

Agenda: Item 2

Staff Report and Commissioner Announcements [INFORMATION]



COMMISSIONERS TELEPHONE (415) 554-7737

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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

TO: Honorable Commissioners
FROM: Jordanna Thigpen
RE: Staff Report 08.12.08
Date: August 6, 2008

Recently I received a number of communications from various individuals wondering why my office had posted rules and resolutions on the Internet when they "had not been discussed at Rules Committee;" the implication being that I have no authority to post proposed rules or that I had created certain proposals. I find it necessary to clarify the position that I hold with this office.

The role of the Executive Director, as approved by the voters in 1998's Proposition D, is twofold: to serve the Commission and to regulate the industry. Often, Commissioners will ask me to perform research, to set up meetings, to conduct investigations, and to draft proposed rules and resolutions. Noticing requirements mandate 10-day noticing for any rule changes. Therefore, when a Commissioner wants to propose a rule change I must post it on our website 10 days in advance. This gives opportunity to those affected to discuss and prepare for the hearing. Occasionally I may also submit proposals of my own if I believe that a proposal is necessary to carry out my role as an industry regulator, and as long as they are properly noticed and the Chair agrees, the items may be calendared for discussion. Typically I will request that an item be calendared for discussion first and then for a vote at the next hearing, except under certain discreet circumstances which require a vote at the first hearing after the 10-day noticing. An example appears on the agenda tonight as Item 7, which merely amends a recently passed rule to reflect the Commissioners' true intent.

The past pattern and practice of the Commission staff was to put "Respectfully submitted, [name of Director]." I am hereby abolishing that practice. Instead, I will clarify who has made a particular proposal, just as the Board of Supervisors mentions the sponsor of a particular piece of legislation.

Administration/Policy

- **Annual Inspections:** These are ongoing at GTU. When the Color Scheme Audit report comes out, we will have current figures of failure rates for companies which have been inspected by that time.
- **Training and Color Scheme Round Table:** Open Forum will not occur this Friday. Sgt. Reynolds and myself are conducting a Color Scheme Roundtable Discussion on Friday, August 8, 2008 and various topics will be discussed. We sincerely appreciate color schemes' participation so we can hear concerns that they have about the industry and look for ways to improve communication and streamline regulation.
- **ADA Lawsuit:** Staff will mail notice to Post-K medallion holders the week of August 4, 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 July 25, 2008 and one will occur on August 11, 2008 at the different time of 12:30-2:30 PM. **Please note that many of the items on the August 12 agenda result from discussions at the Rules Committee.**
- **Charter Reform Working Group:** The Group will meet on August 19, 2008 at 10:30 AM in Room 305 of City Hall.
- **Taxi Wraps:** No new ones have been approved although I have had a request for a new Kaiser campaign and it is in development.
- **Budget:** The City's budget was signed by the Mayor on July 30, 2008 and our new fees have taken effect. Please note that all permit fees except driver fees are not due until **June 30, 2009**. I am in the process of working with other departments and SFPD to close out the FY 2008 budget and as soon as I do so, I will bring a report to the Commission.

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.
- **Single Shifting:** Single shifting appears to be a serious problem in the industry from a service perspective and now, worker's compensation compliance issues can also be noted as a problem with single-shifting. I am hereby requesting that the Commission address the issue of single shifting in order to better address the service needs of the public. The Municipal Police Code requires that medallions be operated continuously in order to serve the public need, and that is the purpose of keeping the number of medallions at such an artificially low level. If cabs are not operating continuously, this not only fails to provide income on the medallion for the permittee, but importantly, results in fewer cabs to serve the public demand.
- **Special Event Taxi Service and Illegal Limousine Enforcement:**
 - The Taxi Commission continues to fund enforcement teams on a weekly basis to combat illegal limousines and conduct general street enforcement on out of town taxicabs.
 - Staff is preparing a large report on the problems with the illegal limousine issue. The issue is much larger than just illegal limousines mobbing the City and actually extends across multiple jurisdictions.
- **Summary Suspensions:** SFPD and my office jointly suspended William Hunger, a DeSoto driver, for drinking on duty. This suspension resulted from a 311 complaint.
- **Administrative hearings:** There are several hearings pending, including Jasvir Bains, Simon Wong, 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. We have Taxi Commission v. Sukkar on its way.
- **Sunshine Task Force:** I will appear on August 13, 2008 to report to the Sunshine Task Force on compliance regarding Taranto v. Taxi Commission.
- **Surprise Inspections:** I am arranging surprise inspections with GTU and SFPD staff to occur sometime very soon to ensure compliance with the Clean Air Taxi Program as well as general compliance.
- **Questionnaire Re: Color Scheme Changes:** this form has been implemented and please note that the first ones are attached to the color scheme change requests made with this calendar
- **311 Complaints:** SFPD and my office are handling the backlog of these complaints. There are many very serious complaints that are received by 311. We have developed a new protocol intended to quickly handle the lost and found cases. Attached to my memo is the benchmark for responding to 311 complaints referred to companies from the TXC office, submitted by Luxor Cab. It would be deeply

appreciated if all companies could demonstrate this type of diligence with regards to handling complaints about service.

Meetings and Correspondence

- Sgt. Reynolds and myself met with representatives from the Omni Hotel, a local limousine company (Black Car Network Inc), and Central Parking to address some of the problems noted at that hotel.
- Sgt. Reynolds and myself met with representatives of the California PUC regarding illegal transportation
- I have assigned our new Investigator to paratransit issues, and she is to spend half of her time on ramped taxi and paratransit service-related complaints
- I met with representatives of Citywide Dispatch and Big Dog Taxi, Yellow Cab, and Ford Lincoln Mercury
- Commission staff noticed the reconsideration procedures approved at the July 22, 2008 hearing in accordance with the Commission's directive
- A letter was sent to Ford Lincoln Mercury regarding additional allocation of Ford Escape Hybrids to the San Francisco market.

**CITY AND COUNTY OF
SAN FRANCISCO**



**TAXI COMMISSION
MAYOR GAVIN NEWSOM**

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JORDANNA THOMPEN, EXECUTIVE DIRECTOR

MEMORANDUM

TO: Charles Rathbone
FROM: Jordanna
DATE: July 28, 2008
RE: 311 Complaints – Luxor Cab

We received a complaint regarding Cab # 9082 for unsafe driving. This vehicle was speeding, nearly hit a pedestrian and rampaged through a red light on July 27, 2008 at 6:20 pm at Powell and O'Farrell. The driver was a very tall, muscular, dark-skinned male. Please advise this driver that this type of driving is unacceptable.

In addition, we received a complaint regarding Cab # 1273 for unsafe driving at 24th & Valencia on July 18, 2008 at 12:50 pm. In that case, the driver, a bald male, nearly hit a bicyclist and yelled things "unsuitable for women."

Angenette Torrance called because of a no-show on 7/22/8 at 3:15 PM. She wants a call back because she has called to complain many times and has never received a response. 415-469-9159.

Please advise us when you have admonished the drivers responsible for these incidents.

Luxor Cabs, Inc.

2230 Jerrold Avenue, San Francisco CA 94124, Tel. (415) 282 1224 Fax (415) 282 1706

Jordanna Thigpen
San Francisco Taxicab Commission
25 Van Ness Avenue, Suite 420
San Francisco, CA 94102

RECEIVED

JUL 31 2008

SAN FRANCISCO
TAXI COMMISSION

July 31, 2008

Re: 311 Complaints forwarded on July 28

We have addressed the three complaints as follows:

1. Cab 9082 was alleged to be speeding and running a red light on Powell Street 7/27. We identified and interviewed the driver of the cab, who denies the incident. We warned the driver that speeding and other traffic violations are unacceptable. We also advised the driver that many members of the public use cell phones to make 311 complaints, which is further good reason to always adhere strictly to traffic regulations.
2. Cab 1273 was alleged to have nearly hit a bicyclist on Valencia Street on 7/18 and used unsuitable language to the cyclist. We identified and interviewed the driver, who recalled the incident. The driver was double parked assisting disabled passengers to enter when a bicyclist complained about the cab blocking the bike lane. "I've got your number," the cyclist shouted, and that was the full extent of the incident.

Our previous experience is that this driver has excellent good manners and that abusive language to a woman would be out of character. Accordingly we find no merit to the charge of abusiveness. Less clear to us is whether the rights of a disabled passenger to enter the cab trump the rights of a cyclist to use a bike lane. We nonetheless advised the driver that many members of the public use cell phones to make 311 complaints, which is further good reason to always adhere strictly to the prohibition against rudeness.

3. Angenette Torrance complained about a cab that did not arrive on 7/22. We spoke with Ms. Torrance and identified that she is disabled. The cab apparently did arrive and performed a callout, but then gave up and left. We have added special instructions to the dispatch database. Future calls from her residence will display a message on the driver's terminal "Callout in advance - needs time." Ms. Torrance is pleased with that response and says that she is generally very happy with Luxor.

Sincerely,



Charles Rathbone
Operations Department