

Thursday, October 18, 2012, 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 assure 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. Please complete a speaker's card and submit it to the Steering Committee Chairman, or notify OCTAP staff regarding the item number on which you wish to speak. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at 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 July 19, 2012 Combined Steering Committee and Safety Committee Meeting

- 2. Staff Information Items Receive and File the:
 - a. Quarterly Operations and Financial Reports

- 1. OCTAP Quarterly Operations Report July 1, 2012 through September 30, 2012
- 2. OCTAP Financial Report, Fiscal Year 2011-12 Fourth Quarter, June 2012
- 3. OCTAP Financial Report, Fiscal Year 2012-13 First Quarter, July 2012 August 2012

Regular Calendar

3. Consider Scheduling a Public Hearing for Taxicab Fare Increase

At this time, members of the Committees may consider scheduling a public hearing for the next meeting to consider a taxicab fare increase.

Discussion Items

4. Advertising on Taxicab Vehicles (Follow-up from 07/19/12 Meeting)

At this time, members of the Committees may discuss advertising on OCTAP permitted taxicab vehicles, and provide input as to their city position related to paid and unpaid advertising on taxicab vehicles.

5. Bandit Enforcement Activities

At this time, OCTAP Administrator will discuss the ongoing bandit enforcement activities.

6. Committees Representatives Reports

At this time, 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.

7. Public Comments

At this time, members of the public may address the Committees regarding 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. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Steering Committee.

8. 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 January 17, 2013, at 11800 Woodbury Road., Annex 2nd floor, Room #219-220, Garden Grove, CA 92843.

Orange County Taxi Administration Program (OCTAP) Steering Committee and Safety Committee Meeting Minutes – July 19, 2012

Steering Committee and Safety Committee Members Present:

City of Aliso Viejo Steering and Safety Committees, Carlos Barcelos City of Anaheim Safety Committee, Jesse Penunuri City of Anaheim Steering Committee, Matt Letteriello City of Brea Safety Committee, Robert Conner City of Brea Steering Committee, Mark Kane City of Costa Mesa Safety Committee, Chris Brunt City of Cypress Safety Committee, Brian Healy City of Cypress Steering Committee, Matt Ward City of Dana Point Safety Committee, Brian Hall City of Fountain Valley Steering and Safety Committees, Matt Mogensen City of Fullerton Steering and Safety Committees, Lenny Ledbetter City of Garden Grove Steering Committee, Pam Gillis City of Huntington Beach Steering and Safety Committees, Robert Barr City of Irvine Steering and Safety Committees, Matt August City of Laguna Beach Steering and Safety Committees, Robert Gifford City of Laguna Hills Steering and Safety Committees, Diana Rouwenhorst City of Laguna Woods Steering and Safety Committees, Douglas Reilly City of La Habra Steering and Safety Committees, Rich Kanger City of Lake Forest Steering Committee, James Wren City of La Palma Safety Committee, Paul Bracciodieta 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 Safety Committee, Jeff Lu City of Newport Beach Steering Committee, Monique Navarrete City of Orange Safety Committee, Jeff Gray City of Orange Steering Committee, Ken Adams City of Placentia Steering and Safety Committees, Michael Moore City of Rancho Santa Margarita Steering and Safety Committees, Manny Cruz City of San Juan Capistrano Safety Committee, George Miller City of San Juan Capistrano Steering Committee, Donna Ducharm City of Santa Ana Safety Committee, Arthur Morales City of Santa Ana Safety Committee, Luis Torres (Alternate) City of Santa Ana Steering Committee, Douglas McGeachy City of Tustin Safety Committee, Larry Seja City of Tustin Steering Committee, Clark Galliher and City of Tustin Steering Committee, Brian Greene (Alternate) City of Westminster Steering and Safety Committees, Jeremy Fletcher City of Yorba Linda Safety Committee, Robert Conner City of Yorba Linda Steering Committee, Mark Kane County of Orange Steering Committee, Robert Holden Orange County Tourism Industry Steering Committee, Ann Gallaugher Large Taxi Cab Company Representative Steering Committee, William Gray Small Taxi Cab Company Representative Steering Committee, Patrick Dreis

Not Represented:

City of Buena Park City of Laguna Niguel City of San Clemente City of Seal Beach City of Stanton City of Villa Park

Others Present:

Sue Zuhlke, OCTAP Patrick Sampson, OCTAP James Donich, Esquire, OCTA Legal Counsel Richard Girard, OCTAP Anthony Lee, Orange County Weights and Measures Juan Lopez, Orange County Weights and Measures Annie Mendoza, OCTA Motorist Services Stacy Schenkel, Orange County Weights and Measures Tim Conlon, California Yellow Cab Larry Slagle, Yellow Cab of Greater Orange County Mehdi Sarreshtedari, Affordable Taxi Pavlos Giangos, Metro Taxicab Greg Akins, California Yellow Cab

Call to Order

Steering Committee Chairman Letteriello called the July 19, 2012, regular meeting of the Orange County Taxi Administration Program (OCTAP) Steering Committee and Safety Committee to order at 12:04 p.m.

Introductions

Members of the committees and others in attendance introduced themselves for the record.

Steering Committee and Safety Committee Meeting Minutes – July 19, 2012

Consent Calendar (Items 1, 2, and 3 (a through c))

Matters on the Consent Calendar are approved in one motion unless a committee member or a member of the public requested separate action on a specific item.

1. Approval of Minutes

There was an addendum included in the agenda packet to reflect the attendance of Steering Committee Member Rouwenhorst whose attendance was inadvertently overlooked from the April 19, 2012, Steering Committee and Safety Committee meeting minutes.

A motion was made by Committee Member Reilly (Laguna Woods), seconded by Committee Member Kane (Brea), and declared passed by those present, to approve the minutes of the Orange County Taxi Administration Program Steering Committee and Safety Committee meeting of January 19, 2012.

2. Outreach Information

A motion was made by Committee Member Reilly (Laguna Woods), seconded by Committee Member Kane (Brea), and declared passed by those present, to approve the outreach information related to the OCTAP regulation 8.9.1 "Smoking Prohibited."

3. Staff Information Items Quarterly Operations and Financial Reports

A motion was made by Committee Member Reilly (Laguna Woods), seconded by Committee Member of the Orange County Taxi Administration Program Steering Committee and Safety Committee meeting of January 19, 2012, Kane (Brea), and declared passed by those present, to approve the item #3b-c, excluding item # 3a which was pulled for discussion.

Committee Member Dries, Small Company Representative complained that the OCTAP Quarterly Operations Report did not contain information that was specific to the reporting period, but contained generalized information that makes it appear that OCTAP received a complaint in an area when it had not, specifically as it relates to smoking in the cab. Mr. Dries suggested that the report should contain a disclaimer to that effect.

A motion was made by Committee Member Dries, Small Company Representative, seconded by Committee Member Gray, Large Company Representative, to approve item # 3a with the stipulation that an explanation will be included in the Complaint and Incident Area section of the OCTAP Quarterly Operations Report that data is generalized. The motion was declared passed by those present.

Regular Calendar

4. Consider Public Hearing for Taxi Fare Increase

A summary of the discussion is as follows:

Member of the public Mehdi Sarreshtedari, Affordable Taxi, and Committee Member Slagle, Large Taxicab Company Representative Alternate, are against a fare increase at this time, citing concerns of a still recovering economy. After discussion, a fare increase was not recommended at this time.

Committee Member Dries, Small Company Representative, asked about establishing a mechanism or matrix in the regulations for an automatic fare increase. James Donich, OCTA Legal Counsel stated that each fare increase must be approved by the Steering Committee, and that changing the regulations to establish an automated mechanism for a fare increase would require substantive changes to the OCTAP regulations.

Committee Member Reilly, (Laguna Woods), stated that the Steering Committee has already approved a business process to conduct an annual fare study, and present the findings and recommendations to the Steering Committee, and that the next regular taxicab fare study would be at the quarterly meeting on January 2013.

A motion was made by Committee Member Gray, Large Taxicab Company Representative, and seconded by Committee Member Dries, Small Company Representative, and declared passed by the majority of members present, to table this item to the next quarterly meeting in October 2012. Committee Member Doug Reilly (Laguna Woods), opposed the motion.

5. Taxicab Color Scheme

Patrick Sampson, OCTAP Administrator gave a presentation summarizing the information contained in the company color schemes of the 34 permitted taxicab companies (Attachment 1). Staff recommended a temporary prohibition on permitting companies using the color yellow as its primary color, and yellow as part of its company DBA name. Staff recommended that the prohibition be reviewed annually, at the July Steering Committee meeting. The staff recommendation aims to make it easier for customers, regulators, and enforcement partners to distinguish taxicab companies from each other.

Discussion on the item included the following:

Member of the public, Tim Conlon, California Yellow Cab, asked why was the recommendation a temporary prohibition and not permanent. Patrick Sampson, OCTAP Administrator, stated that the Steering Committee can decide whether to

Steering Committee and Safety Committee Meeting Minutes – July 19, 2012

make the prohibition temporary or permanent, and that future recommendations may change based on the number of the taxicab companies, vehicles, and color schemes.

Member of the public Mehdi Sarreshtedari, Affordable Taxi, stated that many taxicab companies include the word "yellow" in advertising, such as in the internet.

Committee Member Slagle, Large Taxicab Company Representative Alternate, stated that "yellow" being the predominant color adds confusion to passengers, especially to the riding public that may use vouchers. Mr. Slagle added that passengers sometimes try to redeem vouchers with the wrong company, because it is sometimes difficult to tell them apart.

Committee Member Gray, Large Taxicab Company Representative, recommended changing the focus from the color "yellow", and focus more on the company logos, to differentiate taxicab companies from each other.

Committee Member Reilly (Laguna Woods), stated that the purpose of the report and issue being raised was about having too many taxicab companies (41%) using the color yellow.

A substitute motion was made by Committee Member Dries, Small Company Representative, to place a moratorium on yellow being used as a primary color and yellow as part of its company DBA name, and a moratorium on any new taxicab companies seeking OCTAP permits for three (3) months. There was no second. The motion failed.

A motion was made by Committee Member Dries, Small Company Representative, seconded by Committee Member Reilly (Laguna Woods), and passed by a majority of the members, to accept the staff recommendation. Committee Member Gray, Large Taxicab Company Representative, opposed the motion.

6. Discussion Related to Advertising on Taxicab Vehicles

Patrick Sampson, OCTAP Administrator, gave a presentation that included different types of advertising available on taxicabs (Attachment 2). Examples included rear window screens (clear view), taxi toppers (rooftop billboards), trunk billboards, wheel covers, and full and partial wraps.

OCTAP regulation section 8.2.5 (color scheme) does not provide specific language related to advertising on taxicabs, whether for the companies' business purposes or from advertisers. The objective of the presentation was to increase awareness among OCTAP committee members, to allow committee members to seek input from city management, so that the item may be discussed at the next meeting.

Steering Committee and Safety Committee Meeting Minutes – July 19, 2012

Patrick Sampson, OCTAP Administrator, stated that OCTAP occasionally receives questions from taxicab companies and marketing firms, regarding the placement of ads on taxicab vehicles.

Taxicab advertising is not specifically addressed in the regulations. OCTAP has traditionally taken the position that, because the regulation language does not specifically allow advertising, advertising is not allowed. OCTAP is requesting direction on how the cities would like OCTAP to handle such requests, and confirmation from the cities if this is how they would like OCTAP to continue to address requests related to advertising on taxicab vehicles.

Discussion included the following:

James Donich, OCTA legal Counsel, stated that, in his opinion, allowing advertising on taxicabs would require a substantive change to the OCTAP Regulations; recommending that the committees not approve taxicab advertisements at this time. Mr. Donich stated that all members should contact their respective city managers and city council members for advisement on this matter.

James Donich, OCTA Legal Counsel, stated that advertising on taxicabs could be a revenue stream for the cities, similar to OCTA. However, OCTA is not regulated by any individual city. OCTAP is not a public entity, but an association wherein each member agency retains all of its rights under the Government Code to regulate taxicabs. Each of the cities approved Regulation 8.2.5. Mr. Donich also stated that if it is decided that cities want to expand the regulation to allow for advertisements, the simplest way to accomplish this is to allow particular areas on each taxicab wherein the advertisement can be placed, and then approve it as part of the color scheme. Basically OCTAP will approve the blank canvas. He also added that OCTAP's past and current practice is not to allow advertisement because it is not specifically addressed in the regulation and considered a violation of a company's approved color and marking scheme.

Committee Member Gray, Large Taxicab Company Representative, stated that exterior advertising on taxicabs distracts from the color scheme, telephone number, and the identification of the taxi vehicle. It was suggested that OCTAP should ban advertising for safety and aesthetic reasons.

Committee Member Navarrete, (Newport Beach), suggested that OCTAP send an email to the committee members, reminding them that this item was discussed at today's Steering Committee and Safety Committee meeting, and asking for higherlevel input as a tool to open the discussion with city management. The PowerPoint presentation will be posted on the OCTAP website so that it is available to all members.

Patrick Sampson, OCTAP Administrator, asked the committees to take this informational item and concern to their city managers, city attorneys, and city council

Steering Committee and Safety Committee Meeting Minutes – July 19, 2012

for consideration. Decisions of each city could be brought back to this forum for continued discussion.

Committee Member Cruz, (Rancho Santa Margarita), stated that as for law enforcement, the display of advertisement on vehicles is not a violation of the law or any Vehicle Code as long as the information is not objectively offensive or will not cause a fight or a riot. Regulating advertisement on vehicles is a sensitive issue because it borders on First Amendment rights.

Member of the public Mehdi Sarreshtedari, Affordable Taxi, stated that a presentation on a request for advertisement on taxicabs was previously discussed in a Steering Committee and Safety Committee meeting; however, the motion was rejected.

Committee Member Navarrete, (Newport Beach), stated that advertisements may be considered for non-profit or community-related functions, such as the pink cab for breast cancer awareness campaign.

James Donich, OCTA Legal Counsel, stated that OCTAP does not have the ability to regulate advertising content; but that the cities do. Mr. Donich stated that, even though this may be a first amendment rights issue, there is an overriding safety concern that says regulating authorities can justify allowing only certain types of advertisements. Mr. Donich recommended that, since this issue will probably eventually come forward for decision, each city attorney address this issue within their areas of jurisdictions.

Patrick Sampson, OCTAP Administrator, stated that OCTAP is trying to get a feel for what the cities may want concerning taxicab advertisements; and that OCTAP's position will be to continue to manage the issue through section 8.2.5 of the OCTAP Regulations.

Committee Member Slagle, Large Taxicab Company Representative Alternate, stated that advertisement on taxicabs is a good revenue source that can offset a taxicab company's operating costs; thus, preventing meter rate increases which eventually support the taxi program for the seniors of the community.

Member of the public, Tim Conlon, California Yellow Cab, stated that advertisers are not interested unless the taxi companies own a large number of vehicles.

The item will be brought back for continued discussion at the next Steering Committee meeting, after representatives had an opportunity to seek guidance from city management.

Steering Committee and Safety Committee Meeting Minutes – July 19, 2012

7. Committees Representatives Reports

No report.

8. Public Comments

No comments from the public.

9. Adjournment

The meeting was adjourned at 1:18 p.m. 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 October 18, 2012 at 11800 Woodbury Road., OCTA Garden Grove Bus Base Annex, 2nd floor, Room #219-220, Garden Grove, CA 92843.

Meeting signs will be posted on the day of the meeting. For additional information on meeting location, or for directions, please contact OCTAP at <u>octaxi@octa.net</u> or (949) 654-8294.

All attachments to the minutes of the meeting are on file and available upon request from the OCTAP office through <u>octaxi@octa.net</u> or (949) 654-8294.



October 18, 2012

To: OCTAP Steering and Safety Committees

From: Jo-Ann Gadia Bravo, Deputy OCTAP Administrator

Subject: OCTAP Quarterly Operations and Financial Reports

Attached are the Orange County Taxi Administration Program (OCTAP) Quarterly Operations and Financial Reports for the period of July 2012 through September 2012. Information in the quarterly operations report is based on actual events during the reporting period. The financial report provides a summary of revenue and expenditures for June 2012 through August 2012. September 2012 is not included in the report because September financial statements are not available until after the committees meet.

On June 27, 2012, the Orange County Sheriffs Department conducted bandit sting operations in Mission Viejo geared toward Non Emergency Medical Transportation providers operating outside of their PUC exemption. Three operators where cited during the operation.

On August 2, 2012, the OCTAP Administrator and Code Administrators conducted high profile enforcement in north and south Orange County, made contact with a number of hotel operators, and gave a presentation to the Anaheim Resort Area Tourist Oriented Policing (TOP) group about OCTAP regulations, PUC regulations, and problems with TCP operators picking up flags at hotels.

On August 28, 2012, the Tustin Police Department conducted bandit sting operations in the City of Tustin geared toward Non Emergency Medical Transportation providers operating outside of their PUC exemption and bandit operators advertising through Craig's List and other social media outlets. Three operators where cited and one operator was warned during the operation.

On September 19, 2012, OCTAP staff supported Orange County Sheriffs Department personnel and John Wayne Airport (JWA) Ground Operations Personnel in performing high profile enforcement at JWA. 132 taxicab contacts were checked, eight vehicles were removed from service, and eight OCTAP administrative actions were issued to the taxicab companies and drivers for violations of OCTAP regulations.

On July 11, 2012, an OCTAP Appeals Committee upheld a fine related to failure to provide year-round 24-hour human response telephone service requirements. The appellant exercised his rights under California Code of Civil Procedures Section 1094.6 and sought judicial review of the decision. OCTA counsel and OCTAP staff participated in a hearing at the West Court Justice Center on September 26, 2012. On October 04, 2012, the court notified OCTA counsel that the appeal was denied, and that the administrative action and fine that was issued by OCTAP was upheld.

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

Attachments:

- 1. OCTAP Quarterly Operations Report July 1, 2012 through September 30, 2012
- 2. OCTAP Financial Report, Fiscal Year 2011-12 Fourth Quarter, June 2012
- 3. OCTAP Financial Report, Fiscal Year 2012-13 First Quarter, July 2012 August 2012

OCTAP Quarterly Operations Report July 2012 to September 2012

OCTAP Revenue	Jul 2012	Aug 2012	Sep 2012	Quarter Total	
Company Permit Fees	\$12,815	\$3,024.90	\$1,425	\$17,265	
Annual Vehicle Inspection	\$37,147	\$49,323	\$38,897	\$125,367	
Vehicle Re-inspection Fees	\$1,229	\$1,162	\$2,275	\$4,666	
Vehicle Permit Late Fees	\$899	\$232	\$319	\$1,450	
Vehicle Permit Transfer Fee	\$108	\$0	\$54	\$162	
Vehicle Permit Replacement	\$54	\$108	\$324	\$486	
Total Vehicle Permit Fees	\$39,437	\$50,825	\$41,869	\$132,131	
Annual Driver Permit Fees	\$16,808	\$14,875	\$15,364	\$47,047	
Driver Permit Re-Instatement	\$60	\$80	\$80	\$220	
Driver Replacement Fees	\$75	\$95	\$45	\$215	
Driver Permit Transfer Fees	\$444	\$580	\$700	\$1,724	
Driver Permit Late Fees	\$348	\$145	\$580	\$1,073	
Total Driver Permit Fees	\$17,735	\$15,775	\$16,769	\$50,279	
Administrative Fines	\$300	\$450	\$200	\$950	
Revenue Total	\$70,287.00	\$70,074.90	\$60,263.00	\$200,624.90	

OCTAP Statistics	Jul 2012	Aug 2012	Sep 2012	Average or Total
Company Permits	34	35	35	35
Vehicle Permits	1059	1082	1079	1073
Vehicle Re-inspections	12	11	20	14
Driver Permits	1,449	1,414	1464	1,442
Complaints and Incidents	2	6	4	12
Random Inspections	45	22	22	89
Random Inspection % Failed	13%	14%	41%	20%
Appeals Hearing	2	0	1	3
Appeals Hearing Upheld %	100%	0%	100%	100%
Administrative Actions	6	4	23	33
Other Enforcement	70	87	180	337
Permit Action Taken %	6%	0%	6%	5%

Jul 2012	Aug 2012	Sep 2012	Total
0	0	0	0
0	2	2	4
0	0	0	0
2	4	1	7
0	0	1	1
0	0	0	0
2	6	4	12
	Jul 2012 0 0 0 2 0 0 0 0 2 0 0 0 0 2 0 0 0 2 0 0 0 2 0	Jul 2012 Aug 2012 0 0 0 2 0 0 2 4 0 0 0 0 2 4 0 0 0 0 2 6	Jul 2012Aug 2012Sep 2012000022000241001000264

* Other includes : N/A

Complaint and Incident Areas Include:

Driver was illegally parking in the bus only zone; violation of OCTAP Code of Conduct; driver verbally abused passenger; driver was rude and overcharged passenger; driver did not take the most direct route and overcharged the passenger; fare was different from the initial price quote; passenger was frightened by the driver's action; driver backed up across two lanes creating accident with another motorist; driver was rude and the taxicab smelled like cigarette smoke; and driver refused to accept credit card as a form of payment.

Random Inspections	Jul 2012	Aug 2012	Sep 2012	Total
24/7 Yellow Cab	0	2	2	4
A Taxi Cab	11	3	6	20
CABCO	12	4	7	23
Checker Cab Co.	2	1	0	3
Ciao Taxi	0	2	0	2
Coastal Taxi	0	1	0	1
County Cab	0	0	1	1
Discount Cab	0	1	0	1
Downtown Huntington Beach Cab	0	0	1	1
Huntington Beach Yellow	1	2	0	3
Metro Taxi	1	1	0	2
Orange County Taxi	0	2	1	3
Union Taxi	2	1	0	3
USA Green Group	1	0	0	1
YCGOC	15	2	4	21
Total	45	22	22	89
Random Inspection In-Service Failures	5	1	2	8
Random Inspection Out-Of- Service Failures	1	2	7	10
% Failed	13%	14%	41%	20%

Vehicles that failed-in service random inspections in the following areas:

Rear hatch has no resistance when opening, right side paint of the vehicle was slightly faded, right rear interior door panel was broken and was jamming against the door, interior lights do not autoactivate, minor body damage on the rear bumper and left rear door, and tear on the rear seat; left headlight was not working, steering wheel was damaged, and vehicle interior and exterior was very dirty; windshield wipers were not working, low thread on the left front tire, right front seat was torn, and air-conditioning control was not working; horn was not working; air-condition was blowing hot air; missing front and rear information card, minor mismatched paint on the rear bumper, and vehicle exterior was dirty; tear on the rear and front seat, minor damage on the rear bumper and left rear door, trunk lid has no resistance to stay open and will not latch onto the locking mechanism, damage on the rear bumper; overall condition of the paint was badly fading.

Vehicles that failed out-of-service random inspections in the following areas:

Parking brake does not hold in reverse; no proof of vehicle registration in posession, vehicle exterior was very dirty, driver permit not posted, and missing license plate; interior condition was very poor, carpet was very dirty, driver's compartment was cluttered with personal effects, missing credit card acceptance statement in the front and rear interior of the vehicle, brake light has one bulb out, right rear tire tread depth was below minimum requirements in two or more adjacent grooves, and taxi meter expired; vehicle registration was expired and interior condition was very dirty; front and rear seat was extremely dirty and has a foul odor, third brake light was out, overall paint condition was dirty and chipped, seat belt on the right rear side was badly twisted or tangled, wheel covers and hubcaps were mismatched and very dirty; parking brake does not hold in reverse and reverse light was not working; no proof of vehicle registration in posession, rear bumper damaged, main brake was missing a rubber pad, missing credit card acceptance statement in the front and rear interior of the vehicle, bald tires on the right rear side, and windshield wipers were not working; no proof of vehicle registration in posession and missing front license plate: overall condition of the vehicle interior and exterior was extremely poor, and paint around the door handles on the right side of the vehicle was peeling off; overall condition of the paint was badly fading and shadowing from prior markings on all sides of the vehicle was evident.

Appeals Hearings	Jul 2012	Aug 2012	Sep 2012	Total
Denials	1	0	1	2
Revocations	0	0	0	0
Suspensions	0	0	0	0
Fines	1	0	0	1
Violations	0	0	0	0
Other *	0	0	0	0
Total	2	0	1	3
Actions Upheld On Appeal	2	0	1	3
% Upheld	100%	0%	100%	100%
* Other includes :				

Appeals hearing reversals occurred in the following areas: N/A

Administrative Actions	Jul 2012	Aug 2012	Sep 2012	Total
Administrative Hearing (No Action Taken)	0	0	0	0
Warnings	1	0	11	12
Fines	2	1	9	12
Suspensions (Includes suspension with fine)	1	0	0	1
Denials	1	1	2	4
Revocations	1	2	1	4
Total	6	4	23	33
Administrative action areas in	clude:			
Failed criminal background chec criminal convictions; failure to co route; not possessing a valid dri- taxicab; failure to accept credit c meter; operating a taxicab with	ooperate with O ver permit while ard as a form o	CTAP staff; driv operating a tax f payment; oper	er did not take t icab; driver smo ating a taxicab v	he most direct king inside a with an expired taxi

driver to drive a permitted vehicle; failure to submit to a random vehicle inspection; driver permit not properly posted; possession of other drivers driver permit; no proof of insurance in posession; no proof of vehicle registration in posession; failure to activate taxi meter while carrying a passenger; failure to cooperate with law enforcement officer during a random vehicle inspection and driver permit not properly posted; failure to include permit number in advertising; and denial of company permit for failure to provide sufficient evidence and documentation demonstrating a clear understanding of the OCTAP regulations and the ability to comply with OCTAP regulations.

Other Enforcement	Jul 2012	Aug 2012	Sep 2012	Total
Company Compliance Check	34	35	35	104
Web Content Checks	0	16	2	18
Public Outreach	0	4	4	8
Bandit Enforcement	0	12	2	14
Observation Or Contact (No Violation/Warning Issued)	34	20	129	183
Warnings Issued	0	0	4	4
Violations Issued	2	0	4	6
Total	70	87	180	337
% OCTAP Permit Action	6%	0%	6%	5%

Activity Highlights:

Company Compliance Checks: 24-hour Live Human Dispatch Check. Public Outreach: OCTAP staff performed high profile enforcement in North Orange County and Anaheim Resort Area, and spoke to the representative of several hotels in the area, and discussed taxicab activities and distributed public outreach materials and business cards. OCTAP staff attended the Crime Alert Network, Anaheim Tourism Oriented Policing (TOP) and presented information about bandit enforcement activities and taxicab regulations on smoking in the taxicab. Bandit Enforcement: OCTAP staff contacted several Non-Emergency Medical Transportation Providers and potential bandit operators from Craig listing and arranged several trips on behalf of the Tustin Police Department sting operation, as a result, three companies and drivers was cited for operating outside of their authorized capacity. OCTAP also reported potential bandit operators to CPUC for further investigations. Joint Enforcement: OCTAP conducted a Joint enforcement with John Wayne Airport officers and staff.

Orange County Taxi Administration Program Financial Report Fiscal Year 2011-12 Fourth Quarter June 2012

	Budgeted	June	Total	Budget to Actual			
		2012	to Date	Under/(Over)			
Revenues							
Company Permits	\$43,836.00	\$2,850.00	\$67,026.00	(\$23,190.00)			
Vehicle Permits	\$389,690.00	\$52,291.00	\$485,023.00				
Driver Permits	\$163,855.00	\$16,225.00	\$184,806.60	(\$20,951.60)			
Interest/Investment Earnings	\$8,381.00	(\$1,037.79)	\$11,417.59	(\$3,036.59)			
Other Misc. Revenue & Fines	\$1,000.00	\$0.00	\$4,425.00	(\$3,425.00)			
Use of Reserves	\$67,037.00		\$0.00	\$67,037.00			
Total Revenues	\$673,799.00	\$70,328.21	\$752,698.19	(\$78,899.19)			
	Budgeted	June	Total	Budget to Actual			
		2012	to Date	Under/(Over)			
Expenditures							
Salaries & Benefits	\$339,316.00	\$32,478.85	\$346,026.86	(\$6,710.86)			
Professional Services - Legal	\$25,000.00	\$9,086.20	\$25,908.50	(\$908.50)			
Professional Services - Other	\$40,000.00	\$18,210.20	\$32,803.45	\$7,196.55			
Investment Fee - Portfolio Manager	\$611.00	\$436.35	\$925.23	(\$314.23)			
Internet Expenses	\$500.00		\$250.20	\$249.80			
Travel	\$2,218.00		\$0.00	\$2,218.00			
Mileage	\$45.00	\$72.16	\$154.30	(\$109.30)			
Training & Registration Fees	\$600.00		\$0.00	\$600.00			
Printing	\$1,000.00		\$0.00	\$1,000.00			
Office Supplies & Equipment	\$26,865.00	\$5,160.15	\$16,194.06	\$10,670.94			
Subscriptions, Books, & Periodicals	\$500.00		\$0.00	\$500.00			
Dues & Memberships	\$989.00		\$919.00	\$70.00			
Business Expenses	\$1,955.00	\$80.43	\$1,649.36	\$305.64			
General Equipment	\$2,535.00	\$312.00	\$2,868.14	(\$333.14)			
Administrative Services	\$205,770.00	(\$43.46)	\$136,146.11	\$69,623.89			
Security Services	\$25,895.00	\$1,901.71	\$25,186.01	\$708.99			
Total Expenses	\$673,799.00	\$67,694.59	\$589,031.22	\$84,767.78			
Change in Net Assets		\$2,633.62					
_ _							
Beginning Fund Balance		\$721,059.18					
Change In Net Assets Ending Fund Balance		\$2,633.62 \$723,692.80					
		ψ1 23,032.00					

Orange County Taxi Administration Program Financial Report Fiscal Year 2012-13 First Quarter July 2012 - August 2012

	Budgeted	July 2012	August 2012	Total to Date	Budget to Actual Under/(Over)
		2012	2012	to Date	Under/(Over)
Revenues	# 45 000 00	\$40.045.00	# 0.004.00	#15 000 00	\$00 700 40
Company Permits	\$45,600.00	\$12,815.00	\$3,024.90	\$15,839.90	\$29,760.10
Vehicle Permits	\$447,627.00	\$39,437.00	\$50,825.00	\$90,262.00	\$357,365.00
Driver Permits	\$183,354.00	\$17,735.00	\$15,775.00	\$33,510.00	\$149,844.00
Interest/Investment Earnings	\$8,158.00	\$1,193.51	\$969.68	\$2,163.19	\$5,994.81
Other Misc. Revenue & Fines	\$4,000.00	\$300.00	\$450.00	\$750.00	\$3,250.00
Use of Reserves	\$0.00			\$0.00	\$0.00
Total Revenues	\$688,739.00	\$71,480.51	\$71,044.58	\$142,525.09	\$546,213.91
	Budgeted	July	August	Total	Budget to Actual
	U	2012	2012	to Date	Under/(Over)
Expenditures					
Salaries & Benefits	\$367,227.00	\$28,178.57	\$28,403.22	\$56,581.79	\$310,645.21
Professional Services - Legal	\$25,000.00	\$998.15	÷ -,	\$998.15	\$24,001.85
Professional Services - Other	\$58,000.00	•		\$0.00	\$58,000.00
Investment Fee - Portfolio Manager	\$665.00	(\$243.00)	\$118.43	(\$124.57)	\$789.57
Telephone	\$15,000.00	(+=)	4 · · · · · · ·	\$0.00	\$15,000.00
Internet Expenses	\$500.00			\$0.00	\$500.00
Travel	\$2,495.00			\$0.00	\$2,495.00
Mileage	\$45.00			\$0.00	\$45.00
Training & Registration Fees	\$2,345.00			\$0.00	\$2,345.00
Printing	\$1,000.00			\$0.00	\$1,000.00
Office Supplies & Equipment	\$29,558.00	\$22.16	\$547.82	\$569.98	\$28,988.02
Subscriptions, Books, & Periodicals	\$250.00	+-- ··· •	¢00_	\$0.00	\$250.00
Dues & Memberships	\$989.00			\$0.00	\$989.00
Business Expenses	\$2,205.00		\$362.60	\$362.60	\$1,842.40
General Equipment	\$0.00		<i>\\</i> 002.00	\$0.00	\$0.00
Administrative Services	\$152,236.00	\$12,380.87	\$10,310.15	\$22,691.02	\$129,544.98
Security Services	\$26,151.00	¢12,000.01	\$4,193.19	\$4,193.19	\$21,957.81
Total Expenses	\$683,666.00	\$41,336.75	\$43,935.41	\$85,272.16	\$598,393.84
Change in Net Assets		\$30,143.76	\$27,109.17		
Beginning Fund Balance Change In Net Assets		\$723,692.80 \$30,143.76	\$753,836.56 \$27,109.17		

\$753,836.56 \$780,945.73

Ending Fund Balance



October 18, 2012

To: OCTAP Steering and Safety Committees

From: Patrick Sampson, OCTAP Administrator

Subject: Consider Scheduling a Public Hearing for Taxicab Fare Increase

<u>Overview</u>

The Orange County Taxi Administration Program (OCTAP) Regulations require each member agency to accept the taxi fare schedule approved by the OCTAP Steering Committee. The OCTAP Administrator conducts a regular study of comparable taxicab fares, along with Consumer Price Index (CPI) and other consumer data, and presents the findings and a recommendation to the OCTAP Steering Committee. The OCTAP Steering Committee, based on staff recommendations, may pursue changes to the approved taxi fare structure, after conducting a public hearing. There have been five fare adjustments approved by the OCTAP Steering Committee since it was established in 1998.

Background

On July 7, 2011, the OCTAP Administrator presented an Interim Fare Study to the OCTAP Steering Committee. Based on the OCTAP Administrator's recommendation, the Steering Committee directed staff to schedule a public hearing to allow the public to comment on the recommended change.

On October 6, 2011, during the regular OCTAP Steering Committee meeting, a public hearing was held to allow the public an opportunity to provide input on the proposed increase. No members of the public commented on the proposed fare increase. As there were not enough members to satisfy quorum requirements to conduct business, action on the item was postponed until the January 19, 2012, Committee meeting.

At the January 19, 2012, Committee meeting, the Committee did not approve the proposed taxicab fare increase, after receiving comments from several taxicab companies that opposed a fare increase. Their comments included concerns that the economy is more financially challenged than it was four years ago, and increasing the fare would discourage riders to utilize taxi service.

Discussion

The OCTAP Steering Committee has been considering a taxi fare increase since July 2011. At the January 19, 2012, meeting, after receiving input from several taxicab operators who were concerned about the soft economy, the Steering Committee tabled a fare increase, and asked staff to bring the item back for consideration at the July 19, 2012, Committee meeting. At the July 19, 2012 Committee Meeting, the item was tabled to the October 18, 2012 meeting.

The Steering Committee has previously approved a methodology that includes consideration of the Consumer Price Index (CPI), average fuel cost, and surrounding area pricing when developing recommended rates for taxicab services in Orange County. Staff has updated CPI, average fuel cost, and surrounding area taxicab rates to reflect changes since the last report.

Should the committee wish to consider an increase to the taxicab meter rate, the OCTAP Administrator's recommendation would be to adopt a taxi fare increase averaging 4.87 percent as follows.

- \$3.00 for the flag drop and first 1/6 mile
- \$0.45 for each 1/6 mile, after the first 1/6 mile (\$2.70 Per Mile)
- \$31.00 per hour wait time

Recommendation

Should the committee wish to consider an increase to the taxicab meter rate, it must (1) establish a proposed rate schedule and (2) direct the OCTAP Administrator to schedule a public hearing for the next Steering Committee meeting on January 17, 2013.

If directed to schedule a public hearing to consider a fare increase, staff would recommend using the previously considered rate schedule, representing an average 4.87 percent increase.

Attachments:

- 1. Orange County Taxicab Meter Rate Historical Data
- 2. CPI Historical Data
- 3. Fuel Price Historical Data
- 4. Peer Review Summary

OCTAP Metered Rate Historical Data

Effective	Adjustment	Flag Drop	Metered Rate Per			Per	Wait Time	Fare By Number Of Miles (Does Not Include Wait Time)							
Date	%	Increment)	Inc	ren	ement		(Per Hour)	1 Mile	2 Mile	5 Mile	10 Mile	15 Mile	20 Mile	25 Mile	30 Mile
7/1/2001	OCTAP Start	\$2.30	\$0.30	ea	1/7	Mile	\$24.00	\$4.10	\$6.20	\$12.50	\$23.00	\$33.50	\$44.00	\$54.50	\$65.00
8/22/2003	4.89%	\$2.30	\$0.45	ea	1/5	Mile	\$26.00	\$4.10	\$6.35	\$13.10	\$24.35	\$35.60	\$46.85	\$58.10	\$69.35
8/27/2005	6.87%	\$2.40	\$0.40	ea	1/6	Mile	\$27.60	\$4.40	\$6.80	\$14.00	\$26.00	\$38.00	\$50.00	\$62.00	\$74.00
8/27/2006	4.63%	\$2.65	\$0.50	ea	1/5	Mile	\$28.80	\$4.65	\$7.15	\$14.65	\$27.15	\$39.65	\$52.15	\$64.65	\$77.15
5/24/2008	4.43%	\$2.95	\$0.65	ea	1/4	Mile	\$30.00	\$4.90	\$7.50	\$15.30	\$28.30	\$41.30	\$54.30	\$67.30	\$80.30
Proposed	4.87%	\$3.00	\$0.45	ea	1/6	Mile	\$30.00	\$5.25	\$7.95	\$16.05	\$29.55	\$43.05	\$56.55	\$70.05	\$83.55

	Increase Percentage													
8/22/2003	Average 4.89%	0.00%	2.42%	4.80%	5.87%	6.27%	6.48%	6.61%	6.69%					
8/27/2005	Average 6.87%	7.32%	7.09%	6.87%	6.78%	6.74%	6.72%	6.71%	6.71%					
8/27/2006	Average 4.63%	5.68%	5.15%	4.64%	4.42%	4.34%	4.30%	4.27%	4.26%					
5/24/2008	Average 4.43%	5.38%	4.90%	4.44%	4.24%	4.16%	4.12%	4.10%	4.08%					
Proposed	Average 4.87%	7.14%	6.00%	4.90%	4.42%	4.24%	4.14%	4.09%	4.05%					

CPI Historical Data

Year	Jan.	Feb.	Mar.	Apr.	May.	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Avg.	% Change Dec to Dec	•
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	4.1	2.8
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	0.1	3.8
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	2.7	-0.4
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	1.5	1.6
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	1.5	1.6
2012	226.7	227.7	229.4	230.1	229.8	229.5	229.1	230.4							

	% 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%	3.70%
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%	3.60%	3.60%	3.60%	3.80%	3.90%	3.50%	3.40%	3.40%	3.18%
2011 to 2012	2.84%	2.79%	2.58%	2.25%	1.68%	1.64%	1.39%	1.66%					

2008 to 2011 Change	4.15%	4.35%	4.45%	4.48%	4.13%	3.06%	2.64%	3.29%	3.57%	4.35%	6.10%	6.84%	4.28%
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Fuel Cost 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				\$4.123		6.65%
% Change]					
			<u>.</u>				Ĩ				<u>.</u> .		Annual	1	

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%				6.65%
2008 to 2011 Change	13.68%	24.64%	22.31%	11.60%	8.42%	-8.78%	-15.30%	-0.46%	9.60%				15.53%

Using Department Of Energy Retail Gasoline Pricing information, monthly average, for "All Grades - Reformulated Areas" gasoline.

Peer Review Summary

City	Flag Drop	Flag Drop Includes	Cost Per Segment	First Mile	Each Additional Mile	Wait Time (Per Hour)	Special Notes
Coachella Valley, CA (Sunline)	\$2.50	Does Not State	Does Not State	\$5.55	\$3.04	\$24.00	Sunline Regulatory Administration (SRA) Surcharge \$0.75. \$2.50 Surcharge From Palm Springs Airport
Las Vegas, NV	\$3.30	1/12 Mile	\$0.20 per 1/12 Mile	\$5.50	\$2.40	\$30.00	\$1.80 Surcharge from Airport. \$3.00 Credit/Debit Card Fee
Long Beach, CA	\$2.85	1/9 Mile	\$0.30 per 1/9 Mile	\$5.25	\$2.70	\$29.19	Mirrors Los Angeles
Los Angeles, CA	\$2.85	1/9 Mile	\$0.30 per 1/9 Mile	\$5.25	\$2.70	\$29.19	\$2.50 Surcharge from Airport. \$15.00 Minimum Fare from Airport (not including surcharge) \$46.50
Orange County, CA (Current)	\$2.95	1/4 Mile	\$0.65 per 1/4 Mile	\$4.90	\$2.60	\$30.00	Current Orange County Meter Rate
Palm Springs, CA	\$3.25	Does Not State	Does Not State	\$6.21	\$2.96	\$24.00	\$2.50 Surcharge from Palm Springs Airport. \$3.00 Surcharge Commercial Airport Pick Up.
Riverside, CA	\$2.60	1/10 Mile	\$0.26 per 1/10 Mile	\$4.94	\$2.60	\$27.00	\$2.00 Surcharge from Ontario Airport
San Bernardino, CA	\$2.60	1/10 Mile	\$0.26 per 1/10 Mile	\$4.94	\$2.60	\$27.00	\$2.00 Surcharge from Ontario Airport
San Diego County, CA	\$2.40	1/6 Mile	\$0.40 per 1/6 Mile	\$4.40	\$2.40	\$20.00	None Noted
	Up To		Up To	Up To	Uр То	Uр То	*Rates vary up to maximum depending on radio service provider. Different rate schedule from
San Diego, CA (MTS City) *	\$3.00	1/16 Mile	\$0.20 per 1/16 Mile	\$6.00	\$3.20	\$26.00	Airport. 1/16 Mile increment consistent between providers.
San Diego, CA (MTS Airport) *	\$2.80	1/10 Mile	\$0.30 per 1/10 Mile	\$5.50	\$3.00	\$24.00	\$1.50 Surcharge from Airport. All services must charge same rate from airport.
San Francisco, CA	\$3.50	1/5 Mile	\$0.55 per 1/5 Mile	\$5.70	\$2.75	\$33.00	\$2.00 Airport Surcharge. Trips 15 miles beyond city limits = 150% of metered rate.
Orange County, CA (Proposed)	\$3.00	1/6 Mile	\$0.45 per 1/6 Mile	\$5.25	\$2.70	\$30.00	Proposed Taxicab Fare Rate
Average	\$2.89			\$5.34	\$2.74	\$27.18	

* San Diego MTS establishes maximum allowable rates for City service and "must charge" rates for Airport pick ups. Radio Service Providers (taxicab companies) establish their own rates within MTS guidelines for City service. All providers use 1/16 mile as the mileage increment for City service (MTS required). Current average rates for City service is \$2.50 Flag Drop, \$2.70 Per Each Mile, and \$21.40 Per Hour Wait Time.