

**DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS**  
**SECTION 1109: GENERAL PROVISIONS GOVERNING HEARINGS**  
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, 2<sup>ND</sup> FLOOR ATRIUM

**SEC. 1109. GENERAL PROVISIONS GOVERNING HEARINGS**

1. (a) Definitions.
2. For the purpose of Sections 1109 through 1111, "SFMTA" shall refer to the SFMTA's Taxis and Accessible Services Division. The term "hearing officers" as used in those Sections refer to individuals assigned to the SFMTA's Hearing Division, and designated by the SFMTA Board of Directors to conduct hearings as described herein.
3. (b) Ex Parte Communications
4. (1) No person or agency may communicate directly or indirectly with a hearing officer at any time while a case is pending unless there is notice and an opportunity for the other parties to participate.
5. (2) Any correspondence regarding the substance of a case directed to or received by any hearing officer shall become part of the case record file and shall be copied to both parties within 48 hours of the communication. If the communication received is oral, the hearing officer shall prepare a memorandum for the record stating the substance and the date of the communication, any response made, and the identity of each person from whom the communication was received. If a communication is received within 48 hours of a scheduled hearing, the hearing officer must immediately provide copies of the communication to the parties.
6. (3) Except as permitted by these procedures and any applicable laws and regulations, there shall be no contact between the Taxis and Accessible Services Division and the Hearing Division with respect to any pending case. This prohibition does not preclude the two SFMTA Divisions from communicating about administrative,

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**SFTMA BOARD OF DIRECTORS ON MAY 19, 2009**  
ROOM 400, SAN FRANCISCO CITY HALL, 2:00PM  
**SFMTA IS ACCEPTING COMMENTS TO DRAFT REGULATIONS THROUGH MAY 8, 2009**

AFTER MAY 8 COMMENTS MAY BE ADDRESSED TO THE BOARD AT ITS MEETING

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procedural or policy matters that do not involve any pending case regarding any individual permit or permit application.

**7. (c) Presentation of Evidence**

(1) During any hearing the hearing officer(s) shall have the discretion allow the introduction of any relevant evidence. The hearing officer, on his or her own motion, may subpoena witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary by the hearing officer to render a decision.

(2) In any hearing, subject to the hearing officer(s) discretion to limit evidence to evidence that is relevant to the proceeding, either party may present their case by means of oral or documentary evidence, may submit rebuttal evidence, and may conduct cross-examination of adverse witnesses. Either party may call as live witnesses at a hearing any person whose written declaration was submitted as part of their complaint or response.

(3) If the SFMTA intends to present witnesses at any hearing, it shall provide a list of such witnesses at least 5 calendar days prior to the hearing to the hearing officer and the Permit Holder or permit applicant.

(4) The hearing officer may set reasonable time limits for the presentation of each party's case, but in all cases any time limitation or any extension thereof must apply equally to both parties.

**8. (d) Public comment**

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9. Public comment is not allowed during hearings governed by Sections 1109 through 1111, except that interested parties who comply with Section 1110(c)(2) may appear at hearings regarding the issuance of a Medallion.

**10.(e) Notices**

11. **(1)** Any notice, filing or other communication required to be provided to the Permit Holder by Sections 1109 through 1111 shall be delivered to the Permit Holder or the permit applicant by personal delivery or registered U.S. mail to both the last known address of the Permit Holder or applicant and of ~~the color scheme~~ a Color Scheme with which the Permit Holder or applicant is affiliated ~~associated~~, if any, that is on file with the SFMTA.

12. **(2)** All notices, filings or other communications required to be provided to the SFMTA shall be delivered by hand or mailed by first class mail, postage pre-paid to:

- 13. San Francisco Municipal Transportation Agency
- 14. Division of Taxis and Accessible Services, Permits Section
- 15. 1 South Van Ness, 7<sup>th</sup> Floor
- 16. San Francisco, CA 94103

17. **(3)** All notices, filings or other communications required to be provided to a hearing officer or the Hearing Division shall be delivered by hand or mailed by first class mail, postage pre-paid to:

- 18. San Francisco Municipal Transportation Agency
- 19. Hearing Division
- 20. 11 South Van Ness

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21. San Francisco, CA 94103
- (4)** The date of any notice, filing or other communication directed to the SFMTA or the Hearing Division shall be the date that it is received at one of the locations listed above.

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Email comments to:  
[taxi-driver@sfmta.com](mailto:taxi-driver@sfmta.com)

Or mail or deliver comments to:  
Chris Hayashi  
1 South Van Ness Ave, 7<sup>th</sup> Floor  
San Francisco, CA 94103

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