

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1101: SCOPE AND PURPOSE OF REGULATIONS
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. 1101. SCOPE AND PURPOSE OF REGULATIONS

(a) Scope of Regulations

(1) Classes of Permits

This Article, adopted pursuant to San Francisco Charter Section 8A.101(b) and Police Code Section 1075.1, as amended (File No. 08138, Ordinance No. 303-08), shall apply to the following classes of permits issued by the SFMTA:

- (A)** Permits issued to a person:
 - (i)** Driver ~~permits~~ Permits
- (B)** Permits issued to a person for use with an identified vehicle or vehicle(s):
 - (i)** Taxi/Ramp Taxi ~~permits~~ Medallions
 - (ii)** Non-Standard Vehicle ~~permits~~ Permits
- (C)** Permits issued to a business that affiliates with permitted vehicles:
 - (i)** Color Scheme ~~permits~~ Permits
 - (ii)** Dispatch Service ~~permits~~ Permits

(2) Exclusion for Certain Vehicles

This Article shall not apply to the operation of a motor vehicle:

- (A)** Engaged in the business of, or used for, transporting passengers for hire when such motor vehicle is operated under and by authority of certificates of public convenience and necessity issued by the Public Utilities Commission of the State of California (CPUC); however, this Article shall only be inapplicable to the extent, character and type of

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operation expressly authorized by such certificate, and any such commercial operation of a motor vehicle pursuant to a CPUC certificate within the City and County of San Francisco shall be limited by and entirely within the scope of such certificate;

(B) Licensed by any city, city and county, county or other public entity as a motor vehicle for hire which may enter the City and County of San Francisco for the purpose of delivering passengers who have hired the vehicle in a jurisdiction in which it is licensed to operate, provided, however, that no such motor vehicle for hire may solicit or accept any passenger while in the City;

(C) ~~A vehicle that~~ That is regularly operated by a business to transport employees;

(D) Operated as a private ambulance ~~ambulances~~ and regulated by Article 14 of the San Francisco Health Code; or

(E) Operating on fixed tracks or rails.

(3) Application of Regulations to Permit Holder Conduct

This Article applies to the conduct of Permit Holders at all times while engaged in activity related to the permit.

(b) Purpose of Regulations; Limitation of Liability

It is the purpose of this Article to require all persons, businesses or corporations holding permits issued pursuant to this Article to take steps to improve taxi service to the public and to protect the public health and safety when providing such service. By adopting this Article, the SFMTA is assuming an undertaking to promote the general welfare. It is not assuming, nor is it imposing

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on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(c) Notice of Regulations

The SFMTA shall provide a copy of this Article to each person who is applying for or renewing a permit at the time of application or renewal.

(d) Conflict of Interest

No permit governed by this Article may be issued to an employee of the SFMTA except with the prior written approval of the Director of Transportation.

(e) ~~(d)~~ Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The SFMTA Board hereby declares that it would have adopted and promulgated each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid or ineffective.

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SEC. 1102. DEFINITIONS

For purposes of this Article the following words and phrases shall have the meanings set forth below:

(a) "Chief of Police" shall mean the Chief of Police of the Police Department of the City and County of San Francisco and his or her designee(s) within the Police Department.

(b) ~~(a)~~ **"Color Scheme"** shall mean either the design or trade dress of a vehicle used as a Taxi or Ramp Taxi that is distinct to the fleet of a business that provides taxi service, or a business that provides taxi service and holds a Color Scheme Permit ~~permit~~ issued by the SFMTA Board or predecessor agency, including any owner, manager, employee or lessee of ~~said Color Scheme~~ such business.

(c) "Color Scheme Permit" shall mean a permit issued by the SFMTA to operate a Color Scheme in the City.

(d) "Controlled Substance Testing Program" shall mean a program adopted by the SFMTA Board to comply with California Government Code § 53075.5.

(e) "Dispatch Service" shall mean any person, business, firm, partnership, association or corporation which holds itself out to the public as a service by or through which taxis may be summoned or dispatched by radio, telephone, or other means of communication, including any owner, manager or employee of said Dispatch Service.

(f) "Dispatch Service Permit" shall mean a permit issued by the SFMTA to operate a Dispatch Service in the City.

(g) ~~(b)~~ **"Driver"** shall mean either a ~~any~~ person who holds a Driver Permit issued by the SFMTA to operate a Motor Vehicle for Hire or a person engaged in the mechanical operation and

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having physical charge or custody of a Motor Vehicle for Hire ~~while said Motor Vehicle for Hire is available for hire or is actually hired.~~

(h) “Driver Permit” or “A-Card” shall mean a permit issued by the SFMTA to operate a Taxi or Ramp Taxi in the City.

(i) ~~(e)~~ **“Filing Fee”** shall mean a fee in an amount established by the SFMTA Board, due upon application for a permit, and including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article of any other regulation adopted by the SFMTA Board.

(j) “Found Property” shall mean any personal property found in or about a Motor Vehicle for Hire by a Driver or delivered to a Driver or to a Color Scheme by any person who has found such property.

(k) “Full-Time Driver” or “Full-Time Driving” shall mean any Driver actually engaged in, or the activity comprised of (respectively) the mechanical operation and physical charge and custody of a Taxi or Ramp Taxi which is available for hire or actually hired for at least 156 four-hour shifts or 800 hours, whichever shall come first.

(l) ~~(d)~~ **“Gate Fee”** shall mean any monetary fee or other charge or consideration, or any combination thereof, required of a Driver who is not a Taxi or Ramp Taxi ~~Permit~~ Medallion Holder for the privilege of driving a Taxi or Ramp Taxi during a particular shift, or for any period of time, including receipt of all services provided in connection with such privilege, whether said fee is set by contract, lease or other agreement, orally or in writing, and whether said fee is paid by the Driver as a flat rate, as a commission on receipts from fares, or as a specified fee for any other purpose.

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(m) “Key Personnel” shall mean a Taxi Permit Holder who works in an administrative capacity or performs functions integral to a Color Scheme, who is a bona fide employee on the payroll of the Color Scheme and who works on-site at the Color Scheme’s principal place of business.

(n) “Lease” shall mean an otherwise lawful written document, employment contract, or other agreement that for consideration authorizes the temporary operation of a Taxi or Ramp Taxi Medallion by a person or Color Scheme other than the Taxi or Ramp Taxi Medallion Holder.

(o) ~~(e)~~ **“Lease Fee”** shall mean any monetary fee or other charge or consideration, or any combination thereof, charged by or paid to a Taxi or Ramp Taxi ~~Permit~~ Medallion Holder for the privilege of operating that ~~Medallion Taxi Permit Holder’s Taxi or Ramp Taxi permit~~ during a particular shift, or for any period of time.

(p) “Medallion” shall mean a permit issued by the SFMTA to operate a particular Taxi or Ramp Taxi vehicle in the City.

(q) “Medallion Holder” shall mean the person or entity to whom a Medallion was issued.

(r) ~~(f)~~ **“Motor Vehicle for Hire”** shall mean every type of privately owned motor vehicle, as defined in the Vehicle Code, which is available for hire and over which the City may exercise jurisdiction, except as otherwise specified in this Article.

(s) ~~(g)~~ **“Motor Vehicle for Hire Permit”** shall mean a permit issued by the SFMTA Board for the operation of an identified vehicle for the purpose of transporting passengers for a price, including Taxi and Ramp Taxi Medallions and Non-Standard Vehicle permits, and does not include Dispatch Service, Color Scheme or Driver Permits ~~permits~~.

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(t) "Model Year" shall mean the year model designated at the time of manufacture of first assembly as a completed vehicle (e.g. If a vehicle is produced in 2007, but is designated for sale as a 2008 model, then the vehicle is considered a 2008 Model Year.)

(u) "Non-Standard Vehicle" shall mean a privately owned, motor-propelled passenger carrying vehicle which may be legally operated on the streets of the City under all applicable state and local laws and regulations, and which is not defined elsewhere in this Article.

(v) "O.E.M." shall mean any equipment installed on a vehicle when the vehicle was initially manufactured.

(w) "Paratransit Broker" shall mean the contractor retained by SFMTA to administer the Paratransit Program.

(x) "Paratransit Coordinating Council" shall mean [add definition].

(y) "Paratransit Program" shall mean the SFMTA program to provide transit services for people unable to independently use public transit because of a disability or disabling health condition, as required by the Americans with Disabilities Act.

(z) ~~(h)~~ **"Permit Fee"** shall mean a fee in an amount established by the SFMTA Board, required to be paid by a permit applicant ~~upon qualifying for permit and prior to~~ for permit issuance or renewal, including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article and any other regulations adopted by the SFMTA Board.

~~(aa) (i)~~ "Permittee" ~~or~~ **"Permit Holder"** shall mean any person, business, firm, partnership, association or corporation which holds any permit issued by or under the authority of the SFMTA to drive, operate or cause to be operated any Motor Vehicle for Hire or to operate any Dispatch Service or Color Scheme pursuant to this Article, and any agent of ~~said~~ such Permit

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Holder including, but not limited to, any owner, manager, employee or lessee of ~~said~~ such Permit Holder.

(bb) "Police Department" shall mean the Police Department of the City and County of San Francisco.

*(cc) ~~(j)~~ **"Ramp Taxi"** shall mean a Taxi that is specially adapted with access for wheelchair users.*

(dd) "Ramp Taxi Medallion" shall mean a permit issued by the SMTA or predecessor agency to operate a particular Taxi vehicle that is specially adapted with access for wheelchair users.

(ee) "Ramp Taxi Program" shall mean [add definition]

*(ff) ~~(k)~~ **"Rates of Fare"** shall mean the fees and charges that are authorized by the SFMTA Board that may be charged to the public by a Permit Holder in consideration for transport by a Motor Vehicle for Hire.*

(gg) "Response Time Goals" shall mean the measure of industry performance expressed by the time elapsed between the time a Dispatch Service receives a request for service to the time that a Taxi or Ramp Taxi actually arrives at the location specified by the customer for pick up. The currently applicable Response Time Goals are as follows:

(1) 70% of the time, a Taxi or Ramp Taxi will arrive within 10 minutes of the service call.

(2) 80% of the time, a Taxi or Ramp Taxi will arrive within 15 minutes of the service call.

(3) 99% of the time, a Taxi or Ramp Taxi will arrive within 30 minutes of the service call.

(hh) "SFMTA" shall mean the San Francisco Municipal Transportation Agency of the City, or any predecessor agency with regulatory jurisdiction over Motor Vehicles for Hire. For the purposes of this Article, SFMTA shall include the Police Department's Taxi Detail.

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(ii) ~~(l)~~ **"Taxi"** shall mean a vehicle operated pursuant to a Taxi or Ramp Taxi Medallion permit that is legally authorized to pick up passengers within the City with or without prearrangement, of a distinctive color or colors and which is operated at rates per mile or upon a waiting-time basis, or both, as measured by a Taximeter and which is used for the transportation of passengers for hire over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

(jj) "Taximeter" shall mean a device attached to a Motor Vehicle for Hire which mechanically or electronically calculates the fare to be charged to the passenger, either on the basis of distance traveled or for waiting time, or a combination thereof, and upon which the amount of the fare is indicated by means of numerals in dollars and cents.

(kk) "Vehicle Number" shall mean the unique identifying number associated with each Taxi or Ramp Taxi vehicle.

(ll) ~~(m)~~ **"Waiting List"** shall mean a list of applicants for Taxi or Ramp Taxi Medallions permits for whom such Medallions permits are not yet available, maintained in the order of receipt of complete applications from qualified applicants.

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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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taxi-driver@sfmta.com

Or mail or deliver comments to:
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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

(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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SEC. 1104. PERMIT CONDITIONS

Reserved.

(a) Conditions Applicable to All Permits

(1) Permits Required

No person, business, firm, partnership, association or corporation shall drive, or operate or cause to be operated any Motor Vehicle For Hire within the City, nor shall any person, business, firm, partnership, association or corporation operate any Dispatch Service or Color Scheme, without a permit issued by the SFMTA authorizing such driving or operation in accordance with this Article.

(2) Business Permits; Named Individual

Any permit issued to a business pursuant to this Article shall be registered in the name of and with contact information for at least one natural person who complies with all permit requirements except those that by their nature can have no application to a natural person.

(3) Permits a Privilege

Permits granted pursuant to this Article constitute a privilege and are not the property of the Permit Holder.

(4) Permits Not Transferable

Except as expressly provided in this Article or in permit conditions, no permit issued pursuant to this Article shall be transferable or assignable, either expressly or by operation of law.

(5) Duration of Permits

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(A) Unless earlier revoked or suspended, Taxi and Accessible Taxi Permits shall expire on the first day of July next following their issuance or renewal, and all other permits shall expire the first day of January next following their issuance or renewal.

(B) As a condition of renewal, a Permit Holder must meet the eligibility requirements required for new applicants listed in Section 1103(e)(2), and may be required to sign a statement under penalty of perjury affirming eligibility for the permit.

(6) Compliance with Laws and Regulations

Every Permit Holder shall comply with, and shall ensure that their affiliated vehicles, employees, Permit Holders, lessees, Dispatch Service and Color Scheme shall comply with the provisions of this Article, the San Francisco Charter and Municipal Code, the California Vehicle Code, California Worker's Compensation laws, the Americans with Disabilities Act, and all regulations adopted by the San Francisco International Airport, San Francisco Department of Weights and Measures, and any other governmental jurisdictions through which the Permit Holders traverse.

(7) Cooperation with Lawful Orders

Every Permit Holder shall cooperate with and obey any lawful request or order of a Parking Control Officer, peace officer or the Director at all times, including, but not limited to, providing upon request the Permit Holder's name, the permit number, official identification, and any documents required by this Article to be in the Permit Holder's possession. All Permit Holders shall respond to routine SFMTA or Police Department inquiries within 24 hours, and shall respond to any SFMTA or Police Department emergency request as soon as

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possible.

(8) Cooperation with Regulatory Agencies; False Statements

Every Permit Holder shall at all times, fully cooperate with a Parking Control Officer, peace officer or the Director on all matters relating to regulatory compliance at all times, including but not limited to compliance with requests for the inspection of records. Permit Holders shall not hinder, delay or knowingly make false or misleading statements to a peace officer or to the SFMTA or withhold information on any matter relating to regulatory compliance.

(9) Continuous Operation Requirement; Suspension; Revocation

(A) With the exception of Drivers and Non-Standard Vehicle

Permit Holders, all Permit Holders shall operate or arrange for the operation of their permit on each day of the year, or other dates or times during which the permit conditions require operation of the permit. Non-Standard Vehicle Permit operation shall be in accordance with the times and dates of required operation specified in the permit.

(B) With the exception of Drivers and excluding bona fide

emergencies, natural disasters or other similar major events beyond the control of the Permit Holder, all Permit Holders shall obtain the written approval of the SFMTA prior to suspension of permit operations.

(C) Upon written request and following an investigation into the

necessity for suspension of permit operations, the SFMTA may grant permission to suspend a Permit for good cause shown for a period not to exceed 90 days in a 12 month period. The SFMTA may, in its sole and absolute discretion, allow another Permit Holder to operate the permit during the period of suspension if the other Permit Holder is qualified and such

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operation would be in the public interest. This subparagraph (C) shall not apply to Driver Permits, and does not suspend the application of the Full-Time Driving requirement.

(D) If a permit other than a Driver Permit is not operated for a period of 15 calendar days in violation of applicable permit conditions, the SFMTA shall notify the Permit Holder that the permit will be revoked if operation of the permit is not resumed within five calendar days of the notice. If permit operation is not resumed within five days of the notice then SFMTA may immediately revoke the permit.

(10) Gifts and Gratuities

No Permit Holder or agent of a Permit Holder may accept or solicit gifts and/or gratuities or anything of value from any Driver, other than Gate Fees, Lease Fees, payments for goods actually received, or other payments authorized by this Article. A Permit Holder or agent of a Permit Holder shall issue a receipt for any payment received from a Driver upon request.

(11) Lease of Taxi and Ramp Taxi Medallions

Reserved.

(12) Participation in Paratransit Program

Each Color Scheme, Dispatch Service, Medallion Holder and Driver must participate in and shall at all times operate subject to and in compliance with the regulations of the SFMTA's Paratransit Program.

(13) Shift Change at Color Scheme Required for All Vehicles; Unattended

Vehicles

All Permit Holders shall ensure that taxi vehicles which they operate begin and end all shifts at the Color Scheme's place of business, except with the prior written approval of the

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SFMTA. When a vehicle is not being operated for hire, the Permit Holder shall either leave the vehicle at the Color Scheme's place of business or make a written request for SFMTA approval of an alternative location that is off the public street and sidewalk. No Taxi vehicle may be left unattended on a public street for more than four hours.

(14) Current Address Required; Emergency Contact Notification

All Permit Holders shall keep contact information current with the SFMTA. All Medallion Holders and Drivers shall keep contact information current with their Color Schemes. Every natural person who holds a permit from the SFMTA pursuant to this Article shall give written notice to the SFMTA within ten days of any change of residence address, and shall accept mail at the address provided to the SFMTA. Color Scheme and Dispatch Service changes of address are subject to the prior written approval of the SFMTA. No Permit Holder may use a post office box as a current address.

(15) Service of Process

All Permit Holders agree to accept service of process, official notices, and correspondence (“service of process”) from the SFMTA as a condition of retaining a permit. Color Schemes must accept service of process from the SFMTA on behalf of any Permit Holder affiliated with that Color Scheme. The failure or refusal of a Color Scheme to accept service of process shall not invalidate service of process provided to the Permit Holder's last known address of record.

(16) No permit shall be issued or renewed until the applicant has paid all fines, fees, taxes, liens, judgments or other debts owing to the City.

(17) Response Time Goals

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All Permit Holders shall make best efforts to comply with Response Time Goals.

(b)~~(a)~~ **Conditions Applicable to Color Scheme Permits.** In addition to all other conditions applicable to a Color Scheme ~~permit~~ Permit, each Color Scheme Permit Holder shall meet the following requirements and performance standards:

(1) Rights of Color Scheme Permit Holder; Permit Required

A Color Scheme Permit entitles the Permit Holder to operate a business that provides taxi service using vehicles painted with trade dress authorized by the permit and unique to that business. Any major change in trade dress colors of a Scheme Permit Holder shall require a permit application requesting the issuance of a new Color Scheme Permit. Minor changes in trade dress may be approved by SFMTA without a new permit application. SFMTA shall determine, in its sole discretion, whether a requested change of trade dress is major or minor. No person shall operate a Color Scheme business without a valid permit from the SFMTA.

(2) Color Scheme Trade Dress

Upon request, the Color Scheme Permit Holder shall provide to SFMTA electronic, high-resolution copies of color photographs of the front, sides and rear of each make and model of Taxi and Ramp Taxi vehicle.

(3) Use of Dispatch Service

Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service. A Color Scheme must obtain the prior written approval of the SFMTA before changing Dispatch Services. A Color Scheme request for change of Dispatch Service shall be approved unless the Color Scheme or the Dispatch Service have

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been declared ineligible for new affiliations based on a finding, following a hearing, that the Color Scheme or the Dispatch Service has continuing permit violations or a pattern of repeated permit violations that affect the quantity or quality of taxi service to the public or which threaten public health and safety. Upon such finding by a hearing officer, the Permit Holder regarding which the finding was made may not undertake any new affiliations until the ongoing violations listed in the hearing officer's findings are cured.

(4) 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 person Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting City holidays. Every Color Scheme must have the capacity to send and receive faxes and email messages at all times, and the fax number and email address must be provided to the SFMTA.

(5) Change of Business Location; Transfer of Color Scheme Permits

A Color Scheme must obtain the prior written approval of the SFMTA before changing the business location or selling or otherwise transferring the business. For the purpose of this subparagraph, the transfer of a business means the voluntary transfer of 50% or more of an ownership interest in the business to a person or entity that does not already hold an ownership interest in the business as of June 19, 2009.

(6) Telephone Access

Every Color Scheme shall subscribe to a telephone service and publish the name of the business and the telephone number to which requests for service and inquiries about Found Property may be addressed in the Yellow Pages section of the San Francisco telephone

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directory. The published telephone number shall not be used for the conduct of any business enterprise other than the business of the Color Scheme. If a change occurs in the name of the company or telephone number under which taxi service is provided the Color Scheme shall promptly notify the SFMTA 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, including the name of the company and telephone number, with the San Francisco Directory Assistance Operator and the City's 311 system.

(7) 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 subsection 1104(b)(9) does not qualify the manager as Key Personnel for the Color Scheme.

(8) Staffing Requirements

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Every Color Scheme shall employ some combination of qualified staff, contracted services and/or automated devices adequate to perform at least the following functions and provide the following capabilities:

(D) Receive and dispatch requests for service in a timely fashion.

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

(F) Receive and respond to communications and information

requests from the SFMTA.

(G) Document and track all Found Property and turn it over to the

Color Scheme's Dispatch Service for processing.

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

(9) Workers' Compensation Requirements

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 Drivers employed by or affiliated with that Color Scheme.

(10) Participation in Paratransit Program

Each Color Scheme must participate in the Paratransit Program. At the time that a Color Scheme Permit application is approved, the Color Scheme must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. The Paratransit Broker shall make such contract available to all Color Schemes holding permits pursuant to this Article. Thereafter, each Color Scheme shall operate at all times subject to the rules and regulations of the Paratransit Program, and every contract entered into between a Color Scheme and a Driver affiliated with that Color Scheme shall require the Driver to operate at

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all times subject to the rules and regulations of the Paratransit Program.

(11) Vehicle Maintenance and Cleaning

(I) Every Color Scheme shall provide Drivers free access to a facility that is adequate to thoroughly wash all affiliated vehicles and that is in compliance with all applicable laws and regulations, including but not limited to environmental and zoning requirements.

(J) When a Color Scheme receives notice of a problem with the equipment of a vehicle affiliated with that Color Scheme, the Color Scheme and the Medallion Holder are jointly and severally responsible for compliance with all of the following requirements:

(i) Ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to Ramp Taxi lifts.

(ii) Taking out of service and repairing any vehicle immediately if the failure of any equipment presents a safety issue, if communications equipment is not in working order, or if the Taximeter seal (paper, wire, etc.) is broken, removed, destroyed, marred or otherwise tampered with.

(K) The Color Scheme with which a vehicle is affiliated and the Medallion Holder are jointly and severally responsible for complying with any written order of the San Francisco Department of Public Health that relates to a vehicle.

(12) Spare Vehicles

(L) 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

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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, except as otherwise approved by SFMTA.

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

(N) Color Schemes with which one or more Ramp Taxis are affiliated shall maintain at least one Ramp Taxi spare vehicle for every three spare non-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 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.

(O) 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.

(P) All spare vehicles shall be kept at the Color Scheme’s place of business or other location approved by SFMTA when not in actual use with a Medallion.

(Q) 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.

(R) 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

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use in any other vehicle. Any Color Scheme found to be violating this Section shall be deemed to be operating a vehicle without a permit.

(13) Reduced Emissions by Color Scheme

Beginning on June 1, 2011, each Color Scheme Permit Holder shall maintain average per vehicle greenhouse gas emissions at a level set by the SFMTA to achieve the goal of a 20% reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. For the purpose of this requirement, Ramp Taxis shall not be included in calculation of the Color Scheme's average per vehicle greenhouse gas emissions.

(14) Current Information Required to be Maintained

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

(S) Daily Schedule

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

(T) List of Affiliated Drivers

A current list updated at least weekly with all affiliated Drivers, including Driver's name, home address, cellular telephone number, Driver Permit number, and California driver's license number.

(U) Vehicles

A current list of all affiliated Taxis and Ramp Taxis including, but not limited to, the vehicle

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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.

(15) Information Required to be Posted

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:

(V) Certificate of Worker's Compensation

A copy of a current and valid Certificate of Worker's Compensation Insurance and information about how to file a claim.

(W) 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.

(X) 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 the requirement that the Color Scheme obtain written acknowledgments of receipt, within a time period specified by SFMTA.

(16) Controlled Substance Testing Program; Controlled Substances

(Y) Reserved: Controlled Substance Testing Program.

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

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(AA) 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.

(BB) No Color Scheme having actual 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.

(17) Medical Certification of Drivers

Every Color Scheme shall ensure that all affiliated Drivers undergo any medical examination required by the SFMTA in accordance with SFMTA requirements.

(18) 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.

(19) Each Color Scheme shall ensure that every Driver starts and ends each shift at the Color Scheme's principal place of business, except with the prior written approval of the SFMTA.

(19) Each Color Scheme shall ensure that every affiliated Driver holds a valid A-Card, and shall not allow any such Driver to operate a vehicle affiliated with the Color Scheme if the Color Scheme has actual knowledge that the Driver does not have a valid California drivers' license or a valid A-Card.

(20) A Color Scheme shall not charge an applicant for a Driver Permit for

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the statement of affiliation required by Section 1103(f)(1)(F).

(20) A Color Scheme shall issue receipts for payments received from any Driver for fuel, Gate Fees, Lease Fees or other payments upon request.

(21) ~~A~~ A Color Scheme Permit Holder must notify the SFMTA within ~~five~~ 5 business days of terminating its affiliation with ~~a holder of a Driver permit.~~

(22) Dissolution Plan
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.

(22) Color Scheme Permit Renewal
The SFMTA may periodically audit Color Schemes in anticipation of permit renewal.

(c) **Additional Conditions Applicable To Dispatch Service Permits**
In addition to all other conditions applicable to a Dispatch Service Permit, each Dispatch Service Permit Holder shall comply with the following performance standards:

(1) A Dispatch Service has an affirmative duty to report actual knowledge of major violations of this Article to the SFMTA;

(3) Maintain and update an emergency plan that conforms to SFMTA requirements for Drivers and Dispatch Service employees to follow in emergencies, and file an updated emergency plan annually at the time of permit renewal.

(4) List a 24 hour telephone number and the names of the Color Scheme(s) for which they provide dispatch services in the Yellow Pages section of the telephone book.

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(5) Ensure that every service request for a Ramp Taxi is dispatched in a timely manner.

(6) Contact the customer who requested a Ramp Taxi within 20 minutes with the vehicle number of the Ramp Taxi assigned to handle the call, or to advise the customer that no vehicle was dispatched.

(7) If the call cannot be dispatched to a Ramp Taxi affiliated with a Color Scheme that uses that Dispatch Service, the dispatcher/operator shall first call another Dispatch Service to handle the request, and then shall call the customer with the name of the Color Scheme of the responding Ramp Taxi.

(8) If there are no Ramp Taxis available to respond to a customer's request, the dispatcher shall record the customer's name and phone number and the names of the other Dispatch Services contacted.

(9) Maintain a current Driver Roster that is available for SFMTA inspection during business hours.

(10) Record all requests for taxi service, noting the date and time of the request for service, the service address, the vehicle number dispatched and the time that the vehicle was dispatch to respond to the call.

(11) Maintain the capacity to simultaneously broadcast and to receive voice transmissions from every vehicle operating under their service.

(12) Answer all calls by human, mechanical or other device within six rings 365 days per year, 24 hours per day. At least one person shall be available to respond to calls at all times.

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(13) Contact customers who have requested a return call if a vehicle has not been dispatched within 20 minutes of the call.

(14) Upon request, call back customers with an approximate arrival time of the dispatched vehicle.

(15) Assign each dispatcher, operator and/or call taker employed by the Dispatch Service a unique individual identifier.

(16) Require all dispatchers, operators and/or call takers, to answer a call with the name of the Dispatch Service, and, upon request of the caller, to identify themselves with either their unique individual identifier or their true name.

(17) If two or more Color Schemes share the same Dispatch Service, the Dispatch Service may not dispatch a vehicle from a Color Scheme other than the one requested by the caller to respond to the call until the Dispatch Service operator first advises the customer of the Color Scheme of the vehicle that will respond to the call.

(18) Dispatch Service Permits Transferable
Dispatch Service Permits are transferable, subject to the approval of the SFMTA, which shall determine whether the proposed transferee meets the criteria set forth in this Article, and whether taxi service would be improved by the transfer of the Dispatch Service Permit. The Permit Holder shall give notice to the SFMTA of any intended transfer at least 30 days prior to any such transfer.

(19) Workers' Compensation Requirements
All Dispatch Service Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

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(d) Additional Conditions Applicable to Driver Permits

~~*Conditions Applicable to Driver Permits. In addition to all other applicable permit conditions applicable to a Driver permit*~~

(1) Driver Identification

Upon issuance of a Driver's permit, the SFMTA will issue to each Driver the following identification:

(i) Driver Permit Card (A-Card)

Every Driver shall carry his or her A-Card at all times while operating a Motor Vehicle for Hire, and shall provide the A-Card for inspection upon request by the SFMTA or any peace officer or passenger.

(ii) Badge with the Permit Number

Every Driver shall display a SFMTA-issued badge constantly and conspicuously displayed on the outside of the Driver's clothing and jacket at all times while operating or in possession of a Motor Vehicle for Hire. The badge shall only be worn by the Permit Holder to whom the badge is issued.

(iii) Color Scheme Identification Card

A Driver's Color Scheme Identification Card must be displayed conspicuously at all times in any Motor Vehicle for Hire that the Driver is operating in a manner that the badge number printed on the card is easily visible to any passenger in the vehicle.

(2) Renewal of Driver's Permits

(A) Driver Permits shall be issued as of the first day of January of

each year and shall be valid unless revoked or suspended, up to and including the 31st day of

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December, next succeeding. The SFMTA may cause the renewal of the Driver's Permit from year to year upon the filing of a statement by the Driver Permit Holder providing his or her current address and current employer and the payment of the annual permit renewal fee.

(B) Controlled Substance Testing Program: Reserved.

(C) Drivers have an affirmative duty to report any criminal convictions which would be a basis for denying a permit pursuant to Section 1103(c)(4). No Driver's permit shall be renewed if he or she has been convicted of any offense listed in Section 1103(c)(4).

(D) Controlled Substances

(i) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, including prescription drugs. No Driver may consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

(ii) Drivers shall maintain a drug-free workplace and shall not sell, use, or possess controlled substances while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

(3) Notification to SFMTA of Change of Affiliation with Color Scheme

(A) All Drivers must notify the SFMTA at least three business days following to the effective date of any change of affiliation with a Color Scheme; provided, however, that no Driver may affiliate with a Color Scheme that has been declared ineligible for new Driver affiliations by the SFMTA pursuant to Section 1111(f).

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(B) *In accordance with California Government*

Code § 53075.5(b)(1)(B), a Driver's Permit shall become void upon termination of affiliation with a Color Scheme and failure to affiliate with a new Color Scheme within 30 calendar days..

(C) *A Driver shall return his or her A-Card to the SFMTA and his or her Color Scheme Identification Card to the Color Scheme upon terminating affiliation with a Color Scheme.*

(4) Driver Duties at Beginning of Shift

(A) *A Driver is required to perform a safety check on any Motor Vehicle for Hire prior to placing it in operation. The Driver is responsible for ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to a Ramp Taxi lift. If the Driver finds any equipment that presents a hazard or safety issue, then the Driver shall notify the Color Scheme, and the Color Scheme shall put the vehicle out of service until it is repaired and shall make another vehicle available to the Driver.*

(B) *A Driver is required to perform a communications test at the commencement of each shift to determine that there is functional and available communications equipment capable of both receiving and transmitting voice information. If communications equipment is not functional and available, that vehicle shall be taken out of service until such time as the communications equipment is functioning and available.*

(C) *Drivers shall ensure that their vehicle is supplied with the following items:*

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- (i) 311 card;
- (ii) Current copy of book of regulations issued by SFMTA;
- (iii) A supply of receipts, preprinted with the name of the affiliated

Color Scheme; and

(iv) Current maps of San Francisco and San Mateo counties or a
functional GPS device.

- (v) Working flashlight.

(D) A Driver shall ensure that the vehicle is clean inside and out
and free of offensive odors, wash the exterior of the vehicle and/or sweep the interior
passenger compartment and trunk as needed, and remove any loose items from the vehicle's
dashboard and/or rear shelf.

(5) Driver Duties During Shift

(A) A Driver shall not refuse, or direct or permit the refusal, of
prospective passengers in any place within the City for transportation to any other place in
the City, or to or from the San Francisco International Airport, or to the Oakland
International Airport, at rates authorized by law, if the prospective passengers present
themselves for transportation in a clean, sober, and orderly manner and for a lawful purpose
and the Driver has sufficient time before the end of his or her shift.

(B) A Driver shall not operate a Motor Vehicle for Hire in a
reckless or dangerous manner.

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(C) A Driver shall not refuse to transport a passenger's luggage, wheelchair, crutches or other property that can be transported within the confines of the vehicle's trunk and/or passenger areas.

(D) No Driver may refuse to transport a person with a physical disability in the front seat.

(E) A Driver shall not refuse to transport any service animal, or a secured, well-behaved and/or contained animal.

(F) A Driver shall, if requested, reasonably assist a passenger as necessary to get into and out of the vehicle, or to load or unload luggage, only to the extent that such assistance is within the physical capacity of the Driver. The Driver shall record the request for assistance and results on the Waybill. If the Driver feels that their personal health or safety is at risk or is otherwise unable to assist the passenger, the Driver shall request appropriate assistance capable of handling the request from the Dispatch Service. Upon request by a passenger, the Driver shall remain with the passenger until the dispatched assistance has arrived. A Driver shall inform the passenger(s) of his or her intention to activate the Taximeter when said passenger(s) has such a large amount of baggage, luggage, packages and/or equipment to be loaded or unloaded that the Driver's departure is delayed, or when it is necessary to wait for dispatched assistance to arrive.

(G) A passenger who first engages a Motor Vehicle for Hire has the exclusive right to conveyance therein to his or her destination. The Driver shall not solicit or accept any additional passenger without the prior consent of any passenger who has previously engaged the vehicle, or as authorized by SFMTA.

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(H) A Driver may transport two or more passengers who voluntarily agree to split the fare between them. The passengers may by mutual agreement split the fare according to any formula; however, regardless of any mutual agreement of the passengers, the Driver shall not collect from all combined passenger payments any amount in excess of the fare shown on the meter at the time that the last passenger reaches their destination.

(I) Drivers shall comply with any passenger request to turn down, turn off or change the channel of any audible device that is not required for safe operation of the vehicle or communication with a Color Scheme, Dispatch Service, law enforcement agency, health care provider, or other emergency service agency. A Driver is not required to comply with a passenger request for any particular broadcast station or other passenger listening preferences.

(J) Except for emergencies, including but not limited to an emergency call to a Dispatch Service, a law enforcement agency, health care provider, or other emergency service agency, Drivers shall immediately comply with any passenger request to terminate mobile telephone conversations.

(K) Drivers may only use personal telephones for voice or any other type of communication in the vehicle in accordance with all applicable laws, including but not limited to the use of hands free telephone equipment while operating the vehicle. While a passenger is in the vehicle, Drivers' personal conversations must be limited in number and short in duration, and at no time shall a Driver allow a personal communication to interfere with the Driver's full attention to the operation of the vehicle.

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MAY 4, 2009 AT 9:00AM- 1:00 P.M.-4:00 P.M.

1 SOUTH VAN NESS AVENUE, 2ND FLOOR ATRIUM

(L) Drivers shall only receive a tip when expressly and voluntarily offered by the person paying the fare. Drivers may not demand, request, imply, assume or otherwise suggest that the Driver should receive any amount in excess of the authorized fare. A Driver may, without demanding or assuming that the passenger will pay a tip, ask the passenger whether they would like to tip the Driver only when the tip is only capable of being added to a payment by action of the Driver.

(M) Every Driver must accept dispatch assignments, including, when available, an average minimum of one radio call an hour during each shift from their Dispatch Service. Drivers must advise their Dispatch Service if they are unable to handle an accepted call within 5 minutes of the time when they acknowledged or accepted the call.

(N) During a shift a Driver may not monitor or listen to any Dispatch Service other than the Dispatch Service that provides service to the Color Scheme with which the vehicle is affiliated.

(O) The Driver must keep any communication device required by this Article at a volume audible to the Driver at all times during the shift.

(P) Drivers shall, at the beginning of a trip, inform any passenger whose announced destination is more than 15 miles from City limits, or if the passenger is picked up at the San Francisco International Airport, whose announced destination is more than 15 miles from the San Francisco International Airport and is not within the City limits, that the fare to be charged will be 150% of the amount registered on the Taximeter.

(Q) Drivers shall carry sufficient cash to be able to provide change for 20 dollars.

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DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS

SECTION 1104: PERMIT CONDITIONS

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(R) Drivers shall, at the beginning of a trip, inform passenger(s) whose announced destination requires the crossing of a toll bridge, the amount of the toll charged and that the toll charge is to be paid by the passenger(s) regardless of the direction in which the toll is collected.

(S) Drivers shall give a fare receipt upon request of the person paying the fare. Drivers shall complete fare receipts legibly with the Driver's badge number, the Vehicle Number, the Medallion number, and the amount of the fare.

(T) Drivers shall make a visual check of the interior of the vehicle at the conclusion of each trip to determine if any property has been left behind. If any of the passenger's property was loaded in the trunk, the Driver shall check the trunk area at the end of the trip to ensure that no property was left behind.

(U) Upon discovery, a Driver shall make every reasonable attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered, or, if it is not possible to return the Found Property before the end of the shift, the Driver shall leave it with the Color Scheme at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme, whom they have contacted about the Found Property, and whether it was returned to the owner during the shift in which it was discovered, and if not, where and with whom it was left. Drivers shall be personally liable for any loss of property suffered by their passenger(s) caused by intentional misconduct or gross negligence of the Driver.

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(V) *If during the course of the work shift, any equipment failure makes the continued operation of the vehicle unsafe, then the Driver shall immediately return to vehicle to the Color Scheme to be placed out of service.*

(W) *The Driver shall not place or allow to be placed any loose items on the dashboard or rear shelf of the vehicle.*

(X) *The Driver shall keep the vehicle trunk and/or baggage area clean, free of items or materials that could damage or stain passengers' baggage, and free of any container containing flammable liquids.*

(Y) *No Driver shall leave a vehicle unattended on a public street for more than 4 hours.*

(Z) *No Driver shall threaten, harass, or abuse another person, nor may a Driver speak in an obscene, threatening or abusive manner.*

(AA) *Drivers shall not use or attempt to use any physical force against any person except proportional, reasonable force necessary for self-defense or defense of another.*

(BB) *Drivers shall be clean in dress and person.*

(CC) *Any Driver who is pulled over by a peace officer while the Taximeter is in operation must turn off the Taximeter from the time the vehicle is pulled over until the time that the peace officer authorizes the vehicle to depart.*

(DD) *It shall be unlawful for any Driver to smoke any cigar, pipe or cigarette, to burn any substance, drink, or eat while a passenger is in the vehicle.*

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(EE) Except as otherwise authorized herein, a Driver may respond to a hail from a passenger on the street or sidewalk, but a Driver may not initiate any solicitation of passengers from any public place.

(ii) Resolution of Fare Disputes

In any case of fare dispute between the Driver and passenger(s), the Driver shall convey the passenger(s) to the nearest police station, where the officer in charge shall immediately decide the case, and if the decision is in favor of the passenger, the driver shall convey the passenger from the police station to his original destination without additional charge.

(6) Duties at End of Shift

(A) Drivers shall turn in all completed Waybills and Found Property to the Color Scheme at the conclusion of each shift.

(B) The Driver shall remove any litter, personal items, and any other loose items that do not belong with the vehicle.

(C) Drivers shall turn any unreturned or unclaimed Found Property in the Driver's possession at the end of a shift to the Color Scheme's place of business, and shall obtain a receipt for the item regardless of value.

(7) Ramp Taxi Service

(A) Every Driver operating a Taxi or Ramp Taxi shall meet an average response time to any request for service by a customer using a wheelchair of 20 minutes from the time that the Driver accepts the call.

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(B) *A Ramp Taxi Driver, once dispatched to a call from a customer using a wheelchair may not accept any other fare while en route to that dispatched call except as otherwise instructed by the dispatcher.*

(C) *Every Driver shall, if requested, assist a person with physical disabilities or an elderly person to get into and out of the vehicle and ensure the passenger is properly secured in the vehicle prior to transport. If a Driver is unable to properly assist and/or secure the passenger, the driver shall notify the Dispatch Service and request another Driver's assistance or other appropriate service capable of handling the request. The Driver shall record the request and results on the Waybill. The Driver shall remain with the passenger until assistance from another Driver or appropriate service has arrived.*

(D) *If available from their Dispatch Service, every Ramp Taxi Driver shall handle an average of three wheelchair service calls per shift.*

(E) *A Driver may activate the meter while assisting and/or securing a passenger using a wheelchair at the beginning of the trip, provided that the Driver must first inform the passenger(s) of his or her intention to activate the Taximeter.*

(1) A Driver must return his or her *A-Card permit* to the SFMTA ~~upon~~ *within 30 calendar days of terminating his or her affiliation with a Color Scheme if the Driver does not affiliate with another Color Scheme within 30 calendar days. If the Driver will discontinue driving for a period of time in excess of 30 days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the ~~Driver permit~~ A-Card on file until the ~~Permit Holder-Driver~~ informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the*

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~~permit A-Card~~ to the Driver so long as all Filing Fees and Permit Fees are paid and the ~~Driver Permit Holder~~ remains qualified for the permit.

~~(2) Reserved: Controlled Substance Testing Program At the time of Driver permit Permit issuance or renewal, a Driver must provide proof of compliance with the controlled substance testing requirements of California Government Code Section 53075.5. No Driver permit may be issued or renewed without such proof of compliance.~~

(d) Additional Conditions Applicable To Taxi and Ramp Taxi Medallions

(1) Affiliation With Color Scheme Required; Color Scheme Change

(A) A Medallion Holder shall be deemed affiliated with a particular Color Scheme when the SFMTA approves his or her application pursuant to this Article, and shall entitle the Medallion Holder to the right to the use of that Color Scheme's trade dress and place of business. Color Schemes shall not unreasonably withhold the use of the trade dress and place of business once affiliation has been approved.

(B) Affiliation with a Color Scheme and/or the failure of a Color Scheme to comply with this Article does not relieve the Medallion Holder of his or her responsibility to comply with all requirements of this Article applicable to the Medallion Holder.

(C) A Medallion Holder may apply to the SFMTA for a change in affiliation. The applicant's choice of Color Scheme shall be subject to the approval of the SFMTA. A Medallion Holder's request for affiliation with a Color Scheme shall be approved unless the Color Scheme has been declared ineligible for new affiliations pursuant to **Section 1111(f)**.

(2) Use of Dispatch Service

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All Medallion Holders affiliated with a Color Scheme must utilize the same Dispatch Service.

(3) Full-Time Driving Requirement

(A) Exception for Certain Permits

Notwithstanding any contrary provision in this Article, the requirements set forth in this Subsection 1104(d)(3) shall not apply to any person holding a Medallion issued on or before June 6, 1978.

(B) Declaration Required

No permit to operate a Taxi or Ramp Taxi shall be granted unless the Medallion Holder shall declare under penalty of perjury his or her intention actively and personally to engage as a Full-Time Driver.

A Color Scheme has an affirmative duty to report actual knowledge that any Medallion Holder affiliated with that Color Scheme is failing to comply with Subsection 1104(d)(3).

(C) Qualifying Vehicle

All Medallion Holders must drive their own permit number vehicle when complying with Subsection 1104(d)(3) unless that vehicle is unavailable.

(D) Medallion Holders Responsible for Documenting Compliance

A Medallion Holder has the responsibility to maintain his or her own business records, including Waybills. Failure of a Color Scheme to maintain business records, including Waybills, as required by this Article shall not excuse a Medallion Holder from proving that he or she has satisfied this Subsection 1104(d)(3) or any other requirement.

(E) Exception for Color Scheme Key Personnel

(i) Alternative Driving Requirement

Medallion Holders who are designated as “Key Personnel” by a Color Scheme may satisfy the Full-Time Driving requirement by driving 120 hours per year and performing 1,500 hours of work per

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year as Key Personnel for the Color Scheme. Key Personnel activities include office duties, dispatching, cashiering, or performing management duties for a Color Scheme.

(ii) Written Designation of Key Personnel

Each Color Scheme seeking to designate one or more of its employees for a calendar year pursuant to this Subsection 1104(d)(3)(D) must file a written designation by December 1st of the preceding year. The Color Scheme may not change designations of Key Personnel during a calendar year. A Permit Holder may not be designated as Key Personnel by more than one Color Scheme during a calendar year. The SFMTA will only recognize as Key Personnel only those Medallion Holders named in a completed designation form filed by the Color Scheme as of December 1st.

(iii) Number of Designated Personnel at a Color Scheme

Each Color Scheme will be entitled to designate Key Personnel in accordance with the number of Medallions affiliated with that Color Scheme. The number of Medallions affiliated with a particular Color Scheme for a calendar year shall be determined as of December 1st of the previous year, based on the records of the SFMTA. Only individuals already holding a Medallion by December 1 of that year may be considered for Key Personnel designation. The number of designated Key Personnel at a Color Scheme may not be increased or decreased during the subsequent calendar year even if the number of Medallions affiliated with that Color Scheme changes during the year.

A Color Scheme with 1 to 10 Medallions may not designate anyone as Key Personnel.

A Color Scheme with 11 to 20 Medallions may designate one person.

A Color Scheme with 21 to 40 Medallions may designate two people.

A Color Scheme with 41 to 60 Medallions may designate three people.

A Color Scheme with 61 to 80 Medallions may designate four people.

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A Color Scheme with 81 to 100 Medallions may designate five people.

A Color Scheme with 101 to 150 Medallions may designate six people.

A Color Scheme with 151 to 200 Medallions may designate seven people.

A Color Scheme with 201 to 300 Medallions may designate eight people.

A Color Scheme with 301 to 400 Medallions may designate nine people.

A Color Scheme with over 400 Medallions may designate nine people, plus one additional person for every 100 Medallions over 400.

(iv) *Statement of Work by Key Personnel*

No later than February 1st of each year, each Color Scheme that has designated one or more employees as Key Personnel must submit a written Statement of Work on a form provided by SFMTA, demonstrating the number of hours during the previous calendar year that each of its designated Key Personnel worked on tasks related to the business of the Color Scheme, including but not limited to, office duties, dispatching, cashiering, or performing management duties. The Statement of Work shall be signed under penalty of perjury by both the Color Scheme and the Medallion Holder designated as Key Personnel. The Color Scheme shall be responsible for submitting proof of employment with the Statement of Work, which shall consist of state or federal tax forms filed with the appropriate regulatory agency. A Medallion Holder and/or Color Scheme that submit a falsely sworn Statement of Work shall be subject to automatic revocation of his or her Permit.

(v) *Partial Completion of Requirements*

If a Medallion Holder performs at least 750 hours of work as designated Key Personnel for the a Color Scheme during the year but less than 1,500 hours, the Permit Holder shall be entitled to partial credit against the Full-Time Driving requirement on a pro rata basis. The credit shall correspond to

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the percentage of 1,500 hours that the designated Permit Holder worked for the company in such capacity. If a Permit Holder does not perform at least 750 hours of work as designated personnel for the Color Scheme during the year, the Permit Holder shall not be entitled to any credit against the Full-Time Driving requirement.

(vi) Ramped Taxi Permit Holders Ineligible

No Ramped Taxi Permit Holder may be designated as Key Personnel at any time, for any reason.

(e) Additional Conditions Applicable To Ramp Taxi Medallions

In addition to the conditions specified in Section 1104(a), the following conditions are applicable to Ramp Taxi Medallion Holders:

(1) Wheelchair Priority

(A) Ramp Taxi Medallion Holders shall grant priority to requests for service from wheelchair users.

(B) No Ramp Taxi Driver, once dispatched to a "Ramp service" call may accept any other fare while en route to that dispatched call. In the absence of requests for service for passengers in wheelchairs, Ramp Taxis may transport any person.

(2) Approval of Use of Ramp Taxi Medallion in Spare Taxi Vehicle

Notwithstanding any other provisions of law or of this Article, the SFMTA may allow a Ramp Taxi Medallion to be used for the purpose of operating a Taxi upon written request from a Color Scheme. The SFMTA may only approve such request if all of the following requirements are met:

(A) The Taxi must be a spare vehicle approved by the SFMTA;

(B) The Taxi must meet all requirements for operation;

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(C) The Ramp Taxi Medallion cannot be used in the Medallion Holder's Ramp Taxi because that vehicle is out of service or must be replaced;

(D) The Ramp Taxi Medallion cannot be used in a spare Ramp Taxi because none are available at the Color Scheme with which the Ramp Taxi Medallion is affiliated;

(3) Time Limits on Use of Ramp Taxi Medallion in Spare Taxi

A Ramp Taxi Medallion may be used in a spare Taxi for the time that it would take to repair or 30 consecutive days. For good cause shown the SFMTA may extend the time limit beyond 30 days in increments of no greater than 15 consecutive days. In no event shall the total time in which a Ramp Taxi Medallion is used in a spare Taxi exceed 90 days. The authorization to use the Ramp Taxi Medallion in a spare Taxi shall expire by operation of law on the day that the applicable durational limit has been reached, or upon completion of repair or replacement of the Ramp Taxi, whichever occurs first. A Ramp Taxi Medallion may not be used in a spare Taxi for more than 90 days within a twelve-month period.

(4) Operation of Ramp Taxi by Qualified Driver

The Ramp Taxi Medallion Holder and the Color Scheme shall ensure that all persons with whom the Medallion Holder enters into an agreement for the operation of the Ramp Taxi Medallion and every Driver of the Ramp Taxi at all times hold a valid Driver Permit and satisfy the eligibility criteria set forth in Section 1103(h)(5)(A) and 1103(h)(5)(B) of this Article.

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Email comments to:
taxi-driver@sfmta.com

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

**DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1106: TAXI AND RAMP TAXI (VEHICLE) REQUIREMENTS**

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SEC. 1106. TAXI AND RAMP TAXI EQUIPMENT REQUIREMENTS

~~Reserved.~~

(a) All Taxis and Ramp Taxis must be maintained in a safe operating condition. Except as otherwise specified herein, all Taxi and Ramp Taxi Medallion Holders and Color Schemes are jointly and severally responsible for ensuring that all Taxis and Ramp Taxis for which they hold permits or with which they are affiliated meet all equipment requirements listed in this Section. In addition to imposing any applicable penalty for non-compliance with requirements, The SFMTA may remove any vehicle from service for any violation of this Section until the violation is corrected and the vehicle is approved by the SFMTA.

(b) Equipment Placement

The placement or display of any equipment required by this Section 1106 shall not interfere with the Driver's visibility or the operation of any O.E.M. equipment.

(c) Exterior Display of Identifying Information

(1) Vehicle Number

(A) All Taxis and Ramp Taxis shall have the Vehicle Number painted on or applied with adhesive on the vehicle in numerals of a color which contrasts with the color of the rest of the vehicle. Such number shall be at least four inches high and positioned directly under the windows on or within six inches of the forward most portion of both front doors and on the center, lower left or lower right corner of the rear facing portion of the trunk lid of the vehicle.

(B) The Vehicle Number shall be painted on the roof, hood or trunk of the vehicle in a color that contrasts with the color of the rest of the vehicle. The numbers shall be a minimum of 18 inches in length and must fill the entire width of the roof, hood or trunk. If the numbers are displayed on the roof, they shall be mounted and centered directly behind the top light.

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Email comments to:
taxi-driver@sfmta.com

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

**DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1106: TAXI AND RAMP TAXI (VEHICLE) REQUIREMENTS**

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(2) San Francisco Taxicab

The words "San Francisco Taxicab" with letters at least two inches in height, in a color which contrasts with the color of the rest of the vehicle shall be painted or attached by the use of adhesive letters on both sides of the vehicle's rear quarter panels and to the trunk directly above the rear bumper.

(3) Inspection Certificate

All Taxis and Ramp Taxis shall at all times conspicuously display a current and valid SFIA decal indicating satisfactory completion of vehicle inspection as required by Section XX of this Article.

(4) Trade Name

Every Taxi and Ramp Taxi shall have the name of the Color Scheme with which the permit is affiliated painted in letters at least two inches in height on the exterior of the side doors of each side of the vehicle.

(5) Trade Dress

The exterior of every Taxi and Ramp Taxi shall be well painted with the color(s) of the Color Scheme with which it is affiliated.

(d) Interior Display of Information

(1) Rate Card

Every Taxi and Ramp Taxi shall have permanently affixed to the interior of the vehicle, in a place easily visible to passengers, a clear display enclosing a card upon which shall be printed in plain, legible letters the schedule of rates that may be charged for carriage in such vehicle and such other provisions of this Article as the SFMTA may require. The display and its installed location in the vehicle must be approved by the SFMTA.

(2) 311 Card

Every Taxi and Ramp Taxi shall have a clear display to hold a 311 card permanently affixed to the interior of the vehicle in a place readily visible to any passenger. The 311 card must clearly display the Vehicle Number and the

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**DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1106: TAXI AND RAMP TAXI (VEHICLE) REQUIREMENTS**

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.

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name of the Color Scheme in plain, legible letters.

(3) Braille Display

All taxicab vehicles shall have a large sign in Braille mounted on the interior of the right rear door indicating the Vehicle Number and the name of the Color Scheme.

(4) Driver Identification

Every Taxi and Ramp Taxi shall be equipped with a holder for a Color Scheme Identification Card, placed in such a position that any passenger in the vehicle has a clear view of the front of the Driver's photo identification.

(e) Communication Equipment

Every Taxi and Ramp Taxi shall be equipped with direct voice access and two-way communication with a Dispatch Service affiliated with the Taxi or Ramp Taxi.

(f) Taximeters

(1) Seal Required

The Taximeter installed in any Taxi and Ramp Taxi must have a current and valid seal from the Department of Public Health Weights and Measures. Any Taximeter removed from a Taxi or Ramp Taxi with or without its seals intact and placed in the same or another Taxi or Ramp Taxi must be certified and resealed by the Weights and Measures. Any Taxi or Ramp Taxi found to have Taximeter seals that are broken, removed, destroyed, marred or otherwise tampered with will be taken out of service until correctly repaired.

(2) Temporary Operation

Pending a Department of Public Health Weights and Measure inspection, a Taximeter that is new or a Taximeter that has a seal that has been broken, adjusted, repaired or serviced, may be placed in service for 24 hours when properly sealed, installed, replaced or repaired by a licensed technician listed with the Department of Public Health Weights and Measures. If the technician fails to comply with any state laws or regulations governing the

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Taximeter, then the vehicle shall be removed from service until corrected.

(3) Installation

All Taximeter makes and models must meet the approval of the SFMTA prior to their installation in any Motor Vehicle for Hire, and must meet all requirements of the Paratransit Program. The Taximeter shall be mounted no lower than either the lowest portion of the front window frame or the top of the dashboard in an area that is clearly visible at all times by any passenger in the vehicle. The Taximeter shall not be mounted in such a manner as to interfere with the intended function of O.E.M. equipment, including airbags.

(4) Illuminating Devices

Each Taximeter shall be equipped with an illuminating device that enables a passenger to conveniently observe the meter and the amount of fare registered at all times for that trip at all hours of the day and night.

(g) Safety Partition

Safety partitions of a design that is approved by the SFMTA may be installed in Taxi and/or Ramp Taxi vehicles at the option of the Color Scheme.

(h) Emergency Equipment

All Taxis and Ramp Taxis shall have at all times a functional spare tire, a working jack and wrench to replace a flat tire, and 2 flares or 2 freestanding reflectors.

(i) Signage and Displays

Only materials, signs and devices required by law or approved by the SFMTA may be placed on the windows, or displayed or hung inside or outside of a Taxi or Ramp Taxi.

(j) Lights

(1) Standard Lights

All O.E.M. lights must be maintained in working condition as designed, including headlights (high/low beam).

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parking lights, turn signals, tail and brake lights, inside dome light, dashboard lights, license plate light, emergency warning lights and side lights; and, all lenses of such lights are to be reasonably intact. No O.E.M. light may be obstructed or disconnected during operation. The "third" brake light shall be unobstructed and in good working condition at all times. Any additional modifications must have prior approval by the SFMTA.

(2) Top Lights

(A) All Taxis and Ramp Taxis must be equipped with a working top light containing a light or lights permanently attached to the roof of the vehicle, which may either have the name of the Color Scheme printed on it, or the words "Taxicab", "taxi", "cab" or "meter rates". All top lights for the same Color Scheme must be of the same color, shape and lettering.

(B) Each Driver shall ensure that such top light is illuminated at all times except when the vehicle is engaged in the transportation of a passenger. The top light shall turn on while the Taximeter is in the non-recording position and shall turn off while the Taximeter is in the recording position.

(k) Standard Equipment

All Taxis and Ramp Taxis shall have the following standard equipment maintained in good working order such that the equipment functions effectively for the purpose for which it was intended:

- (1) Automatic door locks that can be controlled by the Driver**
- (2) Available and easily visible seat belts in all seating positions where passengers may ride.**
- (3) Rear view mirror and side view mirrors on both sides of the vehicle**
- (4) Speedometer and odometer**
- (5) Horn**
- (6) Heater and air conditioner**
- (7) Door hinges, locks and latches**

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- (8) Doors that operate easily and open and close securely from either the outside or inside of the vehicle.
- (9) Bumpers and body moldings in good condition and properly attached as the manufacturer intended.
- (10) Shock absorbers and springs
- (11) Windshield wipers with blades in good condition
- (12) Suspension
- (13) Steering
- (14) Brakes, including emergency brake
- (15) A holder for the Medallion placed in such a position that it is clearly visible from the front exterior of the vehicle and that is either attached to the dashboard or to the left side of the right front support beam, on the interior of the vehicle.
- (16) Exhaust system compliant with California law.

(l) Tires and Wheels

All tires and wheels of Taxis and Ramp Taxis must comply with the following requirements:

- (1) Meet all requirements of the California Vehicle Code.
- (2) Be of matching design (i.e. all whitewalls or all black walls), and with matching hubcaps attached, either of original manufacturer design or of a design authorized by the SFMTA, unless wheels are of a custom design that does not use hubcaps.
- (3) Only O.E.M.-size tires of the same size used at the time of the Taximeter inspection may be used on any vehicle, including spare vehicles.
- (4) If a Taxi or Ramp Taxi is disabled because of a flat tire and the spare tire is not the O.E.M.

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size for normal operation, the vehicle shall remain out of service until a tire of the correct size is installed.

(m) Windows

All windows and the windshields of Taxis and Ramp Taxis shall be kept clean and clear, both the outside and inside. No additional tinting or reflective material may be placed on any vehicle window except factory installed tinting. Only safety glass with the lowest factory installed tint may be used. Nothing shall be placed in or on any portion of the vehicle in such a manner as to block the Driver's vision.

(n) Cameras

(1) All Taxis and Ramp Taxis shall be equipped with an approved operational security camera meeting SFMTA specifications and signage notifying passengers of the presence of the camera that complies with SFMTA requirements.

(2) The SFMTA shall develop a list of approved camera model/systems and specifications on an annual basis.

(o) Sanitary Condition

(1) Regular Cleaning of Vehicle

No Taxi or Ramp Taxi may be driven unless the interior is clean, orderly and kept free of offensive odors.

(2) Disinfection of Vehicle

A Taxi or Ramp Taxi must be disinfected whenever required in writing by the Department of Public Health.

(3) Interior of Vehicle

Seats, upholstery and rugs shall match the vehicle's interior colors and must be kept in good repair. They must not be torn, separated or ripped. Seat springs may not be broken nor may they protrude through the upholstery. Seats shall be firm and comfortable and the tension of the seat springs shall be evenly distributed. Seat covers may not be used to replace upholstery unless the colors match the vehicle's interior colors and they are sufficiently padded.

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(p) Vehicle Title

The principal vehicle authorized for the operation of a Taxi or Ramp Taxi Medallion may be registered only in the name of the Medallion Holder, Color Scheme, and/or a Driver holding a valid lease for the vehicle that meets the requirements of this Article.

(q) Vehicle Mileage

Starting mileage may not be more than 60,000 miles when a vehicle is placed into service. No vehicle may be operated as a Taxi or Ramp Taxi after the vehicle has reached 350,000 miles.

(r) Vehicle Age

No vehicle may serve as a Taxi or Ramp Taxi vehicle if it is older than eight model years. Beginning January 1, 2010, no vehicle which is older than seven model years may serve as a taxicab. Beginning January 1, 2011, no vehicle which is older than six model years may serve as a taxicab. Beginning January 1, 2012, no vehicle which is older than five model years may be used as a Taxi or Ramp Taxi vehicle.

(s) Inspections

(I) Inspection Required

There shall be inspections of all taxicab vehicles by the SFMTA. Inspections shall be done every six months for spare vehicles and every 12 months for regular vehicles at a date and time designed by the SFMTA, and at any other time deemed necessary. At the time of the scheduled inspection of the vehicle, the Color Scheme or Taxi or Ramp Taxi Medallion Holder must provide the following:

(A) Valid and current State of California vehicle registration card in the name of the Permittees specified in Section 1106(y).

(B) Valid and current Brake Certificate issued by an official inspection station certified by the State of California within 60 days prior to inspection.

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(C) Proof of insurance meeting the requirements of all applicable laws and regulations.

(D) A Vehicle Introduction Form signed and approved by the SFMTA.

(2) New Vehicle

If a new vehicle is purchased for use as a Taxi or Ramp Taxi, the vehicle owner may furnish a written certificate of compliance issued by the automobile dealership in lieu of the documents required in subparagraphs 1106(1)(A) through 1106(1)(D) above, provided that the certificate is dated within 60 days of the annual inspection. The automobile dealership must be certified by the State of California as an official inspection station.

(3) Salvage Vehicle

No vehicle which has been designated as “Salvage” by the California Department of Motor Vehicles may be placed into service as a taxicab unless the vehicle has been inspected and approved by the SFMTA. The SFMTA may require documents to establish the chain of title for Salvage Vehicles.

(4) Inspection Certification

Upon satisfactory completion of all inspection requirements the SFMTA shall affix an SFIA decal and transponder to the Taxi or Ramp Taxi which authorizes the Taxi or Ramp Taxi to be operated for the time period specified upon the decal. All Taxi and Ramp Taxis shall have a valid and current SFIA decal. The decal shall be conspicuously displayed on the Taxi or Ramp Taxi at all times.

(5) Failing Inspection

If, on inspection, the Commission or its designee determines that a vehicle does not meet the requirements described in these Rules and Regulations or in the Municipal Police Code, the vehicle may fail inspection and may be ordered out of service until the condition(s) are corrected. A failed vehicle must be re-inspected and approved by the Commission or its designee before being returned to service and must pass another inspection in six months from the date of return to service. If a vehicle does not return to service within thirty (30) days it shall be permanently out

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of service, except by permission of the Commission or its designee and proof of repair. The decision to pass or fail a vehicle shall be at the sole discretion of the Commission or its designee.

(6) Removal of Vehicle from Service

(A) A Color Scheme shall make any vehicle available for inspection upon SFMTA request. If a Color Scheme fails to make a vehicle available for inspection or if the SFMTA determines that a vehicle is not in compliance with all applicable laws and regulations, the SFMTA may order the vehicle to be removed from service until it passes inspection.

(B) If the SFMTA determines that additional repairs or further inspection of the mechanical condition or safety equipment of a Taxi or Ramp Taxi by a licensed mechanic or technician is necessary, the Color Scheme shall make the necessary repairs or arrangements in order to determine if repairs are necessary, and must provide a statement of findings to the SFMTA from the repair person.

(7) Fraud in Connection with Inspection Prohibited

Misconduct in connection with required inspection is strictly prohibited and is grounds for revocation of a permit. Misconduct may include, but is not limited to, substitution of registered owners on a temporary basis for inspection purposes, or knowingly false statements to SFMTA or SFPD or their designees in connection with an inspection. This Section shall be strictly enforced to ensure the integrity of the San Francisco Taxi fleet and the safety of the public.

(cc) Condition of Vehicle

(1) Vehicle Integrity

The vehicle shall be structurally sound and operate with minimum vibration and noise.

(2) Vehicle Appearance

Vehicle bodies must be free of noticeable dents, rust and holes. A Taxi or Ramp Taxi shall not be placed in service

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if:

(A) *There are visible dents which exceed three square feet in any single area of the exterior surface of the vehicle, provided that the deepest point of depression $\frac{3}{4}$ of an inch deep or greater, or*

(B) *There are visible dents which exceed four square feet of the total exterior surface of the vehicle, provided that the deepest point of depression is $\frac{3}{4}$ inch deep or greater, or*

(C) *There are visible dents which exceed six lineal feet of the total exterior surface of the vehicle, provided that the deepest point of depression is $\frac{3}{4}$ inch deep or greater, or*

(D) *There is any area of the exterior surface of the vehicle that contains a hole larger than six square inches or there is a visible dent which exceeds 144 square inches, provided that the deepest point of depression is more than two inches.*

(dd) **Replacement Vehicles**

Whenever an existing Taxi or Ramp Taxi is replaced with another vehicle, the replacement vehicle must be inspected and approved prior to use.

(ee) **Ramp Taxis**

All Ramp Taxis shall be equipped with a ramp capable of allowing persons using a wheelchair to enter the vehicle without exiting the wheelchair.

(ff) **Spare Vehicles**

(1) **Spare Designation**

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 registered and insured in the name of the Color Scheme as required by all applicable laws and regulations.

(2) **Spare Operation**

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A spare vehicle may operate with a sedan medallion borrowed from an out-of-service vehicle. A spare vehicle may operate with a Ramp Taxi Medallion.

(3) Spare Time Restrictions

A spare vehicle shall only be used to replace a temporarily disabled vehicle that is affiliated with a Medallion.

Color schemes shall notify the Commission or its designee if an individual vehicle will be disabled for more than 72 hours. During any time a spare vehicle is operating, the regular vehicle it is replacing shall be available for inspection by the SFMTA.

(4) Spare Numbers, Issuance

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, except as otherwise approved by SFMTA.

(5) Spare Vehicles, Storage

All spare vehicles shall be kept on the Color Scheme Holder's designated business property when not in actual use with a medallion.

(gg) Retired Vehicles

No Permit Holder may offer any Taxi or Ramp Taxi vehicle for sale to the public until all remnants of the Color Scheme, including the top light and all exterior lettering, numbering, signage, and any other item required to be displayed on a Taxi or Ramp Taxi are removed.

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SEC. 1107. RECORDS AND REPORTING REQUIREMENTS APPLICABLE TO PERMIT

HOLDERS

Reserved.

(a) Requirements Applicable to All Records

Except as otherwise specified herein, all records required to be created and/or maintained by Permit

Holders by this Article shall be subject to the following requirements:

(1) When a signature is required, the record must be signed by a Permit Holder, or in the case of a corporation, by a person authorized to bind the corporation or his or her delegee if accompanied by written documentation of the delegation of signature authority.

(2) The format and content of any records required to be created or maintained, or of any reports or plans required to be filed by Permit Holders by this Article shall be subject to SFMTA approval.

(3) Except as otherwise specified in this Article, all records required to be submitted to the SFMTA may be delivered by any means authorized in this Section 1107. The Permit Holder that is subject to the records requirement shall have the burden of proving that the required records were actually delivered in a manner consistent with this section. SFMTA shall give Permit Holders a receipt for in-person delivery of records. Except where a particular method of delivery is required for a specific records, records may be submitted by any of the following means:

(A) In person by the Permit Holder, or in the case of a corporation, by the person designated in a document on file with the California Secretary of State as an agent of the Permit Holder for the purpose of service of process. The SFMTA may require the Permit Holder's agent to produce documentation of the designation at the time that the filing is submitted. In-person delivery of required documents may be to the following location or other location specified by SFMTA:

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Attention: Taxis and Accessible Services

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th Floor

San Francisco, CA 94103

(B) By first class U.S. Mail, postage pre-paid, addressed to:

Attention: Taxis and Accessible Services

San Francisco Municipal Transportation Agency

1 South Van Ness Avenue, 7th Floor

San Francisco, CA 94103

(C) By fax to [insert fax number]; or

(D) By email to [insert email address]; or

(4) All records required to be maintained by Permit Holders by this Article or by other law or regulation shall be made available for inspection by the SFMTA during normal business hours within three business days of request. The SFMTA may request that Permit Holders submit copies of records or original records within three business days of request. If the Chief of Police indicates that the inquiry relates to a criminal law enforcement investigation, such records shall be provided within one business day of request. In the event that SFMTA requires original records, the SFMTA shall provide the Permit Holder a receipt for any original documents that the SFMTA removes from the Permit Holders' premises, and shall protect and document the chain of custody of such original records until they are returned to the Permit Holder.

(b) Records and Information Requirements Applicable to Drivers

(1) Receipts for Fare to be Delivered to Passenger

All Drivers upon shall provide a receipt for fare paid upon the demand of any passenger.

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(2) Badge and Identification Information

Each Driver shall provide his or her badge number to any passenger upon request.

(3) Medical Examination Certificates

The Driver shall retain the original report or certification completed by the examining physician or laboratory following any physical examination required by this Article, and shall file a copy of the report or certification with the SFMTA.

(4) Waybills

Drivers of Taxis and Ramp Taxis shall produce an accurate and legible Waybill, completed in indelible ink. Each Waybill shall include the following information for the period covered by that Waybill:

- (A) Date of trip;
- (B) Driver's name;
- (C) Driver's Permit number;
- (D) Driver's signature at the commencement of the shift;
- (E) Vehicle Number and vehicle license number;
- (F) Medallion number;
- (G) Starting mileage of the vehicle for the shift;
- (H) Starting meter units for the shift;
- (I) Mileage of the vehicle at the end of the shift;
- (J) Meter units at the end of the shift;
- (K) Number of passengers on each trip;
- (L) Origin and destination of each trip;
- (M) The fare for each trip;

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SECTION 1107: RECORDS AND REPORTING REQUIREMENTS**

TAXI TOWN HALL MEETINGS,

MAY 1, 2009 AT 10:00 A.M.-12:30 P.M. AND 1:30PM-4:00 P.M.

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(N) The time of hire and discharge for each trip; and

(O) A mechanically or electronically generated time stamp showing the starting and ending times of the shift.

(P) Notations of passenger requests for assistance as described in Section 1103(c)(5)(F);

(Q) If the vehicle is temporarily placed out of service because of a mechanical failure, the Driver shall make a notation on the Waybill listing the time the vehicle goes out of service and the time it is returned to service.

(c) **Records and Information Requirements Applicable to Medallion Holders**

(1) Annual Filings Required for Renewal

No Taxi or Ramp Taxi Medallion shall be renewed unless the Permit Holder files a sworn statement by May 1 of every year under penalty of perjury attesting to compliance with this Article and associated state and federal laws on a form designated by the SFMTA. The SFMTA shall provide a receipt to certify that a Medallion Holder may renew his or her permit prior to the December 31 expiration.

(d) **Records and Information Requirements Applicable to Color Schemes**

(1) Waybills

(A) A Color Scheme shall use a Waybill format approved by the SFMTA.

(B) A Color Scheme shall retain original Waybills for all Drivers and Medallion Holders for at least one year at its principal place of business.

(C) Color Schemes shall maintain originals and/or legible copies of Waybills for at least six years to document driving performed by Drivers affiliated with the Color Scheme. Color Schemes may store Waybills more than 12 months old in a secure electronic format, and duplicate copies

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of such electronic record shall be given to Drivers for each year of record. Drivers, Medallion Holders and applicants on the Waiting List are responsible for maintaining their own individual records.

(D) Color Schemes shall store Waybills either alphabetically, numerically or chronologically. If a Color Scheme's Waybills are not so organized, the SFMTA may require the Color Scheme to reorganize the Waybills either alphabetically, numerically or chronologically, and the Color Scheme shall order Waybills in accordance with SFMTA direction within 90 days of SFMTA request. A Color Scheme may request a waiver of such requirement if the Permit Holder demonstrates to SFMTA's satisfaction that its Waybills are already organized in a different manner that allows efficient inspection and auditing by SFMTA. Any Waybills presented to SFMTA for inspection in any manner other than as required or approved by SFMTA may not be counted for compliance with the Full-Time Driving requirement.

(E) If requested, Color Schemes shall provide each Driver duplicate copies of that Driver's Waybills for a prior year in an electronic or paper format. If the Waybills are provided in paper format, the Color Scheme may charge no more than \$0.10 per page, or a flat fee not to exceed \$50 for all Waybills of a Driver for the period of one year.

(2) Medallion Holder Files

Color Schemes must maintain files for each Medallion Holder affiliated with the Color Scheme. Such files shall contain at least written copies of all Leases of Medallions or permits at the Color Scheme's principal place of business, and employment or other applications initiating affiliation with the Color Scheme. Color Schemes shall provide copies to any party to the Lease upon request.

(3) Vehicle Inventory Changes

Prior to placing a vehicle in service for the first time, when changing a vehicle for another, or when

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assigning a new Vehicle Number, the Color Scheme shall submit the information required by this Section to the SFMTA on a Vehicle Introduction Form. No vehicle will be authorized to be placed in service until a complete, correct Vehicle Introduction Form is submitted, which shall contain at least the following information:

- (A) The make, model, VIN number, mileage.
- (B) The Medallion or spare number assigned and the number it is replacing, if applicable.
- (C) The purpose of placing the vehicle into service
- (D) The signature of an authorized representative of the Color Scheme.

(4) Weekly Reporting Requirements

- (A) Weekly Driver Schedule

Every Color Scheme Holder shall maintain a daily schedule, updated weekly, that must at a minimum include: the shift assignment, Driver's name, vehicle number and Medallion number, if different, and the hours worked for that shift. This schedule shall list all Medallions affiliated with a Color Scheme, regardless of Lease type. The schedule shall be made available for inspection by the SFMTA or law enforcement agencies at any time. Color Schemes shall submit electronic copies of the daily schedules to the SFMTA by the fifth day of each month. All original schedules shall be retained at the Color Scheme's principal place of business for a period of not less than six years. Color Schemes shall maintain at the principal place of business the most recent 12 months of schedules in a paper format. Color Schemes may store schedules more than 12 months old in a secure electronic format. The SFMTA may excuse a Color Scheme from retaining schedules for a particular year by certifying that a Color Scheme has submitted all 12 schedules for each month of that year. The SFMTA may grant exceptions for submission

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for companies with exceptionally large schedules or which have an electronic timecard system for schedules.

(B) Weekly Waybill Report

All Color Schemes shall account for Medallion Holders in the weekly Waybill Report. On the first business day of each week, all Color Schemes shall fax to the SFMTA, the names of all affiliated Medallion Holders who have failed to turn in Waybills for the previous week, whether or not that Medallion Holder appears on the Weekly Roster or is otherwise scheduled.

(C) Weekly List of Terminated Drivers

Color Schemes shall fax or email to the SFMTA the names of all Drivers terminated during the prior week. If a Driver is terminated for good cause, including violence or driving under the influence, Color Schemes shall immediately notify the SFMTA and shall not wait for the weekly reporting deadline.

(5) Filings Required for Emissions Compliance

(A) Company Emission Reduction Plans

On June 1, 2009 and June 1, 2010, each Color Scheme Permit Holder shall submit a written Emission Reductions Plan describing the Color Scheme's plans to comply with Municipal Police Code Section 1135.3. The Plan shall provide for implementing reductions evenly over 2009 and 2010. On June 1, 2009, and every year thereafter until June 1, 2011, each Color Scheme Permit Holder shall submit to the SFMTA a written statement on the steps the Color Scheme has taken in the prior year to carry out that year's Emissions Reduction Plan and the results of those efforts.

(6) Annual Filings Required for Renewal

No Color Scheme Permit shall be renewed unless the Permit Holder files the following documents by November 1 of each year:

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- (A) Copy of DMV Pull Notice Contract;
- (B) Current Fictitious Business Name Statement;
- (C) Current City Business Operating Permit;
- (D) Completed Designated Manager Form(s);
- (E) Current list of all affiliated Drivers, Medallion Holders and type of Lease for

each;

(F) Insurance certificates demonstrating compliance with the insurance requirements of this Article for every vehicle and Medallion affiliated with the Color Scheme;

(G) Copy of company drug-free workplace policy;

(H) Blank sample of company Waybill and receipt for Waybill; and

(I) Sworn statement attesting to compliance with this Article and associated state and federal laws.

The SFMTA shall provide a receipt for when all documents required for permit renewal are received in order to certify that a Color Scheme Permit Holder is eligible to renew its permit prior to the December 31 expiration.

(7) Receipts to Drivers

Upon request by a Driver, Color Scheme Holders shall provide receipts for payments for fuel, Gate Fees, Lease fees or any other payment made by Drivers to Color Schemes.

(8) Medical Examination Certificates

Reserved.

(9) Death of Driver or Medallion Holder

Upon receiving notice of the death of a Driver or Medallion Holder affiliated with or employed by a

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Color Scheme, the Color Scheme must notify the SFMTA within 14 calendar days of the notice of the death. If the deceased was a Medallion Holder, then the Color Scheme must return the Medallion within 14 calendar days of notice to the SFMTA.

(e) **Requirements Applicable to Dispatch Services**

(1) **Semi-Annual Service Report**

All Dispatch Services must provide the SFMTA with a semi-annual report that includes, but is not limited to, the number of calls for service received, the number of vehicles dispatched to calls, the number of non-response complaints received, and the number of vehicles that serviced to the requested calls.

(2) **Reports of Found Property**

(A) **Receipt to Drivers**

Every Dispatch Service Permit Holder shall issue a receipt to the Driver for any Found Property located in affiliated vehicles.

(B) **Return to Owner**

Every Dispatch Service Permit Holder shall endeavor to return Found Property to its rightful owner within 2 business days. If the owner cannot be located, the Dispatch Service Permit Holder shall give the property to SFMTA with a receipt that includes an inventory of the property, the date it was turned in, the name of the Driver who turned it in and the vehicle in which it was found.

(C) **High Value Property**

If the property is currency, is of the value of \$100 or more, is a serialized item or an electronic device, or if it contains information that identifies the owner, the Dispatch service Permit Holder shall transfer the property to the SFMTA within two business days with a copy of a Police Report and a Police Incident Report Number and an inventory of the property.

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(D) Property Log Book

Every Dispatch Service Permit Holder shall maintain a log book which records the date, time, Vehicle Number, Driver, Incident Report Number (if applicable), description and disposition of the property at the principal place of business. The log book shall be retained for a minimum period of one year.

(E) Weekly Property Report to SFMTA

On the first business day of each week, each Dispatch Service Permit Holder shall fax to the SFMTA a copy of all entries made in the property log for the previous week. Those Dispatch Services having no entries for that week will fax a notice advising the SFMTA that no property was turned in. Dispatch Services shall account for all affiliated Color Schemes.

(3) Annual Filings Required for Renewal of Permit. No Dispatch Service Permit shall be renewed unless the Permit Holder files the following documents by November 1 of each year:

- (A) copy of current City Business Operating Permit**
- (B) completed Designated Manager Form**
- (C) list of all affiliated Color Schemes**
- (D) copy of company drug-free workplace policy**
- (E) sworn statement attesting to compliance with this Article and associated state and federal laws**

(4) The SFMTA shall provide a receipt for submission of all documents to certify that a Dispatch Service Permit Holder may renew its permit prior to the December 31 expiration.

(f) Requirements Applicable to Corporate Medallion Holders

Any corporation holding a permit issued pursuant to this Article shall maintain a stock register at the principal place of business in San Francisco. The SFMTA may require other specified corporate records

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to be provided to the SFMTA together with other required annual filings. All corporate Permit Holders shall report to the SFMTA in writing any of the following within 30 days of occurrence:

(A) Issuance or transfer of any shares of stock.

(B) Change in any of the corporate officers listed pursuant to Section 312 of the California Corporations Code or successor statute.

(C) Change of any member of its board of directors.

(D) Any notice of suspension or certificate of revivorship issued to the corporation by the California Secretary of State.

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SEC. 1108. ANNUAL DETERMINATION OF NUMBER OF PERMITS

The SFMTA Board will determine whether to restrict the number of a class of permits to be issued and/or whether to issue new permits, and, if so, the number of permits to be issued for each class of permits for the upcoming 12-month period no later than August 1 of each year following public hearing. Based upon the record of the hearing and any further evidence which the SFMTA Board may request, the SFMTA Board will determine the number of each class of permits to be issued, or that no new permits of a particular class will be issued, for the upcoming 12-month period. The Board shall consider any evidence offered at the hearing to establish other means of improving service that would provide the same or greater benefits to the public as increasing the number of permits.

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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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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, 7th 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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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, 2ND FLOOR ATRIUM

**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

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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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.
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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

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SECTION 1110: PERMIT ISSUANCE; INACTIVE APPLICATIONS**

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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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SECTION 1110: PERMIT ISSUANCE; INACTIVE APPLICATIONS**

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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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DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1111: DISCIPLINARY PROCEEDINGS
TAXI TOWN HALL MEETINGS,
MAY 1, 2009 AT 10:00 A.M.-12:30 P.M. AND 1:30PM-4:00 P.M.
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SEC. 1111. DISCIPLINARY PROCEEDINGS

(a) Disciplinary Complaint

In order to initiate a disciplinary proceeding, the SFMTA must present a written complaint consisting of a list of each alleged violation, the alleged facts that establish each violation, and any argument in support of requested disciplinary measure(s) or monetary penalties. The complaint shall not exceed 10 double-spaced pages, excluding exhibits. The SFMTA may include as a part of the complaint any findings that the SFMTA proposes be adopted by the hearing officer.

(b) Scheduling a Disciplinary Hearing

The disciplinary hearing shall be scheduled no sooner than 30 calendar days after the disciplinary complaint is provided to the ~~Permittee~~ Permit Holder unless the parties agree to a different schedule. The ~~Permittee~~ Permit Holder may request a continuance of the hearing by submitting a written request to the SFMTA and to the hearing officer at least five business days prior to the scheduled hearing. The ~~hearing officer~~ SFMTA must grant or deny the request for continuance within ~~10~~ three business days. If the ~~hearing officer~~ SFMTA takes no action on the request within ~~10~~ three business days the request shall be deemed to be granted. If the SFMTA denies the request, it shall immediately forward its decision to the hearing officer, who may also grant or deny the request for continuance in his or her discretion at any time prior to the hearing. If the hearing officer takes no action on the request, the request shall be deemed to be granted. The final decision on the request for continuance shall be provided to the Permit Holder and shall be posted on the SFMTA's website. No continuance of the disciplinary hearing may exceed ~~be granted for a period in excess of~~ 60 days, provided, however, that if there is a pending criminal proceeding against the Permit Holder the

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SECTION 1111: DISCIPLINARY PROCEEDINGS

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hearing officer may suspend the hearing pending final resolution of the criminal case.

(c) Response to Complaint

No later than ~~5~~ five business days prior to the hearing, the *Permittee Permit Holder* may provide the SFMTA and the hearing officer a written response to the disciplinary complaint, along with any additional information the *Permittee Permit Holder* considers relevant to the case. The response shall not exceed ~~10~~ ten double-spaced pages, excluding exhibits, and shall include a list of the witnesses, if any, that the *Permittee Permit Holder* will present at the hearing. The *Permittee Permit Holder* may include as a part of the complaint any findings that the *Permittee Permit Holder* proposes be adopted by the hearing officer.

(d) Presentation of the Case

(1) The SFMTA shall make the initial presentation of its case at the hearing, and shall have the burden of proving, by a preponderance of the evidence, the facts alleged in the complaint and that such facts constitute permit violation(s).

(2) Following presentation of evidence, each party shall have at least ~~5~~ five minutes to present their rebuttal arguments, if any.

(e) Decision

(1) The hearing officer shall issue a written decision within ~~10~~ ten business days of the date of the hearing, and shall include written findings and disciplinary measures or monetary penalties, if any. No later than ~~3~~ three business days following the hearing the SFMTA shall publish a summary of the results of the disciplinary case on the SFMTA website, referenced by the case number, date of hearing and the affected permit number. The decision shall include written findings and disciplinary measures or monetary penalties, if any. If a Taxi or Ramp Taxi permit

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was suspended pending resolution of the case, the decision shall include a finding of whether the matter was resolved substantially in the Permit Holder's favor. The full text of the decision shall be sent to the Permittee Permit Holder no later than the business day following the issuance of the decision.

(2) The hearing officer's decision shall take effect on the date that notice is provided to the Permittee Permit Holder.

(g) The appeal to the Board of Appeals of any decision to revoke a permit for the operation of a Motor Vehicle for Hire shall automatically suspend the permit that is the subject of the appeal for the duration of the appeal, or 90 days, whichever is less.

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DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1112: SUMMARY SUSPENSION OF PERMITS
TAXI TOWN HALL MEETINGS,
MAY 1, 2009 AT 10:00 A.M.-12:30 P.M. AND 1:30PM-4:00 P.M.
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SEC. 1112. SUMMARY SUSPENSION OF PERMIT FOR HEALTH OR SAFETY

REASONS

(a) Summary suspension. When the SFMTA determines that an alleged permit violation poses an ongoing risk to public health or safety, the SFMTA may summarily suspend the permit pending the outcome of a disciplinary hearing conducted pursuant to Section 1111. Any affected *Permittee* Permit Holder shall be given notice of such suspension in writing delivered to said *Permittee* Permit Holder in person or by registered U.S. mail. Such notice shall also contain a statement of the grounds for suspending the permit.

(b) Summary Suspension Hearing; Decision Following Hearing

(1) Any *Permittee* Permit Holder who wishes to challenge the summary suspension of his or her permit may request, in writing, a hearing at which the *Permittee* Permit Holder may show cause why the permit should not be summarily suspended pending the outcome of the disciplinary hearing conducted pursuant to Section 1111. Upon receipt of a *Permittee's* Permit Holder's request for a summary suspension hearing, SFMTA shall promptly set the time and place for said hearing and shall cause notice of such hearing to be delivered to *Permittee* Permit Holder in person or by registered U.S. mail.

(2) The hearing officer shall render a written decision no later than the business day following the summary suspension hearing.

(c) Appeal. A summary suspension is not subject to appeal. Where a permit is revoked after a summary suspension, the revocation shall be effective immediately and, if

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the *Permittee Permit Holder* appeals to the Board of Appeals, shall remain in effect until a final decision is issued by the Board of Appeals.

(d) While a Taxi or Ramp Taxi permit is suspended pursuant to Section 1112, the Color Scheme with which the permit is affiliated may allow the operation of the permit by any person with a valid Driver permit other than the *PermitteePermit Holder*. During the period of suspension any lessee of the permit shall continue to pay Lease Fees to the *PermitteePermit Holder*. The lessee may withhold an amount from each Lease Fee payment representing the actual expenses incurred by the lessee during the prior payment period to maintain the vehicle in accordance with all requirements of this Article, including insurance payments, The lessee must provide documentation of all such expenses to the lessor at the time that any such funds are withheld from Lease Fee payments.

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DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS

SECTION 1112: SUMMARY SUSPENSION OF PERMITS

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DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS

SECTION 1113: NOTICE PROCEDURES

TAXI TOWN HALL MEETINGS,

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SEC. ~~1112.~~ 1113. NOTICES

(a) Posting Notice

Except as otherwise provided herein, all public notices required to be given by the SFMTA pursuant to this Article shall be posted on the SFMTA's official website and in the main branch of the Public Library for no less than ~~3~~ three business days.

(b) Notice of Permit Hearing

When a permit becomes available for issuance the SFMTA shall publish notice in accordance with subparagraph (a), and shall notify the next ~~5~~ five applicants on the Waiting List.

(c) Notice of SFMTA Actions

Except as otherwise provided herein, SFMTA shall post a notice of any determination related to an individual permit or class of permits within ~~5~~ five business days following the hearing in which such determination was made.

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DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS

SECTION 1113: NOTICE PROCEDURES

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DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS

SECTION 1114: FEES, RATES AND CHARGES

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SEC. ~~1113.~~ 1114. FEES, RATES AND CHARGES

At any time during calendar year 2009, the SFMTA Board may review and in its sole discretion, increase or decrease the rates of fare and/or the cap on gate fees applied to motor vehicles for hire. The rates of fare and the cap on gate fees established under these regulations shall be reviewed by the SFMTA Board on an annual basis beginning in 2010. No later than September 1 of 2010 and each year thereafter, the SFMTA Board shall evaluate the rates of fare and cap on gate fees then in effect, and shall determine whether said rates and fees should be increased, decreased or remain unchanged.

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SECTION 1114: FEES, RATES AND CHARGES

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