

**EIGHTH ~~NINTH~~ AMENDMENT TO AGREEMENT FOR
ADMINISTRATION OF TAXICAB AND OTHER FOR-HIRE VEHICLE REGULATIONS
BETWEEN
SAN DIEGO METROPOLITAN TRANSIT SYSTEM
AND
CITY OF SAN DIEGO**

THIS AGREEMENT is entered into by and between the City of San Diego, a municipal corporation, 202 C Street, San Diego, CA (herein called "CITY"), and the San Diego Metropolitan Transit System, a public agency, 1255 Imperial Avenue, Suite 1000, San Diego, CA (herein called "MTS"), in view of the following recitals, which are a substantive part of this Agreement:

RECITALS

- A. MTS is authorized under Section 120266, Chapter 2, Division 11 of the California Public Utilities Code (PUC), to enter into contracts to regulate transportation services within a city in its area of jurisdiction;
- B. CITY is within MTS's jurisdiction created January 1, 1976, under Section 120050, et seq., Chapter 2, Division 11 of the PUC;
- C. Pursuant to a series of agreements beginning on July ~~1~~, 1988, City has contracted with MTS to regulate taxicabs and other for-hire vehicles and services such as charter vehicles, sight-seeing vehicles, nonemergency medical vehicles, low speed vehicles (LSV), and jitney vehicles pursuant to PUC Section 120266 and in accordance with MTS Ordinance No. 11, "An Ordinance Providing for the Licensing and Regulating of Transportation Services Within the City" ("Ordinance No. 11");
- D. MTS-Ordinance No. 11 is based on San Diego Municipal Code, Chapter 7, Article 5, Divisions 1 through 6, "Paratransit Code", which provided for CITY regulation prior to 1988, and was repealed in 1989;
- E. Under this agreement, CITY continues to set the fundamental public policy pursuant to regulation of taxicabs and other for-hire vehicles and services through Council Policy 500-02, which, upon approval of the MTS Board, shall be incorporated into Ordinance No. 11;
- F. MTS does not desire to expand its regulatory role to include oversight of the taxicab permit holder and subcontractor (e.g., lease drivers) relationships;
- G. The current agreement between CITY and MTS for MTS regulation of taxicabs and other for-hire vehicles and services expires on June 30, ~~2013~~2014;
- ~~E. CITY has indicated a desire to take back taxicab regulation from MTS;~~
- ~~F. CITY and MTS agree that transitioning taxicab regulation back to the CITY will require additional time to plan for and agree on a transition plan; and~~

G.H. CITY and MTS desire to extend the agreement (MTS Doc. No. G0225.0-95 to G0225.78-95) through June 30, 2014 ~~2019~~ to allow the parties time to negotiate and plan for a transition of services to the CITY.

NOW THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement, CITY and MTS agree as follows:

1. MTS will administer and enforce its taxicab and other for-hire vehicles Ordinance policies, and regulations as in effect on July 1, 2013~~2014~~, and as thereafter from time to time amended by MTS, and thereby regulate such taxicab and other for-hire vehicles and transportation services rendered wholly within the CITY's corporate limits during the period of July 1, 2013 ~~2014~~ through June 30, 2014~~2019~~, pursuant to PUC Section 120266.
- 1.2. MTS will collect and administer all such regulatory fees, fines, and forfeitures as now or hereafter provided by the MTS Taxicab and Other For Hire Vehicles Ordinance No. 11 policies, and regulations.
3. ~~3.~~ MTS will not alter a fundamental policy or regulation in accordance with the Taxicab and Other For Hire Vehicles Ordinance No. 11 without prior approval of the CITY. The parties agree that MTS will not alter the scope of its regulatory activities during this transitional period. No fundamental policy or regulation will be altered during this transitional period unless both CITY and MTS agree that the alteration is required as an emergency regulation to protect public safety. Any CITY-proposed change to Ordinance No. 11 shall similarly require the approval of the MTS Board.
4. MTS shall not be required to be a party to contracts between holders of taxicab permits in the CITY and their subcontractors/lease drivers; nor shall MTS be required to regulate the business relationship between taxicab permit holders and their subcontractors/lease drivers. MTS shall not be required to engage in the following activities: investigating and resolving contract disputes between permit holders and their subcontractors/lease drivers; setting contract terms for agreements between permit holders and their subcontractors/lease drivers; investigating and/or adjudicating allegations of retaliation between permit holders and their subcontractors/lease drivers; regulating working hours and/or earnings for permit holders and their subcontractors/lease drivers.
5. ~~4.~~ The CITY Mayor and MTS Chief Executive Officer may supplement this agreement by executing a Memorandum of Understanding relative to administrative and operating procedures of taxicab and other for-hire vehicles regulation, and to provide for reimbursable staff and legal support services.
4. ~~In the event CITY and MTS are ready to transition taxicab regulation to the CITY before June 30, 2014, CITY and MTS may mutually agree to an earlier termination date.~~

IN WITNESS THEREOF, this ~~eight~~^{ninth} amendment to the agreement is executed by the CITY acting by and through its City Mayor pursuant to Council Ordinance No. _____, and by MTS acting through its Chief Executive Officer.

Dated this _____ day of _____ 2013.

THE CITY OF SAN DIEGO

SAN DIEGO METROPOLITAN TRANSIT
SYSTEM

Todd Gloria
Interim Mayor

Paul C. Jablonski
Chief Executive Officer

WE HEREBY APPROVE the form of the foregoing Agreement.

City Attorney

Office of the General Counsel

Date: _____

Date: _____