

THIS PRINT COVERS CALENDAR ITEM NO. : _____

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Administration, Taxis and Accessible Services

BRIEF DESCRIPTION:

Requesting the San Francisco Municipal Transportation Agency Board of Directors to adopt amendments to Transportation Code, Division II, Article 1100 governing Motor Vehicles for Hire regarding the investigation and hearing process for Medallion applications, clarifying the process for settlement of citations and complaints, and revising provisions related to the Full-Time Driving requirement.

SUMMARY:

- The proposed amendments to Transportation Code, Division II, Article 1100 represent the staff recommendation for changes to the Transportation Code to streamline the investigation and hearing process for Medallion applicants.
- Increasing public participation in the investigation and hearing process.
- Clarify the process for settlement of citations and complaints.
- Revise various provisions related to the Full-Time Driving requirement.

ENCLOSURES:

1. SFMTAB Resolution
2. Proposed Amendments to Article 1100

APPROVALS:

DATE

DIRECTOR OF DIVISION
PREPARING ITEM

FINANCE

EXECUTIVE DIRECTOR/CEO

SECRETARY

RESOLUTION NO.

ADOPTED RESOLUTION
BE RETURNED TO Jarvis Murray

ASSIGNED SFMTAB CALENDAR DATE: _____

PAGE 2

PURPOSE

To amend the Transportation Code allowing the SFMTA to streamline the investigation and hearing process for Medallion applicants while increasing public participation in the investigation and hearing process, clarify the process for settlement of citations and complaints, and revise various provisions related to the Full-Time Driving requirement.

GOAL

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

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

- Adoption of these proposed Amendments would facilitate investigation of applicants for Medallions, thereby improving the quality of Medallion Holders and increasing public safety.

Goal 2: External Affairs/Community Relations: To improve the customer experience, community value, and enhance the image of the SFMTA, as well as ensure SFMTA is a leader in the industry.

Objective 2.1: Improve economic vitality by growing relationships with businesses, community, and stakeholder groups.

- These amendments provide the public with a significant role in the issuance of Medallions, thereby increasing the level of trust that the SFMTA is committed to fair and uniform application of the requirements to become a Medallion Holder, and will allow for settlement of an allegation of misconduct to ensure that the penalty imposed is consistent with the nature of the violation, and that a complaints against Permit Holder may be resolved efficiently and fairly for the benefit of the public.

Goal 3: Financial Capacity: To ensure financial stability and effective resource utilization.

Objective 3.1: This will help SFMTA to achieve its revenue goals by streamlining the Medallion application hearing process, allowing for continued sale of medallions in an expeditious manner.

- The adoption of the amendments to the Transportation Code will allow the Taxi Medallion Sales Pilot Program to move forward by modifying the application hearing process and expanding the public's ability to participate in the process. The Taxi Medallion Sales Pilot Program is expected to yield substantial new revenues for the SFMTA in the form of revenue from the direct sale of 60 Taxi Medallions by the SFMTA and revenue from a transfer fee to be paid by qualified Medallion sellers.

PAGE 3

RESOLUTION NO.

DESCRIPTION

The primary purpose of the proposed amendments is to improve and streamline the investigation and hearing process for Medallion applicants while increasing public participation in the investigation and hearing process, clarify the process for settlement of citations and complaints, and revise various provisions related to the Full-Time Driving requirement. Amendments consist of the following changes:

1. Penalty Schedule, Div II Article 300, Section 310(e): Corrects an error in this penalty amount so that penalty amount reflect original intent, which was that the fine for failure to meet the Full-Time Driving requirement could reach a maximum of \$24,000. This maximum fine would be imposed when a Medallion Holder fails to drive at all during a particular year. A Medallion Holder who drives only half of the required hours would pay a fine of \$12,000. If the Medallion Holder drives 75 percent of the required hours, he or she would pay a fine of \$6,000.
2. Definitions of Color Scheme and Dispatch Service, Section 1102(d) and (g): Definition of Color Scheme has been expanded to better describe the services that the Color Schemes provide. The definition of dispatch service has been modified to clarify that dispatch services forward communications from potential passengers to drivers. A service that allows a potential passenger to communicate directly with a driver is not a dispatch service.
3. Determination of Eligibility, Section 1104(a): Allows SFMTA to refuse to issue permit if applicant has violated applicable laws in past five years instead of past year only, clarifies how many years of past commercial operation of a motor vehicle -- five years -- the SFMTA must consider in deciding whether to issue the permit, and clarifies that two convictions of drug-related offenses may present a risk to public safety.
4. Eligibility for a Medallion, Section 1104(c)(3): Applicant must demonstrate that he or she was Full-time Driver during four out of five years. Applicant may choose which of two five-year periods -- the five years immediately preceding the hearing, or the four years immediately preceding the hearing and the year of the hearing -- will be used to determine his or her compliance with the Full-Time driving requirement. Waybills are currently the only evidence that is used to demonstrate compliance with the Full-time Driving requirement. The amendment to this Section would also allow applicants to use other corroborating evidence, such as electronic data from the taxicab companies and smart card records, to help determine if the applicant is a Full-Time Driver.
5. Medallion Holders Responsible for Documenting Compliance with Full-time Driving Requirement, Section 1109(c)(5): Includes same language as above allowing applicant to prove compliance with the Full-time Driving requirement using evidence other than waybills.

PAGE 4

RESOLUTION NO.

6. Permit Issuance, Section 1117: Section 1117 applies to the issuance of all permits, and requires a hearing on every application for a Medallion. No hearing is required on applications for other types of permits, but the applicant may request a hearing if the SFMTA denies the application. The hearing officer may allow members of the public to comment at a hearing on the issuance of a permit, but the public has no right to comment or otherwise participate in the hearing, and there is no mechanism for the public to communicate its concerns to the SFMTA during the investigation of the applicant.

The proposed revision of Section 1117 would not change the system for issuing non-Medallion permits, but would change the system for issuing Medallions in two important ways. First, it would delete the requirement for hearing on all applications for a Medallion. Second, it would provide a vastly increased role for the public in the system.

Under the new system, the SFMTA would be required to provide notice to the public that it has alerted an applicant that a Medallion is available. The notice would invite the public to communicate to the SFMTA any information relevant to the applicant's qualifications. At the conclusion of the investigation, the SFMTA would notice the applicant and the public of its decision whether to issue the Medallion to the applicant.

If the SFMTA denied the application, the applicant could demand a hearing. If the SFMTA granted the application, a member of the public could demand a hearing. The hearing would be conducted by the SFMTA's Hearing Section. The burden of proof would be on the party who requested the hearing. The applicant, or the member of the public who requested the hearing, would be entitled to appeal the hearing officer's decision to the Board of Permit Appeals.

7. Settlement, Section 1118(f): The existing subsection (f) is deleted, as it conflicts with Article I Section 8(i)(5) of the San Francisco Business and Tax Regulations Code, which governs when an action of a City department is stayed pending appeal to the Board of Appeals. The proposed new subsection (f) clarifies the authority of the SFMTA to settle complaints against Permit Holders or citations issued against members of the public. Settlement may occur at any time before the hearing officer issues his or her notice of decision, and a settlement need not be approved by the hearing officer, but must be in writing and signed by the parties or their authorized agents. A settlement may include whatever lawful terms that the parties may determine.

The City Attorney has reviewed this report.

ALTERNATIVES CONSIDERED

These amendments do not preclude future changes to the regulations to reflect new policy ideologies. While it is expected that these amendments will remain in place for many years, there is always a possibility that should circumstances and goals change, new amendments or deletions may be proper.

PAGE 5

FUNDING IMPACT

None

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None

RECOMMENDATION

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

RESOLUTION NO.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Taxi Services staff proposes amendments to Transportation Code, Division II, Article 1100 to improve and streamline the investigation and hearing process for Medallion applicants while increasing public participation in the investigation and hearing process, clarify the process for settlement of citations and complaints, and revise various provisions related to the Full-Time Driving requirement.

RESOLVED, That the Board adopts the amendments to Sections 310, 1102, 1109, 1117, and 1118 of Division II of the San Francisco Transportation Code acknowledging changes to the code to streamline the investigation and hearing process for Medallion applicants, increasing public participation in the investigation and hearing process, clarifying the process for settlement of citations and complaints, revise various provisions related to the Full-Time Driving requirement.

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

RESOLUTION NO.

[Taxi Regulations.]

RESOLUTION NO.

Resolution approving amendments to Division II of the San Francisco Transportation Code Sections 310, 1102, 1104, 1109, 1117 and 1118 to change the fine for failure to comply with the Full-Time Driving requirement, modify the definitions of Color Scheme and Dispatch Service, allow applicants to rely on hours driven during the year of the hearing to meet the Full-Time Driving requirement, allow applicants to prove compliance with the Full-time Driving requirement with evidence other than written Waybills, remove the requirement for a hearing on all applications for Medallions, require SFMTA to notify the public of the investigation of an applicant for compliance with requirements for becoming a Medallion Holder, allow members of the public to provide information relevant to such investigations, allow members of the public to require a hearing when SFMTA decides to grant a Medallion application, and allow the SFMTA to settle a complaint or citation without a hearing.

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 1100 of Division II of the Transportation Code is hereby amended by amending Section 310, to read as follows:

SECTION 3.10 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 fines set forth below.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
CONDITIONS APPLICABLE TO ALL PERMITS		

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1105(a)(1)	Operating without a permit	\$5000
Div II 1105(a)(6)	Failure to comply with laws and regulations	\$75/\$150/\$450
Div II § 1105(a)(7)	Failure to comply with SFMTA orders	\$200 per occurrence
Div II § 1105(a)(8)	False statements to SFMTA	\$250/\$400/\$500
Div II § 1105(a)(9)	Failure to arrange continuous operation of a permit	Possible Revocation
Div II § 1105(a)(10)	Accepting and/or soliciting gifts from Drivers	\$200/\$400/\$600
Div II § 1105 (a)(8)	Making false claim or request for payment or approval	\$500/ per occurrence
Div II § 1105(a)(13)	Failing to shift change at company property	\$75/\$150/\$450
Div II § 1105(a)(14)	Failing to keep address current	\$25/\$50/\$100
Div II § 1105 (a)(17)	Failure to meet response time goals	\$50/\$100/\$150
CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS		
Div II § 1106(a)	Operating without a color scheme permit	\$500
Div II § 1106(b)	Failure to submit photos upon request	\$25/\$50/\$100
Div II § 1106(c)	Failure to adhere to dispatch service rules	\$75/\$150/\$450
Div II § 1106(d)	Failure to maintain business premises requirements	\$75/\$150/\$450
Div II § 1106(e)	Failure to inform SFMTA before changing location and/or selling or transferring the business	\$250 per day until compliance
Div II § 1106(f)	Failure to list color scheme in telephone directory	\$250/\$400/\$500
Div II § 1106(h)	Failure to employ adequate staff for color scheme	\$75/\$150/\$450

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1106(i)	Failure to comply with worker's compensation laws	\$45 per day for each day without insurance
Div II § 1106(j)	Failure to execute contract with paratransit broker	\$250/\$400/\$500
Div II § 1106(k)(1)	Failure to provide facility to clean vehicles	\$250 per occurrence
Div II § 1106 (k)(2)	Failure to maintain properly working vehicle equipment	\$1000/ per occurrence
Div II § 1106(k)(4)	Color scheme operating unsafe vehicle or vehicle equipment	\$1000/ per occurrence
Div II § 1106(l)(2—7)	Violations related to designation and use of spare vehicles	\$75/\$150/\$450
Div II § 1106(l)(8)	Color scheme may not lease a spare vehicle unless such vehicle is using a medallion which is not in use in any other vehicle	\$5,000/ per occurrence
Div II § 1106(n)	Failure to post required certificates and other materials	\$75/\$150/\$400
Div II § 1106(o)	Failure to comply with notification procedures	\$75/\$150/\$400
Div II § 1106(p)	Failure to meet obligations related to drivers	\$75/\$150/\$400
Div II § 1106(q)(4)	Color scheme having actual knowledge that a driver is operating under the influence of an intoxicating or controlled substance	\$1000/ per occurrence
Div II § 1106(r)	Failure to properly handle found property	\$75/\$150/\$400
Div II § 1106(s)	Failure to file dissolution plan with SFMTA	\$50/ per day until filed
CONDITIONS APPLICABLE TO DISPATCH PERMITS		
Div II § 1107(a)	Failure to maintain an emergency plan	\$50 per day until received by SFMTA

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1107(c)	Failure to ensure adequate ramp taxi response	\$75/\$150/\$400
Div II § 1107(d)	Failure to keep adequate records of service calls	\$75/\$150/\$400
Div II § 1107(e)	Failure to maintain adequate communications equipment	\$50 per day until compliance met.
Div II § 1107(f)	Failure to maintain adequate staff for service calls	\$75 per occurrence
Div II § 1107(g)	Failure to advise customers of service delay	\$75 per occurrence
Div II § 1107(h)	Failure to advise customers of anticipated time of service	\$75 per occurrence
Div II § 1107(i)	Failure to identify service staff with unique identifier	\$75/\$150/\$400
Div II § 1107(j)	Failure of service staff to identify themselves	\$75 per occurrence
Div II § 1107(k)	Failure to dispatch requested color scheme to customer	\$250/\$400/\$500
Div II § 1107(m)	Failure of dispatch service to be in compliance with workers compensation laws	\$300/ for each day without insurance
Div II § 1107(n)	Failure to follow lost and found procedures	\$75 per occurrence
CONDITIONS APPLICABLE TO DRIVER PERMITS		
Div II § 1108(a)	Failure to carry, wear, or display proper identification	\$25/\$50/\$75
Div II § 1108(b)(3)	Failure to report criminal convictions	\$250/\$400/\$500
Div II § 1108(b)(4)(A)	Operating a motor vehicle for hire while under the influence	Summary suspension/ possible revocation of permit
Div II § 1108(b)(4)(B)	Use, sale or possession of controlled substance	\$250/\$400/\$500

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1108(c)	Failure to notify the SFMTA of change of color scheme affiliation, failure to return driver permit after terminating color scheme affiliation	\$5/per day until compliance met.
Div II § 1108(d)(2)-(3)	Failure to perform duties at beginning of shift	\$25/\$50/\$75
Div II 1108(d)(1)	Failure to take vehicle out of service when safety equipment is inoperable	\$25/\$50/\$75
Div II § 1108(e)(3)	Refusal to transport person with disability in front seat	\$50/\$100/\$150
Div II § 1108(e)(1)	Refusing to convey a passenger	\$25/\$50/\$75
Div II § 1108(e)(2)	Refusing to transport luggage	\$25/\$50/\$75
Div II § 1108(e)(4)	Refusing to transport a service animal or a contained animal	\$50/\$100/\$150
Div II § 1108(e)(5)	Refusing to assist loading and unloading	\$25/\$50/\$75
Div II § 1108(e)(6)	Refusing to assist and secure a person with disabilities	\$50/\$100/\$150
Div II § 1108(e)(7)	Failure to accept and serve dispatch calls	\$25/\$50/\$75
Div II § 1108(e)(8)	Soliciting or accepting additional passenger without prior consent of any passenger who has previously engaged the vehicle.	\$25/\$50/\$75
Div II 1108(e)(9)	Driver shall not collect from combined passenger payments any amount in excess of the fare shown on the taximeter at the time that the last passenger reaches their destination	\$25/\$50/\$75

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1108 (e)(10)	Failure to comply with 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.	\$25/\$50/\$75
Div II § 1108(e)(11)	Using non-emergency or dispatch related communication device while passenger is in vehicle.	\$25/\$50/\$75
Div II § 1108(e)(12)	Failure to comply with State Law regarding cell phone usage in vehicles	\$25/\$50/\$75
Div II § 1108(e)(14)	Operating a motor vehicle for hire in a reckless or dangerous manner	\$50/\$100/\$150
Div II § 1108(e)(15)	Failure to operate in accordance with ramp taxi rules and regulations	\$50/\$100/\$150
Div II § 1108(e)(16)	Requesting gratuities or extra charges	\$25/\$50/\$75
Div II § 1108(e)(17)	Failure to keep required audio communication devices audible, or visual communication devices visible, to driver	\$25/\$50/\$75
Div II § 1108(e)(18)	Failure to inform passenger whose destination is 15 miles from City Limits, or 15 miles from SFO and not within city limits of meter and a half rates.	\$25/\$50/\$75
Div II § 1108(e)(19)	Failure to carry sufficient cash to be able to provide change for 20 dollars.	\$25/\$50/\$75
Div II § 1108(e)(20)	Failure to inform passenger of toll charges at the beginning of the trip.	\$25/\$50/\$75

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1108(e)(22)	Failure to give receipt upon request to person paying fare.	\$25/\$50/\$75
Div II § 1108(e)(24)	failing to return found property during or after shift	\$25/\$50/\$75
Div II § 1108(e)(25)	Keeping unsafe taxi or ramp taxi in operation after discovery of safety issues	\$100/\$150/\$200
Div II § 1108(e)(26)	Placing loose items on dashboard or rear shelf of vehicle.	\$25/\$50/\$75
Div II § 1108(e)(27)	Failure to maintain clean trunk and/or baggage area	\$25/\$50/\$75
Div II § 1108(e)(29)	Threatening, harassing or abusing another person	Summary suspension and re-training
Div II § 1108(e)(30)	Using excessive physical force against a person	\$100/\$150/\$200 plus summary suspension and re-training.
Div II § 1108(e)(31)	Failure to be clean in dress and person	\$25/\$50/\$75
Div II § 1108(e)(32)	Failure to turn off the taximeter when pulled over by a peace officer.	\$25/\$50/\$75
Div II § 1108(e)(33)	Burning any substance, drinking or eating while a passenger is in the vehicle.	\$25/\$50/\$75
Div II § 1108(f)(1)-(2)	Failure to perform duties at end of shift	\$25/\$50/\$75
Div II § 1108(f)(3)	Failure to turn in found property at end of shift	\$25/\$50/\$75
CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS		
Div II § 1109(b)	Failure to utilize dispatch service of affiliated color scheme	\$25/\$50/\$150
Div II § 1109(c)	Failure to comply with full-time driving requirement	\$24000 multiplied by percentage of hours short of the full time driving requirement.

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1110(a)(1)	Failure to grant priority to service requests from wheelchair users	\$50/\$100/\$150
Div II § 1110(a)(2)	Accepting another fare once dispatched to a "ramp service" call.	\$50/\$100/\$150
Div II § 1110(d)	Failure to ensure drivers are qualified to operate ramp taxi	\$50/\$100/\$150
Div II § 1113(a)	Failure to maintain taxis and ramp taxis in safe operating condition	\$25/\$50/\$75
Div II § 1113(b)	Improper equipment placement	\$25/\$50/\$75
Div II § 1113(c)(1)-(2), (4)-(5)	Failure to meet exterior display requirements	\$25/\$50/\$75
Div II § 1113(c)(3)	Failure to display proper inspection certificates	\$25/\$50/\$75
Div II § 1113(d)	Failure to meet interior display requirements	\$25/\$50/\$75
Div II § 1113(e)	Failure to provide communication equipment	\$25/\$50/\$75
Div II § 1113(f)	Failure to provide working taximeter	\$100/\$150/\$300
Div II § 1113(h)	Failure to provide emergency equipment	\$25/\$50/\$75
Div II § 1113(i)	Improper vehicle signage	\$25/\$50/\$75
Div II § 1113(j)	Failure to maintain vehicle lights	\$25/\$50/\$75
Div II § 1113(k)	Failure to maintain standard vehicle equipment	\$25/\$50/\$75
Div II § 1113(l)	Failure to maintain vehicle tires	\$25/\$50/\$75
Div II § 1113(m)	Failure to maintain vehicle windows	\$25/\$50/\$75
Div II § 1113(n)	Failure to maintain security cameras	\$25/\$50/\$75
Div II § 1113(o)	Failure to maintain sanitary condition	\$25/\$50/\$75
Div II § 1113(p)	Failure to meet vehicle title requirements	\$250 per occurrence

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1113(q)-(r)	Operating vehicle with excessive mileage/age	\$250 per occurrence
Div II § 1113(s)	Failure to comply with inspection rules; failure to remove vehicles from service	\$250 per occurrence
Div II 1113(s)(7)	Fraudulent conduct in connection with inspection	\$250 plus revocation of permit.
Div II § 1113(t)	Failure to ensure safe vehicle condition	\$25/\$50/\$75
Div II § 1113(u)	Failure to submit replacement vehicle for inspection	\$250 per occurrence
Div II § 1113(v)	Failure to provide working ramp taxi ramp	\$25/\$50/\$75
Div II § 1113(w)	Failure to remove markings from taxis prior to re-sale	\$250 per occurrence
Div II § 1113(x)	Placing or maintaining or causing or allowing to be placed or maintained, any advertising or promotion of cigarettes or tobacco products on any taxi or ramp taxi	\$250 per occurrence
Div II § 1114(a)	Failure to maintain or provide records in manner required	\$25/\$50/\$75
Div II § 1114(b)(1)	Failure of driver to provide receipts to passengers upon request	\$25/\$50/\$75
Div II § 1114(b)(2)	Failure of Driver to provide badge number to passenger upon request	\$25/\$50/\$75
Div II § 1114(b)(3)	Failure to maintain medical certificate	\$25/\$50/\$75
Div II § 1114(b)(4)	Failure of driver to keep waybills as required	\$25/\$50/\$75
Div II § 1114(e)(1)	Failure of color schemes to meet waybill requirements	\$75/\$150/\$400

RESOLUTION NO.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT 1 st /2 nd /3 rd Offense
Div II § 1114(e)(2)	Failure to properly maintain medallion holder files	\$75/\$150/\$400
Div II § 1114(e)(3)	Failure to retain color scheme identification cards of former drivers	\$75/\$150/\$400
Div II § 1114(e)(4)	Failure to issue receipts to drivers for payments made	\$75/\$150/\$400
Div II § 1114(e)(6)	Failure to submit vehicle inventory changes	\$75/\$150/\$400
Div II § 1114(e)(7)	Failure to maintain current business information	\$75/\$150/\$400
Div II § 1114(e)(8)	Failure to meet weekly reporting requirements	\$75/\$150/\$400
Div II § 1114(e)(9)	Failure to submit a written emissions reduction plan	\$50 per day until received by the SFMTA
Div II § 1114(f)(1)	Failure of dispatch service to provide annual service report	\$50 per day until received by the SFMTA
Div II § 1114(f)(2)	Failure to provide reports of and receipts for found property	\$25/\$50/\$75
Div II § 1122(c)	Overcharging gate fees	\$500 per occurrence
Div II § 1122(d)	Overcharging a passenger for luggage	\$25/\$50/\$150

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1102, to read as follows:

SECTION 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.

RESOLUTION NO.

(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 by a written determination of Administrative Probation issued by the SFMTA.

(d) "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 ~~and holds a Color Scheme Permit issued by the SFMTA~~, including any owner, manager, employee, lessee and any agent of such business.

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

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

(g) "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 which holds itself out to the public as a service by or through which taxis may be summoned or dispatched by radio, telephone, or other means of communication, including any owner, manager, employee, lessee and any agent of said service. "Dispatch Service" shall not include any service through which

RESOLUTION NO.

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.

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

(i) "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.

(j) "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.

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

(l) "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.

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

(n) "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.

(o) "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

RESOLUTION NO.

available for hire or actually hired for at least 156 four-hour shifts or 800 hours during a calendar year.

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

(q) "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).

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

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

(t) "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.

RESOLUTION NO.

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

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

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

(x) "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.

(y) "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.

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

(aa) "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.)

(bb) "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.

RESOLUTION NO.

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

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

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

(ff) "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.

(gg) "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 1109(e) of this Article.

(hh) "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.

(ii) "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.

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

RESOLUTION NO.

(kk) "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.

(ll) "Qualified Purchaser" shall mean a Driver Permit Holder who meets all the requirements for purchase of a Medallion under Section 1109(e)(2).

(mm) "Qualified Seller" shall mean a Medallion Holder who meets the requirements of Section 1109(e)(1)(A) or 1109(e)(1)(B).

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

(oo) "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.

(pp) "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.

(qq) "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.

(rr) "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.

RESOLUTION NO.

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

(ss) "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.

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

(uu) "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.

(vv) "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.

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

(xx) "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.

SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1104, to read as follows:

SECTION 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.

(2) The applicant's compliance with all applicable statutes, ordinances and regulations. If, during the five years~~12 months~~ prior to application, an applicant has violated any statute, ordinance or regulation which would be a basis for revocation of the permit, the SFMTA may, in its discretion, refuse to issue the permit.

(3) The record of the applicant 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.

(4) Any prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if a permit is granted or renewed, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, 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

RESOLUTION NO.

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 ~~any four of the five~~ consecutive calendar years ~~immediately preceding the calendar year in which the hearing is held.~~ 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 ~~from the date of~~ 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. ~~Only w~~Written Waybills completed in compliance with

RESOLUTION NO.

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.

(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.

Section 4. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1109, to read as follows:

SECTION 1109. CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS.
SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

(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 1118(g). The SFMTA may delay or deny a change in Color Scheme affiliation by a Medallion Holder if a court of competent jurisdiction issues a temporary or permanent order to prohibit or delay the transfer.

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

(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.

RESOLUTION NO.

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

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

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

(5) Medallion Holders Responsible for Documenting Compliance. A Medallion Holder has the responsibility to maintain his or her own business records, including Waybills. ~~Only w~~ Written Waybills or other corroborating documentary evidence completed in compliance with all requirements may be used to demonstrate compliance with ~~meet~~ the Full-Time Driving requirement. Failure of a Color Scheme to maintain business records, including Waybills, as required by this Article shall not excuse a Medallion Holder from proving that he or she has satisfied this Subsection 1109(c) or any other requirement.

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

(7) Exception for Color Scheme Key Personnel.

RESOLUTION NO.

(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.

RESOLUTION NO.

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

RESOLUTION NO.

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

SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

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) Taxi Medallion Sales Pilot Program.

(1) Qualified Taxi Medallion Sellers.

(A) Any natural person who: (1) has attained or will attain the age of 70 as of December 31, 2010; or (2) 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, is eligible to sell his or her Medallion in accordance with this subsection (e). This subsection (e)(1)(A) does not confer on a Medallion Holder who meets the age or disability requirements of this subsection 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 eligible Medallion Holders eligible under this subsection (e)(1)(A) 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 subsection (e)(1)(A) unless and until the revocation

RESOLUTION NO.

proceeding and any resultant administrative appeal or court proceeding is concluded upon a determination that the Medallion will not be revoked.

(B) Any Purchaser of a Medallion under this subsection (e) is eligible to sell the Purchased Medallion in accordance with this subsection (e). 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 subsection (e). A Medallion purchased under this subsection (e) shall expire upon the death or mental incompetence of the Medallion Holder, upon the foreclosure by a Qualified Lender under subsection (e)(14), or upon revocation of the Medallion under Section 1120 of this Article.

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

(D) If the SFMTA chooses at any time to prohibit the future transfer or assignment of Purchased Medallions issued under Section 1109(e)(1)(B) of this Article, 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 1109(e)(13) of this Article, the SFMTA will deduct from the payment made to any Medallion Holder under this Section 1109(e)(1)(D) 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

RESOLUTION NO.

Qualified Lender. Upon receipt of this amount, the Qualified Lender shall comply with Section 1109(e)(13)(c) and release its security interest in the Medallion. Upon purchase the of Medallion under this Section 1109(e)(1)(D), 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.

(2) Qualified Taxi Medallion Purchasers. The SFMTA shall authorize Medallion sales under the Pilot Program only to Driver Permit Holders who meet all eligibility requirements for Medallion ownership in Sections 1103 and 1104 of this Article and who acknowledge and agree that the Medallion purchased is subject to the provisions of this subsection (e). 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.

(3) Fixed Medallion Sale Price. Any Medallion sold pursuant to this subsection (e) 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

SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

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 1109(e)(12)(C).

(4) Medallion Transfer Fees.

(A) 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.

(B) 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 and 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.	0%	0.00%
2.	5%	0.75%

RESOLUTION NO.

3.	10%	1.50%
4.	15%	2.25%
5.	20%	3.00%
6.	35%	5.25%
7.	50%	7.50%
8.	75%	11.25%
9.	90%	13.50%
10.	100%	15.00%

(5) Medallion Sales by City. As part of the Taxi Medallion Sales Pilot Program, the SFMTA may sell up to 60 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.

(6) Taxi Medallion Purchase and Sale Procedures.

(A) 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.

(B) 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.

RESOLUTION NO.

(C) 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.

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

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

(9) Ramp Taxi Medallions. If any Ramp Taxi Medallion Holder who would qualify to sell a Medallion under subsection (e)(1) 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 subsection (e).

(10) 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.

(11) Taxi Medallion Sales Pilot Program Advisory Council.

(A) 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.

(B) The Advisory Council shall consist of 15 members appointed by the Director of Transportation. Three of the members shall

RESOLUTION NO.

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.

(C) The Advisory Council shall prepare and provide to the Director of Transportation, no later than December 31, 2010, 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 Taxi Services section of the SFMTA.

(D) 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.

(12) Medallion Lender Qualification.

(A) 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

RESOLUTION NO.

respect to more than 90% of the original loan balance without the express, written consent of the Director of Transportation.

(B) 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.

(C) 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 subsection (e), 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.

(13) Security Interests.

(A) 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.

RESOLUTION NO.

(B) 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 Taxi Services Section of 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.

(C) 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 5 business days of the release with Taxi Services Section of the SFMTA along with any underlying contracts or documents memorializing the terms and conditions of the release.

(14) Foreclosure and Transfer of Medallion.

(A) 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 Taxi Services Section of the SFMTA without delay once the Qualified Lender determines the date on

RESOLUTION NO.

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.

(B) Provided that the Qualified Lender has provided notice to the SFMTA under subsection (e)(14(A), 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 subsection (e) 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.

(15) Disciplinary Revocation and Resale.

(A) In the event that the SFMTA brings disciplinary revocation proceedings under Section 1120 of this Article against a Medallion that has been sold in accordance with this subsection (e), 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 subsection (e).

(B) Disciplinary revocation of a Medallion shall not affect the validity of the lien of a Qualified Lender against the Medallion. Resale

RESOLUTION NO.

of the Medallion after revocation for any reason shall be subject to the lien of the Qualified Lender.

(C) 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 subsection (e).

(D) 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

(E) 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.

(16) 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 subsection (e) to affiliate with the Color Scheme in accordance with all applicable

SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

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.

Section 5. Article 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1117 and 1118, to read as follows:

SECTION 1117. PERMIT ISSUANCE; INACTIVE APPLICATION.

(a) Permit Issuance. The SFMTA may issue any class of Motor Vehicle for Hire Permit only upon its determination that the permit applicant meets all requirements and qualifications for the permit.

(b) Investigation of Applicants for Non-Medallion Permits. Upon receipt of an application for a permit other than Taxi or Ramp Taxi Medallion, ~~t~~The SFMTA shall investigate ~~the~~each individual permit applicant. ~~SFMTA shall provide results of the investigation to the applicant.~~ The applicant must furnish any additional material requested by the SFMTA, and within 60 days of the date of the SFMTA's notice to the applicant of the results of the investigation. ~~i~~f such additional material requested by the SFMTA is not provided within 60 days' of request, the application shall be deemed inactive.

(c) Hearings on Applications for Non-Medallion Permits. At the conclusion of the investigation of an applicant for a permit other than a Medallion, the SFMTA shall inform the applicant of the SFMTA's decision to grant or deny the permit. If the SFMTA has decided to deny the permit, the applicant may request a hearing under Section 1116(b)(2).

RESOLUTION NO.

(d) Investigation of Applications for Taxi and Ramp Taxi Medallions. In addition to delivering notice to the applicant of the availability of a Medallion in accordance with Section 1104(a)(2), the SFMTA shall concurrently post the notice on its website, and shall deliver the notice, with a request for posting, to the San Francisco Main Library Government Information Center, the San Francisco International Airport taxi holding area, and the business office of every Color Scheme. The notice shall invite members of the public to assist the SFMTA in its investigation of the applicant by supplying information relevant to whether the applicant meets the requirements for becoming a Medallion Holder. After review of the material supplied by the applicant, any information provided by members of the public, and the results of its own investigation, the SFMTA shall make a decision whether to grant or deny the application for a Medallion.

(e) Hearings on Applications for Taxi and Ramp Taxi Medallions. The SFMTA shall notify the applicant of its decision on the application for a Medallion, and shall provide notice to the public of the decision in the same manner as it noticed the availability of the Medallion. If the SFMTA makes a decision to deny the application, the applicant may request a hearing on the application by submitting to the SFMTA a request for hearing within 20 business days of the date that the notice is personally delivered or sent to the applicant. If the SFMTA makes a decision to grant the application, a member of the public may request a hearing on the application within 20 business days of the posting of the notice of decision on the SFMTA's website. The SFMTA shall schedule the hearing within 60 calendar days from the date that the applicant or member of the public submitted a request for hearing. The SFMTA shall provide the complete application and/or grounds for the action taken and the results of any investigation to the Hearing Section upon receipt of a request for hearing.

~~(e) — Hearing Schedule and Exchange of Information.~~

RESOLUTION NO.

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

(f) Hearing Procedures for All Permits.

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

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

(34) No less than five calendar days prior to the hearing, the party who requested the hearing applicant, or Permit Holder may file a written submission containing any information he or she ~~the applicant~~ deems relevant to the application or the results of the investigation. The submission shall not exceed ten double-spaced typed pages, excluding exhibits. If the party who requested the hearing ~~applicant or Permit Holder~~ intends to present witnesses at the hearing, ~~it~~ he or she shall present a list of these witnesses at least five calendar days prior to the hearing.

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

(g4) Burden of Proof. If the applicant challenges an SFMTA decision to deny the permit, the burden of proof shall be on the applicant or Permit Holder to establish that the applicant meets all requirements. If a member of the public challenges an SFMTA decision to grant a Medallion, the burden of proof shall be on the member of the public who requested the hearing to establish that the applicant does not

SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

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

(he) Notice of Decision. ~~At the conclusion of the hearing, the A hearing officer's shall issue a written decision upholding or overturning the SFMTA's decision on the application for the permit, which on any permit application shall be based upon the qualifications of the applicant and the criteria set forth in this Article. The hearing officer(s) decision shall include findings, and shall set make a written report of findings setting forth evidence in support of each finding, and shall be issued within 60 calendar days of the hearing. The date of the hearing officer's written decision shall be deemed the date of the determination for the purposes of this Article. The hearing officer's decision Any finding made at or as a result of a hearing conducted pursuant to this Section may be appealed by the applicant, or by the member of the public who requested the hearing, to the Board of Appeals.~~

(if) Results of Hearing. If the hearing officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit within 105 business days of the hearing officer's written decision. ~~If the hearing officer determines that an applicant for a Medallion is not qualified to receive a Medallion, the SFMTA shall deny the permit within 15 business days of the hearing officer's written decision. If an applicant is contesting his or her removal from a Waiting List, and the hearing officer determines that the applicant is eligible for the Medallion and has met all permit application requirements, the SFMTA shall restore the applicant to their place on the Waiting List. If an applicant is contesting a determination that his or her application is inactive, and the hearing officer determines that the application is active in accordance with the criteria listed in Section 1103(b), then the SFMTA shall continue to process the application. If a Permit Holder contests revocation of a permit, and the hearing officer~~

SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

~~determines that grounds for revocation of the permit do not exist, then the SFMTA shall restore the permit.~~

SECTION 1118. ADMINISTRATIVE PROCEEDINGS.

(a) Complaint. In order to initiate an administrative proceeding against any person alleged to be in violation of any law or regulation that is subject to administrative penalties, the SFMTA must present a written complaint consisting of a list of each alleged violation, the alleged facts that establish each violation, and any argument in support of requested disciplinary measure(s) or monetary penalties. The complaint shall not exceed 10 double-spaced pages, excluding exhibits. In addition to the complaint, the SFMTA may submit any proposed findings to the hearing officer.

(b) Scheduling an Administrative Hearing. The administrative hearing shall be scheduled no sooner than 30 calendar days after the written complaint is noticed to the respondent unless the parties agree to a different schedule. The respondent may request a continuance of the hearing by submitting a written request to the hearing officer at least five business days prior to the scheduled hearing. The hearing officer must grant or deny the request for continuance within three business days. The final decision on the request for continuance shall be provided to the respondent and shall be posted on the SFMTA's website. No continuance of the administrative hearing may exceed 60 days. If there is a pending criminal proceeding against the respondent the hearing officer may continue the hearing pending final resolution of the criminal case; provided that such continuance of the hearing shall not affect a summary suspension under Section 1119.

(c) Response to Complaint. No later than ten business days prior to the hearing, the respondent may provide the SFMTA and the hearing officer a written response to the disciplinary complaint, along with any additional

SFMTA BOARD OF DIRECTORS

RESOLUTION NO.

information the respondent considers relevant to the case. The response shall not exceed ten double-spaced pages, excluding exhibits, and shall include a list of the witnesses, if any, that the respondent will present at the hearing. In addition to the response, the respondent may include as a part of the response any proposed findings that the respondent proposes be adopted by the hearing officer. SFMTA may submit any proposed findings to the hearing officer.

(d) Presentation of the Case.

(1) The SFMTA shall make the initial presentation of its case at the hearing, and shall have the burden of proving, by a preponderance of the evidence, the facts alleged in the complaint. The respondent may present evidence following the SFMTA's presentation.

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

(e) Decision.

(1) The hearing officer shall issue a written decision within ten business days of the date of the hearing, and shall include written findings and disciplinary measures or monetary penalties, if any. No later than three business days following the hearing the SFMTA shall publish a summary of the results of the disciplinary case on the SFMTA website, referenced by the case number, date of hearing and the affected permit number. The full text of the decision shall be sent to the respondent no later than the business day following the issuance of the decision. The deadline for the issuance of a decision may be extended if the hearing officer requests additional evidence from the parties subsequent to the hearing. If additional evidence is submitted, then the decision will be issued within ten business days of the last submittal.

RESOLUTION NO.

(2) The hearing officer's decision shall take effect on the date of notice to the respondent.

~~(f) The appeal to the Board of Appeals of any decision to suspend or revoke a permit for the operation of a Motor Vehicle for Hire shall automatically suspend the permit that is the subject of the appeal for the duration of the appeal.~~

(f) Settlement

(1) After issuance of an SFMTA complaint or citation, the SFMTA may enter into a settlement with the respondent or person cited. The parties may reach a settlement before, during, or after the hearing, but may not enter into a settlement after the hearing officer issues the notice of decision.

(2) A settlement need not be read into the record of the hearing, or approved by the hearing officer, but must be reduced to writing, and signed and dated by the SFMTA and the respondent or person cited or his or her legal counsel or other authorized representative.

(3) By entering into a settlement agreement, a respondent waives any right to appeal to the City's Board of Permit Appeals, and the respondent or person cited waives any right to seek judicial review pursuant to Section 1123 (e), with respect to the subject of the settlement agreement.

(4) No evidence of an offer of settlement or of any statement made during settlement negotiations is admissible in a future proceeding under this Article.

(g) Administrative Probation.

(1) The SFMTA shall develop uniform criteria for making a determination that either a Color Scheme or a Dispatch Service Permit Holder is on Administrative Probation based on the number and degree of violations of this Article. In addition to any other applicable disciplinary measures, the SFMTA may declare the Permit Holder to be on Administrative Probation based on such criteria.

(2) A Color Scheme on Administrative Probation may not execute new affiliations with Drivers or Medallion Holders, and a Dispatch Service on Administrative Probation may not execute new affiliations with Color Schemes, until the SFMTA makes a written determination that the

RESOLUTION NO.

violations are cured or the conditions stated in the notice of Administrative
Probation are met.

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