

Information and Recommendations to
The San Diego Taxicab Industry
& Employee Rights Center

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Executive Project Summary

A taxicab is only as safe as its driver. Although volumes of policy, regulation and law have gone into the safety of taxicab vehicles and customers, there is a glaring blindspot when it comes to driver safety. The primary underlying issue of the Taxi Industry in San Diego is a lack of cab driver rights. Aspects of the industry that contribute to the lack of driver rights are seen in six major ways and defined in the following report. Other stakeholder concerns are also highlighted. In recent years, and with the foundation of the UTWSD, drivers have begun to organize, working toward change. However they face opposition from owners and regulating bodies who remain in powerful positions and who possess interests different from the majority of our city's 2000 cab drivers. We looked to identify mutual interests, seeking an entre' for drivers to have more voice.

We have identified multiple stakeholders in the industry and highlighted key stakeholder roles. It is in the interest of UTWSD to build relationships with internal and external stakeholders to advance driver rights. An organization chart is provided to better understand the inner workings of the industry. Connecting with other United Taxi Associations nation wide also provided insightful into possible legal and political interventions to enhance driver rights, also defined in the report.

Within this complex industry there is a need for streamlined and inclusive communication with all involved. The intervention proposed is to establish a driver training program spearheaded by the UTWSD with the assistance of the ERC. There is evidence a number of stakeholders would be interested in strengthening driver training through the lens of

general public safety and a smoother taxi experience. This voluntary training would give drivers an opportunity to increase their professionalism, making themselves irreplaceable, and protecting themselves against retaliation from owners and penalties from MTSTA, the sheriff's department, and other law enforcement. In turn, regulating bodies would recognize the initiative of drivers attending the program. Other stakeholders would be able to participate in and co-facilitate trainings, causing overall communication in the industry to increase, as all come face to face for one purpose.

A. Problem Identification - Six Key Driver Issues Identified

- a. Lack of voice on the Taxicab Advisory Board,
- b. Unconscionable lease agreements between owners and lease drivers with no lease caps,
- c. Lack of a viable mechanism for dispute resolution,
- d. Law and regulation enforcers ticketing drivers for reasons outside their control,
- e. Drivers' fear of retaliation if they speak to address issues,
- f. Overall working conditions consisting of no health insurance and no personal time for family, physical health, or education.

B. Problem Identification – Industry Wide

- a. Public safety: many factors drive up costs within the industry resulting in drivers working long hours with little time off,

- b. Over-regulation of vehicles and drivers: numerous regulatory and enforcement agents drive up costs as vehicles are off the road while re-inspection and punitive fees are mandated, and obsolete or disparate directions are given,
- c. Smoother taxi experience: long waits for service, unfamiliarity with routes, high costs, and less than desired hospitality and cleanliness of cabs.

C. STAKEHOLDER LIST

<u>Internal</u>	<u>External</u>
Drivers	Media
Owners	City Council
Customers	Convention and Visitor’s Bureau
Metropolitan Transit System (MTS)	SD Regional Chamber of Commerce
MTS Taxicab Administration (MTSTA)	Convention Center
Taxicab Administration Commission (TAC)	Travelers Aid
Yellow Cab Holdings	Hotel-Motel Association
ASSD	Omni San Diego
United Taxi Workers of San Diego (UTWSD)	Employee Rights Center (ERC)
Dispatch Services	Law Enforcement
Sheriff’s Office	Entertainment venues
Insurers	Immigration Rights Groups
	Rotary
	Public Safety advocates
	Individuals effected by taxi accidents
	General Public
	Other taxi driver rights groups
	Best practices of other localities
	Interested academics

D. Two Potential Interventions for Consideration:

After assessing stakeholder self-interest, a common thread was to alleviate driver and owner issues through education on the regulatory process. This would lead to an increase in general public safety, enhance a driver’s ability to provide excellent service to citizens and

visitors, and strengthen the value of each driver to owners, insurers, regulators and law enforcement.

A. Legal Angle- addressing the unconscionable lease agreements, refer to Best Practices Section, Appendix A.

B. Political Angle- steps for gaining a voice (Mikail) on the TAC board, refer to Political Section, Appendix B:

1. Attend and address Public Comment section of TAC board meeting;
2. Attend sub-committee meetings to again address Public Comment. Bring as many drivers and alert media to gain awareness to issues. If media does not attend, UTWSD to send out summary press releases of meeting agenda and happenings;
3. Gain first motion from board member- Marti Emerald;
4. Actively seek a seconding vote from other board member through face to face meetings;
5. One-on-one meetings will be needed to gain support from majority (10/17) of the board members.

E. Proposed Intervention

We propose the UTWSD and ERC initiate a driver training program that will draw on the mutual self interests of the parties, building relationships with all stakeholders in the industry through reciprocity (refer to Intervention Section, Appendix C).

A. Why Training: Gains for Driver Rights and Industry

1. Building relationships in areas of mutual self-interest creates a foundation for change.
2. Training will increase the professionalism of drivers, making them a more valuable resource to leaseholders, and more difficult to replace. This increases an Owner's respect for a driver, strengthening working relationships to better address grievance issues.
3. UTWSD/ERC sponsored trainings will increase the profile and role of UTWSD with all facets of the industry.
4. We advise incentives/concessions be sought with other stakeholders in either or all arenas:
 - a lower insurance fee if driver is certified through,
 - the ability of a driver to hire a certified driver to drive his cab when needed,
 - a reduction in city licensing fees or sheriff's fees if a driver completes the course,
 - use of window stickers to demonstrate to customers the cab is driven by a certified driver.

5. Reciprocity/ Exchange:

- Drivers set an example of being proactive to attend training to enhance public safety, and attend subcommittee meetings (as proposed in our “political angle”). City officials who represent the public will see the need to reciprocate, and further votes for UTWSD representation on the TAC may be possible.
- UTWSD provides additional training that meets the interest of the sheriff’s department and MTSTA, decreasing punitive license confiscations and ticketing.

B. The Training Content

1. Approach: Curriculum taught by a driver or former driver, such as Mikaiil Hussein, in conjunction with other stakeholders

2. Curriculum:

- Driver safety: How to protect yourself as a driver from crime, dangerous passengers
- Geography
- Passenger relations: taught by CONVIS
- Further understanding of City and state regulations: taught by Sheriff’s office
- Further understanding of MTSTA expectations: taught by MTSTA inspector
- Driver responsibility of vehicle: taught by a cab owner such as Tony Hueso

BEST PRACTICES:

Spokane, Washington USA

The Spokane County Taxi Workers Alliance

Workers comp. strategy used to break up owner org.

- filed formal paperwork requesting audit from State Labor and Industry (L&I)
- claimed owner association treated drivers as “employees” based on control issues (“personnel files,” hours schedule (6AM if late written up), cab was under flag of dispatch, must pay dispatch even if customer was self-found, no turning down dispatch customers, some days no scheduled trips to airport, special cab contract with school district for kids etc...)
- workers comp. required by law, owner association fined US\$100,000.
- Owner association split up

Philadelphia, Pennsylvania USA

The Taxi Workers Alliance of Pennsylvania

- Through the Public Utility Commission or local agencies
- (1) Taxi Regulator Parking Authority (mediation)
- (2) Taxi workers alliance (mediation)
- (3) Administrative judge meets once a week (State agency) for lease caps, taxi violations, and other disputes
- (4) Small claims court
- Funding from private foundation grants and university funding for staff
- Contact National Labor Relations Board (Federal) San Diego chapter (collective bargaining)
- Contact Deputy Mayor of Transportation

New York, New York USA

NYTWA

- No cap on hours
- Recourse over lease caps based on 12-hour shifts essential

\$70 a day/\$90 a day, \$360-400 weekly

International Taxi Regulators Association

Chicago, Illinois USA

The Taxi Worker Organizing Project

Prateek Sampat

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Prateek went to New York. Spoke to FayeZ Knozindar now president of Organizing Project

1. Able to take grievances to the Department of Business Affairs and Consumer Protection as they are the cities cab industry governing body
2. Hearings held at "400 superior court" The City Clerk office. FayeZ tells me most of these are consumers bringing charges against drivers... I have to be honest, I couldn't really follow what he was talking about and how this was different form DBACP.
3. Also used conflict org. model... demonstrate! to make change
4. Members pay 100\$ per year. They get legal assistance, training etc

San Fransisco, California USA

United Taxicab Workers

Thomas George-Williams

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415-864-8294

Spoke with RUA (415) 701-8294 she is the Founder of the Taxi Driver Institute, been involved with UTWSF since the 80's, been a cab driver since 1973. SF averages 1 taxi driver murder per 18 months.

1. Circa 1994 the UTW passed Taxi Driver safety law "through connections with City Hall" & the dedicated work of Mark Grubery who is a lawyer/ attorney (415) 606-1106 (we can contact him). Law mainly mandates police to keep and report stats to cab companies re: crime involving taxis. He is still involved with organization.
2. Also in 90's the Mayor "was tired about hearing about taxi issues" & gathered a task force of 30 people (3 drivers, the rest chamber of commerce other city folk etc)

among task force recommendations to the city the two biggies are:

- a. lease cap... and it was done! just like that

b. 28 hour safety training course MANDATED by the city for ALL drivers (this includes crime prevention,

geography, state and local code regulations, passenger relations, and professional ethics) They now have 3 competitive schools that charge approx 100 bucks to complete training. Dream goal for these courses is to get them offered through city college instructors through labor studies or vocational ed. More respect for drivers that have completed it! again a common thread of MAKE DRIVERS IMPOSSIBLE TO REPLACE!

Training and education is so very key! She also referred to training classes as "an undercover version of driver right advocacy, to organize and be on the same page, gain allegiance, belonging to a larger picture.

3. They take grievances to State Labor Commissioner (she used an example EXACTLY like Mikails situation)

4. She told us to look into 3 state cases to assist us with driver rights

1. Santa Cruz vs. EDD

2. Toyota Supra Edwinston Vs. Yellow cab Unemployment and workmans comp apply to "independent contractor" taxi drivers bc they are really treated as employees! hello! Owners would rather just pay to maintain a lease driver than pay out for unemployment or work comp. This case actually had to do with a pizza delivery guy, but they use it I guess.

3. Tracy et al vs. Yellow Cab Lutson De

5. Ca Labor Code sec 406- 408 addresses driver's right to their deposit. Owners are supposed to keep a separate bank account per driver and give any deposit back with 5 % interest

Detroit, Michigan USA

Detroit Cab Drivers Association

Jerome Allen

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Talked to Jerome- great great guy, their organization is losing steam, not enough driver participation but here is what I got from him

1. Driver participation is the key foundation to any change

2. Drivers need to make themselves valuable and difficult to replace to increase job security!!

3. Member benefits: Drivers paid 20 per week to be a member, received dental care and financial "assistance" during time off (they would help with regular living expenses), they also PROVIDED inspections of vehicles to members to avoid tickets.

4. Drivers brought grievance issues to organization and THEY mediated, they had 12 paid staff.

5. Conflict style organizing and demonstrations to obtain lease cap

APPENDIX B – POLITICAL

The main regulating body in San Diego for the taxi industry is the Metropolitan Transit System Taxicab Administration (MTSTA). A Taxi Advisory Committee (TAC) was established in the 1980s to serve as a coalition of stakeholders to advise on MTSTA and other regulating body actions. A majority of members on this committee are cab owners who have no interest in changing leases to benefit drivers if it means lower profits for owners. This creates a political problem because owners occupy a substantial majority of the voting power on the board. From their standpoint, the industry is already over-regulated, and they use this as an excuse to skirt drivers' issues. After meeting with several owners, we saw a dead end in trying to find an avenue to change actual wording of leases.

At that time, we shifted our approach and focused on the lack of taxicab driver representation on the TAC board and discussed how we might increase it. The official process of seating a new board member is by motion from a current TAC board member, followed by a second to that motion from an additional board member, at which point a full board vote is held. Public comment is invited at each quarterly board meeting before motions are made. The goal here would be to garnish enough support from the board to win a majority vote to seat a UTWSD representative, thereby creating a permanent presence for discussing driver issues.

Throughout our process we were successful in talking one-on-one with at least five TAC board members, in hopes to gain support on these issues by identifying and aligning their interests. From attending the TAC board meeting, we realized most of the work needed to

persuade current board members to allow the UTWSD to hold a seat would need to take place behind the scenes. Every successful motion we witnessed at the meeting was unanimous, which indicated the meeting itself was just a formality effectuating the results of prior negotiations and decision-making. Many one-on-one meetings with stakeholders are required for this plan in order to gain support from each member. Since much of the decision-making process occurs in sub-committee meetings, this intervention strategy would involve making sure drivers and the UTWSD attend and participate in these meetings. Also, a successful implementation of this particular intervention would utilize our newly formed ties with the media in order to publicize outcomes of these meetings.

Since we are starting off with only one supporter on the board, Marti Emerald, the time required for this intervention would be lengthy and the level of political complexity would be difficult. However, Ms. Emerald is the new board chair and started off the TAC meeting we attended with a strong motion to appoint UTWSD to the board. Although no other board member was willing to second the motion, she seemed to solidify that she will continue to be an ally to our community partners on these issues in the future.

APPENDIX C – DRIVER TRAINING

The intervention we have chosen is to propose a driver education and training program, embodying the Consensus-organizing model. We found most stakeholders were unaware of the interests of other stakeholders affected by the taxi industry. From this we recognized an overall need to promote interconnectivity and communication. Deep stereotypes exist and exacerbate all issues. For example, on ticketing issues, drivers do not respect police or MTSTA inspectors, seeing them as power hungry and malicious; and officers issuing tickets see drivers as ignorant and delinquent. Strengthening relations between drivers and the regulating bodies such as the Sheriffs department and MTSTA is central to achieving progress.

One common interest we saw throughout our interviews with drivers, owners, tourism industry executives, customers, law and regulation enforcers, taxi worker associations in other cities, and the main San Diego taxicab insurer, was the need for further driver training and education. By offering UTWSD driver-facilitated trainings at the ERC, in conjunction with other stakeholders, we hope to create a friendly and productive environment for mutual understanding and a place where drivers can be heard. By giving something, others feel the need to give back, which is why we focused on building reciprocity through a training program where stakeholders can contribute and benefit. The need for training sessions can be framed in various ways to accommodate the different stakeholder interests – whether it is the public safety issue, the need for a smoother taxi experience, or a way to increase professionalism in drivers.

The Intervention: Quarterly Training Sessions

This intervention would gather stakeholders around a driver-training program that could possibly become mandatory, or at least incentivized along the many cost points in the vehicle/driver certification process. Ideally they would be taught by well-liked drivers, with the support of the Sheriff's Office and MTSTA inspectors serving as cultural brokers for one another. The curriculum could be created with input from all interested stakeholders outlined below. Incentives for cab driver training is politically attractive in San Diego and can serve as an avenue to break down destructive stereotypes and commit stakeholders to reciprocal relationships through financial and resource give-and-take. The training will need to be conducted within three months of proposal so that scarcity is shown to potential partners whose commitment has previously been determined through one-on-ones.

The research we conducted on the legal and political issues and possible interventions has informed our current training strategy, and we have incorporated sections of the strategies we decided not to pursue. For example, the Sheriff's Department "confiscates" taxi licenses for violations of city ordinance regulations causing one major source of grievance for the drivers. "Confiscation" is not uncommon and results in drivers unable to legally operate their cabs. However, ordinance 11 does not explicitly authorize the Sheriff's Department to confiscate, suspend, or terminate taxi licenses, therefore, there is a valid legal argument against this confiscation practice. The main stakeholders regarding this problem are the Sheriff's Department and the MTSTA Board. Finding mutual self-interest with the Sheriff's Department includes their desire for help with training taxi drivers, which UTWSD would provide in our training sessions. Rather than file suit on the legal merits, coordination of a joint training

session including the Sheriff's Department and hosted at the ERC will improve relations and lead to bettering the dispute process for these questionable confiscation incidents. If joint efforts to train drivers about the regulations could be accomplished, the Sheriff's Department would benefit from less workload resulting from violations. This could also bring attention to the other issues drivers face like being ticketed for offenses that the owners should be responsible for.

A similar effort was initiated last year through MTSTA and UTWSD, with a single driver training. John Scott, Director of MTSTA, has also offered his shop to drivers to make sure vehicles are compliant with regulation standards prior to expensive tickets or fines. The central topic in this training was MTSTA regulations. These regulations are covered in the city's mandated driver training through the Sheriff's Department. The additional training at the ERC would include a place to clarify, interpret, and solidify personal responsibility regarding these issues. The training curriculum would include lessons on the geography of San Diego, personal safety, and passenger relations. By incorporating a comprehensive curriculum, the value and professionalism of drivers would increase. As we found to be the case in other cities like San Francisco, this would help "make drivers irreplaceable," especially if experienced drivers could actively participate in the trainings.

One essential strategy to this intervention is getting TAC Board members to participate in training sessions with the drivers. Social validation will be created by informing all stakeholders who will be involved in this process. The authority of certain stakeholders will act to encourage participation from other stakeholders. It is also important for the experienced

drivers conducting the trainings to be confident to alleviate any uneasiness from partners. By getting key board members together with the drivers, we believe chances will improve for another TAC motion to put UTWSD on the board. With more time spent together in the same room, mutual respect will grow, reciprocity will be built and a greater understanding of the value of having a UTWSD member on the board will become apparent.

Additionally at our presentation, we will provide a taxi industry organizational chart available for attendees to view and discuss. This will hopefully educate people about how the industry works and outline the common interests of stakeholders. This organizational chart was requested by both UTWSD and the ERC. There are many partners from this chart that would play a part in our proposed intervention.

Owners explained to us the complexities of running a cab business, from dispatch services, to insurance, to the many regulations from multiple agencies, to owners' desire to limit the number of drivers on a vehicle. "It just causes less problems," said Tony Hueso, owner of USA Cab, about limiting the number of drivers per vehicle to one. He explained any infraction could pull not only one car, but also potentially all of an owner's cars into an increased inspection schedule, taking them off the road. He concluded driver and vehicle compliance is desired. The training sessions would provide a forum for owners to articulate their unique perspective regarding these issues to drivers and other stakeholders, which would encourage creative problem solving because it would provide a place for brainstorming and communication.

Edna Rains has 22 years working in the License and Registration Division of the San Diego County Sheriff's Department. It is her office that issues permits to drive a cab. She said some drivers seem to get citations weekly, and others none at all. She noted 90% percent of citations were for no trip sheets and no name tag. Her responsibility foremost is public safety and she supported a driver-led training class to reach that goal, while expressing some concern about staff availability to provide such. "It is our job not to take away permits," Rains said, "but to ensure compliance." Our intervention would resolve this concern by providing experienced drivers to teach the training sessions at the ERC. Involving Rains and the Sheriff's Department in planning the curriculum taught at these training sessions could improve relations with that office and increase legitimacy of the training.

Tourism executives, such as Joe Terzi of the Convention Center and Tourism Board, agreed that the San Diego taxi experience is "subpar" compared with other cities. Although tourism representatives make up half of TAC membership, many seemed unaware of pressures and issues in the industry or of their ability to influence the outcome of TAC board votes. One stated goal of the Convention Center and Tourism Board is "a smoother taxi experience." Our intervention will frame the training sessions as a means to ensure a smoother taxi experience is achieved. Terzi agreed to support our efforts and we will ask him to provide a passenger relations section to the training sessions. We also hope his participation in the intervention will increase the likelihood of him attending the TAC board meetings and seconding a motion to put UTWSD on the board.

Politicians also seemed concerned about public safety and a smooth taxi industry. City Councilmember Marti Emerald, herself once a taxi driver with a reputation for consumer and worker advocacy, is the new TAC chair, taking over for Todd Gloria. Most drivers reside within their 3rd and 7th districts. She presided over her first TAC quarterly meeting in March and immediately motioned that Mikail Hussein, president of UTWSD, to be seated on the council. Her motion did not garner a second, and the issue was moved to subcommittee. She and her staff, like tourism executives, are looking for answers and have a political need to show improvement in the industry. Our intervention will provide evidence of progress in the industry. When council members like Marti Emerald attend and participate in the training, their authority extends to the training sessions and increases credibility to our efforts.

MTSTA director John Scott has already shown support for a driver training intervention, and even partnered with UTWSD for a similar single session last year. Both public safety and the cab experience are the responsibility of his office, as is administration and enforcement of Ordinance 11. Our intervention includes working with John Scott to establish these training sessions as a course that can be taken and recognized by the MTSTA (similar to traffic school) in order to erase a penalty or avoid a fine.

UTWSD and the ERC are interested in a way of creating meaning and value to their organizations' experience. The ERC has agreed to offer its office again for regular training sessions to be held. This furthers their goals to promote employee rights and strengthens their relationship with UTWSD. UTWSD also benefits from the arrangement and certified completion of the training course would serve its driver constituency by making drivers more valuable to a

leaseholder/owner and a better partner in public safety and the taxi experience. This provides job security to not only drivers, but also to the UTWSD administrators.

A final important piece to our strategy involves Taxi insurance through John Burnham and Associates as well as other insurance companies. We were unable to secure any commitment, but we feel it is important to propose that drivers, upon completion of the safety-training course, would qualify for a decrease in insurance rates having become “safe drivers.” This financial incentive is key in aligning owners’ interests with our intervention. If owners could save money on their insurance payments from their drivers taking our training course, a certified driver could use this as leverage to negotiate lower lease rates. Since UTWSD and its driver members are initiating the training program, they could negotiate an agreement that drivers received part of the financial incentive in the form of lease reduction. The insurance carriers would also benefit from offering this incentive because their clients would become less at risk of having to pay out on claims like the one involving the Stingaree accident.

We have already mentioned many of the outcomes that we would hope to see with the development of a new training program. To summarize, the overall outcome is a smoother taxi experience for drivers, owners, enforcers, customers; and increased public safety benefiting drivers, customers, and politicians. As worded by a Taxi association worker in San Francisco, training is really “an undercover way for driver’s to get organized.” We feel confident that these quarterly training sessions will increase membership at the UTWSD, and further define their role in the industry.

By bringing in other stakeholders to help co-facilitate training, they come face-to-face with drivers. Having a structure to build relationships, stereotypes will decrease and an attitude of working together will emerge. Educated drivers will get fewer tickets because they understand the rules; they will better understand the geography of San Diego, and good passenger relations. Unnecessary confiscations will decrease and the communication and interconnectivity of all stakeholders will be enhanced. Finally, increased driver professionalism will result in greater respect from lease owners, smoothing over the relationship, and will place them in a better position for resolving grievances. Financial incentives through insurance companies will help to drive support from owners and participation of drivers. Most importantly, similar interventions have been done in many other cities nationwide and have been successful.

One barrier we had hoped to resolve before the end of the project is the willingness for John Burnham and other insurance agencies to offer incentives. Gaining firm commitments from stakeholders to participate in trainings on a quarterly basis is also a barrier. Although they all sounded interested, actually showing up and putting interest into action is a different story. Creating the training curriculum can be easily adapted from other California cities, but when involving a number of people in creating the curriculum, there is a danger for one person to want their interest emphasized more than another. This could create the undesirable consequence of undermining the collaborative purpose of joint training sessions. Finally, we are counting on the UTWSD to take the initiative to carry out the proposed strategy and continue to use the consensus model as we have. In the past, the UTWSD has primarily relied on a conflict-organizing model. That strategy is peaking in effectiveness and it is now time to

forge more mature and equal relationships. Having worked closely with them, they have witnessed the effectiveness of consensus organizing in forming bridging and bonding partnerships, and seem interested.