

THIS PRINT COVERS CALENDAR ITEM NO. : 11

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Administration, Taxis and Accessible Services

BRIEF DESCRIPTION:

Requesting the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors to adopt amendments to Transportation Code, Division II, Article 1100 governing Motor Vehicles for Hire.

SUMMARY:

- The SFMTA Board has adopted regulations governing motor vehicles for hire that are published as Article 1100 of Division II of the Transportation Code.
- Staff has continued to work with the taxi industry and with Hearing Section of Administration, Taxis and Accessible Services Division to identify improvements to the hearing procedures for hearings conducted pursuant to Article 1100 and proposes amendments to the regulations to implement those procedural improvements.
- In consultation with the Taxi Detail of the San Francisco Police Department, staff has identified issues associated with eligibility requirements for new drivers and proposes language in order to clarify taxi driver eligibility requirements.

ENCLOSURES:

1. SFMTAB Resolution
2. Proposed amendment to Transportation Code, Division II, Article 1100.

APPROVALS:

DATE

DIRECTOR OF DIVISION
PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION
BE RETURNED TO Chris Hayashi

ASSIGNED SFMTAB CALENDAR DATE: _____

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PURPOSE

- To create more efficient administrative procedures.
- To improve hearing procedures.
- To clarify eligibility requirements for Driver Permit applicants.
- To continue to refine, improve, consolidate, clarify and update regulations governing motor vehicles for hire in anticipation of publishing a booklet of regulations for the industry.

GOAL

Goal 1: Customer Focus: To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy

Objective 1.1: Improve safety and security across all modes of transportation

Clarifying entry requirements for new taxi drivers will allow better screening of applicants for public safety.

Goal 3: External Affairs/Community Relations: To improve the customer experience, community value, and enhance the image of the SFMTA, as well as ensure SFMTA is a leader in the industry

Objective 3.1: Improve economic vitality by growing relationships with businesses, community, and stakeholder groups

Objective 3.2: Pursue internal and external customer satisfaction through proactive outreach and heightened communication conduits

Objective 3.3: Provide a working environment that fosters a high standard of performance, recognition for contributions, innovations, mutual respect and a healthy quality of life

Improved hearing procedures will support the SFMTA's relationship with the taxi business community that it regulates.

Goal 4: Financial Capacity: To ensure financial stability and effective resource utilization

Objective 4.2: Ensure efficient and effective use of resources

Staff will be able to reduce the resources required to process permit applications and disciplinary actions through improved hearing procedures.

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Goal 5: SFMTA Workforce: To provide a flexible, supportive work environment and develop a workforce that takes pride and ownership of the agency's mission and vision and leads the agency into an evolving, technology-driven future.

Objective 5.1: Increase resources available to employees in performing their jobs (tools, staff hours, etc)

Improved hearing procedures will increase the credibility of SFMTA staff within the industry that it regulates, and will facilitate the processing of Motor Vehicle for Hire Permit applications by SFMTA staff and hearing officers.

DESCRIPTION¹

Section 1102(i): The definition of "Full-Time Driver" was missing the specification that driving hours occur during a single calendar year and created the inaccurate impression that a Medallion Holder must elect the "Full-Time Driving" calculation that is met first in time. The intent of this definition is to allow medallion Holders to choose whether to meet the 800 hour or the 156 shift standard for a particular calendar year.

Sections 1103(c)(2)(F), 1104(a)(4), 1108(b): This section is amended so that convictions that would render an applicant ineligible to become a taxi driver are listed but the SFMTA is given the flexibility to look beyond the list of specifically enumerated crimes and inquire as to the risk to public safety posed by the applicant in light of prior convictions. The age of convictions, their seriousness or frequency of repetition, and a subsequent history of safe driving could be the basis for the SFMTA's denial or approval of an applicant whose specific convictions are or are not specifically enumerated in the regulation.

Section 1104(c)(2): This section is amended to remove the limitation that the SFMTA may only administer a written test to applicants. The SFMTA should have the flexibility to design written, oral or practical tests for permit applicants.

Section 1104(c)(3): The language of this regulation as written is misleading and needs to be amended to clarify that the Full-Time Driving requirement to qualify for a Medallion only applies to four out of the five calendar years preceding the year in which the hearing is held. Language is also added to prevent the invalidation of a Waybill for the purpose of establishing compliance with the Full-Time Driving requirement solely on the basis of a minor technical defect in filling out the Waybill.

Section 1104(d): The proposed amendment to this Section would clarify that the 400 hours of Ramp Taxi driving requirement that is required to be eligible for a Ramp Taxi Medallion must be completed within the six months preceding the applicant's submittal of the completed application materials and that the time period is not measured from the time that the hearing is scheduled on the application.

¹ Capitalized terms in this report are defined in Transportation Code Division II, Article 1100.

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Section 1105: The amendments to Section 1105 involve moving text from elsewhere and relocating it into the more appropriate context of Section 1105(a)(2)(B).

Section 1106(o): Due to a current backlog of Medallions being issued, the SFMTA is not currently able to re-issue Medallions to applicants on the Waiting List as soon as they are turned back into the SFMTA. Accordingly, when a Medallion Holder dies, the SFMTA's repossession of that medallion would result in a Taxi or Ramp Taxi being removed from service until the Medallion is re-issued. Drivers assigned to that vehicle would lose shifts and business would lose gate fee payments during the time that the Medallion is inactive. This amendment would allow the SFMTA to authorize continued operation of the Medallion so long as it would not prejudice someone on the Waiting List and is in the public interest. The amendment also gives the SFMTA the authority to collect the Medallion lease payments while the Medallion remains active at the Color Scheme and until such time as the SFMTA requires its return so that it can be re-issued. This Section would not allow the SFMTA to keep a deceased person's Medallion at a Color Scheme if the medallion could be issued to a person on the Waiting List. Color Schemes would remain under an absolute duty to report the death of a Medallion Holder in accordance with the timelines specified in the regulations.

Section 1107(e): This amendment clarifies that an in-vehicle radio need not be able to both broadcast and receive transmissions at the same moment in time (*e.g.* like a duplexing speakerphone) but rather that the radio must have the capacity to both receive and transmit communications.

Section 1108(c)(2): This paragraph implements a requirement of state law that a Driver permit become 'void' during any period in which the driver is not working for a Color Scheme. However, the nature of the San Francisco taxi industry is such that Drivers may come and go for long periods of time. It would constitute an unnecessary hardship to San Francisco Drivers if they had to re-apply to become a taxi driver every time they ceased working for an extended period during which their permit would have otherwise remained active. The same purpose can be achieved if the Driver permits are officially rendered inactive during the period that the Driver doesn't work, subject to being restored if the Driver returns to work.

Section 1109(a)(3): At the industry's request, the SFMTA had previously removed any substantive criteria for the "approval" required for a Medallion Holder to transfer their Medallion from one Color Scheme to another. This is reasonable considering that the parties are private business owners and so long as both parties are Permit Holders in good standing there are no grounds to direct or prevent a transfer of a willing Medallion Holder to a qualified Color Scheme. However, in one recent instance the Color Scheme alleged that the transfer would cause irreparable harm because the Medallion secured a private loan and the Color Scheme procured a temporary restraining order to prevent the transfer. The SFMTA was not named in the order, and it was not clear whether the Agency should permit or deny the transfer under those circumstances. The amendment allows any aggrieved party to go to court to prevent the transfer under similar circumstances, and allows the SFMTA to make a decision consistent with a court's order even though the Agency is not named in the order.

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Section 1116, 1117(d): Subsection (c) is moved from Section 1117 without change, except that in subsection (c)(2) a sentence is added to the end of the subsection to provide that if a person is removed from the Waiting List because they failed to respond to SFMTA communication attempts, the applicant can request a hearing at any time within six months of the notice that the application is considered inactive and request a hearing to show good cause why the applicant failed to respond to the communications and request reinstatement to the Waiting List. It is also clarified that the hearing officer has authority to continue the hearing when appropriate for up to 60 days or longer if there is good cause for the continuance.

Section 1117: Details about the responsibility for scheduling hearings, the parties' ability to agree in writing to a different schedule, the official date of a hearing officer's determination and other minor procedural details are addressed by the amendments to this Section.

Section 1120: At the request of the industry, a provision was added that would allow revocation of a Medallion if the applicant presented false or fraudulent evidence to the SFMTA about the applicant's eligibility for the Medallion. The provision for the mandatory revocation or suspension of a permit based on enumerated circumstances currently in Section 1120(b) is proposed for deletion, as disciplinary matters should be handled on a case by case basis.

Section 1121: The SFMTA is required to maintain a list of applicants who were removed from the Medallion Waiting List on the website for a period of at least six months.

ALTERNATIVES CONSIDERED

The proposed amendments are designed to address problems that have surfaced after the current version of the regulations went into effect in June 2009. If the proposed amendments to the regulations are not adopted, taxi-related permit and hearing functions will continue operating at less than optimal efficiency. Without the proposed amendments hearing procedures will continue to be unclear and permit eligibility requirements will be unnecessarily restrictive.

FUNDING IMPACT

This item would not involve any additional cost to the SFMTA. The amendment to Section 1106(o)(5) would bring nominal revenue to the SFMTA because it would have the right to receive lease payments from Color Schemes for the continued operation of a Medallion when the SFMTA is not able to promptly re-issue the Medallion to another person on the waiting list.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None.

RECOMMENDATION

Staff recommends that the SFMTA Board adopt the proposed amendments to Transportation Code Division II, Article 1100.

The City Attorney's Office has reviewed this item.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The Board of Directors of has adopted regulations governing the Motor Vehicle for Hire industry that are codified in Transportation Code, Division II, Article 1100; and

WHEREAS, Staff of the Taxi Section of the Division of Administration, Taxis and Accessible Services (ATAS) has continued to work with the taxi industry and with Hearing Section of ATAS to identify potential improvements to procedures for hearings conducted pursuant to Article 1100; and

WHEREAS, ATAS proposes amendments to the regulations to implement improvements to Article 1100's permit hearing procedures; and

WHEREAS, In consultation with the Taxi Detail of the San Francisco Police Department, staff has identified issues associated with interpreting eligibility requirements for taxi drivers; and

WHEREAS, ATAS proposes amendments to the regulations in order to clarify taxi driver eligibility requirements; and

WHEREAS, Certain additional technical corrections are needed to optimize the implementation of Article 1100 regulations; now therefore, be it

RESOLVED, The Board of Directors approves and adopts amendments to Article 1100 of Division II of the Transportation Code, regulating motor vehicles for hire.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of _____.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

[Amending Article 1100 of Division II of the Transportation Code.]

Amending Article 1100 of Transportation Code Division II, regulating Motor Vehicles for Hire.

Note: Additions are *single-underline italics Times New Roman*;

deletions are ~~*strikethrough italics Times New Roman*~~.

Board amendment additions are double underlined.

Board amendment deletions are ~~strikethrough normal~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco do enact the following regulations:

Section 1. The San Francisco Transportation Code is hereby amended by amending Article 1100 to Division II, Sections 1102 -1109 to read as follows:

SEC. 1102. DEFINITIONS

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

(a) “Administrative Probation” shall mean the status of being substantially out of compliance with this Article according to by a written determination of Administrative Probation issued by the SFMTA.

(b) "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 issued by the SFMTA, including any owner, manager, employee, lessee, and any agent of such business.

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

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- (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, employee, lessee and any agent of said service.
- (f) **“Dispatch Service Permit”** shall mean a permit issued by the SFMTA to operate a Dispatch Service in the City.
- (g) **"Driver"** shall mean either a 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 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) **“Driver Roster”** shall mean a daily shift schedule listing the shift assignment, Driver’s name, vehicle number and Medallion number, if different, and the hours worked for that shift.
- (j) **"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.
- (k) **“Found Property”** shall mean any personal property found in or about a Motor Vehicle for Hire by a Driver or delivered to a Driver, Color Scheme or Dispatch Service by any person who has found such property.

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- (l) **"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, during a calendar year ~~whichever shall come first~~.
- (m) **"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 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.
- (n) **"In-Taxi Equipment"** shall mean hardware and software that enables the real-time processing of paratransit debit card transactions and consisting of, at a minimum, a Taximeter, magnetic swipe reader, user interface (display and function buttons), high speed receipt printer, GPS receiver, cellular modem and antennae (cellular and GPS).
- (o) **"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.
- (p) **"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.

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- (q) **"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 Medallion Holder for the privilege of operating that Medallion during a particular shift, or for any period of time.
- (r) **"Medallion"** shall mean a permit issued by the SFMTA to operate a particular Taxi or Ramp Taxi vehicle in the City.
- (s) **"Medallion Holder"** shall mean the person or entity to whom a Medallion was issued.
- (t) **"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.
- (u) **"Motor Vehicle for Hire Permit"** shall mean a permit issued by the SFMTA 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.
- (v) **"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.)
- (w) **"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.
- (x) **"O.E.M."** shall mean any equipment installed on a vehicle when the vehicle was initially manufactured.
- (y) **"Paratransit Broker"** shall mean the contractor retained by SFMTA to administer the Paratransit Program.

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- (z) **"Paratransit Coordinating Council"** shall mean the community advisory committee which advises the SFMTA regarding paratransit services.
- (aa) **"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.
- (bb) **"Permit Fee"** shall mean a fee in an amount established by the SFMTA Board, required to be paid by a permit applicant 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.
- (cc) **"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 such Permit Holder including, but not limited to, any owner, manager, employee or lessee of such Permit Holder.
- (dd) **"Police Department"** shall mean the Police Department of the City and County of San Francisco.
- (ee) **"Ramp Taxi"** shall mean a Taxi that is specially adapted with access for wheelchair users.
- (ff) **"Ramp Taxi Medallion"** shall mean a permit issued by the SFMTA to operate a particular Taxi vehicle that is specially adapted with access for wheelchair users.
- (gg) **"Ramp Taxi Program"** shall mean the SFMTA program that oversees the delivery of transportation services to individuals whose disabilities require the use of vehicles equipped with a ramp.

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(hh) "**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.

(ii) "**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.

(jj) "**SFMTA**" shall mean the San Francisco Municipal Transportation Agency of the City, or any predecessor agency with regulatory jurisdiction over Motor Vehicles for Hire.

(kk) "**Taxi**" shall mean a vehicle operated pursuant to a Taxi or Ramp Taxi Medallion 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.

(ll) "**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.

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

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

SEC. 1103. PERMIT APPLICATIONS

(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 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

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(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) Additional Requirements Applicable to Driver Permit Applications

(1) Application Requirements

In addition to complying with all applicable 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
- (E)** Enclose two recent photographs of the applicant of passport photo size, taken no more than 12 months prior to the 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:

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- (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, or 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* that would, in the judgment of the SFMTA, present a risk to public safety if the permit is granted, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, or violence against a person, reckless disregard for public safety, two or more recent convictions of drug-related offenses, or two or more recent convictions of driving under the influence, whether or not such convictions occurred while driving a Motor Vehicle for Hire. The SFMTA may, in its discretion, issue a permit notwithstanding prior convictions if, following review of an individual case, it determines that the applicant or Permit Holder does not pose a current risk to public safety;
- (G) Have attained the age of 21;
- (H) Speak, read and write the English language;
- (I) Reserved: Controlled Substance Testing Program.

SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(d) Additional Requirements Applicable to Taxi and Ramp Taxi Medallion Applications

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

(A) Every applicant for a Taxi or Ramp Taxi Medallion must continuously 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 to reaffirm their desire to keep their applications active.

(e) Additional Requirements Applicable To Ramp Taxi Medallion Applications

(1) Limitation on Acceptance of Other Permits

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

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

SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

(A) 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 at any time 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.

(B) 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 subsections (C) and (D) 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.

(C) If, at the completion of the six-month notice 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.

(D) 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 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.

(f) Additional Requirements Applicable to Non-Standard Vehicle Permit

Applications

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(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.

(g) Additional Requirements Applicable To Dispatch Service Permit Applications

(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.

(h) Additional Requirements Applicable To Color Scheme Permit Applications

Reserved.

SFMTA REGULATIONS GOVERNING MOTOR VEHICLES FOR HIRE

SEC. 1104. ELIGIBILITY

(a) 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:

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

(2) 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.

(3) 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.

(4) Any prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if a permit is granted or renewed, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, or violence against a person, reckless disregard for public safety, or two or more recent convictions of driving under the influence within the preceding five years, whether or not such convictions occurred while driving a Motor Vehicle for Hire. The SFMTA may, in its discretion, issue a permit notwithstanding prior convictions if, following review of an individual case, it determines that the applicant or Permit Holder does not pose a current risk to public safety.

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(b) Burden of Proof on Applicant

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

(c) Eligibility for a Medallion

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

(2) Each applicant for a Taxi or Ramp Taxi Medallion shall submit all completed application materials, including Waybills and forms, and take ~~the written examination~~ any written, oral or practical examination required by the SFMTA within 45 calendar days of the date of the notice informing the applicant of the availability of a Medallion. ~~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.~~

(3) 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 ~~the calendar year immediately preceding the hearing, and during~~ any four of the five calendar years immediately preceding ~~that~~ the calendar year in which the hearing is held. 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. Only written Waybills completed in compliance with Section 1109(c)(5) may be used to establish eligibility for a Medallion for the purposes of this Section; provided, however, that minor technical Waybill defects shall not in themselves preclude counting a Waybill toward the Full-Time Driving requirement.

(d) Eligibility For Ramp Medallion

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The SFMTA shall not issue a Ramp Taxi Medallion to an applicant unless the applicant provides written documentation of the following requirements:

(1) The applicant has been a Full-Time Driver of a Ramp Taxi for at least 400 hours during the six months immediately preceding the applicant's submittal of completed application materials pursuant to Section 1104(c)(2), hearing on the permit application,

(2) The applicant has completed at least 156 wheelchair pickups in the City as a ~~an~~ Ramp Taxi Driver during the 12 months immediately preceding the permit hearing.

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

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

(5) SFMTA certification of satisfactory aptitude and attitude necessary for an Ramp Taxi Medallion Holder.

(6) 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.

SEC. 1105. GENERAL PERMIT CONDITIONS

(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

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Scheme, without a permit issued by the SFMTA authorizing such driving or operation in accordance with this Article.

(2) *Business Permits Held By Businesses; ~~Named Individual~~; Taxi Medallions Held by Individuals*

(A) 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.

(B) No Taxi or Ramp Taxi 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.

(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

(A) Unless earlier revoked or suspended, Taxi and Ramp Taxi Medallions 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.

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(B) As a condition of renewal, a Permit Holder must meet the eligibility requirements required for new applicants listed in Section 1104, 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 Oakland and San Francisco International Airports, San Francisco Department of Public Health, 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, or his or her designee, 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 immediately respond to any SFMTA or Police Department emergency request.

(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, or his or her designee, 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

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peace officer or to the SFMTA or withhold information on any matter relating to regulatory compliance.

(9) Continuous Operation Requirement; Temporary Suspension; Revocation

(A) With the exception of Non-Standard Vehicle Permit Holders and Medallion Holders who obtained their Medallion prior to June 6, 1978, 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) Permit Holders may temporarily suspend permit operations only with the prior written approval of the SFMTA. SFMTA approval is not required in the case of bona fide emergencies, natural disasters or other similar major events beyond the control of the Permit Holder.

(C) Upon written request 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 temporary suspension if the other Permit Holder is qualified and such operation would be in the public interest. This subparagraph (C) does not suspend the application of the Full-Time Driving requirement.

(D) If a 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, as

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determined by the Permit Holder's substantial compliance with all permit conditions, then SFMTA may immediately revoke the permit.

(E) This subsection (9)(E) does not apply to Driver Permits.

(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.

(11) Lease of Taxi and Ramp Taxi Medallions

Reserved.

(12) Participation in Paratransit Program

Each Color Scheme, Dispatch Service, Medallion Holder and Driver meeting the qualifications established by the SFMTA 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 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

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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.

(16) Payments Due

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

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

SEC. 1106. CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS

In addition to all other conditions applicable to a Color Scheme Permit, each Color Scheme Permit Holder shall meet the following requirements and performance standards:

(a) 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

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business. Any major 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. 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.

(b) 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 affiliated with the Color Scheme.

(c) Use of Dispatch Service

Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service utilized by the Color Scheme. 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 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.

(d) Principal Place of Business

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All Color Schemes shall maintain a principal place of business within the City, which must be staffed by at least one person Monday through Friday from 9:00 A.M. to 5:00 P.M., excepting federal 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.

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

A Color Scheme must obtain the prior written approval of the SFMTA before changing its principal place of business, selling or otherwise transferring the business. Prior to approving a transfer of a Color Scheme Permit the SFMTA shall conduct an investigation to ensure that the proposed transferee meets all requirements of this Article.. For the purpose of this subsection, the transfer of a business means the 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.

(f) Telephone Access

Every Color Scheme shall subscribe to a telephone service and publish the name of the business, the Color Scheme Permit number 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 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 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, the Color Scheme shall

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maintain a current listing, including the name of the company and telephone number, with the San Francisco directory assistance (411) and the City's 311 system.

(g) Designated Manager

(1) 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 Motor Vehicle for Hire Permit issued by the SFMTA 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.

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

(3) Designation of a manager for purposes of this subsection 1106(g)(3) does not qualify the manager as Key Personnel for the Color Scheme.

(h) Staffing Requirements

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:

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

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

(3) Receive and respond to communications and information requests from the SFMTA.

(4) Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.

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

(i) Workers' Compensation Requirements

Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

(j) Participation in Paratransit Program

Color Schemes qualifying for the Paratransit Program must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. Thereafter, each such Color Scheme shall operate at all times subject to the rules and regulations of the Paratransit Program, and every contract entered into between a participating Color Scheme and a Driver affiliated with that Color Scheme shall require the Driver to operate at all times subject to the rules and regulations of the Paratransit Program.

(k) Vehicle Maintenance and Cleaning

(1) 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.

(2) 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:

(A) Ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to Ramp Taxi ramps, wheelchair securements and In-Taxi Equipment.

(B) 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

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working order, or if the Taximeter seal (paper, wire, etc.) is broken, removed, destroyed, marred or otherwise tampered with.

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

(4) When a Color Scheme receives notice from a Driver assigned to a Taxi or Ramp Taxi vehicle that any equipment in or on that vehicle is unsafe, the Color Scheme is required to promptly provide the Driver with another Taxi or Ramp Taxi vehicle that is in compliance with this Article.

(I) Spare Vehicles

(1) Taxis or Ramp Taxis 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.

(2) A spare vehicle may operate with a Medallion borrowed from a Taxi or Ramp Taxi. Spare vehicles shall only be used to replace temporarily disabled Taxi or Ramp Taxi vehicles. During any time a spare vehicle is operating, the Taxi or Ramp Taxi it is replacing shall be available for inspection by the SFMTA.

(3) During any time a spare vehicle is in operation as a Motor Vehicle For Hire, the Taxi or Ramp Taxi it is replacing shall be available for inspection by the SFMTA.

(4) 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

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

(5) 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.

(6) 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.

(7) 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.

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

(m) 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 Department of the Environment 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.

(n) 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:

(1) Certificate of Worker's Compensation

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

(2) Gate Fees

The amounts charged for Gate Fees including the amount charged for each available shift over the seven days of the week.

(3) 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.

(o) Required Notifications

(1) Color Schemes must notify the SFMTA of any injury accident involving any *Motor Vehicle for Hire Taxi or Ramp Taxi* affiliated with the Color Scheme within 24 hours of the accident.

(2) Color Schemes must notify the SFMTA in advance of any change in the name, address or telephone number under which taxi service is provided by the Color Scheme. A change of name or address require the prior approval of the SFMTA.

(3) Color Schemes 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.

(4) Color Schemes must notify the SFMTA when Found Property is returned to its owner.

(5) Death of Driver or Medallion Holder

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Upon receiving notice of the death of a Driver or Medallion Holder affiliated with or employed by a Color Scheme, the Color Scheme must notify the SFMTA within 14 calendar days of receipt 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. The SFMTA, may, in its discretion, extend the deadline for return of the Medallion to the SFMTA if it determines that the Medallion could not be promptly re-issued to an applicant on the Waiting List, and that such an extension would be in the public interest. During any such period of extension any medallion lease payments made by the Color Scheme to the former Medallion Holder shall be paid to the SFMTA as of the 15th day following the notice of death and until such date as the SFMTA requires the return of the Medallion.

(p) Color Scheme Obligations Related To Drivers

(1) 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.

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

(3) A Color Scheme shall not charge an applicant for a Driver Permit for the statement of affiliation required by Section 1103(c)(1)(F).

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

(5) 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.

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(6) A Color Scheme shall not charge a Driver for any merchant account processing fees for fares paid by credit card.

(q) Controlled Substance Testing Program; Controlled Substances

(1) Reserved: Controlled Substance Testing Program.

(2) A Color Scheme having actual knowledge that a Driver has tested positive for a controlled substance as defined in 40 Code of Federal Regulations Title 49 shall not permit the Driver to operate a Taxi or Ramp Taxi until such time as the Driver has tested negative.

(3) Color Schemes shall maintain drug- and alcohol-free workplaces.

(4) No Color Scheme having actual knowledge that a Driver has used and is currently under the influence of a intoxicating or controlled substance, as defined in 21 Code of Federal Regulations Section 1308.01 et seq., shall permit that Driver to operate or continue to operate a Taxi or Ramp Taxi.

(r) Found Property

(1) Color Scheme Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be found, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

(2) If the Found Property is currency, is of the value of \$100 or more, is either a serialized item or an electronic device or contains owners identification information, within 30 calendar days the Color Scheme Permit Holder or the designee shall transfer the property to the Taxi Detail, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.

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(3) Color Scheme Permit Holders shall advise passengers claiming to have lost property of value in a taxicab, to make a lost property police report if their property has not been found. Color Schemes shall not inform customers to call 311 to report or recover Found Property.

(s) Dissolution Plan

Any Color Scheme that will be terminating its business operations as a Color Scheme and surrendering its permit shall file a dissolution plan with the SFMTA at least 30 days prior to the date that the Color Scheme anticipates that it will cease to respond to requests for taxi service. The dissolution plan shall include but not be limited to plans for the disposition of records and preservation of Waybills and Driver Rosters, Driver and Medallion Holder files and Leases, handling Found Property, notifying the public of the termination in service and contact information for future inquiries.

SEC. 1107. 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:

- (a)** 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.
- (b)** 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.
- (c)** Promptly dispatch a Ramp Taxi in response to Ramp Taxi service request, and, within 20 minutes of receiving the Ramp Taxi service request, the Dispatch Service must:

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- (1) Contact the customer who requested a Ramp Taxi with the vehicle number of the Ramp Taxi assigned to handle the call, or to advise the customer that no Ramp Taxi has been dispatched; or
 - (2) If the call cannot be dispatched to a Ramp Taxi affiliated with a Color Scheme that uses that Dispatch Service within 20 minutes, call another Dispatch Service to handle the request, and then call the customer with the name and telephone number of the Color Scheme of the responding Ramp Taxi; or
 - (3) Advise the customer that no vehicle was dispatched.
 - (4) If there are no Ramp Taxis immediately available to respond to a customer's request, record the customer's name and phone number and the names of the other Dispatch Services contacted.
- (d) 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 Taxi or Ramp Taxi was dispatched to respond to the call.
- (e) Maintain the capacity to *simultaneously* broadcast and to receive transmissions from every Taxi or Ramp Taxi operating under their service.
- (f) 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.
- (g) Contact customers who have requested a return call if a vehicle has not been dispatched within 20 minutes of the call.
- (h) Upon customer request, call back customers with an approximate arrival time of the dispatched vehicle.

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

(j) 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.

(k) 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.

(l) 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.

(m) Workers' Compensation Requirements

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

(n) Found Property

(1) Dispatch Service Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be found, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

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(2) If the Found Property is currency, is of the value of \$100 or more, is either a serialized item or an electronic device or contains owners identification information, within 30 calendar days the Dispatch Service Permit Holder or a designee shall transfer the property to the Taxi Detail, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.

(3) Dispatch Service Permit Holders shall advise passengers claiming to have lost property of value in a taxicab, to make a lost property police report if their property has not been found. Color Schemes shall not inform customers to call 311 to report or recover Found Property.

(4) Dispatch Service Permit Holders shall notify SFMTA when an item of Found Property is returned to its owner.

SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS

(a) Driver Identification

Upon issuance of a Driver Permit, the SFMTA will issue to each Driver the following identification:

(1) 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.

(2) 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

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Motor Vehicle for Hire. The badge shall only be worn by the Permit Holder to whom the badge is issued.

(3) 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.

(b) Renewal of Driver's Permits

(1) 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 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.

(2) Controlled Substance Testing Program: Reserved.

(3) Drivers have an affirmative duty to report any criminal convictions which would be a basis for denying a permit pursuant to Section 1103(c)(2)(F). *The SFMTA may refuse to renew a permit if the Permit Holder would not be eligible to receive a new permit pursuant to A Driver Permit shall not be renewed if he or she has been convicted of any offense listed in Section 1103(c)(2)(F).*

(4) Controlled Substances

(A) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, as defined in 21 CFR 1308.01 et seq. including prescription drugs. No Driver may consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

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(B) Drivers shall maintain a drug and alcohol-free workplace and shall not sell, use, or possess alcohol or controlled substances, as defined in 21 CFR 1308.01 et seq., while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

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

(1) All Drivers must notify the SFMTA at least three business days prior to the effective date of any change of affiliation with a Color Scheme. No Driver may affiliate with a Color Scheme that ~~is~~ is on administrative probation pursuant to Section 1118(g).

(2) In accordance with California Government Code Section 53075.5(b)(1)(B), a Driver's Permit shall ~~become void~~ be suspended for any period during which the Driver is not affiliated upon termination of affiliation with a Color Scheme.

(3) A Driver shall return his or her Color Scheme Identification Card to the Color Scheme 30 calendar days after terminating affiliation with the Color Scheme, and shall return his or her A-Card to the SFMTA 30 calendar days after terminating affiliation with the Color Scheme if by that date the Driver has not yet affiliated with a new Color Scheme

(d) Driver Duties at Beginning of Shift

(1) A Driver is required to perform a safety check on a 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 ramp and securement system. If the Driver finds any unsafe equipment, 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.

(2) A Driver is required to perform a communications test at the commencement of each shift to determine that there is functional communications equipment capable of both

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receiving and transmitting voice information. If communications equipment is not functional, that vehicle shall be taken out of service until such time as the communications equipment is functional.

(3) A Driver is responsible for ensuring that their vehicle is supplied with the following items:

(A) 311 card;

(B) Current copy of book of regulations issued by SFMTA;

(C) A supply of receipts, preprinted with the name of the affiliated Color Scheme; and

(D) Current maps of San Francisco and San Mateo counties or a functional GPS device;

(E) Working flashlight;

(F) Working ballpoint pen with black or blue ink;

(G) SF Paratransit manual trip ticket forms;

(H) Manual credit card transaction device and forms.

(4) 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.

(e) Driver Duties During Shift

(1) 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, or

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paratransit passengers within the Paratransit Program service area, 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.

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

(3) No Driver may refuse to transport a person with a physical disability in the front seat to accommodate the person's physical disability.

(4) A Driver shall not refuse to transport any service animal, or a secured, well-behaved and/or contained animal except when the Driver has documentation from a licensed physician of a medical condition that prevents contact with that type of animal on file with the SFMTA.

(5) A Driver shall, if requested, take reasonable measures to 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.

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(6) 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.

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

(8) 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.

(9) Except as prohibited by the rules of the Paratransit Program, 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 in any amount in excess of the fare shown on the Taximeter at the time that the last passenger reaches their destination.

(10) 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

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passenger request for any particular broadcast station or other passenger listening preferences.

(11) 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.

(12) 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.

(13) 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.

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

(15) Ramp Taxi Service

(A) Every Ramp Taxi Driver must log on the In-Taxi Equipment at the beginning of the shift.

(B) Every Ramp Taxi Driver 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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(C) 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.

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

(16) 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 when the tip is only capable of being added to a payment only by action of the Driver.

(17) The Driver must keep any audio communication device required by this Article at an audible volume, or any visual communication device visible to the Driver at all times during the shift.

(18) Drivers shall, at the beginning of a trip, inform any passenger whose 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 in accordance with Section 1122(b)(2) .

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

(20) Drivers shall, at the beginning of a trip, inform passenger(s) whose 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.

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(21) Drivers may charge a passenger less than the fare shown on the Taximeter at the end of a trip.

(22) 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.

(23) 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.

(24) Upon discovery, a Driver shall report the Found Property to the Dispatch Service immediately, and shall take reasonable measures to attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered. 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 or Dispatch Service at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme or Dispatch Service, stating 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.

(25) If during the course of the work shift, any equipment failure makes the continued operation of the Taxi or Ramp Taxi unsafe, including but not limited to a Ramp Taxi without the required number of functional tie-down securements and lap/shoulder seat belts, then the Driver shall immediately return to vehicle to the Color Scheme to be taken out of service.

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

(27) 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.

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

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

(30) 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.

(31) Drivers shall be clean in dress and person.

(32) 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.

(33) No Driver shall burn any substance, drink, or eat while a passenger is in the vehicle.

(34) Resolution of Fare Disputes

In any case of fare dispute between the Driver and passenger(s), the Driver shall call the police or, with the consent of the passenger, 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 or her original destination without additional charge.

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(f) Duties at End of Shift

(1) Drivers shall turn in all completed Waybills to the Color Scheme at the conclusion of each shift.

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

(3) 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 or Dispatch Services' place of business, and shall obtain a receipt for the item regardless of value.

(g) A Driver must return his or her A-Card to the SFMTA 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 consecutive days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the A-Card on file until the Driver informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the A-Card to the Driver so long as all Filing Fees and Permit Fees are paid and the Driver remains qualified for the permit.

(h) Controlled Substance Testing Program

Reserved.

SEC. 1109. CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS

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

(1) 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

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business. Color Schemes shall not unreasonably withhold the use of the trade dress and place of business once affiliation has been approved.

(2) 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.

(3) 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 prior approval of the SFMTA. A Medallion Holder's request for affiliation with a Color Scheme shall be approved unless the Color Scheme is on Administrative Probation pursuant to Section 1118(g). *The SFMTA may delay or deny a change in Color Scheme affiliation by a Medallion Holder if a court of competent jurisdiction issues a temporary or permanent order to prohibit or delay the transfer.*

(b) Use of Dispatch Service

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

(c) Full-Time Driving Requirement

(1) Every Medallion Holder subject to the provisions of this section 1109(c) shall be a Full-Time Driver.

(2) Exception for Certain Permits

Notwithstanding any contrary provision in this Article, the requirements set forth in this Subsection 1109(c) shall not apply to any person holding a Medallion issued on or before June 6, 1978.

(3) Declaration Required

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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.

(4) Qualifying Vehicle

All Medallion Holders must drive the Taxi or Ramp Taxi associated with their Medallion when complying with Subsection 1109(c) unless that vehicle is unavailable.

(5) Medallion Holders Responsible for Documenting Compliance

A Medallion Holder has the responsibility to maintain his or her own business records, including Waybills. Only written Waybills completed in compliance with all requirements may be used to meet the Full-Time Driving requirement. 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 1109(c) or any other requirement.

(6) Partial Years

During the year that a Medallion is first issued or any year in which operation of the Medallion was temporarily suspended with the approval of the SFMTA in accordance with Section 1105(9), the number of driving hours required to meet the Full-Time Driving Requirement shall be reduced by the same proportion as the ratio of the Permit Holder's excused driving hours to the hours remaining in the calendar year.

(7) Exception for Color Scheme Key Personnel

(A) Alternative Driving Requirement

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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 year as Key Personnel for the Color Scheme.

(B) 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 1109(c)(7) must file a written designation by December 1st of the preceding 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.

(C) Number of Key Personnel Designated 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.

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

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.

(D) 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.

(E) 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

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entitled to partial credit against the Full-Time Driving requirement on a pro rata basis. The credit shall correspond to 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.

(F) Ramped Taxi Permit Holders Ineligible

Ramped Taxi Permit Holders are not eligible to be designated as Key Personnel.

(d) Corporate Medallion Holders

(1) Permits Void in Event of Transfer or Sale of Permit Holder

Any Medallion held by a Permit Holder that is not a natural person shall be deemed null and void and revoked if any of the following circumstances has occurred since the issuance of the Medallion:

(A) If the Medallion Holder is or was sold or transferred at any time after June 6, 1978. For the purposes of this Section, a sale or transfer occurs upon a cumulative sale or transfer of either 10 percent or more of the stock or other ownership of the Medallion Holder, or 10 percent of the Permit Holder's assets since June 6, 1978, unless such sale or transfer has the prior written approval of the SFMTA.

(B) If the management or control of the Permit Holder is or has been transferred for consideration since the issuance of the permit;

(C) If the Medallion Holder's rights to receive income derived from the lease of a permit is assigned, transferred or sold.

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Section 2. The San Francisco Transportation Code is hereby amended by amending Article 1100 to Division II, Sections 1116 -1117 to read as follows:

SEC. 1116. GENERAL PROVISIONS GOVERNING HEARINGS

(a) Definitions.

For the purpose of Sections 1116 through 1118, "SFMTA" shall refer to the SFMTA's Taxi Section *Taxis and Accessible Services Division*. The term "hearing officers" as used in those Sections refer to individuals assigned to the SFMTA's Hearing Section, and designated by the SFMTA Board of Directors to conduct hearings as described herein.

(b) Hearing Procedures for SFMTA Actions and Determinations; Appeal

(1) If the SFMTA takes any of the following actions or makes any of the following determinations the SFMTA shall provide notice of such action or determination to the applicant and/or Permit Holder.

(A) Denies a permit application for any permit other than a Taxi or Ramp Taxi Medallion; or

(B) Revokes a permit pursuant to Section 1105(a)(9)(D) (non-operation) or Section 1113; or

(C) Refuses to renew a permit pursuant to Section 1105(a)(5)(B)

(D) Determines that an application for any permit is inactive pursuant to Sections 1103(b)(2) or , 1103(b)(4) or 1103(b)(5); or

(E) Determines that a Permit Holder is subject to Administrative Probation pursuant to Section 1118(g);

(2) The applicant or Permit Holder who has received notice of an SFMTA action or determination listed in 1117(b)(1) may request a hearing on the action or determination by submitting

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to SFMTA a request for hearing within 20 business days of the date that the notice is personally delivered or sent to the applicant or Permit Holder by registered mail. In the event that the application is determined to be inactive pursuant to Section 1103(b)(5), the applicant may request a hearing on the determination at any time within 180 days of date that the notice is personally delivered or sent to the applicant.

(3) A hearing on the action or determination shall be scheduled within 60 calendar days from the date that the applicant or Permit Holder submitted a request for hearing. The SFMTA shall provide the complete application and/or grounds for the action taken and the results of any investigation to the Hearing Section upon receipt of a request for hearing.

~~(b)~~(c) **Ex Parte Communications**

(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.

(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.

(3) Except as permitted by these procedures and any applicable laws and regulations, there shall be no contact between the Taxi Section ~~Taxis and Accessible Services Division~~ and the Hearing Section with respect to any pending case. This prohibition does not

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preclude ~~the two SFMTA Divisions from communicating~~ communications about administrative, procedural or policy matters that do not involve any pending case regarding any individual permit or permit application.

~~(e)~~(d) **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.

(3) 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~~ all parties.

(4) The hearing officer may, in his or her discretion, continue the hearing for not more than 60 days or for a longer period based on good cause shown.

~~(d)~~(e) **Public comment**

Public comment is not required during hearings governed by Sections 1116 through 1118 but may be permitted in the sole discretion of the hearing officer.

~~(e)~~(f) **Notices**

(1) Any notice, filing or other communication required to be provided to any person(s) by Sections 1116 through 1118 shall be delivered by personal delivery or

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registered U.S. mail to ~~both~~ the last known address of the intended recipient that is on file with the SFMTA.

(2) If the SFMTA is unable to determine the intended recipient's mailing address, the local agency shall post the notice for at least 10 calendar days.

(3) 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:

San Francisco Municipal Transportation Agency

~~Division of Taxis and Accessible Services, Permits~~ Taxi Section

1 South Van Ness, 7th Floor

San Francisco, CA 94103

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

San Francisco Municipal Transportation Agency

Hearing Section –Taxis

11 South Van Ness

San Francisco, CA 94103

(5) The date of any notice, filing or other communication directed to the SFMTA or the Hearing Section shall be the date that it is received at one of the locations listed above.

(6) Notice of Violation.

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Any notice of violation shall contain sufficient information to identify the alleged violator, to inform the alleged violator of the alleged violations of statute, ordinance or regulation, and the procedures for protesting the allegations contained in the notice.

SEC. 1117. PERMIT ISSUANCE; INACTIVE APPLICATION

(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.

(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) — *Hearing Procedures for SFMTA Actions and Determinations; Appeal*~~

~~(1) — *If the SFMTA takes any of the following actions or makes any of the following determinations the SFMTA shall provide notice of such action or determination to the applicant and/or Permit Holder.*~~

~~(A) — *Denies a permit application for any permit other than a Taxi or Ramp Taxi Medallion; or*~~

~~(B) — *Revokes a permit pursuant to Section 1105(a)(9)(D) (non operation) or Section 1113; or*~~

~~(C) — *Refuses to renew a permit pursuant to Section 1105(a)(5)(B)*~~

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~~(D) — Determines that an application for any permit is inactive pursuant to Sections 1103(b)(2) or 1103(b)(4) or 1103(b)(5); or~~

~~(E) — Determines that a Permit Holder is subject to Administrative Probation pursuant to Section 1118(g);~~

~~(2) — The applicant or Permit Holder who has received notice of an SFMTA action or determination listed in 1117(c)(1) may request a hearing on the action or determination by submitting to SFMTA a request for hearing within 20 business days of the date that the notice is personally delivered or sent to the applicant or Permit Holder by registered mail. In the event that the application is determined to be inactive pursuant to Section 1103(b)(5), the applicant may request a hearing on the determination at any time within 180 days of date that the notice is personally delivered or sent to the applicant.~~

~~(3) — A hearing on the action or determination shall be scheduled within 60 calendar days from the date that the applicant or Permit Holder submitted a request for hearing. The SFMTA shall provide the complete application and/or grounds for the action taken and the results of any investigation to the Hearing Section upon receipt of a request for hearing.~~

~~(4) — Prior to making a decision on a permit application, SFMTA may refer the permit application to a hearing officer for hearing if there 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.~~

(c) Hearing Schedule and Exchange of Information

(5) (1) The SFMTA shall *schedule notice* a hearing prior to the issuance of any Taxi or Ramp Taxi Medallion at least 30 calendar days prior to the scheduled hearing date.

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~~(6)~~ (2) An applicant or Permit Holder is entitled to a continuance of the hearing date, of up to 60 days in the *hearing officer's SFMTA's* sole discretion, if a written request is submitted to the *SFMTA hearing officer* at least 14 calendar days prior to the scheduled hearing.

~~(7)~~ (3) The SFMTA may present a summary of its investigation of no more than ten double-spaced pages, excluding exhibits, no less than 20 calendar days prior to the hearing.

~~(8)~~ (4) No less than five *business calendar* days prior to the hearing, the applicant or Permit Holder 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 ten double-spaced typed pages, excluding exhibits. If the applicant or Permit Holder intends to present witnesses at the hearing, it shall present a list of these witnesses at least five calendar days prior to the hearing.

(5) *The parties may alter the hearing schedules specified in this Article by prior written mutual agreement on a schedule other than the schedule specified in this Article.*

(9)-(d) Burden of Proof

The burden of proof shall be on the applicant or Permit Holder to establish that the applicant meets all requirements. *In the case of a hearing on a determination that a permit application is inactive pursuant to subsection 1103(b)(5), the burden of proof shall be on the applicant to show that there was good cause for the applicant's failure to respond to SFMTA notices regarding the status of the application.*

~~(10) *If the hearing officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit within ten business days of the hearing officer's determination. If an applicant is contesting his or her removal from a Waiting List, and the hearing officer determines that the applicant is eligible for the Medallion and has met all permit application requirements, the SFMTA shall restore the applicant to their place on the Waiting List. If an applicant is contesting a*~~

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~~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. If a Permit Holder contests revocation of a permit, and the hearing officer determines that grounds for revocation of the permit do not exist, then the SFMTA shall restore the permit.~~

(e) Notice of Decision

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 60 calendar days of the hearing. The date of the hearing officer's written decision shall be deemed the date of the determination for the purposes of this Article. 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.

(f) Results of Hearing

~~(10) If the hearing officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit within 10 business days of the hearing officer's written decision. If an applicant is contesting his or her removal from a Waiting List, and the hearing officer determines that the applicant is eligible for the Medallion and has met all permit application requirements, the SFMTA shall restore the applicant to their place on the Waiting List. If an 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. If a Permit Holder contests revocation of a permit, and the hearing officer determines that grounds for revocation of the permit do not exist, then the SFMTA shall restore the permit.~~

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Section 3. The San Francisco Transportation Code is hereby amended by amending Article 1100 to Division II, Sections 1120 -1121 to read as follows:

SEC. 1120. REVOCATION OF PERMITS

(a) Revocation or Suspension for Cause

Any permit issued under this Article may be suspended or revoked by the SFMTA for good cause after a noticed hearing. "Good cause" hereunder shall include, but shall not be limited to, the following:

- (1) A Medallion Holder ceased to be a Full-Time Driver.
- (2) A Permit Holder failed to pay a permit fee within 90 days following notice of nonpayment.
- (3) A Permit Holder or the lessee of a Permit Holder's permit operated without the insurance required by this Article.
- (4) A Permit Holder or an agent of a Permit Holder knowingly made false statements to or concealed information from the SFMTA or the Chief of Police.
- (5) A Permit Holder has failed to satisfy any judgment for damages arising from unlawful or negligent operation under any permit issued under this Article.
- (6) A Permit Holder has been convicted of any crime *that would disqualify them from holding a permit pursuant to listed in* Section 1103(c)(2)(F).
- (7) *A Permit Holder obtained their permit by presenting false or fraudulent evidence, or presented false or fraudulent evidence to the SFMTA or the Chief of Police for the purpose of supporting another person's permit application.*
- (8) The Permit Holder has been convicted of violating any statute or ordinance governing the operation or licensing of the vehicles and services regulated by this Transportation Code.

(b) Mandatory Revocation or Suspension

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The SFMTA shall have discretion to suspend or revoke a permit as set forth above, except that a suspension and/or revocation shall be mandatory in the circumstances described in Subsections (1) through (6) above.

(b) ~~(e)~~ Revocation of More Than One Permit

Where a person violating this Article holds more than one permit to operate a Motor Vehicle for Hire in the City, the SFMTA may revoke or suspend all such permits.

SEC. 1121. 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 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 five applicants on the Waiting List.

(c) Notice of SFMTA Permit Actions

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

(c) Notice of SFMTA Permit Application Actions

If the SFMTA determines that a taxi medallion permit application is inactive, it shall post notice on the SFMTA's official website for a period of at least 180 days.