

## **Agenda Item 5:**

Consideration of Clean Air Taxi Program: Proposed Amendments to Rules 4.A.6, and Sections 5.D and 5.G, Proposed Deletion of Rules 4.A.8, 5.B.1, 5.B.3, and 5.B.8 of the Rules and Regulations, Proposed Penalties (see Explanatory Documents for Proposed Amendments) [ACTION]



PAUL GILLESPIE, PRESIDENT, ext. 3  
PATRICIA BRESLIN, VICE PRESIDENT  
RICHARD BENJAMIN, COMMISSIONER, ext. 1  
TOM ONETO, COMMISSIONER, ext. 6  
MIN PAEK, COMMISSIONER, ext. 7  
R. JAMES SLAUGHTER, ext. 4  
SUSAN SUVAL, COMMISSIONER, ext. 5

JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

**TO: Honorable Commissioners**  
**FR: Jordanna Thigpen**  
**RE: Clean Air Taxi Program**  
**DATE: June 15, 2008**

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Please find attached the necessary resolutions to fully implement the Clean Air Taxi Program. While the Commission may adopt a penalty structure authorizing suspension of certain privileges with regards to permits, monetary fines must be confirmed by legislation at the Board of Supervisors. The proposed penalties were changed as well to reflect some of the public comment and the business reality of large companies and their service to SFO. For purposes of this memo "Commission" refers to "Commission or its designee," as stated in the actual Rules. Staff made adjustments to the proposed Spare and Inspection Rules as follows:

- The Commission can grant permission for a spare to re-enter the regular fleet
- Color schemes must only notify the Commission regarding spares if an individual medallion vehicle will be down for more than 72 hours. This is because many spares are used every day on different vehicles at large companies
- A violation section was added to the spare portion since we have a severe problem right now in the industry with color schemes running spares without medallions and operating at a business advantage to legitimate companies, as well as endangering the drivers who operate these vehicles (since the vehicle is being operated illegally)
- No one may remove SFIA decals or transponders – only the Commission can. Language was added regarding the tampering with/destruction of SFIA decals and transponders, a problem we have been having lately
- As part of the documents required at inspection, a Vehicle Introduction Form will now be required. This codifies the Vehicle Introduction Form
- Instead of going from 8 years to 5 years for a vehicle's age, the 5-year rule is phased in over the next four years to give people time to adjust
- Salvage vehicles will still be allowed as long as they pass the Commission's Salvage Vehicle Program. This Program will consist of heightened standards of review and inspection. The Salvage Vehicle Program will involve submission of the following: a declaration from a color scheme describing the circumstances of purchase of the vehicle, inspection by an independent and certified shop from a list which has been approved by the Commission, and final approval from the Commission and GTU. GTU does not have a lift and cannot assume the responsibilities of heightened inspection. The language regarding "placed into service" means that existing salvage vehicles already in the fleet can remain in the fleet without going through the Salvage Vehicle Program.
- If a vehicle is out of service for more than 30 days due to repair problems, permission can be granted to extend the time out of service while the repairs are being conducted.



City and County of San Francisco  
 Taxi Commission / Ground Transportation Unit  
**Vehicle Introduction Form**

Date Filed: \_\_\_\_\_

First and Last Name \_\_\_\_\_

Title \_\_\_\_\_

Color Scheme Name \_\_\_\_\_

Phone Number \_\_\_\_\_

**ADDING A VEHICLE**

VIN # \_\_\_\_\_ Vehicle # (Medallion #) \_\_\_\_\_ License Plate # \_\_\_\_\_

Vehicle: Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ Mileage \_\_\_\_\_

Taximeter: Make \_\_\_\_\_ Model \_\_\_\_\_ Serial # \_\_\_\_\_ Paper Seal # \_\_\_\_\_

Effective Date: \_\_\_\_\_

**DELETING A VEHICLE**

VIN # \_\_\_\_\_ Vehicle # (Medallion #) \_\_\_\_\_ License Plate # \_\_\_\_\_

Vehicle: Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ Mileage \_\_\_\_\_

Taximeter: Make \_\_\_\_\_ Model \_\_\_\_\_ Serial # \_\_\_\_\_ Paper Seal # \_\_\_\_\_

Effective Date: \_\_\_\_\_

**CHANGING VEHICLE NUMBERS (Medallion #) ONLY**

VIN # \_\_\_\_\_ License Plate # \_\_\_\_\_

Vehicle: Make \_\_\_\_\_ Model \_\_\_\_\_ Year \_\_\_\_\_ Mileage \_\_\_\_\_

Taximeter: Make \_\_\_\_\_ Model \_\_\_\_\_ Serial # \_\_\_\_\_ Paper Seal # \_\_\_\_\_

Old Vehicle # (Medallion #) \_\_\_\_\_ New Vehicle # (Medallion #) \_\_\_\_\_

Effective Date: \_\_\_\_\_

**\*\*\*\*\*Office Use Only\*\*\*\*\***

**TXC:**  Approved  Denied

**GTU:**  Approved  Denied

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_

Date Sent to GTU: \_\_\_\_\_

Date Sent to TXC: \_\_\_\_\_



COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3  
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JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

June 24, 2008

At the meeting of the Taxicab Commission on Tuesday, June 24, 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 1A – 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 \$4000 per medallion but fine cannot exceed \$10K for the second violation.
- Medium companies will be fined a minimum of \$4000 per medallion but fine cannot exceed \$30K for the second violation.
- Large companies will be fined a minimum of \$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 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 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 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 3B – 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



CITY AND COUNTY OF  
SAN FRANCISCO

TAXI COMMISSION  
MAYOR GAVIN NEWSOM

PAUL GILLESPIE, PRESIDENT, ext. 3  
PATRICIA BRESLIN, VICE PRESIDENT  
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JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

June 24, 2008

At the meeting of the Taxi Commission on Tuesday, June 24, 2008 the following resolution(s) and finding(s) were adopted:

**RESOLUTION NO. 2008-XX**

**WHEREAS**, the Taxi Commission must adopt amendments to its existing Rules and Regulations to properly implement the Clean Air Taxi Program, and

**WHEREAS**, the Taxi Commission deletes Rules 4.A.8, 5.B.1, 5.B.3, and 5.B.8 of the Taxicab/Ramped Taxi Rules & Regulations as they are duplicative of other provisions and/or rendered obsolete by amendments; and

**WHEREAS**, the Taxi Commission amends Rule 4.A.6 as described below; and

Whenever a Medallion Holder replaces their taxicab vehicle with a new another taxicab vehicle, the ~~new vehicle~~ *replacement* vehicle must be inspected and approved by the Taxi Commission or ~~their~~ its designee prior to use *in accordance with the procedures established in Section 5.G of these Rules and Regulations.* ~~If the taxicab vehicle is replaced by another previously inspected taxicab, the medallion holder shall ensure that the Taxicab Commission or their designee has received written notifications containing all changes in vehicle, decal, and taximeter information.~~

**WHEREAS**, the Taxi Commission deletes existing Sections 5.D and 5.G in their entirety and replaces them with the new Sections 5.D and 5.G as described below; and

**5.D Spare Vehicles**

1. **SPARE DESIGNATION.** Once a vehicle is designated as a spare, it may not be re-introduced to the fleet except by approval of the Commission or its designee. All spare vehicles must be registered and insured under the color scheme as required by these Rules, the Municipal Police Code, and the laws of the State of California.

2. **SPARE OPERATION:** A spare vehicle may operate with a sedan medallion borrowed from an out-of-service vehicle. A spare vehicle may operate with a ramp medallion as defined in Municipal Police Code § 1148.6 notwithstanding the provisions of this Section.
3. **SPARE TIME RESTRICTIONS.** Spare vehicles shall only be used to replace temporarily disabled medallion vehicles. Color schemes shall notify the Commission or its designee if an individual vehicle will be disabled for more than seventy-two hours. During any time a spare vehicle is operating, the regular vehicle it is replacing shall be available for inspection by the Commission or its designee.
4. **SPARE NUMBERS, ISSUANCE.** Each Color Scheme shall be issued a series of "spare numbers" at the ratio of one (1) spare number for every five (5) vehicles operating at that Color Scheme.
5. **SPARE VEHICLES, STORAGE.** All spare vehicles shall be kept on the Color Scheme Holder's designated business property when not in actual use with a medallion.
6. **SPARE VEHICLES, VIOLATION.** Any Color Scheme Holder that violates this Section shall be deemed to be operating a vehicle without a permit in violation of MPC § 1078.

#### **Section 5.G Inspections:**

1. **INSPECTIONS REQUIRED, PASSING INSPECTIONS.** There shall be inspections of all taxicab vehicles by the Commission or its designee. Inspections shall be done every six months for spare vehicles and every twelve months for regular vehicles at a date and time designed by the Commission or its designee, and at any other time deemed necessary. If the Commission or its designee determines that the vehicle has passed inspection, an SFIA decal shall be affixed to the vehicle, authorizing the vehicle to be operated for the time period specified on the decal. The decal shall be conspicuously displayed on the taxicab vehicle at all times or the vehicle shall be considered to be operating without a permit in violation of these Rules and the Municipal Police Code. No SFIA decal may be placed on or removed from any vehicle except by the Commission or its designee.
2. **DOCUMENTS REQUIRED.** At the time of scheduled inspection of a taxicab vehicle, the Color Scheme Holder must submit the following:
  - a. Valid and current State of California vehicle registration card which complies with Rule 4.B.3.
  - b. Proof of insurance meeting the requirements of the Municipal Police Code, the Vehicle Code, and the laws of the State of California concerning public passenger vehicles.
  - c. Valid and current Brake Certificate issued by an official inspection station certified by the State of California within sixty (60) days prior to inspection.
  - d. A Vehicle Introduction Form signed by the Taxi Commission or its designee
3. **MILEAGE.** Any vehicle that has reached 200,000 miles, including a London Taxi or other purpose-built vehicle, must pass inspection every six months to be operated as a taxicab. No vehicle may be operated as a taxicab after the vehicle



has reached 350,000 miles except for London Taxis and other purpose-built vehicles placed into service before January 24, 2006, which have no cap.

4. **AGE.** Beginning January 1, 2010, no vehicle which is older than seven (7) model years may serve as a taxicab, including London Taxis and other purpose-built vehicles. Beginning January 1, 2011, no vehicle which is older than six (6) model years may serve as a taxicab, including London Taxis and other purpose-built vehicles. Beginning January 1, 2012, no vehicle which is older than five (5) model years may serve as a taxicab, including London Taxis and other purpose-built vehicles.
5. **NEW VEHICLES.** If a new vehicle is purchased for use as a taxicab vehicle, the taxicab operator may furnish a written certificate of compliance issued by the automobile dealership in lieu of the required documents above, provided that the certificate is dated within sixty (60) days of the annual inspection. The automobile dealership must be certified by the State of California as an official inspection station.
6. **USED VEHICLES.** Starting mileage may not be more than 60,000 miles when a vehicle is placed into service. 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 Color Scheme Holder has been approved by the Commission or its designee pursuant to the Salvage Vehicle Program.
7. **ORDERED INSPECTIONS.** A Color Scheme Holder shall make any vehicle available for inspection when ordered by the Commission or its designee. If a Color Scheme Holder fails to make a vehicle available for inspection or if the Commission or its designee determines that a vehicle is not in compliance with these Regulations, the Commission or its designee may order the vehicle to be removed from service until it passes inspection.
8. **FAILING INSPECTIONS.** If, on inspection, the Commission or its designee determines that a vehicle does not meet the requirements described in these Rules and Regulations or in the Municipal Police Code, the vehicle may fail inspection and may be ordered out of service until the condition(s) are corrected. A failed vehicle must be re-inspected and approved by the Commission or its designee before being returned to service and must pass another inspection in six months from the date of return to service. If a vehicle does not return to service within thirty (30) days it shall be permanently out of service, except by permission of the Commission or its designee and proof of repair. The decision to pass or fail a vehicle shall be at the sole discretion of the Commission or its designee.
9. **PERIODIC INSPECTIONS.** The Commission or its designee shall conduct periodic inspections of the vehicles for compliance with these Regulations.

**THEREFORE BE IT RESOLVED,** that the Taxi Commission adopts the amendments described above.

**AYES:**  
**ABSENT:**

**NOES:**  
**RECUSED:**

Respectfully submitted,