



WORKING GROUP SUBCOMMITTEE MEMBERS

PATRICIA BRESLIN, CHAIR
PAUL GILLESPIE
TOM ONETO

Rules and Regulations Subcommittee MINUTES

November 5, 2007 at 10:30am
City Hall, 1 Dr. Carlton B. Goodlett Place
Room 421

Present: Breslin, Oneto, Gillespie

Absent: none

Commission called the meeting to order at 10:36 A.M.

1. Call to Order/Roll Call

2. General Public Comment (Please limit public comment to items not on the agenda)

3. Adoption of Minutes from the October 29, 2007 Subcommittee Meeting.

Adopted without objection.

4. Consideration of Amendments to *Taxicab/Ramped Taxi Rules & Regulations, Section 3, Definitions* [DISCUSSION AND POSSIBLE ACTION; EXPLANATORY DOCUMENTS]

- **Jordanna Thigpen:** Section 1 contains the subcommittees vote regarding the correct provisions of the code. Section 3, the only recommendation that came out was to alphabetize and staff did that. You also voted to remove Section K, which was "Formal Employee Operations" that was removed.
- **Com Breslin:** Keep all changes as redline, the Taxi Commission has to review them as well.
- **Jordanna Thigpen:** Did you want to discuss anything pertaining to Section 3?
- **Com Breslin:** Isn't there one definition we were going to pull over to another section?
- **Jordanna Thigpen:** At the last meeting you discussed the full-time driver, Section D.
- **Com Gillespie:** Add 800 hours to Section D.
- **Com Breslin:** Why are we defining full-time driver?
- **Jordanna Thigpen:** Full time driver is described in the Municipal Police Code and the only time that term is used is to refer to medallion holders who have a driving requirement.
- **Com Gillespie:** Maybe D & A should be combined in some way.
- **Com Breslin:** I guess we should be aware of where it's used in the rule book.
- **Jordanna Thigpen:** I would suggest we should use pre-k and post-k that would clarify it.
- **Carl Macmurdo:** Applicants can be affected.
- **Jordanna Thigpen:** I would probably leave it the way it is just because the Municipal Police Code uses that terminology.

Public Comment

- **Tom Stanghellini:** We've also been told that the drivers have to drive 800 hours or 156 shifts. If 156 shifts are going equal 75% of the business days, how are we figuring it out?
- **Jordanna Thigpen:** That was done by resolution by the commission.
- **Com Gillespie:** We took 75% of the business day. We used a four day week, we were being lenient.
- **Wesley Hollis:** Anytime something is governed by the Municipal Police Code, there should be notes so people know where to look.
- **Jordanna Thigpen:** We can reference 1081(f).
- **Marty Smith:** Municipal Police Code says that you can assign your medallion at any time.
- **Com Gillespie:** Prop K states that you cannot be assigned, bought, sold or transferred.
- **Tom Owens:** Municipal Police Code does not say anything about assignment
- **Mark Gruberg:** There is a provision in the MPC that says you are allowed to lease your medallion.
- **Tom Owens:** One does not produce full-time driving during a lease of medallion.
- **Com Oneto:** We might be moving this to Section 2.
- **Com Breslin:** If response time goals are removed or deleted then definitions will become Section 2.

5. Consideration of Amendments to *Taxicab/Ramped Taxi Rules & Regulations*, Section 4, Medallion Holders [DISCUSSION AND POSSIBLE ACTION; EXPLANATORY DOCUMENTS]

- **Jordanna Thigpen:** For 4A1, there was no change recommended.
- **Com Breslin:** For 4A1, are there any additional ordinances for commissions or departments?
- **Jordanna Thigpen:** No because it says, "And all other governmental jurisdictions through which the permit holders traverse."
- **Marty Smith:** It should say medallion holders are responsible for all, not the color scheme. Section 1124 of the Municipal Police Code, assigning medallions.
- **Com Breslin:** Section 1124 of the Municipal Police Code is Lease of the Taxicab permit (reads section).
- **Jordanna Thigpen:** The New Municipal Police Code supersedes the old one.
- **Rich Hybels:** Section 1 covers California Workers Compensation Laws.
- **Marty Smith:** Cab drivers are independent contractors.
- **Tom Owens:** Some cab drivers are employees some are true independent contractors and the case law doesn't supersede the law.
- **Marty Smith:** In what sense is a driver an independent contractor or not an independent contractor?
- **Tom Owens:** If the employer exercises the degree of the performance over the cab drivers duties, they would be considered an employee.
- **Com Breslin:** As they apply to the medallion holder any contract driver (and/or) any of the medallion holder's employees. Put (and/or) so we can pick and choose what applies.
- **Jordanna Thigpen:** You could put "shall comply with applicable provisions of the charter" and that way it only covers the ones that apply.
- **Com Oneto:** Dept of Agriculture and Weights and Measures? Should that be in parenthesis?
- **Com Breslin:** We can take the Agriculture out. Let's go forward with the word applicable.
- **Jordanna Thigpen:** Section 4A2, no staff recommendations.
- **Marty Smith:** The waybills in the office we attach credit card slips. Would it be okay to photograph them?

- **Jordanna Thigpen:** We are talking about 4A2, cooperation.
- **Jordanna Thigpen:** Section 4A3, no staff recommendations.
- **Carl Macmurdo:** I would suggest we not have staff read this, it will save time.
- **Com Breslin:** We are doing this for the record. No changes to 4A3.
- **Jordanna Thigpen:** Section 4A4, no staff recommendations.
- **Wesley Hollis:** Section 4A4, establishes gas/gate cabs.
- **Jordanna Thigpen:** Section 4A5, no staff recommendation.
- **Rich Hybels:** That eliminates 18 inch numbers, that would save color schemes money.
- **Com Gillespie:** Since colors are apart of a color scheme I would think it's the color schemes responsibility.
- **Marty Smith:** If someone is going to be running his cab in my company he should be responsible for putting his letters on.
- **Jordanna Thigpen:** You have a right to contract any way you want.
- **Com Breslin:** Seems to me numbers stay with the medallion holder.
- **Mark Gruberg:** Medallion holder is also responsible.
- **Jordanna Thigpen:** Through the chair , may I offer a suggestion to simply change the language to “ All medallion holders shall ensure that their in compliance with section 5C of the Rules & Regulations”
- **Wesley Hollis:** The format needs to be changed in the rule book that requires us to put dispatcher's phone numbers on cabs. Why do we need 18 inch high numbers?
- **Marty Smith:** From overhead looking, it's important for the safety of the driver.
- **Com Breslin:** The medallion holder and Color Scheme need's to ensure compliance.
- **Com Gillespie:** It should be the color schemes responsibility; it should also be under the medallion section.
- **Com Breslin:** So we are putting this under Medallion Holder section also.
- **Jordanna Thigpen:** Section 4A6, staff does recommend removing (11/9/99), the dates they were amended. I would also like to recommend it say “ the taxicab commission or its designee”
- **Jordanna Thigpen:** Section 4A7 (reads)
- **Jim Gillespie:** Long-term leases if they were to say the name of the medallion holder/color scheme.
- **Com Breslin:** Why was it decided in 1999, does anyone know?
- **Jordanna Thigpen:** I tried to find the minutes from 1999 and they weren't online. They are at offsite storage. My suspicion is that its there is due to the triple lease rule.
- **Com Breslin:** I personally favor keeping the name of the medallion holder and/or color scheme holder in addition to a drivers name if applicable.
- **Jim Gillespie:** Just take “only” out.
- **Jordanna Thigpen:** If you're going to keep the triple layer lease rule it could be modified to say “must only be under the name of the medallion holder, color scheme holder or driver” in whose name a lease is issued.
- **Com Breslin:** Doesn't the color scheme carry the larger insurance?
- **Marty Smith:** All companies hold one million dollars anyhow.
- **Com Breslin:** You're saying it would have to be the medallion holder and the driver or the color scheme and the driver.
- **Jordanna Thigpen:** Just those three types of classes would be my recommendation.
- **Rich Hybels:** I recommend that only financial institutions be the lien holder.

- **Com Oneto:** As long as we make sure that the insurance is covered.
- **Jordanna Thigpen:** Section 4A8 (reads) no amendments or suggestion to that subsection.
- **Com Breslin:** Should be looking to having more vehicle inspections?
- **Mark Grueburg:** There are some concerns at the UTW that should be revisited at the Taxi Commission Safety hearing.
- **Com Gillespie:** It used to be once a year and anything over 200,000 miles we said twice a year.
- **Com Breslin:** We may want to consider a vehicle category.
- **Marty Smith:** It's pretty catastrophic to the public taking these off the streets for vehicle inspections twice a year.
- **Com Gillespie:** We are not proposing to change anything.
- **Com Breslin:** We all agreed to keep it as it is.
- **Jordanna Thigpen:** Vehicle H, no vehicle which is older than 8 model years may serve as a taxicab.
- **Com Gillespie:** I'll just say that I think this rule will be changed when we come up with our clean taxi ordinance and it's the same with C.
- **Com Breslin:** C, starting mileage, I want to make sure that people thinks that's reasonable.
- **Marty Smith:** I don't see why couldn't go 100,000 mile hybrids.
- **Com Breslin:** This is better to be looked at in conjunction with the hybrid, we will make that recommendation for the commission to look at in conjunction with the purchase of hybrids.
- **Wesley Hollis:** I bought my cars before these rules were made it's not fair to owner operators.
- **Jordanna Thigpen:** This is a larger discussion that will be addressed at the safety hearing.
- **Com Breslin:** We are not going to make any recommendation at this time.
- **Jordanna Thigpen:** Rule 4A9 (reads). Staff recommends no change to shift changing on color scheme property. We also recommend it say instead of Taxi Detail that it says Taxi Commission.
- **Rich Hybels:** I don't see a problem with alternative sites due to safety issues.
- **Saam Aryam:** There are complaints of cabs parked on the street and being broken into. If we can park it at 1630 Davidson, we can keep these cabs off the streets.
- **Com Breslin:** Do we agree or not for the vehicle to be left at the color scheme place of business or at an alternate location approved by the Taxi Commission?
- **Jordanna Thigpen:** Commission did not approve the Redwood City location because you felt it was too far from the city. And another issue was control over the industry; waybills are not being turned in.
- **Marty Smith:** There is nothing in the rule books that say medallion holders have to live in San Francisco.
- **Mark Grueburg:** Having the cabs out of town is not a good idea.
- **Com Breslin:** Are there some type of boundaries?
- **Jim Gillespie:** I think if long-term leases were able to shift-change in the city it would allow greater service. We are concerned about the safety, lost & found and waybills.
- **Com Breslin:** Shift changing off property can be beneficial.
- **Jordanna Thigpen:** Some type of regulation to turn in waybills and lost property has to apply with existing rules.
- **Com Gillespie:** People are shift changing without advising the Taxi Commission. We have to get people in compliance. Waybills need to be turned in daily and nightly.
- **Com Oneto:** I agree, we need to keep cabs in San Francisco to serve San Francisco.

- **Com Breslin:** Two recommendations; first is to stand as is, second recommendation is to shift change within San Francisco or the airport.
 - **Com Oneto:** They still have to notify the Taxi Commission about where they are shift changing.
 - **Com Gillespie:** Not only notifying but with approval.
 - **Jordanna Thigpen:** Could they shift change at taxi stands?
 - **Com Breslin:** If we are forcing shift changing in a local geographic.
 - **Marty Smith:** The airport is not a good location.
 - **Wesley Hollis:** I think it's inappropriate and there is no way to enforce this rule.
 - **Com Breslin:** I have a suggestion, because drivers now need copies of waybills for the medallion application process. Due to the change of color schemes, I believe these waybills should be centralized electronically. And on number 10 of driving your own medallion, I believe it serves the public better if they can drive any medallion if there medallion is not available. I would like discussion on these topics.
- 7. Adjournment at 12:36pm.**