

# MARIN GENERAL SERVICES AUTHORITY

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## MEMORANDUM

**DATE:** May 14, 2009  
**TO:** MGSA Board of Directors  
**FROM:** Paul Berlant, Executive Officer  
**SUBJECT:** AGENDA ITEM D: TAXICAB REGULATION PROGRAM UPDATE AND AMENDMENT TO REGULATIONS AND FEES

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Recommendation: Receive the update and approve the draft amendment to the Regulations.

Update: As of the end of April, staff has received 16 company applications and permitted 12 companies (one at new fee schedule), permitted 79 vehicles, received 160 driver applications and issued 129 driver permits. The driver permits continue to be fluid, with new permits pending and new ones being issued. One driver permit has been revoked (no appeal filed) due to a positive drug test. Staff is also receiving and dealing with insurance data regarding vehicle policies being canceled and/or not renewed.

Most companies are trying to be cooperative. However, we continue to get information from various sources that drivers continue to drive without permits. There is progress in compliance, but there seems to be constant need for follow-up.

The Novato Police Department did issue three citations to Novato Taxi for not having a permit. San Rafael police advised that they have yet to receive a determination from their City Attorney regarding how to handle citations, but indicated that they would make a patrol officer available to accompany MGSA staff to do a warning type visit to the Transit Center. We expect to schedule this visit within the first two weeks of May.

Regulations: At the last Board meeting, Dave Byers, MGSA General Counsel was asked to prepare revisions to the enforcement section of the Taxicab Regulation Program, Section G. Attached is a proposed revision. In summary, the section calls for the MGS Executive Officer, upon learning of and investigating a potential violation of the regulations to issue a Compliance Order requiring whatever action is needed to achieve compliance with the regulations. If the alleged violation constitutes a possible danger to community safety, the order can include immediate suspension or revocation of a company or driver permit. If the permit holder feels the order is not warranted, he/she may file an appeal, which would be heard by the MGSA Board or, at the Board's discretion, a Hearing Officer. The hearing body may affirm or dismiss the permit suspension or revocation. Fees to cover costs of the appeal are contained in the revisions.

In addition, Mr. Byers has included a section authorizing the Executive Officer to utilize a new provision of State law that allows local governments to request suspension of telephone service to a taxicab company or an individual or business operating as a taxicab company in violation of state law and local regulations. This tactic is to be used only when other means of obtaining compliance have not worked.

Attachment:

- Draft Revised Regulations