

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Finance and Information Technology

**BRIEF DESCRIPTION:**

Amending San Francisco Transportation Code, Division II, by amending Sections 1122(a) and (b) to require SFMTA, beginning in fiscal year 2010-2011, and at least every fiscal year thereafter, to conduct a hearing to determine whether the rates of fare and cap on gate fees should be changed, and to increase the taxi mileage and wait time fares and establish the following three new fee: (1) a radio dispatch fee for non-peak services; (2) a radio dispatch fee for peak services; and (3) a fuel surcharge fee.

**SUMMARY:**

- Under Transportation Code 1122(a), the SFMTA Board of Directors has sole discretion to determine whether taxicab fares should increase, decrease or remain unchanged and must do so at least every other calendar year beginning in calendar year 2010. No public hearing was held to consider taxicab fares in 2010.
- The last time taxi base meter fares were increased was in 2003 (except for a \$2.00 airport fee authorized in 2006 which drivers were authorized to pass on to customers).
- Based on review of fares in other jurisdictions as well as customer needs, two new fares are recommended: (1) A \$2.00 radio dispatch fee for non-peak services that a driver may charge when responding to a radio dispatch request; (2) A \$3.00 peak radio dispatch fee that a driver may charge when responding to a dispatch request during peak times, which are currently 4:00 p.m. – 4:00 a.m. Thursday, Friday and Saturday evenings; and (3) a fuel surcharge fee -- \$0.10 per 1/5 of a mile (except first 1/5 mile) and 0.10 per minute of wait time to offset the high cost of fuel.
- Additionally, based on reviewing fares in other jurisdictions as well as customer needs, it is recommended that the taxi mileage and wait time fares be increased by \$0.10 per 1/5 of a mile or per minute of wait time.

**ENCLOSURES:**

1. SFMTAB Resolution
2. 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 Chris Hayashi

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

## **PAGE 2**

### **PURPOSE**

Amending San Francisco Transportation Code, Division II, by amending Sections 1122(a) and (b) to require SFMTA, beginning in fiscal year 2010-2011, and at least every other fiscal year thereafter, to conduct a hearing to determine whether the rates of fare and cap on gate fees should be changed, and to increase the Taxi Mileage and Wait Time Fares and establish the following three new fees: (1) a radio dispatch fee for non-peak time service; (2) a radio dispatch fee for peak time service; and (3) a fuel surcharge fee.

### **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 1.5: Increase percentage of trips using more sustainable modes (such as transit, walking, bicycling, rideshare)*

The creation of radio response fees will incentivize trips to underserved areas where private vehicle use is more common, and allow those customers to use a San Francisco taxicab rather than extending their own carbon footprint.

Seventy-seven percent of San Francisco's taxicab fleet is comprised of hybrid and CNG vehicles, making taxicab use oftentimes the more sustainable mode of transportation than the average private vehicle. Furthermore taxicab use will help to relieve parking congestion.

*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.*

This meter increase will improve the economic vitality of drivers based upon increased income, and will also provide better service to the public as drivers will feel more rewarded for their efforts.

### **DESCRIPTION**

The last time taxi the base meter fares were increased was in 2003 (except for a \$2.00 airport charge authorized in 2006 that drivers were allowed to pass on to customers).

Under Transportation Code 1122(a), beginning in calendar year 2010 and at least every other calendar year thereafter the SFMTA Board is required to hold a hearing to determine, in its sole discretion, whether the rates of fare and cap on gate fees then in effect should be increased, decreased or remain unchanged.

No hearing was held in 2010, and this matter has not been reviewed by the Board of Directors since the SFMTA took over regulation of the taxi industry.

## **PAGE 3**

The SFMTA is in the process of issuing a Request for Proposals (RFP) to identify best practices to establish an automatic indexing methodology for taxi meter fares going forward and as well as the appropriate fare from which to index. Once the RFP is completed, the Board will be asked to approve a formal automatic indexing policy for taxi meter fares and establish the appropriate base meter fares during the FY 2013 and FY 2014 budget process.

As meter fares have not been increased since 2003, and to comply with Section 1122(a) of the Transportation Code, it is recommended that a public hearing be held on May 17, 2011 to authorize the following three fare changes (pending the results of the RFP):

### **Radio Dispatch Fee**

A radio dispatch fee, which already exists in other jurisdictions, is recommended as an incentive for drivers to respond to radio calls and can be charged by drivers as a flat fee to customers. It will also ensure better response times for customers requesting taxi service.

Additionally, a peak time radio dispatch fee will incentivize dispatch pick ups during the busiest shift times. The busiest taxicab shift times, or peak hours, are currently between the hours of 4pm and 4am on Thursday, Friday and Saturday. It is during these times when demand for taxis is at its highest, and when it is most difficult to get a taxicab. Members of the public often complain about wait times in excess of one hour or that a taxicab simply never showed up despite numerous calls to multiple taxicab companies. This situation is more acute when a passenger is calling from residential neighborhoods such as the Outer Richmond or Sunset districts.

Peak time radio dispatch fees were also recommended as a means of improving taxi service in a 2007 report by the Goldman School of Public Policy entitled: "San Francisco's taxi Dispatch Service: Improving Reliability and Response", which can be accessed at <http://www.taxi-library.org/goldman-dispatch-2007.pdf>.

Based on the above, the following radio dispatch fees are recommended:

- Add a \$2.00 radio dispatch fee (flat fee) that a driver may charge when responding to a dispatch request during non peak hours; or
- Add a \$3.00 peak time radio dispatch fee (flat fee) that a driver may charge when responding to a dispatch request during peak times (4:00pm-4:00am Thursday, Friday and Saturday nights).

**Fuel Surcharge Fee:**

Since the last meter rate increase in 2003, the price of fuel has steadily gone up nationally:

Year	Price per Gallon
2003	\$1.59
2004	\$1.88
2005	\$2.30
2006	\$2.59
2007	\$2.80
2008	\$3.27
2009	\$2.35
2010	\$2.79
2011	\$3.27

Source: Bureau of Labor Statistics

According to a January 2011 analysis by the Bureau of Labor Statistics, San Francisco gas prices are consistently 7-10 percent higher than the national gas price averages. Given the significant increases to fuel costs, a fuel surcharge fee is also recommended as follows:

- \$0.10 per 1/5 of a mile and \$.10 per minute of wait time.

This fee is dependent upon high fuel prices, should the price of fuel decrease, the Board of Directors will be asked to remove this surcharge.

**Wait Time and Mileage Fare:**

Based on industry comparisons, a \$0.10 per 1/5 of a mile and \$0.10 per minute of wait time increase is also recommended to the mileage and wait time fares as follows:

- Increase the mileage and wait time fares from \$0.45 per 1/5 mile (\$2.25/mile) to \$0.55 per 1/5 mile (\$2.75/mile), and \$0.45 per minute (\$27/hour) to \$0.55 (\$33/hour).

No changes are recommended to the flag drop rate at this time as San Francisco already has flag drop rates higher than most other jurisdictions that were surveyed.

US City	2011 Flag Drop Rates
San Jose	\$3.50
<b>San Francisco</b>	<b>\$3.10</b>
Washington D.C.	\$3.00
Los Angeles	\$2.85
Daly City	\$2.85
New York City	\$2.50
Houston	\$2.50
Chicago	\$2.25

These fare recommendations would bring San Francisco's mileage and per minute rates just below the high end of mileage and per minute rates nationally:

<b><u>Per mile rates nationally:</u></b> (\$1.80-\$2.80)	
Dallas/Chicago	\$1.80
Houston	\$1.87
Atlanta /NYC	\$2.00
<b>San Francisco</b>	<b>\$2.25 (current)</b>
Philadelphia	\$2.30
Miami/Dade	\$2.40
Portland/Seattle	\$2.50
Los Angeles	\$2.70
<b>San Francisco</b>	<b>\$2.75 (proposed without fuel</b>
<b>surcharge)</b>	
Boston/San Diego	\$2.80
<b>San Francisco</b>	<b>\$2.85 (proposed with fuel</b>
<b>surcharge)</b>	

<b><u>Per hour waiting time rates nationally:</u></b> (\$18.00-\$30.00)	
Dallas	\$18.00
Chicago	\$20.00
Houston	\$20.00
Atlanta	\$21.00
Philadelphia	\$22.02
San Diego	\$23.00
NYC	\$24.00
Miami/Dade	\$24.00
<b>San Francisco</b>	<b>\$27.00 (current)</b>
Boston	\$28.20
Los Angeles	\$29.19
Seattle/Portland	\$30.00
<b>San Francisco</b>	<b>\$33.00 (proposed without fuel</b>
<b>surcharge)</b>	
<b>San Francisco</b>	<b>\$39.00 (proposed with fuel</b>
<b>surcharge)</b>	

Also, in accordance with Article 4, Section 10 of the SFMTA Board Rules of Order for the Revision of Rates, Charges, Fares, Fees and Fines a notice has been published of these intended changes in an official newspaper of the City and County for five days. In accordance with said rules, the May 17, 2011 hearing date is not less than fifteen days after the last publication of said notice.

The City Attorney has reviewed this report.

## **PAGE 6**

### **ALTERNATIVES CONSIDERED**

Alternatives include not approving the new fares or raising the existing fares. Approval of these new fares and increasing the existing fares does not preclude the SFMTA Board of Directors in establishing an automatic indexing fare policy in the future.

### **FUNDING IMPACT**

There will be no impact to the SFMTA but there will be an impact to taxi customers and taxi drivers.

### **OTHER APPROVALS RECEIVED OR STILL REQUIRED**

Staff has submitted this legislation increasing taxi fares, imposing new taxi fees, and changing the schedule for review of fares and gate fees to the Planning Department for environmental review under the California Environmental Quality Act (CEQA). That review should be completed and the result communicated to staff prior to the meeting of May 17, 2011 at which this matter is scheduled to be heard. Staff will report on the outcome of the CEQA review at that meeting.

### **RECOMMENDATION**

That the SFMTA Board of Directors adopt the proposed resolution amending San Francisco Transportation Code, Division II, Sections 1122(a) and (b) to require SFMTA, beginning in fiscal year 2010-2011, to conduct a hearing to determine whether the rates of fare and cap on gate fees should be changed, and to increase the taxi mileage and wait time fares and establish the following three new fees: (1) a radio dispatch fee for non peak time services; (2) a radio dispatch fee for peak time services; and (3) a fuel surcharge fee.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

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

WHEREAS, Transportation Code section 1122(a) states that beginning in Calendar year 2010 and at least every other calendar year thereafter the SFMTA Board shall hold a hearing to determine, in its sole discretion, whether the taxi fares and gate fees then in effect should be increased, decreased or remain unchanged; and,

WHEREAS, No hearing was held in 2010, and the issue of meter fares has yet to be reviewed by the SFMTA Board since it took over regulation of the taxi industry; and,

WHEREAS, Taxi meter fares have not increased since 2003 except for a \$2.00 airport fare authorized in 2006; and,

WHEREAS, The SFMTA Board has sole discretion to determine whether taxicab meter rates should be increased, decrease, or remain unchanged; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes a taxicab meter fare increase of \$0.10 per 1/5<sup>th</sup> of a mile (from \$0.45 per 1/5<sup>th</sup> of a mile, or \$2.25 per mile), to \$0.55 per 1/5 of a mile, or \$2.75 per mile; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors authorizes a taxicab meter fare increase of \$0.10 per minute of waiting time or traffic delay (from \$0.45 per minute, or \$27.00 per hour), to \$0.55 per minute of waiting time or traffic delay, or \$33.00 per hour; and be it

FURTHER RESOLVED, That the Board of Directors authorizes the creation of three new fares as follows:

- A \$2.00 radio dispatch fare for non peak periods (flat fare) that a driver may charge when responding to a dispatch request during non peak hours; or
- A \$3.00 peak time radio dispatch fare (flat fare) that a driver may charge when responding to a dispatch request during peak times (4:00pm-4:00am Thursday, Friday and Saturday nights); and
- A Fuel Surcharge of \$0.10 per each minute of waiting or traffic delay time and \$0.10 per 1/5 of a mile; and be it

FURTHER RESOLVED, That the Board of Directors shall hold a hearing in fiscal year 2010-2011, and at least every other fiscal year thereafter, to determine whether to change taxi fares and the cap on gate fees.

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

RESOLUTION NO.

[Taxi Fare Increase and New Fees]

**Resolution amending Section 1122 of Division II of the San Francisco Transportation Code by (1) increasing taxi fares by \$0.10 per fifth of a mile and \$0.10 per minute of traffic delay time, adding a fuel surcharge fee of \$0.10 per mile and \$0.10 per minute of waiting time, and allowing drivers to charge a radio dispatch fee of \$3.00 per trip during peak times and \$2.00 per trip during other times, while keeping the flag (charge per first fifth of a mile) at the current level; and (2) requiring SFMTA to conduct a hearing on changing taxi fares and the cap on gate fees at least every other fiscal year beginning in fiscal year 2010-2011.**

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 Section 1122 to read as follows:

Sec. 1122. Fees, Rates and Charges.

(a) Beginning in fiscal~~calendar~~ year 2010-2011 and at least every other fiscal~~calendar~~ year thereafter, the SFMTA Board shall hold a hearing to determine, in its sole discretion, whether the rates of fare and cap on gate fees then in effect should be increased, decreased or remain unchanged.

(b) Taxi Fares.

(1) The fare for Taxis and Ramp Taxis shall be as follows: \$3.10 for the first fifth of a mile or "flag"; \$0.55~~\$0.45~~ for each additional fifth of a mile or fraction thereof; and \$0.55~~\$0.45~~ for each one minute of waiting or traffic delay time.



## RESOLUTION NO.

(2) Drivers of Taxis and Ramp Taxis responding to dispatch calls are authorized to collect a flat fee, in addition to the fare, as follows: \$3.00 per trip during peak times (4:00 p.m. - 4:00 a.m. on Thursday, Friday and Saturday nights), or \$2.00 per trip during all other times.

(3) Drivers of Taxis and Ramp Taxis shall charge a fuel surcharge fee of \$0.10 for each minute of waiting or traffic delay time and \$0.10 for each fifth of a mile or fraction thereof.

(42) Out-of-Town Trips. Drivers are authorized to collect 150 percent of the metered rate for out-of-town trips exceeding 15 miles beyond City limits. For trips exceeding 15 miles from San Francisco International Airport and not terminating within the City limits of San Francisco, the fare will be 150 percent of the metered rate except for those trips originating at the San Francisco International Airport with a destination across the Golden Gate or Bay Bridges the 15-mile limit will apply from the City limits of San Francisco as set forth above. For taxicab trips originating at San Francisco International Airport that incur an airport trip fee, the taxicab driver may collect \$2.00 of that trip fee from the passenger upon receipt of cab fare from the passenger.

(53) Bridge Tolls. Drivers are authorized to collect bridge tolls in advance from passengers whose destination requires the crossing of a toll bridge, regardless of the direction in which the toll is collected.

(64) Cleaning Fee. Drivers are authorized to collect a cleaning fee of up to \$100 from any passenger who permanently stains the interior of the vehicle or who renders the vehicle temporarily unfit for for-hire passengers because of spillage of any substance such that the vehicle must be taken out of service and cleaned.

(75) Credit Card Processing Fees. A Driver may elect to establish his or her own account for credit card charge processing services. No Color

## RESOLUTION NO.

Scheme may retaliate against a Driver for electing not to establish his or her own credit card processing account.

### (c) Gate Fees.

(1) Cap on Gate Fees. The mean gate fee charged drivers by a taxicab company may not exceed \$96.50 for a shift of 10 hours or longer. The cap shall be prorated at \$9.65 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding together the gate fees charged by the company for all available shifts during one week and dividing that total by the number of available shifts during the week.

### (2) Gate Fee Surcharge For Low Emission Vehicles.

Notwithstanding subsection 1122(c)(1), a Color Scheme may collect a surcharge of \$7.50 on any gate fee charged for use of a low emission vehicle, subject to the requirements of this subsection. The surcharge shall be for a shift of ten hours or longer, and shall be prorated at \$0.75 per hour for shifts shorter than ten hours. The surcharge shall be in addition to the company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap authorized by the City, and may be collected for the life of the vehicle.

(3) Definition of "Low Emission Vehicle." For purposes of this Section, "low emission vehicle" means a Taxi or Ramp Taxi approved by the SFMTA that is rated as SULEV (Super Ultra Low Emission Vehicle) or better by the California Air Resources Board. "Low emission vehicle" shall also include a vehicle that is rated as ULEV (Ultra Low Emission Vehicle) if that vehicle was approved by the Taxi Commission and placed into service as a San Francisco Taxi or Ramp Taxi prior to March 1, 2009.

(d) Oversized Luggage Fee. A Driver is entitled to charge an additional amount not to exceed \$1 for each piece of luggage that cannot be conveyed either

RESOLUTION NO.

in the passenger compartment of the vehicle or in the vehicle's trunk with the trunk-lid closed. Each passenger shall be entitled to have conveyed without charge such valise or small package as can be conveniently carried within the vehicle. Other than the charges authorized by this subsection, no charge shall be made by the driver for loading or unloading baggage.

(e) Emergency Rates. During any period of emergency, strike or other impairment or lack of municipal railway transportation declared by the Mayor and affecting the entire City or any part thereof, Drivers of Motor Vehicles for Hire shall accept passengers traveling in the same general direction, though each passenger or passengers may have differing points of pickup or discharge. At each stop for the pickup or discharge of a passenger or passengers, a Driver may collect, or tabulate for later collection at the passenger's point of discharge, the pro-rata share of the amount due as indicated by the meter, and said meter shall then be reset. The rates shall be those set forth in Section 1122(b).

(f) Deduction for Time While Disabled. In the event that a taxicab breaks down while conveying for hire any passenger or passengers, the Driver may not charge any passenger for the time during which the vehicle is disabled.

(g) Drivers must accept major credit cards (including at a minimum Visa, MasterCard, American Express and Discover), as payment of taxi fare.

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 \_\_\_\_\_.

**SFMTA BOARD OF DIRECTORS**

Page 11  
5/13/2011

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RESOLUTION NO.

\_\_\_\_\_  
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:**

Amending San Francisco Transportation Code, Division II, by amending Sections 1114(e) to remove the specific deadline for implementation of electronic waybills.

**SUMMARY:**

- Currently all industry statistics for the San Francisco taxi industry is kept in the form of paper waybills filled out by taxi drivers during their shift. This information is used for investigations and to qualify taxi drivers as medallion holders by documenting the number of hours and shifts driven by each taxi driver. Qualifying a new medallion holder requires a Taxi Investigator to visually inspect at least 400 handwritten waybills.
- Converting the San Francisco taxi industry to electronic waybills would provide information about patterns of taxi usage that would support policy decisions designed to make it easier for people to find taxis and to improve driver income.
- Electronic waybills would also make Taxi Services' enforcement activities more efficient and effective, as it would be possible for the first time to document medallion owner driving with data that a Taxi Investigator can instantly analyze and that cannot be forged.
- The SFMTA Board of Directors initially required mandatory electronic waybills by March 31, 2011. On February 1, 2011, the SFMTA Board extended the deadline for companies to implement electronic waybills to July 2011 in response to industry requests for a little more time to implement the requirement.
- Based on concerns expressed by taxi drivers, the Board should delay implementation of electronic waybills until there is an opportunity for staff to compile information and conduct outreach regarding concerns raised by drivers.
- Staff will return to the Board within 120 days to report on the results of research and outreach.

**ENCLOSURES:**

1. SFMTAB Resolution

**APPROVALS:**

**DATE**

DIRECTOR OF DIVISION

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

\_\_\_\_\_

FINANCE \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

SECRETARY \_\_\_\_\_

\_\_\_\_\_

ADOPTED RESOLUTION

BE RETURNED TO Chris Hayashi

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

## **PAGE 2.**

### **PURPOSE**

To request the Board to amend San Francisco Transportation Code, Division II, by amending Section 1114(e) to remove the specific deadline for implementation of electronic waybills.

### **GOAL**

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

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

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

Objective 3.4 Enhance proactive participation and cooperatively strive for improved regional transportation.

Postponing the implementation of electronic waybills and conducting information gathering and outreach will improve the SFMTA's relationship with the San Francisco taxi industry.

**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 new and enhanced systems and technologies required to support SFMTA's 2012 goals.

Information gathering about best practices and available options for electronic waybill implementation will ultimately support an improved solution.

### **DESCRIPTION**

Currently all industry statistics for the San Francisco taxi industry is kept in the form of paper waybills filled out by taxi drivers during their shift. This information is used for investigations and to qualify taxi drivers as medallion holders by documenting the number of hours and shifts driven by each taxi driver. Qualifying a new medallion holder requires a Taxi Investigator to visually inspect at least 400 handwritten waybills.

Converting the San Francisco taxi industry to electronic waybills would provide information about patterns of taxi usage that would support policy decisions designed to make it easier for people to find taxis and to improve driver income. Electronic waybills would also make Taxi Services' enforcement activities more efficient and effective, as it would be possible for the first time to document medallion owner driving with data that a Taxi Investigator can instantly analyze and that cannot be forged.

The SFMTA Board of Directors initially required mandatory electronic waybills by March 31, 2011.

### **PAGE 3.**

The SFMTA Board extended the deadline for companies to implement electronic waybills to June 30, 2011 in response to industry requests, made at the Board meeting of February 1, 2011, for a little more time to implement the requirement. At subsequent Board meetings, however, the Board heard concerns expressed by taxi drivers about the safety and security of electronic waybills. Based on those concerns, the Board should further delay implementation of electronic waybills until there is an opportunity for staff to compile information and conduct outreach regarding concerns raised by drivers.

Staff will return to the Board within 120 days to report on the results of research and outreach.

The City Attorney has reviewed this report.

### **ALTERNATIVES CONSIDERED**

The Board had initially approved earlier implementation dates for electronic waybills, but as a result of the concerns expressed by drivers at public meetings about implementation of this requirement, the alternative of delaying implementation of electronic waybills pending additional information gathering and outreach is recommended.

### **FUNDING IMPACT**

There is no direct funding impact to the agency or any economic impact element of the taxi industry. Indirect financial impacts are that SFMTA Taxi Investigators will continue to be less efficient with a paper waybill system, and companies will continue to bear the costs of handling, and storing and copying paper waybills.

### **OTHER APPROVALS RECEIVED OR STILL REQUIRED**

None.

### **RECOMMENDATION**

Staff recommends that the Board of Directors amend San Francisco Transportation Code, Division II, by amending Section 1114(e) to remove the specific deadline for implementation of electronic waybills.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

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

WHEREAS, San Francisco taxi drivers currently keep all trip records on a paper waybill that is used to document driving records for the purpose of permit requirements; and,

WHEREAS, The SFMTA Board of Directors initially required mandatory electronic waybills by March 31, 2011; and,

WHEREAS, On February 1, 2011, the SFMTA Board extended the deadline for companies to implement electronic waybills to July 2011 in response to industry requests for a little more time to implement the requirement; and,

WHEREAS, San Francisco taxi drivers have expressed concerns to the Board about the safety and security of electronic waybills; and,

WHEREAS, Staff has represented that it will return to the Board within 120 days to report on the results of research and outreach; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts amendments to the Transportation Code, Division II, Section 1114(e) to remove the specific deadline for implementation of electronic waybills.

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



[Electronic waybills.]

**Resolution amending Section 1114 of Division II of the San Francisco Transportation Code to change the date for mandatory implementation of an electronic waybill system from June 30,2011 to a future date to be set by the SFMTA Board of Directors.**

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 Section 1114, to read as follows:

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

(a) Requirements Applicable to All Records. Except as otherwise specified herein, all records required to be created and/or maintained by Permit Holders by this Article shall be subject to the following requirements:

(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.

**SFMTA BOARD OF DIRECTORS**

(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. 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. 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. 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, 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 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;
- (H) Mileage of the vehicle at the end of the shift;
- (I) Number of passengers on each trip;
- (J) Origin and destination of each trip;
- (K) The fare for each trip;
- (L) The time of hire and discharge for each trip; and

(M) 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.

**SFMTA BOARD OF DIRECTORS**

(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 by a date to be set by the SFMTA Board of Directors ~~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) 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 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.

(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

**SFMTA BOARD OF DIRECTORS**

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) 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.

(4) Medical Examination Certificates. Reserved.

(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.

(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 California driver's license number.

(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.

(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:

**SFMTA BOARD OF DIRECTORS**

(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. 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

**SFMTA BOARD OF DIRECTORS**



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.

(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.

(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;
- (E) Copy of company drug-free workplace policy;
- (F) Sworn statement attesting to compliance with this Article and applicable state and federal laws.

(f) Additional Requirements Applicable to Dispatch Services.

(1) Semi-Annual Service Report. All Dispatch Services must provide the SFMTA with dispatch service 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.

(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 of the vehicle in which it was found.

(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.

(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;  
**SFMTA BOARD OF DIRECTORS**

- (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.

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

By: \_\_\_\_\_  
Mariam M. 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