



Agenda

TAXI 585.3 (PC 50761)

TAXICAB COMMITTEE MEETING

Friday, June 29, 2012

9:00 a.m.

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

1. Roll Call
2. Approval of Meeting Minutes – March 16, 2012
3. Public Comment

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

4. MTS Taxicab Administration *Proposed* Fiscal Year (FY) 2013 Budget

Action would forward a recommendation to the MTS Board of Directors to approve the MTS Taxicab Administration *proposed* Fiscal Year (FY) 2013 Budget as recommended by the Taxicab Finance Subcommittee.

5. Results of Workshop on Regulatory Matters (WORM) Subcommittee Meeting

Action would receive a report on the legal review of taxicab vehicle camera standards and requirements.

6. Taxicab Field Inspections and Complaint Process

Action would receive a report for information.



7. Member and Management Communications

- Edna Rains, S. D. County Sheriff's Licensing Division
 - Response to e-mail message dated June 19, 2012, from TAC member Mr. Kamran Hamidi
- San Diego City Council Policy 500-02 change approval, June 12, 2012.
- Resignation of Mr. Kamran Hamidi from the Workshop on Regulatory Matters

9. Next Meeting – Friday, September 21, 2012, 9:00 a.m.

10. Adjournment

DSundh/Taxicab/Taxicab Committee
AGN-JUNE.29.12

DRAFT

Taxicab Advisory Committee Meeting

TAXI 585.3 (PC 50761)

March 16, 2012

9:00 a.m.

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

Minutes

1. Roll Call

Chairwoman Marti Emerald called the meeting to order at 9:12 a.m. A roll call sheet is attached listing Taxicab Advisory Committee member attendance.

Ms. Emerald introduced Mr. Berhanu Lemma, the newly elected lease driver representative member on the Committee. The other newly elected lease driver representative, Mr. Hussein Nuur, was absent. She also welcomed Mr. Josh Layne, replacement member for the San Diego Convention Center.

2. Approval of Meeting Minutes – December 16, 2011

A motion was made to approve the meeting minutes from the meeting held on December 16, 2011. The motion was seconded and passed unanimously.

3. Public Comment – Non-agenda

Mr. Kyle Goedert, CA Center for Sustainable Energy-4530 Olney Street, #4, San Diego-858.244.4877

Mr. Goedert briefly explained the partnership between the City of San Diego, the San Diego County Regional Airport Authority (SDCRAA), and Mossey Toyota to help reduce fuel emissions, and help taxi drivers save money by upgrading to cleaner vehicles. He stated that 60 vehicles had been in service at the airport since November, and the owners stated they were saving approximately \$1000 to \$2000/month depending how far they drove. He also said owners/drivers were receiving higher tips and positive customer feedback. Because of the success at the airport, CCSD had made a small grant available of approximately \$62,500 to rebate 25 City cabs as a project, providing a \$2500 rebate per cab. Mossey Toyota is also contributing a \$1500 discount with financing and maintenance packages available. He provided flyers to be handed out to interested owners.

Mr. Mikail Hussein, UTWSD, 7364 El Cajon Blvd., #108, San Diego, 619.713.5404

Mr. Hussein addressed the issue of 1099 Misc. and 1099(k) forms. Staff handed out some documents to the TAC provided by Mr. Hussein. Mr. Hussein stated that in December 2010, an agenda item was presented regarding the 1099 forms and that the drivers had been having difficulty obtaining forms and tax identification numbers (TIN) from the permit holders. He said a year after the 1099(k) went into effect the forms were finally sent out to the drivers and that in 2011, all drivers were sent the forms. He said that they had requested that the permit holders and dispatchers provide tax I.D. numbers no later than February 10, 2012, and they had not responded. He requested that the TAC docket the issue as they did in 2010.

Mr. Alor Calderon, Employee Rights Center (ERC), 7364 El Cajon Blvd., #108, San Diego, 619.708.2771

Mr. Calderon spoke on behalf of the UTWSD, regarding the 1099 forms, stating that all independent contractors must issue a 1099 Misc. to all people receiving over \$600 in a calendar year. He referenced a letter provided at a TAC meeting in 2010 regarding the 1099(k) form, and stated that taxi drivers were independent contractors, but were not receiving the permit holders' tax identification numbers, which were required in order to have the form issued and stated it was difficult for taxi drivers to submit the form. He said that since the drivers were bringing it to the ERC, he wanted to pass the information along to the TAC.

4. Committee Member and Management Communications

Ms. Emerald officially welcomed Mr. Layne, and Mr. Lemma, to their seats on the TAC (Mr. Nuur was absent). She then turned the meeting over to Mr. John Scott.

Mr. Scott reported that the PS&NS Committee accepted the MTS permit study with the understanding that there would be a new methodology as to how permits were issued in the future, and that transfers would be affected by the policy. He said it would be going to the City Council within approximately the next 60 days, and he would report back pertaining to future ordinance changes and future transfer processes.

Mr. Kamran Hamidi requested that Ms. Edna Rains from the San Diego Sheriff's Office (SDSO) allow taxicab driver records to be available for review by the permit holders prior to hiring a driver in order to possibly prevent future incidents such as the one in which someone was seriously injured by a taxicab driver with a previous record of moving violations. He felt such a driver should not have been allowed to transport the public.

Ms. Rains stated that this would be up to the Department of Motor Vehicles (DMV). Ms. Emerald advised that the matter had not been docketed for the current meeting, and because of the Brown Act, the discussion must be limited to Mr. Hamidi's comments, but could be docketed for a future meeting. Ms. Karen Landers stated that Ms. Rains could finish the thought as to where the information could be obtained.

Ms. Rains repeated that driving records were provided by the DMV, and when conducting background checks for licensing taxicab drivers, the SDSO did consult with the DMV, but those records needed to be released by them. Ms. Emerald said that if Mr. Hamidi wanted to docket the matter for the future, the Committee would be happy to do so.

Mr. Berhanu Lemma commented about the 1099 issue, and requested that MTS provide the memo to all permit holders that was provided in 2010 in order for drivers to obtain the tax I.D. number so they could be in compliance, because if it came from MTS it would have more weight. Ms. Emerald deferred the issue to MTS Legal Counsel. Ms. Landers stated that the memo in question was provided at the TAC meeting on December 2, 2010, and was provided as only an informational item with an attached news article written by outside lawyers. She informed the Committee that MTS did not have anything to do with enforcing tax requirements or anything of that nature, and therefore, was not an area on which MTS could take action. MTS had no authority to enforce the tax code and had no jurisdiction there. The legal ramifications were really between the drivers' tax advisors and the Department of Justice.

5. Taxicab Advisory Committee Membership Change

This item was covered previously in agenda item 4.

6. Taxicab Committee Proposed 2012 Meeting Schedule

A motion was made and seconded to accept the TAC proposed 2012 meeting schedule. The motion passed unanimously. Future meeting dates are as follows:

Friday, June 15, 2012, at 9:00 a.m.
Friday, September 21, 2012, at 9:00 a.m.
Friday, December 14, 2012, at 9:00 a.m.

All meetings will be held in the MTS Board of Directors meeting room, 1255 Imperial Avenue, 10th Floor, San Diego, CA.

At this time, Mr. Hussein Nuur, the other newly elected taxicab lease driver representative, arrived at the meeting at 9:32 a.m.

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

Mr. Scott outlined the currently proposed taxicab rates of fare for the City and the airport. He stated that upon approval staff would notify all permit holders as to when the vehicles would need to be remarked and inspected. He also advised that a consultant would be hired regarding future rates of fare, and that the permit holders would be advised. The purpose of hiring a consultant was to work toward a single rate of fare for both the City and the airport in the near future.

Public Comment:

Mr. Binyam Seifu, Taxicab Driver-American Cab-4473 Marlborough Avenue, San Diego, 619.243.9021

Mr. Seifu spoke to the Committee advocating for a uniform rate of fare because drivers received numerous complaints from customers thinking that the driver controlled the fare amount. He stated that all of the other MTS modes of transportation had uniform rates with the exception of

taxicabs. The taxicab industry should be viewed as a service industry serving taxpayers. He also said that if meters were set at a standard rate, he wanted to be certain that the lease rates did not increase as well.

Mr. Tom Lankebo, Taxicab Driver, 12549 Pathos Lane, San Diego, 619.808.4685

Mr. Lankebo spoke stating he felt the drivers would not benefit from the proposed fare increase because the drivers would only end up giving the owners more money. Also, most drivers were primarily driving Crown Victorias, and with the current gas prices, were spending a lot of money on gas. He felt that there should be a uniform rate of fare for the City and the airport, and said Chicago, New York, and Boston had the same rate for both. He also felt that the drug testing was not working and thought it should be done randomly.

Discussion:

Mr. Antonio Hueso stated that in 2011, a rate of \$3.00 flag drop, \$3.00 per mile was proposed for both the City and the airport. He said there was an option in Policy 34, section 34.4.2 in the meeting packet that stated that the General Manager had the option of overriding the Consumer Price Index. He said it takes some time for a new rate to be implemented and felt that the CPI was no longer a fair mechanism for evaluating fare increases, because there were other factors that affected the industry.

Ms. Emerald asked if Mr. Hueso was moving to amend the agenda item, and Mr. Hueso stated that he wanted to amend the proposed airport rate of fare to \$3.00 flag drop. He also stated that he recently visited another city and noticed Las Vegas increased their flag drop to \$3.50 because they had a lot of short fares. This allowed the drivers to recoup more money. He said they were also passing along credit card processing fees to the consumer. Therefore, he proposed increasing the airport fee to \$3.00 flag drop, \$3.00 per mile, and \$24.00 per-hour waiting time and to also hire the consultant, but put the higher fees into effect immediately.

Ms. Emerald requested that Ms. Landers explain what the procedure would be. Ms. Landers said Policy 34 set forth the formula established in 1990 as to how the fares were calculated, and explained how the rates were normally established. She said there was a provision in 34.4.2, which stated the CEO could use his discretion when the maximum rates of fare and the uniform rates of fare for trips from Lindbergh Field airport were incompatible. She stated the TAC could not take action to change the new rates that were proposed, but could only take action to approve the rates in the agenda item. If the Committee recommended that the CEO exercise his discretion in section 34.4.2, it needed to be a recommendation back to the CEO and he could issue an order.

Ms. Emerald said that the speculators in the market were creating a run-up of the cost of gasoline worldwide and it affected no other industry more than the transportation industry. She clarified that what she understood Mr. Hueso to say was that while there was a formula for setting rates of fare, there were unusual market circumstances that were changing the economy of the taxicab industry and this might one of those opportunities where CEO discretion might be exercised. She asked what happened if the proposed rates were not approved at the TAC.

Ms. Landers stated that normally it went into effect automatically, and that it had never happened that they were not approved as presented. If it were requested that the proposed rates be changed, the old rates would remain in effect until the issue was reviewed by the CEO. Then, a memo would be issued stating the new rates of fare. The other option was that the

CEO could respond to the request and issue his decision. Then it could go back to the TAC for further discussion. The next meeting was not scheduled until June, so if the TAC wanted to make a recommendation to the CEO to exercise his discretion, the TAC needed to decide the timing.

Mr. Hueso asked what the time line would be if the proposed rates were approved. Ms. Landers advised that if the proposed rates were approved, a memo would be issued, and they would go into effect immediately. Ms. Landers clarified that the rates would be the same with the exception of the airport flag drop which would change to \$3.00. She stated the CEO could probably issue a decision within a week.

Mr. Anthony Palmeri had the following concerns. 1) Currently, San Diego has the third highest meter rates in the United States; 2) drivers would be paying a trip fee, which will be added to the meter; 3) if there were a uniform rate, there must also be uniform standards that all companies must adhere to. There were individuals in some areas of the City that needed to visit their doctors that were senior citizens and were in low income neighborhoods. There were some companies that served those areas with lower fares. Some companies wanted to charge the lower rates because they were small and had older cars.

Mr. Lemma said uniform rates would be appropriate, but San Diego was higher than most cities and there was a lot of competition. TCPs would begin to take fares from taxicabs because they work cheaper and neither the drivers, nor customers would benefit from the higher rate. He said people do not take taxicabs as often because of the high rate.

Mr. Houshang Nahavandian moved that the proposed rates of fare be accepted along with the request that the CEO change the airport flag drop from the proposed \$2.80 to \$3.00.

After further discussion, it was made clear that the TAC would not need to vote again on the rates of fare. If the motion was passed, the rates would either be implemented as originally proposed, or if the CEO agreed, the flag drop at the airport would change to \$3.00. The permit holders would then be notified.

Motion:

Accept the proposed rates of fare with the recommendation that the CEO use his discretion that the airport flag drop be raised to \$3.00, due to the hardship that has been placed upon the drivers because of the high cost of fuel. The motion was seconded, and passed.

9. San Diego Regional Airport Authority (SDRAA) – Airport Trip Fee (Public Hearing)

Ms. Emerald requested that this agenda item be taken out of order.

Ms. Landers reviewed the matter of the airport trip fee and stated that MTS's concerns were that since the airport implemented the trip fee for drivers based upon their own cost recovery efforts, the drivers could not recoup those fees from their customers without incurring possible lawsuits with respect to Prop. 26. At the time the fee was implemented, MTS requested indemnification by the SDCRAA against possible lawsuits. The SDCRAA responded that they were unable to indemnify, thereby leaving the trip fee to be paid by the driver. Since that time, the SDCRAA had agreed to indemnify MTS against lawsuits pertaining to the trip fee. An extra button would

be programmed on the taximeter that would authorize drivers to collect from the customer an amount equivalent to the trip fee.

Ms. Emerald asked Mr. Jim Myhers to comment, and he stated that the airport was asking that the motion be passed allowing the trip fee to be passed along to the customer. Ms. Emerald asked if the airport would go ahead with the trip fee if the TAC did not agree, and Mr. Myhers said they would because their cost recovery was something that would continue. Ms. Landers said that the TAC would make a recommendation to either approve or oppose, but it would still go before the Board. If the Board approved the Ordinance changes, they would go into effect 30 days later (May 19, 2012).

Mr. Scott stated there would need to be inspections. He asked for TAC direction as to whether to delay the issuing of the rate change memorandum to permit holders. As there could be a time frame where one company at the airport would be charging the current rates and one would be charging the new rates. Then the extra button would need to be added, which would incur more down time and could cause additional inspections. He requested that the Committee give staff some direction as to whether to delay issuing the memorandum. He stated there needed to be an agreement with the airport regarding the potential for short term differences in the rates of fare. He also stated he would like to be able to minimize the number of inspections and amount of downtime for the owners and operators so they could get the rates of fare and extra button installed at the same time, and there would only be one inspection by MTS and one by Weights and Measures.

Mr. Myhers stated the airport would work with MTS staff because they were aware that the inspections were costly and may take a vehicle out of service for several days. He stated he would work with staff to help assure that all of the necessary procedures came together. Ms. Emerald said that she would like to see the numbers that justified the increase in the trip fee. Mr. Myhers replied that it was calculated in the spring, and Ms. Emerald stated she would like the figures available at the Board meeting on April 19.

Ms. Landers advised that MTS had nothing to do with establishing the amount of the trip fee. Ms. Emerald replied that as part of the discussion and so that the Board made an informed decision, she would like to have the information in their hands and make it available to the members of the TAC, and she would like to see the justification for the increase.

Mr. Palmeri said he had his attorneys review the indemnification agreement based on Prop. 26, and there was no indemnification for the permit holders. He wondered if Prop. 26 could come back to bite the owners, and felt they were in the middle. Ms. Landers stated she had not researched that issue and that Prop. 26 was uncharted territory. Most often, Prop. 26 came into play as it applied to fees imposed by the government, and said she had not researched it as it applied to permit holders. She advised that even if she could determine that permit holders had no liability, it did not prevent them from being named in a lawsuit. Ms. Emerald said that the permit holders would become an agent for the fee so she would like to know an answer to that question as well. Mr. Palmeri said that one of the airport board members had asked why they could not get the owners involved, which was what gave Mr. Palmeri the concern. Another concern he had if it went into effect was that as part of the incentive to buy them, the people that bought Priuses were not required to pay \$1.50, and he wondered what would replace that incentive for those owners/drivers once it went on the meter. Mr. Myhers replied that what was on the meter would only be what would be charged for the trip fee and that Prius owners/drivers were given a 75% discount on their trip fee beginning July 1. This would mean that their trip fee would be \$0.38. This was the amount that would be programmed on the meter.

Ms. Landers added that the issue of the Prop. 26 owner indemnity would be between the airport and the owners, and the owners would need to go back to the airport and renegotiate an indemnification to include them, which could potentially delay action on the agenda item. Ms. Emerald said delays were okay if they ultimately produced something that was reasonable, and by acting on the item, MTS was placing the drivers in the middle and had an ethical duty to make certain they were not setting the drivers up for litigation or harm in any way, which was the purpose of the discussion. She felt the MTS Board needed to know about the discussion and the concerns that had been raised, and consider all of those issues before signing off on a new trip fee and all the implications that would come with it. Ms. Landers stated that if approved, adding the extra button and collecting the fee would not be required, but would only give the permit holders/drivers the option of installing the extra button. She said the airport considered that the trip fee was paid by the drivers. Allowing the extra button was simply a way to recoup the cost of the fee and pass it to the customer, and they would have the ability to do that. Ms. Emerald stated that people were sometimes just scraping by and the last thing she wanted to do was to impose new fees on the drivers and cab owners. She stated she saw this as an opportunity to educate the MTS Board, and said that the SDCRAA may go ahead and charge the fee, but if they were going to do so, she wanted to make sure the Board weighed in and stood up for the people who were most impacted.

Mr. Akbar Majid asked for clarification regarding Mr. Scott's reference to the different rates at the airport. Mr. Scott replied that if the proposed rates were accepted now, there would be an inspection, and if they were changed later to \$3.00 flag drop, there would be another inspection. Then, there might be another inspection by Weights and Measures. When the airport taxis added the extra fee button, they would need to be reinspected again. Mr. Scott added that meters and decals would need to be inspected.

Mr. Majid said his understanding was that before there were any changes, they would await the decision of the CEO. Ms. Emerald replied that the current item would also have implications so that it was important to time this so there was only one inspection.

Mr. Staples stated he was trying to follow the conversation, and also trying to look at the situation as a consumer. He said that as a customer, he would get into the Prius before the Crown Victoria because he did not want to pay the \$1.50. Ms. Emerald said that the incentive was to encourage people to get into more fuel efficient vehicles. Mr. Staples stated that the incentive should go to the driver and not on the back of the people.

Mr. Hamidi stated it was MTS's responsibility to protect the public from price gouging. He questioned the figures from the airport. Ms. Emerald again stated she wanted the airport to provide documentation to back up the figures so the Board could analyze the situation.

Mr. Hueso made a motion to go forward with staff recommendation with the caveat that the discussion be continued regarding the issue of the Priuses. The motion was seconded by Mr. Nahavandian.

Ms. Emerald stated that she heard some concerns regarding the math, etc., and Mr. Hueso said that the airport had previously provided a forum for the purpose of discussing cost recovery and reviewing financials. Ms. Emerald said that this information would be provided to the MTS Board before this issue was discussed and voted upon at the Board. She asked if Mr. Hueso would make part of the motion the fact that the MTS Board would be provided with the financial information regarding justifying the trip fee allowing time for review before the MTS Board voted.

Mr. Palmeri added the issue of Prop. 26, the difference in the fees to the customer, and the indemnification. Ms. Emerald said she wanted that information included as well before she voted as a Board member, so that she knew it was justified.

Mr. Myhers stated that the original motion was to put the trip fee on the extra button. Nobody was debating the trip fee because it was not within the authority of the MTS Board. The airport had decided to do cost recovery. Unfortunately Mr. Hamidi had thrown out numbers that were incorrect. He said if anyone thought the airport was recovering \$9M from the industry, they were wrong. He stated the airport had already shared the numbers with the public, had vetted it with them, and would continue to do so. He said he would share any information he had regarding cost recovery in the past, but said he was not sure if he would have the information regarding future plans from the airport board by April 19. He felt people were throwing out figures that were flat out wrong.

Ms. Emerald repeated that the motion was to approve the staff recommendation. She added that she would also like the financials to back up the trip fee, a response regarding Prop. 26, and answers to the indemnification questions for the MTS Board of Directors to consider when they voted. Mr. Hueso stated that the airport already had published the financials. The motion was seconded. Mr. Hueso stated there should be clarification from legal.

Ms. Landers said that all of that information had been provided by the airport in the past and she could get it for the board meeting.

Regarding the indemnification, MTS already had an agreement with the airport. If the owners would like the airport to indemnify them, she could communicate that request to the airport's general counsel, and it would be up to them to respond. They should be able to have a status report by April 19, as to whether they would consider it, so the Board had the information when it took the action, but that was not something MTS would negotiate.

Regarding the Prop. 26, the premise of the indemnification agreement that was negotiated was that the airport had done its own analysis, given its own report to its own board, and felt that the airport trip fee was legally sufficient and did not violate Prop. 26; therefore, based on that decision, they were indemnifying MTS with no Prop. 26 concerns.

Ms. Emerald said she had concerns for the owners and the drivers, and she wanted any reports copied and provided to the members of the TAC so they could weigh in at the MTS Board meeting. Ms. Landers stated that she was not comfortable as MTS's counsel giving a legal opinion to the owners as to their liability as they were not her clients and she was not ethically allowed represent them by issuing a legal opinion to them about what their liability was. Ms. Emerald stated that would be her request and the maker and the seconder had approved adding those questions.

Mr. Alex Gebreselassie stated that the trip fee was coming out of the bottom line for drivers, which could amount to as much as \$500. He said he was happy to have it being discussed. He noted that in San Francisco the owners and drivers split the \$4.00 trip fee at \$2.00 each.

Mr. Lemma said that fees that had previously been paid by drivers should be refunded to the drivers.

Vote:

A vote was taken on the following motion:

1. Forward a recommendation to the MTS Board of Directors to consider the SDCRAA request that MTS, through amendments to Ordinance No. 11, or other required action, authorize collection of an amount equal to the Airport Trip Fee in addition to the standard rate of fare authorized for Airport taxicab trips;
2. prior to the MTS Board vote, the Board would be provided with documentation from the SDCRAA that justified the implementation of the airport trip fee; and
3. a response regarding including the indemnification for owners/drivers concerning Prop. 26.

The motion passed with two nays.

8. Taxicab Driver Safety Classes and Taxicab Vehicle Camera Requirements

Mr. Scott reported that at the request of the industry staff had held extra driver safety classes. He stated that all of the agencies that could be notified had been sent the information, and it had been posted in the Sheriff's Licensing Division, at the airport, out in the field, and the MTS Inspection Facility. He advised that there had been three classes held, and there had been no attendees. Therefore, the extra classes would no longer be held.

He also advised that the TAC had requested that staff hold a meeting of the Workshop on Regulatory Matters (WORM) Subcommittee regarding cameras and requirements, and a meeting had been held on February 24, 2012. He noted the original draft regulations and the changes that had been supported by the Subcommittee, specifically staff was asked to identify the capability of 4 gigabytes (GB), vs. 8,000 images, vs. 15 consecutive days. Discussions with camera companies determined that the best way to convey this would be to state that cameras have the capability of 15 days of audio, video and still images. Other cities were contacted regarding whether they indemnified permit holders from defects in camera installation/operation. After contacting Los Angeles, San Francisco and Seattle, it was determined that they did not indemnify owners from those types of issues but that they would need to refer to their warranties. It was also recommended that anything that was downloaded, whether for a complaint, inquiry, or criminal offense, be kept in a safe and secure manner. Each city highly recommended that access to the images be restricted to the regulators and law enforcement personnel. He noted changes that were not addressed at the WORM meeting, stating that a representative from one of the camera companies would explain further.

He explained that approval of the changes to the Policy 34 and Ordinance No. 11 would require one reading before the MTS Board and then become effective 30 days after, thereby allowing the installation of the cameras to be approved in early summer. He stated there was currently a state law which in part stated that the driver or owner could disable the camera, and there was a proposed legislative change supported by MTS staff that would change the current regulations so that the regulator could mandate that the cameras could not be disabled and must be in operation at all times.

Public Comment:

Mr. Hansu Kim, 3rd Eye Cam, 31 Airport Blvd., Suite 63, South San Francisco 94080, 415.387.5122

Mr. Kim said that from his experience, the recommendations put together by staff were very well done and were very thorough, and covered all of the main issues necessary. He requested

input on item k), and he stated that it should state, *if a download port is available*, since many of the downloads were done by memory card, and there was no need for a memory port. Another was regarding item n). He advised that the wording should exclude the notation that the *visual indication of system status that is located on the lower left portion of the dashboard*, as most vendors have it on the camera itself and can be seen outside the window and by the passenger. Regarding p), he stated that the wording *and/or hard drive* should be added, as most vendors used solid state hard drives. These changes would allow owners a choice of more vendors for the cameras. Regarding item (3), *Triggers*, he stated that triggers were used when memory capacities were very low, and that when the door was opened, or the meter was activated, it triggered a camera that took photos every few seconds. Today, as the cost of memory had gone down, most manufacturers had moved toward continuous full video capture. He suggested trigger-activated cameras should be optional at the discretion of the regulator, and also the language stating one image every 5 seconds was very slow and there should be an image at least every second in order to get as close to video as possible. Mr. Kim said the last thing he would recommend was that there be a back-up recording in the event of a failure of the recording, memory card, or hard drive, and most quality camera manufacturers were going to a secondary memory card or hard drive in the event of a failure.

Ms. Savitar Sahou, 6965 Golfcrest Drive, #3049, San Diego 92119, 619.302.4296

Ms. Sahou identified herself as the daughter of a taxicab owner/driver that was murdered while on the job five months previously. She spoke in support enforcement of installation of the cameras in all taxis, and stated that although there may be obstacles that may cause further deliberation, as the daughter of a murder victim, nothing should stand in the way of an individual's safety. With the cameras enforced in all taxis, crime may decrease against taxi drivers. She thanked the Committee for giving her the opportunity to express her concerns. She said she wanted nothing more than to know that drivers were safe when they went to work.

Mr. Peter Zschiesche, Employee Rights Center, 3121 Hawthorn Street, San Diego, 619.239.8842

Mr. Zschiesche began by stating that he felt it was a shame that nobody participated in the additional driver safety classes offered by staff, and it went against what the Committee was attempting to do. He said that in the past, both Ms. Emerald and Mr. Hueso had suggested that the ERC might be involved in assisting to accomplish this task. He said that in the past five years they had been working with NIOSH in the occupational health internship program bringing in students in public health interested in occupational health designing safety and health training for working people. He offered the services of the ERC to work with staff to assist in increasing driver participation, citing the fact that the forum for the classes was open discussion, and that was the methodology that he felt was the most effective. He said if interested, to contact either him or Alor at the ERC, and they would work with staff to develop training that would attract drivers and get them involved, and get them more attentive on the things necessary to preclude the types of safety situations that put them at risk.

Discussion:

Mr. Hamidi cited the Fourth Amendment to the U.S. Constitution, and stated that the cameras must be video only with no audio, citing the fact that the cameras in the bank, grocery store, airport, and post office were video only. He stated he would file a complaint for an injunction before he would put a voice recorder in the face of every passenger in San Diego. He said placing a sticker on the vehicle was not voluntary consent. He said nobody wants to be

recorded, and many times there are privileged conversations that took place in taxicabs. He felt the purpose of the camera should be to get criminals, murderers, and robbers, not record conversations. He said MTS could not spy on drivers and passengers. He brought up a camera that had the option of turning off the audio and cost only \$499 retail, which he found for \$250 straight from Korea, citing a collective saving of approximately \$250,000. He stated he wanted MTS to go back and find a video only camera at a reasonable price. He further criticized the draft addition to the Ordinance stating that it should be written by a lawyer versed in criminal procedure. He wanted the six-page regulation cut down to one or two pages. He said it violated the 4th Amendment and a criminal could walk free. He also felt that the cameras should be installed by the same people that install the top light and meters. He cited Vehicle Code Section 26708 which he said limited the recording to 30 seconds, which was part of AB 1942 written by Nathan Fletcher to prevent the attachment of cameras to the windshield, but went into other privacy issues regarding employee rights as well.

Motion:

Mr. Hamidi moved that MTS disapprove of the draft regulation, go back and find a standard camera without audio, and have legal counsel draft a concise, one-page amendment to Ordinance No. 11 by the June meeting, or sooner. Mr. Lemma seconded the motion.

Ms. Emerald asked Ms. Landers if she would comment on Mr. Hamidi's concerns. Ms. Landers said that she had not been involved in the drafting of the regulation, and that staff had been working with the WORM to simply try to come to a consensus as to what everyone wanted to see in the policy regarding the subject matter prior to a final legal document. She said that certainly there would be a legal review prior to the document going to the MTS Board. She recognized there were concerns regarding Penal Code 692, but the cameras on the buses had audio. She said the WORM needed to discuss the audio in depth prior to the item going to the Board, and it could go back to the WORM. Ms. Emerald said that she was surprised that the document had not been lawyered. To take an action on something that had not been subjected to legal scrutiny was not the way to pass policy. It would need to be decided how it comports with the CA Vehicle Code and the Constitution prior to voting.

Mr. Gebreselassie stated that the point was to protect the drivers, and the specification of the equipment came behind years of research by other major cities like Chicago, New York, and San Francisco. He felt the specifications were appropriate for the intention of protecting the drivers because the San Francisco requirements were the same.

Mr. Gebreselassie moved that the TAC approve staff's recommendation. Ms. Emerald stated there was already a motion on the floor and a second.

Mr. Palmeri said he was upset because Mr. Hamidi had not come forward with his legal comments to the WORM Subcommittee meeting, which would have given the TAC more time. He stated the Committee was rushing to put money on the meter because the drivers were starving, but not rushing to put something in the cabs for their safety. He said he felt maybe the questions should have been raised a long time ago, but said they had cameras in San Francisco, Los Angeles, and Chicago, and it was possible that they all had stupid attorneys, but all he knew was that they were trying to save drivers' lives. Now someone was coming up with new reasons not to do it, and looking for a \$250 camera versus something that was top of the line, and it had come up at the meeting where everyone was ready to vote yes and get it done. He said that now he was not going to vote for it because Ms. Emerald said it needed legal

review. Ms. Emerald stated that legal analysis could be done and the questions could be answered before it went to the Board.

Ms. Tanguay stated that crimes against drivers had increased. She felt moving forward was important, along with getting the legal opinion. She had several comments regarding grammar on (d) (3) and requested future clarification on 2.4 (e) of the draft Penalty Guidelines. She said she would vote no on Mr. Hamidi's motion, and yes on the staff recommendation, with legal review.

Mr. Hueso stated that most cameras had the technology to have either audio, or video, and although there were some legal issues regarding audio, the main concern was driver safety.

Vote #1:

The Committee voted on the motion by Mr. Hamidi, seconded by Mr. Lemma, that 1) MTS disapprove of the draft regulation, 2) go back and find a standard camera without audio, and 3) have legal counsel draft a concise, one-page amendment to Ordinance No. 11 by the June meeting, or sooner. The motion failed with 13 nays and 2 yays.

Vote #2

The Committee voted on the motion by Mr. Gebreselassie, seconded by Mr. Nahavandian, that the TAC move forward with staff recommendations with the amendment that there should be a legal analysis addressing the legal issues that had been raised. The motion passed with 13 yays and 2 nays.

10. Next Meeting – June 15, 2012 at 9:00 a.m.

11. Adjournment

The meeting was adjourned at 11:05 a.m.

DSUNDH/Taxicab/Taxicab Committee
MIN-12-MAR16

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

MARCH 16, 2012

CALL TO ORDER TIME: 9:12 A.M.

ADJOURN TIME: 11:20 A.M.

MEMBER NAME		ORGANIZATION	ALTERNATES	
MARTI EMERALD (nonvoting)	<input checked="" type="checkbox"/>	MTS Board of Directors/SD City Counsel	BOB MCCLELLAN	<input type="checkbox"/>
GEORGE ABRAHAM	<input checked="" type="checkbox"/>	Eritrean Cab Co.		
ALEXANDER GEBRESELAASSIE	<input checked="" type="checkbox"/>	Cross Town Transportation, LLC		
KAMRAN HAMIDI	<input checked="" type="checkbox"/>	V.I.P. Cab		
CAMERON HARATIAN	<input checked="" type="checkbox"/>	P. B. Cab		
TONY HUESO	<input checked="" type="checkbox"/>	USA Cab LTD	Arrived at 9:20 a.m.	
JOSH LAYNE	<input checked="" type="checkbox"/>	S.D. Convention Center		
BERHANU LEMMA	<input checked="" type="checkbox"/>	Lease Driver Representative		
AKBAR MAJID	<input checked="" type="checkbox"/>	S.D. Transportation Services Coop., Inc.		
NAMARA MERCER	<input type="checkbox"/>	Greater S.D. Hotel/Motel Association		
JIM MYHERS	<input checked="" type="checkbox"/>	S.D. County Regional Airport Authority	CLARKE GALVIN	<input type="checkbox"/>
HUSHANG NAHAVANDIAN	<input checked="" type="checkbox"/>	ESM Corp.		
HUSSEIN NUUR	<input checked="" type="checkbox"/>	Lease Driver Representative	Arrived at 9:30 a.m.	
TONY PALMERI	<input checked="" type="checkbox"/>	S.D. Travelers Aid Society		
MIKE STAPLES	<input checked="" type="checkbox"/>	Greater S.D. Hotel/Motel Association Catamaran Hotel		
MARGO TANGUAY	<input checked="" type="checkbox"/>	Lease Driver Representative		
ERIC LUND	<input checked="" type="checkbox"/>	S.D. Convention & Visitors Center	JOE TERZI	<input type="checkbox"/>

MTS Representatives Present:

Others Present (nonvoting):

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

CLERK OF THE TAXICAB COMMITTEE:

Diane Sundholm

Date

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



Agenda Item

4

TAXI 585.3 (PC 50761)

Taxicab Advisory Committee

June 29, 2012

SUBJECT:

MTS TAXICAB ADMINISTRATION *PROPOSED* FISCAL YEAR 2013 BUDGET

RECOMMENDATION:

That the Taxicab Advisory Committee forward a recommendation to the MTS Board of Directors to approve the MTS Taxicab Administration *proposed* Fiscal Year (FY) 2013 Budget as recommended by the Taxicab Finance Subcommittee.

Budget Impact

The action today establishes the fiscal year 2013 budget.

DISCUSSION:

Taxicab Administration

FY 2013 Budget

Revenues. Please refer to Attachment A for the consolidated budget and Attachment B for the line-item detailed budget. In total, combined revenues are increasing by \$13,000 (1.5 percent) to \$941,000.

Taxicab Administration receives operating revenue from annual regulatory fees and other processing fees. The total budgeted operating revenue is \$865,000, a decrease of \$16,000 (-1.8 percent) from the fiscal year 2012 midyear amended budget.

The Taxicab Administration budget requires full cost recovery. When expenses exceed revenues, funds from the contingency reserves are used to balance the budget. The proposed budget assumes \$76,000 of contingency reserves, an increase of \$29,000 from the fiscal year 2012 midyear amended budget.

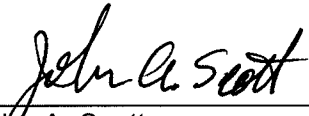


Expenses. As indicated within Attachment B, operating expenses total \$840,000 for the proposed fiscal year 2013 budget, an increase of \$5,000 or 0.6 percent.

Personnel-related expenses increased by \$26,000 (4.5 percent) to \$610,000. \$13,000 of this increase (2.5 percent) is due to general wage inflation expected within fiscal year 2013. The remaining \$13,000 increase is related to health and welfare costs, an increase of 18.3 percent. MTS is now able to allocate the direct cost of each employee to each operating entity, which resulted in the proposed increase.

Total outside services decreased by \$22,000 (-16.8 percent) to \$107,000. This decrease is primarily due to the trip monitoring study costs included in the fiscal year 2012 budget.

The MTS overhead allocation is projected to increase by \$8,000 or 9.0 percent to \$101,000. This increase is related to general wage inflation, increased healthcare costs, as well as increased Information Technology costs within MTS Administration. Including the overhead allocation, total costs for fiscal year 2013 are increasing by \$13,000 or 1.5 percent.



John A. Scott
Taxicab Administration Manager

Key Staff Contact: John A. Scott, 619.595.7036. john.scott@sdmts.com

Attachment: A. Summary report of the FY 2013 budget
B. Detailed report of the FY 2013 budget
C. Contingency reserve balance report

DSUNDH/Taxicab
12-JUN29.A14-2013 BUDGET-MT

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADMINISTRATION (761)
OPERATING BUDGET - CONSOLIDATED
FISCAL YEAR 2013**

Att. A, A14, TAC 6.22.12

	ACTUAL FY11	AMENDED BUDGET FY12	PROPOSED BUDGET FY13	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
OPERATING REVENUE					
PASSENGER REVENUE	-	-	-	-	-
ADVERTISING REVENUE	-	-	-	-	-
CONTRACT SERVICE REVENUE	-	-	-	-	-
OTHER INCOME	849,975	881,000	865,000	(16,000)	-1.8%
TOTAL OPERATING REVENUES	849,975	881,000	865,000	(16,000)	-1.8%
NON OPERATING REVENUE					
SUBSIDY REVENUE	-	-	-	-	-
RESERVE REVENUE	53,605	46,523	75,991	29,468	63.3%
OTHER INCOME	-	-	-	-	-
TOTAL NON OPERATING REVENUE	53,605	46,523	75,991	29,468	63.3%
TOTAL COMBINED REVENUES	903,580	927,523	940,991	13,468	1.5%
OPERATING EXPENSES					
LABOR EXPENSES	497,778	473,413	463,995	(9,418)	-2.0%
FRINGE EXPENSES	56,608	110,601	146,290	35,689	32.3%
TOTAL PERSONNEL EXPENSES	554,386	584,014	610,285	26,271	4.5%
SECURITY EXPENSES	-	-	-	-	-
REPAIR/MAINTENANCE SERVICES	13,821	13,000	9,600	(3,400)	-26.2%
ENGINE AND TRANSMISSION REBUILD	-	-	-	-	-
OTHER OUTSIDE SERVICES	140,757	115,108	97,000	(18,108)	-15.7%
PURCHASED TRANSPORTATION	-	-	-	-	-
TOTAL OUTSIDE SERVICES	154,577	128,108	106,600	(21,508)	-16.8%
LUBRICANTS	-	-	-	-	-
TIRES	-	-	-	-	-
OTHER MATERIALS AND SUPPLIES	900	4,500	5,000	500	11.1%
TOTAL MATERIALS AND SUPPLIES	900	4,500	5,000	500	11.1%
DIESEL FUEL	4,186	6,600	7,100	500	7.6%
CNG	-	-	-	-	-
TRACTION POWER	-	-	-	-	-
UTILITIES	4,764	6,000	5,000	(1,000)	-16.7%
TOTAL ENERGY	8,949	12,600	12,100	(500)	-4.0%
RISK MANAGEMENT	-	-	-	-	-
GENERAL AND ADMINISTRATIVE	102,080	105,825	106,200	375	0.4%
DEBT SERVICE	-	-	-	-	-
VEHICLE/FACILITY LEASE	-	-	-	-	-
TOTAL OPERATING EXPENSES	820,892	835,047	840,185	5,138	0.6%
NET OPERATING SUBSIDY	29,083	45,953	24,815	(21,138)	46.0%
OVERHEAD ALLOCATION	(82,688)	(92,476)	(100,807)	(8,330)	9.0%
ADJUSTED NET OPERATING SUBSIDY	(53,605)	(46,523)	(75,991)	(29,468)	-63.3%
TOTAL REVENUES LESS TOTAL EXPENSES	(0)	0	-	(0)	75.0%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADMINISTRATION (761)
OPERATING BUDGET - DETAIL
FISCAL YEAR 2013**

	ACTUAL FY11	AMENDED BUDGET FY12	PROPOSED BUDGET FY13	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
OPERATING REVENUE					
OTHER INCOME					
42410 TAXI VEHICLE ANNUAL REGULATORY FEES	554,400	611,000	620,000	9,000	1.5%
42420 TAXI PROCESSING FEES	295,575	250,000	225,000	(25,000)	-10.0%
42990 OTHER INCOME	-	20,000	20,000	-	0.0%
TOTAL OTHER INCOME	849,975	881,000	865,000	(16,000)	-1.8%
TOTAL OPERATING REVENUES	849,975	881,000	865,000	(16,000)	-1.8%
NON OPERATING REVENUE					
49110 CONTINGENCY RESERVES	53,605	46,523	75,991	29,468	63.3%
TOTAL NON OPERATING REVENUE	53,605	46,523	75,991	29,468	63.3%
TOTAL COMBINED REVENUES	903,580	927,523	940,991	13,468	0
OPERATING EXPENSES					
LABOR EXPENSES					
50201 ADMINISTRATIVE WAGES REGULAR	497,778	463,548	454,198	(9,349)	-2.0%
50202 ADMINISTRATIVE WAGES OVERTIME	-	9,865	9,796	(69)	-0.7%
TOTAL LABOR EXPENSES	497,778	473,413	463,995	(9,418)	-2.0%
FRINGE EXPENSES					
52310 HEALTH & WELFARE - MGMT	50,692	74,108	87,654	13,546	18.3%
52410 SICK LEAVE - REGULAR CASH BASIS	-	1,809	-	(1,809)	-100.0%
52420 VACATION - REGULAR CASH BASIS	3,324	8,759	32,576	23,817	271.9%
52430 HOLIDAY	1,932	25,926	26,061	135	0.5%
52490 OTHER PAID ABSENCE	661	-	-	-	-
TOTAL FRINGE EXPENSES	56,608	110,601	146,290	35,689	32.3%
TOTAL PERSONNEL EXPENSES	554,386	584,014	610,285	26,271	4.5%
OUTSIDE SERVICES EXPENSES					
REPAIR/MAINTENANCE SERVICES					
53620 NON REV VEHICLE MAINTENANCE SERVICES	4,630	5,000	2,000	(3,000)	-60.0%
53630 FACILITY MAINTENANCE REPAIR SVC	3,760	1,000	5,600	4,600	460.0%
53650 EQUIP MAINTENANCE REPAIR SVC	5,430	7,000	2,000	(5,000)	-71.4%
TOTAL REPAIR/MAINTENANCE SERVICES	13,821	13,000	9,600	(3,400)	-26.2%
OTHER OUTSIDE SERVICES					
53110 GENERAL LEGAL EXPENSES	1,964	20,000	20,000	-	0.0%
53114 PROFESSIONAL SERVICES	488	5,000	2,000	(3,000)	-60.0%
53430 MANAGEMENT TRAINING	-	2,500	2,500	-	0.0%
53450 OPERATOR TRAINING	13,200	13,200	18,000	4,800	36.4%
53720 GENERAL SERVICE AGREEMENTS	1,623	-	-	-	-
53750 OTHER PRINTING SERVICES	1,330	2,500	2,500	-	0.0%
53910 GENERAL OUTSIDE SERVICES	122,152	71,908	52,000	(19,908)	-27.7%
TOTAL OTHER OUTSIDE SERVICES	140,757	115,108	97,000	(18,108)	-15.7%
TOTAL OUTSIDE SERVICES	154,577	128,108	106,600	(21,508)	-16.8%
MATERIALS AND SUPPLIES					
OTHER MATERIALS AND SUPPLIES					
54530 MAINTENANCE SUPPLIES (NON REV VEHICLES)	-	2,000	2,000	-	0.0%
54540 MAINTENANCE SUPPLIES (FACILITIES)	900	2,500	3,000	500	20.0%
TOTAL OTHER MATERIALS AND SUPPLIES	900	4,500	5,000	500	11.1%
TOTAL MATERIALS AND SUPPLIES	900	4,500	5,000	500	11.1%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADMINISTRATION (761)
OPERATING BUDGET - DETAIL
FISCAL YEAR 2013**

	ACTUAL FY11	AMENDED BUDGET FY12	PROPOSED BUDGET FY13	\$ CHANGE BUDGET/ AMENDED	% CHANGE BUDGET/ AMENDED
ENERGY					
DIESEL FUEL					
54210 GASOLINE	4,186	6,600	7,100	500	7.6%
TOTAL DIESEL FUEL	4,186	6,600	7,100	500	7.6%
UTILITIES					
55210 FACILITY ELECTRIC	2,966	4,000	3,000	(1,000)	-25.0%
55510 TELEPHONE	1,798	2,000	2,000	-	0.0%
TOTAL UTILITIES	4,764	6,000	5,000	(1,000)	-16.7%
TOTAL ENERGY	8,949	12,600	12,100	(500)	-4.0%
GENERAL AND ADMINISTRATIVE					
53130 RENT	85,600	87,300	89,000	1,700	1.9%
54910 OFFICE SUPPLIES	4,534	5,100	4,500	(600)	-11.8%
59110 DUES AND SUBSCRIPTIONS.	1,460	425	700	275	64.7%
59210 TRAVEL AND MEETINGS	5,017	5,000	5,000	-	0.0%
59410 ADVERTISING	33	-	-	-	-
59510 POSTAGE	4,127	6,000	5,000	(1,000)	-16.7%
59990 OTHER MISC.	1,309	2,000	2,000	-	0.0%
TOTAL GENERAL AND ADMINISTRATIVE	102,080	105,825	106,200	375	0.4%
TOTAL OPERATING EXPENSES	820,892	835,047	840,185	5,138	0.6%
NET OPERATING SUBSIDY	29,083	45,953	24,815	(21,138)	-46.0%
OVERHEAD ALLOCATION					
53980 ALLOCATION CHARGES IN	(82,688)	(92,476)	(100,807)	(8,330)	9.0%
53990 ALLOCATION CHARGES OUT	-	-	-	-	-
TOTAL OVERHEAD ALLOCATION	(82,688)	(92,476)	(100,807)	(8,330)	9.0%
ADJUSTED NET OPERATING SUBSIDY	(53,605)	(46,523)	(75,991)	(29,468)	63.3%
TOTAL REVENUES LESS TOTAL EXPENSES	(0)	0	-	(0)	-100.0%

**SAN DIEGO METROPOLITAN TRANSIT SYSTEM
TAXICAB ADMINISTRATION
RESERVES ANALYSIS**

Contingency Balance - FY 2010	508,731
	<u><u>508,731</u></u>
Fiscal Year 2011 (Audited)	
Contributions / (Usage)	(53,605)
Capital Spending - Shade Structure at El Cajon	(5,554)
Contingency Balance - FY 2011	449,572
	<u><u>449,572</u></u>
Fiscal Year 2012 (Amended Budget)	
Contributions / (Usage)	(46,523)
Capital Spending - New Vehicle	(35,000)
Contingency Balance - FY 2012 (Amended Budget)	368,049
	<u><u>368,049</u></u>
Fiscal Year 2013 (Proposed)	
Contributions / (Usage)	(75,991)
Fare Study	(100,000)
Contingency Balance - FY 2013 (Proposed)	192,057
	<u><u>192,057</u></u>

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



Agenda

Item No. 5

TAXI 585.3

Taxicab Advisory Committee

June 29, 2012

Subject: TAXICAB VEHICLE CAMERAS

RECOMMENDATION:

That the Taxicab Advisory Committee receive a report on the legal review of taxicab vehicle camera standards and requirements.

Budget Impact:

None.

DISCUSSION:

At the Taxicab Advisory Committee meeting held on March 16, 2012, discussions resulted in a request that MTS legal staff review the proposed taxicab camera standards and regulatory requirements. The review has been completed, and includes recommendations (Attachment A).

On June 5, 2012, a meeting was held of the Workshop on Regulatory Matters (WORM) Subcommittee. After review, the WORM members agreed to forward the information to the Taxicab Advisory Committee for further discussion.



Sharon Cooney
MTS Chief of Staff

Attachment: A. MTS Legal Review and Recommendation





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

TO: Taxicab Advisory Committee
 FROM: MTS Office of General Counsel
 DATE: June 18, 2012
 SUBJECT: Legal Review – Taxicab Security Systems

As requested at the Taxicab Advisory Committee (TAC) meeting held on March 16, 2012, MTS legal staff undertook a review of the proposed changes/additions to *MTS Ordinance 11, Section 2.3* ("MTS Taxicab Administration Digital Security Camera Systems – Equipment and Specifications") amended on 3/16/12. The WORM Subcommittee and Taxicab Administration developed the surveillance equipment recommendations based on taxicab safety standards utilized in cities like Los Angeles and San Francisco. The new requirements are proposed as part of the TAC's effort to address taxicab driver safety following the deaths of two taxicab drivers.

A number of issues were raised at the March 16 meeting by taxicab operators and members of the public regarding the legality of the proposed Ordinance changes. Although the proposed requirement for video recording equipment in taxicabs does not violate state or federal privacy laws, the proposed specifications do not comply with *current* state law governing the installation of vehicle event recorders in taxicabs.

MTS staff recommends that the WORM Subcommittee and TAC monitor the current legislation efforts to revise state law concerning taxicab video and audio recordings through the current legislative session. Based on the outcome of this session, the WORM Subcommittee and TAC can determine if revisions to the standards currently proposed are necessary.

Privacy Issues Regarding Event Recorders

Some concerns were raised regarding potential invasions of privacy brought about by the proposed video and audio event recorders. A review of state and federal statutes, regulations, and cases indicate that government agencies may require the installation of surveillance equipment in taxicabs, and that passengers do not have a reasonable expectation of privacy from surveillance equipment installed inside of a taxicab.

Numerous sections of federal and state law prohibit the electronic recording of conversations without the consent of one or more parties to the conversation. However, a number of these laws exempt conversations where the party should reasonably expect the conversations to be overheard, or where



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

the recording is done pursuant to lawful government activities such as the investigation or enforcement of public safety rules and regulations.

Although some prior federal and state court decisions have held that a taxicab passenger may have privacy rights with regards to personal property seized by law enforcement officials, numerous courts have held that no reasonable expectation of privacy exists regarding persons or activities that can be observed in plain view by the general public – including persons or activities visible through the passenger window or windshield of a motor vehicle. In addition, individuals do not have a reasonable expectation of privacy in his or her conversations when that individual should reasonably expect the conversation to be overheard or recorded.

Current California Law Regarding the Installation of Event Recorders in Taxicabs

Current state law permits agencies like MTS to require the installation of surveillance equipment inside of taxicabs. California Vehicle Code section 26708, subsection (b) (13) governs the placement of 'video event recorders' in all vehicles, including taxicabs, subject to the following provisions:

- The video event recorder only saves video when triggered by an unusual motion or crash or when operated by the driver to monitor driver performance.
- The recorder cannot store more than 30 seconds before and after a 'triggering event'.
- The recorder must be mounted in either:
 - A seven-inch square lower corner of the windshield farthest removed from the driver;
 - A five-inch square in the lower corner of the windshield nearest to the driver outside of an airbag deployment zone; OR
 - A five-inch square mounted to the center uppermost portion of the interior of the windshield.
- A notice shall be posted in a visible location warning passengers that their conversations may be recorded.
- The data recorded on the event recorder is the property of the registered owner or lessee of the vehicle. In addition, the owner has the option of disabling the recorder.
- The employer of a driver for hire shall provide unedited copies of the recordings to the driver, free of charge, within five days of a request.

At present, the video and audio recorder specifications proposed for inclusion in MTS Ordinance No. 11 do not comply with Section 26708. The draft provisions contain a number of conditions that are not consistent with Section 26708's requirements, including:

- Additional 'triggering' events enabling event recording – beyond what is permitted by 26708.
- Longer periods of event recording – beyond what is permitted by 26708.
- Installation of recorders in locations of the vehicle interior not permitted by 26708.
- Prohibits the taxicab operator from interfering with the operation of the event recorders – contrary to what is provided by 26708.

Senate Bill SB 1534 Would Amend Portions of Vehicle Code Section 26708

Senate Bill SB 1534 was initially introduced in February 2012 to remove the event recording restrictions provided in section 26708. However, numerous amendments to SB 1534 have been made by state legislative committees in the last month making it unlikely that such restrictions would be lifted.

In its original form, SB 1534 would have:

- (1) Permitted a video recorder installed in a vehicle, pursuant to California Vehicle Code 26708, to block the windshield or side windows of a taxicab.
- (2) Defined a "video recorder" as a device that continuously records both audio and video – effectively eliminating the 26708 provision that requires recording only 30 seconds before and after a triggering event.
- (3) Defined "routine video monitoring" as video recording by a video or electronic imaging system designed to record regular and ongoing operations, including mobile in-car systems.

These changes would have allowed a number of draft provisions of MTS Ordinance 11 to become consistent with state law.

As of May 2012, however, SB 1534 not only preserves the main event recorder provisions of 26708 in its current form, but also prohibits the event recorders from recording audio and permits only law enforcement agency personnel to review the video recordings for public safety or investigatory purposes.

Conclusion

Further development of a revised MTS Ordinance 11 with security camera specifications will likely depend on the resolution of Senate Bill SB 1534 by the state legislature. Should the legislature and governor fail to pass SB 1534 by this summer or Vehicle Code section 26708 remains fully intact after SB 1534's passage, the proposed MTS Ordinance 11 security camera specifications would require major revisions in order for it to comply with Vehicle Code section 26708.



Agenda

Item No. 6

TAXI 585.3

Taxicab Advisory Committee

June 29, 2012

Subject:

TAXICAB FIELD INSPECTIONS AND COMPLAINT PROCESS

RECOMMENDATION:

That the Taxicab Advisory Committee receive a report for information.

Budget Impact:

None.

DISCUSSION:

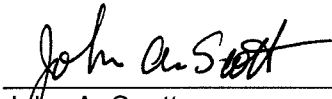
Beginning in January 2008, both the San Diego County Regional Airport Authority (SDCRAA) and MTS Taxicab Administration began collecting statistics related to vehicle condition while in service.

On August 26, 2009, staff presented a report to the Committee recommending changes to the MTS Taxicab Administration "*Administrative Penalty Guidelines*." The reason for the recommended changes was due to excessive MTS field inspection and SDCRAA inspection violation rates. At that time, staff advised the Committee that if the failure rates did not improve, additional action would be taken (Attachment A). MTS and the SDCRAA have continued to monitor compliance and will report the results to the Committee.

As it has been several years since staff and the Committee has discussed revisions to the complaint process, staff will address complaints with a focus on simplifying or enhancing the public's ability to report both compliments and complaints.



Staff will be conducting a meeting with the Workshop on Regulatory Matters (WORM) in the near future to further discuss compliance with vehicle requirements, and to propose/discuss changes to the Taxicab Administration complaint process.



John A. Scott
Taxicab Administration Manager

Key Staff Contact: John A. Scott, 619.595.7034, john.scott@sdmts.com

Attachment: A. AI5 dated August 26, 2009, with attachments

DSundh/Taxicab Committee
AI6-INSPECTIONS/COMPLAINTS



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

COPY

Agenda

Item No. 5

Taxicab Committee Meeting

TAXI 585.3 (PC 50761)

August 26, 2009

Subject:

PROPOSED CHANGES TO MTS TAXICAB ADMINISTRATION ADMINISTRATIVE PENALTY GUIDELINES

RECOMMENDATION:

That the Taxicab Committee approve proposed changes to the MTS Taxicab Administration "*Administrative Penalty Guidelines*", and forward recommendations to the MTS Board for final approval.

Budget Impact:

None at this time.

DISCUSSION:

Due to excessive taxicab driver and vehicle in-service violations, beginning in January 2008, and concluding on July 7, 2009, both the San Diego County Regional Airport Authority (SDCRAA) and MTS Taxicab Administration staff have been collecting statistics related to vehicle condition, and taxicab driver compliance with the following results:

City

January 1, 2008, through February 28, 2009, 85% of vehicles contacted were taken out of service. March 1, 2009, through June 30, 2009, 70% of vehicles contacted were taken out of service.

Airport

Inspections were held on April 29, 2008, December 8, 2008, January 26, 2009, and July 7, 2009, resulting in 47.4% of vehicles taken out of service. Staff has also supplied the committee with individual airport inspection results.

Because of these findings, MTS Taxicab Administration staff met with the Workshop on Regulatory Matters (WORM) Subcommittee on July 22, 2009. The agenda package is attached (Attachment A).



Drivers, see Attachment A, page A-10, under "Driver Violation".

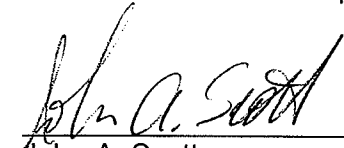
The subcommittee members stated that as staff had not compiled these statistics in the past, the numbers might not be an increase, but an example of the economic times. They also felt that due to the recent trends of an increase in smaller companies becoming taxicab permit holders, some type of additional training might be needed.

MTS staff explained that while the points that were raised may have contributed to the high in-service failure rates of vehicles and driver compliance issues, staff explained that all the required information is supplied by MTS to permit holders as part of the application process. Also, drivers are required to pass a test when they initially apply for, or renew, their Sheriff's driver identification card.

Staff further explained that should these proposed changes not prove effective, MTS would consider additional steps, such as adjusting or eliminating the Taxicab Vehicle Inspection Incentive Program. This program allows taxicab companies with vehicle pass rates at, or above, 95% at scheduled inspections to have only one (1) required vehicle inspection per vehicle, per round. Companies that have a pass rate of 80-94% are required to have two (2) vehicle inspections per vehicle. Companies that have pass rates below 80% are scheduled for three (3) inspections per vehicle, and a per-vehicle fee of \$50.00 must be paid at the time of the third inspection.

At the conclusion of discussions, staff and subcommittee members agreed that the vehicle condition, as well as driver incidents, needed to improve; however, an agreement to accept staff's proposed changes could not be reached. Staff offered subcommittee members five days from the date of the WORM meeting to review the proposed changes, and submit suggestions and responses. On July 27, staff received responses from Tony and Alfredo Hueso and Margo Tanguay (Attachment B).

In conclusion, after input from subcommittee members, airport staff, and further review of the documents, staff requests that the Taxicab Committee approve the proposed changes to the penalty guidelines, and forward the item to the MTS Board of Directors for final approval.



John A. Scott

Taxicab Administration Manager

Key Staff Contact: John A. Scott, 619.595.7034, john.scott@sdmts.com

Attachment(s): A. WORM Subcommittee meeting packet dated July 22, 2009
B. Member suggestion responses dated July 27, 2009

DSundh/Taxicab Committee

AI5.AUG26.09-PENALTY G.LINES-REV.




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

Memorandum

DATE: July 13, 2009

TAXI 585.3 (PC 50761)

TO: Alan Gold, Call Me A Cab LLC
Antonio Hueso, USA Cab LTD
Akbar Majid, S. D. Transportation Services Cooperative, Inc.
Anthony Palmeri, S. D. Travelers Aid Society
Margo Tanguay, Lease Driver Representative
Nasser Tehrani, N.A.T. Cab Company

FROM: John A. Scott, Taxicab Administration Manager 

SUBJECT: TAXICAB VEHICLE/DRIVER COMPLIANCE

Due to a decline in compliance with Metropolitan Transit System (MTS) Taxicab Administration vehicle condition standards over the past several months, staff have been tracking in-service City and airport vehicle compliance with the following results:

City

January 1, 2008, through February 28, 2009 - 85.2% of vehicles contacted were taken out of service
March 1, 2009, through June 30, 2009 - 70% of vehicles contacted were taken out of service

Airport

Inspections were held on April 29, 2008, December 8, 2008, January 26, 2009, and July 7, 2009, resulting in 47.4% of vehicles taken out of service overall.

As a result of staff's findings, MTS Taxicab Administration is recommending changes to the "MTS Taxicab Administration Penalty Guidelines" (enclosed).

Discussion to include:

At the Taxicab Committee meeting held on June 18, 2009, committee member Akbar Majid requested the WORM discuss revisions to the current "Radio Dispatch Service Registration" form.

Enclosures: MTS Taxicab Administration Penalty Guidelines (draft)
Field Report list January 1, 2009, thru February 28, 2009
Field Report list March 1, 2009, thru June 30, 2009
Airport inspections violations April 29, 2008, December 28, 2008, January 26, 2009
Airport inspections violations 2002 thru 2008 dated July 7, 2009

cc: Paul C. Jablonski, Steve Celniker, Tiffany Lorenzen, Michel Anderson Jim Myhers, SDCRAA

DSundh/Taxicab/WORM.7.22.09
M-TAXI VEHICLE-DRIVER COMPLIANCE.JSCOTT





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

Agenda

TAXICAB COMMITTEE WORKSHOP ON REGULATORY MATTERS

TAXI 585.3 (PC 50761)

July 22, 2009
10:00 a.m.

Taxicab Administration Conference Room
1501 National Avenue, Suite 100
San Diego, CA 92113

1. Attendance

Sign-in sheet

2. Committee Member Discussion

- In-service Taxicab Vehicle Condition
- Taxicab Administration Form Revision

At the Taxicab Committee meeting on June 18, 2009, Mr. Akbar Majid requested that the WORM discuss revision of the "Radio Dispatch Service Registration" form.

3. Adjournment

DSundh/Taxicab
AGN-WORM-7.22.09



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

DRAFT

ADMINISTRATIVE PENALTY GUIDELINES

In accordance with MTDB Ordinance No. 11, Section 1.19, the Chief Executive Officer has adopted this schedule to implement the provisions of Ordinance No. 11 concerning taxicab and other for-hire vehicles and drivers.

In accordance with Sections 1.13 (a) and 1.14 (a), ~~owners'~~ permit holder permits and drivers' identification cards may be suspended or revoked by the Chief Executive Officer. As provided for in Sections 1.13 (a) and 1.13 (d), penalties may be applied to a driver independently of or in conjunction with a penalty applied to ~~an owner~~ a permit holder.

*RTC – Removed until corrected. This penalty shall require the temporary removal of the medallion(s) of vehicle(s) specified in the penalty or the temporary suspension of a driver's identification card until the violation is corrected. Vehicles under the effect of this penalty may not be placed in service until they have been reinspected by MTS. Driver identification cards may not be reinstated until the driver has provided proof to MTS that the violation has been corrected. The "temporary" nature of this penalty shall normally be construed to mean a 72-hour period. Extensions may be granted on a case-by-case basis. All reinspections or reinstatements may be subject to applicable administrative fees.

**In addition to other penalties, may be assessed 150 percent of the assigned risk cost per day.

Penalty Guide Section	Item	First Offense/Second Offense
1.2 a	No vehicle operating permit	RTC* <u>Driver ineligible to apply for MTS permit 5 years. plus 5-Day Suspension/\$500 Fine/Revocation*</u>
1.5 a, b	Failure to request approval from MTDB <u>MTS</u> to transfer permit	RTC*/Revocation
1.7 b <u>2.7 a</u>	Missing, improper, or malfunctioning safety equipment	*RTC, plus 3-Day Suspension/Revocation <u>5-Day Suspension</u>
1.7 c <u>2.7 b</u>	Window tinting, shades or markings that interfere with view into vehicle	Warning/*RTC*/ <u>3-Day Suspension</u>
1.8 c	Failure to notify MTDB <u>MTS</u> within 48 hrs. of change of business address/phone	Warning/*RTC*/ <u>3-Day Suspension</u>
1.8 d	Failure to have vehicle inspected as instructed	Warning/*RTC*/ <u>5 Day Suspension</u>

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		Penalty Guide	
Section	Item	Minimum/Maximum	First Offense/Second Offense
1.8 f (1-12)	Unsafe vehicle *		*RTC*, plus 5-Day Suspension/10-Day Suspension
1.8 h (1-14)	Unsuitable vehicle not repaired and passed inspection within 72 hours		Warning/RTC*/5-Day Suspension
1.8 j	Failure to immediately notify <u>MTDB-MTS</u> when a spare vehicle is in use		*RTC*, plus 5-Day Suspension/Revocation
1.8 l, e	Contact <u>Lost and found</u> card not displayed		Field Report (Warning)/*RTC*
1.8 m	No map Map not current		Field Report (Warning)/*RTC* Field Report (Warning)/*RTC*
1.8 q	Driver did not offer passenger receipt		Warning/2-Day Suspension/35-Day Suspension
1.8 t	Failure to comply with lawful order		10-Day Suspension/Revocation
1.8 u	More passengers than manufacturer rating		Warning/*RTC, plus/ 3-Day Suspension/5-Day Suspension
1.8 v	Pay or accept compensation for trip referral		Warning/*RTC, plus 3-Day Suspension/Revocation
1.8 w	Not wearing name tag		Warning/*RTC/3-Day Suspension
1.8 x	Improper driver dress/appearance		Field Report (Warning)/3-Day Suspension
1.8 z	Noncompliance w/Calif. Vehicle Code, e.g., red zones		Field Report (Warning)/3-Day Suspension
1.9 a	Lapse of insurance coverage		*RTC*(**)/Revocation
1.9 b	Proof of insurance not timely		Warning/*RTC*, plus 3-Day Suspension/10-Day Suspension
1.9 b	Inadequate proof of insurance		Warning/*RTC, plus 3-Day Suspension/10-Day Suspension
1.10 <u>d, c, d</u>	Failure to provide records		Warning/*RTC 10-Day Suspension/Revocation
1.10 <u>e, b, c, d</u>	Incomplete records		Warning/*RTC/10-Day Suspension/Revocation
1.10 e	Late filing of annual statement		*RTC/Revocation

Penalty Guide		
Section	Item	Minimum/Maximum First Offense/Second Offense
1.10 e	Failure to file annual statement	Revocation
1.11 c	Markings <u>not</u> removed prior to disposal of vehicle	*RTC/Revocation, plus 3-Day Suspension/5-Day Suspension
1.12 a	No taxi driver/ <u>Paratransit</u> I.D. card <u>issued</u>	*RTC*/Revocation/5-Day Suspension
1.12 b	No paratransit driver I.D. card <u>Permit holder employing driver without approved I.D. card</u>	*RTC/5-Day Suspension*/Revocation
1.12 a,-b	Driver I.D. not displayed	Field Report (Warning)/*RTC*
1.12 g,d	Incorrect company <u>or</u> <u>company</u> name <u>not</u> on driver I.D. Card	Field Report (Warning)/*RTC, plus 3-Day Suspension
4.19-a1.20	Noncompliance with Americans with Disabilities Act	Field Report (Warning)/Revocation
2.2 e (7)	Post tire size and pressure Ensure tires are proper size	Warning/*RTC*/5-Day Suspension RTC*
2.2 f	Meter not engaged	35-Day Suspension/Revocation
2.3 f	Scanner in vehicle	35-Day Suspension/Revocation
2.3 f (1)2.4(h)	Out of service sign	Field Report (Warning)/35-Day Suspension
2.2 h, l	Overcharge of filed rate	35-Day Suspension, plus Restitution/Revocation
2.4 b	Long hauling	35-Day Suspension, plus Restitution/Revocation
2.4 c, d	Refusal to transport	35-Day Suspension/Revocation
2.4 c, d	Discourage passenger	3-Day Suspension/Revocation
2.4 (e)	<u>Taxicab stopped, parked, or left standing on same side of street in same block</u>	Field Report (Warning)/3-Day Suspension
2.4 (f)	<u>Taxicab stopped, parked, or left standing within 100 ft. of another taxicab</u>	Field Report (Warning)/3-Day Suspension
2.4 g	<u>Taxicab stopped, parked, or left standing within 15 ft. of fire hydrant</u>	Field Report (Warning)/3-Day Suspension
2.3 b	<u>For-hire lights not operating (both)</u>	*RTC/3-Day Suspension

Penalty Guide		
Section	Item	Minimum/Maximum First Offense/Second Offense
2.4 i, j	Interfering with or impeding traffic	Field Report (Warning)/3-Day Suspension
2.4 j, k	Driver solicited passengers	Warning/3-Day Suspension/Revocation
2.4 m	Driver more than 12 feet from vehicle	Field Report (Warning)/3-Day Suspension
2.4 p	No trip sheet	Field Report (Warning)/3-Day Suspension
2.4 p	Incomplete trip sheet	Field Report (Warning)/3-Day Suspension
2.5 d	<u>Non-taxicab MTS-regulated</u> Q occupying a taxi zone	Field Report (Warning)/3-Day Suspension
3.1 d	Charter not prearranged in writing	Warning/RTC, plus 3-Day Suspension/Revocation
3.2 b	(Charter) Soliciting passengers	Warning/3-Day Suspension/Revocation
4.2 b	(Sightseeing) Soliciting passengers	Warning/3-Day Suspension/Revocation
6.2 a, b, c, e	Operating unauthorized jitney route	Warning/3-Day Suspension/Revocation
6.2 c	Operating without jitney route sign	Field Report (Warning)/3-Day Suspension
6.2 c	Operating with unapproved jitney route sign	Field Report (Warning)/3-Day Suspension
6.2 c	Operating with wrong route sign	Field Report (Warning)/3-Day Suspension
6.3 b	(Jitney) Soliciting passengers	Warning/3-Day Suspension/Revocation
6.3 d	(Jitney) Driver more than 12 feet from vehicle	Field Report (Warning)/3-Day Suspension
6.4 g	<u>MTS-regulated Nonjitney</u> occupying jitney stop or zone	Field Report (Warning)/3-Day Suspension
Other	Items not listed	Penalty to be evaluated on case-

Section	Item	Penalty Guide	
		Minimum/Maximum	First Offense/Second Offense
			by-case basis
All	Accumulated various items		Penalty to be evaluated on case-by-case basis
All	Repeated or various driver items		Owner-Permit holder to be penalized for pattern(s) of driver violations. <u>Penalty to be evaluated on a case-by-case basis</u>
Various	Driver operating requirements		May be referred to <u>MTDBMIS</u> -approved training class in lieu of a penalty, on case-by-case basis, and at driver's expense

Paul C. Jablonski
Chief Executive Officer

Date: _____

PSmithDSundh
G:\GLOBAL\SUPPORT STAFF\GENFORMTAXICAB ADMIN
F-ADM\FINE.PENAL-0409.JSCOTT
2/10/04 8/7/09

Field Reports Issued By MTS Staff Total Out of Service - 85.2%
From January 1, 2008 thru February 28, 2009

Safety - Out of Service 119 total - 70.4% (included in 85.2% total)

1 Safety - Out of Service	battery, meter fast
2 Safety - Out of Service	brake lights none
3 Safety - Out of Service	brake lights none
4 Safety - Out of Service	brake, seat not secured, no registration
5 Safety - Out of Service	no horn, overall condition
6 Safety - Out of Service	seat not secured
7 Safety - Out of Service	seat not secured
8 Safety - Out of Service	seat not secured
9 Safety - Out of Service	seat not secured
10 Safety - Out of Service	seat not secured
11 Safety - Out of Service	seat not secured
12 Safety - Out of Service	seat not secured, no insurance, no registration
13 Safety - Out of Service	seat not secured, no fuel surcharge decal
14 Safety - Out of Service	seat not secured, windshield
15 Safety - Out of Service	suspension, broken ball joint
16 Safety - Out of Service	tire
17 Safety - Out of Service	tire
18 Safety - Out of Service	tire
19 Safety - Out of Service	tire
20 Safety - Out of Service	tire
21 Safety - Out of Service	tire
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79 Safety - Out of Service	tire
80 Safety - Out of Service	tire
81 Safety - Out of Service	tire
82 Safety - Out of Service	tire
83 Safety - Out of Service	tire
84 Safety - Out of Service	tire, 2 channels in radio
85 Safety - Out of Service	tire, brake
86 Safety - Out of Service	tire, brake
87 Safety - Out of Service	tire, brake, damage
88 Safety - Out of Service	tire, conduct
89 Safety - Out of Service	tire, damage
90 Safety - Out of Service	tire, no code blue lights, no defrost
91 Safety - Out of Service	tire, no fuel surcharge decal
92 Safety - Out of Service	tire, no fuel surcharge decal
93 Safety - Out of Service	tire, no fuel surcharge decal
94 Safety - Out of Service	tire, no fuel surcharge decal, id not valid in mts
95 Safety - Out of Service	tire, seat not secured
96 Safety - Out of Service	tire, seat not secured
97 Safety - Out of Service	tire, seat not secured
98 Safety - Out of Service	tire, seat not secured
99 Safety - Out of Service	tire, seat not secured

100 Safety - Out of Service	tire, seat not secured
101 Safety - Out of Service	tire, seat not secured
102 Safety - Out of Service	tire, seat not secured
103 Safety - Out of Service	tire, seat not secured, broken shock
104 Safety - Out of Service	tire, seat not secured, code blue lights, severe leak
105 Safety - Out of Service	tire, windshield
106 Safety - Out of Service	tire, windshield
107 Safety - Out of Service	tire, windshield
108 Safety - Out of Service	tire, windshield
109 Safety - Out of Service	tire, windshield
110 Safety - Out of Service	tire, windshield, expired registration
111 Safety - Out of Service	tire, no seal on meter
112 Safety - Out of Service	tire, seat not secured
113 Safety - Out of Service	tire, seat not secured
114 Safety - Out of Service	tire, seat not secured
115 Safety - Out of Service	tire, seat not secured
116 Safety - Out of Service	tire, seat not secured
117 Safety - Out of Service	tire, seat not secured, no fuel surcharge decal
118 Safety - Out of Service	windshield
119 Safety - Out of Service	windshield, no code blue lights

Damage/Condition - Out of Service 5 total - 2.9% (included in 85.2% total)

1 Damage/Condition - Out of Service	body damage
2 Damage/Condition - Out of Service	body damage
3 Damage/Condition - Out of Service	body damage
4 Damage/Condition - Out of Service	body damage
5 Damage/Condition - Out of Service	overall condition

Driver Violation - Out of Service 15 total - 8.9% (included in 85.2% total)

1 Driver Violation - Out of Service	dba not on S/O License
2 Driver Violation - Out of Service	dba not on S/O License
3 Driver Violation - Out of Service	failure to comply/conduct
4 Driver Violation - Out of Service	failure to comply/conduct
5 Driver Violation - Out of Service	failure to comply/conduct
6 Driver Violation - Out of Service	failure to comply/conduct
7 Driver Violation - Out of Service	failure to comply/conduct
8 Driver Violation - Out of Service	failure to comply/conduct
9 Driver Violation - Out of Service	failure to comply/conduct
10 Driver Violation - Out of Service	failure to comply/conduct
11 Driver Violation - Out of Service	failure to comply/conduct
12 Driver Violation - Out of Service	failure to comply/conduct
13 Driver Violation - Out of Service	failure to comply/conduct
14 Driver Violation - Out of Service	no s/o S/O License
15 Driver Violation - Out of Service	no S/O S/O License in pos

Various Items - Out of Service 5 total - 2.9% (included in 85.2% total)

- | | |
|----------------------------------|-------------------------------|
| 1 Various Items - Out of Service | 2 channel in radio |
| 2 Various Items - Out of Service | meter seal |
| 3 Various Items - Out of Service | no CDL, no proof of insurance |
| 4 Various Items - Out of Service | no SD permit, 3000 series |
| 5 Various Items - Out of Service | no registration |

Unsuitable - 72 hour 25 total - 14.8%

- 1 Unsuitable - 72 hour
- 2 Unsuitable - 72 hour
- 3 Unsuitable - 72 hour
- 4 Unsuitable - 72 hour
- 5 Unsuitable - 72 hour
- 6 Unsuitable - 72 hour
- 7 Unsuitable - 72 hour
- 8 Unsuitable - 72 hour
- 9 Unsuitable - 72 hour
- 10 Unsuitable - 72 hour
- 11 Unsuitable - 72 hour
- 12 Unsuitable - 72 hour
- 13 Unsuitable - 72 hour
- 14 Unsuitable - 72 hour
- 15 Unsuitable - 72 hour
- 16 Unsuitable - 72 hour
- 17 Unsuitable - 72 hour
- 18 Unsuitable - 72 hour
- 19 Unsuitable - 72 hour
- 20 Unsuitable - 72 hour
- 21 Unsuitable - 72 hour
- 22 Unsuitable - 72 hour
- 23 Unsuitable - 72 hour
- 24 Unsuitable - 72 hour
- 25 Unsuitable - 72 hour

This list incorporates vehicles contacted and inspected while operating in the areas of MTS Taxicab Administration Jurisdiction.

Note: All vehicles listed were contacted either for parking illegally or had obvious violations at the time of contact.

Field Reports Issued By MTS Staff Total Out of Service - 70%
From March 1, 2009 thru June 30 2009

Safety - Out of Service 51 total - 63.75% (included in 70% total)

1 Safety - Out of Service	tires
2 Safety - Out of Service	tires/seat not secured
3 Safety - Out of Service	tires
4 Safety - Out of Service	tires
5 Safety - Out of Service	tires
6 Safety - Out of Service	tires/dba not on s/o lic
7 Safety - Out of Service	tires
8 Safety - Out of Service	tires
9 Safety - Out of Service	cracked windshield/no valid insurance
10 Safety - Out of Service	tires/seat not secured
11 Safety - Out of Service	tires/seat not secured
12 Safety - Out of Service	tires/cdl not in possession
13 Safety - Out of Service	tires
14 Safety - Out of Service	tires
15 Safety - Out of Service	tires
16 Safety - Out of Service	tires
17 Safety - Out of Service	tires
18 Safety - Out of Service	tires
19 Safety - Out of Service	tires
20 Safety - Out of Service	tires/seat not secured
21 Safety - Out of Service	tires/dba not on s/o lic/no op 3000 series
22 Safety - Out of Service	tires
23 Safety - Out of Service	tires
24 Safety - Out of Service	tires
25 Safety - Out of Service	tires
26 Safety - Out of Service	tires
27 Safety - Out of Service	tires
28 Safety - Out of Service	tires
29 Safety - Out of Service	seat not secure/no code blue
30 Safety - Out of Service	tires
31 Safety - Out of Service	tires
32 Safety - Out of Service	seat not secure
33 Safety - Out of Service	tires
34 Safety - Out of Service	broken ball joint
35 Safety - Out of Service	tires
36 Safety - Out of Service	tires
37 Safety - Out of Service	tires
38 Safety - Out of Service	tires
39 Safety - Out of Service	tires
40 Safety - Out of Service	tires
41 Safety - Out of Service	tires
42 Safety - Out of Service	tires/seat not secured
43 Safety - Out of Service	tires/seat not secured
44 Safety - Out of Service	tires/seat not secured
45 Safety - Out of Service	tires
46 Safety - Out of Service	tires/seat not secured

- | | |
|----------------------------|--------------------------|
| 47 Safety - Out of Service | tires/cracked windshield |
| 48 Safety - Out of Service | tires/seat not secured |
| 49 Safety - Out of Service | tires/seat not secured |
| 50 Safety - Out of Service | tires |
| 51 Safety - Out of Service | tires |

Damage/Condition - Out of Service 2 total - 2.5% (included in 70% total)

- | | |
|-------------------------------------|---------------------------------|
| 1 Damage/Condition - Out of Service | major body damage |
| 2 Damage/Condition - Out of Service | extremely dirty/large oil leaks |

Driver Violation - Out of Service 3 total - 3.75% (included in 70% total)

- | | |
|-------------------------------------|-------------------|
| 1 Driver Violation - Out of Service | failure to comply |
| 2 Driver Violation - Out of Service | no op 3000 series |
| 3 Driver Violation - Out of Service | no op 3000 series |

Unsuitable - 72 hour 24 total - 30%

- 1 Unsuitable - 72 hour
- 2 Unsuitable - 72 hour
- 3 Unsuitable - 72 hour
- 4 Unsuitable - 72 hour
- 5 Unsuitable - 72 hour
- 6 Unsuitable - 72 hour
- 7 Unsuitable - 72 hour
- 8 Unsuitable - 72 hour
- 9 Unsuitable - 72 hour
- 10 Unsuitable - 72 hour
- 11 Unsuitable - 72 hour
- 12 Unsuitable - 72 hour
- 13 Unsuitable - 72 hour
- 14 Unsuitable - 72 hour
- 15 Unsuitable - 72 hour
- 16 Unsuitable - 72 hour
- 17 Unsuitable - 72 hour
- 18 Unsuitable - 72 hour
- 19 Unsuitable - 72 hour
- 20 Unsuitable - 72 hour
- 21 Unsuitable - 72 hour
- 22 Unsuitable - 72 hour
- 23 Unsuitable - 72 hour
- 24 Unsuitable - 72 hour

NTA's Issued By MTS Staff 26 Total
From March 1, 2009 thru June 30 2009

1	2.4p 2.4e
2	1.2a
3	1.2a
4	1.2a 1.12a
5	1.2a
6	1.2a 1.8w 2.4p
7	2.4p 1.8w 2.4f
8	2.4p 1.8w 1.12a
9	1.2a 2.4p 1.12a
10	1.2a 2.4p 1.12a
11	1.2a
12	1.2a 1.12a 2.4p
13	2.4g 2.2f 2.4p
14	2.4e 2.2f 2.4p
15	1.12a
16	1.12a
17	1.12a
18	1.12a
19	1.12a
20	1.8e 2.4f
21	1.2a
22	1.2a
23	1.2a
24	2.4e 1.8w 2.4p
25	1.12a 2.4p 1.8w
26	2.4p 1.12a

Parking Cites Issued By MTS Staff 114 Total
From March 1, 2009 thru June 30 2009

46 for 2.4(e)
52 for 2.4(f)
13 for 2.4(g)
1 for 2.4(m)
2 for 2.5(d)

This list incorporates vehicles contacted and inspected while operating in the areas of MTS Taxicab Administration Jurisdiction.

Note: All vehicles listed were contacted either for parking illegally or had obvious violations at the time of contact.

**San Diego Airport Inspections Notice of Violation Issued by Airport Staff
April 29, 2008, December 8, 2008 and January 26, 2009**

Total out of service - 47.4%

9.2% passed with no vehicle violations

**April 29, 2008
0 Pass**

**Out of Service - 17 total
Unsuitable - 11 total**

- | | | |
|----|-------------------------|---|
| 1 | Safety - Out of Service | tires, seat not secure |
| 2 | Safety - Out of Service | no ac, no defrost, door not unlocking |
| 3 | Safety - Out of Service | e-brake, tires, seat not secure, no ac |
| 4 | Safety - Out of Service | no code blue lights |
| 5 | Safety - Out of Service | two way radio not working |
| 6 | Safety - Out of Service | tires |
| 7 | Safety - Out of Service | no ac, 2 channels in radio |
| 8 | Safety - Out of Service | tires |
| 9 | Safety - Out of Service | tires, seat not secure |
| 10 | Safety - Out of Service | battery not secure |
| 11 | Safety - Out of Service | 2 channels in radio |
| 12 | Safety - Out of Service | e-brake |
| 13 | Safety - Out of Service | no defrost, severe oil leaks |
| 14 | Safety - Out of Service | 2 channels in radio, no answer on radio |
| 15 | Safety - Out of Service | no ac, e-brake |
| 16 | Safety - Out of Service | battery not secure, door locks non op |
| 17 | Safety - Out of Service | wiper blades, battery not secured |
| 18 | Unsuitable - 72 hour | |
| 19 | Unsuitable - 72 hour | |
| 20 | Unsuitable - 72 hour | |
| 21 | Unsuitable - 72 hour | |
| 22 | Unsuitable - 72 hour | |
| 23 | Unsuitable - 72 hour | |
| 24 | Unsuitable - 72 hour | |
| 25 | Unsuitable - 72 hour | |
| 26 | Unsuitable - 72 hour | |
| 27 | Unsuitable - 72 hour | |
| 28 | Unsuitable - 72 hour | |

**December 8, 2008
4 Pass**

**Out of Service - 11 total
Unsuitable -15 total**

- | | | |
|---|-------------------------|---|
| 1 | Safety - Out of Service | tires, rearseat not secure |
| 2 | Safety - Out of Service | tires, rearseat not secure |
| 3 | Safety - Out of Service | tires, no for-hire lights |
| 4 | Safety - Out of Service | tires |
| 5 | Safety - Out of Service | severe oil leaks |
| 6 | Safety - Out of Service | tires, no code blue |
| 7 | Safety - Out of Service | tires, gear shifter not operating correctly (dangerous) |
| 8 | Safety - Out of Service | windshield, damage, 2 radio services in 2-way radio |
| 9 | Safety - Out of Service | abs leaking |

- 10 Safety - Out of Service
- 11 Safety - Out of Service
- 12 Unsuitable - 72 hour
- 13 Unsuitable - 72 hour
- 14 Unsuitable - 72 hour
- 15 Unsuitable - 72 hour
- 16 Unsuitable - 72 hour
- 17 Unsuitable - 72 hour
- 18 Unsuitable - 72 hour
- 19 Unsuitable - 72 hour
- 20 Unsuitable - 72 hour
- 21 Unsuitable - 72 hour
- 22 Unsuitable - 72 hour
- 23 Unsuitable - 72 hour
- 24 Unsuitable - 72 hour
- 25 Unsuitable - 72 hour
- 26 Unsuitable - 72 hour
- 27 PASS
- 28 PASS
- 29 PASS
- 30 PASS

backseat not secure, no code blue, battery not secured
 emergency brake not operating

- No vehicle violations
- No vehicle violations
- No vehicle violations
- No vehicle violations

January 26, 2009
3 Pass

Out of Service - 8 total
Unsuitable - 7 total

- 1 Safety - Out of Service
- 2 Safety - Out of Service
- 3 Safety - Out of Service
- 4 Safety - Out of Service
- 5 Safety - Out of Service
- 6 Safety - Out of Service
- 7 Safety - Out of Service
- 8 Safety - Out of Service
- 9 Unsuitable - 72 hour
- 10 Unsuitable - 72 hour
- 11 Unsuitable - 72 hour
- 12 Unsuitable - 72 hour
- 13 Unsuitable - 72 hour
- 14 Unsuitable - 72 hour
- 15 Unsuitable - 72 hour
- 16 PASS
- 17 PASS
- 18 PASS

tires
 tires, battery not secured
 severe axel seal leak
 tires, no spare tire
 no code blue lights
 nail in tire, rear seat not secured
 tires, emergency brake not holding
 stalling when steering, door handles non op

- No vehicle violations
- No vehicle violations
- No vehicle violations

Airport Inspections July 7, 2009

#	Year	Unsafe / Out of Service	Unsuitable / 72 Hours	Total Violations	
1	2002	2	7	9	
2	2004	1	1	2	
3	2003	2	6	8	
4	2003	0	9	9	
5	2008	0	2	2	
6	2005	0	3	3	
7	2003	1	8	9	
8	2004	1	7	8	
9	2004	0	8	8	
10	2005	0	0	0	pass
11	2004	0	0	0	pass
12	2003	0	6	6	
13	2003	1	7	8	
14	2003	2	7	9	
15	2005	0	1	1	
16	2004	0	9	9	
17	2003	1	4	5	
18	2005	0	2	2	
19	2003	0	4	4	
20	2003	0	2	2	
21	2007	0	0	0	pass
22	2004	1	2	3	
23	2003	0	7	7	
24	2003	1	4	5	
25	2004	0	2	2	
26	2002	0	6	6	
27	2003	0	2	2	
28	2005	0	2	2	
29	2004	0	1	1	
30	2003	2	3	5	
31	2003	0	5	5	
32	2003	0	4	4	
33	2005	0	3	3	
34	2005	1	1	2	
35	2003	0	1	1	
36	2003	2	3	5	
37	2005	0	3	3	
	Totals	18	142	160	

Two 2002's 1 Out of Service
Seventeen 2003's 8 Out of Service
Eight 2004's 3 Out of Service
Eight 2005's 1 Out of Service
Zero 2006 0 Out of Service
One 2007 0 Out of Service
One 2008 0 Out of Service

Total 13 Out of Service

Total 13 vehicles Out of Service with 18 Airport or City out of service violations

Airport Inspections July 7, 2009

#	Year	Out of Service Violations	Notes
1	2002	no air conditioning, door lock non-op	
2	2004	no county seal on meter (temp seal expired)	
3	2003	no brake lights, severe brake pedal fade	
4	2003		FR issued-Out of Service-Overall Condition
5	2008		
6	2005		
7	2003	tire under 1/32"	FR issued-Out of Service
8	2004	nail in tire; noticable low air pressure	
9	2004		FR issued-Out of Service-Overall Condition
10	2005		PASS
11	2004		PASS
12	2003		
13	2003	no air conditioning	
14	2003	no air conditioning, tires under 1/32"	
15	2005		
16	2004		NOV issued from ATO for non airport day
17	2003	rear seat not secured	
18	2005		
19	2003		
20	2003		
21	2007		PASS
22	2004	tire under 1/32"	
23	2003		
24	2003	no air conditioning	
25	2004		
26	2002		
27	2003		
28	2005		
29	2004		
30	2003	tires under 1/32", rear seat not secured	
31	2003		
32	2003		
33	2005		
34	2005	nail in tire	
35	2003		
36	2003	no answer on 2-way radio, battery not secured	FR issued-Out of Service
37	2005		

Total out of service vehicles - 40.5%
Total 72 hr violation vehicles - 51.4%
Total vehicles with no violations - 8.1%

Note: Inspections 4 and 9 were additional out of service vehicles not listed on front page (included in percentages).

Diane Sundholm

From: Alfredo and Tony [usacab@sbcglobal.net]
Sent: Friday, July 24, 2009 11:49 AM
To: Diane Sundholm
Subject: Re: MTS Taxicab Administration Penalty Guidelines

Good morning Diane, Don't despair I am here to the rescue to respond to John Scott's request. As per The proposed changes to the Vehicle guide Lines I do not favor any of the proposed changes for the following reasons: Our rules and regulation already have severe consequences that trigger expenses that should deter most permit holders. If the current spike of out of service violations is of concern to staff and board members, the symptoms that are causing it would not be remedied by making the penalties higher. Economics bear a large role as does education and knowledge of the issues, but the element that plays a significant part is risk. Considering the large amount of permit holders and lease drivers, the chances become greater in regards to consequences of decisions made that expose our industry to flaws. Many small operators are finding that this business isn't what they thought it was and are trying to find other avenues to enhance their economic opportunities.

Stiffer penalties and fines only make this industry a higher risk to those that have made a long term commitment. Only time will remedy the current dilemma since there are to many variables that caused the problem.

Margo Tanguay
Lease Driver Representative
229 16th Street # 116
San Diego, California 92101-7652
(619)231-1144 # 550

July 27, 2009

John A. Scott
Taxicab Administration Manager
1601 Newton Avenue
San Diego, California 92101-1012

SUBJECT: Response to the discussion at the "TAXICAB COMMITTEE WORKSHOP
ON REGULATORY MATTERS "-- July 22, 2009".

- A. "Radio Dispatch Service Registration Form": It is my belief that both the former and new Provider should sign the same form for continuity and Bookkeeping concerns for all concerned.
- B. "MTS Taxicab Administration Penalty Guidelines": It is my belief that the inservice City and Airport vehicle compliance data requires some serious dialogue and improvement. However I feel that both the Taxicab Committee and the whole Industry (permit holders and drivers should be included in the discussion. The Economy has taken its toll. My concern is keeping the Industry in Business. These are some "first line of attack" suggestions:
1. The Taxicab Committe needs to go Line Item by Line Item throught the Guidelines at a Committee meeting,
 2. The last of the Ten (10) to be issued Permits should be placed on hold.
 3. Policy and Procedure should be defined for permits revoked re"
 - a. Either immediate reissuance or,
 - b. Added to the remaining Ten (10) for a futre time.

Sincerely,

Margo Tanguay

|||||

Margo Tanguay

RECEIVED

hand-delivered

JUL 27 2009

MTS TAXICAB
ADMINISTRATION

A-22