

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

**May 17, 2011
2:00PM-3:45PM**

**Cottonwood Room
Portola Hotel
2 Portola Plaza
Monterey, California**

AGENDA ITEMS

1. Call to order
 - 1-1. Roll Call
2. Public Comments on matters not on the Agenda
3. Consent Agenda
4. New Business
 - 4-1. Review Draft Equipment, Safety, Security and Operational Policy and provide comment. (p.1)
5. Old Business
 - 5.1. Review Taxi Administration Program Regulations referrals from Board of Directors and provide comment. (p.15)
 - 5-2. Review Schedule of Taxi Fees and provide comment (no enclosure)
6. Adjournment

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.

SUBMITTED BY:



Hunter Harvath

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

1. Purpose. 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.

1.2. Safety Requirements. 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.

2.3. Maintenance Standards. 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.

Comment [dcl1]: I do not see any provisions that address the issue of Security in any detail.

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- 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. The rates of fare charged for for-hire vehicles shall be clearly displayed in the passenger compartment. 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/or permit holder trade name shall be printed, 1/4 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,~~

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Comment [dcl2]: I see great value in requiring clear display of the Taxi Operating Permit. If this material is deleted from this policy, it should be set forth in another form.

~~d.u. 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.v. 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, an RTA issued taxi vehicle permit and a driver permit 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.

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5. Operating Procedures. 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.~~

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~~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.

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Comment [dcl3]: I believe this is an appropriate standard, and have had personal experience with taxi drivers who have NOT adhered to a similar protocol.

- 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. A driver may not refuse service to disabled passengers traveling with service animals which include guide dogs, signal dogs, or other animals providing assistance to disabled individuals
- 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 locations 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.

Comment [dc14]: I am surprised that this has been deleted.

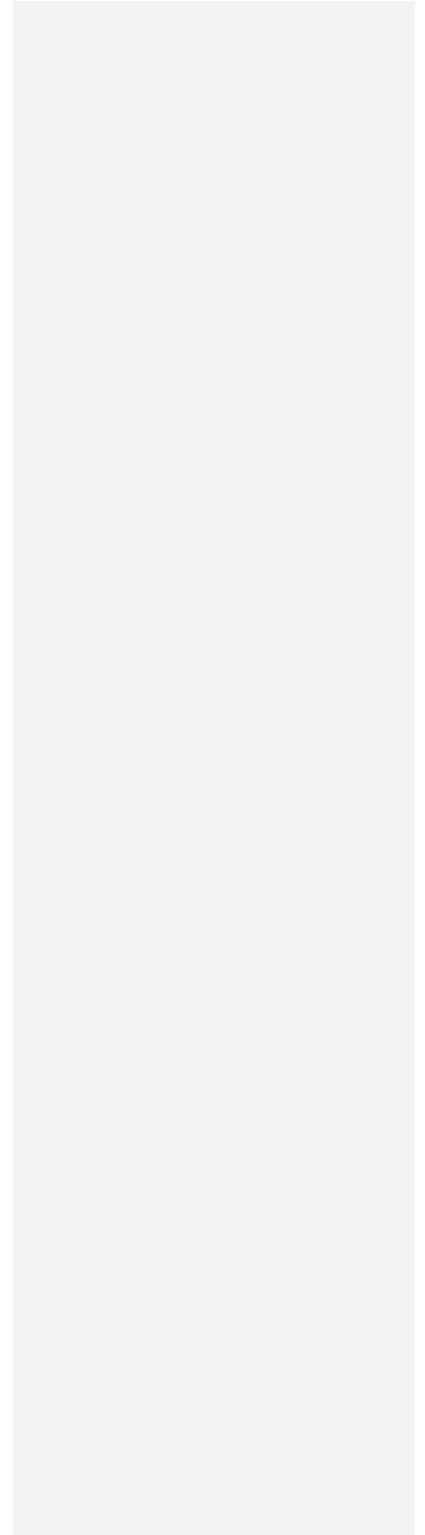
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Comment [dc15]: Same comment. I believe this requirement has value.

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- 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.~~



To: Technical Advisory Committee

From: Hunter Harvath, Assistant General Manager – Finance & Administration

Subject: Monterey County Regional Taxi Authority (RTA) Regulations Referrals from Board of Directors

RECOMMENDATION:

Review program regulations referrals from RTA Board of Directors 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. That input was submitted to the RTA board at its April 25, 2011, meeting. Based on that input, the RTA board modified the draft program regulations and formally adopted them as part of Ordinance 2011-001 (Attachment 1). During discussions about the program regulations, the Board referred the following items to the TAC for further discussion and comment:

4. CONTINUED OPERATION OF AUTHORIZED BUSINESS REQUIRED – Exceptions to 24-hour operations.

21. SERVICE TO THE GENERAL PUBLIC – Complaints against taxi drivers, trip prohibitions, trip requirements

26. MANDATORY CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM – Costs and confidentiality

27. TAXIMETERS – Acceptable variances with regards to accuracy

Comments that TAC members have on any of these referred program regulation items will be forwarded to the full RTA Board of Directors at their next meeting, currently scheduled for May 23, 2011.

SUBMITTED BY:



Hunter Harvath

Attachment 1: Ordinance 2011-001 To Establish Taxi Administration Program
Regulations (as adopted April 27, 2011)

ORDINANCE NO. 2011 - 001

**AN ORDINANCE OF THE MONTEREY COUNTY REGIONAL TAXI
AUTHORITY TO ESTABLISH TAXI ADMINISTRATION
PROGRAM REGULATIONS**

WHEREAS, the Monterey County Regional Taxi Authority (RTA) was created pursuant to a Joint Powers Agreement to assume the responsibility of each member jurisdiction for taxi permitting and regulation; and

WHEREAS, the Joint Powers Agreement calls for the RTA to develop policies, rules and regulations regarding entry into the taxi business, rates for the provision of taxi services and a program for mandatory controlled substance and alcohol testing; and

WHEREAS, each member jurisdiction to the RTA has incorporated the RTA regulations by reference into their taxi regulations, which are designed to comply with Government Code § 53075.5 and to protect the health, safety, and welfare of persons utilizing taxicab services in member agencies; and

WHEREAS, the RTA desires to adopt regulations regarding permitting, fees, safety, insurance requirements, controlled substance testing, taximeters and Taxistands, among other regulations, and

WHEREAS, enactment of this ordinance action does not constitute a “project” as defined by California Environmental Quality Act (CEQA) because it is an activity involving issuance of a permit by one or more public agencies.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE MONTEREY COUNTY REGIONAL TAXI AUTHORITY:

SECTION 1. The foregoing recitals are adopted as findings of the Board of Directors of the Monterey County Regional Taxi Authority as though set forth fully herein.

SECTION 2. 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 the Monterey County Regional Taxi Authority Taxi Administration Program Regulations.

SECTION 3. Any owner or driver who has had their permit denied, suspended or revoked under the Monterey County Regional Taxi Authority Taxi Administration Program Regulations 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 notice public hearing in accord with the Monterey County Regional Taxi Authority Taxi Administration Program Regulations.

SECTION 4. Section 1094.5 of the Civil Code of 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 shall determine and collect the estimated actual cost for preparation of any complete record of the proceedings which may be requested to be prepared.

SECTION 5. 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 the Policy may result in suspension or removal of permits to operate within the RTA. The Equipment, Safety, Security and Operations Policy may be amended by Resolution from time to time.

SECTION 6. A Schedule of Fines and Penalties for violations of the Monterey County Regional Taxi Authority Taxi Administration Program Regulations shall be promulgated and adopted by the RTA Board by Resolution, and shall have the force of law. The Schedule may be amended by Resolution from time to time.

SECTION 7. The Monterey County Regional Taxi Authority Taxi Administration Program Regulations may be amended by the RTA Board of Directors by Ordinance.

SECTION 8. The Monterey County Regional Taxi Authority Taxi Administration Program Regulations are hereby enacted as follows:

(Please see attached Regulations – 24 pages)

SECTION 9. This Ordinance shall become effective upon enactment of its second reading.

PASSED AND ADOPTED BY THE MONTEREY COUNTY REGIONAL TAXI AUTHORITY BOARD OF DIRECTORS THIS 25 day of April, 2011, by the following vote:

AYES: Armenta, Cohen, Downey, Edwards, Greer, Pendergrass, Sanchez, Sharp

NOES: None

ABSENT: Clark

APPROVED: _____

ATTEST:

APPROVED AS TO FORM:

DAVID C. LAREDO, RTA Counsel

Monterey County Regional Tax Authority

**Tax Administration
Program Regulations**

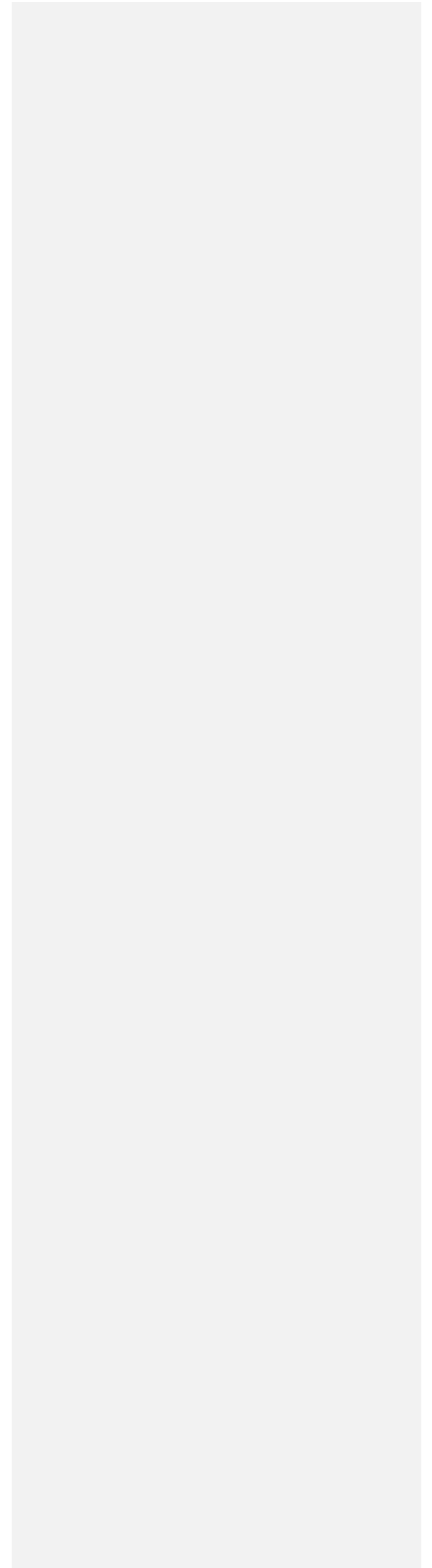


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1. GENERAL PROVISION.

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.

~~3.2.2.~~ **Convicted.** The term “convicted” as used herein shall include pleas of guilty and pleas of nolo contest.

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~~3.1.2.3.~~ **Driver.** Every person operating any taxicab either as owner, agent, employee, or otherwise, or under the direction of an owner.

~~3.2.2.4.~~ **Taxi Company Owner.** An entity whose primary responsibility is to dispatch taxicab vehicles that have been painted and clearly marked as belonging to the company’s dispatch service. The taxi company may or may not actually own vehicles, which may or may not be leased to individual drivers. In addition to dispatching, the taxi company may employ drivers directly, who operate company-owned vehicles for a fixed fee. A taxi company may be owned by a single person, a group of persons, or a business entity. Every person, firm, or corporation that owns or has contracted for the use or control of any taxicab, whether as owner, lessee, or otherwise.

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~~3.3.2.5.~~ **Regional Taxi Authority.** “Regional Taxi Authority,” “Authority,” or “RTA” means the Monterey County Regional Taxi Authority. The ~~Regional Taxi Authority Monterey-Salinas Transit~~-General Manager/CEO, or their designee, may act on behalf of the Authority.

~~3.4.2.6.~~ **Regional Taxi Authority Area.** “Regional Taxi Authority Area” means the land areas under the jurisdiction of the member entities of the Regional Taxi Authority.

~~3.5.2.7.~~ **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.

~~3.6.2.8.~~ **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.

~~3.7.2.9.~~ **Taxistand.** A place on public property or streets approved by the RTA as a place where taxicabs may park and wait for hire.

~~3.8.2.10.~~ **Taxi Administration Program Regulations.** “TAPR”

4.3. 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.

5.4. 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 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. The RTA Board of Directors, under its sole discretion, may elect to grant an exception to the 24-hour-a-day requirement.

6.5. COMPLIANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.

6.1.5.1. 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.

6.2.5.2. 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.

7.6. INSURANCE REQUIREMENTS AND HOLD HARMLESS.

7.1.6.1. 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.

7.2.6.2. 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.

7.3.6.3. 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.

8.7. RATES AND FARES; GENERALLY.

8.1.7.1. 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.

8.2.7.2. 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.

8.3.7.3. 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.

8.4.7.4. 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.

9.8. 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.

10.9. 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 affiliated taxicab company owner's permit, together with the taxicab company owner's identification number and the telephone number of the Taxicab company owner business. The lettering of the signs and all signs to be displayed on any taxicab shall be approved by the RTA and comply with the California Public Utilities Code.

11.10. "FOR HIRE" LIGHTS REQUIRED.

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12.11. 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.

13.12. INSPECTION OF VEHICLES; INSPECTION FEE.

13.1.12.1. 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.

13.2.12.2. 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.

13.3.12.3. 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;
- 3) Valid California driver's license;
- 4) [Taxi vehicle permit](#); and
- 5) [Taxi driver permit](#).

13.4.12.4. Safety inspection fee

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

13.5.12.5. 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.

~~13.6.12.6.~~ 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.

~~14.13.~~ ESTABLISHMENT AND USE OF TAXISTANDS.

~~14.1.13.1.~~ 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. [The RTA expects jurisdictions to set established taxi stand locations and coordinate with the RTA to ensure that temporary taxi stand locations are provided during special events.](#)

~~15.14.~~ SOLICITATION OF PASSENGERS PROHIBITED; EXCEPTION.

[\(reserved\)](#)

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~~16.15.~~ TAXICABS STANDING IN STREETS OR PUBLIC PLACE PROHIBITED; EXCEPTION.

[\(reserved\)](#)

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~~17.16.~~ PROHIBITED CONDUCT BY DRIVERS

~~17.1.16.1.~~ 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.

~~17.2.16.2.~~ 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.

~~18-17.~~ 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.

~~19-18.~~ KEEPING OF TRIP SHEETS REQUIRED.

(reserved)

~~20-19.~~ KEEPING OF RECORDS BY OWNERS REQUIRED.

(reserved)

~~21-20.~~ REPORTS OF FOUND PROPERTY.

(reserved)

~~22-21.~~ SERVICE TO GENERAL PUBLIC

~~22-1-21.1.~~ 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 refuses ~~has~~ refused in the past full payment ~~in the past.~~

~~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.~~

~~23-22.~~ TAXICAB OWNER'S PERMIT.

~~23-1-22.1.~~ In General

~~23-1-1-22.1.1.~~ 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.

~~23-1-2-22.1.2.~~ Taxicab vehicle ~~Owner's~~ permit required for each additional or different taxicab

A ~~vehicle~~ owner's permit shall be required for each additional or different taxicab in operation ~~by an owner.~~

~~23-1-3-22.1.3.~~ 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.

23.2.22.2. 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, as applicable:

23.2.1.22.2.1. The name, residence and business addresses of the applicant.

23.2.2.22.2.2. 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.

23.2.3.22.2.3. Fictitious name under which the business is proposed to operate.

23.2.4.22.2.4. 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.

23.2.5.22.2.5. 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.

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

23.2.7.22.2.7. 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.

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

23.2.9.22.2.9. 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.

23.2.10.22.2.10. A statement as to whether any applicant, partner, or corporate officer has been convicted in the last 7 years of any misdemeanor or crime, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed.

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

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

23.3.22.3. Application fee

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

23.4.22.4. Taxicab owner’s permit application process

23.4.1.22.4.1. 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.

23.4.2.22.4.2. 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.

23.4.3.22.4.3. Application approval requirements

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

- 23.4.3.1.22.4.3.1. The applicant is financially responsible as determined by the RTA.
- 23.4.3.2.22.4.3.2. 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.
- 23.4.3.3.22.4.3.3. Existing taxicab businesses are not adequately serving the public with respect to taxicab services.
- 23.4.3.4.22.4.3.4. Such additional taxicab service will not result in a greater hazard to the public or create substantial traffic or parking problems.

23.5.22.5. 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.

23.6.22.6. 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.

23.7.22.7. 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:

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

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

23.7.3.22.7.3. Failure to comply with the Authority's Regulations;

23.7.4.22.7.4. Failure of authorized drivers to comply with the Authority's Regulations;

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

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

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

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

23.7.9.22.7.9. 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

23.7.10.22.7.10. 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.

23.8.22.8. Suspension appeal and hearing

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

23.9.22.9. 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.

23.9.1.22.9.1. 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.

24.23. TAXICAB DRIVER'S PERMIT.

24.1-23.1. In General

24.1.1-23.1.1. 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.

24.2-23.2. Taxicab driver's permit application

24.2.1-23.2.1. 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:

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24.2.1.1-23.2.1.1. The name, age, and address of the applicant.

24.2.1.2-23.2.1.2. Past experience operating motor vehicles generally and taxicabs specifically.

24.2.1.3-23.2.1.3. The names and addresses of former employers during the preceding three-year period.

24.2.1.4-23.2.1.4. The places of residence during the preceding three-year period.

24.2.1.5-23.2.1.5. Whether or not a driver's license issued to the applicant has ever been revoked or suspended.

24.2.1.6-23.2.1.6. A copy of the applicant's current driver's license and a DMV H-6 Driving Record and Vehicle Registration Report.

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24.2.1.7-23.2.1.7. An endorsement of the owner of the taxicab business for whom the applicant seeks to drive a taxicab.

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24.2.1.8-23.2.1.8. Proof of the applicant's negative test results for controlled substances and alcohol.

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24.3-23.3. 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.

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24.4.23.4. Taxicab driver's Permit requirements and prohibitions.

24.4.1.23.4.1. Permit requirements

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

- 24.4.1.1.23.4.1.1. Is under age 21 at the time of application.
- 24.4.1.2.23.4.1.2. Fails to provide documentation of either citizenship or employment authorization as required by the Immigration and Reform Control Act of 1986 (8 USC § 1234a).
- 24.4.1.3.23.4.1.3. Has been convicted of a felony in the last 7 years.
- 24.4.1.4.23.4.1.4. Has been convicted of ~~two-three~~ 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;
- 24.4.1.5.23.4.1.5. Fails to possess a valid driver's license suitable for operation of a taxicab.
- 24.4.1.6.23.4.1.6. Provides false or materially incomplete information required for issuance of the permit.
- 24.4.1.7.23.4.1.7. Has been convicted of an offense which requires registration pursuant to CA Penal Code § 290.
- 24.4.1.8.23.4.1.8. Has been convicted within ~~five-seven~~ years of an offense involving the sale of a controlled substance.
- 24.4.1.9.23.4.1.9. Has been convicted within ~~five-seven~~ years of any offense involving the use of force or violence upon another person.
- 24.4.1.10.23.4.1.10. Has been convicted of ~~more than one~~ or more violations of reckless driving, or driving while under the influence of any drug or alcohol within the past seven years prior to application.
- 24.4.1.11.23.4.1.11. 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.
- 24.4.1.12.23.4.1.12. Has had a taxicab driver's permit issued by any jurisdiction revoked within the past three years. ~~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 V.~~

24.5.23.5. 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

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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.

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24.6.23.6. 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.

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24.7.23.7. 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.

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24.8.23.8. Renewal of permit; termination.

24.8.1.23.8.1. 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.

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24.8.2.23.8.2. 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.

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24.8.3.23.8.3. Permit transference

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

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24.9.23.9. Suspension or revocation of permit.

24.9.1.23.9.1. Suspension authority

The RTA, by and through ~~its~~ ~~the MST~~ General Manager/CEO, 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 and has his/her license suspended. The RTA may suspend or refuse to renew any taxicab driver's permit if the driver is:

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24.9.1.1.23.9.1.1. 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;

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~~24.9.1.2~~.23.9.1.2. Convicted of driving recklessly or while under the influence of alcohol or controlled substances;

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~~24.9.1.3~~.23.9.1.3. Has his or her driver's license suspended or revoked;

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~~24.9.1.4~~.23.9.1.4. Found to test positive for any controlled substance or alcohol during any test;

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~~24.9.1.5~~.23.9.1.5. Found to have violated any provision of this Section; or

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~~24.9.1.6~~.23.9.1.6. Found to have provided false information or omitted information required on a taxicab driver's permit application.

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~~24.10~~.23.10. **Suspension appeal and hearing**

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

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~~24.11~~.23.11. **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.

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~~24.11.1~~.23.11.1. **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.

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~~25.24.~~ **DENIAL, SUSPENSION AND REVOCATION APPEALS; RIGHT TO A HEARING**

~~25.1~~.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.

25.2.24.2. 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 ~~30~~ 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.

25.3.24.3. Action by RTA board

The Board of Directors, or their designee, shall hold a duly noticed public hearing within ~~sixty-30~~ 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.

25.4.24.4. 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.

25.5.24.5. 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.

25.6.24.6. 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.

26.25. RECORDS TO BE KEPT BY THE REGIONAL TAXI AUTHORITY.

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27-26. MANDATORY CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM

27-1-26.1. 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.

27-2-26.2. 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.

27-3-26.3. 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.

27-4-26.4. 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.

27-5-26.5. Confidentiality

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

27-6-26.6. 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.

27-7-26.7. 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.

27.8.26.8. 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.

27.9.26.9. Employment defined

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

28.27. TAXIMETERS.

28.1.27.1. 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.

28.2.27.2. Inspection required.

~~28.2.1.27.2.1.~~ 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.

~~28.2.2.27.2.2.~~ 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.

28.3.27.3. Manner of placement in taxicabs.

The taximeter required by this Section shall be placed in each taxicab showing the amount to be charged is well lighted and readily discernible to a passenger riding in any such taxicab.

28.4.27.4. 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.

~~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.~~

28.5.27.5. 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 taximeter shall be activated 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.

28.6.27.6. 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 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 and starting a new fare.

29.28. 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.

30.29. 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.

31.30. TAXI RATES.

(reserved)

32.31. AIRPORT SPECIAL PROVISIONS.

(reserved)

33.32. 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.

34-33. 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.

35-34. AMENDMENTS

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