

SEC. 1104. PERMIT CONDITIONS

(a) Conditions Applicable to All Permits

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(b) Additional Conditions Specific to Driver Permits

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

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(d) Additional Conditions Specific to Accessible Taxi Permits

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(e) Additional Conditions Specific To Dispatch Service Permits

(1) Dispatch Service Performance Standards

Dispatch Service Permittees shall meet the following requirements and performance standards:

(A) Ensure that affiliated Permittees and their business operations adhere to all requirements of this Article and affirmatively report actual knowledge of violations of this Article to the SFMTA.

(B) Maintain and update an emergency plan for Drivers and Dispatchers to follow in emergencies. Each Dispatch Service that currently holds a permit shall file an updated plan by September 1, 2009 and thereafter at the time of annual permit renewal.

(C) Employ a minimum of one operator/call taker on duty for each 75 vehicles in operation. Provide dispatch services 24 hours a day, 365 days per year.

(D) List their 24 hour telephone number and the names of the Color Schemes for which they provide dispatch services in the Yellow Pages section of the telephone book.

(E) Ensure that every service request for an Accessible Taxi is dispatched in a timely manner.

(F) Contact customers within 20 minutes with the vehicle number of the Accessible Taxi assigned to handle the call, or to advise that no vehicle was dispatched.

Discussion Draft – SFTMA Motor Vehicle For Hire Regulations
Permit conditions applicable to Color Scheme and Dispatch Service permits
Taxi Town Hall Meeting March 18, 2009 1:00p.m.-3:00p.m.
1 South Van Ness Avenue, 2nd Floor Atrium

(G) If the call cannot be dispatched to an Accessible 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 and the Vehicle Number of the responding Accessible Taxi.

(H) If there are no Accessible Taxis available, the dispatcher shall record the customer's name and phone number and the names of the other Dispatch Services contacted.

(I) Maintain a current Driver roster from all Color Schemes affiliated with that Dispatch Service, which must be available 24 hours a day for inspection by the SFMTA or the Chief of Police.

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

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

(L) Answer all calls by human or mechanical/device within six rings.

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

(N) Upon request, provide callers with an approximate arrival time of the dispatched vehicle.

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

(P) Require all dispatchers, operators and/or call takers to identify themselves with either their unique individual identifier or their true name upon answering a call.

(Q) Require all dispatchers, operators and/or call takers to give either their individual identifier or their true name and the shift they are working if requested by a caller.

(R) 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.

(2) 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 Permittee shall give notice to the SFMTA of any intended transfer at least 30 days prior to any such transfer.

(3) Workers' Compensation Requirements

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

(4) Emergency Plan Required Annually

Dispatch Service Permittees shall file an updated emergency plan annually at the time of permit renewal.

(f) Additional Conditions Applicable To Color Scheme Permits

(1) Rights of Color Scheme Permittee; Permit Required

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

(2) Reduced Emissions by Color Scheme

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

(3) Color Scheme Permits Transferable

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

(4) Use of Dispatch Service

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

(5) Workers' Compensation Requirements

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

(6) Participation in Paratransit Program

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

(7) Vehicle Maintenance and Cleaning

The Color Scheme is responsible for ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to Accessible Taxi lifts. If any equipment is found to present a hazard or safety issue, then that vehicle shall be put out of service until it is repaired. Every Color Scheme shall provide facilities at its place of business which are adequate for the thorough washing of all affiliated vehicles and which comply with all City environmental and zoning requirements.

(8) Principal Place of Business

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

the SFMTA.

(9) Designated Manager

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

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

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

(10) Posting Requirements

All Color Schemes shall post the following information at their place of business in a place where it is prominently displayed and easily visible to Permittees:

(A) Daily Schedule

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

(B) List of Affiliated Drivers

A list updated daily with all affiliated drivers, including Driver's name, home address, cellular telephone number, Driver permit number, and California driver's license number

(C) Vehicles

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

(D) Certificate of Worker's Compensation

A copy of a current and valid Certificate of Worker's Compensation Insurance and information about filing claims.

(E) 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.

(F) Information Provided by SFMTA

From time to time, other industry-related printed matter to each Driver, including obtaining written acknowledgments of receipt, when requested by the SFMTA.

(11) Telephone Access

Every Color Scheme shall subscribe to a telephone service and cause to be published in the Yellow Pages section of the San Francisco telephone directory, the name of the business, and the telephone number to which requests for service and inquiries about Found Property may be addressed. The published telephone number shall not be used to operate other businesses or services. If a change occurs in the name of the company or telephone number under which taxi service is provided the Color Scheme shall, within 10 days, make the necessary notification and request to change the listing in the Yellow Pages section of the San Francisco telephone directory. During those times when the current listing in the Yellow Pages section of the San Francisco telephone directory is incorrect or when a new listing cannot be made until the next printed copy is published and circulated, the Color Scheme shall maintain a current listing, including the name of the company and telephone number, with the San Francisco Directory Assistance Operator and the City's 311 system.

(12) Staffing Requirements

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

- (A)** Receive inquiries about Found Property on a 24 hour basis.
- (B)** Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.
- (C)** Comply with all state laws regarding Found Property.

(13) Controlled Substance Testing Program; Controlled Substances

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

(B) No Color Scheme having actual knowledge that a Driver who tested positive for a controlled substance shall not permit the Driver to operate a taxicab until such time as the Driver has tested negative.

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

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

(14) Medical Certification of Drivers

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

(15) 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.

(16) Spare Vehicles

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

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

(C) Color Schemes that are affiliated with one or more Accessible Taxis shall maintain a sufficient number of spare Accessible Taxi vehicles. If three or fewer Accessible Taxi Medallions are affiliated with a Color Scheme, only one Accessible Taxi Medallion may be used in a spare Taxi vehicle at any one time. For each additional 3 Accessible

Taxi Medallions, or any fraction thereof, affiliated with a Color Scheme, an additional Accessible Taxi Medallion may be used in a spare Taxi.

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

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

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

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

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

(17) 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.

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