

## Agenda: Item 2

Staff Report and Commissioner Announcements [INFORMATION]



COMMISSIONERS TELEPHONE (415) 554-7737

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, COMMISSIONER ext. 4  
SUSAN SUVAL, COMMISSIONER, ext.5

JORDANNA THIGPEN, EXECUTIVE DIRECTOR

**TO: Honorable Commissioners**  
**FROM: Jordanna Thigpen**  
**RE: Staff Report 08.26.08**  
**Date: August 21, 2008**

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### Administration/Policy

- **New Office Hours:** For a trial period, the office will only be open from 9-11:30 and 2-5 PM for customer service drop-ins. A blast fax is going out to all color schemes.
- **ADA Lawsuit:** A letter required by the City Attorney announcing Judge White's decision in the ADA lawsuit has been sent to all Post-K medallion holders, which it impacts. A copy is attached.
- **Color Scheme Round Table:** We conducted a Color Scheme Roundtable Discussion on Friday, August 8, 2008 and discussed various topics. We want to give special thanks to Vice President Patricia Breslin for her efforts in securing us a room at the Grand Hyatt, and special thanks to the staff at the Hyatt for making our experience enjoyable. We sincerely appreciated color schemes' participation and we heard their concerns that they have about the industry. For the next meeting I will have a summary of all the points that the color schemes highlighted for improvement.
- **Open Forum:** Open Forum will occur this Friday August 29, 2008.
- **Vehicle Grant Funding: March 2007 Funding:** We still have 6 grants at \$4,000 remaining for CNG vehicles. **June 2007 Funding:** The Commission has signed contracts with Green, Yellow, National and Luxor for 51 hybrids for this grant cycle and has begun processing grants.
- **Rules & Regulations Subcommittee:** We had a meeting on August 11, 2008. The next meeting is still being scheduled, but the topic will most likely be worker's compensation rules applicable to taxi companies. **Please note that many of the items on the August 26 agenda result from discussions at the Rules Committee.**
- **Charter Reform Working Group:** The Group met on August 19, 2008 at 10:30 AM in Room 305 of City Hall and discussed the same agenda topic as the last meeting.
- **Taxi Wraps:** No new ones have been approved although I have two in development.

### Enforcement/Regulation

- **Bay Cab:** Bay Cab is almost 100% in compliance with the Commission's directive. There are two medallion holders holding out on the purchase of worker's compensation. They claim to be single shifting and refuse to purchase worker's compensation.
- **Summary Suspensions:** William Hunger remains on suspension for drinking on duty. Bashir Rahimi was suspended for a series of incidents culminating in terrorist threats (Penal Code § 422), harassment of Airport personnel and officers, and a temporary restraining order issuing against him in San Mateo County barring him from the Airport. William Hunger's hearing will be scheduled for September 12, 2008 and Bashir Rahimi's is scheduled for September 5, 2008.

- **Administrative hearings:** There are several hearings pending, including Jasvir Bains, Jaspal Singh, and others. We are still awaiting a decision on Taxi Commission v. Rahimi.
- **Administrative Complaints:** The Commission has filed Taxi Commission v. Holvoet, involving a deceased medallion holder, and will file Taxi Commission v. Keys, Taxi Commission v. Ikarouien, and others.
- **Board of Appeals:** We were victorious at Taxi Commission v. Grasshopper Kaplan. The Board of Appeals granted Taxi Commission v. Yi a driving modification for his application for a medallion. The Board of Appeals found in Taxi Commission v. Sukkar that Mr. Sukkar missed the deadline because he was out of the country and should be put back on to the ramp medallion waiting list even though he was absent from the country for nearly one year.
- **Sunshine Task Force:** The Sunshine Task Force recommends that the Taxi Commission needs to limit the time for public comment on each item as well as manage the total time for public comment during each hearing in order to properly conduct its business to equally balance (1) the need of public speakers to be heard and (2) the ability of the agency to function as a result of necessary Commission decisions.
- **311 Complaints:** We're continuing to process the complaints and beginning in September, we will have a new tracking mechanism which will allow us to track the complaints by company, by medallion, and by driver, as long as the customer who is calling knows the relevant information.
- **Medallion Applicants:** Staff is very concerned about the number of medallion applicants coming up on the list who have other full-time jobs and yet claim to be full-time taxi drivers as well. Several of these individuals have been alleged to have submitted false documents and staff investigation concurs with these allegations as to several of the applicants. Staff has implemented a new procedure in the office for investigating medallion applicants whereby factual issues to be determined will now go to a hearing officer, so that applicants have more time to present their cases. After the hearing officer makes a determination, it will appear as a recommendation for the Commission to adopt, modify, or deny in accordance with the procedures described in MPC § 1188.

CITY AND COUNTY OF  
SAN FRANCISCO



TAXI COMMISSION  
MAYOR GAVIN NEWSOM

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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

Medallion Holder Name, Medallion #  
Address  
City, State, Zip

August 13, 2008

Dear Medallion Holder Name:

The Taxi Commission is contacting you because you are the holder of a taxicab permit in the City and County of San Francisco which was issued after 1978 – a so-called “post-K medallion.” Article 16 of the San Francisco Municipal Police Code imposes a driving requirement of 800 hours or 156 four-hour shifts per year on any person holding a taxicab permit issued after 1978 for purposes of ensuring that permits are held by working taxi drivers.

In 2006, the Taxi Commission adopted a policy allowing for the modification of the driving requirement on an annual basis in certain circumstances of disability. Known as the “ADA Policy,” it provides as follows:

- An individual permitholder may apply for and receive relief from the driving requirement for up to 120 days per calendar year (which amounts to a reduction of the driving requirement from 800 to 533 hours per year) subject to annual renewal upon review and approval
- This relief may only be granted for up to three years in a row (provided the permitholder re-applies each year)
- For catastrophic, recoverable illnesses (as defined by the City’s Department of Public Health), a permitholder may have up to one year with no driving requirement whatsoever
- The catastrophic, recoverable illness exception may only be used once every five years

Recently, some permitholders challenged the ADA Policy in federal district court. However, the court rejected this challenge and upheld the ADA policy. In so ruling, the court affirmed that the driving requirement is lawful and applies to all post-K medallion holders. Accordingly, the driving requirement contained in the Municipal Police Code, and the Commission’s ADA Policy, remain the law in San Francisco. All post-K permitholders are responsible for fulfilling this driving requirement. Although the Commission suspended enforcement of the driving requirement against medallion holders who claimed to be disabled while the lawsuit was pending, it will, as of the date of this letter, resume its enforcement duties.

Some permitholders receiving this notice have already applied for and received modifications pursuant to the ADA Policy. Please note that modifications are valid for **one year** only and must be applied for on an annual basis. If you have applied in the last year but have not yet been granted a modification, the Commission is currently processing applications in the order received and will send you a written notification when a decision has been made about your application. If you feel that a modification may be necessary and have not

submitted an application in the last year, please contact the office immediately to obtain the necessary application materials.

The Commission will begin enforcement as of the date of this notice. Please contact our office at (415) 503-2181 with any questions.

Sincerely,

Jordanna Thigpen  
Executive Director

Attachment: Order in Slone et al. v. Taxi Commission et al.