



**Thursday, April 16, 2015, 12:00 Noon**  
**11800 Woodbury Road, 2nd floor, Room # 219-220**  
**Garden Grove, CA 92843**

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact OCTAP at (949) 654-8294, no less than two (2) business days prior to this meeting to enable OCTAP to make reasonable arrangements to ensure accessibility to this meeting.

### **Agenda Descriptions**

The agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Committees may take any action that they deem to be appropriate on the agenda item and are not limited in any way by the notice of the recommended action.

### **Public Comments on Agenda Items**

Members of the public may address the Committees regarding any item on the agenda. Please complete a speaker's card and submit it to OCTAP Staff, the Steering Committee Chairman, or stand to be recognized during the item to indicate your desire to speak on the item. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. Public comments shall be limited to three (3) minutes per speaker.

### **Public Availability of Agenda Materials**

All documents relative to the items referenced in this agenda are available for public inspection at [www.octap.net](http://www.octap.net) or through the OCTAP office at 11903 Woodbury Road, Garden Grove, California.

### **Call to Order and Introductions**

### **Consent Calendar** (Items 1 through 2)

All matters on the Consent Calendar are to be approved in one motion unless a Committee Member or member of the public requests a separate action on a specific item.

#### **1. Approval of Minutes**

Of the January 15, 2015 Combined Steering Committee and Safety Committee Meeting

- 2. Staff Information Items – Receive and File the:**
  - a) OCTAP Quarterly Operations and Financial Reports
    1. OCTAP Quarterly Operations Report , January 1 through March 31, 2015
    2. OCTAP Financial Report, December 2014 through February 2015
    3. CPI Historical Data
    4. Fuel Cost Historical Data

### **Regular Calendar**

#### **3. OCTAP Regulation Review Subcommittee**

Update from the Committee Chair and OCTAP staff.

#### **4. Driver Representation Ad Hoc Committee (DRAHC) Update**

Update from the Committee Chair and OCTAP staff.

#### **5. Legislation Regarding Transportation Network Companies**

Update from the Committee Chair and OCTAP staff.

### **Discussion Items**

#### **6. OCTAP Staff Updates**

OCTAP Staff will present information and updates.

- a) Taxicab Company DMV H6 Printout Concerns
- b) Bandit Enforcement Efforts
- c) Fiscal Year 2015-16 Budget
- d) OCTAP Website Preview

#### **7. Committees Representatives Reports**

Members of the Committees may report on any items within the subject matter jurisdiction of the Steering Committee and Safety Committee. No action may be taken on off-agenda items unless authorized by law.

#### **8. Public Comments**

Members of the public may address the Committees regarding any item within the subject matter jurisdiction of the Steering Committee and Safety Committee. No action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are established by the Chairman, subject to the approval of the Steering Committee.

**9. Adjournment**

The next regularly scheduled meeting of the OCTAP Steering Committee and Safety Committee will be held at 12:00 p.m. on July 16, 2015, at 11800 Woodbury Road, Annex 2<sup>nd</sup> floor, Room #219-220, Garden Grove, CA 92843.

# ITEM 1

**Orange County Taxi Administration Program (OCTAP)  
Steering Committee and Safety Committee Meeting Minutes – January 15, 2015**

**Steering Committee and Safety Committee Members Present:**

City of Anaheim Steering and Safety Committees, Jesse Penunuri  
City of Costa Mesa Steering Committee, Elizabeth (Gonzalez) Palacio  
City of Fullerton Steering and Safety Committees, Scott Marple  
City of Fountain Valley Steering and Safety Committees, Matt Sheppard  
City of Garden Grove Steering Committee, Pam Gillis  
City of Huntington Beach Steering and Safety Committees, Robert Barr  
City of Irvine Steering and Safety Committee, Scott Cronos  
City of Laguna Beach Steering and Safety Committees, Matt Gregg  
City of Laguna Hills Steering and Safety Committees, Brittney Oldham  
City of Laguna Woods Steering and Safety Committees, Douglas Reilly  
City of La Habra Steering Committee, Tam Do  
City of Lake Forest Steering Committees, James Wren  
City of La Palma Safety Committee, Paul Braccioldieta  
City of La Palma Steering Committee, Jim Engen  
City of Los Alamitos Steering and Safety Committees, Bruce McAlpine  
City of Mission Viejo Steering Committee, Brett Canedy  
City of Newport Beach Steering Committee, Monique Navarrete  
City of Newport Beach Safety Committee, Todd Hughes  
City of Orange Steering and Safety Committee, Jeff Gray  
City of San Juan Capistrano Steering Committee, Donna Ducharm  
City of Santa Ana Steering and Safety Committee, Art Morales  
City of Stanton Steering and Safety Committee, Mike Wilson  
County of Orange Steering Committee, Robert Holden  
County of Orange Safety Committee (Alternate), Anthony Lim  
Orange County Tourism Representative Steering Committee, Christina Dawson  
Large Taxi Cab Company Representative Steering Committee, Tim Conlon

**Not Represented:**

City of Aliso Viejo  
City of Brea  
City of Buena Park  
City of Cypress  
City of Dana Point  
City of Newport Beach  
City of Placentia  
City of Rancho Santa Margarita  
City of San Clemente  
City of Seal Beach  
City of Stanton  
City of Tustin  
City of Villa Park  
City of Westminster  
City of Yorba Linda

**Orange County Taxi Administration Program (OCTAP)  
Steering Committee and Safety Committee Meeting Minutes – January 15, 2015**

**Others Present:**

Sue Zuhlke, OCTAP  
Patrick Sampson, OCTAP  
Michael Flores, OCTAP  
David DeBerry, OCTA Legal Counsel  
James Donich, OCTA Legal Counsel  
Angela Gatchell, OCTAP  
Rich Girard, OCTAP  
Eric Nunez, La Palma PD  
John Williams, Member of the Public  
Larry Slagle, YCGOC  
Charles Lamb, YCGOC  
Juan C. Lopez, Orange County Weights and Measures  
Jeff Croy, Orange County Weights and Measures  
Robert Schaefer, CABCO  
Mohamed Ellesy, Taxi Driver  
Ayman Fahem, Beach Cities Taxi  
Konstantinos Roditis, 24/7 Taxi Cab  
Tek B. Lama, Taxi Driver  
Armen Rostonian, Taxi Driver

**Call to Order and Introductions**

Steering Committee Chairman Crones called the January 15, 2015, regular meeting of the Orange County Taxi Administration Program (OCTAP) Steering Committee and Safety Committee to order at 12:08 pm.

Members of the public were reminded that they may address the committees concerning any item on the agenda by completing a request to speak card or raising their hand to be acknowledged to speak and that all public comments should be kept to three minutes in length.

**Consent Calendar** (Items 1 through 3)

All matters on the Consent Calendar are to be approved in one motion unless a Committee Member or member of the public requests a separate action on a specific item.

**1. Approval of Minutes**

Of the July 24, 2014, combined Steering Committee and Safety Committee Meeting.

Of the October 16, 2014, combined Steering Committee and Safety Committee Meeting.

**Orange County Taxi Administration Program (OCTAP)  
Steering Committee and Safety Committee Meeting Minutes – January 15, 2015**

Committee Member Reilly (City of Laguna Woods) pulled Items 3a 1 and 2.

Committee Member Canedy (City of Mission Viejo) abstained on Item 2 because he was not present at the October 16, 2014 meeting.

A motion to approve the balance of the consent calendar was made by Committee Member Reilly (City of Laguna Woods) and seconded by Committee Member Palacio (City of Costa Mesa). The motion was approved.

Discussion on Items 3a 1 and 2 included concerns about the apparent decrease in OCTAP revenue and how the decrease might affect the OCTAP budget. Committee Members speculated that Transportation Network Companies (TNC) may be having an impact on OCTAP revenue. OCTAP staff commented that the decrease is being monitored closely, and is being taken into consideration in preparing the next fiscal year budget.

A question was posed to the Large Company Representative regarding the decline in drivers. Large Company Representative Tim Conlon stated they have experienced a 20 percent to 30 percent decline in drivers.

Committee Member Reilly (City of Laguna Woods) commented that the decline in drivers and OCTAP revenue is the first real evidence of the impact that TNC is having on taxis in Orange County. He wondered if the impact on local taxicab services might be a concern to the California Public Utilities Commission (CPUC).

OCTAP staff responded that if TNC's are not complying with CPUC guidelines, the CPUC should definitely be concerned, but that the CPUC would not be concerned that taxi numbers are down because that is not their area of jurisdiction.

Committee Member Reilly (City of Laguna Woods) asked if there have been any new legislative actions. OCTAP staff stated there have been challenges with the TNC not complying with regulations already in place. Committee Member Conlon (Large Taxi Cab Company Representative) stated that the legislation that was defeated last year related to driver background checks and vehicle inspections is being re-introduced and is working its way through the legislative process.

A motion to approve 3a 1 and 2 was made by Committee Member Reilly (City of Laguna Woods) and seconded by Committee Member Conlon (Large Taxicab Company Representative). Motion was unanimously approved.

**Orange County Taxi Administration Program (OCTAP)  
Steering Committee and Safety Committee Meeting Minutes – January 15, 2015**

**Regular Calendar**

**4. Elect Steering Committee and Safety Committee Chair and Vice Chair for 2015**

Nominations were opened for the Steering Committee Chair. Steering Committee Chairman Crones (City of Irvine) nominated Committee Member Navarrete (City of Newport Beach). The motion was seconded by Committee Member Palacio (City of Costa Mesa); there were no additional nominations. Committee Member Navarrete (City of Newport Beach) was approved as the 2015 Steering Committee Chair by unanimous vote.

Nominations were opened for Steering Committee Vice Chair. Committee Member Navarrete (City of Newport Beach) nominated Committee Member Gillis (City of Garden Grove) for Steering Committee Vice Chair. The motion was seconded by Committee Member Ducharm (City of San Juan Capistrano); there were no additional nominations. Committee Member Gillis (City of Garden Grove) was approved as the 2015 Steering Committee Vice Chair by unanimous vote.

Nominations were opened for Safety Committee Chair. Committee Member Navarrete (City of Newport Beach) nominated Committee Member Lim (County of Orange) for Safety Committee Chair. The motion was seconded by Committee Member Gillis (City of Garden Grove); there were no additional nominations. Committee Member Lim (County of Orange) was approved as the 2015 Safety Committee Chair by unanimous vote.

Nominations were opened for Safety Committee Vice Chair. Committee Member Reilly (City of Laguna Woods) nominated Committee Member Crones (City of Irvine) for Safety Committee Vice Chair. The motion was seconded by Committee Member Navarrete (City of Newport Beach); there were no additional nominations. Committee Member Crones (City of Irvine) was approved as the 2015 Safety Committee Vice Chair by unanimous vote.

Discussion item number 7a was moved up on the agenda, to allow participation by agency representatives who could not stay through the entire meeting.

**7a. Steve Parsons Award**

OCTAP Administrator Michael Flores and Manager of Motorist Services and Taxi Administration Patrick Sampson awarded detective Paul Bracciodieta (City of La Palma) with the Steve Parsons Public Safety Award. Detective Bracciodieta encouraged committee members to take advantage of the training materials and officer briefings that OCTAP offers to its member agencies.

**Orange County Taxi Administration Program (OCTAP)  
Steering Committee and Safety Committee Meeting Minutes – January 15, 2015**

**Regular Calendar**

**5. Consider Subcommittee to Review OCTAP Regulations**

OCTAP Administrator Michael Flores spoke about the need to establish a subcommittee to review the OCTAP regulations. Manager of Motorist Services and Taxi Administration Patrick Sampson added that the process is anticipated to take a year before recommended revisions would be presented to City Councils for approval.

Committee Member Reilly (City of Laguna Woods) made a motion to form a Subcommittee to review the OCTAP Regulations. Committee Member Navarrete (City of Newport Beach) seconded the motion; the motion was passed by unanimous vote.

Committee Member Navarrete (City of Newport Beach) encouraged taxicab drivers to review the OCTAP Regulations and to speak to their Taxicab Representatives about any suggestions that they may have for changes to the OCTAP Regulations.

Steering Committee Chair Crones (City of Irvine) asked for volunteers. Committee Member Reilly (City of Laguna Woods), Committee Member Gillis (City of Garden Grove), Committee Member Conlon (Large Company Representative) and Committee Member Lim (County of Orange) volunteered. OCTAP staff and OCTA legal counsel will also be included in the meetings of the subcommittee.

Steering Committee Chair Crones (City of Irvine) appointed the volunteers to the Regulation Review Subcommittee. The Steering Committee Chair may also accept additional volunteers to the subcommittee throughout the review process.

**6. Driver Representation Ad Hoc Committee**

Committee Members Reilly (City of Laguna Woods), Kirk (City of Lake Forrest), and Gillis (City of Garden Grove) will represent the Steering Committee on the Driver Representation Ad Hoc Committee.

The committees were updated on the status of the Driver Representation Ad Hoc Committee. Despite OCTAP outreach efforts, no applications were received by the December 7, 2014 deadline. The deadline was extended to allow OCTAP staff additional time perform driver outreach and solicit qualified volunteers for the ad hoc committee.

**Orange County Taxi Administration Program (OCTAP)  
Steering Committee and Safety Committee Meeting Minutes – January 15, 2015**

**Discussion Items**

**7b. 2015 and 2016 Meeting Dates and Appeals Hearing Dates**

OCTAP provided a handout with the 2015 and 2016 Steering Committee and Safety Committee meetings dates and Appeals Hearing dates. Staff noted that Appeals Hearings dates are tentative, as appeals are scheduled on an as needed basis.

**8. Committees Representatives Reports**

Committee Member Reilly (City of Laguna Woods) asked for the status of sting operations on TNC's that was requested at a previous meeting. Manager of Motorist Services and Taxi Administration Patrick Sampson and Director of Maintenance and Motorist Services Sue Zuhlke responded that OCTAP is developing an operations plan and will work with the Orange County District Attorney's office and City offices to procure the funding and resources necessary to perform a sting operation. Additionally, staff is working to identify where TNC's are operating in violation of PUC regulations.

Committee Member Reilly (City of Laguna Woods) offered that Laguna Woods would be willing to participate in TNC sting operations.

Steering Committee Chair Cronos (City of Irvine) provided a brief update on citations that he has written to drivers performing a commercial operation with non-commercial plated vehicle. Citations are issued as correctable actions and, to his knowledge, no one has challenged these citations in trial. He pointed out that section 260 in the California Vehicle Code defines a commercial vehicle as any vehicle that is designed or used to transport property or people for profit.

Committee Member Conlon (Large Taxicab Company) commented that Uber provides its drivers financing for vehicle purchases and has instructed delivering dealers to register these vehicles as personal vehicles. Steering Committee Chairman Cronos (City of Irvine) responded that a commercial vehicle not being registered correctly is an enforceable violation of the law.

Manager of Motorists Services and Taxi Administration Patrick Sampson stated that OCTAP has developed and distributed to member agencies outreach materials addressing enforceable regulations related to the operation of TNC's.

Committee Member Navarrete (City of Newport Beach) asked Safety Committee Members if they have received an abundance of complaints regarding TNCs. Several Safety Committee Members responded that they had not received complaints related to TNC's.

James Donich (General Counsel OCTA) introduced David DeBerry as the new Assistant General Counsel of OCTA who will handle OCTAP legal matters.

**Orange County Taxi Administration Program (OCTAP)  
Steering Committee and Safety Committee Meeting Minutes – January 15, 2015**

**9. Public Comments**

TNC Concerns:

Several members of the public identifying themselves as taxicab operators expressed concerns related to TNC's (Uber). Requests were made for tighter regulation and enforcement of TNC operations.

Other Concerns:

Konstantinos Roditis (24/7 Taxi Company) requested consideration for allowing the use of the DMV pull notices for OCTAP driver permit renewals due to the extended wait times at DMV offices. Manager of Motorist Services and Taxi Administration Patrick Sampson agreed to investigate the viability of the suggestion.

**10. Adjournment**

The next regularly scheduled meeting of the OCTAP Joint Meeting of the Steering Committee and Safety Committee will be held at 12:00 p.m. on July 16, 2015, at 11800 Woodbury Road, Annex 2nd floor, Room #219-220, Garden Grove, CA 92843.

# **ITEM 2**

**April 16, 2015**

**To:** OCTAP Steering and Safety Committees

**From:** Sandy Boyle, OCTAP Administrator

**Subject: OCTAP Quarterly Operations and Financial Reports**

Attached is the Orange County Taxi Administration Program (OCTAP) Quarterly Operations Report for the period of January 2015 through March 2015. Information in the report is based on actual events during the reporting period.

The attached Financial Report provides a summary of revenue and expenditures from December 2014 through February 2015. March 2015 is not included in the report because this data is not available until after the committees meet. Updated CPI and Fuel Cost data are also included in the report as Attachments 3 and 4.

OCTAP staff worked with the sub-committee of the Steering and Safety Committees to begin a review and update of OCTAP Regulations. Administrative actions and fines are also being reviewed to more accurately align with outcomes of Appeals Hearings, which may also reduce the number of appeals and subsequent hearings. Development is on-going with the OCTAP website which is scheduled to launch in April 2015.

Please feel free to provide any comments or suggestions that you may have regarding report content or format to OCTAP staff.

**Attachments:**

1. OCTAP Quarterly Operations Report – January 2015 through March 2015
2. OCTAP Financial Report, Fiscal Year 2014-15, December 2014 – February 2015
3. Updated CPI
4. Fuel Cost Historical Data

**ORANGE COUNTY TAXI ADMINISTRATION PROGRAM**

**QUARTERLY REPORT**



**JANUARY 2015 THROUGH MARCH 2015**

**OCTAP REVENUE**  
**October 2014 through December 2014**

TRANSACTION TYPE	JANUARY		FEBRUARY		MARCH		QUARTER TOTAL		FISCAL YTD		TOTALS and CHANGE FROM PRIOR PERIODS							
	Totals	Fees	Totals	Fees	Totals	Fees	Totals	Fees	Totals	Fees	PRIOR YEAR SAME QUARTER				PRIOR FISCAL YTD			
											Totals	Fees	Totals Change	Fees Change	Totals	Fees	Totals Change	Fees Change
ANNUAL VEHICLE INSPECTION	52	\$20,518	66	\$26,466	103	\$38,951	221	\$85,935	863	\$341,385	215	\$85,843	6	\$92	936	\$372,983	-73	(\$31,598)
MAJOR VEHICLE RE-INSPECTION	6	\$912	5	\$760	5	\$608	16	\$2,280	72	\$9,643	40	\$5,776	-24	(\$3,496)	136	\$19,913	-64	(\$10,270)
MINOR VEHICLE RE-INSPECTION	10	\$670	21	\$1,407	5	\$335	36	\$2,412	119	\$7,906	49	\$3,283	-13	(\$871)	120	\$8,040	-1	(\$134)
LATE FEE - VEHICLE	5	\$609	2	\$812	8	\$609	15	\$2,030	162	\$18,052	17	\$2,784	-2	(\$754)	66	\$7,424	96	\$10,628
VEHICLE PERMIT - REPLACEMENT	1	\$54	0	\$0	1	\$54	2	\$108	13	\$1,049	1	\$54	1	\$54	16	\$815	-3	\$234
VEHICLE PERMIT SUBSTITUTION	6	\$324	9	\$486	0	\$0	15	\$810	29	\$1,566	4	\$216	11	\$594	18	\$922	11	\$644
<b>VEHICLE TOTALS</b>	<b>80</b>	<b>\$23,087</b>	<b>103</b>	<b>\$29,931</b>	<b>122</b>	<b>\$40,557</b>	<b>305</b>	<b>\$93,575</b>	<b>1258</b>	<b>\$379,601</b>	<b>326</b>	<b>\$97,956</b>	<b>-21</b>	<b>(\$4,381)</b>	<b>1292</b>	<b>\$410,097</b>	<b>-34</b>	<b>(\$30,496)</b>
DRIVER PERMIT RENEWAL	84	\$8,988	90	\$9,630	85	\$8,988	259	\$27,606	839	\$89,028	323	\$34,244	-64	(\$6,638)	952	\$100,800	-113	(\$11,772)
ANNUAL DRIVER PERMIT	21	\$2,247	24	\$2,568	35	\$3,745	80	\$8,560	244	\$25,790	112	\$11,774	-32	(\$3,214)	390	\$41,413	-146	(\$15,623)
DRIVER PERMIT TRANSFER	19	\$380	21	\$420	21	\$420	61	\$1,220	249	\$4,881	92	\$1,822	-31	(\$602)	327	\$6,512	-78	(\$1,631)
LATE FEE - DRIVER	4	\$406	1	\$116	2	\$232	7	\$754	20	\$1,916	4	\$377	3	\$377	17	\$1,566	3	\$350
DRIVER PERMIT REINSTATEMENT	6	\$120	1	\$20	4	\$80	11	\$220	29	\$580	9	\$180	2	\$40	30	\$600	-1	(\$20)
DRIVER PERMIT REPLACEMENT	1	\$15	2	\$30	0	\$0	3	\$45	6	\$90	4	\$65	-1	(\$20)	35	\$550	-29	(\$460)
ADMINISTRATIVE FINE - DRIVER	0	\$0	2	\$200	8	\$600	10	\$800	33	\$2,810	2	\$150	8	\$650	23	\$2,216	10	\$594
<b>DRIVER TOTALS</b>	<b>135</b>	<b>\$12,156</b>	<b>141</b>	<b>\$12,984</b>	<b>155</b>	<b>\$14,065</b>	<b>431</b>	<b>\$39,205</b>	<b>1420</b>	<b>\$125,095</b>	<b>546</b>	<b>\$48,612</b>	<b>-115</b>	<b>(\$9,407)</b>	<b>1,774</b>	<b>\$153,657</b>	<b>-354</b>	<b>(\$28,562)</b>
COMPANY PERMIT RENEWAL	3	\$7,298	1	\$1,425	3	\$4,275	7	\$12,998	23	\$35,971	17	\$17,100	-10	(\$4,102)	38	\$41,325	-15	(\$5,354)
COMPANY PERMIT - INITIAL PERMIT	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	0	\$0	1	\$4,270	-1	(\$4,270)
ADMINISTRATIVE FINE - COMPANY	2	\$375	0	\$0	2	\$300	4	\$675	16	\$4,025	3	\$750	1	(\$75)	17	\$6,200	-1	(\$2,175)
<b>COMPANY TOTALS</b>	<b>5</b>	<b>\$7,673</b>	<b>1</b>	<b>\$1,425</b>	<b>5</b>	<b>\$4,575</b>	<b>11</b>	<b>\$13,673</b>	<b>39</b>	<b>\$39,996</b>	<b>20</b>	<b>\$17,850</b>	<b>-9</b>	<b>(\$4,177)</b>	<b>56</b>	<b>\$51,795</b>	<b>-17</b>	<b>(\$11,799)</b>
<b>TOTALS</b>	<b>220</b>	<b>\$42,916</b>	<b>245</b>	<b>\$44,340</b>	<b>282</b>	<b>\$59,197</b>	<b>747</b>	<b>\$146,453</b>	<b>2,717</b>	<b>\$544,692</b>	<b>892</b>	<b>\$164,418</b>	<b>-145</b>	<b>(\$17,965)</b>	<b>3,122</b>	<b>\$615,549</b>	<b>-405</b>	<b>(\$70,857)</b>

## OCTAP VEHICLE INSPECTION SUMMARIES

### October 2014 through December 2014

<b>ANNUAL INSPECTIONS</b>				
	Total	Pass	Fail	Pass %
January	52	44	8	85%
February	66	59	7	89%
March	103	98	5	95%
<b>TOTALS</b>	<b>221</b>	<b>201</b>	<b>20</b>	<b>91%</b>

<b>RANDOM INSPECTIONS</b>				
	Total	Pass	Fail	Pass %
January	58	40	18	69%
February	38	34	4	89%
March	28	26	2	93%
<b>TOTALS</b>	<b>124</b>	<b>100</b>	<b>24</b>	<b>81%</b>

<b>MAJOR RE-INSPECTIONS</b>				
	Total	Pass	Fail	Pass %
January	6	6	0	100%
February	5	5	0	100%
March	5	5	0	100%
<b>TOTALS</b>	<b>16</b>	<b>16</b>	<b>0</b>	<b>100%</b>

<b>MINOR RE-INSPECTIONS</b>				
	Total	Pass	Fail	Pass %
January	10	10	0	100%
February	21	20	1	95%
March	5	5	0	100%
<b>TOTALS</b>	<b>36</b>	<b>35</b>	<b>1</b>	<b>97%</b>

<b>CURSORY INSPECTIONS</b>				
	Total	Pass	Fail	Pass %
January	225	221	4	98%
February	71	67	4	94%
March	40	36	4	90%
<b>TOTALS</b>	<b>336</b>	<b>324</b>	<b>12</b>	<b>96%</b>

<b>TRANSFERS and REPLACEMENTS</b>				
	Total	Pass	Fail	Pass %
January	7	6	1	86%
February	8	8	0	100%
March	2	2	0	100%
<b>TOTALS</b>	<b>17</b>	<b>16</b>	<b>1</b>	<b>94%</b>

<b>MOST COMMON INSPECTION DEFICIENCIES</b>
Paint/body damage
Meter seal issues
Brake or brake pedal issues
Lights not operating
Torn upholstery
Climate control not working
Bald tires
Dirty interior and/or exterior
No credit card processing available
No Proof of Insurance

<b>TOTAL INSPECTIONS</b>				
	Total	Pass	Fail	Pass %
January	358	327	31	91%
February	209	193	16	92%
March	183	172	11	94%
<b>TOTALS</b>	<b>750</b>	<b>692</b>	<b>58</b>	<b>92%</b>

<b>COMPARISONS FROM PRIOR PERIODS</b>					
		2015	2014	DIFFERENCE	
				TOTALS	%
ALL INSPECTION TYPES					
January		358	335	23	7%
February		209	186	23	12%
March		183	182	1	1%
<b>TOTALS</b>		<b>750</b>	<b>703</b>	<b>47</b>	<b>7%</b>
ALL INSPECTION TYPES					
Year-to-Date		2193	2215	-22	-1%

**OCTAP FINES, PERMIT ACTIONS, AND QUARTERLY COMPLIANCE ACTIVITIES**  
**January 2015 through March 2015**

**FINES AND PERMIT ACTIONS**

**FINES**

Three companies for meter violations  
Three drivers for meter violations  
Three drivers for no proof of insurance  
Two drivers for no proof of insurance and registration  
One driver for not having permit posted

**PERMIT ACTIONS (Denials, Suspensions, and Revocations)**

Three drivers denied due to failed DOJ  
One driver denied due to positive drug or alcohol test result  
Two drivers denied for no valid CDL  
One driver permit revoked due to positive drug test result  
One driver suspended for hit and run arrest/charge, resulting in fatality  
One driver suspended for alleged inappropriate action toward a passenger

**WARNINGS**

One company did not provide appropriate receipt  
Six drivers did not provide appropriate receipts

**OTHER**

Three companies ceased operations (Ciao Taxi, Metro Taxi Cab, and Newport Beach Cab)

<b>QUARTERLY COMPLIANCE ACTIVITIES</b>	
DMV Pull Notice Checks	71
24/7 Dispatch Checks	72
Insurance Policy Reviews	4
Unsatisfied Judgment Checks	7
DOJ Background Checks	80
Drug and Alcohol Screens	338

**OCTAP-PERMITTED TAXI COMPANIES - Sorted by CAB TOTALS**  
**As of December 2014**

Permit No.	Taxicab Company	No. of Drivers	No. of Vehicles	5+ Capacity	Alternate Fuel	Wheelchair Accessible
10	YELLOW CAB OF GREATER ORANGE COUNTY, INC.	466	410	Yes	Yes	Yes
14	A TAXI CAB	327	188	Yes		Yes
17	CALIFORNIA YELLOW CAB (CABCO YELLOW, INC.)	264	205	Yes	Yes	Yes
18	ORANGE COUNTY YELLOW CAB	17	12	Yes		
22	ACTIVE TAXI COMPANY	1	1			
32	AFFORDABLE TAXI	1	1			
33	FIESTA TAXI	1	2		Yes	
41	LONG BEACH YELLOW CAB CO-OP	14	11	Yes	Yes	
42	ACCESS TAXI YELLOW CAB CO.	1	1	Yes		
52	HAPPY TAXI	4	2	Yes		
59	ORANGE COUNTY TAXI	18	15	Yes		
60	24/7 YELLOW CAB - 24/7 TAXI CAB	71	51	Yes	Yes	Yes
65	ABC RIDE TAXI	5	5	Yes		
66	ORANGE TAXI CAB	3	2			
78	HUNTINGTON BEACH YELLOW CAB, INC.	20	16	Yes		
80	PIER YELLOW CAB	10	10	Yes		
125	NOVA CAR	1	1			
128	USA GREEN GROUP	4	2	Yes		
149	AN ORANGE COUNTY TAXI GRAPH	1	1			
150	DISCOUNT CAB FARES	3	3	Yes		
152	SURF SIDE TAXI	7	7	Yes		
159	DOWNTOWN HUNTINGTON BEACH YELLOW CAB	22	16	Yes		
165	TAXI MAXI	10	9	Yes	Yes	
167	WHITE CAB CO.	6	5	Yes	Yes	
168	AMERICAN FLAG YELLOW CAB CO	5	3	Yes		
169	1A GREEN TAXICAB, LLC	1	1	Yes		
170	GO YELLOW TAXI INC.	10	8	Yes		
171	GREEN CAB LLC	3	2			
172	H A TAXI INC.	4	3	Yes		
173	BEACH CITIES TAXI	4	4	Yes		
174	OC FAIRGROUNDS TAXI	4	1	Yes		
177	AWESOME TAXI CAB	7	4	Yes	Yes	

32

**Totals**

1315

1002

<i>Totals from March 2014</i>	<b>1,595</b>	<b>1,168</b>
<i>Change from 2014 to 2015</i>	<b>-17.6%</b>	<b>-14.2%</b>

**Orange County Tax Administration Program  
Financial Report  
Fiscal Year 2014-15  
December 2014 - February 2015**

0	Budgeted	December	January	February	Total	Budget to Actual	YTD %
0	0	2014	2015	2015	to Date	Under/(Over)	of Budget
<b>Revenues</b>							
Company Permits	\$68,736.00	\$0.00	\$7,298.00	\$1,425.00	\$31,696.00	\$37,040.00	46%
Vehicle Permits	\$503,915.00	\$40,787.00	\$22,478.00	\$29,119.00	\$321,166.72	\$182,748.28	64%
Driver Permits	\$190,600.00	\$13,258.00	\$11,750.00	\$12,668.00	\$107,129.00	\$83,471.00	56%
Interest/Investment Earnings	\$10,439.00	\$720.45	\$1,100.62	\$851.31	\$6,747.16	\$3,691.84	65%
Other Misc. Revenue & Fines	\$24,000.00	\$442.00	\$1,390.00	\$1,128.00	\$24,942.02	(\$942.02)	104%
<b>Total Revenues</b>	<b>\$932,013.00</b>	<b>\$55,207.45</b>	<b>\$44,016.62</b>	<b>\$45,191.31</b>	<b>\$491,680.90</b>	<b>\$440,332.10</b>	<b>53%</b>
	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>0%</b>
0	Budgeted	December	January	February	Total	Budget to Actual	YTD %
0	0	2014	2015	2015	to Date	Under/(Over)	of Budget
<b>Expenditures</b>							
Salaries & Benefits	\$499,633.00	\$41,255.63	\$47,613.15	\$25,473.87	\$315,383.55	\$184,249.45	63%
Professional Services - Legal	\$45,000.00	\$2,394.10	\$2,208.01	\$0.00	\$7,198.04	\$37,801.96	16%
Professional Services - Other	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,000.00	0%
Investment Fee - Portfolio Manager	\$1,180.00	\$0.00	\$0.00	\$145.44	\$431.62	\$748.38	37%
Credit Card Processing Fees	\$4,650.00	\$177.29	\$242.76	\$261.63	\$745.17	\$3,904.83	16%
Building Repairs/Maintenance	\$15,000.00	\$1,748.36	\$0.00	\$0.00	\$2,684.57	\$12,315.43	18%
Telephone	\$2,700.00	\$341.99	\$0.00	\$0.00	\$828.05	\$1,871.95	31%
Internet Expenses	\$432.00	(\$0.15)	\$263.76	\$0.00	\$409.92	\$22.08	95%
Travel	\$3,192.00	\$0.00	\$0.00	\$0.00	\$943.99	\$2,248.01	30%
Mileage	\$720.00	\$0.00	\$0.00	\$55.75	\$176.15	\$543.85	24%
Training & Registration Fees	\$2,640.00	\$0.00	\$0.00	\$0.00	\$550.00	\$2,090.00	21%
Office Supplies & Equipment	\$39,283.00	\$4,464.52	\$244.38	\$4,510.10	\$12,714.31	\$26,568.69	32%
Subscriptions, Books, & Periodicals	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0%
Dues & Memberships	\$1,195.00	\$0.00	\$0.00	\$0.00	\$190.00	\$1,005.00	16%
Business Expenses	\$6,100.00	\$92.58	\$26.27	\$578.95	\$1,698.60	\$4,401.40	28%
Administrative Services	\$271,258.00	\$22,396.87	\$22,396.87	\$22,396.87	\$179,174.96	\$92,083.04	66%
Security Services	\$29,030.00	\$0.00	\$2,305.54	\$0.00	\$13,678.48	\$15,351.52	47%
<b>Total Expenses</b>	<b>\$932,013.00</b>	<b>\$72,871.19</b>	<b>\$75,300.74</b>	<b>\$53,422.61</b>	<b>\$536,807.41</b>	<b>\$395,205.59</b>	<b>58%</b>
<b>Change in Net Assets</b>		<b>(\$17,663.74)</b>	<b>(\$31,284.12)</b>	<b>(\$8,231.30)</b>			
		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			
<b>Beginning Fund Balance</b>		<b>\$971,823.86</b>	<b>\$954,160.12</b>	<b>\$922,876.00</b>			
<b>Monthly Change In Net Assets</b>		<b>(\$17,663.74)</b>	<b>(\$31,284.12)</b>	<b>(\$8,231.30)</b>			
<b>Ending Fund Balance</b>		<b>\$954,160.12</b>	<b>\$922,876.00</b>	<b>\$914,644.70</b>			
		<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>			

Note: A negative monthly change in net assets requires the use of funds from the OCTAP Reserve Fund balance to meet expenditure obligations. This does not indicate that budget targets are not being met, because company, vehicle, and driver permit fees are not collected equally throughout the year, while expenditures are roughly equal from month to month.

# CPI Historical Data

Year	Jan.	Feb.	Mar.	Apr.	May.	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Avg.
2007	202.4	203.5	205.4	206.7	207.9	208.4	208.3	207.9	208.5	208.9	210.2	210.0	207.3
2008	211.1	211.7	213.5	214.8	216.6	218.8	220.0	219.1	218.8	216.6	212.4	210.2	215.3
2009	211.1	212.2	212.7	213.2	213.9	215.7	215.4	215.8	216.0	216.2	216.3	215.9	214.5
2010	216.7	216.7	217.6	218.0	218.2	218.0	218.0	218.3	218.4	218.7	218.8	219.2	218.1
2011	220.2	221.3	223.5	224.9	226.0	225.7	225.9	226.5	226.9	226.4	226.2	225.7	224.9
2012	226.7	227.7	229.4	230.1	229.8	229.5	229.1	230.4	231.4	231.3	230.2	229.6	229.6
2013	230.2	232.1	232.8	232.5	232.9	233.5	233.6	233.9	234.1	233.5	233.0	233.0	232.9
2014	233.9	234.8	236.3	237.1	237.9	238.3	238.3	237.9	238.0	237.8	237.1	236.3	237.0
2015	233.7	234.7											234.2

Percent Change*													
Year	Jan.	Feb.	Mar.	Apr.	May.	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Avg.
2007 to 2008	4.10%	3.87%	3.83%	3.79%	4.01%	4.78%	5.30%	5.10%	4.70%	3.53%	1.06%	0.09%	3.68%
2008 to 2009	0.03%	0.24%	-0.39%	-0.74%	-1.30%	-1.45%	-2.14%	-1.51%	-1.30%	-0.18%	1.81%	2.65%	-0.36%
2009 to 2010	2.56%	2.10%	2.26%	2.19%	1.98%	1.04%	1.22%	1.14%	1.13%	1.16%	1.13%	1.47%	1.61%
2010 to 2011	1.61%	2.06%	2.61%	3.07%	3.45%	3.44%	3.50%	3.63%	3.72%	3.41%	3.28%	2.88%	3.05%
2011 to 2012	2.84%	2.79%	2.58%	2.25%	1.68%	1.64%	1.39%	1.66%	1.95%	2.11%	1.72%	1.71%	2.03%
2012 to 2013	1.54%	1.91%	1.45%	1.05%	1.34%	1.72%	1.92%	1.51%	1.17%	0.96%	1.20%	1.48%	1.44%
2013 to 2014	1.59%	1.14%	1.49%	1.92%	2.08%	2.01%	1.97%	1.68%	1.62%	1.77%	1.72%	1.37%	1.70%
2014 to 2015	-0.09%	-0.03%											-1.17%

\* This reflects the percent change from the current month to the same month last year

Source: <http://www.bls.gov/cpi/> - Table 2 - All Items

## Fuel Rate Historical Data

Year	Jan.	Feb.	Mar.	Apr.	May.	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Avg.	% Change Dec to Dec	Annual Avg % Change
2007	\$2.616	\$2.713	\$3.105	\$3.339	\$3.485	\$3.329	\$3.174	\$2.948	\$2.922	\$3.112	\$3.394	\$3.353	\$3.124		
2008	\$3.296	\$3.231	\$3.609	\$3.846	\$4.015	\$4.531	\$4.511	\$4.128	\$3.842	\$3.440	\$2.507	\$1.871	\$3.569	-44.20%	14.24%
2009	\$2.051	\$2.265	\$2.239	\$2.377	\$2.531	\$2.969	\$2.920	\$3.057	\$3.169	\$3.062	\$3.006	\$2.964	\$2.718	58.42%	-23.86%
2010	\$3.065	\$2.993	\$3.104	\$3.138	\$3.136	\$3.134	\$3.171	\$3.186	\$3.064	\$3.146	\$3.205	\$3.297	\$3.137	11.23%	15.42%
2011	\$3.389	\$3.576	\$4.002	\$4.206	\$4.229	\$3.965	\$3.844	\$3.823	\$3.971	\$3.890	\$3.848	\$3.648	\$3.866	10.65%	23.25%
2012	\$3.747	\$4.027	\$4.414	\$4.292	\$4.353	\$4.133	\$3.821	\$4.109	\$4.211	\$4.458	\$3.893	\$3.628	\$4.091	-0.55%	5.81%
2013	\$3.678	\$4.127	\$4.192	\$4.031	\$4.051	\$4.050	\$4.056	\$3.919	\$3.989	\$3.829	\$3.641	\$3.642	\$3.934	0.39%	-3.83%
2014	\$3.666	\$3.726	\$3.984	\$4.210	\$4.220	\$4.163	\$4.109	\$3.961	\$3.820	\$3.580	\$3.234	\$2.916	\$3.799	-19.93%	-3.42%
2015	\$2.596	\$2.756	\$3.388										\$2.913		-23.31%

Percent Change*													
Year	Jan.	Feb.	Mar.	Apr.	May.	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Avg.
2007 to 2008	25.99%	19.09%	16.23%	15.18%	15.21%	36.11%	42.12%	40.03%	31.49%	10.54%	-26.13%	-44.20%	14.24%
2008 to 2009	-37.77%	-29.90%	-37.96%	-38.20%	-36.96%	-34.47%	-35.27%	-25.94%	-17.52%	-10.99%	19.90%	58.42%	-23.86%
2009 to 2010	49.44%	32.14%	38.63%	32.02%	23.90%	5.56%	8.60%	4.22%	-3.31%	2.74%	6.62%	11.23%	15.42%
2010 to 2011	10.57%	19.48%	28.93%	34.03%	34.85%	26.52%	21.22%	19.99%	29.60%	23.65%	20.06%	10.65%	23.25%
2011 to 2012	10.56%	12.61%	10.29%	2.04%	2.93%	4.24%	-0.60%	7.48%	6.04%	14.60%	1.17%	-0.55%	5.81%
2012 to 2013	-1.84%	2.48%	-5.03%	-6.08%	-6.94%	-2.01%	6.15%	-4.62%	-5.27%	-14.11%	-6.47%	0.39%	-3.83%
2013 to 2014	-0.33%	-9.72%	-4.96%	4.44%	4.17%	2.79%	1.31%	1.07%	-4.24%	-6.50%	-11.18%	-19.93%	-3.42%
2014 to 2015	-29.19%	-26.03%	-14.96%										-23.31%

\* This reflects the percent change from the current month to the same month last year

SOURCE: [http://www.eia.gov/dnav/pet/pet\\_pri\\_gnd\\_dcus\\_sca\\_m.htm](http://www.eia.gov/dnav/pet/pet_pri_gnd_dcus_sca_m.htm)

# ITEM 5

**April 16, 2015**

**To:** OCTAP Steering and Safety Committees  
**From:** Sandy Boyle, OCTAP Administrator  
**Subject:** Legislation Regarding Transportation Network Companies

### **Overview**

The Orange County Taxi Administration Program coordinates taxicab service permitting and other administrative functions on behalf of the participating agencies. Staff works closely with city and county agencies to support the enforcement of regulations and local municipal codes pertaining to the operation of taxicabs, and monitors applicable laws pertaining to the operation of other private for-hire passenger services in Orange County.

### **Discussion**

The California Legislature has initiated legislation to address the operation of Transportation Network Companies (TNC). This report provides information on those actions.

Assembly Member Nazarian introduced Assembly Bill 24 which contains specific language that is expected to address safety concerns surrounding TNC services. The bill includes the requirement for mandatory Department of Justice background checks and drug and alcohol testing for drivers and, if adopted, will also prohibit the California Public Utilities Commission (PUC) from issuing a permit allowing a TNC to operate in the state unless the company participates in the DMV pull notice system. In addition, it will require TNCs to register all participating vehicles with the PUC, and for those vehicles to display a PUC identifying symbol.

Assembly Bill 828 was introduced to the legislature on February 26, 2015, in response to a Department of Motor Vehicles directive that requires TNC vehicles to be registered as a commercial vehicle and carry full commercial liability insurance. If adopted, this bill will exclude a motor vehicle operated in connection with a TNC from commercial vehicle status as defined in Section 5431 of the Public Utilities Code. The bill does not address insurance. Under existing law TNC vehicles must carry additional insurance when they provide TNC services.

Late last year, the PUC sent letters to the TNC companies which operate carpool services stating the services were operating in violation of state law by charging individual fares. On February 27, 2015, Assembly Bill 1360 was introduced seeking to exempt the “individual fare” from the Charter Party Carrier’s Act for a TNC that arranges a ride among multiple passengers who share the ride in whole or in part, provided that the fare for each passenger is less than the fare that would be charged to a single passenger traveling alone.

Assembly Member Chau introduced Assembly Bill 886 which prohibits a TNC from requesting or requiring personally identifiable data of a passenger unless the information is used for certain purposes such as establishing, maintaining, and updating a customer’s account. It requires TNCs to provide an accountholder with an opportunity to cancel or terminate their account and to destroy or dispose of all personally identifiable data in a secure manner. This bill was brought to the Legislature on March 26, 2015.

Authority for a TNC to participate in the DMV pull-notice system was also introduced on March 26, 2015 to the Legislature. Assembly Bill 1422 seeks to allow TNCs to regularly check the driving records of its participating drivers regardless of whether the participating driver is an employee or an independent contractor of the TNC.

**Summary**

The California Legislature has five bills that will be reviewed during the 2015–2016 Regular Session to amend California PUC code Sections 5374, 5401, 5443 and 5444 and Vehicle Code Sections 260 and 1808.1. OCTAP staff will continue to monitor legislation and provide information to the OCTAP Steering and Safety Committees.

# **ITEM 6**

**April 16, 2015**

**To:** OCTAP Steering and Safety Committees

**From:** Patrick Sampson, Manager of Motorist Services

**Subject: Taxicab Company DMV H6 Driver Printout Concerns**

At the January 15, 2015, Steering Committee and Safety Committee meeting, a taxicab company representative raised concerns about drivers having to wait in long lines at the California Department of Motor Vehicles (DMV) to obtain an H6 driver record printout, to renew or transfer their OCTAP driver permit. With recent changes allowing undocumented immigrants to apply for a special California driver license, lines at DMV offices and service stations across California have become very long. The taxicab company representative suggested that OCTAP might consider accepting the driver's most recent DMV pull notice, available through the taxicab company, for drivers renewing their OCTAP driver permit with the same company.

OCTAP staff reviewed OCTAP regulations relating to DMV H6 printout requirements and determined that, based on OCTAP regulations, the option of accepting the most recent pull notice from the sponsoring taxicab company could not be made available equally to all OCTAP permitted drivers. OCTAP regulations require that the H6 driver record printout be from within the previous thirty days. To accept the most recent pull notice from the sponsoring taxicab company, the pull notice would have to be dated within thirty days before the driver renewal date. While the coincidental alignment of pull notice date and driver renewal date might make the option available for some drivers, it could not be made available as an option for all permitted drivers.

OCTAP staff researched options that drivers renewing their OCTAP permit may have for obtaining a certified copy of their H6 driver record without going to the DMV. OCTAP learned that drivers may request a certified copy of their H6 driver record by mail after establishing a secure logon on the DMV website, completing the required request form, and paying the required fees. OCTAP has provided this information to permitted taxicab companies and has made instructions available to OCTAP permitted drivers at the OCTAP office.



**April 16, 2015**

**To:** OCTAP Steering and Safety Committees

**From:** Sandy Boyle, OCTAP Administrator

**Subject:** Bandit Enforcement Efforts

### **Overview**

OCTAP received a request from the Steering Committee to work with enforcement partners to develop a bandit enforcement operations plan that would include Transportation Network Companies (TNC) vehicles operating as bandit taxicabs, in violation California Public Utilities Commission (CPUC) and OCTAP regulations.

### **Discussion**

TNC and Transportation Charter Party (TCP) carriers operate under authority from the CPUC, subject to the Public Utilities Code and CPUC regulations. The regulations strictly prohibit TNCs and TCPs from picking up passengers without an advance reservation, or in the case of a TNC an electronic service request.

Taxicabs are regulated by the local jurisdictions, under the authority granted by California Government Code section 53075.5. The most important operational distinction between a taxicab and a carrier operating under the authority of the CPUC is the ability to pick up passengers at will, without a reservation or some other form notification. Taxicabs may provide transportation to any passenger at any time, and may respond to customers who simply hail them from the curb.

Enforcing local municipal codes related to taxicab permitting and citing bandit operators, including TNC or TCP carriers operating outside of their authority, is essential to protect the public from operators who disregard the law and unlicensed operators.

OCTAP staff developed bandit enforcement operations plans to help law enforcement partners develop targeted enforcement plans to cite violators. The bandit enforcement operations plans and requests for enforcement were sent on March 6, 2015, to Anaheim, Fullerton, Newport Beach, Garden Grove, and

Huntington Beach Police Departments and to the Safety Committee Members for each of these cities.

**Recommendation**

Continue to monitor results of any enforcement activities and provide information to the Steering Committee.

***Attachment***

Request for Targeted Enforcement of Taxicab Regulations and Bandit Taxi Enforcement Operations Plan



## Orange County Taxi Administration Program

office: 11903 Woodbury Rd · Garden Grove, California 92843-4020 · tel: 949.654.8294 · fax: 714.265.4374  
mailing address: 550 South Main Street · PO Box 14184 · Orange, California 92863-1584 web: [www.octap.net](http://www.octap.net)

March 6, 2015

Officer Scott Cronos  
Irvine Police Department  
One Civic Center Plaza  
Irvine, CA 92623

### **Re: Request for Targeted Enforcement of Taxicab Regulations**

As you are already aware, the California Public Utilities Commission (CPUC) has adopted operating guidelines for the operation of Transportation Network Companies (TNC) like Uber and Lyft. A TNC is a company that provides transportation services that have been prearranged using an online platform or smart phone application. Like Transportation Charter Party (TCP) carriers; also permitted by the CPUC, service must be prearranged, only then can an operator respond and pick up a customer.

OCTAP continues to receive complaints about TNC vehicles operating as bandit taxicabs, picking up flag passengers, in violation of a number of state and local codes and regulations requiring a taxicab permit in order to pick up flag passengers. Taxicabs are specifically permitted under California Government Code and Local Municipal Code to pick up (flag) passengers who approach them without prearranging a trip. Enforcing local municipal codes related to taxicab permitting and citing violators is essential, to protecting the public from TNC and TCP permit holders operating outside of their jurisdiction, and to protect the public from unlicensed operators.

OCTAP has identified areas within your jurisdiction where there are reported to be high concentrations of violators, and has developed an enforcement operations plan designed to help you perform targeted enforcement and cite violators. We would like to ask your assistance in providing targeted enforcement of your municipal codes relating to taxicab permitting, along with any related California Vehicle Codes or other codes that may be appropriate.

We would like to ask your department to perform targeted enforcement of taxicab regulations in your jurisdiction. We would also like to ask you to share enforcement activities and results with OCTAP, so that they may be shared with the OCTAP Steering and Safety Committees. Attached is a Bandit Taxi Enforcement Operations Plan that OCTAP has developed, to help local enforcement partners perform targeted enforcement. Included in the plan are some of your municipal codes specifically requiring taxicab permits, related California Vehicle Codes, OCTAP Regulations, California Government Codes, and other codes that may be cited and enforced. Please contact us if you have any questions, or if there are areas where we may help you further develop and implement an operations plan to perform targeted enforcement of taxicab regulations

Sincerely,

A handwritten signature in black ink that reads "Patrick Sampson".

Patrick Sampson  
Manager of Taxi Administration

# **Bandit Taxi Enforcement Operations Plan**

## **Tentative Dates:**

To Be Determined and coordinated with the local jurisdiction. Friday and/or Saturday Nights are suggested, as these are times when violations are reported to be more prevalent.

## **Purpose:**

Enforcement stings of Transportation Network Company (TNC) and Transportation Charter Party (TCP) operators who are operating outside of their authority by picking up flag passengers. Flag passengers are customers who did not specifically summon the operator by prearranging the trip, as required by the California Public Utilities Commission (CPUC).

Picking up flag passengers without a taxicab permit is a violation of the OCTAP regulations and local Municipal Code (Bandit Taxicab). A TNC operator that picks up a flag customer is also in violation of CPUC Regulations relating to the operation of a TNC and California Government Code.

## **Suggested Location(s):**

Irvine Spectrum and other known areas in the City of Irvine where there is an active night life and a high concentration of available taxi and ride-sharing services. OCTAP will continue to gather information on best known locations/areas.

## **Scenario:**

Undercover officer(s) will attempt to board a TNC or TCP vehicle as a flag passenger offering to pay cash, without booking a trip through a smart phone application or otherwise prearranging the trip.

Patrol Officer will affect a traffic stop shortly after departure and cite for violation of municipal codes relating to the requirement to obtain a taxicab company, driver, and vehicle permit. Officer may also cite for CVC violations if not registered or insured as a commercial vehicle, and for any business permit requirements that may be associated with operating a taxicab business in the city.

Example:

<http://denver.cbslocal.com/2015/02/12/cbs4-investigation-illegal-ride-services-rampant-in-lodo/>

## **Target Vehicles / Operators:**

Any vehicle/operator displaying TNC trade dress for Uber or Lyft, any vehicle/operator displaying a TCP number on their vehicle, and any vehicle/operator representing themselves as a TNC, TCP, or other (non-taxi) operator when asked or flagged for a possible trip (vehicles who appear to be staged or trolling for passengers/trips).

# Pertinent Violation Sections

## 1. Irvine Municipal Codes

- **Sec. 2-10-602. City authorization required.**

A person shall only operate a taxicab if the owner of that taxicab is authorized by the City to operate a taxicab business in the City.  
(Ord. No. 97-18, § 2, 11-11-97)

- **Sec. 2-10-603. Driver's permit required.**

A person shall only operate a taxicab if that person possesses a driver's permit and if City authorization has been obtained. An owner shall only allow a driver to operate a taxicab owned by the owner if that driver possesses a driver's permit and if City authorization has been obtained.  
(Ord. No. 97-18, § 3, 11-11-97)

- **Sec. 2-10-604. Taxicab vehicle permit required.**

A person shall only operate a taxicab if that vehicle displays a taxicab vehicle permit and if City authorization has been obtained. An owner shall only allow a taxicab owned by the owner to be operated in the City if that vehicle displays a taxicab vehicle permit and if City authorization has been obtained.  
(Ord. No. 97-18, § 4, 11-11-97)

- **Sec. 2-10-605. Taxicab business permit required.**

A person shall only operate a taxicab business in the City if that person possesses a taxicab business permit and if City authorization has been obtained.  
(Ord. No. 97-18, § 5, 11-11-97)

- **Sec. 2-10-609. Insurance required.**

A driver operating a taxicab in the City shall carry with him or her at all times proof of insurance covering that vehicle, with such policy limits and coverage as established by OCTAP and adopted by separate resolution of the City Council. Said proof of insurance must clearly identify the vehicle covered.  
(Ord. No. 97-18, § 8, 11-11-97)

- **Sec. 2-10-616. Separate from business licensing.**

The requirements of this chapter are separate and independent from the business licensing and any other provisions under the City Code.  
(Ord. No. 97-18, § 14, 11-11-97)

## **2. California Vehicle Code:**

- **Commercial Registration Required.**

California Vehicle Code Section 260(a) states that a "commercial vehicle" is a motor vehicle of a type required to be registered under this code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property.

## **3. Orange County Taxi Administration Program (OCTAP) Regulations**

- **Section 5.1. Company permit required.**

No Company shall operate a Taxicab business, or advertise as a Taxicab business, within the Area of Jurisdiction of an Agency without having first obtained a Company Permit from OCTAP and without first obtaining permission from the Agency to operate in the Area of Jurisdiction of such Agency, if the Agency's legislative body requires such permission or permitting.

- **Section 6.1. Driver permit required.**

No person shall drive a Taxicab within the Area of Jurisdiction of an Agency without having first obtained a Driver Permit from OCTAP. Reproduction of a Driver Permit is strictly prohibited for any reason with the exception of company management copying the permit for the drivers file.

- **Section 7.1. Vehicle permit required.**

Upon issuance of a Company Permit and prior to operating, Permittee shall present each Taxicab listed in the Permit to a designated OCTAP facility for a Taxicab inspection. OCTAP may, at its discretion, conduct Taxicab inspections at the Permittee's facility.

## **4. California Government Code**

- **Section 53075.7**

(a) Upon receipt of a complaint containing sufficient information to warrant conducting an investigation, the local agency shall investigate any business that advertises or operates taxicab transportation service for hire. The local agency shall, by ordinance, resolution, or other appropriate procedure, adopt criteria that establishes the type of information, if contained in a complaint, that is sufficient to warrant an investigation. Pursuant to this investigation, the local agency shall do all of the following:

(1) Determine which businesses, if any, are required to have in effect a valid taxicab certificate, license, or permit as required by ordinance, but do not have that valid authority to operate.

(2) Inform any business not having valid authority to operate that it is in violation of law.

(3) Within 60 days of informing the business pursuant to paragraph (2), institute civil or criminal proceedings, or both, pursuant to the governing municipal code or other authority of jurisdiction. (b) For purposes of this section: (1) "Advertises" means any action described in subdivision (b) of Section 53075.9. (2) "Local agency" means the local entity responsible for the regulation, including, but not limited to, the certification, licensing, or permitting of, and enforcement of rules, regulations, or ordinances governing, taxicabs within the local jurisdiction.

- **Section 53075.9**

(a) Every taxicab transportation service shall include the number of its certificate, license, or permit in every written or oral advertisement of the services it offers.

(b) For purposes of this subdivision, "advertisement" includes, but is not limited to, the issuance of any card, sign, or device to any person, the causing, permitting, or allowing the placement of any sign or marking on or in any building or structure, or in any media form, including newspaper, magazine, radiowave, satellite signal, or any electronic transmission, or in any directory soliciting taxicab transportation services subject to this chapter.

(c) Whenever the local agency, after a hearing, finds that any person or corporation is operating as a taxicab transportation service without a valid certificate, license, or permit or fails to include in any written or oral advertisement the number required by subdivision (a), the local agency may impose a fine of not more than five thousand dollars (\$5,000) for each violation. The local agency may assess the person or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the local agency. The local agency may assess interest on any fine or assessment imposed, to commence on the day the payment of the fine or assessment becomes delinquent. All fines, assessments, and interest collected shall be deposited at least once each month in a fund established for the purpose of enforcing this section.

(d) For purposes of this section, "local agency" has the same meaning as specified in subdivision (b) of Section 53075.7.

- **California Government Code Section 53075.61 (May Impound)**

Section 53075.61 states that a transportation inspector, authorized by a local government to cite any person for operating as a taxicab without a valid taxicab certificate, license, or permit required by any ordinance, may impound and retain possession of any vehicle used in a violation of the ordinance.

If the vehicle is seized from a person who is not the owner of the vehicle, the impounding authority shall immediately give notice to the owner by first-class mail.

The vehicle shall immediately be returned to the owner without cost to the owner if the infraction or violation is not prosecuted or is dismissed, the owner is found not guilty of the offense, or it is determined that the vehicle was used in violation of the ordinance without the knowledge and consent of the owner. Otherwise, the vehicle shall be returned to the owner upon payment of any fine ordered by the court. After the expiration of six weeks from the final disposition of the criminal case, the impounding authority may deal with the vehicle as lost or abandoned property under Section 1411 of the Penal Code.

At any time, a person may make a motion in superior court for the immediate return of a vehicle on the ground that there was no probable cause to seize it or that there is some other good cause, as determined by the court, for the return of the vehicle. A proceeding under this paragraph is a limited civil case.

No officer or employee, however, shall impound any vehicle owned or operated by a nonprofit organization exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code which serves youth or senior citizens and provides transportation incidental to its programs or services.

## **5. California Public Utilities Commission (PUC) Code**

### **Basic Operating Requirements**

Permits for TNCs will only be granted to companies utilizing smart phone technology applications (app) to facilitate transportation of passengers in the driver's personal vehicle. TNCs are not permitted to themselves own vehicles used in their operation or own fleets of vehicles. However, there is no limit to the number of drivers that utilize the app under one permit. TNC drivers shall only transport passengers on a prearranged basis. For the purpose of TNC services, a ride is considered prearranged if the ride is solicited and accepted via a TNC digital platform before the ride commences. TNC drivers are strictly prohibited from accepting street hails.

### **Insurance Requirements**

TNCs must maintain commercial liability insurance policies providing a minimum of \$1,000,000 per-incident coverage for incidents involving TNC vehicles that seat seven (7) or fewer passengers, including the driver, or \$1,500,000 per-incident coverage for those TNCs that elect to utilize vehicles that seat ten (10) or fewer passenger, including the driver. The insurance provides coverage when the TNC driver is transporting a passenger as well as drivers in transit to (after being matched through a TNC's platform) picking up a passenger. No vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, may be operated by a TNC. The insurance coverage must be available to cover claims regardless of whether a relevant TNC driver maintains insurance adequate to cover any portion of the claim. The license for the TNC will automatically expire upon expiration of the insurance policy. TNCs must obtain proof of insurance from each TNC driver before the driver begins providing service and for as long as the driver remains available to provide service. TNC drivers are required to provide proof of both their

### **TNC services are defined by three periods (that affects insurance requirements):**

#### **Period 1: App open – waiting for a match.**

Period 1 - TNCs shall provide primary insurance in the amount of at least fifty thousand dollars (\$50,000) for death and personal injury per person, one hundred thousand dollars (\$100,000) for death and personal injury per incident, and thirty thousand dollars (\$30,000) for property damage. TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver; (b) TNC insurance maintained by the TNC that provides coverage if a driver does not maintain the required TNC insurance, or if the driver's TNC insurance ceases to exist or is cancelled; or (c) a combination of (a) and (b).

TNCs shall also maintain insurance coverage that provides excess coverage insuring the TNC and the driver in the amount of at least two hundred thousand dollars (\$200,000) per occurrence to cover any liability arising from a participating driver using a vehicle in connection with a TNC's online-enabled application or platform. TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services; (b) TNC insurance maintained by the TNC; or (c) a combination of (a) and (b). It is the intent of AB 2293's author that, if a TNC driver is logged into more than one TNC app during Period 1, the insurers providing such excess coverage shall share the cost relating to any claims based on the contract terms or, in the absence of contract terms, on a pro rata basis. In addition, in the event of multiple excess insurance policies, the policies will not be stacked.

Until AB 2293 becomes effective, the Commission requires all TNCs to carry a minimum of \$100,000 commercial insurance for Period 1.

**Period 2: Match accepted – but passenger not yet picked up (i.e. driver is on his/her way to pick up the passenger).**

**Period 3: Passenger in the vehicle and until the passenger exits the vehicle.**

Periods 2 and 3 - TNCs must provide primary commercial insurance in the amount of one million dollars (\$1,000,000). TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services; (b) TNC insurance maintained by the TNC; or (c) a combination of (a) and (b).

Period 3 - TNCs shall also provide uninsured motorist coverage and underinsured motorist coverage in the amount of one million dollars (\$1,000,000) during Period 3 (i.e., from the moment a passenger enters the vehicle until the passenger exits the vehicle). TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services;

(b) TNC insurance maintained by the TNC; or (c) a combination of (a) and (b). The policy may also provide this coverage during any other time period, if requested by a participating driver relative to insurance maintained by the driver.

The insurance requirements must be disclosed on each TNC's app and website. Each TNC must file its insurance policies under seal with the CPUC as part of

applying for a license. The license for the TNC will automatically expire upon expiration of the insurance policy, unless and until the TNC provides an updated insurance policy and applies to renew its license. Each TNC must file its unredacted certificate of insurance with the CPUC. The unredacted certificate of insurance will be made public.

From the moment a driver turns on the company's smartphone app, the company will have to provide insurance amounting to \$50,000 in liability coverage for death or injury to a single person; \$100,000 in coverage for all damages in a single accident; and \$30,000 for property damage. In addition, \$200,000 of excess liability coverage would be required when the driver's personal policy is insufficient. The company must then provide \$1 million in coverage once the driver is matched with a passenger.

## **6. Other Information:**

CPUC 5371.4. (a) The governing body of any city, county, or city and county may not impose a fee on charter-party carriers operating limousines. However, the governing body of any city, county, or city and county may impose a business license fee on, and may adopt and enforce any reasonable rules and regulations pertaining to operations within its boundaries for, any charter-party carrier domiciled or maintaining a business office within that city, county, or city and county.

### **Question**

- Would the carrier be domiciled or maintain a business office in the city/county if the vehicle was registered in the city/county? As in could the City require a business permit for individuals operating as a TNC if the vehicle was registered (domiciled) in their jurisdiction?