

THIS PRINT COVERS CALENDAR ITEM NO. : 11

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Taxis and Accessible Services

BRIEF DESCRIPTION:

Requesting the Board to amend Transportation Code Sections 1102, 1105, 1108, 1109, 1113 and 1114 to require all motor vehicle for hire permit holders to cooperate with implementation of the Electronic Taxi Access (ETA) System to support the development of taxi hailing smart phone applications, for color scheme permit holders to provide financial data to support the SFMTA's review of gate fees, and extending the deadlines for implementation of electronic trip data and blind-accessible passenger information monitors, and providing that a driver may not smoke inside a taxi at any time.

SUMMARY:

- The development of a taxihailing smart phone application to provide public access to all San Francisco taxis through smart phone and internet platforms would make it easier for customers to obtain a taxicab when and where they need one.
- There are already about a half a dozen smart phone application providers in San Francisco that allow the public to communicate with San Francisco taxis using their mobile phones. Some of these smart phone app developers have connected to other transportation providers, to the significant economic detriment of the highly regulated taxi industry.
- This proposed legislation would require all motor vehicle for hire permit holders to cooperate with the SFMTA and the selected vendor to design and implement an Electronic Taxi Access System, and it would require taxi color scheme permit holders to provide specified financial data to support Hara and Associates' review of gate fees.
- The proposed legislation would also extend the deadline for implementation of electronic trip data and installation of blind-accessible passenger information monitors, in anticipation of finalizing consistent standards for such data and equipment.
- A minor amendment is required to specify that taxi drivers may not smoke inside the vehicle at any time, whether or not a passenger is present.

ENCLOSURES:

1. Resolution
2. Transportation Code Amendments

APPROVALS:

DATE

DIRECTOR _____ 3/13/13

SECRETARY _____ 3/13/13

ASSIGNED SFMTAB CALENDAR DATE: March 19, 2013

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PURPOSE

Requesting the Board to adopt amendments to Transportation Code Sections 1102, 1105, 1108, 1109, 1113 and 1114 to require all motor vehicle for hire permit holders to cooperate with implementation of the Electronic Taxi Access (ETA) System to support the development of taxi hailing smart phone applications, for color scheme permit holders to provide financial data to support the SFMTA's review of gate fees, and extending the deadlines for implementation of electronic trip data and blind-accessible passenger information monitors, and providing that a driver may not smoke inside a taxi at any time.

GOAL

Goal 1: Make transit, walking, bicycling, taxi, ridesharing, and carsharing the preferred means of travel.

Objective 2.1: Improve customer service and communications.

Objective 2.3: Increase use of all non-private auto modes.

Goal 2: Improve the environment and quality of life in San Francisco.

Objective 3.2: Increase the transportation system's positive impact to the economy.

Objective 3.4: Deliver services efficiently.

Goal 3: Create a workplace that delivers outstanding service.

Objective 4.3: Improve employee accountability.

Objective 4.4: Improve relationships and partnerships with our stakeholders.

DESCRIPTION

Electronic Taxi Access Requirements

The ETA System is intended to provide public access to all San Francisco taxis through smart phone and internet platforms. The proposed legislation would require all motor vehicle for hire permit holders to cooperate with implementation of the ETA System. For dispatch service permit holders, this would require cooperation with the integration of their computerized dispatch systems with the ETA System. For color scheme permit holders, this would require the installation of on board devices or other equipment deemed necessary to implement ETA. For both dispatch services and color schemes, the legislation would require them to report any equipment or data failures and take corrective actions within 24 hours. All permit holders would be prohibited from disconnecting or otherwise interfering with the operation of the ETA System. Failure to cooperate with the implementation of the ETA System would result in suspension of the permit.

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There are already about a half a dozen smart phone application providers in San Francisco that allow the public to communicate with San Francisco taxis using their mobile phones. It is difficult to know exactly how many such applications exist, because every day new players enter the market of dispensing transportation information by smart phone.

Some such smart phone applications (“apps”) offer the services of a significant portion of the San Francisco taxi fleet through their apps, which they have achieved by entering into contracts with either individual drivers or individual taxi color schemes. Other app providers have very few taxi vehicles signed up to their service and are therefore not an efficient mechanism to connect potential passengers with taxi drivers. Currently, whether an app works with and charges fees to drivers or instead contracts with taxi companies depends on the business model of the app provider. Charges that the app provider assesses to the passenger are currently unregulated.

Taxi companies have no direct incentive to offer their taxi vehicles through a third party app. Some companies have developed apps and web-based ordering for their own companies, but are not inclined to dilute their brands by signing up with app providers who are also contracted with their competitors. Because taxi companies earn revenue from drivers who lease taxi vehicles by the shift and not from passengers in taxis, companies do not have a direct financial incentive to ensure that taxicabs are efficiently utilized. Thus, the private players in the taxi industry are not taking full advantage of the revolutionary potential of smart phone apps to improve the reliability and availability of taxis in San Francisco.

The result has been that smart phone app developers have connected to other transportation providers, to the significant economic detriment of the highly regulated taxi industry. For example, limousines that are in direct competition with the taxi industry are easily available through the “Uber” app. Venture capital-funded businesses like Lyft and Sidecar have sprung into existence to put personal vehicle owners in San Francisco in direct competition with professional taxi drivers, based solely upon their access to the smart phone platform. Meanwhile, taxi drivers remain hampered by the limitations of street hails and now antiquated telephone dispatching systems.

The SFMTA issued a Request for Information for a real-time taxi data system to collect and make available the data necessary to give the public access to available San Francisco taxi vehicles in response to an electronic hail from a smart phone.

Following review of the responses to the Request for Information, the SFMTA has selected a vendor to provide a software system that will collect GPS and other data from dispatch service permit holders and make it available to any mobile phone application developer who enters into a use agreement with the SFMTA. The terms of the use agreement that mobile application developers would have to enter into with the SFMTA are being developed by the SFMTA and the City Attorney’s Office.

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Future regulations may be brought to the Board to require all smart phone applications that offer electronic taxi hailing in San Francisco to use the data provided by the ETA System so that all San Francisco taxis may be accessed through every taxi hailing application available to the public.

Financial Disclosure Requirements

The SFMTA has entered into a professional services agreement with consultant Hara and Associates for a Taxi Best Practices Study that will include an analysis of “gate fees” (those fees that are collected by taxi companies from drivers for the daily lease of a vehicle). Fees that may be charged by taxi drivers to the public (meter rates) and by companies to drivers (gate fees) are both regulated by the SFMTA, for the purpose of allowing the companies to earn a reasonable return on their investment, allowing drivers to earn a living wage, and ensuring that the cost of using taxis for transportation remains reasonable and consistent with overall Strategic Plan goals.

The review of gate fees was historically conducted on an annual basis by the Controller’s Office pursuant to San Francisco Police Code Section 1079. Section 1079 required the Controller’s Office to recommend an “adjustment in the mean gate fee cap and/or in rates of fare for taxicabs, and/or the institution of temporary permit lease fee controls, necessary to maintain income of drivers and color scheme permit holders.” The Controller’s Office adopted regulations in 1990 that required color scheme permit holders to provide certain specified financial data that formed the basis for that periodic review of the economics of the San Francisco taxi industry. The Controller’s Office issued twelve reports pursuant to Section 1079 between the years 1990 and 2008.

There has been no change in authorized gate fee since 2002. No financial data has been collected from taxi color scheme permit holders since the SFMTA assumed jurisdiction of the taxi industry on March 1, 2009.

Under the Taxi Best Practices Study contract, Hara and Associates is tasked with making a recommendation regarding appropriate gate fees under current economic conditions. The proposed legislation would require taxi color scheme permit holders to supply certain specified financial information for the purpose of providing the data necessary to conduct that analysis.

The proposed regulations establish that suspension of the taxi company permit is the penalty for failure to comply with either the electronic data or the financial data reporting requirements, and that such suspension would remain in effect until the permit holder complies with those requirements.

Smoking in Taxicabs

A minor amendment to Transportation Code Section 1108 is required to provide an administrative penalty for the violation of the state law prohibition against smoking in a taxicab, whether or not a passenger is present.

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The City Attorney has reviewed this report.

ALTERNATIVES CONSIDERED

Without these proposed regulations there will be no legal requirement for taxi permit holders to cooperate with the SFMTA in implementing the ETA System, nor will taxi color scheme permit holders be required to provide financial data to support the analysis of gate fees.

FUNDING IMPACT

None.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None.

RECOMMENDATION

That the Board of Directors amend Transportation Code Sections 1102, 1105, 1108, 1109, 1113 and 1114 to require all motor vehicle for hire permit holders to cooperate with implementation of the Electronic Taxi Access (ETA) System to support the development of taxi hailing smart phone applications, for color scheme permit holders to provide financial data to support the SFMTA's review of gate fees, and extending the deadlines for implementation of electronic trip data and installation of blind-accessible passenger information monitors, and providing that a driver may not smoke inside a taxi at any time.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The SFMTA issued a Request for Information for a real-time data system to collect and make available the data necessary to give the public access to all available San Francisco taxi vehicles by means of an electronic hail from a smart phone; and

WHEREAS, Following review of the responses to the Request for Information, the SFMTA has selected a vendor to provide a software system that will collect GPS and other data from dispatch service permit holders and make it available to smart phone application developers that enter into a use agreement with the SFMTA; and

WHEREAS, Future regulations to be brought to the Board for consideration will require all smart phone applications that offer electronic taxi hailing in San Francisco to use the data provided by the ETA System so that all San Francisco taxis may be accessed through every taxi hailing application available to the public; and

WHEREAS, The SFMTA entered into a professional services agreement with Hara and Associates for a Best Practices Taxi Study that will include an analysis of “gate fees” (fees that are collected by taxi companies from drivers for the daily lease of a vehicle.) This analysis will require data from taxi color schemes to evaluate whether gate fee rates are set at a level that allows the companies a reasonable rate of return on their investment; and

WHEREAS, This proposed legislation would require all motor vehicle for hire permit holders to cooperate with the SFMTA and the selected vendor to implement the ETA System, and it would require taxi color scheme permit holders to provide specified financial data to support Hara and Associates’ review of gate fees; and

WHEREAS, The proposed legislation would also extend the deadline for implementation of electronic trip data and installation of blind-accessible passenger information monitors, in anticipation of finalizing consistent standards for such data and equipment; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amend Transportation Code Sections 1102, 1105, 1108, 1109, 1113 and 1114 to require all motor vehicle for hire permit holders to cooperate with implementation of the Electronic Taxi Access System to support the development of taxi hailing smart phone applications, for color scheme permit holders to provide financial data to support the SFMTA’s review of gate fees, and extending the deadlines for implementation of electronic trip data and installation of blind-accessible passenger information monitors, and providing that a driver may not smoke inside a taxi at any time.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 19, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Electronic Taxi Access System, Electronic Waybills, Passenger Information Monitors]

Resolution amending Sections 1102, 1105, 1108, 1109, 1113 and 1114 of the Transportation Code to transfer, from color scheme permit holders to dispatch service permit holders, the obligation to provide electronic trip data to the SFMTA, to extend the deadline for complying with that obligation from February 28 to April 30, 2013, to require all dispatch service permit holders, by a date to be determined by the SFMTA, to integrate their dispatch systems with and implement the SFMTA's new data collection system for real-time reporting of electronic trip data, to require color scheme permit holders and other permit holders to cooperate with the SFMTA to implement the new data collection system, to extend from February 28 to a date to be determined by the SFMTA the obligation of each color scheme permit holder to install in each taxi vehicle a rear-seat passenger information monitor, eliminating the option of installing an alternate type of credit/debit card processing device, requiring all color scheme permit holders to provide the SFMTA with specified financial data and access to specified financial records, and providing that a driver may not smoke inside a taxi at any time.

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 1102, to read as follows:

SEC. 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.

(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 in accordance with the terms of Section 1103(c)(3)(B).

(c) **"Administrative Probation"** shall mean the status of being substantially out of compliance with this Article according to a written determination of Administrative Probation issued by the SFMTA.

(d) **"Application Fee"** shall mean 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.

(e) **"Citation"** shall mean a notice informing an individual or entity who is a member of the public or a Permit Holder that he or she has violated any statute, ordinance or regulation governing the operation or licensing of Motor Vehicles for Hire.

(f) **"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, including any owner, manager, employee, lessee and any agent of such business.

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

(h) **"Complaint"** shall mean a document issued by SFMTA upon receipt of the Respondent's request for a hearing on a Citation, Notice of Nonrenewal, Notice of Inactive Status, or Notice of Summary Suspension, which shall contain information about each alleged violation or basis for nonrenewal, inactive status, or summary suspension.

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

(j) **"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 any owner, manager, employee, lessee and any agent of said service. "Dispatch Service" shall not include any service through which 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.

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

(l) **"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.

(m) **"Driver Fund Retransfer Contribution"** shall mean the percentage of the Medallion Transfer Price to be contributed by the SFMTA to the Driver Fund upon the retransfer of a Transferable Medallion.

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

(o) **"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.

(p) **"Electronic Trip Data"** shall mean the data regarding each Taxi trip that the Dispatch Service Permit Holder is required to provide to the SFMTA under Section 1114(f)(1).

(q) "Electronic Taxi Access System" shall mean a data collection software system for the real-time reporting of all required Electronic Trip Data.

(r) "Electronic Taxi Access System Provider" shall mean the vendor selected by the SFMTA to provide the Electronic Taxi Access System.

~~(p)~~(s) **"Electric Vehicle Taxi Medallion"** shall mean a permit issued by the SFMTA to a Color Scheme that meets SFMTA's performance standards to operate a particular battery-switch electric vehicle on a full-time basis, subject to conditions imposed by the SFMTA, for a fixed term of three to five years.

~~(e)~~(t) **"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.

~~(#)~~(u) **"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 available for hire or actually hired for at least 156 four-hour shifts or 800 hours during a calendar year.

~~(s)~~(v) **"Gas and Gates Medallion"** shall mean a Medallion that is operated by a Color Scheme that owns the Taxi or Ramp Taxi vehicle, schedules the Drivers of the vehicle, and makes regular payments to the Medallion Holder in consideration for the use of the Medallion.

~~(t)~~(w) **"Gate Fee"** shall mean any monetary fee or other charge or consideration, or any combination thereof, paid by a Driver who is not a Taxi or Ramp Taxi Medallion Holder for the privilege of driving a Taxi or Ramp Taxi for any period of time, and for receipt of all services provided in connection with such privilege, whether said fee, charge or consideration is set orally or in writing, and regardless of the terms of payment.

~~(u)~~(x) **"Hearing Officer"** shall mean an individual designated by the Director of Transportation to conduct hearings under Sections 1117 and 1120 of this Article.

~~(v)~~(y) **"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).

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

~~(x)~~(aa) **"Lease"** shall mean an otherwise lawful written agreement that for consideration authorizes the temporary operation of a Taxi or Ramp Taxi Medallion by a Driver or Color Scheme other than the Taxi or Ramp Taxi Medallion Holder.

~~(y)~~(bb) **"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.

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

~~(aa)~~(dd) **"Medallion Holder"** shall mean the person or entity to which a Medallion was issued.

~~(bb)~~(ee) **"Medallion Surrender Payment"** shall mean the amount of money paid by the SFMTA to a Medallion Holder in exchange for surrender of his or her Medallion so that the SFMTA may transfer it to a new Medallion Holder.

~~(cc)~~(ff) **"Medallion Transfer Allocation"** shall mean the percentage of the Medallion Transfer Price that shall be paid to the SFMTA from the proceeds of the retransfer of a Medallion.

~~(dd)~~(gg) "**Medallion Transfer Price**" shall mean the fixed price paid by the Transferee for the transfer or retransfer of a Medallion, to be set by the SFMTA in accordance with this Article.

~~(ee)~~(hh) "**Medallion Transfer Program**" shall mean the program allowing the SFMTA to transfer Surrendered Medallions at the Medallion Transfer Price and allowing certain Medallion Holders to retransfer their Transferable Medallions at the Medallion Transfer Price in accordance with the terms of Section 1116 of this Article.

~~(ff)~~(ii) "**Model Year**" shall mean a model year designated by the manufacturer at the time of first assembly as a completed vehicle.

~~(gg)~~(jj) "**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.

~~(hh)~~(kk) "**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 or Ramp Taxi Medallions and Non-Standard Vehicle permits, and does not include Dispatch Service, Color Scheme or Driver Permits.

~~(ii)~~(ll) "**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.

~~(jj)~~(mm) "**Notice of Denial**" shall mean a notice informing an applicant for a permit that the SFMTA has decided to deny the application for the permit under Section 1117 of this Article.

~~(kk)~~(nn) **"Notice of Grant"** shall mean a notice informing an applicant for a permit that the SFMTA has decided to grant the application for the permit under Section 1117 of this Article.

~~(H)~~(oo) **"Notice of Inactive Status"** shall mean a notice informing an applicant for a permit that the SFMTA no longer deems the application active due to the occurrence of one or more of the events described in Section 1103(b) of this Article.

~~(mm)~~(pp) **"Notice of Nonrenewal"** shall mean a notice informing a Permit Holder that the SFMTA has determined that the permit will not be renewed in accordance with Section [1105\(a\)\(5\)\(B\)](#) of this Article.

~~(nn)~~(qq) **"Notice of Summary Suspension"** shall mean a notice informing a Permit Holder that the SFMTA has decided to summarily suspend the permit in accordance with Section 1121 of this Article.

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

~~(ss)~~ **"On-Board Diagnostic (OBD) Device"** shall mean a device used to supplement the dispatch equipment installed in the Taxi if such equipment is incapable of delivering the Electronic Trip Data to the Electronic Taxi Access System in real-time.

~~(pp)~~(tt) **"Paratransit Broker"** shall mean the contractor retained by SFMTA to administer the Paratransit Program.

~~(qq)~~(uu) **"Paratransit Coordinating Council"** shall mean the Community Advisory Committee that advises the SFMTA regarding paratransit services.

~~(rr)~~(vv) **"Paratransit Debit Card"** shall mean the fare media issued through the Paratransit Program for use in taxis or other vehicles that are associated with the Paratransit Program.

~~(ss)~~(ww) "**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.

~~(tt)~~(xx) "**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 1116(o) of this Article.

~~(uu)~~(yy) "**PCI DSS**" shall mean the Payment Card Industry Data Security Standard, which is a worldwide information security standard assembled by the Payment Card Industry Security Standards Council to help organizations that process card payments prevent credit card fraud.

~~(vv)~~(zz) "**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.

~~(ww)~~(aaa) "**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.

~~(xx)~~(bbb) "**Police Department**" shall mean the Police Department of the City and County of San Francisco.

~~(yy)~~(ccc) "**Qualified Lender**" shall mean a lender approved by the Director of Transportation to finance the transfer of Medallions under the former Taxi Medallion Sales Pilot Program or the Taxi Medallion Transfer Program.

~~(zz)~~(ddd) **"Ramp Taxi"** shall mean a Taxi that is specially adapted with access for wheelchair users.

~~(aaa)~~(eee) **"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.

~~(bbb)~~(fff) **"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.

~~(eee)~~(ggg) **"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.

~~(ddd)~~(hhh) **"Reduced Medallion Transfer Price"** shall mean the \$150,000 price paid by 200 Driver Permit Holders at the top of the Waiting List for the transfer of a Medallion in accordance with Section 1116(g) of this Article.

~~(eee)~~(iii) **"Renewal Fee"** shall mean a fee in an amount established by the SFMTA Board, payable as a condition for renewal of a permit, and including any late payment penalties or interest for failure to pay in accordance with the requirements of this Article or any other regulation adopted by the SFMTA Board.

~~(fff)~~(jjj) **"Respondent"** shall mean a person or entity to whom a Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), Notice of Summary Suspension under Section 1121, Citation under Section 1119(a), or Citation for a violation listed under Section 1118(a) is delivered.

~~(ggg)~~(kkk) **"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.

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

~~(hh)~~(lll) "**Single Operator Part-time Taxi Medallion**" shall mean a permit issued by the SFMTA to a Driver who qualifies on the basis of A-Card Seniority to operate a particular hybrid, CNG or electric taxi vehicle, or other vehicle as authorized by the SFMTA, for a fixed period of years on a part-time basis, and in accordance with permit conditions set by the SFMTA.

~~(iii)~~(mmm) "**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.

~~(jjj)~~(nnn) "**Surrendered Medallion**" shall mean a Medallion surrendered to the SFMTA in exchange for receipt of the Medallion Surrender Payment in accordance with Section 1116 of this Article.

~~(kkk)~~(ooo) "**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.

~~(lll)~~(ppp) "**Taxi Medallion Sales Pilot Program**" shall mean the former program adopted by the SFMTA Board of Directors for the transfer of certain Medallions at an established price to a transferee who is qualified to hold a Medallion under these regulations.

~~(mmm)~~(qqq) "**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.

~~(nnn)~~(rrr) "**Transferable Medallion**" shall mean a Medallion that is transferable because it has been transferred at least once in accordance with Section 1116 of this Article. Medallions that have never been transferred but are held by Medallion Holders who are eligible to transfer their Medallions under the provisions of Section 1116(a)(1) or (a)(2) are not Transferable Medallions.

~~(ooo)~~(sss) "**Transferee**" shall mean a Driver Permit Holder who qualifies under Section 1116(c) of this Article as a recipient of the transfer or retransfer of a Medallion.

~~(ppp)~~(ttt) "**Transferor**" shall mean a Medallion Holder who qualifies under Section 1116(d) of this Article to retransfer his or her Medallion.

~~(qqq)~~(uuu) "**Vehicle Number**" shall mean the unique identifying number associated with each Taxi or Ramp Taxi vehicle.

~~(rrr)~~(vvv) "**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.

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1105, to read as follows:

SEC. 1105. GENERAL PERMIT CONDITIONS.

(a) Conditions Applicable to All Permits.

(1) Permits Required. No person, business, firm, partnership, association or corporation shall drive, or operate or cause to be operated any Motor Vehicle For Hire within the City, nor shall any person, business, firm, partnership, association or corporation operate any Dispatch Service or Color Scheme, without a permit issued by the SFMTA authorizing such driving or operation in accordance with this Article.

(2) Permits Held By Businesses; Taxi Medallions Held by Individuals.

(A) Any permit issued to a business pursuant to this Article shall be registered in the name of and with contact information for at least one natural person who complies with all permit requirements except those that by their nature can have no application to a natural person.

(B) No Taxi or Ramp Taxi Medallion shall be issued except to a natural person and in no case to any business, firm, partnership, association or corporation, and no Medallion shall be issued to, or in the name of, more than one person.

(3) Permits a Privilege. Permits granted pursuant to this Article constitute a privilege and are not the property of the Permit Holder.

(4) Permits Not Transferable. Except as expressly provided in this Article or in permit conditions, no permit issued pursuant to this Article shall be transferable or assignable, either expressly or by operation of law.

(5) Duration of Permits.

(A) Unless earlier revoked or suspended, all permits shall expire one year following their issuance or renewal, or on another date as specified by the SFMTA.

(B) As a condition of renewal, a Permit Holder must pay the applicable Renewal Fee, meet the eligibility requirements required for new applicants listed in

Section 1104, and may be required to sign a statement under penalty of perjury affirming eligibility for the permit; provided, however, that any holder of an Electric Vehicle Taxi Medallion that was approved prior to December 6, 2011 may renew the permit for use in a battery switch vehicle without paying a Renewal Fee.

(6) Compliance with Laws and Regulations. Every Permit Holder shall comply with, and shall ensure that their affiliated vehicles, employees, Permit Holders, lessees, Dispatch Service and Color Scheme shall comply with the provisions of this Article, the San Francisco Charter and Municipal Code, the California Vehicle Code, California Worker's Compensation laws, the Americans with Disabilities Act, and all regulations adopted by the Oakland and San Francisco International Airports, San Francisco Department of Public Health, and any other governmental jurisdictions through which the Permit Holders traverse.

(7) Cooperation with Lawful Orders. Every Permit Holder shall cooperate with and obey any lawful request or order of a Parking Control Officer, peace officer or the Director, including, but not limited to, providing upon request the Permit Holder's name, the permit number, official identification, and any documents required by this Article to be in the Permit Holder's possession. All Permit Holders shall respond to routine SFMTA or Police Department inquiries within 24 hours, and shall immediately respond to any SFMTA or Police Department emergency request.

(8) Cooperation with Regulatory Agencies; False Statements. Every Permit Holder shall at all times, fully cooperate with a Parking Control Officer, Peace Officer or the Director, or his or her designee, on all matters relating to regulatory compliance at all times, including but not limited to timely compliance with requests for the inspection of records. Permit Holders shall not hinder, delay the production of, or withhold information or records, or knowingly make false or misleading statements to a peace officer or to the SFMTA or withhold information on any matter relating to regulatory compliance. No Permit Holder shall

make any false claim or false request for payment or approval to the SFMTA, its contractors or employees.

(9) Continuous Operation Requirement; Temporary Suspension; Revocation.

(A) With the exception of Non-Standard Vehicle Permit Holders and Medallion Holders who obtained their Medallion prior to June 6, 1978, all Permit Holders shall operate or arrange for the operation of their permit on each day of the year, or other dates or times during which the permit conditions require operation of the permit. Non-Standard Vehicle Permit operation shall be in accordance with the times and dates of required operation specified in the permit.

(B) Permit Holders may temporarily suspend permit operations only with the prior written approval of the SFMTA. SFMTA approval is not required in the case of bona fide emergencies, natural disasters or other similar major events beyond the control of the Permit Holder.

(C) Upon written request the SFMTA may grant permission to suspend a permit for good cause shown for a period not to exceed 90 days in a 12 month period. The SFMTA may, in its sole and absolute discretion, allow another Permit Holder to operate the permit during the period of temporary suspension if the other Permit Holder is qualified and such operation would be in the public interest. This subparagraph (C) does not suspend the application of the Full-Time Driving requirement.

(D) If a permit is not operated for a period of 15 calendar days in violation of applicable permit conditions, the SFMTA shall notify the Permit Holder that the permit will be revoked if operation of the permit is not resumed within five calendar days of the notice. If permit operation is not resumed within five days of the notice, as

determined by the Permit Holder's substantial compliance with all permit conditions, then SFMTA may immediately revoke the permit.

(E) This subsection (9) does not require any Permit Holder to drive continuously.

(10) Gifts and Gratuities. No Permit Holder or agent of a Permit Holder may accept or solicit gifts and/or gratuities or anything of value from any Driver, other than Gate Fees, Lease Fees, payments for goods actually received, or other payments authorized by this Article. A Permit Holder or agent of a Permit Holder shall issue a receipt for any payment received from a Driver.

(11) Lease of Taxi and Ramp Taxi Medallions. Reserved.

(12) Participation in Paratransit Program. Each Color Scheme, Dispatch Service, Medallion Holder and Driver must participate in and shall at all times operate subject to and in compliance with the regulations of the SFMTA's Paratransit Program.

(13) Shift Change at Color Scheme Required for Gas and Gates Vehicles; Unattended Vehicles. All Permit Holders shall ensure that taxi vehicles operated pursuant to a Gas and Gates Medallion that they operate begin and end all shifts at the Color Scheme's place of business, except with the prior written approval of the SFMTA. When a vehicle is not being operated for hire, the Permit Holder shall either leave the vehicle at the Color Scheme's place of business or make a written request for SFMTA approval of an alternative location that is off the public street and sidewalk. No Taxi vehicle may be left unattended on a public street for more than four hours.

(14) Current Address Required; Emergency Contact Notification. All Permit Holders shall keep contact information current with the SFMTA. All Medallion Holders and Drivers shall keep contact information current with their Color Schemes. Every natural person who holds a permit from the SFMTA pursuant to this Article shall give written notice to the

SFMTA within ten days of any change of residence address, and shall accept mail at the address provided to the SFMTA. Color Scheme and Dispatch Service changes of address are subject to the prior written approval of the SFMTA. No Permit Holder may use a post office box as a current address.

(15) Service of Process. All Permit Holders agree to accept service of process, official notices, and correspondence ("service of process") from the SFMTA as a condition of retaining a permit. Color Schemes must accept service of process from the SFMTA on behalf of any Permit Holder affiliated with that Color Scheme.

(16) Payments Due. No permit shall be issued or renewed until the applicant has paid all fines, fees, taxes, liens, judgments or other debts owing to the City.

(17) Response Time Goals. All Permit Holders shall make best efforts to comply with Response Time Goals at all times.

(18) Operation by Driver Permit Holders. No Permit Holder shall knowingly allow the use of a Taxi or Ramp Taxi vehicle as a motor vehicle for hire by any person who does not hold a Driver Permit and California driver's license.

(19) Retaliation. No Permit Holder shall retaliate against another individual or entity for the exercise of any right provided by this Article

(b) Electronic Taxi Access System.

By a date to be determined by the SFMTA, each Dispatch Service Permit Holder shall integrate its dispatch system with and implement the Electronic Taxi Access System, and shall electronically transfer all of its Electronic Trip Data to the Electronic Taxi Access System in real-time as required by this Section 1105(b).

(1) Each Color Scheme Permit Holder and Dispatch Service Permit Holder shall cooperate with the SFMTA and the Electronic Taxi Access System Provider to ensure

integration is conducted in accordance with the security measures and timeline established by the SFMTA.

(2) Each Color Scheme Permit Holder and Dispatch Service Permit Holder shall install all equipment, including dispatch equipment and/or an OBD device, deemed necessary by the SFMTA, in its sole and absolute discretion, to implement the Electronic Taxi Access System and electronically transfer all Electronic Trip Data to the Electronic Taxi Access System.

(3) Each Color Scheme Permit Holder and Medallion Holder shall be required to install an OBD device prescribed by the SFMTA in each of its affiliated Taxis if the SFMTA or the Electronic Taxi Access System Provider determines that installation of the OBD is necessary to meet the equipment, data or security requirements of the Electronic Taxi Access System.

(4) Neither the Electronic Taxi Access System Provider nor the SFMTA shall be responsible for any equipment, or for the failure of any equipment, installed inside the Taxi for the Electronic Taxi Access System.

(5) Each Dispatch Service Permit Holder and Color Scheme Permit Holder shall promptly notify the SFMTA and the Electronic Taxi Access System Provider of any equipment, data and/or security failure that may limit or restrict the ability of the Electronic Taxi Access System to securely collect Electronic Trip Data in real time. The Dispatch Service Permit Holder and Color Scheme Permit Holder shall be responsible for taking corrective measures within 24 hours of any equipment, data, and/or security failure, and shall promptly inform the SFMTA and the Electronic Taxi Access System Provider of the corrective action. In no event shall the Electronic Taxi Access System Provider or the SFMTA be responsible for the equipment, data, and/or security failure.

(6) No Permit Holder may disconnect or disable any equipment or software that is required by the SFMTA for the Electronic Taxi Access System. The failure of any Permit Holder to cooperate with the SFMTA or the Electronic Taxi Access System Provider to implement the Electronic Taxi Access System shall be grounds for suspension of the permit until the Permit Holder complies with the requirements of this Section.

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1108, to read as follows:

SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS.

(a) **Driver Identification.** Upon issuance of a Driver Permit, the SFMTA will issue to each Driver the following identification:

(1) Driver Permit Card (A-Card). Every Driver shall carry his or her A-Card at all times while operating a Motor Vehicle for Hire, and shall provide the A-Card for inspection upon request by the SFMTA or any peace officer.

(2) Badge with the Permit Number. Every Driver shall display a SFMTA-issued badge constantly and conspicuously displayed on the outside of the Driver's clothing and jacket at all times while operating or in possession of a Taxi or Ramp Taxi. The badge shall only be worn by the Driver to whom the badge is issued.

(3) Color Scheme Identification Card. A Driver's Color Scheme Identification Card, which must bear a photograph of the Driver, must be displayed conspicuously at all times in any Motor Vehicle for Hire that the Driver is operating in a manner that the badge number printed on the card is easily visible to any passenger in the vehicle.

(b) **Controlled Substances.**

(1) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, including prescription drugs. No Driver may

consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

(2) Drivers shall maintain a drug and alcohol-free workplace and shall not sell, use, or possess alcohol or controlled substances while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

(c) Notification to SFMTA of Change of Affiliation with Color Scheme.

(1) All Drivers must notify the SFMTA at least three business days prior to the effective date of any change of affiliation with a Color Scheme. No Driver may affiliate with a Color Scheme that is on Administrative Probation pursuant to Section 1122.

(2) In accordance with California Government Code Section 53075.5(b)(1)(B), a Driver's Permit shall be suspended for any period during which the Driver is not affiliated with a Color Scheme.

(d) Driver Duties at Beginning of Shift.

(1) A Driver is required to perform a safety check on a Motor Vehicle for Hire prior to placing it in operation. The Driver is responsible for ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to a Ramp Taxi ramp and securement system.

(2) A Driver is required to perform a communications test at the commencement of each shift to determine that there is functional communications equipment capable of both receiving and transmitting voice information. If communications equipment is not functional, that vehicle shall be taken out of service until such time as the communications equipment is functional.

(3) A Driver is responsible for ensuring that their vehicle is supplied with the following items:

(A) 311 card;

- (B) Current copy of book of regulations issued by SFMTA;
- (C) A supply of receipts, preprinted with the name of the affiliated Color Scheme; and
- (D) Current maps of San Francisco and San Mateo counties or a functional GPS device;
- (E) Working flashlight, if driving at night;
- (F) Working ballpoint pen and notebook;
- (G) SF Paratransit manual trip ticket forms;
- (H) Back-up credit card payment processing device and any supplies required for its operation.

(4) A Driver shall ensure that the vehicle is clean inside and out and free of offensive odors, wash the exterior of the vehicle and/or sweep the interior passenger compartment and trunk as needed, and remove any loose items from the vehicle's dashboard and/or rear shelf.

(e) **Driver Duties During Shift.**

(1) A Driver shall not refuse, or direct or permit the refusal, of prospective passengers in any place within the City for transportation to any other place in the City, or to or from the San Francisco International Airport, or to the Oakland International Airport, or paratransit passengers within the Paratransit Program service area, at rates authorized by law, if the prospective passengers present themselves for transportation in a clean, coherent, safe and orderly manner and for a lawful purpose and the Driver has sufficient time before the end of his or her shift.

(2) A Driver shall not refuse to transport a passenger's luggage, wheelchair or other mobility device, crutches or other property that can be transported within the confines of the vehicle's trunk and/or passenger areas. A Driver may refuse to convey a passenger

who requests taxi service for the primary purpose of transporting goods or cargo if in the Driver's judgment the amount of goods to be carried could result in unsafe driving or damage to the vehicle.

(3) No Driver may refuse to transport a person with a physical disability in the front seat to accommodate the person's physical disability.

(4) A Driver shall not refuse to transport any service animal, or a secured, well-behaved and/or contained animal except when the Driver has documentation from a licensed physician of a medical condition that prevents contact with that type of animal on file with the SFMTA.

(5) A Driver shall, if requested, take reasonable measures to assist a passenger as necessary to get into and out of the vehicle, or to load or unload luggage, only to the extent that such assistance is within the physical capacity of the Driver. The Driver shall record the request for assistance and results. If the Driver feels that his or her personal health or safety is at risk or is otherwise unable to assist the passenger, the Driver shall request appropriate assistance capable of handling the request from the Dispatch Service. If the passenger(s) has such a large amount of baggage, luggage, packages and/or equipment to be loaded or unloaded that the Driver's departure is delayed, or when it is necessary to wait for dispatched assistance to arrive, the Driver shall inform the passenger(s) of his or her intention to activate the Taximeter.

(6) Every Driver shall, if requested, assist a person with physical disabilities or an elderly person to get into and out of the vehicle and ensure the passenger is properly secured in the vehicle prior to transport. If a Driver is unable to properly assist and/or secure the passenger, the Driver shall notify the Dispatch Service and request another Driver's assistance or other appropriate service capable of handling the request. The Driver shall

record the request and results. The Driver shall remain with the passenger until assistance from another Driver or appropriate service has arrived.

(7) Every Driver must accept dispatch assignments when available from their Dispatch Service. Drivers must immediately notify their Dispatch Service if they are unable to service an accepted call.

(8) A passenger who first engages a Motor Vehicle for Hire has the exclusive right to conveyance therein to his or her destination. The Driver shall not solicit or accept any additional passenger without the prior consent of any passenger who has previously engaged the vehicle, or as authorized by SFMTA.

(9) Except as prohibited by the rules of the Paratransit Program, a Driver may transport two or more passengers who voluntarily agree to split the fare between them. The passengers may by mutual agreement split the fare according to any formula; provided, however, that regardless of any mutual agreement of the passengers, the Driver shall not collect payments that, when combined, exceed the fare shown on the Taximeter at the time that the last passenger reaches their destination.

(10) Drivers shall comply with any 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 or communication with a Color Scheme, Dispatch Service, law enforcement agency, health care provider, or other emergency service agency. A Driver is not required to comply with a passenger request for any particular audio selection or other passenger listening preferences.

(11) Except for emergencies, including but not limited to an emergency call to a Dispatch Service, a law enforcement agency, health care provider, or other emergency service agency, Drivers shall immediately comply with any passenger request to terminate mobile telephone conversations.

(12) Drivers may only use personal telephones in the vehicle in accordance with all applicable laws. While a passenger is in the vehicle, Drivers' personal conversations must be limited in number and short in duration, and at no time shall a Driver allow a personal communication to interfere with the Driver's full attention to the operation of the vehicle.

(13) During a shift a Driver may not monitor or listen to any Dispatch Service other than the Dispatch Service that provides service to the Color Scheme with which the vehicle is affiliated.

(14) A Driver shall not operate a Motor Vehicle for Hire in a reckless or dangerous manner.

(15) Ramp Taxi Service.

(A) Every Ramp Taxi Driver must log on the In-Taxi Equipment at the beginning of the shift.

(B) Every Ramp Taxi Driver shall meet an average response time to any request for service by a customer using a wheelchair of 20 minutes from the time that the Driver accepts the call.

(C) A Ramp Taxi Driver shall grant priority to requests for service from passengers who use wheelchairs, and once dispatched to a call from a customer using a wheelchair may not accept any other fare while en route to that dispatched call, except as otherwise instructed by the dispatcher. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi Driver may transport any person.

(16) Drivers shall only receive a tip when expressly and voluntarily offered by the person paying the fare. Drivers may not demand, request, imply, assume or otherwise suggest that the Driver should receive any amount in excess of the authorized fare. A Driver may, without demanding or assuming that the passenger will pay a tip, ask the passenger

whether they would like to tip the Driver when the tip is only capable of being added to a payment only by action of the Driver.

(17) The Driver must keep any audio communication device required by this Article at an audible volume, or any visual communication device visible to the Driver at all times during the shift.

(18) Drivers shall, at the beginning of a trip, inform any passenger whose destination is more than 15 miles from City limits, or if the passenger is picked up at the San Francisco International Airport, whose announced destination is more than 15 miles from the San Francisco International Airport and is not within the City limits, that the fare to be charged will be 150% of the amount registered on the Taximeter in accordance with Section 1122(b)(2).

(19) Drivers shall carry sufficient cash to be able to provide change for 20 dollars.

(20) Drivers shall, at the beginning of a trip, inform passenger(s) whose destination requires the crossing of a toll bridge, the amount of the toll charged and that the toll charge is to be paid by the passenger(s) regardless of the direction in which the toll is collected.

(21) Drivers may charge a passenger less than the fare shown on the Taximeter at the end of a trip.

(22) Drivers shall give a fare receipt upon request of the person paying the fare. Drivers shall complete fare receipts legibly with the Driver's badge number, the Vehicle Number, the Medallion number, and the amount of the fare.

(23) Drivers shall make a visual check of the interior of the vehicle at the conclusion of each trip to determine if any property has been left behind. If any of the

passenger's property was loaded in the trunk, the Driver shall check the trunk area at the end of the trip to ensure that no property was left behind.

(24) Upon discovery, a Driver shall report Found Property to the Dispatch Service immediately, and shall take reasonable measures to attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered. If it is not possible to return the Found Property before the end of the shift, the Driver shall leave it with the Color Scheme or Dispatch Service at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme or Dispatch Service, stating whom they have contacted about the Found Property, and whether it was returned to the owner during the shift in which it was discovered, and if not, where and with whom it was left.

(25) If during the course of the work shift, any equipment failure makes the continued operation of the Taxi or Ramp Taxi unsafe, including but not limited to a Ramp Taxi without the required number of functional tie-down securements and lap/shoulder seat belts, then the Driver shall immediately return to vehicle to the Color Scheme to be taken out of service.

(26) The Driver shall not place or allow to be placed any loose items on the dashboard or rear shelf of the vehicle.

(27) The Driver shall keep the vehicle trunk and/or baggage area clean, free of items or materials that could damage or stain passengers' baggage, and free of any container containing flammable liquids.

(28) No Driver shall leave a vehicle unattended on a public street for more than 4 hours.

(29) No Driver shall threaten, harass, or abuse another person, nor may a Driver speak in an obscene, threatening or abusive manner.

(30) Drivers shall not use or attempt to use any physical force against any person except proportional, reasonable force necessary for self-defense or defense of another.

(31) Drivers shall be clean in dress and person.

(32) Any Driver who is pulled over by a Peace Officer while the Taximeter is in operation must turn off the Taximeter from the time the vehicle is pulled over until the time that the Peace Officer authorizes the vehicle to depart.

(33) No Driver shall burn any substance in the vehicle at any time, or drink, or eat while a passenger is in the vehicle.

(34) Resolution of Fare Disputes. In any case of fare dispute between the Driver and passenger(s), the Driver shall call the Police or, with the consent of the passenger, convey the passenger(s) to the nearest police station, where the officer in charge shall immediately decide the case, and if the decision is in favor of the passenger, the Driver ~~driver~~ shall convey the passenger from the Police Station to his or her original destination without additional charge.

(35) A Driver shall not demand any other form of payment from a Paratransit Debit Card holder who offers the Driver a valid Paratransit Debit Card that contains an adequate balance to pay for the requested trip that is authorized by the Paratransit Program.

(36) A Driver shall not refuse a Paratransit Debit Card on the ground that the In-Taxi Equipment is not functional, but shall offer the customer the option of paying using manual back-up paratransit forms.

(37) A Driver shall not add a tip to a fare charged to a Paratransit Debit Card without authorization from the passenger.

(38) A Driver shall not disconnect or otherwise tamper with any equipment that is required by this Article.

(f) **Duties at End of Shift.**

(1) Until ~~February 28~~ April 30, 2013, or earlier pursuant to notice from the SFMTA that the Color Scheme for which he or she drives ~~is has implemented or~~ affiliated with a Dispatch Service that has implemented a system for generating Electronic Trip Data ~~electronic trip data~~, Drivers shall turn in all completed paper waybills to the Color Scheme at the conclusion of each shift.

(2) The Driver shall remove any litter, personal items, and any other loose items that do not belong with the vehicle.

(3) Drivers shall turn any unreturned or unclaimed Found Property in the Driver's possession at the end of a shift to the Color Scheme's or Dispatch Services' place of business, and shall obtain a receipt for the item regardless of value.

(g) **Controlled Substance Testing Program. Reserved.**

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

SEC. 1109. CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS.

(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 1120(d). 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.

(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 that he or she will actively and personally continue to engage in Full-Time Driving.

(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, until ~~February 28~~ April 30, 2013, or earlier pursuant to notice from the SFMTA that the Color

Scheme for which he or she drives ~~is has implemented or~~ affiliated with a Dispatch Service that has implemented a system for generating Electronic Trip Data ~~electronic trip data~~, paper waybills. Paper waybills, Electronic Trip Data ~~electronic trip data~~, or other corroborating documentary evidence completed in compliance with all requirements may be used to demonstrate compliance with the Full-Time Driving requirement. Failure of a Color Scheme to maintain business records, including paper waybills or Electronic Trip Data ~~electronic trip data~~, 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) 1, 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.

(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.

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 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 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) **Limitation on Ramp Taxi Medallion Holders Accepting Other Permits.** No person to whom a Ramp Taxi Medallion is issued may accept any other Medallion for a minimum of three years after receipt of the Ramp Taxi Medallion. If a Ramp Taxi Medallion Holder becomes eligible for a Taxi Medallion during his or her first three years as a Ramp Taxi Medallion Holder, and so long as the Ramp Taxi Medallion Holder remains otherwise qualified, the Ramp Taxi Medallion Holder's application shall be kept active and shall be considered for a Taxi Medallion in accordance with the applicant's position on the Waiting List or, if there is no longer a Waiting List, the applicant's A-Card Seniority after the three year period has elapsed.

Section 5. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1113, to read as follows:

SEC. 1113. TAXI AND RAMP TAXI EQUIPMENT REQUIREMENTS.

(a) **Vehicle Operation.**

(1) **Safe Operating Condition.** All Taxis and Ramp Taxis must be maintained in a safe operating condition. Except as otherwise specified herein, all Taxi and Ramp Taxi Medallion Holders and Color Schemes are jointly and severally responsible for ensuring that all Taxis and Ramp Taxis for which they hold permits or with which they are affiliated meet all equipment requirements listed in this Section. In addition to imposing any applicable penalty for non-compliance with equipment requirements, The SFMTA may remove any vehicle from service for any violation of this Section until the violation is corrected and the vehicle is inspected and approved by the SFMTA.

(b) **Equipment Placement.** The placement of any equipment or information required by this Section 1113 shall not interfere with the Driver's visibility or the operation of any O.E.M. equipment.

(c) **Exterior Display of Identifying Information.** Every Taxi or Ramp Taxi shall have the following information displayed on the exterior of the vehicle:

(1) Vehicle Number.

(A) The Vehicle Number in numerals of a color that contrasts with the color of the rest of the vehicle, at least four inches high and positioned directly under the windows on or within six inches of the forward-most portion of both front doors, and on the rear facing portion of the trunk lid of the vehicle.

(B) The Vehicle Number on the roof, hood or trunk of the vehicle in numbers at least 18 inches in length of a color that contrasts with the color of the rest of the vehicle. If the numbers are displayed on the roof, they shall be mounted and centered directly behind the top light.

(2) **San Francisco Taxicab.** The words "San Francisco Taxicab" with letters at least two inches high, in a color which contrasts with the color of the rest of the vehicle on both sides of the vehicle's rear quarter panels and to the trunk directly above the rear

bumper.

(3) Inspection Certificate. A current and valid decal indicating satisfactory completion of vehicle inspection.

(4) Trade Name. The name of the Color Scheme with which the vehicle's Medallion is affiliated in letters at least two inches in height on the exterior of the side doors of each side of the vehicle.

(5) Trade Dress. The exterior of every Taxi and Ramp Taxi shall be well painted with the color(s) of the Color Scheme with which it is affiliated.

(6) Medallion. During all hours of operation of a Motor Vehicle for Hire the Medallion shall be placed in the front windshield in such a manner that the Medallion number shall be clearly visible from the exterior of the vehicle.

(7) Security Camera Notice. A notice meeting all requirements of applicable law notifying passengers of the presence of a security camera in the vehicle.

(8) Telephone Number for Dispatch. A telephone number enabling the public to reach the dispatch service with which the vehicle is affiliated.

(9) Tobacco Advertising Ban.

(A) Color Schemes and Medallion Holders are prohibited from 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.

(B) For the purposes of this subsection, "tobacco product" shall mean any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco. For the purposes of this Section, "promote" or "promotion" shall include a display of any logo, brand name, character, graphics, colors, scenes, or designs that are trademarks of a particular brand of tobacco product.

(d) **Interior Display of Information.** Every Taxi or Ramp Taxi shall have the following items in the interior of the vehicle in a place clearly visible to passengers and in a format approved by the SFMTA:

(1) Rate Information. Information regarding the rates and fees that a Driver is authorized to charge a passenger.

(2) 311 Information. Information about using the 311 system for complaints and lost property, including the Vehicle Number and the name of the Color Scheme.

(3) By a date to be determined by the SFMTA February 28, 2013, every Taxi shall be equipped with ~~either~~ an operational rear-seat passenger information monitor (PIM) that is connected to the Taximeter, ~~or another credit and debit card payment processing device that is installed in the back seat or may be handed to the passenger in the back seat and allows the passenger to swipe his or her own payment card and choose a tip amount. Such~~ The PIM or payment processing device must meet any functional requirements and standards established, in writing, by the Director of Transportation. Not less than six months before the date by which the equipment must be installed, the Director of Transportation shall provide all Color Scheme Permit Holders with notice of the installation deadline, and notice of any functional requirements and standards.

(A) Any back seat PIM that is connected to the Taximeter shall:

(i) Display, at a minimum, the information required in this subsection (d), in addition to any further display specifications established, in writing, by the Director of Transportation;

(ii) Be accessible to individuals with visual impairments and compliant with standards that shall be developed by the SFMTA to ensure that the Color Schemes' interface to the visually impaired is uniform; and

(iii) Provide the Driver and the passenger the ability to completely mute the sound and dim or turn off the display by means of clearly

perceptible instructions.

(B) Any PIM that is not connected to the Taximeter shall allow a passenger with visual impairments to hear the total to be charged to a payment card, and to swipe his or her own card and select his or her own tip amount from the back seat of the taxicab by means of audio cues.

(4) Driver Identification. A holder for a Color Scheme Identification Card.

(e) Communication Equipment. Every Taxi and Ramp Taxi shall be equipped with direct voice access and two-way communication with a Dispatch Service affiliated with the Taxi or Ramp Taxi.

(f) **Taximeters.**

(1) Seal Required. The Taximeter installed in any Taxi and Ramp Taxi must have a current and valid seal from the Department of Public Health Weights and Measures. Any Taximeter removed from a Taxi or Ramp Taxi with or without its seals intact and placed in the same or another Taxi or Ramp Taxi must be certified and resealed by the Weights and Measures. Any Taxi or Ramp Taxi found to have Taximeter seals that are broken, removed, destroyed, marred or otherwise tampered with will be taken out of service until correctly repaired.

(2) Installation. All Taximeter makes and models must meet the approval of the SFMTA prior to their installation and must meet all requirements of the Paratransit Program. The Taximeter shall be mounted in an area that is clearly visible at all times by any passenger in the vehicle.

(g) **Safety Partition.** Safety partitions of a design that is approved by the SFMTA may be installed in Taxi and/or Ramp Taxi vehicles at the option of the Color Scheme.

(h) **Emergency Equipment.** All Taxis and Ramp Taxis shall have at all times a functional spare tire, a working jack and wrench to replace a flat tire, and two 2 flares or 2 two

freestanding reflectors.

(i) **Signage, Advertising and Displays.** Advertising or other displays on the exterior or interior of a taxi:

(1) May not impede the Driver's driver's vision in any way.

(2) May not cover any vehicle identifiers required by law or regulation.

(3) May not cover any portion of the license plate of the vehicle.

(4) May not interfere with vehicle operation, including but not limited to the tire inflation valve or any wheel balancing dynamics. Defects in any portion of the wheel must be remedied before any advertisement or other display is affixed to the wheel.

(5) May not interfere with any safety features of the vehicle or present a safety hazard to passengers.

(6) Vehicle wrap advertising, whether partial or full, is not allowed on a Taxi or Ramp Taxi vehicle.

(j) **Lights.**

(1) Standard Lights. All Taxi and Ramp Taxi vehicles shall be equipped with exterior lights as required by the Vehicle Code, an inside dome light, and dashboard lights. All O.E.M. lights must be maintained in working condition as designed, and all lenses of such lights are to be reasonably intact. No O.E.M. light may be obstructed or disconnected during operation. Any additional modifications of O.E.M. lights or installation of additional lights requires prior approval by the SFMTA.

(2) Top Lights.

(A) All Taxis and Ramp Taxis must be equipped with a working top light containing a light or lights permanently attached to the roof of the vehicle, which may either have the name of the Color Scheme printed on it, or the words "Taxicab" or "taxi".

(B) Each Driver shall ensure that such top light is illuminated at all times except when the vehicle is engaged in the transportation of a passenger. The top light shall turn on while the Taximeter is in the non-recording position and shall turn off while the Taximeter is in the recording position.

(k) **Standard Equipment.** All Taxis and Ramp Taxi vehicles shall have all equipment required by the Vehicle Code maintained in good working order such that the equipment functions effectively for the purpose for which it was intended. All Taxi and Ramp Taxi vehicles shall also be equipped with:

- (1) Automatic door locks that can be controlled by the Driver and the passenger.
- (2) Available and easily visible seat belts in all seating positions where passengers may ride.
- (3) Speedometer and odometer.
- (4) Heater and air conditioner.
- (5) Door hinges, locks and latches.
- (6) Doors that operate easily and open and close securely from either the outside or inside of the vehicle.
- (7) Bumpers and body moldings in good condition and securely attached as the manufacturer intended.
- (8) Shock absorbers and springs.
- (9) Suspension.
- (10) Steering.
- (11) A holder for the Medallion placed in such a position that the Medallion is clearly visible from the front exterior of the vehicle and that is either attached to the dashboard or to the left side of the right front support beam, on the interior of the vehicle.

(12) In-Taxi Equipment.

(13) Wheels with all lug nuts in place and secured, of matching design, and with matching hubcaps attached. Hubcaps must be of either the original manufacturer's design or of a design authorized by the SFMTA, unless wheels are of a custom design that does not use hubcaps.

(14) Tires in safe operating condition and of matching design (i.e., all whitewalls or all black walls), without tire repair plugs or cuts in the sidewall, separated treads, bumps, bubbles, or anything protruding from the tire; and with a minimum remaining tread of at least 1/32 of an inch. Any Taxi or Ramp Taxi that violates this requirement will be placed immediately out of service.

(15) Only O.E.M. size tires of the same size used at the time of the Taximeter inspection may be used on any vehicle, including spare vehicles.

(l) **Windows.** All windows and the windshields of Taxis and Ramp Taxis shall be kept clean and clear, both the outside and inside. No additional tinting or reflective material may be placed on any vehicle window except factory installed tinting. Only safety glass with the lowest factory installed tint may be used.

(m) **Security Cameras.**

(1) All Taxis and Ramp Taxis shall be equipped with an operational security camera manufactured after December 31, 2006.

(n) **Condition of Vehicle.**

(1) Vehicle Integrity. The vehicle shall be structurally sound and operate with minimum vibration and noise.

(2) Vehicle Body. Vehicle bodies must be free of noticeable dents, rust and holes. A Taxi or Ramp Taxi shall not be placed in service if:

(A) There are visible dents that exceed three square feet in any single

area of the exterior surface of the vehicle and the deepest point of depression is $\frac{3}{4}$ of an inch or greater; or

(B) There are visible dents that exceed four square feet of the total exterior surface of the vehicle and the deepest point of depression is $\frac{3}{4}$ of an inch or greater, or

(C) There are visible dents that exceed six lineal feet of the total exterior surface of the vehicle and the deepest point of depression is $\frac{3}{4}$ of an inch or greater, or

(D) There is any area of the exterior surface of the vehicle that contains a hole larger than six square inches, or there is a visible dent that exceeds 144 square inches and the deepest point of depression is more than two inches.

(o) **Cleaning and Disinfection of Vehicle.**

(1) Every Taxi or Ramp Taxi must be regularly cleaned so that the interior is clean, orderly and kept free of offensive odors and stains.

(2) A Taxi or Ramp Taxi vehicle must be disinfected whenever required by SFMTA.

(3) Seats. Rear seats shall be upholstered with vinyl or leather in good repair and matching the vehicle's interior colors. Seat covers may not be stained or torn. Seat springs may not be broken nor may they protrude through the upholstery. Seats shall be firm and comfortable with the tension of the seat springs evenly distributed.

(4) Floormats. Rubber floormats are required on the floor of the rear seating area of the vehicle.

(p) **Vehicle Title.** The principal vehicle authorized for the operation of a Taxi or Ramp Taxi Medallion may be registered only in the name of the Medallion Holder, Color Scheme, and/or a Driver holding a valid lease for the vehicle that meets the requirements of

this Article. If the vehicle is registered to the Driver, the registration must also include the name of the Medallion Holder or Color Scheme.

(q) **Vehicle Mileage.** Starting mileage may not be more than 70,000 miles when a vehicle is placed into service. No vehicle may be operated as a Taxi or Ramp Taxi after the vehicle has reached 325,000 miles.

(r) **Vehicle Age.** No vehicle older than six model years may be placed into service as a Taxi or Ramp Taxi vehicle, and no vehicle older than eight model years may remain in service as a Taxi or Ramp Taxi vehicle.

(s) **Inspections.**

(1) **Inspection Required.** All Taxis and Ramp Taxis shall be inspected by the SFMTA or its designee, every six months if they are used as spare vehicles or have 200,000 miles or more on the odometer, and every 12 months for regular vehicles, at a date and time designated by the SFMTA, and at any other time deemed necessary by the SFMTA. At the time of a scheduled inspection of the vehicle, the Color Scheme or Taxi or Ramp Taxi Medallion Holder must provide the following:

(A) Valid and current State of California vehicle registration.

(B) Valid and current Brake Certificate issued by an official inspection station certified by the State of California within 60 days prior to inspection.

(C) Proof of insurance meeting the requirements of all applicable laws and regulations.

(D) A Vehicle Introduction Form signed and approved by the SFMTA.

(2) **New Vehicle.** If a new vehicle is purchased for use as a Taxi or Ramp Taxi, the vehicle owner may furnish a written certificate of compliance issued by the automobile dealership in lieu of the documents required in subparagraphs 1113(s)(1)(A) through 1113(s)(1)(D) above, provided that the certificate is dated within 60 days of the

annual inspection. The automobile dealership must be certified by the State of California as an official inspection station.

(3) Salvage Vehicle. No vehicle which has been designated as "Salvage" by the California Department of Motor Vehicles may be placed into service as a taxicab unless the vehicle has been inspected and approved by the SFMTA. The SFMTA may require documents to establish the chain of title for Salvage Vehicles.

(4) Inspection Certification. Upon satisfactory completion of all inspection requirements the SFMTA shall affix a decal and transponder to the Taxi or Ramp Taxi that authorizes the Taxi or Ramp Taxi to be operated for the time period specified upon the decal.

(5) Failing Inspection. If, on inspection the SFMTA determines that a vehicle does not meet applicable requirements, the vehicle may fail inspection and may be ordered out of service until the condition(s) are corrected. A failed vehicle must be re-inspected and approved before being returned to service and must pass another inspection in six months from the date of return to service. The decision whether to pass or fail a vehicle shall be within the sole discretion of the SFMTA.

(6) Removal of Vehicle from Service.

(A) A Color Scheme shall make any vehicle available for inspection upon SFMTA request. If a Color Scheme fails to make a vehicle available for inspection or if the SFMTA determines that a vehicle is not in compliance with all applicable laws and regulations, the SFMTA may order the vehicle to be removed from service until it passes inspection.

(B) If the SFMTA determines that additional repairs or further inspection of the mechanical condition or safety equipment of a Taxi or Ramp Taxi is necessary, the Color Scheme or Medallion Holder shall make the necessary repairs or arrangements in order to determine if repairs are necessary, and must provide a

statement of findings to the SFMTA from the repair person.

(7) **Fraud in Connection with Inspection Prohibited.** Misconduct in connection with required inspection is strictly prohibited and is grounds for revocation of a permit. Misconduct may include, but is not limited to, substitution of registered owners on a temporary basis for inspection purposes, substitution of any vehicle part or equipment within 30 days before or after an inspection for the purpose of passing inspection, or knowingly making false statements to SFMTA or SFPD or their designees in connection with an inspection. This Section shall be strictly enforced to ensure the integrity of the San Francisco taxi fleet and the safety of the public.

(t) **Replacement Vehicles.** Whenever an existing Taxi or Ramp Taxi is replaced with another vehicle, the replacement vehicle must be inspected and approved prior to use.

(u) **Ramp Taxis.** Every vehicle used as a Ramp Taxi shall have a ramp at least 30 inches wide. Any new model of Ramp Taxi vehicle proposed for use as a Ramp Taxi shall be subject to the prior approval of the SFMTA and the Paratransit Coordinating Council.

(v) **Retired Vehicles.** No Permit Holder may offer any Taxi or Ramp Taxi vehicle for sale to the public until all remnants of the Color Scheme, including the top light and all exterior lettering, numbering, signage, and any other item required to be displayed on a Taxi or Ramp Taxi are completely removed.

Section 6. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1114, to read as follows:

SEC. 1114. RECORDS AND REPORTING REQUIREMENTS APPLICABLE TO PERMIT HOLDERS.

(a) **Requirements Applicable to All Records.** Except as otherwise specified herein, all records required to be created and/or maintained by Permit Holders by this Article shall be subject to the following requirements:

(1) When a signature is required, the record must be signed by a Permit Holder, or in the case of a corporation, by a person authorized to bind the corporation or his or her delegee if accompanied by written documentation of the delegation of signature authority.

(2) The format and content of any records required to be created or maintained, or of any reports or plans required to be filed by Permit Holders by this Article shall be subject to SFMTA approval.

(3) Except as otherwise specified in this Article, all records required to be submitted to the SFMTA may be delivered by any means authorized in this Section. The Permit Holder that is subject to the records requirement shall have the burden of proving that the required records were actually delivered in a manner consistent with this Section. Except where a particular method of delivery is required for a specific type of record, records may be submitted by any of the following means:

(A) In person by the Permit Holder to a location or address specified by SFMTA;

(B) By first-class U.S. Mail, postage pre-paid;

(C) By fax; or

(D) By email.

(4) All records required to be maintained by Permit Holders by this Article or by other law or regulation shall be made available for inspection by the SFMTA during normal business hours within three business days of request. The SFMTA may request that Permit Holders submit copies of records or original records within three business days of request. If the Chief of Police indicates that the inquiry relates to a criminal law enforcement investigation, such records shall be provided within one business day of request. In the event that SFMTA requires original records, the SFMTA shall provide the Permit Holder a receipt for

any original documents that the SFMTA removes from the Permit Holders' premises, and shall protect and document the chain of custody of such original records until they are returned to the Permit Holder.

(5) All Permit Holders are responsible for creating, maintaining and preserving the documents and records that are required by as a condition of a permit or to meet permit qualification requirements.

(b) **Additional Requirements Applicable to Drivers.**

(1) Receipts for Fare to be Delivered to Passenger. All Drivers shall provide a receipt for fare paid upon the demand of any passenger.

(2) Badge Number. Each Driver shall provide his or her badge number to any passenger upon request.

(3) Medical Examination Certificates. The Driver shall retain the original report or certification completed by the examining physician or laboratory following any physical examination required by this Article, and shall file a copy of the report or certification with the SFMTA.

(4) Waybills.

(A) ~~Until February 28~~ April 30, 2013, Drivers at Color Schemes that are ~~have not implemented a system to report electronic trip data or~~ affiliated with a Dispatch Service that provides Electronic Trip Data ~~electronic trip data~~ shall be required to create a paper waybill for each shift, which shall include the date of the trip, the Driver's name and badge number, the medallion number and vehicle license number, the starting and ending mileage for each shift, the number of passengers on each trip, and the origin, destination and meter total for each trip. Such paper waybills shall be signed by the Driver at the conclusion of the shift and shall be mechanically or electronically time stamped at the beginning and end of each shift.

(B) After ~~February 28~~ April 30, 2013, no Driver shall be required to create paper waybills. Drivers shall continue to be responsible for maintaining certain manual documentation for regulatory purposes as required elsewhere in this Article, including but not limited to, documenting non-Paratransit Debit Card wheelchair-using customers, recording any trip information that the Driver may need to substantiate his or her position with respect to any incident occurring in the Taxi taxi, and manually entering onto the meter the medallion number at the beginning of each shift, and the number of passengers for each fare.

(c) **Additional Requirements Applicable to Medallion Holders.**

(1) Annual Filings Required for Renewal. No Taxi or Ramp Taxi Medallion shall be renewed unless the Permit Holder files a sworn statement by May 1 of every year under penalty of perjury attesting to compliance with this Article and associated state and federal laws on a form designated by the SFMTA.

(d) **Additional Requirements Applicable to Corporate Medallion Holders.**

(1) Annual Filings Required for Renewal. Any corporation holding a Medallion issued pursuant to this Article shall maintain a stock register at its principal place of business in San Francisco. No Medallion held by a corporation may be renewed unless the Permit Holder files the following documents with the SFMTA by May 1 of each year: The SFMTA may require other corporate records to be provided to the SFMTA together with other required annual filings:

(A) Copy of current stock register;

(B) Copy of current filed copy of Statement of Domestic Stock

Corporation issued by the California Secretary of State.

(2) All corporate Permit Holders shall report to the SFMTA in writing any of the following within 30 days of occurrence:

- (A) Issuance or transfer of any shares of stock.
- (B) Change in any of the corporate officers listed pursuant to Section 312 of the California Corporations Code or successor statute.
- (C) Change of any member of its Board of Directors.
- (D) Any notice of suspension or certificate of revivorship issued to the corporation by the California Secretary of State.

(e) **Additional Requirements Applicable to Color Schemes.**

(1) Waybills ~~Electronic Trip Data.~~

~~(A) — Each Color Scheme Permit Holder shall implement a system, or affiliate with a Dispatch Service that provides a system, that generates electronic trip data in a format approved by the SFMTA for all affiliated vehicles by February 28, 2013. Such system must, at a minimum, archive all taxi trip data for at least six years, produce data that can generate reports using off the shelf database and spreadsheet software, and record the following information:~~

- ~~(i) — Driver's identification established by authentication through driver's license swipe or other secure system;~~
- ~~(ii) — Date of shift;~~
- ~~(iii) — Vehicle Number and vehicle license number;~~
- ~~(iv) — Medallion number (manually entered);~~
- ~~(v) — Number of passengers on each trip (manually entered);~~
- ~~(vi) — GPS generated origin and destination of each trip;~~
- ~~(vii) — The fare for each trip including applicable fees charged;~~
- ~~(viii) — The mileage for each trip;~~
- ~~(ix) — The total number of trips for each shift;~~
- ~~(x) — The time of hire and discharge for each trip;~~
- ~~(xi) — The starting and ending times and total hours of each shift.~~

(~~AB~~) A Color Scheme shall retain original paper waybills for all Drivers and Medallion Holders for at least one year at its principal place of business; and shall maintain originals and/or legible copies of paper waybills and the data generated by electronic waybills for at least six years to document driving performed by Drivers affiliated with the Color Scheme. Color Schemes may store copies of original paper waybills more than 12 months old in a secure electronic format.

(~~BC~~) Until such date as they may be discarded pursuant to Section 1114(e)(1)(~~AB~~), above, Color Schemes shall store paper waybills either alphabetically, numerically or chronologically. If a Color Scheme's waybills are not so organized, the SFMTA may require the Color Scheme to reorganize the waybills either alphabetically, numerically or chronologically, and the Color Scheme shall order waybills in accordance with SFMTA direction within 90 days of SFMTA request. A Color Scheme may request a waiver of such requirement if the Permit Holder demonstrates to SFMTA's satisfaction that its waybills are already organized in a different manner that allows efficient inspection and auditing by SFMTA. Any waybills presented to SFMTA for inspection in any manner other than as required or approved by SFMTA may not be counted for compliance with the Full-Time Driving requirement.

(~~CD~~) If requested, Color Schemes shall provide each Driver duplicate copies of that Driver's waybills for a prior year in an electronic or paper format. If the waybills are provided in paper format, the Color Scheme may charge no more than \$0.10 per page, or a flat fee not to exceed \$50 for duplication of all waybills of a Driver for the period of one year. After ~~February 28~~ April 30, 2013, Color Schemes must make available Driver Electronic Trip Data ~~electronic trip data~~ to that Driver in an electronic format upon Driver request for any date in the year 2013 and forward, including, but not limited to, any other portable storage medium or device or via electronic mail at the

Color Scheme's option, and may charge no more than \$10 per year for electronic duplication of Driver records.

(2) Medallion Holder Files. Color Schemes must maintain files for each Medallion Holder affiliated with the Color Scheme. Such files shall at least contain written copies of all Leases or permits associated with the Motor Vehicle for Hire at the Color Scheme's principal place of business, and employment or other applications initiating affiliation with the Color Scheme. Color Schemes shall provide copies of a Lease to any party to the Lease upon request.

(3) Receipts to Drivers. Color Scheme Holders shall provide receipts for payments for fuel, Gate Fees, Lease fees or any other payment made by Drivers to Color Schemes.

(4) Medical Examination Certificates. Reserved.

(5) Vehicle Inventory Changes. Prior to placing a Taxi or Ramp Taxi into service for the first time, when changing one vehicle for another, or when assigning a new Vehicle Number, the Color Scheme shall submit the information required by this Section to the SFMTA on a form provided by the SFMTA.

(6) Current Information Required to be Maintained. All Color Schemes shall maintain at the principal place of business the following information in a place where it is easily accessible to dispatchers and for immediate inspection upon request by SFMTA:

(A) Driver Roster.

(B) List of Affiliated Drivers. A current list updated at least weekly with all affiliated Drivers, including Driver's name, home address, cellular telephone number Driver Permit number, and California driver's license number.

(C) Vehicles. A current list of all affiliated Taxis and Ramp Taxis including, but not limited to, the vehicle number, the vehicle license number, the vehicle identification number, the Model Year and make of the vehicle.

(7) Weekly Reporting Requirements. Color Schemes shall fax or email to the SFMTA the following reports. Except as otherwise provided, weekly reports shall be submitted by close of business on the first business day of each week:

(A) Driver Roster.

(i) Every Color Scheme Permit Holder shall maintain a Driver Roster, updated after each shift to reflect actual shift assignments, that must at a minimum include: the date of the shift assignment, Driver's name, and the hours worked for that shift, vehicle number and Medallion number, if different. This schedule shall include the schedules of all Medallion Holders affiliated with a Color Scheme. The Driver Roster shall be provided to the SFMTA as part of the weekly report, and shall be made available for inspection by the SFMTA or law enforcement agencies during business hours.

(ii) All original Driver Rosters shall be retained at the Color Scheme's principal place of business for a period of not less than six years. Color Schemes shall maintain at the principal place of business the most recent 12 months of Driver Rosters in a paper format. Color Schemes may store Driver Rosters more than 12 months old in a secure electronic format. The SFMTA may excuse a Color Scheme from retaining schedules for a particular year by certifying that a Color Scheme has submitted all 12 schedules for that year. The SFMTA may grant exceptions for submission for companies with exceptionally large schedules or which have an electronic timecard system for schedules.

(B) List of Terminated Drivers. Color Schemes shall list the name and A-Card number of any Driver terminated during the prior week, and the date of termination.

(C) Mechanical Breakdown Log. A record of all Taxis and/or Ramp Taxis which have been out of service for more than 72 hours as of the preceding week on a form approved by the SFMTA, including but not limited to the and the spare vehicle, if any, that was assigned to replace the out-of-service Taxi and/or Ramp Taxi, the reason for the breakdown and the estimated date of return to service.

(8) Filings Required for Paratransit Compliance.

(A) Color Schemes must notify the Paratransit Broker within three working days of making any alteration to their In-Taxi Equipment.

(B) Color Schemes must provide a monthly inventory of all SFMTA-owned In-Taxi Equipment to the Paratransit Broker.

(9) Security Camera Data. Color Schemes are required to provide the SFPD or SFMTA, upon demand, with any data captured by the security camera in a vehicle.

(10) Semiannual Report. No later than May 1 of every other year, beginning May 1, 2013, each Color Scheme that has five or more Medallions must provide the SFMTA with an audited financial statement for the previous calendar year containing the following information:

(A) A list of all the Color Scheme's Medallions categorized as follows:

(i) Operated by the Color Scheme as a Gas and Gates Medallion;

(ii) Operated by the Medallion Holder;

(iii) Operated by a Driver pursuant to an agreement with the Medallion

Holder; or

(iv) Operated by a Driver subject to a Lease with the Color Scheme.

(B) All operating revenue, including:

- (i) Gate fees for leasing vehicles to Drivers by the shift;
- (ii) Affiliation fees for use of colors and dispatch and insurance, if applicable;
- (iii) Revenue received from leasing Medallions to Drivers by the month;
- (iv) All other operating revenue, including all funds received from Drivers for fuel, cashiering services, parking and tips; and
- (iv) All funds received from contractors for advertising, merchant account or payment processing services, or other goods or services contracts.
- (C) All operating expenses, including:
 - (i) Total payments to Medallion Holders, including the value of Gate Fee discounts, Medallion lease payments, and Medallion Holder annual permit renewal fees;
 - (ii) Total vehicle maintenance and repair expenses;
 - (iii) Total auto liability insurance premiums, or if self-insured, total payments made for claims arising from vehicle operation;
 - (iv) Total worker's compensation insurance premiums;
 - (v) Total taxi equipment purchase or lease and installation costs (Driver information monitors, radios, toplights, passenger information monitors, decals);
 - (vi) Total air time costs for payment processing;
 - (vii) Total administrative and overhead costs (office equipment and supplies, telephone and internet service, advertising, etc.);
 - (viii) Total labor costs, including a list of all positions that are salaried;
 - (ix) All other costs of goods and services;
- (D) Net income.

(E) A detailed description of internal control procedures for accounts payable, cash handling, fixed assets, inventory, and enforcement of medallion lease terms.

(F) A detailed description of current control risks over revenues and expenditures.

(G) A detailed chart of accounts.

(H) A detailed trial balance for the calendar year under review.

(11) Other Financial Information. Each Color Scheme Permit Holder shall have readily available and shall allow an authorized representative of the SFMTA to inspect, immediately upon request during regular business hours:

(A) All general ledger details for each trial balance account;

(B) All supporting documentation for each trial balance account;

(C) All systems, facilities and records; and

(D) A list of all accounting systems used and all financial reports.

(f) **Additional Requirements Applicable to Dispatch Services.**

(1) Electronic Trip Data.

Each Dispatch Service Permit Holder shall implement a system or enhance an existing system to generate Electronic Trip Data in a format approved by the SFMTA for all affiliated vehicles no later than April 30, 2013. Such system must, at a minimum, archive all taxi trip data for at least six years, produce data that can generate reports using commonly available database and spreadsheet software, and record the following information:

(A) Driver's identification established by authentication through Driver's license swipe or other secure system;

(B) Date of shift;

(C) Vehicle number, vehicle license number and vehicle status (available or hired);

- (D) Medallion number (manually entered);
- (E) Number of passengers on each trip (manually entered);
- (F) GPS-generated origin, incremental, destination coordinates of each trip;
- (G) The fare for each trip including applicable fees charged;
- (H) The mileage for each trip;
- (I) The total number of trips for each shift;
- (J) The time of hire and discharge for each trip;
- (K) The starting and ending times and total hours of each shift.

(2) Integration with Electronic Taxi Access System.

(A) Each Dispatch Service Permit Holder shall implement a system or extend an existing system to integrate and exchange Electronic Trip Data with the Electronic Taxi Access System.

(B) Each Dispatch Service Permit Holder shall use systems to share Electronic Trip Data in real-time. As Drivers start their daily shift, systems used by Dispatch Service Permit Holders shall exchange company, Driver, vehicle and day/time data with the Electronic Taxi Access System. As Drivers begin and end trips, systems used by Dispatch Service Permit Holders must share pick-up location, real-time telemetry during the trip, destination location and fare payment data, not including personal customer information. As Drivers end their daily shift, systems used by Dispatch Service Permit Holders shall exchange company, Driver, vehicle and day/time data with the Electronic Taxi Access System.

(C) The systems used Dispatch Service Permit Holders shall transmit Electronic Trip Data to the Electronic Taxi Access System at a periodic rate. The transmission rate must be configurable with a default setting of every six seconds.

(3+) Semi-Annual Service Report. All Dispatch Services must provide the SFMTA with dispatch service reports covering the period of January 1 through June 30 due to

the SFMTA by August 1, and covering the period of July 1 through December 31 by February 1 of each year in a format approved by the SFMTA.

(42) Reports of Found Property.

(A) Receipt to Drivers. Every Dispatch Service Permit Holder shall issue a receipt to the Driver for any Found Property located in an affiliated Taxi or Ramp Taxi and provided to the Dispatch Service.

(B) Return to Owner. Every Dispatch Service Permit Holder shall endeavor to return Found Property to its rightful owner. If after 2 business days the owner cannot be located, the Dispatch Service Permit Holder shall give the property to SFMTA with a receipt that includes an inventory of the property, the date it was turned in, the name or badge number of the Driver who turned it in and the Vehicle Number of the vehicle in which it was found.

(C) Property Log Book. Every Dispatch Service Permit Holder shall maintain at the principal place of business a log book in a form approved by the SFMTA which records the date, time, vehicle number, Driver by name or badge number, Incident Report Number (if applicable), description and disposition of the property. The log book shall be retained for a minimum period of one year.

(D) Weekly Property Report to SFMTA. On the first business day of each week, each Dispatch Service Permit Holder shall fax or email to the SFMTA a copy of all entries made in the property log for the previous week. Those Dispatch Services having no entries for that week will fax or email a notice advising the SFMTA that no property was turned in. Dispatch Service Permit Holders shall account for all affiliated Color Schemes.

(53) Annual Filings Required for Renewal of Permit. No Dispatch Service

Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:

- (A) Copy of current City business license;
- (B) Completed Designated Manager Form;
- (C) List of all affiliated Color Schemes;
- (D) Copy of company drug-free workplace policy;
- (E) Insurance certificates demonstrating compliance with the insurance requirements of this Article;
- (F) Sworn statement attesting to compliance with this Article and applicable state and federal laws

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 March 19, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency