money orders will be accepted. For further details, permit holders can contact their corresponding Regulatory Analysts (Brad Hohnstein at 619-446-4921 and Alexis Dizon at 619-595-3081).

Department Name Change

MTS is the regulatory agency for Taxicab, Nonemergency, Charter, Sightseeing, Jitney and Low-Speed vehicles. In order to better reflect the different types of for-hire vehicles MTS regulates, MTS Taxicab Administration has changed its business branding to MTS For-Hire Vehicle Administration. The department name change has no impact on any business aspects between MTS and current permit holders.

Should you have any questions, you may reach me at 619-235-2643 or Leonardo.Fewell@sdmts.com.

Sincerely,

Leonardo Fewell
For-Hire Vehicle Administration Manager

Agenda Item No. 7

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

October 14, 2020

SUBJECT:

TAXICAB ADVISORY COMMITTEE PROPOSED 2021 MEETING SCHEDULE

INFORMATIONAL ONLY:

Budget Impact:

None.

DISCUSSION:

The Taxicab Advisory Committee proposed Meeting Schedule is as follows:

- Wednesday, January 27, 2021 10:00 am
- Wednesday, April 28, 2021 10:00 am
- Wednesday, July 7, 2021 10:00 am
- Wednesday October 27, 2021 10:00 am

/s/Leonardo Fewell

Leonardo Fewell

For-Hire Vehicle Administration Manager

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



Agenda Item No. 8

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

October 14, 2020

SUBJECT:

NOMINATIONS FOR WORKSHOP ON REGULATORY MATTERS (WORM)
SUBCOMMITTEE MEMBERSHIP

RECOMMENDATION:

That the Taxicab Advisory Committee nominate members to the Workshop of Regulatory Matters (WORM) subcommittee.

Budget Impact:

None.

DISCUSSION:

The Workshop of Regulatory Matters (WORM) is a standing subcommittee for Taxicab Advisory Committee (TAC) and is subject to the Brown Act. It has been over three (3) years since nominations were received for WORM. WORM is currently comprised by 13 voting and four (4) nonvoting members. There is currently two (2) vacant seats for the voting member category.

To ensure a quorum is attained at WORM meetings, staff is requesting nominations to establish a five (5) to seven (7) member WORM subcommittee for the remainder of the TAC term (current members of TAC are set to expire on July 1, 2021). Staff recommends members from each permit holder, lease driver, and organization categories are nominated.

/s/Leonardo Fewell

Leonardo Fewell

For-Hire Vehicle Administration Manager

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

Agenda Item No. 9

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

October 14, 2020

SUBJECT:

PROPOSED ORDINANCE NO. 11 REVISIONS

INFORMATIONAL ONLY:

Budget Impact

None.

DISCUSSION:

- I. Proposed Policy No. 500-02 Revisions (if approved by City of San Diego City Council): Various Sections of MTS Ordinance No. 11

Per agreement with the City of San Diego (City), the City retains the right to make decisions or provide recommendations to MTS regarding fundamental policy for taxicabs. San Diego City Council Policy No. 500-02 (Policy No. 500-02) sets forth the overall policy framework for taxicab permits. MTS Ordinance No. 11, which sets forth the various minimum safety and vehicle inspection standards, enforces the policy framework described within Policy No. 500-02.

Several proposed revisions of Policy No. 500-02 were identified that would address requests from the taxicab industry to remove unnecessary regulations while also meeting MTS's goals of ensuring public safety and consumer protections. The revisions were discussed with Taxicab Advisory Committee (TAC) on July 15, 2020 and the Workshop on Regulatory Matters (WORM) Subcommittee on July 29, 2020. WORM approved the proposed revisions and recommended approval by the City. The City Council has *tentatively scheduled* to review the revisions at its City Council Meeting on October 27, 2020.

If the changes to Policy No. 500-02 (Attachment A) are approved on October 27, 2020 by the City, MTS will recommend the Board of Directors approve the following MTS Ordinance No. 11 revisions (Attachment B) at the November 12, 2020 Board of Directors Meeting. Please note, some of the changes to Policy No. 500-02 that are being proposed may not require any Ordinance No. 11 revisions to implement. Again, the following proposed revisions depend on first having the City approve the changes to Policy No. 500-02.

- 6 months driving experience: Remove the requirement that permit applicants have 6 months of commercial driving experience, as it is an unnecessary barrier to employment.
- Dispatch service: Removing the requirement that dispatch staff be physically on duty at its storefront 24 hours a day, so long as dispatch service storefront is open during normal business hours and they can respond to service requests or other operational questions, 24 hours a day.
- Business Address: Allow permit holders to use a Post Office Box or Dispatch Service as their business address.
- Off-street vehicle parking: Remove prohibition that taxicab vehicles cannot park on residential streets when not in operation and instead rely on existing City parking regulations (i.e. 72-hour parking requirement).
- Global Positioning System (GPS): Allow taxicab drivers to use their phone's GPS for wayfinding purposes.
- Model Age and Vehicle Title: Remove prohibition that taxicabs cannot be older than 10 years and cannot have a salvage title. The required 49-point vehicle safety inspections ensure the vehicle is safe to operate.
- Permits Held by a Corporation or Limited Liability Company (LLC): Remove deadline for existing taxicab permit holders held as a corporation or LLC to comply with Policy No. 500-02 by February 12, 2020 (extended administratively by MTS to January 1, 2021). If the City approves removing the model age and vehicle title requirements, this deadline is no longer necessary to ensure existing permit holders come into compliance. All existing taxicab permit holders would be in compliance with the revised Policy No. 500-02, if approved by the City.
- Wheelchair Accessible Taxicabs: Remove requirement that taxicab permit holders with two or more vehicles purchase wheelchair accessible vehicles for 50% of those vehicles, since permit holders avoid purchasing more vehicles so as not to fall under this requirement. MTS will instead work with industry and community stakeholders to develop a Wheelchair Accessible Taxicab Policy to incentive the purchase of accessible vehicles.
- Customer Service Plan: Currently, new permit applicants are required to provide a Customer Service Plan that address such areas as: customer service complaints, administrative functions, vehicle maintenance, and

financial ability to operate taxicab business. If the proposed revisions to Policy No. 500-02 are approved, MTS will no longer require a Customer Service Plan and instead provide applicants an overview of estimated costs and overall requirements to operate taxicabs, leading to a reduction of paperwork and streamlining of the application process.

II. Pull-Notice Program: MTS Ordinance No. 11, Section 1.8 (d)

Per the requirements at Government Code Section 53075.5, permit holders must participate in the DMV pull-notice program and regularly check the driving records of all taxicab drivers, whether employees or contractors. The proposed revisions will require that 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.

III. Jitneys: MTS Ordinance No. 11, Section 1.1 (q)(2), 6.2 (h)

Currently, jitney vehicles may only operate along a fixed-route as approved by MTS. This method of operation has become restrictive and hinders the ability of Jitneys to provide transportation service that could benefit passengers and businesses located in the communities were Jitneys operate. The proposed revisions would allow Jitneys to operate flexible routes within a geographic boundary and specific timeframes as approved by MTS, and require permit holders to provide relevant and reasonable information associated with the operation of the flexible route.

IV. Notice of Fee Schedule Changes: MTS Ordinance No. 11, Section 1.5 (1), (2)

Currently, any changes in fee schedules affecting permits are required to be mailed to permit holders. The propose revisions would allow MTS to post changes in fee schedules on the MTS website. In lieu of mailing notice of the changes in fee schedules, notice of the posting will be sent to the permit holder's e-mail address.

All other proposed revisions to MTS Ordinance No. 11 that are not described here are minor and not substantive.

/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 Policy No. 500-12 (revisions shown in track changes)
B. Proposed Revisions to Ordinance No. 11 (revisions shown in track changes)

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: TAXICAB PERMITS
POLICY NO.: 500-02
EFFECTIVE DATE: ~~March 14, 2015~~ **TBD**

BACKGROUND:

Regulation of taxicab service is in the interest of providing residents and visitors to the City of San Diego with a good quality local transportation service. Towards this end, the City finds it desirable to regulate the issuance of taxicab permits. On June 28, 1988, the City and San Diego Metropolitan Transit System (MTS) entered into an agreement that authorized MTS to administer the regulation of taxicabs and other for-hire vehicles for the City. Pursuant to this agreement, the City retains the right to make fundamental policy decisions as it relates to taxicab regulation.

PURPOSE:

To establish a policy for the issuance of additional taxicab permits, for the purpose of expanding the taxi industry to meet growing demand for taxi service throughout the City, and providing opportunity for both existing and new taxi operators and for experienced drivers. This policy sets forth the minimum requirements for the issuance of taxicab permits that will be further addressed and enforced through MTS Ordinance No. 11 and other MTS regulations.

POLICY:

~~The City will issue~~ Taxicab permits will be issued to applicants who can demonstrate that they have the experience and resources to provide outstanding quality service to customers and the community.

New permits will be issued on a full cost recovery basis. All applicants will first have to submit an application and satisfy Screening Criteria based on quality and customer service standards.

Permit holders of newly awarded permits must demonstrate that they are in compliance with Screening Criteria as a condition of annual permit renewal or the permit may be suspended or revoked.

When any taxicab permit is transferred, the transferee must satisfy Screening Criteria at time of transfer and thereafter as a condition of annual permit renewal or the permit may be suspended or revoked.

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

All existing permits ~~held by corporations or limited liability companies~~ shall comply with Screening Criteria ~~within five years of~~ as a condition of annual permit renewal. ~~the adoption of this Policy.~~

DRAFT

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

IMPLEMENTATION:

Screening Criteria will be evaluated on a pass-fail basis. Each element must be a “pass” in order for the applicant to have been considered to have satisfied the screening. Applicants are responsible for providing complete and accurate information needed for the screening evaluations.

1. Screening Criteria

A. Applicants must:

- a. Meet regulatory requirements for a taxicab permit holder and operator specified in ordinance and regulation.
- ~~b. Provide evidence of at least six months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service-oriented transportation or managing a demand responsive transportation service, or similar service-oriented business.~~
- ~~c. Provide evidence of ability to meet insurance requirements.~~
- ~~d. Provide evidence of ability to finance the meeting of screening criteria and regulatory requirements.~~

B. Vehicles must:

- a. Meet regulatory and ordinance requirements
- ~~b. Be maintained in a safe condition~~
- ~~b.c.~~ Meet California Air Resources Board criteria for Zero Emission Vehicle or Low Emission Vehicle
- ~~d. Be Meet ADA requirements -compliant (applies to first permit, thereafter at least 50% of vehicles must comply)~~
- ~~e.e.~~ Be consistent with MTS regulations and policies involving wheelchair accessible taxicabs.
- ~~d. Be equipped with a Global Positioning System (GPS)~~
- ~~e. Be equipped with security cameras~~
- ~~f. Be no older than 10 years of the model age~~

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

~~g.~~ ~~Not have a salvage title~~

DRAFT

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

- ~~C.~~ Adequate facilities must be demonstrated for:
- ~~a.~~ Administrative functions
 - ~~b.~~ Vehicle maintenance
 - ~~c.~~ Off street vehicle storage when not in service
- ~~D.C.~~ Dispatch must ~~be~~:
- a. ~~Staffed~~ Be -able to receive and respond to service requests or other operational questions 24 hours a day
 - b. ~~Be~~ Computerized
 - c. Utilize a Global Positioning System (GPS) or similar technology to locate subscribers' vehicles
- ~~E.D.~~ Operations ~~Customer service plan~~ must include:
- a. Acceptance of credit cards
 - b. Customer complaint system
 - ~~c.~~ Record keeping of every call, dispatch, trip, and complaint.
 - ~~d.~~ Utilization of GPS or similar technology for trip planning and directional purposes
 - ~~e.~~ Safety and security measures for drivers and passengers-
 - ~~f.~~ Lost and found procedures
- ~~F.E.~~ Additional screening criteria may be added as needed by regulatory action to fulfill the purpose of improving industry standards and customer service and keeping current with technology.

HISTORY:

“Taxicabs - Certificates of Convenience and Necessity”

Adopted by Resolution R-72292 - 08/21/1962

Amended by Resolution R-216590 - 08/11/1976

Amended by Resolution R-217293 - 12/15/1976

Amended by Resolution R-222474 - 12/19/1978

Repealed by Resolution R-258090 - 03/14/1983

“Taxicabs - Permits”

Added by Resolution R-260636 - 05/07/1984
Amended by Resolution R-261739 - 10/15/1984
Amended by Resolution R-271307 - 06/28/1988
Amended by Resolution R-295355 - 08/06/2001
Amended by Resolution R-302130 - 12/06/2006
Amended by Resolution R-307494 - 06/26/2012
Amended by Resolution R-309308 - 11/25/2014
Amended by Resolution **TBD**

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~December 12, 2019~~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

MTS CODIFIED ORDINANCE NO. 11

TABLE OF CONTENTS

Description	Page No.
SECTION 1.0 - GENERAL REGULATIONS	1
Section 1.1 - Definitions.....	1
Section 1.2 - Operating Permits.....	5
Section 1.3 - Application for Permit.....	5
Section 1.4 - Issuance of Permit.....	7
Section 1.5 - Transfer and Administration of Permits.....	8
Section 1.6 - Blank	9
Section 1.7 - Blank	9
Section 1.8 - Equipment and Operating Regulations	9
Section 1.9 - Public Liability.....	16
Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements.....	16
Section 1.11 - Destruction, Permanent Replacement, Retirement or Inactive Status of For-Hire Vehicles	18
Section 1.12 - Driver's Identification Cards	19
Section 1.13 - Suspension and Revocation of Permit	21
Section 1.14 - Suspension and Revocation of Driver's Identification Cards	23
Section 1.15 - Surrender of Medallion	24
Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or.....	24
Driver's Identification Card or Related Adverse Action.....	24
Section 1.17 - Procedure Upon Administrative Appeal	24
Section 1.18 - Exceptions to Provisions.....	25
Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines	26
Section 1.20 - Americans with Disabilities Act	26
SECTION 2.0 - TAXICABS AND/OR LSVs.....	26
Section 2.1 - Types of Service.....	26
Section 2.2 - Rates of Fare.....	26
Section 2.3 - Equipment and Specifications.....	29
Section 2.4 - Operating Regulations	31
Section 2.5 - Stands	33
Section 2.6 - Dispatch Services	34
Section 2.7 - Driver Safety Requirements.....	35
Section 2.8 – Prearranged Trips by Taxicabs	35
SECTION 3.0 - CHARTER VEHICLES.....	36
Section 3.1 - Rates of Fare.....	36

Section 3.2 - Operating Regulations.....	36
SECTION 4.0 - SIGHTSEEING VEHICLES.....	37
Section 4.1 - Rates of Fare.....	37
Section 4.2 - Operating Regulations.....	37
SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES.....	37
Section 5.1 - Rates of Fare.....	37
Section 5.2 - Operating and Equipment Regulations	38
Section 5.3 - Driver Identification Cards	38
SECTION 6.0 - JITNEY VEHICLES.....	38
Section 6.1 - Rates of Fare.....	38
Section 6.2 - Jitney Routes.....	39
Section 6.3 – Operating Regulations	40
Section 6.4 - Jitney Holding Zones	40
Section 6.5 - Equipment and Specifications.....	41
SECTION 7.0 – LOW-SPEED VEHICLES.....	41
Section 7.1 – Low-Speed Vehicle (LSV) Definition	41
Section 7.2 – Establishment of Zones	42
Section 7.3 – Zone Rates of Fare.....	42
Section 7.4 – Spare Vehicle Policy	42
Section 7.5 – LSV Driver Identification Cards	43
Section 7.6 - Equipment and Specifications.....	43
SECTION 8 - EFFECTIVE DATE OF ORDINANCE	44

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

(as amended through ~~December 12, 2019~~ 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 or a specified group.

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

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

(e) "Compensation" shall mean any money, thing of value, payment, consideration, reward, tip, donation, gratuity or profit paid to, accepted, or received by the driver or owner of any vehicle in exchange for transportation of a person, or persons; whether paid upon solicitation, demand or contract, or voluntarily, or intended as a gratuity or donation.

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

~~(3) Is made available to boarding passengers at specified locations along its route on a variable schedule.~~

(r) A "low-speed vehicle" or "LSV" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. 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 services as driver.

(ee) "Stands" shall mean public areas designated for specific use of for-hire vehicles.

(ff) "Street" shall mean any place commonly used for the purpose of public travel.

(gg) "Substantially Located" shall mean where the primary business address of the taxicab permit holder is located and/or the jurisdiction where the largest share of the taxicab permit holder's total number of prearranged and non-prearranged trips originate over the previous calendar year, as determined annually. Trip logs and/or other documentation shall be used to substantiate the jurisdiction where the largest share of taxicab permit holder's total number of originating trips occur over the applicable time period.

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

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

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

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

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

(ii) "Taximeter" shall mean any instrument, appliance, device, or machine by which the charge for hire of a passenger-carrying vehicle is calculated, either for distance traveled or time consumed, or a combination of both, and upon which such charge is indicated by figures. Includes both a Hard Meter and a Soft Meter.

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

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

(jj) "Vehicle" is a device by which any person or property may be propelled, moved, or drawn upon a street, excepting a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

(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 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 proposal to meet San Diego City Council Policy 500-02 requirements, and~~ a sworn application- ~~therefore~~ on forms provided by the Chief Executive Officer, stating as follows:

(1) The applicant name, company name, doing business as ("DBA") name if different than company name, mailing and business address (a business address or mailing address ~~may include but is not limited to~~ a Post Office [PO] Box or dispatch service address), e-mail address, and ~~business~~ telephone number of the permit applicant. If a

taxicab permit applicant, the business address will also serve the purpose of establishing where Substantially Located;

~~(2) — The number of permitted vehicles actually owned and operated by such owner on the date of application, if any;~~

~~(3) — The name and address of all legal and registered owner(s) of the vehicle(s);~~

~~(4) — The name and address of each person with a financial interest in the business which operates the vehicle;~~

~~(5) — Data sufficient to establish the applicant's financial responsibility;~~

~~(6) — The number of vehicle(s) for which a permit(s) is desired;~~

~~(7) — Proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions, are ADA-compliant, are no older than 10 years of the model age and do not have a "salvage" title, and are equipped with a Global Positioning System (GPS);~~

~~(8)~~ (2) The rates of fare which the applicant proposes to charge for vehicle-for-hire services. This requirement does not apply to taxicab permit applicants;

~~(9) — A description of the proposed vehicle design;~~

(10)

(3) Where the application is for a limited permit or LSV, a detailed description of the geographic area in which said permit shall be in existence; ~~;~~ and

~~(11)~~ (4) Such other information as the Chief Executive Officer may in his or her discretion require; ~~;~~

~~(12) — Provide evidence of at least six months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business;~~

~~(13) — Provide a customer service and a customer complaint plan;~~

~~(14) — Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use; and~~

~~(15) — Provide a dispatch service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology, if a taxicab permit applicant.~~

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

(Section 1.3 amended 11/12/2020)
(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) Based on San Diego City Council Policy 500-02 requirements as applicable, the Chief Executive Officer shall ~~determine the number of permits to be granted any applicant(s) and~~ approve and renew permits for any applicant(s) subject to such conditions as the Board and San Diego City Council Policy 500-02 may deem advisable or necessary in the public interest. Before a permit may be approved or renewed, the applicant shall pay an initial regulatory fee in an amount to be determined by the Chief Executive Officer. 1

(b) The Chief Executive Officer shall deny the approval of a permit upon making a finding:

(1) That the applicant is under twenty-one (21) years of age; or

(2) That within the five (5) years immediately preceding the processing of the application, the applicant has been convicted of, or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of the permit in accordance with Section 1.13 of this Ordinance. ~~For purposes of this section, a plea or verdict of guilty, a finding of guilty by a court, a plea of nolo contendere or a forfeiture of bail shall be deemed a conviction; or~~

(3) That the applicant provided false information of a material fact in an application within the past five (5) years.

~~(c) All permits. No permit shall be approved or issued after April 1, 2015 shall be renewable annually upon renewed unless: evidence~~ San Diego City Council Policy 500-02 requirements are being met; ~~that if a taxicab permit holder they are Substantially Located within City or County, and payment of a regulatory fee in an amount and on a date to be determined by the Chief Executive Officer; and evidence of compliance with all other applicable MTS regulations.~~

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

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

~~(f)~~

(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 and San Diego City Council Policy 500-02 ~~including, but not limited to:~~

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

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

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

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

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

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

(e) The proposed transferee shall file with the Chief Executive Officer a sworn application for the transfer and shall comply with the requirements of Section 1.3. The permit holder shall certify in writing that the permit holder has notified the proposed transferee of the requirements of this section pertaining to the transfer of a permit. Whenever an application for a transfer of permit is filed, the Chief Executive Officer shall process the application for transfer in accordance with Section 1.4 of this Ordinance.

(d) The Chief Executive Officer shall charge regulatory fees to affect the full cost recovery of activities associated with the administration, regulation, issuance, or transfer of for-hire vehicle permits and associated records.

(1) Changes in fee schedules affecting permits shall be ~~mailed to all permit holders 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 ~~the mailing 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 a business email address, ~~a mailing address where he or she can accept mail directed to his or her company~~, and a business telephone in working order ~~which must be answered during normal business hours, Monday through Friday, and during all hours of operation. A post office box or dispatch service address shall not be used for the business address or mailing address.~~ The permit holder shall, in the case of any change in his or

her business 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.

(12)

(d) Upon the termination of the employee or contractor driver, the permit holder shall notify the 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 place designated by the Chief Executive Officer for inspection. All new permit holders are required to observe at least one full vehicle inspection as part of the initial permit issuance. MTS inspectors shall inspect the for-hire vehicle and its equipment to ascertain whether the vehicle complies with the provisions of this Ordinance. -Failure to produce the vehicle for inspection at the scheduled date and time, shall be cause for suspension or revocation of the permit for such vehicle.

(ef) 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.

(fg) 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.

(eh) If the vehicle is not unsafe but is unsuitable or otherwise in violation of this Ordinance or any vehicle condition/equipment section of the California Vehicle Code, the operator or permit holder, as appropriate, shall be subject to a seventy-two (72) hours correction notice.

(1) Failure to correct such violation within the seventy-two (72) hours shall then be cause to order the vehicle out-of-service. When a vehicle is ordered out-of-service, the medallion shall be immediately removed.

(2) Before the vehicle may again be placed in service, the violation shall be corrected and the vehicle shall be inspected by an MTS inspector.

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

(hi) 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.

(ii) Each for-hire vehicle, except taxicabs and Low Speed Vehicles, shall contain:

(1) A fire extinguisher of the dry chemical or carbon dioxide type with an aggregate rating of at least 5 B/C units and a current inspection card affixed to it.

(2) A minimum of three (3) red emergency reflectors.

(3) A first-aid kit containing medical items to adequately attend to minor medical problems.

(jki) 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.

(kl) The medallion issued to the permit holder must be affixed by an MTS inspector on the for-hire vehicle for which the permit is approved in plain view from the rear of the for-hire vehicle. The permit holder must immediately report the loss, destruction, or defacing of a medallion to the Chief Executive Officer. Except as provided in Subsection (j), it shall be unlawful to operate a for-hire vehicle without the medallion affixed and visible.

(lm) There shall be displayed in the passenger compartment of each for-hire vehicle between the sun visors, in full view of the passengers in the front and rear seats, a card not less than ten (10) inches wide by six (6) inches high in size. Posted on this card, utilizing "Universe" font in black ink on white background, shall be:

1) The first line of the card, 3/4 inch in height, shall say one of the following according to permit type: TAXICAB, SIGHTSEEING, CHARTER, NONEMERGENCY, LOW-SPEED VEHICLE, OR JITNEY LOST AND FOUND.

2) Below this, the card shall include the vehicle medallion number in three-inch numerals.

3) Below the medallion number, the name, address, and phone number of the MTS ~~Taxicab~~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.

(mn) 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.

(no) 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.

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

(pq) 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.

(~~q~~) Each for-hire vehicle shall be equipped with a rearview mirror affixed to the right side of the vehicle, as an addition to those rearview mirrors otherwise required by the California Vehicle Code.

(~~r~~) The driver shall offer each passenger 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.

(~~s~~) All disputes to fare shall be determined by the peace officer or MTS inspector most readily available where the dispute is had. It shall be unlawful for any person to fail or refuse to comply with such determination by the peace officer or MTS inspector.

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

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

(~~v~~) No driver of any for-hire vehicle shall transport any greater number of persons, including the driver, than the manufacturer's rated seating capacity for the vehicle.

(~~w~~) It shall be unlawful for any person to solicit business for a for-hire vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any passenger to a specific for-hire vehicle or company. It shall be unlawful for any permit holder, association, or driver to have or make a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agents or employees of such owner, by which the permit holder, association or driver receives any type of payment or commission for recommending or directing any passenger to an establishment operated by a specific owner.

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

(~~y~~) The Board specifically finds that the dress, grooming, and conduct of for-hire vehicle drivers affect the public health and safety, particularly as it relates to visitors and the tourist industry. Therefore, while driving or operating a for-hire vehicle, drivers shall be hygienically clean, well-

groomed, and neat and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

(1) The term "hygienically clean" shall refer to that state of personal hygiene, body cleanliness, and absence of offensive body odor normally associated with bathing or showering on a regular basis.

(2) The term "well-groomed" shall mean that male drivers shall be clean-shaven, except for those parts of the face where a beard or mustache is worn and their hair shall be neatly trimmed; beards or mustaches shall be groomed and neatly trimmed at all times in order not to present a ragged appearance. For all drivers, it shall mean that scalp or facial hair shall be combed or brushed and that all clothing is clean, free from soil, grease and dirt, and without unrepaired rips or tears.

(3) The term "neat and suitably dressed" shall be interpreted to require that a driver shall be fully covered by clothing at a minimum from a point not to exceed four (4) inches above the center of the kneecap to the base of the neck, excluding the arms. Drivers shall wear shoes. It shall not be permissible for any driver to wear as an outer garment any of the following: undershirt or underwear, tank tops, body shirts (see-through mesh), swim wear, jogging or warm-up suits or sweatshirts or similar attire, jogging or bathing shorts or trunks, or sandals. Trouser-type shorts that are no shorter than four inches above the center of the kneecap are permissible.

(~~z~~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.

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

(~~b~~bcc) 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.

(~~e~~edd) 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.

(~~e~~dee) 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.

(~~e~~eff) 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.

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

(Section 1.8 amended 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 ~~shall be in writing and shall be sent by registered mail~~ 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) ~~Between January 1 and December 31 of each calendar year~~ As a condition of permit renewal, and December 31 of each calendar year 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); ~~and~~

(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 and provide evidence San Diego City Council Policy 500-02 requirements are being met. If email or mail is used, the email address or mailing address used by the permit holder must be an email address or mailing address that is on file with the Chief Executive Officer. 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, and. 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 discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time his or her record is good.

(3) Any person who has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the driver to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(4) Any person who, within the five (5) years immediately preceding the processing of the application, has been convicted of or held by any final administrative determination to have been in violation of any statute, ordinance, or regulation reasonably and rationally related to the for-hire vehicle industry or any similar business operation which would have authorized the suspension or revocation of the driver's identification card in accordance with Section 1.14 of this Ordinance.

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

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

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

(8) When a driver permanently no longer drives for an MTS ~~Taxicab~~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 ~~10/10/2019~~ 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 (b) of this Ordinance.

(8) The for-hire vehicle or vehicles, if operated as a taxicab, are operated at a rate of fare greater than current maximum rate established by the Board pursuant to Section 2.2(a) of this Ordinance or the applicable rate provided to passenger pursuant to Section 2.4 (q) of this Ordinance.

(9) The permit holder fails to begin operating the for-hire vehicle for which the permit is first approved within ninety (90) days after the approval date.

(10) The permit holder has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any infraction, misdemeanor, or felony involving force and violence, or any crime reasonably and rationally related to the paratransit industry or any similar business operation which bears upon the integrity or ability of the applicant or permit holder to operate a for-hire vehicle business and transport passengers, unless five (5) years shall have elapsed from the date of discharge from a penal institution or the satisfactory completion of probation for such conviction.

(11) The permit holder has been convicted of a crime that would require a person to register as a sex offender under the California Penal Code. For purposes of this section, a plea or verdict of guilty, a finding of guilt by a court, a plea of nolo contendere or a forfeiture of bail shall be considered a conviction.

(b) A permit holder shall be notified in writing within 10 working days when a credible complaint has been filed with the Chief Executive Officer by a member of the public where such complaint involves the permit holder, the driver of the permitted for-hire vehicle, or the dispatch service to which the permit holder is subscribed. It shall be the responsibility of the permit holder to investigate the complaint and report in writing to the Chief Executive Officer within 30 days the result of the investigation and any corrective action taken or proposed. Where the complainant has agreed to the sharing of their identity, the results of the investigation, findings, and actions shall be communicated to the complainant.

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

(d) The permit holder or driver in receipt of a notice of proposed adverse action shall be given the opportunity to appear for an informal hearing before the Chief Executive Officer or designated representative. Failure to appear will constitute waiver of the hearing. Following the hearing or waiver thereof, the Chief Executive Officer shall issue the notice of adverse action if justified by the facts. If the Chief Executive Officer determines that the performance of the permit holder or driver involves criminal activity or constitutes a serious degradation of the public safety, convenience, or necessity, a notice of adverse action may be issued and the action effected without hearing.

(e) Upon a finding by the Chief Executive Officer that a permit holder falls within the provisions of this section, the permit holder or driver shall be notified that his or her permit has been

subjected to an adverse action and that the matter is such that the action may be appealed. In lieu of an action provided for in the Administrative Penalty Guidelines, the Chief Executive Officer may impose a fine or a fine and a period of suspension for any violation(s) of this Ordinance.

(Section 1.13 amended 2/14/2019)

(Section 1.13 amended 11/8/2018, effective 1/1/2019)

(Section 1.13 amended 12/14/2017)

(Section 1.13 amended 10/13/2016)

(Section 1.13 amended 5/12/2016)

(Section 1.13 amended 8/7/2003)

(Section 1.13 amended 11/14/2002)

(Section 1.13 amended 6/24/1999)

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

(a) Driver's identification cards 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 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 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 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 (f) or Section 1.9 is rebuttably presumed to represent an unsafe condition pending the determination of the appeal or the correction of the violation, whichever shall occur first. Notwithstanding, no medallion shall be reaffixed to a vehicle until the violation under Sections 1.8 (f) or 1.9 has been corrected.

(Section 1.16 amended 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

instance or upon complaint of any person to investigate or cause to be investigated the Taximeter, and upon discovery of any inaccuracy in the Taximeter, or if the Taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of the City until the Taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and Taximeter must be inspected and approved by the Chief Executive Officer.

(7) Any device repairperson who places into service, repairs, or recalibrates a Taximeter shall record the tire size and pressure of the drive wheels of that vehicle, as tested, on the repair person's sticker.

(8) It shall be the duty of the permit holder to ensure the proper device repair person's sticker is affixed to the Taximeter and to ensure the tires are the proper size.

(f) It shall be unlawful for any driver of a taxicab, while carrying exclusive or group ride passengers, to display the flag or device attached to the Taximeter in such a position as to denote that the vehicle is for hire, or is not employed, or to have the flag or other attached device in such a position as to prevent the Taximeter from operating. It shall be unlawful for any driver to throw the flag into a position which causes the Taximeter to record when the vehicle is not actually employed, or to fail to throw the flag or other device into non-recording position at the termination of each and every service.

(g) The Taximeter shall be so placed in the taxicab that the reading dial showing the amount of fare to be charged shall be well-lighted and easily readable by the passenger riding in such taxicab.

(h) It shall be unlawful for any permit holder and/or driver of a taxicab or LSV to demand of a passenger a charge for hire which is greater than the current maximum rate approved by the Board pursuant to Section 2.2 (a) or (b) of this Ordinance.

(i) Except as provided in this section, it shall be unlawful for any permit holder and/or driver to demand of a passenger a charge for hire which is greater than the permit holder's meter rate pursuant to Sections 2.1 (a), or 2.2 (c) of this Ordinance.

(j) Nothing in this Ordinance shall preclude a dispatch service, permit holder, or driver from agreeing with prospective passenger(s) to a rate of fare which is 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 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 black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

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

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

(A) The permit holder's trade name shall be painted or permanently affixed in letters and numerals four (4) inches high all on one line on the upper third part of both front doors utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the trade name does not fit on one line utilizing four (4) inch lettering, the trade name lettering must be as large as possible, up to four (4) inches in height, to enable the trade name to fit on one line.

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

(C) The permit holder's trade name and medallion number shall be painted or permanently affixed on the rear of the taxicab, four (4) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the rear of the vehicle does not have four inches of vertical space for the

trade name and medallion number, the rear lettering may be less than four inches, provided that it is easily readable from a distance of 50 feet.

(d) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her taxicab which must be posted only at the specific location and in the size noted.

(1) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

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

(3) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than three (3) inches in height and posted only on the top front portion of both front side quarter panels.

(4) "Driver Carries Only \$ _____ Change". If the permit holder chooses to post "Driver Carries only \$ _____ Change", postings must be located only on rear quarter panels near the rear door but clear of the rates of fare.

(5) "Leased to Driver". If permit holder chooses to post "Leased to Driver," it must be posted only on both side rear quarter panels near the rear door but clear of the rate of fares in lettering no larger than 1 inch.

(6) Body Numbers. If the permit holder chooses to post an internally assigned body number, different from the medallion number, the body number shall be posted in one (1) inch numerals on the front and rear bumpers.

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

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

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

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

(g) If radio dispatch capability is utilized, the dispatch service must abide by the following: the radio dispatch capability described in paragraph (d) of this section must be provided so as to conform to the regulations of the Federal Communications Commission (FCC) pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

(1) The current valid FCC license shall be on file with MTS.

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

(3) Taxicab radios shall have the capability to receive or transmit only on frequencies specified in the FCC license of the radio service subscribed to by the permit holder.

(h) Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions. The device must be 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 (r).

(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) A driver with a lawful disability that prevents him/her from handling items as defined in subsection (2) above is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (2). A driver so situated may affix a small

sign either in the passenger section of the vehicle to be clearly visible to a rear seat passenger or on the inside of the trunk cover lid stating that, "DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE."

(d) It shall be unlawful for taxicab operators to refuse or discourage a prospective or actual fare based upon trip length within City or County, or method of payment. Driver shall not refuse payment by credit card.

(1) A vehicle designated as an LSV may refuse a prospective or actual fare if the trip distance is outside allowed areas of operations.

(2) A failure to promptly dispatch (within the standards required by Sections 2.6(a)(1), (2), and (3) of this Ordinance), or any action by a driver of any taxicab or LSV to refuse or discourage a prospective or actual passenger who must transport foodstuffs or who must meet a medical appointment, irrespective of trip length, shall be specifically defined as a violation of this section so long as that prospective passenger has notified the dispatch service of this circumstance at the time a request for taxi service was made.

(e) No driver of any taxicab or LSV shall stop, park, or otherwise leave standing a taxicab or LSV on the same side of the street in any block in which taxicabs or LSVs are already stopped, parked, or otherwise standing except the taxicab or LSV may actively unload in a passenger loading zone or be parked in a marked taxi/LSV stand.

(f) No driver shall stop, park or otherwise leave standing a taxicab or LSV within one-hundred (100) feet of any other taxicab or LSV except in a marked taxi/LSV stand or while actively loading or unloading passengers.

(g) An out-of-service sign must be displayed when the taxicab or LSV is not available for hire and is being operated or is lawfully parked for purposes of maintenance, inspection, or personal use. The sign must be placed in a location in the vehicle that is clearly visible from the exterior of the vehicle. The sign must be of durable material and written in block letters in black ink and easily readable from a distance of not less than ten (10) feet.

(h) A taxicab driver may seek passengers by driving through any public street or place without stops, other than those due to obstruction of traffic, and at such speed as not to interfere with or impede traffic.

(i) It shall be unlawful, however, for the driver to seek passengers by stopping at or driving slowly in the vicinity of an entertainment center or transportation center or any other location of public gathering, in such a manner as to interfere with public access to or departure from that center or location, or so as to interfere with or impede traffic.

(j) It shall also be unlawful for a taxicab or LSV driver, having parked and left his or her taxicab or LSV, to solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.

(k) No person shall solicit passengers for a taxicab or LSV other than the driver thereof; however, the Chief Executive Officer may authorize a dispatcher to solicit passengers and assist in loading passengers at such times and places as, in his or her discretion, public service and traffic conditions require.

(l) It shall be unlawful for the driver or operator of any taxicab or LSV to remain standing in any established taxicab or LSV stand or passenger loading zone, unless the driver or operator

remains within twelve (12) feet of his or her taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

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

(n) It shall be unlawful to respond to a call for service dispatched to another operator except when an LSV refers service to another operator because the trip distance is outside of the approved area of jurisdiction.

(o) The taxicab or LSV driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name, taxicab or LSV number, date, time, beginning odometer reading, starting and ending locations, type of service provided, and fare paid for each trip provided.

(1) The daily trip log shall consist, at a minimum, of a five- by seven-inch paper form retained on a stiff-board writing surface with ruled lines and columns sufficient to contain the required information. All entries will be in black or dark blue ink, block letters, and be clearly legible. Colored paper that is lightly shaded is allowed provided there is sufficient contrast for entries to be easily read. Onboard electronically generated reports that meet the legibility requirements are acceptable.

(2) The driver shall deliver trip logs to the permit holder upon request or at a weekly interval, whichever is less.

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

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

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

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

(Section 2.4 amended 12/14/2017)

(Section 2.4 amended 10/13/2016)

(Section 2.4 amended 5/12/2016)

(Section 2.4 amended 2/12/2015)

(Section 2.4 amended 11/15/2012)

(Section 2.4 amended 8/7/2003)

(Section 2.4 amended 11/14/2002)

(Section 2.4 amended 6/24/1999)

(Section 2.4 amended 2/13/1997)

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

Section 2.5 - Stands

(a) The Chief Executive Officer may establish, locate and designate shared use taxicab/LSV stands for one or more taxicabs/LSVs, which stands when so established shall be appropriately designated "Taxis/LSVs Only." The operating regulations of this Ordinance shall apply to such stands and to taxicab/LSV stands established by the San Diego Unified Port District in areas under its jurisdiction within the City.

(b) Each taxicab or LSV stand established hereunder may be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer.

(c) Any individual, partnership, association, or other organization may petition MTS requesting that a new taxicab/LSV stand be established, or that the location of an existing taxicab/LSV stand be changed to another location. A nonrefundable filing fee to be determined by the Chief Executive Officer must be paid at the time the petition is submitted.

(d) It shall be unlawful for a vehicle other than a taxicab or LSV with a proper MTS taxicab or LSV permit to occupy a taxi/LSV stand.

(e) LSVs may only occupy taxicab stands that are specially signed, designated their approved use.

(Section 2.5 amended 11/15/2012)

(Section 2.5 amended 8/7/2003)

Section 2.6 - Dispatch Services

(a) In order to provide taxicab dispatch service required by Section 2.3(d, e), the dispatch service organization adding or changing subscribers after July 1, 1991 shall establish and conform to written policies and procedures concerning the following:

- (1) Standard time elapse for answering the telephone service-request line(s).
- (2) Standard time elapse for the taxicab's arrival at requested pick-up location.
- (3) Passenger's request for a specific driver ("personals").
- (4) Additional two-way communication devices (mobile or cellular phones) in taxicabs
- (5) Lost and found for passengers' items.
- (6) Assignment of vehicle body numbers.
- (7) Immediately notify the permit holder of all lost items and inquiries.

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

(b) ~~Taxicab 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 at the business location Monday through Friday during business hours, which must be at a preapproved physical address, answer telephone- request line(s), properly dispatch those requests to all members, provide radio response to all licensed radio frequencies/channels, and respond to direct

requests from drivers, permit holders, and MTS as well as law enforcement and local regulatory agencies.

(c) ~~Taxicab dispatch~~ **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 (f) as a public health, safety and welfare measure.

(Section 2.8 amended 2/14/2019)

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

SECTION 3.0 - CHARTER VEHICLES

Section 3.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for charter services.

(b) If a permit holder desires to change the rates of fare being charged for charter services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for charter services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(d) The rates of fare shall be established by a prearranged written contract on a per-mile or per-hour basis.

(Section 3.1 amended 4/10/1997)

Section 3.2 - Operating Regulations

(a) It shall be unlawful for any charter vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.

(b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.

(c) The charter for-hire vehicle driver shall maintain a daily trip log which shall be available for inspection upon request by any peace officer or MTS inspector. The trip log will accurately show the driver's name and the medallion number on the vehicle. In addition, the trip log shall identify the scheduling parties by name, date, and time of the prearranged hire. If the trip is medical in nature, the passenger's name may be omitted.

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

(Section 3.2 amended 12/14/2017)
(Section 3.2 amended 11/14/2002)

SECTION 4.0 - SIGHTSEEING VEHICLES

Section 4.1 - Rates of Fare

- (a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder of sightseeing vehicle services.
- (b) If a permit holder desires to change the rates of fare being charged for sightseeing services during any calendar year, the permit holder shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said changes.
- (c) No permit holder shall charge any rate of fare for sightseeing services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.
- (d) The rate of fare shall be established on a per capita or per event basis.

(Section 4.1 amended 11/8/2018, effective 1/1/2019)
(Section 4.1 amended 4/10/1997)

Section 4.2 - Operating Regulations

- (a) It shall be unlawful for any sightseeing vehicle to remain standing on any public street in the City, except such reasonable time necessary when enabling passengers to load or unload.
- (b) It shall be unlawful for any person, either as owner, driver, or agent, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway or airport, or light rail transit station.
- (c) All other operating regulations defined in Section 1.8 apply, except Section 1.8 (v).

SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES

Section 5.1 - Rates of Fare

- (a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for nonemergency medical vehicle services.
- (b) If a permit holder desires to change the rates of fare being charged for nonemergency medical vehicle services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.
- (c) No permit holder shall charge any rate of fare for nonemergency medical vehicle services unless said rates are on file with the Chief Executive Officer as aforesaid.

(d) The rate of fare for exclusive ride service shall be established on a per capita plus per mile basis.

(e) The rates of fare for shared ride service shall be established on a per capita plus per mile basis, or on a per capita plus per zone basis.

(Section 5.1 amended 12/14/2017)

(Section 5.1 amended 4/10/1997)

Section 5.2 - Operating and Equipment Regulations

(a) It shall be unlawful for any nonemergency medical vehicle to remain standing on any public street in the City, except when enabling passengers to load or unload.

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

(c) Special equipment on a nonemergency medical vehicle shall, at all times the vehicle is in operation, be in proper working order. Such vehicles equipped with wheelchair ramps or lifts shall have proper device(s) to secure each wheelchair on board.

(d) The permit holder is responsible for ensuring that the driver of a nonemergency medical vehicle is properly trained:

(1) in the use of any of the vehicle's special equipment;

(2) concerning supervision of or assistance to the disabled passengers whom the driver is to transport.

(Section 5.2 amended 6/22/1995)

(Section 5.2 amended 6/24/1993)

Section 5.3 - Driver Identification Cards

In addition to the requirements set forth in Section 1.12, nonemergency medical vehicle drivers shall acquire and maintain valid proof of proper first-aid and CPR training.

(Section 5.3 added 6/24/1993)

SECTION 6.0 - JITNEY VEHICLES

Section 6.1 - Rates of Fare

(a) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for jitney services.

(b) If a permit holder desires to change the rates of fare being charged for jitney services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(c) No permit holder shall charge any rate of fare for jitney services unless said rates are on file with the Chief Executive Officer and duly displayed.

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

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

(Section 6.1 amended 4/10/1997)

Section 6.2 - Jitney Routes

(a) A permit holder who wishes to provide a fixed route service shall apply to the Chief Executive Officer for authorization to serve a defined route with a specific vehicle. No for-hire vehicle may be operated as a jitney until it has met all other requirements of this Ordinance and has been approved for service on a specific fixed route. A jitney may be authorized to serve more than one route; however, a jitney may provide fixed route service on only those routes which the Chief Executive Officer has approved in writing for that vehicle.

(b) The application for a fixed route shall be in writing and shall contain the following information:

- (1) A description of the vehicle(s) which will be utilizing the route;
- (2) A detailed written description of the route, to include starting location, ending location, and the street name and direction of travel for all streets to be used in the route;
- (3) A map in sufficient detail to clearly indicate the proposed route;
- (4) The fare to be charged; and
- (5) Such other information as the Chief Executive Officer may, in his or her discretion, require.

(c) Upon approval of a fixed route by the Chief Executive Officer, the permit holder shall display a representation of the route, the fare, and the permit holder's trade name on each side of the vehicle in letters large enough to be easily read by potential customers in accordance with the standards established by the Chief Executive Officer under Section 6.5 of this Ordinance. Only one (1) route may be displayed on a vehicle at any time.

(d) If a permit holder wishes to alter his or her approved fixed route(s), he or she must apply in writing to the Chief Executive Officer, submitting the information required in Section 6.2 (b).

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

(f) The Chief Executive Officer may change a route that has been approved previously when the Chief Executive Officer finds it necessary to do so. A change of route may be necessary when a street has been closed temporarily or permanently because of construction, or the direction of a street has been changed, or a street has been vacated, or for similar reasons as determined by the Chief Executive Officer. The Chief Executive Officer shall notify in writing any permit holder whose route has been changed. The Chief Executive Officer's change of a route is subject to appeal under Section 1.16 of this Ordinance.

(g) Except as provided for within this subsection, an approved fixed route may not be transferred to another vehicle or permit holder. A permit holder may receive approval for a vehicle that is replacing a jitney already in service to use the approved fixed routes of the replaced vehicle.

(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 discretion, require.

(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 discretion, establish the maximum number of jitneys permitted to remain standing at one time in a holding zone.

(b) Each holding zone established hereunder shall be in operation twenty-four (24) hours of every day, unless otherwise specified by the Chief Executive Officer. The Chief Executive Officer shall adopt written standards to determine whether to allow holding zones to be in operation fewer than twenty-four (24) hours every day. If a holding zone is to be in operation fewer than twenty-four (24) hours every day, the Chief Executive Officer shall cause signs to be posted at or near the holding zone indicating the hours and days of operation.

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

(d) Any individual, partnership, corporation, association or other organization may petition MTS requesting that a new holding zone be established. The petition must be filed in writing with the Chief Executive Officer or his/her designee. The petition must state the reason for the request and the proposed location(s). The Board may approve, deny, or modify the request.

(e) Whether initiated by the Chief Executive Officer under Subsection (c) of this section or by persons described in Subsection (d) of this section, before any holding zone is established, the proposed location of any holding zone must be reviewed by the Traffic Engineer of the City. The Traffic Engineer shall report his/her recommendations to approve, deny, or modify the proposed location in writing to the Chief Executive Officer. The Traffic Engineer's report shall include a statement of reasons supporting the recommendation to the Chief Executive Officer.

(f) The Chief Executive Officer shall, by resolution, establish a maximum time limit for individual jitneys to remain standing in any holding zone. The time limit shall apply uniformly to all holding zones.

(g) It shall be unlawful for a vehicle other than a jitney with a proper MTS jitney permit to occupy a jitney holding zone.

(Section 6.4 amended 11/15/2012)

Section 6.5 - Equipment and Specifications

(a) Each jitney shall bear on the outside, signs clearly designating the route which it serves. The specifications of the sign are subject to the approval of the Chief Executive Officer. The Chief Executive Officer shall adopt written standards for approval or denial of the size of the signs, the location of the signs on the vehicle, the size of the lettering or graphics on the signs, and other specifications that the Chief Executive Officer finds necessary.

(b) All jitney vehicles must bear a trade name and shall be assigned a body number by the permit holder. The trade name and body number so assigned shall be placed on the vehicle in accordance with written standards adopted by the Chief Executive Officer.

Any violation of this Ordinance shall constitute an infraction unless otherwise specified.

SECTION 7.0 – LOW-SPEED VEHICLES

Section 7.1 – Low-Speed Vehicle (LSV) Definition

Low-Speed Vehicles (LSV) shall mean every vehicle that is designated per the requirements of Ordinance No. 11, Section 1.1(r). LSVs may operate by zones and/or a prearranged basis as set forth in Section 1.1 (b) (1)-(5).

(Section 7.1 amended 2/14/2019)

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

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

Section 7.2 – Establishment of Zones

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

(Section 7.2 added 8/7/2003)

Section 7.3 – Zone Rates of Fare

(a) All vehicles permitted as LSV may use two methods of seeking compensation, either by zone rates or on a prearranged basis. Either method may be used when working inside of an approved zone. However, when operating on a prearranged charter basis, within an approved zone, no operator may exceed the maximum number of vehicles that are permitted.

(b) Within thirty (30) calendar days following the issuance of a permit by the Chief Executive Officer, each permit holder shall file a document with the Chief Executive Officer reflecting the rates of fare being charged by said permit holder for LSV services.

(c) When a permit holder desires to change the rates of fare being charged for LSV services during any calendar year, he shall first file a document with the Chief Executive Officer indicating said changes, and no change shall be effective until fourteen (14) days following the filing of said change.

(d) No permit holder shall charge any rate of fare for LSV services unless said rates are on file with the Chief Executive Officer as aforesaid, and duly displayed.

(e) The rates of fare shall be established by a zone and/or prearranged written contract on a per-mile or per-hour basis.

(f) The maximum rates of fare shall be established pursuant to Section 2.2.

(Section 7.3 amended 10/13/2016)

(Section 7.3 added 8/7/2003)

Section 7.4 – Spare Vehicle Policy

(a) The following sets out procedures for LSV permit holders to place a spare vehicle into service as either a temporary replacement for a permitted vehicle that is out of service for recharging or mechanical problems.

(1) Spare LSVs must be marked with the approved company markings.

(2) In place of the medallion number, the spare LSV must be marked "Spare LSV." Where more than one spare LSV is being requested, under the provisions of paragraph 9, the LSVs will be marked "Spare LSV 1," "Spare LSV 2," and so on. The "Spare

LSV” marking should be sized to fit in approximately the same space as the medallion number would otherwise be placed with legibility and visibility being the primary criteria.

- (3) Spare LSVs must be inspected upon initial issuance and annually thereafter.
- (4) All spare LSVs must meet all MTS insurance requirements.
- (5) To use a spare LSV that meets the requirements of 1 through 4 above, the permit holder must communicate in writing (facsimile is acceptable), a request to place a spare LSV into service.

The request must state:

- (A) the medallion number of the LSV being taken out of service, the reason for being out of service, and the location of the out-of-service LSV; and
 - (B) the estimated time the spare LSV will be in use.
- (6) When the out-of-service LSV is ready to re-enter service, the permit holder must immediately notify MTS in writing (facsimile is acceptable).
 - (7) The out-of-service LSV may not be required to be reinspected to be placed back into service.
 - (8) The spare LSV must be removed from service at the time the LSV it has been replacing is placed back into service.
 - (9) Under normal circumstances, a permit holder may utilize spare LSVs. Permit holders may utilize spare LSVs in a ratio of 3:1 permits held.
 - (10) Spare LSVs that are placed in service may only operate inside of the MTS-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular permitted vehicles.
 - (11) A permit holder found to have operated a spare LSV in deliberate violation of these procedures will be subject to immediate suspension/revocation of the permit and the loss of the spare LSV utilization privilege.

(Section 7.4 amended 10/13/2016)

(Section 7.4 amended 10/16/2003)

(Section 7.4 added 8/7/2003)

Section 7.5 – LSV Driver Identification Cards

- (a) Refer to Section 1.12 of this Ordinance to reference driver and permit holder ID requirements.

(Section 7.5 added 8/7/2003)

Section 7.6 - Equipment and Specifications

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

(b) Exterior Markings

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

(2) Optional Exterior Vehicle Markings. The permit holder has the option of choosing to post any combination of the below-listed five options on his or her LSV which must be posted only at the specific location and in the size noted and are subject to the Chief Executive Officer's approval.

(A) Trade Name Logo. If the permit holder chooses to display his or her trade name logo, the trade name logo shall be posted only on the rear portion of both side rear quarter panels.

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

(C) Telephone Number. If permit holder chooses to display a telephone number, the telephone number must be no more than two (2) inches in height and posted only on the top front portion of both front side quarter panels.

(D) "Driver Carries Only \$_____ Change". If the permit holder chooses to post "Driver Carries only \$_____ Change", postings must be located only on panels near the rear door but clear of the rates of fare.

(E) "Leased to Driver". If permit holder chooses to post "Leased to Driver," it must be posted only on both rear quarter panels near the rear door area but clear of the rate of fares in lettering no larger than 1 inch.

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

(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 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: 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