

**MONTEREY REGIONAL TAXI AUTHORITY  
TECHNICAL ADVISORY COMMITTEE  
MINUTES OF REGULAR MEETING**

September 20, 2011

2:00 p.m.

Monterey Peninsula Airport  
200 Fred Kane Drive, Suite 200, Monterey, CA 93940

<b>TAC Members:</b>	Alma Almanza	Disability
	Chris Sommers	Hospitality/Resort
	John Narigi	Hospitality/Lodging (arrived at 2:31pm)
	Kathi Krystal	Taxi/Driver (arrived at 2:07pm)
	Ken Griggs (alt.)	Monterey Peninsula Airport
	Steve Cardinalli	Taxi/Company Owner (arrived at 2:03pm)
	Phil Penko	Law Enforcement
	Roy G. Graham	Taxi/Independent
	Beronica Carriedo (alt.)	Public Transit
	Tom Mancini	Seniors
<b>Absent:</b>	Dr. Christine Erickson	Education
	Eddie Estrada	Hospitality/Restaurant
<b>RTA Staff:</b>	Deanna Smith	Deputy Secretary to the Board
	Hunter Harvath	AGM of Finance & Administration
<b>Public:</b>	Alex Lorca	De Lay & Laredo
	Lance Atencio	MVT
	Sam Martinez	Yellow Cab Operator
	Dick Stember	Yellow Cab
	Sal Cardinalli	Yellow Cab

**Chair Penko called the meeting to order at 2:00 p.m.**

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

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

Sam Martinez of Yellow Cab requested that MST staff be removed from the RTA process because they represent direct competition to the taxi industry.

Steve Cardinalli arrived at 2:03pm.

### 3. CONSENT AGENDA

3-1 Approve minutes of August 23, 2011, TAC meeting.

**Mr. Mancini made a motion to approve the minutes of August 23, 2011 and was seconded by Mr. Graham. The motion carried unanimously.**

### 4. OLD BUSINESS

4-1 Review “long-distance deadhead” fares and provide comment to the RTA Board of Directors.

Mr. Harvath presented the TAC with a zip code map of the RTA jurisdiction as requested at the August 23 TAC meeting.

Kathy Krystal arrived at 2:07pm.

Steve Cardinalli stated that the proposed restrictions on fares does not support the free market that has been supported by the RTA at recent meetings. He believes the RTA is over-regulating the taxi industry with the restrictions and suggests allowing taxi companies and drivers to negotiate long-distance deadhead rates. Mr. Graham expressed support for his opinion.

Mr. Mancini suggested allowing the operators to negotiate the fares and allow complaints to go the RTA for review.

Ms. Krystal stated that whatever fares were decided, they should be in writing and provided to passengers upon entering the cab to avoid confusion.

Chair Penko reminded the committee that the agenda item was to establish a fare structure for the long-distance fares and opened for Public Comment.

Public Comment

Mr. Martinez stated that the rates should be negotiated with the taxi company in charge.

Close Public Comment

Mr. Narigi arrived at 2:31pm.

**Mr. Graham made a motion to set a maximum negotiable rate for long-distance deadhead fares at a rate not to exceed the round trip meter rate beginning from the point of origin of the dispatched taxi cab, and allow companies to negotiate rates lower than the established maximum. The motion was seconded by Ms. Krystal. The motion carried 6 to 4.**

**Yays:** Almanza, Mancini, Graham, Cardinalli, Carriedo, Krystal  
**Nays:** Griggs, Narigi, Penko, and Sommers

Those opposing the motion were concerned that the motion did not define what constituted a long-distance fare, either by zip code or geographic location, thus opening up the possibility of any fare regardless of trip origination to be negotiated, which could have the unintended consequence of undoing the Board adopted maximum fare schedule.

**4-2** Review third draft Equipment, Safety, Security, and Operational Policy (ESSOP) and provide comment to the RTA Board of Directors.

Mr. Harvath reminded committee members that this was the last opportunity to make recommendations on the ESSOP before being sent to the RTA for a final decision. A copy of the draft ESSOP, with all revisions to date, was included in the agenda packet.

Mr. Cardinalli asked if the RTA staff had fixed the issue of Coastal Yellow Cab having a name and taxi color scheme that was indistinguishable from Yellow Cab of Monterey. Mr. Harvath stated that there had been no conversation between RTA staff and Coastal Yellow Cab, and that it was an issue for the RTA Board to determine. Mr. Lorca, counsel for the RTA, suggested that the proper protocol would be for Yellow Cab of Monterey to send a letter of complaint to the RTA Board requesting that they look into the issue.

Mr. Harvath stated that Coastal Yellow Cab was granted an interim permit and would have to come before the RTA again in December to request a permanent permit. He stated that if the TAC made recommendations regarding the establishment of color scheme guidelines for new taxi companies, then the RTA would have to consider the issue when determining the requirements for the permit. He stated that at this time, the ESSOP has not been adopted; therefore, no official restrictions on color schemes exist.

Mr. Lorca stated that Item 3b of the ESSOP pertains to new taxi companies. Unless something is written into the ESSOP, existing companies may maintain their current color schemes.

Mr. Graham stated that defining taxi companies by color scheme helps law enforcement identify taxis if they receive complaints.

#### Public Comment

Sal Cardinalli stated that there was a 9<sup>th</sup> circuit case that determined that businesses could not trademark color; specific design and company name could be trademarked.

Sam Martinez stated that he has lost dozens of calls because Coastal Yellow Cab has the same color and similar design as Yellow Cab of Monterey.

#### Close Public Comment

The following recommendations and comments were made to the ESSOP:

**Item 3b:** There was no definitive recommendation for the issue of limiting color schemes for new and existing companies. Some members request that no company permits be approved to new companies with similar color schemes and/or company names as existing companies. One member of the public mentioned a 9<sup>th</sup> circuit court case that has determined no trademark rights exist on color, but name and design do contain trademark rights. It was requested that legal counsel research the case and provide comment to the RTA board. One member of the TAC prefers that all cabs are of similar color and that they are identified by name, logo, and number only.

**Item 5h:** Strike “the most” and insert “a” before “direct route” and strike “possible.”

**Item 5k:** It was suggested that language be added to the item that requires passengers to maintain control of animals at all times. Legal counsel was asked to research current ADA laws and language to ensure RTA regulations and ESSOP are in compliance.

**Item 5l:** Add “overpowering cologne/perfume” before “or animal related odors.”

**Chair Penko made a motion to appoint TAC member Ken Griggs to chair the meeting in his absence and was seconded by Mr. Narigi. The motion carried unanimously.**

Mr. Steve Cardinalli discussed a history of his company’s service on the Monterey Peninsula and expressed dissatisfaction with some of the hotels for calling multiple cab companies for one fare. He stated that he believes he should have the right to refuse service if it does not make financial sense for him to dispatch to the hotels.

Mr. Narigi denied Mr. Cardinalli’s claims and made the request that counsel research the legality of denying service to the public.

**Item 5n:** It was recommended to change “requested” to “available.”

#### Public Comment

Sal Cardinalli stated that Yellow Cab has been a safety net for out of work individuals, providing a source of income for many on the Peninsula over the years. He stated that Coastal Yellow Cab dispatches out of Utah.

Sam Martinez stated that as a business owner, he should have the right to refuse service to anyone, just like a restaurant owner. Mr. Sommers asked what the public is supposed to do if they cannot receive taxi service?

**Legal counsel was asked to research and provide an update on the legal right of taxi companies to refuse service. Counsel was asked to research and provide comment on restrictions on hotels calling multiple companies for one fare.**

## 5. NEW BUSINESS

Due to arguments among several members of the committee, Mr. Griggs suggested continuing Agenda Item 5-1 to the October meeting.

**Mr. Mancini made a motion to continue Item 5-1 to the next TAC meeting and was seconded by Ms. Krystal. The motion carried unanimously.**

## 6. CORRESPONDENCE

There being no further business, Mr. Griggs adjourned the meeting at 3:48pm.

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