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HEIDI MACHEN, EXECUTIVE DIRECTOR

MEMORANDUM

To: Rules Subcommittee Members

From: Jordanna Thigpen

Date: November 1, 2007

Re: Recommended Rule Changes – November 1, 2007 Agenda

Consideration of various Rules & Regulations was had at the October 29, 2007 Agenda. Staff has listed the various rules that were suggested for change and has made recommendations on each one. The agenda for November 5, 2007 does not preclude consideration and recommendations for other Rules which are not listed in this memorandum; this is meant only to be a comprehensive list of those which were noted for immediate review.

There are also general changes and housekeeping changes that need to take place, such as correcting typographical errors and ensuring that Taxi Commission officers are entitled to inspect documents along with police officers, to assist in the transfer of administrative functions from Taxi Detail. These are minor changes which appear in a variety of rules and do not affect the substance of the rule, and so are not listed here, but instead are reflected in a red-lined document which is attached to this memorandum.

Also submitted for your consideration is a document sent by a member of the public, Wesley Hollis. The San Francisco Taxi Association also submitted written materials at a prior meeting but SFTA actually distributed these materials to you already, so I have not attached an additional copy.

Additionally, a member of the public has informed me that he will attend the meeting on November to ask for a rule change to allow “walkie-talkies” (aka Nextel-enabled devices) instead of radio service. I have attached a printout from the Internet describing how this technology works.

Staff Recommendations on Particular Rules:

1. **Rule 4.A.9:** Rule 4.A.9 actually has several components. One component is that medallion holders shall ensure that their vehicle shift-changes on taxicab company property. Staff recommends no change to that portion of Rule 4.A.9. The other component is that waybills shall be retained on taxicab company property for a minimum of six years. Staff recommends no change to this portion of Rule 4.A.9 due to the fact that the Rule allows for scanning/electronic format of waybills after one year for those companies who choose to avail themselves of that option.
2. **Rule 4.A.10:** This rule requires medallion holders to drive their own taxicab number vehicle when complying with Proposition K. Staff recommends only a housekeeping change to this Rule

to reflect “the full time driving requirement provisions of MPC s 1081(b)” and does not recommend eliminating this rule.

3. **Rule 4.A.12:** Staff proposes adding the following language: “This includes the submission of false and fraudulent waybills or other documents.”
4. **Rule 4.A.13:** Staff proposes adding a Rule 4.A.13 to reflect the responsibilities of medallion holders to complete waybills in accordance with MPC s 1138. Staff proposes adding the following provision:

Rule 4.A.13: All Medallion Holders shall use the waybill format prescribed by the Taxi Commission or their designee. Waybills shall be completed in indelible ink, and shall include the medallion holder’s signature at the commencement of this shift as well as the badge number and total number of hours worked. Waybills shall be time-stamped by a computerized time stamp or shall contain the time in and out in some other format. This waybill is to be filed at the Color Scheme Holder’s principal place of business at the conclusion of each shift. Waybills that do not comply with this requirement will not be counted towards the Medallion Holder’s driving requirement.

5. **Rule 4.A.14:** In accordance with a parallel rule in the Driver Section, staff recommends adding the following language: “Every Medallion Holder shall give written notice to the Taxi Commission within ten (10) days of any change of residence address. A post office box is not permitted.”
6. **Rule 4.C.1:** This rule limits the layer of leases to 3. Staff recommends requiring gas and gates only for all shifts to eliminate the widespread problem of leasing in the industry.
7. **Rule 5.A.7:** This concerns color scheme holders’ (and their employees’) acceptance of tips and gratuities. Staff recommends no change to this rule.
8. **Rule 5.A.9:** This concerns false statements to the Taxi Commission or Police Department. Staff recommends adding the following sentence. “This includes submission of false or fraudulent waybills, driver’s rosters, and other documents.”
9. **Rule 5.B.6:** This rule requires color scheme holders to ensure that medallion holders shift change on property. Staff recommends amending the rule only to eliminate the language “for ‘formal employee operations’” since it is vague and does not appear in any of the other sections where this rule appears.
10. **Rule 5.C.10.b:** This is the “top light on” rule. This rule requires that the top light be illuminated when the taxi is available for passengers. This rule appears in the Color Scheme section and realistically should appear in the Driver section. Staff recommends moving the relevant language to the Driver Section and creating a new Rule 6.C.16, and amending Rule 5.C.10.b to state that “Such top light shall be capable of illumination at all times.”
11. **Rule 5.E.1.b:** Staff recommends eliminating this rule as it is obsolete until further notification by the Board, and if that happens, it can be added back in.
12. **Rule 5.G.2:** Staff recommends housekeeping (c) and (d) which were deleted in 2003. Staff recommends adding what will be a new section (e) which will state “State of California Smog Certificate. All vehicles shall provide evidence of a current smog certificate demonstrating compliance with State of California air quality requirements or exemption thereof.”
13. **Rule 5.H.10:** Staff proposes amending 5.H.10 to require presentation of waybills to the Taxi Commission with the following language:

...Color Schemes will devise their own waybill filing system *and present waybills to the Taxicab Commission or their designee within twenty-four (24) hours of notification. The*

waybill filing system shall ensure that waybills are organized numerically or alphabetically by medallion holder and by day and month for each medallion holder. Color Schemes who fail to comply with this requirement may be assessed an administrative penalty. The Commission will inspect the waybills and may retain any waybills that are necessary to pursue a disciplinary case. Pursuant...

14. **Rule 5.H.15:** Staff recommends amending Rule 5.H.15 as follows: “On the first business day of each week, all Color Scheme Holders shall fax, to the Taxi Commission, a comprehensive list of all Drivers and Medallion Holders associated with the Color Scheme which shall state whether or not each individual has submitted waybills for the previous week. Submission of false or fraudulent lists shall be grounds for discipline including suspension or revocation of a Color Scheme.”
15. **Rule 5.H.16:** Despite some confusion about the worker’s compensation requirement, worker’s compensation is required by State law and by legal precedent. Therefore staff recommends no change to Rule 5.H.16.
16. **Rule 5.J.5:** Staff recommends adding the following provision: “Any Color Scheme Holder, manager, owner, or employer having actual knowledge that a medallion holder has received a conviction for Driving Under the Influence (DUI), whether at the time of application for affiliation with a color scheme, during a color scheme change, or during the duration of affiliation with that color scheme, shall immediately notify the Taxi Commission.” Staff recommends a \$250 minimum penalty for this offense. This is absolutely necessary to protect the integrity of the drivers and medallion holders in this industry.
17. **Rule 5.K.1:** In accordance with the recommendations above pertaining to medallion holders staff recommends eliminating the leasing system and going to gas and gates.
18. **Rule 6.A.10:** This rule concerns medical examinations for taxicab drivers. It is not clear that this Rule has ever been enforced in the history of Proposition K. Staff recommends eliminating this Rule.
19. **Rule 6.A.11:** In accordance with the recommendations above, staff recommends changing this Rule to reflect gas and gates only.
20. **Rule 6.C.1:** Staff recommends moving the relevant language concerning the top lights to this section.
21. **Rule 6.C.8:** Staff recommends changing the words “A-card” to “badge number.”
22. **Rule 6.C.10:** Although this Rule is unenforceable industry-wide from a resources perspective, having it in place encourages the use of radio calls. Staff recommends no change to this Rule.
23. **Rule 6.E.2:** Staff recommends eliminating this Rule as it is unacceptably vague.
24. **Rule 6.E.5:** Staff does not recommend any changes to this Rule.
25. **Rule 6.E.6:** Staff does not recommend any changes to this Rule.
26. **Rule 7.A.1:** Staff recommends that the training for new taxicab drivers be increased to a minimum of ten (10) hours to include an extra hour for sensitivity to individuals who fall within the purview of the Americans with Disabilities Act and an extra hour for customer relations.
27. **Rule 9.A.9:** Staff proposes adding the following section: “All permit holders holding a ramped taxi medallion regulated under Division IIA of Article 16 must fill out a waybill in accordance with MPC § 1138 and must specify which fares are ramp pickups.”