

Agenda: Item 9

Consideration of Possible Regulations for Reconsideration of Medallion
Applications Made Prior to February 2008 MPC § 1121

[INFORMATION]

(Draft 7/1/2008)

Procedures for Reconsideration of Driving Experience Determinations Under Police Code Section 1121

BACKGROUND

The City has amended Police Code Section 1121 to modify the driving experience requirements for medallion applicants. (See SF Board of Supervisors Ord. No. 58-08.) The amendment eliminates the year 2004 from the calculations of driving experience and delays all the subsequent incremental increases in the requirement by one year:

- If the application was heard in 2005, the applicant must have been a full-time driver during calendar year 2005 or the 12 months immediately preceding the hearing.
- If the application was heard in 2006, the applicant must have been a full-time driver during any calendar year 2005 or 2006.
- If the application was heard in 2007, the applicant must have been a full-time driver during any two calendar years from 2005 to 2007.
- If the application is heard in 2008, the applicant must have been a full-time driver during any three calendar years from 2005 to 2008.
- If the application is heard in 2009, the applicant must have been a full-time driver during any four calendar years from 2005 to 2009.
- If the application is heard in 2010 or after, the applicant must have been a full-time driver for five years—either (i) during the calendar year immediately preceding the hearing and during four of the five calendar years immediately preceding that calendar year, or (ii) during the calendar year in which the application is heard and during four of the five calendar years immediately preceding that calendar year.

In addition, the applicant's driving for the calendar year of the hearing will be including on a pro-rated basis when calculating the applicant's driving experience. For example, if the hearing is held halfway through the year, the applicant would only need to have completed half the total driving—400 hours or 78 4-hour shifts—to get credit for that year's driving.

The amendment took effect on May 1, 2008. But the ordinance also authorizes the Taxi Commission to reconsider decisions made prior to its adoption in light of the new requirements:

The Taxi Commission may by regulation provide for reconsideration of applications that were denied and applicants who were removed from the waiting list under the provisions of subsection (b) of Police Code Section 1121 prior to the amendments made by this ordinance.

The Commission has adopted these procedures to govern its reconsideration, where appropriate, of driving experience determinations made prior to the adoption of the amendments to Police Code Section 1121.

PROCEDURES FOR RECONSIDERATION

Persons eligible for reconsideration

- The medallion applicant must have been denied or removed from the waiting list in calendar year 2005 or later.
- The medallion applicant must have been denied or removed from the waiting list for not having sufficient driving experience.
- The medallion applicant must have sufficient driving experience under the new standards.

Deadline for applying for reconsideration

- Persons seeking reconsideration must submit a completed application, on a form to be provided by Taxi Commission staff, no later than October 1, 2008.
- Commission staff shall publicize the deadline and procedures for seeking reconsideration based on the changes in the driving-experience requirements.
- Commission staff shall send letters explaining the deadline and these procedures by first-class mail to those applicants denied or removed from the waiting list since January 1, 2005 for not having sufficient driving experience. Such letters shall not constitute an admission by the Taxi Commission that the applicant is eligible for reconsideration or that the applicant would be eligible for a medallion under the new driving requirements.

Procedures for reconsideration

- The Taxi Commission shall consider the completed applications in the order that they are received.
- The applicant shall have the burden of proof on all issues upon reconsideration, including whether he or she meets all requirements for receiving a medallion.
- The applicant shall not be required to pay any fees he or she already paid as part of his or her initial application, but shall otherwise be responsible for paying any applicable fees.
- The Taxi Commission shall apply the driving experience standard set in the amended ordinance for the calendar year in which the application was originally considered. But the Commission shall consider the remainder of the application under current standards and based on current information.
- The Executive Director shall review the application and place his or her recommended decision on the consent calendar for the Commission's consideration. The Commission may adopt, reject, or modify the Director's recommended decision.
- If the Commission approves the application, the Director shall return the applicant to the waiting list ahead of those already on the list, but behind any other applicants previously approved under this process.