

Agenda: Item 10

Proposed Amendments to Medallion Holder Section of The
Taxicab/Ramped Taxi Rules and Regulations [DISCUSSION AND
POSSIBLE ACTION]:

- Proposed Amendment to Rule 4.A.9
- Proposed Amendment to Rule 4.A.10
- Proposed Amendment to Rule 4.A.11
- Proposed New Rule 4.A.13



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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

TO: Interested Parties

FROM: Jordanna Thigpen

RE: Rules Subcommittee Recommendations – PROPOSED (DRAFT) AMENDMENTS

DATE: November 12, 2008

At the October 2008 meeting of the Rules Subcommittee, the Chair proposed that all rule amendments which had been considered by the Rules Subcommittee come forward for discussion at the next Commission agenda.

Following are several Resolutions for the Commission's consideration. All have been noticed with the ten-day noticing provision required under City law for rules and bylaws changes.

Rule 4.A.9: The Subcommittee was divided on the issue of whether taxicabs should be allowed to shift change off color scheme property. Even those who believed that taxicabs should change off property, believed that taxis should go out to the property at least once per shift to pick up/drop off waybills, lost property, check in with the company, etc. Staff notes that there are hundreds of taxicabs that are not shift changing at the color scheme property at this time. Some are shift-changing in other cities, while some are shift-changing in sites more convenient to serving the public, such as at BART stations or the Caltrain station.

Staff was directed to research how many medallion holders have requested alternate parking at the Commission, and there are only five such official requests since August 2007. Since 2002, many individuals have come forward to complain about drivers' personal vehicles taking up residential parking spaces at the site of illegal shift-changing in neighborhoods, as well as taxicabs parking in residential parking spaces overnight.

Most of Rule 4.A.9 actually refers to requirements for a color scheme, and therefore, should properly be in that section. In fact, the same language already appears in Rule 5.H.10, necessitating deletion.

Two possible amendments are suggested. If the Commission votes for either amendment, it will simply amend the resolution to reflect its choice.

Rule 4.A.10: This is the "drive your own cab" rule. The Subcommittee was mixed on this issue, because if an individual is operating a vehicle regularly, he or she is more likely to notice and fix problems with that particular vehicle. However, the Subcommittee also felt that individual medallion holders should not be penalized if the vehicle associated with a particular medallion is unavailable.

Therefore, two possible amendments are suggested. If the Commission votes for either amendment, it will simply amend the resolution to reflect its choice. The first option is to delete the rule entirely. The second option is to amend the rule to provide that medallion holders shall drive the vehicle if it is available.

Rule 4.A.11: This Rule requires medallion holders to notify the Taxi Detail when they will not be driving for more than thirty days. The Rule was intended to provide the Detail with information that might lead to enforcement actions for individuals that were not fulfilling their Proposition K driving requirement, as well as alert the Detail that the individual medallion holder wouldn't be available to handle his business.

The Rules Subcommittee considered public comment on this Rule and staff was directed to draft an amendment, which appears in the attached Resolution. This amendment, combined with a new Rule 4.A.13 (also appearing on the Resolution) would provide the Commission with the opportunity to (1) contact an individual medallion holder in the event of a problem and (2) serve process upon the medallion holder in the event of absence.

The Rules applicable to three-layer leasing have also been discussed, but not in detail at this point.



CITY AND COUNTY OF
SAN FRANCISCO

TAXI COMMISSION
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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

November 25, 2008

At the meeting of the Taxi Commission on Tuesday, November 25, 2008 the following resolution(s) and finding(s) were adopted:

RESOLUTION NO. 2008-XX

WHEREAS, the Taxi Commission currently has a rule requiring medallion holders to ensure that the taxicab vehicles associated with their medallions shift change on the color scheme's property; and

WHEREAS, this Rule was discussed at the Rules Subcommittee of the Taxi Commission; and

WHEREAS, the Taxi Commission wishes to amend Rule 4.A.9 as follows; or

Medallion Holders shall ensure that the taxicab operating under the medallion issued to them begins and ends all shifts at their Color Scheme's place of business, ~~except with the approval of the Taxicab Commission or their designee for "formal employee operations"~~. When the taxicab is not employed, Medallion Holders shall either leave the vehicle at ~~their~~ the Color Scheme's place of business or at an ~~alternative~~ *alternate* location approved by the Taxi ~~Detail Commission~~ that is off the public street and sidewalk. ~~Each request for the use of an alternative site must be made in writing.~~ Medallion Holders shall ensure that all waybills, reports and found property are turned in at the taxi company premises at the conclusion of each shift. ~~Pursuant to Section 1121(f) of the San Francisco Police Code, Color Scheme Holders ("Color Schemes") shall maintain and retain waybill records for no less than six (6) years to document that driving performed by drivers of taxicabs and ramped taxis affiliated with the Color Schemes have met the specific driving requirements mandated by Section 1121(b). Color Schemes shall maintain at minimum the most recent twelve (12) months of waybills in a traditional hard-copy format. Color Schemes may store waybills more than twelve (12) months old in a reasonably secure electronic form and/or on a computer storage diskette, and duplicate copies of the electronic record shall be given to drivers for each year of record. Failure of the Color Scheme to comply with the regulations shall not excuse a Permit~~

~~Applicant from the driving requirement, or relieve a Permit Applicant from the burden of proving that he or she has satisfied the requirement.~~

WHEREAS, *the Commission wishes to amend Rule 4.A.9 as follows; and*

Medallion Holders shall ensure that the taxicab operating under the medallion issued to them begins and ends all shifts at their color scheme's place of business, except with the approval of the Taxicab Commission, ~~or their designee for "formal employee operations"~~. When the taxicab is not employed, Medallion Holders shall either leave the vehicle at their color scheme's place of business or at an ~~alternative~~ *alternate* location approved by the Taxi ~~Detail~~ Commission that is off the public street and sidewalk. Each request for the use of an ~~alternative~~ *alternate* site must be made in writing. Medallion Holders shall ensure that all waybills, reports and found property are turned in at the ~~taxi company premises~~ *color scheme's place of business* at the conclusion of each shift. ~~Pursuant to Section 1121(f) of the San Francisco Police Code, Color Scheme Holders ("Color Schemes") shall maintain and retain waybill records for no less than six (6) years to document that driving performed by drivers of taxicabs and ramped taxis affiliated with the Color Schemes have met the specific driving requirements mandated by Section 1121(b). Color Schemes shall maintain at minimum the most recent twelve (12) months of waybills in a traditional hard-copy format. Color Schemes may store waybills more than twelve (12) months old in a reasonably secure electronic form and/or on a computer storage diskette, and duplicate copies of the electronic record shall be given to drivers for each year of record. Failure of the Color Scheme to comply with the regulations shall not excuse a Permit Applicant from the driving requirement, or relieve a Permit Applicant from the burden of proving that he or she has satisfied the requirement.~~

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

AYES:
ABSENT:

NOES:
RECUSED:

Respectfully submitted,

Jordanna Thigpen
Executive Director