

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets Division

BRIEF DESCRIPTION:

Amending Division II of the San Francisco Transportation Code to authorize the issuance of a Residential Parking Permit to residents for use by childcare providers and set the permit fee amount, and clarify that Health Care Worker permits issued to residents for such use count towards the four RPP permits that may be issued to a single address.

SUMMARY:

- This amendment to Division II of the Transportation Code authorizes the issuance of a Residential Parking Permit (RPP) to residents for use by persons who provide childcare services to children 12 years old or under who reside with the resident and sets the permit fee amount.
- The amendment also clarifies that Health Care Worker permits issued to residents for such use count towards the four RPP permits that may be issued to a single address.
- As part of the original legislation approved by the Board of Supervisors, the RPP program had provisions for the issuance of permits to health care workers, firefighters, and teachers. This legislation authorizes the SFMTA to also issue permits to residents for use by persons who provide childcare services under certain circumstances.
- This issue was brought to the attention of the SFMTA by concerned parents who say that requiring childcare providers that drive to move their vehicles as required by RPP parking signage is impractical and could be unsafe to their children.
- Transportation Code Section 902 is amended to include permits issued to residents for childcare providers to the permit fee table. The cost of the permit will be the same as a legal resident annual RPP sticker.

ENCLOSURES:

1. SFMTAB Resolution
2. Appendix A - Amendment to Division II of the Transportation Code

APPROVALS:

DATE

DIRECTOR OF DIVISION
PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION
BE RETURNED TO _____ Tom Folks

ASSIGNED SFMTAB CALENDAR DATE: _____

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PURPOSE

Amending Division II of the San Francisco Transportation Code to authorize the issuance of a Residential Parking Permit to residents for use by childcare providers and set the permit fee amount, and clarify that Health Care Worker permits issued to residents for such use count towards the four RPP permits that may be issued to a single address.

GOAL

Goal 2 – System Performance: To get customers where they want to go, when they want to be there.

DESCRIPTION

The California Vehicle Code (CVC) authorizes local jurisdictions to limit or prohibit parking on local streets and roads. The CVC also allows the creation of a preferential parking program for residents and merchants to exempt them from such regulations (CVC Section 22507). In 1976, the City and County of San Francisco became one of the first cities in California to implement preferential parking policies through the “Residential Parking Permit Program” ordinance adopted by the Board of Supervisors as a strategy to address spillover demand for parking in residential areas and to support the City’s Transit First Policy by discouraging commuter parking.

Currently residential parking in San Francisco adjacent to commercial districts (or other trip generators such as schools or hospitals) utilizes a conventional preferential parking permit regime in which vehicles belonging to residents or other groups (contractors, teachers, etc.) displaying a valid permit are allowed to park without time limits in permit zones while vehicles not displaying a permit are allowed to park for free subject to posted time limits. Time limits vary from one hour to 4-hours and time periods for enforcing RPP regulations also vary throughout the city as a result of an extensive citizen participation process to establish the regulations.

Residents living in a RPP zone can choose to purchase a RPP sticker for \$98 which is good for 12 months. Each household may purchase up to four RPP stickers. If a special request for additional permits is made and approved, then the cost for additional permits is based on a graduated fee structure. Business owners located within an RPP zone may purchase one RPP sticker and up to three additional RPP stickers for delivery vehicles with commercial license plates registered to that business address. Visitor permits are available for 2-, 4-, 6-, and 8-week periods.

Vehicles displaying a valid RPP sticker are allowed to park for free in the permit zone for an unlimited period. A vehicle displaying a valid RPP sticker may remain parked in the same space for up to 72 hours without moving. For persons without the appropriate permit, parking is free but generally subject to a two-hour time limit, though some areas have time limits of one or four hours. On most streets in the RPP areas, the two-hour limits are enforced Monday through Friday, from 8:00 a.m. to 6:00 p.m. However, in some zones the two-hour limits are enforced seven days a week and hours are extended in the evening until 9:00 p.m. Availability of parking varies by RPP areas.

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Over time, concerns have been raised about the Residential Permit Parking program from two main types of affected individuals:

- People who have to work within an RPP program area to provide an essential service but do not live there. The RPP program and its permit restrictions make it difficult or impossible to park on any adjacent street without having to obey a strict time limit. Examples of affected individuals are teachers or fire fighters, both essential services that are often located in mostly residential areas.
- People who have to work to serve specific residences. They cannot drive to work unless that residence provides an off-street space for that individual. If they drive to work they have to move the vehicle during the allocated time limits. Examples of affected individuals are full-time at home health care workers and diplomatic consulate staff.

Section 905 of the Transportation Code, Division II establishes various permit types to address these types of concerns. These special permits were established by the Board of Supervisors after considerations of the merits of the problem. In the case of teacher permits, a compromise was established between granting too many permits or too few, one that at times has been challenged and modified over time. The authority to determine what special permits to allow passed to the SFMTA Board of Directors with the passage of Proposition A in 2007.

- Health Care Worker Permits. The SFMTA is authorized to issue additional Parking Permits to residents of a Residential Parking Permit Area for use of persons who, on a regular basis, provide health care or other related services essential to the well-being of the resident applicant, upon the certification by a licensed physician that such services are required. At this time, staff is recommending that the permit requirements be amended to clarify that a permit issued to a resident for such use counts towards the four RPP permits that may be issued to a single address.
- Fire Station Permits. The SFMTA can also issue to the officer in charge of a fire station within a residential Parking area that quarters more than one unit not more than 10 transferable Parking Permits and to the officer in charge of a fire station within a residential Parking area that quarters one unit, not more than five transferable Parking Permits for the exclusive use of uniformed members assigned to the station on a temporary basis because of staffing shortages.
- Educational Institutions. The SFMTA can issue transferable parking permits to the Transportation Broker of an Educational Institution with at least 15 certificated employees or Persons regularly employed as classroom teachers and located within a Residential Parking Permit Area valid between the hours of 8:00 a.m. to 6:00 p.m. on school days for the use of persons employed as teachers at such institution who reside outside of the Residential Parking Permit Area. There is a maximum of 15 annual permits per Educational Institution and a minimum of five. In addition the SFMTA can issue City-wide permits for teachers and school administrators employed by the San Francisco Unified School District (SFUSD) whose duties require them to travel to more than one school site and who have been approved by the Superintendent of the SFUSD, or his or her designee.

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- Foreign Consulates. One Residential Parking Permit may be issued upon application to foreign consulates located within a Residential Parking Permit Area, and up to a maximum of two additional Parking permits per consulate for the exclusive use of vehicles registered to the Consulate with the Department of Motor Vehicles.

Most recently the Agency has received requests from parents to add nannies or childcare providers to the list of special permits that can be issued. Concerned parents argue that:

- Child care providers provide an essential service to the residents, similar to health care workers which are already allowed to receive permits.
- It is unsafe to child care providers to leave a child unattended to move a vehicle to meet the RPP restrictions.
- The intent of the RPP program was not meant to target these types of employees but rather traditional commuters to larger firms or businesses.
- Child care providers need to have a vehicle during the day or cannot use transit, or transit is not convenient or practical as an alternative to driving.

SFMTA staff has responded in the past that the City cannot issue permits to childcare providers. Issuing such permits could pose the following challenges:

- Requires the establishment of some formal evidence that someone is providing childcare services at a residence, something that could be difficult to prove.
- Increases the number of vehicles travelling to and parking in residential areas, weakening the City's "Transit First" policy of encouraging public transit or other sustainable modes of transportation.
- Creates precedents to allow other type of workers and employees to request their own exemption of residential permit regulations.

This issue was heard at the SFMTA Board's Policy and Governance Committee meeting of September 14, 2010. At that meeting parents spoke in support of the SFMTA allowing childcare providers to purchase permit stickers, citing concerns about the negative impacts that complying with existing rules poses on parents and their children. At that meeting staff was instructed to develop a proposal for SFMTA Board consideration that would address this issue.

This proposal recommends issuing a transferable RPP placard to the parent or custodian of a child residing at that household who is age 12 or under and needs childcare. The parent or custodian of the child would loan this placard to any childcare provider of their choice. Staff considered that one of the advantages of a transferable placard is that it would avoid the problem of issuing multiple RPP vehicle stickers to multiple childcare providers at any one time or during the course of the year.

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Exact administration guidelines and instructions for the Childcare Provider Permit are being developed. A special permit placard is being designed that would indicate its expiration date and that it is a childcare permit valid only for the RPP area that the parent lives in. Documentation recommendation is to require the parent or custodian of the child to provide the SFMTA a copy of a birth certificate along with a signed affidavit indicating that he or she is the parent of a child age 12 or under who resides at that address. The parent would sign under penalty of perjury that the permit will be used only in connection with child care. This signed affidavit would be the most direct way for an individual to assume responsibility for the proper use of the permit, in this case the child's parent or custodian. The cost of a childcare worker permit would be the same as a residential permit, \$98 a year at this time. The permit would count as one of the four permits per household allowed at that base rate. If lost the permit would be replaced at its full annual cost.

ALTERNATIVES CONSIDERED

Not approving this legislation would mean that childcare providers would continue to have to find alternative modes of transportation to their place of work if the child in question lives within an RPP area. Alternatives include public transit, walking, bicycling, taxis, driving a vehicle with a valid RPP sticker, or any combination of these. Motorists without a parking sticker could also try to find an off-street parking space, which can be a private parking lot, the resident's garage, or a rented garage. Alternatively motorists could abide by the RPP time limits by moving the vehicle at least one block to avoid citation.

It is possible that some individuals could cheat the system and use this new permit provision to obtain Residential Permit Passes for particular areas. People could either misuse a legitimate permit, or obtain a permit illegitimately. While the transferable placard is more convenient to administer and use, its resulting disadvantage is that it could be misused for parking unrelated to childcare services. Documents such as child birth certificates can be forged or people can lie on forms if the chance of being caught is considered small. The Agency must balance its needs to ensure proper documentation is submitted with the need to avoid having requirements that are burdensome. Existing signed affidavits used for the Health Care Worker Permits require the signature of a doctor, for example. Staff did not consider it relevant to require the child's pediatrician to sign the childcare permit affidavit as additional proof of need. These administrative details can be reviewed further, however, if the SFMTA Board believes that additional safeguards are required to prevent fraud.

SFMTA staff considered whether Childcare Parking Permits should be provided only to professional or paid employees of the parent or guardian, similar to the Health Care Worker Permits, which are issued as stickers to be placed on the motor vehicle of the worker rather than a placard given to the resident. However, many childcare providers are not licensed in a systematic way. Proposals to require parents to submit employment documentation, such as employment tax forms, were ruled out since childcare providers can be relatives or friends or are not necessarily always paid employees of the parent or custodian. Staff considered it to be fairer to propose a system that was open to various childcare arrangements if such a permit was going to be made available to residents.

FUNDING IMPACT

SFMTA staff at this time does not know how many residents would apply for this permit. The cost of the permit should offset the administrative costs to implement and maintain the program. If the permit program provisions are approved by the SFMTA Board, the SFMTA RPP Permits Office would issue administrative guidance and forms to the public to explain the needed documentation. Since it is transferable, only one Childcare Parking Permit will be allowed per address and this permit will count as one RPP permit for that address for base fee purposes.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney's Office has reviewed this calendar item and the proposed Transportation Code amendments.

RECOMMENDATION

SFMTA staff recommends that the SFMTA Board of Directors approve and adopt the proposed amendments to Division II of the Transportation Code to authorize the issuance of a Residential Parking Permit to residents for use by childcare providers and set the permit fee amount, and clarify that Health Care Worker permits issued to residents for such use count towards the four RPP permits that may be issued to a single address.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The City and County of San Francisco established a Residential Permit Parking program to improve the quality of life of its residents; and,

WHEREAS, At times, the Residential Parking Permit program has impacted certain occupations in a way that has resulted in the granting of additional parking permits; and,

WHEREAS, Concerned parents in San Francisco have recently requested the SFMTA Board to permit childcare providers to park in Residential Parking Permit areas without having to follow posted time limits; and,

WHEREAS, San Francisco Municipal Transportation Agency staff has prepared amendments to Division II of the Transportation Code to authorize the issuance of a Residential Parking Permit to resident parents or custodians for use by childcare providers for children 12 years old or under and set the permit fee amount; and,

WHEREAS, Staff also recommends that the Health Care Worker permit requirements be amended to clarify that a permit issued to a resident for such use counts towards the four RPP permits that may be issued to a single address; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves amendments to Division II of the Transportation Code to authorize the issuance of a Residential Parking Permit to residents for use by childcare providers and set the permit fee amount, and clarify that Health Care Worker permits issued to residents for such use count towards the four RPP permits that may be issued to a single address.

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

APPENDIX A

[Amending Division II of the San Francisco Transportation Code to authorize the issuance of a Residential Parking Permit to residents for use by childcare providers and set the permit fee amount, and clarify that Health Care Worker permits issued to residents for such use count towards the four RPP permits that may be issued to a single address.]

Resolution amending San Francisco Transportation Code, Division II, by amending Sections 902 and 905 to authorize the issuance of a Residential Parking Permit to residents for use by childcare providers and set the permit fee amount, and clarify that Health Care Worker permits issued to residents for such use count towards the four RPP permits that may be issued to a single address .

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 900 of Division II of the Transportation Code is hereby amended by amending Section 902, to read as follows:

SEC. 902. - GENERAL PERMIT CONDITIONS.

The following general provisions apply to all permits issued under this Article.

(a) Application and Renewal. Permit applications must be submitted on a form supplied by the SFMTA. All required application fees must be paid and all permit requirements satisfied before a permit may be issued. The SFMTA may require any information of the applicant which it deems necessary to carry out the purposes of this Article. Permits may be renewed annually in compliance with any renewal procedures established by the SFMTA.

(b) Display of Permit. Permittees must maintain the permit at the site of the permitted activity and available for inspection in accordance with any requirements for permit display as may be established by the SFMTA, and shall make all permits

available for inspection upon request by an employee of the Police Department or SFMTA.

(c) Prior Payments Required. No permit shall be issued or renewed until the applicant has paid all permit fees that are due to the SFMTA. No permit shall be issued to any applicant who is responsible for payment of one or more delinquent citations for violation of any provision of this Code or the Vehicle Code until all fines and fees associated with the citation are paid in full.

(d) Permit Fees. Fees for permits issued pursuant to this Code are as follows:

Table 902(d): PERMIT FEE SCHEDULE

Special Traffic Permit (§ 903)	Base Permit Fee: \$175.00	Daily Fee: \$36.00 per day for use of the permit \$200.00 late fee if application received later than two full working days in advance-SFMTA also reserves the right to refuse late applications	Removal/Relocation Fee: \$50.00 for the removal or relocation of each sign \$75.00 for removal or relocation of each pole \$200.00 per Parking Space for the temporary relocation of colored curbs zones, including painting \$350.00 per Parking Space for permanent relocation of colored curb zones, including painting. Any labor and materials costs for pavement striping or signal adjustment
Temporary Exclusive Use of Parking Meters (§ 904)	Base Permit Fee: \$4.00 per 25 linear feet of construction frontage per day, including weekends and holidays		

Residential Area Parking Permit (§ 905)	<p>Base Permit Fee:</p> <p>Legal Residents and Commercial Property Owners/Lessees:</p> <p>\$98.00 if purchased in the first six months of permit year;</p> <p>\$49.00 if purchased in the last six months of the permit year.</p> <p>Additional Permits:</p> <p>5th Permit: Twice the annual permit fee</p> <p>6th Permit: Three times annual permit fee</p> <p>Each permit over six permits: Four times annual permit fee</p>	<p>New Resident/New Resident Vehicle:</p> <p>\$34.00 for a consecutive 2 week period;</p> <p>\$49.00 for a consecutive 4 week period</p> <p>Visitor/Rental Vehicle:</p> <p>\$13.00 per day;</p> <p>\$34.00 for a consecutive two week period;</p> <p>\$49.00 for a consecutive four week period;</p> <p>\$64.00 for a consecutive six week period;</p> <p>\$83.00 for a consecutive eight week period.</p> <p>Health Care Worker/Foreign Consulate/<u>Childcare Provider</u> Permits:</p> <p>\$98.00 if purchased in the first six months of permit year;</p> <p>\$49.00 if purchased in the last six months of permit year.</p> <p>Educational Institution Permits:</p> <p>\$99.00 per permit year regardless of the date of purchase or renewal.</p> <p>Permit Transfer Fee: \$13.00</p>
Contractor Permit (§ 906)	<p>Base Permit Fee: \$825.00 if issued between June 1 and November 31;</p> <p>\$413.00 if issued between December 1 and May 31.</p>	Permit Transfer Fee: \$35.00
Vanpool Permit (§ 907)	Base Permit Fee: \$98.00/year	
Carpool Permit (§ 908)	Base Permit Fee: \$98.00/year	
SFMTA Permit (§ 910)	Base Permit Fee: \$924.00	
Farmer's Market Parking Permit (§ 801(c)(18))	Base Permit Fee: \$153.00 for 3 months	

Temporary Street Closures Permits (Division I, Article 9)	Neighborhood Block Party More than 60 days in advance: \$150.00 Fewer than 60 days in advance: \$200.00 Fewer than 30 days in advance: \$400.00 Fewer than 7 days in advance: \$450.00	All Other Events More than 60 days in advance: \$480.00 Fewer than 60 days in advance: \$581.00 Fewer than 30 days in advance: \$682.00 Fewer than 7 days in advance: \$784.00
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(e) Indemnification. The permit application for Special Traffic Permits issued pursuant to Section 903, and permits for the Temporary and Exclusive Use of Parking Meters issued pursuant to Section 904, shall require the applicant to acknowledge that the Permittee, by acceptance of the permit, agrees to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting directly or indirectly from the activity authorized by the permit regardless of the negligence of the Indemnitees.

(f) Rules and Regulations. Compliance with all applicable rules and regulations and with all permit conditions shall be a material condition for the issuance or renewal of a permit.

(g) Permit Revocation. The Director of Transportation is authorized to revoke the permit of any Permittee found to be in violation of this Article and, upon written notice of revocation, the Permittee shall surrender such permit in accordance with the instructions in the notice of revocation.

Section 2. Article 900 of Division II of the Transportation Code is hereby amended by adding Section 905, to read as follows:

SEC. 905. - RESIDENTIAL PARKING PERMIT.

(a) General Permit Requirements.

(1) The Director of Transportation shall issue a Residential Parking Permit for use by an specified vehicle upon receipt of a written application from a qualifying property resident. No more than one Parking permit shall be issued to each vehicle for which application is made.

(2) The Parking privileges of a Residential Parking Permit do not extend to any trailer, trailer coach, utility trailer, or any other type of vehicle as defined in the California Vehicle Code, whether separate from or attached to a motor vehicle displaying a Residential Parking Permit.

(3) A Residential Parking Permit does not guarantee or reserve to the Permittee an on-street parking space within a Residential Parking Permit Area.

(4) A Residential Parking Permit may be issued to residents of a Residential Parking Permit Area for motor vehicles registered out-of-state, provided that the applicant documents the resident's active military duty status.

(5) Each Residential Parking Permit shall be valid until the date indicated on the permit.

(6) Each Residential Parking Permit shall visibly indicate the particular Residential Parking Permit Area and the license number of the vehicle for which it was issued.

(b) Permit Privileges. Any vehicle that displays a valid Residential Parking Permit shall be permitted to Park in the Residential Parking Permit Area for which the permit has been issued notwithstanding posted time restrictions, but is not exempt from Parking restrictions established pursuant to any authority other than this Section 905.

(c) Number of Permits. No more than four Residential Parking Permits shall be issued to a single address. Residents may file a request for waiver of this limitation with the SFMTA to obtain additional permits. Factors to be

considered by the Director of Transportation when determining whether or not to grant a permit include, but are not limited to, the availability of on-street Parking in the requestor's residential area and demonstrated need. The Director of Transportation shall maintain public records for all waivers granted, including all documentation provided in support of approval.

(d) Application Requirements.

(1) Each application for a permit or renewal of a permit shall contain information sufficient to:

(A) Identify the applicant;

(B) Identify the residence or real property address within a Residential Parking Permit Area;

(C) Establish that the applicant owns the property (has at least a one-quarter interest in the property) or leases the property (pays rent or other remuneration for use of the real property as the applicant's residence or place of business); and

(D) Identify the license number and provide proof of current California registration of the motor vehicle for which the permit would be issued.

(2) Residential Parking Permits may be issued for motor vehicles only upon application of the following Persons:

(A) A legal resident of the Residential Parking Permit Area who has a motor vehicle that is both registered in his or her name, and registered at his or her address within that Residential Parking Permit Area, or a legal resident of the Residential Parking Permit Area who has a motor vehicle for his or her exclusive use and under his or her control where said motor vehicle is registered or leased to his or her employer or a vanpool agency and he or she presents a valid employee identification card or other proof of employment that is acceptable to the SFMTA.

(B) A legal resident of a Residential Parking Permit Area who has become a resident within the past 30 days, or who has recently acquired a new vehicle.

(C) A Person who owns commercial property and actively engages in business activity within a Residential Parking Permit area. However, a permit shall only be issued if the applicant presents a valid business tax registration certificate required by Article 12 of the San Francisco Business and Tax Regulations Code. No more than one permit may be issued for each business establishment for a motor vehicle registered to or under the control of such a Person. The authority to qualify for a Residential Parking Permit pursuant to this subsection is transferable to a bona fide employee of the business. A business may purchase up to three additional permits for delivery vehicles provided that the vehicles are registered to the business' address and display commercial plates.

(D) A legal resident of a Residential Parking Permit Area for use by a bona fide visitor. Such a visitor permit shall have all the rights and privileges of a regular permit.

(E) A full-time student who is a legal resident of the Residential Parking Permit Area who presents a valid current full-time class schedule issued by an Educational Institution located within the City.

(f) *Procedure for Designating Residential Parking Permit Areas.*

(1) Upon receipt of a petition by residents of at least 250 dwelling units in the residential area proposed for designation or residents living in 50 percent of the living units in the area proposed for designation, the City Traffic Engineer shall direct surveys or studies as necessary to determine whether a residential area is suitable as a Residential Parking Permit Area.

(2) The City Traffic Engineer shall make recommendations to the SFMTA Board of Directors regarding the proposed designation of new

Residential Parking Permit Areas. Such recommendation shall include the proposed time restriction for Parking and the proposed days and times of enforcement. Before making any such recommendation to the SFMTA Board, the City Traffic Engineer shall ensure that the proposed area meets the following minimum qualifications for a Residential Parking Permit Area:

(A) A Residential Parking Permit Area must contain a minimum of one mile of street frontage.

(B) Objective criteria must establish that the proposed Residential Parking Permit Area is affected for extended periods by the Parking of motor vehicles that are not registered to an address within the proposed Residential Parking Permit Area.

(3) Nothing in this Section is intended to limit the SFMTA's ability to designate a Residential Parking Permit Area on its own initiative.

(g) Criteria for Designating Residential Parking Permit Area. In determining whether to recommend that a residential area be designated as a Residential Parking Permit Area, the City Traffic Engineer shall take into account factors which include but are not limited to the following:

(1) The extent of the desire and need of the residents for Residential Parking Permits and their willingness to bear the resulting administrative costs even if the SFMTA does so on its own initiative.

(2) The extent to which legal on-street Parking Spaces are occupied during the period proposed for Parking restrictions;

(3) The extent to which vehicles Parking in the area during the times of the proposed Parking restrictions are not registered to residents of proposed Residential Parking Permit Area; and

(4) The extent to which Motor Vehicles registered to Persons residing in the residential area cannot be accommodated by the number of available off-street Parking Spaces.

(hg) Additional Residential Parking Permits.

(1) Health Care Worker Permits. The Director of Transportation is authorized to issue additional Parking Permits to residents of a Residential Parking Permit Area for use of Persons who, on a regular basis, provide health care or other related services essential to the well-being of the resident applicant, upon the certification by a licensed physician that such services are required. The Parking Permit issued to a resident for use by such Persons shall count towards the four Residential Parking Permits that may be issued to a single address pursuant to subsection (c)~~No resident of a Residential Parking Permit Area shall be authorized to possess more than three Health Care Worker Permits at any one time.~~

(2) Fire Station Permits. Upon the request of the Fire Chief, the Director of Transportation shall issue to the officer in charge of a fire station within a residential Parking area that quarters more than one unit not more than 10 transferable Parking Permits and to the officer in charge of a fire station within a residential Parking area that quarters one unit, not more than five transferable Parking Permits for the exclusive use of uniformed members assigned to the station on a temporary basis because of staffing shortages. The Fire Chief shall adopt rules and regulations for the distribution of permits, consistent with this Code.

(3) Educational Institution Permits.

(A) Upon written request, the Director of Transportation shall issue transferable Parking permits to the Transportation Broker of an Educational Institution with at least 15 certificated employees or Persons regularly employed as classroom teachers and located within a Residential Parking Permit Area valid between the hours of 8:00 a.m. to 6:00 p.m. on school days for the use of persons employed as teachers at such Institution who reside outside of the Residential Parking Permit Area.

(B) The Director of Transportation is authorized to issue a maximum of 15 annual permits per Educational Institution. The total number of permits issued to an Educational Institution under this Section 905 does not exceed the number of unrestricted on-street Parking available between an extension of each property line of said Institution to the middle of the Street upon which the Institution directly abuts, as determined by survey of the City Traffic Engineer.

(C) Upon written request from the Educational Institution documenting the need for more than 15 permits, the Director of Transportation may issue up to an additional five permits if the total number may not exceed the limitation in subsection 905(h)(3)(B) above, and if Parking occupancy in the Residential Parking Permit Area surrounding the Educational Institution is low enough to accommodate the additional permits. Regardless of parking availability on surrounding Streets, a qualifying Educational Institution shall be entitled to at least five permits.

(D) Each Parking permit issued pursuant to this Section 905(h)(3) shall be valid for one year and may be renewed annually. In distributing permits for a particular Educational Institution, the Transportation Broker shall give consideration to those teachers who are regularly carpooling to work.

(E) In addition to permits issued under subsection 905(h)(3)(A), the Director of Transportation may issue City-wide permits for teachers and school administrators employed by the San Francisco Unified School District (SFUSD) whose duties require them to travel to more than one school site and who have been approved by the Superintendent of the SFUSD, or his or her designee. For purposes of this Section, "school administrators" shall be defined as those administrators who provide on-site, direct support to schools that have been identified as low-performing by SFUSD, the State of California, or the federal government. The permit shall exempt the holder from Residential Parking

Permit Area regulations on weekdays between the hours of 8 a.m. and 6 p.m. when performing official functions for the SFUSD, and shall be valid for one year.

(4) Foreign Consulate Permits. One Residential Parking Permit may be issued upon application to foreign consulates located within a Residential Parking Permit Area, and up to a maximum of two additional Parking permits per consulate for the exclusive use of vehicles registered to the Consulate with the Department of Motor Vehicles.

(5) Childcare Permits. The Director of Transportation is authorized to issue a Parking Permit to residents of a Residential Parking Permit Area for use of Persons who, on a regular basis, provide childcare services essential to the well-being of a child 12 years old or under who resides with the resident. No resident shall be authorized to be issued or possess more than one Parking Permit for use by such Persons at any one time. The Parking Permit issued to a resident for use by such Persons shall count towards the four Residential Parking Permits that may be issued to a single address pursuant to subsection (c).

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 February 1, 2011.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

THIS PRINT COVERS CALENDAR ITEM NO. : 12

SAN FRANCISCO

MUNICIPAL TRANSPORTATION AGENCY

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Requesting the San Francisco Municipal Transportation Agency Board of Directors to adopt amendments to Transportation Code, Division II, Article 1100 to define “gas and gates” operation of a taxi, to require medallion purchasers who make a down payment of less than 20 percent of the purchase price of a medallion to operate the medallion as “gas and gates” until the seller’s down payment subsidy is paid in full, to amend administrative hearing procedures, revise taxi vehicle equipment standards, require implementation of electronic waybills, change the reporting deadline for the Taxi Advisory Council to submit its recommendations regarding the Taxi Medallion Sales Pilot Program to March 31, 2011, and amend the eligibility requirements to become a San Francisco taxi driver.

SUMMARY:

- This legislation would require any medallion buyer who receives the benefit of a medallion down payment loan from a seller to operate the medallion as a gas and gates medallion until such time as the sellers’ down payment loan is fully paid.

This legislation is also part of the continuing reform of San Francisco’s motor vehicle for hire regulations that are contained in Article 1100 of Division II of the Transportation Code, and accomplishes the following goals:

- Streamlining the text of regulations governing administrative hearing procedures in order to simplify and consolidate those provisions.
- Revising taxi vehicle equipment standards, including changes to vehicle age and mileage limitations.
- Adopting a requirement that all San Francisco taxi companies convert their systems to provide electronic waybills by June 30, 2011.
- Changing the date that the Taxi Advisory Council is required to report to the Board of Directors on its recommendations related to the Taxi Medallion Sales Pilot Program to March 31, 2011.
- Changing the requirements for taxi driver eligibility to raise the minimum age from 21 to 24 years old, specify that drivers must be legal residents of the United States, and require that an applicant for a San Francisco taxi driver hold a California drivers’ license for at least one year prior to becoming a taxi driver.
- Revising the definitions section of the regulations in accordance with these amendments.

ENCLOSURES:

1. SFMTAB Resolution
2. Proposed amendments to Article 1100

APPROVALS:

DATE

DIRECTOR OF DIVISION

PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

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SECRETARY _____

ADOPTED RESOLUTION

BE RETURNED TO____Christiane Hayashi_____

ASSIGNED SFMTAB CALENDAR DATE: _____

PURPOSE

To adopt regulations to define “gas and gates” operation of a taxi, to require medallion purchasers who make a down payment of less than 20 percent of the purchase price of a medallion to operate the medallion as “gas and gates” until the seller’s down payment subsidy is paid in full, and to revise Article 300, Section 310 regarding motor vehicle for hire penalties.

To adopt amendments to streamline the text of regulations governing administrative hearing procedures in order to simplify and consolidate those provisions; revise taxi vehicle equipment standards; adopt a requirement that all San Francisco taxi companies to provide electronic waybills by June 30, 2011; change the date that the Taxi Advisory Council is required to report to the Board of Directors regarding recommendations related to the Taxi Medallion Sales Pilot Program to March 31, 2011; change the requirements for taxi driver eligibility to raise the minimum age from 21 to 24 years old, specify that drivers must be legal residents of the United States, and require that an applicant for a San Francisco taxi driver permit hold a California drivers’ license for at least one year before becoming a taxi driver; and revising the definitions section of the regulations in accordance with these amendments.

GOAL

Goal 1: Customer Focus: To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy.

Objective 1.1: Improve safety and security across all modes of transportation.

These proposed amendments would prohibit advertising vehicle wraps that cover taxi windows, improving the security of taxi drivers in the workplace.

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.

These proposed amendments would improve the SFMTA’s relationship with taxi industry stakeholders by addressing driver safety; reducing the administrative burden on all elements of industry of generating, handling and storing paper waybills; improving the clarity and efficiency of administrative hearing procedures and industry reporting requirements; and by setting reasonable vehicle model year and mileage standards.

The success of the Taxi Medallion Sales Pilot Program in part depends on the willingness of sellers to participate in the program. Of 196 interested sellers, only 108 have elected to actively participate in the sales program. Ten medallion holders who had indicated an interest in selling withdrew at the last moment when they were matched with a buyer, and four potential sellers have elected to remove themselves from the

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program entirely. Thirty-eight percent (11 of 29) medallion purchasers have requested down payment assistance to date, in an average amount of \$34,000.

The San Francisco Federal Credit Union is required by law to collect 20 percent of the purchase price as down payment for any business loan. In order to accommodate the Pilot Program, the Credit Union identified the use of a seller subsidy as a means of meeting this requirement so that otherwise qualified buyers would be able to participate even if they are not able to produce \$50,000 for a down payment at the time of purchase. That assistance was intended as a lifeline, not as a convenience, and it is important that the Pilot Program incentivize buyers to provide the full down payment whenever possible.

This proposed legislation would improve the SFMTA's relationship with medallion sellers, taxi companies and lending institutions in a manner that would support the continuing viability of the Taxi Medallion Sales Pilot Program.

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

Objective 4.2: Ensure efficient and effective use of resources.

The requirement of transitioning all taxi companies to electronic waybills will result in more efficient use of SFMTA staff resources for enforcement activities and better data to support policy analysis.

Goal 6: Information Technology: To improve service and efficiency, the SFMTA must leverage technology

Objective 6.1: Information and Technology Leadership: Identify, develop and deliver the enhanced systems and technologies required to support SFMTA's 2012 goals.

The requirement of transitioning all taxi companies to electronic waybills represents the adoption of more efficient technology that will make staff more productive and effective, as well as creating the capacity to generate accurate taxi-related data and statistics for the first time in the San Francisco taxi industry's history.

DESCRIPTION

This omnibus piece of legislation was previously heard at the January 18, 2011 meeting of the Board of Directors. The item was continued to the meeting of February 1, 2011 to allow Taxi Services to make several changes to the legislation. The changes, which were made in response to comments from members of the taxi industry who spoke at the January 18 meeting, are as follows: 1) the new requirement that taxicabs have either vinyl or leather seats, and have floor mats, has been limited to the seats and the floor in the rear seating area of the vehicle; and 2) the deadline for implementing a system of electronic waybills has been extended from March 31, 2011 to June 30, 2011.

Taxi Services has also made three other changes to the version of this legislation that was heard at the Board of Directors January 18 meeting. It has: 1) amended Section 1116 of Article 1100 to require that medallion purchasers who make a down payment of less than 20 percent initially operate the purchased medallion as a gas and gates medallion; 2) amended Section 1102 of Article 1100 to define the term "gas and gates;" and 3) amended Section 1102 of Article 1100 to revise the definition of the term "gate fee." These amendments to Article 1100 were originally part of another piece of motor vehicle for hire legislation that will be heard at the February 1 meeting. But rather than present the Board of Directors with two pieces of legislation at the same meeting that amend Sections 1102 and 1116, Taxi Services added these amendments to the changes to Sections 1102 and 1116 that were already included in this legislation.

This legislation adjusts the Taxi Medallion Sales Pilot Program (Pilot Program) to incentivize full down

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payments by medallion buyers whenever possible by requiring the recipient of down payment assistance to operate the medallion as a “gas and gates” medallion until any medallion seller’s loan subsidy is paid in full; and

Decades ago San Francisco taxi drivers ceased to be company employees, and the traditional taxi model of operation became a “gas and gates” system whereby drivers are scheduled by the company to drive company vehicles by the shift, the company pays the medallion holder a monthly fee and the medallion holder drives shifts in the company vehicle and pays gate fees like other drivers. Over time, many medallion owners have elected a different and more lucrative manner of operation called an “affiliate” arrangement. “Affiliate” medallions pay a minimal fee of between \$300 and \$1100 per month to the taxi company for the use of the radio and vehicle paint colors of that company, and in some cases for insurance provided by the company. The leaseholder purchases and maintains the vehicle and schedules the drivers, who may be relatives or friends of the leaseholder. That affiliate vehicle is rarely seen on company property and is subject to less company oversight than a “gas and gates” vehicle.

A 2003 report issued by the Controller’s Office concluded that only 100-250 out of 7,800 Driver Permit holders were involved in leasing arrangements at that time and that there was accordingly no need for additional regulation. However, a recent survey by SFMTA Taxi Services of all 1,500 medallion operations indicates that approximately half of all medallions are currently being operated pursuant to some kind of long-term leasing arrangement. Because leasing is a more lucrative manner of operation for a medallion holder, it can be anticipated that new medallion purchasers will favor leasing arrangements over “gas and gates” operation.

The San Francisco Federal Credit Union is required by law to collect 20 percent of the purchase price as down payment for any business loan, including a medallion purchase loan. In order to accommodate the Pilot Program, the Credit Union identified the use of a seller subsidy as a means of meeting this requirement so that otherwise qualified buyers would be able to participate even if they are not able to produce \$50,000 for a down payment at the time of purchase. The San Francisco Federal Credit Union has begun to require that any medallion purchaser who avails themselves of the down payment loan assistance operate their medallions as “gas and gates” until such time as their down payment assistance loan from the seller is paid in full. This was intended to incentivize full down payments whenever feasible for the buyer because many buyers who had initially indicated that they had the full down payment amount later chose to use the down payment assistance for reasons of cash flow and convenience, not because of financial necessity.

The Taxi Advisory Council reviewed the trends in medallion operations and has concluded that there is value in preserving the “gas and gates” system. It produces greater revenue for taxi companies, greater oversight of taxi operations and more opportunities for more taxi drivers to get shifts. Many “gas and gates” drivers have lost shifts in recent years to the increasing preference for leases.

Accordingly, Taxi Services recommends mirroring the Credit Union’s lending policy in the Taxi Medallion Sales Pilot Program regulations to achieve the policy objective of preserving a “gas and gates” system in San Francisco. This also requires defining what a “gas and gates” operation is so that the requirement can be enforced. The defining features of a “gas and gates” medallion operation is that the company purchases the vehicle, provides the insurance, and pays a fee to the medallion holder.

3. Continues the reform of San Francisco’s motor vehicle for hire regulations that are contained in Article 1100 of Division II of the Transportation Code.

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The reforms in this legislation accomplish several primary goals:

- (1) Streamlining the text of regulations governing administrative hearing procedures in order to simplify, clarify and consolidate those provisions.
- (2) Revising taxi vehicle equipment standards. Significant changes contained in this proposed amendment include changes to vehicle age and mileage limitations.
- (3) Adopting a requirement that all San Francisco taxi companies convert their systems to provide electronic waybills by March 31, 2011.
- (4) Changing the date that the Taxi Advisory Council is required to report to the Board of Directors regarding recommendations related to the Taxi Medallion Sales Pilot Program to March 31, 2011.
- (5) Changing the requirements for taxi driver eligibility to raise the minimum age from 21 to 24 years old, specify that drivers must be legal residents of the United States, and require that an applicant for a San Francisco taxi driver permit hold a California drivers' license for at least one year before becoming a taxi driver.

Changes to Definitions

Section 1102: Section 1102 of the Transportation Code contains the definitions for terms used throughout Article 1100. The proposed regulation would add definitions relevant to the revised administrative hearing procedures.

Changes to Driver Qualifications

Section 1103: Section 1103 of the Transportation Code sets forth application requirements for individuals who desire to become taxi drivers. Currently, a person may become a taxi driver at age 21. However, insurance carriers will not insure a taxi driver until age 23, and for that reason a new 21-year old driver is not likely to find employment. Accordingly, staff recommends changing the age at which a person may first apply for a taxi driver permit to age 24. The proposed amendment also requires a new driver to have held a California driver's license for at least one year prior to the date of the application and clarifies that a new driver applicant must be a legal resident of the United States. Other changes to this section are non-substantive.

Changes to Vehicle Equipment Standards.

Section 1113: Some of the changes proposed to Section 1113 are for the purpose of re-ordering provisions for better logical flow, eliminating unnecessary language, and improving consistency and clarity. Specific substantive changes are described below:

Model Years: These proposed amendments would change the vehicle model year and mileage standards for taxi vehicles. Currently, the regulations require that no vehicle older than six model years may be introduced into the fleet, and if a vehicle attains the age of six model years while it is in the fleet, it has to be retired regardless of the number of miles on the vehicle. This rule has led taxi companies to 'throw away' vehicles that have had a model year birthday even though that vehicle might still pass all inspection requirements and might be within the maximum mileage limit. The proposed rule would allow a vehicle older than six model years to stay in the fleet as long as it meets the maximum mileage restriction and does not exceed eight model years. Under the current rule the industry will be required to retire vehicles of model years 2004 and older during 2011, and will have to retire vehicles of model year 2006 or older in 2012.

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Under the proposed amendments a vehicle model year could be as early as 2003 during 2011 and 2004 during 2012. The proposed rule will immediately affect 134 2004 model year vehicles that will be allowed to remain in the fleet during 2011, assuming that they do not exceed mileage limits and continue to pass regular inspections.

Maximum Miles: The proposed regulation would lower the maximum number of miles that a taxi vehicle could have on the odometer from 350,000 to 325,000 miles. This amendment also adds a provision requiring vehicles with 200,000 miles or more be inspected twice annually. This is an existing rule that has continued to be followed in practice, although the language of the requirement was inadvertently deleted in a prior amendment.

Taxi Wrap Advertisement: The proposed vehicle equipment standards would specify that taxi wrap advertisements could not cover windows and the wrap design would have to include identifying information twice the size that is required for the normal paint design. This is because taxi drivers have complained the public cannot tell that a taxi vehicle with a full advertising wrap is a taxi.

Electronic Waybill Requirement.

Section 1114: One of the most daunting limitations on the SFMTA's ability to regulate the San Francisco taxi industry is the continuing use of paper waybills. This proposed amendment would require all companies to transition to an electronic waybill system by June 30, 2011. This is a transition that is currently within the ability of most of the fleet, and is not cost prohibitive to any company because the technology is easily available and every vehicle in the fleet will soon be equipped with GPS. The penalty for failure to comply with this requirement will be the subject of a separate amendment to address needed revisions of penalties listed in § 310 of the Transportation Code.

Electronic waybills will finally allow more effective enforcement of the medallion driving requirement. It will reduce the massive administrative burden of reviewing waybills in order to qualify future medallion holders. It will eliminate a large paper and paper storage cost for taxi companies, and it will give the City accurate industry metrics that can guide policy decisions, such as the number of vehicle miles traveled by taxis, the number of those miles that are "paid" miles, the amount of fares and means of payment, the number of passengers who use taxi service and when they use it, and trip statistics about supply and demand based on time of day, and day of the week.

Administrative Enforcement and Disciplinary Hearing Regulations.

Currently, the SFMTA's procedures for administrative hearings related to motor vehicles for hire are located in Sections 1116, 1117, 1118, 1119, 1120, and 1123 of Division II of the Transportation Code. There is some overlap among these sections, and a resulting lack of clarity. This proposed amendment overhauls the relevant Sections to consolidate the hearing procedures into more logical groupings, eliminate redundancy, and make other technical and substantive changes to improve the SFMTA motor vehicle for hire hearing process, as follows:

Section 1116. The hearing provisions of Section 1116 have been deleted and non-redundant portions of Section 1116 have been moved to Section 1118. The Taxi Medallion Sales Pilot Program, formerly Section 1109(e), has been removed from Section 1109 and placed in a stand-alone Section – the now vacant Section 1116 - to make the Pilot Program provisions easier to locate and cite. The amendment proposes an extension of the reporting deadline for the Taxi Advisory Council to March 31, 2011, in order to allow more time for data to accumulate regarding the sale of medallions and its effect on the industry.

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Section 1117. This Section was revised substantially by the SFMTA Board at its meeting of November 16, 2010 to eliminate the requirement for an initial qualification hearing for medallion applicants. The proposed amendments would organize within Section 1117 any hearing at which the burden of proof is not on the SFMTA but is on the applicant, such as (i) an applicant's challenge of the denial of a permit, or (ii) a member of the public's challenge of a decision to grant a medallion, or (iii) a hearing on a notice of the inactive status of an application when an application is deemed inactive under Section 1103(b)(5) for failure to respond to the SFMTA's attempts to contact the applicant. In addition, this legislation requires that notices of denial of an application for a permit contain the reasons for the denial, that notices of request for hearing be in writing, and that hearings under Section 1117 are open to the public except where exclusion of the public is necessary to protect the privacy of the applicant or a third party.

Section 1118. This Section governs hearings when the burden of proof is on the SFMTA, such as when Taxi Services imposes discipline on a motor vehicle for hire permit holder. This proposed amendment clarifies that in addition to disciplinary hearings, the hearing procedures of Section 1118 also apply to (i) a notice that a permit has been summarily suspended under Section 1119, (ii) a notice that the SFMTA has decided not to renew a permit under Section 1105(a)(5)(B) because the permittee does not meet the eligibility requirements for new applicants, (iii) a notice of inactive application status issued under Section 1103(b)(4) because the applicant has engaged in fraud, misrepresentation or other serious misconduct in connection with the permit application process, and (iv) a complaint issued under Section 1123 to a member of the public for violation of a provision of the Transportation Code (such as driving a taxi or operating a taxi, color scheme, or dispatch service without a permit). The proposed amendment also move the prohibition on *ex parte* communications and the procedures for delivering notices to permittees, applicants, members of the public who have requested hearings, hearing officers and the SFMTA from Section 1116 to Section 1118, and delete from Section 1118 the provisions on administrative probation.

Section 1119. Section 1119 governs summary suspension of a permit. This proposed amendment clarifies that the SFMTA bears the burden of proof in a hearing on summary suspension. It also provides that the permittee may appeal the hearing officer's decision upholding a summary suspension to the Board of Appeals. If the permittee files such an appeal, the summary suspension will not be stayed pending the Board of Appeals' decision.

Section 1120. Section 1120 governs revocation, suspension and administrative probation of permits. This proposed amendment clarifies, but does not modify, the conditions under which the SFMTA may suspend or revoke a permit. This legislation moves the language governing administrative probation that was deleted from Section 1118 into Section 1120, and sets forth the mandatory content of a notice of violation.

Section 1123. Section 1123 governs administrative fines imposed on members of the public (those who are not holders of permits issued by the SFMTA) for violations of the Transportation Code (such as driving a taxi or operating a taxi, color scheme, or dispatch service without a permit). This proposed amendment revises the provisions of Section 1123 relating to the content of SFMTA citations issued for such violations. The proposed amendment also clarifies the fact that a hearing officer's decision upholding a citation issued under Section 1123 is not subject to appeal to the Board of Appeals. This legislation notifies the public that a hearing officer's decision upholding a citation issued under Section 1123 is subject to judicial review under the provisions of Section 53069.4 of the Government Code.

The City Attorney has reviewed this report.

ALTERNATIVES CONSIDERED

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If this legislation is not adopted:

There will be no requirement for taxi medallion purchasers who receive down payment subsidies to operate their medallion as “gas and gates” and more taxis will tend to be operated through “long term lease” or “affiliate” arrangements where the drivers are contractually pre-scheduled to drive a certain vehicle. This will result in fewer “gas and gates” shifts for taxi drivers. Taxi companies will make less revenue from the purchased medallions if they are not operated as “gas and gates.” A greater number of medallion sellers are likely to have to subsidize medallion purchase down payments.

This legislation is part of an ongoing, comprehensive regulatory reform effort. If not adopted, the most immediate impact will be the application of the existing vehicle age limits to disqualify 134 vehicles as taxi vehicles based on their age even if they have not reached maximum mileage.

If this legislation is not adopted:

- The industry will be required to retire vehicles of model years 2004 and older during 2011, and will have to retire vehicles of model year 2006 or older in 2012 (under the amendments a vehicle model year could be as early as 2003 during 2011 and 2004 during 2012); and vehicles with between 325,000-350,000 miles will continue to be eligible for use as a taxi vehicle.
- The Taxi Advisory Council will remain subject to a December 31, 2010 reporting deadline for recommendations related to the Taxi Medallion Sales Pilot Program.
- Companies will not be required to implement electronic waybills unless and until the Board approves legislation containing such a requirement.
- There will be no specific standards for taxi vehicle wrap advertisements in the regulations.
- Regulations governing hearings will continue to contain overlapping and duplicative provisions.

FUNDING IMPACT

This proposed legislation does not have a quantifiable funding impact for the agency. The policy may or may not encourage more taxi medallion owners to sell their medallions, depending on their personal choices. While encouraging more sales will result in more transfer fees being paid to the SFMTA, a medallion that comes back the SFMTA through the death of a seller who chose not to sell his or her medallion would result in \$200,000 more revenue to the agency than the \$37,500 transfer fee collected upon the sale of a medallion.

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.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Federal law requires credit unions to collect a minimum of 20 percent deposit on a loan for the purchase of a taxi medallion; and

WHEREAS, The Taxi Medallion Sales Pilot Program requires medallion sellers to agree to loan up to 15 percent of the purchase price to a medallion buyer as a down payment, up to a maximum of \$37,500 in order to meet the federal down payment requirement; and

WHEREAS, Under normal loan terms it would take a buyer several years to accumulate the equity necessary to completely pay off the seller's down payment loan; and

WHEREAS, The SFMTA has a public policy interest in protecting "gas and gates" shifts for greater profitability to taxi companies and more shifts to "gas and gates" drivers; and

WHEREAS, The Taxi Medallion Sales Pilot Program should incentivize full payment of the 20 percent down payment so that seller-subsidized down payment loan assistance is limited to those drivers who truly need the assistance; and

WHEREAS, Taxi Services' staff recommends certain amendments to Article 1100 of the Transportation Code, Division II as part of the continuing reform effort of regulations governing the San Francisco taxi industry; and,

WHEREAS, The proposed amendments would streamline the text of regulations governing administrative hearing procedures in order to simplify, clarify and consolidate those provisions; and

WHEREAS, The proposed amendments would revise taxi vehicle equipment standards including vehicle age and mileage limitations; and

WHEREAS, The proposed amendments would adopt a requirement for all San Francisco taxi companies to provide electronic waybills by June 30, 2011; and

WHEREAS, The proposed amendments would extend the deadline for the Taxi Advisory Council to report to the Board of Directors regarding recommendations related to the Taxi Medallion Sales Pilot Program from December 31, 2010 to March 31, 2011; and

WHEREAS, The proposed amendments would change the requirements for taxi driver eligibility to raise the minimum age from 21 to 24 years old and to require that a new San Francisco taxi driver have held a California drivers' license for at least one year; now therefore, be it.

RESOLVED, The Board of Directors approves and adopts amendments to Transportation Code, Division II, Article 1100 to define "gas and gates" operation of a taxi, to require medallion purchasers who make a down payment of less than 20 percent of the purchase price of a medallion to operate the medallion as "gas and gates" until the seller's down payment subsidy is paid in full, to amend administrative hearing procedures, revise taxi vehicle equipment standards, require implementation of electronic waybills, change the reporting deadline for the Taxi Advisory Council to submit its recommendations regarding the Taxi Medallion Sales Pilot Program to March 31, 2011, and amend the eligibility requirements to become a San Francisco taxi driver.

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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

[Motor Vehicle for Hire Regulations]

Resolution amending San Francisco Transportation Code Sections 1102, 1103, 1109, 1113, 1114, 1116, 1117, 1118, 1119 1120 and 1123 to amend administrative hearing procedures, revise taxi vehicle equipment standards, require implementation of electronic waybills, change the reporting deadline for the Taxi Advisory Council's report on the Taxi Medallion Sales Pilot Program to March 31, 2011, revise the eligibility requirements for a taxi driver permit, require medallion purchasers who make a down payment of less than 20 percent of the purchase price of a medallion to operate the medallion as "gas and gates" until the seller's down payment subsidy is paid in full, revise the definition of gate fee, define "gas and gates" operation of a taxi, and add definitions of other new terms.

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 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1102 and 1103 to read as follows:

Section 1102. DEFINITIONS.

For purposes of this Article the following words and phrases shall have the meanings set forth below:

(a) "A-Card" or "Driver Permit" shall mean a permit issued by the SFMTA to operate a Taxi or Ramp Taxi in the City.

(b) "~~A-Card~~ A-Card Seniority" shall mean the seniority status of each Driver Permit Holder based on the original issuance date of the Driver Permit, or the issuance date of the

most recent Driver Permit if the Driver has been issued a new Driver Permit in accordance with Section 1108(b)(5) after failure to timely renew his or her Driver Permit.

(c) "Administrative Probation" shall mean the status of being substantially out of compliance with this Article according to ~~by~~ a written determination of Administrative Probation issued by the SFMTA.

(d) "Citation" shall mean a notice informing a member of the public that he or she has violated any statute, ordinance or regulation governing the operation or licensing of Motor Vehicles for Hire.

(~~e~~) "Color Scheme" shall mean either the design or trade dress of a vehicle used as a Taxi or Ramp Taxi that is distinct to the fleet of a Color Scheme business that provides taxi service, or a business that provides taxi-related services to affiliated Drivers and Medallion Holders, including any owner, manager, employee, lessee and any agent of such business.

(~~f~~) "Color Scheme Permit" "Color Scheme" shall mean a permit issued by the SFMTA, to operate a Color Scheme in the City.

(~~g~~) "Controlled Substance Testing Program" shall mean a program adopted by the SFMTA Board to comply with California Government Code § 53075.5.

(~~h~~) "Dispatch Service" shall mean any person, business, firm, partnership, association or corporation that receives communications from the public regarding taxi service for the purpose of forwarding such communications to motor vehicle for hire drivers, and shall include any owner, manager, employee, lessee and any agent of said service. "Dispatch Service" shall not include any service through which the public is able to communicate directly with Drivers, and shall not include any effort on the part of a Driver to market his or her services to the public.

(~~i~~) "Dispatch Service Permit" shall mean a permit issued by the SFMTA to operate a Dispatch Service in the City.

(~~ij~~) "Driver" shall mean either a person who holds a Driver Permit issued by the SFMTA to operate a Motor Vehicle for Hire or a person engaged in the mechanical operation and having physical charge or custody of a Motor Vehicle for Hire while said Motor Vehicle for Hire is available for hire or is actually hired.

(~~jk~~) "Driver Fund Transfer Fee" shall mean five percent of the fixed price for the sale of a Medallion as determined in accordance with this Article.

(~~kl~~) "Driver Permit" or "A-Card" shall mean a permit issued by the SFMTA to operate a Taxi or Ramp Taxi ~~in the City~~.

(~~lm~~) "Driver Roster" shall mean a daily shift schedule listing the shift assignment, Driver's name, ~~vehicle number~~ Vehicle Number and Medallion number, if different, and the hours worked for that shift.

(~~mn~~) "Filing Fee" shall mean a fee in an amount established by the SFMTA Board, due upon application for a permit, and including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article of any other regulation adopted by the SFMTA Board.

(~~no~~) "Found Property" shall mean any personal property found in or about a Motor Vehicle for Hire by a Driver or delivered to a Driver, Color Scheme or Dispatch Service by any person who has found such property.

(~~op~~) "Full-Time Driver" or "Full-Time Driving" shall mean any Driver actually engaged in, or the activity comprised of (respectively) the mechanical operation and physical charge and custody of a Taxi or Ramp Taxi which is available for hire or actually hired for at least 156 four-hour shifts or 800 hours during a calendar year.

(~~q~~) "Gas and Gates Medallion" shall mean a Medallion that is operated by a Color Scheme that owns the Taxi or Ramp Taxi vehicle, schedules the Drivers of the vehicle, and makes regular payments to the Medallion Holder in consideration for the use of the Medallion.

~~(pr)~~ "Gate Fee" shall mean any monetary fee or other charge or consideration, or any combination thereof, ~~required of~~ paid by a Driver who is not a Taxi or Ramp Taxi Medallion Holder for the privilege of driving a Taxi or Ramp Taxi ~~during a particular shift, or for any period of time, including~~ and for receipt of all services provided in connection with such privilege, whether said fee, charge or consideration is set ~~by contract, lease or other agreement,~~ orally or in writing, and regardless of the terms of payment ~~whether said fee is paid by the Driver as a flat rate, as a commission on receipts from fares, or as a specified fee for any other purpose.~~

~~(qs)~~ "In-Taxi Equipment" shall mean hardware and software that enables the real-time processing of paratransit debit card transactions and consisting of, at a minimum, a Taximeter, magnetic swipe reader, user interface (display and function buttons), high speed receipt printer, GPS receiver, cellular modem and antennae (cellular and GPS).

~~(rt)~~ "Key Personnel" shall mean a Taxi Permit Holder who works in an administrative capacity or performs functions integral to a Color Scheme or Dispatch Service, who is a bona fide employee on the payroll of the Color Scheme or Dispatch Service and who works on-site at the Color Scheme's or Dispatch Service's principal place of business.

~~(su)~~ "Lease" shall mean an otherwise lawful written ~~document, employment contract, or other agreement~~ that for consideration authorizes the temporary operation of a Taxi or Ramp Taxi Medallion by a ~~person~~ Driver or Color Scheme other than the Taxi or Ramp Taxi Medallion Holder.

~~(tv)~~ "Lease Fee" shall mean any monetary fee or other charge or consideration, or any combination thereof, charged by or paid to a Taxi or Ramp Taxi Medallion Holder for the privilege of operating that Medallion during a particular shift, or for any period of time.

~~(uw)~~ "Medallion" shall mean a permit issued by the SFMTA to operate a particular Taxi or Ramp Taxi vehicle in the City.

(~~v~~x) "Medallion Holder" shall mean the person or entity to which ~~whom~~ a Medallion was issued.

(~~w~~y) "Medallion Sale Price" shall mean the fixed price for the sale of a Medallion as determined by the SFMTA in accordance with this Article.

(~~x~~z) "Medallion Sale Transfer Fee" shall mean fifteen percent of the fixed price for the sale of a Medallion as determined by the SFMTA in accordance with this Article.

(~~y~~aa) "Motor Vehicle for Hire" shall mean every type of privately owned motor vehicle, as defined in the Vehicle Code, which is available for hire and over which the City may exercise jurisdiction, except as otherwise specified in this Article.

(~~z~~bb) "Motor Vehicle for Hire Permit" shall mean a permit issued by the SFMTA for the operation of an identified vehicle for the purpose of transporting passengers for a price, including Taxi or Ramp Taxi Medallions and Non-Standard Vehicle permits, and does not include Dispatch Service, Color Scheme or Driver Permits.

(~~aa~~cc) "Model Year" shall mean the year model designated at the time of manufacture of first assembly as a completed vehicle (e.g. If a vehicle is produced in 2007, but is designated for sale as a 2008 model, then the vehicle is considered a 2008 Model Year.)

(~~bb~~dd) "Non-Standard Vehicle" shall mean a privately owned, motor-propelled passenger carrying vehicle which may be legally operated on the streets of the City under all applicable state and local laws and regulations, and which is not defined elsewhere in this Article.

(~~ee~~) "Notice of Denial" shall mean a notice informing an applicant for a permit that the SFMTA has decided to deny the application for the permit under Section 1117 of this Article.

(~~ff~~) "Notice of Grant" shall mean a notice informing an applicant for a permit that the SFMTA has decided to grant the application for the permit under Section 1117 of this Article.

(gg) "Notice of Inactive Status" shall mean a notice informing an applicant for a permit that the SFMTA has determined that the application is inactive under Section 1103(b) of this Article.

(hh) "Notice of Nonrenewal" shall mean a notice informing a Permit Holder that the SFMTA has determined that the permit will not be renewed in accordance with Section 1105(a)(5)(B) of this Article.

(ii) "Notice of Summary Suspension" shall mean a notice informing a Permit Holder that the SFMTA has decided to summarily suspend the permit in accordance with Section 1119 of this Article.

(jj) "Notice of Violation" shall mean a notice informing a Permit Holder that the SFMTA has determined that the Permit holder has violated a statute, ordinance or regulation governing the operation or licensing of the vehicles and services regulated by this Code.

(ekk) "O.E.M." shall mean any equipment installed on a vehicle when the vehicle was initially manufactured.

(ell) "Paratransit Broker" shall mean the contractor retained by SFMTA to administer the Paratransit Program.

(emm) "Paratransit Coordinating Council" shall mean the Community Advisory Committee which advises the SFMTA regarding paratransit services.

(fnn) "Paratransit Program" shall mean the SFMTA Program to provide transit services for people unable to independently use public transit because of a disability or disabling health condition.

(ggo) "Participating Color Scheme" shall mean a Color Scheme that has entered into an agreement with the SFMTA for the operation of Medallions that are sold and purchased in accordance with Section 1109(e) 1116(p) of this Article.

(hpp) "Permit Fee" shall mean a fee in an amount established by the SFMTA Board, required to be paid by a permit applicant for permit issuance or renewal, including any late

payment penalties or interest for failure to pay in accordance with the requirements of this Article and any other regulations adopted by the SFMTA Board.

(~~hqq~~) "Permit Holder" shall mean any person, business, firm, partnership, association or corporation which holds any permit issued by or under the authority of the SFMTA to drive, operate or cause to be operated any Motor Vehicle for Hire or to operate any Dispatch Service or Color Scheme pursuant to this Article, and any agent of such Permit Holder including, but not limited to, any owner, manager, employee or lessee of such Permit Holder.

(~~hrr~~) "Police Department" shall mean the Police Department of the City and County of San Francisco.

(~~kss~~) "Qualified Lender" shall mean a lender approved by the Director of Transportation to finance the purchase of Medallions under the Taxi Medallion Sales Pilot Program.

(~~htt~~) "Qualified Purchaser" shall mean a Driver Permit Holder who meets all the requirements for purchase of a Medallion under Section 1116(a)(2) ~~1109(e)(2)~~.

(~~muu~~) "Qualified Seller" shall mean a Medallion Holder who meets the requirements of Section 1116(a)(1) ~~1109(e)(1)(A) or 1109(e)(1)(B)~~.

(~~vvv~~) "Ramp Taxi" shall mean a Taxi that is specially adapted with access for wheelchair users.

(~~eww~~) "Ramp Taxi Medallion" shall mean a permit issued by the SFMTA to operate a particular Taxi vehicle that is specially adapted with access for wheelchair users.

(~~pxx~~) "Ramp Taxi Program" shall mean the SFMTA program that oversees the delivery of transportation services to individuals whose disabilities require the use of vehicles equipped with a ramp.

(~~qq~~yy) "Rates of Fare" shall mean the fees and charges that are authorized by the SFMTA Board that may be charged to the public by a Permit Holder in consideration for transport by a Motor Vehicle for Hire.

(zz) "Respondent" shall mean a person or entity to which a Notice of Violation, Notice of Nonrenewal, Notice of Inactive Status, Notice of Summary Suspension, or a Citation is delivered under Sections 1118, 1119, 1120 or 1123.

(~~rr~~aaa) "Response Time Goals" shall mean the measure of industry performance expressed by the time elapsed between the time a Dispatch Service receives a request for service to the time that a Taxi or Ramp Taxi actually arrives at the location specified by the customer for pick up. The currently applicable Response Time Goals are as follows:

- (1) 70% of the time, a Taxi or Ramp Taxi will arrive within 10 minutes of the service call.
- (2) 80% of the time, a Taxi or Ramp Taxi will arrive within 15 minutes of the service call.
- (3) 99% of the time, a Taxi or Ramp Taxi will arrive within 30 minutes of the service call.

(~~ss~~bbb) "SFMTA" shall mean the San Francisco Municipal Transportation Agency of the City, or any predecessor agency with regulatory jurisdiction over Motor Vehicles for Hire, or its authorized designee.

(~~tt~~ccc) "Taxi" shall mean a vehicle operated pursuant to a Taxi or Ramp Taxi Medallion that is legally authorized to pick up passengers within the City with or without prearrangement, of a distinctive color or colors and which is operated at rates per mile or upon a waiting-time basis, or both, as measured by a Taximeter and which is used for the transportation of passengers for hire over and along the public streets, not over a defined route but, as to the

route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

(~~uu~~ddd) "Taxi Medallion Sales Pilot Program" shall mean the program adopted by the SFMTA Board of Directors for the purchase and sale of certain Taxi Medallions at an established Medallion Sale Price to a purchaser who is qualified to hold a Medallion under these regulations.

(~~vv~~eee) "Taximeter" shall mean a device attached to a Motor Vehicle for Hire which mechanically or electronically calculates the fare to be charged to the passenger, either on the basis of distance traveled or for waiting time, or a combination thereof, and upon which the amount of the fare is indicated by means of numerals in dollars and cents.

(~~ww~~fff) "Vehicle Number" shall mean the unique identifying number associated with each Taxi or Ramp Taxi vehicle.

(~~xx~~ggg) "Waiting List" shall mean a list of applicants for Taxi or Ramp Taxi Medallions for whom such Medallions are not yet available, maintained in the order of receipt of complete applications from qualified applicants.

SECTION 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, a practical 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.

(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;

(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.

(6) The SFMTA has offered a Medallion for purchase to the applicant, and the applicant fails to complete the purchase of the Medallion within the deadlines established by the Director of Transportation pursuant to Section 1116(f)(3) ~~1109(e)(6)(C)~~. Failure to complete the purchase of the Medallion within the applicable deadlines will have no effect upon the applicant's A-Card seniority or the applicant's position on the Waiting List of Medallion applications.

(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~~ Provide 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 and the Color Scheme documenting the Color Scheme's commitment to offer the applicant a position as a Driver if the Driver Permit is issued; 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 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 legal 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) Have held ~~Hold~~ a valid California driver's license of a class sufficient for the lawful operation of the motor vehicle to be driven for one year immediately prior to the date of application;

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

- (G) Have attained the age of 24 ~~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 of the Waiting List application, and then in order of A-Card Seniority. 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, was 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 are active.

(C) As of December 16, 2009, the SFMTA shall no longer accept applications for the Waiting List. When there are no more qualified applicants on the Waiting List, the SFMTA shall offer Medallions to Driver Permit Holders who meet all other requirements of this Article in order of A-Card Seniority.

~~(e) Additional Requirements Applicable To Ramp Taxi Medallion Applications.~~

~~(1) — Limitation on Acceptance of Other Permits. No person to whom 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 a 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 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.~~

~~(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.~~

~~(e)(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.

~~(f)(g)~~—Additional Requirements Applicable To Dispatch Service Permit Applications.
Reserved.

~~(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 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.~~

~~(g)(h)~~ Additional Requirements Applicable To Color Scheme Permit Applications.
Reserved.

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1109 to read as follows:

Section 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 1120(d) ~~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.

(4) A Medallion Holder who purchases his or her Medallion in accordance with subsection (e) must affiliate with a Participating Color Scheme.

(b) Use of Dispatch Service. 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 that he or she will actively and personally continue to engage in Full-Time Driving.

(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. Written Waybills or other corroborating documentary evidence completed in compliance with all requirements may be used to demonstrate compliance with 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.

(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 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 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:

(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.

~~(e) Taxi Medallion Sales Pilot Program.~~

~~(1) Qualified Taxi Medallion Sellers.~~

~~(A) Any natural person who: (1) has attained or will attain the age of 70 as of December 31, 2010; or (2) has demonstrated to the satisfaction of the SFMTA that he or she has a bona fide disability that permanently prevents him or her from satisfying the Full Time Driving requirement, and who, by May 14, 2010, has notified the SFMTA of his or her interest in participating in the Taxi Medallion Sales Pilot Program, is eligible to sell his or her Medallion in accordance with this subsection (e). This subsection (e)(1)(A) does not confer on a Medallion Holder who meets the age or disability requirements of this subsection a vested right to sell a Medallion. The SFMTA Board of Directors may decide at any time that the Taxi Medallion Sales Pilot Program is terminated, suspended or otherwise not operational, and that no further sales by eligible Medallion Holders eligible under this subsection (e)(1)(A) are permitted. No Medallion Holder against whom a revocation proceeding is filed prior to completion of the sale of the Medallion is eligible to sell his or her Medallion under this subsection (e)(1)(A) unless and until the revocation proceeding and any resultant administrative appeal or court proceeding is concluded upon a determination that the Medallion will not be revoked.~~

~~(B) Any Purchaser of a Medallion under this subsection (e) is eligible to sell the Purchased Medallion in accordance with this subsection (e). The Purchaser may not transfer ownership of the Medallion by gift, bequest or in any manner other than by a bona fide sale in accordance with this subsection (e). A Medallion purchased under this subsection (e) shall expire upon the death or mental incompetence of the Medallion Holder, upon the foreclosure by a Qualified Lender under subsection (e)(14), or upon revocation of the Medallion under Section 1120 of this Article.~~

~~(C) — In all instances in which sale of a Medallion is allowed under this subsection (e), the SFMTA may elect to purchase the Medallion from the Qualified Seller or to allow the Qualified Seller to offer the Medallion for sale to a Qualified Purchaser.~~

~~(D) — If the SFMTA chooses at any time to prohibit the future transfer or assignment of Purchased Medallions issued under Section 1109(e)(1)(B) of this Article, at the request of the Medallion Holder, and upon ten days' notice to a Qualified Lender who has a security interest in the Medallion, the SFMTA will buy back, at the Purchase Price paid by the Medallion Holder, a Purchased Medallion that is no longer transferable or assignable. At the request of a Qualified Lender who has complied with the requirements of Section 1109(e)(13) of this Article, the SFMTA will deduct from the payment made to any Medallion Holder under this Section 1109(e)(1)(D) an amount sufficient to satisfy any outstanding balance on a loan made by the Qualified Lender and secured by an interest in the Medallion, and shall immediately remit that amount to the Qualified Lender. Upon receipt of this amount, the Qualified Lender shall comply with Section 1109(e)(13)(c) and release its security interest in the Medallion. Upon purchase of the Medallion under this Section 1109(e)(1)(D), the SFMTA shall reissue the Medallion to the Medallion Holder. The reissued Medallion and the Medallion Holder will be subject to all the provisions of this Article, including Section 1105(a)(4), which provides that permits issued under this Article are not transferable or assignable.~~

~~(2) — Qualified Taxi Medallion Purchasers. The SFMTA shall authorize Medallion sales under the Pilot Program only to Driver Permit Holders who meet all eligibility requirements for Medallion ownership in Sections 1103 and 1104 of this Article and who acknowledge and agree that the Medallion purchased is subject to the provisions of this subsection (e). The SFMTA shall make offers of sale to such Qualified Purchasers in the order of seniority on the Waiting List, and then in the order of A-Card Seniority.~~

~~(3) — Fixed Medallion Sale Price. Any Medallion sold pursuant to this subsection (e) shall be sold under the supervision of the SFMTA at a price established by the SFMTA. The initial Medallion Sale Price shall be established by the Director of Transportation after a public hearing and shall not exceed \$400,000. In setting the initial Medallion Sale Price, the Director of Transportation shall consider the commercial loan terms available to Medallion applicants, the affordability of the monthly payments under such loans, the anticipated business revenue to be generated from a Medallion, and other commercially relevant factors. Upon setting the initial Medallion Sale Price, the Director of Transportation shall notify the SFMTA Board of Directors and the public of the Medallion Sale Price. The Director of Transportation may adjust the Medallion Sale Price no more frequently than annually in accordance with the percentage increase in the Consumer Price Index for Urban Wage Earners for the San Francisco Bay Area since the date that the Medallion Sale Price was last set or adjusted. The Director of Transportation may increase or decrease the Medallion Sale Price at any time in accordance with the procedure for setting the initial Medallion Sale Price, subject to the restrictions set forth in any agreement between the SFMTA and a Qualified Medallion Lender described in Section 1109(e)(12)(C).~~

~~(4) — Medallion Transfer Fees.~~

~~(A) — The seller of a Medallion shall pay to the SFMTA the Medallion Sale Transfer Fee and the Driver Fund Transfer Fee at the time of sale. The SFMTA shall deposit the Driver Fund Transfer Fee into the Driver Fund.~~

~~(B) — Notwithstanding Subsection (4)(A), above, in the event that a Medallion purchaser is required to re-sell the Medallion within ten years due to any of the following involuntary surrender events: (1) revocation; (2) disability that prevents compliance with the full-time driving requirement, (3) death of the medallion holder; or, (4) foreclosure upon the medallion in the event of default of any outstanding loan against the Medallion, then the and~~

~~Driver Fund Transfer Fee shall be waived and the Seller shall pay to the SFMTA the following Medallion Sale Transfer Fee at the time of sale:~~

Year of Involuntary Event	Percent of Medallion Sale Transfer Fee Due Upon Involuntary Surrender	Percent of Medallion Sales Price
1	1.0%	0.00%
2	5%	0.75%
3	10%	1.50%
4	15%	2.25%
5	20%	3.00%
6	35%	5.25%
7	50%	7.50%
8	75%	11.25%
9	90%	13.50%
10	100%	15.00%

~~(5) ————— Medallion Sales by City. As part of the Taxi Medallion Sales Pilot Program, the SFMTA may sell up to 60 Medallions that have been returned to the SFMTA for any reason to Qualified Purchasers at the Medallion Sale Price. The SFMTA shall be responsible for payment of the Driver Fund Transfer Fee for each such Medallion sold. The SFMTA shall continue to issue Medallions to applicants in accordance with Sections 1103 and 1104 of this Article during the pendency of the Taxi Medallion Sales Pilot Program.~~

~~(6) ————— Taxi Medallion Purchase and Sale Procedures.~~

~~(A) — Sale of a Taxi Medallion may only be accomplished by a purchase and sale transaction that complies with all requirements of this Article. Transfer of a Medallion upon sale to a Qualified Purchaser is not effective until the transfer is approved by the Director of Transportation.~~

~~(B) — The Director of Transportation may require a Medallion purchaser to provide documentation in a form satisfactory to the SFMTA of the source of the funds used to purchase the Medallion.~~

~~(C) — The Director of Transportation may establish such purchase and sale procedures and other procedures as he or she deems appropriate to carry out the Taxi Medallion Sales Pilot Program.~~

~~(7) — Purchased Medallions Subject to all Regulations. A Medallion purchased pursuant to this subsection (e) remains subject to all applicable laws and regulations and may be suspended or revoked for cause.~~

~~(8) — Resale of Medallions. Medallions acquired pursuant to this subsection (e) are eligible for resale by the Purchaser in accordance with the provisions of this subsection (e).~~

~~(9) — Ramp Taxi Medallions. If any Ramp Taxi Medallion Holder who would qualify to sell a Medallion under subsection (e)(1) notifies the SFMTA that he or she elects to sell the Medallion, the SFMTA shall exchange the Ramp Taxi Medallion for a Taxi Medallion to be sold by the Medallion Holder. Such exchange shall not diminish the size of the Ramp Taxi fleet. No Ramp Taxi Medallion shall be sold pursuant to this subsection (e).~~

~~(10) — Driver Fund. The SFMTA shall establish a Driver Fund. The SFMTA shall deposit all Driver Fund Transfer Fees into the Driver Fund and may, in its sole and absolute discretion, elect to deposit other monies into the Fund. Monies in the Driver Fund may be expended by the SFMTA.~~

~~(11) — Taxi Medallion Sales Pilot Program Advisory Council.~~

~~(A) — The SFMTA shall establish a Taxi Advisory Council ("Advisory Council"), which shall monitor the issues that arise during the Taxi Medallion Sales Pilot Program, evaluate the effects of the Pilot Program on all sectors of the taxi industry, and provide advice to the SFMTA Board of Directors and the Director of Transportation.~~

~~(B) — The Advisory Council shall consist of 15 members appointed by the Director of Transportation. Three of the members shall be representatives of each of the following companies: Yellow Cab Cooperative, Luxor Cab Company and DeSoto Cab Company. Three of the members shall be representatives of other Color Scheme Permit Holders. Three of the members shall be Medallion Holders who do not represent a Color Scheme, and who are not employed as managers, dispatchers, cashiers, mechanics, or administrative staff of a Color Scheme. Three of the members shall be Drivers who are not Medallion Holders and who are not on the Waiting List. Three of the members shall be Drivers who are not Medallion Holders and who are on the Waiting List. Members shall serve for a term of two years and shall serve at the pleasure of the Director of Transportation. In the event that a vacancy occurs during a member's term, the Director of Transportation shall appoint a successor for the unexpired term.~~

~~(C) — The Advisory Council shall prepare and provide to the Director of Transportation, no later than December 31, 2010, a report containing its assessment of the Taxi Medallion Sales Pilot Program and its recommendations regarding a long term Medallion Reform Program. The Advisory Council shall be staffed by personnel from the Taxi Services section of the SFMTA.~~

~~(D) — The Advisory Council shall terminate by operation of law two years year after the date that all members have been appointed, unless the SFMTA Board by resolution extends the term of the Council.~~

~~(12) — Medallion Lender Qualification.~~

~~(A) — A Purchaser of a Medallion may enter into a loan agreement for the purchase of a Medallion only with a Qualified Lender. A Qualified Lender shall not assign, sell or otherwise transfer the Qualified Lender's rights under the loan agreement and ancillary~~

~~documents with respect to more than 90% of the original loan balance without the express, written consent of the Director of Transportation.~~

~~(B) — A Qualified Lender must be a financial institution chartered by a state government or the federal government, and may not impose any penalties or otherwise constrain the payment of the balance owed on the loan prior to the expiration of the loan term. The Director of Transportation shall adopt rules setting forth additional requirements for designation by the SFMTA as a Qualified Lender. If the SFMTA determines that a lender has failed to meet or maintain the requirements to be a Qualified Lender, the SFMTA shall deny the application to become a Qualified Lender or suspend or revoke the lender's current status as a Qualified Lender.~~

~~(C) — All Qualified Lenders must enter into a written agreement with the SFMTA, in a form approved by the SFMTA. The agreement shall include, at a minimum, the Qualified Lender's acknowledgement of the provisions of this subsection (e), the Qualified Lender's agreement to be bound by these provisions, and the SFMTA's promise not to set the Medallion Sale Price below the highest Medallion Sale Price paid by a Medallion Holder to whom a Qualified Lender made a loan that is still outstanding.~~

~~(13) — Security Interests.~~

~~(A) — Qualified Lender's Security Interest. Notwithstanding any other provisions herein to the contrary, a Medallion Purchaser may encumber a Medallion with a security interest pursuant to an agreement entered into with a Qualified Lender to finance the purchase of the Medallion.~~

~~(B) — Filing Security Interests. A Qualified Lender wishing to evidence a security interest in a Taxi Medallion shall file a notice of the security interest with the Taxi Services Section of the SFMTA in a form approved by the SFMTA within ten business days of closing the relevant loan transaction, and shall provide to the SFMTA a copy of the promissory~~

~~note, loan agreement, security agreement, any other underlying contracts or documents memorializing the terms and conditions of the debt that is secured by the Medallion, and any documents memorializing the perfection of the security interest. The SFMTA will not recognize any security interest in a Medallion that is not filed and reported in compliance with this rule.~~

~~(C) — Release of Secured Interest. Upon repayment of the loan secured by an interest in a Medallion, the Qualified Lender must file notice of release of the secured interest within 5 business days of the release with Taxi Services Section of the SFMTA along with any underlying contracts or documents memorializing the terms and conditions of the release.~~

~~(14) — Foreclosure and Transfer of Medallion.~~

~~(A) — If the Purchaser defaults under the agreement with the Qualified Lender beyond any applicable notice and cure period, notwithstanding any other provisions herein to the contrary, the Qualified Lender may foreclose upon its security interest and possess the foreclosed Medallion as an owner of the Medallion with full right, title, and interest thereto, except that Lender shall not be permitted to operate the Medallion. If the Qualified Lender intends to foreclose on the security interest, the qualified Lender shall notify the Taxi Services Section of the SFMTA without delay once the Qualified Lender determines the date on which it intends to foreclose. The notice shall include the name of the Medallion Holder, the intended date of foreclosure, and the contact information for the representative of the Qualified Lender to whom inquiries may be made.~~

~~(B) — Provided that the Qualified Lender has provided notice to the SFMTA under subsection (e)(14(A)), upon foreclosure in accordance with applicable law and the terms of the security agreement between the Qualified Lender and the Medallion Holder, the Qualified Lender may sell the Medallion pursuant to the provisions of this subsection (e) to the Qualified Purchaser identified by the SFMTA at the Medallion Sales Price. After deducting amounts payable to the SFMTA, the Qualified Lender shall retain sufficient proceeds of such~~

~~sale to satisfy Medallion Holder's debt to the Qualified Lender as determined by reference to the unpaid balance under the loan agreement between the Medallion Holder and the Qualified Lender. The Qualified Lender shall then, without delay, remit the amount payable to the SFMTA.~~

~~(15) — Disciplinary Revocation and Resale.~~

~~(A) — In the event that the SFMTA brings disciplinary revocation proceedings under Section 1120 of this Article against a Medallion that has been sold in accordance with this subsection (e), the SFMTA shall provide notice of the filing of such proceedings to any Qualified Lender holding a secured interest in the Medallion if the Qualified Lender has complied with all notice and reporting requirements of this subsection (e).~~

~~(B) — Disciplinary revocation of a Medallion shall not affect the validity of the lien of a Qualified Lender against the Medallion. Resale of the Medallion after revocation for any reason shall be subject to the lien of the Qualified Lender.~~

~~(C) — Conduct of Sale. Upon revocation for any reason, the SFMTA shall identify the next qualified applicant and proceed to sell the Medallion in accordance with the procedures set forth in this subsection (e).~~

~~(D) — Disbursement of Sale Proceeds. At the time of sale of the revoked Medallion, the outstanding balance of the loan secured by a secured interest of a Qualified Lender in such Medallion on file with the SFMTA shall be satisfied with the Medallion sale proceeds after deducting the expenses of the sale and the Medallion Sale Transfer Fee and the Driver Fund Transfer Fee. Any remaining proceeds shall be disbursed to the former Medallion Holder or his or her designees~~

~~(E) — Continued Operation During Resale. Upon revocation of the Medallion, the SFMTA shall repossess and sell the Medallion. If the Medallion cannot be repossessed, the SFMTA shall issue a temporary Medallion to replace the Medallion during the pendency of the~~

~~resale. The Medallion need not be in the possession of the SFMTA in order to proceed with resale. Upon revocation, and until the Medallion is transferred to a new Medallion Holder, the Medallion shall continue to be operated by the Participating Color Scheme with which it is affiliated.~~

~~(16) Participating Color Schemes. Any Color Scheme Permit Holder who wishes to participate in the Taxi Medallion Sales Pilot Program as a Participating Color Scheme must enter into a written agreement with the SFMTA. The agreement shall include, but need not be limited to, the agreement of the Color Scheme Permit Holder to allow Medallions purchased under this subsection (e) to affiliate with the Color Scheme in accordance with all applicable rules and regulations, and to continue to operate any such affiliated Medallion during the period commencing on the revocation of such Medallion and ending on the resale of the Medallion, and at any other time upon the request of the SFMTA. During such periods of operation, the Color Scheme shall continue to make the payments that would otherwise have been payable to the Medallion Holder to the SFMTA in accordance with the agreement between the SFMTA and Participating Color Schemes.~~

(e) Additional Requirements Applicable To Ramp Taxi Medallions.

(1) Limitation on Acceptance of Other Permits. No person to whom 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 a 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 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.

(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.

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1113 and 1114 to read as follows:

SEC. 1113. TAXI AND RAMP TAXI EQUIPMENT REQUIREMENTS.

(a) Vehicle Operation.

(1) Safe Operating Condition. 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.

(2) Operation by Driver Permit Holders. No Permit Holder shall knowingly allow the use of a Taxi or Ramp Taxi vehicle as a motor vehicle for hire by any person who does not hold a Driver Permit and California driver's license.

(b) Equipment Placement. The placement ~~or display~~ of any equipment or information required by this Section 1113 shall not interfere with the Driver's visibility or the operation of any O.E.M. equipment.

(c) Exterior Display of Identifying Information. Every Taxi or Ramp Taxi shall have the following information displayed on the exterior of the vehicle:

(1) Vehicle Number.

(A) ~~All Taxis and Ramp Taxis shall have the~~ The Vehicle Number painted on or applied with adhesive on the vehicle in numerals of a color ~~which~~ that 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 numbers at least 18 inches in length of 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 high 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~~ A current and valid SFIA decal indicating satisfactory completion of vehicle inspection ~~as required by Section 1113(s).~~

(4) Trade Name. ~~Every Taxi and Ramp Taxi shall have the~~ The name of the Color Scheme with which the vehicle's Medallion 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.

(6) Medallion. During all hours of operation of a Motor Vehicle for Hire the Medallion shall be placed in the front windshield in such a manner that the Medallion number shall be clearly visible from the exterior of the vehicle.

(7) Security camera notice. A notice meeting all requirements of applicable law notifying passengers of the presence of a security camera in the vehicle.

(8) Vehicle Wrap Advertising. The design of any vehicle wrap advertising must be approved in advance by the SFMTA, and shall not include wrapping of windows. Any wrap design that covers identifying information listed in Section 1113(c)(1) shall reproduce such Vehicle Number in numerals of a contrasting color at least eight inches high, and any wrap design that covers information

required in Sections 1113 (c)(2) or (c)(4) shall reproduce such information in characters of a contrasting color at least four inches high.

(9) Tobacco Advertising Ban.

(A) 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.

(B) 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.

(d) Interior Display of Information. Every Taxi or Ramp Taxi shall have the following items in the interior of the vehicle in a place clearly visible to passengers and in a format approved by the SFMTA:

(1) Rate Information 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. Information regarding the rates and fees that a Driver is authorized to charge a passenger.

(2) 311 Information 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 Information about using the 311 system for complaints and lost property, including the Vehicle Number and the name of the Color Scheme in plain, legible letters.

(3) Braille Display. ~~All taxicab vehicles shall have a~~ A large sign in Braille mounted on the interior of the right rear door immediately above the door handle indicating the Vehicle Number and the name of the Color Scheme.

(4) Driver Identification. ~~Every Taxi and Ramp Taxi shall be equipped with a~~ 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.~~

(~~2~~3) Installation. 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 two 2 flares or 2 two freestanding reflectors.

(i) Signage and Displays. Only materials, signs and devices that are safety related, 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. All Taxi and Ramp Taxi vehicles shall be equipped with exterior lights as required by the Vehicle Code, an inside dome light, and dashboard lights. 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 of O.E.M. lights or installation of additional lights requires ~~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"; or "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~~ Taxi vehicles shall have all equipment required by the Vehicle Code ~~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. All Taxi and Ramp Taxi vehicles shall also be equipped with:

(1) Automatic door locks that can be controlled by the Driver and the passenger.

(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.~~

~~(4)~~ (3) Speedometer and odometer.

~~(5) Horn.~~

~~(6)~~ (4) Heater and air conditioner.

~~(7)~~ (5) Door hinges, locks and latches.

~~(8)~~ (6) Doors that operate easily and open and close securely from either the outside or inside of the vehicle.

~~(9)-(7)~~ Bumpers and body moldings in good condition and properly securely attached as the manufacturer intended.

~~(10)-(8)~~ Shock absorbers and springs.

~~(11) — Windshield wipers with blades in good condition.~~

~~(12)-(9)~~ Suspension.

~~(13)-(10)~~ Steering.

~~(14) — Brakes, including emergency brake.~~

~~(15)-(11)~~ 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)-(12)~~ In-Taxi Equipment.

(13) Wheels with all lug nuts in place and secured, of matching design, and with matching hubcaps attached. Hubcaps must be of either the original manufacturer's design or of a design authorized by the SFMTA, unless wheels are of a custom design that does not use hubcaps.

(14) Tires in safe operating condition and of matching design (i.e., all whitewalls or all black walls), without tire repair plugs or cuts in the sidewall, separated treads, bumps, bubbles, or anything protruding from the tire; and with a minimum remaining tread of at least 1/32 of an inch. Any Taxi or Ramp Taxi that violates this requirement will be placed immediately out of service.

~~(1) 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.~~

~~(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.~~

(315) 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)-(l)~~ 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)-(m)~~ Security Cameras.

(1) All Taxis and Ramp Taxis shall be equipped with an approved operational security camera ~~meeting SFMTA 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)-(n)~~ Condition of Vehicle.

(1) Vehicle Integrity. The vehicle shall be structurally sound and operate with minimum vibration and noise.

(2) Vehicle Body. 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 that exceed three square feet in any single area of the exterior surface of the vehicle and the deepest point of depression is ¾ of an inch or greater,
or

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

(C) There are visible dents that exceed six lineal feet of the total exterior surface of the vehicle and the deepest point of depression is $\frac{3}{4}$ of an inch 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 that exceeds 144 square inches and the deepest point of depression is more than two inches.

(o) ~~Sanitary Condition.~~ Cleaning and Disinfection of Vehicle.

(1) ~~Regular Cleaning of Vehicle.~~ No Every Taxi or Ramp Taxi may be driven unless the must be regularly cleaned so that the interior is clean, orderly and kept free of offensive odors and stains.

(2) ~~Disinfection of Vehicle.~~ A Taxi or Ramp Taxi vehicle must be disinfected whenever required by SFMTA, in writing by the Department of Public Health.

(3) ~~Interior of Vehicle.~~ Seats. Rear seats Seats shall be upholstered with vinyl or leather in good repair and matching upholstery and rugs shall match the vehicle's interior colors and must be kept in good repair. They must Seat covers may not be torn, stained separated or torn ripped. Seat springs may not be broken nor may they protrude through the upholstery. Seats shall be firm and comfortable and with 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.

(4) Floormats. Rubber floormats are required on the floor of the rear seating area of the vehicle.

(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~~ 325,000 miles.

(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.~~ No vehicle older than six model years may be placed into service as a Taxi or Ramp Taxi vehicle, and no vehicle older than eight model years may remain in service 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 if they are used as for spare vehicles or have 200,000 miles or more on the odometer, and every 12 months for regular vehicles, at a date and time designated by the SFMTA, and at any other time deemed necessary by the SFMTA. 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.

(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~~ a decal and transponder to the Taxi or Ramp Taxi ~~which that~~ 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~~ the SFMTA determines that a vehicle does not meet ~~the applicable~~ 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 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 whether to pass or fail a vehicle shall be at within the sole discretion of the ~~Commission or its designee~~ SFMTA.

(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 or Medallion Holder 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, substitution of any vehicle part or equipment within 30 days before or after an inspection for the purpose of passing inspection, 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~~ taxi fleet and the safety of the public.

~~(t) Condition of Vehicle.~~

~~(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)~~ (t) 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)~~ (u) Ramp Taxis. 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)~~ (v) 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 completely 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.~~

SECTION 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:

(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 ~~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 records, 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) All records required to be maintained by Permit Holders by this Article or by other law or regulation shall be made available 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 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, and shall protect and document the chain of custody of such original records until they are returned to the Permit Holder.

(5) All Permit Holders are responsible for creating, maintaining and preserving the documents and records that are required by as a condition of a permit or to meet permit qualification requirements.

(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 Number 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. Except when driving for a Color Scheme that has implemented electronic Waybills in compliance with SFMTA requirements, Drivers of Taxis and Ramp Taxis shall Every Driver must 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~~ badge number;
- (D) Driver's signature at the commencement of the shift;
- (E) Vehicle Number and vehicle license number;
- (F) Medallion number;
- (G) Starting mileage of the vehicle for the shift;
- (I) Mileage of the vehicle at the end of the shift;
- (K) Number of passengers on each trip;
- (L) Origin and destination of each trip;
- (M) The fare for each trip;
- (N) The time of hire and discharge for each trip; and
- (O) 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 corporation may be renewed unless the Permit Holder files the following documents with the SFMTA 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) Additional Requirements Applicable to Color Schemes.

(1) Waybills.

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

(B) Each Color Scheme Permit Holder shall implement a system that generates electronic Waybills in a format approved by the SFMTA for all affiliated vehicles no later than June 30, 2011. An electronic Waybill system must include, at a minimum:

- (i) Driver's identification established by authentication through driver's license swipe or other secure system;
- (ii) Date of shift;
- (iii) Vehicle Number and vehicle license number;
- (iv) Medallion number (manually entered);
- (v) Number of passengers on each trip (manually entered);
- (vi) GPS-generated origin and destination of each trip;
- (vii) The fare for each trip including applicable fees charged;
- (viii) The mileage for each trip;
- (ix) The total number of trips for each shift;
- (x) The time of hire and discharge for each trip;
- (xi) The starting and ending times and total hours of each shift;
- (xii) Capacity to sort and summarize data for analysis in customizable reports;
- (xiii) Capacity to archive electronic waybill information for at least five years; and
- (xiv) Restricted internet-based, read-only access by SFMTA, driver and color scheme to electronic waybill data and reporting capacity that is compatible with off-the-shelf database and spreadsheet software.

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

~~(C)~~ ~~Color Schemes~~ shall maintain originals and/or legible copies of paper Waybills and the data generated by electronic Waybills for at least six years to document driving performed by Drivers affiliated with the Color Scheme. Color Schemes may store copies of original paper Waybills more than 12 months old in a secure electronic format; and duplicate copies of such electronic record shall be given 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 paper 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 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 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.

(2) Medallion Holder Files. 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)~~(3) 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)~~(4) Medical Examination Certificates. Reserved.

~~(6)~~(5) 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)~~(6) 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:

(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~~ 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)~~(C) 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)~~(7) 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 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. 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)~~(8) 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)~~(9) Permit Renewal Requirements. 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)~~(E) Copy of company drug-free workplace policy;

~~(H)~~ Blank sample of company Waybill and receipt for Waybill; and

~~(G)~~(F) Sworn statement attesting to compliance with this Article and applicable state and federal laws.

(ef) 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~~ reports covering the period of January 1 through June 30 due to the SFMTA by August 1, and covering the period of July 1 through December 31 by February 1 of each year in a format approved by the SFMTA. ~~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.

(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 Vehicle Number ~~number~~ of the vehicle in which it was found.

~~(D)~~(C) 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)~~(D) 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;
- (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.

~~(G) 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 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.~~

Section 4. Article 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1116, 1117, 1118, 1119 and 1120 to read as follows:

SECTION 1116. TAXI MEDALLION SALES PILOT PROGRAM.

(a) Qualified Taxi Medallion Sellers.

(1) Any natural person who: (A) has attained or will attain the age of 70 as of December 31, 2010; or (B) has demonstrated to the satisfaction of the SFMTA that he or she has a bona fide disability that permanently prevents him or her from satisfying the Full-Time Driving requirement, and who, by May 14, 2010, has notified the SFMTA of his or her interest in participating in the Taxi Medallion Sales Pilot Program, is eligible to sell his or her Medallion in accordance with this Section. This Section does not confer on a Medallion Holder who meets the age or disability requirements of this Section a vested right to sell a Medallion. The SFMTA Board of Directors may decide at any time that the Taxi Medallion Sales Pilot Program is terminated, suspended or otherwise not operational, and that no further sales by Medallion Holders eligible under this Section are permitted. No Medallion Holder against whom a revocation proceeding is filed prior to completion of the sale of the Medallion is eligible to sell his or her Medallion under this Section unless and until the revocation proceeding and any resultant administrative appeal or court proceeding is concluded upon a determination that the Medallion will not be revoked.

(2) Any Purchaser of a Medallion under this Section is eligible to sell the Purchased Medallion in accordance with this Section. The Purchaser may not transfer ownership of the Medallion by gift, bequest or in any manner other than by a bona fide sale in accordance with this Section. A

Medallion purchased under this Section shall expire upon the death or mental incompetence of the Medallion Holder, upon the foreclosure by a Qualified Lender under subsection 1116(n), or upon revocation of the Medallion.

(3) In all instances in which sale of a Medallion is allowed under this Section, the SFMTA may elect to purchase the Medallion from the Qualified Seller or allow the Qualified Seller to offer the Medallion for sale to a Qualified Purchaser.

(4) If the SFMTA chooses at any time to prohibit the future transfer or assignment of Purchased Medallions, at the request of the Medallion Holder, and upon ten days' notice to a Qualified Lender who has a security interest in the Medallion, the SFMTA will buy back, at the Purchase Price paid by the Medallion Holder, a Purchased Medallion that is no longer transferable or assignable. At the request of a Qualified Lender who has complied with the requirements of Section 1116(m) of this Article, the SFMTA will deduct from the payment made to any Medallion Holder under Section 1116(a)(4) an amount sufficient to satisfy any outstanding balance on a loan made by the Qualified Lender and secured by an interest in the Medallion, and shall immediately remit that amount to the Qualified Lender. Upon receipt of this amount, the Qualified Lender shall comply with Section 1116(m)(3) and release its security interest in the Medallion. Upon purchase of a Medallion under this Section 1116(a)(4), the SFMTA shall reissue the Medallion to the Medallion Holder. The reissued Medallion and the Medallion Holder will be subject to all the provisions of this Article, including Section 1105(a)(4), which provides that permits issued under this Article are not transferable or assignable.

(5) Any Purchaser who receives a down payment loan from a Qualified Lender that is secured by funds from the Qualified Seller as required by written agreement with SFMTA must operate the purchased Medallion as a Gas and Gates Medallion until the Purchaser repays the entire amount of the down payment loan.

(b) Qualified Taxi Medallion Purchasers. The SFMTA shall authorize Medallion sales under the Pilot Program only to Driver Permit Holders who meet all eligibility requirements of this Article for Medallion ownership of this Article and who acknowledge and agree that the Medallion purchased is subject to the provisions of this Section. The SFMTA shall make offers of sale to such Qualified Purchasers in the order of seniority on the Waiting List, and then in the order of A-Card Seniority.

(c) Fixed Medallion Sale Price. Any Medallion sold pursuant to this Section shall be sold under the supervision of the SFMTA at a price established by the SFMTA. The initial Medallion Sale Price shall be established by the Director of Transportation after a public hearing and shall not exceed \$400,000. In setting the initial Medallion Sale Price, the Director of Transportation shall consider the commercial loan terms available to Medallion applicants, the affordability of the monthly payments under such loans, the anticipated business revenue to be generated from a Medallion, and other commercially relevant factors. Upon setting the initial Medallion Sale Price, the Director of Transportation shall notify the SFMTA Board of Directors and the public of the Medallion Sale Price. The Director of Transportation may adjust the Medallion Sale Price no more frequently than annually in accordance with the percentage increase in the Consumer Price Index for Urban Wage Earners for the San Francisco Bay Area since the date that the Medallion Sale Price was last set or adjusted. The Director of Transportation may increase or decrease the Medallion Sale Price at any time in accordance with the procedure for setting the initial Medallion Sale Price, subject to the restrictions set forth in any agreement between the SFMTA and a Qualified Medallion Lender described in Section 1116(1)(3).

(d) Medallion Transfer Fees.

(1) The seller of a Medallion shall pay to the SFMTA the Medallion Sale Transfer Fee and the Driver Fund Transfer Fee at the time of sale. The SFMTA shall deposit the Driver Fund Transfer Fee into the Driver Fund.

(2) Notwithstanding Subsection (4)(A), above, in the event that a Medallion purchaser is required to re-sell the Medallion within ten years due to any of the following involuntary surrender events: (1) revocation; (2) disability that prevents compliance with the full-time driving requirement, (3) death of the medallion holder; or, (4) foreclosure upon the medallion in the event of default of any outstanding loan against the Medallion, then the and Driver Fund Transfer Fee shall be waived and the Seller shall pay to the SFMTA the following Medallion Sale Transfer Fee at the time of sale:

<u>Year of Involuntary Event</u>	<u>Percent of Medallion Sale Transfer Fee Due Upon Involuntary Surrender</u>	<u>Percent of Medallion Sales Price</u>
<u>1</u>	<u>1 0%</u>	<u>0.00%</u>
<u>2</u>	<u>5%</u>	<u>0.75%</u>
<u>3</u>	<u>10%</u>	<u>1.50%</u>
<u>4</u>	<u>15%</u>	<u>2.25%</u>
<u>5</u>	<u>20%</u>	<u>3.00%</u>
<u>6</u>	<u>35%</u>	<u>5.25%</u>
<u>7</u>	<u>50%</u>	<u>7.50%</u>
<u>8</u>	<u>75%</u>	<u>11.25%</u>
<u>9</u>	<u>90%</u>	<u>13.50%</u>
<u>10</u>	<u>100%</u>	<u>15.00%</u>

(e) Medallion Sales by City. As part of the Taxi Medallion Sales Pilot Program, the SFMTA may sell up to 60 Medallions that have been returned to the SFMTA for any reason to Qualified Purchasers at the Medallion Sale Price. The SFMTA shall be responsible for payment of the Driver Fund Transfer Fee for each such Medallion sold. The SFMTA shall continue to issue

Medallions to applicants in accordance with Sections 1103 and 1104 of this Article during the pendency of the Taxi Medallion Sales Pilot Program.

(f) Taxi Medallion Purchase and Sale Procedures.

(1) Sale of a Taxi Medallion may only be accomplished by a purchase and sale transaction that complies with all requirements of this Article. Transfer of a Medallion upon sale to a Qualified Purchaser is not effective until the transfer is approved by the Director of Transportation.

(2) The Director of Transportation may require a Medallion purchaser to provide documentation in a form satisfactory to the SFMTA of the source of the funds used to purchase the Medallion.

(3) The Director of Transportation may establish such purchase and sale procedures and other procedures as he or she deems appropriate to carry out the Taxi Medallion Sales Pilot Program.

(g) Purchased Medallions Subject to all Regulations. A Medallion purchased pursuant to this Section remains subject to all applicable laws and regulations and may be suspended or revoked for cause.

(h) Resale of Medallions. Medallions acquired pursuant to this Section are eligible for resale by the Purchaser in accordance with the provisions of this Section.

(i) Ramp Taxi Medallions. If any Ramp Taxi Medallion Holder who would qualify to sell a Medallion notifies the SFMTA that he or she elects to sell the Medallion, the SFMTA shall exchange the Ramp Taxi Medallion for a Taxi Medallion to be sold by the Medallion Holder. Such exchange shall not diminish the size of the Ramp Taxi fleet. No Ramp Taxi Medallion shall be sold pursuant to this Section.

(j) Driver Fund. The SFMTA shall establish a Driver Fund. The SFMTA shall deposit all Driver Fund Transfer Fees into the Driver Fund and may, in its sole and absolute discretion, elect to deposit other monies into the Fund. Monies in the Driver Fund may be expended by the SFMTA.

(k) Taxi Medallion Sales Pilot Program Advisory Council.

(1) The SFMTA shall establish a Taxi Advisory Council ("Advisory Council"), which shall monitor the issues that arise during the Taxi Medallion Sales Pilot Program, evaluate the effects of the Pilot Program on all sectors of the taxi industry, and provide advice to the SFMTA Board of Directors and the Director of Transportation.

(2) The Advisory Council shall consist of 15 members appointed by the Director of Transportation. Three of the members shall be representatives of each of the following companies: Yellow Cab Cooperative, Luxor Cab Company and DeSoto Cab Company. Three of the members shall be representatives of other Color Scheme Permit Holders. Three of the members shall be Medallion Holders who do not represent a Color Scheme, and who are not employed as managers, dispatchers, cashiers, mechanics, or administrative staff of a Color Scheme. Three of the members shall be Drivers who are not Medallion Holders and who are not on the Waiting List. Three of the members shall be Drivers who are not Medallion Holders and who are on the Waiting List. Members shall serve for a term of two years and shall serve at the pleasure of the Director of Transportation. In the event that a vacancy occurs during a member's term, the Director of Transportation shall appoint a successor for the unexpired term.

(3) The Advisory Council shall prepare and provide to the Director of Transportation, no later than March 31, 2011, a report containing its assessment of the Taxi Medallion Sales Pilot Program and its recommendations regarding a long-term Medallion Reform Program. The Advisory Council shall be staffed by personnel from SFMTA Taxi Services.

(4) The Advisory Council shall terminate by operation of law two years year after the date that all members have been appointed, unless the SFMTA Board by resolution extends the term of the Council.

(l) Medallion Lender Qualification.

(1) A Purchaser of a Medallion may enter into a loan agreement for the purchase of a Medallion only with a Qualified Lender. A Qualified Lender shall not assign, sell or otherwise transfer the Qualified Lender's rights under the loan agreement and ancillary documents with respect to more than 90% of the original loan balance without the express, written consent of the Director of Transportation.

(2) A Qualified Lender must be a financial institution chartered by a state government or the federal government, and may not impose any penalties or otherwise constrain the payment of the balance owed on the loan prior to the expiration of the loan term. The Director of Transportation shall adopt rules setting forth additional requirements for designation by the SFMTA as a Qualified Lender. If the SFMTA determines that a lender has failed to meet or maintain the requirements to be a Qualified Lender, the SFMTA shall deny the application to become a Qualified Lender or suspend or revoke the lender's current status as a Qualified Lender.

(3) All Qualified Lenders must enter into a written agreement with the SFMTA, in a form approved by the SFMTA. The agreement shall include, at a minimum, the Qualified Lender's acknowledgement of the provisions of this Section, the Qualified Lender's agreement to be bound by these provisions, and the SFMTA's promise not to set the Medallion Sale Price below the highest Medallion Sale Price paid by a Medallion Holder to whom a Qualified Lender made a loan that is still outstanding.

(m) Security Interests.

(1) Qualified Lender's Security Interest. Notwithstanding any other provisions herein to the contrary, a Medallion Purchaser may encumber a Medallion with a security interest pursuant to an agreement entered into with a Qualified Lender to finance the purchase of the Medallion.

(2) Filing Security Interests. A Qualified Lender wishing to evidence a security interest in a Taxi Medallion shall file a notice of the security interest with the SFMTA in a form approved by the SFMTA within ten business days of closing the relevant loan transaction, and shall

provide to the SFMTA a copy of the promissory note, loan agreement, security agreement, any other underlying contracts or documents memorializing the terms and conditions of the debt that is secured by the Medallion, and any documents memorializing the perfection of the security interest. The SFMTA will not recognize any security interest in a Medallion that is not filed and reported in compliance with this rule.

(3) Release of Secured Interest. Upon repayment of the loan secured by an interest in a Medallion, the Qualified Lender must file notice of release of the secured interest within five business days of the release with the SFMTA along with any underlying contracts or documents memorializing the terms and conditions of the release.

(n) Foreclosure and Transfer of Medallion.

(1) If the Purchaser defaults under the agreement with the Qualified Lender beyond any applicable notice and cure period, notwithstanding any other provisions herein to the contrary, the Qualified Lender may foreclose upon its security interest and possess the foreclosed Medallion as an owner of the Medallion with full right, title, and interest thereto, except that Lender shall not be permitted to operate the Medallion. If the Qualified Lender intends to foreclose on the security interest, the qualified Lender shall notify the SFMTA without delay once the Qualified Lender determines the date on which it intends to foreclose. The notice shall include the name of the Medallion Holder, the intended date of foreclosure, and the contact information for the representative of the Qualified Lender to whom inquiries may be made.

(2) Provided that the Qualified Lender has provided notice to the SFMTA under Section 1116(n)(1), upon foreclosure in accordance with applicable law and the terms of the security agreement between the Qualified Lender and the Medallion Holder, the Qualified Lender may sell the Medallion pursuant to the provisions of this Section to the Qualified Purchaser identified by the SFMTA at the Medallion Sales Price. After deducting amounts payable to the SFMTA, the Qualified Lender shall retain sufficient proceeds of such sale to satisfy Medallion Holder's debt to the Qualified

Lender as determined by reference to the unpaid balance under the loan agreement between the Medallion Holder and the Qualified Lender. The Qualified Lender shall then, without delay, remit the amount payable to the SFMTA.

(o) Disciplinary Revocation and Resale.

(1) In the event that the SFMTA brings disciplinary revocation proceedings against a Medallion that has been sold in accordance with this Section, the SFMTA shall provide notice of the filing of such proceedings to any Qualified Lender holding a secured interest in the Medallion if the Qualified Lender has complied with all notice and reporting requirements of this Section.

(2) Disciplinary revocation of a Medallion shall not affect the validity of the lien of a Qualified Lender against the Medallion. Resale of the Medallion after revocation for any reason shall be subject to the lien of the Qualified Lender.

(3) Conduct of Sale. Upon revocation for any reason, the SFMTA shall identify the next qualified applicant and proceed to sell the Medallion in accordance with the procedures set forth in this Section.

(4) Disbursement of Sale Proceeds. At the time of sale of the revoked Medallion, the outstanding balance of the loan secured by a secured interest of a Qualified Lender in such Medallion on file with the SFMTA shall be satisfied with the Medallion sale proceeds after deducting the expenses of the sale and the Medallion Sale Transfer Fee and the Driver Fund Transfer Fee. Any remaining proceeds shall be disbursed to the former Medallion Holder or his or her designees.

(5) Continued Operation During Resale. Upon revocation of the Medallion, the SFMTA shall repossess and sell the Medallion. If the Medallion cannot be repossessed, the SFMTA shall issue a temporary Medallion to replace the Medallion during the pendency of the resale. The Medallion need not be in the possession of the SFMTA in order to proceed with resale. Upon revocation, and until the Medallion is transferred to a new Medallion Holder, the Medallion shall continue to be operated by the Participating Color Scheme with which it is affiliated.

(p) Participating Color Schemes. Any Color Scheme Permit Holder who wishes to participate in the Taxi Medallion Sales Pilot Program as a Participating Color Scheme must enter into a written agreement with the SFMTA. The agreement shall include, but need not be limited to, the agreement of the Color Scheme Permit Holder to allow Medallions purchased under this Section to affiliate with the Color Scheme in accordance with all applicable rules and regulations, and to continue to operate any such affiliated Medallion during the period commencing on the revocation of such Medallion and ending on the resale of the Medallion, and at any other time upon the request of the SFMTA. During such periods of operation, the Color Scheme shall continue to make the payments that would otherwise have been payable to the Medallion Holder to the SFMTA in accordance with the agreement between the SFMTA and Participating Color Schemes.

~~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)~~

~~(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 1117(b)(1) 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 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.~~

~~(c) Ex Parte Communications.~~

~~(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) Presentation of Evidence.~~

~~(1) — During any hearing the hearing officer(s) shall have the discretion allow the introduction of any relevant evidence. The hearing officer, on his or her own motion, may subpoena witnesses, 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) Public comment. 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) 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.~~

~~(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
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.~~

SECTION 1117. PERMIT ISSUANCE; INACTIVE APPLICATION.

(a) Definitions. For the purpose of Sections 1117, 1118, 1119, 1120 and 1123, "SFMTA" shall mean SFMTA Taxi Services, and "Hearing Officer" shall mean an individual assigned to the SFMTA Hearing Section and designated by the SFMTA Board of Directors to conduct hearings under Sections 1117 and 1118.

~~(a)~~(b) Permit Issuance. The SFMTA may issue any class of Motor Vehicle for Hire Permit only upon its determination that the permit applicant meets all requirements and qualifications for the permit.

~~(b)~~(c) Investigation of Applicants for Non-Medallion Permits. Upon receipt of an application for a permit other than Taxi or Ramp Taxi Medallion, the SFMTA shall investigate the permit applicant. The applicant must furnish any additional material requested by the SFMTA, and if such additional material is not provided within 30 days' of request, the application shall be deemed inactive.

~~(e)~~(d) Hearings on Applications for Non-Medallion Permits. At the conclusion of the investigation of an applicant for a permit other than a Medallion, the SFMTA shall inform the applicant, in writing, of the SFMTA's decision to grant or deny the permit. If the SFMTA has decided to deny the permit, the SFMTA shall deliver the Notice of Denial, which shall include a statement of the grounds for denial, by personal service or by registered U. S. Mail. ~~¶~~The applicant may request a hearing before a Hearing Officer on SFMTA's decision by submitting to SFMTA Taxi Services a written request for hearing within 20 business days of the date that the Notice of Denial is personally delivered or mailed to the applicant ~~under Section 1116(b)(2).~~

(e) Hearings on Determinations that Application is Inactive. If the SFMTA determines that an application for a permit is inactive under Section 1103(b)(5) of this Article, the applicant may request, in writing, a hearing before a Hearing Officer on the Notice of Inactive Status by submitting to the SFMTA a request for hearing within 20 business days of the date that the Notice of Inactive Status is personally delivered or mailed to the applicant.

~~(d)~~(f) Investigation of Applications for Taxi and Ramp Taxi Medallions. In addition to delivering notice to the applicant of the availability of a Medallion in accordance with Section 1104(a)(2), the SFMTA shall concurrently post the notice on its website, and shall deliver the notice, ~~with a request for posting, to the San Francisco Main Library Government Information Center,~~

the San Francisco International Airport taxi holding area, and the business office of every Color Scheme. ~~The notice shall invite~~ inviting members of the public to assist the SFMTA in its investigation of the applicant by supplying information relevant to whether the applicant meets the requirements for becoming a Medallion Holder. After review of the material supplied by the applicant, any information provided by members of the public, and the results of its own investigation, the SFMTA shall make a decision whether to grant or deny the application for a Medallion.

~~(e)~~(g) Hearings on Applications for Taxi and Ramp Taxi Medallions. The SFMTA shall notify the applicant of its decision on the application for a Medallion, in writing, and shall provide notice to the public of the decision in the same manner as it noticed the availability of the Medallion. If the SFMTA ~~makes a decision~~ decides to deny the ~~application-permit~~, the SFMTA shall deliver the Notice of Denial to the applicant, which shall include a statement of the grounds for denial, by personal service or by registered U. S. Mail. ~~¶~~The applicant may request a hearing on the SFMTA's decision~~application~~ by submitting to the SFMTA a request for hearing, in writing, within 20 business days of the date that the ~~¶~~Notice of Denial is personally delivered or sent to the applicant. If the SFMTA makes a decision to grant the application, a member of the public may request a hearing on the ~~decision~~application within ~~20 business~~ 10 calendar days of the posting of the ~~¶~~Notice of Grant~~decision~~ on the SFMTA's website. The SFMTA shall schedule the hearing within ~~¶~~30 calendar days from the date that the applicant or member of the public 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.

~~(f)~~(h) Hearing Procedures for All Permits.

(1) An applicant, the SFMTA, or the member of the public who requested the hearing is entitled to a continuance of the hearing date, of up to ~~6~~30 days in the Hearing

Officer's SFMTA's sole discretion, if a written request is submitted to the Hearing Officer SFMTA
at least 14 calendar days prior to the scheduled hearing.

(2) The SFMTA may present a summary of its investigation of no more than ten double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer summary, no less than 20 calendar days prior to the hearing.

(3) No less than five calendar days prior to the hearing, the applicant and/or the member of the public party who requested the hearing may file a written submission containing any information he or she deems relevant to the application or the results of the investigation. The submission shall not exceed ten double-spaced typed pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer submission. If the applicant and/or member of the public party who requested the hearing intends to present witnesses at the hearing, ~~it~~ he or she shall present a list of these witnesses at least five calendar days prior to the hearing.

(4) ~~The parties~~ Taxi Services and the party who requested the hearing 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.~~

(5) Hearings under this Section 1117 shall be open to the public, and public comment may be permitted in the sole discretion of the Hearing Officer, but the public, including the member of the public who requested the hearing, may be excluded from all or a portion of the hearing when, in the sole and absolute discretion of the Hearing Officer, exclusion is necessary to protect the privacy of the applicant or a third party. The Hearing Officer may also determine that documents submitted to the Hearing Officer for consideration whether they will be admitted into evidence will not be disclosed to the public, whether or not they are admitted into evidence, in order to protect the privacy of the applicant or a third party.

~~(g)~~(i) Burden of Proof. If the applicant challenges an SFMTA decision to deny ~~a the~~ permit, the burden of proof shall be on the applicant to establish that the applicant meets all eligibility requirements. If a member of the public challenges an SFMTA decision to grant a Medallion, the burden of proof shall be on the member of the public ~~who requested the hearing~~ to establish that the applicant does not meet the requirements to be a Medallion Holder.

~~(h)~~(j) Notice of Decision. At the conclusion of the hearing, the Hearing Officer ~~hearing officer's~~ shall issue a written decision upholding or overturning the SFMTA's decision on the application for the permit, which shall be based upon the qualifications of the applicant and the criteria set forth in this Article. ~~The~~ hearing officer's Notice of Decision ~~decision~~ shall include findings, shall set forth evidence in support of each finding, and shall be issued within 60 calendar days of the hearing. The date of the ~~hearing officer's written~~ Notice of Decision ~~decision~~ shall be deemed the date of the determination for the purposes of this Article. ~~The hearing officer's decision made at or as a result of a hearing conducted pursuant to this Section may be appealed by the applicant, or by the member of the public who requested the hearing, to the Board of Appeals.~~

~~(i)~~(k) Results of Hearing. If the Hearing Officer ~~hearing officer~~ determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit within 15 business days of the ~~hearing officer's written~~ Notice of Decision ~~decision~~. ~~If the hearing officer determines that an applicant for a Medallion is not qualified to receive a Medallion, the SFMTA shall deny the permit within 15 business days of the hearing officer's written decision.~~

SECTION 1118. ADMINISTRATIVE ~~PROCEEDINGS~~HEARINGS.

(a) A Permit Holder or an applicant who receives an SFMTA Notice of Violation under Section 1120, Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), Notice of Summary Suspension under Section 1119, or Citation under Section 1123 may request a hearing by submitting to SFMTA Taxi Services a request for hearing, in writing, within 20 business days of the date that the Notice of Violation, Notice of Nonrenewal, Notice of

Inactive Status, Notice of Summary Suspension or Citation was personally delivered or sent by registered mail. A Notice of Violation, Nonrenewal, Inactive Status, or Summary Suspension shall include the name of the person or entity to whom the Notice is issued, the disciplinary measure (suspension, revocation, or administrative fine) to be imposed, or the action taken (summary suspension) or to be taken (nonrenewal or placement on inactive status), the provision(s) of this Article upon which the discipline or action is based, notice of the right to request a hearing, the procedure for requesting a hearing, and notice that failure to request a hearing will result in imposition of the proposed discipline or taking of the proposed action, either of which will be a final action of the SFMTA that is not subject to further administrative or judicial review.

~~(a)(b)~~ 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, Within five business days of receipt of the request for a hearing, the SFMTA must present provide any Respondent who received an SFMTA Notice of Violation under Section 1120, Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension under Section 1119, with a written complaint consisting of a list of each alleged violation or the basis for nonrenewal, inactive status, or summary suspension, the alleged facts that establish each violation or support nonrenewal, inactive status or summary suspension, and any argument in support of requested disciplinary measure(s), or monetary penalties administrative fine(s), or determination made by SFMTA Taxi Services. The complaint shall not exceed 10 double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer complaint. In addition to the complaint, the SFMTA may submit any proposed findings to the Hearing Officer hearing officer.~~

~~(b)(c)~~ 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 receives the Notice of Violation, Notice of Nonrenewal, Notice of Inactive Status,

Notice of Summary Suspension or Citation, 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~~ ~~hearing officer~~ at least five business days prior to the scheduled hearing. The ~~Hearing Officer~~ ~~hearing officer~~ 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~~ 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~~ Respondent, the ~~Hearing Officer~~ ~~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.

~~(e)~~(d) Response to Complaint or Citation. No later than ten business days prior to the hearing, the ~~respondent~~ Respondent may provide the SFMTA and the Hearing Officer with a written response to the ~~disciplinary~~ complaint or Citation, along with any additional information that the ~~respondent~~ Respondent considers relevant to the case. The response shall not exceed ten double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer response, and shall include a list of the witnesses, if any, that the ~~respondent~~ Respondent will present at the hearing. In addition to the response, the ~~respondent~~ Respondent may include as a part of the response any proposed findings that the ~~respondent~~ Respondent proposes be adopted by the ~~Hearing Officer~~ ~~hearing officer~~. SFMTA may submit any proposed findings to the ~~Hearing Officer~~ ~~hearing officer~~.

~~(d)~~(e) 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 or Citation. The ~~respondent~~ 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.

(3) 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 its case by means of oral or documentary evidence, may submit rebuttal evidence, and may conduct cross-examination of adverse witnesses.

~~(e)~~(f) Notice of Decision.

(1) The hearing officer shall issue a written Notice of Decision ~~decision~~ within ten business days of the date of the hearing; The Notice of Decision ~~and~~ shall include written findings of fact and, in the context of a Notice of Violation, the Hearing Officer's determination whether the disciplinary measures or administrative fines monetary penalties imposed by Taxi Services are warranted, if any. No later than three business days following issuance of the Hearing Officer's Notice of Decision ~~the hearing~~, the SFMTA shall publish a summary of the results of any the disciplinary case against a Permit Holder on the SFMTA website, referenced by the case number, date of hearing and the affected permit number. The full text of the Notice of Decision shall be sent to ~~the respondent~~ Respondent by registered U. S. Mail or delivered to Respondent by personal service no later than the business day following the issuance of the Notice of Decision ~~decision~~. The deadline for the issuance of a decision may be extended if the Hearing Officer ~~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 ~~hearing officer~~'s decision shall take effect on the date ~~of that the~~ Notice of Decision is delivered to the Respondent by personal service or is sent to the Respondent by registered U. S. Mail ~~to the respondent~~.

(g) Ex Parte Communications.

(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 party 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 the 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 SFMTA Taxi Services and the Hearing Section with respect to any pending case. This prohibition does not preclude communications about administrative or procedural matters, or policy matters that do not involve any pending case regarding any individual permit or permit application.

(h) Hearings under this Section 1118 shall be open to the public, and public comment may be permitted in the sole discretion of the Hearing Officer, but the public may be excluded from all or a portion of the hearing when, in the sole and absolute discretion of the Hearing Officer, exclusion is necessary to protect the privacy of the applicant or a third party. The Hearing Officer may also determine that documents submitted to the Hearing Officer for consideration whether they will be admitted into evidence will not be disclosed to the public, whether or not they are admitted into evidence, in order to protect the privacy of the applicant or a third party.

(f) Settlement

(1) After issuance of an SFMTA complaint or citation, the SFMTA may enter into a settlement with the Respondent or person cited. The parties may reach a settlement

before, during, or after the hearing, but may not enter into a settlement after the Hearing Officer ~~hearing officer~~ issues the ~~notice~~ Notice of ~~decision~~ Decision.

(2) A settlement need not be read into the record of the hearing, or approved by the Hearing Officer ~~hearing officer~~, but must be reduced to writing, and signed and dated by the SFMTA and ~~the~~ Respondent or person cited or his or her legal counsel or other authorized representative.

(3) By entering into a settlement agreement, a ~~Respondent~~ Respondent waives any right to appeal to the City's Board of ~~Permit Appeals~~, and ~~the~~ Respondent or the person cited waives any right to seek judicial review pursuant to ~~Section 1123(e)~~, with respect to the subject of the settlement agreement.

(4) No evidence of an offer of settlement or of any statement made during settlement negotiations is admissible in a future proceeding under this Article.

(j) Notices.

(1) Any notice, filing or other communication required to be provided to any person or entity by Sections 1117, 1118, 1119, 1120 or 1123 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.

(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
SFMTA Taxi Services
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
San Francisco, CA 94103

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

~~(g) Administrative Probation.~~

~~(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 1119. SUMMARY SUSPENSION OF PERMIT FOR HEALTH OR SAFETY REASONS.

(a) Summary suspension. When the SFMTA determines that an alleged permit violation poses an ongoing risk to public health or safety, the SFMTA may summarily suspend the permit pending the outcome of a hearing conducted pursuant to Section 1118. Any affected Permit Holder shall be given a ~~a~~ Notice of such Summary s ~~Summary s~~ Suspension, in writing,

delivered to said Permit Holder in person or by registered U.S. mail. ~~Such notice shall also contain a statement of the grounds for suspending the permit.~~

(b) Summary Suspension Hearing; Decision Following Hearing.

~~(1)~~ Any Permit Holder who wishes to challenge the summary suspension of his or her permit may request, in writing, a hearing ~~at which the Permit Holder may show cause why the permit should not be summarily suspended pending the outcome of an administrative hearing before a Hearing Officer.~~ A summary suspension hearing shall be conducted pursuant to Section 1118, except that upon receipt of a Permit Holder's request for a summary suspension hearing, SFMTA shall promptly set the time and place for said hearing to occur within 10 business days of receipt of the Permit Holder's request for a hearing, and shall cause notice of such hearing to be delivered to the Permit Holder in person or by registered U.S. mail. In addition, SFMTA Taxi Services must provide the Respondent with the written complaint within two business days of receipt of the request for a hearing, Respondent must provide the written response, if any, no later than two business days prior to the hearing, and ~~(2)~~ The hearing officer shall render a written decision no later than the next business day following the summary suspension hearing.

(c) Appeal. ~~If the Permittee appeals a~~ A Hearing Officer hearing officer's decision upholding a regarding summary suspension to the Board of Appeals, the summary suspension shall remain in effect until a final decision is issued by the Board of Appeals ~~is not subject to appeal.~~ Where a permit is revoked after a summary suspension, the revocation shall be effective immediately and, if the Permittee appeals to the Board of Appeals, shall remain in effect until a final decision is issued by the Board of Appeals.

(d) While a Taxi or Ramp Taxi Medallion is suspended pursuant to Section 1119, the SFMTA may allow continued operation of the Medallion with the SFMTA's prior written approval, subject to any conditions specified in such approval.

Section 1120. REVOCATION, AND SUSPENSION, AND ADMINISTRATIVE PROBATION OF PERMITS.

(a) Revocation or Suspension for Cause. The SFMTA may suspend or revoke Aany 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 Permit Holder failed to pay a fine imposed by the SFMTA under Section 310 of this Code within 30 days of imposition or within such other time period as determined by the agreement of the Permit Holder and the SFMTA~~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.~~

~~(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.~~

(36) A Permit Holder has been convicted of any crime that would disqualify him or her ~~them~~ from holding a permit pursuant to Section 1103(c)(2)(F), or is otherwise ineligible for a permit under Section 1104(c) or (d) of ~~has had a complaint sustained for violation of regulations contained in this Article.~~

~~(7) A Permit Holder obtained his or her 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.~~

(48) The Permit Holder has ~~been convicted of violating~~ing any statute or ordinance, including any provision of Division I or II of this San Francisco Transportation Code, governing the operation or licensing of the vehicles and services regulated by this ~~Transportation Code.~~

(b) Suspension or 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, or decline to renew all such permits.

(c) Operation During Suspension. In the event that a Taxi or Ramp Taxi Medallion is suspended for disciplinary reasons, the Color Scheme with which it is affiliated may continue to operate the Medallion during any such period of suspension by paying a monthly fee of \$1,900 to the Driver Fund. The total of the monthly fees for the entire suspension period is due as of the 15th day following the commencement of the suspension period. If the suspended Medallion is affiliated with a Color Scheme that is on Administrative Probation upon the date that the suspension commences, the Medallion may be operated by a Color Scheme designated by the Medallion Holder from among those Color Schemes that are not on Administrative Probation and have notified the SFMTA of their willingness to operate the Medallion during the suspension period.

(d) Administrative Probation.

(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 5. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1123 to read as follows:

SECTION 1123. ADMINISTRATIVE ~~FINES~~ ENFORCEMENT OF VIOLATIONS.

(a) Whenever the SFMTA Taxi Services~~Section~~ determines that a member of the public ~~has violated~~ violation of this Article, has occurred and it decides to pursue administrative enforcement through the imposition of an administrative fine, ~~the SFMTA Taxi Services~~ Section may issue and serve a eCitation, in person or by registered U. S. mail, on any person or entity responsible for the violation.

(b) Issuance and Service of Citations.

~~(1) Whenever the Taxi Services Section determines that a provision of this Article has been violated and determines to pursue administrative enforcement of the violation pursuant to this Section 1123, the Taxi Services Section shall issue to the responsible person or entity a citation:~~

~~(A) imposing an administrative penalty;~~

~~(B) ordering the responsible person or entity to appear at a hearing and show cause why an administrative penalty should not be imposed; and/or~~

~~(C) ordering a Permit Holder to appear for re-training. Such citation shall be served on the person or entity responsible for the violation.~~

~~(2)~~ The eCitation shall include the following information:

(A) The name of the person or entity to ~~which~~ whom the citation is issued;

(B) Identification of the section or sections of this Article violated; Taxi Services may issue a single Citation for multiple violations of this Article;

(C) A description of the condition or circumstances constituting the violation(s), including the date and, where applicable, the address or location of the violation;

~~(D) At least one of the following statements:~~

~~(i)(D) The administrative fine penalty to be imposed for each violation, the date by which the fine must be paid, the procedure for making payment, and the consequences of failure to pay the fine and the procedure for requesting an administrative hearing on the alleged violation(s);~~

~~(E) The right to seek administrative review of the Citation by filing an administrative appeal, the procedure for filing an administrative appeal, and notice that failure to appeal will make the issuance of the Citation a final action by the City for which there is no further administrative or judicial review.~~

~~(ii) An order setting a time and place of a hearing at which the responsible party is ordered to appear and show cause why an administrative penalty should not be imposed for the violation(s) specified in the citation; or~~

~~(iii) The time and date of re-training for which a Permit Holder is ordered to appear; and~~

~~(E)(F) The signature of the individual who issued the Citation citing member of the Taxi Services Section.~~

(c) Administrative Hearing.

(1) Any person appealing the issuance of an administrative ~~e~~Citation issued under subsection ~~(a)(2)(D)(i)~~ may request a hearing in accordance with the procedure set forth in Section ~~1116(b)(2)~~1118(a).

~~(2) Administrative hearings held pursuant to subsection (b)(2)(D)(ii) an order in the citation shall be scheduled no sooner than 30 calendar days after the issuance of the citation.~~

(32) All hearings on administrative appeals filed ~~administrative hearings~~ under this Section 1123 shall be conducted in accordance with Sections ~~1116 and~~ 1118.

(d) Administrative Fines~~Penalties~~.

(1) Administrative fines~~penalties~~ imposed for violations of Article 1100 of Division II of the Transportation Code shall be consistent with Section 310 of Division II of the Transportation Code.

(2) The penalties and methods of enforcement set forth in this Section are in addition to any other penalties or methods of enforcement authorized by law.

(e) Requirement to Exhaust Administrative Remedies. The failure of the person or entity cited to follow the procedures set forth in subsection (c) shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity~~either~~ from asserting standing for judicial review of the validity of the citation.

(f) Right to Judicial Review. A decision of a Hearing Officer made under this Section 1123 is a final administrative decision and is not appealable to the City's Board of Appeals. But ~~Any~~ person or entity aggrieved by such decision ~~the action of a hearing officer taken pursuant to this Section 1123~~ may obtain judicial review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

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

By: _____
Mariam Morley
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 _____.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Approve amendments to Transportation Code, Division II by adding Section 1009 to prohibit any non-SFMTA vehicle from parking on designated SFMTA property unless such vehicle displays valid proof of payment to park, and modifying Section 302 to establish a citation penalty amount for violation of Section 1009 and Section 308 to authorize the Director of Transportation to designate the SFMTA Customer Service Center locations which are subject to an In-Person Customer Service Center transaction fee.

SUMMARY:

- Two proposed modifications to the Transportation Code, Division II
 - Modification I:
 - As part of the FY2009-2010 budget amendment process, the SFMTA Board approved Resolution 10-051, requiring that employees pay for parking at SFMTA facilities. The proposed modification to the Transportation Code adds language allowing enforcement by explicitly requiring that all non-SFMTA vehicles display proof of payment for parking privileges and establishes a citation penalty of \$55 for violations.
 - Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, advertisements were placed in the City's official newspaper to provide notice of the public hearing on January 18, 2011. The advertisements ran in the City's official newspaper, beginning on December 29, 2010.
 - Modification II:
 - Section 308 of the Transportation Code, Division II allows the SFMTA to assess a \$3 fee for all in-person transactions at the Customer Service Center at 11 So. Van Ness Avenue.
 - SFMTA will be adding additional customer service center locations in early 2011.
 - The proposed modification clarifies that the in-person customer service fee can be applied at all SFMTA customer service locations as determined by the Director of Transportation.

ENCLOSURES:

1. SFMTAB Resolution
2. Appendix A: Transportation Code Div II modifications

APPROVALS:

DATE

DIRECTOR OF DIVISION

PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION

BE RETURNED TO: Sonali Bose

ASSIGNED SFMTAB CALENDAR DATE: _____

PURPOSE

Approve amendments to Transportation Code, Division II by adding Section 1009 to prohibit any non-SFMTA vehicle from parking on designated SFMTA property unless such vehicle displays valid proof of payment to park, and modifying Section 302 to establish a citation penalty amount for violation of Section 1009 and Section 308 to authorize the Director of Transportation to designate the SFMTA Customer Service Center locations which are subject to an In-Person Customer Service Center transaction fee.

GOAL

The SFMTA will further the following goals of the Strategic Plan by implementing this change:

- Goal 1 – Customer Focus: To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy.
- Goal 2 – System Performance: To get customers where they want to go, when they want to be there.
- 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.
- Goal 4 – Financial Capacity: To ensure financial stability and effective resource utilization.

DESCRIPTION

Modification I: Employee Parking Restrictions on SFMTA Property:

As part of the FY2009-2010 budget amendment process, the SFMTA Board approved Resolution 10-051, requiring that employees pay for parking at SFMTA facilities. The SFMTA will install parking meters at these facilities to collect payment. The proposed modification to the Transportation Code will prohibit any non-SFMTA vehicle from parking on designated SFMTA property unless such vehicle displays valid proof of payment to park and establishes a citation penalty of \$55 for violations.

Modification II: In-person Customer Service Center Transaction Fee

Transportation Code, Division II, Section 308 authorizes the SFMTA to assess a \$3 fee for all in-person transactions at the Customer Service Center at 11 South Van Ness Avenue. The SFMTA will be opening three additional customer service kiosks at Hyde & Beach, Powell & Market and Geary and Presidio in early 2011. The proposed modification to the Transportation Code would permit the Executive Director/CEO to assess the \$3 fee at any facility that serves as a Customer Service Center, including the planned kiosks.

ALTERNATIVES CONSIDERED

Issuing citations or towing vehicles if necessary is a standard means of parking enforcement that is effective without being overly punitive. No alternatives were considered for assessing the customer service in-person assessment fee because this action only extends the existing fee to new facilities.

FUNDING IMPACT

Paid parking for SFMTA employees is included in the fiscal year 2011-2012 budget. The revised budget estimates, as expressed in an August 2010 update to the Board, anticipates \$0.5 million in revenue for the FY 2011 budget and \$1.3 million in the FY 2012 budget.

The primary consideration in assessing the customer service transaction fee is to recover the costs associated with processing transactions and to encourage customers to seek alternative methods to procure transportation and fare media. Expansion of this action to other customer service facilities would ensure similar cost recovery at the added facilities.

PUBLIC NOTICE

Charter Section 16.112 requires published notice and a hearing before the SFMTA on actions that may institute or change any fare, fee, schedule of rates or charge that affects the public. The Board's Rules of Order require that the advertisement run for at least five days and not less than 15 days prior to the public hearing. In compliance with this requirement, an advertisement ran in the City's official newspaper for a five-day period beginning on December 29, 2010.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

In February, 2010, City Planning determined that the elimination of free parking privileges for SFMTA employees and instituting fees in-person transactions at the SFMTA Customer Service Center were statutorily exempt from environmental review pursuant to California Public Resources Code Section 21080.32 and CEQA implementing guidelines, Title 14 of the California Code of Regulations Section 15285, and 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 this calendar item.

RECOMMENDATION

Staff requests that the SFMTA Board approve the proposed amendments to the Transportation Code, Division II by adding Section 1009 to prohibit any non-SFMTA vehicle from parking on designated SFMTA property unless such vehicle displays valid proof of payment to park, and modifying Section 302 to establish a citation penalty amount for violation of Section 1009 and Section 308 to authorize the Director of Transportation to designate the SFMTA Customer Service Center locations which are subject to an In-Person Customer Service Center transaction fee.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Two modifications to the Transportation Code, Division II are required to properly assess and enforce certain policies approved by the SFMTA Board of Directors as described below; and,

WHEREAS, The first modification implements the action approved by the SFMTA Board on February 26, 2010, as part of the FY2009-2010 amended budget, to eliminate free parking for SFMTA employees at SFMTA facilities and to establish a citation penalty amount for violations; and,

WHEREAS, The SFMTA will soon require that employees pay for parking at all SFMTA facilities by installing parking meters; and,

WHEREAS, Two methods of enforcing employee parking restrictions are to issue citations to those who park without paying at SFMTA facilities or tow offending vehicles if necessary; and,

WHEREAS, Pursuant to Section 10 of the SFMTA Rules of Order and Charter Section 16.112, a public hearing for January 18, 2011, was duly noticed in the City's official newspaper for a five-day period beginning on December 29, 2010; and

WHEREAS, In February, 2010, City Planning determined that the elimination of free parking privileges for SFMTA employees was statutorily exempt from environmental review pursuant to California Public Resources Code section 21080.32 and CEQA implementing guidelines, Title 14 of the California Code of Regulations Section 15285, and California Public Resources Code section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations Section 15273; and,

WHEREAS, The second modification to the Transportation Code will enable the SFMTA to assess an in-person transaction fee at any SFMTA customer service facility designated by the Director of Transportation; and,

WHEREAS, In February, 2010, City Planning determined that instituting fees for in-person transactions at the SFMTA Customer Service Center was statutorily exempt from environmental review pursuant to California Public Resources Code Section 21080.32 and CEQA implementing guidelines, Title 14 of the California Code of Regulations Section 15285, and California Public Resources Code Section 21080(b)(8) and CEQA implementing guidelines, Title 14 of the California Code of Regulations Section 15273; now, therefore, be it ,

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors approves amendments to Transportation Code, Division II by adding Section 1009 to prohibit any non-SFMTA vehicle from parking on designated SFMTA property unless such vehicle displays valid proof of payment to park, and modifying Section 302 to establish a citation penalty amount for violation of Section 1009 and Section 308 to authorize the Director of Transportation to designate the SFMTA Customer Service Center locations which are subject to an In-Person Customer Service Center transaction fee.

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

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

Resolution amending San Francisco Transportation Code, Division II, by amending Sections 302 and 308 to establish a penalty for violation of Section 1009 and authorize the Director of Transportation to designate the SFMTA customer service center locations which are subject to an In-Person Customer Service Center transaction fee; and adding Section 1009 to prohibit any non-SFMTA owned vehicle from parking on designated SFMTA property unless such vehicle displays valid proof of payment to park.

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 Sections 302 and 308, to read as follows:

SEC. 302. TRANSPORTATION CODE PENALTY SCHEDULE.

Violation of any of the following subsections of the San Francisco Transportation Code shall be punishable by the fines set forth below.

TABLE INSET:

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
PEDESTRIANS AND SIDEWALKS			
Traffic Code Sections 77, 78	Div I 7.2.10	Pedestrian Crossings	\$50.00

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 104	Div I 7.2.11	Electric Assistive Personal Mobility Devices	\$50.00
Traffic Code Section 96	Div I 7.2.12	Bicycle Riding Restricted	\$50.00
Traffic Code Section 100	Div I 7.2.13	NUV Violation	\$50.00
ON-STREET PARKING			
Traffic Code Section 315(a)	Div I 7.2.20	Residential Parking	\$65.00
Traffic Code Section 412(a)	Div I 7.2.20	Carpool Parking	\$38.00
Traffic Code Section 37(c)	Div I 7.2.22	Street Cleaning	\$55.00
Traffic Code Section 202.1	Div I 7.2.23(a)	Parking Meter-Downtown Core	\$65.00
Traffic Code Section 202	Div I 7.2.23(b)	Parking Meter-Outside Downtown Core	\$55.00
Traffic Code Section 38A	Div I 7.2.25	Red Zone	\$90.00
Traffic Code Sections 38B, 38B.1	Div I 7.2.26	Yellow Zone	\$75.00
Traffic Code Section 38C	Div I 7.2.27	White Zone	\$90.00
Traffic Code Section 38D	Div I 7.2.28	Green Zone	\$65.00
Traffic Code Section 37(a)	Div I 7.2.29	Parking for Three Days	\$90.00
Traffic Code Section 32(c)(1)	Div I 7.2.30(a)	Overtime Parking--Downtown Core	\$65.00
Traffic Code Section 32(c)(2)	Div I 7.2.30(b)	Overtime Parking Outside Downtown Core	\$55.00

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Sections 32.13, 55	Div I 7.2.32	Angled Parking	\$50.00
Traffic Code Section 32.21	Div I 7.2.33	Blocking Residential Door	\$38.00
Traffic Code Section 56	Div I 7.2.34	Median Dividers and Islands	\$65.00
Traffic Code Section 58(a)	Div I 7.2.35	Parking on Grades	\$50.00
Traffic Code Section 61	Div I 7.2.36	100 Feet Oversize	\$65.00
Traffic Code Sections 27, 219	Div I 7.2.37	Motorcycle Parking	\$90.00
Traffic Code Sections 33.5, 39(b), 66	Div I 7.2.38	Parking in Stand	\$90.00
Traffic Code Section 53(a)	Div I 7.2.39	Parking Transit-Only	\$105.00
Traffic Code Section 32(a)(1)	Div I 7.2.40	Tow-Away Zone -Downtown Core	\$85.00
Traffic Code Section 32(a)(2)	Div I 7.2.41	Tow-Away Zone-Outside Downtown Core	\$75.00
Traffic Code Section 32(b)	Div I 7.2.42	Parking Restrictions	\$75.00

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 32, 32.1, 32.1.1, 32.1.2, 32.1.3, 32.1.11, 32.1.4, 32.1.7, 32.1.9, 32.1.10, 32.2, 32.2.1, 32.2.2, 32.2.3, 32.3, 32.3.1, 32.4.2(b), 32.5, 32.6, 32.6.2, 32.6.3, 32.6.5, 32.6.6, 32.6.7, 32.6.8, 32.6.11, 32.6.13, 32.6.16, 32.6.18, 32.6.19, 32.6.20, 32.6.21, 32.6.22, 32.6.23, 32.6.24, 32.6.25, 32.6.26, 32.6.27, 32.6.28, 32.6.29, 32.6.30, 32.6.31, 32.6.32, 32.6.34, 32.6.35	Div I 7.2.43	Parking-Public Property	\$55.00
Traffic Code Sections 32.4, 32.4.1	Div I 7.2.44	Parking-Candlestick Park	\$55.00
Traffic Code Section 33(c)	Div I 7.2.45	Temporary Parking Restriction	\$55.00
Traffic Code Section 33.1	Div I 7.2.46	Temporary Construction Zone	\$55.00
Traffic Code Section 21	Div I 7.2.47	Remove Chalk	\$105.00
Traffic Code Section 65	Div I 7.2.48	Repairing Vehicle	\$70.00
Traffic Code Sections 315(c), 412(c), 712(c)	Div I 7.2.49	Permit on Wrong Car	\$105.00
Traffic Code Sections 315(d), 412(d), 712(d)	Div I 7.2.50	Invalid Permit	\$105.00
Traffic Code Sections 32.4.2(b), 32.14, 58(c)	Div I 7.2.51	Parking Marked Space	\$50.00
Traffic Code Section 38N	Div I 7.2.52	Prk in Bicycle Lanes	\$105.00
OFF-STREET PARKING			

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Sections 32.10, 32.11	Div I 7.2.60	Parking Facility Charges	\$50.00
Traffic Code Section 32.15	Div I 7.2.61	Entrance/Exit Parking Facility	\$100.00
Traffic Code Section 32.14	Div I 7.2.62	Blocking Space Parking Facility	\$50.00
Traffic Code Section 32.16	Div I 7.2.63	Speeding within Parking Facility	\$100.00
Traffic Code Section 32.21A	Div I 7.2.64	Block Charging Bay	\$105.00
	<u>Div II 1009</u>	<u>SFMTA Property</u>	<u>\$55.00</u>
TRAFFIC REGULATIONS			
Traffic Code Section 70	Div I 7.2.70	Obstruction of Traffic-Vehicle	\$50.00
Traffic Code Section 194.3	Div I 7.2.71	Obstruction of Traffic Without Permit	\$500.00
Traffic Code Section 194.3	Div I 7.3.3	Obstruction of Traffic Without Permit	\$1,000, or 6 months in jail, or both (4 th or more offenses within one year)
Traffic Code Sections 31, 31.2	Div I 7.2.72	Driving in Transit-Only Area	\$60.00
Traffic Code Section 103	Div I 7.2.73	Driving Through Parades	\$100.00

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 121	Div I 7.2.74	Streetcar Right-of-Way	\$100.00
Traffic Code Section 122	Div I 7.2.75	Passing Safety Zones	\$100.00
Traffic Code Section 25	Div I 7.2.76	Removal of Vehicles-Collision	\$100.00
Traffic Code Sections 28.1--28.1.109	Div I 7.2.77	Weight Restricted Streets	\$100.00
COMMERCIAL VEHICLES			
Traffic Code Section 63.2	Div I 7.2.80	Vehicles for Hire Parking	\$105.00
Traffic Code Section 63.3	Div I 7.2.81	Advertising Sign	\$105.00
Traffic Code Section 68	Div I 7.2.82	Selling from Vehicle	\$100.00 (1st offense) \$200.00 (2nd offense w/in 1 year) \$500.00 (3rd offense w/in 1 year)
Traffic Code Sections 33.3, 33.3.2	Div I 7.2.83	Truck Loading Zone	\$75.00
Traffic Code Sections 63, 63(A), 63.1	Div I 7.2.84	Commercial Vehicle Parking Restrictions	\$105.00
Traffic Code Section 60.5	Div I 7.2.86	Idling Engine While Parked	\$100.00
Police Code Section 710.2	Div. I 7.2.88	For Sale Sign	\$50.00
TRANSIT VIOLATIONS			

FORMER CODE SECTION	TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT
Traffic Code Section 127	Div I 7.2.101	Fare Evasion	\$75.00 (1 st offense) \$250.00 (2 nd offense w/in 1 year) \$500.00 (3 rd offense w/in 1 year)
Traffic Code Section 128	Div I 7.2.102	Passenger Misconduct	\$75.00 (1 st offense) \$250.00 (2 nd offense w/in 1 year) \$500.00 (3 rd offense w/in 1 year)
Traffic Code Section 128.5	Div I 7.2.103	Conversing with Operator	\$50.00

Sec. 308. IN-PERSON CUSTOMER SERVICE CENTER TRANSACTION FEE.

A fee to reimburse the SFMTA for costs incurred for administrative processing of in-person transactions at ~~the~~any SFMTA ~~C~~customer S~~s~~ervice C~~center~~ designated by the Director of Transportation for those transactions that may be completed through alternatives means. The administrative fee shall be in addition to any costs, fees or fines association with the subject transaction. The amount for this fee shall be \$3.00.

Section 2. Article 1000 of Division II of the Transportation Code is hereby amended by adding Section 1009, to read as follows:

Sec. 1009. PARKING RESTRICTIONS ON SFMTA PROPERTY.

(a) It shall be a violation for any person to Park any non-SFMTA owned vehicle, whether attended or unattended, in any of the locations listed below without displaying valid proof of payment for Parking at such location. Any vehicle Parked in violation of Section 1009 may be subject to issuance of a citation or removal by the SFMTA.

(b) (1) Within the property lines of the SFMTA building commonly known as the Cable Car Barn or 1201 Mason Street (Lot 005, Block 0190) and bounded by Jackson Street, Mason Street, Washington Street, and the property line 200 feet west of Mason Street.

(2) Within the property lines of the SFMTA building commonly known as Woods Operations and Maintenance Yard or 1095 Indiana Street (Lot 002, Block 4169; Lot 010, Block 4170; Lot 021, Block 4171) and bounded by Iowa Street, 22nd Street, Indiana Street, and 23rd Street; as well as the parcel bounded by Indiana Street, 22nd Street, Minnesota Street, Tennessee Street, and Tubbs Street.

(3) Within the property lines of the SFMTA building commonly known as Presidio Operations and Maintenance Yard or 949 Presidio Avenue and 2640 Geary Boulevard (Lot 001, Block 1072) and bounded by Masonic Avenue, Euclid Avenue, Presidio Avenue, and Geary Boulevard.

(4) Within the property lines of the SFMTA building commonly known as Flynn Operations and Maintenance Yard or 1940 Harrison Street (Lot 001, Block 3551) and bounded by Folsom Street, 15th Street, Harrison Street, and 16th Street.

(5) Within the property lines of the SFMTA building commonly known as Potrero Operations and Maintenance Yard or 2500 Mariposa Street (Lot 001, Block 3971) and bounded by 17th Street, Hampshire Street, Mariposa Street, and Bryant Street.

(6) Within the property lines of the SFMTA building commonly known as Kirkland Operations and Maintenance Yard or 151 Beach Street and 2301 Stockton Street (Lot 001, Block 0018; Lot 000, Block 2301) and bounded by Beach Street, Stockton Street, North Point Street, and Powell Street.

(7) Within the property lines of the SFMTA building commonly known as Metro East Operations and Maintenance Yard or 601 25th Street (Lot 001, Block 4297; Lot 001, Block 4299; Lot 001, Block 4313; Lot 004, 4310) and bounded by Cesar Chavez Street, Illinois Street, 25th Street, approximately 745 feet east of Illinois, approximately 738 feet south of 25th Street, and Michigan Street.

(8) Within the property lines of the SFMTA property commonly known as Scott Garage and Scott Non-Revenue Maintenance Shop or 1849 Harrison Street (Lot 002, Block 3925) and bounded by Harrison Street, Alameda Street, Division Street, and from approximately 27 feet south to 208 feet south of Alameda Street.

(9) Within the property lines of the SFMTA property commonly known as Green Operations and Maintenance Yard and Green Annex or 425 Geneva Avenue (Lot 015, Block 6949) and bounded by Ocean Avenue, San Jose Avenue, Geneva Avenue, and the east side of Balboa Park BART Station.

(10) Within the property lines of the SFMTA property commonly known as Geneva Operations and Maintenance Yard or 2301 San Jose Avenue (Lot 036, Block 6972) and bounded by San Jose Avenue, Geneva Avenue, approximately 52 feet west of Delano Avenue, and approximately 69 feet north of Niagara Avenue.

(11) Within the property lines of the SFMTA property commonly known as the Geneva Upper Yard (Lot 039, Block 6973), located near Green Operations and Maintenance Yard and Geneva Operations and Maintenance Yard, and bounded by Geneva Avenue, San Jose Avenue, Niagara Avenue, and the BART right-of-way east of the southern entrance of Balboa Park BART Station.

(c) The restrictions listed in subsection (b) shall not apply to any person engaged in the loading and unloading of freight upon or from vehicles Parked for not longer than the posted time limit or thirty minutes if no time limit is posted.

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 January 18, 2011.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

THIS PRINT COVERS CALENDAR ITEM NO. : 14

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Concur with and recommend that the Board of Supervisors amend San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two-hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking.

SUMMARY:

- Current law and City policy permits patrons to park at inoperable or broken on-street and off-street parking meters for the maximum amount of time permitted for parking at that meter.
- After reviewing the initial recommendation submitted at the December 2010 for a citywide one-hour limit at broken parking meters, the SFMTA Board's Policy and Governance (PAG) Committee recommended on January 11, 2011 that the limit be extended to two hours.
- The proposed amendments to the Transportation Code would establish a citywide two hour maximum time limit for parking at inoperable or broken meters for both on-street and off-street metered parking.
- Parking at inoperable or broken meters with time limits of less than two hours would still be limited to the maximum amount of time permitted for parking at that meter.
- A two-hour maximum time limit at all meters where parking is permitted in excess of two hours is a simple and uniform message that can be enforced and communicated clearly to customers on a decal on all meters, whether single or multi-space.
- Should the proposed ordinance be enacted, any variances in vandalism rates will be reported to the SFMTA Board at the end of that time period, so that the Board can evaluate the two-hour maximum policy to determine if further adjustments are necessary.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code, Division I Modifications

APPROVALS:

DATE

DIRECTOR OF DIVISION

PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION

BE RETURNED TO

Sonali Bose

ASSIGNED SFMTAB CALENDAR DATE: _____

PURPOSE

Requesting that the SFMTA Board of Directors concur with and recommend that the Board of Supervisors amend San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two-hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking.

GOAL

Amending the Transportation Code as stated above will further the following goals of the Strategic Plan in the following areas:

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

DESCRIPTION

Current law and City policy permits patrons to park at inoperable or broken on-street and off-street parking meters for the maximum amount of time for parking at that meter. In December 2010, the SFMTA Board of Directors rejected the recommendation for a one-hour citywide limit at broken meters, and referred the matter to the Board's Policy and Governance (PAG) committee. On January 11, 2011, the PAG Committee recommended that the parking limit at broken parking meters be extended to two-hours.

The proposed amendments to the Transportation Code would establish a citywide two hour maximum time limit for parking at inoperable or broken meters for both on-street and off-street metered parking. Parking at inoperable or broken meters with time limits of less than two hours (e.g. fifteen or thirty minutes) would be limited to the maximum amount of time permitted for parking at that meter. Because the modification impact Division I of the Transportation Code, the code will have to be amended by ordinance by the Board of Supervisors.

Establishing this policy also provides a disincentive to meter vandalism. Meter vandalism currently stands on a given day at about 1.2 to 2 percent, or 300 – 500 meters out of approximately 26,000 installed citywide, but could increase as meter parking limits are adjusted and potentially lengthened during the pilot period in the *SFpark* metered areas of the City. A two-hour maximum at all meters where parking is permitted in excess of two hours is a simple and uniform message that can be enforced and communicated clearly to customers on a decal on all meters, whether single or multi-space.

Upon enactment of the proposed ordinance, a resolution will be submitted to the SFMTA Board to amend Division II, Section 302 to establish a fine amount for violations of Section 7.2.65 (off-

street parking). For on-street parking, a \$55 fine is imposed for violations occurring outside the downtown area and \$65 within this area. In addition, vandalism rates will be monitored for a period of six months. Any variances in vandalism rates will be reported to the SFMTA so that the Board can evaluate the two-hour maximum policy to determine if further adjustments are necessary.

FUNDING IMPACT

This action is expected to be revenue and cost neutral.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

Modifications to Division I of the Transportation Code, which is under the jurisdiction of the Board of Supervisors, require their approval through ordinance. Should the proposed resolution be approved by the SFMTA Board, the ordinance will be forwarded to the Board of Supervisors for their consideration.

The City Attorney has reviewed the item and drafted the ordinance. All other required approvals and/or public notice will be administrated by the Board of Supervisors, since they are the final governing body required to approve this modification.

RECOMMENDATION

As recommended by the PAG committee, the SFMTA Board of Directors is asked to concur with and recommend that the Board of Supervisors amend San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two-hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and add Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
RESOLUTION No. _____

WHEREAS, Current law and City policy permits patrons to park at an inoperable or broken on-street and off-street parking meters for the maximum amount of time permitted for parking at that meter; and,

WHEREAS, The Parking and Governance Committee of the SFMTA Board has reviewed the issue and recommended that a two-hour limit be imposed on broken meters; and,

WHEREAS, The proposed amendments to the Transportation Code would establish a citywide two hour maximum time limit for parking at inoperable or broken meters for both on-street and off-street metered parking; and,

WHEREAS, Parking at inoperable or broken meters with time limits of less than two hours would be limited to the maximum amount of time permitted for parking at that meter; and,

WHEREAS, A two-hour maximum time limit at all meters where parking is permitted in excess of two hours is a simple and uniform message that should deter vandalism and can be enforced and communicated clearly to customers on a decal on all meters, whether single or multi-space; and,

WHEREAS, Upon passage of the ordinance, staff will submit a resolution to the SFMTA Board to amend Division II, Section 302 to establish a fine amount for violations of Section 7.2.65; and,

WHEREAS, Modifications to Division I of the Transportation Code, which is under the jurisdiction of the Board of Supervisors, requires their approval of the ordinance; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board recommends that the Board of Supervisors approve amendments to the San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two-hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking; and, be it further

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

[Transportation Code – Limits for Parking at Inoperable/Broken Meters]

Ordinance amending San Francisco Transportation Code, Division I, by amending Section 7.2.30 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for on-street parking, and adding Section 7.2.65 to establish a two hour maximum time limit for parking at inoperable or broken parking meters for off-street parking.

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike-through italics Times New Roman~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Transportation Code is hereby amended by amending Section 7.2.30, to read as follows:

SEC. 7.2.30. OVERTIME PARKING.

For the operator of any vehicle Parked on the street:

(a) To Park a vehicle for longer than posted time restrictions within the Downtown Core; (32(c)(1))

(b) To Park a vehicle for longer than applicable posted time restrictions on the street outside the Downtown Core; (32(c)(2)) or

(c) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time permitted for Parking at that Parking Meter within the Downtown Core. Any vehicle Parked at an inoperable or broken Parking Meter for which Parking is permitted in excess of two hours shall be permitted to Park for a maximum time period of two hours. (202.1)

(d) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time permitted for Parking at that Parking Meter outside the Downtown Core. Any

1 vehicle Parked at an inoperable or broken Parking Meter for which Parking is permitted in excess of
2 two hours shall be permitted to Park for a maximum time period of two hours. (202)

3 (e) Each hour or portion thereof that a vehicle is Parked in violation of this Section
4 shall be a separate and distinct offense, except that in a yellow zone indicated by yellow paint
5 on the curb, any non-commercial vehicle may be issued no more than one citation per one-
6 half hour for violations of time restrictions, and no vehicle may be issued more than two
7 citations within a 12-hour period. (32, 38.G)

8 Section 2. The San Francisco Transportation Code is hereby amended by adding
9 Section 7.2.65, to read as follows:

10 **SEC. 7.2.65. OVERTIME PARKING.**

11 For the operator of any vehicle Parked in a Municipal Parking Facility:

12 (a) To Park a vehicle for longer than posted time restrictions; or

13 (b) To permit any vehicle to remain Parked at a Parking Meter beyond the maximum time
14 permitted for Parking at that Parking Meter. Any vehicle Parked at an inoperable or broken Parking
15 Meter for which Parking is permitted in excess of two hours shall be permitted to Park for a maximum
16 time period of two hours.

17 (c) Each hour or portion thereof that a vehicle is Parked in violation of this Section shall be
18 a separate and distinct offense, but no vehicle may be issued more than two citations within a 12-hour
19 period.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 JOHN I. KENNEDY
25 Deputy City Attorney