

**THIS PRINT COVERS CALENDAR ITEM NO. : 11**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Office of the ED/CEO

**BRIEF DESCRIPTION:**

Presentation of the FY07-08 *Transportation Quality Review* results.

**SUMMARY:**

- On a biennial basis, the San Francisco Municipal Transportation Agency (SFMTA) contracts with a nationally recognized firm to conduct an independent review of the quality of its operations.
- The FY07-FY08 *Transportation Quality Review* contains a detailed analysis of the extent to which the SFMTA has met the goals, objectives, and performance standards it is required to adopt under Section 8A.103 and verifies the Agency's reported performance under the performance measures.
- Of the 20 areas evaluated for the FY07-FY08 period, nine were fully achieved, seven were partially achieved, and four were not achieved.
- SFMTA management and staff have reviewed the independent auditor's recommendations and will present a detailed assessment of the feasibility and benefit of implementing the proposed changes in conjunction with proposed service standards for Fiscal Year 2011.

**ENCLOSURES:**

1. Transportation Quality Review

**APPROVALS:**

**DATE**

DIRECTOR OF DIVISION

PREPARING ITEM \_\_\_\_\_

\_\_\_\_\_

FINANCE \_\_\_\_\_

\_\_\_\_\_

EXECUTIVE DIRECTOR/CEO \_\_\_\_\_

\_\_\_\_\_

SECRETARY \_\_\_\_\_

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**ASSIGNED SFMTAB CALENDAR DATE:** \_\_\_\_\_

## **PAGE 2.**

### **PURPOSE**

In accordance with Charter Section 8A.107, the San Francisco Municipal Transportation Agency (SFMTA) shall biennially contract with a nationally recognized management or transportation consulting firm with offices in the City and County for an independent review of the quality of its operations.

### **GOAL**

The *Transportation Quality Review* supports a number of SFMTA strategic goals, including:

GOAL 2: System Performance - To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First policy.

*Objective 2.1* Improve transit reliability to meet 85% on-time performance standard.

GOAL 4: Financial Capacity - To ensure financial stability and effective resource utilization.

*Objective 4.1* Ensure efficient and effective use of resources.

GOAL 5: SFMTA Workforce - To provide a flexible, supportive work environment and develop a workforce that takes pride and ownership of the Agency's mission and vision and leads the agency into an evolving, technology-driven future.

*Objective 5.1* Increase resources available for employees in performing their jobs.

*Objective 5.3* Improve internal communication and employee satisfaction.

GOAL 6: Information Technology - To improve service and efficiency, the SFMTA must leverage technology.

*Objective 6.1* Identify, develop, and deliver the new and enhanced systems and technologies required to support SFMTA's 2012 goals.

### **DESCRIPTION**

This *Transportation Quality Review* contains a detailed analysis of the extent to which the Agency has met the goals, objectives and performance standards it is required to adopt under Section 8A.103 and independent verification of the Agency's reported performance under the performance measures. Results are presented to the Citizens' Advisory Council, the SFMTA Board, the Board of Supervisors, and the Mayor by the reviewing firm.

The *Transportation Quality Review* contains 21 recommendations:

<b>TRANSPORTATION QUALITY REVIEW RECOMMENDATIONS</b>	
<b>A1</b>	<b>On-Time Performance</b>
A1.1	Report schedule adherence and headway adherence by TEP service type (e.g., Rapid, Local, Community, and Specialized) rather than mode.
A1.2	Use APCs to collect all non-Rapid/Cable Car network schedule adherence data. Use traffic checkers to collect Rapid and Cable Car network data.
A1.3	Use headway adherence as primary measure for Rapid network lines (and schedule adherence for all other routes).
<b>A2</b>	<b>Service Delivery</b>
A2.1	Report percent of scheduled trips delivered (in addition to percent of scheduled service hours delivered). Report results at the Systemwide, service type and line/route levels.
<b>A3</b>	<b>Load Factors</b>
A3.1	Use APCs to collect all non-Rapid/Cable Car network data. Use traffic checkers to collect Rapid and Cable Car network data.
<b>A5</b>	<b>Mean Distance Between Failure</b>
A5.1	Hire maintenance controller for last remaining division without one.
A5.2	Report rate of disabled vehicles that are removed from the street within 30 minutes of a reported breakdown.
<b>A6</b>	<b>Vacancy Rate for Service Critical Positions</b>
A6.1	Delete reporting on vacancy rate for transit operators due to misleading nature of measure. Unscheduled absence rate (which includes all types of absences) provide a better indication of drivers available to drive.
A6.2	Provide individual responsible for tracking unscheduled absences index codes to ensure rate is accurate.
<b>A13</b>	<b>Productivity</b>
A13.1	Report boardings per service hour by service type.
<b>B1</b>	<b>Ridership</b>
B1.1	Use APCs to collect data where possible.
<b>B3</b>	<b>Farebox Performance</b>
B3.1	Report farebox recovery ratio.
<b>C1</b>	<b>Customer Perceptions</b>
C1.1	Explore combining the Muni survey with the Controller's City Survey.

<b>TRANSPORTATION QUALITY REVIEW RECOMMENDATIONS (cont.)</b>	
<b>C2</b>	<b>Operator Complaint Resolution Rate</b>
C2.1	Change timelines to 60 days for ADA and products/services complaints and 14 days for non-ADA employee conduct complaints.
<b>C4</b>	<b>Safety</b>
C4.1	Report Systemwide accident rates.
<b>C6</b>	<b>Security Incidents</b>
C6.1	Incorporate miscellaneous reports into TransitSafe.
C6.2	Report rates of fare evasion using data tracked by fare enforcement officers.
<b>D1</b>	<b>Grievances</b>
D1.1	Report grievances by division.
<b>Gen</b>	<b>General Recommendations</b>
Gen.1	Report Average Speed by service type.
Gen.2	Rename Section A to “System Performance”.
Gen.3	Use Light Rail to refer to Metro and F-Line when reporting together. Refer to Breda LRV and F-Line when reported separately.

SFMTA management and staff have reviewed the independent auditor’s recommendations.

Five immediately actionable and beneficial changes (A6.1, C2.1, C4.1, C6.2, Gen.3) have been incorporated into current year service standards reporting.

The feasibility and benefit of implementing the remaining changes will be further evaluated by management and staff in conjunction with the forthcoming fiscal year’s Service Standards development and approval process. A detailed evaluation of the outstanding *Transportation Quality Review* recommendations and a package of recommended changes for Fiscal Year 2011 will be presented to the Board early next year.

**ALTERNATIVES CONSIDERED**

Not applicable. The *Transportation Quality Review* is required by Charter.

**FUNDING IMPACT**

Not applicable.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

**PAGE 5.**

The CAC received a report on the *Transportation Quality Review* at its November meeting. As required by the Charter, a committee of the Board of Supervisors will receive the report in January 2010.

**RECOMMENDATION**

Receive the report.

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Finance & Information Technology

**BRIEF DESCRIPTION:** Adopt the proposed fines and penalties for various disabled parking violations and amend Transportation Code, Division II, Section 303 to reflect the revised fine and penalty amounts.

**SUMMARY:**

- Governor Schwarzenegger signed AB 144 into law which amends the California Vehicle Code to address the problem of disabled parking placard abuse. The effective date of the legislation is January 1, 2010.
- AB 144 authorizes the SFMTA to adopt increased fines and penalties for various disabled parking violations.
- Abusers of disabled placards cause hardship for disabled persons with valid placards by preventing them from finding accessible parking.
- AB 144 allows SFMTA parking enforcement officers to cite disabled parking violations through issuing a parking citation.
- AB 144 authorizes a civil penalty of not less than \$250 and not more than \$1,000 for parking in a blue zone without a valid license plate or placard, the misuse of a special license plate or placard, the use of a counterfeit, forged, altered or mutilated placard or special license plate, and the use of a valid license plate or placard when it is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the special license plate or placard was issued.
- Charter Section 16.112 requires published notice and a public hearing before the SFMTA may institute or change any fee, schedule of rates, charges or fares which affects the public. Section 10 of the SFMTA Board’s Rules of Order requires that the published notice run for at least five days and not less than fifteen days prior to the public hearing. In compliance with these requirements, an advertisement ran in the San Francisco Examiner for a five-day period beginning on November 11, 2009.

**ENCLOSURES**

1. SFMTAB Resolution to Amend Fees
2. Amendments to the San Francisco Transportation Code
3. Attachment A – Legislative Fact Sheet

**APPROVALS:**

**DATE**

DEPUTY OF DIVISION  
PREPARING ITEM

\_\_\_\_\_

\_\_\_\_\_

FINANCE

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\_\_\_\_\_

EXECUTIVE DIRECTOR/CEO

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SECRETARY

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ADOPTED RESOLUTION BE RETURNED TO Sonali Bose

ASSIGNED SFMTAB CALENDAR DATE: \_\_\_\_\_

## **Purpose**

Requesting that the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors approve the proposed fines and penalties for various disabled parking violations and amend Transportation Code, Division II, Section 303.

## **Goal**

Approval of the proposed resolution will support: Strategic Plan Goals

- Goal 3: External Affairs/Community Relations-to improve the customer experience, community value and enhance the image of the SFMTA and
- Goal 4: Financial Capacity-to ensure financial stability and effective resource allocation.

## **Description**

The SFMTA Board of Directors included increases to various fees, fares, charges, rates and fines in the adoption of the two-year budget for fiscal years 2008-2009 and 2009-2010 .

On April 30, 2009, the SFMTA Board of Directors approved the fiscal year 2009-2010 Amended Operating budget that included additional increases or adjustments to various fees, fares, charges, rates and fines; however, there were no adjustments to the fines and penalties for disabled parking violations. Since that approval, state law has been changed to permit increased fines and penalties for such violations.

On October 11, 2009, Governor Schwarzenegger signed into law AB 144. The overall goal of AB 144 is to improve access, mobility, and quality of life for drivers with disabilities by authorizing increased fines and penalties for disabled parking violations. AB 144 authorizes cities to determine whether disabled parking violations are subject to either a criminal or civil penalty and increases the possible fine amounts for such violations if subject to a civil penalty.

As a result, SFMTA staff is proposing that a civil penalty of \$750 be imposed for violations of the following California Vehicle Code sections: 4461(b), 4461(c), 4461(d), 4463 (c), 22507.8, and 22511.57. In addition, a civil penalty of \$100 is proposed for violations of Section 4461.3 and an additional assessment of \$75 for violations of Sections 4461(b), 4461(c), 4461(d), 4463 (c), 22507.8, and 22511.57 and \$25.30 for violations of Section 22522 pursuant to Section 40203.6 which permits an additional assessment of 10% for these violations. (Please refer to number two Amendments to San Francisco Transportation Code for the violation code description).

## **Alternatives Considered**

Alternatives were not considered since these fine and penalty increases are authorized by state law.

## **Funding Impact**

We anticipate that the increased fines will result in a modest increase to the revenues in the 2009-2010 Amended Operating Budget.

## **Published Notice and Public Hearing**

Charter Section 16.112 requires published notice and a public hearing before the SFMTA may institute or change any fee, schedule of rates, charge or fare which affects the public. Section 10 of the SFMTA Board's Rules of Order requires that the published notice run for at least five days

and not less than fifteen days prior to the public hearing. In compliance with this requirement, an advertisement ran in the San Francisco Chronicle for a five-day period beginning on November 16, 2009.

### **Environmental Clearance**

Increases to fares, fees, rates, fines, and charges are subject to environmental review under the California Environmental Quality Act (CEQA). City Planning has determined that the increases to the fines and penalties for disabled parking violations are statutorily exempt from environmental review under California Public Resources Code section 21080(b) (8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273.

The City Attorney's Office has reviewed the item.

### **Recommendation**

Staff recommends that the SFMTA Board approve the proposed increase to fines and penalties for various disabled parking violations and amend Transportation Code, Division II, Section 303 to reflect the revised fine and penalty amounts.



**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS**

**RESOLUTION No. \_\_\_\_\_**

WHEREAS, On April 15, 2008, the SFMTA Board of Directors approved a two year budget which included increases to various fees, fares, rates and charges; and,

WHEREAS, The SFMTA is proposing to increase fines and penalties for various disabled parking violations as permitted by the recently enacted AB 144; and,

WHEREAS, The SFMTA Board of Directors has authority to amend Division II of the Transportation Code, and,

WHEREAS, Amendment to Division II, Section 303 is necessary to update the applicable fines and penalties for various disabled parking violations, and,

WHEREAS, San Francisco City Charter Section 16.112 and Section 10 of the SFMTA Rules of Order require that published notice be given and a public hearing be held before any fine or penalty is instituted or changed; and,

WHEREAS, Pursuant to Charter Section 16.112 and Section 10 of the SFMTA Rules of Order, published notice was provided in advance and a public hearing was held on December 1, 2009; and,

WHEREAS, The Planning Department has determined that increases to fines and penalties for various disabled parking violations are statutorily exempt from environmental review under California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations section 15273; and,

WHEREAS, Said CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by this reference; and,

RESOLVED, That the SFMTA Board of Directors approves the proposed increase to fines and penalties for various disabled parking violations and amends Transportation Code, Division II, Section 303 to reflect the increased fines and penalties which will take effect January 1, 2010.

I certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at their meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

[Revisions to Division II of the San Francisco Transportation Code.]

**Resolution amending San Francisco Transportation Code, Division II, by amending Section 303 to update the penalty schedule to reflect penalty amounts for violations of the California Vehicle Code.**

NOTE: Additions are single-underline Times New Roman; deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by amending Section 303, to read as follows:

**SEC. 303. CALIFORNIA VEHICLE CODE PENALTY SCHEDULE.**

Violation of any of the following subsections of the Vehicle Code (VC) shall be punishable by the fines set forth below. The fine amounts listed in this Section 303 shall apply to any citation issued using a former Traffic Code section number that is listed next to the corresponding Vehicle Code section below.

TABLE INSET:

<b>CODE</b>	<b>DESCRIPTION</b>	<b>FINE</b>
<u>VC4461B</u>	<u>Disabled person placard lending or allowing improper use</u>	<u>\$750.00 plus \$75.00 additional assessment</u>
<u>VC4461C</u>	<u>Disabled person placard; improper use or display of cancelled or revoked card</u>	<u>\$750.00 plus \$75.00 additional assessment</u>
<u>VC4461D</u>	<u>Unlawful parking in disabled parking stall or space</u>	<u>\$750.00 plus \$75.00 additional assessment</u>
<u>VC4461.3</u>	<u>Additional penalty for disabled parking violations</u>	<u>\$100.00</u>
VC4462B	Improper Registered Plates	\$53.00
<u>VC4463C</u>	<u>Forged or counterfeit disabled placard card</u>	<u>\$750.00 plus \$75.00 additional assessment</u>

FILE NO.

RESOLUTION NO.

<b>CODE</b>	<b>DESCRIPTION</b>	<b>FINE</b>
VC4464	Altered Plates	\$53.00
VC5200	Display Lic Plates	\$103.00
VC5201	Plates/Mounting	\$63.00
VC5201F	Plate Cover	\$63.00
VC5202	No Plates	\$63.00
VC5204A	Tabs	\$63.00
VC21113A	School/Pub Ground	\$58.00
VC21211 (38N)	Bicycle Path/Lanes	\$103.00
VC22500A	Parking in Intersection	\$88.00
VC22500B	Parking in Crosswalk	\$88.00
VC22500C	Safety Zone	\$88.00
VC22500D	15 ft Fire Station	\$88.00
VC22500E	Driveway	\$88.00
VC22500F	On Sidewalk	\$103.00
VC22500G	Excavation	\$48.00
VC22500H	Double Parking	\$78.00
VC22500I	Bus Zone	\$253.00
VC22500J	Tube or Tunnel	\$48.00
VC22500K	Bridge	\$48.00
VC22500L	Wheelchair Access	\$253.00
VC22500.1(32.4.A)	Parking in Fire Lane	\$63.00
VC22502A	Over 18 inches from Curb	\$48.00

FILE NO.

RESOLUTION NO.

CODE	DESCRIPTION	FINE
VC22502B	Wrong Way Parking	\$48.00
VC22502E	One-Way Road/Parking	\$48.00
VC22505B	Signs	\$48.00
VC22507.8A	Disabled Parking	<del>\$303</del> <u>750.00</u> <i>plus</i> <i>\$75 additional</i> <i>assessment</i>
VC22507.8B	Disabled Parking	<del>\$303</del> <u>750.00</u> <i>plus</i> <i>\$75 additional</i> <i>assessment</i>
VC22507.8C	Disabled Parking	<del>\$303</del> <u>750.00</u> <i>plus</i> <i>\$75 additional</i> <i>assessment</i>
VC22511.57	Lost, Stolen Placard	<del>\$103</del> <u>750.00</u> <i>plus</i> <i>\$75 additional</i> <i>assessment</i>
VC22514	Fire Hydrant	\$88.00
VC22515A	Unattended Motor Vehicle	\$73.00
VC22515B	Unsecured Motor Vehicle	\$73.00
VC22516	Locked Vehicle	\$58.00
VC22521	Railroad Tracks	\$78.00
VC22522	W/3 ft Wheelchair Ramp	<del>\$253.00</del> <i>plus</i> <del>\$25.30</del> <i>for</i>

FILE NO.

RESOLUTION NO.

<b>CODE</b>	<b>DESCRIPTION</b>	<b>FINE</b>
		<i>additional assessment</i>
VC22523A	Abandoned Vehicle/Highway	\$213.00
VC22523B	Abandoned Vehicle/Public or Private Prop	\$213.00
VC22526A	Blocking Intersection	\$88.00
VC22526B	Blocking Intersection While Turning	\$103.00
VC23333	Park/Veh Crossing	\$73.00

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
JOHN I. KENNEDY  
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco  
Municipal Transportation Agency Board of Directors at its meeting of December 1,  
2009.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

Attachment A  
AB 144  
Legislative Fact Sheet

AB 144 (Ma) amends the California Vehicle Code in an effort to address the problem of disabled parking placard abuse.

There are 23 million registered drivers in the State of California and over 2.3 million of them have disabled placards. Between 1997 and 2007 there was a 131% increase in the number of disabled placards issued in California.<sup>1</sup>

Abusers of disabled placards cause hardship for disabled persons with valid placards by preventing them from finding accessible parking. Additionally, placard abusers prevent non-disabled patrons from parking at legally designated locations by using the placard to park for free with no time restrictions.

The overall goal of AB 144 (Ma) is to improve access, mobility, and quality of life for drivers with disabilities by implementing meaningful penalties as a means of providing disincentive for illegal use of accessible parking spaces.

Additionally, this bill would allow parking enforcement officers to enforce abuses of disabled parking privileges through the issuance of a parking citation or civil penalty to a vehicle. The adjudication of those civil penalties is governed by the same civil administrative procedures, or citation protest process, currently outlined in the California Vehicle Code. The proposed amendments will not take away any legislated authorization for the proper authorities to issue a misdemeanor violation.

Disabled Placard Issuance and Enforcement:

Under the California Vehicle Code, disabled parking placards are issued by the Department of Motor Vehicles (DMV) with no input or oversight at the local level. Compared to many states, California has very broad guidelines for medical practitioners who authorize the issuance of placards by the DMV. The DMV does not monitor trends in disabled placard issuance, nor does it regularly investigate medical practitioners who authorize an unusually high number of placards.

Accordingly, enforcement is the only effective mechanism currently available to many local jurisdictions in the effort to curtail abuse of disabled parking privileges. The City and County of San Francisco is one such jurisdiction that has struggled to keep up with enforcing the abuse. For more than a decade, the San Francisco Municipal Transportation Agency (SFMTA) has maintained a special parking enforcement unit to seek out and cite instances of abuse of disabled parking privileges. Members of the unit are specially trained in issues associated with disabled parking enforcement, such as understanding that holders of disabled parking privileges may have hidden disabilities.

Background placard and parking statistics for the City and County of San Francisco:

- **50,700<sup>2</sup>** - Disabled placards in San Francisco County as of August 2007.
- **121%<sup>3</sup>** - Increase in the number of disabled placards issued between 1997 and 2007.
- **17%<sup>4</sup>** - Increase in the number of cars registered between 1997 and 2007.
- **24,000** - Spaces with meters in 2007.
- **1,234** - Placards confiscated in the City and County of San Francisco between September of 2007 and September of 2008.

AB 144 (Ma) amendments:

- Proposed Vehicle Code amendment to authorize a penalty of up to \$1000 for parking in a blue zone without a valid license plate or placard or for the misuse of a special license plate or placard. This amendment would increase the maximum allowed fine for parking in a blue zone from \$500 to \$1000. It would increase the maximum allowed fine for using an invalid placard, or for misuse of a valid disabled parking license plate or placard from \$100 to \$1000.
- Proposed Vehicle Code amendment to allow the citation of a vehicle for the use of a counterfeit, forged, altered or mutilated placard or special license plate, and the use of a valid license plate or placard when it is displayed on a vehicle that is not being used to transport, and is not in the reasonable proximity of, the person to whom the special license plate or placard was issued. Under current law, such conduct is strictly a criminal misdemeanor offense, and parking control officers who issue such citations require special training and legislative authorization.

The proposed amendment would allow parking enforcement officers to enforce abuses of disabled parking privileges through the issuance of a non-criminal parking citation to a vehicle. The proposed amendments will not affect the ability of a police officer, or an authorized parking control officer to issue a misdemeanor Notice to Appear for violations of Vehicle Code § 4461.

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<sup>1</sup> California Department of Motor Vehicles, Forecasting Unit. "Disabled Person Placard Counts." (July 2007) 11.

<sup>2</sup> California Department of Motor Vehicles, Forecasting Unit. "Disabled Person Placard Counts." (July 2007) 7.

<sup>3</sup> California Department of Motor Vehicles, Forecasting Unit. "Disabled Person Placard Counts." (July 2007) 7.

<sup>4</sup> California Department of Motor Vehicles, Forecasting Unit. "Estimated Fee Paid Vehicle Registration By County." (March 2008).

**THIS PRINT COVERS CALENDAR ITEM NO. : 14**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Administration, Taxis and Accessible Services

**BRIEF DESCRIPTION:**

Requesting that the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors adopt amendments to Transportation Code, Division II, Article 1100 governing Motor Vehicles for Hire.

**SUMMARY:**

- The SFMTA Board has adopted regulations governing motor vehicles for hire that are published as Article 1100 of Division II of the Transportation Code.
- Staff has continued to work with the taxi industry and with the Hearing Section of Administration, Taxis and Accessible Services Division to identify improvements to the hearing procedures for hearings conducted pursuant to Article 1100 and proposes amendments to the regulations to implement those procedural improvements.
- In anticipation of a vigorous hearing schedule in 2010, staff has developed discovery procedures to clarify the process for the exchange of information in the context of administrative hearings related to Motor Vehicles for Hire.
- In response to other issues raised during discussions with the taxi industry, various additional amendments are proposed as described below.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Proposed amendment to Transportation Code, Division II, Article 1100.

**APPROVALS:**

**DATE**

DIRECTOR OF DIVISION  
PREPARING ITEM \_\_\_\_\_

FINANCE \_\_\_\_\_

EXECUTIVE DIRECTOR/CEO \_\_\_\_\_

SECRETARY \_\_\_\_\_

ADOPTED RESOLUTION  
BE RETURNED TO Chris Hayashi

**ASSIGNED SFMTAB CALENDAR DATE:** \_\_\_\_\_



## **PAGE 2.**

### **PURPOSE**

- To create efficient discovery procedures for administrative adjudications.
- To improve safety for the public and for taxi Drivers.
- To continue to refine, improve, consolidate, clarify and update regulations governing Motor Vehicles for Hire in anticipation of publishing a booklet of regulations for the industry.
- To make review of Taximeter rates a regularly scheduled hearing in order to eliminate controversy associated with scheduling hearings for meter rate adjustments on a case by case basis.

### **GOAL**

Goal 3: External Affairs/Community Relations: To improve the customer experience, community value, and enhance the image of the SFMTA, as well as ensure SFMTA is a leader in the industry

Objective 3.1: Improve economic vitality by growing relationships with businesses, community, and stakeholder groups

Objective 3.2: Pursue internal and external customer satisfaction through proactive outreach and heightened communication conduits

Objective 3.3: Provide a working environment that fosters a high standard of performance, recognition for contributions, innovations, mutual respect and a healthy quality of life

The improvements to hearing procedures will raise confidence in the SFMTA's management of the taxi industry. Several amendments were requested by the industry, such as the ability of Drivers to exercise judgment to protect themselves from harm, the deletion of punitive measures against Drivers for Color Scheme's record-keeping problems and the clarification and limitation of costs for copying Waybills. These are all measures that will improve the SFMTA's relationship with its taxi industry stakeholders.

Goal 4: Financial Capacity: To ensure financial stability and effective resource utilization

Objective 4.2: Ensure efficient and effective use of resources

Staff will be able to be more effective in the conduct of administrative hearings with better hearing procedures. Better hearing procedures will expedite the current process, improve the SFMTA's chances of prevailing on appeal, and streamline the process for collecting fines and penalties from violators.

### **DESCRIPTION<sup>1</sup>**

In addition to making minor technical changes and corrections, the proposed amendments would make the following changes:

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<sup>1</sup> Capitalized terms in this report are defined in Transportation Code Division II, Article 1100.

**PAGE 3.**

**Section 1104(a):** Overbroad language is eliminated by deleting the first sentence. The change does not deprive any Permit Holder of a hearing who would be otherwise entitled to one.

**Section 1104(d):** Subsections (1) and (2) of this section specify the number of hours an applicant must have driven a Ramp Taxi and the number of wheelchair pick-ups that the Driver must have completed to be eligible for a Ramp Taxi Medallion, respectively. Subsection (2) was previously amended to extend over a one-year time period, and in this amendment subsection (1) is also amended to conform to the same time period.

**Section 1108(e)(1):** This is a very controversial and important provision. The existing regulations would allow Drivers to refuse to service any person is under the influence of alcohol, as it only requires Taxis to pick up passengers who “present themselves for transportation in a clean, sober and orderly manner” (emphasis added). Taxis provide an important contribution to public safety by preventing people from driving while inebriated, and they should not be given permission to refuse a drunken passenger. However, it is equally important to the safety and dignity of Drivers that they be given some discretion in evaluating a potential passenger. A passenger might not be capable of articulating their destination or exiting the vehicle when they arrive. In such a case a Driver would have to take the passenger to the nearest police station or hospital and physically extricate the passenger from the car without getting paid for the ride. The Driver takes a risk of being accused of theft or assault by extremely inebriated passengers who might not recollect much about their experiences prior to getting home. Drivers also need the ability to make a judgment about risks to their own safety. For example, a group of youth hailing a taxi many hours after bars have closed on a busy night might, under some circumstances, cause a Driver legitimate concern about a potential robbery. The revised regulatory language requires Drivers to pick up passengers who present themselves “in a clean, coherent, safe and orderly manner.” Any Driver who exercises that judgment badly will still be subject to discipline for refusing a fare if a complaint for refusing service to a passenger is received.

**Section 1108(e)(2):** Many Drivers have complained about people using Taxis as a cheaper alternative to a moving van. This amendment would allow the Driver to refuse the fare if the primary purpose of the trip is to carry cargo and in the Driver’s judgment the amount of the cargo would be unsafe or could damage the vehicle.

**Section 1108(e)(5):** Under current regulations, a Driver who is unable to assist in loading the passenger or the passenger’s luggage into the vehicle must call Dispatch for assistance and, upon the passenger’s request, remain with a passenger until another Driver arrives to assist. Non-Medallion holding Drivers must make \$100-\$150 per shift just to break even, and anything above that amount is the Driver’s take-home pay. To require a Driver to remain with a passenger until another Driver arrives under current response time conditions for radio calls would cause economic hardship to that Driver. This is a provision that the industry specifically requested be removed from the regulations.

**Section 1114(d):** Pre-Proposition K corporate Medallion Holders are newly required to report the death of any shareholder as part of their annual filing requirements.

**PAGE 4.**

**Section 1114(e)(1)(D):** This amendment deletes a provision that would punish a Driver for the record-keeping practices of a company. The subsection currently provides that if a company presents a Driver's Waybills to the SFMTA ordered or arranged in any manner other than as required by the SFMTA, those Waybills would not be counted toward the Driver's Full-Time Driving requirement.

**Section 1114(e)(1)(E):** This provision establishes the maximum cost that a company can charge a Driver for reproduction of paper Waybills. It is amended to ensure that the Driver is charged the lesser of either the per-page copying cost of 10 cents or the \$50 cost of a full set of a year's Waybills.

**Section 1116(b)(4):** The amended language provides that any party to a hearing may be represented by an attorney or other designated representative and/or the party may bring an interpreter.

**Section 1116(d):** This subsection (d) is added to provide procedures for discovery in administrative hearings. Currently, when an applicant or Permit Holder is scheduled for hearing, they are able to request documents from the Taxi Section through a request for public records. In the context of a hearing a public records request is an unwieldy mechanism for exchanging information. It is not always clear how or whether to apply public records exclusions to information requested as part of a quasi-judicial hearing. Nor are the timelines for responses in public records laws designed to accommodate hearing procedures. Accordingly, this subsection (d) is added to specify a clear and simple procedure for exchanging information leading up to a hearing.

**Section 1116(g)(1):** This amendment requires the SFMTA to include information about rights of appeal in notices it sends to Permit Holders and other parties, where applicable.

**Section 1122(a):** The proposed amendment establishes a biennial schedule for Board review of Taximeter rates. During discussions with the industry it was considered good practice to have a regularly scheduled rate review so that taxi fares do not lag too far behind the rate of inflation, and so that the Board can avoid political controversy about whether it should schedule hearings to review Taximeter rates at all. Such review could result in rates being increased, decreased or left at previous level, in the Board's discretion following a hearing.

**ALTERNATIVES CONSIDERED**

The proposed amendments are designed to provide procedural improvements to the Motor Vehicle for Hire hearings. If the proposed amendments to the regulations are not adopted, the requirements for responding to a public records request in anticipation of an administrative adjudication will remain unclear, and other improvements to the regulations would not be enacted.

**FUNDING IMPACT**

This item would not involve any additional cost to the SFMTA.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

None.

**RECOMMENDATION**

Staff recommends that the SFMTA Board adopt the proposed amendments to Transportation Code Division II, Article 1100.

The City Attorney's Office has reviewed this item.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, The Board of Directors has adopted regulations governing the Motor Vehicle for Hire industry that are codified in Transportation Code, Division II, Article 1100; and

WHEREAS, Staff of the Taxi Section of the Division of Administration, Taxis and Accessible Services (ATAS) has continued to work with the Hearing Section of ATAS to identify potential improvements to procedures for hearings conducted pursuant to Article 1100; and

WHEREAS, ATAS Taxi Section staff has continued to work with taxi industry to identify amendments to improve the SFMTA's regulations governing the taxi industry; and

WHEREAS, Certain additional technical corrections are needed to optimize the implementation of Article 1100 regulations; now therefore, be it

RESOLVED, The Board of Directors approves and adopts amendments to Article 1100 of Division II of the Transportation Code, regulating Motor Vehicles for Hire.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

[Amending Article 1100 of Division II of the Transportation Code.]

### **Amending Article 1100 of Transportation Code Division II, regulating Motor Vehicles for Hire.**

Note: Additions are *single-underline italics Times New Roman*;

deletions are ~~*strikethrough italics Times New Roman*~~.

Board amendment additions are double underlined.

Board amendment deletions are ~~strikethrough normal~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco do enact the following regulations:

Section 1. The San Francisco Transportation Code is hereby amended by amending Article 1100 to Division II, Sections 1103 -1109 to read as follows:

#### **SEC. 1103. PERMIT APPLICATIONS**

##### **(a) Application Forms**

Application for any permit issued pursuant to this Article shall be made to the SFMTA on a form provided by the SFMTA. The applicant shall provide such information and documents as the SFMTA requires, which may include a physical examination and/or background check of the applicant. The SFMTA shall record the date and time that a complete application, including the Filing Fee, is received, which shall be the date and time assigned to the application for the purpose of placing the applicant on the Waiting List.

##### **(b) Applications Deemed Active**

Every application for a permit shall be deemed to remain active and shall be considered until the earliest of the following events:

- (1)** The applicant withdraws the application in writing;

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

(2) The applicant is determined to be ineligible for the permit by the SFMTA;

(3) The applicant receives a permit;

(4) The SFMTA determines that the applicant has engaged in fraud, misrepresentation or other serious misconduct in connection with the permit application process; or

(5) The SFMTA attempts to contact the applicant at the mailing address listed on the application on at least two separate occasions and the applicant fails to respond within 30 days of the second notice.

### **(c) Additional Requirements Applicable to Driver Permit Applications**

#### **(1) Application Requirements**

In addition to complying with all applicable requirements of this Section 1103, each applicant for a Driver Permit shall:

(A) Provide his or her fingerprints; and

(B) Take and pass a written examination; and

(C) Take and pass a physical examination if required by the SFMTA; and

(D) Certify that the applicant has successfully completed an SFMTA-approved Driver training course; and

(E) Enclose two recent photographs of the applicant of passport photo size, taken no more than 12 months prior to the time of application; and

(F) Enclose a statement of affiliation signed by the applicant, the Color Scheme and the Dispatch Service associated with the Color Scheme. The applicant's choice of Color Scheme shall be subject to the approval of the SFMTA, which may

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

deny such request if in the SFMTA's judgment the proposed affiliation could be detrimental to the Driver, the Color Scheme or to the public.

(G) Reserved: Controlled Substance Testing Program.

### (2) Driver Qualifications

Each applicant for a Driver's Permit must:

(A) Be a resident of the United States;

(B) Be clean in dress and person;

(C) Be free of any disease, condition, infirmity, or addiction that might render the applicant unable to safely operate a motor vehicle or that otherwise poses a risk to public health and safety;

(D) Hold a valid California driver's license of a class sufficient for the lawful operation of the motor vehicle to be driven;

(E) Have the physical capacity to operate a motor vehicle for at least four hours per day;

(F) Have no prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if the permit is granted, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, ~~or~~ violence against a person, reckless disregard for public safety, two or more recent convictions of drug-related offenses, or two or more recent convictions of driving under the influence, whether or not such convictions occurred while driving a Motor Vehicle for Hire. The SFMTA may, in its discretion, issue a permit notwithstanding prior convictions if, following review of an individual case, it

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

determines that the applicant or Permit Holder does not pose a current risk to public safety;

- (G)** Have attained the age of 21;
- (H)** Speak, read and write the English language;
- (I)** Reserved: Controlled Substance Testing Program.

### **(d) Additional Requirements Applicable to Taxi and Ramp Taxi Medallion Applications**

#### **(1) Waiting List**

In the absence of any other preference specified in this Article, applicants for a Medallion shall be processed and considered by the SFMTA in the order of receipt. The SFMTA shall maintain a Waiting List of Medallion applications arranged in chronological order by the date that each complete Medallion application, including Filing Fees, is received from a qualified applicant. Each applicant for a Taxi or Ramp Taxi Medallion shall have held a valid Driver Permit for a minimum of two consecutive years prior to applying for a Medallion.

**(A)** Every applicant for a Taxi or Ramp Taxi Medallion must continuously maintain a valid Driver Permit in order to maintain his or her position on the Waiting List.

**(B)** The SFMTA may periodically require applicants to execute written statements to reaffirm their desire to keep their applications active.

### **(e) Additional Requirements Applicable To Ramp Taxi Medallion Applications**

#### **(1) Limitation on Acceptance of Other Permits**



## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

No person to whom ~~an~~a Ramp Taxi Medallion is issued may accept any other Medallion for a minimum of three years after receipt of the Ramp Taxi Medallion. If a Ramp Taxi Medallion Holder becomes eligible for a Taxi Medallion during his or her first three years as an Ramp Taxi Medallion Holder, and so long as the Ramp Taxi Medallion Holder remains otherwise qualified, the Ramp Taxi Medallion Holder's application shall be kept active and shall be considered for a Taxi Medallion before other qualified applications after the three year period has elapsed.

### **(2)** Notice of Intent to Leave the Ramp Taxi Program

**(A)** Upon completion of a minimum of 30 months as ~~an~~a Ramp Taxi Medallion Holder, the Permit Holder may elect to leave the Ramp Taxi program at any time by filing six months' advance written notice of the Permit Holder's intent to leave the program with the SFMTA ("Notice of Intent"). The date that the SFMTA receives the Notice of Intent shall be deemed the date of the Notice.

### **(B)** Notice of Intent Effective Date; Qualification for New Permit

The Permit Holder's decision to leave the Ramp Taxi Program shall become effective six months after the Notice of Intent is filed. Except as provided by subsections (C) and (D) below, upon completion of the six month notice period, the Ramp Taxi Medallion shall expire by operation of law, and the Permit Holder shall no longer be precluded from accepting another Motor Vehicle for Hire Permit.

**(C)** If, at the completion of the six-month notice period, the Permit Holder is not yet eligible for a Taxi Medallion, or if no such Taxi Medallion is available, the Permit Holder may elect to remain in the Ramp Taxi program for any period of time until a Taxi Medallion becomes available.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(D)** The Permit Holder's decision to leave the Ramp Taxi Program shall become inoperative if, prior to expiration of the of the six-month notice period, the Permit Holder files a statement of his or her decision to withdraw the Notice of Intent. The Permit Holder shall be required to file a subsequent Notice of Intent if he or she later decides to leave the Ramp Taxi Program. The same requirements governing the Permit Holder's initial Notice of Intent, including the full six-month notice period, shall apply to any subsequently filed Notice of Intent to leave the Ramp Taxi Program.

### **(f) Additional Requirements Applicable to Non-Standard Vehicle Permit**

#### **Applications**

**(1)** An applicant may request a Non-Standard Vehicle class of permit for any vehicle(s) that is not otherwise included within another class of Motor Vehicle for Hire permits.

**(2)** If a Non-Standard Vehicle permit applicant proposes to operate along fixed routes within the City, such fixed routes shall be specified in the permit application. Fixed routes proposed for a permit must be approved by the SFMTA and shall be included in the Non-Standard Vehicle permit as a permit condition. Consideration of such routes by the SFMTA shall include evaluation of their impact on public transit.

### **(g) Additional Requirements Applicable To Dispatch Service Permit Applications**

#### **(1) Submission of Emergency Plans**

Applicants for Dispatch Service Permits or permit renewal shall submit a "Standard Emergency Plan for Drivers and Dispatchers" to follow in an emergency. Such plan is subject to SFMTA approval. SFMTA may require revisions to such Emergency Plan in order to coordinate with the emergency plans of the City, other Permit Holders and the Paratransit

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Program. Such plan shall include emergency communication protocols between Dispatch Services and their Color Scheme affiliates and the emergency evacuation of the public from the City, including but not limited to paratransit customers.

### **(2) Lost and Found Protocol Compliance**

No application for a Dispatch Service Permit shall be approved or renewed if a Dispatch Service Permit applicant cannot demonstrate knowledge of and ability to adhere to SFMTA's protocol for the handling of Found Property.

### **(h) Additional Requirements Applicable To Color Scheme Permit Applications**

Reserved.

## **SEC. 1104. ELIGIBILITY**

### **(a) Determination of Eligibility**

~~Every applicant for a permit other than a Driver Permit shall have a hearing to review and determine the individual applicant's eligibility before a permit is issued.~~ Each application shall be investigated by the SFMTA to determine the applicant's eligibility pursuant to the factors listed herein. The SFMTA, in determining whether the permit should be granted, may consider such facts as it deems pertinent, but shall at least consider the following factors:

**(1)** The applicant's financial responsibility and ability to comply with all insurance requirements and to maintain proper financial records.

**(2)** The applicant's compliance with all applicable statutes, ordinances and regulations. If, during the 12 months prior to application, an applicant has violated any statute, ordinance or regulation which would be a basis for revocation of the permit, the SFMTA may, in its discretion, refuse to issue the permit.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(3)** The record of the applicant with regard to any other permits issued for the commercial operation of a motor vehicle for the transport of passengers, either in the City or elsewhere.

**(4)** Any prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if a permit is granted or renewed, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, or violence against a person, reckless disregard for public safety, or two or more recent convictions of driving under the influence, whether or not such convictions occurred while driving a Motor Vehicle for Hire. The SFMTA may, in its discretion, issue a permit notwithstanding prior convictions if, following review of an individual case, it determines that the applicant or Permit Holder does not pose a current risk to public safety.

### **(b) Burden of Proof on Applicant**

A permit applicant shall have the burden of proving that the applicant meets all requirements for a permit.

### **(c) Eligibility for a Medallion**

**(1)** Applicants for a Taxi or Ramp Taxi Medallion must meet the eligibility requirements listed in Section 1103(c)(2)(A) through 1103(c)(2)(H) and be in compliance with any Controlled Substance Testing Program adopted by the SFMTA Board.

**(2)** Each applicant for a Taxi or Ramp Taxi Medallion shall submit all completed application materials, including Waybills and forms, and take any written, oral or practical examination required by the SFMTA within 45 calendar days of the date of the notice informing the applicant of the availability of a Medallion.

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(3) Before issuing a Taxi or Ramp Medallion, in addition to all other eligibility requirements, the SFMTA must determine that the applicant has been a Full-Time Driver during any four of the five calendar years immediately preceding the calendar year in which the hearing is held. The driving requirement for the year in which the application is heard may be pro-rated from the date of application. This requirement may only be satisfied by driving a Taxi or Ramp Taxi for which a permit has been issued by the SFMTA. Only written Waybills completed in compliance with Section 1109(c)(5) may be used to establish eligibility for a Medallion for the purposes of this Section; provided, however, that minor technical Waybill defects shall not in themselves preclude counting a Waybill toward the Full-Time Driving requirement.

### (d) Eligibility For Ramp Medallion

The SFMTA shall not issue a Ramp Taxi Medallion to an applicant unless the applicant provides written documentation of the following requirements:

(1) The applicant has been a Full-Time Driver of a Ramp Taxi *for at least 400 hours* during the 12 ~~six~~ months immediately preceding the applicant's submittal of completed application materials pursuant to Section 1104(c)(2).

(2) The applicant has completed at least 156 wheelchair pickups in the City as a ~~an~~ Ramp Taxi Driver during the 12 months immediately preceding the permit hearing.

(3) The applicant has satisfactorily completed training for operation of a Ramp Taxi in compliance with SFMTA requirements.

(4) The applicant has been interviewed through a process approved by the Paratransit Coordinating Council.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(5)** SFMTA certification of satisfactory aptitude and attitude necessary for an Ramp Taxi Medallion Holder.

**(6)** The applicant is affiliated with a Color Scheme in compliance with, and agrees to operate said permit at all times subject to, the regulations of the SFMTA's Paratransit Program.

### **SEC. 1105. GENERAL PERMIT CONDITIONS**

#### **(a) Conditions Applicable to All Permits**

##### **(1) Permits Required**

No person, business, firm, partnership, association or corporation shall drive, or operate or cause to be operated any Motor Vehicle For Hire within the City, nor shall any person, business, firm, partnership, association or corporation operate any Dispatch Service or Color Scheme, without a permit issued by the SFMTA authorizing such driving or operation in accordance with this Article.

##### **(2) Permits Held By Businesses; Taxi Medallions Held by Individuals**

**(A)** Any permit issued to a business pursuant to this Article shall be registered in the name of and with contact information for at least one natural person who complies with all permit requirements except those that by their nature can have no application to a natural person.

**(B)** No Taxi or Ramp Taxi Medallion shall be issued except to a natural person and in no case to any business, firm, partnership, association or corporation, and no Medallion shall be issued to, or in the name of, more than one person.

##### **(3) Permits a Privilege**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Permits granted pursuant to this Article constitute a privilege and are not the property of the Permit Holder.

### **(4) Permits Not Transferable**

Except as expressly provided in this Article or in permit conditions, no permit issued pursuant to this Article shall be transferable or assignable, either expressly or by operation of law.

### **(5) Duration of Permits**

**(A)** Unless earlier revoked or suspended, Taxi and Ramp Taxi Medallions shall expire on the first day of July next following their issuance or renewal, and all other permits shall expire the first day of January next following their issuance or renewal.

**(B)** As a condition of renewal, a Permit Holder must meet the eligibility requirements required for new applicants listed in Section 1104, and may be required to sign a statement under penalty of perjury affirming eligibility for the permit.

### **(6) Compliance with Laws and Regulations**

Every Permit Holder shall comply with, and shall ensure that their affiliated vehicles, employees, Permit Holders, lessees, Dispatch Service and Color Scheme shall comply with the provisions of this Article, the San Francisco Charter and Municipal Code, the California Vehicle Code, California Worker's Compensation laws, the Americans with Disabilities Act, and all regulations adopted by the Oakland and San Francisco International Airports, San Francisco Department of Public Health, and any other governmental jurisdictions through which the Permit Holders traverse.

### **(7) Cooperation with Lawful Orders**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Every Permit Holder shall cooperate with and obey any lawful request or order of a Parking Control Officer, peace officer or the Director, or his or her designee, at all times, including, but not limited to, providing upon request the Permit Holder's name, the permit number, official identification, and any documents required by this Article to be in the Permit Holder's possession. All Permit Holders shall respond to routine SFMTA or Police Department inquiries within 24 hours, and shall immediately respond to any SFMTA or Police Department emergency request.

### **(8) Cooperation with Regulatory Agencies; False Statements**

Every Permit Holder shall at all times, fully cooperate with a Parking Control Officer, peace officer or the Director, or his or her designee, on all matters relating to regulatory compliance at all times, including but not limited to compliance with requests for the inspection of records. Permit Holders shall not hinder, delay or knowingly make false or misleading statements to a peace officer or to the SFMTA or withhold information on any matter relating to regulatory compliance.

### **(9) Continuous Operation Requirement; Temporary Suspension; Revocation**

**(A)** With the exception of Non-Standard Vehicle Permit Holders and Medallion Holders who obtained their Medallion prior to June 6, 1978, all Permit Holders shall operate or arrange for the operation of their permit on each day of the year, or other dates or times during which the permit conditions require operation of the permit. Non-Standard Vehicle Permit operation shall be in accordance with the times and dates of required operation specified in the permit.

**(B)** Permit Holders may temporarily suspend permit operations only with the prior written approval of the SFMTA. SFMTA approval is not required in the case of



## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

bona fide emergencies, natural disasters or other similar major events beyond the control of the Permit Holder.

**(C)** Upon written request the SFMTA may grant permission to suspend a permit for good cause shown for a period not to exceed 90 days in a 12 month period.

The SFMTA may, in its sole and absolute discretion, allow another Permit Holder to operate the permit during the period of temporary suspension if the other Permit Holder is qualified and such operation would be in the public interest. This subparagraph (C) does not suspend the application of the Full-Time Driving requirement.

**(D)** If a permit is not operated for a period of 15 calendar days in violation of applicable permit conditions, the SFMTA shall notify the Permit Holder that the permit will be revoked if operation of the permit is not resumed within five calendar days of the notice. If permit operation is not resumed within five days of the notice, as determined by the Permit Holder's substantial compliance with all permit conditions, then SFMTA may immediately revoke the permit.

**(E)** This subsection (9)(E) does not apply to Driver Permits.

### **(10) Gifts and Gratuities**

No Permit Holder or agent of a Permit Holder may accept or solicit gifts and/or gratuities or anything of value from any Driver, other than Gate Fees, Lease Fees, payments for goods actually received, or other payments authorized by this Article. A Permit Holder or agent of a Permit Holder shall issue a receipt for any payment received from a Driver.

### **(11) Lease of Taxi and Ramp Taxi Medallions**

Reserved.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(12) Participation in Paratransit Program**

Each Color Scheme, Dispatch Service, Medallion Holder and Driver meeting the qualifications established by the SFMTA must participate in and shall at all times operate subject to and in compliance with the regulations of the SFMTA's Paratransit Program.

### **(13) Shift Change at Color Scheme Required for All Vehicles; Unattended Vehicles**

All Permit Holders shall ensure that taxi vehicles which they operate begin and end all shifts at the Color Scheme's place of business, except with the prior written approval of the SFMTA. When a vehicle is not being operated for hire, the Permit Holder shall either leave the vehicle at the Color Scheme's place of business or make a written request for SFMTA approval of an alternative location that is off the public street and sidewalk. No Taxi vehicle may be left unattended on a public street for more than four hours.

### **(14) Current Address Required; Emergency Contact Notification**

All Permit Holders shall keep contact information current with the SFMTA. All Medallion Holders and Drivers shall keep contact information current with their Color Schemes. Every natural person who holds a permit from the SFMTA pursuant to this Article shall give written notice to the SFMTA within ten days of any change of residence address, and shall accept mail at the address provided to the SFMTA. Color Scheme and Dispatch Service changes of address are subject to the prior written approval of the SFMTA. No Permit Holder may use a post office box as a current address.

### **(15) Service of Process**

All Permit Holders agree to accept service of process, official notices, and correspondence ("service of process") from the SFMTA as a condition of retaining a permit. Color Schemes

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

must accept service of process from the SFMTA on behalf of any Permit Holder affiliated with that Color Scheme.

### **(16) Payments Due**

No permit shall be issued or renewed until the applicant has paid all fines, fees, taxes, liens, judgments or other debts owing to the City.

### **(17) Response Time Goals**

All Permit Holders shall make best efforts to comply with Response Time Goals at all times.

## **SEC. 1106. CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS**

In addition to all other conditions applicable to a Color Scheme Permit, each Color Scheme Permit Holder shall meet the following requirements and performance standards:

### **(a) Rights of Color Scheme Permit Holder; Permit Required**

A Color Scheme Permit entitles the Permit Holder to operate a business that provides taxi service using vehicles painted with trade dress authorized by the permit and unique to that business. Any major change in trade dress colors of a Color Scheme Permit Holder shall require a permit application requesting the issuance of a new Color Scheme Permit. Minor changes in trade dress may be approved by SFMTA without a new permit application.

SFMTA shall determine, in its sole discretion, whether a requested change of trade dress is major or minor. No person shall operate a Color Scheme business without a valid permit from the SFMTA.

### **(b) Color Scheme Trade Dress**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Upon request, the Color Scheme Permit Holder shall provide to SFMTA electronic, high-resolution copies of color photographs of the front, sides and rear of each make and model of Taxi and Ramp Taxi vehicle affiliated with the Color Scheme.

### **(c) Use of Dispatch Service**

Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service utilized by the Color Scheme. A Color Scheme must obtain the prior written approval of the SFMTA before changing Dispatch Services. A Color Scheme request for change of Dispatch Service shall be approved unless the Color Scheme or the Dispatch Service have been declared ineligible for new affiliations based on a finding, following a hearing, that the Color Scheme or the Dispatch Service has continuing permit violations or a pattern of repeated permit violations that affect the quantity or quality of taxi service to the public or which threaten public health and safety. Upon such finding by a hearing officer, the Permit Holder regarding which the finding was made may not undertake any new affiliations until the ongoing violations listed in the hearing officer's findings are cured.

### **(d) Principal Place of Business**

All Color Schemes shall maintain a principal place of business within the City, which must be staffed by at least one person Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting federal holidays. Every Color Scheme must have the capacity to send and receive faxes and email messages at all times, and the fax number and email address must be provided to the SFMTA.

### **(e) Change of Business Location; Transfer of Color Scheme Permits**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

A Color Scheme must obtain the prior written approval of the SFMTA before changing its principal place of business, selling or otherwise transferring the business. Prior to approving a transfer of a Color Scheme Permit the SFMTA shall conduct an investigation to ensure that the proposed transferee meets all requirements of this Article.. For the purpose of this subsection, the transfer of a business means the transfer of 50% or more of an ownership interest in the business to a person or entity that does not already hold an ownership interest in the business as of June 19, 2009.

### **(f) Telephone Access**

Every Color Scheme shall subscribe to a telephone service and publish the name of the business, the Color Scheme Permit number and the telephone number to which requests for service and inquiries about Found Property may be addressed in the Yellow Pages section of the San Francisco telephone directory. The published telephone number shall not be used for the conduct of any business enterprise other than the business of the Color Scheme. If a change occurs in the name of the company or telephone number under which taxi service is provided the Color Scheme shall promptly request to change the listing in the Yellow Pages section of the San Francisco telephone directory. During those times when the current listing in the Yellow Pages section of the San Francisco telephone directory is incorrect or when a new listing cannot be made until the next printed copy is published, the Color Scheme shall maintain a current listing, including the name of the company and telephone number, with the San Francisco directory assistance (411) and the City's 311 system.

### **(g) Designated Manager**

**(1)** All Color Schemes shall designate a natural person as a manager who shall serve as the central point of contact for all matters of regulatory compliance. This manager shall be an individual who has not had Motor Vehicle for Hire Permit issued by the SFMTA

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

suspended or revoked in the past five years, except as otherwise approved in writing by the SFMTA. A Color Scheme may designate additional managers for specialized matters subject to the prior written approval of the SFMTA.

(2) The designated manager of a Color Scheme shall be the agent for service of process for the Color Scheme.

(3) Designation of a manager for purposes of this subsection 1106(g)(3) does not qualify the manager as Key Personnel for the Color Scheme.

### **(h) Staffing Requirements**

Every Color Scheme shall employ some combination of qualified staff, contracted services and/or automated devices adequate to perform at least the following functions and provide the following capabilities:

(1) Receive and dispatch requests for service in a timely fashion.

(2) Receive inquiries about Found Property on a 24-hour basis.

(3) Receive and respond to communications and information requests from the SFMTA.

(4) Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.

(5) Comply with all state laws regarding Found Property.

### **(i) Workers' Compensation Requirements**

Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

### **(j) Participation in Paratransit Program**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Color Schemes qualifying for the Paratransit Program must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. Thereafter, each such Color Scheme shall operate at all times subject to the rules and regulations of the Paratransit Program, and every contract entered into between a participating Color Scheme and a Driver affiliated with that Color Scheme shall require the Driver to operate at all times subject to the rules and regulations of the Paratransit Program.

### **(k) Vehicle Maintenance and Cleaning**

**(1)** Every Color Scheme shall provide Drivers free access to a facility that is adequate to thoroughly wash all affiliated vehicles and that is in compliance with all applicable laws and regulations, including but not limited to environmental and zoning requirements.

**(2)** When a Color Scheme receives notice of a problem with the equipment of a vehicle affiliated with that Color Scheme, the Color Scheme and the Medallion Holder are jointly and severally responsible for compliance with all of the following requirements:

**(A)** Ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to Ramp Taxi ramps, wheelchair securements and In-Taxi Equipment.

**(B)** Taking out of service and repairing any vehicle immediately if the failure of any equipment presents a safety issue, if communications equipment is not in working order, or if the Taximeter seal (paper, wire, etc.) is broken, removed, destroyed, marred or otherwise tampered with.

**(3)** The Color Scheme with which a vehicle is affiliated and the Medallion Holder are jointly and severally responsible for complying with any written order issued by the San Francisco Department of Public Health that relates to a Motor Vehicle For Hire.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(4)** When a Color Scheme receives notice from a Driver assigned to a Taxi or Ramp Taxi vehicle that any equipment in or on that vehicle is unsafe, the Color Scheme is required to promptly provide the Driver with another Taxi or Ramp Taxi vehicle that is in compliance with this Article.

### **(I) Spare Vehicles**

**(1)** Taxis or Ramp Taxis that are taken out of service must either return to service within 30 days or be permanently replaced by another vehicle, except as otherwise approved by SFMTA.

**(2)** A spare vehicle may operate with a Medallion borrowed from a Taxi or Ramp Taxi. Spare vehicles shall only be used to replace temporarily disabled Taxi or Ramp Taxi vehicles. During any time a spare vehicle is operating, the Taxi or Ramp Taxi it is replacing shall be available for inspection by the SFMTA.

**(3)** During any time a spare vehicle is in operation as a Motor Vehicle For Hire, the Taxi or Ramp Taxi it is replacing shall be available for inspection by the SFMTA.

**(4)** Color Schemes with which one or more Ramp Taxis are affiliated shall maintain at least one Ramp Taxi spare vehicle for every three spare non-Ramp Taxi vehicles. If three or fewer Ramp Taxi Medallions are affiliated with a Color Scheme, only one Ramp Taxi Medallion may be used in a spare Taxi vehicle at any time. For each additional three Ramp Taxi Medallions, or any fraction thereof, affiliated with a Color Scheme, an additional Ramp Taxi Medallion may be used in a spare Taxi.

**(5)** Each Color Scheme shall be issued a series of "spare numbers" at the ratio of one spare number for every five vehicles operating at that Color Scheme.



## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(6)** All spare vehicles shall be kept at the Color Scheme's place of business or other location approved by SFMTA when not in actual use with a Medallion.

**(7)** Once a vehicle is designated as a spare, it may not be re-introduced to the fleet except by approval of the SFMTA. All spare vehicles must be owned by the Color Scheme and shall be registered and insured as required by all applicable law.

**(8)** Color Schemes may not lease a spare vehicle, whether on a per-shift, weekly, monthly, or other basis, unless such vehicle is using a Medallion which is not in use in any other vehicle. Any Color Scheme found to be violating this Section shall be deemed to be operating a vehicle without a permit.

### **(m) Reduced Emissions by Color Scheme**

Beginning on June 1, 2011, each Color Scheme Permit Holder shall maintain average per vehicle greenhouse gas emissions at a level set by the Department of the Environment to achieve the goal of a 20% reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. For the purpose of this requirement, Ramp Taxis shall not be included in calculation of the Color Scheme's average per vehicle greenhouse gas emissions.

### **(n) Information Required to be Posted**

All Color Schemes shall post the following information at their place of business in a place where it is easily visible to Drivers and Color Scheme employees:

#### **(1) Certificate of Worker's Compensation**

A copy of a current and valid Certificate of Worker's Compensation Insurance and information about how to file a claim.

#### **(2) Gate Fees**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

The amounts charged for Gate Fees including the amount charged for each available shift over the seven days of the week.

### **(3) Information Provided by SFMTA**

From time to time, other industry-related printed matter provided by the SFMTA. The SFMTA may require a Color Scheme to distribute designated materials to each Driver, including the requirement that the Color Scheme obtain written acknowledgments of receipt, within a time period specified by SFMTA.

### **(o) Required Notifications**

**(1)** Color Schemes must notify the SFMTA of any injury accident involving any Taxi or Ramp Taxi affiliated with the Color Scheme within 24 hours of the accident.

**(2)** Color Schemes must notify the SFMTA in advance of any change in the name, address or telephone number under which taxi service is provided by the Color Scheme. A change of name or address require the prior approval of the SFMTA.

**(3)** Color Schemes have an affirmative obligation to report to the SFMTA any actual knowledge that a Driver is engaged in the sale, use, or possession of drugs or alcohol in a Taxi or Ramp Taxi vehicle.

**(4)** Color Schemes must notify the SFMTA when Found Property is returned to its owner.

### **(5) Death of Driver or Medallion Holder**

Upon receiving notice of the death of a Driver or Medallion Holder affiliated with or employed by a Color Scheme, the Color Scheme must notify the SFMTA within 14 calendar days of receipt of the notice of the death. If the deceased was a Medallion Holder, then the Color

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Scheme must return the Medallion within 14 calendar days of notice to the SFMTA. The SFMTA, may, in its discretion, extend the deadline for return of the Medallion to the SFMTA if it determines that the Medallion could not be promptly re-issued to an applicant on the Waiting List, and that such an extension would be in the public interest. During any such period of extension any medallion lease payments made by the Color Scheme to the former Medallion Holder shall be paid to the SFMTA as of the 15<sup>th</sup> day following the notice of death and until such date as the SFMTA requires the return of the Medallion.

### **(p) Color Scheme Obligations Related To Drivers**

**(1)** Each Color Scheme shall ensure that every Driver starts and ends each shift at the Color Scheme's principal place of business, except with the prior written approval of the SFMTA.

**(2)** Each Color Scheme shall ensure that every affiliated Driver holds a valid A-Card, and shall not allow any Driver to operate a vehicle affiliated with the Color Scheme if the Driver does not have a valid California drivers' license or a valid A-Card.

**(3)** A Color Scheme shall not charge an applicant for a Driver Permit for the statement of affiliation required by Section 1103(c)(1)(F).

**(4)** A Color Scheme shall issue receipts for payments received from any Driver for fuel, Gate Fees, Lease Fees or other payments.

#### **(5) Medical Certification of Drivers**

Every Color Scheme shall ensure that all affiliated Drivers undergo any medical examination required by the SFMTA in accordance with SFMTA requirements.

**(6)** A Color Scheme shall not charge a Driver for any merchant account processing fees for fares paid by credit card.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(q) Controlled Substance Testing Program; Controlled Substances**

**(1)** Reserved: Controlled Substance Testing Program.

**(2)** A Color Scheme having actual knowledge that a Driver has tested positive for a controlled substance as defined in 40 Code of Federal Regulations Title 49 shall not permit the Driver to operate a Taxi or Ramp Taxi until such time as the Driver has tested negative.

**(3)** Color Schemes shall maintain drug- and alcohol-free workplaces.

**(4)** No Color Scheme having actual knowledge that a Driver has used and is currently under the influence of a intoxicating or controlled substance, as defined in 21 Code of Federal Regulations Section 1308.01 et seq., shall permit that Driver to operate or continue to operate a Taxi or Ramp Taxi.

### **(r) Found Property**

**(1)** Color Scheme Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be found, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

**(2)** If the Found Property is currency, is of the value of \$100 or more, is either a serialized item or an electronic device or contains owners identification information, within 30 calendar days the Color Scheme Permit Holder or the designee shall transfer the property to the Taxi Detail, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.

**(3)** Color Scheme Permit Holders shall advise passengers claiming to have lost property of value in a taxicab, to make a lost property police report if their property has not

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

been found. Color Schemes shall not inform customers to call 311 to report or recover Found Property.

### **(s) Dissolution Plan**

Any Color Scheme that will be terminating its business operations as a Color Scheme and surrendering its permit shall file a dissolution plan with the SFMTA at least 30 days prior to the date that the Color Scheme anticipates that it will cease to respond to requests for taxi service. The dissolution plan shall include but not be limited to plans for the disposition of records and preservation of Waybills and Driver Rosters, Driver and Medallion Holder files and Leases, handling Found Property, notifying the public of the termination in service and contact information for future inquiries.

### **SEC. 1107. CONDITIONS APPLICABLE TO DISPATCH SERVICE PERMITS**

In addition to all other conditions applicable to a Dispatch Service Permit, each Dispatch Service Permit Holder shall comply with the following performance standards:

- (a)** Maintain and update an emergency plan that conforms to SFMTA requirements for Drivers and Dispatch Service employees to follow in emergencies, and file an updated emergency plan annually at the time of permit renewal.
- (b)** List a 24 hour telephone number and the names of the Color Scheme(s) for which they provide dispatch services in the Yellow Pages section of the telephone book.
- (c)** Promptly dispatch a Ramp Taxi in response to Ramp Taxi service request, and, within 20 minutes of receiving the Ramp Taxi service request, the Dispatch Service must:
  - (1)** Contact the customer who requested a Ramp Taxi with the vehicle number of the Ramp Taxi assigned to handle the call, or to advise the customer that no Ramp Taxi has been dispatched; or

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

- (2)** If the call cannot be dispatched to a Ramp Taxi affiliated with a Color Scheme that uses that Dispatch Service within 20 minutes, call another Dispatch Service to handle the request, and then call the customer with the name and telephone number of the Color Scheme of the responding Ramp Taxi; or
- (3)** Advise the customer that no vehicle was dispatched.
- (4)** If there are no Ramp Taxis immediately available to respond to a customer's request, record the customer's name and phone number and the names of the other Dispatch Services contacted.
- (d)** Record all requests for taxi service, noting the date and time of the request for service, the service address, the vehicle number dispatched and the time that the Taxi or Ramp Taxi was dispatched to respond to the call.
- (e)** Maintain the capacity to broadcast and to receive transmissions from every Taxi or Ramp Taxi operating under their service.
- (f)** Answer all calls by human, mechanical or other device within six rings 365 days per year, 24 hours per day. At least one person shall be available to respond to calls at all times.
- (g)** Contact customers who have requested a return call if a vehicle has not been dispatched within 20 minutes of the call.
- (h)** Upon customer request, call back customers with an approximate arrival time of the dispatched vehicle.
- (i)** Assign each dispatcher, operator and/or call taker employed by the Dispatch Service a unique individual identifier.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(j)** Require all dispatchers, operators and/or call takers, to answer a call with the name of the Dispatch Service, and, upon request of the caller, to identify themselves with either their unique individual identifier or their true name.

**(k)** If two or more Color Schemes share the same Dispatch Service, the Dispatch Service may not dispatch a vehicle from a Color Scheme other than the one requested by the caller to respond to the call until the Dispatch Service operator first advises the customer of the Color Scheme of the vehicle that will respond to the call.

**(l)** Dispatch Service Permits Transferable

Dispatch Service Permits are transferable, subject to the approval of the SFMTA, which shall determine whether the proposed transferee meets the criteria set forth in this Article, and whether taxi service would be improved by the transfer of the Dispatch Service Permit. The Permit Holder shall give notice to the SFMTA of any intended transfer at least 30 days prior to any such transfer.

**(m)** Workers' Compensation Requirements

All Dispatch Service Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

**(n)** Found Property

**(1)** Dispatch Service Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be found, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

**(2)** If the Found Property is currency, is of the value of \$100 or more, is either a serialized item or an electronic device or contains owners identification information, within 30

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

calendar days the Dispatch Service Permit Holder or a designee shall transfer the property to the Taxi Detail, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.

**(3)** Dispatch Service Permit Holders shall advise passengers claiming to have lost property of value in a taxicab, to make a lost property police report if their property has not been found. Color Schemes shall not inform customers to call 311 to report or recover Found Property.

**(4)** Dispatch Service Permit Holders shall notify SFMTA when an item of Found Property is returned to its owner.

### **SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS**

#### **(a) Driver Identification**

Upon issuance of a Driver Permit, the SFMTA will issue to each Driver the following identification:

##### **(1) Driver Permit Card (A-Card)**

Every Driver shall carry his or her A-Card at all times while operating a Motor Vehicle for Hire, and shall provide the A-Card for inspection upon request by the SFMTA or any peace officer or passenger.

##### **(2) Badge with the Permit Number**

Every Driver shall display a SFMTA-issued badge constantly and conspicuously displayed on the outside of the Driver's clothing and jacket at all times while operating or in possession of a Motor Vehicle for Hire. The badge shall only be worn by the Permit Holder to whom the badge is issued.



## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(3) Color Scheme Identification Card**

A Driver's Color Scheme Identification Card must be displayed conspicuously at all times in any Motor Vehicle for Hire that the Driver is operating in a manner that the badge number printed on the card is easily visible to any passenger in the vehicle.

### **(b) Renewal of Driver's Permits**

**(1)** Driver Permits shall be issued as of the first day of January of each year and shall be valid unless revoked or suspended, up to and including the 31st day of December, next succeeding. The SFMTA may cause the renewal of the Driver's Permit from year to year upon the filing of a statement by the Driver Permit Holder providing his or her current address and current employer and the payment of the annual permit renewal fee.

**(2)** Controlled Substance Testing Program: Reserved.

**(3)** Drivers have an affirmative duty to report any criminal convictions which would be a basis for denying a permit pursuant to Section 1103(c)(2)(F). The SFMTA may refuse to renew a permit if the Permit Holder would not be eligible to receive a new permit pursuant to Section 1103(c)(2)(F).

### **(4) Controlled Substances**

**(A)** No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, as defined in 21 CFR 1308.01 et seq. including prescription drugs. No Driver may consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

**(B)** Drivers shall maintain a drug and alcohol-free workplace and shall not sell, use, or possess alcohol or controlled substances, as defined in 21 CFR 1308.01

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

et seq., while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

### **(c) Notification to SFMTA of Change of Affiliation with Color Scheme**

**(1)** All Drivers must notify the SFMTA at least three business days prior to the effective date of any change of affiliation with a Color Scheme. No Driver may affiliate with a Color Scheme that ~~is~~ is on administrative probation pursuant to Section 1118(g).

**(2)** In accordance with California Government Code Section 53075.5(b)(1)(B), a Driver's Permit shall be suspended for any period during which the Driver is not affiliated with a Color Scheme.

**(3)** A Driver shall return his or her Color Scheme Identification Card to the Color Scheme 30 calendar days after terminating affiliation with the Color Scheme, and shall return his or her A-Card to the SFMTA 30 calendar days after terminating affiliation with the Color Scheme if by that date the Driver has not yet affiliated with a new Color Scheme

### **(d) Driver Duties at Beginning of Shift**

**(1)** A Driver is required to perform a safety check on a Motor Vehicle for Hire prior to placing it in operation. The Driver is responsible for ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to a Ramp Taxi ramp and securement system. If the Driver finds any unsafe equipment, then the Driver shall notify the Color Scheme, and the Color Scheme shall put the vehicle out of service until it is repaired and shall make another vehicle available to the Driver.

**(2)** A Driver is required to perform a communications test at the commencement of each shift to determine that there is functional communications equipment capable of both receiving and transmitting voice information. If communications equipment is not functional,

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

that vehicle shall be taken out of service until such time as the communications equipment is functional.

**(3)** A Driver is responsible for ensuring that their vehicle is supplied with the following items:

**(A)** 311 card;

**(B)** Current copy of book of regulations issued by SFMTA;

**(C)** A supply of receipts, preprinted with the name of the affiliated Color Scheme; and

**(D)** Current maps of San Francisco and San Mateo counties or a functional GPS device;

**(E)** Working flashlight;

**(F)** Working ballpoint pen with black or blue ink;

**(G)** SF Paratransit manual trip ticket forms;

**(H)** Manual credit card transaction device and forms.

**(4)** A Driver shall ensure that the vehicle is clean inside and out and free of offensive odors, wash the exterior of the vehicle and/or sweep the interior passenger compartment and trunk as needed, and remove any loose items from the vehicle's dashboard and/or rear shelf.

### **(e) Driver Duties During Shift**

**(1)** A Driver shall not refuse, or direct or permit the refusal, of prospective passengers in any place within the City for transportation to any other place in the City, or to or from the San Francisco International Airport, or to the Oakland International Airport, or

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

paratransit passengers within the Paratransit Program service area, at rates authorized by law, if the prospective passengers present themselves for transportation in a clean, coherent, safe sober, and orderly manner and for a lawful purpose and the Driver has sufficient time before the end of his or her shift.

(2) A Driver shall not refuse to transport a passenger's luggage, wheelchair or other mobility device, crutches or other property that can be transported within the confines of the vehicle's trunk and/or passenger areas. A Driver may refuse to convey a passenger who requests taxi service for the primary purpose of transporting goods or cargo if in the Driver's judgment the amount of goods to be carried could result in unsafe driving or damage to the vehicle.

(3) No Driver may refuse to transport a person with a physical disability in the front seat to accommodate the person's physical disability.

(4) A Driver shall not refuse to transport any service animal, or a secured, well-behaved and/or contained animal except when the Driver has documentation from a licensed physician of a medical condition that prevents contact with that type of animal on file with the SFMTA.

(5) A Driver shall, if requested, take reasonable measures to assist a passenger as necessary to get into and out of the vehicle, or to load or unload luggage, only to the extent that such assistance is within the physical capacity of the Driver. The Driver shall record the request for assistance and results on the Waybill. If the Driver feels that their personal health or safety is at risk or is otherwise unable to assist the passenger, the Driver shall request appropriate assistance capable of handling the request from the Dispatch Service. ~~Upon request by a passenger, the Driver shall remain with the passenger until the dispatched assistance has arrived.~~ A Driver shall inform the passenger(s) of his or her intention to activate the Taximeter when said passenger(s) has such a large amount of baggage, luggage, packages

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

and/or equipment to be loaded or unloaded that the Driver's departure is delayed, or when it is necessary to wait for dispatched assistance to arrive.

**(6)** Every Driver shall, if requested, assist a person with physical disabilities or an elderly person to get into and out of the vehicle and ensure the passenger is properly secured in the vehicle prior to transport. If a Driver is unable to properly assist and/or secure the passenger, the Driver shall notify the Dispatch Service and request another Driver's assistance or other appropriate service capable of handling the request. The Driver shall record the request and results on the Waybill. The Driver shall remain with the passenger until assistance from another Driver or appropriate service has arrived.

**(7)** Every Driver must accept dispatch assignments, including, when available, an average minimum of one dispatch call per hour during each shift from their Dispatch Service. Drivers must advise their Dispatch Service if they are unable to handle an accepted call within five minutes of the time when they acknowledged or accepted the call.

**(8)** A passenger who first engages a Motor Vehicle for Hire has the exclusive right to conveyance therein to his or her destination. The Driver shall not solicit or accept any additional passenger without the prior consent of any passenger who has previously engaged the vehicle, or as authorized by SFMTA.

**(9)** Except as prohibited by the rules of the Paratransit Program, A Driver may transport two or more passengers who voluntarily agree to split the fare between them. The passengers may by mutual agreement split the fare according to any formula; however, regardless of any mutual agreement of the passengers, the Driver shall not collect from all combined passenger payments in any amount in excess of the fare shown on the Taximeter at the time that the last passenger reaches their destination.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(10)** Drivers shall comply with any passenger request to turn down, turn off or change the channel of any audible device that is not required for safe operation of the vehicle or communication with a Color Scheme, Dispatch Service, law enforcement agency, health care provider, or other emergency service agency. A Driver is not required to comply with a passenger request for any particular broadcast station or other passenger listening preferences.

**(11)** Except for emergencies, including but not limited to an emergency call to a Dispatch Service, a law enforcement agency, health care provider, or other emergency service agency, Drivers shall immediately comply with any passenger request to terminate mobile telephone conversations.

**(12)** Drivers may only use personal telephones for voice or any other type of communication in the vehicle in accordance with all applicable laws, including but not limited to the use of hands free telephone equipment while operating the vehicle. While a passenger is in the vehicle, Drivers' personal conversations must be limited in number and short in duration, and at no time shall a Driver allow a personal communication to interfere with the Driver's full attention to the operation of the vehicle.

**(13)** During a shift a Driver may not monitor or listen to any Dispatch Service other than the Dispatch Service that provides service to the Color Scheme with which the vehicle is affiliated.

**(14)** A Driver shall not operate a Motor Vehicle for Hire in a reckless or dangerous manner.

**(15)** Ramp Taxi Service

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(A)** Every Ramp Taxi Driver must log on the In-Taxi Equipment at the beginning of the shift.

**(B)** Every Ramp Taxi Driver shall meet an average response time to any request for service by a customer using a wheelchair of 20 minutes from the time that the Driver accepts the call.

**(C)** A Ramp Taxi Driver, once dispatched to a call from a customer using a wheelchair may not accept any other fare while en route to that dispatched call except as otherwise instructed by the dispatcher.

**(D)** If available from their Dispatch Service, every Ramp Taxi Driver shall handle an average of three wheelchair service calls per shift.

**(16)** Drivers shall only receive a tip when expressly and voluntarily offered by the person paying the fare. Drivers may not demand, request, imply, assume or otherwise suggest that the Driver should receive any amount in excess of the authorized fare. A Driver may, without demanding or assuming that the passenger will pay a tip, ask the passenger whether they would like to tip the Driver when the tip is only capable of being added to a payment only by action of the Driver.

**(17)** The Driver must keep any audio communication device required by this Article at an audible volume, or any visual communication device visible to the Driver at all times during the shift.

**(18)** Drivers shall, at the beginning of a trip, inform any passenger whose destination is more than 15 miles from City limits, or if the passenger is picked up at the San Francisco International Airport, whose announced destination is more than 15 miles from the San

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Francisco International Airport and is not within the City limits, that the fare to be charged will be 150% of the amount registered on the Taximeter in accordance with Section 1122(b)(2) .

**(19)** Drivers shall carry sufficient cash to be able to provide change for 20 dollars.

**(20)** Drivers shall, at the beginning of a trip, inform passenger(s) whose destination requires the crossing of a toll bridge, the amount of the toll charged and that the toll charge is to be paid by the passenger(s) regardless of the direction in which the toll is collected.

**(21)** Drivers may charge a passenger less than the fare shown on the Taximeter at the end of a trip.

**(22)** Drivers shall give a fare receipt upon request of the person paying the fare. Drivers shall complete fare receipts legibly with the Driver's badge number, the Vehicle Number, the Medallion number, and the amount of the fare.

**(23)** Drivers shall make a visual check of the interior of the vehicle at the conclusion of each trip to determine if any property has been left behind. If any of the passenger's property was loaded in the trunk, the Driver shall check the trunk area at the end of the trip to ensure that no property was left behind.

**(24)** Upon discovery, a Driver shall report the Found Property to the Dispatch Service immediately, and shall take reasonable measures to attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered. If it is not possible to return the Found Property before the end of the shift, the Driver shall leave it with the Color Scheme or Dispatch Service at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme or Dispatch Service, stating whom they have contacted about the Found Property, and whether it was



## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

returned to the owner during the shift in which it was discovered, and if not, where and with whom it was left.

**(25)** If during the course of the work shift, any equipment failure makes the continued operation of the Taxi or Ramp Taxi unsafe, including but not limited to a Ramp Taxi without the required number of functional tie-down securements and lap/shoulder seat belts, then the Driver shall immediately return to vehicle to the Color Scheme to be taken out of service.

**(26)** The Driver shall not place or allow to be placed any loose items on the dashboard or rear shelf of the vehicle.

**(27)** The Driver shall keep the vehicle trunk and/or baggage area clean, free of items or materials that could damage or stain passengers' baggage, and free of any container containing flammable liquids.

**(28)** No Driver shall leave a vehicle unattended on a public street for more than 4 hours.

**(29)** No Driver shall threaten, harass, or abuse another person, nor may a Driver speak in an obscene, threatening or abusive manner.

**(30)** Drivers shall not use or attempt to use any physical force against any person except proportional, reasonable force necessary for self-defense or defense of another.

**(31)** Drivers shall be clean in dress and person.

**(32)** Any Driver who is pulled over by a peace officer while the Taximeter is in operation must turn off the Taximeter from the time the vehicle is pulled over until the time that the peace officer authorizes the vehicle to depart.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(33)** No Driver shall burn any substance, drink, or eat while a passenger is in the vehicle.

### **(34) Resolution of Fare Disputes**

In any case of fare dispute between the Driver and passenger(s), the Driver shall call the police or, with the consent of the passenger, convey the passenger(s) to the nearest police station, where the officer in charge shall immediately decide the case, and if the decision is in favor of the passenger, the driver shall convey the passenger from the police station to his or her original destination without additional charge.

### **(f) Duties at End of Shift**

**(1)** Drivers shall turn in all completed Waybills to the Color Scheme at the conclusion of each shift.

**(2)** The Driver shall remove any litter, personal items, and any other loose items that do not belong with the vehicle.

**(3)** Drivers shall turn any unreturned or unclaimed Found Property in the Driver's possession at the end of a shift to the Color Scheme's or Dispatch Services' place of business, and shall obtain a receipt for the item regardless of value.

**(g)** A Driver must return his or her A-Card to the SFMTA within 30 calendar days of terminating his or her affiliation with a Color Scheme if the Driver does not affiliate with another Color Scheme within 30 calendar days. If the Driver will discontinue driving for a period of time in excess of 30 consecutive days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the A-Card on file until the Driver informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

shall return the A-Card to the Driver so long as all Filing Fees and Permit Fees are paid and the Driver remains qualified for the permit.

### **(h) Controlled Substance Testing Program**

Reserved.

## **SEC. 1109. CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS**

### **(a) Affiliation With Color Scheme Required; Color Scheme Change**

(1) A Medallion Holder shall be deemed affiliated with a particular Color Scheme when the SFMTA approves his or her application pursuant to this Article, and shall entitle the Medallion Holder to the right to the use of that Color Scheme's trade dress and place of business. Color Schemes shall not unreasonably withhold the use of the trade dress and place of business once affiliation has been approved.

(2) Affiliation with a Color Scheme and/or the failure of a Color Scheme to comply with this Article does not relieve the Medallion Holder of his or her responsibility to comply with all requirements of this Article applicable to the Medallion Holder.

(3) A Medallion Holder may apply to the SFMTA for a change in affiliation. The applicant's choice of Color Scheme shall be subject to the prior approval of the SFMTA. A Medallion Holder's request for affiliation with a Color Scheme shall be approved unless the Color Scheme is on Administrative Probation pursuant to Section 1118(g). The SFMTA may delay or deny a change in Color Scheme affiliation by a Medallion Holder if a court of competent jurisdiction issues a temporary or permanent order to prohibit or delay the transfer.

### **(b) Use of Dispatch Service**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

All Medallion Holders affiliated with a Color Scheme must utilize the same Dispatch Service.

### **(c) Full-Time Driving Requirement**

**(1)** Every Medallion Holder subject to the provisions of this section 1109(c) shall be a Full-Time Driver.

#### **(2) Exception for Certain Permits**

Notwithstanding any contrary provision in this Article, the requirements set forth in this Subsection 1109(c) shall not apply to any person holding a Medallion issued on or before June 6, 1978.

#### **(3) Declaration Required**

No permit to operate a Taxi or Ramp Taxi shall be granted unless the Medallion Holder shall declare under penalty of perjury his or her intention actively and personally to engage as a Full-Time Driver.

#### **(4) Qualifying Vehicle**

All Medallion Holders must drive the Taxi or Ramp Taxi associated with their Medallion when complying with Subsection 1109(c) unless that vehicle is unavailable.

#### **(5) Medallion Holders Responsible for Documenting Compliance**

A Medallion Holder has the responsibility to maintain his or her own business records, including Waybills. Only written Waybills completed in compliance with all requirements may be used to meet the Full-Time Driving requirement. Failure of a Color Scheme to maintain business records, including Waybills, as required by this Article shall not excuse a Medallion Holder from proving that he or she has satisfied this Subsection 1109(c) or any other requirement.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(6) Partial Years**

During the year that a Medallion is first issued or any year in which operation of the Medallion was temporarily suspended with the approval of the SFMTA in accordance with Section 1105(9), the number of driving hours required to meet the Full-Time Driving Requirement shall be reduced by the same proportion as the ratio of the Permit Holder's excused driving hours to the hours remaining in the calendar year.

### **(7) Exception for Color Scheme Key Personnel**

#### **(A) Alternative Driving Requirement**

Medallion Holders who are designated as "Key Personnel" by a Color Scheme may satisfy the Full-Time Driving requirement by driving 120 hours per year and performing 1,500 hours of work per year as Key Personnel for the Color Scheme.

#### **(B) Written Designation of Key Personnel**

Each Color Scheme seeking to designate one or more of its employees for a calendar year pursuant to this Subsection 1109(c)(7) must file a written designation by December 1st of the preceding year. A Permit Holder may not be designated as Key Personnel by more than one Color Scheme during a calendar year. The SFMTA will only recognize as Key Personnel only those Medallion Holders named in a completed designation form filed by the Color Scheme as of December 1st.

#### **(C) Number of Key Personnel Designated at a Color Scheme**

Each Color Scheme will be entitled to designate Key Personnel in accordance with the number of Medallions affiliated with that Color Scheme. The number of Medallions affiliated with a particular Color Scheme for a calendar year shall be determined as of December 1st of

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

the previous year, based on the records of the SFMTA. Only individuals already holding a Medallion by December 1 of that year may be considered for Key Personnel designation. The number of designated Key Personnel at a Color Scheme may not be increased or decreased during the subsequent calendar year even if the number of Medallions affiliated with that Color Scheme changes during the year.

A Color Scheme with 1 to 10 Medallions may not designate anyone as Key Personnel.

A Color Scheme with 11 to 20 Medallions may designate one person.

A Color Scheme with 21 to 40 Medallions may designate two people.

A Color Scheme with 41 to 60 Medallions may designate three people.

A Color Scheme with 61 to 80 Medallions may designate four people.

A Color Scheme with 81 to 100 Medallions may designate five people.

A Color Scheme with 101 to 150 Medallions may designate six people.

A Color Scheme with 151 to 200 Medallions may designate seven people.

A Color Scheme with 201 to 300 Medallions may designate eight people.

A Color Scheme with 301 to 400 Medallions may designate nine people.

A Color Scheme with over 400 Medallions may designate nine people, plus one additional person for every 100 Medallions over 400.

### **(D) Statement of Work by Key Personnel**

No later than February 1st of each year, each Color Scheme that has designated one or more employees as Key Personnel must submit a written Statement of Work on a form provided by SFMTA, demonstrating the number of hours during the previous calendar year

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

that each of its designated Key Personnel worked on tasks related to the business of the Color Scheme, including but not limited to, office duties, dispatching, cashiering, or performing management duties. The Statement of Work shall be signed under penalty of perjury by both the Color Scheme and the Medallion Holder designated as Key Personnel. The Color Scheme shall be responsible for submitting proof of employment with the Statement of Work, which shall consist of state or federal tax forms filed with the appropriate regulatory agency. A Medallion Holder and/or Color Scheme that submit a falsely sworn Statement of Work shall be subject to automatic revocation of his or her Permit.

### **(E) Partial Completion of Requirements**

If a Medallion Holder performs at least 750 hours of work as designated Key Personnel for the a Color Scheme during the year but less than 1,500 hours, the Permit Holder shall be entitled to partial credit against the Full-Time Driving requirement on a pro rata basis. The credit shall correspond to the percentage of 1,500 hours that the designated Permit Holder worked for the company in such capacity. If a Permit Holder does not perform at least 750 hours of work as designated personnel for the Color Scheme during the year, the Permit Holder shall not be entitled to any credit against the Full-Time Driving requirement.

### **(F) Ramped Taxi Permit Holders Ineligible**

Ramped Taxi Permit Holders are not eligible to be designated as Key Personnel.

## **(d) Corporate Medallion Holders**

### **(1) Permits Void in Event of Transfer or Sale of Permit Holder**

Any Medallion held by a Permit Holder that is not a natural person shall be deemed null and void and revoked if any of the following circumstances has occurred since the issuance of the Medallion:

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(A)** If the Medallion Holder is or was sold or transferred at any time after June 6, 1978. For the purposes of this Section, a sale or transfer occurs upon a cumulative sale or transfer of either 10 percent or more of the stock or other ownership of the Medallion Holder, or 10 percent of the Permit Holder's assets since June 6, 1978, unless such sale or transfer has the prior written approval of the SFMTA.

**(B)** If the management or control of the Permit Holder is or has been transferred for consideration since the issuance of the permit;

**(C)** If the Medallion Holder's rights to receive income derived from the lease of a permit is assigned, transferred or sold.

Section 2. The San Francisco Transportation Code is hereby amended by amending Article 1100 to Division II, Sections 1113 -1118 to read as follows:

### **SEC. 1113. TAXI AND RAMP TAXI EQUIPMENT REQUIREMENTS**

**(a)** All Taxis and Ramp Taxis must be maintained in a safe operating condition. Except as otherwise specified herein, all Taxi and Ramp Taxi Medallion Holders and Color Schemes are jointly and severally responsible for ensuring that all Taxis and Ramp Taxis for which they hold permits or with which they are affiliated meet all equipment requirements listed in this Section. In addition to imposing any applicable penalty for non-compliance with requirements, The SFMTA may remove any vehicle from service for any violation of this Section until the violation is corrected and the vehicle is inspected and approved by the SFMTA.

#### **(b) Equipment Placement**

The placement or display of any equipment required by this Section 1113 shall not interfere with the Driver's visibility or the operation of any O.E.M. equipment.



## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

### (c) Exterior Display of Identifying Information

#### (1) Vehicle Number

(A) All Taxis and Ramp Taxis shall have the Vehicle Number painted on or applied with adhesive on the vehicle in numerals of a color which contrasts with the color of the rest of the vehicle. Such number shall be at least four inches high and positioned directly under the windows on or within six inches of the forward most portion of both front doors and on the center, lower left or lower right corner of the rear facing portion of the trunk lid of the vehicle.

(B) The Vehicle Number shall be painted on the roof, hood or trunk of the vehicle in a color that contrasts with the color of the rest of the vehicle. The numbers shall be a minimum of 18 inches in length and must fill the entire width of the roof, hood or trunk. If the numbers are displayed on the roof, they shall be mounted and centered directly behind the top light.

#### (2) San Francisco Taxicab

The words "San Francisco Taxicab" with letters at least two inches in height, in a color which contrasts with the color of the rest of the vehicle shall be painted or attached by the use of adhesive letters on both sides of the vehicle's rear quarter panels and to the trunk directly above the rear bumper.

#### (3) Inspection Certificate

All Taxis and Ramp Taxis shall at all times conspicuously display a current and valid SFIA decal indicating satisfactory completion of vehicle inspection as required by Section 1113(s).

#### (4) Trade Name

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Every Taxi and Ramp Taxi shall have the name of the Color Scheme with which the permit is affiliated painted in letters at least two inches in height on the exterior of the side doors of each side of the vehicle.

### **(5) Trade Dress**

The exterior of every Taxi and Ramp Taxi shall be well painted with the color(s) of the Color Scheme with which it is affiliated.

### **(d) Interior Display of Information**

#### **(1) Rate Card**

Every Taxi and Ramp Taxi shall have permanently affixed to the interior of the vehicle, in a place easily visible to passengers, a clear display enclosing a card upon which shall be printed in plain, legible letters the schedule of rates that may be charged for carriage in such vehicle and such other provisions of this Article as the SFMTA may require. The display and its installed location in the vehicle must be approved by the SFMTA.

#### **(2) 311 Card**

Every Taxi and Ramp Taxi shall have a clear display to hold a 311 card permanently affixed to the interior of the vehicle in a place readily visible to any passenger. The 311 card must clearly display the Vehicle Number and the name of the Color Scheme in plain, legible letters.

#### **(3) Braille Display**

All taxicab vehicles shall have a large sign in Braille mounted on the interior of the right rear door indicating the Vehicle Number and the name of the Color Scheme.

#### **(4) Driver Identification**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Every Taxi and Ramp Taxi shall be equipped with a holder for a Color Scheme Identification Card, placed in such a position that any passenger in the vehicle has a clear view of the front of the Driver's photo identification.

### **(e) Communication Equipment**

Every Taxi and Ramp Taxi shall be equipped with direct voice access and two-way communication with a Dispatch Service affiliated with the Taxi or Ramp Taxi.

### **(f) Taximeters**

#### **(1) Seal Required**

The Taximeter installed in any Taxi and Ramp Taxi must have a current and valid seal from the Department of Public Health Weights and Measures. Any Taximeter removed from a Taxi or Ramp Taxi with or without its seals intact and placed in the same or another Taxi or Ramp Taxi must be certified and resealed by the Weights and Measures. Any Taxi or Ramp Taxi found to have Taximeter seals that are broken, removed, destroyed, marred or otherwise tampered with will be taken out of service until correctly repaired.

#### **(2) Temporary Operation**

Pending a Department of Public Health Weights and Measures inspection, a Taximeter that is new or a Taximeter that has a seal that has been broken, adjusted, repaired or serviced, may be placed in service for 24 hours when properly sealed, installed, replaced or repaired by a licensed technician approved by the Department of Public Health Weights and Measures. If the technician fails to comply with any state laws or regulations governing the Taximeter, then the vehicle shall be removed from service until corrected.

#### **(3) Installation**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

All Taximeter makes and models must meet the approval of the SFMTA prior to their installation in any Motor Vehicle for Hire, and must meet all requirements of the Paratransit Program. The Taximeter shall be mounted no lower than either the lowest portion of the front window frame or the top of the dashboard in an area that is clearly visible at all times by any passenger in the vehicle. The Taximeter shall not be mounted in such a manner as to interfere with the intended function of O.E.M. equipment, including airbags.

### **(4) Illuminating Devices**

Each Taximeter shall be equipped with an illuminating device that enables a passenger to conveniently observe the meter and the amount of fare registered at all times for that trip at all hours of the day and night.

### **(g) Safety Partition**

Safety partitions of a design that is approved by the SFMTA may be installed in Taxi and/or Ramp Taxi vehicles at the option of the Color Scheme.

### **(h) Emergency Equipment**

All Taxis and Ramp Taxis shall have at all times a functional spare tire, a working jack and wrench to replace a flat tire, and 2 flares or 2 freestanding reflectors.

### **(i) Signage and Displays**

Only materials, signs and devices required by law or approved by the SFMTA may be placed on the windows, or displayed or hung inside or outside of a Taxi or Ramp Taxi.

### **(j) Lights**

#### **(1) Standard Lights**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

All O.E.M. lights must be maintained in working condition as designed, including headlights (high/low beam), parking lights, turn signals, tail and brake lights, inside dome light, dashboard lights, license plate light, emergency warning lights and side lights; and, all lenses of such lights are to be reasonably intact. No O.E.M. light may be obstructed or disconnected during operation. The "third" brake light shall be unobstructed and in good working condition at all times. Any additional modifications must have prior approval by the SFMTA.

### **(2) Top Lights**

**(A)** All Taxis and Ramp Taxis must be equipped with a working top light containing a light or lights permanently attached to the roof of the vehicle, which may either have the name of the Color Scheme printed on it, or the words "Taxicab", "taxi", "cab" or "meter rates".

**(B)** Each Driver shall ensure that such top light is illuminated at all times except when the vehicle is engaged in the transportation of a passenger. The top light shall turn on while the Taximeter is in the non-recording position and shall turn off while the Taximeter is in the recording position.

### **(k) Standard Equipment**

All Taxis and Ramp Taxis shall have the following standard equipment maintained in good working order such that the equipment functions effectively for the purpose for which it was intended:

**(1)** Automatic door locks that can be controlled by the Driver

**(2)** Available and easily visible seat belts in all seating positions where passengers may ride.

**(3)** Rear view mirror and side view mirrors on both sides of the vehicle

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(4)** Speedometer and odometer

**(5)** Horn

**(6)** Heater and air conditioner

**(7)** Door hinges, locks and latches

**(8)** Doors that operate easily and open and close securely from either the outside or inside of the vehicle.

**(9)** Bumpers and body moldings in good condition and properly attached as the manufacturer intended.

**(10)** Shock absorbers and springs

**(11)** Windshield wipers with blades in good condition

**(12)** Suspension

**(13)** Steering

**(14)** Brakes, including emergency brake

**(15)** A holder for the Medallion placed in such a position that the Medallion is clearly visible from the front exterior of the vehicle and that is either attached to the dashboard or to the left side of the right front support beam, on the interior of the vehicle.

**(16)** Exhaust system compliant with California law.

**(17)** In-Taxi Equipment.

### **(I) Tires and Wheels**

All tires and wheels of Taxis and Ramp Taxis must comply with the following requirements:

**(1)** Meet all requirements of the California Vehicle Code.

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(2) Be of matching design (i.e. all whitewalls or all black walls), and with matching hubcaps attached, either of original manufacturer design or of a design authorized by the SFMTA, unless wheels are of a custom design that does not use hubcaps.

(3) Only O.E.M.-size tires of the same size used at the time of the Taximeter inspection may be used on any vehicle, including spare vehicles.

(4) If a Taxi or Ramp Taxi is disabled because of a flat tire and the spare tire is not the O.E.M. size for normal operation, the vehicle shall remain out of service until a tire of the correct size is installed.

### (m) Windows

All windows and the windshields of Taxis and Ramp Taxis shall be kept clean and clear, both the outside and inside. No additional tinting or reflective material may be placed on any vehicle window except factory installed tinting. Only safety glass with the lowest factory installed tint may be used. Nothing shall be placed in or on any portion of the vehicle in such a manner as to block the Driver's vision.

### (n) Cameras

(1) All Taxis and Ramp Taxis shall be equipped with an approved operational security camera meeting SFMTA requirements specifications and signage notifying passengers of the presence of the camera that complies with SFMTA requirements.

~~(2) The SFMTA shall develop a list of approved camera model/systems and specifications on an annual basis.~~

### (o) Sanitary Condition

(1) Regular Cleaning of Vehicle

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

No Taxi or Ramp Taxi may be driven unless the interior is clean, orderly and kept free of offensive odors.

### **(2) Disinfection of Vehicle**

A Taxi or Ramp Taxi must be disinfected whenever required in writing by the Department of Public Health.

### **(3) Interior of Vehicle**

Seats, upholstery and rugs shall match the vehicle's interior colors and must be kept in good repair. They must not be torn, separated or ripped. Seat springs may not be broken nor may they protrude through the upholstery. Seats shall be firm and comfortable and the tension of the seat springs shall be evenly distributed. Seat covers may not be used to replace upholstery unless the colors match the vehicle's interior colors and they are sufficiently padded.

### **(p) Vehicle Title**

The principal vehicle authorized for the operation of a Taxi or Ramp Taxi Medallion may be registered only in the name of the Medallion Holder, Color Scheme, and/or a Driver holding a valid lease for the vehicle that meets the requirements of this Article. If the vehicle is registered to the Driver, the registration must also include the name of the Medallion Holder or Color Scheme.

### **(q) Vehicle Mileage**

Starting mileage may not be more than 70,000 miles when a vehicle is placed into service. No vehicle may be operated as a Taxi or Ramp Taxi after the vehicle has reached 350,000 miles.



## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(r) Vehicle Age**

No vehicle may serve as a Taxi or Ramp Taxi vehicle if it is older than eight model years. Beginning January 1, 2010, no vehicle which is older than seven model years may serve as a Taxi or Ramp Taxi; provided, however, that vehicles introduced into the fleet between January 1, 2007 and July 1 2008 shall be allowed to operate through December 31, 2010. Beginning January 1, 2011, no vehicle which is older than six model years may serve as a taxicab. Beginning January 1, 2012, no vehicle which is older than five model years may be used as a Taxi or Ramp Taxi vehicle.

### **(s) Inspections**

#### **(1) Inspection Required**

All Taxis and Ramp Taxis shall be inspected by the SFMTA or its designee every six months for spare vehicles and every 12 months for regular vehicles at a date and time designated by the SFMTA, and at any other time deemed necessary. At the time of a scheduled inspection of the vehicle, the Color Scheme or Taxi or Ramp Taxi Medallion Holder must provide the following:

**(A)** Valid and current State of California vehicle registration card in the name of the Permit Holder.

**(B)** Valid and current Brake Certificate issued by an official inspection station certified by the State of California within 60 days prior to inspection.

**(C)** Proof of insurance meeting the requirements of all applicable laws and regulations.

**(D)** A Vehicle Introduction Form signed and approved by the SFMTA.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(2) New Vehicle**

If a new vehicle is purchased for use as a Taxi or Ramp Taxi, the vehicle owner may furnish a written certificate of compliance issued by the automobile dealership in lieu of the documents required in subparagraphs 1113(s)(1)(A) through 1113(s)(1)(D) above, provided that the certificate is dated within 60 days of the annual inspection. The automobile dealership must be certified by the State of California as an official inspection station.

### **(3) Salvage Vehicle**

No vehicle which has been designated as "Salvage" by the California Department of Motor Vehicles may be placed into service as a taxicab unless the vehicle has been inspected and approved by the SFMTA. The SFMTA may require documents to establish the chain of title for Salvage Vehicles.

### **(4) Inspection Certification**

Upon satisfactory completion of all inspection requirements the SFMTA shall affix an SFIA decal and transponder to the Taxi or Ramp Taxi which authorizes the Taxi or Ramp Taxi to be operated for the time period specified upon the decal. All Taxi and Ramp Taxis shall have a valid and current SFIA decal. The decal shall be conspicuously displayed on the Taxi or Ramp Taxi at all times.

### **(5) Failing Inspection**

If, on inspection, the Commission or its designee determines that a vehicle does not meet the requirements described in these Rules and Regulations or in the Municipal Police Code, the vehicle may fail inspection and may be ordered out of service until the condition(s) are corrected. A failed vehicle must be re-inspected and approved by the Commission or its designee before being returned to service and must pass another inspection in six months

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

from the date of return to service. If a vehicle does not return to service within thirty (30) days it shall be permanently out of service, except by permission of the Commission or its designee and proof of repair. The decision to pass or fail a vehicle shall be at the sole discretion of the Commission or its designee.

### **(6) Removal of Vehicle from Service**

**(A)** A Color Scheme shall make any vehicle available for inspection upon SFMTA request. If a Color Scheme fails to make a vehicle available for inspection or if the SFMTA determines that a vehicle is not in compliance with all applicable laws and regulations, the SFMTA may order the vehicle to be removed from service until it passes inspection.

**(B)** If the SFMTA determines that additional repairs or further inspection of the mechanical condition or safety equipment of a Taxi or Ramp Taxi by a licensed mechanic or technician is necessary, the Color Scheme shall make the necessary repairs or arrangements in order to determine if repairs are necessary, and must provide a statement of findings to the SFMTA from the repair person.

### **(7) Fraud in Connection with Inspection Prohibited**

Misconduct in connection with required inspection is strictly prohibited and is grounds for revocation of a permit. Misconduct may include, but is not limited to, substitution of registered owners on a temporary basis for inspection purposes, or knowingly making false statements to SFMTA or SFPD or their designees in connection with an inspection. This Section shall be strictly enforced to ensure the integrity of the San Francisco Taxi fleet and the safety of the public.

### **(t) Condition of Vehicle**

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

### **(1) Vehicle Integrity**

The vehicle shall be structurally sound and operate with minimum vibration and noise.

### **(2) Vehicle Appearance**

Vehicle bodies must be free of noticeable dents, rust and holes. A Taxi or Ramp Taxi shall not be placed in service if:

**(A)** There are visible dents which exceed three square feet in any single area of the exterior surface of the vehicle, provided that the deepest point of depression  $\frac{3}{4}$  of an inch deep or greater, or

**(B)** There are visible dents which exceed four square feet of the total exterior surface of the vehicle, provided that the deepest point of depression is  $\frac{3}{4}$  inch deep or greater, or

**(C)** There are visible dents which exceed six lineal feet of the total exterior surface of the vehicle, provided that the deepest point of depression is  $\frac{3}{4}$  inch deep or greater, or

**(D)** There is any area of the exterior surface of the vehicle that contains a hole larger than six square inches or there is a visible dent which exceeds 144 square inches, provided that the deepest point of depression is more than two inches.

### **(u) Replacement Vehicles**

Whenever an existing Taxi or Ramp Taxi is replaced with another vehicle, the replacement vehicle must be inspected and approved prior to use.

### **(v) Ramp Taxis**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Every vehicle used as a Ramp Taxi shall have a ramp at least 30 inches wide. Any new model of Ramp Taxi vehicle proposed for use as a Ramp Taxi shall be subject to the prior approval of the SFMTA and the Paratransit Coordinating Council.

### **(w) Retired Vehicles**

No Permit Holder may offer any Taxi or Ramp Taxi vehicle for sale to the public until all remnants of the Color Scheme, including the top light and all exterior lettering, numbering, signage, and any other item required to be displayed on a Taxi or Ramp Taxi are removed.

### **(x) Tobacco Advertising Ban**

(1) Color Schemes and Medallion Holders are prohibited from placing or maintaining, or causing or allowing to be placed or maintained, any advertising or promotion of cigarettes or tobacco products on any Taxi or Ramp Taxi.

(2) For the purposes of this subsection, "tobacco product" shall mean any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco. For the purposes of this Section, "promote" or "promotion" shall include a display of any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a particular brand of tobacco product.

## **SEC. 1114. RECORDS AND REPORTING REQUIREMENTS APPLICABLE TO PERMIT HOLDERS**

### **(a) Requirements Applicable to All Records**

Except as otherwise specified herein, all records required to be created and/or maintained by Permit Holders by this Article shall be subject to the following requirements:

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(1) When a signature is required, the record must be signed by a Permit Holder, or in the case of a corporation, by a person authorized to bind the corporation or his or her delegee if accompanied by written documentation of the delegation of signature authority.

(2) The format and content of any records required to be created or maintained, or of any reports or plans required to be filed by Permit Holders by this Article shall be subject to SFMTA approval.

(3) Except as otherwise specified in this Article, all records required to be submitted to the SFMTA may be delivered by any means authorized in this Section 1114. The Permit Holder that is subject to the records requirement shall have the burden of proving that the required records were actually delivered in a manner consistent with this section. *SFMTA shall give Permit Holders a receipt for in person delivery of records.* Except where a particular method of delivery is required for a specific record, records may be submitted by any of the following means:

(A) In person by the Permit Holder to a location or address specified by SFMTA:

(B) By first class U.S. Mail, postage pre-paid

(C) By fax; or

(D) By email.

(4) *Within three business days of request, all* ~~all~~ records required to be maintained by Permit Holders by this Article or by other law or regulation shall be made available as copies to be provided to the SFMTA, or for inspection by the SFMTA during normal business hours. ~~within three business days of request. The SFMTA may request that Permit Holders submit copies of records or original records within three business days of request.~~ If the Chief of Police indicates that the

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

inquiry relates to a criminal law enforcement investigation, such records shall be provided within one business day of request. In the event that SFMTA requires original records, the SFMTA shall provide the Permit Holder a receipt for any original documents that the SFMTA removes from the Permit Holders' premises or that are otherwise provided to the SFMTA, and shall protect and document the chain of custody of such original records until they are returned to the Permit Holder.

### **(b) Additional Requirements Applicable to Drivers**

#### **(1) Receipts for Fare to be Delivered to Passenger**

All Drivers shall provide a receipt for fare paid upon the demand of any passenger.

#### **(2) Badge and Identification Information**

Each Driver shall provide his or her badge number to any passenger upon request.

#### **(3) Medical Examination Certificates**

The Driver shall retain the original report or certification completed by the examining physician or laboratory following any physical examination required by this Article, and shall file a copy of the report or certification with the SFMTA.

#### **(4) Waybills**

Drivers of Taxis and Ramp Taxis shall produce an accurate and legible Waybill, completed in indelible ink. Each Waybill shall include the following information for the period covered by that Waybill:

- (A)** Date of trip;
- (B)** Driver's name;
- (C)** Driver's Permit number;

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

- (D) Driver's signature at the commencement of the shift;
- (E) Vehicle Number and vehicle license number;
- (F) Medallion number;
- (G) Odometer reading ~~Starting mileage~~ of the vehicle at the beginning and at the end of ~~for~~ the shift;
- ~~(H)~~ *Mileage of the vehicle at the end of the shift;*
- ~~(I)~~ *Number of passengers on each trip;*
- ~~(J)~~ (H) Origin and destination of each trip;
- ~~(K)~~ (I) The fare for each trip;
- ~~(L)~~ (J) The time of hire and discharge for each trip; and
- ~~(M)~~ (K) A mechanically or electronically generated time stamp showing the starting and ending times of the shift.

### (c) Additional Requirements Applicable to Medallion Holders

#### (1) Annual Filings Required for Renewal

No Taxi or Ramp Taxi Medallion shall be renewed unless the Permit Holder files a sworn statement by May 1 of every year under penalty of perjury attesting to compliance with this Article and associated state and federal laws on a form designated by the SFMTA.

### (d) Additional Requirements Applicable to Corporate Medallion Holders

#### (1) Annual Filings Required for Renewal

Any corporation holding a Medallion issued pursuant to this Article shall maintain a stock register at its principal place of business in San Francisco. No Medallion held by a



## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

corporation may be renewed unless the Permit Holder files the following documents by May 1 of each year: The SFMTA may require other corporate records to be provided to the SFMTA together with other required annual filings:

(A) Copy of current stock register;

(B) Copy of current filed copy of Statement of Domestic Stock Corporation issued by the California Secretary of State.

(2) All corporate Permit Holders shall report to the SFMTA in writing any of the following within 30 days of occurrence:

(A) Issuance or transfer of any shares of stock.

(B) Change in any of the corporate officers listed pursuant to Section 312 of the California Corporations Code or successor statute.

(C) Change of any member of its board of directors.

(D) Any notice of suspension or certificate of revivorship issued to the corporation by the California Secretary of State.

(E) *The death of any shareholder.*

### (e) Additional Requirements Applicable to Color Schemes

(1) Waybills

(A) A Color Scheme shall use a Waybill format approved by the SFMTA.

(B) A Color Scheme shall retain original Waybills for all Drivers and Medallion Holders for at least one year at its principal place of business.

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(C) Color Schemes shall maintain originals and/or legible electronic copies of Waybills for at least six years to document driving performed by Drivers affiliated with the Color Scheme. Color Schemes may store Waybills more than 12 months old in a secure electronic format, and duplicate copies of such electronic ~~record~~ records shall be ~~given~~ Any available to Drivers for each year of record. Drivers, Medallion Holders and applicants on the Waiting List are responsible for maintaining their own individual records.

(D) Color Schemes shall store Waybills either alphabetically, numerically or chronologically. If a Color Scheme's Waybills are not so organized, the SFMTA may require the Color Scheme to reorganize the Waybills either alphabetically, numerically or chronologically, and the Color Scheme shall order the Waybills in accordance with SFMTA direction within 90 days of ~~SFMTA~~ request. A Color Scheme may request a waiver of such requirement if the Permit Holder demonstrates to SFMTA's satisfaction that its Waybills are already organized in a different manner that allows efficient inspection and auditing ~~by SFMTA~~. *Any Waybills presented to SFMTA for inspection in any manner other than as required or approved by SFMTA may not be counted for compliance with the Full Time Driving requirement.*

(E) If requested, Color Schemes shall provide each Driver duplicate copies of that Driver's Waybills for any ~~a~~ prior year in an electronic or paper format. If the Waybills are provided in paper format, the Color Scheme may charge no more than \$0.10 per page, or a flat fee not to exceed \$50 for duplication of all Waybills of a Driver for the period of one year, whichever is less.

(2) Medallion Holder Files

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Color Schemes must maintain files for each Medallion Holder affiliated with the Color Scheme. Such files shall at least contain written copies of all Leases or permits associated with the Motor Vehicle for Hire at the Color Scheme's principal place of business, and employment or other applications initiating affiliation with the Color Scheme. Color Schemes shall provide copies of a Lease to any party to the Lease upon request.

### **(3) Driver Files**

Color Schemes shall retain the Color Scheme Identification Cards of former Drivers in their files.

### **(4) Receipts to Drivers**

Color Scheme Holders shall provide receipts for payments for fuel, Gate Fees, Lease fees or any other payment made by Drivers to Color Schemes, and for Found Property turned in to the Color Scheme.

### **(5) Medical Examination Certificates**

Reserved.

### **(6) Vehicle Inventory Changes**

Prior to placing a Taxi or Ramp Taxi into service for the first time, when changing one vehicle for another, or when assigning a new Vehicle Number, the Color Scheme shall submit the information required by this Section to the SFMTA on a form provided by the SFMTA.

### **(7) Current Information Required to be Maintained**

All Color Schemes shall maintain at the principal place of business the following information in a place where it is easily accessible to dispatchers and for immediate inspection upon request by SFMTA:

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(A) Driver Roster**

### **(B) List of Affiliated Drivers**

A current list updated at least weekly with all affiliated Drivers, including Driver's name, home address, cellular telephone number, Driver Permit number, and California driver's license number.

### **(C) Property Log Book**

Every Color Scheme shall maintain a log book in a form approved by the SFMTA which records the date, time, vehicle number, Driver by name or badge number, Incident Report Number (if applicable), description and disposition of the property. The log book shall be retained for a minimum period of one year.

### **(D) Vehicles**

A current list of all affiliated Taxis and Ramp Taxis including, but not limited to, the vehicle number, the vehicle license number, the vehicle identification number, the Model Year and make of the vehicle.

## **(8) Weekly Reporting Requirements**

Color Schemes shall fax or email to the SFMTA the following reports. Except as otherwise provided, weekly reports shall be submitted by close of business on the first business day of each week:

### **(A) Driver Roster**

**(i)** Every Color Scheme Permit Holder shall maintain a Driver Roster, updated after each shift to reflect actual shift assignments, that must at a minimum include: the date of the shift assignment, Driver's name, and the hours

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

worked for that shift, vehicle number and Medallion number, if different, whether or not the Medallion is leased on a per-shift, weekly, monthly, or other basis..

This schedule shall include the schedules of all Medallion Holders affiliated with a Color Scheme. The Driver Roster shall be provided to the SFMTA as part of the weekly report, and shall be made available for inspection by the SFMTA or law enforcement agencies during business hours.

**(ii)** All original Driver Rosters shall be retained at the Color Scheme's principal place of business for a period of not less than six years. Color Schemes shall maintain at the principal place of business the most recent 12 months of Driver Rosters in a paper format. Color Schemes may store Driver Rosters more than 12 months old in a secure electronic format. The SFMTA may excuse a Color Scheme from retaining schedules for a particular year by certifying that a Color Scheme has submitted all 12 schedules for that year. The SFMTA may grant exceptions for submission for companies with exceptionally large schedules or which have an electronic timecard system for schedules.

### **(B) Waybill Report**

All Color Schemes shall list all affiliated Medallion Holders in the weekly Waybill Report. On the first business day of each week, all Color Schemes shall fax to the SFMTA, the names of all affiliated Medallion Holders who have failed to turn in Waybills for the previous week, whether or not that Medallion Holder appears on the Driver Roster or is otherwise scheduled.

### **(C) List of Terminated Drivers**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

Color Schemes shall list the name and A-Card number of any Driver terminated during the prior week, and the date of termination.

### **(D) Mechanical Breakdown Log**

A record of all Taxis and/or Ramp Taxis which have been out of service for more than 72 hours as of the preceding week on a form approved by the SFMTA, including but not limited to the and the spare vehicle, if any, that was assigned to replace the out-of-service Taxi and/or Ramp Taxi, the reason for the breakdown and the estimated date of return to service.

### **(E) Found Property Report**

On the first business day of each week, each Color Scheme shall fax or email to the SFMTA a copy of all entries made in the property log for the previous week. Those Color Schemes having no entries for that week will fax or email a notice advising the SFMTA that no property was turned in.

### **(9) Filings Required for Emissions Compliance**

#### **(A) Company Emission Reduction Plans**

On June 1, 2010, each Color Scheme Permit Holder shall submit a written Emission Reductions Plan describing the Color Scheme's plans to implement reductions requirements of Section 1106(m) during 2010. On June 1, 2010, and June 1, 2011, each Color Scheme Permit Holder shall submit to the SFMTA a written statement on the steps the Color Scheme has taken in the prior year to carry out that year's Emissions Reduction Plan and the results of those efforts.

### **(10) Permit Renewal Requirements**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

No Color Scheme Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:

- (A)** Current San Francisco business license;
- (B)** Completed designated manager form(s);
- (C)** Current list of all affiliated Drivers, Medallion Holders and type of Lease for each;
- (D)** Insurance certificates demonstrating compliance with the insurance requirements of this Article for every vehicle and Medallion affiliated with the Color Scheme;
- (G)** Copy of company drug-free workplace policy;
- (H)** Blank sample of company Waybill and receipt for Waybill; and
- (I)** Sworn statement attesting to compliance with this Article and applicable state and federal laws.

### **(e) Additional Requirements Applicable to Dispatch Services**

#### **(1) Semi-Annual Service Report**

All Dispatch Services must provide the SFMTA with a semi-annual dispatch service report on a form provided and a date specified by the SFMTA.

#### **(2) Reports of Found Property**

##### **(A) Receipt to Drivers**

Every Dispatch Service Permit Holder shall issue a receipt to the Driver for any Found Property located in an affiliated Taxi or Ramp Taxi and provided to the Dispatch Service.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(B) Return to Owner**

Every Dispatch Service Permit Holder shall endeavor to return Found Property to its rightful owner. If after 2 business days the owner cannot be located, the Dispatch Service Permit Holder shall give the property to SFMTA with a receipt that includes an inventory of the property, the date it was turned in, the name or badge number of the Driver who turned it in and the number of the vehicle in which it was found.

### **(D) Property Log Book**

Every Dispatch Service Permit Holder shall maintain at the principal place of business a log book in a form approved by the SFMTA which records the date, time, vehicle number, Driver by name or badge number, Incident Report Number (if applicable), description and disposition of the property. The log book shall be retained for a minimum period of one year.

### **(E) Weekly Property Report to SFMTA**

On the first business day of each week, each Dispatch Service Permit Holder shall fax or email to the SFMTA a copy of all entries made in the property log for the previous week. Those Dispatch Services having no entries for that week will fax or email a notice advising the SFMTA that no property was turned in. Dispatch Service Permit Holders shall account for all affiliated Color Schemes.

### **(3) Annual Filings Required for Renewal of Permit**

No Dispatch Service Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:

- (A) Copy of current City business license**
- (B) Completed Designated Manager Form**



## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

- (C)** List of all affiliated Color Schemes
- (D)** Copy of company drug-free workplace policy
- (E)** Insurance certificates demonstrating compliance with the insurance requirements of this Article;
- (F)** Sworn statement attesting to compliance with this Article and applicable state and federal laws

### **SEC. 1116. GENERAL PROVISIONS GOVERNING HEARINGS**

#### **(a) Definitions.**

For the purpose of Sections 1116 through 1118, "SFMTA" shall refer to the SFMTA's Taxi Section. The term "hearing officers" as used in those Sections refer to individuals assigned to the SFMTA's Hearing Section, and designated by the SFMTA Board of Directors to conduct hearings as described herein.

#### **(b) Hearing Procedures for SFMTA Actions and Determinations; Appeal**

(1) If the SFMTA takes any of the following actions or makes any of the following determinations the SFMTA shall provide notice of such action or determination to the applicant and/or Permit Holder.

- (A)** Denies a permit application for any permit other than a Taxi or Ramp Taxi Medallion; or
- (B)** Revokes a permit pursuant to Section 1105(a)(9)(D) (non-operation) or Section 1113; or
- (C)** Refuses to renew a permit pursuant to Section 1105(a)(5)(B)

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(D) Determines that an application for any permit is inactive pursuant to Sections 1103(b)(2) or , 1103(b)(4) or 1103(b)(5); or

(E) Determines that a Permit Holder is subject to Administrative Probation pursuant to Section 1118(g);

**(2)** The applicant or Permit Holder who has received notice of an SFMTA action or determination listed in 1116~~7~~(b)(1), or an individual in receipt of a citation related to the violation of the Transportation Code (for the purpose of Sections 1116 through 1118, such individual shall be referred to as "Respondent"), may request a hearing on the action or determination by submitting to SFMTA a request for hearing within 20 business days of the date that the notice is personally delivered or sent to the ~~applicant or Permit Holder~~ applicant, Permit Holder or Respondent by registered mail. In the event that the application is determined to be inactive pursuant to Section 1103(b)(5), the applicant may request a hearing on the determination at any time within 180 days of date that the notice is personally delivered or sent to the applicant.

**(3)** A hearing on the action or determination shall be scheduled within 60 calendar days from the date that the applicant or Permit Holder submitted a request for hearing. ~~The SFMTA shall provide the complete application and/or grounds for the action taken and the results of any investigation to the Hearing Section upon receipt of a request for hearing.~~

**(4)** Any party to a hearing may be represented by an attorney or other designated representative, and/or may bring an interpreter to the hearing.

### **(c) Ex Parte Communications**

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(1) No person or agency may communicate directly or indirectly with a hearing officer at any time while a case is pending unless there is notice and an opportunity for the other parties to participate.

(2) Any correspondence regarding the substance of a case directed to or received by any hearing officer shall become part of the case record file and shall be copied to both parties within 48 hours of the communication. If the communication received is oral, the hearing officer shall prepare a memorandum for the record stating the substance and the date of the communication, any response made, and the identity of each person from whom the communication was received. If a communication is received within 48 hours of a scheduled hearing, the hearing officer must immediately provide copies of the communication to the parties.

(3) Except as permitted by these procedures and any applicable laws and regulations, there shall be no contact between the Taxi Section and the Hearing Section with respect to any pending case. This prohibition does not preclude communications about administrative, procedural or policy matters that do not involve any pending case regarding any individual permit or permit application.

**(d) Discovery**

**(1) Taxi Section Obligations.** *Upon receipt of a request for a hearing, the SFMTA shall provide the following required discovery to the Hearing Section and the applicant or Permit Holder no less than 20 days prior to the hearing date:*

*(A) the complete application; and/or*

*(B) the entire investigative file related to the applicant, Permit Holder or*

*Respondent; and*

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(C) all evidence that the Taxi Section intends to introduce in its case in chief.

Before producing the required discovery, the Taxi Section may redact or withhold any attorney-client privileged communication, attorney work product, or third-party confidential material in the discovery materials.

(2) **Additional Discovery by Applicant or Permit Holder or Respondent.** If the applicant, Permit Holder or Respondent believes that he or she needs additional information or materials to prepare his or her case, the applicant, Permit Holder or Respondent, or his or her representative, shall submit a written discovery request, which shall be titled "Discovery Request," to the Taxi Section. The Taxi Section shall provide a written response to the discovery request within 10 days. The Taxi Section's response shall either state that the Taxi Section will provide the requested information or materials or raise one or more objections to some or all of the discovery request.

(3) **Discovery Motions.** An applicant, Permit Holder or Respondent dissatisfied with the Taxi Section's response to a discovery request under Section 1116(d)(2) may submit a motion to the Hearing Section requesting further discovery from the Taxi Section. The motion shall include the following:

(A) a list specifically identifying all discovery materials requested by the applicant, Permit Holder or Respondent that the Taxi Section declined to produce and the Taxi Section's stated objections.;

(B) a clear description of any perceived discovery deficiencies in the applicant, Permit Holder or Respondent's discovery request;

(C) a statement explaining why the applicant, Permit Holder or Respondent anticipates that the additional discovery would be relevant to the applicant, Permit Holder or Respondent's case;

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(D) any legal authority relevant to the applicant, Permit Holder or Respondent's motion; and

(E) a written declaration, under penalty of perjury, showing compliance with the requirements of Section 1116(d)(1) and (2), and attaching copies of all correspondence sent to and received from the Taxi Section concerning the discovery request, or explaining why the Taxi Section did not comply with the requirements of Section 1116(d)(1) or (2).

### ~~(d)~~(e) **Presentation of Evidence**

(1) During any hearing the hearing officer(s) shall have the discretion to allow the introduction of any relevant evidence. The hearing officer, on his or her own motion, may request the attendance and testimony of subpoena witnesses, the production of documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary by the hearing officer to render a decision.

(2) In any hearing, subject to the hearing officer(s) discretion to limit evidence to evidence that is relevant to the proceeding, either party may present their case by means of oral or documentary evidence, may submit rebuttal evidence, and may conduct cross-examination of adverse witnesses.

(3) The hearing officer may set reasonable time limits for the presentation of each party's case, but in all cases any time limitation or any extension thereof must apply equally to all parties.

(4) The hearing officer may, in his or her discretion, continue the hearing for not more than 60 days or for a longer period based on good cause shown.

### ~~(e)~~(f) **Public comment**

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

Public comment is not required during hearings governed by Sections 1116 through 1118 but may be permitted in the sole discretion of the hearing officer.

### ~~(f)~~(g) Notices

(1) Any notice, filing or other communication required to be provided to any person(s) by Sections 1116 through 1118 shall be delivered by personal delivery or registered U.S. mail to the last known address of the intended recipient that is on file with the SFMTA. Any such notice, filing or other communication shall include information about the recipient's right to appeal the determination whenever applicable.

(2) If the SFMTA is unable to determine the intended recipient's mailing address, the local agency shall post the notice for at least 10 calendar days.

(3) All notices, filings or other communications required to be provided to the SFMTA shall be delivered by hand or mailed by first class mail, postage pre-paid to:

San Francisco Municipal Transportation Agency

Taxi Section

1 South Van Ness, 7th Floor

San Francisco, CA 94103

(4) All notices, filings or other communications required to be provided to a hearing officer or the Hearing Section shall be delivered by hand or mailed by first class mail, postage pre-paid to:

San Francisco Municipal Transportation Agency

Hearing Section –Taxis

11 South Van Ness

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

San Francisco, CA 94103

**(5)** The date of any notice, filing or other communication directed to the SFMTA or the Hearing Section shall be the date that it is received at one of the locations listed above.

**(6)** Notice of Violation.

Any notice of violation shall contain sufficient information to identify the alleged violator, to inform the alleged violator of the alleged violations of statute, ordinance or regulation, and the procedures for protesting the allegations contained in the notice.

### **SEC. 1117. PERMIT ISSUANCE; INACTIVE APPLICATION**

#### **(a) Permit Issuance**

The SFMTA may issue any class of Motor Vehicle for Hire Permit upon its determination that the permit applicant meets all requirements and qualifications for the permit.

#### **(b) Investigation**

The SFMTA shall investigate each individual permit applicant. SFMTA shall provide results of the investigation to the applicant. The applicant must furnish any additional material requested by the SFMTA within 60 days of the date of the SFMTA's notice to the applicant of the results of the investigation. If additional material requested by the SFMTA is not provided within 60 days' of request, the application shall be deemed inactive.

#### **(c) Hearing Schedule and Exchange of Information**

**(1)** The SFMTA shall notice a hearing prior to the issuance of any Taxi or Ramp Taxi Medallion at least 30 calendar days prior to the scheduled hearing date.

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(2) An ~~applicant or Permit Holder~~ applicant, Permit Holder or Respondent is entitled to a continuance of the hearing date, of up to 60 days ~~in the SFMTA's sole discretion~~, if a written request is submitted to the SFMTA at least 14 calendar days prior to the scheduled hearing.

(3) The SFMTA may present a summary of its investigation of no more than ten double-spaced pages, excluding exhibits, no less than 20 calendar days prior to the hearing.

(4) No less than five calendar days prior to the hearing, the ~~applicant or Permit Holder~~ applicant, Permit Holder or Respondent may file a written submission containing any information the applicant deems relevant to the application or the results of the investigation. The submission shall not exceed ten double-spaced typed pages, excluding exhibits. If the ~~applicant or Permit Holder~~ applicant, Permit Holder or Respondent intends to present witnesses at the hearing, it shall present a list of these witnesses at least five calendar days prior to the hearing.

(5) The parties may alter the hearing schedules ~~specified in this Article~~ by prior written mutual agreement on a schedule other than the schedule specified in this Article.

### **(d) Burden of Proof**

The burden of proof shall be on the ~~applicant or Permit Holder~~ applicant, Permit Holder or Respondent to establish that the applicant meets all requirements. In the case of a hearing on a determination that a permit application is inactive pursuant to subsection 1103(b)(5), the burden of proof shall be on the applicant to show that there was good cause for the applicant's failure to respond to SFMTA notices regarding the status of the application.

### **(e) Notice of Decision**

A hearing officer's decision on any permit application shall be based upon the qualifications of the applicant and the criteria set forth in this Article. The hearing officer(s)



## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

shall make a written report of findings setting forth evidence in support of each finding within 60 calendar days of the hearing. The date of the hearing officer's written decision shall be deemed the date of the determination for the purposes of this Article. Any finding made at or as a result of a hearing conducted pursuant to this Section may be appealed by the applicant *or by a member of the public* to the Board of Appeals.

### (f) Results of Hearing

If the hearing officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit within 10 business days of the hearing officer's written decision. If an applicant is contesting his or her removal from a Waiting List, and the hearing officer determines that the applicant is eligible for the Medallion and has met all permit application requirements, the SFMTA shall restore the applicant to *his or her* ~~their~~ place on the Waiting List. If an applicant is contesting a determination that his or her application is inactive, and the hearing officer determines that the application is active in accordance with the criteria listed in Section 1103(b), then the SFMTA shall continue to process the application. If a Permit Holder contests revocation of a permit, and the hearing officer determines that grounds for revocation of the permit do not exist, then the SFMTA shall restore the permit.

## SEC. 1118. ADMINISTRATIVE PROCEEDINGS

### (a) Complaint

In order to initiate an administrative proceeding against any person alleged to be in violation of any law or regulation that is subject to administrative penalties, the SFMTA must present a written complaint consisting of a list of each alleged violation, the alleged facts that establish each violation, and any argument in support of requested disciplinary measure(s) or monetary penalties. The complaint shall not exceed 10 double-spaced pages, excluding

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

exhibits. In addition to the complaint, the SFMTA may submit any proposed findings to the hearing officer.

### **(b) Scheduling an Administrative Hearing**

The administrative hearing shall be scheduled no sooner than 30 calendar days after the written complaint is noticed to the respondent unless the parties agree to a different schedule. The respondent may request a continuance of the hearing by submitting a written request to the ~~hearing officer-SFMTA~~ at least five business days prior to the scheduled hearing. The ~~hearing officer-SFMTA~~ must grant or deny the request for continuance within three business days. The final decision on the request for continuance shall be provided to the respondent and shall be posted on the SFMTA's website. No continuance of the administrative hearing may exceed 60 days. If there is a pending criminal proceeding against the respondent the hearing officer may continue the hearing pending final resolution of the criminal case; provided that such continuance of the hearing shall not affect a summary suspension under Section 1119.

### **(c) Response to Complaint**

No later than 10 calendar ~~ten business~~ days prior to the hearing, the respondent may provide the SFMTA and the hearing officer a written response to the disciplinary complaint, along with any additional information the respondent considers relevant to the case. The response shall include a list of the witnesses, if any, that the respondent will present at the hearing and shall not exceed ten double-spaced pages, excluding exhibits and list of witnesses, ~~and shall include a list of the witnesses, if any, that the respondent will present at the hearing.~~ In addition to the response, the respondent may include as a part of the response any proposed findings that the respondent proposes be adopted by the hearing officer. SFMTA may submit any proposed findings to the hearing officer.

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

### **(d) Presentation of the Case**

(1) The SFMTA shall make the initial presentation of its case at the hearing, and shall have the burden of proving, by a preponderance of the evidence, the facts alleged in the complaint. The respondent may present evidence following the SFMTA's presentation.

(2) Following presentation of evidence, each party shall have at least-five minutes to present their rebuttal arguments, if any.

### **(e) Decision**

(1) The hearing officer shall issue a written decision within ten business days of the date of the hearing, and shall include written findings and disciplinary measures or monetary penalties, if any. No later than three business days following the hearing the SFMTA shall publish a summary of the results of the disciplinary case on the SFMTA website, referenced by the case number, date of hearing and the affected permit number. The full text of the decision shall be sent to the respondent no later than the business day following the issuance of the decision. The deadline for the issuance of a decision may be extended if the hearing officer requests additional evidence from the parties subsequent to the hearing. If additional evidence is submitted, then the decision will be issued within ten business days of the last submittal.

(2) The hearing officer's decision shall take effect on the date of notice to the respondent.

(f) The appeal to the Board of Appeals of any decision to suspend or revoke a permit for the operation of a Motor Vehicle for Hire shall automatically suspend the permit that is the subject of the appeal for the duration of the appeal.

### **(g) Administrative Probation**

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

**(1)** The SFMTA shall develop uniform criteria for making a determination that either a Color Scheme or a Dispatch Service Permit Holder is on Administrative Probation based on the number and degree of violations of this Article. In addition to any other applicable disciplinary measures, the SFMTA may declare the Permit Holder to be on Administrative Probation based on such criteria.

**(2)** A Color Scheme on Administrative Probation may not execute new affiliations with Drivers or Medallion Holders, and a Dispatch Service on Administrative Probation may not execute new affiliations with Color Schemes, until the SFMTA makes a written determination that the violations are cured or the conditions stated in the notice of Administrative Probation are met.

Section 3. The San Francisco Transportation Code is hereby amended by amending Article 1100 to Division II, Sections 1120 -1122 to read as follows:

### **SEC. 1120. REVOCATION OF PERMITS**

#### **(a) Revocation or Suspension for Cause**

Any permit issued under this Article may be suspended or revoked by the SFMTA for good cause after a noticed hearing. "Good cause" hereunder shall include, but shall not be limited to, the following:

**(1)** A Medallion Holder ceased to be a Full-Time Driver.

**(2)** A Permit Holder failed to pay a permit fee within 90 days following notice of nonpayment.

**(3)** A Permit Holder or the lessee of a Permit Holder's permit operated without the insurance required by this Article.

**(4)** A Permit Holder or an agent of a Permit Holder knowingly made false statements to or concealed information from the SFMTA or the Chief of Police.

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(5) A Permit Holder has failed to satisfy any judgment for damages arising from unlawful or negligent operation under any permit issued under this Article without legal authorization.

(6) A Permit Holder has been convicted of any crime that would disqualify them from holding a permit pursuant to Section 1103(c)(2)(F), or has had a complaint sustained for violation of regulations contained in this Article.

(7) A Permit Holder obtained their permit by presenting false or fraudulent evidence, or presented false or fraudulent evidence to the SFMTA or the Chief of Police for the purpose of supporting another person's permit application.

(8) The Permit Holder has been convicted of violating any statute or ordinance governing the operation or licensing of the vehicles and services regulated by this Transportation Code.

### **(b) Revocation of More Than One Permit**

Where a person violating this Article holds more than one permit to operate a Motor Vehicle for Hire in the City, the SFMTA may revoke or suspend all such permits.

## **SEC. 1121. NOTICES**

### **(a) Posting Notice**

Except as otherwise provided herein, all public notices required to be given by the SFMTA pursuant to this Article shall be posted on the SFMTA's official website and in the main branch of the Public Library for no less than three business days.

### **(b) Notice of Permit Hearing**

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

When a permit becomes available for issuance the SFMTA shall publish notice in accordance with subparagraph (a), and shall notify the next five applicants on the Waiting List.

### (c) Notice of SFMTA Permit Actions

Except as otherwise provided herein, SFMTA shall post a notice of any determination related to an individual permit or class of permits within five business days following the date of the determination.

### (c) Notice of SFMTA Permit Application Actions

If the SFMTA determines that a ~~taxi medallion~~ Medallion permit application is inactive, it shall post notice on the SFMTA's official website for a period of at least 180 days.

## SEC. 1122. FEES, RATES AND CHARGES

(a) ~~At any time during calendar year 2009, Beginning in calendar year 2010 and at least every other calendar year thereafter the SFMTA Board may shall hold a hearing to determine, in its sole discretion, whether the rates of fare and cap on gate fees then in effect should be increased, decreased or remain unchanged. review and in its sole discretion, increase or decrease the rates of fare and/or the cap on gate fees applied to motor vehicles for hire. From time to time but no more than once per 12-month period, the SFMTA Board shall hold a hearing to determine whether the rates of fare and cap on gate fees then in effect should be increased, decreased or remain unchanged.~~

### (b) Taxi Fares

(1) The fare for Taxis and Ramp Taxis shall be as follows: \$3.10 for the first fifth of a mile or "flag"; \$0.45 for each additional fifth of a mile or fraction thereof; \$0.45 for each one minute of waiting or traffic delay time.

### (2) Out-of-Town Trips

## **SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE**

For out-of-town trips exceeding 15 miles beyond City limits, the fare will be 150 percent of the metered rate; for trips exceeding 15 miles from San Francisco International Airport and not terminating within the City limits of San Francisco, the fare will be 150 percent of the metered rate except for those trips from San Francisco International Airport traversing through San Francisco going to Marin County or to the East Bay the 15-mile limit will apply from the City limits of San Francisco as set forth above. For taxicab trips originating at San Francisco International Airport that incur an airport trip fee, the taxicab driver may collect \$2.00 of that trip fee from the passenger upon receipt of cab fare from the passenger.

### **(c) Gate Fees**

#### **(1) Cap on Gate Fees**

The mean gate fee charged drivers by a taxicab company may not exceed \$96.50 for a shift of 10 hours or longer. The cap shall be prorated at \$9.65 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding together the gate fees charged by the company for all available shifts during one week and dividing that total by the number of available shifts during the week.

#### **(2) Gate Fee Surcharge For Low Emission Vehicles**

Notwithstanding subsection 1122(c)(1), a Color Scheme may collect a surcharge of \$7.50 on any gate fee charged for use of a low emission vehicle, subject to the requirements of this subsection. The surcharge shall be for a shift of ten hours or longer, and shall be prorated at \$0.75 per hour for shifts shorter than ten hours. The surcharge shall be in addition to the company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap authorized by the City, and may be collected for the life of the vehicle.

## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

**(3)** Definition of "Low Emission Vehicle." For purposes of this Section, "low emission vehicle" means a Taxi or Ramp Taxi approved by the SFMTA that is rated as SULEV (Super Ultra Low Emission Vehicle) or better by the California Air Resources Board. "Low emission vehicle" shall also include a vehicle that is rated as ULEV (Ultra Low Emission Vehicle) if that vehicle was approved by the Taxi Commission and placed into service as a San Francisco Taxi or Ramp Taxi prior to March 1, 2009.

### **(d) Oversized Luggage Fee**

A Driver is entitled to charge an additional amount not to exceed \$1 for each piece of luggage that cannot be conveyed either in the passenger compartment of the vehicle or in the vehicle's trunk with the trunk-lid closed. Each passenger shall be entitled to have conveyed without charge such valise or small package as can be conveniently carried within the vehicle. Other than the charges authorized by this subsection, no charge shall be made by the driver for loading or unloading baggage.

### **(e) Emergency Rates**

During any period of emergency, strike or other impairment or lack of municipal railway transportation declared by the Mayor and affecting the entire City or any part thereof, Drivers of Motor Vehicles for Hire shall accept passengers traveling in the same general direction, though each passenger or passengers may have differing points of pickup or discharge. At each stop for the pickup or discharge of a passenger or passengers, a *Taxi or Ramp Taxi* Driver ~~shall~~ may collect, or tabulate for later collection at the passenger's point of discharge, the pro-rata share of the amount due as indicated by the meter, and said meter shall then be reset. The rates shall be those set forth in Section 1122(b).

### **(f) Deduction for Time While Disabled**



## SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

In the event that a taxicab *breaks down*, while conveying for hire any passenger or passengers, *becomes disabled, or breaks down*, the Driver may not charge any passenger for the time during which the vehicle is disabled. ~~time of stoppage shall be deducted from the time for which the passenger is charged.~~

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
STEPHANIE STUART  
Deputy City Attorney