

MINUTES

MEETING OF THE SAN DIEGO METROPOLITAN TRANSIT SYSTEM

TAXICAB ADVISORY COMMITTEE (TAC)

February 21, 2024

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

1. **Roll Call**

Chair Elo-Rivera called the Taxicab Advisory Committee meeting to order at 1:05 p.m. A roll call sheet listing Taxicab Advisory Committee member attendance is attached.

2. **Approval of Minutes**

Akbar Majid moved to approve the minutes of the November 15, 2023, MTS Taxicab Advisory Committee meeting. Antonio Hueso seconded the motion, and the vote was 10 to 0 in favor with Able Seifu, David Tasem, Karen Higareda, Daryl Mayekawa, Michael Trimble, and Zewdu Girma absent.

3. **Public Comments**

Vaqar Hussein – Representing Nicolas Cab, made a verbal statement to the Board during the meeting. Mr. Hussein expressed frustration with illegal transportation at Otay and at San Ysidro. He asked the Board to help find a solution for the problem of illegal transporters who threaten and harass the taxi drivers.

Kamran Hamidi – Provided a verbal statement to the Board during the meeting. Mr. Hamidi expressed frustration with the “raiteros” who operate illegally at the US-Mexico border. He asked the TAC to address this issue by focusing on maintaining taxicab stands and having a police presence.

Laura Herrera – Representing Cristobal Cab, made a verbal statement to the Board during the meeting. Ms. Herrera expressed frustration with the ongoing issue of “raiteros” who threaten and harass the drivers at the taxicab stands. She requested that MTS and the police provide help.

Carlos Garcia – Provided a verbal statement to the Board during the meeting. Mr. Garcia expressed frustration with the “raiteros”. He has previously been forced to call the police on them and asked for help in keeping them safe.

Marco Quiroz – Provided a verbal statement to the Board during the meeting. Mr. Quiroz expressed frustration with the process of calling the police and having the illegal operators just leave the area. He asked that signs be placed to discourage illegal activities and that the police start to give tickets.

Christian Montes – Provided a verbal statement to the Board during the meeting. Mr. Montes expressed frustration with the illegal operators at the border. He pointed out that they have evidence posted on their website “Otay.Pics”. He asked for help in keeping them away from the taxicab stands.

Jairo Camacho – Provided a verbal statement to the Board during the meeting. Mr. Camacho expressed frustration with the “raiteros” not just at Otay, but also at CBX and San Ysidro. He is disappointed that this has been such an ongoing problem. He pointed out that these people are truly dangerous, and that police presence only discourages them for short amounts of time. He hopes that this Committee can help.

Chair Elo-Rivera commented that his office was already speaking with other authorities to help seek solutions to this issue, and he thanked those who spoke up.

4. 2024 Maximum Rates of Fare (Leonardo Fewell)

Leonardo Fewell, MTS FHVA Manager, presented on 2024 Maximum Rates of Fare. He presented on: the new 2024 Maximum Rates of Fare. Based on the Consumer Price Index (CPI), the 2024 Maximum Rates of Fare have been lowered. As a result, permit holders are required to adjust all taximeters to lower than the new standard. Mr. Fewell pointed out that all changes must be made by an authorized taximeter service agent within the 60-day adjustment period.

Public Comment

No public comment.

Board Comment

Margo Tanguay asked that MTS have a clear definition of what a hard-meter, soft-meter, and an electronic-meter.

Mr. Fewell responded that MTS did have definitions for those terms in Ordinance No. 11 and that it would be further elaborated on in Agenda Item 6.

Alfred Banks asked if drivers had the choice to change from the 2023 Maximum Rates of Fare to the 2024 Maximum Rates of Fare.

Mr. Fewell responded that if current rates were already below the 2024 Maximum Rates of Fare, then there was no need to change. He clarified that if a permit holder was charging the full 2023 Maximum Rates of Fare, which was higher, then they would be required to change their taximeter rate.

Informational item only. No action taken.

5. County of San Diego Agriculture, Weights and Measures Update (Austin Shepard)

Austin Shepard, Agriculture Weights and Measures, Deputy Agricultural Commissioner and Sealer of Weights and Measures, presented on County of San Diego Weights and Measures Update. He presented on: the process which makes up a Taximeter Inspection. These inspections are conducted on an annual basis and consist of verifying that fare information is posted, that time testing computation is correct, distance measuring is correct by running a mile course, that extra fees are correct, and that the lead and wire seal is present and intact.

Mr. Shepard outlined the fees associated with the annual Taximeter Renewal, which are sent out to current mailing information two months in advance. Current registration fees are \$148.20

per year, with a 50% delinquent fee assessed 30 days after the due date. He also clarified that inspection and registration fees may be due at different times during the year.

Mr. Shepard also provided information regarding scheduling Taximeter Inspections. They are conducted one week out of every month, by appointment which is scheduled by the inspector. He recommended that drivers pre-test their meters to prevent the potential of failure during the inspection.

Mr. Shepard pointed out that the presentation had not included information about soft vs. hard meters. He clarified that their current mile course was not able to test soft meters, but that one was in development.

Public Comment

Anonymous – Asked the Board during the meeting if he needed to repay his annual fees if he had his meter recalibrated.

Mr. Shepard clarified that if your meter was recalibrated, you do not need to repay the annual registration fee, but that you do need to have your meter reinspected.

Board Comment

Akbar Majid asked if Transportation Network Companies (TNC) use a global positioning system (GPS) meter to bypass the Agriculture Weights and Measures (AWM) regulations, and why do taxicabs have to adhere to these regulations.

Mr. Shepard acknowledged the frustration caused by these different standards, but pointed out that these regulations are based on state laws.

Antonio Hueso asked if it was still possible to schedule an appointment to inspect several taxicabs at once.

Mr. Shepard answered that the AWM had found that there was not enough demand to have a measured mile course which could accommodate that. He told Mr. Hueso that he should reach out to AWM and that option could possibly be reevaluated if there was sufficient demand.

Peter Zschiesche pointed out that TNC's do not get calibrated because they have lobbied to be free of public regulations. However, he acknowledged that this was a great starting point to have the industry coming together to speak with legislators to have TNC's be held to the same regulatory standards.

Chair Elo-Rivera asked Mr. Fewell if this was a possible topic that could be brought to the MTS Legislative Agenda. Mr. Fewell said that this would be brought to the attention of Samantha Leslie.

Mr. Shepard provided background on the two processes that approve weights and measures devices: "type approval" which is a one-time approval process done at the national or state level or the "annual certification" which is what is done by AWM. At this point TNCs go through the "type approval" process. He clarified that he has no position on this topic, but that taxicabs could perhaps choose to lobby to be considered under the "type approval" process.

Mr. Zschiesche appreciated the answer but pointed out that GPS based systems are constantly being updated without having reinspection. He felt that having those systems comply to an annual recertification would be a stronger ask.

Mr. Banks asked if AWM must inspect soft meters.

Mr. Shepard clarified that they do inspect soft meters; that currently they are unable to because of the lack of a measured mile course to accommodate them, but that should be available soon.

Chair Elo-Rivera asked for the TAC to clarify the position that they wished to take regarding the scope of the legislative action they wanted to bring to the Board.

Mr. Majid said that trying to have TNCs come under the same regulations as taxicabs would be unrealistic, and that it would be easier to alternatively have taxicabs subject to the lesser regulations which govern TNCs.

Mr. Zschiesche acknowledged that it would be difficult to bring TNCs under the local regulations like AWM.

Mr. Hueso pointed out that many legislators do not understand the hardships that the industry face.

Mr. Zschiesche asked if it would be possible to have an ad hoc meeting to refine the position they want to take.

Chair Elo-Rivera asked Mr. Fewell to possibly set up an ad hoc meeting or working group. He pointed out that Mr. Hueso's comments reiterate a sentiment that he has been hearing since he began on this Committee, which is that the playing field between taxis and TNCs is unfair.

Mr. Fewell asked Mr. Shepard if AWM sends out renewal notices electronically or through the mail. Mr. Shepard confirmed that they send paper notices via mail.

Informational item only. No action taken.

6. Proposed Ordinance No. 11 Revisions (Leonardo Fewell)

Leonardo Fewell, MTS FHVA Manager, presented on Proposed Ordinance No. 11 Revisions. He outlined the following items: The addition of MTS Ordinance No. 11, Section 1.1 which defines "electronically booked" trips as a taxicab trip booked through a taxicab dispatch service organization or TNC's online enabled application or internet website that provides an up-front price. An up-front price shall be considered the total cost including all fees, exclusive of tip, that a passenger has agreed to pay at the time of booking; amendment of MTS Ordinance No. 11, Section 1.1 to allow for three-wheeled vehicles to be considered a Low-Speed Vehicle (LSV); amendment of MT Ordinance No. 11 Section 1.3 to require operating records when a corporation applies for a permit; addition of MTS Ordinance No. 11 Section 1.8 to allow drivers to decline or accept "electronically booked" trips; the movement and clarification of provisions prohibiting trip refusal from MTS Ordinance No. 11 Section 2.4 to Section 1.8; removal MTS Ordinance No. 11, Section 1.10 which requires the submission of the issuance of shares of a taxicab company's corporate stock; the amendment to MTS Ordinance No. 11, Section 1.13 to allow an exception from the Maximum Rates of Fare for "electronically booked" trips; MTS Ordinance No. 11, Section 2.2 Disclosure of Fares now stipulate that maximum rates

do not apply for “electronically booked” trips and prohibits non-“electronically booked” trips be redirected by drivers to be “electronically booked” to obtain a higher fare; the addition to MTS Ordinance No. 11, Section 2.2 Soft Meter Certificate of Approval to add the National Conference on Weights and Measures as a certifying organization for soft meters.

Mr. Fewell presented several proposed revisions to MTS Ordinance No. 11, Section 2.6 Dispatch Services, which included: to allow dispatch services to meet the “24 Hour Operations” through a live person answering phone calls, voice recognitions technology that allows the passenger the option to connect to a live person, or by forwarding trip requests to a dispatch service organization that provides 24-hour operations; in lieu of a vague “Computerized Dispatch” requirement, to require a dispatch service organization to utilize a transportation or fleet management specialized computerized system designed to automate the flow of information between a dispatch service organization and driver and at a minimum, electronically record trip information start/end locations, route taken, and up-front price if “electronically booked”; and to amend the “GPS Location” requirement to require a dispatch service organization to have the ability to provide in real time, the GPS location of every taxicab while the taxicab is in service, and have the to provide the GPS tracking method through a computerized dispatch software or other similar technology.

Mr. Fewell notified the TAC that if these revisions were approved by the MTS Board on March 14, 2024, they would become effective 30 days after. For Dispatch services, he allowed a 60 day grace period after that adoption to become compliant.

Public Comment

No Public Comment.

Board Comment

Mr. Banks expressed his concern that 3-wheeled vehicles would be unsafe on Harbor Drive going to and from the airport.

Mr. Fewell answered that it would be up to the airport whether to permit those vehicles and that they were registered with the California Department of Motor Vehicles (DMV).

Mr. Banks expressed his concern again with them operating at the airport. Mr. Fewell reiterated that this was up to the airport, but that there were not any LSVs currently permitted by the San Diego Airport.

Ms. Tanguay said that Harbor Police had previously banned vehicles under 35 mph, and this should be discussed.

Mr. Fewell answered that there was not currently any conflict with the Port of San Diego and MTS permitted vehicles, but that MTS was ready to address any issues.

Mr. Hueso commented that we should still consider other factors at play that could level the playing field, such as artificial intelligence, which should be considered as revisions are made to Ordinance No. 11. He continued on to say that this conversation should be fluid and consider the regulations placed on similar industries.

Action Taken

Akbar Majid moved to Approve the motion Peter Zschiesche seconded the motion, and the vote was 10 to 0 in favor with Able Seifu, David Tasem, Karen Higareda, Daryl Mayekawa, Michael Trimble, and Zewdu Girma absent.

7. Flat Rate Study for Airport Originated Trips (Leonardo Fewell)

Leonardo Fewell, MTS FHVA Manager, presented on Flat Rate Study for Airport Originated Trips. He discussed: how this has been an often-requested topic to alleviate issues brought by permit holders such as increased waiting times, short trips, and having to return to the beginning of the virtual queue.

Mr. Fewell presented that the FHVA has compiled information from numerous airports to understand current industry standards and to initiate a conversation with taxicab stakeholders on developing a flat rate for airport originated trips.

Mr. Fewell notified the committee that the FHVA will convene a working group to share that compiled information, to discuss unique factors of a flat rate in San Diego, to determine the possible method for a flat rate, and to develop an online survey to enhance driver feedback and participation. The working group will be by invite only.

Public Comment

No Public Comment.

Board Comment

Mr. Hueso agrees that this is a worthy conversation to have to help get economic gain for short trips, but that we should also consider incentivizing discounts for longer trips.

Mr. Fewell agreed with Mr. Hueso's comments.

Chair Elo-Rivera commented that taxicabs remain the most underrated form of transportation from the airport, and that if implementing a flat rate will make them more visible then it will be an important conversation.

Informational item only. No action taken.

8. For-Hire Vehicle Administration Operations Update (Leonardo Fewell)

Leonardo Fewell, MTS FHVA Manager, presented on For-Hire Vehicle Administration Operations Update. He reiterated that the best method for communication with FHVA staff is via email, and that they work by appointment only. He requested that permit holders update their contact information in a timely manner.

Mr. Fewell outlined how 2024 Annual Regulatory Fee payments have been collected by staff in several locations across San Diego between January 2 and March 4, 2024, and urged permit holders to make their payments before the deadline to avoid the \$100 late fee. As of January 2, 2024 approximately 50% of the payments had been collected.

Mr. Fewell announced that the FHVA would be waiving the \$50 Dispatch Service Change Fee Waiver through June 30, 2024. Permit holders will still be required to submit the proper paperwork.

Mr. Fewell noted that there has been a substantial increase in taxicab and non-emergency medical transportation (NEMT) permits in 2024, with 1560 vehicles currently permitted. Of those permits 10% are currently non-operational, and 14.5% of taxicabs are under surrender. Those vehicles can be quickly returned to service when they choose to.

Mr. Fewell pointed out that there have been several contacts in the newly regulated City of Oceanside to invite operators to come into compliance.

Mr. Fewell noted that FHVA mainly receives complaints regarding rude behavior or overcharges due to short trips from the airport, which may be mitigated by a flat rate.

Mr. Fewell noted that TNCs continue to outpace taxicab trips at the airport.

Public Comment

No Public Comment.

Board Comment

Ms. Tanguay requested a copy of the PowerPoint being presented.

Mike Anderson thanked Mr. Fewell for the presentation.

Informational item only. No action taken.

OTHER ITEMS

9. Topics for Next Taxicab Advisory Committee Meeting (Leonardo Fewell)

Mr. Fewell requested feedback from the TAC members on what topics should be covered at the next meeting. He noted that staff recommending two agenda items: Flat-Rate Fare for Airport Originated Trips and the For-Hire Vehicle Administration Update.

Mr. Zschiesche asked that there be a topic on the feedback received from the Legislative Agenda on TNC/taxicab regulations.

Mr. Hueso mentioned that the topic of the illegal operators at the border brought up today should be addressed. He also recommended that we should revisit the conversation of the methodology used to calculate the rates of fare.

Mr. Fewell thanked the members for their suggestions.

Mr. Anderson mentioned that any flat rate conversation should be based on locations or zones, and that would be a positive for a lot of travelers.

Mr. Fewell pointed out that they did want to make data driven decisions, which was sorely lacking. He hoped that the revisions to dispatch service record keeping will help this.

Chair Elo-Rivera asked Lenny to inform people what data they may be able to start collecting to help this discussion. Mr. Fewell answered that subscribers could start by submitting trip sheets to their dispatch services; data which has not been available for decades.

George Abraham commented that Uber is dictating the taxicab market, and that the government and the TAC have to help the industry. He said that MTS and the city have not done anything to actually help drivers on the street.

Mr. Majid told Mr. Fewell that he would be happy to provide the data requested.

Mr. Hueso asked who did the last study on trip data, Mr. Fewell answered that it was SANDAG.

Mr. Banks expressed concern that taxi drivers would take advantage of the flat rate and try to apply it to trips in the city.

Agustin Hodoyan asked what the point of having a meter is if there were only going to be flat rates. Chair Elo-Rivera said that this was going to be part of the larger discussion of what a flat rate will look like.

10. Committee Member Communications

Ms. Tanguay commented that the taxicab industry is known for transporting illegal immigrants and that this was becoming an issue of safety. She also noted that it was “Heart Month” and that taxi drivers should consider taking CPR courses like NEMT drivers. She also pointed out there were a few English technicalities that needed to be cleaned up.

Mr. Hueso commented that the city was offering assistance to those affected by the flooding. Chair Elo-Rivera asked if he was referring to the Small Business Relief program. Mr. Hueso mentioned that there had been a taxi flooded during the disaster. Chair Elo-Rivera responded that there were currently several programs and that he wanted to get all the information before he disseminated any wrong information.

Mr. Hueso also mentioned that insurance renewals were coming up, and that policy holders should look into those conditions after the recent disasters.

11. Next Meeting Date

The next Taxicab Advisory Committee meeting is scheduled for July 31, 2024, at 1:00 p.m.

12. Adjournment

Chair Elo-Rivera adjourned the meeting at 3:00 p.m..

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

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

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

ROLL CALL

MEETING OF (DATE): February 21, 2024

CALL TO ORDER (TIME): 1:05 p.m.

ADJOURN: 3:00 p.m.

COMMITTEE MEMBER	(Alternate)	ORGANIZATION	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
Voting Committee Members				
Sean Elo-Rivera (Chair)	<input checked="" type="checkbox"/> None <input type="checkbox"/>	MTS Board of Directors/ SD City Council	1:01 pm	3:00 pm
Able Seifu	<input type="checkbox"/> None <input type="checkbox"/>	Permit Holder / Odyssey Cab		
Agustin Hodoyan	<input checked="" type="checkbox"/> None <input type="checkbox"/>	Permit Holder / Soul Cab	1:02 pm	3:00 pm
Alfred Banks	<input checked="" type="checkbox"/> None <input type="checkbox"/>	Taxicab Lease Driver	1:04 pm	3:00 pm
Akbar Majid	<input checked="" type="checkbox"/> None <input type="checkbox"/>	Permit Holder / SDYC Holdings	12:48 pm	3:00 pm
Antonio Hueso	<input checked="" type="checkbox"/> None <input type="checkbox"/>	Permit Holder / USA Cab, LTD	1:04 pm	3:00 pm
David Tasem	<input type="checkbox"/> None <input type="checkbox"/>	Taxicab Lease Driver		
George Abraham	<input checked="" type="checkbox"/> Daniel Fesshaye <input type="checkbox"/>	Permit Holder / Eritrean Cab	1:00 pm	3:00 pm
Karen Higareda	<input type="checkbox"/> None <input type="checkbox"/>	Cross Border X-Press		
Daryl Mayekawa	<input type="checkbox"/> None <input type="checkbox"/>	SD Convention Center		
Marc Nichols	<input type="checkbox"/> Michael Anderson <input checked="" type="checkbox"/>	SD Regional Airport Authority	12:48 pm	3:00 pm
Margo Tanguay	<input checked="" type="checkbox"/> None <input type="checkbox"/>	Taxicab Lease Driver	12:48 pm	3:00 pm
Michael Trimble	<input type="checkbox"/> None <input type="checkbox"/>	SD Gaslamp Quarter Association		
Letty Canizalez	<input checked="" type="checkbox"/> None <input type="checkbox"/>	SD Tourism Authority	12:50	3:00 pm
Mikail Hussein	<input type="checkbox"/> Peter Zschiesche <input checked="" type="checkbox"/>	United Taxi Workers SD	1:04 pm	3:00 pm
Zewdu Girma	<input type="checkbox"/> None <input type="checkbox"/>	Permit Holder / Beezee Taxi		
Non – Voting Committee Members				
Jonathan Garcia	<input type="checkbox"/> Austin Shepard <input checked="" type="checkbox"/>	SD Department of Agriculture, Weights and Measures	1:00 pm	3:00 pm
Jessica Marty	<input type="checkbox"/> None <input type="checkbox"/>	SD County Sheriff's Department Licensing Division		

FOR COMMITTEE CLERK: /S/ Carina Michelle Kenney