

SEC. 1104. PERMIT CONDITIONS

(a) Conditions Applicable to All Permits

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(b) Additional Conditions Specific to Driver Permits

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(c) Additional Conditions Applicable To Taxi, Ramp Taxi, and Color Scheme Permits

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(d) Additional Conditions Specific to Ramp Taxi Permits

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(e) Additional Conditions Specific To Dispatch Service Permits

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(f) Additional Conditions Applicable To Color Scheme Permits

(1) Rights of Color Scheme Permittee; Permit Required

A Color Scheme Permit entitles the Permit Holder to operate a business that provides taxi services using vehicles painted with trade dress colors authorized by the permit and unique to that business. Any change in trade dress colors of a Color Scheme Permit Holder shall require a permit application requesting the issuance of a new Color Scheme Permit. No person shall operate a Color Scheme business without a valid permit from the SFMTA.

(2) Reduced Emissions by Color Scheme

Beginning on June 1, 2011, each Color Scheme Permittee shall maintain average per vehicle greenhouse gas emissions at a level set by the SFMTA, in consultation with the Department of the Environment, that will allow the City to achieve its overall goal of a 20 percent reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. Ramp Taxis operated by the Color Scheme shall not be included in calculation of the Color Scheme's average per vehicle greenhouse gas emissions.

(3) Color Scheme Permits Transferable

A Color Scheme Permit is transferable, subject to the approval of the SFMTA upon its determination that the proposed transferee meets all eligibility requirements for a Color Scheme Permit. The Permittee shall give notice to the SFMTA of any intended transfer at least 14 days

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prior to any such transfer.

(4) Use of Dispatch Service

Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service. The Color Scheme's choice of Dispatch Service shall be subject to the approval of the SFMTA, which shall include consideration of the impact of the request upon the quantity and quality of taxi and paratransit service available to the public.

(5) Workers' Compensation Requirements

All Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation, and shall maintain a policy that covers all employees and Permittees employed by or affiliated with that Color Scheme.

(6) Participation in Paratransit Program

(A) Each Color Scheme Permit Holder must be approved for participation in the SFMTA's Paratransit Program and must execute a contract defining the rights and obligations of the parties.

(7) Vehicle Maintenance and Cleaning

(A) The Color Scheme is responsible for ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to Ramp Taxi lifts. If any equipment is found to present a hazard or safety issue, then that vehicle shall be put out of service until it is repaired and inspected.

(B) Every Color Scheme shall provide facilities at its place of business which are adequate for the thorough washing of all affiliated vehicles and which comply with all City environmental and zoning requirements.

(C) Whenever required in writing by the San Francisco Department of Public Health, a Color Scheme Permit Holder shall be responsible for disinfecting of any affiliated taxicab vehicle.

(D) If during the course of the work shift, any equipment becomes a safety or hazard issue, or if communications equipment is not in working order, then the vehicle is to be placed out of service immediately.

(E) Any taxicab found to have taximeter seals (paper, wire, etc.) that are broken, removed, destroyed, marred or otherwise tampered with will be immediately taken

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out of service until correctly repaired. Any Driver or Color Scheme Holder operating such Taximeter and/or taxicab vehicle may be subject to disciplinary action.

(8) Principal Place of Business

All Color Schemes shall maintain a San Francisco location as their principal place of business, which must be staffed by at least one manager on Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting legal holidays. Every principal place of business of a Color Scheme must have the capacity to send and receive faxes at all times, and the fax number must be provided to the SFMTA.

(9) Designated Manager

(A) All Color Schemes shall designate a natural person as a manager who shall serve as the central point of contact for all matters of regulatory compliance. This manager shall be an individual who has not had a City permit suspended or revoked in the past five years, except as otherwise approved in writing by the SFMTA. A Color Scheme may designate additional managers for specialized matters subject to the prior written approval of the SFMTA.

(B) The designated manager of a Color Scheme shall be the agent for service of process for the Color Scheme.

(C) Designation of a manager for purposes of this section does not qualify the manager as Key Personnel for the Color Scheme.

(10) Current Information

All Color Schemes shall maintain the following information at their place of business in a place where it is easily accessible to dispatchers and for immediate inspection upon request by SFMTA:

(A) Daily Schedule

A schedule updated daily with shift information that must include at minimum the shift assignment, Driver's name, vehicle number and/or Medallion number (if different), and the hours worked for that shift, whether or not the Medallion is leased on a per-shift, weekly, monthly, or other basis.

(B) List of Affiliated Drivers

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A list updated daily with all affiliated Drivers, including Driver’s name, home address, cellular telephone number, Driver Permit number, and California driver’s license number.

(C) Vehicles

A current list of all affiliated Taxis and Ramp Taxis including, but not limited to, the vehicle number, the vehicle license number, the vehicle identification number, the model year and make of the vehicle, and the operating status of each affiliated vehicle.

(11) Posted Information

All Color Schemes shall post the following information at their place of business in a place where it is easily visible to Drivers and Color Scheme employees:

(A) Certificate of Worker's Compensation

A copy of a current and valid Certificate of Worker’s Compensation Insurance and information about filing claims, which shall also be posted where it is .

(B) Gate Fees

The amounts charged for Gate Fees including the amount charged for each and all available shifts over the seven days of the week.

(C) Information Provided by SFMTA

From time to time, other industry-related printed matter provided by the SFMTA. The SFMTA may require a Color Scheme to distribute designated materials to each Driver, including obtaining written acknowledgments of receipt, within a time period specified by SFMTA.

(12) Telephone Access

Every Color Scheme shall subscribe to a telephone service and cause to be published in the Yellow Pages section of the San Francisco telephone directory, the name of the business, and the telephone number to which requests for service and inquiries about Found Property may be addressed. The published telephone number shall not be used to operate other businesses or services. If a change occurs in the name of the company or telephone number under which taxi service is provided the Color Scheme shall, within ten days, make the necessary notification and request to change the listing in the Yellow Pages section of the San Francisco telephone directory. During those times when the current listing in the Yellow Pages section of the San Francisco telephone directory is incorrect or when a new listing cannot be made until the next printed copy is published and circulated, the Color Scheme shall maintain a current listing,

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including the name of the company and telephone number, with the San Francisco Directory Assistance Operator and the City's 311 system.

(13) Staffing Requirements

Every Color Scheme shall employ adequate, qualified staff or contracted services to perform the following functions and provide the following capabilities:

(A) Receive inquiries about Found Property on a 24 hour basis.

(B) Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.

(C) Comply with all state laws regarding Found Property.

(14) Controlled Substance Testing Program; Controlled Substances

(A) In accordance with Government Code § 53075.5, Color Schemes must maintain the confidentiality of any drug test results received for applicants for permits and Permittees.

(B) A Color Scheme having actual knowledge that a Driver has tested positive for a controlled substance shall not permit the Driver to operate a taxicab until such time as the Driver has tested negative.

(C) Color Schemes shall maintain drug- and alcohol-free workplaces and shall have an affirmative obligation to report to the SFMTA any actual knowledge that a Driver is engaged in the sale, use, or possession of drugs or alcohol in a Taxi or Ramp Taxi Vehicle.

(D) No Color Scheme having actual or constructive knowledge that a Driver has used and is currently under the influence of a controlled or intoxicating substance shall permit that Driver to operate or continue to operate a vehicle.

(15) Medical Certification of Drivers

Every Color Scheme shall ensure that all affiliated Drivers have passed a bi-annual medical examination before operating a Taxi or Ramp Taxi affiliated with that Color Scheme.

(16) Notification of Accidents

Color Schemes must notify the SFMTA of any injury accident involving a Medallion affiliated at the Color Scheme, or of any accident which causes a vehicle to be out of service for more than 72 hours.

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(17) Spare Vehicles

(A) A spare vehicle may operate with a Medallion borrowed from a regular vehicle. Spare vehicles shall only be used to replace temporarily disabled Taxi or Ramp Taxi vehicles. Color Schemes shall notify the SFMTA if an individual vehicle will be disabled for more than 72 hours. Regularly assigned vehicles that are taken out of service must either return to service within 30 days or be permanently replaced by another vehicle.

(B) During any time a spare vehicle is operating, the regular vehicle it is replacing shall be available for inspection by the SFMTA.

(C) Color Schemes with which one or more Ramp Taxis are affiliated shall maintain a sufficient number of spare Ramp Taxi vehicles. If three or fewer Ramp Taxi Medallions are affiliated with a Color Scheme, only one Ramp Taxi Medallion may be used in a spare Taxi vehicle at any one time. For each additional three Ramp Taxi Medallions, or any fraction thereof, affiliated with a Color Scheme, an additional Ramp Taxi Medallion may be used in a spare Taxi.

(D) Each Color Scheme shall be issued a series of “spare numbers” at the ratio of one spare number for every five vehicles operating at that Color Scheme.

(E) All spare vehicles shall be kept at the Color Scheme’s place of business when not in actual use with a Medallion.

(F) Once a vehicle is designated as a spare, it may not be re-introduced to the fleet except by approval of the SFMTA. All spare vehicles must be owned by the Color Scheme and shall be registered and insured as required by all applicable law.

(G) Color Schemes may not lease spare vehicles, whether on a per-shift, weekly, monthly, or other basis, unless the vehicle is using a Medallion which is not in use in any other vehicle.

(H) Any Color Scheme that violates this Section shall be deemed to be operating a vehicle without a permit.

(18) Dissolution Plan

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Any Color Scheme that will be terminating its business operations as a Color Scheme shall file a Dissolution Plan with the SFMTA at least 30 days prior to the date that the Color Scheme ceases to respond to requests for taxi service.