

THIS PRINT COVERS CALENDAR ITEM NO.: 15

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Taxis and Accessible Services

BRIEF DESCRIPTION:

Requesting that the Board of Directors amend Transportation Code Division II, Article 300, Section 320 to eliminate the fee for continued operation of a transferable medallion upon death, suspension or revocation of medallion holder and Article 1100, Sections 1101 – 1105, 1109, 1116, 1118 and 1120 to reform the taxicab medallion system by eliminating the requirement that only San Francisco taxi drivers be allowed to purchase a medallion, eliminating the driving requirement for transferable medallion holders, allowing transferable medallions to be held by individuals, business entities, and joint tenants up to a maximum of 50 medallions per entity, to give the Director of Transportation the authority to impose restrictions on the types of medallions authorized to operate a taxicab trip originating at San Francisco International Airport, to eliminate the 5% medallion retransfer fee for a period of three years, and to not renew Corporate and Pre-K medallions after June 30, 2019.

SUMMARY:

- Staff is proposing to remove barriers to entry for new medallion applicants by removing the requirement that only San Francisco taxi drivers be allowed to purchase, allowing business entities and joint tenants to purchase up to 50 medallions and to eliminate the driving requirement.
- To bring taxi supply into San Francisco to serve the City and add value to transferable medallions, while also alleviating congestion at the airport, staff proposes to limit the types of Medallions authorized to operate taxicab trips originating at San Francisco International Airport.
- Staff recommends authorizing the Director to waive the 5% medallion retransfer fee for three years and the non-renewal of the Corporate and Pre-K classes of medallions, to balance fleet size with current trip volume.
- Eliminate the monthly taxi medallion use fee upon death, suspension, or revocation of medallion holder and allow the medallion holder or designee to enter into an agreement with a color scheme to operate the medallion.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code Amendments

APPROVALS:

DIRECTOR



DATE

10/10/2018

SECRETARY



10/10/2018

ASSIGNED SFMTAB CALENDAR DATE: October 16, 2018

PAGE 2

PURPOSE

Requesting that the Board of Directors amend Transportation Code Division II, Article 300, Section 320 to eliminate the fee for continued operation of a medallion upon death, suspension or revocation of medallion holder and Article 1100, Sections 1101 – 1105, 1109, 1116, 1118 and 1120 to reform the taxicab medallion system by eliminating the requirement that only San Francisco taxi drivers be allowed to purchase a medallion, eliminating the driving requirement for transferable medallion holders, allowing transferable medallions to be held by individuals, business entities, and joint tenants up to a maximum of 50 medallions per entity, to give the Director of Transportation the authority to impose restrictions on the types of medallions authorized to operate a taxicab trip originating at San Francisco International Airport, to eliminate the 5% medallion retransfer fee for a period of three years, and to not renew Corporate and Pre-K medallions after June 30, 2019.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

Medallion program reform and modernizing the Transportation Code will support the following goals and objectives in the SFMTA's Strategic Plan:

- Goal 1: Create a safer transportation experience for everyone
 - Objective 1.1: Achieve Vision Zero by eliminating all traffic deaths.
 - Objective 1.2: Improve the safety of the Transit System.
- Goal 2: Make transit and other sustainable modes of transportation the most attractive and preferred means of travel
 - Objective 2.1: Improve transit service.
 - Objective 2.2: Enhance and expand use of the city's sustainable modes of transportation.
 - Objective 2.3: Manage congestion and parking demand to support the Transit First Policy.

Medallion program reform and modernizing the Transportation Code will support the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.

DESCRIPTION

Background

Prior to 1978, San Francisco taxicab medallions were freely transferable among individuals and corporations. Medallions were sold by the San Francisco Police Department, but they were also freely transferable on the secondary market. Because there was no restriction on how many medallions one person could own, and because there was no driving requirement, many medallions accumulated with few owners. As a result, many drivers were unable to acquire a medallion of their own. On June 6, 1978, voters passed Proposition K, which among other things, made San Francisco

PAGE 3

taxi medallions non-transferable and provided that medallions could only be held by individual working taxi drivers.

The San Francisco Taxi Commission was created in 1999 to assume responsibility for governance of the taxi industry from the Police Commission, and continued to serve as the regulatory body of the taxi industry between 1999 and 2009. In 2009, the Board of Supervisors transferred regulation of the taxi industry from the Taxi Commission to the SFMTA.

The Taxis and Accessible Services Division of the San Francisco Municipal Transportation Agency (SFMTA) is responsible for the regulation of the private businesses that make up the San Francisco taxi industry, including qualifying and licensing permit holders, monitoring regulatory compliance, and administering discipline for regulatory violations.

As part of that mandate, SFMTA's Taxis and Accessible Services Division strives to ensure that San Francisco taxicab industry remains a safe public transportation choice. This includes creating, amending or deleting sections of the Transportation Code to help promote the integrity of San Francisco's motor vehicle for hire industry.

One of the first initiatives that the SFMTA undertook was reform of the taxi medallion system.

On February 26, 2010, the SFMTA Board of Directors adopted the Taxi Medallion Sales Pilot Program (Pilot Program), which allowed Pre-K and Post-K medallion holders who were disabled or age 70 or older to participate. The participating medallion holders were able to surrender their medallions to the SFMTA for financial consideration and the SFMTA would concurrently transfer those medallions to taxi drivers wishing to purchase, in the order of their seniority on the medallion waiting list. A medallion holder that surrendered their medallion received \$200,000 from the transfer, the purchasing driver paid \$250,000 (the price established by the SFMTA Board). The SFMTA received a \$50,000 transfer fee and five percent of that fee went to the Driver Fund.

These surrendered medallions then became part of the pool of transferable medallions in the Pilot Program. The holder of a transferable medallion was free to retransfer the medallion, regardless of age or disability status, at the set medallion sales price to qualified buyers identified by the SFMTA. The Pilot Program was later modified to allow holders of Pre-K and Post-K medallions who were over the age of 65 to surrender their medallions.

When the SFMTA Board adopted the permanent Medallion Sales Program on August 16, 2012, medallions were no longer issued free of charge to drivers at the top of the waiting list. In recognition of the many people who had been on the waiting list for years to "earn" a medallion, the SFMTA Board approved the sale of half-price medallions to the first 200 people on the waiting list.

Taxicab medallion reform is critical because the taxi industry has experienced a notable decrease in demand since 2015, as is the case nationally. This decrease in demand is generally attributed to the rise of Transportation Network Companies (TNCs) in San Francisco and the ability of TNC drivers to operate commercially as for-hire vehicles without a medallion and with little regulation. Based on the June 2017 report by the San Francisco County Transportation Authority "TNCs Today," by some estimates, there could be an estimated 45,000 Uber and Lyft drivers operating commercially in San Francisco providing for hire transportation services, as compared to approximately 1,800 authorized

PAGE 4

taxicab medallions. The TNCs Today report also notes that, on a typical weekday, TNCs make more than 170,000 vehicle trips within San Francisco, approximately 12 times the number of taxi trips.

This legislation is part of an ongoing effort to reform and modernize taxicab rules and regulations to ensure a high standard of public safety and customer service while modernizing requirements to better allow innovation and competition. The proposed Transportation Code reform amendments reflect substantive changes to the taxicab medallion system.

Proposed medallion reforms include:

- Elimination of the requirement that only San Francisco taxi drivers be allowed to purchase a medallion.
- Elimination of the driving requirement for transferable medallion holders.
- Authorize the Director of Transportation to impose restrictions on the types of medallions that are authorized to operate a taxicab trip originating at San Francisco International Airport.
- Allow individuals, business entities and joint tenants to purchase up to a maximum of 50 medallions.
- Authorize the Director of Transportation to waive the 5% retransfer fee currently charged to medallion transfers for a period of three years.
- Phase out the Pre-K and Pre-K Corporate medallion classes by ceasing renewals after June 30, 2019.
- Eliminate the monthly taxi medallion use fee upon death, suspension, or revocation of medallion holder and allow the medallion holder or designee to enter into an agreement with a color scheme to operate the medallion.

Types of Medallions

There are currently six types of medallions:

- **Pre-K Corporate (84 medallions):** Prior to Prop-K (1978), medallions could be owned by a corporation. The corporation cannot change ownership by more than ten percent or the medallion will revert to the City. Corporations can hold more than one medallion and there is no driving requirement. These medallions cannot be transferred or surrendered.
- **Pre-K (175 medallions):** Prior to Prop-K (1978), medallions could be held by anyone and could be held by more than one person. Pre-K medallion holders are not subject to the driving requirement. Currently, these medallions can be surrendered for consideration if the medallion holder is at least 60 years old or has a permanent disability. Individuals or groups can hold more than one medallion. These medallions are not transferable.
- **Post-K Earned (569 medallions):** These medallions (after 1978) are limited to one per taxi driver and can only be held by an individual. There is a driving requirement and these medallions can be surrendered if the medallion holder is at least 60 years old or has a permanent disability. The minimum allowable age to surrender was lowered from 65 years of age to 60 during the adoption of the permanent Medallion Transfer Program in 2012. These medallions are not transferable.
- **Transferable (560 medallions):** These medallions were transferred (purchased) under the Medallion Sales Pilot Program that started 2010 and the Medallion Transfer Program that

PAGE 5

replaced the Pilot Program in 2012. An individual who purchased a medallion under either program may retransfer their purchased permit at any time with no restriction on age or disability, provided that there is a purchaser available. There is a driving requirement for these permits.

- **Ramp (42 medallions):** These medallions operate in wheelchair accessible ramp vehicles. Some medallions are operated by drivers and some are leased to color schemes. Ramp Taxi Medallions cannot be transferred or surrendered for consideration.
- **8000 Series (14 medallions):** Medallions that are leased by SFMTA to color schemes for a monthly use fee of \$750 (\$100 going towards the driver fund). These medallions cannot be transferred or surrendered.

Currently, the relevant distinctions between medallion types pertain to the driving requirement (at least 156 four-hour shifts or 800 hours during a calendar year) and ability to transfer or surrender for consideration. Pre-K Corporate, Ramp and 8000-Series medallions can neither transfer nor surrender for consideration. Pre-K medallions have no associated driving requirement and can be surrendered for consideration if the medallion holder is at least 60 years old or has a permanent disability. Post-K medallions have a driving requirement and can also be surrendered for consideration if the medallion holder is at least 60 years old or has a permanent disability.

Surrender for Consideration

Under the Transportation Code, the surrender payment (the amount paid by the SFMTA to the Pre-K or Post-K medallion holder for surrender of a medallion after the SFMTA has identified a new transferee and a properly executed transfer agreement has been received from the transferee) is presently \$200,000. A Pre-K or Post-K medallion holder does not have a vested right to surrender a medallion for consideration. The SFMTA Board may decide to terminate the surrender program at any time. There are currently 87 Pre-K and 394 Post-K medallion holders who want to surrender their medallion for consideration.

Re-Transfer

Under the current regulations, holders of transferable medallions have a driving requirement and are eligible to transfer the medallion at any time, regardless of age or disability status. There are currently 236 transferable medallion holders who want to re-transfer their medallion.

The total number of medallion holders on the list to either surrender or re-transfer is 722. However, both the surrender for consideration and re-transfer transactions require the identification of a new transferee. There hasn't been a sale since April of 2016.

Table 1: Taxi Medallion Sales since the Beginning of Pilot Program

	2010	2011	2012	2013	2014	2015	2016
TOTALS	30	147	106	209	168	65	11

PAGE 6

A total of 736 medallions have been transferred or re-transferred under the Medallion Sale Program since its inception. The sales are higher than the number of transferable medallions in service because a medallion can be transferred more than once.

Efforts to Stimulate Demand

As sales began to decline, and the list to sell continued to grow, SFMTA began to look at methods to stimulate demand.

The waiting list to purchase a medallion was closed in January 2015 because all those on the list had been offered the opportunity to purchase a medallion. In an effort to stimulate demand in spring 2015, Taxi Services sent a letter of interest to purchase a medallion to all potentially qualified drivers, and revised application procedures to streamline the process. Nearly 8,000 letters were mailed and a total of 780 responses were received. Out of those responses, 50 medallions were sold.

Throughout 2015, the waiting lists to surrender and re-transfer a medallion outpaced demand to purchase, and in the fall of 2015, the SFMTA Board amended the Transportation Code to reduce the driving eligibility requirement for medallion applicants. With the change, a medallion applicant must have been a full time driver for at least one year, instead of four out of the last five years. Taxi Services sent out two rounds of interest letters following the reduction in the driving requirement. Approximately 7,000 letters were sent, and 30 responses were received. Since the change in medallion eligibility was enacted, there have been 23 medallion sales.

Since 2013, SFMTA has eliminated most fees for the taxi industry in another effort to stimulate the industry. In total, the waiver of these fees has saved industry members about \$10M in the last five years.

Most recently, as part of the Fiscal Year 2019 – 2020 budget, the renewal fee for Prop K Medallions was lowered by 50% (reducing the FY2019 fee to \$590 and FY2020 fee to \$614).

In addition, the Color Scheme renewal fee for color schemes with 1-5 medallions and 6-15 medallions was reduced by approximately 5%. The Color Scheme fee for new applicants was increased by a comparable amount to off-set potential lost revenue. Because there are significant economies of scale for color schemes with more medallions, the new fee structure stays true to the original intent and still provides relief for existing color schemes with fewer medallions.

The Taxi Stand application fee was reduced by 50% to \$1,083 for FY2019 and \$1,127 for FY2020. This fee is not paid by the taxi industry, but by fronting businesses requesting the curb designation. But the taxi industry raised concerns that the fee could be a disincentive for businesses requesting taxi stands. In addition to lowering the fee, SFMTA has designated \$60,000 in grant funding to defray the costs of taxi stands.

Finally, in addition to lowering fees, SFMTA has recently extended requirements related to vehicle mileage and age to allow more flexibility. To ensure that the more flexible requirements don't compromise vehicle safety, all taxis and ramp taxis with more than 200,000 miles, or older than nine model years in age must undergo a safety inspection every six months. All other taxi vehicles are inspected every 12 months.

Table 2: Taxi Fee Reductions/Waivers

Fee Description	Original Amount	Reduced Amount	Status & Timeframe	Forgone Revenue FY15	Forgone Revenue FY16	Forgone Revenue FY17	Projected Forgone Revenue FY18	Projected Revenue Forgone FY19
Metal Plate Fee	\$75	\$0	Eliminated in FY14	\$138,750	\$138,750	\$135,150		
New Driver Application Fee	\$252	\$0	Eliminated in FY14	\$201,600	\$113,148	\$63,000		
Color Scheme Change Fee	\$608	\$400	Reduced 2015	\$4,576	\$38,272	\$31,200		
8000 Series Use Fee	\$2,000	\$1,000	Reduced 2014	\$842,000	\$482,000	\$137,000		
Medallion Re-Transfer Fee	\$50,000 (20%)	\$12,500 (5%)	Reduced 2014	\$862,500	\$1,275,000			
Dispatch Permit Renewal Fee	\$6,284	\$0	Waived FY15	\$56,556				
Color Scheme Renewal Fee	Varies based on fleet size: \$1,485-\$9,069	\$0	Waived FY15	\$110,753				
Medallion Renewal Fee (Reduced)	\$1,410	\$1,000	Reduced for all FY15	\$671,170	\$38,950	\$738,820		
Medallion Renewal Fee (Waived)	\$1,000	\$0	Waived for all but Corporate Medallions FY16		\$1,755,000			
Medallion Renewal Fee for Transferable Medallions (eliminated)	\$1,134	\$0	Eliminated FY18				\$793,800	
Driver A-Card Renewal	\$100	\$0	Waived FY16		\$906,900			
Prop K Renewal Fees (Reduced 50%)			Reduced FY19					\$685,076
Annual Forgone Revenue				\$2,887,905	\$4,748,020	\$1,105,170	\$793,800	\$685,076
Total Estimated Forgone Revenue FY14-FY20								\$10,219,971

PAGE 8

Medallion Reform 2016-2017

As medallion sales sharply declined starting in 2015, SFMTA began to look at reforming the Transportation Code to reduce restrictions on the taxi industry to allow them to compete with TNCs. In conjunction with taxi industry feedback, staff prepared a medallion reform package beginning in April 2016 that was vetted for nine months. Given the scale of the proposed amendments, staff worked hard to ensure that there had been significant time for taxi industry stakeholders to provide input. Transportation Code reform was discussed at Taxi Color Scheme Management meetings, Taxi Town Hall meetings and Taxi Task Force meetings on numerous occasions. The Transportation Code amendments were also discussed at the Paratransit Coordinating Council, the Multimodal Accessibility Advisory Committee, and at the Policy and Governance Subcommittee of the SFMTA Board meetings.

At the time, it was decided to engage an outside consultant to provide a broad review of the taxi industry. PFM Group Consulting and Schaller Consulting were hired as consultants and began the study in the spring of 2017.

PFM/Schaller Study

The consultants' study included conducting interviews with key stakeholders, including Drivers, Color Scheme and Dispatch Service managers and medallion holders of all classes in May 2017 and again in October 2017 to present some of their research results and to discuss potential regulatory options. Town Hall discussions were held with all stakeholder groups, including Color Scheme and Dispatch Service managers, medallion holders and drivers. The consultants also met with managers at San Francisco International Airport (SFO) regarding taxi service to and from the airport, and a representative from the San Francisco Federal Credit Union.

The consultants' study was completed on May 1, 2018. One of the key findings of the report was related to the pro forma analysis regarding driver and medallion holder income. The study revealed that only 17% of all medallion holders made a sustainable net income, which was set at \$65,000 annually. The findings estimated that transferable medallion holders netted \$38,000 annually, which is less than the estimated amount earned by earned medallion holders and drivers, due to additional costs they incur associated with their medallion.

The report made three recommendations, the first of which was the creation of "full-service Color Schemes," that would provide more services than current Color Schemes, including control of which medallions could access SFO. The second recommendation was "right sizing" the taxi fleet in line with current demand. This would involve rescinding the Pre-K Corporate and Pre-K Medallions, as well as inactive Post-K Medallions. The final recommendation was to create a sustainable accessible taxi program.

Following the completion of the consultants' study, Taxi Services vetted the findings and recommendations with the taxi industry through Taxi Task Force and several Taxi Town Hall meetings. Taxi Services has also solicited and received feedback via email from industry stakeholders who were

PAGE 9

not be able to attend the meetings. Some key concerns raised during the vetting process included focusing reforms on those who purchased their medallions. After thoroughly vetting these proposals with the taxi industry, staff held internal discussions to determine which reforms SFMTA would proceed with.

San Francisco International Airport

Currently, as in the past, much of the San Francisco taxi industry is focused on serving San Francisco International Airport (Airport). For years, the Airport has been dealing with congestion involving taxis. In total, the four taxi lots at the Airport hold a total of 427 cabs, while there is curbside space available for an additional 52 cabs, for a total capacity of 479. Analysis by the Airport indicates that these lots are often full during off-peak hours and are at 80% capacity for most of the day. About 250 taxi drivers are turned away from full lots on a typical day, and those drivers tend to circle the terminal roadways waiting for an opening, which contributes to airport congestion.

Due to oversupply at the Airport, drivers are often forced to wait 1.5 to 2 hours for a single fare, which increases up to three hours during less busy times. These extreme wait times are a drain on the fleet, as a significant portion of all San Francisco taxis sit idle. Meanwhile, people in San Francisco continue to experience long wait times to hail a taxi, due in part to the fact that hundreds of taxis are sitting idle at the airport.

Medallion Reform 2018-2019

After review and consideration of taxi industry feedback from the consultants' report, Taxi Services staff has developed a package of taxi medallion reform measures specifically focused on reinvigorating the medallion market. Transferable medallion holders have invested the most in the taxi industry, and yet earn the least based upon the findings of the consultants' report. The Pre-K Corporate and Pre-K Medallions have been held for over 40 years and have generated an estimated lifetime average income of \$1.6M passive income per medallion. Additionally, Pre-K Corporate and Pre-K investors can hold multiple medallions, and the largest corporation is estimated to have generated \$26M over the life of the medallion. The Post-K medallions were free and distributed to taxi drivers based on waiting list seniority and compliance with the driving requirement.

Staff considered the consultants' three recommendations, and determined that the "full-service Color Scheme" was not viable, and opted not to proceed based upon industry feedback. Staff determined that part of the second recommendation, balancing the fleet with current trip volumes, is a necessary reform, given that only 17% of medallion holders make sustainable earnings, and that it more directly supports purchased medallion holders, which is feedback staff received during the vetting process. Given that a small minority of medallion holders were able to earn sustainable income, there is oversupply in the current market which necessitates balancing fleet size with current trip volumes. Thus, staff proposes to reduce the number of overall medallions by not renewing any Pre-K medallions when they expire at the end of this fiscal year. This change will concentrate demand into a smaller number of remaining medallions, rendering them more valuable, while ensuring taxi service in San Francisco is improved by

PAGE 10

shifting supply from the airport to the city. Finally, staff accepted the third recommendation, create a sustainable accessible taxi program, and began implementing it using grant money. There is an existing ramp taxi incentive program, which provides \$10 per trip for each paratransit wheelchair trip provided, and ramp taxi drivers can earn a short trip at the Airport for each two paratransit wheelchair trips provided in outlying neighborhoods. The incentive program has been expanded using Lifeline grant funding to subsidize the purchase and operation of a wheelchair accessible taxi up to \$600 per month. No board action is required to implement this recommendation, as no legislative changes are required.

Independent of the consultants' study, and coupled with the oversupply and congestion issues at the Airport, as well the focus on transferable medallion holders, staff looked at limiting supply at the Airport to transferable medallions. This concept would alleviate the congestion issues at the Airport, while at the same time providing a benefit to the focus of these reforms, transferable medallion holders. This change would also bring additional supply to the City, as a significant portion of the taxi fleet sits idle at the Airport for much of the day. On September 7, 2018, the Airport Director issued a letter to the Airport Commission, indicating his support for this reform, indicating that fewer cabs at SFO would reduce congestion, drivers would have shorter wait times and some of the taxi lots currently being used for staging taxicabs could be returned to revenue generation. From the Airport's perspective, this change will result in tangible, positive benefits to the Airport and its customers, including reduced congestion, better air quality and increased revenue opportunities.

Airport staff conducted an analysis and concluded that demand for taxi trips would still be met if pick-ups at the Airport were limited to only transferable medallions.

This draft medallion reform package was vetted with taxi industry and other interested stakeholders, including drivers, medallion holders of all classes and Color Scheme and Dispatch Service managers at Town Hall meetings on September 7 and September 17, 2018 and Taxi Task Force on September 12, 2018. The Town Hall meetings were open house style, where industry members could provide written feedback onto posters. All comments were recorded. Additionally, a hearing was held by the Local Agency Formation Commission on September 21, 2018, where drivers and medallion holders of all classes shared their feedback.

In the interim, staff has also been briefing Board of Supervisors' staff regarding the medallion reform package.

During the vetting of both the consultants' report and this medallion reform package, several industry members have called for a full buyback of all medallions, but that is not being proposed. An analysis indicates that if the price paid by a transferable medallion holder were to be repaid in full, with the amount of any outstanding loan deducted from the payment made to the medallion holder and remitted to the qualified lender, the full price tag would be \$161M. Over 700 medallions were sold as part of the medallion sale program – 145 medallions were sold at half price (\$125,000) and 573 were sold at full price (\$250,000).

While SFMTA generated \$63M in revenue from medallion sales, which was used to support transit

PAGE 11

operations, it is important to note that \$110M in revenues generated by the medallion sale program went directly to the taxi industry. Medallions that were purchased through Medallion Transfer Program were for the most part not new medallions, but Surrendered Medallions. Surrendered medallions were Pre-K or Post-K Medallions held by drivers who were either over the age of 60, or disabled from driving. This transitioned Pre-K and Post-K Medallions into Transferable Medallions, which allowed older drivers to retire while allowing new entrants into the San Francisco taxi market. The vast majority of Medallion Surrender Payments went directly to drivers, while the SFMTA collected a 15% fee. A 5% fee was allocated to the driver fund. The driver fund was recently dispersed through payments directly to all active individual drivers. \$63M of sales generated by the Medallion Transfer Program went to the SFMTA to prevent Muni service cuts coming out of the 2009-10 economic recession.

The taxi industry nationwide and in San Francisco is shrinking, but the most rapid attrition is occurring in the ranks of the Transferable Medallions. To date, there have been 22 foreclosures of half price medallions and 136 foreclosures of full price medallions. If nothing is done, the rate of foreclosures will likely accelerate. These reforms are intended to reduce, if not cease, the foreclosures of taxi medallions.

Proposed changes to the Transportation Code Section are summarized below by code section.

Section 1101. SCOPE AND PURPOSE OF REGULATIONS.

Staff is proposing to open up the medallion market by allowing joint tenants or business entities to hold a medallion or medallions. Since the adoption of Prop K in 1978, medallions are restricted to San Francisco taxi drivers and they are limited to one medallion.

Section 1102. DEFINITIONS.

Staff is proposing to clarify certain definitions, delete definitions and add new definitions. New definitions include the term Business Entity. The definitions of Medallion, Medallion Application, Medallion Holder, Permit Holder, Transferee and Transferor are clarified to allow joint tenants and business entities to hold a medallion.

Proposed deletions include definitions for A-Card Seniority and Driver Fund Retransfer Contribution, which will both be rendered unnecessary by the medallion reform proposal.

Section 1103. PERMIT APPLICATIONS AND RENEWAL.

Staff is proposing the following amendments in Section 1103:

- Eliminate the requirement that medallion applicants that fail to complete the medallion transfer transaction or the medallion application process within the applicable deadlines will be moved to the end of the waiting list.

PAGE 12

- Eliminate the requirement that taxi medallion applicants must continuously maintain a valid Driver Permit to maintain their position on the waiting list.
- Add provisions to allow business entities and joint tenants to apply for a medallion.

Section 1104. ELIGIBILITY.

As part of medallion reform, staff is proposing to expand the medallion applicant eligibility requirements to allow joint tenants and business entities to hold a medallion. Since the proposed change would expand medallion eligibility beyond working taxi drivers, staff is proposing to eliminate the driving requirement as a criteria for medallion eligibility.

Staff is proposing to add new, simplified requirements for medallion eligibility, including:

- Complete the medallion application form provided by SFMTA.
- Indicate on the application whether the applicant is applying as an individual, joint tenants or a business entity. If the applicant is applying as a business entity, it must be registered and in good standing with the California Secretary of State.

Staff is also proposing to eliminate the following eligibility requirements:

- Eliminate the requirement that SFMTA determine compliance with the full-time driving requirement.
- Eliminate the requirement that restricts medallion holders from being eligible to hold more than one medallion.

Section 1105. GENERAL PERMIT CONDITIONS.

Staff is proposing to amend this section as part of medallion reform to allow medallions to be held by individuals, joint tenants or business entities, and to require that any medallion issued to a business entity must be registered in the name of at least one natural person and any medallion issued to joint tenants must be registered in the name of each joint tenant.

In this section, staff is also proposing the non-renewal of Pre-K Corporate and Pre-K Medallions after June 30, 2019.

Section 1109. CONDITIONS APPLICABLE TO MEDALLIONS.

As part of the medallion reform package, staff is proposing the following amendments:

- Eliminate requirements associated with the full-time driving requirement only for those medallions that were acquired after March 27, 2010. Any medallions acquired prior to March 27, 2010 will have a full-time driving requirement.
- Clarify that the full-time driving time requirement will not apply to business entities or joint

PAGE 13

tenants that hold a transferable medallion.

- Clarify that all medallions issued between June 6, 1978 and March 27, 2010 shall declare under penalty of perjury that they will continue to personally engage in full-time driving.
- Clarify that medallion holders are responsible for maintaining their own business records.
- Add the ability of the Director of Transportation to impose restrictions on the types of medallions that are authorized to operate a taxicab trip originating at SFO to manage congestion and improve taxi supply in San Francisco.
- Add the requirement that in the event of the termination or dissolution of a business entity, the medallion holder provide written notice of termination or dissolution within 14 business days.
- Add requirement that in the event of a death of a joint tenant, the surviving joint tenant(s) must provide the SFMTA written notification within 14 days, and within 14 days of providing the SFMTA with notice, shall return the medallion(s) to the SFMTA which will then re-issue the medallion in the name of the surviving joint tenants.

Section 1116. TAXI MEDALLION TRANSFER PROGRAM.

As part of the medallion program reform, staff is proposing the following amendments:

- Eliminate Pre-K medallion holders from eligibility for surrender for consideration.
- Eliminate the 5% Medallion Transfer Fee for a period of three years and eliminate the allocation to the Driver Fund, as the Fund has been disbursed.
- Eliminate the Driver Fund.
- Add the ability of lenders to operate foreclosed medallions.
- Clarify that following the retransfer of foreclosed medallion, any remaining balance after satisfaction of the loan shall be distributed to the medallion holder or the medallion holder's designees.
- Clarify that the medallion shall expire upon the severance of joint tenancy, bankruptcy, dissolution or termination of the business entity holding the medallion.
- Update the retransfer of medallions to reflect the severance of joint tenancy, bankruptcy and dissolution of the business entity. Any remaining balance after satisfaction of the loan shall be distributed to the medallion holder or the medallion holder's designees.
- Allow for the continued operation of the medallion after revocation, death, severance of joint tenancy, bankruptcy, dissolution or termination of the business entity until the medallion is retransferred in accordance with Section 1116.

Section 1118. REVOCATION, SUSPENSION, AND ADMINISTRATIVE FINES.

As part of the code modernization and medallion reform, staff is proposing the following amendments:

- Add that good cause to revoke a medallion includes failure to comply with the "full-time" operation requirement, which is 800 hours per calendar year.

Section 1120. ADMINISTRATIVE HEARINGS.

As part of the code modernization and medallion reform, staff is proposing the following amendments:

Update the hearing procedures to require drivers to provide 72 hours' written notice if they will be unable to attend a scheduled hearing.

Section 320. TAXI PERMIT FEES

As part of the code modernization and medallion reform, staff is proposing the following amendment:

- Eliminate the monthly taxi medallion use fee upon death, suspension, or revocation of medallion holder and allow the medallion holder or designee to enter into an agreement with a color scheme to operate the medallion.

STAKEHOLDER ENGAGEMENT

Taxi Services has engaged in a thorough stakeholder engagement process regarding the proposed Transportation Code changes. Given the scale of the proposed amendments, staff worked hard to ensure that there has been significant time for the taxi industry stakeholders to provide input.

Prior to the 2016 proposed reforms, staff began vetting proposed Transportation Code changes in April 2016. Transportation Code reform was discussed at Taxi Color Scheme Management meetings on May 3, May 24, June 2 and October 11, 2016; Taxi Town Hall meetings on May 25, July 22, and October 14, 2016; and Taxi Task Force meetings on April 13, May 11, June 8, July 13, August 10, September 14, October 12, and November 9, 2016. The Transportation Code amendments were also discussed at the August 10, 2016 Paratransit Coordinating Council, the July 21, 2016 Multimodal Accessibility Advisory Committee, and at the July 15 and October 21, 2016 Policy and Governance Subcommittee of the SFMTA Board meetings.

Before the reforms were brought before the Board, it was decided to engage PFM Group Consulting and Schaller Consulting to study the San Francisco taxi industry. After stakeholder interviews, the Consultant report was completed on May 1, 2018, and the proposed reforms discussed in the report were vetted with the taxi industry, including the May 9 and June 13, 2018 Taxi Task Force meetings and Taxi Town Halls on May 7, May 14, May 23 and June 18, 2018.

After review and consideration of taxi industry feedback in regards to the proposed reforms of the report, Taxi Services staff has developed a package of taxi medallion reform measures to focus relief on purchased medallion holders who have invested the most in the industry and yet earn the least. This current package of reforms has been vetted at Town Halls on September 7 and September 17, 2018 as well as Taxi Task Force on September 12, 2018. Additionally, a hearing was held before the Local Agency Formation Commission on September 21, 2018, where drivers and medallion holders of all classes were allowed to share their feedback.

PAGE 15

As a result of the level of engagement of the taxi industry and the variety of perspectives from different stakeholder groups, SFMTA received significant feedback. Many medallions holders support medallion reform and stated that the bold measures proposed are needed at this time. Others object to certain aspects of the reform package – namely, the non-renewal of certain types of medallions and/or imposing limits on the types of medallions that may operate taxicab trips originating at SFO.

ALTERNATIVES CONSIDERED

This legislation is part of an ongoing effort to reform and modernize taxicab rules and regulations. Staff considered a number of alternatives to the medallion reform package, including:

- Target the opening of the medallion market to San Francisco color schemes. This alternative would have restricted the medallion buyer pool to those individuals or business that have been approved to start a taxi color scheme in San Francisco. Many owners of San Francisco taxi companies also own taxi medallions and have invested in the San Francisco taxi market, and may be the most likely pool of interested buyers. This was considered but not pursued because staff feels that opening up the market to all buyers increase the potential pool of buyers. Taxi companies are not precluded from buying under the proposed reform package, while still expanding eligibility to other potential buyers.
- Lower price to \$125,000 and provide all current transferable medallion holders who purchased at \$250,000 a second medallion so that the total value would be \$250,000. This alternative is not workable at this time without the consent of the approved lender.
- Maintain status quo. Status quo is not sustainable given the desire for many current medallion holders to either surrender or retransfer their medallion and the limited pool of potential buyers.

FUNDING IMPACT

The financial impact on the SFMTA of the proposed regulatory reform is expected to be minimal. The three-year waiver of the 5% Retransfer Fee will not impact SFMTA financially, as it was previously allocated to the Driver Fund, which is being disbursed to drivers. At the conclusion of three years, the fee waiver will sunset, and the fee will be reinstated and will go to the SFMTA general fund.

The financial impact on the SFMTA of the proposed medallion reform package may impact revenue generated for the SFMTA, but that is not the goal of the reform, which is to create the regulatory environment that maintains the values of public safety and consumer protection while allowing the industry the freedom to compete and innovate. The new, expanded eligibility requirements for medallion holders will open medallion sales to the open market and therefore allow new players in the taxi industry.

Charter Section 16.112 requires published notice and a hearing before the SFMTA may institute or change any fare, fee, schedule of rates or charges which affect the public. The Board's Rules of Order require that the advertisement run for at least five days with the last publication not less than five days prior to the scheduled SFMTA Board meeting. In compliance with both Charter Section 16.112 and the Board's Rules of Order, advertisements were placed in the City's official newspaper, the SF Examiner,

PAGE 16

to provide published notice for the October 16, 2018 public hearing. The advertisements ran in the SF Examiner for five days starting on October 4, 2018 with the last publication on October 11, 2018.

ENVIRONMENTAL REVIEW

The proposed Transportation Code amendments are subject to the California Environmental Quality Act (CEQA). Title 14 of the California Code of Regulations Section 15273 provides a statutory exemption from environmental review for the establishment modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which are for the purpose of meeting operating expenses, purchasing or leasing supplies, equipment, or materials, meeting financial reserve needs and requirements, obtaining funds for capital projects, or obtaining funds necessary to maintain intra-city charters authorized by city charter.

On September 20, 2018, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code Amendments are statutorily exempt from CEQA pursuant to Title 14 of the California Code of Regulations Section 15273. The proposed action is the Approval Action as defined by S. F. Administrative Code Chapter 31.

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this report.

RECOMMENDATION

Requesting that the Board of Directors amend Transportation Code Division II, Article 300, Section 320 to eliminate the fee for continued operation of a medallion upon death, suspension or revocation of medallion holder and Article 1100, Sections 1101 – 1105, 1109, 1116, 1118 and 1120 to reform the taxicab medallion system by eliminating the requirement that only San Francisco taxi drivers be allowed to purchase a medallion, eliminating the driving requirement for transferable medallion holders, allowing transferable medallions to be held by individuals, business entities, and joint tenants up to a maximum of 50 medallions per entity, to give the Director of Transportation the authority to impose restrictions on the types of medallions authorized to operate a taxicab trip originating at San Francisco International Airport, to eliminate the 5% medallion retransfer fee for a period of three years, and to not renew Corporate and Pre-K medallions after June 30, 2019.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The SFMTA would like to reform the taxi medallion system, modernize and clarify the text of the regulations for Division II of the Transportation Code, Article 1100, in order to reform outdated requirements, and remove duplicative and inconsistent language in the Code sections; and,

WHEREAS, The SFMTA wants to reform the taxi medallion system to allow business entities and joint tenants to hold a medallion; eliminate the driving requirement for transferable medallion holders; allow for medallion holders to hold up to 50 medallions; and,

WHEREAS, The SFMTA wants to reform the taxi medallion regulations by giving the Director of Transportation the authority to impose restrictions on the types of medallions authorized to operate a taxicab trip originating at San Francisco International Airport to manage congestion; and,

WHEREAS, The SFMTA wants to reform the Taxi Medallion Sales Program by authorizing the Director of Transportation to waive the 5% retransfer fee on medallion sales for three years and eliminating the Taxi Driver Fund, as it has been disbursed; and,

WHEREAS, The SFMTA wants to reform the taxi medallion system by balancing the fleet by not renewing the Pre-K and Pre-K Corporate classes of medallions after they expire on June 30, 2019; and,

WHEREAS, the SFMTA wants to reform the taxi medallion system by eliminating the monthly taxi medallion use fee upon death, suspension, or revocation of medallion holder; and,

WHEREAS, The proposed Transportation Code amendments are subject to the California Environmental Quality Act (CEQA); Title 14 of the California Code of Regulations Section 15273 provides a statutory exemption from environmental review for the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which are for the purpose of meeting operating expenses, purchasing or leasing supplies, equipment, or materials, meeting financial reserve needs and requirements, obtaining funds for capital projects, or obtaining funds necessary to maintain intra-city charters authorized by city charter; and,

WHEREAS, On September 20, 2018, the SFMTA, under authority delegated by the Planning Department, has determined that the proposed Transportation Code Amendments are statutorily exempt from CEQA pursuant to Title 14 of the California Code of Regulations Section 15273; The proposed action is the Approval Action as defined by S. F. Administrative Code Chapter 31; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and is incorporated herein by reference; now therefore be it,

RESOLVED, That the SFMTA Board of Directors amends Transportation Code Division II, Article 300, Section 320 to eliminate the fee for continued operation of a medallion upon death, suspension or revocation of medallion holder and Article 1100, Sections 1101 – 1105, 1109, 1116, 1118 and 1120 to reform the taxicab medallion system by eliminating the requirement that only San Francisco taxi drivers be allowed to purchase a medallion, eliminating the driving requirement for transferable medallion holders, allowing transferable medallions to be held by individuals, business entities, and joint tenants up to a maximum of 50 medallions per entity, to give the Director of Transportation the authority to impose restrictions on the types of medallions authorized to operate a taxicab trip originating at San Francisco International Airport, to eliminate the 5% medallion retransfer fee for a period of three years, and to not renew Corporate and Pre-K medallions after June 30, 2019.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 16, 2018.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Regulation for Motor Vehicles for Hire]

Resolution amending the Transportation Code to reform and update the taxi permitting system, including among other things, to eliminate the fee for continued operation of medallion upon death, suspension or revocation of medallion holder; modify the requirements for permit eligibility; authorize the Director of Transportation to temporarily waive the fee associated with retransferring a transferable medallion; eliminate the requirement that only San Francisco taxi drivers can hold a medallion; eliminate the driving requirement for transferable medallion holders; allow medallions to be held by a business entity or two or more people; allow medallion holders to have up to 50 medallions; and allow the Director of Transportation to impose limits on the types of medallions that may operate a taxi trip originating at San Francisco International Airport.

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 300 of Division II of the Transportation Code is hereby amended by revising Section 320 to read as follows:

SEC. 320. TAXI PERMIT FEES.

The following is the schedule for taxi-related permit and permit renewal fees:

Permit Type*	FY 2019 Effective July 1, 2018	FY 2020 Effective July 1, 2019
Driver Permit Application**	N/A	N/A

Monthly Ramp Taxi Medallion Use Fee	N/A	N/A
Monthly Taxi Medallion Use Fee (8000 series)***	\$1,000	\$1,000
Dispatch Application	\$7,044	\$7,326
Color Scheme Change	\$472	\$491
Lost Medallion	\$124	\$129
New Color Scheme - 1 to 5 Medallions	\$3,174	\$3,269
New Color Scheme - 6 to 15 Medallions	\$3,540	\$3,646
New Color Scheme - 16 to 49 Medallions	\$6,563	\$6,826
New Color Scheme - 50 or more Medallions	\$8,200	\$8,528
Renewal Application:		
Driver Renewal	\$122	\$127
Medallion Holder Renewal for Pre-K Medallions and Pre-K Corporate Medallions	\$1,179	\$1,227
Medallion Holder Renewal for Post-K Medallions	\$590	\$614
Color Scheme Renewal - 1 to 5 Medallions	\$1,075	\$1,107
Color Scheme Renewal - 6 to 15 Medallions	\$2,475	\$2,549
Color Scheme Renewal - 16 to 49 Medallions	\$5,616	\$5,841
Color Scheme Renewal - 50 to 149 Medallions	\$8,424	\$8,761
Color Scheme Renewal - 150 or More Medallions	\$11,232	\$11,681
Dispatch Renewal	\$7,782	\$8,094
Monthly Taxi Medallion Use Fee Upon Death, Suspension, or Revocation of Medallion Holder	\$750	\$750

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

SEC. 1101. SCOPE AND PURPOSE OF REGULATIONS.

(a) **Scope of Regulations.**

(1) **Classes of Permits.** This Article 1100 shall apply to the following classes of permits issued by the SFMTA:

- (A) Permits issued to a person:
Driver Permits.

(B) Permits issued to a person, joint tenants, or Business Entity for use with an identified vehicle or vehicle(s):

Taxi/Ramp Taxi Medallions.

(C) Permits issued to a business that affiliates with permitted vehicles:

(i) Color Scheme Permits.

(ii) Dispatch Service Permits.

(2) **Exclusion for Certain Vehicles.** This Article 1100 shall not apply to the operation of a motor vehicle:

(A) Engaged in the business of, or used for, transporting passengers for hire when such motor vehicle is operated under and by authority of public convenience and necessity issued by the Public Utilities Commission of the State of California (CPUC) to the extent that the commercial operation of such a Motor Vehicle for Hire is entirely within the scope of such certificate; however, this Article shall apply to such motor vehicles for hire operating without a permit in violation of Section 1105, and no such vehicle may solicit any passenger or accept any passenger, while in the City, unless such transportation is on a pre-arranged basis, consistent with California Public Utilities Code Section 5360.5;

(B) Licensed by any city, city and county, county or other public entity as a motor vehicle for hire which may enter the City and County of San Francisco for the purpose of delivering passengers who have hired the vehicle in a jurisdiction in which it is licensed to operate, provided, however, that no such motor vehicle for hire may solicit or accept any passenger while in the City;

(C) That is regularly operated by a business to transport employees whether within the City or otherwise, provided, however that no such motor vehicle for hire may solicit or accept any passenger while in the City except on a pre-arranged basis, and in conformance with applicable SFMTA rules and regulations;

(D) Operated as a private ambulance and regulated by Article 14 of the San Francisco Health Code; or

(E) Operating on fixed tracks or rails.

(3) **Application of Regulations to Permit Holder Conduct.** This Article applies to the conduct of Permit Holders at all times while engaged in activity related to the permit.

(b) **Purpose of Regulations; Limitation of Liability.** It is the purpose of this Article to require all persons, businesses or corporations holding permits issued pursuant to this Article to take steps to improve taxi service to the public and to protect the public health and safety when providing such service. By adopting this Article, the SFMTA is assuming an undertaking to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(c) **Notice of Regulations.** The SFMTA shall offer a copy of this Article 1100 or directions for accessing the online version to each person who is applying for or renewing a permit at the time of application or renewal.

(d) **Incompatible Activities.** No permit governed by this Article may be issued to an employee of the SFMTA except with the prior written approval of the Director of Transportation.

(e) **Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The SFMTA Board hereby declares that it would have adopted and promulgated each section, subsection, subdivision, paragraph, sentence, clause

or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid or ineffective.

SEC. 1102. DEFINITIONS.

For purposes of this Article the following words and phrases shall have the meanings set forth below:

"8000 Series Medallion" shall mean a permit issued by SFMTA to a Color Scheme that qualifies to operate a particular hybrid, Compressed Natural Gas (CNG) or electric taxi vehicle, or other vehicle as authorized by the SFMTA, in accordance with permit conditions set by the SFMTA and may not be transferred or surrendered for consideration under Section 1116.

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

~~"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).~~

"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.

"Affiliate Medallion Operator" shall mean a Medallion Holder who owns and maintains the vehicle(s), purchases insurance for the vehicle(s), hires and schedules the Drivers of the vehicle(s), collects the Gate Fees, and issues receipts to the Drivers.

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

“**Business Entity**” shall mean any corporation, partnership, limited liability or other form business organization recognized by the California Secretary of State.

"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.

"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.

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

"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.

"Dispatch Service" shall mean an entity that holds a Dispatch Service Permit to Dispatch Taxis and Ramp Taxis that are affiliated with the Dispatch Service, and that receives communications from the public regarding taxi service for the purpose of forwarding such communications to a Driver Permit Holder, 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.

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

"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.

~~"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.~~

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

"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.

"Driver Training Course" shall mean a mandatory training course for new or current Drivers that is provided by the SFMTA or is provided by an outside entity and certified, on an annual basis and in accordance with procedures adopted by the Director of Transportation, to comply with requirements adopted by the Director of Transportation.

"E-Hail" shall mean the use of any electronic device in any manner, including but not limited to internet site, email, text message, push notification, or application, for the connection of or communication between a passenger and a taxi Driver, or any agent thereof, irrespective of whether such communication is from a portable or handheld device, monitor, smartphone or other electronic device or unit, excluding telephone voice communication, to request taxi service.

"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.

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

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

"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).

"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.

"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.

"Gas and Gates Medallion Operator" shall mean a Medallion Holder that contracts for the operation of the Medallion by a Color Scheme that owns the Taxi or Ramp Taxi vehicle, purchases insurance for the vehicle, hires and schedules the Drivers of the vehicle, collects the gate fees, issues receipts to the Drivers, and makes regular payments to the Medallion Holder for the use of the Medallion.

"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 a daily shift, 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.

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

"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).

"Initial Transfer" shall mean the transfer of a Surrendered or newly issued Medallion by the SFMTA to a Transferee under the Medallion Transfer Program, or the transfer of a Medallion to a Transferee under the former Taxi Medallion Sales Pilot Program.

"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.

"Lease" shall mean an otherwise lawful written agreement between a Color Scheme and a Medallion Holder that, for consideration, authorizes the operation of a Taxi or Ramp Taxi Medallion by a Color Scheme in accordance with Section 1109(e)(1).

"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, pursuant to Section 1109(e), for any period of time.

"Medallion" shall mean a permit issued by the SFMTA to an individual, joint tenants, or a Business Entity to operate a particular Taxi or Ramp Taxi vehicle in the City.

"Medallion Application" shall mean the form provided by the SFMTA and completed by ~~a Driver who~~ an individual, joint tenants, or Business Entity that wishes to purchase a Medallion.

"Medallion Holder" shall mean the ~~person~~ individual, joint tenants, or Business Entity ~~entity~~ to which a Medallion was issued.

"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.

"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.

"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.

"Medallion Transfer Program" shall mean the program allowing the SFMTA to transfer Surrendered Medallions, or newly issued 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.

"Model Year" shall mean a model year designated by the manufacturer at the time of first assembly as a completed vehicle.

"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 1100. For purposes of this Article, "Motor Vehicle for Hire" shall not include Non-Standard Vehicle as defined in Section 1202 of this Code.

"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 does not include Dispatch Service, Color Scheme, Driver, or Non-Standard Vehicle Permits.

"Non-Transferable Medallion" shall mean a Medallion that is not eligible for the Medallion Transfer Program.

"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.

"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.

"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.

"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.

"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.

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

"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.

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

"Paratransit Coordinating Council" shall mean the Community Advisory Committee that advises the SFMTA regarding paratransit services.

"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.

"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.

"Participating Color Scheme" shall mean a Color Scheme that has entered into an agreement with the SFMTA for the operation of Medallions that are part of the Medallion Transfer Program, in accordance with Section 1116(n) of this Article.

"Passenger Payment Device" shall mean a Payment Card Industry-compliant device that allows customers to swipe their own credit card and choose their own tip amount. Formerly known as a Passenger Information Monitor (PIM).

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

"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.

"Permit Holder" shall mean any person, joint tenants, Business Entity~~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.

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

“Post-K Medallion” shall mean a Medallion issued to a natural person after June 6, 1978 and prior to the implementation of the Taxi Medallion Sales Pilot Program on March 28, 2010. Post-K Medallions are exclusive to natural persons and are eligible for surrender for consideration in accordance with Section 1116.

“Pre-K Corporate Medallion” shall mean a Medallion issued to a corporate entity prior to June 6, 1978 that is not eligible for surrender for consideration in accordance with Section 1116 of this Article and that shall expire on June 30, 2019 and shall not be eligible for renewal.

“Pre-K Medallion” shall mean a Medallion issued to one or more natural persons prior to June 6, 1978 that ~~is eligible for surrender for consideration in accordance with Section 1116~~ shall expire on June 30, 2019 and shall not be eligible for renewal.

"Prohibited Drugs" shall mean marijuana, amphetamines, methylenedioxymethamphetamine (MDMA), methylenedioxyamphetamine (MDA), opiates, phencyclidine (PCP), and cocaine.

"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.

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

“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 and is not eligible for surrender for consideration or transfer under Section 1116.

"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.

"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.

"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.

"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.

"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.

"Retransfer" shall mean the transfer of a Transferable Medallion by the SFMTA to a Transferee under the Medallion Transfer Program.

"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.

"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, Compressed Natural Gas (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 and is not eligible for surrender for consideration or transfer under Section 1116.

"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.

"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.

"Taxi Driver Drug and Alcohol Testing Policy" shall mean the policy adopted by the SFMTA Board in compliance with California Government Code Section 53075.5, which requires that local entities regulating taxicab service adopt a mandatory drug and alcohol testing program for Taxi Drivers.

"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 this Article.

"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.

"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 or it has been newly issued by the SFMTA on or after March 28, 2010. Medallions that have never been transferred but are held by Medallion Holders who are eligible to surrender their Medallions under the provisions of Section 1116(a)(1) or (a)(2) are not Transferable Medallions.

"Transferee" shall mean ~~a Driver Permit Holder who~~ an individual, joint tenants, or Business Entity that qualifies under Section 1116(c) of this Article as a recipient of the transfer or Retransfer of a Medallion.

"Transferor" shall mean a Medallion Holder who qualifies under Section 1116(d) of this Article to Retransfer ~~a Transferable~~ his or her Medallion(s).

"Use Agreement" shall mean an agreement between the SFMTA and a Color Scheme Permit Holder or a Driver granting the Color Scheme or Driver a designated Medallion for a specified period of time in accordance with the conditions stated in the agreement and in exchange for a monthly fee payable to the SFMTA.

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

“Waiting List” shall mean a list of applicants for Taxi Medallions for whom such Medallions are not yet available, maintained in the order of receipt of complete applications from qualified applicants.

SEC. 1103. PERMIT APPLICATIONS AND RENEWAL.

(a) **Application Forms.** Application for any permit issued or Use Agreement entered into pursuant to this Article shall be made to the SFMTA on a form provided by the SFMTA. The applicant shall provide such information and documents as the SFMTA requires, which may include a physical examination, a practical examination and/or background check of the applicant and any applicable Application Fee.

(b) **Applications Deemed Active.** Every application for a permit shall be deemed to remain active and shall be considered until the earliest of the following events:

- (1) The applicant withdraws the application in writing;
- (2) The applicant is determined to be ineligible for the permit by the SFMTA;
- (3) The applicant receives a permit;
- (4) The SFMTA determines that the applicant has engaged in fraud, misrepresentation or other serious misconduct in connection with the permit application process;
- (5) The SFMTA attempts to contact the applicant at the mailing address listed on the application on at least two separate occasions and the applicant fails to respond within 30 calendar days of the second notice;
- (6) The SFMTA has offered a Medallion for transfer to the applicant, in accordance with Section 1116, and the applicant fails to complete the transfer of the Medallion within the deadlines established by the Director of Transportation pursuant to Section 1116(g)(3). ~~Failure to complete the purchase of the Medallion within the applicable deadlines will have no effect upon the applicant’s A-Card seniority.~~ Applicants that fail to complete the

transfer of the Medallion within the applicable deadlines will be moved to the end of the Waiting List; or

(7) The applicant has not completed the application process within 60 calendar days of initiating an application, or within such other time limit specified in this Article. Applicants that fail to complete the Medallion application process within the applicable deadlines will be moved to the end of the Waiting List.

(c) **Requirements Applicable to Driver Permit Applications.**

(1) **Application Requirements.** In addition to complying with all applicable requirements of this Section, each applicant for a Driver Permit shall:

- (A) Provide his or her fingerprints; and
- (B) Take and pass a written examination; and
- (C) Demonstrate that he or she has successfully completed a Driver Training Course for new Drivers; and
- (D) Provide photographs of the applicant, taken no more than 12 months prior to the time of application; and
- (E) Submit to a drug test as required by the Taxi Driver Drug and Alcohol Testing Policy.
- (F) As required by the Taxi Driver Drug and Alcohol Testing Policy, sign a written consent to allow the SFMTA to obtain information regarding the applicant's drug and alcohol testing history for the previous two years; and .
- (G) As required by the Taxi Driver Drug and Alcohol Testing Policy, disclose whether applicant has, within the prior two years, ever failed a pre-employment drug or alcohol test that resulted in the applicant not getting hired.

(2) **Driver Qualifications.** Each applicant for a Driver's Permit must:

- (A) Be clean in dress and person;

(B) Be free of any disease, condition, infirmity, or addiction that might render the applicant unable to safely operate a motor vehicle or that otherwise poses a risk to public health and safety;

(C) Have a current California driver's license and have held a valid driver's license issued in the United States for one year immediately prior to the date of application;

(D) Have the physical capacity to operate a motor vehicle for at least four hours per day;

(E) Have no prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if the permit is granted, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, violence against a person, reckless disregard for public safety, two or more recent convictions of drug-related offenses, or two or more recent convictions of driving under the influence, whether or not such convictions occurred while driving a Motor Vehicle for Hire. The SFMTA may, in its discretion, issue a permit notwithstanding prior convictions if, following review of an individual case, it determines that the applicant or Permit Holder does not pose a current risk to public safety;

(F) Have attained the age of 21;

(G) Speak; read and write the English language;

(H) Receive a negative test result on the pre-issuance drug test under the Taxi Driver Drug and Alcohol Testing Policy.

(I) Have not, within the past two years, failed a pre-employment drug or alcohol test that resulted in the applicant not getting hired.

(J) Have not, within the preceding twelve months, been denied a Driver permit for failure to comply with the requirements of subsection (H) or (I), above.

(3) **Renewal of Driver's Permits.**

(A) Drivers have an affirmative duty to report any criminal convictions that would be a basis for denying a permit pursuant to Section 1103(c)(2)(E). The SFMTA may refuse to renew a permit if the Permit Holder would not be eligible to receive a new permit pursuant to Section 1103(c)(2)(E).

(B) The SFMTA may require Drivers to successfully complete a Driver Training Course for current Drivers as a condition of renewal of their Driver Permits.

(C) **Lapse of Active Permit Status; New Application.** A Driver Permit Holder who fails to renew his or her Driver Permit within the deadline for renewal set by the SFMTA may renew his or her Driver Permit upon submission of a new Driver Permit application and completion of all requirements established by SFMTA for such late renewals.

(D) Every Driver must submit to a drug test as a condition of renewal of his or her A-Card as provided by the Taxi Driver Drug and Alcohol Testing Policy, and must receive a negative test result as a condition for renewal of the A-Card.

(d) **Requirements Applicable to Medallion Applications.**

(1) **Waiting List.** In the absence of any other preference specified in this Article, applicants for a Medallion, other than a Ramp Taxi Medallion, shall be processed and considered by the SFMTA in chronological order by the date that each complete Medallion application was received from a qualified applicant.

~~(A) Every applicant for a Taxi Medallion must continuously maintain a valid Driver Permit in order to maintain his or her position on the Waiting List.~~

~~(B) The SFMTA may periodically require applicants to execute written statements to reaffirm their desire to keep their applications active.~~

(2) **Applications by Business Entity.** In addition to complying with all applicable requirements of this Section, each Business Entity applicant for a Medallion shall:

(A) Provide a Certificate of Good Standing from the California Secretary of State;

(B) Authorize, in writing, at least one of its officers, partners or owners to act on its behalf and to bind the Business Entity in dealings with third parties. The owner(s) or designated officers(s) or partner(s) shall complete and sign all application forms required of an individual applicant under this Section. The Business Entity's representative shall, at all times, meet all of the requirements set by this Section; and

(C) If the Business Entity is a corporation, its application shall include a certified copy of its certificate of incorporation, a list of officers and shareholders holding at least 5% of the voting stock of the corporation, and certified copy of the minutes of the meeting(s) at which the current officers were elected.

(3) **Applications by Joint Tenants.** In addition to complying with all applicable requirements of this Section, two or more individuals applying jointly for a Medallion shall indicate on the application that they are applying "as joint tenants".

(e) Reserved.

(f) **Requirements Applicable To Dispatch Service Permit Applications.**

(1) **Dispatch Service Permit Transfers.** Any transfer of a Dispatch Service permit must be approved in advance by the SFMTA. The Permit Holder shall give notice to the SFMTA of the intended transfer at least 30 calendar days prior to such transfer. Prior to approving a transfer of a Dispatch Service permit, the SFMTA shall conduct an investigation to ensure that the proposed transferee meets all requirements of this Article. For the purpose of this subsection, the transfer of a business means the transfer of 50% or more of an ownership interest in the business to a person or entity that did not already hold an ownership interest in the business as of September 17, 2013. In addition to any other documents

establishing compliance with laws and regulations that the SFMTA may require as a condition of approval of the transfer, the parties to the transfer must provide:

(A) Proof of compliance with the requirements of this Article applicable to Dispatch Service Permit Holders, including all required insurance;

(B) A business license;

(C) A signed partnership agreement among multiple purchasers or documentation of current valid corporate status; and

(D) A signed lease establishing the buyer's right of occupancy at a business premises.

(g) **Requirements Applicable To Color Scheme Permit Applications.**

(1) **Color Scheme Permit Transfers.** Any transfer of a Color Scheme permit must be approved in advance by the SFMTA. Prior to approving a transfer of a Color Scheme Permit, the SFMTA shall conduct an investigation to ensure that the proposed transferee meets all requirements of this Article. For the purpose of this subsection, the transfer of a business means the transfer of 50% or more of an ownership interest in the business to a person or entity that did not already hold an ownership interest in the business as of June 19, 2009. In addition to any other documents establishing compliance with laws and regulations that the SFMTA may require as a condition of approval of the transfer, the parties to the transfer must provide:

(A) Proof of all required insurance,

(B) A business license,

(C) Any signed partnership agreement among multiple purchasers or documentation of current valid corporate status,

(D) A signed lease establishing the buyer's right of occupancy at a business premises,

- (E) A signed agreement with a permitted dispatch service, and
- (F) A schedule of gate fees.

(2) **Permit Renewal Requirements.** No Color Scheme Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:

- (A) Current San Francisco business license;
- (B) Completed designated manager form(s);
- (C) Current list of all affiliated Drivers, Medallion Holders and type of Lease for each;
- (D) Insurance certificates demonstrating compliance with the insurance requirements of this Article for every vehicle and Medallion affiliated with the Color Scheme;
- (E) Copy of company drug-free workplace policy;
- (F) Sworn statement attesting to compliance with this Article and applicable state and federal laws.

(h) **Moratorium on Issuance of Permits.** The Director of Transportation may impose a moratorium on the issuance of new Color Scheme Permits or Dispatch Service Permits upon his or her determination that the issuance of such permits will not serve the public interest. The Director of Transportation shall notify the Board of Directors immediately upon making such a determination. The notification, which shall be posted in accordance with Section 1123(a), shall include the reasons for the Director's determination that issuance of new permits will not serve the public interest, and the expected duration of the moratorium. In no event shall such a moratorium last for more than a year without the approval of the Board of Directors.

SEC. 1104. ELIGIBILITY.

(a) **Determination of Eligibility.** Each application shall be investigated by the SFMTA to determine the applicant's eligibility pursuant to the factors listed herein. The SFMTA, in determining whether the permit should be granted, may consider such facts as it deems pertinent, but shall at least consider the following factors:

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

(2) The record of the applicant for the preceding five years with regard to any other permits issued for the commercial operation of a motor vehicle for the transport of passengers, either in the City or elsewhere.

(3) Any prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if a permit is granted, including but not limited to convictions involving sexual assault, the use of a vehicle in the commission of a felony, fraud, violence against a person, reckless disregard for public safety, two or more recent convictions of drug-related offenses, or two or more recent convictions of driving under the influence, whether or not such convictions occurred while driving a Motor Vehicle for Hire. The SFMTA may, in its discretion, issue a permit notwithstanding prior convictions if, following review of an individual case, it determines that the applicant or Permit Holder does not pose a current risk to public safety.

(b) **Burden of Proof on Applicant.** A permit applicant shall have the burden of proving that the applicant meets all requirements for a permit.

(c) **Eligibility for a Medallion.**

~~(1) Applicants for a Taxi or Ramp Taxi Medallion must: meet the eligibility requirements listed in Section 1103(e)(2)(A) through 1103(e)(2)(H) and complete the Medallion Application form provided by SFMTA.~~

~~(1) Complete the medallion Application form provided by SFMTA;~~

~~(2) Indicate on the application form whether applicant is applying as an individual, joint tenants, or a Business Entity; and~~

~~(3) If the applicant is a Business Entity, demonstrate that the Business Entity is registered and in good standing with the California Secretary of State.~~

~~(2) — Each applicant for a Taxi or Ramp Taxi Medallion shall submit all completed application materials, including electronic waybills and/or electronic trip data, and take any written, oral or practical examination required by the SFMTA within 45 calendar days of the date of the notice informing the applicant of the availability of a Medallion.~~

~~—— (3) — Before issuing a Taxi or Ramp Medallion, in addition to all other eligibility requirements, the SFMTA must determine that the applicant has been a Full Time Driver during the twelve month period immediately preceding his or her submission of a Medallion Application to the SFMTA. This requirement of Full time Driving for twelve months may only be satisfied by driving a Taxi or Ramp Taxi for which a permit has been issued by the SFMTA. Electronic waybills completed in compliance with Section 1109(e)(5), electronic trip data, or other corroborating documentary evidence, may be used to establish eligibility for a Medallion for the purposes of this Section.~~

~~—— (4) — No applicant for a Taxi or Ramp Taxi Medallion shall be eligible to receive a Medallion if he or she holds a Medallion as an individual or if he or she is a shareholder in a corporation that holds one or more Medallions.~~

SEC. 1105. GENERAL PERMIT CONDITIONS.

(a) Conditions Applicable to All Permits.

(1) **Permits Required.** No person, joint tenants, or Business Entity~~business entity, 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 1100.

(2) **Permits Held By Businesses; Taxi Medallions Held by Individuals, Joint Tenants, or Business Entity.**

(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. Any permit issued to a Business Entity shall be registered in the name of at least one natural person vested with the authority to manage or direct the affairs of the Business Entity in California and to bind the Business Entity in dealings with third parties.

(B) Any Medallion issued to joint tenants shall be registered in the name of each joint tenant.~~With the exception of the Medallions issued under the authority of SFMTA Board of Directors Resolution No. 12-115, adopted on September 4, 2012, and Ramp Taxi Medallions operated pursuant to Use Agreements, no Medallion shall be issued except to a natural person and in no case to any business, firm, partnership, association or corporation. No Medallion shall be issued to, or in the name of, more than one person.~~

(C) Any permit issued to an individual shall be registered in the name of that individual.

(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.

(C) **Expiration of Pre-K and Pre-K Corporate Medallions.** All Pre-K and Pre-K Corporate Medallions shall expire on June 30, 2019 and shall not be eligible for renewal. All Pre-K and Pre-K Corporate Medallions shall be considered null and void as of July 1, 2019.

(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 Single Operator Part-time Medallion 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.

(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) **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.

(12) **Unattended Vehicles.** No Taxi vehicle may be left unattended on a public street for more than four hours.

(13) **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 Permit Holder shall give written notice to the SFMTA within 10 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.

(14) **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.

(15) **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.

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

(17) **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, or by any person who is not covered by the insurance policy issued for the Taxi vehicle.

(18) **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.** 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.

SEC. 1106. CONDITIONS APPLICABLE TO COLOR SCHEME PERMITS.

In addition to all other conditions applicable to a Color Scheme Permit, each Color Scheme Permit Holder shall meet the following requirements and performance standards:

(a) **Rights of Color Scheme Permit Holder; Permit Required.** A Color Scheme Permit entitles the Permit Holder to operate a business that provides taxi service using vehicles painted with trade dress authorized by the permit and unique to that business. Any major change in trade dress colors of a Color Scheme Permit Holder shall require a permit application requesting the issuance of a new Color Scheme Permit. Minor changes in trade dress may be approved by SFMTA without a new permit application. SFMTA shall determine, in its sole discretion, whether a requested change of trade dress is major or minor. No person shall operate a Color Scheme business without a valid permit from the SFMTA.

(b) **Color Scheme Trade Dress.** Upon request, the Color Scheme Permit Holder shall provide to SFMTA electronic, high-resolution copies of color photographs of the front, sides and rear of each make and model of Taxi and Ramp Taxi vehicle affiliated with the Color Scheme.

(c) **Use of Dispatch Service.** Each Color Scheme shall ensure that all Medallion Holders affiliated with that Color Scheme utilize the same Dispatch Service utilized by the Color Scheme. A Color Scheme must obtain the prior written approval of the SFMTA before changing Dispatch Services. A Color Scheme request for change of Dispatch Service shall be approved unless the Color Scheme or the Dispatch Service is on Administrative Probation.

(d) **Principal Place of Business.** All Color Schemes shall maintain a principal place of business. Every Color Scheme must have the capacity to receive deliveries during business hours and to send and receive documents and electronic correspondence at all

times, and the street address, telephone number(s) and/or electronic address(es) for documents and correspondence must be provided to the SFMTA.

(e) **Change of Business Location.** A Color Scheme must obtain the prior written approval of the SFMTA before changing its principal place of business.

(f) **Telephone Access.** Every Color Scheme shall maintain a current listing, including the name of the company and telephone number, with the San Francisco directory assistance (411), the City's 311 system, and on the SFMTA website.

(g) **Designated Manager.**

(1) All Color Schemes shall designate a natural person as a manager who shall serve as the central point of contact for all matters of regulatory compliance. This manager shall be an individual who has not had Motor Vehicle for Hire Permit issued by the SFMTA suspended or revoked in the past five years, except as otherwise approved in writing by the SFMTA. A Color Scheme may designate additional managers for specialized matters subject to the prior written approval of the SFMTA.

(2) The designated manager of a Color Scheme shall be the agent for service of process for the Color Scheme.

(3) Designation of a manager for purposes of this subsection 1106(g)(3) does not qualify the manager as Key Personnel for the Color Scheme.

(h) **Staffing Requirements.** Every Color Scheme shall employ some combination of qualified staff, contracted services and/or automated devices adequate to perform at least the following functions and provide the following capabilities:

(1) Receive inquiries about Found Property on a 24-hour basis.

(2) Receive and respond to communications and information requests from the SFMTA.

(3) Document and track all Found Property and turn it over to the Color Scheme's Dispatch Service for processing.

(4) Comply with all state laws regarding Found Property.

(i) **Workers' Compensation Requirements.** Color Scheme Permit Holders shall comply with all applicable state laws and regulations concerning Workers' Compensation.

(j) **Paratransit Program Minimum Requirements.** All Color Schemes must qualify for the Paratransit Program and must execute a contract with the Paratransit Broker defining the rights and obligations of the parties. Thereafter, each such Color Scheme shall operate at all times subject to the Paratransit Program Minimum Requirements set by the SFMTA, including any rules requiring the Color Scheme to maintain insurance in excess of the insurance requirements of this Article. Every contract entered into between a Color Scheme and a Driver or Medallion Holder affiliated with that Color Scheme shall require the Driver to operate at all times subject to the rules and regulations of the Paratransit Program.

(k) **Vehicle Maintenance and Cleaning.**

(1) Every Color Scheme shall provide Drivers free access to a facility that is adequate to thoroughly wash all affiliated vehicles and that is in compliance with all applicable laws and regulations, including but not limited to environmental and zoning requirements.

(2) When a Color Scheme receives notice of a problem with the equipment of a vehicle affiliated with that Color Scheme, the Color Scheme and the Medallion Holder are jointly and severally responsible for compliance with all of the following requirements:

(A) Ensuring that all equipment on the vehicle that is required by this Article or by the Paratransit Broker is working properly.

(B) Taking out of service and repairing any vehicle immediately if the failure of any equipment presents a safety issue, if communications equipment is not in

working order, or if the Taximeter seal is broken, removed, destroyed, marred or otherwise tampered with.

(3) The Color Scheme with which a vehicle is affiliated and the Medallion Holder are jointly and severally responsible for complying with any written order issued by the San Francisco Department of Public Health that relates to a Motor Vehicle For Hire.

(4) When a Color Scheme receives notice from a Driver assigned to a Taxi or Ramp Taxi vehicle that any equipment in or on that vehicle is unsafe, the Color Scheme is required to promptly provide the Driver with another Taxi or Ramp Taxi vehicle that is in compliance with this Article.

(l) **Spare Vehicles.**

(1) A spare vehicle may operate with a Medallion from a Taxi or Ramp Taxi only when necessary to replace temporarily disabled Taxi vehicles. During any time a spare vehicle is operating, the vehicle it is replacing shall be available for inspection by the SFMTA.

(2) Each Color Scheme shall be issued a unique series of “spare numbers” for spare vehicles operating at that Color Scheme.

(3) Color Schemes may not operate or allow another entity or individual to drive or operate a spare vehicle, unless such vehicle is using a Medallion which is not in use in any other vehicle. Any Color Scheme found to be violating this Section shall be deemed to be operating a vehicle without a permit. Each day of unauthorized operation under this Section shall be a separate offense.

(4) All spare vehicles shall be equipped with functional In-Taxi Equipment.

(m) **Reduced Emissions by Color Scheme.** Each Color Scheme Permit Holder shall maintain average per vehicle greenhouse gas emissions at a level set by the Department of the Environment to achieve the goal of a 20% reduction in taxi fleet greenhouse gas emissions from 1990 levels. For the purpose of this requirement, Ramp Taxis

shall not be included in calculation of the Color Scheme's average per vehicle greenhouse gas emissions.

(n) **Information Required to be Provided or Posted.** All Color Schemes shall provide the following information to Drivers and Color Scheme employees by either delivering copies, paper or electronic, or posting the information at their place of business in a place where it is easily visible to Drivers and Color Scheme employees:

(1) **Certificate of Worker's Compensation.** A copy of a current and valid Certificate of Worker's Compensation Insurance and information about how to file a claim.

(2) **Gate Fees.** The current amounts charged for Gate Fees, including the amount charged for each available shift over the seven days of the week.

(3) **Information Provided by SFMTA.** The SFMTA may require a Color Scheme to distribute designated materials to each affiliated Driver, and may require the Color Scheme to obtain written acknowledgments of receipt from affiliated Drivers, within a time period specified by SFMTA.

(o) **Required Notifications.**

(1) By the fifth day of each month, each Color Scheme must file a report with the SFMTA listing each accident that occurred during the previous month involving any Taxi or Ramp Taxi affiliated with the Color Scheme and resulting in property damage or bodily injury.

(2) Color Schemes must notify the SFMTA in advance of any change in the name, address or telephone number under which taxi service is provided by the Color Scheme. A change of name or address require the prior approval of the SFMTA.

(3) Color Schemes have an affirmative obligation to report to the SFMTA any actual knowledge that a Driver is engaged in the sale, use, or possession of drugs or alcohol in a Taxi or Ramp Taxi vehicle.

(4) Color Schemes must notify the SFMTA when Found Property is returned to its owner.

(5) **Death of Medallion Holder.** Upon receiving notice of the death of a Medallion Holder affiliated with or employed by a Color Scheme, the Color Scheme must notify the SFMTA within 14 calendar days of receipt of the notice of the death.

(A) **Non-Transferable Medallion.** If the deceased Medallion Holder held a Non-Transferable Medallion, then the Color Scheme must return the Medallion within 14 calendar days of notice to the SFMTA. The SFMTA, may, in its discretion, extend the deadline for return of the Medallion to the SFMTA if it determines that the Medallion could not be promptly re-issued to an applicant on the Waiting List, and that such an extension would be in the public interest. During any such period of extension, in lieu of making medallion lease payments to the former Medallion Holder, the Color Scheme shall pay to the SFMTA a monthly fee of \$750 beginning as of the 15th day following the notice of death and until such date as the SFMTA requires the return of the Medallion.

(B) **Transferable Medallion.** If the deceased Medallion Holder held a Transferable Medallion, the Color Scheme must return the Medallion to SFMTA in accordance with Section 1116(n).

(p) **Color Scheme Obligations Related To Drivers.**

(1) Each Color Scheme shall ensure that every affiliated Driver holds a valid A-Card.

(2) A Color Scheme shall issue receipts for any payments received from any Driver. A Color Scheme shall accept payment of Gate Fees by credit or debit card, and shall impose no charge or fee on Drivers who pay their Gate Fees by credit or debit card.

(3) A Color Scheme shall offer cashiering services, through a third-party merchant account holder that conforms to PCI DSS standards, to any Driver for credit and

debit card transactions collected by that Driver as payment of taxi fare while that Driver was driving a vehicle affiliated with that Color Scheme. A Color Scheme may charge a Driver a fee for the cashing service, which shall not exceed 3.5 % of the total amount of the credit or debit card transactions presented to the Color Scheme. A Color Scheme must require its third-party merchant account holder to deposit the proceeds of the Driver's credit and debit card transactions, minus the fee of up to 3.5%, in an account of the Driver's choice within one business day. A Color Scheme may not require a Driver to use its merchant account holder, and may impose no charge for credit and debit cashing services in addition to the 3.5% fee on Drivers who choose to use the Color Scheme's third-party merchant account holder to cash credit and debit card payments.

(4) Each Color Scheme shall inform every Driver of the applicable state and federal laws governing maximum driving hours for the operators of a commercial passenger-carrying vehicles, and must inform every Driver of his or her obligation to comply with such laws.

(q) **Taxi Driver Drug and Alcohol Testing Policy; Policy.**

(1) Color Schemes must comply with all relevant provisions of the Taxi Driver Drug and Alcohol Testing Policy, including but not limited to the following:

(A) Removing a Taxi Driver from his or her duties temporarily as provided by the Policy after a test demonstrating that the Taxi Driver has a confirmed alcohol concentration of greater than 0.02 and less than .04;

(B) Referring and transporting Drivers for reasonable suspicion testing in conformance with requirements of the Policy, and paying the costs of such testing;

(C) Referring and transporting Drivers for post-accident testing in conformance with the requirements of the Policy, and paying the costs of such testing;

(D) Ensuring that at least one current on-site employee has received two hours of post-accident testing training and reasonable suspicion testing training within the past twelve months. Training shall be provided by the SFMTA's contractor at the Color Scheme's expense;

(E) Providing all Drivers with educational materials provided by the SFMTA related to the Policy and materials explaining the Color Scheme's policy regarding use of drugs and alcohol; and

(F) Maintaining the confidentiality of any records related to the results of drug and alcohol tests of Drivers administered under the Policy.

(2) A Color Scheme having actual knowledge that a Driver has tested positive for drugs or alcohol under the Taxi Driver Drug and Alcohol Testing Policy shall not permit the Driver to operate a Taxi or Ramp Taxi until such time as the Driver has been cleared to return to work by the SFMTA under the provisions of the Policy.

(3) No Color Scheme having actual knowledge that a Driver has used and is currently under the influence of alcohol or Prohibited Drugs shall permit that Driver to operate or continue to operate a Taxi or Ramp Taxi.

(4) A Color Scheme must report to the SFMTA contact person identified in the Policy any referral of a Driver for reasonable suspicion or post-accident testing under the Policy, and must do so within eight hours of the referral.

(r) **Found Property.**

(1) Color Scheme Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be found, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

(2) If the Found Property is currency, is of the value of \$100 or more, is either a serialized item or an electronic device or contains owners identification information, within 30 calendar days the Color Scheme Permit Holder or the designee shall transfer the property to the SFMTA.

(3) Color Scheme Permit Holders shall advise passengers claiming to have lost property of value in a taxicab, to make a lost property police report if their property has not been found. Color Schemes shall not inform customers to call 311 to report or recover Found Property.

(s) **Dissolution Plan.** Any Color Scheme that will be terminating its business operations as a Color Scheme and surrendering its permit shall file a dissolution plan with the SFMTA at least 30 days prior to the date that the Color Scheme anticipates that it will cease to respond to requests for taxi service. The dissolution plan shall include but not be limited to plans for the disposition of records and preservation of Waybills and Driver Rosters, Driver and Medallion Holder files and Leases, handling Found Property, notifying the public of the termination in service and contact information for future inquiries. The Color Scheme shall also participate in an exit interview with the City's Paratransit Broker at least 30 days prior to the date the Color Scheme anticipates that it will cease to participate in the Paratransit Program.

(t) **Insurance Requirements.** (Reserved)

SEC. 1107. CONDITIONS APPLICABLE TO DISPATCH SERVICE PERMITS.

(a) In addition to all other conditions applicable to a Dispatch Service Permit, each Dispatch Service Permit Holder shall comply with the following performance standards:

(b) **Minimum Dispatch Service Standards.**

(1) A Dispatch Service must affiliate with at least 100 medallions and must successfully complete an average of at least 500 verifiable Dispatch requests per day with an average of a least five completed Dispatch requests per medallion, per day.

(2) Any Dispatch Service that does not meet the minimum required levels for completion of Dispatch requests per medallion set forth in Section 1107(b)(1), and all Color Scheme Permit Holders affiliated with that Dispatch Service Holder shall be placed on Administrative Probation for not more than 90 days. If after 90 days the Dispatch Service cannot meet the applicable minimum required levels for completion of Dispatch requests per medallion, the Dispatch Service permit shall be automatically revoked and all affiliated Color Scheme Permit Holders shall affiliate with a Dispatch Service that meets minimum service standards.

(c) **Dispatch Service Operational Requirements.** A Dispatch Service must:

(1) Maintain and update an emergency plan that conforms to SFMTA requirements for Drivers and Dispatch Service employees to follow in emergencies, and file an updated emergency plan annually at the time of permit renewal.

(2) Answer all calls by human, mechanical or other device within six rings 365 days per year, 24 hours per day. At least one person shall be available to respond to calls at all times.

(3) Assign each dispatcher, operator and/or call taker employed by the Dispatch Service a unique individual identifier.

(4) Require all dispatchers, operators and/or call takers, to answer a call with the name of the Dispatch Service, and, upon request of the caller, to identify themselves with either their unique individual identifier or their legal name.

(5) If two or more Color Schemes share the same Dispatch Service, the Dispatch Service may not dispatch a vehicle from a Color Scheme other than the one

requested by the caller to respond to the call until the Dispatch Service operator first advises the customer of the Color Scheme of the vehicle that will respond to the call.

(6) Comply with all applicable state laws and regulations concerning Workers' Compensation.

(7) Must affiliate with an e-hail application provider that meets criteria established by the Director of Transportation.

(d) **Found Property.**

(1) Dispatch Service Permit Holders shall take reasonable measures to attempt to return Found Property to its rightful owner in a timely fashion. If the owner cannot be contacted, the property shall be held for safekeeping for a period of not less than 120 days. A receipt shall be issued to the Driver for each item turned in.

(2) If the Found Property is currency, is of the value of \$100 or more, is either a serialized item or an electronic device or contains owners identification information, within 30 calendar days the Dispatch Service Permit Holder shall transfer the property to the SFMTA, make a Police Report, and obtain both Police Incident Report Number and a receipt of the items processed.

(3) Dispatch Service Permit Holders shall advise passengers claiming to have lost property of value in a Taxi or Ramp Taxi, to make a lost property police report if their property has not been found. Color Schemes shall not inform customers to call 311 to report or recover Found Property.

(e) **Minimum Dispatch Equipment Requirements.** Each Dispatch Service permit holder must maintain at a minimum the following dispatch equipment and dispatch capacity:

(1) A hard-mounted driver information monitor or mobile data terminal capable of two-way communication to display and accept orders, which must be directly

connected to the taximeter or connected to the taximeter as part of a secondary system such as a payment system;

- (2) Integrated GPS to allow for nearest taxi distribution of available orders;
- (3) Ability to dispatch entered orders based on vehicle type;
- (4) Configurable polling time of vehicle data and status;
- (5) Ability to report data on all orders entered into system, including but not

limited to: time and date, order status, drivers/vehicles rejected and drivers/vehicles accepted, all timing points of order (entry time, dispatch time, acceptance or rejected time, and trip completion time), abandoned and non-completed jobs, driver login and logout status while on duty; and

(6) Functional direct voice access and two-way communication with all affiliated Taxis and Ramp Taxis.

SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS.

(a) **Driver Identification.** Upon issuance of a Driver Permit, the SFMTA will issue to each Driver a Driver Permit Card (A-Card). Every Driver shall conspicuously display his or her A-Card on the outside of his or her clothing 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. The A-Card shall be worn only by the Driver to whom it is issued.

(b) **Taxi Driver Alcohol and Drug Testing Policy.**

(1) Drivers must comply with all relevant provisions of the Taxi Driver Drug and Alcohol Policy, including but not limited to submitting to reasonable suspicion and post-accident drug and alcohol testing at the direction of the Color Scheme and as provided by the Taxi Driver Drug and Alcohol Testing Policy.

(2) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by alcohol, any Prohibited Drug, or prescription drugs. No Driver may consume alcohol or any Prohibited Drug while operating a Motor Vehicle for Hire.

(3) Drivers shall not sell or possess alcohol or Prohibited Drugs 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.**

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) A supply of receipts, preprinted with the name of the affiliated

Color Scheme; and

- (C) Current maps of San Francisco and San Mateo counties or a functional GPS device;
- (D) Working flashlight, if driving at night;
- (E) SF Paratransit manual trip ticket forms; and
- (F) 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. A Driver must be logged into all In-Taxi Equipment at all times while operating a taxi vehicle, using a means of identification approved by the SFMTA, and a Driver must be logged into the e-hail application with which the Dispatch Service 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 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.

(B) 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 on 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 announced destination falls within the parameters of Section 1124(b)(3) that the fare to be charged will be 150% of the amount registered on the Taximeter.

(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 A-Card identification 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 or passenger shall burn any substance or use an e-cigarette or any type of vaping device in the vehicle at any time. No Driver shall 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 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.

(39) A Driver must activate the Taximeter when carrying a passenger.

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

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

(2) 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.

SEC. 1109. CONDITIONS APPLICABLE TO 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 its application pursuant to this Article 1100, and shall entitle the Medallion Holder to the right to the use of that Color Scheme's trade dress and place of business.

(A) **Transferable Medallion.** A Transferable Medallion Holder must affiliate with a single Color Scheme Permit holder that complies with Section 1116(n).

(B) **Non-Transferable Medallion.** A Non-Transferable Medallion Holder shall affiliate with a single Color Scheme Permit Holder.

(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. The Director of Transportation may waive the color scheme change fee payable under

Section 320 if the Medallion Holder's current Color Scheme has ceased operation, or soon will cease operation, or if the SFMTA has revoked or suspended the Color Scheme's permit.

~~(4) — A Medallion Holder who purchases his or her Medallion in accordance with Section 1116 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 who is a natural person and who acquired his or her Medallion ~~between~~ after June 6, 1978 and March 27, 2010 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,~~ Business Entity or joint tenants holding a Transferable Medallion.

(3) **Declaration Required.** ~~No permit to operate a Taxi~~ Pre-K Medallion shall be ~~renewed granted to a natural person~~ unless the Medallion Holder to whom such permit was issued shall declare under penalty of perjury that he or she will actively and personally continue to engage in Full-Time Driving.

(4) **Medallion Holders Responsible for Documenting Compliance.** A Medallion Holder subject to this Subsection 1109(c) has the responsibility to maintain his or her own business records, including, until April 30, 2013, or earlier pursuant to notice from the SFMTA that the Color Scheme for which he or she drives is affiliated with a Dispatch Service that has implemented a system for generating Electronic Trip Data, paper waybills. Paper waybills, 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, as required by this Article shall not excuse a Medallion Holder subject to this Subsection 1109(c) from proving that he or she has satisfied this Subsection 1109(c) or any other requirement.

(5) **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(a)(9), the number of driving hours required to meet the Full-Time Driving Requirement shall be reduced by the same proportion as the ratio of the Permit Holder's excused driving hours to the hours remaining in the calendar year.

(6) **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.

(d) **Pre-K Corporate Medallion Holders.**

(1) **Permits Void in Event of Transfer or Sale of Permit Holder.** Any Pre-K Corporate Medallion 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 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% or more of the stock or other ownership of the Medallion Holder, or 10% 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 a Lease or an agreement authorized by Section 1109(e)(2) is assigned, transferred or sold.

(e) **Medallion Operation.**

(1) A Medallion Holder may arrange for the continuous operation of the Medallion in compliance with Section 1105(a)(9) only as follows:

(A) By entering into a Lease with a Color Scheme under which the Color Scheme will operate the Medallion as a Gas and Gates Medallion.

(B) By operating the Medallion as an Affiliated Medallion Operator. A Medallion Holder who elects to operate the Medallion pursuant to this Section 1109(e)(1)(B) must comply with the following:

(i) The Medallion Holder is prohibited from charging any Gate Fee other than the Gate Fee posted for that shift by the Color Scheme with which the Medallion is affiliated, and is prohibited from charging Drivers any amounts other than a Gate Fee.

(ii) The Medallion Holder is responsible for compliance with all requirements imposed upon Color Scheme permit holders by Section 1106, subsections (i), (j), (k), (n), (o)(1), (o)(3), (p)(1), (p)(2), (p)(4), (q)(2), and (q)(3).

(iii) For Medallion Holders subject to Section 1109(c), At least 50% of the hours relied upon by a Medallion Holder for the purpose of establishing compliance with the Full-Time Driving requirements must be driven in the vehicle in which the Medallion is being operated, except to the extent that the operation in a different vehicle has been authorized in advance, in writing, by the SFMTA.

(2) **Access to San Francisco International Airport.** The Director of Transportation may impose restrictions on the types of Medallions authorized to operate a taxicab trip originating at the San Francisco International Airport for the purpose of alleviating congestion. The Director shall notify the Board of Directors immediately upon imposing such restrictions.

(f) **Required Notifications.**

(1) **Termination or Dissolution of Business Entity.** Business Entity Medallion Holders shall provide written notice to SFMTA at least 14 calendar days prior to any termination or dissolution of the Business Entity.

(2) **Death of a Joint Tenant.**

(A) Within 14 calendar days of the death of a joint tenant, the surviving joint tenant(s) shall provide SFMTA with written notice of the death.

(B) Within 14 days of providing SFMTA with notice of the death of a joint tenant, the surviving joint tenant(s) shall return the Medallion to SFMTA and SFMTA shall re-issue the Medallion in the name of the surviving joint tenant(s).

SEC. 1110. CONDITIONS APPLICABLE TO RAMP TAXI MEDALLIONS.

In addition to the conditions specified in Section 1105, the following conditions are applicable to Ramp Taxi Medallion Holders:

(a) Serving Passengers Who Use Wheelchairs.

(1) Every holder of a Use Agreement for a Ramp Taxi Medallion shall grant priority to requests for service from passengers who use wheelchairs, and may not accept, or direct any Driver to accept any other service request while en route to a dispatched call from a person who uses a wheelchair. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi may transport any person.

(2) Every holder of a Use Agreement for a Ramp Taxi Medallion must ensure that any person who is allowed to drive the Ramp Taxi holds a valid Driver Permit and satisfies any Ramp Taxi Driver training requirement set forth in the Use Agreement.

(3) Every holder of a Use Agreement for a Ramp Taxi Medallion must ensure that the Ramp Taxi meets a minimum wheelchair pick-up requirement per month, which shall be set by the Director of Transportation and established by reports of usage of San Francisco Paratransit Debit Cards. If the holder of a Use Agreement for a Ramp Taxi Medallion fails to

meet the wheelchair pick-up requirement three times within a six-month period, or fails to comply with any condition of the Use Agreement, the SFMTA may terminate the Use Agreement and reassign the Ramp Taxi Medallion. The application of this paragraph is in addition to any penalties that may be assessed against the Ramp Taxi Medallion Holder or the holder of a Use Agreement for violations of this Article or the rules and regulations of the Paratransit Program.

(b) **Approval of Use of Ramp Taxi Medallion in Spare Taxi Vehicle.**

Notwithstanding any other provisions of law or of this Article, the SFMTA may allow a Ramp Taxi Medallion to be used for the purpose of operating a Taxi upon written request from a Color Scheme. The SFMTA may only approve such request if all of the following requirements are met:

- (1) The Taxi must be a spare vehicle approved by the SFMTA;
- (2) The Taxi must meet all requirements for operation;
- (3) The Ramp Taxi Medallion cannot be used in the Medallion Holder's

Ramp Taxi because that vehicle is out of service or must be replaced;

- (4) The Ramp Taxi Medallion cannot be used in a spare Ramp Taxi because none are available at the Color Scheme with which the Ramp Taxi Medallion is affiliated;

(c) **Time Limits on Use of Ramp Taxi Medallion in Spare Vehicle.** A Ramp Taxi Medallion may be used in a spare vehicle only for the period of time required for repair of the primary vehicle, not to exceed 30 consecutive days. Upon a showing of good cause, the SFMTA may extend the time limit beyond 30 days in increments of no greater than 15 consecutive days. In no event shall the total time in which a Ramp Taxi Medallion is used in a spare vehicle exceed 90 days within a 12 month period. The authorization to use the Ramp Taxi Medallion in a spare vehicle shall expire by operation of law on the day that the

applicable time limit has been reached, or upon completion of repair or replacement of the Ramp Taxi, whichever occurs first.

(d) **Use Agreements for Ramp Taxi Medallions.**

(1) The SFMTA shall authorize the operation of a Ramp Taxi Medallion that is returned to the SFMTA for any reason by executing a Use Agreement with either a Color Scheme Permit Holder or a Driver, at the discretion of the SFMTA.

(A) With the exception of the circumstances described in Subsection (d)(1)(B), below, only those Color Scheme Permit Holders or Drivers that have demonstrated exceptional performance responding to requests for service by passengers who use wheelchairs, or those Color Schemes that do not have wheelchair pick-up history but have demonstrated otherwise exceptional dispatch performance, in accordance with criteria to be determined by the Director of Transportation, shall be eligible for such Use Agreements for Ramp Taxi Medallions.

(B) If a Gas and Gates Ramp Taxi Medallion is returned to the SFMTA for any reason, the SFMTA shall allow the Color Scheme with which the Ramp Taxi Medallion is affiliated to operate the Ramp Taxi Medallion as a Gas and Gates Medallion for the remaining life of the Ramp Taxi vehicle if the SFMTA determines, in accordance with criteria to be determined by the Director of Transportation, that the Color Scheme has a record of satisfactory service to passengers who use wheelchairs. If the SFMTA determines that the Color Scheme with which the Gas and Gates Ramp Taxi Medallion is affiliated has not provided satisfactory service to passengers who use wheelchairs, or upon expiration of the Ramp Taxi vehicle's useful life, the SFMTA may allow another Color Scheme or a Driver that meets the exceptional performance standard for wheelchair pick-ups to operate the Ramp Taxi Medallion.

(2) Any Color Scheme that operates more than one Ramp Taxi Medallion pursuant to a Use Agreement with the SFMTA, and that is affiliated with a Dispatch Service that dispatches at least six Ramp Taxi Medallions, may operate up to 50 percent of its affiliated Ramp Medallions in a non-accessible Taxi vehicle during the hours of 4:00 p.m. to 4:00 a.m. daily.

(A) This privilege shall not apply to any quarter if during the previous quarter the SFMTA received an excessive number of substantiated complaints on average, per medallion per month, regarding any request for wheelchair service during those hours that was not fulfilled within 30 minutes of request.

(B) For Dispatch Services that are affiliated with multiple Color Schemes, the receipt of an excessive number of substantiated complaints on average, per medallion per month, regarding any request for wheelchair service during those hours that was not fulfilled within 30 minutes of request shall result in termination of the privilege for all Color Schemes affiliated with that Dispatch Service.

(3) The Director of Transportation shall set the criteria for meeting the minimum monthly wheelchair pick-up requirements for maintaining a Ramp Taxi Medallion Use Agreement, shall set the criteria for meeting the "exceptional performance" and "satisfactory service" eligibility requirements for a Ramp Taxi Medallion Use Agreement referenced in subsection (d)(1)(A) and (B), above, and shall set the criteria for "an excessive number of substantiated complaints" referenced in subsection (d)(2) with reference to actual wheelchair service demand with the goal of providing 95 percent of requested wheelchair service within 30 minutes of the request.

(4) In addition to minimum pick-up and eligibility requirements, the Director of Transportation may establish other eligibility conditions for entering into a Use Agreement. The Director of Transportation may also establish other conditions for maintaining

a Use Agreement, which shall be stated in the agreement, and the Director of Transportation may terminate any Use Agreement for failure to adhere to such conditions. The Director of Transportation may amend the minimum pickup requirements and other conditions of a Use Agreement for a Ramped Taxi Medallion in response to changed circumstances, such as changes in the level of demand for wheelchair service, by issuing a written finding listing the factors supporting the changed criteria; provided however that any change in such criteria shall not take effect for at least 90 days following written notice to the holder s of Use Agreements for Ramp Taxi Medallions.

(5) The SFMTA shall audit compliance with minimum wheelchair pick-up requirements and other Use Agreement conditions quarterly.

(6) The monthly fee to the SFMTA under a Use Agreement for operation of a Ramp Taxi Medallion shall be \$500 per month. The SFMTA may waive this fee for any Ramp Taxi that is driven exclusively by Drivers who are employees of the Color Scheme.

(e) **Medallion Down Payment Credit Incentive.** For each year that a Driver provides an annual average of 240 wheelchair pickups that are documented through the Paratransit Program, or by other method of documentation approved by the SFMTA, the SFMTA shall offer the Driver a discount of ten dollars per wheelchair pick-up, up to a maximum of \$4,167 per year on the Driver's down payment for a Medallion, for a total maximum credit toward a down payment of \$12,500. If a Driver is not able to drive due to medical reasons, he or she may have 90 additional days in any year, or no more than 270 days over three years, to meet the annual wheelchair service requirement. Documentation of the medical condition must be provided to SFMTA to be eligible for the 90-day make-up period. The discount shall not expire as long as the Driver maintains an active A-Card.

SEC. 1111. [REPEALED.]

SEC. 1112. [REPEALED.]

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 trunk of the vehicle if space is available, in numbers at least 18 inches in length of a color that contrasts with the color of the rest of the vehicle.

(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) Every Taxi shall be equipped with an operational Passenger Payment Device that is connected to the Taximeter. The Passenger Payment Device must meet any functional requirements and standards established, in writing, by the Director of Transportation.

(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.

(3) **In-Taxi Equipment.** All In-Taxi Equipment must be integrated to the taximeter; the taximeter must not be able to function if it is not integrated with the In-Taxi Equipment.

(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 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.

(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 Medallion may be registered only in the name of the Medallion Holder or Color Scheme.

(q) **Vehicle Mileage.** No vehicle may be operated as a Taxi or Ramp Taxi after the vehicle has reached 375,000 miles.

(r) Reserved.

(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, have 200,000 miles or more on the odometer, or if the vehicle is older than nine Model Years, 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.

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) **A-Card Identification Number.** Each Driver shall provide his or her A-Card identification number to any passenger upon request.

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

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 Pre-K Corporate Medallion Holders.**

(1) **Annual Filings Required for Renewal.** Any Pre-K 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.**

(A) A Color Scheme shall retain the data generated by electronic waybills for at least two years to document driving performed by Drivers affiliated with the Color Scheme.

(B) If requested, Color Schemes must make available Driver Electronic Trip Data to that Driver in an electronic format within 10 business days of receipt of request for such data, 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 within 10 business days of receipt of such request, a complete copy of a Lease (including any schedules or addenda) free of charge to any party to the Lease upon request or to any Qualified Lender under the Medallion Transfer Program that presents a written statement to the Color Scheme indicating that it holds a valid lien against a Transferable Medallion or that it is contemplating such a lien in connection with underwriting a request for credit secured by a Transferable Medallion.

(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) **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.

(5) **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.

(6) **Weekly Reporting Requirements.** Color Schemes shall make available upon request of the SFMTA, or law enforcement agencies, the following reports within 24-hours.

(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.

(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.

(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 Tracking System.** 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.

(7) **Filings Required for Paratransit Compliance.**

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

(8) **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.

(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. 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 by 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.

(4) **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 two 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 A-Card identification number of the Driver who turned it in and the Vehicle Number of the vehicle in which it was found.

(C) **Property Tracking System.** Every Dispatch Service Permit Holder shall maintain at the principal place of business a tracking system approved by the SFMTA which records the date, time, vehicle number, Driver by name or A-Card identification 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) **Property Report to SFMTA.** Upon the request of SFMTA, Dispatch Service Permit Holder shall email to the SFMTA a copy of all entries made in the property tracking system for the previous week within 24 hours. 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.

(5) **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.

SEC. 1115. DETERMINATION OF NUMBER OF PERMITS.

The SFMTA Board will from time to time but no more than once per 12-month period, hold a hearing to determine whether to limit the number of a class of permits to be issued and/or whether to issue new permits, and, if so, the limit on the number of a class of permits or the number of permits to be issued for each class of permits for the upcoming 12-month period. In making this determination, the Board will consider the availability of service provided by each class of permit compared to the demand for that service, and the public interest. Based upon the record of the hearing and any further evidence which the SFMTA Board may request, the SFMTA Board will determine the number of each class of permits to be issued, or that no new permits of a particular class will be issued. The Board shall consider any evidence offered at the hearing to establish other means of improving service that would provide the same or greater benefits to the public as increasing the number of permits. The SFMTA shall post notice at least 30 days prior to any hearing held pursuant to this Section.

SEC. 1116. TAXI MEDALLION TRANSFER PROGRAM.

(a) Surrender for Consideration.

(1) The following natural persons are eligible to surrender their Medallions to the SFMTA for consideration in accordance with this Section:

(A) Any Medallion Holder, except a Ramp Taxi Medallion Holder or a Single Operator Part-time Taxi Medallion Holder, who has demonstrated to the satisfaction of the SFMTA that he or she has a bona fide disability that permanently prevents him or her from satisfying the Full-Time Driving requirement, whether or not he or she is subject to the Full-Time Driving Requirement, or

(B) Any ~~Pre-K Medallion Holder or~~ Post-K Medallion Holder who has attained the age of 60.

(2) A Medallion Holder who is subject to the Full Time Driving Requirement must demonstrate that, as of the date that the Medallion is surrendered, he or she has been a

Full Time Driver for four of five consecutive calendar years ~~within the meaning of Section 1104(e)(3)~~. This requirement of Full Time Driving may only be satisfied by driving a Taxi or Ramp Taxi for which a permit has been issued by SFMTA. Electronic waybills completed in compliance with Section 1109(c)(5), electronic trip data, or other corroborating documentary evidence may be used to establish eligibility for surrender for consideration.

(3) No otherwise eligible Medallion Holder against whom the SFMTA has filed a Notice of Violation, Notice of Summary Suspension, or Notice of Nonrenewal prior to completion of the surrender is eligible to surrender his or her Medallion for consideration until any resultant administrative hearing, administrative appeal, or court proceeding is concluded and the Medallion Holder has served any term of suspension imposed and paid any administrative fine imposed. In the event that the Notice of Violation seeks revocation of the Medallion, the Medallion Holder is not eligible to surrender the Medallion for consideration unless and until the administrative hearing and any resultant administrative appeal or court proceeding is concluded upon a determination that the Medallion will not be revoked.

(4) This Section does not confer on a Medallion Holder a vested right, or other legal entitlement, to surrender a Medallion for consideration.

(5) The SFMTA Board of Directors may decide at any time that the Medallion Transfer Program is terminated, suspended or otherwise not operational.

(6) The SFMTA Board of Directors may decide at any time that no further surrenders by Medallion Holders eligible under this Section 1116 are permitted.

(b) **Medallion Surrender Payment.** As consideration for surrender of a Medallion in accordance with this Section, the SFMTA shall make a Medallion Surrender Payment in the amount of \$200,000 to the Medallion Holder, when a Transferee has been identified to which the surrendered Medallion will be initially transferred and a properly executed Transfer Agreement has been received from the identified Transferee.

(c) **Qualified Medallion Transferees.** Upon surrender, the SFMTA may transfer the Surrendered Medallion under the Taxi Medallion Transfer Program to a Transferee who acknowledges and agrees that the Transferable Medallion is subject to the provisions of this Section. The SFMTA shall make offers of Initial Transfer to such Transferees in chronological order by the date that each complete Medallion Application was received from a qualified applicant.

(d) **Retransfer.**

(1) A Medallion that was newly issued by the SFMTA on or after March 28, 2010 or was subject to an Initial Transfer under the Taxi Medallion Sales Pilot Program or the Medallion Transfer Program is a Transferable Medallion, and the Transferee is eligible to Retransfer the Transferable Medallion at any time in accordance with this Section, regardless of age or disability status. The Transferee may not convey the Transferable Medallion by gift, bequest or in any manner other than by a bona fide Retransfer in accordance with this Section.

(2) In all instances in which Retransfer of a Medallion is allowed under this Section, the SFMTA may elect to purchase the Medallion from the Medallion Holder instead of allowing the Medallion Holder to Retransfer the Medallion.

(3) If the SFMTA chooses at any time to prohibit the future Retransfer of Transferable Medallions, it shall, at the request of a Medallion Holder who holds a Transferable Medallion, and upon 10 days' notice to a Qualified Lender who has a security interest in the Transferable Medallion, purchase the Medallion at the Medallion Transfer Price paid by the Medallion Holder. At the request of a Qualified Lender who has complied with the requirements of Section 1116(l) of this Article, the SFMTA will deduct from the payment made to any Medallion Holder under this Section 1116(d)(3) an amount sufficient to satisfy any outstanding balance on a loan made by the Qualified Lender and secured by an interest in the

Medallion, and shall immediately remit that amount to the Qualified Lender. Upon receipt of this amount, the Qualified Lender shall comply with Section 1116(k)(3) and release its security interest in the Medallion. Upon purchase of the Medallion under this Section 1116(d)(3), the SFMTA shall reissue the Medallion to the Medallion Holder. The reissued Medallion shall not be a Transferable Medallion, and the Medallion Holder will be subject to all the provisions of this Article, including Section 1105(a)(4), which provides that permits issued under this Article are not transferable or assignable.

(e) **Fixed Medallion Transfer Price.** A Surrendered Medallion may be transferred by the SFMTA, and a Transferable Medallion may be Retransferred under the supervision of the SFMTA, at a price established by the SFMTA. The initial Medallion Transfer Price shall be \$250,000. The Director of Transportation may reset the Medallion Transfer Price based upon his or her determination that commercially relevant factors, including but not limited to the commercial loan terms available to Medallion applicants, the affordability of the monthly payments under such loans, and the anticipated business revenue to be generated from a Medallion, warrant resetting the Price. The Director of Transportation shall present his or her recommendation for a new Medallion Transfer Price to the SFMTA Board for approval. The Director of Transportation may adjust the Medallion Transfer Price without SFMTA Board approval no more frequently than annually in accordance with the percentage by which the Consumer Price Index for Urban Wage Earners for the San Francisco Bay Area has increased since the Medallion Transfer Price was last set or adjusted. Any changes to the Medallion Transfer Price shall be subject to the restrictions set forth in any agreement between the SFMTA and a Qualified Lender described in Section 1116(j)(3).

(f) ~~Medallion Transfer Allocation and Driver Fund Retransfer Contribution.~~

(1) The Transferor shall distribute to the SFMTA the Medallion Transfer Allocation at the time of Retransfer. The Medallion Transfer Allocation shall be 5% of the Medallion Transfer Price.

(2) Notwithstanding Subsection (f)(1) above, the Director of Transportation is authorized to waive the Medallion Transfer Allocation from November 17, 2018 through November 16, 2021, and Subsection (j), below, in the event that a Transferee is required to Retransfer a Transferable Medallion within 10 years of the Initial Transfer, or most recent Retransfer, due to any of the following involuntary surrender events: (1) disability that prevents compliance with the Full-time Driving Requirement, or (2) the death of the Medallion Holder, the Driver Fund Retransfer Contribution shall be waived and the Transferor shall distribute to the SFMTA the following reduced Medallion Transfer Allocation at the time of Retransfer:

Year of Involuntary Event	Percent of Medallion Transfer Allocation Due Upon Involuntary Surrender
1	0%
2	5%
3	10%
4	15%
5	20%
6	35%
7	50%
8	75%
9	90%
10	100%

(g) Taxi Medallion Retransfer Procedures.

(1) Retransfer of a Medallion may only be accomplished by a transaction that complies with all requirements of this Article. Retransfer of a Medallion to a Transferee is not effective until the Retransfer is approved by the Director of Transportation.

(2) The Director of Transportation may require a Transferee to provide documentation in a form satisfactory to the SFMTA of the source of the funds used to fund the transfer of the Medallion.

(3) The Director of Transportation may establish such procedures as he or she deems appropriate to carry out the Medallion Transfer Program.

(h) **Transferable Medallions Subject to all Regulations.** A Medallion transferred or Retransferred pursuant to this Section remains subject to all applicable laws and regulations and may be suspended or revoked for cause.

(i) ~~Reserved. Driver Fund and Driver Fund Retransfer Contribution. The SFMTA shall establish a Driver Fund. The SFMTA shall make a Driver Fund Retransfer Contribution to the Driver Fund upon Retransfer of a Transferable Medallion and may, in its sole and absolute discretion, elect to deposit other monies into the Fund. The Driver Fund Retransfer Contribution shall be 5% of the Medallion Transfer Price, and is subject to change upon the recommendation by the Director of Transportation and the approval of the SFMTA Board. Monies in the Driver Fund may be expended by the SFMTA.~~

(j) **Medallion Lender Qualification.**

(1) A Transferee of a Medallion may enter into a loan agreement to finance the Initial Transfer or Retransfer of a Medallion, or to refinance such transactions, only with a Qualified Lender.

(2) A Qualified Lender must be a financial institution chartered by a state government or the federal government. The Director of Transportation may adopt rules setting forth additional requirements for designation by the SFMTA as a Qualified Lender. If the

SFMTA determines that a lender has failed to meet or maintain the requirements to be a Qualified Lender, the SFMTA shall deny the application to become a Qualified Lender or suspend or revoke the lender's current status as a Qualified Lender.

(3) All Qualified Lenders must enter into a written agreement with the SFMTA, in a form approved by the SFMTA. The agreement shall include, at a minimum, the Qualified Lender's acknowledgement of the provisions of this Section, the Qualified Lender's agreement to be bound by these provisions, and the SFMTA's promise not to set the Medallion Transfer Price below the highest Medallion Transfer Price paid by a Medallion Holder to whom a Qualified Lender made a loan that is still outstanding to finance the Transfer or Retransfer of the Medallion.

(k) **Security Interests.**

(1) **Qualified Lender's Security Interest.** Notwithstanding any other provisions herein to the contrary, a Transferee may encumber a Transferable Medallion with a security interest only pursuant to an agreement entered into with a Qualified Lender to finance the Initial Transfer or Retransfer of the Medallion, or to refinance such a transaction.

(2) **Filing Security Interests.** A Qualified Lender wishing to evidence a security interest in a Transferable Medallion shall file a notice of the security interest with the SFMTA in a form approved by the SFMTA within ten business days of closing the relevant loan transaction, and shall provide to the SFMTA a copy of the promissory note, loan agreement, security agreement, any other underlying contracts or documents memorializing the terms and conditions of the debt that is secured by the Transferable Medallion, and any documents memorializing the perfection of the security interest. The SFMTA will not recognize any security interest in a Transferable Medallion that is not filed and reported in compliance with this rule.

(3) **Release of Secured Interest.** Upon repayment of the loan secured by an interest in a Transferable Medallion, the Qualified Lender must file notice of release of the secured interest within five business days of the release with the SFMTA along with any underlying contracts or documents memorializing the terms and conditions of the release.

(l) **Foreclosure and Retransfer of Transferable Medallions.**

(1) **Foreclosure.** If the Transferee defaults under the agreement with the Qualified Lender beyond any applicable notice and cure period, notwithstanding any other provisions herein to the contrary, the Qualified Lender may foreclose upon its security interest and possess the foreclosed, Transferable Medallion as an owner of the Transferable Medallion with full right, title, and interest thereto, ~~except that Lender shall not be permitted to operate the Medallion.~~ If the Qualified Lender intends to foreclose on the security interest, the qualified Lender shall notify the SFMTA without delay once the Qualified Lender determines the date on which it intends to foreclose. The notice shall include the name of the Medallion Holder(s), the intended date of foreclosure, and the contact information for the representative of the Qualified Lender to whom inquiries may be made.

(2) **Retransfer.** Provided that the Qualified Lender has provided notice to the SFMTA under Section 1116(l)(1), upon foreclosure in accordance with applicable law and the terms of the security agreement between the Qualified Lender and the Medallion Holder, the Qualified Lender ~~may~~ shall Retransfer the Transferable Medallion pursuant to the provisions of this Section to the Transferee identified by the SFMTA at the Medallion Transfer Price. The proceeds of such Retransfer sale shall be distributed first to the Qualified Lender to satisfy, to the extent possible, the Medallion Holder's debt to the Qualified Lender as determined by reference to the unpaid balance under the loan agreement between the Medallion Holder and the Qualified Lender. Any remaining proceeds shall be distributed to the former Medallion Holder(s) or the former Medallion Holder's designees. ~~SFMTA. The SFMTA shall~~

~~use such proceeds to satisfy the Medallion Transfer Allocation and Driver Fund Retransfer Contributions, and shall deposit any additional funds into the Drivers Fund.~~

(3) **Continued Operation After Foreclosure.** Upon foreclosure and until Retransfer of the Transferable Medallion, the Qualified Lender may operate the Transferable Medallion in accordance with this Article 1100 or enter into an agreement with the Participating Color Scheme with which the Medallion is affiliated to continue to operate the Medallion.

(m) **Expiration and Retransfer of a Transferable Medallion upon Revocation of the Medallion, ~~or~~ Death of Medallion Holder, Severance of Joint Tenancy, or Bankruptcy, Dissolution or Termination of Business Entity Holding a Medallion of the Medallion Holder.**

(1) **Expiration of the Transferable Medallion.** A Transferable Medallion shall expire upon the death of Medallion Holder, severance of joint tenancy, or bankruptcy, dissolution or termination of the Business Entity holding a Medallion ~~Holder~~, or upon revocation of the Medallion, and the SFMTA shall repossess the expired Medallion or, if the Transferable Medallion cannot be repossessed, the SFMTA shall issue a temporary Medallion to replace the Transferable Medallion until the SFMTA is able to repossess it.

(2) **Retransfer.** Upon revocation of the Medallion, ~~or~~ death of Medallion Holder, severance of joint tenancy, or bankruptcy, dissolution or termination of the Business Entity holding a Medallion ~~of the Medallion Holder~~, the SFMTA may proceed to Retransfer the Medallion to the next qualified applicant in accordance with the procedures set forth in this Section, and any such Retransfer shall be subject to the lien of the Qualified Lender who has complied with Section 1116(k). The proceeds of any Retransfer of a Transferable Medallion that has expired due to revocation of the Medallion, ~~or~~ death of Medallion Holder, severance of joint tenancy, or bankruptcy, dissolution or termination of the Business Entity holding a Medallion, ~~of the Medallion Holder~~ shall be distributed first to the Qualified Lender, if any, to satisfy, to the extent possible, the Medallion Holder's debt to the Qualified Lender as determined by

reference to the unpaid balance under the loan agreement between the Medallion Holder and the Qualified Lender. The remaining proceeds shall be distributed to the former Medallion Holder(s) or the Medallion Holder's designees ~~SFMTA to pay the applicable Medallion Transfer Allocation and the applicable Driver Fund Retransfer Contribution. Any proceeds remaining after the required distributions to the Qualified Lender and the SFMTA shall be disbursed to the former Medallion Holder or his or her designees.~~

(3) **Other Disposition of the Medallion.** If the SFMTA elects not to Retransfer the Transferable Medallion, the SFMTA must nevertheless satisfy any outstanding balance on a loan secured by a Qualified Lender, and must pay to the designees of a deceased Medallion Holder the equity accrued in the Transferable Medallion. Such equity shall consist of the current Medallion Transfer Price, minus the outstanding balance on any loan made by a Qualified Lender who has complied with Section 1116(k) to finance or refinance the Transfer or Retransfer of the Medallion, ~~and minus the applicable Medallion Transfer Allocation and applicable Driver Fund Retransfer Contribution.~~

(4) **Continued Operation After Revocation of Medallion, or Death of Medallion Holder, Severance of Joint Tenancy, or Bankruptcy, Dissolution or Termination of Business Entity Holding a Medallion** ~~of the Medallion Holder.~~ Upon revocation of Medallion, or death of Medallion Holder, severance of joint tenancy, or bankruptcy, dissolution or termination of Business Entity holding a Medallion ~~of the Medallion Holder,~~ and until the Transferable Medallion is distributed to a new Medallion Holder, the SFMTA may authorize the holder of the revoked Medallion or designee of the deceased or former Medallion Holder to enter into an agreement with ~~require~~ the Participating Color Scheme with which the Medallion is affiliated to continue to operate the Medallion until such time as the Medallion can be Retransferred in accordance with this Section 1116. ~~The SFMTA shall deposit any payments made by the Participating Color Scheme to the SFMTA during such interim into the Driver Fund.~~

(n) **Participating Color Schemes.** Any Color Scheme Permit Holder who wishes to act as a Participating Color Scheme through affiliation with Transferable Medallions must enter into a written agreement with the SFMTA. The agreement shall include, but need not be limited to, the agreement of the Color Scheme Permit Holder to allow any Transferable Medallion transferred under this Section to affiliate with the Color Scheme in accordance with all applicable rules and regulations, and to operate any such affiliated, Transferable Medallion during the period commencing on the death of the Medallion Holder, revocation of the Medallion, ~~or~~ foreclosure upon the Medallion, or severance of joint tenancy, bankruptcy, dissolution, or termination of Business Entity holding the Medallion and ending on the Retransfer or other disposition of the Medallion by the SFMTA. During such periods of operation, the Color Scheme shall make periodic payments to the Qualified Lender, holder of the revoked Medallion, designee of a deceased Medallion Holder, or designee of a former Medallion Holder in the case of severance of joint tenancy, bankruptcy, dissolution, or termination of Business Entity holding a Medallion ~~or to the SFMTA~~ for the right to operate the Medallion in accordance with the agreement between the designee of a deceased Medallion Holder or designee of a former Medallion Holder in the case of severance of joint tenancy, bankruptcy, dissolution, or termination of Business Entity holding a Medallion ~~SFMTA~~ and the Participating Color Scheme.

SEC. 1117. PERMIT ISSUANCE; NOTICE OF INACTIVE STATUS.

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

(b) **Investigation of Applicants for Permits.** Upon receipt of an application for a permit, the SFMTA shall investigate the permit applicant. The applicant must furnish any additional material requested by the SFMTA, and if such additional material is not provided within 30 days of request, the application shall be deemed inactive.

(c) **SFMTA Decision; Hearing.** At the conclusion of the investigation of an applicant for a permit, the SFMTA shall inform the applicant, in writing, of the SFMTA's decision to grant or deny the permit. If the SFMTA has decided to deny the permit, the SFMTA shall deliver a Notice of Denial, which shall include a statement of the grounds for denial. The SFMTA shall serve its decision in accordance with Section 1120(i). The applicant may request a hearing before a Hearing Officer on SFMTA's decision by submitting to SFMTA a written request for hearing within 20 business days of the date that the Notice of Denial is served.

(d) **Procedures for Hearing Challenging Decision to Deny a Permit Application or Determination that Application is Inactive.** Any hearing pursuant to this Section 1117 shall be conducted in accordance with the procedures set forth in Section 1120.

SEC. 1118. REVOCATION, SUSPENSION, AND ADMINISTRATIVE FINES.

(a) **Revocation, Suspension or Administrative Fine for Cause.** The SFMTA may suspend or revoke any permit issued under this Article 1100, and may impose an administrative fine against a Permit Holder, for good cause. "Good cause" hereunder shall include, but shall not be limited to, the following:

(1) A Permit Holder failed to pay a fine imposed by the SFMTA under Section 310 of this Code within 30 days of imposition or within such other time period as determined by the agreement of the Permit Holder and the SFMTA.

(2) A Permit Holder failed to pay a permit fee within 90 days following notice of nonpayment.

(3) A Permit Holder has been convicted of any crime that would disqualify him or her from holding a permit pursuant to Section 1103(c)(2)(E), or is otherwise ineligible for a permit under Section 1104(c) of this Article.

(4) The Permit Holder has violated any statute or ordinance, including any provision of Division I or II of this Transportation Code, governing the operation or licensing of the vehicles and services regulated by this Code.

(5) A Taxi Driver fails to comply with the requirements for return to duty under the Taxi Driver Drug and Alcohol Testing Policy within 12 months of a positive drug or alcohol test.

(6) A Taxi Driver complies with the requirements for return to duty within the 12-month period, but fails to comply with a follow-up requirement imposed by the substance abuse professional under the terms of the Taxi Driver Drug and Alcohol Testing Policy.

(7) A Taxi Driver receives a positive test result within the meaning of the Taxi Driver Drug and Alcohol Policy for any drug or alcohol test required by the Policy twice within any two-year period.

(8) A Medallion Holder who is subject to the Full-Time Driving Requirement does not have a valid A-Card because the Driver has failed to timely renew his or her A-Card or the SFMTA has revoked the A-Card.

(9) A Taxi Driver fails to comply with the A-Card permit conditions.

(10) A Medallion is not operated full-time or is not available for full-time operation.

For the purpose of this Subsection, “full-time” shall mean 800 hours during a calendar year.

(b) **Suspension or Revocation of More Than One Permit.** Where a person violating this Article holds more than one permit to operate a Motor Vehicle for Hire in the City, the SFMTA may revoke, suspend, or decline to renew all such permits.

(c) **Operation During Suspension.** In the event that a Taxi or Ramp Taxi Medallion is suspended for disciplinary reasons, the Color Scheme with which it is affiliated may continue to operate the Medallion during any such period of suspension by paying a monthly fee of \$750 to the Driver Fund or to a Qualified Lender that has a loan that is still

outstanding to finance the suspended Medallion. The total of the monthly fees for the entire suspension period is due as of the 15th day following the commencement of the suspension period. If the suspended Medallion is affiliated with a Color Scheme that is on Administrative Probation upon the date that the suspension commences, the Medallion may be operated by a Color Scheme designated by the Medallion Holder from among those Color Schemes that are not on Administrative Probation and have notified the SFMTA of their willingness to operate the Medallion during the suspension period.

(d) **Administrative Fines.** Administrative fines imposed under this Section 1118 for violations of Article 1100 of Division II of the Transportation Code shall be consistent with Section 310 of Division II of the Transportation Code, and are not subject to adjustment by the Hearing Officer in the context of an administrative hearing conducted under Section 1120.

(e) If the Driver's A-Card permit is revoked under subsection (a)(5), (a)(6) or (a)(7), above, the SFMTA shall not accept a new application for an A-Card from the Driver for three years from the date upon which the revocation was final.

SEC. 1119. ADMINISTRATIVE FINES ASSESSED AGAINST NON-PERMIT HOLDERS.

(a) Whenever the SFMTA determines that a member of the public who is not a Permit Holder has violated this Article 1100, and it decides to pursue administrative enforcement through the imposition of an administrative fine, SFMTA may issue and serve a Citation, in person or in accordance with Section 1120(i), on any person or entity responsible for the violation.

(b) **Administrative Hearing.**

(1) Any person appealing the issuance of an administrative Citation issued under subsection (a) may request a hearing in accordance with the procedure set forth in Section 1120(a).

(2) All hearings on administrative appeals filed under this Section 1119 shall be conducted in accordance with Section 1120.

(c) **Administrative Fines.**

(1) Administrative fines imposed under this Section 1119 for violations of Article 1100 of Division II of the Transportation Code shall be consistent with Section 310 of Division II of the Transportation Code, and are not subject to adjustment by the Hearing Officer in the context of an administrative hearing conducted under Section 1120.

(2) The penalties and methods of enforcement set forth in this Section are in addition to any other penalties or methods of enforcement authorized by law.

(d) **Right to Judicial Review.** A decision of a Hearing Officer made under this Section 1119 is a final administrative decision. The person or entity cited may obtain judicial review of the administrative decision by filing a petition for review in accordance with California Code of Civil Procedure Sections 1094.5 and 1094.6.¹

SEC. 1120. ADMINISTRATIVE HEARINGS.

(a) A Permit Holder or an applicant who receives an SFMTA Citation for a violation listed in Section 1118(a), Notice of Denial under Section 1117(c), 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, or a non-permit holder who receives a Citation under Section 1119 may request a hearing by submitting to SFMTA a request for hearing, in writing, within 20 business days of the date that the Citation, Notice of Denial, Notice of Nonrenewal, Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension was served on the recipient of said Citation or Notice. A Notice of Nonrenewal, Inactive Status under Section

¹ So in SFMTA Bd. Res. No. 171017-134.

1103(b)(4), or Summary Suspension, or a Citation issued under Section 1119(a) or for a violation listed under Section 1118(a) shall include:

- (1) The name of the person or entity to whom the Notice or Citation is issued,
- (2) The disciplinary measure to be imposed, including the length of any suspension and the amount of any administrative fine, or the action taken (summary suspension) or to be taken (nonrenewal or placement on inactive status),
- (3) The date by which any administrative fine must be paid, the procedure for making payment, and the consequences of failure to pay the fine,
- (4) The provision(s) of this Article 1100 upon which the discipline or action is based, including, where applicable, the date and the address or location of the violation, the signature of the individual who issued the Citation, Notice of Nonrenewal, Notice of Inactive Status, or Notice of Summary Suspension, and
- (5) Notice of the right to request a hearing, the procedure for requesting a hearing, and notice that failure to request a hearing will result in imposition of the proposed discipline or taking of the proposed action, either of which will be a final action of the SFMTA that is not subject to further administrative or judicial review.

(b) Procedures for Review of Citations, Notices of Revocation, or Notices of Administrative Probation.

(1) **Complaint.** Within five business days of receipt of the request for a hearing, the SFMTA must provide any Respondent who received an SFMTA Citation for a violation listed under Section 1118(a), a Citation issued under Section 1119(a), Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension under Section 1121, with a written Complaint consisting of a list of each alleged violation or the basis for nonrenewal, inactive status, or summary suspension, the alleged facts that establish each violation or support nonrenewal, inactive

status or summary suspension, and any argument in support of requested disciplinary measure(s), administrative fine(s), or determination(s) made by the SFMTA. The Complaint shall not exceed ten double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer Complaint. In addition to the Complaint, the SFMTA may submit proposed findings to the Hearing Officer.

(2) **Scheduling an Administrative Hearing.** The administrative hearing shall be scheduled no sooner than 30 calendar days after SFMTA serves Respondent with Notice of Nonrenewal, Notice of Inactive Status, Notice of Summary Suspension or Citation, unless the parties agree to a different schedule. Respondent may request a continuance of the hearing by submitting a written request to the Hearing Officer at least five business days prior to the scheduled hearing. The Hearing Officer must grant or deny the request for continuance within three business days, and must deliver the final decision on the request for continuance to the Respondent by personal deliver or first-class U.S. Mail, and must post the final decision on the SFMTA's website. No continuance of the administrative hearing may exceed 60 days. If there is a pending criminal proceeding against the Respondent, the Hearing Officer may continue the hearing pending final resolution of the criminal case; provided that such continuance of the hearing shall not affect a summary suspension under Section 1121.

(3) **Response to Complaint.** No later than ten business days prior to the hearing, the Respondent may provide the SFMTA and the Hearing Officer with a written response to the Complaint, along with any additional information that the Respondent considers relevant to the case. The response shall not exceed ten double-spaced pages, excluding exhibits, unless the Hearing Officer approves the filing of a longer response, and shall include a list of the witnesses, if any, that the Respondent will present at the hearing. In

addition to the response, the Respondent may include as a part of the response any proposed findings that the Respondent proposes be adopted by the Hearing Officer.

(c) **Procedures for Review of Decision to Deny a Permit Application or Determination that Application is Inactive.** In the case of a request by an applicant for hearing on a Notice of Denial or determination that an application is inactive:

(1) The SFMTA shall hold a hearing within 30 days of receiving a hearing request from the applicant, unless a later date is agreed to by the parties as set forth below.

(2) Not less than 15 days prior to the hearing, the applicant may file a written submission containing any information the applicant deems relevant to the application.

(3) Not less than five days prior to the hearing, SFMTA may file a written response to applicant's submission.

(A) Submissions shall not exceed 10 double-spaced typed pages, excluding exhibits, unless the Hearing Officer approves filing a longer submission.

(B) If either party intends to present witnesses at the hearing, the party shall present a list of witnesses to the other party at least five calendar days prior to the hearing.

(d) **Presentation of the Case.** The following procedures shall apply to hearings held under this Section 1120:

(1) In the case of a hearing on the review of a Citation, Notice of Revocation, Notice of Administrative Probation, or Summary Suspension, the SFMTA shall make the initial presentation of its case at the hearing, and shall have the burden of proving, by a preponderance of the evidence, the facts alleged in the Complaint. The Respondent may present evidence following the SFMTA's presentation.

(2) In the case of a hearing on a Notice of Denial, the applicant shall have the burden of proving, by a preponderance of the evidence, that the applicant meets all of the eligibility requirements.

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

(4) In any hearing, subject to the Hearing Officer's discretion to limit evidence to evidence that is relevant to the proceeding, either party may present its case by means of oral or documentary evidence, may submit rebuttal evidence, and may conduct cross-examination of adverse witnesses.

(e) **Notice of Decision.**

(1) The Hearing Officer shall issue a written Notice of Decision within 30 days of the date of the hearing upholding or overturning the Citation, Notice of Nonrenewal under Section 1105(a)(5)(B), Notice of Denial under Section 1117(c), Notice of Inactive Status under Section 1103(b)(4), or Notice of Summary Suspension under Section 1121. The Notice of Decision shall be based upon the criteria set forth in this Article 1100, include findings, and shall set forth evidence in support of each finding. No later than three business days following issuance of the Hearing Officer's Notice of Decision, the SFMTA shall post the results of any disciplinary case against a Permit Holder in accordance with Section 1123, referenced by the date of hearing, the name of the Respondent, the type of permit, and the action taken. The Hearing Officer shall serve the full text of the Notice of Decision on Respondent in accordance with Section 1120(i) no later than the business day following the issuance of the Notice of Decision. The deadline for the issuance of a decision may be extended if the Hearing Officer requests additional evidence from the parties subsequent to the hearing. If additional evidence is submitted, then the decision will be issued within 30 days of the last submittal.

(2) The Hearing Officer's decision shall take effect on the date that the Notice of Decision is served on the Respondent in accordance with Section 1120(i). In the case of a Notice of Denial, if the Hearing Officer determines that a permit applicant is qualified for the permit, the SFMTA shall issue the permit or modification within 15 business days of the Notice of Decision.

(f) **Ex Parte Communications.**

(1) No person or agency may communicate directly or indirectly with a Hearing Officer at any time while a case is pending unless there is notice and an opportunity for the other party to participate.

(2) Any correspondence regarding the substance of a case directed to or received by any Hearing Officer shall become part of the case record file and shall be copied to both parties within 48 hours of the communication. If the communication received is oral, the Hearing Officer shall prepare a memorandum for the record stating the substance and the date of the communication, any response made, and the identity of the person from whom the communication was received. If a communication is received within 48 hours of a scheduled hearing, the Hearing Officer must immediately provide copies of the communication to the parties.

(3) Except as permitted by these procedures and any applicable laws and regulations, there shall be no contact between the SFMTA and the Hearing Officer with respect to any pending case. This prohibition does not preclude communications about administrative or procedural matters, or policy matters that do not involve any pending case regarding any individual permit or permit application.

(g) **Hearings Open to Public.** Hearings under this Section 1120 shall be open to the public, and public comment may be permitted in the sole discretion of the Hearing Officer, but the public may be excluded from all or a portion of the hearing when, in the sole and

absolute discretion of the Hearing Officer, exclusion is necessary to protect the privacy of the applicant or a third party. The Hearing Officer may also determine that documents submitted to the Hearing Officer will not be disclosed to the public in order to protect the privacy of the applicant or a third party.

(h) **Settlement.**

(1) After issuance of an SFMTA Complaint, Notice of Nonrenewal, Inactive Status under Section 1103(b)(4), or Summary Suspension, or a Citation issued under Section 1119(a) or for a violation listed under Section 1118(a), the SFMTA may enter into a settlement with the Respondent or person cited. The parties may reach a settlement before, during, or after the hearing, but may not enter into a settlement after the Hearing Officer issues the Notice of Decision in accordance with subsection (e)(2).

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

(3) By entering into a settlement agreement, Respondent waives any right to appeal to the City's Board of Appeals, and Respondent waives any right to seek judicial review with respect to the subject of the settlement agreement.

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

(i) **Notices.**

(1) Any notice, filing or other communication required to be provided to any person or entity by Sections 1117, 1118, 1119, 1120, 1121, or 1122 shall be delivered by personal delivery, overnight guaranteed delivery, or first-class U.S. Mail, return receipt requested, to the last known address of the intended recipient that is on file with the SFMTA.

(2) If the SFMTA is unable to determine the intended recipient's mailing address, the local agency shall post the notice in accordance with Section 1123(a), and shall maintain the posting on its website for at least 10 calendar days.

(3)² The date of any notice, filing or other communication directed to the SFMTA or a Hearing Officer shall be the date that it is received.

(4) Notwithstanding the requirements of subsection (i)(1), by mutual agreement between the parties and with the concurrence of the Hearing Officer, the parties may agree to electronic service of any notice, filing, or other communication required to be provided to any person or entity by Sections 1117, 1118, 1119, 1120, 1121, or 1122.

(5) Service of notice under this Section 1120 shall be deemed complete upon the date of personal delivery, deposit in the U.S. Mail, deposit with overnight guaranteed delivery service, or transmission by electronic means.

(j) **Failure to Appear.** Respondent's failure to appear at a scheduled administrative hearing in person, through a representative, or by written submission, ~~except upon twenty-four (24) hours' prior notice to the SFMTA,~~ will result in imposition of the proposed discipline or taking of the proposed action, either of which will be a final action of the SFMTA that is not subject to further administrative or judicial review; provided, however, that the Hearing Officer shall have the discretion, upon Respondent's showing of good cause, to excuse such failure to appear. Notwithstanding the foregoing sentence, Respondent may request one continuance of the administrative hearing by giving no less than seventy-two hours' prior notice to the SFMTA.

² The designation of this division (j)(3) was corrected by the codifier.

(k) **Right to Judicial Review.** A decision of a hearing Officer made under Section 1119 is a final administrative decision. The person or entity cited may obtain judicial review of the administrative decision by filing a petition for review in accordance with California Code of Civil Procedure Sections 1094.5 and 1094.6³

SEC. 1121. SUMMARY SUSPENSION OF PERMIT FOR HEALTH OR SAFETY REASONS.

(a) **Summary Suspension.** When the SFMTA determines that an alleged permit violation poses an ongoing risk to public health or safety, the SFMTA may summarily suspend the permit pending the outcome of a hearing conducted pursuant to Section 1120. Any affected Permit Holder shall be given a Notice of Summary Suspension, in writing, delivered to said Permit Holder in person or by first-class U.S. Mail.

(b) **Summary Suspension Hearing; Decision Following Hearing.** Any Permit Holder who wishes to challenge the summary suspension of his or her permit may request, in writing, a hearing before a Hearing Officer. A summary suspension hearing shall be conducted pursuant to Section 1120, except that upon receipt of a Permit Holder's request for a summary suspension hearing, SFMTA shall promptly set the time and place for said hearing to occur within ten business days of receipt of the Permit Holder's request for a hearing. SFMTA shall cause notice of such hearing to be delivered to the Permit Holder in person or by first-class U.S. Mail. In addition, SFMTA must provide the Respondent with the written complaint within two business days of receipt of the request for a hearing, Respondent must provide the written response, if any, no later than two business days prior to the hearing, and the Hearing Officer shall issue a written decision, which shall take effect in accordance with

³ So in SFMTA Bd. Res. No. 171017-134.

Section 1120(f)(2) no later than the next business day following the summary suspension hearing.

(c) **Appeal.** If the Permittee appeals a Hearing Officer's decision upholding a summary suspension to the Board of Appeals, the summary suspension shall remain in effect until a final decision is issued by the Board of Appeals. Where a permit is revoked after a summary suspension, the revocation shall be effective immediately and, if the Permittee appeals to the Board of Appeals, shall remain in effect until a final decision is issued by the Board of Appeals.

(d) **Ramp Taxis.** While a Taxi or Ramp Taxi Medallion is suspended pursuant to this Section 1121, the SFMTA may allow continued operation of the Medallion with the SFMTA's prior written approval, subject to any conditions specified in such approval.

(e) **Taxi Driver Drug and Alcohol Testing Policy.**

(1) To protect the public health and safety, the SFMTA shall summarily suspend the A-Card of any Driver who receives a positive drug or alcohol test result within the meaning of the Policy, which includes a refusal to submit to testing as defined by the Policy.

(2) The SFMTA shall lift the summary suspension if:

(A) The City's third party administrator under the Policy cancels the positive test result due to retesting requested by the Driver and performed in accordance with the requirements of the Policy;

(B) The Driver receives a negative test result after the Driver has refused to submit to testing and the third party administrator, in accordance with the terms of the Policy, directs the Driver to provide a second specimen; or

(C) The Driver completes the Policy's requirements for return to duty.

(D) A Driver who has tested positive for marijuana presents the SFMTA with a valid recommendation or approval for use of medical marijuana obtained prior to the positive test.

SEC. 1122. ADMINISTRATIVE PROBATION.

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

(b) A Color Scheme on Administrative Probation may not execute new affiliations with Drivers or Medallion Holders, and a Dispatch Service on Administrative Probation may not execute new affiliations with Color Schemes, until the SFMTA makes a written determination that the violations are cured or the conditions stated in the notice of Administrative Probation are met.

SEC. 1123. NOTICES.

(a) **Posting Notice.** Except as otherwise provided herein, all public notices required to be given by the SFMTA pursuant to this Article shall be posted on the SFMTA's official website, and the SFMTA shall concurrently deliver the notice for posting to the San Francisco International Airport taxi holding area and to the business office of every Dispatch Service.

(b) **Notice of Permit Hearing.** When a permit becomes available for issuance the SFMTA shall publish notice in accordance with subparagraph (a).

(c) **Notice of SFMTA Permit Application Actions.** If the SFMTA determines that a taxi medallion permit application is inactive, it shall post notice on the SFMTA's official

website for a period of at least 180 days, but need not meet the other posting requirements of subparagraph (a).

SEC. 1124. TAXI FARES AND FEES; GATE FEES.

(a) **Setting Rates of Fare and Gate Fees.** At least every other fiscal year, the SFMTA Board shall hold a hearing to determine, in its sole discretion, whether the rates of fare and cap on gate fees then in effect should be increased, decreased or remain unchanged.

(b) **Taxi Fares.**

(1) **Standard Fare.** The fare for Taxis and Ramp Taxis shall be as follows: \$3.50 for the first fifth of a mile or "flag"; \$0.55 for each additional fifth of a mile or fraction thereof; and \$0.55 for each one minute of waiting or traffic delay time.

(2) **Flat Rate for Combined Trips.** Following the issuance of cab sharing regulations by the Director of Transportation, a driver may charge a flat rate of up to \$11 per person where two or more passengers are taking a trip whose origin or destination are different, and who are sharing the taxi for a portion of their combined trips instead of charging the metered rate. The flat rate may only be used with the advance consent of all affected passengers. Revenue for flat rate trips must be recorded on the Taximeter.

(3) **Out-of-Town Trips.** Drivers are authorized to collect 150 percent of the metered rate for any trips originating in the City with a final destination that is more than 15 miles beyond City limits. Drivers are also authorized to collect 150 percent of the metered rate for any trip originating at the San Francisco International Airport ("SFO") if the trip requires crossing either the Golden Gate Bridge or the Bay Bridge and the final destination is more than 15 miles beyond City limits. For trips originating at SFO that do not require crossing either the Golden Gate Bridge or the Bay Bridge, Drivers are authorized to collect 150 percent

of the metered rate if the final destination is not within City limits and is more than 15 miles from SFO.

(4) **Deduction for Time While Disabled.** In the event that a taxicab breaks down while conveying for hire any passenger or passengers, the Driver may not charge any passenger for the time during which the vehicle is disabled.

(c) **Taxi Fees in Addition to Fares.** Except as otherwise authorized by Section 1124(b)(2) or (b)(3), a Driver or Color Scheme must charge a passenger the fare displayed on the Taximeter, and may charge any of the additional fees set forth below, if applicable.

(1) **Airport Fee.** For taxicab trips originating at San Francisco International Airport that incur an airport trip fee, the taxicab driver may collect \$4.00 of that trip fee from the passenger upon receipt of cab fare from the passenger.

(2) **Bridge Tolls.** Drivers are authorized to collect bridge tolls in advance from passengers whose destination requires the crossing of a toll bridge, regardless of the direction in which the toll is collected.

(3) **Cleaning Fee.** Drivers are authorized to collect a cleaning fee of up to \$100 from any passenger who permanently stains the interior of the vehicle or who renders the vehicle temporarily unfit for for-hire passengers because of spillage of any substance such that the vehicle must be taken out of service and cleaned.

(4) **Oversized Luggage Fee.** A Driver is entitled to charge an additional amount not to exceed \$1 for each piece of luggage that cannot be conveyed either in the passenger compartment of the vehicle or in the vehicle's trunk with the trunk-lid closed. Each passenger shall be entitled to have conveyed without charge such valise or small package as can be conveniently carried within the vehicle. Other than the charges authorized by this subsection, no charge shall be made by the driver for loading or unloading baggage.

(5) **Fees Requiring Passenger Consent.** A Color Scheme Permit Holder may charge the taxi passenger the following additional fees, but only if the passenger consents to such fees in advance and has placed a credit card number on file with the Color Scheme. Customer consent for imposition of any fee listed in this subsection (c)(6) may be obtained prior to or at the time of the trip booking, but only after the customer is informed of the amount of the fee and the circumstances under which the fee will be imposed.

(A) **Cancellation Fee.** A cancellation fee of up to \$10 may be charged to any consenting customer who either cancels the trip after any established grace period has elapsed, or is not present when the Driver arrives at the location specified by the customer for pick up. A cancellation fee may not be imposed if the Driver arrives at the location specified by the customer for pick up in excess of 25 minutes after the Color Scheme accepted the trip booking. The cancellation fee shall be paid in full to the Driver who responds to the request for service.

(B) **E-Hail Fee.** An E-Hail Fee of up to \$5 may be charged by a Color Scheme that provides E-hail service to any customer who requests taxi service by E-Hail.

(d) **Payment of Taxi Fares and Fees by Credit Cards.** Drivers must accept major credit cards (including at a minimum Visa, MasterCard, American Express and Discover), as payment of taxi fare. This section shall be strictly enforced.

(1) **Credit Card Processing Fees.** A Driver may elect to establish his or her own account for credit card payment processing with any merchant account service that conforms to PCI DSS standards and provides an electronic or paper receipt clearly indicating that the payment was made for San Francisco taxicab fare, the date, the fare amount and a toll-free number for passenger and Driver payment inquiries to the merchant account holder or its customer service representative; provided, however, that a Driver must allow a passenger to choose to pay the fare using any available payment system, at the passenger's option. No

Color Scheme may retaliate against a Driver for electing, or not electing, to establish his or her own credit card processing account.

(e) **Gate Fees.**

(1) **Cap on Gate Fees.** A Color Scheme Permit Holder or a Medallion Holder may not charge Drivers a mean gate fee that exceeds \$106.25 for a shift of 10 hours or longer. The cap shall be prorated at \$10.62 per hour for shifts shorter than 10 hours. The mean gate fee shall be determined by adding together the gate fees charged by the company for all available shifts during one week and dividing that total by the number of available shifts during the week. For purposes of this subsection, a Color Scheme Permit Holder is responsible for all gate fees that are assessed for use of any Gas and Gates Medallion that is affiliated with the Color Scheme. The Medallion Holder is responsible for all gate fees charged for the use of his or her Medallion if it is not operated as a Gas and Gates Medallion.

(2) **Gate Fee Surcharge For Low Emission Vehicles.** Notwithstanding subsection 1122(c)(1), a Color Scheme may collect a surcharge of \$7.50 on any gate fee charged for use of a low emission vehicle, subject to the requirements of this subsection. The surcharge shall be for a shift of ten hours or longer, and shall be prorated at \$0.75 per hour for shifts shorter than ten hours. The surcharge shall be in addition to the company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap authorized by the City, and may be collected for the life of the vehicle.

(3) **Definition of "Low Emission Vehicle."** For purposes of this subsection, "low emission vehicle" means a Taxi or Ramp Taxi approved by the SFMTA that is rated as SULEV (Super Ultra Low Emission Vehicle) or better by the California Air Resources Board. "Low emission vehicle" shall also include a vehicle that is rated as ULEV (Ultra Low Emission Vehicle) if that vehicle was approved by the Taxi Commission and placed into service as a San Francisco Taxi or Ramp Taxi prior to March 1, 2009.

Section 3. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
STEPHANIE J. STUART
Deputy City Attorney

n:\legana\as2018\1800065\01303611.docx

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 16, 2018.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency