

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1110: PERMIT ISSUANCE; INACTIVE APPLICATIONS
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. 1110. PERMIT ISSUANCE; INACTIVE APPLICATIONS

(a) Permit Issuance. The SFMTA may issue any class of Motor Vehicle for Hire Permit upon its determination that the permit applicant meets all requirements and qualifications for the permit.

1. (b) Investigation. The SFMTA shall investigate each individual permit applicant. SFMTA shall provide results of the investigation to the applicant. The applicant must furnish any additional material requested by the SFMTA within 60 days of the date of the SFMTA's notice to the applicant of the results of the investigation. If additional material requested by the SFMTA is not provided within 60 days' of request, the application shall be deemed inactive.

(c) ~~(b)~~ Hearing Procedures for Denial of Permit Application; Appeal

(1) If the SFMTA denies a permit application for any permit other than a Taxi or Ramp Taxi ~~permit~~ Medallion, or if the SFMTA determines that an application for any permit is inactive pursuant to Sections 1103(b)(2) or 1103(b)(4), the SFMTA shall provide ~~a~~ notice of such determination or denial of the permit to the applicant. The applicant may request a hearing on the determination or denial of the permit by submitting to SFMTA a request for hearing within 20 business days of the date that the notice of denial is personally delivered or sent to the applicant by registered mail.

(2) A hearing on the determination denial of the permit shall be scheduled within ~~120~~ 60 calendar days from the date that the applicant submitted a request for hearing. The SFMTA shall provide the complete application and results of investigation of the applicant to the Hearing

PROPOSED REGULATIONS WILL BE PRESENTED FOR CONSIDERATION BY THE
SFTMA BOARD OF DIRECTORS ON MAY 19, 2009
ROOM 400, SAN FRANCISCO CITY HALL, 2:00PM
SFTMA 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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Division upon receipt of a request for hearing.

(3) Prior to making a decision on a permit application, SFMTA may refer the permit application to a hearing officer for hearing if here are factual discrepancies in the application that the SFMTA is unable to resolve, or if investigation reveals that the applicant may have engaged in fraud, misrepresentation, or other misconduct in connection with the application process.

(4)(2) The SFMTA shall schedule a hearing prior to the issuance of any Taxi or Ramp Taxi ~~permit~~ Medallion. Any interested party may file a written submission no less than ~~5~~ business 15 calendar days prior to the hearing, containing any information relevant to the qualifications of the applicant for the Taxi or Ramp Taxi ~~permit~~ Medallion that the interested party would like the hearing officer to consider. The submission shall not exceed 10 double-spaced typed pages, excluding exhibits. The SFMTA shall provide a copy of the submission to the applicant and on the official SFMTA website. The interested party may appear at the hearing and shall be given at least ~~10~~ ten minutes to present the information contained in the written submission; provided, however, that the hearing officer may reduce the time for presentations if there are a large number of interested parties appearing at the hearing, but in all cases any time limitation or any extension of time must apply equally to all interested parties.

(3) The applicant is entitled to a 30 calendar day continuance of the hearing date, if a written request is submitted to the hearing officer at least 14 calendar days prior to the scheduled hearing. The applicant may request an additional continuance within 14 days of the continued hearing date, but no continuance may be granted for a period in excess of 60 days.

(4) The SFMTA may present a summary of its investigation no more than ~~10~~ ten double-spaced pages, excluding exhibits, no less than 20 calendar days prior to the hearing.

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(5) No less than ~~5~~ five business days prior to the hearing, the applicant may file a written submission containing any information the applicant deems relevant to the application or the results of the investigation. The submission shall not exceed ~~10~~ ten double-spaced typed pages, excluding exhibits. If the applicant intends to present witnesses at the hearing, it shall present a list of these witnesses at least ~~5~~ five calendar days prior to the hearing.

(6) The burden of proof shall be on the applicant to establish that the applicant meets all ~~permit~~ requirements.

(7) If the hearing officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit within ~~10~~ ten business days of the hearing officer's determination. If the applicant is contesting his or her removal from a Waiting List, and the hearing officer determines that the applicant is eligible for the permit and has met all permit application requirements, the SFMTA shall restore the applicant to their place on the Waiting List. If the applicant is contesting a determination that his or her application is inactive, and the hearing officer determines that the application is active in accordance with the criteria listed in Section 1103(b), then the SFMTA shall continue to process the application.

(8) A hearing officer's decision on any permit application shall be based upon the qualifications of the applicant and the criteria set forth in this Article. The hearing officer(s) shall make a written report of findings setting forth evidence in support of each finding within ~~120~~ 60 calendar days of the hearing. Any finding made at or as a result of a hearing conducted pursuant to this Section may be appealed by the applicant to the Board of Appeals.

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Email comments to:
taxi-driver@sfmta.com

Or mail or deliver comments to:
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