

Orange County Taxi Administration Program (OCTAP)
Safety Committee and Steering Committee Meeting Minutes – October 6, 2011

The October 6, 2011 regular meeting of the Orange County Taxi Administration Program (OCTAP) Joint meeting of the Safety Committee and Steering Committee was called to order at approximately 12:00 noon at the OCTA Administration Building, Conference Rooms 103/104, 600 South Main Street, Orange, CA 92868.

Safety and Steering Committees Representatives Present:

City of Anaheim Safety Committee, Sandra Sagert
City of Anaheim Steering Committee, Matt Letteriello
City of Brea Safety and Steering Committee, Mark Kane
City of Buena Park Safety and Steering Committee, Ben Hartley
City of Garden Grove Safety Committee, Jason Perkins
City of Garden Grove Steering Committee, Jennifer Peterson
City of Irvine Safety Committee, Scott Cronos
City of Irvine Steering Committee, Dennis Maisano
City of Laguna Woods Safety and Steering Committee, Douglas Reilly
City of La Habra Safety and Steering Committee, Jim Tigner
City of Mission Viejo Steering Committee, Brett Canedy
City of Newport Beach Steering Committee, Monique Navarrete
City of Tustin Safety Committee, Larry Seja
City of Tustin Steering Committee, Clark Galliher
City of Yorba Linda Safety and Steering Committee, Mark Kane
County of Orange Safety Committee, Adam Moore
Large Taxi Cab Company Representative Steering Committee, Tim Conlon
Small Taxi Cab Company Representative Steering Committee, Mehdi Sarreshtedari
Orange County Tourism Industry Steering Committee, Larry Slagle

Others Present:

P. Sue Zuhlke, OCTAP
Patrick Sampson, OCTAP
Jo-Ann Gadia Bravo, OCTAP
Brigham Tiafau, OCTAP
Richard Girard, OCTAP
Esbeidy Wongmoung, OCTAP
James Donich, Esquire, OCTA Legal Counsel
Sharon Long, OCTA
Robert Holden, John Wayne Airport
Anthony Lee, Orange County Weights and Measures
Mark Johnson, Orange County Weights and Measures
William R. Kennan, Citizen
Konstantinos Roditis, 24/7 Yellow Cab – 24/7 Taxi Cab
Jay Shukr, County Cab
Kevin Akham, County Cab
Humberto Ramirez, Coastal Taxi
Chris Lamb, Yellow Cab of Greater Orange County
William Gray, A Taxi Cab
Michael Bare, A Taxi Cab
Patrick Dreis, Happy Taxi

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Call to Order and Introductions

Matt Letteriello, Steering Committee Chairman, presided and called the meeting to order and introductions were made.

Item 1. Public Hearing to Consider Taxi Fare Increase (Action Item)

Matt Letteriello, Steering Committee Chairman, announced the start of the public hearing to consider a taxicab fare increase that was recommended by the OCTAP Administrator.

Mr. Letteriello announced that the public hearing was being recorded digitally and also through the services of a certified stenographer.

On September 2, 2011, the Orange County Transportation Authority (OCTA) posted a public notice regarding the public hearing scheduled for October 6, 2011, to discuss the proposed taxicab passenger fare increase averaging 4.87 percent; as follows:

- a. \$3.00 for the flag drop and first 1/6 mile
- b. \$0.45 for each 1/6 mile, after the first 1/6 mile
- c. \$31.00 per hour wait time

The public hearing was closed with no public comments received on the item.

Item 2. Adoption of the Taxi Fare Increase (Action Item)

James Donich, OCTA Legal Counsel, explained that pursuant to the OCTAP Regulations, a vote of a majority of all member agencies, 18 or more, is required in order to take action on a proposed taxicab fare increase. By reason of not having enough city agency members present during the meeting, the action item will be continued to the January 19, 2012 meeting.

Item 3. CLOSED SESSSION – Pursuant to Government Code Section 54956.9, Anticipated litigation (1 item). Steering Committee Members only, instructions will be provided in the meeting.

Matt Letteriello, Steering Committee Chairman, announced the start of the closed session; asking all people, except for regular Steering Committee members, to proceed to room 101 so that the closed session meeting could be conducted.

After the conclusion of the closed session, all people excused from the closed session were invited back into the public meeting.

Item 4. Non-substantive Regulation Amendment to Address OCTAP Regulation Section 5.2.10.2, Principle Place of Business (Action Item)

Matt Letteriello, Steering Committee Chairman, addressed this item to the committees, explaining the clarifying language proposed for Section 5.2.10.2 of the OCTAP Regulations. Mr. Letteriello addressed and opened this item by stating the following information:

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“The OCTAP staff report titled Non-substantive Regulation Amendment to Address OCTAP Regulation Section 5.2.10.2, Principle Place of Business, item 4 in your agenda packet, includes a recommendation from the OCTAP Administrator to include clarifying language, as a non-substantive change to Regulation Section 5.2.10.2 Principle Place of Business’.

“The specific language to be added is; “For the purposes of these regulations, and as long as the Company has provided OCTAP with a valid address for the receipt of notices and correspondence from OCTAP, a principal place of business may be a Taxicab.”

Public Comments received on this item:

Konstantinos Roditis, 24/7 Yellow Cab, stated that the California Vehicle Code and California Business & Professional Code states that a Principle Place of Business must be an address. Mr. Roditis stated that if a taxicab is a principle place of business, then the taxicab becomes, for example, a call center and a dispatch center. Mr. Roditis stated that this proposed language clarification is unsafe and promotes a low quality of service. Mr. Roditis stated that there are hazards to allowing taxicabs to be a principle place of business. Mr. Roditis also spoke concerning the original OCTAP sub-committee, and its intent, when service items now required in the OCTAP Regulations were considered, approved, and implemented.

Matt Letteriello, Steering Committee Chairman, asked if there were any comments from Steering Committee Members.

Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative stated that the California Business & Professional Code deals primarily with dealers and those involved in vehicle dismantling; and does not apply to taxicabs and its use as a Principle Place of Business.

Doug Reilly, Laguna Woods, stated that he does not believe that the intent of the original sub-committee was to put small taxicab companies out of business. Mr. Reilly then recommended that the clarifying language to Section 5.2.10.2, be approved.

Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative further emphasized and expanded on Mr. Reilly’s statement. Mr. Sarreshtedari stated that approving the clarifying language to Section 5.2.10.2 would help to add professionalism to the issue of taxi driving.

Matt Letteriello, Steering Committee Chairman, asked to confirm Mr. Reilly’s recommendation to approve the language clarification as an official motion for approval. Mr. Reilly affirmed his intent to motion for approval. The motion was then seconded by Mark Galliher, Tustin.

A unanimous vote of Steering Committee members passed the motion. The language clarification to Section 5.2.10.2, Principle Place of Business, was approved with an effective date of October 6, 2011.

Larry Slagle, Orange County Tourism Industry Steering Committee, stated that passing the language clarification to Section 5.2.10.2 may be a safety issue. Mr. Slagle stated that other communities have looked at the issue and have asked individual drivers to come together with

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others to form a co-op; which would allow them to remain independent while providing traditional service that is typically found with larger companies. Mr. Slagle stated that we are not really looking at the level of service that meets certain public expectations, and that the level of service that gets to the individual is not being considered.

Doug Reilly, Laguna Woods, stated that in accordance with California law, hands free phones are required to be used while driving. Mr. Reilly stated that most drivers, even drivers from large taxicab companies, give out their cell phone numbers to customers and participate, as a frequent occurrence, in the dispatching of taxicabs while operating a vehicle.

Matt Letteriello, Steering Committee Chairman, closed the discussion and stated that the item can be agendaized for a future meeting or that a sub-committee could be formed to address the issue.

Item 5. Approval of Minutes – July 7, 2011 Combined Safety Committee & Steering Committee Meeting (Action Item)

No public comments received on this item.

A motion was made by Larry Slagle, Orange County Tourism Industry Steering Committee, to approve the minutes from the July 7, 2011 Combined Safety Committee & Steering Committee Meeting. The motion was seconded by Doug Reilly, Laguna Woods.

A vote was called by Matt Letteriello, Steering Committee Chairman. The OCTAP Steering Committee unanimously approved the minutes.

Item 6. Election of New Taxicab Representatives to the Committee – Ballot Validation/Count

Matt Letteriello, Steering Committee Chairman, explained the election process and named all of the Small Company and Large Company Representative nominees; as follows:

The OCTAP Steering Committee Bylaws requires that taxicab company permittees elect two members and two alternates to represent the taxi industry on the OCTAP Steering Committee biennially. One member and one alternate shall represent the small taxicab companies and one member and one alternate shall represent the large taxicab companies. The new term of office will be from January 1, 2012 to January 1, 2014.

Nominees are as follows:

Small Taxicab Company Nominees:

- Kevin Nassiri, Active Taxi Company
- Mehdi Sarreshtedari, Affordable Taxi
- Patrick Dreis, Happy Taxi
- Mounir Rahhal, Huntington Beach Yellow Cab, Inc.
- Anthony Matin, Pier Yellow Cab
- Ricardo Lara Liberato, Union Taxi Cab, Inc.

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Large Taxicab Company Nominees:

- William Gray, A Taxi Cab
- Tim Conlon, California Yellow Cab
- Larry Slagle, Yellow Cab of Greater Orange County

Public Comments received on this item:

William Gray, A Taxi Cab, spoke concerning the process for defining the large and small taxicab companies for the purpose of these elections.

Patrick Sampson, OCTAP Administrator, in response to Mr. Gray's comment, stated that companies are categorized as small and large companies based on the average number of valid vehicles shared amongst all permitted taxicab companies.

Matt Letteriello, Steering Committee Chairman, then validated, opened and counted all the ballots received to elect the new Small and Large Taxicab Company Representatives to the OCTAP Steering Committee for the 2012-2014 Term. The results are as follows:

Small Taxicab Company:

Patrick Dreis, Happy Taxi, received 7 votes and was elected as the Small Taxicab Company Steering Committee Representative. Mehdi Sarreshtedari, Affordable Taxi, received 5 votes and was elected as the Alternate Representative.

Large Taxicab Company:

Due to a two-way tie (2 votes each) between Larry Slagle, Yellow Cab of Greater Orange County and William Gray, A Taxi Cab, the Primary Large Taxicab Company Representative had to be chosen by draw, as outlined in the OCTAP procedure, as follows:

"The Steering Committee Chairman shall unseal, validate, and count all returned ballots. Nominees receiving the largest number of votes shall be deemed elected whether or not they receive a majority of the votes cast. In case of a tie vote, the Steering Committee shall determine the winner by draw between the nominees who received an equal number of votes on the ballot."

As a result of the draw, William Gray of A Taxi Cab was elected as the Large Taxicab Company Steering Committee Representative. Larry Slagle of Yellow Cab of Greater Orange County was elected as the Alternate Representative.

Large and Small Taxicab Company Steering Committee Representatives will begin their term on January 1, 2012.

Matt Letteriello, Steering Committee Chairman, confirmed the results of the elections and congratulated the winners.

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In response to Mr. Gray's public comment, Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative, recommended implementing a "mid-size" company; so that cab companies would be categorized as small, medium, and large, for future taxicab company steering committee representative elections. James Donich, OCTA Legal Counsel, stated that this item could be agendaized by the Steering Committee for a future meeting as a discussion item. Mr. Sarreshtedari then asked the Chairman that this item be agendaized for the next meeting. The request was approved.

The issue of changing the Steering Committee Bylaws for the purpose of implementing a third (mid-size) taxicab company representative to the Steering Committee will be agendaized for the January 19, 2012 meeting as a discussion item.

Item 7. Changes to the Safety and Steering Committee Meeting Schedule (Action Item)

Matt Letteriello, Steering Committee Chairman, stated that the OCTAP staff report titled Changes to the Safety and Steering Committee Meeting Schedule includes a recommendation from the OCTAP Administrator, to move the meeting dates from the first Thursday each quarter, to the third Thursday of each quarter. If approved by the committee, the OCTAP Safety Committee and Steering Committee dates for 2012 will be January 19, 2012, April 19, 2012, July 19, 2012, and October 18, 2012.

Public Comments received on this item:

Konstantinos Roditis, 24/7 Yellow Cab, asked that the quarterly meetings be moved to Friday due to the restrictions to OCTAP office hours for vehicle inspections. Mr. Roditis also recommended that if meetings are not moved to Fridays, that the OCTAP office be opened for vehicle inspections on the Friday following the quarterly meeting.

Doug Reilly, Laguna Woods, moved for approval. The motion was seconded by Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative.

Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative, spoke to the committee for the purpose of clarifying the motion of Mr. Reilly, stating that moving the meetings to Fridays is to be discussed further and that the action to be taken in this meeting would be to move the meetings to the third Thursday of the month.

Mr. Letteriello called for a vote. The OCTAP Steering Committee unanimously approved the motion.

Doug Reilly, Laguna Woods, asked for clarification from OCTAP staff to the public statement made by Mr. Roditis. Patrick Sampson, OCTAP Administrator, stated that OCTAP will consider the comment and recommendations of Mr. Roditis.

Monique Navarrete, Newport Beach, stated that most cities work on a schedule which would make Friday meetings hard to attend.

Item 8. Safety Committee Chair Report and Steering Committee Chair Report

Nothing to Report.

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Item 9. Committee Representatives Report

Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative, spoke concerning standardizing the location and size of external vehicle markings; primarily referring to the credit card and authorized fare posted inside taxicab statements.

Matt Letteriello, Steering Committee Chairman, stated that the item would have to be agendaized and that no action can be taken in this meeting.

Item 10. Staff Information Items

10a. Quarterly Operations Report (Information Only)

Matt Letteriello, Steering Committee Chairman, notified the committees that the following reports are informational items only.

- OCTAP Quarterly Operations and Financial Reports for July 1, 2011 through September 30, 2011
- OCTAP Fiscal Year 2010-11, Fourth Quarter, Financial Report
- OCTAP Fiscal Year 2010-11 Administrative Services Report
- OCTAP Fiscal Year 2011-12 First Quarter Financial Report

Tim Conlon, Large Taxicab Company Representative Steering Committee Member, spoke concerning page 3 of the Operations Report, Field Enforcement / Bandit Activity. Mr. Conlon wanted to know if the number of “0” for bandit cab enforcement contacts was correct. Mr. Conlon stated that zero bandit cabs operating without permits are unusual.

Patrick Sampson, OCTAP Administrator, stated that OCTAP, as part of its regular bandit investigation routine, regularly monitors the internet advertisements, acts on tips received from the public, receives reports from individuals and cab companies, and forwards bandit information to OCTAP Law Enforcement Partners, to name a few. Mr. Sampson also stated that OCTAP is limited in its actions to enforce the regulations, in the field, for bandit operations due to a lack of jurisdiction to regulate and enforce these types of operations. Mr. Sampson referred to on-going reports and investigations into companies that offer non-emergency medical transportation services; and that OCTAP has taken an interest due to these services possibly acting as bandit cab operations and that these services are neither regulated by the California Public Utilities Commission or OCTAP. Mr. Conlon stated that his attorney believes that there is no “gray area” when it comes to regulating non-emergency medical transportation services; and that if these services are not regulated by the CPUC, then they should be regulated by OCTAP.

Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative stated that the report does contain one (1) bandit cab contact.

Doug Reilly, Laguna Woods, spoke concerning the report, page 3 (July 2011-Sep 2011), which states that in August, there were 97 contacts and only 11 contacts in July. Patrick Sampson, OCTAP Administrator, stated that in August more random inspections were performed and contacts made mainly due to an enforcement operation which took place at the John Wayne Airport during the month of August.

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Public Comments received on this item:

Konstantinos Roditis, 24/7 Yellow Cab, made the statement that OCTAP does not have legal authority for enforcement unless accompanied by law enforcement officers, and that he would like to see more law enforcement involvement in the field.

Mr. Roditis also asked for more detailed accounting and financial data in upcoming reports. Mr. Roditis stated that his reason for this request is the high fee amounts OCTAP charges for services.

Humberto Ramirez, Coastal Taxi, spoke concerning bandit cabs and the lack of involvement and enforcement from local law enforcement departments. Mr. Ramirez stated that he has complained to OCTAP and TCP regulators and that, as of this date, no phone numbers, websites, and permits have been taken away from these bandit operations.

10b. Meter options to include higher mileage rate at flag drop (Information Only)

Patrick Sampson, OCTAP Administrator, stated that OCTAP research has revealed that a meter can be paused that would allow a higher flag drop, to be implemented as a minimum charge for shorter trips, if the Steering Committee chose to do so.

Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative recommended not implementing a higher flag drop as discussed under this item. Mr. Sarreshtedari stated that his concern is for customers; some of which are seniors, who are on a fixed income, and who depend on short trips. Mr. Sampson stated that such a system could be confined to certain locations or to franchises, such as airport trips.

Larry Slagle, Orange County Tourism Industry Steering Committee, stated that drivers invest a lot of time waiting for fares and that money is actually lost on short trips. Mr. Slagle stated that the only relief is if a driver has enough longer trips to cover the loss of income from short trips. Mr. Slagle also stated that implementing a higher flag drop might price taxicabs out of airport trips due to the competitive prices offered by other services, such as TCP operators. Mr. Sarreshtedari suggested that companies take on the practice of subsidizing drivers who are working hard and accepting more than the normal amount of shorter trips.

Mehdi Sarreshtedari, Small Taxicab Company Steering Committee Representative asked if there were any representatives from the Orange County Weights and Measures present at the meeting so that they could comment on their past experiences on the timeframe for sealing all meters when a fare rate increase is approved and implemented. Anthony Lee, Orange County Weights and Measures, stated that 90 days would be sufficient to turn over all meters. Mr. Lee stated that in accordance with the California Business and Professional Codes, Los Angeles County seals can be accepted. Patrick Sampson, OCTAP Administrator, stated that OCTAP does accept both Los Angeles and Orange County Seals.

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At this point, Mr. Sampson stated that this was an information item only and has nothing to do with a rate change and that this discussion can take place at another time.

Public Comments received on this item:

Konstantinos Roditis, 24/7 Yellow Cab, stated that he would not want to see a rate increase due to foreseen future recessions and projected, steady fuel prices. Mr. Roditis stated that the amount of the increase would not benefit the industry.

William Gray, A Taxi Cab, stated that he would like to see OCTAP give at least 60 to 90 days to turn all the meters over when a fare rate increase is approved and implemented.

Humberto Ramirez, Coastal Taxi, stated that a small fare rate increase would be counter-productive to drivers and companies.

Patrick Dreis, Happy Taxi, asked the chairman to get back on the agenda. Matt Letteriello, Chairman, stated the item has been received and filed; closing this information item to further discussion.

Item 11. Reports on Other Matters

Matt Letteriello, Steering Committee Chairman, asked for volunteers from the committees for upcoming OCTAP Appeals Hearings.

Item 12. Public Comments

Konstantinos Roditis, 24/7 Yellow Cab, asked the Chairman to establish a sub-committee to look into item four of the agenda, Section 5.2.10.4, Principle Place of Business, and the other service requirements such as the maximum allowable number of phone rings required, etc. Mr. Roditis stated that allowing taxicabs to be defined as a company's Principle Place of Business is unsafe and opens up OCTAP and all member cities to litigation and lawsuits. Mr. Roditis also stated that allowing taxicabs to be used as a company's Principle Place of Business was not the intent of the original sub-committee that developed the service standards now required in the OCTAP Regulations.

Item 13. 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 19, 2012 at the OCTA Main Building, Conference Room 103/104, 1st Floor, 600 South Main Street, Orange, CA 92868.