

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1103: PERMIT APPLICATIONS AND ELIGIBILITY
TAXI TOWN HALL MEETINGS,
MAY 1, 2009 AT 10:00 A.M.-12:30 P.M. AND 1:30PM-4:00 P.M.
MAY 4, 2009 AT 9:00AM- 1:00 P.M.-4:00 P.M.
1 SOUTH VAN NESS AVENUE, 2ND FLOOR ATRIUM

SEC. 1103. PERMIT APPLICATIONS AND ELIGIBILITY

Reserved.

(a) Application Forms

Application for any permit issued pursuant to this Article shall be made to the SFMTA on a form provided by the SFMTA. The applicant shall provide such information and documents as the SFMTA reasonably requires, which may include a physical examination and/or background check of the applicant. The SFMTA shall record the date and time that a complete application, including the Filing Fee, is received, which shall be the date and time assigned to the application for the purpose of placing the applicant on the Waiting List.

(b) Applications Deemed Active

Every application for a permit shall be deemed to remain active and shall be considered until the earliest of the following events:

- (1) The applicant withdraws the application in writing;
- (2) The applicant is determined to be ineligible for the permit by the SFMTA;
- (3) The applicant receives a permit;
- (4) The SFMTA determines that the applicant has engaged in fraud, misrepresentation or other serious misconduct in connection with the permit application process; or
- (5) The SFMTA attempts to contact the applicant at the mailing address listed on the application on at least two separate occasions and the applicant fails to respond within 30 days of the second notice.

(c) Determination of Eligibility

Every applicant for a permit other than a Driver Permit shall have a hearing to review and determine the individual applicant's eligibility before a permit is issued. Each application shall be investigated by the SFMTA to determine the applicant's eligibility pursuant to the factors listed herein. The SFMTA, in determining whether the permit should be granted, may consider such facts as it deems pertinent, but shall at least consider the following factors:

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(6) The applicant's financial responsibility and ability to comply with all insurance requirements and to maintain proper financial records.

(7) The applicant's compliance with all applicable statutes, ordinances and regulations. If, during the 12 months prior to application, an applicant has violated any statute, ordinance or regulation which would be a basis for revocation of the permit, the SFMTA may, in its discretion, refuse to issue the permit.

(8) The record of the applicant with regard to any other permits issued for the commercial operation of a motor vehicle for the transport of passengers, either in the City or elsewhere.

(9) Any prior convictions of a crime involving sexual assault, the use of a vehicle in the commission of a felony, fraud, or violence against a person, or two or more convictions of driving under the influence within the preceding five years, whether or not such convictions occurred while driving a Motor Vehicle for Hire.

(d) Burden of Proof on Applicant

A permit applicant shall have the burden of proving that the applicant meets all requirements for a permit.

(e) Additional Requirements Applicable to Driver Permit Applications: Forms and Qualifications, Compliance with Controlled Substance Testing Program

(1) Application Requirements

In addition to complying with all other requirements of this Section 1103, each applicant for a Driver Permit shall:

- (A) Provide his or her fingerprints; and
- (B) Take and pass a written examination; and
- (C) Take and pass a physical examination if required by the SFMTA; and
- (D) Certify that the applicant has successfully completed an SFMTA-approved

Driver training course; and

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(E) Enclose two recent photographs of the applicant of passport photo size, taken no more than 12 months prior to time of application; and

(F) Enclose a statement of affiliation signed by the applicant, the Color Scheme and the Dispatch Service associated with the Color Scheme. The applicant's choice of Color Scheme shall be subject to the approval of the SFMTA, which may deny such request if in the SFMTA's judgment the proposed affiliation could be detrimental to the Driver, the Color Scheme or to the public.

(G) Reserved: Controlled Substance Testing Program.

(2) Driver Qualifications

Each applicant for a Driver's Permit must:

(A) Be a resident of the United States;

(B) Be clean in dress and person;

(C) Be free of any disease, condition, infirmity, or addiction that might render the applicant unable to safely operate a motor vehicle or that otherwise poses a risk to public health and safety;

(D) Hold a valid California driver's license of a class sufficient for the lawful operation of the motor vehicle to be driven;

(E) Have the physical capacity to operate a motor vehicle for at least four hours per day;

(F) Have no prior convictions of a crime involving sexual assault, the use of a vehicle in the commission of a felony, fraud, violence against a person, two or more convictions of driving under the influence within the previous five years, whether or not such convictions occurred while driving a Motor Vehicle for Hire;

(G) Have attained the age of 21;

(H) Speak, read and write the English language;

(I) Reserved: Controlled Substance Testing Program.

(f) Additional Requirements Applicable to Taxi and Ramp Taxi Medallion Application

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(3) Application Requirements

Each applicant for a Taxi or Ramp Taxi Medallion shall submit all completed application materials, including Waybills and forms, and take the written examination within 45 calendar days of the date of the notice informing the applicant of the availability of a Medallion.

(4) Waiting List

In the absence of any other preference specified in this Article, applicants for a Medallion shall be processed and considered by the SFMTA in the order of receipt. The SFMTA shall maintain a Waiting List of Medallion applications arranged in chronological order by the date that each complete Medallion application, including Filing Fees, is received from a qualified applicant.

(A) Every applicant for a Taxi or Ramp Taxi Medallion must maintain a valid Driver Permit in order to maintain his or her position on the Waiting List.

(B) The SFMTA may periodically require applicants to execute written statements and reaffirm that their applications are active.

(5) Eligibility

(A) Applicants for a Taxi or Ramp Taxi Medallion must meet the eligibility requirements listed in Section 1103(e)(2)(A) through 1103(e)(2)(H) and be in compliance with any Controlled Substance Testing Program adopted by the SFMTA Board.

(B) Each applicant for a Taxi or Ramp Taxi Medallion have held a valid Driver Permit for a minimum of two consecutive years prior to applying for the Waiting List.

(C) Before issuing a Taxi or Ramp Medallion, in addition to all other eligibility requirements, the SFMTA must determine that the applicant has been a Full-Time Driver during any four of the five calendar years that include the year the application is heard and the years immediately preceding that year. The driving requirement for the year in which the application is heard may be pro-rated from the date of application. This requirement may only be satisfied by driving a Taxi or Ramp Taxi for which a permit has been issued by the SFMTA.

(4) Limitations on Issuance

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Except for Medallions issued prior to June 6, 1978, no Medallion shall be issued except to a natural person and in no case to any business, firm, partnership, association or corporation, and no Medallion shall be issued to, or in the name of, more than one person.

(b) Additional Requirements Applicable To Ramp Taxi Medallion Applications

(1) Limitation on Acceptance of Other Permits

No person to whom an Ramp Taxi Medallion is issued may accept any other Medallion for a minimum of five years after receipt of the Ramp Taxi Medallion. If the Permit Holder becomes eligible for a Medallion during his or her first five years as an Ramp Taxi Medallion Holder, and so long as the Permit Holder remains otherwise qualified, the Permit Holder's application shall be kept active and shall be considered before other qualified applications after the five year period has elapsed.

(2) Notice of Intent to Leave the Ramp Taxi Program

Upon completion of a minimum of 30 months as an Ramp Taxi Medallion Holder, the Permit Holder may elect to leave the Ramp Taxi program by filing six months' advance written notice of the Permit Holder's intent to leave the program with the SFMTA ("Notice of Intent"). The date that the SFMTA receives the Notice of Intent shall be deemed the date of the Notice.

(3) Notice of Intent Effective Date; Qualification for New Permit

The Permit Holder's decision to leave the Ramp Taxi Program shall become effective six months after the Notice of Intent is filed. Except as provided by paragraphs (A) and (B) below, upon completion of the six month notice period, the Ramp Taxi Medallion shall expire by operation of law, and the Permit Holder shall no longer be precluded from accepting another Motor Vehicle for Hire Permit.

(A) If, at the completion of the six-month period, the Permit Holder is not yet eligible for a Taxi Medallion, or if no such Taxi Medallion is available, the Permit Holder may elect to remain in the Ramp Taxi program for any period of time until a Taxi Medallion becomes available.

(B) The Permit Holder's decision to leave the Ramp Taxi Program shall become inoperative if, prior to expiration of the of the six-month notice period, the Permit Holder files a statement of his or her decision to withdraw the Notice of Intent. The Permit Holder shall be required to file a

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subsequent Notice of Intent if he or she later decides to leave the Ramp Taxi Program. The same requirements governing the Permit Holder's initial Notice of Intent, including the full six-month notice period, shall apply to any subsequently filed Notice of Intent to leave the Ramp Taxi Program.

(2) Eligibility For Ramp Medallion

The SFMTA shall not issue an Ramp Medallion to an applicant unless:

(A) The applicant has been a Full-Time Driver of a Ramp Taxi for at least 400 hours during the six months immediately preceding the hearing on the permit application.

(B) The applicant has completed at least 100 wheelchair pickups in the City as an Ramp Taxi Driver during the 12 months immediately preceding the permit hearing.

(C) The applicant has satisfactorily completed training for operation of a Ramp Taxi in compliance with SFMTA requirements.

(D) The applicant has been interviewed through a process approved by the Paratransit Coordinating Council.

(E) The applicant has been certified by the SFMTA, in its discretion, to have satisfactorily demonstrated the aptitude and attitude necessary for an Ramp Taxi Medallion Holder.

(F) The applicant is affiliated with a Color Scheme in compliance with, and agrees to operate said permit at all times subject to, the regulations of the SFMTA's Paratransit Program.

(c) Additional Requirements Applicable to Non-Standard Vehicle Permit Applications

(1) An applicant may request a Non-Standard Vehicle class of permit for any vehicle(s) that is not otherwise included within another class of Motor Vehicle for Hire permits.

(2) If a Non-Standard Vehicle permit applicant proposes to operate along fixed routes within the City, such fixed routes shall be specified in the permit application. Fixed routes proposed for a permit must be approved by the SFMTA and shall be included in the Non-Standard Vehicle permit as a permit condition. Consideration of such routes by the SFMTA shall include evaluation of their impact on public transit.

(d) Additional Requirements Applicable To Dispatch Service Permit Applications

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(1) Submission of Emergency Plans

Applicants for Dispatch Service Permits or permit renewal shall submit a "Standard Emergency Plan for Drivers and Dispatchers" to follow in an emergency. Such plan is subject to SFMTA approval. SFMTA may require revisions to such Emergency Plan in order to coordinate with the emergency plans of the City, other Permit Holders and the Paratransit Program. Such plan shall include emergency communication protocols between Dispatch Services and their Color Scheme affiliates and the emergency evacuation of the public from the City, including but not limited to paratransit customers.

(2) Lost and Found Protocol Compliance

No application for a Dispatch Service Permit shall be approved or renewed if a Dispatch Service Permit applicant cannot demonstrate knowledge of and ability to adhere to SFMTA's protocol for the handling of Found Property.

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