

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
AND PARKING AUTHORITY COMMISSION

MINUTES

Tuesday, August 21, 2012
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

REGULAR MEETING AND CLOSED SESSION
1 P.M.

BOARD OF DIRECTORS

Tom Nolan, Chairman
Cheryl Brinkman, Vice Chairman
Leona Bridges
Malcolm Heinicke
Jerry Lee
Joél Ramos
Cristina Rubke

Edward Reiskin
DIRECTOR OF TRANSPORTATION

Roberta Boomer
BOARD SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 1:04 p.m.

2. Roll Call

Present: Leona Bridges
Cheryl Brinkman
Malcolm Heinicke
Jerry Lee
Tom Nolan
Joél Ramos
Cristina Rubke

3. Announcement of prohibition of sound producing devices during the meeting.

Chairman Nolan announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. He advised that any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices might be removed from the meeting. He also advised that cell phones that are set on "vibrate" cause microphone interference and requested that they be placed in the "off" position.

4. Approval of Minutes

On motion to approve the minutes of the July 17, 2012 Regular Meeting: unanimously approved.

5. Communications

Chairman Nolan stated that today's meeting would be adjourned in memory of Gigi Pabros.

Board Secretary Boomer announced that Item 10.1A, settlement of the Kleinschmidt claim had been removed from the agenda.

6. Introduction of New or Unfinished Business by Board Members

None.

7. Director's Report (For discussion only)

- Special Recognition Awards
- Growing bicycling and safe, civil streets
- E-line launch

- Update on the Central Subway project
- Ongoing Activities

Director Reiskin presented a special recognition award to Rudy Uribe, transit operator, Green Division, Transit Services.

Director Reiskin discussed the America's Cup and the launch of the E-line; the Central Subway project, and recent ads on vehicles.

Discussion of growing bicycling and safe, civil streets was continued to the September 18 meeting.

Director Heinicke requested a report regarding the speed of light rail vehicles in the Twin Peaks Tunnel.

PUBLIC COMMENT:

Herbert Weiner discussed the recent ad on Muni vehicles and wondered about the review process prior to posting. The SFMTA has to get money legitimately.

Peter Witt discussed the lack of taxi stands at major events and how taxicab drivers are being ticketed for trying to serve the public.

Christopher Fulkerson discussed free speech. When government creates a sign, the information in the sign is understood to be approved by government, which is not okay.

8. Citizens' Advisory Council Report

No report.

9. Public Comment

Tara Housman discussed the America's Cup, the SFMTA's disdain of the Taxi Advisory Council (TAC) and the enforcement of meters on Independence Day.

Brad Newsham discussed the recent resignation of TAC members. They tried to improve the industry but were treated horribly.

Brian Rosen stated that the wait list was left off the agenda. People on the wait list are not being taken care of. He should be given a chance to get his medallion in the same way that others have.

Howard Meehan discussed the medallion wait list and what it's like to drive a cab. Cab drivers are being thrown under the bus.

Ed Healy stated that the SFMTA has ignored the cab industry's plan and they had been promised money but the SFMTA is getting three times more money. Their work has been thrown into the trash.

Herbert Weiner discussed late or missing buses, the need to adhere to schedules and vehicle switchbacks.

Christopher Fulkerson discussed process, expressed appreciation for promoting Ms. Hayashi, and read a quote. Taxi town hall meetings are a sham.

Ron Wolter presented a letter he sent to Ms. Hayashi about taxi stands at the Caltrain Station and asked that the issue of taxi flow and taxi stands be addressed. The industry has no representation.

Peter Witt stated that has been ostracized by the SFMTA and the former Taxi Commission. His suggestions regarding implementing a congesting pricing system and increasing taxi supply have been ignored. He also discussed how data from his taxi survey is useable yet is deleted. (Mr. Witt provided a written statement that is attached to these minutes.)

Corey Lamb discussed the need for taxi stands at large events such as the recent celebration for the Golden Gate Bridge. There was no accessible place to drop off passengers.

Barry Taranto expressed concern about the resignation of TAC members and suggested that the Board discuss it. He requested information regarding Ms. Hayashi's status. He stated that the taxi items should be put off and the Board should attend town hall meetings.

David Barlow wondered if the Board had published a plan to improve taxi service. The industry needs to know what the plan is because all they've seen is a new scheme month after month with no improvement. He also discussed the need to control other vehicles that are trying to perform taxi service.

Iza Pardinias expressed disbelief that the taxi medallion wait list would be done away with. Medallions should be kept for drivers who deserve them. The "little people" should get medallions before companies do.

Keith Dennis discussed the lack of bus shelters at Fillmore and Eddy streets. People are freezing because there's no shelter. People also need electronic signs to tell them when a bus is coming.

Emil Lawrence stated that if the SFMTA thinks medallions are their assets then cab drivers are the SFMTA's slaves. Cab drivers get bills that aren't covered by insurance when they have been in an accident. No other vehicle associated with transportation gets parking tickets. The TAC has been kept in the dark and nobody consults with the guys who work in the industry.

Mark Gruberg stated that the industry has moved from a participatory process to a dictatorial process. The message from the TAC resignations is about as loud a message as could be. The taxi industry has unprecedented competition due to lack of state regulation which is a threat to their survival and to the SFMTA's regulatory scheme. People on the list have waited for 14-16 years but they're now being pushed out without explanation.

Charles Rathbone expressed appreciation for an award given to Luxor Cab from readers of SF Magazine who voted Luxor as the best of the Bay Area.

Bill Mounsey read his letter of resignation from the TAC. The SFMTA Board hasn't taken their recommendations seriously. TAC members have over 100 years of experience which is not respected.

Robert Cessano stated that the SFMTA has taken over \$20 million from the industry but it can't run buses. The SFMTA doesn't care about enforcement or taxis because it is getting money from drivers.

Barry Korengold discussed his resignation from TAC. After two years of work, before presenting recommendations, the SFMTA puts out a plan that doesn't consider what the TAC has talked about and that disregards drivers who have put their lives into the industry. The SFMTA needs to listen to the concerns and not just look at medallions as a revenue source.

Tariq Mehmood stated that his income has dropped by 50%. Taxi stands are packed with cabs waiting for rides. Uber cab is taking money from his pocket. The SFMTA is not working for taxi drivers and needs to find ways to create more business rather than cut income.

Benjamin Valis expressed disappointment. At a critical juncture there is a fleet of pirate taxis that charge double or triple the authorized rate and rather than come up with way to handle it, the SFMTA has come up with way to make money from medallion sales. The SFMTA is out of touch

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA DIRECTOR OF TRANSPORTATION OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7th FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(10.1) Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claims against the SFMTA:

- A. Henry Kleinschmidt vs. CCSF, Superior Ct. #CGC9493996 filed on 10/30/09 for \$1,296.80
- B. State Farm Ins. vs. CCSF, Superior Ct. #CGC11515730 filed on 7/5/11 for \$1,500
- C. Mohamed Hosny vs. CCSF, Superior Ct. #CGC10504806 filed in 10/10 for \$10,000
- D. Rodney Green vs. CCSF, Superior Ct. #CGC10504321 filed on 10/1/10 for \$10,500
- E. Raul Navarro vs. CCSF, Superior Ct. #CGC10499627 filed on 5/14/10 for \$15,000
- F. Gregor MacLennan vs. CCSF, Superior Ct. #CGC12519755 filed on 4/4/12 for \$75,000

Item 10.1 A was removed from the agenda.

RESOLUTION 12-104

(10.2) Approving the following traffic modifications:

- A. REVOKE – FULL TIME BUS STOP and ESTABLISH – PART-TIME BUS STOP, 6 AM TO 8 PM, DAILY – 33rd Avenue, west side, from Geary Boulevard to 100 feet southerly.
- B. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA T, 2-HOUR PARKING, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY and RESCIND – RESIDENTIAL PERMIT PARKING AREA T, 2-HOUR PARKING, 8 AM TO 3 PM, MONDAY THROUGH FRIDAY – Balceta Avenue, 0-99 Block, both sides, between Woodside and Laguna Honda Boulevard.
- C. RESCIND – 2-HOUR PARKING, 7 AM TO 6 PM, MONDAY THROUGH SATURDAY and ESTABLISH – RED ZONE – Stevenson Street, north side, west of 7th Street, from 90 feet to 122 feet easterly of the westerly terminus.
- D. ESTABLISH – TOW-AWAY, NO PARKING, 1 AM TO 5 AM, EVERY DAY – Patterson Street, both sides, between Flower Street and Oakdale Avenue.
- E. ESTABLISH – STOP SIGN – Stopping Aptos Avenue at Darien Way.
- F. ESTABLISH – NO PARKING VEHICLES OVER SIX FEET HIGH – North Point Street, south side, between Leavenworth Street and Columbus Street.
- G. ESTABLISH – NO PARKING, 6 PM TO 11 PM, SUNDAY, MONDAY, WEDNESDAY AND FRIDAY – Berry Street, north side, from 26 feet to 102 feet west of 4th Street.
- H. ESTABLISH – TOW-AWAY NO STOPPING ANYTIME – Clarence Place, east side, from 120 feet north of Townsend Street to the northern end of Clarence Place; and Clarence Place, west side, from 140 feet north of Townsend Street to the northern end of Clarence Place.
- I. ESTABLISH – TOW-AWAY NO STOPPING, 10 PM TO 6 AM, EVERYDAY – Iowa Street, both sides, between 23rd Street and 25th Street.

- J. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA A, 1-HOUR PARKING, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY – Sansome Street, 1300 block, between Greenwich and Filbert Streets, west side Greenwich Street, 200 block, between Sansome Street and Greenwich Steps, both sides; and Filbert Street, 200 block, between Sansome Street and Filbert Steps, both sides.
- K. RESCIND – RESIDENTIAL PERMIT PARKING AREA A, 2-HOUR PARKING, 8 AM TO 9 PM, MONDAY THROUGH FRIDAY – Sansome Street, 1300 block, between Greenwich and Filbert Streets, west side Greenwich Street, 200 block, between Sansome Street and Greenwich Steps, both sides; and Filbert Street, 200 block, between Sansome Street and Filbert Steps, both sides.
- L. ESTABLISH – MEDIAN ISLANDS – Bryant Street at 26th Street, south side; and Bryant Street at Cesar Chavez Street, north side.
- M. ESTABLISH – PERPENDICULAR PARKING – Bryant St., east side, from 95 feet to 165 feet north of 25th St.; and Bryant St., west side, from 125 feet to 275 feet south of 24th St.
- N. RESCIND – LEFT LANE MUST TURN LEFT – Bryant Street at Cesar Chavez Street, southbound approach.
- O. ESTABLISH – NO PARKING ANYTIME and ESTABLISH – SIDEWALK WIDENING – Broadway, north side, from Kearny Street to 45 feet easterly – No Parking.
- P. ESTABLISH – NO PARKING ANYTIME and ESTABLISH – SIDEWALK WIDENING – Broadway, south side, from Kearny Street to 65 feet easterly – No Parking.
- Q. ESTABLISH – NO PARKING ANYTIME and ESTABLISH – SIDEWALK WIDENING – Broadway, north side, from Montgomery Street to 42 feet westerly – No Parking.
- R. ESTABLISH – NO PARKING ANYTIME and ESTABLISH – SIDEWALK WIDENING – Broadway, south side, from Montgomery Street to 69 feet westerly – No Parking.
(Explanatory documents include a staff report and resolution.)

Item 10.2 L, M and N was severed at the request of a member of the public.

PUBLIC COMMENT on Item 10.2 L, M and N:

Robert Thomson expressed support for the items.

RESOLUTION 12-105

On motion to approve Item 10.2 L, M and N:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

(10.3) Approving a revised inter-agency transfer discount fare with the Water Emergency Transportation Authority, which operates the Alameda/Oakland and Alameda Harbor Bay ferry services, and provide for the transfer discount fare to Clipper[®] card customers only.
(Explanatory documents include a staff report, resolution and analysis.)

RESOLUTION 12-106

(10.4) Approving the award by the Department of Public Works of a contract to Rodan Builders for the Second Level Deck Repair project at the Fifth & Mission Garage in an amount not to exceed \$950,722.20. (Explanatory documents include a staff report, resolution and summary.)

RESOLUTION 12-107

(10.5) Authorizing the Director of Transportation to execute Contract No. 1262, Bernal Substation Upgrade, with Balfour Beatty Rail in an amount not to exceed \$3,546,880 and for a term of 365 calendar days. (Explanatory documents include a staff report, resolution and financial plan.)

RESOLUTION 12-108

(10.6) Adopting CEQA findings and authorizing the Director of Transportation to execute an Industrial Lease with a First Right of Negotiation to Purchase with Prologis, for 2650 Bayshore Boulevard, Daly City, for towed car operations, and for other facilities, storage and uses, with an initial 20-year term, plus two five-year extension options. (Explanatory documents include a staff report, resolution, summary and lease.)

RESOLUTION 12-109

No public comment.

On motion to approve the Consent Calendar (Item 10.1A removed and Item 10.2 L, M and N severed):

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

REGULAR CALENDAR

SPECIAL ORDER - 2:00 PM

11. Amending Transportation Code Division II, Sections 1102 and 1116 to transition the Taxi Medallion Sales Pilot Program into a long-term medallion transfer policy. (Explanatory documents include a staff report, resolution and amendment.)

Ed Reiskin, Director of Transportation, presented the report.

Director Heinicke proposed amendments to the staff proposal that would increase the amount of money that would go to the medallion holder from \$150,000 to two-thirds of the sales price, subject to a cap of \$200,000 and would lower the transfer tax from 30% to 20%.

Chris Sweiss, Chairman, Taxi Advisory Council presented the work and recommendations of the Council.

PUBLIC COMMENT:

Speakers expressing support for the item: Steven Stapp, Tim Lapp, Robert Cesano, Charles Rathbone, Carl Macmurdo, Jim Gillespie, John Lazar,

Speakers expressing opposition for the item: Tara Housman, Richard Hybels, Brad Newsham, Bill Mounsey, Mark Gruberg, Gerald Ganley, Ron Wolter, Tom Diesso, Barry Taranto, Tariq Mehmood, Ed Healy, Corey Lamb, David Hathaway, Dan Hinds, Hansu Kim, Benjamin Valis, Barry Korengold, Keith Raskin, Emil Lawrence, Chris Sweiss, John Han and Christopher Fulkerson

Chairman Nolan requested that staff quickly return to the Board with proposals regarding the medallion wait list and the Driver's Fund.

On motion to amend the resolution to increase the amount of money that would go to the medallion seller from \$150,000 to two-thirds of the sales price subject to a cap of \$200,000:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee; Nolan, Ramos and Rubke

On motion to amend the resolution to reduce the transfer fee from 30% to 20%:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

RESOLUTION 12-110

On motion to approve the item as amended:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

12. Amending Sections 1102, 1103, 1105, 1106, 1108, 1113, 1114 and 1117-1123 of Article 1100 of Division II of the San Francisco Transportation Code to: (1) add definitions of necessary terms and amend the definitions of A-Card Seniority and Single Operator Part-time Permit; (2) add requirements for renewal of Color Scheme permits; (3) render a permit application inactive if it is not completed within 60 days; (4) require all Gas and Gates Medallion vehicles to change shifts on Color Scheme property; (5) authorize the Director of Transportation to impose a moratorium on the issuance of Color Scheme Permits or Dispatch Service Permits; (6) prohibit retaliation for exercise of rights provided by Article 1100; (7) delete requirement that taxis taken out of service be returned to service in 30 days or be permanently replaced; (8) to make each day of the unauthorized use of a spare vehicle by a Color Scheme a separate offense; (9) require Color Schemes to report vehicle-related insurance claims received or filed to the SFMTA and to ensure that Gas and Gates Medallions are not violating laws limiting the length of a commercial

driver's shift; (10) require Color Schemes to provide certain notices to the Paratransit Broker regarding In-Taxi Equipment; (11) prohibit certain practices by Drivers in connection with accepting payment by Paratransit Debit Card; (12) prohibit Drivers from tampering with required taxi equipment; (13) require that taxi security cameras be manufactured after 2006; (14) require Color Schemes to provide security camera data to the SFMTA and the SFPD; (11) make minor changes to the procedures for hearings on decisions to grant or deny permits; (15) renumber and amend Sections 1118 – 1123; (16) clarify procedures for hearings on Citations issued to Permit Holders and members of the public; (17) clarify SFMTA's procedures for providing public notice to the taxi industry; and (18) make Color Scheme Permit Holders responsible for ensuring that all Gate Fees charged for use of vehicles affiliated with the Color Scheme are within the Gate Fee cap. (Explanatory documents include a staff report, resolution and amendment.)

Items 12 and 13 were called together.

Director Reiskin requested an amendment regarding the receipt of a regular monthly report from each Color Scheme that lists each accident that occurred.

PUBLIC COMMENT:

Speakers expressing opposition: Charles Rathbone, Barry Taranto, Jim Gillespie, Corey Lamb, John Lazar, Barry Korengold and Emil Lawrence.

Speakers expressing support: Mark Gruberg, Hansu Kim, Tone Lee, Ed Healy and Benjamin Valis.

Speakers expressing neither support nor opposition: Bill Mounsey and John Han

On motion to amend the resolution, Section 1106 (o)(l), to add “by the fifth day of each moth, each Color Scheme must file a report with the SFMTA listing each accident that occurred during the previous month involving any Taxi or Ramp Taxi affiliated with the Color Scheme and resulting in property damage or bodily injury

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

RESOLUTION 12-111

On motion to approve the item as amended:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

13. Amending Transportation Code Division II Article 300, Section 310 establishing fines for new violations of the Transportation Code regarding motor vehicle for hire administrative fines. (Explanatory documents include a staff report, resolution and amendment.)

RESOLUTION 12-112

On motion to approve:

ADOPTED: AYES – Bridges, Brinkman, Heinicke, Lee, Nolan, Ramos and Rubke

14. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session.

On motion to invoke the attorney-client privilege: unanimously approved.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 4:53 p.m.

2. Roll Call

Present: Leona Bridges
Cheryl Brinkman
Malcolm Heinicke
Jerry Lee
Tom Nolan
Joél Ramos
Cristina Rubke

Also present: Ed Reiskin, Director of Transportation
Roberta Boomer, Board Secretary
Julia Friedlander, Deputy City Attorney
Mariam Morley, Deputy City Attorney

3. Pursuant to Government Code Sections 54956.9 (b), and Administrative Code Section 67.10 (b) (2), the Municipal Transportation Agency Board of Directors will meet in closed session to discuss attorney-client matters in the following case(s):

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

 X As defendant or X As plaintiff

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 5:10 p.m.

15. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to anticipated litigation with the City Attorney. The Board of Directors took no action.

16. Motion to disclose or not disclose the information discussed in closed session.

On motion to not disclose the information discussed: unanimously approved.

ADJOURN - The meeting was adjourned at 5:11 p.m. in memory of Gigi Pabros.

A tape of the meeting is on file in the office of the Secretary to the San Francisco Municipal Transportation Agency Board of Directors.



Roberta Boomer
Board Secretary

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [S.F. Campaign and Governmental Conduct Code section 2.100 et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 415.581.2300; fax: 415.581.2317; 25 Van Ness Avenue, Suite 220, SF, CA 94102-6027 or the web site: sfgov.org/ethics.

To the SFMTA , to be included in the minutes of the SFMTA's regular meeting for Aug. 21 , 2012.

From Peter Witt

Item. #9 (Public Comment).

S.F. Native,,, 24 year yellow cabbie,..... DISINFRANCHISED since Newsom became Mayor.

I've been black balled by the TXC and MTA's Directors and staff.

For the record ... The two ideas I've suggested always get deleted

- 1.) Implement a "Congestive Pricing System" to ;
 - a.) Slow taxi demand.
 - b.) Increases taxi supply..... which will ,
- 2.) Incentive-fie a new taxi-sharing program that would
 - a.) Lower fares at peaks times.
 - b.) Boost taxi driver revenue.
 - c.) Increase taxi supply and efficiency.

In the "City of Love"WHYNOT ??

Dispatch is another story!

15 years of unprecedented "Customer Outreach" data deleted from the records.

Public information withheld from the P.C. & N. process for political purpose.

DATA that otherwise would give full transparency and accountable also puts SFMTA taxi-services 15 years behind the times.

Useable DATA,.... comparable , even to the untrained..... Executive Director.

Not great PR !!!!!

Not great taxi services !!!!