

Agenda: Item 8

Resolution to Recommend Draft SFMTA Rules on Medallion Leasing
[ACTION]

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN NEWSOM

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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

February 10, 2009

At the meeting of the Taxicab Commission on Tuesday, February 10, 2009 the following resolution(s) and finding(s) were adopted:

RESOLUTION NO. 2009 -XX

WHEREAS, The Taxi Commission has considered several solutions to the problems of “medallion brokers” and exploitative leasing arrangements in the San Francisco taxi industry; and

WHEREAS, The Commission wishes to memorialize its recommendations for certain rules before responsibility for the enforcing leasing arrangements passes to the Municipal Transportation Agency on March 1, 2009; therefore, be it

RESOLVED, That the Taxi Commission recommends to the Municipal Transportation Agency that it adopt the rules contained in the Draft SFMTA Tax Rules and Regulations, as described in the attached Exhibit to this Resolution.

Ayes:
Absent:

No:
Recused:

(1) Lease of Taxi Permits [1124]

(A) Provided that a Taxi permit is operated in compliance with all other applicable statutes, laws and Regulations, a Taxi Permit Holder may authorize a Color Scheme or Driver to operate or drive the Taxi permit pursuant to a Lease.

(B) A Lease is only valid if it is in writing, on file with the SFMTA, and is limited to the following parties: a Taxi Permit Holder, a Color Scheme and/or a Driver who will actually drive the vehicle associated with that Taxi permit.

(C) No person may lease a Taxi Permit, either on a per shift basis or for any term of time, to or from anyone other than the Permit Holder or the Color Scheme with which the Taxi permit is affiliated.

(D) A Lease is not assignable or transferable. Any attempt to assign or transfer a Lease is invalid, and shall render the Lease void by operation of law as of the date of the attempted assignment or transfer.

(E) A true and correct copy of any Lease shall be filed with the SFMTA within 45 calendar days of execution, and the original shall be retained at the Color Scheme's place of business during the term of the Lease. All Leases must be available twenty-four hours a day for inspection by the SFMTA and/or the Chief of Police.

(F) Nothing in this Section shall be deemed to modify, limit or excuse the obligations of any Permittee under this Article or to suspend any permit conditions.

(G) This Section 5(a)(13) shall be strictly enforced, and violation shall be grounds for revocation of any Permittee who executes a Lease for the use of a Taxi permit in violation of this Section. Any person who executes any oral or written Lease for the use of a Taxi permit in violation of this Section shall be considered to be operating without a permit in violation of Section 5(a)(1).