

# **Monterey County Regional Taxi Authority**

*City of Carmel-by-the-Sea • City of Del Rey Oaks • City of Monterey • City of Pacific Grove  
City of Salinas • City of Sand City • City of Seaside • Monterey Peninsula Airport District*

## **Technical Advisory Committee Meeting**

**April 19, 2011  
2:00 p.m. – 3:45 p.m.**

**Ferrante Room  
Monterey Conference Center**

### **AGENDA ITEMS**

1. Call to order
  - 1-1. Roll Call
2. Public Comments on matters not on the Agenda
3. New Business
  - 3-1. Review Taxi Administration Program Regulations and provide comment
  - 3-2. Review Draft Equipment, Safety, Security and Operational Policy and provide comment
4. Old Business
  - 4-1. Review Schedule of Taxi Fees and provide comment (no enclosure)
5. Adjournment

**Future Agenda Items**

To: Technical Advisory Committee  
From: Hunter Harvath, Assistant General Manager – Finance & Administration  
Subject: Monterey County Regional Taxi Authority (RTA) Regulations

**RECOMMENDATION:**

Review alternate Monterey County Regional Taxi Authority (RTA) Regulations and provide comment.

**DISCUSSION:**

Article VII of the RTA Bylaws states that the RTA Board shall adopt policies, and perform other activities required to further the mission and goals of the Regional Taxi Authority and to comply with federal, state and local laws. At the February 28, 2011, meeting, the RTA Board referred proposed “Monterey County Regional Taxi Authority Taxi Administration Program Regulations” (Attachment 1) to the TAC for input.

Given the comments from members of the public at the meeting on the proposed program regulations, MST staff has prepared a revised version (Attachment 2) as an alternative for possible consideration. This revised version, which deletes substantial portions of the proposed regulations, still maintains a minimal framework of regulations that could be implemented on a preliminary basis.

Comments that TAC members have on any of the proposed regulations will be forwarded to the full RTA Board of Directors at their next meeting, currently scheduled for March 28, 2011.

Attachment 1: Proposed Monterey County Regional Taxi Authority Taxi Administration Program Regulations – as referred by RTA Board of Directors 2/28/11

Attachment 2: Proposed Monterey County Regional Taxi Authority Taxi Administration Program Regulations – alternative as edited by staff 3/15/11

# **Monterey County Regional Taxi Authority**

## **Taxi Administration Program Regulations**



### **Salinas Address:**

**105 E. Alisal St. suite 200, Salinas, CA 93901  
Phone: 831-594-7953 Fax: 831-422-4970**

### **Monterey Address:**

**150 Del Monte Ave. Monterey, CA 93940  
Phone: 831-594-7953 Fax: 831-422-4970**

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## **1. GENERAL PROVISION.**

It shall be unlawful for any person, firm or corporation to operate any Taxicab business, or for any Owner or Driver to operate or drive any Taxicab, except in compliance with the provisions of this Article. (ord)

## **2. DEFINITIONS.**

For purposes of these regulations, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

**2.1. Certificate.** “Certificate” means a certificate of public convenience and necessity issued by the Regional Taxi Authority.

**2.2. Driver.** Every person in charge of operating any taxicab either as owner, agent, employee, or otherwise, or under the direction of an owner.

**2.3. Owner.** Every person, firm, or corporation that owns or has contracted for the use or control of any taxicab, whether as owner, lessee, or otherwise.

**2.4. Regional Taxi Authority.** “Regional Taxi Authority,” “Authority,” or “RTA” means the Monterey County Regional Taxi Authority.

**2.5. Regional Taxi Authority Area.** “Regional Taxi Authority Area” means the land areas under the jurisdiction of the member entities of the Regional Taxi Authority.

**2.6. Taxicab.** A passenger automobile equipped with a taximeter and used for transportation of passengers over public streets and highways but not over a defined route, and irrespective of whether the travel extends beyond RTA Area limits, and operated at rates per mile or waiting time or both.

**2.7. Taximeter.** A mechanical or electronic instrument or device by which the charge for hire of a Taxicab is mechanically or electronically calculated based on rates established by the Regional Taxi Authority, either for distance traveled, for waiting time, or both, and upon which the charges are plainly registered by means of figures indicating dollars and cents.

**2.8. Taxistand.** A place on public property or streets approved by the RTA as a place where taxicabs may park and wait for hire.

**2.9. Monterey County Regional Taxi Authority Taxi Administration Program Regulations.** “MCRTATAPR”

### **3. DETERMINATION OF NUMBER OF TAXICAB BUSINESSES IN THE REGIONAL TAXI AUTHORITY AREA.**

#### **3.1. Taxicabs operating within the RTA area**

No person shall engage in the business of operating any Taxicab business within the Regional Taxi Authority Area without first having obtained a certificate of public convenience and necessity (certificate) from the RTA and an owner's permit. The Regional Taxi Authority shall determine whether the number of Taxicabs operating in the Regional Taxi Authority Area meets the needs of the general public, and shall issue a Certificate to any Taxicab business only if it finds the public convenience and necessity support the addition of more Taxicabs operating within the Regional Taxi Authority Area.

### **4. CONTINUED OPERATION OF AUTHORIZED BUSINESS REQUIRED.**

#### **4.1. Continued operation of taxicabs**

Every person holding an owner's permit under the provisions of this Title shall regularly and daily operate the taxicab business from taxistands within the Regional Taxi Authority Area to the extent reasonably necessary to meet public demand for such service on a 24-hour-a-day basis. Failure to comply with this provision shall constitute abandonment of service and the RTA, after a noticed public hearing, may revoke the owner's permit if a violation of this section is demonstrated. (ord)

### **5. COMPLIANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.**

#### **5.1. Proper licensing**

All taxicabs authorized to operate within the Regional Taxi Authority Area shall be properly licensed with the California Department of Motor Vehicles, and shall further comply with all state and local laws and regulations relating to the licensing and commercial operation of taxicabs. All taxicabs shall be registered under the firm name or the name of the individual holding the owner's permit.

#### **5.2. Rental provision**

No vehicle used or intended to be used in Taxicab service within the Regional Taxi Authority Area shall be rented to any owner or driver unless such owner or driver has obtained the appropriate permit(s) pursuant to this Title.

### **6. INSURANCE REQUIREMENTS AND HOLD HARMLESS.**

#### **6.1. Indemnification and hold harmless**

All taxicabs authorized to operate within the Regional Taxi Authority Area shall, and by acceptance of the RTA taxicab permit, do agree to hereby indemnify, defend and hold the RTA, its member jurisdictions, their officers, employees and agents harmless from any and all damages, claims, liabilities, costs, suits, or other expense resulting from and arising out of their taxicab operations.

**6.2. Certificate of insurance**

It shall be unlawful to drive or operate any Taxicab within the Regional Taxi Authority Area unless the vehicle owner possesses current, valid commercial general liability and vehicle liability in amounts and with conditions acceptable to the RTA and evidenced through certificates of insurance filed with the RTA.

**6.3. Minimum requirements**

The owner's insurance shall remain in full force, at a level at least equal to the minimum requirements of the Regional Taxi Authority, or the owner's permit shall automatically be suspended until such time as full compliance with the requirements of this section are demonstrated to the RTA's satisfaction.

**7. RATES AND FARES; GENERALLY.**

**7.1. Schedule of rates**

The Board of the Regional Taxi Authority, upon its own motion or upon application of an owner's permit holder, may set, establish, change, modify or amend the schedule of rates to be charged by all vehicles operated by each holder of an owner's permit under the provisions of this Title. No rates shall be set, established, changed, modified or amended without a public hearing before the Board. Notice of such hearing shall be given to each owner's permit holder, in writing, by the Board at least five days before such hearing, and the Board may give such other notice as it shall deem necessary.

**7.2. Displaying fares**

Fares shall be conspicuously displayed in the passenger compartment of each Taxicab where it is readily visible and readable by passengers in front and rear seats.

**7.3. Fare determination**

The taxicab rate or fare shall be determined by a taximeter in accordance with the schedule established by the Regional Taxi Authority. Following public hearing as required herein, the RTA shall establish the rate or fare by resolution.

**7.4. Unlawful fares**

It shall be unlawful to fix, charge, or collect a rate in excess of the rate schedule approved by the Regional Taxi Authority.

**8. CONDITION OF VEHICLES; GENERALLY.**

**8.1. Vehicle Condition**

No owner or driver shall operate, permit to be operated, or cause to be operated any motor vehicle for hire while the same or any of the equipment used thereon or therewith is in a defective, unsafe or unsanitary condition.

**9. EXTERIOR SIGNAGE REQUIRED.**

**9.1. Exterior signage**

Every taxicab operated within the Regional Taxi Authority Area shall have displayed on each side and the rear of the vehicle the taxicab business name as it appears on the owner's permit, together with the owner's identification number and the telephone number of the Taxicab business. The lettering of the signs and all signs to be displayed on any taxicab shall be approved by the RTA.

## **10. "FOR HIRE" LIGHTS REQUIRED.**

### **10.1. For hire light**

Every taxicab shall be equipped with a "For Hire" light attached to the top of the roof or to the top of the dome light. The light of the "For Hire" light unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the "For Hire" light when the taximeter is not in operation, indicating the taxicab is vacant and for hire, and to extinguish such light when the taximeter is in operation. No person shall drive or operate any taxicab with such a light illuminated while carrying passengers for compensation; or drive or operate any Taxicab unless such a light is illuminated when such taxicab is for hire.

## **11. ILLUMINATION OF PASSENGER COMPARTMENT REQUIRED AT CERTAIN TIMES.**

### **11.1. Illumination of passenger compartment**

Every motor vehicle for hire shall at all times be equipped with a light of not less than two candlepower within such vehicle, so arranged as to illuminate the entire passenger compartment, which light shall be kept constantly lighted at all times while any passengers are being loaded into or unloaded from any such vehicle from one-half hour after sunset of any day until one-half hour before sunrise of the next day, and no shades or blinds shall be drawn over the windows of any such vehicle while the same is occupied.

## **12. INSPECTION OF VEHICLES; INSPECTION FEE.**

### **12.1. Annual Inspection**

All taxicabs shall submit to an annual inspection as required by the Regional Taxi Authority. All taxicabs shall possess all of the equipment listed on the RTA Taxicab Safety Inspection Checklist, and all such equipment shall be in good working order and repair. The RTA shall establish the standard for good working order.

### **12.2. Taxicab decals**

Upon satisfactory completion of such inspection, the Regional Taxi Authority shall issue and affix an approval decal or sticker to the Taxicab that authorizes the operation of the vehicle for a one-year period. All decals issued by the RTA shall be displayed at the rear of the vehicle on the driver's side rear window. It shall be unlawful to transfer the decal or sticker to any other vehicle, and no taxicab shall be operated without a valid decal or sticker properly displayed.

Any law enforcement officer shall have the right and shall be permitted at any time to inspect any taxicab to ascertain whether the provisions of this Title are being met. During an inspection, the driver of the taxicab shall produce for inspection the following documents:

- 12.2.1. Valid California vehicle registration;
- 12.2.2. Valid proof of insurance document; and
- 12.2.3. Valid California driver's license.

**12.3. Safety inspection fee**

The Regional Taxi Authority shall establish a taxicab safety inspection fee that shall be due annually upon inspection.

**12.4. Safety inspection failure**

Any taxicab that fails any safety inspection shall be given an opportunity to make repairs or correct defects and be re-inspected. Any such taxicab failing an inspection shall be removed from service until such time as compliance is met. A safety inspection is "failed" if any law enforcement officer or Regional Taxi Authority designated mechanic determines the vehicle is not in compliance with the provisions of this Title, or any required inspection program established by the RTA, or if the taxicab is unsafe, unsanitary, or unsightly. Any such taxicab shall be removed from service until such conditions are corrected. Such vehicle shall be re-inspected prior to being returned to service.

**12.5. Removal from service**

Should a law enforcement officer or a Regional Taxi Authority employee determine that a taxicab should be removed from service, such person is authorized to remove the decal or sticker designating that the taxicab is authorized to operate. When the taxicab has satisfactorily passed an inspection, a new decal or sticker will be issued by the RTA and a nominal fee will be charged for the new decal or sticker.

**13. ESTABLISHMENT AND USE OF TAXISTANDS.**

**13.1. Designated taxicab stand locations**

The Regional Taxi Authority may, by resolution, locate and designate taxicab stands or designated curb space on any public street within the RTA Area. The taxicab stands, when so established, shall be appropriately designated, "Taxis Only." Taxicab stands so established shall be in operation during the hours designated by the RTA.

**13.2. Taxicab parking limitations**

If designated taxicab stands are so established, no owner, driver or operator of any taxicab shall allow such taxicab to remain parked, while awaiting employment, except in a regularly established taxicab stand. Taxicabs may park in any available parking space when actually engaged in loading or unloading passengers if permitted by ordinance.

**14. SOLICITATION OF PASSENGERS PROHIBITED; EXCEPTION.**

**14.1. Passenger solicitation**

No taxicab driver, or person acting on behalf of any such driver, shall solicit passengers except from an approved taxicab stand.

**15. TAXICABS STANDING IN STREETS OR PUBLIC PLACE PROHIBITED; EXCEPTION.**

**15.1. Standing in streets of public place**

No taxicab shall be allowed to remain standing on a public street or in a public place unless it is attended by a driver, except when the driver is assisting passengers to load or unload, is answering his telephone, or displays a sign reading "Not for Hire."

**16. PROHIBITED CONDUCT BY DRIVERS**

**16.1. Inappropriate conduct**

No driver, or any person acting on behalf of any such Driver, shall engage in any disorderly or inappropriate conduct while in the performance of his or her duties as a taxicab operator including, but not limited to, obstruction of any street or sidewalk; making of loud or unusual noises to attract the attention of potential customers; use of indecent, profane, or obscene language; boisterous or loud talking that might disturb the peace and quiet of others in the area; harassment of passersby; interference with, obstruction of, or impeding of the free passage of potential passengers; or seizing or grabbing any baggage carried by or belonging to potential passengers prior to being hired to provide transportation.

**16.2. Smoking**

No taxicab driver shall smoke or permit any smoking to occur within any Taxicab at any time. No smoking signs shall be prominently displayed in every taxicab.

**17. AUTHORIZATION TO PICK-UP PASSENGERS BY PERMITTED DRIVERS**

**17.1. Passenger pickup**

Taxicabs that have been permitted by the Regional Taxi Authority can pick-up passengers within and between the RTA Area. Taxicabs authorized to operate in other jurisdictions not participating in the RTA may drop-off but not pick-up passengers within the Authority area.

**18. KEEPING OF TRIP SHEETS REQUIRED.**

**18.1. Mandatory trip sheet requirements**

The driver of each taxicab shall keep a separate trip sheet of every service rendered by the driver, and shall include the following information:

- 18.1.1.** The location where the passenger(s) entered the taxicab;
- 18.1.2.** The number of passengers;

- 18.1.3. The time the passengers entered the taxicab;
- 18.1.4. The location where the passengers were discharged; and
- 18.1.5. The amount of fare collected.

### **18.2. Trip sheet retention requirements**

The owner of every taxicab shall keep such trip sheets in the business office for a period of one year after the date service is rendered, and they shall be open and available for inspection by any representative of the RTA at all times during business hours. The falsification of any trip sheet by any owner or driver shall be grounds for revocation of his or her permit.

## **19. KEEPING OF RECORDS BY OWNERS REQUIRED.**

### **19.1. Dispatch sheets**

The owner of every taxicab business shall keep a dispatch sheet which shows the time of dispatch of every taxicab.

### **19.2. Taxi driver records**

Every owner and every employer of taxicab drivers, including self-employed drivers, shall keep and maintain a complete and accurate record of all drivers, which record shall show for each employee his or her name, address, date of hire, date of termination, the number of the taxicab operated by the driver, the hours of employment for each driver, a list of absences from employment, all motor vehicle violations, all traffic accidents, all complaints received from passengers or others, and the test results from controlled substance and alcohol testing. These records shall be subject to inspection by the RTA at any time upon demand, and shall not be destroyed without the written permission of the Authority.

### **19.3. Taxi driver termination reporting**

Every taxicab owner and employer of taxicab drivers shall notify the RTA in writing within five working days upon termination of employment of any taxicab driver.

## **20. REPORTS OF FOUND PROPERTY**

### **20.1. Found property log**

All property found in taxicabs not belonging to the driver or the taxicab owner shall be delivered to the RTA within 24 hours of discovery unless otherwise returned to the rightful owner. Every owner shall keep a log of all found property.

### **20.2. Returning found property**

Every owner and driver shall attempt to return found property to any person claiming to have lost or left property in a taxicab. If the lost property is not found, the owner and driver shall advise the passenger to file a lost property report with the Police Department within the jurisdiction of the drop-off point.

## **21. SERVICE TO GENERAL PUBLIC**



**21.1. Refusal of service limitations**

No driver of any taxicab shall refuse to carry any person seeking transportation and tendering the fare for the service within the RTA area unless the vehicle is already in service, the person seeking transportation is unruly, boisterous, or intoxicated, or where the person seeking transportation is known to the driver to have been unruly, created problems of a confrontational nature or refused full payment in the past.

**21.2. Complaints against taxicab drivers**

The RTA shall be responsible for maintaining files of and investigating complaints regarding taxicab service and shall initiate appropriate action against taxicab drivers and owners when a complaint or complaints warrant such action.

**22. OWNER'S PERMIT.**

**22.1. Permit required to operate business**

No person shall engage in the business of operating any taxicab within the RTA without first having obtained an owner's permit from the RTA, except as otherwise provided in this Title.

**22.2. Owner's permit required for each additional or different taxicab**

An owner's permit shall be required for each additional or different taxicab.

**22.3. Vehicle substitution**

If a permittee wishes to substitute one vehicle for another, he or she shall file an application with the RTA who shall cause the taxicab to be submitted to a normal safety inspection, and if the vehicle passes, an approval decal or sticker will be affixed to the substitute taxicab and the decal or sticker will be removed from the original vehicle.

**22.4. Owner's permit application; application fee**

Owner's permit application; application fee. All persons or businesses applying for an owner's permit under this Title shall file with the RTA an application, under penalty of perjury, including the following information:

**22.4.1.** The name, residence and business addresses of the applicant.

**22.4.2.** Social security numbers, driver's license numbers, and dates of birth for all persons named in the application. If the applicant is a partnership or corporation, then the information shall be provided for each partner or corporate officer.

**22.4.3.** Fictitious name under which the business is proposed to operate.

**22.4.4.** Whether any license, permit, or certificate sought by the applicant has been denied, revoked, or suspended by any public agency, explaining in full the circumstances of any denial, revocation, or suspension.

**22.4.5.** The number and type of vehicles proposed to be operated in the business, including year, make, model, license number, VIN, and company-assigned taxicab number.

**22.4.6.** The color, name, monogram of insignia to appear on the vehicles.

**22.4.7.** A complete schedule of fares or rates to be charged and services to be operated, demonstrating compliance with existing fares and rates as established by the RTA.

**22.4.8.** The location where the business will be operated, including dispatch facilities, storage facilities, repair and maintenance facilities, and fuel dispensing operations.

**22.4.9.** Copies of required insurance policies or, if not yet issued, a written statement from an insurer that such policies will be issued if the application is granted.

**22.4.10.** A statement as to whether any applicant, partner, or corporate officer has been convicted of any misdemeanor or crime, or violation of any municipal ordinance other than minor parking and traffic offenses, the nature of the offense and the punishment or penalty assessed.

**22.4.11.** The facts upon which the applicant believes tends to prove that public convenience and necessity require the granting of a permit.

**22.4.12.** Such other information as the RTA may deem necessary for promotion of the public health, safety, and welfare.

**22.5. Application fee**

The RTA shall establish an owner's permit application fee that shall accompany any such application.

**23. OWNER'S PERMIT APPLICATION PROCESS.**

**23.1. Preliminary investigation**

Upon receipt of an application for an owner's permit under this Title, the RTA staff shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review.

**23.2. Application review process**

The RTA shall review the application and the recommendation from the Authority staff to determine if it appears there is a need and necessity for the taxicab services proposed, and whether the applicant is of suitable character to provide such services. The RTA may

require the applicant to provide financial information and other documentation to demonstrate the ability to appropriately and lawfully operate the taxicab business proposed. The application shall be reviewed by the RTA at a noticed public hearing.

**23.3. Application approval requirements**

The Regional Taxi Authority shall approve any such application only if the following findings are first made:

**23.3.1.** The applicant is financially responsible as determined by the RTA.

**23.3.2.** The applicant is of good moral character consistent with federal, state, and local laws for the public services that will be provided by the owner.

**23.3.3.** Existing taxicab businesses are not adequately serving the public with respect to taxicab services.

**23.3.4.** Such additional taxicab service will not result in a greater hazard to the public or create substantial traffic or parking problems.

**23.4. Application denial**

The application shall be denied if any of the following finds are first made:

**23.4.1.** The public convenience and necessity do not require the proposed service.

**23.4.2.** The application fails to contain any of the required information as set forth above.

**24. SUSPENSION OR REVOCATION OF OWNER'S PERMIT.**

**24.1. Suspension or revocation**

The RTA shall have the power to suspend or revoke any owner's permit to operate a taxicab for a violation of any of the provisions of this Title or any ordinance relating to traffic or use of streets; for a failure to pay any judgment for damages arising from the unlawful or negligent operation of the public motor vehicle for which any owner's permit was issued; for conduct on the part of any owner which is not conducive to proper service to the public, or to proper relationships with any competitive owner; or for, but not limited to any of the following reasons:

**24.1.1.** Providing late, false, or inaccurate information in the owner's permit application;

**24.1.2.** Allowing operation of a taxicab by a driver not possessing a valid RTA driver permit stating that the driver is affiliated with the permittee;

**24.1.3.** Failure to comply with the Authority's regulations;

**24.1.4.** Failure of authorized drivers to comply with the Authority's regulations;

**24.1.5.** Operation of any taxicab at a rate higher than the authorized fares;

**24.1.6.** Failure to comply with the participating jurisdictions' law enforcement officers, code enforcement officers, Authority staff, and/or California Highway Patrol;

**24.1.7.** Operating its business without the insurance required in these regulations;

**24.1.8.** Failure to comply with the drug and alcohol policy requirements in these regulations;

**24.1.9** Failure to fully satisfy any court judgment entered against the company arising from liability for operating taxicabs, including but not limited to, judgments related to collisions or operating without the requisite insurance, within 15 years after the judgment was originally entered; or

**24.1.10** Being held liable under any judgment, decision or determination by any public or regulatory agency for operating taxicabs without the requisite insurance after the adoption of these regulations.

## **25. PERMIT TRANSFERABILITY.**

### **25.1. Transferability**

No owner's permit issued under this Title shall be assignable or transferable without the prior approval of the RTA. Prior to presenting the proposed assignment or transfer to the Authority, the transferee shall first submit a statement with the Authority staff setting forth the information required to be furnished on an original application as set forth in §23.1 above. The Authority shall investigate the transferee in the same manner as a new applicant and make a recommendation to approve or disapprove the transfer to the RTA within forty-five (45) days after the statement is received.

## **26. TAXICAB DRIVER'S PERMIT REQUIRED.**

### **26.1. Unlawful operation**

It shall be unlawful for any person to operate any Taxicab within the RTA Area unless he or she has a valid taxicab driver's permit issued by the RTA.

### **26.2. Permits and records**

The RTA shall administer and maintain taxicab driver's permits and records for taxicabs operating within the RTA Area.

## **27. SUSPENSION OR REVOCATION OF OWNER'S PERMIT.**

### **27.1. Application process**

Taxicab driver's permit application; process. Application for a taxicab driver's permit shall be filed with the Authority along with any fee(s) as established by the RTA for the issuance of such permit. The application shall be in writing and made under penalty of perjury. The Authority shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review. Any information submitted in the application that is false, or any required information that is omitted, shall result in denial of the permit. The application shall include but not be limited to the following information:

**27.1.1.** The name, age, and address of the applicant.

**27.1.2.** Past experience operating motor vehicles generally and taxicabs specifically.

**27.1.3.** The names and addresses of former employers during the preceding three-year period.

**27.1.4.** The places of residence during the preceding three-year period.

**27.1.5.** Whether or not a driver's license issued to the applicant has ever been revoked or suspended.

**27.1.6.** A copy of the applicant's current driver's license and a DMV H-6 Driving Record and Vehicle Registration Report.

**27.1.7.** An endorsement of the owner of the taxicab business for whom the applicant seeks to drive a taxicab.

**27.1.8.** Proof of the applicant's negative test results for controlled substances and alcohol.

**27.2. Consortia**

Upon the request of an applicant, the RTA shall provide a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the code of Federal Regulations that the RTA knows offer controlled substance and alcohol tests in Monterey County.

**28. TAXICAB DRIVER'S PERMIT APPLICATION FEE.**

**28.1. Application fee**

An application for a taxicab driver's permit shall be made to the RTA, and at the time of filing such application, a fee in an amount to be set by resolution shall be paid to the RTA; provided that such fee shall include the amount set by the state to cover the cost of processing such applications.

## **29. TAXICAB DRIVER'S PERMIT REQUIREMENTS AND PROHIBITIONS.**

### **29.1. Permit requirements**

No Taxicab Driver's permit shall be issued to any person who:

**29.1.1.** Is under age 21 at the time of application.

**29.1.2.** Fails to provide documentation of either citizenship or employment authorization as required by the Immigration and Reform Control Act of 1986 (8 USC § 1234a).

**29.1.3.** Has been convicted of a felony.

**29.1.4.** Has been convicted of any offense specified in the CA Vehicle Code involving reckless driving or alcohol or drug offenses except convictions more than seven years old or whose convictions have been expunged or set aside pursuant to satisfactory completion of a Court approved diversion program.

**29.1.5.** Has been convicted of two or more violations of the offenses set forth in Sections 22349 through 22352 of the California Vehicle Code, and amendments thereto, or any combination of either or any of such offenses within one year immediately preceding submittal of an application for or renewal of a driver's permit and;

**29.1.6.** Fails to possess a valid driver's license suitable for operation of a taxicab.

**29.1.7.** Has received a positive test result in any random test for controlled substances or alcohol within the past twelve months.

**29.1.8.** Provides false or materially incomplete information required for issuance of the permit.

**29.1.9.** Has been convicted of an offense which requires registration pursuant to CA Penal Code § 290.

**29.1.10.** Has been convicted within five years of an offense involving the sale of a controlled substance even if expunged pursuant to CA Penal Code Section 1203.4.

**29.1.11.** Has been convicted within five years of any offense involving the use of force or violence upon another person.

**29.1.12.** Has been convicted of more than one violation of driving while under the influence of any drug or alcohol within the past seven years prior to application.

**29.1.13.** Is on parole or probation for a crime and the crime is substantially related to the qualifications, functions, or duties of a taxicab driver in a potentially negative manner.

**29.1.14.** Has had a taxicab driver's permit issued by any jurisdiction revoked within the past three years.

**29.1.15** Fails to provide a medical clearance that meets the standard set forth by the California Department of Motor Vehicles, Motor Carrier Safety Regulations (49 CFR 391.41 – 391.49). This is satisfied by providing a completed Medical Examination Report for Commercial Driver Fitness Determination form or a Medical Examiner's Certificate issued by the California Department of Motor Vehicles.

**29.2. Owner name**

Every taxicab driver's permit issued pursuant to this Title shall set forth the name of the owner for whom such driver is authorized to operate a taxicab, and shall be valid only so long as the driver continues to drive for such owner.

**29.3. Permit name**

All drivers of taxicabs shall display their taxicab driver's permit in a conspicuous place in the passenger compartment of the taxicab whenever the taxicab is being used to transport passengers.

**30. ISSUANCE OF PERMITS.**

**30.1. Permit issuance**

The RTA shall investigate the applicant for a taxicab driver's permit under this Title and after such investigation shall either grant or deny the permit. Any person whose application has been denied may within ten days after such denial request that the denial of his application be reviewed by the RTA Board of Directors. The Board of Directors shall, after a hearing, either grant or deny such permit.

**31. RENEWAL OF PERMIT; TERMINATION.**

**31.1. Permit expiration**

All taxicab driver's permits issued pursuant to this Title expire annually on their anniversary date unless earlier terminated, suspended, or revoked pursuant to the provisions set forth herein.

**31.2. Permit renewal**

Drivers may renew their permit if still qualified to operate a taxicab by meeting all the permit requirements set forth in this Title for new taxicab driver's permits, including, but not limited to, passing the test for controlled substances and alcohol.

**31.3. Termination of employment**

Taxicab driver's permits are void upon termination of taxicab driver's employment with the owner listed on their permit. Each driver shall return the permit to the RTA upon such termination.

#### **31.4. Permit transference**

It shall be unlawful to transfer any taxicab driver's permit to any other person.

### **32. SUSPENSION OR REVOCATION OF PERMIT.**

#### **32.1. Suspension authority**

Either the RTA or the Chief of Police or participating jurisdictions shall have the authority to immediately suspend any taxicab driver's permit in the event the holder is arrested, charged, or cited for any violation of the CA Vehicle Code. The RTA may suspend or refuse to renew any taxicab driver's permit if the driver is:

**32.1.1.** Convicted of, or has plead guilty or *nolo contendere* to, the violation of any law within the past five (5) years involving the commission of a misdemeanor, including, but not limited to, any sexual offense; the illegal use, possession, or distribution of drugs or other controlled substances; any charge involving robbery, theft, stolen property, assault, battery; or any crime involving moral turpitude that occurred within the past five (5) years;

**32.1.2.** Convicted of driving recklessly or while under the influence of alcohol or controlled substances;

**32.1.3.** Has his or her driver's license suspended or revoked;

**32.1.4.** Found to test positive for any controlled substance or alcohol during any test;

**32.1.5.** Found to have violated any provision of this Title; or

**32.1.6.** Found to have provided false information or omitted information required on a taxicab driver's permit application.

#### **32.2. Suspension appeal**

Any driver whose permit has been suspended may, within ten days, file an appeal with the RTA Board of Directors. If no appeal is received within 10 days, the taxicab permit shall be considered revoked and there will be no further right to an appeal, unless the RTA finds that there are reasonable grounds for failing to appeal within the 10-day period. The Board of Directors shall hold a duly noticed public hearing within sixty days from receiving the appeal, unless the taxicab driver agrees to an extension or requests an expedited hearing. If an expedited hearing is requested the RTA shall endeavor to set an earlier date for the hearing but is not required to set an earlier date.

#### **32.3. Suspension hearing**



The hearing shall comply with the applicable provisions for the protection of the due process rights of the taxicab driver and the taxicab driver will be given the opportunity to be heard. The RTA Board of Directors shall adopt rules for conducting the hearing in compliance with applicable due process procedures. The Board shall either grant or deny the appeal, based on substantial evidence and shall support its decision with factual findings, in writing. The decision of the Board will issue within ten days of the conclusion of the hearing and will be final. If the Board upholds the appeal, the taxicab driver's permit shall be reinstated. If the Board denies the appeal, the taxicab driver's permit shall be revoked and may only be reinstated as set forth in this Title.

#### **32.4. Operation under suspension**

A taxicab driver shall not operate a taxicab during the time period in which the driver's permit is suspended. The RTA may, but is not required to, issue a Temporary Permit as set forth below, which will allow the taxicab driver to temporarily operate until such time as the RTA Board of Directors has issued a final decision. In order to issue such a permit, the RTA must, in addition to the requirements set forth below, make findings that the public safety and health will not be harmed by the issuance of a temporary driver's permit and unusual circumstances exist which require the issuance of a temporary driver's permit.

### **33. SUSPENSION OR REVOCATION OF PERMIT.**

#### **33.1. Temporary operating permit**

The RTA, in its sole discretion, may grant a temporary permit to drive or operate any taxicab, pending final action on any application for a permanent taxicab driver's permit as provided in this Title, but no such temporary permit may be issued to any person who does not have a valid driver's license issued by the state, who is not employed or possessing a written offer of employment as a taxicab driver in the Regional Taxi Authority Area, or who has not provided evidence of negative controlled substance and alcohol testing as required by Article 29.

### **34. RECORDS TO BE KEPT BY THE REGIONAL TAXI AUTHORITY.**

#### **34.1. RTA record provisions**

The RTA shall keep a record of each driver granted a taxicab driver's permit under the provisions of this Title, which record shall contain the full name, age, residence, places of residence for two (2) years preceding the date of application, race, weight, height, color of eyes and hair, fingerprints, place of birth, places of previous employment covering three (3) years preceding the date of application, whether the driver has ever been convicted of a felony or of a misdemeanor, and whether he or she has ever been previously licensed as a driver, and if so, whether his or her license has ever been revoked and for what cause.

### **35. MANDATORY CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM**

**35.1. Driver testing**

Each taxicab driver shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. Each driver shall test negative for these controlled substances and for alcohol as a condition of the driver's annual permit renewal. As used in this section, a negative test for alcohol means an alcohol-screening test showing a breath alcohol concentration of less than 0.02 percent.

**35.2. Testing Procedures**

Testing procedures shall be substantially as set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that each driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and return-to-duty and follow-up testing and other requirements, except as provided otherwise in this section, shall be substantially as set forth in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

**35.3. Jurisdiction**

A test in one jurisdiction shall be accepted as meeting the same requirement in the Regional Taxi Authority Area or in any other jurisdiction. Any negative test result shall be accepted for one year as meeting a requirement for periodic permit renewal testing or any other periodic testing in the Regional Taxi Authority Area or any other jurisdiction, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.

**35.4.** In the case of a self-employed independent driver, the test results shall be reported directly to the RTA, and the Authority shall notify the taxicab leasing company of record, if any, of positive results. In all other cases, the results shall be reported directly to the driver's employer, who shall immediately notify the RTA of the results.

**35.5.** All tests are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

**35.6.** Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. In all other cases, taxicab owners and employers of drivers shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an employer may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

**35.7.** Taxicab owners, employers of drivers, and self-employed independent drivers shall pay all service charges, fees, or assessments established by the RTA with respect to the owner's employees and potential employees in an amount sufficient to pay for the RTA's costs of carrying out the mandates of this section.

**35.8.** No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

**35.9.** For purposes of this Article, “employment” includes self-employment as an independent driver or owner/operator of a taxicab.

**36. TAXIMETERS.**

**36.1.** Required in taxicabs. No person shall operate any Taxicab in Regional Taxi Authority Area until such taxicab is equipped with a taximeter of a type and design which has been approved by the RTA.

**36.1.1.** All taxicabs operated under the authority of this Title shall be equipped with taximeters which conform to all applicable State of California laws and regulations and shall be inspected, sealed, and certified by the County Department of Weights and Measures.

**36.2.** Inspection required; removal of vehicle with inaccurate meter.

**36.2.1.** Every taximeter shall be inspected and tested for accuracy by the owner at least annually. Taximeters shall be subject to inspection at any time by the RTA or any other authorized persons. Upon discovery of any inaccuracy of such taximeter, the operator thereof shall remove, or cause to be removed, from service any vehicle equipped with such taximeter until such taximeter has been repaired and accurately adjusted.

**36.2.2.** Records and evidence of inspection by the County Department of Weights and Measures shall be submitted for verification at the time of each taxicab’s annual vehicle inspection.

**36.3.** Manner of placement in taxicabs. The taximeter required by this Title shall be placed in each taxicab so that the reading dial showing the amount to be charged is well lighted and readily discernible to a passenger riding in any such taxicab.

**36.4.** Accurate operation required. It shall be the duty of each person operating a taxicab, and the driver thereof, to keep the taximeter therein operating at all times within the accuracy and requirements of this Title and such additional requirements as may be prescribed from time to time by the RTA.

**36.5.** Use required for all passenger services. No passenger shall be carried in any taxicab for hire unless the taximeter in such taxicab is in operation. This Article shall apply regardless of whether the taxicab is engaged for a trip entirely within the Regional Taxi Authority Area or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers

for compensation, regardless of the point of destination; except, that when the trip is in excess of fifteen (15) miles a flat rate may be used for any part of the trip over the first fifteen (15) miles.

**36.6.** All charges to be in accordance with meters. All charges for taxicab service shall be calculated and indicated by a taximeter, except as described in this Title, and at all times while the taxicab is engaged the “flag” of the taximeter shall be thrown into a position to register charges for mileage and time. No taximeter shall be so operated as to cause any charge to be registered thereon, except during the time while the taxicab is engaged by a passenger.

**36.7.** Splitting of fares by two or more passengers. If two or more persons going in the same direction share a taxicab, the first party that is discharged from the taxicab shall pay the charge on the taximeter and the taximeter shall then be “flagged” and a new fare started; except and unless, if the driver agrees at the inception of the hire to drop the first fare without “re-flagging” and starting a new fare.

**36.8.** Proper use of “flag” required. No driver of any taxicab, while carrying passengers, shall display the “flag” attached to the taximeter in such a position as to denote that such vehicle is not employed, or fail to throw the “flag” of the taximeter to a position indicating such vehicle is unemployed at the termination of each service.”

### **37. JUDICIAL REVIEW.**

**37.1.** If any provision, clause, sentence or paragraph of this article is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this article. The RTA hereby declares that it would have passed this article and each and every section, subsection, clause and phase thereof not declared invalid or unconstitutional without regard to whether any portion of this article would be substantially declared invalid or unconstitutional.

### **38. ENFORCEMENT OF RTA REGULATIONS**

**38.1.** RTA enforcement issues have become increasingly varied and complex. Alternative enforcement processes have been adopted by other public agencies as a means to address budget difficulties and resource shortages, and to streamline operations. Alternative enforcement processes minimize time delays that can result from increasingly crowded criminal and civil court dockets. These regulations set forth a variety of enforcement options to effectively and timely address code and ordinance enforcement matters in order to preserve and protect the quality of taxi service delivery in the Regional Taxi Authority Area. These regulations allow traditional criminal prosecution, civil action and nuisance abatement as enforcement. These regulations further establish several administrative enforcement procedures.

### **39. ADMINISTRATIVE PROCESS OVERVIEW.**

**39.1.** Administrative citations generally address municipal code and ordinance violations that the RTA, in its sole discretion, deems to be minor or transient in nature. The RTA adopts the administration citation enforcement process, set forth in MCRTAR through xxx, inclusive, pursuant to California Government Code Section 53069.4, which provides for de novo review of administrative citations in court if a person wishes to challenge an administrative decision upholding an administrative citation. For example, and not by exclusion, administrative citations may be used to enforce provisions, minor or nonrecurring violations of MCRTATAPR.

**39.2.** An enforcement officer issues an administrative citation that lists the violation and the administrative fine amount and describes how to pay the fine or request a hearing to contest the citation. The administrative citation may be contested through an administrative hearing process. The fine must be deposited in advance of the administrative hearing, but a procedure to waive the deposit is allowed for hardship. If not set forth in this code, the amount of the administrative citation fine is set by resolution. Penalties and interest shall be added for late payment of administrative fines.

**39.3.** The administrative citation process is set forth beginning at xxxx

#### **40. ADMINISTRATIVE CITATIONS.**

**40.1.** The administrative citation process provided for in this article shall be in addition to any other legal remedies, criminal or civil, which may be pursued by the RTA to address any violation of this code or an ordinance of the RTA.

**40.2.** The administrative citation process set forth in this chapter shall not apply to continuing violations this code.

#### **41. DEFINITIONS**

**41.1.** For purposes of this chapter, the term “enforcement officer” shall mean and refer to any employee or agent of the RTA holding authority to enforce violations of this code or an ordinance. This shall include the RTA Administrator, and any person designated as an enforcement officer by the RTA.

#### **42. SERVICES OF CITATIONS, ORDERS AND NOTICES.**

**42.1.** Any written notice required by the provisions of this code, unless it is herein otherwise specifically provided, shall be served as follows:

**42.1.1.** By personal delivery to the person to be notified or by deposit in the United States mail, in a sealed envelope, postage prepaid, addressed to such person to be notified at the last known business or residence address, as the same appears in the public records pertaining to the matter, to which such notice is

directed. Such service shall be deemed completed at the time of the deposit in the post office.

**42.1.2.** Where real property is involved, written notice shall be mailed to the property owner at the address as shown on the last equalized county assessment roll.

**42.2.** Where personal service or service by mail upon the property owner is unsuccessful, a copy of the order shall be conspicuously posted at the property which is the subject of the order.

**42.2.1.** Proof of service of notice may be made by the certificate of any officer or employee of the RTA, or by affidavit of any person over the age of 18 years, which shows service in conformity with this code or other provisions of law applicable to the subject matter concerned.

**42.2.2.** The failure of any person to receive any notice required under this code shall not affect the validity of any proceedings taken under this code.

### **43. CITATION ISSUANCE**

**43.1.** Whenever an enforcement officer determines that a violation of a provision has occurred, the enforcement officer shall be authorized to issue an administrative citation to any person responsible for the violation.

**43.2.** Each administrative citation shall contain the following information:

**43.2.1.** The date of the violation;

**43.2.2.** The address or a definite description of the location where the violation occurred;

**43.2.3.** Reference to the provision of this code or ordinance that was violated and a description of the circumstances pertaining to the violation;

**43.2.4.** The amount of the fine related to the violation determined in accord with this chapter;

**43.2.5.** A description of the fine payment process, including a statement of the time within which and the place to which the fine shall be paid;

**43.2.6.** An order prohibiting continuation or repeated occurrence of the violation described in the administrative citation;

**43.2.7.** A description of the administrative citation review process, including the time within which the citation may be contested and the place from which a request for hearing form to contest the citation may be obtained; and

**43.2.8.** The name and signature of the citing enforcement officer.

#### **44. CITATION FINES.**

**44.1.** The fines for each Monterey County Regional Taxi Authority violation imposed pursuant to this title shall be set forth in the schedule of fines established by resolution of the RTA Board of Directors. In the absence of a designated fine, the default fine for each violation shall be \$50.00 per day.

**44.2.** The schedule of fines shall specify an additional fine due for late payment of any fine if not paid in full on or before the date the payment of the fine is due.

**44.3.** The fine stated upon any duly issued administrative citation shall be paid to the RTA within 30 days from the date of service of the administrative citation.

**44.4.** Any administrative citation fine paid pursuant to this article shall be refunded in accordance with PGMC 1.19.130 if it is determined, after a hearing, that the person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

**44.5.** Payment of a fine under this article shall not excuse or discharge any continuation or repeated occurrence of the violation that is the subject of the administrative citation.

**44.6.** Any person who fails to pay to the RTA any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due also shall be liable for the payment of any applicable late payment charges set forth in the schedule of fines. The RTA may collect any past due administrative citation fine or late payment charge by use of all available legal means.

**44.7.** Any failure to pay the RTA any fine imposed pursuant to the provisions of this chapter on or before the date that fine is due shall be deemed a violation of this section enforceable pursuant to the provisions of Chapter 1.16 PGMC. The RTA administrator shall be directed to collect fines that are due and payable under this section. [Ord. 07-022 § 9, 2007].

#### **45. HEARING REQUEST.**

**45.1.** Any recipient of an administrative citation may contest that there was a violation of these regulations, or that he or she is the responsible party, by completing a request for hearing form and returning it to the RTA within 30 days from the date set forth on the administrative citation, together with an advance deposit of the fine or notice that a request for an advance deposit hardship waiver has been filed pursuant to PGMC

1.19.100. A request for hearing form may be obtained from the office of the RTA administrator.

**45.2.** The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing.

**45.3.** If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be served on the person requesting the hearing at least five days prior to the date of the hearing. [Ord. 07-022 § 10, 2007].

46. ADVANDE DEPOSIT HARDSHIP WAIVER.

**46.1.** Any person who intends to request a hearing to contest whether a Monterey County Regional Taxi Authority Program Regulations violation occurred, or that he or she is the responsible party and who is financially unable to make the advance deposit of the fine as required in PGMC 1.19.080, may file a request for an advance deposit hardship waiver.

**46.2.** The request shall be filed with the RTA administrator on an advance deposit hardship waiver application form, available from the RTA administrator, within 10 days of the date of the administrative citation.

**46.3.** The requirement to deposit the full amount of the fine as described in 44. Citation Fines shall be stayed unless or until the RTA Administrator makes a determination not to issue the advance deposit hardship waiver.

**46.4.** The RTA Administrator may waive the requirement of an advance deposit set forth in MCRTAPR 44 and issue the advance deposit hardship waiver only if the cited party submits to the RTA Administrator a sworn affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the RTA administrator the person's actual financial inability to deposit with the RTA the full amount of the fine in advance of the hearing.

**46.5.** If the RTA Administrator determines not to issue an advance deposit hardship waiver, the person shall remit the deposit to the RTA within 10 days of the date of that decision or 30 days from the date of the administrative citation, whichever is later.

**46.6.** The RTA administrator shall issue a written determination listing the reasons for his or her determination to issue or not issue the advance deposit hardship waiver. The written determination of the RTA Administrator shall be final.

**46.7.** The written determination of the RTA Administrator shall be served upon the person who filed the request for an advance deposit hardship waiver. This determination shall be subject to judicial review pursuant to Section 1094.5 of the Code of Civil Procedure, and the time limit set by RTATAPR 1.20.010 shall apply.???????



#### **47. HEARING OFFICER SELECTION.**

The presiding officer of the hearing officer panel shall, by random lot, designate one of the seven members of the hearing officer panel to be the hearing officer for each administrative citation hearing. Should that hearing officer be disqualified for cause, or should that hearing officer otherwise be unable to conduct the hearing, the presiding officer shall, by random lot, designate a successor hearing officer from available members of the hearing officer panel. [Ord. 07-022 § 12, 2007].

#### **48. HEARING PROCEDURE.**

**48.1.** No hearing to contest an administrative citation before a hearing officer shall be held unless the fine has been deposited in advance, in accordance with RTATAPR 44, or an advance deposit hardship waiver has been issued in accordance with RTATAPR 47.

**48.2.** A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for hearing is filed in accordance with the provisions of this chapter. The hearing officer shall have sole discretion to grant any request for continuance of the hearing.

**48.3.** At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation. The RTA shall submit its report on the alleged violation, setting forth a detailed recommendation as to relevant findings and conclusions that flow from the facts presented and a recommended decision based upon those findings and conclusions. This report shall meet the standards for administrative findings set forth in *Topanga Assn. for a Scenic Community v. County of Los Angeles*, 11 Cal.3d 506 (1974).

**48.4.** The failure of any recipient of an administrative citation to appear at the administrative citation hearing shall constitute a forfeiture of the fine and a failure to exhaust their administrative remedies.

**48.5.** The administrative citation and any additional report submitted by the enforcement officer shall constitute prima facie evidence of the respective facts contained in those documents.

**48.6.** The hearing officer may question witnesses and/or request additional information from the enforcement officer or the recipient of the administrative citation prior to closing the hearing. [Ord. 07-022 § 13, 2007].

#### **49. HEARING OFFICERS DECISION.**

**49.1.** After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative

citation and shall list the reasons for that decision. The decision of the hearing officer shall be final.

**49.2.** If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the RTA shall be retained by the RTA. If the fine has not been deposited, the hearing officer shall set forth in the decision a payment schedule for the fine.

**49.3.** If the hearing officer determines that the administrative citation should be canceled and the fine was deposited with the RTA, then the RTA shall promptly refund the amount of the deposited fine, together with interest. If the fine has not been deposited, the hearing officer shall cancel the obligation to tender the fine.

**49.4.** The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision. A copy of the decision shall be forwarded to all members of the hearing officer panel. [Ord. 07-022 § 14, 2007].

## **50. JUDICIAL REVIEW.**

Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in Monterey County in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. [Ord. 07-022 § 15, 2007].

## **51. ADMINISTRATIVE COMPLIANCE ORDERS.**

**51.1.** The administrative compliance order process provided for in this Article shall be in addition to any other legal remedies, criminal or civil, which may be pursued by the RTA to address any violation of these regulations of the RTA.

**51.2.** Use of the administrative compliance order process shall be at the sole discretion of the RTA [Ord. 07-022 § 16, 2007].

## **51. COMPLIANCE ORDERS.**

**51.1.** Whenever an enforcement officer, as defined by PGMC 1.19.050, determines that a violation of any provision of these regulations has occurred, is occurring or exists, the enforcement officer may issue a written compliance order to any person responsible for the violation.

**51.2.** A compliance order issued pursuant to this chapter shall contain the following information:

**52.2.1.** The date of the violation;

**52.2.2.** The address or description of the location where the violation occurred;

**51.3.** Reference to the provision of these regulations that was violated and a description of the circumstances pertaining to the violation;

**51.4.** The actions required to correct the violation;

**51.5.** The time period after which administrative penalties will begin to accrue if compliance with the order has not been achieved;

**51.6.** The penalty related to the violation, if compliance is not achieved;

**51.7.** The name and signature of the citing enforcement officer; and

**51.8.** Either a copy of this chapter or an explanation of the consequences of noncompliance with this chapter and a description of the hearing procedure and appeal process. [Ord. 07-022 § 17, 2007].

# **Monterey County Regional Taxi Authority**

## **Taxi Administration Program Regulations**

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**1. GENERAL PROVISION.**

It shall be unlawful for any person, firm or corporation to operate any Taxicab business, or for any owner or driver to operate or drive any Taxicab within the jurisdiction of the Monterey County Regional Taxi Authority, except in compliance with the provisions of these Regulations.

**2. DEFINITIONS.**

For purposes of these regulations, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

- 2.1. Certificate.** “Certificate” means a certificate of public convenience and necessity issued by the Regional Taxi Authority.
- 2.2. Driver.** Every person operating any taxicab either as owner, agent, employee, or otherwise, or under the direction of an owner.
- 2.3. Owner.** Every person, firm, or corporation that owns or has contracted for the use or control of any taxicab, whether as owner, lessee, or otherwise.
- 2.4. Regional Taxi Authority.** “Regional Taxi Authority,” “Authority,” or “RTA” means the Monterey County Regional Taxi Authority. The Regional Taxi Authority General Manager, or their designee, may act on behalf of the Authority.
- 2.5. Regional Taxi Authority Area.** “Regional Taxi Authority Area” means the land areas under the jurisdiction of the member entities of the Regional Taxi Authority.
- 2.6. Taxicab.** A passenger automobile equipped with a taximeter and used for transportation of passengers over public streets and highways but not over a defined route, and irrespective of whether the travel extends beyond RTA Area limits, and operated at rates per mile or waiting time or both.
- 2.7. Taximeter.** A mechanical or electronic instrument or device by which the charge for hire of a Taxicab is mechanically or electronically calculated based on rates established by the Regional Taxi Authority, either for distance traveled, for waiting time, or both, and upon which the charges are plainly registered by means of figures indicating dollars and cents.
- 2.8. Taxistand.** A place on public property or streets approved by the RTA as a place where taxicabs may park and wait for hire.
- 2.9. Taxi Administration Program Regulations.** “TAPR”

**3. DETERMINATION OF NUMBER OF TAXICAB BUSINESSES IN THE REGIONAL TAXI AUTHORITY AREA.**

No person shall engage in the business of operating any Taxicab business within the Regional Taxi Authority Area without first having obtained a certificate of public convenience and necessity (Certificate) from the RTA and an owner’s permit. ~~The Regional Taxi Authority shall determine whether the number of Taxicabs operating in the Regional Taxi Authority Area meets the needs of the general public, and shall issue a Certificate to any Taxicab business only if it finds the public convenience and necessity support the addition of more Taxicabs operating within the Regional Taxi Authority Area.~~



#### **4. CONTINUED OPERATION OF AUTHORIZED BUSINESS REQUIRED.**

Every person holding an owner's permit under the provisions of these Regulations shall regularly and daily operate the taxicab business ~~from Taxistands~~ within the Regional Taxi Authority Area to the extent reasonably necessary to meet public demand for such service on a 24-hour-a-day basis. Failure to comply with this provision shall constitute abandonment of service and the RTA, after a noticed public hearing, may revoke the owner's permit if a violation of this section is demonstrated.

#### **5. COMPLIANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.**

##### **5.1. Proper licensing**

All taxicabs authorized to operate within the Regional Taxi Authority Area shall be properly licensed with the California Department of Motor Vehicles, and shall further comply with all state and local laws and regulations relating to the licensing and commercial operation of taxicabs. All taxicabs shall be registered under the firm name or the name of the individual holding the owner's permit.

##### **5.2. Rental provision**

No vehicle used or intended to be used in Taxicab service within the Regional Taxi Authority Area shall be rented to any owner or driver unless such owner or driver has obtained the appropriate permit(s) pursuant to these Regulations.

#### **6. INSURANCE REQUIREMENTS AND HOLD HARMLESS.**

##### **6.1. Certificate of insurance**

It shall be unlawful to drive or operate any Taxicab within the Regional Taxi Authority Area unless the vehicle owner possesses current, valid ~~commercial general liability and~~ vehicle liability in amounts and with conditions acceptable to the RTA and evidenced through certificates of insurance filed with the RTA.

##### **6.2. Minimum requirements**

The owner's insurance shall remain in full force, at a level at least equal to the minimum requirements of the Regional Taxi Authority, or the owner's permit shall automatically be suspended until such time as full compliance with the requirements of this section are demonstrated to the RTA's satisfaction.

##### **6.3. Indemnification and hold harmless**

All taxicab owners and drivers authorized to operate within the Regional Taxi Authority Area shall, and by acceptance of the RTA taxicab permit, do agree to hereby indemnify, defend and hold harmless RTA and Monterey Salinas Transit, their member jurisdictions, their officers, employees and agents from any and all damages, claims, liabilities, costs, suits, or other expense resulting from, or arising out of, taxicab operations.

## **7. RATES AND FARES; GENERALLY.**

### **7.1. Schedule of rates**

The Board of the Regional Taxi Authority, upon its own motion or upon application of an owner's permit holder, may set, establish, change, modify or amend the schedule of rates to be charged by all vehicles operated by each holder of an owner's permit under the provisions of these Regulations. No rates shall be set, established, changed, modified or amended without a public hearing before the Board. Notice of such hearing shall be given to each owner's permit holder, in writing, by the Board at least five days before such hearing, and the Board may give such other notice as it shall deem necessary.

### **7.2. Displaying fares**

Fares shall be conspicuously displayed in the passenger compartment of each Taxicab where it is readily visible and readable by passengers in front and rear seats.

### **7.3. Fare determination**

The taxicab rate or fare shall be determined by a taximeter in accordance with the schedule established by the Regional Taxi Authority. Following public hearing as required herein, the RTA shall establish the rate or fare by resolution.

### **7.4. Unlawful fares**

It shall be unlawful to fix, charge, or collect a rate in excess of the rate schedule approved by the Regional Taxi Authority.

## **8. CONDITION OF VEHICLES.**

No owner or driver shall operate, permit to be operated, or cause to be operated any motor vehicle for hire while the same or any of the equipment used thereon or therewith is in a defective, unsafe or unsanitary condition.

## **9. EXTERIOR SIGNAGE REQUIRED.**

Every taxicab operated within the Regional Taxi Authority Area shall have displayed on each side and the rear of the vehicle the taxicab business name as it appears on the owner's permit, together with the owner's identification number and the telephone number of the Taxicab business. The lettering of the signs and all signs to be displayed on any taxicab shall be approved by the RTA.

## **10. "FOR HIRE" LIGHTS REQUIRED.**

~~Every taxicab shall be equipped with a "For Hire" light attached to the top of the roof or to the top of the dome light. The light of the "For Hire" light unit shall be connected to a contact switch attached to the taximeter, and such contact switch shall operate automatically to illuminate the "For Hire" light when the taximeter is not in operation, indicating the taxicab is vacant and for hire, and to extinguish such light when the taximeter is in operation. No person shall drive or operate any taxicab with such a light illuminated while carrying passengers for compensation; or drive or operate any Taxicab unless such a light is illuminated when such taxicab is for hire.~~

**11. ILLUMINATION OF PASSENGER COMPARTMENT REQUIRED AT CERTAIN TIMES.**

Every motor vehicle for hire shall at all times be equipped with a light of not less than two candlepower within such vehicle, so arranged as to illuminate the entire passenger compartment, which light shall be kept constantly lighted at all times while any passengers are being loaded into or unloaded from any such vehicle from one-half hour after sunset of any day until one-half hour before sunrise of the next day, and no shades or blinds shall be drawn over the windows of any such vehicle while the same is occupied.

**12. INSPECTION OF VEHICLES; INSPECTION FEE.**

**12.1. Annual Inspection**

All taxicabs shall submit to an annual inspection as required by the Regional Taxi Authority. All taxicabs shall possess all of the equipment listed on the RTA Taxicab Safety Inspection Checklist, and all such equipment shall be in good working order and repair. The RTA shall establish the standard for good working order.

**12.2. Taxicab decals**

Upon satisfactory completion of such inspection, the Regional Taxi Authority shall issue and affix an approval decal or sticker to the Taxicab that authorizes the operation of the vehicle for a one-year period. All decals issued by the RTA shall be displayed at the rear of the vehicle on the driver's side rear window. It shall be unlawful to transfer the decal or sticker to any other vehicle, and no taxicab shall be operated without a valid decal or sticker properly displayed.

**12.3. Taxicab Inspection**

Any law enforcement officer shall have the right and shall be permitted at any time to inspect any taxicab to ascertain whether the provisions of this Section are being met. During an inspection, the driver of the taxicab shall produce for inspection the following documents:

- 1) Valid California vehicle registration;
- 2) Valid proof of insurance document; and
- 3) Valid California driver's license.

**12.4. Safety inspection fee**

The Regional Taxi Authority shall establish a taxicab safety inspection fee that shall be due annually upon inspection.

**12.5. Safety inspection failure**

Any taxicab that fails any safety inspection shall be given an opportunity to make repairs or correct defects and be re-inspected. Any such taxicab failing an inspection shall be removed from service until such time as compliance is met. A safety inspection is "failed" if any law enforcement officer or Regional Taxi Authority designated mechanic determines the vehicle is not in compliance with the provisions of this Section, or any required inspection program established by the RTA, or if the taxicab is unsafe, unsanitary, or unsightly. Any such taxicab shall be removed from service until such

conditions are corrected. Such vehicle shall be re-inspected prior to being returned to service.

**12.6. Removal from service**

Should a law enforcement officer or a Regional Taxi Authority employee determine that a taxicab should be removed from service, such person is authorized to remove the decal or sticker designating that the taxicab is authorized to operate. When the taxicab has satisfactorily passed an inspection, a new decal or sticker will be issued by the RTA and a nominal fee will be charged for the new decal or sticker.

**13. ESTABLISHMENT AND USE OF TAXISTANDS.**

**13.1. Designated taxicab stand locations**

The Regional Taxi Authority may, by resolution, locate and designate taxicab stands or designated curb space on any public street within the RTA Area. The taxicab stands, when so established, shall be appropriately designated, "Taxis Only." Taxicab stands so established shall be in operation during the hours designated by the RTA.

**13.2. Taxicab parking limitations**

~~If designated taxicab stands are so established, no owner, driver or operator of any taxicab shall allow such taxicab to remain parked, while awaiting employment, except in a regularly established taxicab stand. Taxicabs may park in any available parking space when actually engaged in loading or unloading passengers if permitted by ordinance.~~

**14. SOLICITATION OF PASSENGERS PROHIBITED; EXCEPTION.**

~~No taxicab driver, or person acting on behalf of any such driver, shall solicit passengers except from an approved taxicab stand.~~

**15. TAXICABS STANDING IN STREETS OR PUBLIC PLACE PROHIBITED; EXCEPTION.**

~~No taxicab shall be allowed to remain standing on a public street or in a public place unless it is attended by a driver, except when the driver is assisting passengers to load or unload, is answering his or her telephone, or displays a sign reading "Not for Hire."~~

**16. PROHIBITED CONDUCT BY DRIVERS**

**16.1. Inappropriate conduct**

No driver, or any person acting on behalf of any such Driver, shall engage in any disorderly or inappropriate conduct while in the performance of his or her duties as a taxicab operator including, but not limited to, obstruction of any street or sidewalk; making of loud or unusual noises to attract the attention of potential customers; use of indecent, profane, or obscene language; boisterous or loud talking that might disturb the peace and quiet of others in the area; harassment of passersby; interference with, obstruction of, or impeding of the free passage of potential passengers; or seizing or grabbing any baggage carried by or belonging to potential passengers prior to being hired to provide transportation.

**16.2. Smoking**

No taxicab driver shall smoke or permit any smoking to occur within any Taxicab at any time. No smoking signs shall be prominently displayed in every taxicab.

**17. AUTHORIZATION TO PICK-UP PASSENGERS BY PERMITTED DRIVERS**

Taxicabs that have been permitted by the Regional Taxi Authority can pick-up passengers within and between the RTA Area. Taxicabs authorized to operate in other jurisdictions not participating in the RTA may drop-off but not pick-up passengers within the Authority area.

**18. KEEPING OF TRIP SHEETS REQUIRED.**

**18.1. Mandatory trip sheet requirements**

~~The driver of each taxicab shall keep a separate trip sheet of every service rendered by the driver, and shall include the following information:~~

~~18.1.1. The location where the passenger(s) entered the taxicab;~~

~~18.1.2. The number of passengers;~~

~~18.1.3. The time the passengers entered the taxicab;~~

~~18.1.4. The location where the passengers were discharged; and~~

~~18.1.5. The amount of fare collected.~~

**18.2. Trip sheet retention requirements**

~~The owner of every taxicab shall keep such trip sheets in the business office for a period of one year after the date service is rendered, and they shall be open and available for inspection by any representative of the RTA at all times during business hours. The falsification of any trip sheet by any owner or driver shall be grounds for revocation of his or her permit.~~

**19. KEEPING OF RECORDS BY OWNERS REQUIRED.**

**19.1. Dispatch sheets**

~~The owner of every taxicab business shall keep a dispatch sheet which shows the time of dispatch of every taxicab.~~

**19.2. Taxi driver records**

~~Every owner and every employer of taxicab drivers, including self-employed drivers, shall keep and maintain a complete and accurate record of all drivers, which record shall show for each employee his or her name, address, date of hire, date of termination, the number of the taxicab operated by the driver, the hours of employment for each driver, a list of absences from employment, all motor vehicle violations, all traffic accidents, all complaints received from passengers or others, and the test results from controlled substance and alcohol testing. These records shall be subject to inspection by the RTA at any time upon demand, and shall not be destroyed without the written permission of the Authority.~~

**19.3. Taxi driver termination reporting**

~~Every taxicab owner and employer of taxicab drivers shall notify the RTA in writing within five working days upon termination of employment of any taxicab driver.~~

**20. REPORTS OF FOUND PROPERTY**

**20.1. Found property log**

~~All property found in taxicabs not belonging to the driver or the taxicab owner shall be delivered to the RTA within 24 hours of discovery unless otherwise returned to the rightful owner. Every owner shall keep a log of all found property.~~

**20.2. Returning found property**

~~Every owner and driver shall attempt to return found property to any person claiming to have lost or left property in a taxicab. If the lost property is not found, the owner and driver shall advise the passenger to file a lost property report with the Police Department within the jurisdiction of the drop-off point.~~

**21. SERVICE TO GENERAL PUBLIC**

**21.1. Refusal of service limitations**

No driver of any taxicab shall refuse to carry any person seeking transportation and tendering the fare for the service within the RTA area unless the vehicle is already in service, the person seeking transportation is unruly, boisterous, or intoxicated, or where the person seeking transportation is known to the driver to have been unruly, created problems of a confrontational nature or refused full payment in the past.

**21.2. Complaints against taxicab drivers**

The RTA shall be responsible for maintaining files of and investigating complaints regarding taxicab service and shall initiate appropriate action against taxicab drivers and owners when a complaint or complaints warrant such action.

**22. TAXICAB OWNER'S PERMIT.**

**22.1. In General**

**22.1.1. Permit required to operate business**

No person shall engage in the business of operating any taxicab within the RTA without first having obtained an owner's permit from the RTA, except as otherwise provided in this Section.

**22.1.2. Owner's permit required for each additional or different taxicab**

An owner's permit shall be required for each additional or different taxicab operated by an owner.

**22.1.3. Vehicle substitution**

If a permittee wishes to substitute one vehicle for another, he or she shall file an application with the RTA who shall cause the taxicab to be submitted to a normal safety inspection, and if the vehicle passes, an approval decal or sticker will be affixed to the substitute taxicab and the decal or sticker will be removed from the original vehicle.

**22.2. Taxicab owner's permit application**

All persons or businesses applying for an owner's permit under this Section shall file with the RTA an application, under penalty of perjury, which shall include the following information:

- 22.2.1. The name, residence and business addresses of the applicant.
- 22.2.2. Social security numbers, driver's license numbers, and dates of birth for all persons named in the application. If the applicant is a partnership or corporation, then the information shall be provided for each partner or corporate officer.
- 22.2.3. Fictitious name under which the business is proposed to operate.
- 22.2.4. Whether any license, permit, or certificate sought by the applicant has been denied, revoked, or suspended by any public agency, explaining in full the circumstances of any denial, revocation, or suspension.
- 22.2.5. The number and type of vehicles proposed to be operated in the business, including year, make, model, license number, VIN, and company-assigned taxicab number.
- 22.2.6. The color, name, monogram of insignia to appear on the vehicles.
- 22.2.7. A complete schedule of fares or rates to be charged and services to be operated, demonstrating compliance with existing fares and rates as established by the RTA.
- 22.2.8. The location where the business will be operated, including dispatch facilities, storage facilities, repair and maintenance facilities, and fuel dispensing operations.
- 22.2.9. Copies of required insurance policies or, if not yet issued, a written statement from an insurer that such policies will be issued if the application is granted.
- 22.2.10. A statement as to whether any applicant, partner, or corporate officer has been convicted of any misdemeanor or crime, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.
- 22.2.11. The facts upon which the applicant believes tends to prove that public convenience and necessity require the granting of a permit.
- 22.2.12. Such other information as the RTA may deem necessary for promotion of the public health, safety, and welfare.

**22.3. Application fee**

The RTA shall establish an owner's permit application fee that shall accompany any such application.

**22.4. Taxicab owner’s permit application process**

**22.4.1. Preliminary investigation**

Upon receipt of an application for an owner’s permit under this Section, the RTA staff shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant’s fingerprints to the State of California for criminal history review.

**22.4.2. Application review process**

The RTA shall review the application and the recommendation from the Authority staff to determine if it appears there is a need and necessity for the taxicab services proposed, and whether the applicant meets the requirements of the RTA Regulations and ordinances. The RTA may require the applicant to provide financial information and other documentation to demonstrate the ability to appropriately and lawfully operate the taxicab business proposed. The application shall be reviewed by the RTA at a noticed public hearing.

**22.4.3. Application approval requirements**

The Regional Taxi Authority shall approve any such application only if the following findings are first made:

- 22.4.3.1. The applicant is financially responsible as determined by the RTA.
- 22.4.3.2. The applicant is of good moral character consistent with federal, state, and local laws for the public services that will be provided by the owner.
- 22.4.3.3. Existing taxicab businesses are not adequately serving the public with respect to taxicab services.
- 22.4.3.4. Such additional taxicab service will not result in a greater hazard to the public or create substantial traffic or parking problems.

**22.5. Application denial**

The application shall be denied if any of the following finds are first made:

- 1) The public convenience and necessity do not require the proposed service.
- 2) The application fails to contain any of the required information as set forth above.

**22.6. Permit transferability**

No owner’s permit issued under this Section shall be assignable or transferable without the prior approval of the RTA. Prior to presenting the proposed assignment or transfer to the Authority, the transferee shall first submit a statement with the Authority staff setting forth the information required to be furnished on an original application as set forth in Section 22.2 above. The Authority shall investigate the transferee in the same manner as a new applicant and make a recommendation to approve or disapprove the transfer to the RTA within forty-five (45) days after the statement is received.



**22.7. Suspension or revocation of owner’s permit**

The RTA shall have the power to suspend or revoke any owner’s permit to operate a taxicab for a violation of any of the provisions of this Section or any ordinance relating to traffic or use of streets; for a failure to pay any judgment for damages arising from the unlawful or negligent operation of the public motor vehicle for which any owner’s permit was issued; for conduct on the part of any owner which is not conducive to proper service to the public, or to proper relationships with any competitive owner; or for, but not limited to any of the following reasons:

- 22.7.1. Providing late, false, or inaccurate information in the owner’s permit application;
- 22.7.2. Allowing operation of a taxicab by a driver not possessing a valid RTA driver permit stating that the driver is affiliated with the permittee;
- 22.7.3. Failure to comply with the Authority’s Regulations;
- 22.7.4. Failure of authorized drivers to comply with the Authority’s Regulations;
- 22.7.5. Operation of any taxicab at a rate higher than the authorized fares;
- 22.7.6. Failure to comply with the participating jurisdictions’ law enforcement officers, code enforcement officers, Authority staff, and/or California Highway Patrol;
- 22.7.7. Operating its business without the insurance required in these regulations;
- 22.7.8. Failure to comply with the drug and alcohol policy requirements in these regulations;
- 22.7.9. Failure to fully satisfy any court judgment entered against the company arising from liability for operating taxicabs, including but not limited to, judgments related to collisions or operating without the requisite insurance, within 15 years after the judgment was originally entered; or
- 22.7.10. Being held liable under any judgment, decision or determination by any public or regulatory agency for operating taxicabs without the requisite insurance after the adoption of these regulations.

**22.8. Suspension appeal and hearing**

Suspension or revocation of an owner’s permit shall be appealable pursuant to regulations set forth in Section 24.

**22.9. Operation under suspension**

An owner shall not operate any taxicab during the time period in which the owner’s permit is suspended. The RTA may, but is not required to, issue a Temporary Permit as set forth below, which will allow the owner to temporarily operate until such time as the RTA Board of Directors has issued a final decision. In order to issue such a permit, the RTA must, in addition to the requirements set forth below, make findings that the public safety and health will not be harmed by the issuance of a temporary owner’s permit and unusual circumstances exist which require the issuance of a temporary owner’s permit.

**22.9.1. Temporary operating permit**

The RTA, in its sole discretion, may grant a temporary permit to operate any taxicab, pending final action on any application for a permanent owner’s permit as provided in this Section, but no such temporary permit may be issued to any person who does not

have a valid driver's license issued by the state, who is not employed or possessing a written offer of employment as a taxicab driver in the Regional Taxi Authority Area, or who has not provided evidence of negative controlled substance and alcohol testing as required by Section 26.

## **23. TAXICAB DRIVER'S PERMIT.**

### **23.1. In General**

#### **23.1.1. Taxicab Driver's Permit required**

No person shall drive or operate any taxicab within the RTA without first having obtained a driver's permit from the RTA or an RTA member jurisdiction.

#### **23.1.2. Permits and records**

~~The RTA shall administer and maintain taxicab driver's permits and records for taxicabs operating within the RTA Area.~~

### **23.2. Taxicab driver's permit application**

#### **23.2.1. Permit application**

~~All persons or businesses applying for a driver's permit under this Section shall file with the RTA an application, under penalty of perjury, which shall include the following information:~~

~~23.2.1.1. The name, age, and address of the applicant.~~

~~23.2.1.2. Past experience operating motor vehicles generally and taxicabs specifically.~~

~~23.2.1.3. The names and addresses of former employers during the preceding three-year period.~~

~~23.2.1.4. The places of residence during the preceding three-year period.~~

~~23.2.1.5. Whether or not a driver's license issued to the applicant has ever been revoked or suspended.~~

~~23.2.1.6. A copy of the applicant's current driver's license and a DMV H-6 Driving Record and Vehicle Registration Report.~~

~~23.2.1.7. An endorsement of the owner of the taxicab business for whom the applicant seeks to drive a taxicab.~~

~~23.2.1.8. Proof of the applicant's negative test results for controlled substances and alcohol.~~

#### **23.2.2. Consortia**

~~Upon the request of an applicant, the RTA shall provide a list of the consortia certified pursuant to Part 382 (commencing with Section 382.101) of Title 49 of the code of~~

~~Federal Regulations that the RTA knows offer controlled substance and alcohol tests in Monterey County.~~

**23.3. Application fee**

~~An application for a taxicab driver's permit shall be made to the RTA, and at the time of filing such application, a fee in an amount to be set by resolution shall be paid to the RTA provided that such fee shall include the amount set by the state to cover the cost of processing such applications.~~

**23.4. Taxicab driver's Permit requirements and prohibitions.**

**23.4.1. Permit requirements**

~~No Taxicab Driver's permit shall be issued to any person who:~~

- ~~23.4.1.1. Is under age 21 at the time of application.~~
- ~~23.4.1.2. Fails to provide documentation of either citizenship or employment authorization as required by the Immigration and Reform Control Act of 1986 (8 USC § 1234a).~~
- ~~23.4.1.3. Has been convicted of a felony.~~
- ~~23.4.1.4. Has been convicted of any offense specified in the CA Vehicle Code involving reckless driving or alcohol or drug offenses.~~
- ~~23.4.1.5. Has been convicted of two or more violations of the offenses set forth in Sections 22349 through 22352 of the California Vehicle Code, and amendments thereto, or any combination of either or any of such offenses within one year immediately preceding submittal of an application for or renewal of a driver's permit and;~~
- ~~23.4.1.6. Fails to possess a valid driver's license suitable for operation of a taxicab.~~
- ~~23.4.1.7. Has received a positive test result in any random test for controlled substances or alcohol within the past twelve months.~~
- ~~23.4.1.8. Provides false or materially incomplete information required for issuance of the permit.~~
- ~~23.4.1.9. Has been convicted of an offense which requires registration pursuant to CA Penal Code § 290.~~
- ~~23.4.1.10. Has been convicted within five years of an offense involving the sale of a controlled substance.~~
- ~~23.4.1.11. Has been convicted within five years of any offense involving the use of force or violence upon another person.~~
- ~~23.4.1.12. Has been convicted of more than one violation of driving while under the influence of any drug or alcohol within the past seven years prior to application.~~

~~23.4.1.13. Is on parole or probation for a crime and the crime is substantially related to the qualifications, functions, or duties of a taxicab driver in a potentially negative manner.~~

~~23.4.1.14. Has had a taxicab driver's permit issued by any jurisdiction revoked within the past three years.~~

~~23.4.1.15. Fails to provide a medical clearance that meets the standard set forth by the California Department of Motor Vehicles, Motor Carrier Safety Regulations (49 CFR 391.41—391.49). This is satisfied by providing a completed Medical Examination Report for Commercial Driver Fitness Determination form or a Medical Examiner's Certificate issued by the California Department of Motor Vehicles.~~

### **23.5. Taxicab driver permit process**

~~Application for a taxicab driver's permit shall be filed with the Authority along with any fee(s) as established by the RTA for the issuance of such permit. The application shall be in writing and made under penalty of perjury. The Authority shall undertake a preliminary investigation to verify the criminal history information submitted by the applicant and shall submit the applicant's fingerprints to the State of California for criminal history review. Any information submitted in the application that is false, or any required information that is omitted, shall result in denial of the permit.~~

### **23.6. Owner name**

~~Every taxicab driver's permit issued pursuant to this Section shall set forth the name of the owner for whom such driver is authorized to operate a taxicab, and shall be valid only so long as the driver continues to drive for such owner.~~

### **23.7. Permit name**

~~All drivers of taxicabs shall display their taxicab driver's permit in a conspicuous place in the passenger compartment of the taxicab whenever the taxicab is being used to transport passengers.~~

### **23.8. Issuance of permits**

~~The RTA shall investigate the applicant for a taxicab driver's permit under this Section and after such investigation shall either grant or deny the permit. Any person whose application has been denied may appeal the denial pursuant to the processes laid out in Section 24.~~

### **23.9. Renewal of permit; termination.**

#### **23.9.1. Permit expiration**

~~—All taxicab drivers' permits issued pursuant to this Section expire annually on their anniversary date unless earlier terminated, suspended, or revoked pursuant to the provisions set forth herein.~~

**23.9.2. Permit renewal**

~~Drivers may renew their permit if still qualified to operate a taxicab by meeting all the permit requirements set forth in this Section for new taxicab driver's permits, including, but not limited to, passing the test for controlled substances and alcohol.~~

**23.9.3. Termination of employment**

~~———— Taxicab driver's permits are void upon termination of taxicab driver's employment  
———— with the owner listed on their permit. Each driver shall return the permit to the RTA upon  
———— such termination.~~

**23.9.4. Permit transference**

~~———— It shall be unlawful to transfer any taxicab driver's permit to any other person.~~

**23.10. Suspension or revocation of permit.**

**23.10.1. Suspension authority**

~~The RTA, by and through its General Manager, or their designee, shall have the authority to immediately suspend any taxicab driver's permit in the event the holder is arrested, charged, or cited for any violation of the CA Vehicle Code. The RTA may suspend or refuse to renew any taxicab driver's permit if the driver is:~~

~~23.10.1.1. Convicted of, or has plead guilty or *nolo contendere* to, the violation of any law within the past five (5) years involving the commission of a misdemeanor, including, but not limited to, any sexual offense; the illegal use, possession, or distribution of drugs or other controlled substances; any charge involving robbery, theft, stolen property, assault, battery; or any crime involving moral turpitude that occurred within the past five (5) years;~~

~~23.10.1.2. Convicted of driving recklessly or while under the influence of alcohol or controlled substances;~~

~~23.10.1.3. Has his or her driver's license suspended or revoked;~~

~~23.10.1.4. Found to test positive for any controlled substance or alcohol during any test;~~

~~23.10.1.5. Found to have violated any provision of this Section; or~~

~~23.10.1.6. Found to have provided false information or omitted information required on a taxicab driver's permit application.~~

**23.11. Suspension appeal and hearing**

~~Suspension or revocation of an owner's permit shall be appealable pursuant to regulations set forth in Section 24.~~

**23.12. Operation under suspension**

~~A taxicab driver shall not operate a taxicab during the time period in which the driver's permit is suspended. The RTA may, but is not required to, issue a Temporary Permit as set forth below, which will allow the taxicab driver to temporarily operate until such time as the RTA Board of Directors has issued a final decision. In order to issue such a permit, the RTA must, in addition to the requirements set forth below, make findings that the public safety and health will not be harmed by the issuance of a temporary driver's permit and unusual circumstances exist which require the issuance of a temporary driver's permit.~~

**23.12.1. Temporary operating permit**

~~The RTA, in its sole discretion, may grant a temporary permit to drive any taxicab, pending final action on any application for a permanent taxicab driver's permit as provided in this Section, but no such temporary permit may be issued to any person who does not have a valid driver's license issued by the state, who is not employed or possessing a written offer of employment as a taxicab driver in the Regional Taxi Authority Area, or who has not provided evidence of negative controlled substance and alcohol testing as required by Section 26.~~

**24. DENIAL, SUSPENSION AND REVOCATION APPEALS; RIGHT TO A HEARING**

**24.1. Right to appeal**

Any owner or driver who has had their permit denied, suspended or revoked by the RTA under Section 22 or Section 23 has the right to appeal the denial, suspension or revocation. The appeal shall be heard by the RTA Board of Directors, or their designee, at a duly noticed public hearing, in accord with these Regulations.

**24.2. Time to appeal**

Any owner or driver whose permit has been suspended may, within ten days, file an appeal with the RTA Board of Directors, or their designee. If no appeal is received within 10 days, the permit shall be considered revoked and there will be no further right to an appeal, unless the RTA Board, or their designee, finds that there are reasonable grounds for failing to appeal within the 10-day period.

**24.3. Action by RTA board**

The Board of Directors, or their designee, shall hold a duly noticed public hearing within sixty days from receiving the appeal, unless the owner or driver agrees to an extension or requests an expedited hearing. If an expedited hearing is requested the RTA Board shall endeavor to set an earlier date for the hearing but is not required to set an earlier date.

**24.4. Hearing**

The hearing shall comply with the applicable provisions for the protection of the due process rights of the owner or driver and the owner or driver will be given the opportunity to be heard. At the hearing the owner or driver may present documents, evidence and witnesses. The RTA shall also be allowed to present documents, evidence and witnesses.

**24.5. Failure to appear**

The failure of any owner or driver to appear at the appeal hearing shall constitute a forfeiture of the right to appeal and a failure to exhaust administrative remedies.

**24.6. Final decision by RTA board**

The RTA Board of Directors, or their designee, shall either grant or deny the appeal based on substantial evidence and shall support its decision with factual findings, in writing. The decision of the RTA Board of Directors, or their designee, will issue within ten days of the conclusion of the hearing and will be final. If the RTA Board of Directors, or their designee, upholds the appeal, the permit shall be reinstated. If the RTA Board of Directors, or their designee, denies the appeal, the permit shall be revoked and may only be reinstated as set forth in these Regulations.

**25. RECORDS TO BE KEPT BY THE REGIONAL TAXI AUTHORITY.**

~~The RTA shall keep a record of each driver granted a taxicab driver's permit under the provisions of these Regulations, which record shall contain the full name, age, residence, places of residence for two (2) years preceding the date of application, race, weight, height, color of eyes and hair, fingerprints, place of birth, places of previous employment covering three (3) years preceding the date of application, whether the driver has ever been convicted of a felony or of a misdemeanor, and whether he or she has ever been previously licensed as a driver, and if so, whether his or her license has ever been revoked and for what cause.~~

**26. MANDATORY CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM**

**26.1. Driver testing**

Pursuant to California Government Code Section 53075.5, each taxicab driver shall test negative for each of the controlled substances specified in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, before employment. ~~Each driver shall test negative for these controlled substances and for alcohol as a condition of the driver's annual permit renewal. As used in this section, a negative test for alcohol means an alcohol screening test showing a breath alcohol concentration of less than 0.02 percent.~~

**26.2. Testing procedures**

Testing procedures shall be substantially as set forth in Part 40 (commencing with Section 40.1) of Title 49 of the Code of Federal Regulations, except that each driver shall show a valid California driver's license at the time and place of testing, and except as provided otherwise in this section. Requirements for rehabilitation and return-to-duty and follow-up testing and other requirements, except as provided otherwise in this section, shall be substantially as set forth in Part 382 (commencing with Section 382.101) of Title 49 of the Code of Federal Regulations.

**26.3. Jurisdiction equality**

A test in one jurisdiction shall be accepted as meeting the same requirement in the Regional Taxi Authority Area or in any other jurisdiction. ~~Any negative test result shall~~

~~be accepted for one year as meeting a requirement for periodic permit renewal testing or any other periodic testing in the Regional Taxi Authority Area or any other jurisdiction, if the driver has not tested positive subsequent to a negative result. However, an earlier negative result shall not be accepted as meeting the pre-employment testing requirement for any subsequent employment, or any testing requirements under the program other than periodic testing.~~

**26.4. Self-employed independent driver**

In the case of a self-employed independent driver, the test results shall be reported directly to the RTA, and the Authority shall notify the taxicab leasing company of record, if any, of positive results. In all other cases, the results shall be reported directly to the driver's employer, who shall immediately notify the RTA of the results.

**26.5. Confidentiality**

All tests are confidential and shall not be released without the consent of the driver, except as authorized or required by law.

**26.6. Self-employed costs**

Self-employed independent drivers shall be responsible for compliance with, and shall pay all costs of, this program with regard to themselves. In all other cases, taxicab owners and employers of drivers shall be responsible for compliance with, and shall pay all costs of, this program with respect to their employees and potential employees, except that an employer may require employees who test positive to pay the costs of rehabilitation and of return-to-duty and follow-up testing.

**26.7. Service charges, fees and assessments**

Taxicab owners, employers of drivers, and self-employed independent drivers shall pay all service charges, fees, or assessments established by the RTA with respect to the owner's employees and potential employees in an amount sufficient to pay for the RTA's costs of carrying out the mandates of this section.

**26.8. Test results not admissible in criminal prosecution**

No evidence derived from a positive test result pursuant to the program shall be admissible in a criminal prosecution concerning unlawful possession, sale or distribution of controlled substances.

**26.9. Employment defined**

For purposes of this Section, "employment" includes self-employment as an independent driver or owner/operator of a taxicab.

**27. TAXIMETERS.**

**27.1. Required in taxicabs.**

No person shall operate any Taxicab in Regional Taxi Authority Area until such taxicab is equipped with a taximeter of a type and design which has been approved by the RTA.



All taxicabs operated under the authority of these Regulations shall be equipped with taximeters which conform to all applicable State of California laws and regulations and shall be inspected, sealed, and certified by the County Department of Weights and Measures.

**27.2. Inspection required.**

**27.2.1.** Every taximeter shall be inspected and tested for accuracy by the owner at least annually. Taximeters shall be subject to inspection at any time by the RTA or any other authorized persons. Upon discovery of any inaccuracy of such taximeter, the operator thereof shall remove, or cause to be removed, from service any vehicle equipped with such taximeter until such taximeter has been repaired and accurately adjusted.

**27.2.2.** Records and evidence of inspection by the County Department of Weights and Measures shall be submitted for verification at the time of each taxicab's annual vehicle inspection.

**27.3. Manner of placement in taxicabs.**

The taximeter required by this Section shall be placed in each taxicab so that the reading ~~dial/digital readout~~ showing the amount to be charged is well lighted and readily discernible to a passenger riding in any such taxicab.

**27.4. Accurate operation required.**

It shall be the duty of each person operating a taxicab, and the driver thereof, to keep the taximeter therein operating at all times within the accuracy and requirements of this Section and such additional requirements as may be prescribed from time to time by the RTA.

**27.5. Use required for all passenger services.**

No passenger shall be carried in any taxicab for hire unless the taximeter in such taxicab is in operation. This Section shall apply regardless of whether the taxicab is engaged for a trip entirely within the Regional Taxi Authority Area or partially outside thereof, and such meter shall be kept operating continuously during the entire time that it is engaged in the transportation of passengers for compensation, regardless of the point of destination; except, that when the trip is in excess of fifteen (15) miles a flat rate may be used for any part of the trip over the first fifteen (15) miles.

**27.6. All charges to be in accordance with meters.**

All charges for taxicab service shall be calculated and indicated by a taximeter, except as described in this Section, and at all times while the taxicab is engaged the "flag" of the taximeter shall be activated ~~thrown into a position~~ to register charges for mileage and time. No taximeter shall be so operated as to cause any charge to be registered thereon, except during the time while the taxicab is engaged by a passenger.

**27.7. Splitting of fares by two or more passengers.**

If two or more persons going in the same direction share a taxicab, the first party that is discharged from the taxicab shall pay the charge on the taximeter and the taximeter shall then be re-activated “flagged” and a new fare started; except and unless, if the driver agrees at the inception of the hire to drop the first fare without re-activating “re-flagging” and starting a new fare.

~~**27.8. Proper use of “flag” required.**~~

~~No driver of any taxicab, while carrying passengers, shall display the “flag” attached to the taximeter in such a position as to denote that such vehicle is not employed, or fail to throw the “flag” of the taximeter to a position indicating such vehicle is unemployed at the termination of each service.”~~

**28. INVALID PROVISIONS**

If any provision, clause, sentence or paragraph of these Regulations are for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of these Regulations. The RTA hereby declares that it would have passed these Regulations and each and every section, subsection, clause and phase thereof not declared invalid or unconstitutional without regard to whether any portion of these Regulations would be substantially declared invalid or unconstitutional.

**29. JUDICIAL REVIEW.**

Section 1094.6 of the Code of Civil Procedure of the state of California shall be applicable so as to provide a 90-day limitation for judicial review of any final administrative decision by the RTA board. Whenever any such decision shall be rendered in final form, written notice thereof and of this 90-day limitation for judicial review shall be provided to the person or persons interested in such. The RTA Secretary shall determine and collect the estimated actual cost for preparation of any complete record of the proceedings which may be requested to be prepared.

**30. TAXI RATES.**

**30.1. (reserved)**

**31. AIRPORT SPECIAL PROVISIONS.**

**31.1. (reserved)**

**32. EQUIPMENT AND OPERATING REGULATIONS**

An Equipment, Safety, Security, and Operations Policy shall be promulgated and adopted by the RTA Board by Resolution, and shall have the force of law. Vehicles and their operators must remain in compliance with the most recent RTA Board adopted Equipment, Safety, Security, and Operations Policy. Violation of this Policy may result in suspension or removal of permits to operate within the RTA jurisdictions. The Equipment, Safety, Security, and Operations Policy may be amended by Resolution from time to time.

**33. FINES AND PENALTIES**

A Schedule of Fines and Penalties for violations of these Regulations shall be promulgated and adopted by the RTA Board by Resolution and shall have the force of law. The Schedule of Fines and Penalties may be amended by Resolution from time to time.

**34. AMENDMENTS**

These Regulations may be amended by the RTA Board of Directors by Ordinance.

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To: Board of Directors  
From: Hunter Harvath, Assistant General Manager – Finance & Administration  
Subject: Equipment, Safety, Security and Operational Policy

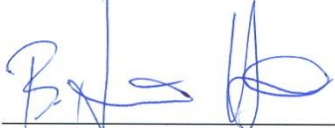

**RECOMMENDATION:**

Review draft Equipment, Safety, Security and Operational Policy and provide comment.

**DISCUSSION:**

The Taxi Administration Program Regulations call for the adoption of an Equipment, Safety, Security and Operational Policy. This Policy would further the mission and goals of the Regional Taxi Authority and would facilitate compliance with federal, state and local laws. At its February 28, 2011, meeting the RTA Board of Directors referred this proposed policy to the Technical Advisory Committee for discussion and recommendations. (Attachment 1)

Based on the input received at that meeting, staff has prepared a revised version of the draft policy and have presented it here (Attachment 2) for discussion by TAC. Based on input and comments from the TAC, staff would make further revisions to the proposed policy and bring back a revised draft to the RTA Board that would enact the Equipment, Safety, Security and Operational Policy.

PREPARED BY:  HUNTER HARVATH  
REVIEWED BY:  CARL G. SEDORYK

Attachment 1: Draft Equipment, Safety, Security and Operational Policy - as referred by RTA Board of Directors 2/28/11

Attachment 2: Draft Equipment, Safety, Security and Operational Policy – as edited by staff 3/15/11

## MONTEREY COUNTY REGIONAL TAXI AUTHORITY (RTA)

### EQUIPMENT, SAFETY, SECURITY AND OPERATIONAL POLICY

The EQUIPMENT, SAFETY, SECURITY AND OPERATIONAL POLICY covers many aspects of taxicab operations. The Policy gives the RTA the authority to ensure that taxicabs, taxicab owners, and taxicab operators provide safe, clean, and reliable transportation to the community. Violations of the policy may result in the suspension or termination of a vehicle, or driver permit to operate taxi cab service in within the jurisdictions of the RTA.

1. Any Vehicle which fails to meet the requirements of the California Vehicle Code or this policy after inspections shall be immediately ordered out-of-service by an RTA 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, including but not limited to:
  - a. Tires fail to meet the requirements of the California Vehicle Code;
  - b. Headlights, taillights or signal lights are inoperable during hours of darkness, or when otherwise required to operate by the California Vehicle Code;
  - c. Windshield wipers are inoperable;
  - d. Meter is not working or the seal is broken;
  - e. Brakes, brake lights or brake systems are inoperable or otherwise fail to meet the requirements of the California Vehicle Code;
  - f. Excessive play in steering wheel exceeding three (3) inches;
  - g. Windshield glass contains cracks or chips that interfere with driver's vision;
  - h. Any door latch is inoperable from either the interior or exterior of the vehicle;
  - i. Any seat is not securely fastened to the floor;
  - j. Seatbelts, when required, fail to meet requirements of the California Vehicle Code;
  - k. Either side or review mirrors are missing or defective; and
  - l. Any other condition which reasonably and rationally pertains to the operating safety of the vehicle or passenger or pedestrian safety.
  
2. The interior and exterior of the for-hire vehicles shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements. The following minimum standards must be maintained:
  - a. Wheels. Hubcaps or wheel covers shall be on all wheels for which hubcaps or wheel covers are standard equipment.
  - b. 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. 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 obscure the vehicle markings.
  - c. Color Scheme. The color scheme of for-hire vehicles are subject to the approval of the RTA and shall be sufficiently distinctive so as not to cause confusion with other for-hire vehicles already operating within the RTA.

- d. Paint. Paint and markings may not be faded or deteriorated in such a manner as to preclude immediate recognition of the vehicle.
  - e. Lights. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights shall all be operable.
  - f. Wipers. Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.
  - g. Brakes. Both the parking and hydraulic or other brake systems must be operable.
  - h. Steering. Excessive play in the steering mechanism shall not exceed three (3) inches free play in turning the steering wheel from side to side.
  - i. Engine. The engine compartment shall be reasonably clean and free of uncontained combustible materials.
  - j. Mufflers. Mufflers shall be in good operating condition.
  - k. 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.
  - l. Door latches. All door latches shall be operable from both the interior and exterior of the vehicle.
  - m. 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.
  - n. 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.
  - o. 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. To allow maximum space for passenger luggage and belongings, the trunk or luggage area shall be kept empty except for spare tire and a personal container for the driver not exceeding one (1) cubic foot in volume and emergency equipment.
  - p. Emergency Signaling. No taxicab shall be operated unless equipped with an emergency signaling device approved by the RTA.
  - q. Window Tinting. No taxicab may be operated with window tinting shades, or markings that could interfere with a clear view of the cab interior from outside.
3. 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 that includes the following:
    - a. The vehicle permit number in three inch numerals; and below this,
    - b. The name, address, and phone number of the RTA Taxicab Administration and the permit holder and/pr permit holder trade name shall be printed, ¼ inch in height; and,
    - c. No other signs, markings, lettering, decals, or any type of information shall be displayed within 18 inches around the taxicab meter; and,

- d. No other signs, markings, lettering, decals or any type of information shall except the rates of fare and the tire size specifications required by the Monterey County Weights and Measures shall be posted within the area around the taxicab meter.
  - e. The rates of fare charged for for-hire vehicles shall be clearly displayed in the passenger compartment.
4. Each vehicle licensed to operate within the RTA jurisdiction shall have located in the driver's compartment, in full view of the passengers, a card provided by the RTA that bears the number of the license of the driver; the name and business address of the driver; the name of the owner of the vehicle; and a photograph of the driver.
5. The following rules shall be followed by all drivers permitted by the RTA in provision of for-hire vehicle services and their customers:
  - a. The driver shall offer each passenger a receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the permit number, the trade name, and name and signature of the driver.
  - b. All disputes to fare shall be determined by a peace officer or RTA staff member 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 RTA staff member.
  - c. It is unlawful for any person to refuse to pay the lawful fare of a for-hire vehicle after employing or hiring the same.
  - d. The driver of any for-hire vehicle shall promptly obey all lawful orders or instructions of any peace officer, fire fighter, or RTA staff member.
  - e. 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.
  - f. 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 agent 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.
  - g. The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, identification issued and approved by the RTA.
  - h. While driving or operating a for-hire vehicle, drivers shall maintain a state of personal hygiene, body cleanliness and absence of offensive body odor normally associated with bathing or showering on a regular basis; and that scalp or facial hair shall be groomed in order not to present a ragged appearance; and, that all clothing is clean, free from soil, grease, and dirt, and without unrepaired rips or tears.
  - i. While driving or operating a for-hire vehicle, drivers shall be fully covered by clothing 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, see-through mesh shirts, swim wear, jogging or athletic warm up suits, jogging or bathing shorts or trunks, or sandals.

- j. For-hire vehicles shall be operated in a manner that complies with the California Vehicle Code, and shall not impeded traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers shall not load or unload passenger in traffic lanes.
- k. Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to their destination safely and expeditiously.
- l. It shall be unlawful for the driver or operator of any taxicab to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis race, age, gender, national origin, sexual orientation, disability or other legally protected characteristic. Rude or abusive language or behavior including gestures, ethnic slurs, jokes, or other forms of harassment directed towards a customer or any physical action that a reasonable person would construe as threatening or intimidating shall be considered a violation of this portion of the policy.
- m. A driver is not obligated to transport any person who is verbally or otherwise abusive to the driver, or whose behavior may be considered by a reasonable person to be a threat or hazard to the driver. A driver is not obligated to transport any persons who emit foul odors including but are not limited to scents related to unlaundered clothing, lack of bathing, or animal related odors and which are considered to be seriously disruptive to the driver.
- n. Taxicab operators may not refuse or discourage a prospective or actual fare based upon trip length within the jurisdictions of the RTA.
- o. 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.
- p. Taxicab drivers may not 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.
- q. Taxicab drivers may not, having parked and left a taxicab; solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.
- r. A driver shall 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. 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. A driver with a lawful disability that prevents them from handling items as defined in this section is, upon submission of proof of such disability, relieved of responsibility for the requirements of this section.
- s. Only paying passengers and persons specifically authorized by the RTA may occupy a taxicab that is already occupied by a paying passenger. No driver, once a paying



passenger has occupied their taxicab shall permit any other nonpaying passenger to occupy or ride in the taxicab.

- t. The taxicab driver shall maintain a daily trip log which shall be available for inspection upon request by a peace officer or RTA inspector. The trip log will accurately show the driver's name taxicab number, date, time, beginning odometer reading, starting and fare paid for each trip provided.

## MONTEREY COUNTY REGIONAL TAXI AUTHORITY (RTA)

### EQUIPMENT, SAFETY, SECURITY AND OPERATIONAL POLICY

The EQUIPMENT, SAFETY, SECURITY AND OPERATIONAL POLICY covers many aspects of taxicab operations. The Policy gives the RTA the authority to ensure that taxicabs, taxicab owners, and taxicab operators provide safe, clean, and reliable transportation to the community. Violations of the policy may result in the suspension or termination of a vehicle, or driver permit to operate taxi cab service in within the jurisdictions of the RTA.

1. Any Vehicle which fails to meet the requirements of the California Vehicle Code or this policy after inspections shall be immediately ordered out-of-service by an RTA 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, including but not limited to:
  - a. Tires fail to meet the requirements of the California Vehicle Code;
  - b. Headlights, taillights or signal lights are inoperable during hours of darkness, or when otherwise required to operate by the California Vehicle Code;
  - c. Windshield wipers are inoperable;
  - d. Meter is not working or the seal is broken;
  - e. Brakes, brake lights or brake systems are inoperable or otherwise fail to meet the requirements of the California Vehicle Code;
  - f. Excessive play in steering wheel exceeding three (3) inches;
  - g. Windshield glass contains cracks or chips that interfere with driver's vision;
  - h. Any door latch is inoperable from either the interior or exterior of the vehicle;
  - i. Any seat is not securely fastened to the floor;
  - j. Seatbelts, when required, fail to meet requirements of the California Vehicle Code;
  - k. Either side or review mirrors are missing or defective; and
  - l. Any other condition which reasonably and rationally pertains to the operating safety of the vehicle or passenger or pedestrian safety.
  
2. The interior and exterior of the for-hire vehicles shall be maintained in a safe and efficient operating condition, and meet California Vehicle Code requirements. The following minimum standards must be maintained:
  - a. Wheels. Hubcaps or wheel covers shall be on all wheels for which hubcaps or wheel covers are standard equipment.
  - b. 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. 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 obscure the vehicle markings.
  - c. Color Scheme. The color scheme of for-hire vehicles are subject to the approval of the RTA and shall be sufficiently distinctive so as not to cause confusion with other for-hire vehicles already operating within the RTA.

- d. Paint. Paint and markings may not be faded or deteriorated in such a manner as to preclude immediate recognition of the vehicle.
  - e. Lights. Headlights shall be operable on both high and low beam. Taillights, parking lights, signal lights, and interior lights shall all be operable.
  - f. Wipers. Each vehicle shall be equipped with adequate windshield wipers maintained in good operating condition.
  - g. Brakes. Both the parking and hydraulic or other brake systems must be operable.
  - h. Steering. Excessive play in the steering mechanism shall not exceed three (3) inches free play in turning the steering wheel from side to side.
  - i. Engine. The engine compartment shall be reasonably clean and free of uncontained combustible materials.
  - j. Mufflers. Mufflers shall be in good operating condition.
  - k. 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.
  - l. Door latches. All door latches shall be operable from both the interior and exterior of the vehicle.
  - m. 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.
  - n. 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.
  - o. 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. To allow maximum space for passenger luggage and belongings, the trunk or luggage area shall be kept empty except for spare tire and a personal container for the driver not exceeding one (1) cubic foot in volume and emergency equipment.
  - p. Emergency Signaling. No taxicab shall be operated unless equipped with an emergency signaling device approved by the RTA.
  - q. Window Tinting. No taxicab may be operated with window tinting shades, or markings that could interfere with a clear view of the cab interior from outside.
3. 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 that includes the following:
- a. The vehicle permit number in three inch numerals; and below this,
  - b. The name, address, and phone number of the RTA Taxicab Administration and the permit holder and/pr permit holder trade name shall be printed, ¼ inch in height; and,
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- d. No other signs, markings, lettering, decals or any type of information shall except the rates of fare and the tire size specifications required by the Monterey County Weights and Measures shall be posted within the area around the taxicab meter.
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  - a. The driver shall offer each passenger a receipt upon payment of the fare. The receipt shall accurately show the date, the amount of the fare, the permit number, the trade name, and name and signature of the driver.
  - b. All disputes to fare shall be determined by a peace officer or RTA staff member 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 RTA staff member.
  - c. It is unlawful for any person to refuse to pay the lawful fare of a for-hire vehicle after employing or hiring the same.
  - d. The driver of any for-hire vehicle shall promptly obey all lawful orders or instructions of any peace officer, fire fighter, or RTA staff member.
  - e. 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.
  - f. 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 agent 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.
  - g. The driver of a for-hire vehicle shall wear, in a manner clearly visible on their person, identification issued and approved by the RTA.
  - h. While driving or operating a for-hire vehicle, drivers shall maintain a state of personal hygiene, body cleanliness and absence of offensive body odor normally associated with bathing or showering on a regular basis; and that scalp or facial hair shall be groomed in order not to present a ragged appearance; and, that all clothing is clean, free from soil, grease, and dirt, and without unrepaired rips or tears.
  - i. While driving or operating a for-hire vehicle, drivers shall be fully covered by clothing 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, see-through mesh shirts, swim wear, jogging or athletic warm up suits, jogging or bathing shorts or trunks, or sandals.

- j. For-hire vehicles shall be operated in a manner that complies with the California Vehicle Code, and shall not impeded traffic, and, where applicable, not operate on streets where posted speed limits are above 35 miles per hour. For-hire vehicle drivers shall not load or unload passenger in traffic lanes.
- k. Any driver employed to transport passengers to a definite point shall take the most direct route possible that will carry the passenger to their destination safely and expeditiously.
- l. It shall be unlawful for the driver or operator of any taxicab to refuse a prospective or actual fare or to take any action to actively discourage a prospective or actual fare on the basis race, age, gender, national origin, sexual orientation, disability or other legally protected characteristic. Rude or abusive language or behavior including gestures, ethnic slurs, jokes, or other forms of harassment directed towards a customer or any physical action that a reasonable person would construe as threatening or intimidating shall be considered a violation of this portion of the policy.
- m. A driver is not obligated to transport any person who is verbally or otherwise abusive to the driver, or whose behavior may be considered by a reasonable person to be a threat or hazard to the driver. A driver is not obligated to transport any persons who emit foul odors including but are not limited to scents related to unlaundered clothing, lack of bathing, or animal related odors and which are considered to be seriously disruptive to the driver.
- n. Taxicab operators may not refuse or discourage a prospective or actual fare based upon trip length within the jurisdictions of the RTA.
- o. 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.
- p. Taxicab drivers may not 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.
- q. Taxicab drivers may not, having parked and left a taxicab; solicit patronage among pedestrians on the sidewalk, or at any entertainment center, transportation center, or other location of public gathering.
- r. A driver shall 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. 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. A driver with a lawful disability that prevents them from handling items as defined in this section is, upon submission of proof of such disability, relieved of responsibility for the requirements of this section.
- s. Only paying passengers and persons specifically authorized by the RTA may occupy a taxicab that is already occupied by a paying passenger. No driver, once a paying

passenger has occupied their taxicab shall permit any other nonpaying passenger to occupy or ride in the taxicab.

- t. The taxicab driver shall maintain a daily trip log which shall be available for inspection upon request by a peace officer or RTA inspector. The trip log will accurately show the driver's name taxicab number, date, time, beginning odometer reading, starting and fare paid for each trip provided.