

# **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 • County of Monterey  
Monterey Peninsula Airport District*

## **Technical Advisory Committee Meeting**

**July 19, 2011  
2:00PM-3:45PM**

**Board Room  
Monterey Peninsula Airport, 200 Fred Kane Drive, #200  
Monterey, California**

### **AGENDA ITEMS**

1. Call to order
  - 1-1 Roll Call.
2. Public Comments on matters not on the Agenda.
3. Consent Agenda
  - 3-1 Approve minutes of June 23, 2011, TAC meeting. (pg. 1)
4. New Business
  - 4-1 Review proposed taxi fines and provide comment. (pg. 7)
5. Old Business
  - 5-1 Review proposed fuel surcharge and other possible special fares and provide comment. (pg. 9)
  - 5-2 Re-visit insurance requirements and provide comment. (pg. 11)
  - 5-3 Receive update on proposed regional senior voucher program. (pg. 13)
6. Correspondence
  - 6-1 Letter from David Laredo, Legal Counsel, regarding allergies to service animals. (pg. 15)
7. Adjournment

MONTEREY REGIONAL TAXI AUTHORITY  
TECHNICAL ADVISORY COMMITTEE  
REGULAR MEETING  
June 23, 2011

TAMC  
55-B Plaza Circle, Salinas, CA 93901

TAC Members:

Alma Almanza	Disability
Beronica Carriedo (alt)	Public Transit
Chris Sommers	Hospitality/Resort
Christine Erickson	Education
John Narigi	Hospitality/Lodging
Kathy Krystal	Taxi/Driver
Ken Griggs (alt)	Airport
Mike Cardinalli (alt)	Taxi/Company Owner
Roy G. Graham	Taxi/Independent
Tom Greer	Airport
Tom Mancini	Seniors

Absent:

COL Darcy Brewer	Military
Eddie Estrada	Hospitality/Restaurant
Phil Penko	Law Enforcement
Steve Cardinalli	Taxi/Company Owner
Tom Hicks	Public Transit

RTA Staff:

Deanna Smith	Deputy Secretary to the RTA Board
Hunter Harvath	Assistant General Manager for Finance & Admin
Sonia Bannister	Office Administrator

Public:

Alex Lorca	De Lay & Laredo
Lance Atencio	MVT
Sam Martinez	Taxi Driver
Greg Akins	Public

Vice-Chair Greer called the meeting to order at 2:27 p.m.

*Apology is made for any misspelling of a name.*

## **2. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

Sam Martinez stated that he believes all MST employees should be removed from all TAC and RTA involvement. He asked for a necessity study to support proposed fees and for information into who authorized the June 20, 2011 letter that went out to all TAC and RTA members. He also requested a 30-day notice and public hearing for all fee and fare changes.

## **3. CONSENT AGENDA**

**Mr. Narigi motioned to approve the minutes of April 19, 2011 and was seconded by Dr. Erickson. Ms. Almanza abstained. The motion so carried.**

**Mr. Mancini motioned to approve the minutes of May 17, 2011 and was seconded by Ms. Almanza. The motion carried unanimously.**

Mr. Mancini mentioned that a board member may vote to approve the minutes of a meeting at which they were absent, provided they have read the minutes.

## **4. NEW BUSINESS**

4-1 Review Taxi Fare Structure and provide comment.

Mr. Harvath stated that the RTA Board requests comments from the TAC to establish a fare structure for the RTA. He noted that items to discuss were setting maximum, minimum, or open fares; initial/flag drop charges; per mile fares; wait time fares; and other surcharges for fuel, airport, or special events.

Mr. Harvath provided clarification on how to read the Comparison Chart.

Ms. Krystal noted that Airport Fees are not on the Comparison Sheet. Mr. Harvath and Vice-Chair Greer noted that the Airport District will be presenting proposed fees at the RTA meeting on Monday, June 27, 2011, and that the RTA cannot impose a rate on their behalf. The proposed fees will be provided after this meeting.

After some discussion, Mr. Graham stated that it was difficult to make a taxi fare recommendation before discussing proposed permit fees.

Vice-Chair Greer tabled the item until item 5-1 was discussed.

After Agenda Item 5-1 was discussed, Chair Greer returned to discussion of Agenda Item 4-1

Ms. Krystal confirmed that the last time taxi fares were increased was in 2005 and 2006.

Public Comment

Mr. Martinez stated that a necessity study should be done before rates or fees are established.

Close Public Comment

**Ms. Krystal made a motion to set a maximum limit for all taxi fares within the RTA jurisdictions at \$3.50 for flag drop/initial charge, \$3.50 per mile, \$35.00 per hour for wait time, and a \$3.50 surcharge for Airport Fees. Taxi cab companies may not charge more than the maximum allowable fares, but may charge less as deemed appropriate by each individual dispatching company. The motion was seconded by Mr. Mancini.**

**Mr. Narigi amended the motion to remove the Airport surcharge until further discussion of their proposed fees is received. Ms. Krystal and Mr. Mancini accepted the motion as amended. The motion carried unanimously.**

Mr. Harvath asked if the maximum recommended fare would be set by each company and calibrated in fare boxes to be visible to passengers. The Committee agreed that this would be the procedure. The consensus was that the recommended maximum fee protected the public and allowed Taxi Drivers and Companies to recover their annual fees. They believed that companies should be allowed to charge less if they desired to maintain an environment of competition.

**At 3:39 p.m. Vice-Chair Greer requested a motion to appoint Mr. Narigi to chair the meeting in his absence. Ms. Almanza made the motion and Mr. Graham seconded. The motion carried unanimously.**

Mr. Narigi returned to Agenda Item 5-2 for discussion.

## **5. OLD BUSINESS**

Vice-Chair Greer opened comment on Item 5-1.

5-1 Review Schedule of Taxi Fees and provide comment.

Mr. Harvath presented the current Interim Schedule of Fees, the Taxi Fee Comparison Chart of Orange County and San Diego Fees, and a handout of FY 2012 Licensing and Permit Fees as recommended by the RTA Finance Committee at their June 27, 2010 meeting. Mr. Harvath stated that because of TAC feedback, staff has approached the Cities of Monterey and Salinas to provide a budget to assume the permitting and some administrative duties for the RTA. The resulting costs reduced the amount of permitting fees to include:

- A total of \$550 per Taxi Driver to include a \$475 permit fee and a \$75 Vehicle Inspection Fee.
- A total of \$1,000 per Taxi Dispatching Company to include one dispatched vehicle and \$300 for each additional Taxi Cab dispatched by the Company.

Vice-Chair Greer noted that the fees do not include Airport fees.

#### Public Comment

Mr. Martinez stated that the \$550 fee does not include Airport fees and believes that the fees are still too high.

Mr. Harvath rose to a point of order and asked if Public Comment was closed for further Committee comment. Mr. Lorca recommended Vice-Chair Greer close Public Comment before receiving a response from staff or Committee.

#### Close Public Comment

Mr. Cardinalli stated that it seemed like Taxi Companies were bearing the burden of covering administrative costs through permitting fees.

Mr. Harvath stated that the costs of ongoing administration, the cost of recovering MST loans to the RTA to date, and the initial investment of the jurisdictions are set for FY 2012 and must be recouped through fees. He reminded the Committee that prior to establishing the RTA, municipalities were not recovering their costs, and some were not assessing permit fees at all. In order for all taxis to have the opportunity to operate within the RTA jurisdiction, real costs must be recouped by permit fees. He stated that municipalities no longer want to subsidize the taxi industry as has been done in the past. He stated that the RTA Finance Committee felt that if fees were to be equitably assessed, the burden of fees should be imposed on the segment of the industry that required the most administrative services. In the interest of equity, fees were lowered for Taxi Cab Drivers and raised for Taxi Cab Companies.

Dr. Erickson confirmed that the interim fees were not covering real administrative costs and the new fees will streamline the process and reduce overall fees.

Ms. Krystal asked if other industries are regulated and assessed to the same degree as the taxi industry.

Mr. Harvath stated that municipalities are moving toward “breaking even” with their services and are attempting to assess the real costs to the public who uses the service. He confirmed that reimbursing MST and the Cities for their initial investment is outlined in the RTA Joint Powers Agreement.

**Mr. Sommers motioned to approve the proposed fees based on the RTA Finance Committee recommendation outlined in handout 8-1 from their June 27, 2011 meeting. Ms. Almanza seconded the motion. The motion carried unanimously.**

Chair Greer returned to Agenda Item 4-1 for discussion.

After Item 4-1 was discussed, Mr. Narigi returned to item 5-2 for discussion.

5-2 Review Taxi Administration Program Regulations referrals from Board of Directors and provide comment.

Mr. Harvath referred the Committee to four items requiring discussion by the TAC. The following comments and recommendations were made by the Committee to be provided to the RTA Board:

**Item 4:** Continued operation of authorized business required—exceptions to 24-hour operations.

- The Committee recommended that all Taxi Cab Companies must operate 24 hours per day. Exceptions could be made in occasional extreme circumstances (i.e., death in the family).

**Item 21:** Service to the general public—complaints against taxi drivers, trip prohibitions, trip requirements.

- The Committee recommended adding the verbiage “within reason or must refer to another cab company.”

**Item 26:** Mandatory controlled substance and alcohol testing program.

- The Committee recommended keeping the item as written with deletions.

**Item 27:**

- The Committee recommended deleting the first sentence in Item 27.1 and to defer to the County Department of Weights and Measures established standards.

There being no further comments, Mr. Narigi adjourned the meeting at 4:01 p.m.

Prepared by: \_\_\_\_\_  
Deanna Smith, Deputy Secretary

To: Technical Advisory Committee  
From: Hunter Harvath, Assistant General Manager – Finance & Administration  
Subject: RTA Fee Schedule

**RECOMMENDATION:**

Review proposed taxi fines schedule and provide comment to the RTA Board of Directors.

**DISCUSSION:**

At the June 29, 2011, meeting of the RTA Board of Directors, a referral to the Technical Advisory Committee (TAC) was made seeking input on proposed fines for violations of operating taxicabs in the RTA jurisdictions without a permit. Staff's recommendation is that the fines should be set at a level significant enough to act as a deterrent to any driver, vehicle owner or taxi dispatching company owner who chooses to operate without a permit. The high fines would encourage the purchase of permits rather than the payment of fines to operate unpermitted. In that regard, for discussion purposes staff is providing the below proposed fines and seeks input from the TAC.

**Taxicab driver permit: \$575**

*Proposed fine for driving without a taxicab driver permit: \$500*

**Taxicab vehicle inspection permit: \$75**

*Proposed fine for operating a taxicab vehicle without a vehicle permit: \$70*

**Taxicab dispatching company owner permit: \$1,000 (plus \$300 for each additional cab dispatched)**

*Proposed fine for operating a taxicab dispatching company without a taxicab dispatching company owner permit: \$900 per violation.*

It should be noted that the above permit prices are part of the new permit fee structure that was adopted by the RTA Board of Directors. In order to fully implement the new driver and vehicle permit fee levels, the city councils of Monterey and Salinas have to first give their approval. It is expected that the city of Monterey will be considering this new fee structure at its July 19, 2011, meeting.

Comments that TAC members have regarding taxi permit violation fines will be forwarded to the full RTA Board of Directors at their next meeting, currently scheduled for July 25, 2011.

SUBMITTED BY:



Hunter Harvath

To: Technical Advisory Committee  
From: Hunter Harvath, Assistant General Manager – Finance & Administration  
Subject: RTA Fares – Fuel Surcharges and Special Fares

**RECOMMENDATION:**

Review proposed fuel surcharge and other possible special fares and provide comment to the RTA Board of Directors.

**DISCUSSION:**

At the June 16, 2011, meeting of the Technical Advisory Committee (TAC), extensive discussion occurred regarding a regional taxi fare structure. Ultimately, the committee voted to recommend a maximum fare structure of \$3.50 for flag drop/initial charge, \$3.50 per mile, \$35.00 per hour for wait time, and a \$3.50 surcharge for Airport Fees. Due to a full agenda, time did not permit a full discussion of other possible special fees and/or surcharges that may – or may not – be appropriate. Specifically, input from the TAC is requested on these types of special fares/fees that have been seen on occasion in other jurisdictions, including but not limited to a fuel surcharge when gas prices exceed a certain level, extra person fees, special event fees, out of service area fees, etc.

At this point in time, staff is not advocating for or against any of these special fees and seeks input from the TAC. Comments that TAC members have regarding these proposed special fees taxi permit fees will be forwarded to the full RTA Board of Directors at their next meeting, currently scheduled for July 25, 2011, at which it is expected that a full regional fare structure would be adopted.

SUBMITTED BY:

  
Hunter Harvath

To: Technical Advisory Committee  
From: Hunter Harvath, Assistant General Manager – Finance & Administration  
Subject: RTA Insurance Requirements

**RECOMMENDATION:**

Discuss the amount of insurance to be required under the RTA and provide comment to the RTA Board of Directors.

**DISCUSSION:**

Section 6 of the Monterey County Regional Taxi Authority Regulations adopted by the Board of Directors through Ordinance 2011-001 empowers the RTA Board of Directors to require minimums of insurance for taxi drivers and their vehicles:

**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 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.

As indicated above, the regulations identify the insurance requirements, but do not enumerate an exact policy amount, leaving that to the discretion of the RTA Board of Directors.

At the November 23, 2010, and December 4, 2010, meetings of the Technical Advisory Committee, discussions occurred regarding minimum insurance requirements. Ultimately, the TAC voted to recommend requiring \$1 million minimum liability insurance, with two dissenting votes. Since that time, staff has received feedback from the taxi community that the cost to purchase the \$1 million coverage is too high, especially for smaller operations. However, RTA counsel has advised against lowering the requirement citing liability risks to the RTA and MST.

With the new taxi regulations ordinance in place, staff would like to ask the RTA board at its July 25, 2011, meeting to adopt insurance requirements. Prior to that action, further input, if any, is requested from the TAC. Comments that TAC members have regarding taxi insurance minimum requirements will be forwarded to the full RTA Board of Directors at their next meeting, currently scheduled for July 25, 2011.

SUBMITTED BY:



Hunter Harvath

To: Technical Advisory Committee  
From: Hunter Harvath, Assistant General Manager – Finance & Administration  
Subject: RTA Senior Voucher Program Update

**RECOMMENDATION:**

Receive update on the proposed RTA Senior Voucher Program.

**DISCUSSION:**

Section 2, Part c, subpart 6 of the Monterey County Regional Taxi Authority Joint Powers Agreement empowers the RTA to issue discounts to senior citizens. In that regard, at the December 20, 2010, meeting of the RTA Board of Directors, staff was directed to contact member jurisdictions to establish and fund an RTA senior discount program to replace the existing senior scrip program. To help implement this program, MST is able to bring a \$250,000 federal grant to help fund 50% of the costs of a two-year senior/disabled voucher program. The participating cities would fund the remaining 50% of the costs. While taxicab companies would not be forced to subsidize the program as with the former senior scrip program, they would be required to accept the vouchers for payment as a condition of their RTA permits if the program is ultimately approved by the Board of Directors.

Staff is proposing two separate senior voucher program zones. The Peninsula zone would be comprised of the municipalities of Del Rey Oaks, Monterey, Pacific Grove, Sand City and Seaside. The Salinas zone would cover the city limits of the city of Salinas. Travel between the Peninsula and Salinas zone on a voucher would be prohibited due to the long distances. Qualified seniors/disabled persons would pick up the vouchers from local distribution locations upon proof of residency. The passenger would then give a voucher plus a \$3.00 co-pay to the taxi driver upon boarding. The driver would keep the \$3.00 in cash, while the vouchers would then be redeemed for a value of \$12.00 each through MST regardless of the distance of the trip (as long as the origin and destination were within the zone). MST would pay the driver/taxicab company \$12.00 each upon submittal to staff. MST would then bill \$6.00 each for reimbursement to the municipality in which the voucher was purchased.

MST has proven this senior/disabled voucher concept with a pilot program in portions of Carmel Valley and Carmel using previously secured federal mobility management grants. In addition, MST has convened a senior/disabled voucher ad-hoc group comprised of representatives of participating jurisdictions to refine and further develop this program. Staff welcomes comments and questions from the TAC members before presenting the senior/discount voucher program to the full Board of Directors at its July 25, 2011, meeting. Pending approval by the Board, staff anticipates implementing the program on Monday, September 12, 2011, when the grant funds become active.

SUBMITTED BY:



Hunter Harvath

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TO: Regional Taxi Authority Technical Advisory Committee Members  
FROM: David C. Laredo, General Counsel  
DATE: June 2, 2011  
RE: Analysis of taxicab driver allergies to service animals

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At its May 17, 2011 meeting, the RTA Technical Advisory Committee requested counsel prepare an analysis of legal issues related to taxi cab drivers who have allergic reactions to service animals, specifically dogs.

Title III of the Americans with Disabilities Act (ADA), which applies to public accommodations, establishes the general rule that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.<sup>1</sup> 49 Code of Federal Regulations (C.F.R.) Section 37.29 provides "private entities providing taxi service shall not discriminate against individuals with disabilities..." Further, the ADA provides that operators of public accommodations, such as taxi services, "shall modify policies, practices, or procedures to permit the use of a service animal by an individual with a disability."<sup>2</sup> The term "service animal" is defined in to include guide dogs, signal dogs, or any other animal individually trained to provide assistance to an individual with a disability.<sup>3</sup>

Therefore, it is a violation of the ADA for owners and operators of taxis to discriminate against or refuse a passenger because that passenger has a service animal assisting them.

However, where a taxi cab operator has an allergy to a service animal that rises to the

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<sup>1</sup> 42 USC §12182(a)

<sup>2</sup> 28 CFR Section 36.302

<sup>3</sup> 28 CFR Section 36.104

level of a disability, that driver may not be forced to provide transportation to a person using a service animal.

Instead of listing all medical conditions that rise to the level of a disability, the ADA provides a general definition of a disability. The ADA provides, in part, that a disability is defined as “a physical or mental impairment that substantially limits one or more major life activities of [an] individual.” Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, *breathing*, learning, reading, concentrating, thinking, communicating, and *working*.<sup>4</sup> (Emphasis added.)

Therefore if a taxi driver has an allergy to dogs, or other service animal that would substantially limit their ability to breathe or work, the taxi driver would have a disability under the ADA and would be entitled to a reasonable accommodation from their employer. Generally, this would be sending another cab operated by a driver without allergies to service animals.

In order to properly balance the requirement that taxi cab owners and operators not discriminate against those with service animals and an allergic reaction that would rise to the level of a disability, counsel recommends that taxi operators with allergic reactions to service animals obtain a doctor’s note verifying their allergy.

Sincerely,

DAVID C. LAREDO,  
General Counsel  
REGIONAL TAXI AUTHORITY

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<sup>4</sup> 42 USC § 12102