

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Requesting the Board to adopt amendments to Transportation Code Sections 1102, 1103, 1104, 1105, 1108, 1109, 1110, 1111 and 1116 of Article 1100 to require a ramp taxi medallion holder to make eight wheelchair pickups per month, change the expiration date for permits, exempt some electric vehicle taxi medallions from permit application and renewal fees, eliminate the provisions authorizing jitney permits, clarify that a holder of a purchased medallion may sell the purchased medallion regardless of age or disability status, provide that a qualified medallion seller will lose his or her eligibility to sell the medallion if he or she declines to execute a sales agreement within 15 days of notice that the SFMTA has located a qualified medallion buyer who is prepared to proceed with the sale, and reopen the pilot program to specified medallion holders; and amending Article 310 of Division II to include a fine for failure to make the required number of wheelchair pickups per month.

SUMMARY:

- This proposed legislation would implement a number of changes to Division II, Article 1100 of the Transportation Code, as follows:
 1. Creates a ramp taxi enforcement program to hold ramp taxi medallion holders responsible to ensure all drivers of the vehicle are qualified, and to require service to at least eight wheelchair users per month, with a \$150 penalty for non-compliance, and provision for 90-day suspension for repeated violations;
 2. Eliminates six month notice requirement for leaving the ramp taxi program;
 3. Waives application and renewal fees for two battery-switch electric vehicle permits;
 4. Creates documentation requirements for applications to transfer a color scheme permit;
 5. Eliminates mandatory December 31 permit expiration date for permits;
 6. Eliminates the financial responsibility inquiry for driver and medallion permit applicants;
 7. Eliminates jitney bus provisions left over from the Police Code; and
 8. Re-opens the opportunity to sell medallions to individuals subject to the full-time driving requirement who attain the age of 65 or older as of December 31, 2011, or who have a disability that prevents them from fulfilling the full-time driving requirement, clarifies that a medallion purchaser may sell regardless of age or disability, and that a medallion seller can be removed from the list of qualified sellers if they decline to sell their medallion within 15 days after an offer is made.

ENCLOSURES:

1. SFMTAB Resolution
2. Amendments to Transportation Code Article 1100

APPROVALS:

DATE

DIRECTOR _____ 11-28-11

SECRETARY _____ 11-28-11

ADOPTED RESOLUTION BE RETURNED TO Chris Hayashi

ASSIGNED SFMTAB CALENDAR DATE: December 6, 2011

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PURPOSE

The purpose of this item is to implement an effective ramp taxi enforcement program, to re-open the opportunity for a limited number of medallion holders to sell their medallions pursuant to the Taxi Medallion Sales Pilot Program and to make other changes to Article 1100 of the Transportation Code.

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

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

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

DESCRIPTION

This proposed legislation would make the following changes to Division II, Article 1100 of the Transportation Code:

Ramp Taxi Program Improvements:

The Paratransit Debit Card program has given SFMTA staff extremely detailed information about taxi service provided to wheelchair users in San Francisco. The data accurately shows which ramp taxi drivers are serving customers who use wheelchairs, and which ramp taxis are rarely or never used to transport wheelchair users.

Current regulations contain an unenforceable requirement that ramp taxi drivers give wheelchair users priority, and service at least three wheelchair calls per shift, “if available.” Non-performing ramp drivers often indicate that their dispatch service doesn’t have the ability to provide enough wheelchair service requests to meet the standard. SFMTA Accessible Services calculates that if every ramp taxi were to equally divide the demand for wheelchair pick-ups, each driver could serve eight requests for wheelchair service per month.

The proposed legislation creates a ramp taxi enforcement program to complement the ramp taxi incentive program that has already been implemented by Accessible Services, which gives cash payments to the ramp drivers with the most wheelchair pick-ups. It would make the ramp medallion holder responsible for ensuring that all drivers of the vehicle are qualified, and that the vehicle provides service to at least eight wheelchair users per month, at least six of which would have to be documented through the Paratransit Debit Card system (SFMTA Accessible Services has calculated that approximately 20-25 percent of wheelchair trips are for customers who do not use the Paratransit Debit Card). Ramp medallion applicants would also have to document 100 of the required 156 wheelchair pick-ups through the Paratransit Debit Card system. The legislation includes a \$150 penalty for non-compliance that would be assessed against

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the medallion holder and a provision for 90-day suspension for repeated violations, during which time the company would continue to operate the medallion, but would pay a lease fee of \$1,900 per month into the Driver Fund, instead of paying the medallion holder. The legislation also places responsibility on the ramp driver to give priority service to wheelchair users.

If enacted, the proposed regulation may require ramp taxi medallion holders to change color schemes in order to access a greater number of wheelchair service requests, or non-performing dispatch services may have to work to increase the number of calls for service that they receive from wheelchair users in order to accommodate their ramp taxi medallion holders.

The legislation would also eliminate the requirement that a ramp medallion holder give six months prior written notice before leaving the ramp taxi program, as there appears to be no currently valid reason for the rule.

Battery Switch Electric Taxi Permit Fees

The proposed legislation would waive application and permit fees for two battery-switch electric vehicles.

The SFMTA was recently awarded a \$7 million grant to deploy electric taxis. The first electric taxi vehicles anticipated for use in San Francisco will be specially manufactured battery-switch vehicles owned by the private firm, Better Place, and will be acquired and operated pursuant to grant requirements and a Public Private Partnership Agreement currently being negotiated between the SFMTA, Better Place and the City of San Jose. Staff will bring that agreement to the Board for approval when it is ready.

In addition to the grant funding, Better Place will be investing more than \$10 million in the electric taxi project between 2011 and 2017, and intends to recover some portion of those costs through the collection of gate fees from drivers of electric taxis. SFMTA staff and Better Place are working to identify the expected costs of operation and potential for cost recovery between 2012 and 2017.

The Board authorized the issuance of two temporary electric vehicle medallions at its meeting of August 2, 2011. These vehicles are anticipated to be in operation between 2012 and 2015 (Phase One of the grant project). The permits will be held by Better Place the vehicles will be operated through an existing color scheme as an affiliate lease. Staff will return to the Board for the issuance of additional temporary permits as needed for 25 additional electric taxis expected to be operated between 2014 and 2017 (Phase Two of the grant project) to fulfill the grant conditions. The proposed legislation would waive permit fees for the Phase One electric vehicle medallions during the anticipated three-year lifetime of those vehicles. This waiver of permit fees only applies to the first two battery-switch vehicles, and not to the additional 25 vehicles that are anticipated in 2014.

Unlike permanent medallions, these temporary electric vehicle medallions do not require investigation to qualify an applicant or to enforce a driving requirement because they will be held by the firm Better Place until they expire at the end of the grant project. Accordingly, the one-time permit application and annual renewal fees could be waived for these temporary electric vehicle medallions without any effect on the cost recovery of the medallion permit program.

Taxi Medallion Sales Pilot Program Amendments

The Taxi Medallion Sales Pilot Program (Pilot Program) has successfully transferred more than 150 taxi

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medallions to medallion purchasers. Because the language of the Transportation Code is not specific on the point, there is a need to clarify the transferable nature of taxi medallions purchased through the Pilot Program to specifically provide that medallion purchasers may re-sell their medallions at any time without having to qualify to sell by age or disability.

In addition, due to the success of the Pilot Program, this legislation would re-open an opportunity for medallion holders who are subject to the full-time driving requirement to sell their medallion if they attain the age of 65 by December 31, 2011, or if they suffer from a disability that prevents them from fulfilling the full-time driving requirement. This would exclude “pre-K” medallion holders, who purchased their medallions before 1978 when Proposition K created the system for medallion distribution to working taxi drivers by seniority.

Pre-K medallion owners over age 70 had an opportunity to sell their medallions when the Taxi Medallion Sales Pilot Program was first initiated in May of 2010. Out of several hundred pre-K medallion holders who would have been eligible to sell their medallions, only 30 pre-K medallions were actually sold, and the owners of 26 pre-K medallions who had initially expressed an interest in selling later declined when offered the opportunity to go through with the sale.

The Taxi Advisory Council (TAC) passed a resolution (10-4) at its September meeting in favor of lowering the age for qualified sellers from age 70 to age 60. The TAC also reviewed a draft of this proposed legislation that would have opened the opportunity to sell to medallion holders aged 60 and older at its October 24, 2011 meeting, but that limited the opportunity to sellers who are subject to the full-time driving requirement. The TAC generally supported the legislation, but extensively debated whether to distinguish between medallion holders with (“post-K”) and without (“pre-K”) a driving requirement.¹ The TAC voted on a resolution urging the Board not to exclude pre-K medallion holders from future medallion sales, but to allow them to sell their medallions regardless of whether they are subject to a driving requirement. The vote was tied so the resolution did not pass.

Following the TAC’s review of the proposed legislation, staff compiled data for medallion holders and determined that there are approximately 365 medallion holders between the ages of 60 and 70, and approximately 135 medallion holders between the ages of 65 and 70. Given the fact that the Board has not yet adopted a long term policy for medallion distribution, staff considered it prudent to limit the number of medallions that are allowed to be sold through the Pilot Program to the smaller number held by medallion holders age 65-70. The TAC is in the process of developing recommendations for the long-term distribution of medallions that will be presented to the Board as soon as it is finalized.

Finally, this legislation provides that if a seller who has elected to participate in the Pilot Program later declines an offer to sell his or her medallion, the SFMTA may remove that seller from the list of medallion sellers. The list of medallion sellers who elected to participate in the Pilot Program when it was initiated in May of 2010 has been reduced substantially. But some of the prospective sellers declined to sell when an offer to sell was made, or asked to be put at the end of the list of sellers. Sellers need to make a final decision about whether they want to sell within a reasonable period of time, or the Pilot Program will never be brought to a close. If the Board approves this item, staff will send a notice to all remaining

¹ Anyone who acquired a medallion before Proposition K was passed in 1978 holds a “pre-K” medallion and is exempt from the Proposition K requirement that a medallion holder be a working taxi driver who drives at least 800 hours per year.

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qualified sellers of their rights under this new rule. And the new rule will also apply to sellers who elect to participate in the Pilot Program if it is reopened pursuant to this legislation.

Other Amendments

The proposed legislation makes certain other ‘housekeeping’ changes to the Transportation Code:

1. It creates documentation requirements to be applied when a color scheme permit requests permission to transfer the permit. These requirements were developed in consultation with the Paratransit Broker.
2. It eliminates the mandatory December 31 permit expiration date for all permits in favor of a more flexible provision that continues to limit permits to one year, but allows the SFMTA to change the expiration date in order to make permit renewal more convenient for permit holders and to reduce instances in which staff are overwhelmed by permit renewal volume.
3. It eliminates an unnecessary financial responsibility inquiry for driver and medallion permit applicants.
4. It eliminates legacy jitney bus provisions left over from the Police Code. Currently there are no jitney bus operators in San Francisco with a permit from the SFMTA.

The City Attorney has reviewed this report.

ALTERNATIVES CONSIDERED

The proposals contained in this legislation have been reviewed by the Paratransit Coordinating Council and the Taxi Advisory Council. Their suggestions were taken into consideration and incorporated where appropriate.

FUNDING IMPACT

Medallion Fee Waiver for Battery-Switch Electric Vehicles

The first phase of the battery-switch electric vehicle project involves two electric taxis that are anticipated to operate between 2012 and 2015. If application (\$1,646.50) and renewal (\$1,247.50) fees are waived for the first two battery switch vehicles over the projected vehicle life, the total amount of fees waived would amount to less than \$5,000, assuming a three year-vehicle life.

A Taxi Investigator spends a good portion of his or her work day either qualifying medallion applicants as full-time taxi drivers, or investigating non-driving medallion holders. In the case of medallions issued for the operation of battery-switch electric vehicles this work will not be necessary, as these temporary medallions will be held by Better Place during the lifetime of the grant project and will be subject to the terms and conditions of the Public Private Partnership Agreement. These permits will not be held by a taxi driver. Accordingly, waiver of the loss of these permit fees will not adversely affect cost recovery of the medallion permit program.

Medallion Sales Pilot Program Amendments

The amendments related to the Taxi Medallion Sales Pilot Program are anticipated to bring additional

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revenue to the agency in the form of transfer fees on medallion sales in the amount of \$37,500 per sale. Since medallion sales are voluntary for qualified sellers, it is not possible to predict with precision the amount of new revenue that is anticipated.

Ramp Taxi Program

There would also be incidental revenue from penalties for ramp taxi violations.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None.

RECOMMENDATION

Staff recommends that the SFMTA Board adopt amendments to Transportation Code Sections 1102, 1103, 1104, 1105, 1108, 1109, 1110, 1111 and 1116 of Article 1100 to require a ramp taxi medallion holder to make eight wheelchair pickups per month, change the expiration date for permits, exempt some electric vehicle taxi medallions from permit application and renewal fees, eliminate the provisions authorizing jitney permits, clarify that a holder of a purchased medallion may sell the purchased medallion regardless of age or disability status, provide that a qualified medallion seller will lose his or her eligibility to sell the medallion if he or she declines to execute a sales agreement within 15 days of notice that the SFMTA has located a qualified medallion buyer who is prepared to proceed with the sale, and reopen the pilot program to specified medallion holders; and amending Article 310 of Division II to include a fine for failure to make the required number of wheelchair pickups per month.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The SFMTA was recently awarded \$6 million in grant funds to deploy electric taxis that will be specially manufactured battery-switch vehicles owned by the private firm Better Place; and,

WHEREAS, Better Place will be investing more than \$10 million in the electric taxi project between 2011 and 2017, and intends to recover some portion of those costs through the collection of gate fees from drivers of electric taxis; and,

WHEREAS, Permit application and renewal fees could be waived in the case of these temporary electric vehicle medallions without any effect on the cost recovery of the medallion permit program; and,

WHEREAS, There is a need to specify the transferable nature of taxi medallions purchased through the Taxi Medallion Sales Pilot Program (Pilot Program), to specifically provide that medallion purchasers may re-sell their medallions at any time without qualifying by age or disability; and,

WHEREAS, Legislation is needed to clarify that once a seller declines an offer to sell their medallion they can be removed from the list of medallion sellers; and

WHEREAS, Enforceable standards for ramp taxi medallion holders and drivers are needed in order to improve the level of taxi service to wheelchair users in San Francisco; and

WHEREAS, Certain other amendments are needed to improve the administrative regulation of San Francisco taxi industry; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts amendments to Transportation Code Sections 1102, 1103, 1104, 1105, 1108, 1109, 1110, 1111 and 1116 of Article 1100 to require a Ramp Taxi Medallion Holder to make eight wheelchair pickups per month, change the expiration date for permits, exempt some electric vehicle taxi medallions from permit application and renewal fees, eliminate the provisions authorizing jitney permits, clarify that a holder of a purchased medallion may sell the purchased medallion regardless of age or disability status, provide that a qualified medallion seller will lose his or her eligibility to sell the medallion if he or she declines to execute a sales agreement within 15 days of notice that the SFMTA has located a qualified medallion buyer who is prepared to proceed with the sale, and reopen the pilot program to specified medallion holders; and amending Article 310 of Division II to include a fine for failure to make the required number of wheelchair pickups per month.

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

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1st/2nd/3rd offense
CONDITIONS APPLICABLE TO ALL PERMITS		
Div II § 1105(a)(14)	Current address	\$25
Div II § 1105(a)(9)	Continuous operation	\$50 per day
Div II § 1114(a)	Records	\$75
Div II § 1105(a)(17)	Response time goals	\$150
Div II § 1105(a)(7)	Compliance with lawful orders	\$200
Div II § 1105(a)(6)	Compliance with laws and regulations	\$450
Div II § 1105(a)(13)	Shift Change; Unattended Vehicle	\$450
Div II § 1105(a)(13)	Improper shift change	\$450
Div II § 1105(a)(8)	Cooperation w/ regulatory entities; False statements	\$500
Div II § 1105(a)(12)	Compliance with Paratransit Program	\$500
Div II § 1105(a)(10)	Accepting/soliciting gifts from Drivers	\$600
Div II § 1105(a)(1)	Operating without a permit	\$5000
CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS		
Div II § 1106(s)	Dissolution plan	\$50 per day
Div II § 1114(e)(8)	Emissions reduction plan	\$50 per day
Div II § 1106(n)	Required postings	\$75
Div II § 1106(o)	Required notifications	\$75
Div II § 1114(e)(3)	Receipts	\$75
Div II § 1114(e)(5)	Vehicle inventory changes	\$75
Div II § 1114(e)(7)	Weekly reporting requirements	\$75
Div II § 1106(e)	Transfer of business; New location	\$250 per day

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1st/2nd/3rd offense
Div II § 1106(k)(1)	Facility to clean vehicles	\$250
Div II § 1106(i)	Workers' Compensation	\$300 per day
Div II § 1106(p)	Obligations related to Drivers	\$400
Div II § 1106(r)	Found property	\$400
Div II § 1114(e)(1)	Waybills	\$400
Div II § 1114(e)(2)	Medallion Holder files	\$400
Div II § 1114(e)(6)	Current business information	\$400
Div II § 1122(c)	Overcharging gate fees	\$500
Div II § 1106(c)	Use of Dispatch Service	\$450
Div II § 1106(d)	Business premises	\$450
Div II § 1106(h)	Staffing requirements	\$450
Div II § 1106(1)(2-7)	Use of spare vehicles	\$450
Div II § 1106(f)	Telephone directory	\$500
Div II § 1106(j)	Paratransit Broker contract	\$500
Div II § 1106(k)(2)(4)	Unsafe/nonworking equipment	\$1000
Div II § 1106(q)(4)	Driver operating under the influence	\$1000
Div II § 1106(a)	Color Scheme Permit required	\$5000
Div II § 1106(1)(8)	Leasing spare vehicles	\$5000
CONDITIONS APPLICABLE TO DISPATCH PERMITS		

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1st/2nd/3rd offense
Div II § 1107(a)	Emergency plan	\$50 per day
Div II § 1107(e)	Adequate communications equipment	\$50 per day
Div II § 1114(f)(1)	Dispatch Service report	\$50 per day
Div II § 1107(d)	Service call records	\$75
Div II § 1107(f)	Serving dispatch customers	\$75
Div II § 1114(f)(2)	Found property recordkeeping	\$75
Div II § 1107(m)	Workers' Compensation	\$300 per day
Div II § 1107(c)	Ramp Taxi response	\$400
Div II § 1107(k)	Improper dispatching	\$500
CONDITIONS APPLICABLE TO DRIVER PERMITS		
Div II § 1108(c)	Color Scheme affiliation	\$5 per day
Div II § 1108(a)	Driver identification	\$25
Div II § 1108(d)(2)	Duties at beginning of shift	\$25
Div II § 1108(d)(3)	Designated items in vehicle	\$25
Div II § 1108(e)(2)	Transporting passenger property	\$25
Div II § 1108(e)(5)	Loading and unloading assistance	\$25
Div II § 1108(e)(8)	Additional passengers	\$25
Div II § 1108(e)(10)- (12)	Mobile telephones; Other audible devices	\$25

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1st/2nd/3rd offense
Div II § 1108(e)(18)-(20), (22)	Driver duties re fares	\$25
Div II § 1108(e)(26)	Loose items	\$25
Div II § 1108(e)(27)	Trunk and/or baggage area	\$25
Div II § 1108(e)(31)	Clean in dress and person	\$25
Div II § 1108(e)(32)	Taximeter violation	\$25
Div II § 1108(e)(33)	Smoking, drinking or eating	\$25
Div II § 1108(f)(1)	Duties at end of shift	\$25
Div II § 1114(b)(2)	Badge	\$25
Div II § 1114(b)(3)	Medical certificate	\$25
Div II § 1114(b)(4)	Waybills	\$25
Div II § 1108(e)(4)	Service animals or contained animals	\$50
Div II § 1108(d)(1)	Safety check	\$75
Div II § 1108(e)(1)	Refusal to convey	\$75
Div II § 1108(e)(7)	Servicing dispatch calls	\$75
Div II § 1108(e)(9)	Splitting fares	\$75
Div II § 1108(e)(16)	Requesting gratuities	\$75
Div II § 1108(e)(24)	Found property	\$75
Div II § 1108(e)(3)	Transporting person with a disability in front seat	\$150
Div II § 1108(e)(6)	Assisting and securing person with a disability	\$150

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1st/2nd/3rd offense
Div II § 1108(e)(14)	Reckless or dangerous driving	\$150
Div II § 1108(e)(15)	Ramp Taxi rules	\$150
Div II § 1122(d)	Luggage charges	\$150
Div II § 1108(e)(25)	Unsafe taxi	\$200
Div II § 1108(e)(30)	Excessive force	\$200
Div II § 1108(b)(3)	Criminal convictions	\$500
Div II § 1108(b)(4)(B)	Controlled substances	\$500
CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI EQUIPMENT		
Div II § 1113(b)(g)	Equipment and display requirements	\$25
Div II § 1113(m)	Vehicle windows	\$25
Div II § 1113(o)	Sanitary condition	\$25
Div II § 1113(a)	Safe operating condition	\$75
Div II § 1113(k)	Standard vehicle equipment	\$75
Div II § 1113(k)(13)	Vehicle tires and wheels	\$75
Div II § 1113(m)	Security cameras	\$75
Div II § 1113(n)	Condition of vehicle	\$75
Div II § 1113(u)	Working Taxi ramp	\$75
Div II § 1113(p)	Vehicle title requirements	\$250
Div II § 1113(q)	Excessive vehicle mileage or age	\$250
Div II § 1113(s)	Vehicle inspections	\$250

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1st/2nd/3rd offense
Div II § 1113(s)(7)	Fraud related to inspection	\$250
Div II § 1113(t)	Replacement vehicle	\$250
Div II § 1113(v)	Retired vehicles	\$250
Div II § 1113(f)	Taximeters	\$300
CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS		
Div II § 1109(b)	Use of Dispatch Service	\$75
Div II § 1110(a)(1)	Wheelchair priority	\$150
<u>Div II § 1110(a)(3)</u>	<u>Eight wheelchair pick-ups monthly</u>	<u>\$150</u>
Div II § 1110(b)	Ramp Taxi Medallion in spare taxi	\$150
Div II § 1110(d)	Ramp Taxi qualifications	\$150
Div II § 1109(c)	Full-time driving requirement	\$24000 multiplied by percentage of hours short of the full time driving requirement

[Wheelchair Pickups, Taxi Medallion Sales Pilot Program]

Resolution amending Sections 1102, 1103, 1104, 1105, 1108, 1109, 1110, 1111 and 1116 of Article 1100 of Division II of the San Francisco Transportation Code to require a Ramp Taxi Medallion Holder to make eight wheelchair pickups per month, change the expiration date for permits, exempt some electric vehicle taxi medallions from permit application and renewal fees, eliminate the provisions authorizing jitney permits, clarify that a holder of a purchased medallion may sell the purchased medallion regardless of age or disability status, provide that a qualified medallion seller will lose his or her eligibility to sell the medallion if he or she declines to execute a sales agreement within 15 days of notice that the SFMTA has located a qualified medallion buyer who is prepared to proceed with the sale, and reopen the pilot program to specified medallion holders; and amending Article 310 of Division II to include a fine for failure to make the required number of wheelchair pickups per month.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

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

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by amending Section 310 to read as follows:

SEC. 310. Schedule of Fines.

Violation of any of the following subsections of the San Francisco Transportation Code governing the operation of a motor vehicle for hire shall be punishable by the administrative fines set forth below.

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1102, 1103, 1104 and 1105 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) "A-Card" or "Driver Permit" shall mean a permit issued by the SFMTA to operate a Taxi or Ramp Taxi in the City.

(b) "A-Card Seniority" shall mean the seniority status of each Driver Permit Holder based on the original issuance date of the Driver Permit, or the issuance date of the most recent Driver Permit if the Driver has been issued a new Driver Permit in accordance with Section 1108(b)(5) after failure to timely renew his or her Driver Permit.

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

(d) "Application Fee" shall mean 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.

(de) "Citation" shall mean a notice informing a member of the public that he or she has violated any statute, ordinance or regulation governing the operation or licensing of Motor Vehicles for Hire.

(ef) "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 Color Scheme business that provides taxi service, or a business that provides taxi-related services to affiliated Drivers and Medallion Holders, including any owner, manager, employee, lessee and any agent of such business.

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

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

(hi) "Dispatch Service" shall mean any person, business, firm, partnership, association or corporation that receives communications from the public regarding taxi service for the purpose of forwarding such communications to motor vehicle for hire drivers, and shall include any owner, manager, employee, lessee and any agent of said service. "Dispatch Service" shall not include any service through which the public is able to communicate directly with Drivers, and shall not include any effort on the part of a Driver to market his or her services to the public.

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

(jk) "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.

(~~k~~l) "Driver Fund Transfer Fee" shall mean five percent of the fixed price for the sale of a Medallion as determined in accordance with this Article.

(~~l~~m) "Driver Permit" or "A-Card" shall mean a permit issued by the SFMTA to operate a Taxi or Ramp Taxi.

(~~m~~n) "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.

(~~n~~o) "Electric Vehicle Taxi Medallion" shall mean a permit issued by the SFMTA to a Color Scheme that meets SFMTA's performance standards to operate a particular battery-switch electric vehicle on a full-time basis, subject to conditions imposed by the SFMTA, for a fixed term of three to five years.

~~(o) "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 or any other regulation adopted by the SFMTA Board.~~

(p) "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.

(q) "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.

(r) "Gas and Gates Medallion" shall mean a Medallion that is operated by a Color

Scheme that owns the Taxi or Ramp Taxi vehicle, schedules the Drivers of the vehicle, and makes regular payments to the Medallion Holder in consideration for the use of the Medallion.

(s) "Gate Fee" shall mean any monetary fee or other charge or consideration, or any combination thereof, paid by a Driver who is not a Taxi or Ramp Taxi Medallion Holder for the privilege of driving a Taxi or Ramp Taxi for any period of time, and for receipt of all services provided in connection with such privilege, whether said fee, charge or consideration is set orally or in writing, and regardless of the terms of payment.

(t) "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).

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

(v) "Lease" shall mean an otherwise lawful written agreement that for consideration authorizes the temporary operation of a Taxi or Ramp Taxi Medallion by a Driver or Color Scheme other than the Taxi or Ramp Taxi Medallion Holder.

(w) "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.

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

(y) "Medallion Holder" shall mean the person or entity to which a Medallion was issued.

(z) "Medallion Sale Price" shall mean the fixed price for the sale of a Medallion as determined by the SFMTA in accordance with this Article.

(aa) "Medallion Sale Transfer Fee" shall mean fifteen percent of the fixed price for the sale of a Medallion as determined by the SFMTA in accordance with this Article.

(bb) "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.

(cc) "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 or Ramp Taxi Medallions and Non-Standard Vehicle permits, and does not include Dispatch Service, Color Scheme or Driver Permits.

(dd) "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.)

(ee) "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.

(ff) "Notice of Denial" shall mean a notice informing an applicant for a permit that the SFMTA has decided to deny the application for the permit under Section 1117 of this Article.

(~~gg~~) "Notice of Grant" shall mean a notice informing an applicant for a permit that the SFMTA has decided to grant the application for the permit under Section 1117 of this Article.

(hh) "Notice of Inactive Status" shall mean a notice informing an applicant for a permit that the SFMTA has determined that the application is inactive under Section 1103(b)

of this Article.

(ii) "Notice of Nonrenewal" shall mean a notice informing a Permit Holder that the SFMTA has determined that the permit will not be renewed in accordance with Section 1105(a)(5)(B) of this Article.

(jj) "Notice of Summary Suspension" shall mean a notice informing a Permit Holder that the SFMTA has decided to summarily suspend the permit in accordance with Section 1119 of this Article.

(kk) "Notice of Violation" shall mean a notice informing a Permit Holder that the SFMTA has determined that the Permit holder has violated a statute, ordinance or regulation governing the operation or licensing of the vehicles and services regulated by this Code.

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

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

(nn) "Paratransit Coordinating Council" shall mean the Community Advisory Committee ~~which~~ that advises the SFMTA regarding paratransit services.

(oo) "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.

(pp) "Participating Color Scheme" shall mean a Color Scheme that has entered into an agreement with the SFMTA for the operation of Medallions that are sold and purchased in accordance with Section 1116(p) of this Article.

(qq) "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.

(rr) "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.

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

(tt) "Qualified Lender" shall mean a lender approved by the Director of Transportation to finance the purchase of Medallions under the Taxi Medallion Sales Pilot Program.

(uu) "Qualified Purchaser" shall mean a Driver Permit Holder who meets all the requirements for purchase of a Medallion under Section 1116(a)(2).

(vv) "Qualified Seller" shall mean a Medallion Holder who meets the requirements of Section 1116(a)(1).

(ww) "Ramp Taxi" shall mean a Taxi that is specially adapted with access for wheelchair users.

(xx) "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.

(yy) "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.

(zz) "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.

(aaa) "Renewal Fee" shall mean a fee in an amount established by the SFMTA Board, payable as a condition for renewal of a permit, and including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article or any other regulation adopted by the SFMTA Board.

(aaa)bbb) "Respondent" shall mean a person or entity to which a Notice of Violation, Notice of Nonrenewal, Notice of Inactive Status, Notice of Summary Suspension, or a Citation is delivered under Sections 1118, 1119, 1120 or 1123.

(bbb)ccc) "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.

(eee)ddd) "Single Operator Part-time Taxi Medallion" shall mean a permit issued by the SFMTA to a Driver or to two Drivers, who qualify on the basis of A-Card Seniority and requisite taxi-related knowledge, to operate a particular hybrid, CNG or electric taxi vehicle, or other vehicle as authorized by the SFMTA, for a fixed period of years on a part-time basis, and in accordance with permit conditions set by the SFMTA.

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

(~~eee~~fff) "Taxi" shall mean a vehicle operated pursuant to a 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.

(~~fff~~ggg) "Taxi Medallion Sales Pilot Program" shall mean the program adopted by the SFMTA Board of Directors for the purchase and sale of certain Taxi Medallions at an established Medallion Sale Price to a purchaser who is qualified to hold a Medallion under these regulations.

(~~ggg~~hhh) "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.

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

(~~iii~~jjj) "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, a practical examination and/or background check of the applicant. All applications

for permits shall be accompanied by the relevant Application Fee; provided, however, that an applicant for an Electric Vehicle Taxi Medallion that was approved prior to December 6, 2011 shall not be required to pay an Application Fee. The SFMTA shall record the date and time that a complete application, including the Filing Application Fee, is received.

(1) Color Scheme Permit Transfers. Any transfer of a Color Scheme permit must be approved in advance by the SFMTA. In addition to any other documents establishing compliance with laws and regulations that the SFMTA may require as a condition of approval of the transfer, the parties to the transfer must provide:

- (A) an inventory of any City-owned ITE devices,
- (B) proof of all required insurance,
- (C) a business license,
- (D) any signed partnership agreement among multiple purchasers,
- (E) a signed lease establishing the buyer's right of occupancy at a business premises,
- (F) a signed agreement with a permitted dispatch service, and
- (G) a schedule of gate fees.

SEC. 1104. ELIGIBILITY

(a) Determination of Eligibility. 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.~~

(12) The applicant's compliance with all applicable statutes, ordinances and regulations. If, during the five years 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.

(23) The record of the applicant for the preceding five years 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.

(34) 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, 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.

(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 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.

(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 four of five consecutive calendar years. At the applicant's election, the five years that the SFMTA considers may be either the five full calendar years immediately preceding the hearing, or the four full calendar years immediately preceding the hearing and the partial calendar year in which the hearing is held. The Full-Time Driving requirement for the year in which the application is heard may not be pro-rated for the purpose of determining whether to grant the application. This requirement of Full-time Driving for four of five consecutive years may only be satisfied by driving a Taxi or Ramp Taxi for which a permit has been issued by the SFMTA. Written Waybills completed in compliance with Section 1109(c)(5), or other corroborating documentary evidence, may be used to establish eligibility for a Medallion for the purposes of this Section.

(4) No applicant for a Taxi or Ramp Taxi Medallion shall be eligible to receive a Medallion if he or she holds a Medallion as an individual or if he or she is a shareholder in a corporation that holds one or more Medallions.

(d) Eligibility for a Ramp Medallion. 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 during the 12 months immediately preceding the applicant's submittal of completed application materials pursuant to Section 1104(c)(2).

(2) The applicant has completed at least 156 wheelchair pickups in the City as a Ramp Taxi Driver during the 12 months immediately preceding the permit hearing. At least 100 of the required 156 wheelchair pickups must be customers of the Paratransit Program as established by reports of usage of San Francisco paratransit debit cards.

(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 a 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.

(e) Eligibility for a Single Operator Part-time Taxi Medallion.

The applicant must receive a passing score on a test administered by the SFMTA in accordance with Section 1103(e).

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

(2) Permits Held By Businesses; 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, except an Electric Vehicle 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, except a Single Operator Part-time Taxi 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 Medallions~~ all permits shall expire ~~the first day of July next one year~~ following their issuance or renewal, or on another date as specified by the SFMTA, ~~and all other permits shall expire the first day of January next following their issuance or renewal.~~

(B) As a condition of renewal, a Permit Holder must pay the applicable Renewal Fee, 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; provided, however, that any holder of an Electric Vehicle Taxi Medallion that was approved prior to December 6, 2011 may renew the permit without paying a Renewal Fee.

(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 peace officer or to the SFMTA or withhold information on any matter relating to regulatory compliance. No Permit Holder shall make any false claim or false request for payment or approval to the SFMTA, its contractors or employees.

(9) Continuous Operation Requirement; Temporary Suspension; Revocation.

(A) With the exception of Non-Standard Vehicle Permit Holders, and holders of Single Operator Part-time Taxi Medallions, 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 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 ~~that~~ 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. 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.

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1108, 1109 and 1110, to read as follows:

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 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~~ re-issued annually upon ~~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 applicable~~ Renewal Fee.

(2) Controlled Substance Testing Program: Reserved.

(3) Drivers have an affirmative duty to report any criminal convictions that ~~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 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.

(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.

(5) Lapse of Active Permit Status; New Application; A-Card Seniority. A Driver Permit Holder who fails to renew his or her Driver Permit within the deadline for renewal set by the SFMTA may renew his or her Driver Permit upon submission of a new Driver Permit application and completion of all requirements for a new Driver Permit. If the Driver Permit Holder submits the new Driver Permit application and completes the requirements within two years of the renewal deadline, he or she shall retain A-Card Seniority based on the original issuance date of the Driver Permit. A Driver Permit Holder who fails to renew by the renewal deadline and fails to submit a new Driver Permit application and complete the requirements within two calendar years after the renewal deadline may likewise apply for a new Driver Permit, but he or she shall have an A-Card Seniority date as of the date of the most recent Driver Permit.

(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 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 be suspended for any period during which the Driver is not affiliated 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 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 paratransit passengers within the Paratransit Program service area, at rates authorized by law, if the prospective passengers present themselves for transportation in a clean, coherent, safe 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. A Driver may refuse to convey a passenger who requests taxi service for the primary purpose of transporting goods or cargo if in the

Driver's judgment the amount of goods to be carried could result in unsafe driving or damage to the vehicle.

(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. 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.

(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 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. 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.

(C) A Ramp Taxi Driver shall grant priority to requests for service from passengers who use wheelchairs, and 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. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi Driver may transport any person.

~~(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.

(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.

(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.

(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~~ Application and Renewal Fees and other 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 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 1120(d). 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.

(4) A Medallion Holder who purchases his or her Medallion in accordance with Section 1116 must affiliate with a Participating Color Scheme.

(5) A Medallion Holder who holds a Single Operator Part-time Taxi Medallion, a Medallion purchased after August 1, 2011, or a Medallion issued in the first instance after August 1, 2011 may affiliate only with a Color Scheme that the SFMTA has certified meets performance standards, to be set by the SFMTA, which shall include, but need not be limited to, standards for paratransit service, dispatch service, and vehicle maintenance.

(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, or to any person holding a Single Operator Part-time Taxi Medallion.

(3) Declaration Required. No permit to operate a Taxi or Ramp Taxi shall be granted unless the Medallion Holder shall declare under penalty of perjury that he or she will actively and personally continue to engage in Full-Time Driving.

(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. Written Waybills or other corroborating documentary evidence completed in compliance with all requirements may be used to demonstrate compliance with 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. 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.

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 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.

(e) Limitation on Ramp Taxi Medallion Holders Accepting Other Permits ~~Additional Requirements Applicable To Ramp Taxi Medallions.~~———

~~(1)——Limitation on Acceptance of Other Permits.~~ No person to whom 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 a 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 in accordance with the applicant's position on the Waiting List or, if there is no longer a Waiting List, the applicant's A-Card Seniority ~~before other qualified applications~~ after the three year period has elapsed.

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

~~(A)——Upon completion of a minimum of 30 months as a 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.~~

SEC. 1110. CONDITIONS APPLICABLE TO RAMP TAXI MEDALLIONS

In addition to the conditions specified in Section [1105](#), the following conditions are applicable to Ramp Taxi Medallion Holders:

(a) Serving Passengers Who Use Wheelchairs~~Wheelchair Priority.~~

(1) Ramp Taxi Medallion Holders shall grant priority to requests for service from passengers who use wheelchairs~~wheelchairs users~~, and may not accept any other service request while en route to a dispatched call from a person who uses a wheelchair. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi may transport any person.

(2) A Ramp Taxi Medallion Holder must ensure that any persons who is allowed to drive the Ramp Taxi Holds a valid Driver Permit and satisfies the training requirement of Section 1104(d)(3).~~No Ramp Taxi Driver, once dispatched to a "ramp service" call may accept any other fare while en route to that dispatched call. In the absence of requests for service for passengers in wheelchairs, Ramp Taxis may transport any person.~~

(3) Every Ramp Taxi Medallion Holder must ensure that the operation of his or her Ramp Taxi makes at least eight wheelchair pick-ups per month, at least six of which must be customers of the Paratransit Program as established by reports of usage of San Francisco paratransit debit cards.

If a Ramp Taxi Medallion Holder fails to meet this requirement three times within a six-month period, the Ramp Taxi Medallion shall be suspended for a period of 90 days, and the lease payment from the Color Scheme shall be paid into the Drivers Fund during the term of the suspension.

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

- (1) The Taxi must be a spare vehicle approved by the SFMTA;
- (2) The Taxi must meet all requirements for operation;
- (3) The Ramp Taxi Medallion cannot be used in the Medallion Holder's Ramp Taxi because that vehicle is out of service or must be replaced;
- (4) The Ramp Taxi Medallion cannot be used in a spare Ramp Taxi because none are available at the Color Scheme with which the Ramp Taxi Medallion is affiliated;

(c) Time Limits on Use of Ramp Taxi Medallion in Spare Taxi. A Ramp Taxi Medallion may be used in a spare Taxi for the lesser of the time that it would take to repair the Ramp Taxi or 30 consecutive days. Upon a showing of good cause, the SFMTA may extend the time limit beyond 30 days in increments of no greater than 15 consecutive days. In no event shall the total time in which a Ramp Taxi Medallion is used in a spare Taxi exceed 90 days within a 12-month ~~12-month~~ period. The authorization to use the Ramp Taxi Medallion in a spare Taxi shall expire by operation of law on the day that the applicable time limit has been reached, or upon completion of repair or replacement of the Ramp Taxi, whichever occurs first.

~~(d) Operation of Ramp Taxi by Qualified Driver. The Ramp Taxi Medallion Holder and the Color Scheme shall ensure that all persons with whom the Medallion Holder enters into an agreement for the operation of the Ramp Taxi Medallion satisfies the criteria set forth in Section 1104(d), and~~

~~every Driver of the Ramp Taxi at all times hold a valid Driver Permit and satisfy the eligibility criteria set forth in Section [1105](#) of this Article.~~

Section 4. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1111 to read as follows:

SEC. 1111. RESERVED. ~~CONDITIONS APPLICABLE TO NON-STANDARD VEHICLE PERMITS~~

~~(a) **Jitney Bus.**~~

~~(1) Jitney bus permits in effect as of June 19, 2009 shall continue in effect for the remainder of their terms and upon application by the Permit Holder shall be renewed as a Non-Standard Vehicle Permit.~~

~~(2) **Fares.** The fare for each route approved in Subsection (3) shall be 85+. Whenever the Adult Base Cash Fare for the Municipal Railway is increased, the fares to be charged by jitney buses shall be increased by a like amount in dollars and cents.~~

~~(3) **Routes.** The following routes are hereby approved for jitney bus operation:~~

~~(A) From Market Street at 4th to Hunters Point;~~

~~(B) From Market Street at 4th Street to 3rd and Army Streets;~~

~~(C) From 3rd and Army Streets to Hunters Point;~~

~~(D) From Hunters Point to Market at 3rd;~~

~~(E) From 3rd and Army Streets to Market at 3rd;~~

~~_____ (F) From Hunters Point to 3rd and Army Streets;~~

~~_____ (G) From the Ferry Building to the County Line on Mission Street;~~

~~_____ (H) From the Ferry Building to Twenty Second and Mission Streets;~~

~~_____ (I) From Twenty Second and Mission Streets to the County Line;~~

~~_____ (J) From Sickles Avenue and Mission Street to the Ferry Building;~~

~~_____ (K) From Sickles Avenue and Mission Street to Twenty Second and Mission Streets;~~

~~_____ (L) From Twenty Second and Mission Streets to the Ferry Building;~~

~~_____ (M) Between Ellis and Taylor Streets and Broadway Street, north or southbound;~~

~~_____ (N) Between Fisherman's Wharf and Broadway Street, south or northbound;~~

~~_____ (O) From Ellis and Taylor Streets past Broadway Street to Fisherman's Wharf;~~

~~_____ (P) From Fisherman's Wharf past Broadway Street to Ellis and Taylor Streets;~~

~~_____ (Q) Between Pier 39 and Ghirardelli Square or Maritime Museum, east or westbound.~~

Section 5. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1116, to read as follows:

SEC. 1116. TAXI MEDALLION SALES PILOT PROGRAM.

(a) Qualified Taxi Medallion Sellers.

(1) Any natural person who: ~~(A) has attained or will attain~~ the age of 70 as of December 31, 2010; or ~~(B) has demonstrated to the satisfaction of the SFMTA that he or she~~

has a bona fide disability that permanently prevents him or her from satisfying the Full-Time Driving requirement, and who, by May 14, 2010, ~~has~~ notified the SFMTA of his or her interest in participating in the Taxi Medallion Sales Pilot Program, or

(2) Any natural person who has demonstrated to the satisfaction of the SFMTA that she or he has a bona fide disability that permanently prevents her or him from satisfying the Full-Time Driving requirement, and who, within 30 days of the date of a notice of opportunity to sell issued by the SFMTA has notified the SFMTA of her or his interest in participating in the Taxi Medallion Sales Pilot Program, or

(3) Any Medallion Holder who is subject to the Full-Time Driving Requirement, has attained or will attain the age of 65 as of December 31, 2011, and who, within 30 days of the date of a notice of opportunity to sell issued by the SFMTA, has notified the SFMTA of her or his interest in participating in the Taxi Medallion Sales Pilot Program, is eligible to sell his or her Medallion in accordance with this Section.

(4) This Section does not confer on a Medallion Holder who meets the age or disability requirements of this Section a vested right to sell a Medallion. The SFMTA Board of Directors may decide at any time that the Taxi Medallion Sales Pilot Program is terminated, suspended or otherwise not operational, and that no further sales by Medallion Holders eligible under this Section are permitted. No Medallion Holder against whom a revocation proceeding is filed prior to completion of the sale of the Medallion is eligible to sell his or her Medallion under this Section unless and until the revocation proceeding and any resultant administrative appeal or court proceeding is concluded upon a determination that the Medallion will not be revoked.

(52) Any Purchaser of a Medallion under this Section is eligible to sell the Purchased Medallion at any time in accordance with this Section, regardless of age or disability status. The Purchaser may not transfer ownership of the Medallion by gift, bequest or in any

manner other than by a bona fide sale in accordance with this Section. A Medallion purchased under this Section shall expire upon the death or mental incompetence of the Medallion Holder, upon the foreclosure by a Qualified Lender under subsection [1116\(n\)](#), or upon revocation of the Medallion.

~~(63)~~ In all instances in which sale of a Medallion is allowed under this Section, the SFMTA may elect to purchase the Medallion from the Qualified Seller or allow the Qualified Seller to offer the Medallion for sale to a Qualified Purchaser.

~~(74)~~ If the SFMTA chooses at any time to prohibit the future transfer or assignment of Purchased Medallions, at the request of the Medallion Holder, and upon ten days' notice to a Qualified Lender who has a security interest in the Medallion, the SFMTA will buy back, at the Purchase Price paid by the Medallion Holder, a Purchased Medallion that is no longer transferable or assignable. At the request of a Qualified Lender who has complied with the requirements of Section 1116(m) of this Article, the SFMTA will deduct from the payment made to any Medallion Holder under Section 1116(a)(4) an amount sufficient to satisfy any outstanding balance on a loan made by the Qualified Lender and secured by an interest in the Medallion, and shall immediately remit that amount to the Qualified Lender. Upon receipt of this amount, the Qualified Lender shall comply with Section 1116(m)(3) and release its security interest in the Medallion. Upon purchase ~~the of~~ of the Medallion under this Section 1116(a)(4), the SFMTA shall reissue the Medallion to the Medallion Holder. The reissued Medallion and the Medallion Holder will be subject to all the provisions of this Article, including Section 1105(a)(4), which provides that permits issued under this Article are not transferable or assignable.

~~(85)~~ Any Purchaser who receives a down payment loan from a Qualified Lender that is secured by funds from the Qualified Seller as required by written agreement

with SFMTA must operate the purchased Medallion as a Gas and Gates Medallion until the Purchaser repays the entire amount of the down payment loan.

(9) A Qualified Seller shall become ineligible to sell his or her Medallion if he or she does not execute a sales agreement, in a form provided by the SFMTA, within 15 days of SFMTA's notice to the Medallion Holder that the SFMTA has offered his or her Medallion to a Qualified Purchaser.

(b) Qualified Taxi Medallion Purchasers. The SFMTA shall authorize Medallion sales under the Pilot Program only to Driver Permit Holders who meet all eligibility requirements of this Article for Medallion ownership of this Article and who acknowledge and agree that the Medallion purchased is subject to the provisions of this Section. The SFMTA shall make offers of sale to such Qualified Purchasers in the order of seniority on the Waiting List, and then in the order of A-Card Seniority.

(c) Fixed Medallion Sale Price. Any Medallion sold pursuant to this Section shall be sold under the supervision of the SFMTA at a price established by the SFMTA. The initial Medallion Sale Price shall be established by the Director of Transportation after a public hearing and shall not exceed \$400,000. In setting the initial Medallion Sale Price, the Director of Transportation shall consider the commercial loan terms available to Medallion applicants, the affordability of the monthly payments under such loans, the anticipated business revenue to be generated from a Medallion, and other commercially relevant factors. Upon setting the initial Medallion Sale Price, the Director of Transportation shall notify the SFMTA Board of Directors and the public of the Medallion Sale Price. The Director of Transportation may adjust the Medallion Sale Price no more frequently than annually in accordance with the percentage increase in the Consumer Price Index for Urban Wage Earners for the San Francisco Bay Area since the date that the Medallion Sale Price was last set or adjusted. The Director of Transportation may increase or decrease the Medallion Sale Price at any time in

accordance with the procedure for setting the initial Medallion Sale Price, subject to the restrictions set forth in any agreement between the SFMTA and a Qualified Medallion Lender described in Section 1116(1)(3).

(d) Medallion Transfer Fees.

(1) The seller of a Medallion shall pay to the SFMTA the Medallion Sale Transfer Fee and the Driver Fund Transfer Fee at the time of sale. The SFMTA shall deposit the Driver Fund Transfer Fee into the Driver Fund.

(2) Notwithstanding Subsection (4)(A), above, in the event that a Medallion purchaser is required to re-sell the Medallion within ten years due to any of the following involuntary surrender events: (1) revocation; (2) disability that prevents compliance with the full-time driving requirement, (3) death of the medallion holder; or, (4) foreclosure upon the medallion in the event of default of any outstanding loan against the Medallion, then the Driver Fund Transfer Fee shall be waived and the Seller shall pay to the SFMTA the following Medallion Sale Transfer Fee at the time of sale:

Year of Involuntary Event	Percent of Medallion Sale Transfer Fee Due Upon Involuntary Surrender	Percent of Medallion Sales Price
1	10%	0.00%
2	5%	0.75%
3	10%	1.50%
4	15%	2.25%
5	20%	3.00%

Year of Involuntary Event	Percent of Medallion Sale Transfer Fee Due Upon Involuntary Surrender	Percent of Medallion Sales Price
6	35%	5.25%
7	50%	7.50%
8	75%	11.25%
9	90%	13.50%
10	100%	15.00%

(e) Medallion Sales by City. As part of the Taxi Medallion Sales Pilot Program, the SFMTA may sell up to 60 Medallions that are newly-issued full-time Medallions, or ~~are~~ Medallions that have been returned to the SFMTA for any reason, to Qualified Purchasers at the Medallion Sale Price. The SFMTA shall be responsible for payment of the Driver Fund Transfer Fee for each such Medallion sold. The SFMTA shall continue to issue Medallions to applicants in accordance with Sections 1103 and 1104 of this Article during the pendency of the Taxi Medallion Sales Pilot Program.

(f) Taxi Medallion Purchase and Sale Procedures.

(1) Sale of a Taxi Medallion may only be accomplished by a purchase and sale transaction that complies with all requirements of this Article. Transfer of a Medallion upon sale to a Qualified Purchaser is not effective until the transfer is approved by the Director of Transportation.

(2) The Director of Transportation may require a Medallion purchaser to provide documentation in a form satisfactory to the SFMTA of the source of the funds used to purchase the Medallion.

(3) The Director of Transportation may establish such purchase and sale procedures and other procedures as he or she deems appropriate to carry out the Taxi Medallion Sales Pilot Program.

(g) Purchased Medallions Subject to all Regulations. A Medallion purchased pursuant to this Section remains subject to all applicable laws and regulations and may be suspended or revoked for cause.

(h) Resale of Medallions. Medallions acquired pursuant to this Section are eligible for resale by the Purchaser in accordance with the provisions of this Section.

(i) Ramp Taxi Medallions. If any Ramp Taxi Medallion Holder who would qualify to sell a Medallion notifies the SFMTA that he or she elects to sell the Medallion, the SFMTA shall exchange the Ramp Taxi Medallion for a Taxi Medallion to be sold by the Medallion Holder. Such exchange shall not diminish the size of the Ramp Taxi fleet. No Ramp Taxi Medallion shall be sold pursuant to this Section.

(j) Driver Fund. The SFMTA shall establish a Driver Fund. The SFMTA shall deposit all Driver Fund Transfer Fees into the Driver Fund and may, in its sole and absolute discretion, elect to deposit other monies into the Fund. Monies in the Driver Fund may be expended by the SFMTA.

(k) Taxi Medallion Sales Pilot Program Advisory Council.

(1) The SFMTA shall establish a Taxi Advisory Council ("Advisory Council"), which shall monitor the issues that arise during the Taxi Medallion Sales Pilot Program, evaluate the effects of the Pilot Program on all sectors of the taxi industry, and provide advice to the SFMTA Board of Directors and the Director of Transportation.

(2) The Advisory Council shall consist of 15 members appointed by the Director of Transportation. Three of the members shall be representatives of each of the following companies: Yellow Cab Cooperative, Luxor Cab Company and DeSoto Cab

Company. Three of the members shall be representatives of other Color Scheme Permit Holders. Three of the members shall be Medallion Holders who do not represent a Color Scheme, and who are not employed as managers, dispatchers, cashiers, mechanics, or administrative staff of a Color Scheme. Three of the members shall be Drivers who are not Medallion Holders and who are not on the Waiting List. Three of the members shall be Drivers who are not Medallion Holders and who are on the Waiting List. Members shall serve for a term of two years and shall serve at the pleasure of the Director of Transportation. In the event that a vacancy occurs during a member's term, the Director of Transportation shall appoint a successor for the unexpired term.

(3) The Advisory Council shall prepare and provide to the Director of Transportation, no later than March 31, 2011, a report containing its assessment of the Taxi Medallion Sales Pilot Program and its recommendations regarding a long-term Medallion Reform Program. The Advisory Council shall be staffed by personnel from the SFMTA-Taxi Services.

(4) The Advisory Council shall terminate by operation of law two years year after the date that all members have been appointed, unless the SFMTA Board by resolution extends the term of the Council.

(I) Medallion Lender Qualification.

(1) A Purchaser of a Medallion may enter into a loan agreement for the purchase of a Medallion only with a Qualified Lender. A Qualified Lender shall not assign, sell or otherwise transfer the Qualified Lender's rights under the loan agreement and ancillary documents with respect to more than 90% of the original loan balance without the express, written consent of the Director of Transportation.

(2) A Qualified Lender must be a financial institution chartered by a state government or the federal government, and may not impose any penalties or otherwise

constrain the payment of the balance owed on the loan prior to the expiration of the loan term. The Director of Transportation shall adopt rules setting forth additional requirements for designation by the SFMTA as a Qualified Lender. If the SFMTA determines that a lender has failed to meet or maintain the requirements to be a Qualified Lender, the SFMTA shall deny the application to become a Qualified Lender or suspend or revoke the lender's current status as a Qualified Lender.

(3) All Qualified Lenders must enter into a written agreement with the SFMTA, in a form approved by the SFMTA. The agreement shall include, at a minimum, the Qualified Lender's acknowledgement of the provisions of this Section, the Qualified Lender's agreement to be bound by these provisions, and the SFMTA's promise not to set the Medallion Sale Price below the highest Medallion Sale Price paid by a Medallion Holder to whom a Qualified Lender made a loan that is still outstanding.

(m) Security Interests.

(1) Qualified Lender's Security Interest. Notwithstanding any other provisions herein to the contrary, a Medallion Purchaser may encumber a Medallion with a security interest pursuant to an agreement entered into with a Qualified Lender to finance the purchase of the Medallion.

(2) Filing Security Interests. A Qualified Lender wishing to evidence a security interest in a Taxi Medallion shall file a notice of the security interest with the SFMTA in a form approved by the SFMTA within ten business days of closing the relevant loan transaction, and shall provide to the SFMTA a copy of the promissory note, loan agreement, security agreement, any other underlying contracts or documents memorializing the terms and conditions of the debt that is secured by the Medallion, and any documents memorializing the perfection of the security interest. The SFMTA will not recognize any security interest in a Medallion that is not filed and reported in compliance with this rule.

(3) Release of Secured Interest. Upon repayment of the loan secured by an interest in a Medallion, the Qualified Lender must file notice of release of the secured interest within five business days of the release with the SFMTA along with any underlying contracts or documents memorializing the terms and conditions of the release.

(n) Foreclosure and Transfer of Medallion.

(1) If the Purchaser defaults under the agreement with the Qualified Lender beyond any applicable notice and cure period, notwithstanding any other provisions herein to the contrary, the Qualified Lender may foreclose upon its security interest and possess the foreclosed Medallion as an owner of the Medallion with full right, title, and interest thereto, except that Lender shall not be permitted to operate the Medallion. If the Qualified Lender intends to foreclose on the security interest, the qualified Lender shall notify the SFMTA without delay once the Qualified Lender determines the date on which it intends to foreclose. The notice shall include the name of the Medallion Holder, the intended date of foreclosure, and the contact information for the representative of the Qualified Lender to whom inquiries may be made.

(2) Provided that the Qualified Lender has provided notice to the SFMTA under Section 1116(n)(1), upon foreclosure in accordance with applicable law and the terms of the security agreement between the Qualified Lender and the Medallion Holder, the Qualified Lender may sell the Medallion pursuant to the provisions of this Section to the Qualified Purchaser identified by the SFMTA at the Medallion Sales Price. After deducting amounts payable to the SFMTA, the Qualified Lender shall retain sufficient proceeds of such sale to satisfy Medallion Holder's debt to the Qualified Lender as determined by reference to the unpaid balance under the loan agreement between the Medallion Holder and the Qualified Lender. The Qualified Lender shall then, without delay, remit the amount payable to the SFMTA.

(o) Disciplinary Revocation and Resale.

(1) In the event that the SFMTA brings disciplinary revocation proceedings against a Medallion that has been sold in accordance with this Section, the SFMTA shall provide notice of the filing of such proceedings to any Qualified Lender holding a secured interest in the Medallion if the Qualified Lender has complied with all notice and reporting requirements of this Section.

(2) Disciplinary revocation of a Medallion shall not affect the validity of the lien of a Qualified Lender against the Medallion. Resale of the Medallion after revocation for any reason shall be subject to the lien of the Qualified Lender.

(3) Conduct of Sale. Upon revocation for any reason, the SFMTA shall identify the next qualified applicant and proceed to sell the Medallion in accordance with the procedures set forth in this Section.

(4) Disbursement of Sale Proceeds. At the time of sale of the revoked Medallion, the outstanding balance of the loan secured by a secured interest of a Qualified Lender in such Medallion on file with the SFMTA shall be satisfied with the Medallion sale proceeds after deducting the expenses of the sale and the Medallion Sale Transfer Fee and the Driver Fund Transfer Fee. Any remaining proceeds shall be disbursed to the former Medallion Holder or his or her designees.

(5) Continued Operation During Resale. Upon revocation of the Medallion, the SFMTA shall repossess and sell the Medallion. If the Medallion cannot be repossessed, the SFMTA shall issue a temporary Medallion to replace the Medallion during the pendency of the resale. The Medallion need not be in the possession of the SFMTA in order to proceed with resale. Upon revocation, and until the Medallion is transferred to a new Medallion Holder, the Medallion shall continue to be operated by the Participating Color Scheme with which it is affiliated.

(p) Participating Color Schemes. Any Color Scheme Permit Holder who wishes to participate in the Taxi Medallion Sales Pilot Program as a Participating Color Scheme must enter into a written agreement with the SFMTA. The agreement shall include, but need not be limited to, the agreement of the Color Scheme Permit Holder to allow Medallions purchased under this Section to affiliate with the Color Scheme in accordance with all applicable rules and regulations, and to continue to operate any such affiliated Medallion during the period commencing on the revocation of such Medallion and ending on the resale of the Medallion, and at any other time upon the request of the SFMTA. During such periods of operation, the Color Scheme shall continue to make the payments that would otherwise have been payable to the Medallion Holder to the SFMTA in accordance with the agreement between the SFMTA and Participating Color Schemes.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: _____
Mariam Morley
Deputy City Attorney

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