

Agenda: Item 6

Consideration of Penalties for Clean Air Taxi Program [ACTION]



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JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

July 9, 2008

At the meeting of the Taxicab Commission on Tuesday, July 8, 2008, the following resolution was adopted:

RESOLUTION NO. 2008-XX

SETTING PENALTY STRUCTURE FOR VIOLATION OF CLEAN AIR TAXI PROGRAM AND URGING THE BOARD OF SUPERVISORS TO ADOPT AMENDMENTS TO DIVISION X OF ARTICLE 16 OF THE MUNICIPAL POLICE CODE, AS DESCRIBED HEREIN

WHEREAS, the Taxi Commission must adopt a penalty structure that will ensure that color schemes actually comply with the Clean Air Taxi Program; and

WHEREAS, the Taxi Commission desires to adopt a penalty structure which will be fair but will also ensures that a company that does not comply faces consequences; and

WHEREAS, the Taxi Commission adopts the following penalty structure for the Clean Air Taxi Program; and

DEFINITIONS: For purposes of the penalty structure the following definitions of color schemes are effective:

- 1 to 30 medallions = Small
- 30 to 75 medallions = Medium
- 75+ medallions = Large

INSPECTIONS: Companies will be inspected once annually according to the Commission's inspection schedule, but if a violation is noted, they will be inspected again within six months. The Director may impose either penalty or both at the same time, which shall be appealable to the Commission in accordance with the procedures established in MPC s 1188. The penalties will be progressive as follows:

FIRST OFFENSE PENALTIES:

Penalty 1 – First violation:

- Small companies will be fined a minimum of \$2500 per medallion but fine cannot exceed \$10K for first violation.
- Medium companies will be fined a minimum of \$2500 per medallion but fine cannot exceed \$30K for the first violation.
- Large companies will be fined a minimum of \$2500 per medallion but fine cannot exceed \$55K for the first violation
- Violation will result in a second inspection of the entire fleet within six months; re-inspection fee to be paid by color scheme

Penalty 1B – First violation:

- ~~Small companies will be subject to a suspension which will result in the loss of Airport privileges for one month~~
- ~~Medium companies will be subject to a suspension which will result in the loss of Airport privileges for six months~~
- ~~Large companies will not be able to accept color scheme changes or new medallions for six months~~

SECOND OFFENSE PENALTIES:

Penalty 2A – Second violation (at next inspection or within six months of first:)

- Small companies will be fined a minimum of \$2500 \$4000 per medallion but fine cannot exceed \$10K for the second violation.
- Medium companies will be fined a minimum of \$2500 \$4000 per medallion but fine cannot exceed \$30K for the second violation.
- Large companies will be fined a minimum of \$2500 \$4000 per medallion but fine cannot exceed \$55K for the second violation.
- Violation will result in a second inspection of the fleet within six months; re-inspection fee to be paid by color scheme

Penalty 2B – Second violation (at next inspection or within six months of first:)

- Small companies will not be allowed to accept color scheme changes or new medallions for six months one year, and they will be suspended, resulting in a loss of Airport privileges for six months
- Medium companies will not be allowed to accept color scheme changes or new medallions for six months one year, and they will be suspended, resulting in a loss of Airport privileges for six months
- Large companies will not be considered for any new grant funding for the next two cycles, they will not be allowed to accept color scheme changes or new medallions for six months one year, and they will be suspended, resulting in a loss of Airport privileges for six months

THIRD OFFENSE PENALTIES:

Penalty 3A – Third violation (at next inspection or within six months of second:)

- ~~Small companies will be fined a minimum of \$5000 per medallion but cannot exceed \$10k for the third violation.~~
- ~~Medium companies will be fined a minimum of \$5000 per medallion but cannot exceed~~

~~\$30k for the third violation.~~

- ~~• Large companies will be fined a minimum of \$5000 per medallion but cannot exceed \$55k for the third violation.~~

Penalty 3AB – Third violation (at next inspection or within six months of second:)

- Small companies – Revocation of the color scheme permit
- Medium companies – Revocation of the color scheme permit
- Large companies – Revocation of the color scheme permit

WHEREAS, the Taxi Commission also urges the Board of Supervisors to adopt amendments to Division X of Article 16 of the San Francisco Municipal Police Code to implement necessary amendments to fully implement the Clean Air Taxi Program; and

THEREFORE BE IT RESOLVED, that the Taxi Commission adopts the amendments described above and urges the Board of Supervisors to take action as described.

AYES:
ABSENT:

NOES:
RECUSED:

Respectfully submitted,

Jordanna Thigpen
Acting Executive Director