

Wildcatting Activity in San Ysidro and Otay Mesa Border Areas

Presentation to the San Ysidro BID Advisory Committee

Wildcatting Activity in San Ysidro and Otay Mesa Border Areas

On April 9, 2024, representatives from San Diego City Council Districts 8 & 9, MTS, San Diego Police, California Public Utilities Commission and the San Diego District Attorney held a meeting with the following objectives:

- Bring awareness to the District Attorney and CPUC of wildcatting activity in the San Ysidro and Otay areas and the challenges to combat it.
- Establish the limitations of MTS Code Compliance and Regulatory Inspectors when dealing with wildcatting.
- Outline each agency's capabilities, resources, and willingness to develop an action plan focusing on officer safety and effectiveness.
- Seek guidance from the District Attorney on the best course of action resulting in filing and prosecuting misdemeanors and issuing infractions.
- Determine the need for continuous agency coordination and future subject meetings and compile takeaways to report to stakeholders.

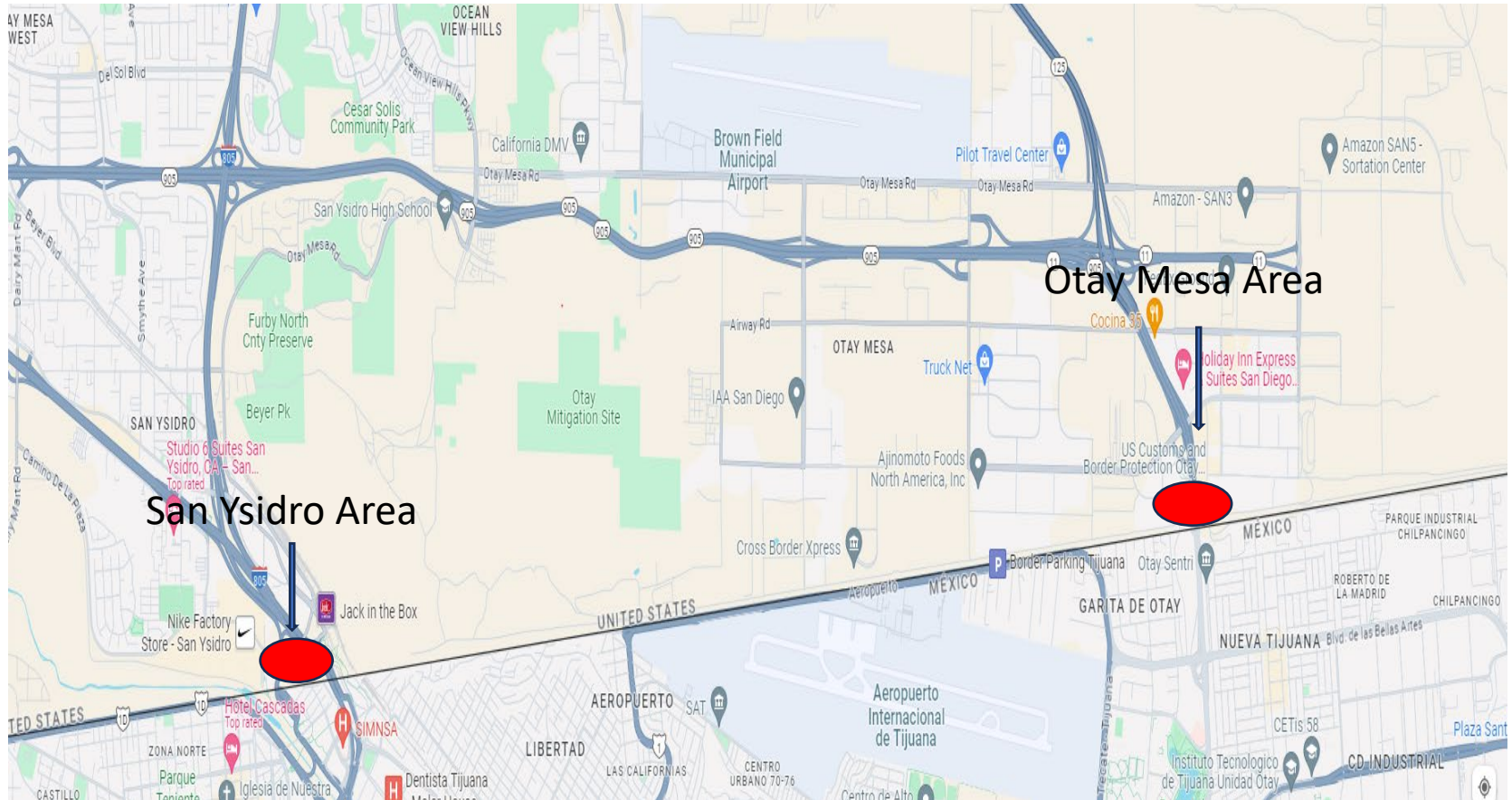
What is Wildcattling?

- Persons referred to as "wildcatters" make their living near the San Ysidro and Otay Mesa border crossings, by providing unlicensed and unregulated transportation services, utilizing unlicensed vehicles in exchange for compensation.
- Wildcatters have been present in San Ysidro for decades, but they are now flourishing in the Otay Mesa Area and Virginia Ave. due to pedestrian cross-border passenger demand and the increase of new employers like Amazon and other food/packaging companies in the area, as well as an increased presence of asylum seekers
- Wildcatters pose a threat to public safety and result in unfair/no consumer protections, as there is no regulatory oversight of these services. They are not subject to: maintaining proper insurance in case of accident, criminal background checks of driver; driver safety training, vehicle safety checks, maximum rates of fare etc.

Where do Wildcatters Operate?

- Most wildcatting activity takes place at three locations nearby border points of entry:
 - 700 Block East San Ysidro Boulevard (San Ysidro, City of San Diego),
 - 400 Block Virginia Avenue (San Ysidro, City of San Diego),
 - Roll Dr, and Via De la Amistad, (Otay Mesa, City of San Diego)
- Wildcatters mostly operate on city streets but are also known to stage their vehicles and conduct business on private property, such as at commercial plaza and public pay by the hour parking lots.
- Wildcatters are also known to operate throughout San Diego, particularly nearby transit centers such as San Ysidro and Iris Avenue, other areas where there is a demand for on demand transportation, and near concert venues, sporting events such as Pechanga Arena and Petco Park.

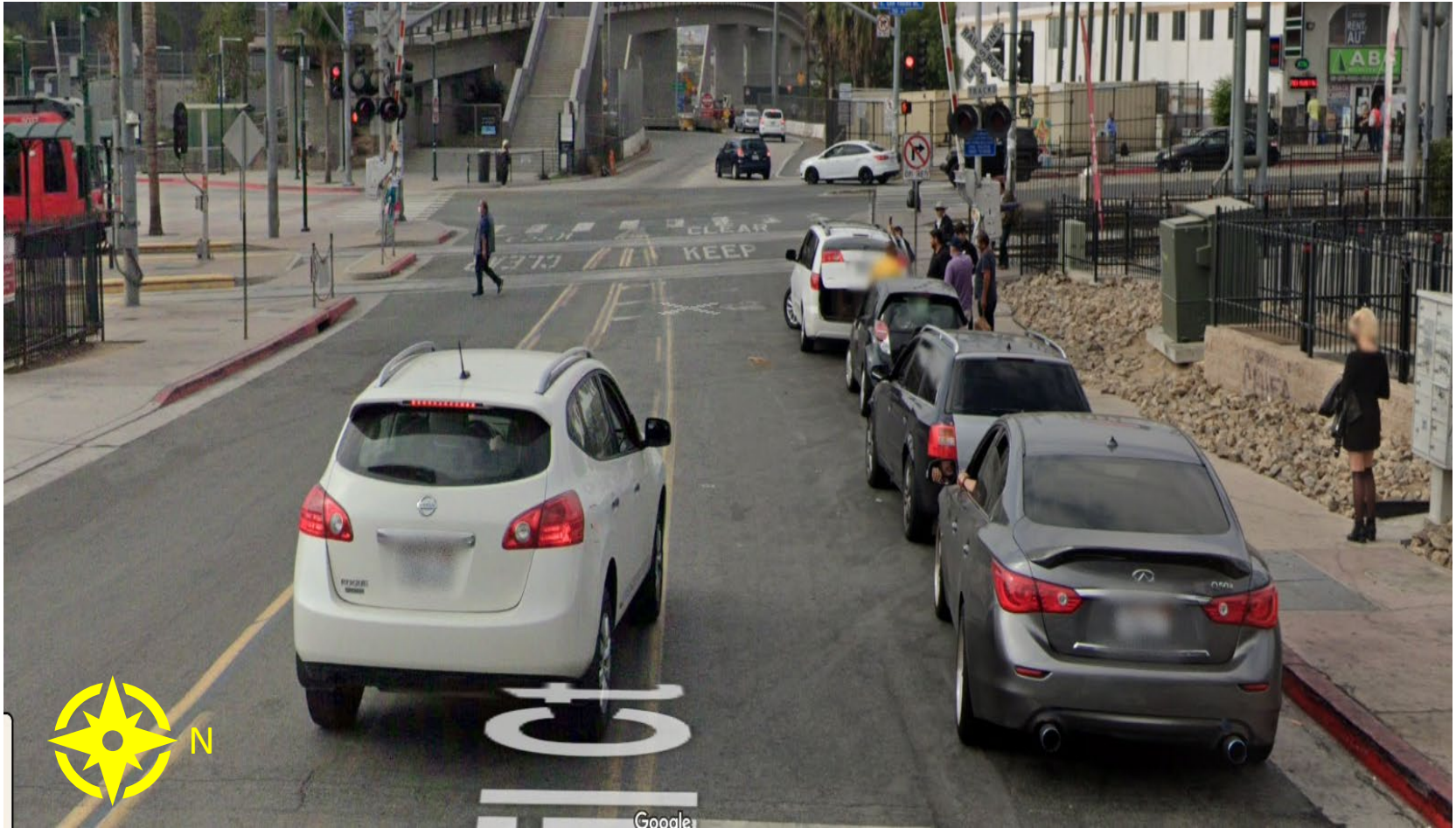
San Ysidro and Otay Mesa



San Ysidro Blvd and Rail Ct



Rail Ct at San Ysidro Blvd (front of jack & box)



722 Rail Ct (Pay for Parking Lot)



West Curb, 700 E San Ysidro Blvd (3 min passenger loading)



East Curb, 700 E San Ysidro Blvd (2 vehicle taxicab stand)



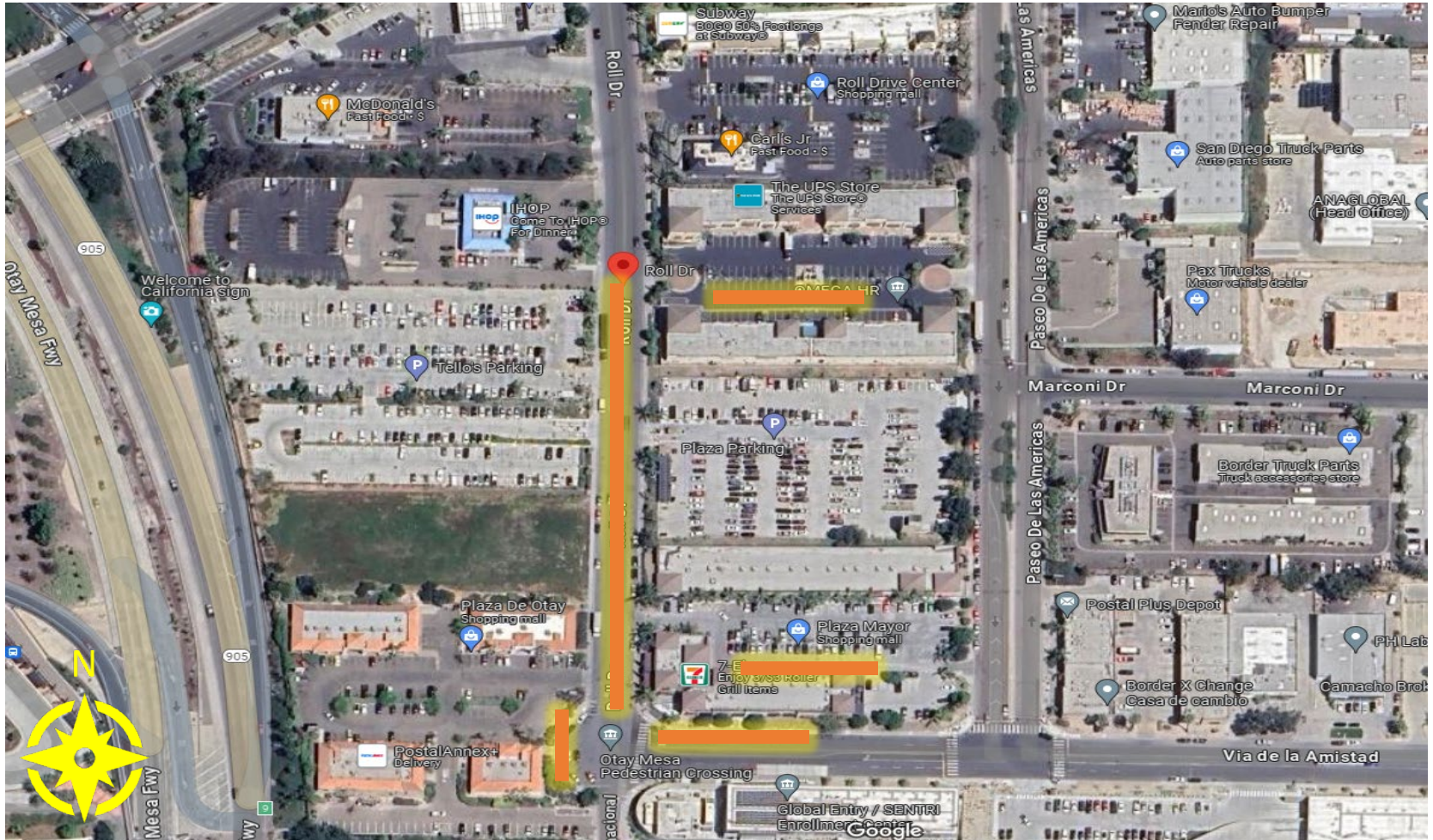
Virginia Avenue Transit Center (city property)



400 Virginia Av (3 min passenger loading)



Roll Drive at Via de la Amistad (Otay Mesa)



Intersection of Roll Dr and Via de la Amistad



Plaza Mayor Parking Lot



Modes of Operation

- Solicitation (either by driver or associate)
- Standing by or away from vehicle (passenger is escorted to vehicle)
- Staging on public streets (passenger pick up / drop off, red curbs, bus stops and taxicab stands)
- Staging inside pay by the hour-parking lots
- Responding to service calls (quickly departing after pick-up)
- Utilizing fraudulent UBER, Lyft trade dress or other TCP number markings, taxi markings and taximeters
- Inter and Intra city transportation (offer to drop off at passenger's personal address)
- Operate small and large vehicles. Larger passenger capacity vehicles typically utilized for inter-city or interstate trips
- Cooperative network by referring passengers to other wildcatters depending on length or price of trip
- Most activity takes place during rush hours and weekends

Current Enforcement by MTS

- San Ysidro Area

- Wildcatting Activity takes place outside of MTS trolley station (Rail Court in front of parking station and jack in the box).
- CCIs and TSOs conduct fare paid zone checks to prevent loitering and/or soliciting on MTS property.
- CCIs may issue an infraction citation if person refuses to leave or disregards verbal warnings.

- Virginia Avenue

- FHVA Regulatory Inspectors conduct daily patrols focusing on Taxicabs, LSVs and Jitneys, and may check UBER/Lyft vehicles for electronic waybill (app trip request).
- Mitigate wildcatter activity through marked patrol vehicles and Inspector presence (Wildcatters usually returns once Inspectors leave)
- Upon reasonable cause, investigate for wildcatter activity in “Las Americas” adjacent mall parking lot.

Current Enforcement by MTS

- Otay Mesa
 - FHVA Regulatory Inspectors conduct daily patrols focusing on Taxicabs and may check UBER/Lyft vehicles for electronic waybill (app trip request).
 - Request non-taxi vehicles (wildcatters) to clear taxicab stand. Issue parking citation if vehicle is unattended.
 - Wildcatters are known to return to area after FHVA Regulatory Inspectors depart
 - To avoid physical confrontations with threatening wildcatters, FHVA Regulatory Inspectors are instructed not to confront wildcatters and issue citations until we find a solution that prioritizes officer safety
 - This is in addition to SDPD's enforcement practices in San Ysidro and Otay Mesa Areas

Applicable Codes and Ordinance Violations

Code or Violation (*MTS can Cite for violation)	Summary
*CA Penal Code - 654.1 (Misdemeanor)	Unlawful to sell, offer, provide transportation
*CA Public Utilities Code - 5360.5 (Misdemeanor)	TCP company must operate on a prearranged basis
*CA Public Utilities Code - 5371 (Misdemeanor)	Charter Party company must have TCP permit
*CA Public Utilities Code - 5411 (Misdemeanor)	Fail to comply w/CPUC rules and regulations
California Public Utilities Code – 5411.5(a) (Misdemeanor)	Peace Officer may impound vehicle in violation
*CA Vehicle Code – 4000(a)(1) per 260(a) (Infraction)	Vehicle must be commercially registered
*CA Vehicle Code – 21100.4(a)(1) (vehicle impound)	Peace or Local Transportation Officers may impound Vehicle
*San Diego Municipal Code 31.0121 (Misdemeanor)	No Business Tax Certificate
*San Diego Municipal Code 33.1406 (Infraction)	No soliciting or peddling (does not cover Otay Area)
*San Diego Municipal Code 86.0105 (Infraction)	No stop, stand or park on passenger loading zones
*MTS Ordinance No. 11, 1.2(a) (Infraction)	No MTS Operating Permit

Possible Measures for Enforcement

- Signage Installation

- Install signage warning passengers not to patronize and prohibiting wildcatting (no current signage in San Ysidro or Otay Mesa)
- Signage may get vandalized or destroyed
- Survey areas to determine optimal locations for signage
- Request CBP to display signage at POEs exit points
- Feedback from BTC on proposed verbiage and content



Possible Measures for Enforcement

- Continuous Issuing of Citations (Misdemeanor/Infractions)
 - May not immediately halt wildcatters as it can take several months to appear in court
 - Officers need to witness violations to cite (wildcatters usually halt activity or depart if officers are present)
- Inter Agency Plain Clothes Details
 - MTS could partner with CPUC and L/E Agencies to conduct plain clothes details where officers can blend in to witness violation or pose as passengers
 - Agencies would plan in advance on staffing, dates and times
- Inter Agency Sting Operations
 - Effective method if wildcatter is issued an injunction and is seen in the area
 - MTS would alert Law Enforcement to respond or provide information on the most likely dates/times where violator is present
 - Would require DA to share injunction information
- Alternative Administrative Process
 - Non-criminal approach to nuisance abatement and quality of life offenses
 - Heavy administrative fines (\$5000)(per CA Gov't Code 53075.5)
 - Los Angeles admin citation enforcement program (ACE Program)

Possible Measures for Enforcement

- Wildcatting as a Public Nuisance
 - City of San Diego request/require owners or management of pay by the hour parking and commercial parking lots where wildcatters stage their vehicles to take preventive actions (i.e. posting signs, video surveillance, private security, etc.)
- Vehicle Impounds
 - California Vehicle Code – 21100.4(a)(1)
 - California Public Utilities Code – 5411.5(a)
 - FHVA Regulatory Inspectors do not have the ability to impound vehicles but may assist other agencies by citing for the above codes.
 - SDPD and other and other agencies may impound based on separate violations (warrants, expired license, registration, etc.)
- Geographic Injunctions
 - Resulting for multiple contacts or citations
 - Would restrict wildcatters from San Ysidro and Otay Mesa areas
 - Based on District Attorney's criteria

Questions?

