

MARIN GENERAL SERVICES AUTHORITY

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MEMORANDUM

DATE: September 11, 2014
TO: MGSA Board of Directors
FROM: Paul Berlant, Executive Officer
SUBJECT: AGENDA ITEM D: Taxicab Regulation Program Update

Recommendation

Accept this update regarding the Marin County Taxi Regulation Program. In addition, staff is seeking direction from the Board regarding limited incentives to taxi companies to provide accessible taxicabs on a regular basis.

Inventory Update and Permit Fees

The taxicab permit inventory has remained virtually static this past year. While there has been turnover with companies quitting the business and others starting, there currently remain 29 companies using 31 names, with one additional company which has paid its fees and is awaiting issuance of permits pending submission of remaining documentation. There are currently 108 vehicle's permitted with one pending. In our May 2014 report there were 109 vehicles. The driver count is 184 versus the 180 drivers reported in May 2014.

The billing system recommended in the 2012-13 Audit Report has been implemented effective July 1, 2014. Taxicab and company permit renewal invoices are being issued by MGSA office staff in consultation with the Taxi Administrator and Executive Officer.

Close communication continues with the Sausalito Police Department as they deal with significant taxicab activity related to their tourist trade. The Sausalito Police recently held a meeting with the taxicab operators, trying to improve communications. They have issued a number of citations to taxicab drivers for violations of the California Vehicle Code and have made efforts to keep MGSA staff informed of their activity. Mr. Rawles also stays in contact with the County of Marin Weights and Measures Department which annually check the meters in all the permitted taxicabs in Marin.

Other Issues

Mr. Rawles and I have recently been contacted by Rocky Birdsey of the Marin Center for Independent Living regarding accessible taxicabs. Mr. Birdsey is seeking to ensure that there are accessible cabs available, on demand, in a manner similar to the non-accessible cabs. I understand Mr. Birdsey has contacted at least one MGSA board member about this issue as well as staff of Marin Transit.

Funds from voter approved Measure A were used by Marin Transit to purchase four vans in 2008 and 2009 for use as accessible taxicabs. These vans were distributed to one taxi company which operated them for a period of time. Currently, there are two vans still

serviceable, however due to a lack of drivers willing to drive them, they get little use, and do not provide significant service. In addition, another Marin-based taxi company has ceased operating the one wheelchair accessible van which they had purchased. You will recall that almost all taxicab drivers, unless they are owner/operators, are contractors with, rather than employees of the taxi companies. These drivers cannot be compelled to drive accessible vehicles which serve those with disabilities and most often do not want to because of the financial arrangements in the contracts between companies and drivers. Paratransit options such as Marin Access Paratransit (operated by Whistle Stop), Novato Dial-a-Ride, and Marin Catch-a-Ride (discounted taxi service for those who are eligible) are available to persons with disabilities. However these services often do not meet the needs of persons with disabilities as well as an accessible taxi would. Note also that Marin Transit reports that its Marin Catch-A-Ride Program has also received complaints about the shortage of wheelchair accessible taxi service.

As I understand Mr. Birdsey's position, he believes that MGSA, as the regulatory agency for the taxicab businesses in Marin County, has the obligation to require that some or all of the taxicab companies provide accessible taxicab services. From my own research as well as discussions with transit officials and an ADA expert, I have not found a legislative mandate which requires MGSA to enter the accessibility field. MGSA derives its authority to regulate the taxi businesses in Marin County from the ordinances adopted by the cities/towns and County. Those ordinances, which track California Government Code Section 57075.5, are silent as to accessibility issues. MGSA regulations, in turn, track those ordinances.

What I have learned to date indicates that it is clear that taxicab companies, even with vehicles that do not feature special, accessible equipment, may not discriminate against persons with disabilities. Such discrimination would include refusal to assist with mobility devices, denying a ride to a customer using a service animal, and/or charging higher fares or added fees for any such service. I also understand that taxicab companies are not required to purchase or lease accessible automobiles. However, if and when they do purchase or lease vehicles other than automobiles (for example, passenger vans), those vehicles must be accessible. Attached is a summary of ADA requirements for taxi service prepared by Marin Transit staff.

In July, Jeff Rawles and I met with Marin Transit staff to mutually explore how MGSA and Marin Transit could address the concerns raised by Mr. Birdsey and possibly enhance taxi or other services to those with disabilities. We discussed a number of options and agreed that Marin Transit would look at its own programs and data regarding demand for accessible transportation services to see which of its programs might be expanded or modified so as to encourage taxi companies and their drivers to offer more accessible taxi service.

One possible option for MGSA would have us reduce our Vehicle Permit fee from \$1000/year to something substantially less, such as \$100/year for a limited number of accessible vehicles, in exchange for a guarantee that those vehicles would be available on a regular basis. At least one taxi company has expressed some interest in pursuing this option.

If the Board is amenable, I will further explore the idea of a reduced permit fee in exchange for a guarantee to provide accessible taxi service and return with a formal proposal for the Board at the January 2015 meeting.