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# Agenda

## SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE MEETING

December 2, 2019

2:00 p.m.

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

To request an agenda in an alternative format or to request accommodations to facilitate meeting participation, please call the Clerk of the Board at least two working days prior to the meeting. Assistive Listening Devices (ALDs) are available from the Clerk of the Committee prior to the meeting and are to be returned at the end of the meeting.

	<u>ACTION RECOMMENDED</u>
1. <u>Roll Call</u>	
2. <u>Approval of Minutes</u> – September 11, 2019	Approve
3. <u>Non-Agenda Public Comment</u> The public may address the Committee regarding a matter <u>not</u> on the agenda. Each speaker has three minutes to speak. Give a completed <i>Request to Speak</i> form to the Clerk of the Committee.	
4. <u>Revisions to MTS Board Policy No. 34 “For-Hire Vehicle Services”</u> Action would forward a recommendation to the MTS Board of Directors to approve the proposed revisions to MTS Board Policy No.34 “For-Hire Vehicle Services”.	Approve
5. <u>Revisions to MTS Ordinance No. 11</u> Action would forward a recommendation to the MTS Board of Directors to approve the proposed revisions to MTS Ordinance No. 11.	Approve
6. <u>Revisions to MTS Taxicab Administration Fee Schedule for 2020</u>	Informational
7. <u>2020 Taxicab Advisory Committee Meeting Schedule</u>	Informational



8. 2020 Regulatory Fee Bi-Annual Payment Dates Informational
9. Insurance Company Minimum Rating Standards Informational
10. Committee Member Communications  
Brief comment on any Taxicab Administration related item not included in the Agenda.
11. Next Meeting: January 15, 2020
12. Adjournment

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

DRAFT MINUTES

September 11, 2019

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

1. Roll Call

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

2. Approval of Meeting Minutes – March 13, 2019 and July 19, 2019

Mr. Majid moved for approval of the meeting minutes of the March 13, 2019 and July 19, 2020 TAC Meeting, with a second by Mr. Banks. The vote was 9 to 0 in favor with Mr. Chasteen, Mr. Hilemon and Mr. Nichols absent.

3. Non-Agenda Public Comment

*Mark McGee, Lease Driver* - Mr. McGee spoke to address the current lack of taxi stands throughout Little Italy, greater San Diego and downtown areas. The areas of greatest need noted were Balboa Park and The Fish Market. He also noted that many stands are being utilized by Uber, Lyft and the general public. He said that San Diego Police Department does not have time for this type of enforcement so he is hoping MTS can do so.

4. Revisions to MTS Ordinance No. 11 Sections 2.3(h), 1.8(r) and 2.2(j)

Mr. Nelson reviewed the proposed revisions to Ordinance No. 11, Sections 2.3(h), 1.8(r) and 2.2(j); the changes state that whichever electronic payment device is used, it must be connected to meter, directly available to the customer without driver touching card, and provide printed, or electronically conveyed, receipts. The proposed revisions would also allow the merchant of record to be the taxi driver operating the taxi instead of only the permit holder or dispatch service.

Mr. Nelson reiterated that the proposed revisions do not require a specific device be used, only that the devices meet the processing and receipt requirements. He stated that these changes were proposed to bring MTS regulated taxis up to Industry Standard and to reduce the number of credit card related complaints. The formal complaints received for this calendar year, to date, total approximately 71, with 40% of complaints related to credit cards. He noted that Taxi Administration staff has been reduced by 40% to prevent any increase in Regulatory Fees; this reduction in staff allows less time to handle the complaints. The proposed revisions would also allow for the account holder of record to be updated.

Mr. Tasem asked that the proposed changes be returned back to the Workshop on Regulatory Matters (WORM) Committee for review and possible revision. He would like there to be an

opportunity for taxi driver input; not just MTS staff. He said that he believes the requirements are cost prohibitive for individual drivers and this is why the drivers are so upset.

Chairperson Ward said that the items had been presented as informational items at the last TAC, reviewed at the WORM, and that as he noted nothing out of order the item would be presented and drivers in attendance would have the opportunity for Public Comment on the matter.

Mr. Banks said that many owners and drivers have operable equipment and he would like the item to return to the WORM for proper discussion. Chairperson Ward interrupted to direct Mr. Banks that per the Brown Act, no Board Member discussion regarding agenda items should be discussed prior the presentation of public comments. Mr. Nelson confirmed that this agenda item was publically noted with little public input or opposition. He said that returning the item back to the WORM would result in implementation delays.

#### Public Comment

*Abel Seifu, Permit Holder-* Mr. Seifu stated that he felt that MTS was working with Mr. Hamidi against the wishes of over 1,000-plus taxi drivers to make the proposed meter requirement changes. He said that in July of 2019, Mr. Hamidi presented the Airport Board with his equipment proposal and now wants MTS to approve the changes for his own business gain. He said that drivers have not been provided detailed information regarding the needed equipment, fees or other specifics. He said that Mr. Nelson has said that he is not requiring specific equipment, but Square cannot meet the proposed requirements and this means he will need to change his equipment. He said that for the complaints received by MTS, he and the drivers present, will pay the price. He said that he has emailed Mr. Nelson regarding the proposed changes and was told that the WORM voted to move forward. Mr. Seifu said he spoke with some committee members after the WORM meeting and based on the conversation he feels MTS “pushed the vote”. He asked Chairperson Ward to step up and help the drivers with this issue.

*Armstrong K. Deanany, Lease Driver-* Mr. Deanany stated that for twenty years he has always been able to provide receipt and doesn't see why the changes are needed. He shared that the fees for VeriFone are very high and he wants to know how they will recuperate the costs incurred for this change.

*Iraj Aryanpour, Permit Holder-* Mr. Aryanpour said that Uber and Lyft are taking over the business. He said people like Uber and Lyft as they are cheap due to no regulation or overhead costs like taxi drivers have. He wonders if MTS is against the taxi industry because of the increased costs. He has been able to use Square, and other portable equipment, and everyone is happy. He said MTS reports that there are 844 cabs. It was just 2 years ago the rules changed to be able to use electronic equipment. He said there are only 8% complaints, and 92% are happy. He said as far as printing receipts, most taxis have this already and drivers are able to process payments without touching customers' credit cards. When he and other permit holders contacted Mr. Nelson by phone and email regarding credit card changes, it was recommended to talk to Mr. Hamidi. He did contact Mr. Hamidi and got no response. He said continued complaints are both due to MTS and Sheriff's Department negligence as they should be taking sheriff licenses away. He said better internal controls are needed. Mr. Aryanpour

begged of committee members to please leave the current requirements as is or more drivers will be pushed out. He stated, "Let us survive."

*Najibullah Barkzai, Permit Holder-* Mr. Barkzai said he has worked for 24 years as driver both in the City of San Diego and the airport and has never had a customer ask what kind of credit card machine he uses. They just ask if they take credit cards. Any type is convenient for drivers and customers and this should be acceptable to MTS. VeriFone is an old fashion machine, it costs money to remove equipment and to change service. Since Square is used now, he just uses the attachment and doesn't need to touch cards and can give three options for receipts. He loves the technology. He had a customer from The Omni hotel that left their phone; he was only one block away and she was able to call him right away. He said it is thanks to technology that she was able to get his information from the receipt and get her phone returned without waiting or contacting the dispatch service. He has customers asking for rides from prior receipt information; the old machines are not able to that. He said some people are trying to make their own business and create opportunity while decreasing taxi business. He says there are politics going on and war against drivers and owners. He said David Tasem works on the hard wired, old systems, and there are so many things wrong like fuse repairs, the whole system shutting down, and they charge 6% when Square is around 2.70%. He said regulatory fees are already high and if they get new equipment, and rules change again, they have to change equipment again. He said, "Please pay attention to the drivers".

*Alan Beker, Permit Holder-* Mr. Beker said that Square is so convenient for customers; you only have to enter customer email one time and it sends receipts automatically. This solves lost receipts which is very important for their international customers. Mr. Beker said he thinks this is just a way for Mr. Hamidi to have his hand in, and control, the taxi business and that maybe he should just become a cab driver.

*Edris Wabha, Lease Driver-* Mr. Wabha said he has been a driver since the 1980's, back then he was using a credit card slider and had written receipts and there were not many complaints. He said the problem is not in the credit card, but the service. It doesn't matter what equipment is used, and each has benefits and flaws. He has three devices so he can have options to process payments. He noted that there is no machine for cash receipts so he gives a hand written receipt from the company that has all the information required. He feels people are looking for business opportunities, and that they are going directly to the politician to get them to make changes. He said the current apps being used are functioning fine. He would have liked the meeting to open with a moment of silence in observance of 9/11 and the lives still being lost today.

*Sayed Sadat, Permit Holder-* Mr. Sadat said that the machine that connects to the meter is old fashioned and the new technology allowed them to switch to Square. He said they have enough with Uber and Lyft and it makes customers complain about taxi charges.

*Henry Agoh, Permit Holder-* Mr. Agoh said that the Chair said service has been given to thousands of people in the City and the airport. He said he doesn't understand what the issue is with 71 complaints, as this is really nothing. The VeriFone equipment is outdated and now they have new technology like Square; why go back to an old system that makes them have to go back to the radio service for payment. Square charges less; he asked if Radio Services will match the price. He said they are just trying to make money off drivers. He said with Square you get any complaints right away. They will send an email and you will not get paid so this makes

drivers settle disputes right away. He thinks drivers should be able to deal with the issue first, it is more convenient for both customer and driver.

*Rey Salehi, Lease Driver-* Mr. Salehi asked how many drivers have received complaints of overcharge. He said between full time and part time drivers there are 4,000 drivers. There were only 27 complaints and some of the customers were probably wrong. He said any organization will have some complaints, but thinks this is questioning integrity and he has been working for 40 years. He said all the required information is provided in each cab. He said he was initially excited about Mr. Nelson's style of management and he asks that he continue to work with them; not disappoint them by making it more difficult. He said he is disappointed with the TAC members for the vote to approve as they are there to defend and work for the drivers and owners. He would like to see some positive things done and that Uber and Lyft have already taken so much of their business. He asked that MTS not destroy them further, but do something good for them.

*Faraidon Bustani, Permit Holder-* Mr. Bustani showed an example of his receipts, and that they had all the information provided as required. He told Mr. Nelson 91 people called this year, but wondered about prior years as they have been using Square for around four years. He said customers like the technology, and they don't touch credit cards. He asked why MTS is talking about having the device connected to the meter, and said no customers are asking for old payment device; these are the kind of things that drive them out of business. He said he came to Mr. Nelson 6 months ago about the \$600 regulatory fee and was told that it cannot be reduced, as he would have to turn the lights off, lay people off, and would need to close office. Mr. Bustani said if drivers have no business, or job, and continue to be treated like this there will be fewer taxis and Taxicab Administration will be out of business. MTS keeps raising fees and not helping drivers but they should go after Lyft and Uber instead.

*William Alozie, Lease Driver-* Mr. Alozie said that we are in the 21<sup>st</sup> century but planning for the 16<sup>th</sup> century. Uber and Lyft have taken a lot of business away from taxi. He said using the Square credit card system is a very simple process. It is very easy and streamlined; you can send the records for accounting. The old equipment is outdated and cumbersome, and it is time to move forward with technology.

*Mikail Hussein, United Taxi Workers of San Diego (UTWSD) -* Mr. Hussein apologized on behalf of the drivers for the noise and applause but he understands where they are coming from as the stakes for them are very high. Issues have been arising as far back as 10 years ago and drivers were not being listened to so they had to organize and start talking about the issues. The drivers feel this change is not going to help them and he believes it's time to listen to the drivers. He said he would like to help drivers and wants the revision to be cancelled. Four years ago the Airport wanted to cancel the use of Square and drivers won the case by showing them they are wrong. He doesn't want to place blame on any person for the proposed revisions but hopes that it is seen that the drivers are really struggling and need help.

*Kamran Hamidi, Permit Holder/Airport Dispatch-* Mr. Hamidi said it was unfortunate that the attendees in the audience walked out and he knows airport drivers are very upset about the prior meeting. He said he wants to educate those about the proposed technology. He said it is not going to cost more, nor will using a different dispatch meeting the proposed revisions cost more. He would like to quell some of the witnessed dissention by proposing adding even .30 or .20 to the flag drop rather than the .50 the Chair suggested and will petition for the rate change.

This would provide an extra 50.00 to add to driver income, he would also like to propose changing the 10 year rule to a 12 year rule. Mr. Hamidi asked committee members to consider this change as it will provide opportunity for increased tips. He is proposing a tablet that is moved to the back of the seat, he said he has presented to the airport and they liked the technology and it most likely will be adopted. Airport has liked it and will likely be adopted. He said he thinks the lack of knowledge is impacting driver reaction. He said this type of technology is widely used in many places, from grocery stores to restaurants. He said that instead of going backwards to the 1980's, he hopes people will open their minds and they will be better off. He said he, Yellow Cab, and many other companies are putting in this new system. Mr. Hamidi said in order to educate the drivers he is willing to show them the proposed technology.

*Peter Zschiesche, United Taxi Workers of San Diego (UTWSD)*- Mr. Zschiesche noted that this was a very dynamic meeting. He said that he attended the last meeting where customer complaints were reviewed. He told Mr. Nelson that he thinks he should get the word out better and provide a larger meeting space as there was not enough room if additional attendees came. He said he encourages working harder at discussions and negotiations as he doesn't think the mission will be accomplished by pushing agendas through. He would like to focus more on discussing instead of just enacting. Giants like Uber and Lyft are enacting regulations on an already overregulated industry and creating extra burden without any resulting goodness. He said 51% of permit holders are single owner, which makes them a small business trying to fight larger multi-national corporations that have bribed the state into non-regulation. He said with Uber and Lyft you will be deactivated if you receive complaints but taxi drivers have no process to self-police. He said the complaint totals at hand are very low and that even retail expects a 2%-3% loss. He suggests that a process is developed that is address by the industry themselves, not increasing regulation. He thinks the issues should be dealt with on an individual level and suggests more dialogue so that the industry may address and solve the complaint issue themselves.

*Abebe Antallo, Lease Driver*- Mr. Antallo said he has been driving for 20 years. There has been a large percentage of work taken by Uber and Lyft, and drivers really need help. He said Square is working fine, and if there are problems why does this exist with taxis as Uber and Lyft are using the same technology. He said if the problem is with individual drivers, other drivers shouldn't be blamed. He would like to see those people who are abusing the technology addressed publicly. He said more drivers are going to be pushed to leave the business. This change will be hard as they don't have equipment, printers and more. Mr. Antallo said he is appealing to the Board not to approve the revision. He also stated that MTS should stop advertising for Lyft and Uber who is just taking taxi business. He said this is a conflict of interest, and that if MTS doesn't want to support them, then they should leave them alone.

*Tony Hueso, Permit Holder/USA Cab*- Mr. Hueso asked that everyone maintain civility in order to move forward to problem solve. He said he thinks the reaction is out of proportion, and that the WORM didn't understand the task they were faced with. He said Mr. Nelson is faced with the responsibility of public safety and protection of public; there has to be mechanisms in place. He said a lot of the information being shared is misinformation and people are not well informed. He said there are two safeguards for credit card matters that are not being used. The consumer is protected by the credit card provider, and has multiple options to use. They can contest the charge; utilize the regulatory agency protecting them by contacting MTS or contact the dispatch call center. He said he would like to try and find a solution, and would like the chance to work on the process as Mr. Zschiesche shared; he thinks there should be more emphasis on the tools

available and not more regulation. He said mandating specific tools will lead to a loss of innovation.

*Mostafa Sajjad, Permit Holder-* Mr. Sajjad said he has been in the industry since 1998. He said everything has been said by prior speakers already but wanted to share a personal experience. While providing trips in both Temecula and Escondido, he was not able to process the customer credit card as VeriFone was not working. The office was not able to help him either, he did find old credit card slips and was able to manually process the large payments but it was very inconvenient for the customer and they were not happy with the long wait. This entire situation was created by VeriFone not working. He said he was reluctant to use Square, but after this experience he has finally started using it and has not had a bad experience for himself or his customers. He said that in this country if you commit a crime, you are sent to court-you do not punish the whole public, just the person who committed the act. He thinks if taxi drivers abuse the system, they should be dealt with individually and not all drivers punished for their actions.

#### TAC MEMBER COMMENTS

Mr. Banks stated that of the twenty complaints received, those drivers should be dealt with individually. He said those that do not have the Square program correctly should not pass MTS vehicle inspection and be given three days to correct it. He said better training is needed, not for everyone to be punished.

Mr. Tehrani thanked committee members for their patience as he was absent from both WORM and TAC meetings for some time. Now that he has had the chance to review the information more closely and with other members, he has revised his prior stance and would like to make a motion to return Agenda Item 4 back to the WORM.

Ms. Tanguay agreed with Mr. Tehrani and stated that it's important to get input from all sides. She said that people are already having difficulty paying the \$600 regulatory fees; she doesn't know how they would afford equipment. She shared that there was a very serious incident that happened recently that she shared with Mr. Nelson and Mr. Fewell so she has become very familiar with the complaint process and enforcement. She believes that it is very important to emphasize the importance of service and that more training is still needed. She requested that Agenda Item 4 be returned back to the WORM for further analysis.

Mr. Nelson said there is a well-documented process and procedure for all Customer Relations Management (CRM) cases. The initial report is entered into the system and assigned for investigation. The investigator contacts the customer, any witnesses, the permit holder and driver for information. A report is written with a recommendation of findings as sustained or unstained. When needed, investigators work with the Sheriff's Department and based on history or repeat offenses, the permit or Sheriff's ID may be revoked or suspended. Mr. Nelson said that he provided complaint statistics at the last meeting, they are also posted on the MTS website and he has not had anyone avail him for further questions or information. He said after such a long period of low attendance at the meetings he appreciates seeing so many people in attendance to share their opinion. He would like to see more and continued industry participation. He does agree that there is more training needed with Square and Tom Lee, Vehicle Inspector is frequently showing drivers how to use Square when he is inspecting vehicles. He said he is not opposed to adding additional information to the Driver Training



Course, but he has also received many complaints that the class is too long. He said he looks forward to industry expert input and consensus regarding some of these matters.

Chair Ward said he recognizes the discussion has evolved into broader issues and he appreciates individuals talking about their “real world” impacts and sharing personal stories. He said there are broader industry stressors and the well vetted MTS Administration is charged with the process of balancing the needs of customer service, industry standards and national best practices. Although the members may not be ready today, they will need to come to an agreement between the industry and operators because there are changes that need to be made in order to achieve customer service and satisfaction, technology, and credit card security and safety standards and industry accountability. Chair Ward addressed the broader issue of rate changes and said he is open to that but said more input is needed. He doesn’t want to create economic imbalance or disadvantage that will not be competitive; therefore it is very important to get the rates, or figures, correct. He said this could offset equipment costs and permit fees, and he will be accommodating for further discussion. He noted that this is not a good week for TNCs at the state capital due to the misclassification of workers. Although he recognizes funding comes from a separate bucket than the taxi industry, he does believe in parity and leveling the playing field. He said he believes the committee is headed in the right direction of fulfilling the missions of their responsibility and encourages all parties to stay engaged.

Mr. Palmeri said that it was likely that AB 5 was going to pass and asked Chair Ward where he stands regarding parity with taxi drivers. Mr. Ward clarified that the topic is not germane to the discussion but reiterated that he is supportive of seeing the playing field leveled.

#### Action Taken

TAC Committee members Mr. Tasem and Mr. Banks requested to return Agenda Item 4 to the WORM for further discussion and/or other possible solutions.

Mr. Tehrani moved to approve the motion to return the item to the WORM for further discussion, with a second by Ms. Tanguay. The vote was 9 to 0 in favor with Mr. Chasteen, Mr. Hilemon and Mr. Nichols absent.

#### 5. Appointment of Antonio Hueso and George Abraham to Fulfill Remaining Category B Taxicab Advisory Committee Seats

Mr. Nelson reviewed the proposed appointment of Antonio Hueso and George Abraham to the TAC. The three (3) year required election was held beginning April 8, 2019 through May 20, 2019 according to the required guidelines, with the subcommittee vote count taking place on May 20, 2019. He explained that TAC seat vacancies hamper the ability to obtain the 51% attendance needed to reach a committee quorum for members to be able to vote and take action on agenda items; their appointment is being recommended to minimize the continued lack of quorum. They have been recommended due to their previous experience as TAC members representing Permit Holders, their commitment to providing valuable feedback during TAC meetings, industry knowledge consistent participation and showing a continued interest in being actively involved on TAC.

### Public Comment

*Mikail Hussein, United Taxi Workers of San Diego (UTWSD)* - Mr. Hussein said he had talked with Mr. Nelson about the vacant seat and how they could be utilized. He asked what the two proposed appointees would do, as he doesn't think they will be able to bring the same response as shown today. He said Abel or Abebe would bring more driver involvement. He recommended that the nominees that got the highest number of votes be appointed. He said neither person put their name on the ballot. He thinks it's a mistake to appoint them. Mr. Nelson told him he will look into others and he never received information back. He said it would be nice to have the people who want to participate and know the issues of drivers. He said we should elect those who did participate.

*Abebe Antallo, Lease Driver*- Mr. Antallo said the constitution states no taxation without representation; he thinks it should be same with the taxi industry. He said two guys we picked to grab seats without driver input. He said it should be fair to all drivers, and he said they cannot represent drivers. It should be the person on the street who knows everything and not just someone from the office who didn't event nominate themselves. Mr. Antallo asked if this is fair.

### TAC MEMBER COMMENTS

Mr. Banks said that both George and Tony are association members who have done a lot to be involved, they should not be punished because they forgot to vote.

Mr. Nelson explained that the seats being filled are for Category B Permit Holders, not driver seats. He said there were other people with more votes but they were in Category A. He said there is the possibility about changing the Committee makeup for future elections. It is important to have a quorum so seats must be filled. The proposed nominees were picked due to meeting the qualifications and the importance of meeting the quorum.

Ms. Tanguay said she can see both side of the arguments, but she said there is a difference between being on the streets and running a business. The committee requires different factions for different categories. The proposed nominees have contracts and contribute at the ownership level to the committee. She is on the streets to see and report what is happening from the driver viewpoint. She said it is very important to have members who are willing to serve.

Chair Ward stated he is appreciative of hearing the voice of the UTWSD as they provide a very important perspective and he thinks it's very important to have the right range of people and voices. He said he does not like even numbered Boards/Committees as this still requires a 9 member vote for quorum and suggested the possibility of realigning to a 15 member committee.

### Action Taken

Mr. Majid moved to approve the motion to approve the appointments of Antonio Hueso and George Abraham to fulfill remaining category B Taxicab Advisory Committee seats, with a second by Mr. Nahavandian. The vote was 9 to 0 in favor with Mr. Chasteen, Mr. Hilemon and Mr. Nichols absent.

Mr. Abraham and Mr. Hueso were appointed to the TAC immediately following the approved vote.

6. Revisions to Taxicab Advisory Committee Guidelines

Mr. Nelson reviewed the proposed revisions to the TAC Guidelines. The proposed changes include removing one hotel industry seat, reducing the number of voting members from 17 to 16, the filling of the driver representative vacancy with the appointment of the UTWSD representative. New additions to the guidelines include allowing any member to appoint an alternate, as well as the formal process for removals and resignations. Both of these items have been recommended to deal with the continued problem of not having a quorum for TAC meetings. A formal process for subcommittees has also been proposed; standing subcommittees will require Board of Directors approval and ad hoc committees will require the approval of the Chief Executive Officer or designee.

Action Taken

Mr. Banks moved to approve the revisions to Taxicab Advisory Committee Guidelines, with a second by Ms. Tanguay. The vote was 9 to 0 in favor with Mr. Chasteen, Mr. Hilemon and Mr. Nichols absent.

7. Proposal to Allow the Current Taxicab Administration Regulatory Fee to be Paid in Bi-Annual Payments for Fiscal Year 2020 (FY20)

Mr. Nelson stated MTS Taxicab Administration staff has received multiple requests from permit holders to allow alternate payment deadlines for the once a year vehicle regulatory fee instead of waiting until the end of the year and making one large payment. The trial payment options will allow for bi-annual payments for fiscal year 2020; the first payment due date will be January 13, 2020 with the second due date being June 8, 2020. It will not be mandatory to pay in two installments, and permit holders can opt to pay the entire fee by the final deadline without penalty.

Mr. Banks asked about the possibility of paying by credit card or processing payments online. He said he has an IT person who can set the system up for less than \$300. Mr. Nelson reported that he had a meeting with MTS IT staff and they suggested two ways to process payments; either with the Cayenne system, which requires coming to the office or providing the credit card information over the phone to process payment. The other option was processing payments through a third party portal and this requires more work to construct. He said it is very important there is no cost to the Taxicab Administration as the budget is cost recovery and very tight. As there is no cost associated with Cayenne it seems to be a better option. All IT solutions must be processed through MTS and no outside sources.

Chair Ward stated the current motion is just to allow bi-annual payments to minimize the burden to permit holders and setting up a credit card system should be addressed separately and administratively.

Action Taken

Mr. Hueso moved to approve the proposal to allow the current TAC Regulatory Fee to be paid in optional bi-annual payments, Ms. Tanguay seconded the motion, and the vote was 11 to 0 in favor with Mr. Chasteen, Mr. Hilemon and Mr. Nichols absent.

8. Committee Member Communications

Ms. Tanguay noted that there is a huge issue with taxi stands and that there used to be a sub-committee to deal with the issues. She said that taxi stands that are being removed are not being replaced with stands at other locations. This was the agreement with the city and it's not being honored. She said there is no enforcement happening at the stands and it is forcing drivers to double park. Chair Ward said he will relay to the information to code enforcement and the San Diego Police Department.

Mr. Hueso requested a supplementation of agenda items so that industry driven items can be also covered and considered; he wants to make sure members and colleagues are aware they may do this. Mr. Nelson replied that he has been soliciting for agenda items for the last two years, but rarely gets any communication back.

9. Next Meeting – December 2, 2019 at 2:00 pm.

10. Adjournment

The meeting was adjourned at 11:44 am.

Accepted:

Filed by:

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Chris Ward  
Chair of Taxicab Advisory Committee

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Jamila Larkins, Clerk of the Committee  
MTS Taxicab Administration

Attachments: Roll Call Sheet  
Kamran Hamidi handout

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

MEETING OF (DATE): September 11, 2019

CALL TO ORDER (TIME): 10:04 am

ADJOURN: 11:44 am

COMMITTEE MEMBER	(Alternate)	ORGANIZATION	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Christopher Ward (Chair)	<input checked="" type="checkbox"/>	MTS Board of Directors/SD City Council	10:00	11:44
Alfred Banks	<input checked="" type="checkbox"/>	Taxicab Lease Driver	10:03	11:44
Ryan Chasteen	<input type="checkbox"/>	Hotel Industry		
Brian Hilemon	<input type="checkbox"/>	San Diego Tourism Authority		
Marc Nichols	<input type="checkbox"/>	San Diego County Regional Airport Authority		
Akbar Majid	<input checked="" type="checkbox"/>	Taxicab Owner/SDYC Holdings, LLC	10:00	11:44
Daryl Mayekawa	<input checked="" type="checkbox"/>	San Diego Convention Center	10:00	11:44
Guillermo Morquecho	<input checked="" type="checkbox"/>	Taxicab Lease Driver	10:00	11:44
Houshang Nahavandian	<input checked="" type="checkbox"/>	Taxicab Owner/ESM Corporation	10:00	11:44
Tony Palmeri	<input checked="" type="checkbox"/>	Travelers Aid Society	10:00	11:44
Margo Tanguay	<input checked="" type="checkbox"/>	Taxicab Lease Driver	10:00	11:44
David Tasem	<input checked="" type="checkbox"/>	Taxicab Lease Driver	10:00	11:44
Nasser Tehrani	<input checked="" type="checkbox"/>	Taxicab Owner/N.A.T. Cab Co.	10:00	11:44
VACANT	<input type="checkbox"/>	Lease Driver		
VACANT	<input type="checkbox"/>	Taxicab Owner/Permit Holder		
VACANT	<input type="checkbox"/>	Taxicab Owner/Permit Holder		
VACANT	<input type="checkbox"/>	Industry Organization		
Garret Cooper John Kinkaid	<input type="checkbox"/> non-voting <input type="checkbox"/> non-voting	San Diego County Department of Agriculture, Weights and Measures		
Edna Rains	<input type="checkbox"/> non-voting	San Diego County Sheriff's Department Licensing Division		
Paul Jablonski	<input type="checkbox"/> non-voting	MTS Chief Executive Officer		
Sharon Cooney	<input type="checkbox"/> non-voting	MTS Chief of Staff		
Kenneth Nelson	<input checked="" type="checkbox"/> non-voting	MTS Taxicab Administration Manager	10:00	11:44
Samantha Leslie	<input checked="" type="checkbox"/> non-voting	MTS Staff Attorney/Regulatory Compliance	10:00	11:44

CLERK OF THE TAC: \_\_\_\_\_

TAXICAB ADMINISTRATION MANAGER: \_\_\_\_\_



February 2015

# Metropolitan Transit System TAXICAB ADMINISTRATION

*A K Hamidi  
Hand out*

**RESPONSIBILITY** The Metropolitan Transit System (MTS) Taxicab Administration has contractual agreements through June 30, 2019, to license and regulate taxicab, jitney, charter, sightseeing, low speed vehicles and nonemergency medical vehicles within the cities of El Cajon, Imperial Beach, La Mesa, Lemon Grove, Poway, San Diego and Santee. Responsibilities include: determining owner eligibility; inspecting vehicles; issuing permits; monitoring compliance with administrative and operational regulations; and investigating passenger complaints.

**STAFFING** The Taxicab Administration staff includes one Manager, three Regulatory Analysts and six Regulatory Inspectors.

**FEES** Under California State Public Utilities Code Section 120266, taxicab regulatory activities administered by MTS must generate full cost recovery. The following fees have been adopted by the Chief Executive Officer to fund the program.

### Permit Application

All except one-year transferable taxicab (Plus \$300 for each vehicle in excess of one)	\$3,000
One-year transferable taxicab (Plus \$200 for each permit in excess of one)	\$1,750
Transfer clearance	\$200 per permit (one-year transferable taxicab)
Regulatory Fee	2015 fee per vehicle is \$600
Taxicab or Jitney stop	\$250 installation fee; subject to City of San Diego and the Unified Port District approval (when on Unified Port District property).

**INSPECTIONS** Vehicle inspections are performed by certified staff mechanics. These inspections are done as part of the Taxicab Administration's responsibility to ensure passengers have a comfortable trip in a safe and clean vehicle.

- Vehicles** Vehicles are inspected for body condition and mechanical condition, such as suspension, steering, shocks, exhaust, tires, brakes and electrical items; proper registration; interior and exterior cleanliness; color scheme; proper markings; and meter seal.
- Drivers** Drivers shall be hygienically clean, well-groomed, neat and suitably dressed.

### TAXICABS

- Fleet** Fleet size will vary depending on the number of approved applications.
- Fares (general)** Rates may vary from company to company up to a fixed amount set by MTS.

*Go Back to 3.10*

	2014 <b>Maximum</b>
Flag Drop:	\$3.10
Per Mile:	\$3.30
Per Hour:	\$27.00

**Fares (Int'l Airport)** MTS sets uniform rates for all taxicab trips from the San Diego International Airport:

Flag Drop:	\$2.80
Per Mile:	\$3.00
Per Hour:	\$24.00

*Currently, an additional fee of \$2.00 per trip may be charged through the taxi meter on trips from the airport only.*

**Service** Passengers may telephone reservations for a taxicab. All taxicabs must be equipped with a two-way radio and subscribe to a radio dispatch service. Passengers may also hail taxicabs on the street or at any taxicab stand. *Obtaining a receipt enables the passenger to trace lost items if necessary.*

**JITNEYS**

- Fleet** Eight jitneys among eight owners.
- Fares** Charged per person, per route. Must be posted prominently outside and inside each vehicle.

**CHARTERS**

- Fleet** None.
- Fares** Vary, and service is by a prearranged written contract paid on a per-mile basis.

**NONEMERGENCY MEDICAL**

- Fleet** 205 vehicles among 23 owners.
- Fares** Exclusive Ride - established on a per capita plus per-mile basis.  
Shared Ride - on a per capita plus per-mile basis, or on a per capita plus per-zone basis.





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## Agenda Item No. 4

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

December 2, 2019

#### SUBJECT:

REVISIONS TO MTS BOARD POLICY NO. 34 "FOR HIRE VEHICLE SERVICES"

#### RECOMMENDATION:

That the Taxicab Advisory Committee (TAC) forward a recommendation to the MTS Board of Directors to approve the proposed revisions to MTS Board Policy No. 34 "For Hire Vehicle Services".

#### Budget Impact

None with this action.

#### DISCUSSION:

In accordance with MTS Board Policy No. 34, MTS Taxicab Administration conducts annual calculations to determine the maximum rates of fare for trips originating from San Diego International Airport, and all other city/nonairport originated trips.

Currently, for city/nonairport originated trips, the maximum rate of fare may not exceed 20% more than the weighted average of fares. The fare structure consists of the dollar amounts charged by permit holders for the flag drop, the per-mile charge, and waiting time charge. The weighted average of fares is arrived by adding each flag drop, per-mile-mile and waiting time charge resulting in a weighted average for each of these three categories, and dividing it by the total number of active permits.

Airport originated trip fare calculations are made in accordance with the change in the Annual All Urban Western Transportation Consumer Price Index (CPI) for the San Diego region. Historically, airport rate calculations based on the CPI have been 10% to 15% lower than the city/nonairport trip fare rates calculated under the weighted average method.



To reduce customer confusion with using two different rates and the concern that a dual rate of fare would not be generally good for the taxicab industry, on April 16, 2015, the MTS Board of Directors approved unifying the rates of fare for both airport and city/nonairport trips at the current airport rate (i.e. CPI rate). Thus, although there are two separate rates of fare calculations listed in MTS Board Policy No. 34 depending on the trip origin, there is only one maximum rate of fare currently for taxicabs.

Due to the loss of market share and increased competition with Transportation Network Companies (TNCs), the TAC has recommended each year since (in 2016, 2017, and 2018) to stabilize and maintain the maximum rates of fare as they were in 2015. Therefore, the maximum rates of fare remain the same since 2015 and are as follows:

Current Maximum Rates of Fare

\$2.80 flag drop 1/10 of a mile

\$3.00 per mile

\$24.00 per-hour waiting time

Since the implementation of Assembly Bill (AB) 1069 in January 1, 2019, MTS Taxicab Administration is restricted to only establishing the maximum rate of fare. MTS Taxicab may not establish a minimum rate of fare. Taxicab operators thus have the ability to continuously adjust trip fares, up or down, so long as lower than the maximum rate of fare.

Recently, a proposal was received to review whether to increase the maximum rates of fare to help offset costs experienced by taxicab drivers. No annual calculation of maximum rates of fare has occurred for 2019 as of yet. In order to ensure any change to the maximum rates of fare are appropriate, it is being recommended to waive a 2019 annual calculation and first review whether updates to the calculation methods required under MTS Board Policy No. 34 are necessary and then conduct an annual maximum fare calculation in early 2020.

I. Proposed Revision – Calculating Maximum Rate of Fare using CPI

As discussed above, the taxicab fare structure consists of the dollar amounts charged by permit holders for the flag drop, the per-mile charge, and waiting time charge. The weighted average of fares is arrived by adding each segment of each respective charge and dividing it by the number of taxicab permits. However, this current weighted average method to calculate maximum rate of fare for city/nonairport trips may no longer be the most appropriate calculation method.

Since the implementation of AB 1069, taxicab operators have the discretion to continuously adjust trip fares, up or down, so long as lower than the maximum allowed rate. Taxicab operators need not inform MTS Taxicab Administration of these adjustments. Since the weighted calculation method uses the maximum rate of fare the permit holders file with MTS Taxicab Administration, and not the actual amount charged day to day by taxicabs, the weighted average calculation provides imprecise results.

Also, as permit holders continue to adopt the maximum allowed rate for the applicable year, which is used in the weighted average calculation, the rate of fare will always



increase for future calculations. Lastly, due to the gradual attrition of taxicab permits since 2016, the number by which the rates are averaged continues to lower, resulting in exponentially higher rates for future year calculations.

It is recommended that the current weighted average of fares calculation method for city/nonairport trips be replaced with the yearly change in the Annual All Urban Western Transportation CPI for the San Diego region. With this proposed change, there would no longer be two separate rates of fare calculations for city/nonairport trips and airport trips. There would only be one maximum rate of fare, with no differentiation between if coming from the airport or a city/nonairport location. Regardless of where the trip originated, the maximum rate of fare would be calculated based on CPI and no longer the weighted average method. Taxicab operators could choose to adopt this maximum rate of fare calculated by CPI and charge anything equal to or less than this amount.

The CPI method, provided by the U.S. Bureau of Labor Statistics, is based on verifiable, up to date economic data related to the transportation industry. The CPI measures the average change in prices over time that consumers pay for transportation and helps measure inflation. It provides for a more realistic maximum fare calculation method allowing the taxicab industry to better compete with TNC's and other types of for-hire transportation services.

II. Proposed Revision – Provide a Separate Maximum Rate of Fare for Taxicabs Equipped with Point of Sale Devices Electronically Connected to the Taximeter Capable of Printing or Electronically Conveying Receipts

Currently, taxicabs are required by MTS Ordinance No. 11 to comply with the following payment device requirements: requiring a driver to offer a printed receipt upon request; requiring a permit holder to equip each permitted taxicab with a device capable of electronically processing credit card transactions; requiring the payment device be visible to all passengers; requiring that the passenger be able to operate the payment device independently of the driver; and requiring that the payment device be operational at all times.

Currently, many taxicab drivers use the Square as a payment device, which is connected to a cell phone, and not to the taximeter. Drivers manually enter in the amount displayed on the taximeter into the Square application. Unless a credit card reader connected via Bluetooth is being utilized, the driver must hand over their cell phone to the passenger in order for the passenger to finalize the transaction. Many drivers prefer Square over other types of payment devices because it charges a lesser credit card transaction fee.

At the September 11, 2019 TAC Meeting, Taxicab Administration staff proposed requiring that the payment device be electronically connected to the taximeter. The reasoning was to reduce complaints of the taxicab driver manually entering the wrong amount into the payment device than what was displayed on the taximeter. TAC did not approve the proposed revisions and recommended that it be reviewed further by the TAC subcommittee, Workshop on Regulatory Affairs (WORM). Feedback from the meeting overwhelming stated that requiring the payment device be electronically connected to the taximeter would increase operating costs for drivers, as payment

devices that can be connected to the taximeter have higher credit card transaction fees than Square.

To incentivize the implementation of new technologies in taxicabs, but to still allow drivers the option of using Square like payment devices if so choose, it is recommended that an optional, higher maximum rate of fare be offered for taxicabs equipped with point of sale devices connected to the taximeter that are capable of printing or electronically conveying receipts.

The proposed revisions would allow taxicabs equipped with such point of sale devices to charge a maximum rate of fare of 6% more than the maximum rates of fare for taxicabs without such point of sale devices. The additional 6% results in an approximately \$0.20 increase to both the flag drop and per mile rates and a \$2.00 increase for the waiting time.

This optional, higher maximum rate of fare would still result in one maximum rate of fare that the taxicab would adopt. It is just a larger maximum rate of fare structure than what would be applicable for a taxicab without such point of sale device.

Offering a higher maximum rate of fare for taxicabs with point of sale device connected to the taximeter may offset the additional costs associated with maintaining a payment device with higher credit card transaction fees. These point of sale devices may improve the customer experience by: electronically displaying the trip total calculated on the taximeter on the payment device; allow for more secure payment options (e.g. chip reader); allow for passengers to pay and select a tip amount without having to hand over their credit card to the driver; and that can either print a receipt or electronically send a receipt.

### III. Annual Calculation of Maximum Rate of Fare

Per MTS Board Policy No. 34, the Chief Executive Officer calculates annually the maximum rates of fare. Per MTS Ordinance No. 11, the Chief Executive Officer presents the annual calculations at a noticed, public meeting of TAC and the rates become effective immediately. No approval by TAC or MTS Board of Directors is necessary of the annual calculations. If the above proposed revisions to the calculation of the maximum rate of fare are approved by the MTS Board of Directors, the new 2020 Maximum Rate of Fare will be presented by the Chief Executive Officer at the next TAC meeting (to be scheduled for early 2020).

The 2019 annual CPI data is not yet available until early next year. Below is the maximum rate calculation using 2018 annual CPI data as reference only. It is anticipated that the below maximum rates of fare calculation using 2018 annual CPI data will likely be the same using the 2019 annual CPI data, once available.

Current Maximum Rates of Fare  
\$2.80 flag drop 1/10 of a mile  
\$3.00 per mile  
\$24.00 per-hour waiting time

Proposed Maximum Rates if  
Using 2018 Annual CPI Rates

\$2.90 flag drop 1/10 of a mile  
\$3.10 per mile  
\$25.00 per-hour waiting time

Proposed Maximum Rates for  
Taxicabs with Point of Sale Devices  
if Using 2018 Annual CPI Rates

\$3.10 flag drop 1/10 of a mile  
\$3.30 per mile  
\$27.00 per-hour waiting time

If the above described proposed revisions to MTS Board Policy No. 34 are not approved by the MTS Board of Directors, the Chief Executive Officer will calculate the 2020 maximum rates of fare using the weighted average method for city/nonairport trips and CPI method for airport trips and present the calculation at the next TAC meeting in early 2020. Unless the MTS Board of Directors chooses to unify the rates, there would again be a dual rate system depending on where the trip originated. All taxicabs authorized to provide airport originated trips would have the option to re-program their taximeters to add the nonairport/city rate to be selected whenever operating in the city.

IV. Proposed Revision –Cities MTS Taxicab Administration Regulates

MTS began regulating taxicabs and other for-hire vehicles for the City of Chula Vista in 2018 and City of National City in 2017. The proposed revisions will reflect the addition of Chula Vista and National City to the cities for which MTS provides regulation of for-hire vehicle services.

/s/Leonardo Fewell

Leonardo Fewell

Taxicab Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, [Leonardo.Fewell@sdmts.com](mailto:Leonardo.Fewell@sdmts.com)

Attachment: A. Red-Line Proposed Revisions to MTS Board Policy No. 34  
B. Annual All Urban Western Transportation CPI / San Diego  
C. 2019 CPI Maximum Fare Calculation (Reference Only)



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# Policies and Procedures

No. 34

Board Approval: ~~04/16/15~~ 12/12/2019

SUBJECT:

FOR-HIRE VEHICLE SERVICES

PURPOSE:

To establish a policy with guidelines and procedures for the implementation of MTS Ordinance No. 11.

BACKGROUND:

Regulation of for-hire vehicle service is in the interest of providing the citizens and visitors to the MTS region and particularly the Cities of Chula Vista, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, San Diego, and Santee, with a good quality local transportation service. Toward this end, MTS finds it desirable to regulate the issuance of taxicab permits, to establish maximum rates of fare, and to provide for annual review of cost-recovery regulatory fees.

POLICY:

34.1 City of San Diego Entry Policy

New City of San Diego taxicab permits will be issued in accordance with San Diego City Council Policy No. 500-02, "Taxicab Permits".

34.2 Maximum Rates of Fare Policy

~~Pursuant to MTS Ordinance No. 11, Section 2.2(a) and after a duly noticed and open public hearing, MTS determined that the M~~maximum rate of fare for exclusive ride and group ride hire of taxicabs shall be made that fare in accordance with the change in the Annual All Urban Western Transportation Consumer Price Index (CPI)/San Diego...that does not exceed twenty percent (20%) more than the weighted average of fares as established in accordance with this policy. ~~The fare structure shall consist of the dollar amounts charged by permit holders for the flag drop, the per-mile charge, waiting-time charge, first zone, and each additional zone charge. The maximum rates of fare shall be computed annually by the Chief~~



Executive Officer and presented at a noticed public hearing of the Taxicab Advisory Committee.

#### 34.2.1 Maximum Rates of Fare Determination

Unless Section 34.2.2 applies, the maximum fare determination shall be adjusted annually based on the 1990 Western transportation CPI/San Diego amounts of \$1.40 flag drop, \$1.50 per mile, and \$12.00 per hour waiting. Adjustments shall be rounded up or down, as appropriate, to the nearest even \$0.10 increment.

#### 34.2.24 Maximun Rates of Fare Determination — Only for Taxicabs Equipped with Point Of Sale Devices Electronically Connected to the Taximeter and Equipped with Printed or Electronically Conveyed Receipt Capability

Taxicabs equipped with point of sale devices electronically connected to the taximeter and capable of -printing or electronically coveying receipts may charge the an increase of 6% more than the Maximun Rates of Fare for Taxicabs without such devices, as determined pursuant to Section 34.2.1. Adjustments shall be rounded up or down, as appropriate, to the nearest \$0.10 increment.

#### ~~34.2.21 ——— Maximum Fare Determination~~

~~The weighted average of fares shall be computed by the Chief Executive Officer and duly promulgated in writing upon the passage of this policy and thereafter each year by averaging each segment of the fare structure of all MTS taxicab permit holders. The fare structure shall consist of the dollar amounts charged by said permit holders for the flag drop, the per mile charge, waiting time charge, first zone, and each additional zone charge. The weighted average of these charges shall be arrived at by adding each segment of each respective charge and dividing it by the total number of taxicabs holding effective permits.~~

~~34.2.2 The Chief Executive Officer will use his discretion when the maximum rates of fare and the uniform rates of fare for trips from Lindbergh Field airport are incompatible. The Chief Executive Officer may adjust the maximum rates of fare so that the uniform rates of fare, based on the change in the Annual All Urban Western Transportation Consumer Price Index, do not exceed the maximum rates allowed in accordance with Section 34.2.1.~~

### 34.3 Airport Taxicab Fare Policy

~~Rates of fare for trips from Lindbergh Field Airport shall be uniform.~~

~~In the event an owner chooses a different rate for nonairport trips for taxicabs authorized to service the airport, two meters or a multirate meter shall be installed and identified. The meter(s) shall be activated according to the proper rate for the~~

~~trip's origin, and it shall be clearly visible to the passenger which rate is being charged.~~

~~34.3.1 The uniform rates of fare for taxicab trips from Lindbergh Field Airport are initially established at \$1.40 flag drop, \$1.50 per mile, and \$12.00 per hour, effective June 1, 1990.~~

~~The airport rates shall be reviewed annually, beginning in January 2009, by the Chief Executive Officer. Airport rates shall be adjusted based on the 1990 amounts, in accordance with the change in the Annual All Urban Western Transportation Consumer Price Index/ San Diego. Adjustments shall be rounded up or down, as appropriate, to the nearest even \$0.10 increment.~~

In addition to the applicable airport uniform maximum rate of fare described in Section 34.2.1, a taxicab operator may charge an "extra" equal to the Airport Trip Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the customer by utilizing the extra button on the taxicab meter. A driver may not verbally request payment.

34.4 Regulatory Fee Review

The following procedures will be utilized for the establishment of for-hire vehicle regulatory fees.

34.4.1 In accordance with State of California Public Utilities Code Section 120266, MTS shall fully recover the cost of regulating the taxicab and other for-hire vehicle industry. Pursuant to MTS Ordinance No. 11, Sections 1.3(b), 1.4(a), 1.4(~~d~~)(c), and 1.5(d), the Chief Executive Officer establishes a fee schedule to effect full-cost recovery and notify affected permit holders of changes in the fee schedule.

34.4.2 The procedure for establishing a regulatory fee schedule will include an annual review of the audited expenses and revenue of the previous fiscal year associated with MTS for-hire vehicle activities. The revised fee schedule will be available for review by interested parties in November each year and is subject to appeal as provided for in Ordinance No. 11, Section 1.5(d).

34.4.3 A fee schedule based on previous year expenses and revenue amounts will be put into effect each January.

POLICY.34.FOR-HIRE VEHICLE SERVICES

This policy was originally adopted on 12/8/88.  
This policy was amended on 7/26/90.  
This policy was amended on 5/9/91.  
This policy was amended on 6/13/91.

This policy was amended on 1/28/93.  
This policy was amended on 5/11/95.  
This policy was amended on 10/31/02.  
This policy was amended on 4/24/03.

This policy revised on 3/25/04.

This policy was amended on 4/26/07.

This policy was amended on 7/17/08.

This policy was amended on 4/19/12.

This policy was amended on 4/16/15.

This policy was amended on 12/12/2019.

## Databases, Tables & Calculators by Subject



Change Output Options:

From:  To:  

Include graphs  Include annual averages

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Data extracted on: November 6, 2019 (5:30:06 PM)

### CPI for All Urban Consumers (CPI-U)

**Series Id:** CUUSS49ESAT  
 Not Seasonally Adjusted  
**Series Title:** Transportation in San Diego-Carlsbad, CA, all urban consumers, not seasonally adjusted  
**Area:** San Diego-Carlsbad, CA  
**Item:** Transportation  
**Base Period:** 1982-84=100

Download:  [.xlsx](#)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual	HALF1	HALF2
2009													184.717	177.071	192.364
2010													200.398	198.572	202.224
2011													222.685	222.913	222.457
2012													227.691	229.775	225.608
2013													225.570	227.028	224.112
2014													223.308	228.254	218.362
2015													214.442	213.587	215.297
2016													205.271	205.418	205.124
2017											216.601		213.424	213.765	213.083
2018	220.368		225.661		229.934		229.921		229.015		228.504		227.594	226.494	228.694
2019	225.073		225.313		240.940		234.757		234.106					232.005	

**TOOLS**

- Areas at a Glance
- Industries at a Glance
- Economic Releases
- Databases & Tables
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## 2019 CPI Maximum Fare Calculation (Reference)

Instructions on how calculate rates of fare:

**EXAMPLE ONLY:**

227.594 (Annual Consumer Price Index report value for 2018)  
-121.000 (1990 Value)  
 106.594 (Replace "Y" with the subtracted value)

Flag Drop

Step 1-  $\$1.40 \times 106.594(Y) = 149.2316$  convert it into a dollar amount  $\$1.492316$   
 Step 2-  $\$1.40 + 1.492316 = \$2.892316$  round up/down to the nearest .10 cent = **\\$2.90 flag drop**

Per Mile

Step 1-  $\$1.50 \times 106.594(Y) = 159.891$  convert it into a dollar amount  $\$1.59891$   
 Step 2-  $\$1.50 + 1.59891 = \$3.09891$  round up/down to the nearest .10 cent = **\\$3.10 per mile**

Wait Time

Step 1-  $\$12.00 \times 106.594(Y) = 1279.128$  convert it into a dollar amount  $\$12.79128$   
 Step 2-  $\$12.00 + 12.79128 = \$24.79128$  round up/down to the nearest \$1.00 = **\\$25.00 wait time**

Fraction Calculation

Step 1-  $\$3.10$  (per mile) / .10 cent (fraction in which the meter clicks) = 31 = 1/31<sup>th</sup> fraction

The Time It Takes For Each Fraction to Click the Meter

Step 1-  $\$25.00$  / .10 cent (or 1/10<sup>th</sup> in which the meter clicks) = 250  
 Step 2-  $3600$  (seconds per hour) / 250 = 14.4 seconds the meter will click 1/10<sup>th</sup> of a mile every 14.4 seconds the taxicab moves



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.



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## Agenda Item No. 5

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

December 2, 2019

#### SUBJECT:

REVISIONS TO SAN DIEGO METROPOLITAN TRANSIT SYSTEM (MTS)  
ORDINANCE NO. 11

#### RECOMMENDATION:

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

#### Budget Impact

None with this action.

#### DISCUSSION:

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

#### MTS Ordinance No. 11, Section 2.2(a)

Currently, MTS Ordinance No. 11, Section 2.2(a) states that MTS shall establish the maximum rates of fare for for-hire vehicles but will not establish the maximum rates of fare for trips originating from San Diego International Airport. The proposed revisions will remove that exception, as MTS Taxicab Administration calculates the maximum rates of fare for both trips originating from the airport and trips originating from city/nonairport.

#### MTS Ordinance No. 11, Section 2.2(j)

Currently, MTS Ordinance 11, Section 2.2(j) does not preclude a permit holder or driver from agreeing with prospective passenger(s) to a rate of fare which is less than the permit holder's posted rates of fare if the agreement is entered into in advance of the passenger hiring the taxicab.



The proposed revisions would expressly allow for dispatch services, in addition to permit holders and drivers, to provide up-front trip pricing to prospective passengers so long as equal to or less than the maximum rates of fare. The proposed revisions would also require the taximeter flag to remain recording at the termination of each and every trip, for the purpose of allowing the passenger(s) to verify the up-front trip or agreed fare price is lower than the maximum rate.

MTS Ordinance No. 11, Section 2.3(h)

Currently, MTS Ordinance No. 11, Section 2.3(h) only allows the permit holder or dispatch service to be the merchant of record associated with the vehicle's electronic credit card acceptance device. The proposed revision would also allow the driver operating the taxicab to be the merchant of record associated with the credit card acceptance device.

/s/Leonardo Fewell

Leonardo Fewell

Taxicab Administration Manager

Key Staff Contact: Leonardo Fewell, 619-235-2643, [Leonardo.Fewell @sdmts.com](mailto:Leonardo.Fewell@sdmts.com)

Attachment: ~~OT~~ Red-Line Revisions to MTS Ordinance No. 11

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

*(as amended through ~~October 10~~December 12, 2019)*

An Ordinance Providing for the Licensing and the Regulating of  
Transportation Services Within the City and County by the Adoption of  
a Uniform Paratransit Ordinance

## MTS CODIFIED ORDINANCE NO. 11

## TABLE OF CONTENTS

Description	Page No.
SECTION 1.0 - GENERAL REGULATIONS .....	1
Section 1.1 - Definitions.....	1
Section 1.2 - Operating Permits.....	5
Section 1.3 - Application for Permit.....	5
Section 1.4 - Issuance of Permit.....	6
Section 1.5 - Transfer and Administration of Permits.....	7
Section 1.6 - Blank .....	9
Section 1.7 - Blank .....	9
Section 1.8 - Equipment and Operating Regulations .....	9
Section 1.9 - Public Liability.....	15
Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements.....	16
Section 1.11 - Destruction, Permanent Replacement, Retirement or Inactive Status of For-Hire Vehicles .....	17
Section 1.12 - Driver's Identification Cards .....	18
Section 1.13 - Suspension and Revocation of Permit .....	20
Section 1.14 - Suspension and Revocation of Driver's Identification Cards .....	22
Section 1.15 - Surrender of Medallion .....	23
Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or.....	23
Driver's Identification Card or Related Adverse Action.....	23
Section 1.17 - Procedure Upon Administrative Appeal .....	23
Section 1.18 - Exceptions to Provisions.....	24
Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines .....	25
Section 1.20 - Americans with Disabilities Act .....	25
SECTION 2.0 - TAXICABS AND/OR LSVs.....	25
Section 2.1 - Types of Service.....	25
Section 2.2 - Rates of Fare.....	26
Section 2.3 - Equipment and Specifications.....	28
Section 2.4 - Operating Regulations.....	30
Section 2.5 - Stands .....	33
Section 2.6 - Dispatch Services.....	33
Section 2.7 - Driver Safety Requirements.....	34
Section 2.8 - Prearranged Trips by Taxicabs .....	34
SECTION 3.0 - CHARTER VEHICLES.....	35
Section 3.1 - Rates of Fare.....	35

Section 3.2 - Operating Regulations ..... 35

SECTION 4.0 - SIGHTSEEING VEHICLES ..... 36

Section 4.1 - Rates of Fare ..... 36

Section 4.2 - Operating Regulations ..... 36

SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES ..... 36

Section 5.1 - Rates of Fare ..... 36

Section 5.2 - Operating and Equipment Regulations ..... 37

Section 5.3 - Driver Identification Cards ..... 37

SECTION 6.0 - JITNEY VEHICLES ..... 37

Section 6.1 - Rates of Fare ..... 37

Section 6.2 - Jitney Routes ..... 38

Section 6.3 – Operating Regulations ..... 39

Section 6.4 - Jitney Holding Zones ..... 39

Section 6.5 - Equipment and Specifications ..... 40

SECTION 7.0 – LOW-SPEED VEHICLES ..... 40

Section 7.1 – Low-Speed Vehicle (LSV) Definition ..... 40

Section 7.2 – Establishment of Zones ..... 40

Section 7.3 – Zone Rates of Fare ..... 40

Section 7.4 – Spare Vehicle Policy ..... 41

Section 7.5 – LSV Driver Identification Cards ..... 42

Section 7.6 - Equipment and Specifications ..... 42

SECTION 8 - EFFECTIVE DATE OF ORDINANCE ..... 43

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

CODIFIED ORDINANCE NO. 11

*(as amended through ~~October, 10~~December 12, 2019)*

An Ordinance Providing for the Licensing and the Regulating  
of Transportation Services Within the City and County By the Adoption of  
a Uniform Paratransit Ordinance

SECTION 1.0 - GENERAL REGULATIONS

Section 1.1 - Definitions

The following words and phrases, wherever used in this section, shall be construed as defined in this section, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

(a) "Board" shall mean the Board of Directors of the San Diego Metropolitan Transit System.

(b) "Charter vehicle" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;

(2) Is routed at the direction of the hiring passenger;

(3) Is prearranged in writing for hire;

(4) Is not made available through "cruising"; and

(5) Is hired by and at the service of a person for the benefit of himself or herself or a specified group.

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

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

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

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

(g) "Cruising" shall mean the movement over the public streets of a taxicab or low-speed vehicle (LSV) in search of prospective passengers; except the term does not include either the travel of a taxicab or LSV proceeding to answer a call for service received by telephone or radio

from an intended passenger or the travel of such a vehicle, having discharged a passenger or passengers, returning to the owner's place of business or to its established point of departure.

(h) "Days" shall mean working days, exclusive of weekends and holidays for which MTS offices are closed.

(i) "Doing business" shall mean accepting, soliciting or transporting passengers for hire or compensation in a City or County.

(j) "Driver" shall mean every person operating any for-hire vehicle.

(k) "Driver's identification card" shall mean license, issued pursuant to this Ordinance, which permits a person to drive a for-hire vehicle within the City or County.

(l) "Employ" as used in this Ordinance includes any form of agreement or contract under which the driver may operate the permit holder's for-hire vehicle.

(m) "Exclusive ride" shall mean exclusive use of a for-hire vehicle by one or more related passengers at a time.

(n) "For-hire vehicle" shall mean every vehicle, other than public transit vehicles or vehicles involved in an organized carpool not available to the general public, which is operated for any fare for compensation and used for the transportation of passengers over public streets, irrespective of whether such operations extend beyond the boundary limits of said City or County. Such for-hire vehicles shall include taxicabs, vehicles for charter, jitneys, nonemergency medical vehicles, sightseeing vehicles, and LSVs.

(o) "Group ride" shall mean shared use of a taxicab or LSV where a group of related passengers enter at the same point of origin and disembark at the same destination and pay a single fare for the trip.

(p) "Hearing officer" shall mean any person or entity that meets the requirements of this Ordinance and that has been retained to conduct administrative hearings.

(q) "Jitney" shall mean every vehicle which:

(1) Transports passengers or parcels or both over the public streets of the City;

(2) Follows a fixed route of travel between specified points with the fare based on a per capita charge established in its permit; and

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

(r) A "low-speed vehicle" or "LSV" is a motor vehicle, other than a motor truck, having four wheels on the ground and an unladen weight of 1,800 pounds or less, that is capable of propelling itself at a minimum speed of 20 miles per hour and a maximum speed of 25 miles per hour, on a paved level surface. For the purposes of this section, a "low-speed vehicle" or "LSV" is not a golf cart, except when operated pursuant to California Vehicle Code Section 21115 or 21115.1.



(s) "Medallion" shall mean the numbered plate, sticker, or decal issued by MTS to the permit holder which is displayed on a for-hire vehicle to indicate the authorized use or uses of that vehicle.

(t) "MTS" shall mean the San Diego Metropolitan Transit System, a public agency created pursuant to Public Utilities Code Section 120050 et seq.

(u) "MTS inspector" shall mean those individuals, regardless of job title, who are authorized by the Board, by ordinance, to enforce the provisions of this Ordinance.

(v) "Nonemergency medical vehicle" shall mean every vehicle which: transports persons, regardless of whether specialized transportation equipment or assistance is needed, for primarily medical purposes, over the public streets of the City. Medical purposes is defined as providing transportation services to or from the following places: hospitals, convalescent homes, retirement homes, homes receiving funding for the board and care of residents living in those homes, medical or rehabilitation clinics, senior citizen centers, and any other like social service category, over the public streets of the City. It shall be the responsibility of the transportation provider to determine if the service is primarily for medical purposes.

(w) "Operate" or "Operating" shall refer to the solicitation or acceptance of a fare within City or County for compensation or providing passenger transportation for compensation, regardless if such compensation is obtained from the passenger or a third party. It shall also include, as the context may require, the act of driving, managing or directing the utilization of one or more for-hire vehicles.

(x) "Owner" shall mean the person, partnership, association, firm or corporation that is the registered owner of any for-hire vehicle and that holds the right to use the vehicle for its advantage.

(y) "Passenger" shall mean every occupant other than the driver of the for-hire vehicle.

(z) "Permit" shall mean the authority under which a person, firm, partnership, association, or corporation may operate a for-hire vehicle as a business.

(aa) "Permit holder" shall mean any person or approved entity operating a business under a for-hire vehicle permit.

(bb) "Shared ride" shall mean nonexclusive use of a for-hire vehicle by two or more unrelated passengers traveling between different points of origins and/or destination, and traveling in the same general direction.

(cc) "Shifts" shall mean the minimum number of hours a permit holder or driver operates a for-hire vehicle.

(dd) "Sightseeing vehicle" shall mean every vehicle which:

(1) Transports passengers for sightseeing purposes of showing points of interest over the public streets of the City; and

(2) Charges a fee or compensation therefor; regardless of whether any fee or compensation is paid to the driver of such sightseeing vehicle, either by the passenger or by the owner or by the person who employs the driver or contracts with the driver or hires such sightseeing vehicle with a driver to transport or convey any passenger; and irrespective of

whether or not such driver receives any fee or compensation for his or her services as driver.

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

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

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

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

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

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

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

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

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

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

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

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

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

**(Section 1.1 amended 10/10/2019)**

**(Section 1.1 amended 2/14/2019)**

**(Section 1.1 amended 11/8/2018, effective 1/1/2019)**  
**(Section 1.1 amended 9/20/2018)**  
**(Section 1.1 amended 12/14/2017)**  
**(Section 1.1 amended 5/12/2016)**  
**(Section 1.1 amended 8/7/2003)**  
**(Section 1.1 amended 11/14/2002)**  
**(Section 1.1 amended 6/24/1999)**  
**(Sections 1.1(d), 1.1(R)(1) amended 6/22/1995)**  
**(Section 1.1 amended 1/12/1995)**  
**(Section 1.1 amended 6/27/1991; effective 7/27/1991)**  
**(Section 1.1 amended 5/23/1991; effective 6/23/1991)**

Section 1.2 - Operating Permits

(a) No person shall engage in the business of operating any for-hire vehicle or in the business of providing any vehicle for the operation of vehicle for-hire services within the Cities or County without first having obtained an operating permit from the Chief Executive Officer or designated representative, which permit has not been revoked, suspended or otherwise canceled or terminated by operation of law or otherwise. A separate permit is required for each for-hire vehicle operated or provided for operation.

(b) An operating permit represents the granting of a privilege to operate a for-hire vehicle within the Cities, County or zones specified by the permit for the purpose of the public convenience and necessity. This privilege may be rescinded at any time by operation of law or otherwise.

(c) A person who obtains an operating permit shall be responsible for the provision of vehicle-for-hire services in accordance with the provisions of this Ordinance and shall exercise due diligence to assure that drivers of the permitted vehicles adhere to all pertinent requirements of this ordinance.

**(Section 1.2 amended 11/8/2018, effective 1/1/2019)**  
**(Section 1.2 amended 12/14/2017)**  
**(Section 1.2 amended 8/7/2003)**  
**(Section 1.2 amended 11/14/2002)**  
**(Section 1.2 amended 6/24/1999)**

Section 1.3 - Application for Permit

(a) All persons applying to the Chief Executive Officer for new permit(s) for the operation of one or more for-hire vehicles shall file with the Chief Executive Officer a proposal to meet San Diego City Council Policy 500-02 requirements, and a sworn application therefore on forms provided by the Chief Executive Officer, stating as follows:

(1) The applicant name, company name, doing business as (“DBA”) name if different than company name, mailing and business address (a business address or mailing address is not a Post Office [PO] Box or dispatch service address), and business telephone number of the permit applicant. If a taxicab permit applicant, the business address will also serve the purpose of establishing where Substantially Located;

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

- (3) The name and address of all legal and registered owner(s) of the vehicle(s);
- (4) The name and address of each person with a financial interest in the business which operates the vehicle;
- (5) Data sufficient to establish the applicant's financial responsibility;
- (6) The number of vehicle(s) for which a permit(s) is desired;
- (7) Proof that vehicle(s) meet California Air Resources Board criteria for zero emissions/low emissions, are ADA-compliant, are no older than 10 years of the model age and do not have a "salvage" title, and are equipped with a Global Positioning System (GPS);
- (8) The rates of fare which the applicant proposes to charge for vehicle-for-hire services. This requirement does not apply to taxicab permit applicants;
- (9) A description of the proposed vehicle design;
- (10) Where the application is for a limited permit or LSV, a detailed description of the geographic area in which said permit shall be in existence;
- (11) Such other information as the Chief Executive Officer may in his or her discretion require;
- (12) Provide evidence of at least six-months' experience driving a taxicab, transportation network vehicle, charter party carrier services, or similar service oriented transportation or managing a demand responsive transportation service, or similar service oriented business;
- (13) Provide a customer service and a customer complaint plan;
- (14) Provide a plan for administrative functions, vehicle maintenance, and off-street storage for vehicle when not in use; and
- (15) Provide a dispatch service plan incorporating 24 hour staffing and computerized dispatch utilizing GPS technology, if a taxicab permit applicant.

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

***(Section 1.3 amended 11/8/2018, effective 1/1/2019)***

***(Section 1.3 amended 12/14/2017)***

***(Section 1.3 amended 2/12/2015)***

***(Section 1.3 amended 11/15/2012)***

***(Section 1.3 amended 8/7/2003)***

***(Section 1.3 amended 11/14/2002)***

#### Section 1.4 - Issuance of Permit

(a) Based on San Diego City Council Policy 500-02 requirements, the Chief Executive Officer shall determine the number of permits to be granted any applicant(s) and approve permits

for any applicant(s) subject to such conditions as the Board and San Diego City Council Policy 500-02 may deem advisable or necessary in the public interest. Before a permit may be approved, the applicant shall pay an initial regulatory fee in an amount to be determined by the Chief Executive Officer.

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

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

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

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

(c) All permits issued after April 1, 2015 shall be renewable annually upon evidence San Diego City Council Policy 500-02 requirements are being met, that if a taxicab permit holder they are Substantially Located within City or County, and payment of a regulatory fee in an amount and on a date to be determined by the Chief Executive Officer.

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

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

(f) When the permit has been approved and upon determination by the Chief Executive Officer that the for-hire vehicle, after appropriate inspection, meets the requirements of this Ordinance, the Chief Executive Officer will issue a numbered medallion(s) to be affixed to the for-hire vehicle.

***(Section 1.4 amended 11/8/2018, effective 1/1/2019)***

***(Section 1.4 amended 12/14/2017)***

***(Section 1.4 amended 2/12/2015)***

***(Section 1.4 amended 11/15/2012)***

***(Section 1.4 amended 11/14/2002)***

#### Section 1.5 - Transfer and Administration of Permits

(a) Each permit issued pursuant to the provisions of this section is separate and distinct and shall be transferable from the permit holder to another person or entity only with the approval of

the Chief Executive Officer, and upon meeting the requirements of this Ordinance and San Diego City Council Policy 500-02 including, but not limited to:

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

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

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

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

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

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

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

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

(1) Changes in fee schedules affecting permits shall be mailed to all permit holders. Changes shall be effective thirty (30) calendar days thereafter.

(2) Any person objecting to a particular fee or charge may file, within ten (10) days of the mailing of such changes, an appeal for review with the Chief Executive Officer who shall thereafter process it in accordance with Section 1.17; provided, however, that the sole issue to be determined on review is whether the fee or charge exceeds the reasonable costs for personnel salaries and administrative overhead associated with the particular administrative service or function.

***(Section 1.5 amended 11/8/2018, effective 1/1/2019)***

***(Section 1.5 amended 12/14/2017)***

***(Section 1.5 amended 2/12/2015)***

***(Section 1.5 amended 8/7/2003)***

**(Section 1.5 amended 11/14/2002)**

Section 1.6 - Blank

The text of Section 1.6 is deleted in its entirety effective February 12, 2015.

**(Section 1.6 deleted 2/12/2015)**

**(Section 1.6 amended 11/14/2002)**

Section 1.7 - Blank

The text of Section 1.7 is deleted in its entirety effective October 24, 1998.

**(Section 1.7 was deleted 9/24/1998)**

Section 1.8 - Equipment and Operating Regulations

(a) No medallion shall be issued for a vehicle unless the vehicle conforms to all the applicable provisions of this Ordinance.

(b) The privilege of engaging in the business of operating a for-hire vehicle in a City or County granted in the permit is personal to the permit holder, who must be the owner of the for-hire vehicle. The rights, requirements, and responsibilities which attach to the permit remain with the holder at all times the for-hire vehicle is operated under the authority of the permit. These rights, requirements and responsibilities, which include, but are not limited to, the requirements of this Ordinance, will remain unaffected by any agreement or contractual arrangement between the permit holder and those persons who operate for-hire vehicles, irrespective of the form or characterization of the agreement under which the driver operates the for-hire vehicle.

(c) The permit holder shall maintain a business address, a mailing address where he or she can accept mail directed to his or her company, and a business telephone in working order which must be answered during normal business hours, Monday through Friday, and during all hours of operation. A post office box or dispatch service address shall not be used for the business address or mailing address. The permit holder shall, in the case of any change in his or her business address, mailing address, or business telephone, notify the Chief Executive Officer in writing of such change within forty-eight (48) hours of the effective date of this change.

(d) Before a for-hire vehicle is placed in service and at least annually thereafter, the for-hire vehicle shall be delivered to a place designated by the Chief Executive Officer for inspection. All new permit holders are required to observe at least one full vehicle inspection as part of the initial permit issuance. MTS inspectors shall inspect the for-hire vehicle and its equipment to ascertain whether the vehicle complies with the provisions of this Ordinance. Failure to produce the vehicle for inspection shall be cause for suspension or revocation of the permit for such vehicle.

(e) Any MTS inspector or peace officer, after displaying proper identification, may make reasonable and periodic inspections of any for-hire vehicle operating under an MTS permit for the purpose of determining whether the vehicle is in compliance with the provisions of this Ordinance.

(f) Any for-hire vehicle which fails to meet the requirements of the California Vehicle Code or this section after inspection shall be immediately ordered out-of-service by an MTS inspector or peace officer if it is unsafe for service. Ordering a vehicle out-of-service does not constitute a suspension or revocation of the permit. A vehicle is deemed unsafe for service when any of the following conditions exists:

- (1) Tires fail to meet the requirements of the California Vehicle Code;
- (2) Headlights, taillights or signal lights are inoperable during hours of darkness (sunset to sunrise);
- (3) Windshield wipers are inoperable during rainy conditions;
- (4) Taximeter is not working, the Taximeter displays signs of tampering, the seal of a Hard Meter is broken, the County of San Diego seal of a Hard Meter is more than thirteen (13) months old from the date of issuance, a Service Agent's temporary seal of a Hard Meter is more than ninety (90) days old from the date of issuance, or a Soft Meter displays technology not approved by the California Department of Food and Agriculture Division of Measurement Standards or does not appear to be operating as is intended or approved;
- (5) Brakes, brake lights or brake system are inoperable or otherwise fail to meet the requirements of the California Vehicle Code;
- (6) Excessive play in steering wheel exceeding three (3) inches;
- (7) Windshield glass contains cracks or chips that interfere with driver's vision;
- (8) Any door latch is inoperable from either the interior or exterior of the vehicle;
- (9) Any seat is not securely fastened to the floor;
- (10) Seat belts, when required, fail to meet requirements of the California Vehicle Code;
- (11) Either side or rearview mirrors are missing or defective;
- (12) Any vehicle safety system light is activated; and
- (13) Any other condition which reasonably and rationally pertains to the operating safety of the vehicle or to passenger or pedestrian safety.

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

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

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

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

(h) The interior and exterior of the for-hire vehicle shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements and the requirements



of this Ordinance at all times when in operation. The following minimum vehicle standards must be maintained to comply with this section:

(1) Wheels. Hubcaps or wheel covers shall be on all wheels for which hubcaps or wheel covers are standard equipment.

(2) Body Condition. There shall be no tears or rust holes in the vehicle body and no loose pieces hanging from the vehicle body. Fenders, bumpers, and light trim shall be securely fixed to the vehicle. No extensive unrepaired body damage shall be allowed and exterior paint shall be free from excessive fading. The vehicle shall be equipped with front and rear bumpers. The exterior of the vehicle shall be maintained in a reasonably clean condition so as not to obscure approved vehicle markings.

(3) Lights. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights shall all be operable.

(4) Wipers. Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.

(5) Brakes. Both the parking and hydraulic or other brake system must be operable.

(6) Steering. Excessive play in the steering mechanism shall not exceed three (3) inches free play in turning the steering wheel from side to side.

(7) Engine. The engine compartment shall be reasonably clean and free of uncontained combustible materials.

(8) Mufflers. Mufflers shall be in good operating condition.

(9) Windows. The windshield shall be without cracks or chips that could interfere with the driver's vision. All other windows shall be intact and able to be opened and closed as intended by the manufacturer. The windows and windshield shall be maintained in a reasonably clean condition so as not to obstruct visibility.

(10) Door Latches. All door latches shall be operable from both the interior and exterior of the vehicle.

(11) Suspension. The vehicle's suspension system shall be maintained so that there are no sags because of weak or broken springs or excessive motion when the vehicle is in operation because of weak or defective shock absorbers.

(12) Seats. All seats shall be securely fastened. Seat belts, when required by the California Vehicle Code, shall be installed. The upholstery shall be free of grease, holes, rips, torn seams, and burns.

(13) Interior. The interior of each vehicle and the trunk or luggage area shall be maintained in a reasonably clean condition, free of foreign matter, offensive odors, and litter. The seats shall be kept reasonably clean and without large wear spots. The door handles and doors shall be intact and clean. The trunk or luggage area shall be kept empty except for spare tire and personal container for the driver not exceeding one (1) cubic foot in volume and emergency equipment, to allow maximum space for passenger luggage and belongings.

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

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

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

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

(j) In the event that a for-hire vehicle for which a permit has been approved is taken out of service, by the permit holder for maintenance or any purpose, other than a violation of any provision of this Ordinance, a spare vehicle operating permit may be granted. The spare vehicle operating permit shall only be valid for the vehicle for which it was issued. The permit holder may only utilize a spare for-hire vehicle which has been duly inspected by an MTS inspector and approved prior to use. The permit holder must immediately inform an MTS inspector when a spare for-hire vehicle is in use and the location of the disabled vehicle. The spare vehicle will be issued a "spare vehicle" sticker which must be affixed to the left rear portion of the for-hire vehicle for which it is approved, in plain view from the rear of the for-hire vehicle. The permit holder may utilize one (1) spare for-hire vehicle for a period not to exceed thirty (30) calendar days from the date of issuance. This subsection shall not be construed, nor deemed to replace, those provisions in this Ordinance which apply to permanent replacement of a for-hire vehicle.

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

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

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

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

3) Below the medallion number, the name, address, and phone number of the MTS Taxicab Administration and the permit holder and/or permit holder trade name shall be printed, 1/4-inch in height.

4) Without approval from MTS, no other signs, markings, lettering, decals, or any type of information shall be displayed within 18 inches around the card.

(m) Advertisements, whether displayed on the inside or outside of the vehicle, shall be posted in accordance with MTS Board Policy No. 21, Revenue-Generating Display Advertising, Concessions, and Merchandise, any guidelines developed by the Chief Executive Officer, and the

provisions of this Ordinance. Advertisements shall not be displayed without prior approval from MTS.

(n) The driver of each for-hire vehicle may either carry: a map of the City or County, published within the past two (2) years; or an electronic device equipped with a GPS enabled map, which shall be displayed to any passenger upon request.

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

(p) Each for-hire vehicle licensed to operate in the City or County shall have located on the passenger side dashboard area a driver identification card provided by the County of San Diego Sheriff or provide upon a request a valid VDDP driver certificate with a commercial driver's license. The driver identification card shall have no alterations or information covered. The driver identification card shall be visible to passengers, peace officers and MTS inspectors so they can easily view the driver identification card from either inside or outside the vehicle. The driver identification card issued by the Sheriff shall bear the following information:

- (1) The number of the license of the driver;
- (2) The name and business address of the driver;
- (3) The name of the owner of the vehicle; and
- (4) A small photograph of the driver.

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

(r) The driver shall offer each passenger a printed receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the driver's name and ID number, the taxicab number, the company (DBA) name, and the dispatch service name with phone number if a taxicab.

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

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

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

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

(w) It shall be unlawful for any person to solicit business for a for-hire vehicle by making a contract or agreement with any owner of any hotel, apartment house, motel, inn, rental units, restaurant, or bar, or with the agent or employees of such owner, by which the owner, agent or employee receives any type of payment or commission for recommending or directing any

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

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

(y) The Board specifically finds that the dress, grooming, and conduct of for-hire vehicle drivers affect the public health and safety, particularly as it relates to visitors and the tourist industry. Therefore, while driving or operating a for-hire vehicle, drivers shall be hygienically clean, well-groomed, and neat and suitably dressed. Violations of this subsection are administrative in nature and shall not be the subject of criminal prosecution.

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

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

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

(z) For-hire vehicles shall comply with the California Vehicle Code, e.g., not impede traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers, including taxicab, shall not load or unload passengers in traffic lanes.

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

(bb) A driver or permit holder shall not prejudice, disadvantage, or require a different rates or provide different service to a person because of race, national origin, religion, color, ancestry, physical disability, medical condition, occupation, marital status or change in marital status, sex or any characteristic listed or defined in Section 11135 of the Government Code.

(cc) A driver shall not use rude or abusive language toward a passenger(s) or conduct any physical action that a reasonable person would construe as threatening or intimidating.

(dd) A driver may refuse a fare if it is readily apparent that the prospective or actual fare is a hazard to the driver or operator. A driver is not obligated to transport any person who is verbally

or otherwise abusive to the driver. Such incidents shall also be noted on the trip log and notification shall be immediately sent to the dispatch service organization, if a taxicab, which shall record the incident and keep the record for the minimum of 6 months.

(ee) No driver shall stop, park, or otherwise leave standing any MTS permitted vehicle within fifteen (15) feet of any fire plug except as modified in Section 2.5 of this Ordinance.

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

***(Section 1.8 amended 10/10/2019)***

***(Section 1.8 amended 11/8/2018, effective 1/1/2019)***

***(Section 1.8 amended 12/14/2017)***

***(Section 1.8 amended 10/13/2016)***

***(Section 1.8 amended 5/12/2016)***

***(Section 1.8 amended 2/12/2015)***

***(Section 1.8 amended 8/7/2003)***

***(Section 1.8 amended 11/14/2002)***

***(Section 1.8 amended 9/24/1998)***

***(Section 1.8 amended 2/13/1997)***

***(Section 1.8 amended 6/24/1993)***

#### Section 1.9 - Public Liability

(a) It shall be unlawful to operate a for-hire vehicle unless the permit holder establishes and maintains in effect one of the forms of financial responsibility specified in this section.

(1) This requirement may be met by maintaining a valid policy of insurance executed and delivered by a company authorized to carry on an insurance business, the financial responsibility of which company has been approved by the Chief Executive Officer. The terms of the policy shall provide that the insurance company assumes financial responsibility for injuries to persons or property caused by the operation of the for-hire vehicle in an amount determined by the Chief Executive Officer.

(2) The permit holder may also meet this requirement by obtaining a certificate of self-insurance for a specified amount approved by the Board and pursuant to the applicable provisions of the California Vehicle Code.

(b) A valid proof of insurance issued by the company providing the insurance policy required under Subsection (a) (1) of this section shall be filed with and approved by the Chief Executive Officer. This certificate shall provide that MTS is a named certificate holder and shall be placed in each vehicle, per California Vehicle Code Section 16020. It shall also provide that the insurer will notify MTS of any cancellation and that the cancellation notice shall be in writing and shall be sent by registered mail at least thirty (30) days prior to cancellation of the policy. The certificate shall also state:

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

**(Section 1.9 amended 9/17/2015)**  
**(Section 1.9 amended 11/14/2002)**

Section 1.10 - Financial Ownership and Operating Records: Reporting Requirements

(a) Every person engaged in the business of operating a for-hire vehicle within the City under a permit granted by the Chief Executive Officer shall maintain:

(1) Financial records, including but not limited to the current executed taxicab driver lease agreement that includes all aspects of the business relationship between the permit holder and the lessee, and written receipts of all payments from lessee in accordance with good accounting practices;

(2) Ownership records; and

(3) Operating records in a form, and at intervals, which shall be determined from time to time by the Chief Executive Officer.

(b) Ownership and operating records shall be made available to the Chief Executive Officer upon demand at any reasonable time. The permit holder shall retain operating records for a minimum of six (6) months from the date the records are created.

(c) For purposes of this section, ownership records shall include, but are not limited to, the following:

(1) Copies of the Articles of Incorporation as filed with the Secretary of State of California;

(2) Records identifying all corporate officers and members of the corporation's Board of Directors. A corporation shall report any change in corporate officers or members of its Board of Directors to MTS within ten (10) days of the effective date.

(3) A stock register recording the issuance or transfer of any shares of the corporate stock; and

(4) The registration cards issued by the State of California Department of Motor Vehicles to the vehicle owner for all for-hire vehicles operated under the authority of an MTS for-hire vehicle permit. Valid proof of registration shall be maintained in the vehicle at all times.

(d) For purposes of this section, operating records shall include, but are not limited to, the following:

(1) Typed or written dispatch records for taxicab companies which operate their own dispatch service;

(2) Any logs which a for-hire vehicle driver keeps describing the trips carried by a for-hire vehicle other than a taxicab;

(3) Copies of the daily trip log required by taxicab or LSV drivers under Section 2.4 (o); and

(4) Any other similar records.

(e) Between January 1 and December 31 of each calendar year, every permit holder shall file with the Chief Executive Officer a signed statement which shall report and attest to the accuracy of the following information:

(1) The individual name(s), business name, business address, and telephone number of the permit holder(s);

(2) The name and address of all legal and registered owner(s) of the for-hire vehicle(s);

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

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

(f) If the permit holder is an individual, the permit holder must email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a partnership, one of the partners must email, mail or appear in person in the offices of MTS to file the statement; if the permit holder is a corporation or LLC, an officer of the corporation, or a member of the LLC, authorized to represent the company, must email, mail or appear in person in the offices of MTS to file the statement and provide evidence San Diego City Council Policy 500-02 requirements are being met. If email or mail is used, the email address or mailing address used by the permit holder must be an email address or mailing address that is on file with the Chief Executive Officer.

***(Section 1.10 amended 11/8/2018, effective 1/1/2019)***

***(Section 1.10 amended 5/12/2016)***

***(Section 1.10 amended 2/12/2015)***

***(Section 1.10 amended 8/7/2003)***

***(Section 1.10 amended 11/14/2002)***

***(Section 1.10 amended 6/24/1993)***

Section 1.11 - Destruction, Permanent Replacement, Retirement or Inactive Status of For-Hire Vehicles

(a) Whenever a for-hire vehicle is destroyed, rendered permanently inoperative, is sold, or the permit holder is no longer the owner of the for-hire vehicle, the permit holder shall notify the Chief Executive Officer in writing within forty-eight (48) hours.

(b) If a taxicab permit holder plans to change where it is Substantially Located, the permit holder shall notify the Chief Executive Officer and the new jurisdiction in which it will become Substantially Located within six (6) months or as soon as practicable prior to making that change.

(c) A permit holder may place a for-hire vehicle under inactive status after written permission is obtained from the Chief Executive Officer. The following guidelines are to be used in granting permission for a for-hire vehicle to be placed and kept on inactive status:

(1) No laps in payment of annual regulatory fees during any time of inactive status;

(2) Permit must be in good standing (e.g. no pending disciplinary or enforcement action); and

(3) Annual statement must be filed in accordance with Section 1.10(e).

(d) At any time a permit holder may bring a for-hire vehicle under inactive status back into service after written permission is obtained from the Chief Executive Officer. The following guidelines are to be used in granting permission to return a for hire vehicle under inactive status back to service:

- (1) Permit holder must notify Chief Executive Officer in writing of their intent to place their vehicle back into service;
- (2) Permit holder must show proof of a valid vehicle insurance policy as required by Section 1.9;
- (3) Permit holder must show proof of current vehicle registration;
- (4) Permit holder must show proof of current subscription to a dispatch service organization, if a taxicab; and
- (5) Vehicle must pass MTS required inspection.

(e) The Chief Executive Officer shall, as a matter of owner right, allow the replacement of a vehicle which is destroyed, rendered inoperative, sold or transferred, provided that the permit holder has complied with, and the for-hire vehicle is in conformance with, all applicable provisions of this Ordinance. An owner must remove the markings from the vehicle that indicate it is a taxicab or LSV before the owner disposes of it.

**(Section 1.11 amended 2/14/2019)**  
**(Section 1.11 amended 10/13/2016)**  
**(Section 1.11 amended 8/7/2003)**  
**(Section 1.11 amended 11/14/2002)**  
**(Section 1.11 amended 2/13/1997)**

#### Section 1.12 - Driver's Identification Cards

(a) No person shall drive or operate any for-hire vehicle under the authority of a permit granted under this Ordinance unless such person: displays a valid driver's identification card obtained annually through the Sheriff of the County of San Diego; or provides upon request a VDDP driver certificate with a commercial driver's license.

(b) No permit holder shall employ as a for-hire vehicle driver or operator any person who has not obtained a for-hire vehicle driver's identification card through the Sheriff of the County of San Diego or VDDP driver certificate with a commercial driver's license.

(c) No permit holder shall employ as a driver or operator any person whose privilege to operate a for-hire vehicle within the City has expired, or has been revoked, denied or suspended or prohibited.

(d) A driver may drive for more than one permit holder. The driver must, however, have on file with and accepted by the Sheriff of the County of San Diego, a separate application on forms provided by the Sheriff, for each permit holder with whom he has a current driving agreement. A



driver may have on file with the Sheriff a maximum of four (4) such applications at any one time. It shall be unlawful for a driver to accept or solicit passengers for hire in the City or County while operating the taxicab or LSV of any permit holder for whom the driver does not have such an application on file with the Sheriff.

(e) No person shall drive or operate any for-hire vehicle, under the authority of a permit granted under this Ordinance unless such person has successfully completed an MTS-approved driver safety training course concerning driver safety rules and regulations, map reading, crime prevention, courtesy and professionalism, compliance with ADA, and a corresponding qualification examination.

(f) No person who has received a notice of prohibition pursuant to Section 1.14, or whose privilege to operate a for-hire vehicle within the City has expired, or has been suspended, revoked or denied by the Sheriff, California Highway Patrol, or the Chief Executive Officer shall drive or operate a for-hire vehicle within the City.

(g) No for-hire vehicle driver's identification card shall be issued or renewed by the Sheriff to any of the following persons:

(1) Any person under the age of twenty-one (21) years.

(2) Any person who has been convicted of a felony involving a crime of force or violence against any person, or the theft of property, unless five (5) years have elapsed since his or her discharge from a penal institution or satisfactory completion of probation for such conviction during which period of time his or her record is good.

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

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

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

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

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

(8) When a driver permanently no longer drives for an MTS Taxicab Administration permit holder, the permit holder shall report this to the Sheriff's Department within ten (10) calendar days.

(h) The Sheriff is authorized to issue temporary for-hire vehicle driver identification cards pending the approval or denial of an application for a regular for-hire vehicle driver identification card. No temporary for-hire vehicle driver identification card shall be issued without the satisfactory completion of a local law enforcement agency record check of the applicant. Any temporary identification card so issued shall be valid for a period not to exceed ninety (90) days or until the date of approval or denial of the application for a regular for-hire vehicle driver identification card, whichever shall occur first. The issuance of a temporary identification card hereunder shall not authorize the operation of a for-hire vehicle following the denial of the application while pending the resolution of any appeal otherwise provided for in Section 1.16 of this Ordinance. The Sheriff or the Chief Executive Officer shall establish nonrefundable filing fees to defray the costs of processing regular and temporary driver identification cards.

***(Section 1.12 amended 10/10/2019)***

***(Section 1.12 amended 11/8/2018, effective 1/1/2019)***

***(Section 1.12 amended 12/14/2017)***

***(Section 1.12 amended 5/12/2016)***

***(Section 1.12 amended 11/15/2012)***

***(Section 1.12 amended 8/7/2003)***

***(Section 1.12 amended 11/14/2002)***

***(Section 1.12 amended 9/24/1998)***

***(Section 1.12 amended 10/30/1997)***

***(Section 1.12 amended 11/9/1995)***

#### Section 1.13 - Suspension and Revocation of Permit

(a) Permits may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the permit holder's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance.

(2) The permit holder fails to comply with the applicable provisions of this Ordinance.

(3) The drivers of the for-hire vehicle or vehicles fail to act in accordance with those provisions of this Ordinance which govern driver actions. The permit holder shall have strict liability in this regard; however, this provision shall not restrict the Chief Executive Officer's ability to penalize a driver for violations of those provisions of this Ordinance which govern driver actions.

(4) The owner ceases to operate a for hire vehicle without having obtained written permission from the Chief Executive Officer.

(5) The permit holder is found to be operating a for-hire vehicle that is under inactive status.

(6) The for-hire vehicle or vehicles, if operated as other than a taxicab, are operated at a rate of fare other than those fares on file with the Chief Executive Officer.

(7) The for-hire vehicle or vehicles, if operated as a LSV, are operated at a rate of fare greater than those fares on file with the Chief Executive Officer or posted on the taxicab or LSV pursuant to Section 2.2 (b) of this Ordinance.

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

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

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

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

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

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

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

(e) Upon a finding by the Chief Executive Officer that a permit holder falls within the provisions of this section, the permit holder or driver shall be notified that his or her permit has been subjected to an adverse action and that the matter is such that the action may be appealed. In lieu of an action provided for in the Administrative Penalty Guidelines, the Chief Executive Officer may impose a fine or a fine and a period of suspension for any violation(s) of this Ordinance.

***(Section 1.13 amended 2/14/2019)***

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

***(Section 1.13 amended 12/14/2017)***

***(Section 1.13 amended 10/13/2016)***

***(Section 1.13 amended 5/12/2016)***

***(Section 1.13 amended 8/7/2003)***

***(Section 1.13 amended 11/14/2002)***

***(Section 1.13 amended 6/24/1999)***

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

(a) Driver's identification cards issued by the Sheriff may be suspended or revoked by the Chief Executive Officer at any time in case:

(1) The Chief Executive Officer finds the driver's past record to be unsatisfactory with respect to satisfying the provisions of this Ordinance; or

(2) The driver fails to comply with the applicable provisions of this Ordinance; or

(3) Circumstances furnish grounds for the denial, suspension, revocation or refusal to renew the driver's identification card by the Sheriff under the terms of the applicable Ordinance of the County of San Diego; or

(4) His/her California Driver's License is revoked or suspended; or

(5) The driver is convicted of reckless driving or driving while under the influence of intoxicating liquors and/or narcotics; or

(6) The driver has been convicted of assault, battery, resisting arrest, solicitation of prostitution, any crime involving force and violence, or reasonably and rationally is related to the ability or integrity of the driver to operate a for-hire vehicle or transport passengers; or

(7) The driver has ever been convicted of a crime that requires registration under the California Penal Code as a sex offender.

(b) For purposes of Subsections (a) (1) through (a) (6) of this section, a plea of nolo contendere, or a forfeiture of bail shall be considered a conviction if it occurred within the five (5) years immediately preceding the date of application for a permit or identification card.

(c) Notwithstanding a driver's possession of a valid taxicab or LSV driver identification card, the Chief Executive Officer may deny, suspend, revoke, or refuse to renew the driver's privilege to operate a for-hire vehicle in the City if the driver falls within the provisions of this section. The Chief Executive Officer shall send a notice of prohibition the date postmarked to operate a taxicab or LSV to any holder of a Sheriff's driver identification card who is ineligible under Subsection (a) to operate a for-hire vehicle within the City limits. The notice of prohibition shall be appealable in accordance with Section 1.16.

**(Section 1.14 amended 10/10/2019)**

**(Section 1.14 amended 5/12/2016)**

**(Section 1.14 amended 8/7/2003)**

**(Section 1.14 amended 11/14/2002)**

**(Section 1.14 amended 6/24/1999)**

Section 1.15 - Surrender of Medallion

(a) When a permit has been suspended or revoked, the operation of any for-hire vehicle authorized by such permit shall cease, and its medallion surrendered immediately to the Chief Executive Officer.

**(Section 1.15 amended 11/14/2002)**

Section 1.16 - Right of Administrative Appeal from Denial, Suspension or Revocation of Permit or Driver's Identification Card or Related Adverse Action

(a) The permit holder or driver shall be notified that he or she may file with the Chief Executive Officer a written administrative appeal ten (10) days after delivery of the notice of revocation or suspension, or the denial of a license, permit, or driver's identification card issued by the Sheriff, the notice of prohibition to operate or the imposition of a fine. The permit holder or driver shall set forth in the appeal the reasons why such action is not proper.

(b) If no administrative appeal is filed within the proper time, the permit or driver's identification card issued by the Sheriff shall be considered revoked, suspended or denied, and shall be surrendered, the fine be imposed, as applicable, or the notice of prohibition to operate take effect.

(c) Except as provided in Subsection (d), once an administrative appeal is filed, the revocation or suspension of the permit or driver's identification card issued by the Sheriff, the effect of the notice of prohibition to operate, or the imposition of the fine shall be stayed pending the final determination of the administrative appeal.

(d) If, in the Chief Executive Officer's opinion, the continued operation of a for-hire vehicle or possession of a driver's identification card issued by the Sheriff represents an unsafe condition for any passenger or pedestrian, the revocation or suspension of the related permit, driver's identification card, or the effect of any notice of prohibition to operate shall not be stayed. A revocation or suspension of a permit imposed for failure to comply with Section 1.8 (f) or Section 1.9 is rebuttably presumed to represent an unsafe condition pending the determination of the appeal or the correction of the violation, whichever shall occur first. Notwithstanding, no medallion shall be reattached to a vehicle until the violation under Sections 1.8 (f) or 1.9 has been corrected.

**(Section 1.16 amended 10/10/2019)**

**(Section 1.16 amended 8/7/2003)**

**(Section 1.16 amended 11/14/2002)**

Section 1.17 - Procedure Upon Administrative Appeal

(a) When an appeal is filed, the Chief Executive Officer shall review the appeal, and based on additional information provided therein, may revise the findings and penalty; in accordance with the additional information provided; or cause the appeal to be assigned to a Hearing Officer, who shall expeditiously schedule the hearing before him/her.

(1) The Chief Executive Officer shall use California Department of General Services, Office of Administrative Hearings Administrative Law Judges as Hearing Officers. The assignment of Administrative Law Judges as Hearing Officers shall be determined by the California Department of General Services, Office of Administrative Hearings.

(2) The Hearing Officer shall be a member of the California State Bar and shall not be an MTS employee.

(b) The appellant and the Chief Executive Officer or designate shall each have the right to appear in person and be represented by legal counsel, to receive notice, to present evidence, to call and cross-examine witnesses under oath, and to present argument.

(c) An appellant may select an individual to interpret for them. MTS will not pay any costs or be held responsible for any aspect of the interpreter's ability to accurately interpret the hearing.

(1) The Hearing Officer shall have the power to compel attendance of witnesses and documents by subpoena, in accordance with state law.

(2) The formal rules of evidence need not apply, and any relevant evidence that is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs shall be admissible. Hearsay evidence may be considered by the Hearing Officer, but no findings may be based solely on hearsay evidence unless supported or corroborated by other relevant and competent evidence. The formal exceptions to the hearsay rule shall apply.

(d) The Chief Executive Officer shall promulgate supplementary rules and procedures for the conduct of the hearing, the forms of notice and proceedings, and the preparation and submission of the record.

(e) The decision of the Hearing Officer shall be the final administrative remedy and shall be binding upon the parties to the appeal.

(f) If the Hearing Officer decides to suspend or revoke a permit or driver's identification card, the appellant shall immediately surrender the medallion or driver's identification card to the Chief Executive Officer.

**(Section 1.17 amended 5/12/2016)**  
**(Section 1.17 amended 11/15/2012)**

Section 1.18 - Exceptions to Provisions

(a) The provisions of this Ordinance do not apply to:

(1) a vehicle properly licensed under the jurisdiction of the California Public Utilities Commission (CPUC) unless such vehicle also provides transportation services regulated by MTS under this Ordinance;

(2) public transit vehicles owned, operated, or contracted for by MTS and operators and drivers of such vehicles;

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

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

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

**(Section 1.18 amended 10/10/2019)**  
**(Section 1.18 amended 12/14/2017)**  
**(Section 1.18 amended 5/12/2016)**  
**(Section 1.18 amended 11/15/2012)**  
**(Section renumbered to 1.18 9/24/1998)**  
**(Section 1.17 amended 1/12/1995)**  
**(Section 1.17 amended 6/24/1993)**

Section 1.19 - Chief Executive Officer's Authority to Adopt Rules and Promulgate a Schedule of Fines

(a) Except where Board action is specifically required in this Ordinance, the Chief Executive Officer may adopt any rules and regulations reasonable and necessary to implement the provisions of this Ordinance. The Chief Executive Officer shall promulgate a schedule of administrative fines and penalties for violations of this Ordinance in lieu of the revocation or suspension of a permit or identification card issued by the Sheriff, a copy of which schedule shall be filed with the Clerk of the Board.

**(Section 1.19 amended 10/10/2019)**  
**(Section renumbered to 1.19 9/24/1998)**

Section 1.20 - Americans with Disabilities Act

(a) Permit holders, vehicles, and drivers are required to comply with the requirements of the federal Americans with Disabilities Act (ADA), and ADA regulations are hereby incorporated into MTS Ordinance No. 11 by reference. A violation of ADA requirements is a violation of this Ordinance and subject to a fine or suspension or revocation or a combination.

**(Section renumbered to 1.20 9/24/1998)**  
**(Section 1.19(a) was added 4/10/1997)**

SECTION 2.0 - TAXICABS AND/OR LSVs

Section 2.1 - Types of Service

(a) A taxicab or LSV is authorized to provide exclusive ride and group ride service.

**(Section 2.0 and 2.1 amended 8/7/2003)**

Section 2.2 - Rates of Fare

(a) After a noticed and open public hearing of the Taxicab Advisory Committee, MTS shall establish a maximum rate of fare for exclusive ride and group ride hire of taxicabs and/or LSVs ~~except for trips from San Diego International Airport~~. A permit holder may petition the Board for any desired change in the maximum taxicab or LSV rates for exclusive ride and/or zone rates and group ride hire.

(b) Taxicab trips from San Diego International Airport shall not be charged more than the authorized maximum rate of fare. Notwithstanding, rates for trips originating at the airport may include an extra charge equal to the Airport Access Fee assessed against the individual taxicab operator by the San Diego County Regional Airport Authority. The extra may not be charged on any trip that does not originate at the airport or on any trip where the taxicab operator does not pay the fee to the San Diego County Regional Airport Authority. The extra charge may only be charged to the passenger by visually identifying the Airport Access Fee on the taxicab meter. A driver may not verbally request payment. All taxicabs utilizing the Airport Access Fee must have a decal, approved by the Chief Executive Officer and the County of San Diego Office of Weights and Measures. The decal shall identify and accurately describe the extra charge consistent with regulatory requirements.

(c) All taxicabs shall accept major credit cards including, but not limited to, VISA, MasterCard, American Express, and Discover. Credit Card fees shall not be passed onto passengers.

(d) The taxicab permit holder or taxicab driver shall disclose fares, fees or rates to the passenger. The taxicab permit holder or taxicab driver may disclose by website, mobile telephone application or telephone orders.

(e) It shall be unlawful for a permit holder or driver to operate any taxicab in the City or County, unless the vehicle is equipped with a Taximeter that meets the requirements of the State of California.

(1) If Hard Meter, each taxicab permit holder shall have the Taximeter set by properly licensed personnel for the rate that he/she will charge and have the Taximeter sealed and inspected.

(2) If Soft Meter, a certificate of approval must be provided by the California Department of Food and Agriculture Division of Measurement Standards

(3) The Taximeter shall calculate fares upon the basis of a combination of mileage traveled and time elapsed. When operative with respect to fare indication, the fare-indicating mechanism shall be actuated by the mileage mechanism whenever the vehicle is in motion at such a speed that the rate of mileage revenue equals or exceeds the time rate, and may be actuated by the time mechanism whenever the vehicle speed is less than this, and when the vehicle is not in motion.

(4) Waiting time shall include all time when a taxicab occupied or engaged by a passenger is not in motion or is traveling at a speed which is slow enough for the time rate to exceed the mileage rate. Waiting time will also include the time consumed while standing at the direction of the passenger or person who has engaged the taxicab.

(5) It shall be the duty of every permit holder operating a taxicab to keep the Taximeter in proper condition so that the Taximeter will, at all times, correctly and accurately



indicate the charge for the distance traveled and waiting time. The Taximeter shall be at all times subject to the charge for the distance traveled and waiting time.

(6) The Taximeter shall be at all times subject to inspection by an MTS inspector or any peace officer. The MTS inspector or peace officer is hereby authorized at his or her instance or upon complaint of any person to investigate or cause to be investigated the Taximeter, and upon discovery of any inaccuracy in the Taximeter, or if the Taximeter is unsealed, to remove or cause to be removed the vehicle equipped with this taximeter from the streets of the City until the Taximeter has been correctly adjusted and sealed. Before being returned to service, the vehicle and Taximeter must be inspected and approved by the Chief Executive Officer.

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

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

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

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

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

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

(j) Nothing in this Ordinance shall preclude a dispatch service, permit holder, or driver from agreeing with prospective passenger(s) to a rate of fare which is equal to or less than the permit holder's posted rates of fare if the agreement is entered into in advance of the passenger(s) hiring the taxicab for the trip.

**(Section 2.2 amended 12/12/2019)**

**~~(Section 2.2 amended 11/8/2018, effective 1/1/2019)~~**

**(Section 2.2 amended 12/14/2017)**

**(Section 2.2 amended 5/12/2016)**

**(Section 2.2(c)(2)amended 11/15/2012)**

**(Section 2.2(b) amended 4/19/2012)**

**(Section 2.2 amended 8/7/2003)**

**(Section 2.2 amended 5/8/2003)**

**(Section 2.2 amended 11/14/2002)**

**(Section 2.2 amended 6/24/1999)**

**(Section 2.2 amended 9/24/1998; Section 2.2c operative May 1, 1999)**

**(Section 2.2 amended 10/30/1997)**

**(Section 2.2 amended 4/10/1997)**

Section 2.3 - Equipment and Specifications

(a) No taxicab shall be operated until the taximeter thereon has been inspected, tested, approved and sealed, if applicable, by an authorized representative of the State of California, and thereafter so maintained in a manner satisfactory to the Chief Executive Officer.

(b) Each taxicab may be equipped with a device which plainly indicates to a person outside the taxicab whether the taximeter is in operation or is not in operation.

(c) Mandatory Exterior Markings: The permit holder must display one of the following exterior markings schemes on each taxicab:

(1) Exterior Marking Scheme 1: The following must be displayed if in use of Exterior Marking Scheme 1:

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

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

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

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

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

(C) The permit holder's trade name and medallion number shall be painted or permanently affixed on the rear of the taxicab, four (4) inches high, utilizing "Univers" or other Chief Executive Officer pre-approved font in black or white lettering to produce maximum contrast adequately spaced for maximum readability. In the event the rear of the vehicle does not have four inches of vertical space for the trade name and medallion number, the rear lettering may be less than four inches, provided that it is easily readable from a distance of 50 feet.

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

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

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

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

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

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

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

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

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

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

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

(g) If radio dispatch capability is utilized, the dispatch service must abide by the following: the radio dispatch capability described in paragraph (d) of this section must be provided

so as to conform to the regulations of the Federal Communications Commission (FCC) pertaining to Land Transportation Radio Services. Failure to conform to those regulations will additionally constitute a failure to meet the requirements of this section.

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

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

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

(h) Each permit holder shall equip each permitted taxicab with a device capable of electronically processing credit card transactions. The device must be visible to all passengers and must allow the passenger to operate the payment device independently of the driver, without having to hand the credit card to the driver. The device must be fully operational at all times. The permit holder ~~or~~ dispatch service, or driver shall be the merchant of record associated with the device. Any means of electronic credit card acceptance is acceptable so long as it complies with the provisions set forth in Section 1.8 (r).

**(Section 2.3 amended 12/12/2019)**

***(Section 2.3 amended 11/8/2018, effective 1/1/2019)***

***(Section 2.3 amended 12/14/2017)***

***(Section 2.3 amended 10/13/2016)***

***(Section 2.3 amended 5/12/2016)***

***(Section 2.3 amended 2/12/2015)***

***(Section 2.3 amended 11/15/2012)***

***(Section 2.3 amended 6/27/2002)***

***(Section 2.3 amended 9/24/1998; Section 2.3c operative May 1, 1999)***

***(Section 2.3 amended 6/27/1991; effective 7/27/1991)***

***(Section 2.3 amended 4/10/1997)***

**Section 2.4 - Operating Regulations**

(a) Operating regulations shall be promulgated and adopted from time to time by resolution of the Board. These resolutions will have the force of law and will be published and processed as though set forth in this Ordinance.

(b) Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to the destination safely and expeditiously.

(c) A failure of the driver of any taxicab or LSV to assist a passenger with the loading or unloading of a reasonable size, number, and kind of passenger luggage or other items, when requested to do so, shall be specifically defined as a violation of this section.

(1) A driver is not required to lift any single piece of passenger luggage or other item that exceeds 25 pounds in weight. The requirement for loading or unloading assistance shall be limited to retrieval from or deposit onto the nearest curbside adjacent to the legally parked taxicab or LSV. A sign in the form of a transparent decal may be affixed to the rear-door, side window stating that, "DRIVER IS NOT REQUIRED TO LOAD LUGGAGE IN

EXCESS OF 25 POUNDS PER ITEM OR OF A SIZE OR KIND THAT WILL NOT SAFELY FIT IN THE DESIGNATED LUGGAGE AREA OF THIS VEHICLE.”

(2) A driver with a lawful disability that prevents him/her from handling items as defined in subsection (2) above is, upon submission of proof of such disability, relieved of responsibility for the requirements of subsection (2). A driver so situated may affix a small sign either in the passenger section of the vehicle to be clearly visible to a rear seat passenger or on the inside of the trunk cover lid stating that, “DRIVER HAS DISABILITY THAT PREVENTS HANDLING OF LUGGAGE.”

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

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

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

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

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

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

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

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

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

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

(l) It shall be unlawful for the driver or operator of any taxicab or LSV to remain standing in any established taxicab or LSV stand or passenger loading zone, unless the driver or operator remains within twelve (12) feet of his or her taxicab or LSV, except when the driver or operator is actually engaged in assisting passengers to load or unload.

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

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

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

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

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

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

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

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

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

**(Section 2.4 amended 12/14/2017)**

**(Section 2.4 amended 10/13/2016)**

**(Section 2.4 amended 5/12/2016)**

**(Section 2.4 amended 2/12/2015)**

**(Section 2.4 amended 11/15/2012)**

**(Section 2.4 amended 8/7/2003)**

**(Section 2.4 amended 11/14/2002)**

**(Section 2.4 amended 6/24/1999)**

**(Section 2.4 amended 2/13/1997)**  
**(Section 2.4 amended 6/27/1991; effective 7/27/1991)**

Section 2.5 - Stands

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

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

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

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

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

**(Section 2.5 amended 11/15/2012)**  
**(Section 2.5 amended 8/7/2003)**

Section 2.6 - Dispatch Services

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

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

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

(b) Taxicab service organizations shall, 24 hours a day, have dispatch staff on duty at the business location, which must be a preapproved physical address, answer telephone- request line(s), properly dispatch those requests to all members, provide radio response to all licensed radio frequencies/channels, and respond to direct requests from drivers, permit holders, and MTS as well as law enforcement and local regulatory agencies.

(c) Taxicab dispatch services shall keep written records of all requests for taxi service, calls dispatched, and the time(s) each taxicab goes in and out of service. These records shall be kept on file for a minimum of six (6) months, and made available to MTS, upon request.

(d) No person, partnership, corporation, association, other organization providing radio or other dispatch service shall dispatch a request for service to a driver, owner, or vehicle unless the driver, owner, and vehicle are properly licensed to provide the service requested.

(e) The Chief Executive Officer may, at any time, revoke or suspend the taxicab privileges of or fine any person, partnership, corporation, association, other organization providing radio or other dispatch service that violates a provision of this ordinance.

***(Section 2.6 amended 11/8/2018, effective 1/1/2019)***

***(Section 2.6 amended 12/14/2017)***

***(Section 2.6 amended 10/13/2016)***

***(Section 2.6 amended 11/15/2012)***

***(Section 2.6 amended 8/7/2003)***

***(Section 2.6 amended 9/24/1998)***

***(Section 2.6 added 6/27/1991; effective 7/27/1991)***

#### Section 2.7 - Driver Safety Requirements

(a) No taxicab vehicle shall be operated unless such vehicle is equipped with an emergency signaling device approved by the Chief Executive Officer.

(b) No taxicab vehicle may be operated with window tinting, shades, or markings that could interfere with a clear view of the cab interior from the outside, unless equipped by the vehicle manufacturer and approved by an MTS inspector.

(c) Taxicab dispatch services required by Section 2.3 shall at all times have a dispatch staff person on duty who has successfully completed a driver safety training course approved by the Chief Executive Officer.

(d) The use of a cellular phone or other similar electronic device by drivers is prohibited at all times when the vehicle is in motion. Otherwise, California Vehicle Code rules apply.

***(Section 2.7 amended 11/8/2018, effective 1/1/2019)***

***(Section 2.7 amended 12/14/2017)***

***(Section 2.7 amended 10/13/2016)***

***(Section 2.7 amended 5/12/2016)***

***(Section 2.7 amended 11/15/2012)***

***(Section 2.7 amended 8/7/2003)***

***(Section 2.7 added 9/24/1998)***

#### Section 2.8 – Prearranged Trips by Taxicabs



(a) A Prearranged Trip shall mean a trip using an online enabled application, dispatch or Internet Web site.

(b) A MTS taxicab permit holder may provide Prearranged Trips anywhere within San Diego County.

(c) A taxicab not permitted by MTS, but permitted by another authorized agency within San Diego County, may provide Prearranged Trips within City or County. MTS will not require such a taxicab to apply for a permit with MTS if the taxicab is not Substantially Located in City or County. MTS will require such a taxicab to comply with mechanical safety regulations within Section 1.8 (f) as a public health, safety and welfare measure.

**(Section 2.8 amended 2/14/2019)**

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

## SECTION 3.0 - CHARTER VEHICLES

### Section 3.1 - Rates of Fare

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

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

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

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

**(Section 3.1 amended 4/10/1997)**

### Section 3.2 - Operating Regulations

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

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

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

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

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

## SECTION 4.0 - SIGHTSEEING VEHICLES

### Section 4.1 - Rates of Fare

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

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

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

(d) The rate of fare shall be established on a per capita or per event basis.

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

### Section 4.2 - Operating Regulations

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

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

(c) All other operating regulations defined in Section 1.8 apply, except Section 1.8 (v).

## SECTION 5.0 - NONEMERGENCY MEDICAL VEHICLES

### Section 5.1 - Rates of Fare

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

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

(c) No permit holder shall charge any rate of fare for nonemergency medical vehicle services unless said rates are on file with the Chief Executive Officer as aforesaid.

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

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

**(Section 5.1 amended 12/14/2017)**

**(Section 5.1 amended 4/10/1997)**

#### Section 5.2 - Operating and Equipment Regulations

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

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

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

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

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

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

**(Section 5.2 amended 6/22/1995)**

**(Section 5.2 amended 6/24/1993)**

#### Section 5.3 - Driver Identification Cards

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

**(Section 5.3 added 6/24/1993)**

### SECTION 6.0 - JITNEY VEHICLES

#### Section 6.1 - Rates of Fare

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

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

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

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

**(Section 6.1 amended 11/8/2018, effective 1/1/2019)**  
**(Section 6.1 amended 4/10/1997)**

Section 6.2 - Jitney Routes

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

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

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

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

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

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

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

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

**(Section 6.2 amended 11/14/2002)**

Section 6.3 – Operating Regulations

(a) It is unlawful for any jitney to remain standing on any public street in the City, except when enabling passengers to load or unload, or except when standing in a jitney holding zone for the time period established by MTS.

(b) It is unlawful for any person including, but not limited to, a jitney owner, driver, or agent thereof, to approach and solicit patronage upon the streets, sidewalks, in any theater, hall, hotel, public resort, railway, airport, or light rail transit station.

(c) A peace officer or MTS inspector may authorize a dispatcher to solicit passengers and assist with loading passengers at such times and places as, in his/her discretion, public service and traffic conditions require.

(d) Except when a driver or operator is actually engaged in assisting passengers to load or unload, a jitney driver or operator must remain within twelve (12) feet of his/her jitney while the jitney is in service.

(e) It is unlawful for a jitney vehicle to operate a fixed route service on other than that route designated by the Chief Executive Officer.

(f) It shall be unlawful for a jitney driver to load or unload passengers in any place other than an authorized jitney stop, bus stop, or passenger loading zone.

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

**(Section 6.3 amended 11/14/2002)**

Section 6.4 - Jitney Holding Zones

(a) The Chief Executive Officer may, by resolution, locate and designate holding zones for one (1) or more jitneys, which holding zones when so established, shall be designated by appropriate signs. The operating regulations of Section 6.3 shall apply to any holding zones so established, and to holding zones established by the San Diego Unified Port District in areas under its jurisdiction. The Chief Executive Officer may, by his or her discretion, establish the maximum number of jitneys permitted to remain standing at one time in a holding zone.

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

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

(d) Any individual, partnership, corporation, association or other organization may petition MTS requesting that a new holding zone be established. The petition must be filed in

writing with the Chief Executive Officer or his/her designee. The petition must state the reason for the request and the proposed location(s). The Board may approve, deny, or modify the request.

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

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

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

***(Section 6.4 amended 11/15/2012)***

Section 6.5 - Equipment and Specifications

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

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

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

SECTION 7.0 – LOW-SPEED VEHICLES

Section 7.1 – Low-Speed Vehicle (LSV) Definition

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

***(Section 7.1 amended 2/14/2019)***

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

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

Section 7.2 – Establishment of Zones

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

***(Section 7.2 added 8/7/2003)***

Section 7.3 – Zone Rates of Fare

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

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

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

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

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

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

**(Section 7.3 amended 10/13/2016)**  
**(Section 7.3 added 8/7/2003)**

#### Section 7.4 – Spare Vehicle Policy

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

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

(2) In place of the medallion number, the spare LSV must be marked "Spare LSV." Where more than one spare LSV is being requested, under the provisions of paragraph 9, the LSVs will be marked "Spare LSV 1," "Spare LSV 2," and so on. The "Spare LSV" marking should be sized to fit in approximately the same space as the medallion number would otherwise be placed with legibility and visibility being the primary criteria.

(3) Spare LSVs must be inspected upon initial issuance and annually thereafter.

(4) All spare LSVs must meet all MTS insurance requirements.

(5) To use a spare LSV that meets the requirements of 1 through 4 above, the permit holder must communicate in writing (facsimile is acceptable), a request to place a spare LSV into service.

The request must state:

(A) the medallion number of the LSV being taken out of service, the reason for being out of service, and the location of the out-of-service LSV; and

(B) the estimated time the spare LSV will be in use.

(6) When the out-of-service LSV is ready to re-enter service, the permit holder must immediately notify MTS in writing (facsimile is acceptable).

(7) The out-of-service LSV may not be required to be reinspected to be placed back into service.

(8) The spare LSV must be removed from service at the time the LSV it has been replacing is placed back into service.

(9) Under normal circumstances, a permit holder may utilize spare LSVs. Permit holders may utilize spare LSVs in a ratio of 3:1 permits held.

(10) Spare LSVs that are placed in service may only operate inside of the MTS-approved zone or zones. A permit holder shall not operate more spare vehicles than he/she has regular permitted vehicles.

(11) A permit holder found to have operated a spare LSV in deliberate violation of these procedures will be subject to immediate suspension/revocation of the permit and the loss of the spare LSV utilization privilege.

**(Section 7.4 amended 10/13/2016)**

**(Section 7.4 amended 10/16/2003)**

**(Section 7.4 added 8/7/2003)**

#### Section 7.5 – LSV Driver Identification Cards

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

**(Section 7.5 added 8/7/2003)**

#### Section 7.6 - Equipment and Specifications

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

(b) Exterior Markings

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

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



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

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

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

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

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

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

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

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

***(Section 7.6 amended 12/14/2017)***

***(Section 7.6 amended 10/4/2016)***

***(Section 7.6 added 8/7/2003)***

## SECTION 8 - EFFECTIVE DATE OF ORDINANCE

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

**Amended:12/12/2019**

Amended: 10/10/2019

Amended: 2/14/2019

Amended: 11/8/2018

Amended: 9/20/2018

Amended: 12/14/2017

Amended: 10/13/2016

Amended: 5/12/2016

Amended: 9/17/2015

Amended: 2/12/2015

Amended: 11/15/2012

Amended: 4/19/2012

Amended: 10/16/2003  
Amended: 8/7/2003  
Amended: 5/8/2003  
Amended: 11/14/2002  
Amended: 6/27/2002  
Amended: 5/23/2002  
Amended: 6/24/1999  
Amended: 9/24/1998  
Amended: 10/30/1997  
Amended: 4/10/1997  
Amended: 2/13/1997  
Amended: 11/9/1995  
Amended: 6/22/1995  
Amended: 1/12/1995  
Amended: 6/24/1993  
Amended: 6/27/1991  
Amended: 5/23/1991  
Amended: 10/11/1990  
Repealed & Readopted: 8/9/1990  
Amended: 4/12/1990  
Amended: 4/27/1989  
Adopted: 8/11/1988



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## Agenda Item No. 6

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

December 2, 2019

#### SUBJECT:

REVISIONS TO MTS TAXICAB ADMINISTRATION FEE SCHEDULE FOR 2020

#### INFORMATIONAL ITEM

##### Budget Impact

To be determined.

#### DISCUSSION:

Per MTS Board Policy No. 34, the Chief Executive Officer may establish fees. MTS Taxicab Administrative Fees are calculated to recover MTS's expenses for the administration and enforcement of taxicab and for hire vehicle permit requirements and the processing of permit applications. The following revisions are recommended by MTS Taxicab Administration. These revisions will be presented to the MTS Chief Executive Officer for final approval. Upon recommendation from the Chief Executive Officer, these changes will be presented at the next Taxicab Administration Committee meeting on December 2, 2019 and will be put into effect on January 1, 2020.

The following is a summary of the proposed revisions:

- 1) Section 2.1 and Section 2.2 - Currently the Fee Schedule provides that for initial permit application, transferring applications, and adding of vehicle applications, permit holders with less than two years' experience and permit holders with more than two years' experience must pay 100% of prorated regulatory fee. The proposed revisions would remove the experience



distinction and unify the prorated fee of 100% for all applicants, regardless of experience.

- 2) Section 2.2 - Currently the Fee Schedule states how much it would cost to add a vehicle if you already have a taxicab permit. However, there is no language regarding how much a current permit holder for a non-taxicab (e.g. non-emergency medical vehicles) would pay to acquire an additional permit to their existing fleet. The proposed revisions would clarify that all for hire vehicles pay the same fee as if were a taxicab.
- 3) Section 3 - Upon completion of driver training class, drivers are provided a certificate of completion. Drivers are required to maintain these records and provide to inspectors upon request. The proposed revisions will add a new regulatory fee category of \$10 if a driver requests a replacement.
- 4) Section 4.1 - One year transfer fees of \$200 apply to all original taxicab permits prior to April 2015. The proposed revisions remove a five year transfer fee of \$250 that was once was applicable to Wheelchair Accessible Taxicab Permits issued in 2007. This five-year restriction from when wheelchair accessible taxicab permits could transfer expired in 2012. We also currently only have one Wheelchair Permits left.
- 5) Section 4.5 - Proposed revisions would reduce a dispatch service change fee of \$100 to \$50 due to the low frequency of permit holders changing dispatch services.
- 6) Section 4.6 - Proposed revision would reduce the rate of fare filing per company fee from \$100 to \$50. The number of filings for rates of fare have decreased over the years due to the adoption of stabilized rate of fare and the ability to charge any amount so long as under the maximum rate of fare.
- 7) Section 4.9 - Some permit holders are owned by corporations or LLCs with stockholders. Currently there is a \$250 fee when adding, deleting or changing stockholders. In an effort to incentive permit holders to update their company stockholder list with MTS Taxicab Administration, the proposed revisions would reduce the fee from \$250 to \$100.

All other changes are minor and non-substantive.

/s/Leonardo Fewell

Leonardo Fewell

Taxicab Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, [Leonardo.Fewell@sdmts.com](mailto:Leonardo.Fewell@sdmts.com)

Attachment: A. MTS Taxicab Administration proposed 2020 Fee Schedule



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MTS TAXICAB ADMINISTRATION

TAXI 510.7

202019 FEE SCHEDULE

TAXICAB AND OTHER FOR-HIRE VEHICLES AND DRIVERS

FEE AMOUNTS

1. Annual Regulatory Fee per Vehicle \$ 600  
If not paid by 12:00 noon, ~~FriMonday~~, ~~May June10 8~~, 201920, the permit(s) is not renewed.

2. Permit Application

2.1 Permit application, all except one-year transferable taxicab \$ 1,500

2.1.1 Plus each permit in excess of one \$ 200

2.1.2 Plus additional charge if applicant is a corporation \$ 300

2.1.3 Initial permit issuance per vehicle regulatory fee  
(in lieu of Item No. 1)

2.1.4 ~~Prorated Regulatory Fee if proprietor or executive officer has less than two years as MTS/city permit holder~~ 100% of Item No. 1 prorated

~~2.1.5 If more than two years' experience 100% of Item No. 1 prorated~~

2.2 Permit application, current permit holder of for-hire vehicle and one-year transferable taxicab \$ 875

2.2.1 Plus each permit in excess of one \$ 200

2.2.2 Plus additional charge if applicant is a corporation \$ 200

2.2.3 Initial permit issuance per vehicle regulatory fee  
(in lieu of Item No. 1): See below

2.2.4 ~~Prorated Regulatory Fee if proprietor or executive officer has less than two years as MTS/city permit holder~~ 100% of Item No. 1 prorated

~~2.2.5 If more than two years' experience 100% of Item No. 1 prorated~~

3. Driver Training Class Class/Test Fee \$30

Certificate

Replacement \$10

**4. Operational Requests**

4.1	Transfer clearance	
4.1.1	Transfer clearance (one-year transferable taxicab permit)	\$ 200
	<del>4.1.2 Transfer clearance (five-year transferable taxicab permit)</del>	<del>\$ 250</del>
4.2	Jitney route change or additional route request	\$ 250
4.3	Taxicab stand request or jitney zone, if installed	\$ 250
4.4	Fictitious name change	\$ 100
	Plus per-vehicle fee	\$ 10
4.5	<del>Color scheme and radio</del> <u>Dispatch</u> service change	\$ <del>50</del> 100
	Plus per-vehicle fee	\$ 10
4.6	Rate of fare filing per company	\$ <del>50</del> 100
	Plus per-vehicle fee	\$ 10
4.7	Replacement vehicle (more than one per permit per year)	\$ 50
4.8	Add corporation officer (each)	\$ 100
4.9	Addition, deletion, or change of stockholder (each)	\$ <del>100</del> 250

**5. Vehicle Inspection**

5.1	As a result of failing scheduled inspection	\$ 100
5.2	Reschedule inspection appointment with less than 24-hour notice	\$ 50
5.3	No-show for inspection appointment	\$ 100
5.4	Supplemental scheduled inspection (Out of Service)	\$ 50
5.5	Re-inspection pursuant to a 72-hour notice	\$ 25
5.6	MTS Regulated Vehicle Reflective Decals	\$ 10

**6. Dispatch Services**

6.1	Initial review of new dispatch service organization	\$ 150
6.2	Name change	\$ 50

7. **Medallion and Permit Reassignment (same permit holder)**

7.1 Reassigning a permit from one existing vehicle to a different existing vehicle in the same company (doing business as {DBA}), or to a different existing company of the same permit holder, or permit type reassignment between existing or new vehicles in the same company (includes vehicle inspection). **\$ 250**

This does not apply to the replacement of an existing vehicle; i.e. when all permits are reassigned from an existing vehicle to a new vehicle. Replacement vehicle fees remain as stated in Item No. 4.7.

7.2 Permit transfer request from original permit holder~~one person~~ to a prospective permit holder ~~a different person~~: **\$200**

In addition, transferee pays fee schedule Item No. 2 (application fee) and Item No. 1 (initial regulatory fee) based on number of vehicles.

**PAYMENT**

- The ~~2020~~2019 annual vehicle fee is due for each permit held as of January 1, ~~2020~~2019, irrespective of whether the permit is later transferred, abandoned, or revoked. The permit is considered not renewed if the fee is not paid by 12:00 noon on ~~June 8~~ May 8 10, 2019.
- For permits issued after January 1, ~~2020~~2019, the initial regulatory fee is payable in full when the permit is issued.
- Other fees are due when the request is made.

**BASIS FOR FEES**

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

**REFERENCES**

- California Public Utilities Commission Section 120266
- MTS Ordinance No. 11, Sections 1.3(b), 1.4(a) and 1.5(d)
- MTS Policy No. 34, Section 46

\_\_\_\_\_  
Paul C. Jablonski

\_\_\_\_\_  
Date



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# Agenda Item No. 7

## MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

December 2, 2019

**SUBJECT:**

2020 TAXICAB ADVISORY COMMITTEE MEETING SCHEDULE

**INFORMATIONAL ONLY:**

Budget Impact

None.

**DISCUSSION:**

The 2020 Taxicab Advisory Committee Proposed Meeting Schedule is as follows:

- Wednesday, January 15, 2020 10:00 am
- Wednesday, April 15, 2020 10:00 am
- Wednesday, July 15, 2020 10:00 am
- Wednesday, October 15, 2020 10:00 am
- Wednesday, December 16, 2020-tentative 10:00 am

/s/Leonardo Fewell  
Leonardo Fewell  
Taxicab Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, [Leonardo.Fewell@sdmts.com](mailto:Leonardo.Fewell@sdmts.com)







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## Agenda Item No. 8

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

December 2, 2019

#### SUBJECT:

2020 REGULATORY FEE BI-ANNUAL PAYMENT DATES

#### INFORMATIONAL ITEM

##### Budget Impact

None.

#### DISCUSSION:

The Taxicab Administration Manager will provide an update on the 2020 Regulatory Fee Bi-Annual Payment Dates, which are proposed as follows: January 13, 2020 and June 8, 2020.

/s/Leonardo Fewell  
Leonardo Fewell  
Taxicab Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, [Leonardo.Fewell@sdmts.com](mailto:Leonardo.Fewell@sdmts.com)





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## Agenda Item No. 9

### MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM TAXICAB ADVISORY COMMITTEE

December 2, 2019

#### SUBJECT:

INSURANCE COMPANY MINIMUM RATING STANDARDS

#### INFORMATIONAL ITEM

##### Budget Impact

None.

#### DISCUSSION:

The Taxicab Administration Manager will provide an update on the review of Insurance Company Minimum Rating Standards.

/s/Leonardo Fewell  
Leonardo Fewell  
Taxicab Administration Manager

Key Staff Contact: Leonardo Fewell, 619.235.2643, [Leonardo.Fewell@sdmts.com](mailto:Leonardo.Fewell@sdmts.com)

