

**DIVISION OF TAXIS AND ACCESSIBLE SERVICES: Taxis Section
Enforcement & Legal Affairs: Monthly Report
July 2009**

PRIORITY ITEMS

- **Item 1:** *Following the June 19 effective date of the new taxi regulations, TAS has implemented medallion issuance procedures in consultation with the Hearing Section. Medallion qualification hearings will be conducted every two weeks on Friday in room 416 of City Hall, and the notice and results of such hearings will be posted on the SFMTA/Taxi web page. Because this is a new procedure (medallion issuance 'hearings' were formally conducted before the Taxi Commission) TAS and Hearing Section staff are working with the industry to identify potential improvements to the hearing process.*
- **Item 2:** *TAS' proposed policy regarding modifying full-time driving requirement for temporary physical incapacity to drive for medallion holders was put on the Board's agenda for August 4 so that TAS may resume processing several hundred applications for a waiver or suspension of the driving requirement that have been pending since March.*
- **Item 3:** *Drivers license check procedures continue; 266 additional Notices of Suspension were issued on July 27, 2009. To date the program has updated the addresses of at least 175 drivers, and has removed nearly 400 drivers from the rolls due to drivers' license problems, failure to provide a physical residence address, or failure to respond to a notice of intent to suspend.*
- **Item 4:** *The SFMTA issued its first taxi medallions on July 24, 2009.*

ADMINISTRATIVE

Staff/Volunteers: The Taxi Section is down to three employees, one of whom is on extended leave. Danelle Carey and Vicky Siu are to be commended for the professional handling of not only their own jobs, but the clerking function at the taxi window and the outreach functions of the vacant 1450 position. Monlia Wu, our outgoing temporary clerk, took the initiative to send a message out to her alumni community and secured two full-time volunteers, Jenny Chang and Chadwick Lee. Jenny and Chadwick have been amazing! Currently they are performing the incredibly labor intensive task of compiling the ages and driver permit seniority of every active driver in San Francisco. This is data that will allow us to analyze the demographics of the driver population, and to identify the time that each person has been in the profession.

TAS is also eternally grateful to Jessica Wuebker, a third-year law student from the University of Michigan who also volunteered over the summer. Among other tasks, Jessica indexed the topics discussed at every meeting of the former Taxi Commission, researched the proper handling of lost passports, assisted at administrative hearings, assisted at the taxi window, compiled the as-yet unpublished taxi regulations from the various legislative documents, and performed many other small miracles. We will miss her excellent work and her happy nature.

Mission Statement: TAS held a second all-staff monthly meeting in July to work on its mission statement. The initial draft that resulted from the July meeting is as follows:

- To protect public safety and security.
- To enforce regulations fairly and transparently.
- To ensure accessible, responsive and efficient transportation for all SF residents and visitors within the CCSF through fixed route, on-demand, and prescheduled transportation services.
- To plan, implement and continuously improve programs to enhance accessibility of all modes to senior citizens and persons with disabilities.

- To provide training and outreach to the public and to public and private transportation providers to improve provider sensitivity, courtesy, responsiveness and customer satisfaction.
- To foster communication that supports mutual respect, trust and cooperation between users and operators of different modes, between service providers and customers, and between SFMTA divisions.
- To provide a forum for stakeholder input.

SFMTA Strategic Goals: Because the Taxi Section is new to the SFMTA, TAS reviewed the Strategic Plan Goals and proposed the following amendments to account for the new functions for which the Taxi Section is responsible:

Goal 1—Customer Focus:

To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy

Objectives:

- 1.1 Improve safety and security across all modes of transportation
- 1.2 Improve cleanliness of SFMTA stations and vehicles by providing a clean, comfortable experience
- 1.3 Reduce emissions as required by SFMTA Clean Air Plan
- 1.4 Improve accessibility across **transportation transit** services
- 1.5 Increase percentage of trips using more sustainable modes (such as transit, walking, bicycling, rideshare)

Goal 2—System Performance:

To get customers where they want to go, when they want to be there

Objectives:

- 2.1 Improve transit reliability to meet 85% on-time performance standard
- 2.2 Ensure efficient transit connectivity and span of service
- 2.3 Fulfill bicycle and pedestrian network connectivity
- 2.4 Reduce congestion through major corridors
- 2.5 Manage parking supply to align with SFMTA and community goals
- 2.6 Ensure reliable, responsive and timely service for on-demand and pre-scheduled modes (such as taxi and paratransit service)**

Goal 6—Information Technology:

To improve service and efficiency, the SFMTA must leverage technology

Objectives:

- 6.1 Information and Technology Leadership: Identify, develop and deliver the enhanced systems and technologies required to support SFMTA's 2012 goals
- 6.2 Develop and maintain taxi industry information using technology that is consistent with Strategic Plan Goals.**

Medallion Issuance; Applications: Vicky Siu implemented new procedures for processing medallion applications, color scheme and dispatch service change requests. Medallion qualification hearings were conducted on July 10 and 24. Medallion applicants and the hearing officers of the Hearing Section are still getting used to each other, but we anticipate that these hearings will become much easier as parties to the hearing and the hearing officers come to learn what to expect from the process. The first medallions issued by the SFMTA are listed below in Table 5. Applications received during the month of July are listed in Table 6. Other permits issued by SFMTA in July are listed in Table 7.

Annual Medallion Exchange: TAS successfully completed the 2009-2010 medallion exchange. This year's medallion exchange was a great success thanks to the help of Danelle Carey who assisted in preparing for the exchange by separating out the medallions by company. With the help of Monlia Wu and Danelle Carey, we distributed all 1453 medallions.

Driver Database: Currently the Taxi Section holds no electronic records of individual drivers. The Treasurer/Tax Collector keeps driver information on its own internal system, which TAS can see but not manipulate. Further, the Treasurer/Tax Collector issued a new "badge number" to any driver

who lost their badge and had to replace it. Accordingly, the state of the electronic information about drivers is woefully inadequate. Vicky Siu is working with the FIT to configure a new TAS database to incorporate driver information. We are hoping to have the full use of the database up and running by early to late September.

TAXIS

Clean Air Taxi Program

As of June 30, 2009, the annual overall per-vehicle emissions average for the entire San Francisco taxi fleet is 35.60 tons of greenhouse gases. Only 23 companies have scores as of the third quarter (one company closed since last quarter.) A company without a score is a company that has not entered any new vehicles into its fleet since July 1, 2008.

There are now six companies which are still exceeding the maximum average. Those companies are: Alliance (50.9), Bay Cab (43.08), Big Dog City (38.62), DeSoto Cab (43.54), Fog City Cab (40.5), Metro Cab (38.93), and San Francisco Taxicab (39.74). Of these, DeSoto's score is most troubling because of the size of its fleet. Bay has shown improvement every quarter, and is on track to comply by the deadline. All company scores are listed in Table 4.

Taxi Regulations

The regulations adopted by the Board on May 19, 2009 went into effect on June 19. TAS anticipates further revisions to the Transportation Code, Article 1100, to add provisions regarding medallion leasing, insurance, and other subject matters that have not yet been addressed by the SFMTA Board. TAS initiated a discussion with the taxi industry on the topics of leasing medallions and the cost of insurance with 16 hours of Town Hall meetings in the early part of July.

Both the insurance and leasing discussions have been productive. On the topic of insurance costs, we have identified and are exploring some measures that the industry can take to reduce insurance costs. On the topic of leasing, we are reviewing a sample form of lease agreement from the City of Boston to see if it can be adapted for San Francisco's purposes.

TAS hopes to make all necessary adjustments to the regulations in August so that a new regulations booklet can be published and distributed in September. At the same time, however, we want to take the time to make sure that all corrections and adjustments and additions have been made before printing and distributing to make sure that we don't waste resources on printing costs.

Prop K Reform

Staff continues to analyze proposals and alternatives regarding Prop K reform. In June, Supervisor Daly introduced a proposed ballot initiative to preserve Prop K, which did not make through the full Board of Supervisors and will not be on the November ballot.

TAS anticipates initiating Town Hall meetings on the subject of Prop K reform in August.

Driver Permit Holders

DMV Record Check: This review of the drivers' license status of all San Francisco taxi drivers is nearing completion. The Department of Emergency Management has finished its review of DMV records, 380 drivers' permits have been suspended. There is one more group of drivers who received a "Notice of Intent to Suspend" who will either come into the office over the next two weeks to have their record cleared, or who will be suspended for failure to respond. The project has been a good opportunity to update address records, remove dead weight from the driver rolls, confirm licenses in good standing for all active drivers, and encourage the companies to keep their driver lists up to date.

New Driver Permits: TAS was able to process 98 New Driver Permits this month with the assistance of volunteer Jenny Chang. New drivers had been waiting several months to receive their permanent driver permit because of multiple factors, including the Taxi Commission merger with

SFMTA, the FBI investigation of the SFPD Taxi Detail, and the lack of staff available to process the new driver applications at the SFPD Taxi Detail. In July, 98 drivers were able to obtain their permanent permits from the Tax Collector's office. We continue to process the new driver permits as they are forwarded to DTAS by the SFPD Taxi Detail.

Medallion Holders

Prop K Audit for 2007 and 2008: All but two companies have been audited to determine whether selected medallion holders at those companies are meeting their full-time driving requirements. Finalizing the audit will have to wait until TAS' sole investigator returns from a six week leave.

Applications for ADA Waivers of Full-Time Driving Requirement: TAS has placed a proposed policy on the agenda of the SFMTA Board regarding relaxation of the full-time driving requirement to allow for leave when a physical condition prevents driving. However, under the policy such leave would be in the nature of temporary sick leave, not a permanent modification of the driving requirement pursuant to the ADA. This proposed policy is consistent with the decision of the District Court in the federal ADA lawsuit against the City, *Slone v. City and County of San Francisco*, in which the court rejected medallion holders' arguments that ADA modifications were required to accommodate the medallion holders' permanent inability to drive. The court held that the ability to drive is an "essential eligibility requirement" for the permit. That case is pending in the federal court of appeal and oral arguments are tentatively scheduled for October 8.

TAS will resume processing requests for modifications of the driving requirement for medallion applicants and medallion holders as soon as the Board provides direction on the policy that should be applied.

Color Schemes

2009 Color Scheme Audit: TAS continues to refine the new color scheme audit procedures, consisting of a comprehensive checklist of regulatory compliance by taxi companies. Surprise field inspections were conducted of the premises and record-keeping of all of the color schemes. Administrative audits have also been completed. These include review of the number of complaints, paratransit performance, status of payments due, compliance with clean vehicle conversion requirements, number of disciplinary citations and other factors that evaluate a company's regulatory compliance and quality of service. Staff is refining the scoring system give appropriate weight to different elements of the evaluation. The result will be (1) a ranking system that will encourage competition among companies to improve their scores, and (2) an objective rating system that will support administrative probation of a company in the event that disciplinary measures are required. A company on administrative probation would not be eligible to receive new medallions until it improves its score.

For 2009, the results of the audit will be the subject of one-on-one consultations with the taxi companies to review regulatory requirements and areas in which they can improve. This will serve as an orientation for the color schemes on the SFMTA regulations and an opportunity to comply. No discipline will result from this audit process so long as violations are corrected, but going forward the companies will be considered to be on notice of requirements.

Investigations/Enforcement:

Prop K Audit for 2007 and 2008: Investigative staff finished the Prop K Audit and admonishments should be sent in September when Investigator Scott Leon returns from leave.

Pending Cases: Table 2 below provides a status update on pending disciplinary cases. Additional filing of disciplinary cases will have to wait until a person can be hired to replace outgoing Manager of Enforcement and Legal Affairs Jordanna Thigpen.

Illegal Vehicles: TAS is working with the City Attorney's Office to have phone listings removed from the paper and on-line Yellow Pages before the next years' edition is published.

Enforcement Planning: Enforcement planning can resume when the Taxi Detail is relocated to 875 Stevenson and the vacant Enforcement and Legal Affairs position is filled. TAS has initiated contact with the District Attorney's Office regarding the possibility of prosecutions for certain serious regulatory violations.

ACCESSIBLE SERVICES

Paratransit Debit Card: The pilot debit card program is underway, with 200 paratransit customers, and five companies fully participating (Yellow, Luxor, DeSoto and National and Veterans). Notices to an additional 250 paratransit participants have been sent to increase the opportunities for drivers and customers to become familiar with the system prior to full roll-out. The debit card project management team continues to meet weekly to review pilot activity and the implementation status. All the remaining taxi companies have entered into In Taxi Equipment (ITE) use agreements with the Paratransit Broker and have selected their ITE vendors, though Regents and American Cab may choose to change from Glieke, due to a low printer speed. Town Taxi, Black and White Checker, Green Cab and their affiliates are in the installation process and all companies except Regents and American should have equipment installed by early September. Over 900 paratransit customers have participated to date in 24 outreach sessions conducted in three languages. An informational brochure has been printed and will be mailed to all paratransit taxi customers in early August. The printing and encoding of the Debit Cards using digital photos on file is being finalized and the go live date for full implementation is October 1.

Broker RFP: The Request for Proposals (RFP) for paratransit brokerage services for administration and oversight of the City's paratransit program was released on June 29 and the pre-proposal conference was held on July 9. SFMTA staff is responding to questions from potential bidders. Responses are posted on the Office of Contract Administration's website. The RFP due date has been extended from August 14 to August 20 in response to a request from a potential proposer. TAS staff is working closely with Contract Compliance and Contracts/Procurement staff to develop a step-by-step plan for the selection committee process.

Paratransit Coordinating Council (PCC) Appreciation Luncheon: The PCC Executive Committee was honored on July 14th with the annual Appreciation Luncheon. AS staff coordinated the event with the California Academy of Sciences and catering staff. The event, which was a great success, included accessible tours for PCC Executive Committee members, a delicious lunch and slideshow.

Emergency Preparedness and Security Planning Services RFP: TAS staff, working with the paratransit broker, and a subcommittee of the PCC and Veolia Transportation, finished up the RFP process which included soliciting and ranking proposals, and interviewing firms. The winning firm has been notified and a contract for Emergency Preparedness and Security Planning Services is being drafted.

New Freedom Program Call for Projects: Applications are due to the MTC on Friday, August 7th for the third funding cycle of the New Freedom grant program. TAS staff is currently writing a proposal to fund mobile data terminals for the City-owned paratransit van fleet. These on-board computers would greatly improve both reliability and safety of paratransit service.

BART/Muni Senior/Disabled Pilot Pass: TAS staff continues working with BART to implement a monthly Senior/Disabled Pilot Pass (SDPP) that will allow unlimited BART rides within San Francisco as well as all regular transit services offered by Muni to seniors and people with disabilities. BART team is currently finishing tests on the test tickets. AS staff, working with External Affairs, is preparing

the launch of an outreach campaign which will include a joint public announcement with BART, mailings, car cards on Muni vehicles, posters distributed to SF agencies. The SDPP is expected to be implemented in January 2010.

BART Elevator Rehabilitation on Market Street: The Embarcadero BART Station street level elevator has been closed for two months for rehabilitation of the elevator housing. TAS staff is working in coordination with BART and Muni operations and marketing staff to ensure customers reach their destinations on Market Street. The next street level elevator to be closed will be Montgomery Station beginning in September.

Muni Shop 'n Roll RFP: TAS successfully competed for both Lifeline and New Freedom grant monies to begin a Shopping Shuttle targeting certain neighborhoods within SF. TAS staff is currently developing a Scope of Services for a provider for these services. An RFP will be issued using the Scope of Services.

ADA Hearings: TAS Staff has completed training with the new Hearing Section staff on the American with Disabilities Act and Muni Railway operating procedure. TAS is working with Operations, Customer Service, Labor Relations, City Attorney and Hearing Team to optimize the effectiveness of the Customer Service Request (CSR) ADA Hearings while working within the confines of the MOU with the Transit Workers Union.

Between Car Barrier Sample: TAS staff met with Safety, Facilities and Operations staff to look at a sample of the Impact Recovery Systems barrier array that has been installed on the Pasadena Gold Line platforms in Los Angeles. A draft proposal for conducting the demonstration project has been submitted to the City Attorney and the CPUC for review. The City Attorney recommends installing a barrier array at an underground station for the demonstration in addition to the MMX platforms. Safety staff indicated that directional detectable warnings will be installed on platforms at designated doorways as part of the demonstration project. Facilities staff has obtained a quote from the vendor and will order the units that will be installed on the four MMX platforms as a demonstration project as soon as funding becomes available.

TABLE 1: SF Environment Reimbursement Grant Program – NO UPDATE

Grant Name	Total Vehicles	Amount Per Vehicle	Total Obtained
07-SF06	25 mixed	\$4,000 (CNG) \$2,000 (hybrid)	\$70,000
07-SF07	34 hybrid	\$2,000 (hybrid)	\$68,000
07-R28	51 hybrid	\$2,000 (hybrid)	\$102,000 – available within 30 days
08-SF02	51 hybrid	\$2,000 (hybrid)	Pending Application for \$102,000
08-R19	98 hybrid	\$2,000 (hybrid)	Pending Application for \$196,000
Total	259 vehicles		\$538,000

TABLE 2: Pending Litigation

Case Name	Type	Status	Notes
SFMTA v. Laretta Tacchini	D	H	Continued until October
SFMTA v. Jack Dudum	D	H	Continued until October
SFMTA v. Sylvia Dudum	D	H	Continued until October
SFMTA v. Martha Barakah	D	H	Continued until October
SFMTA v. Steven Szerencsi	D	H	No hearing requested
SFMTA v. Mark Stella	D	H	No hearing requested
Narewatt v. SFMTA	QH	H	Hearing date TBD
Lam v. SFMTA	D	A	Appeal cont'd to 8.5
Breall v. SFMTA	D	W	Pending in Sup.Ct.
Cohen v. SFMTA	D	W	Pending in Sup.Ct.
Friedman v. SFMTA	D	W	Pending in Sup.Ct.
Rahimi v. SFMTA	D	W	Pending in Sup.Ct.
Wong v. SFMTA	D	W	Pending in Sup.Ct.
Yuen v. SFMTA	D	W	Pending in Sup.Ct.

D = Disciplinary Hearing
QH = Qualification Hearing
H = Administrative Hearing
A = Board of Appeals
W = Writ at Superior Court

TABLE 3: DMV Check of A-card Holders and Drivers on Company Rosters – Status as of 11 AM 7.28.9

Original Notice	Total Drivers Noticed	Drivers Cleared
Issued a Notice of Suspension of their Driver permit <i>(Most July suspensions resulted from failure to respond to previous notice of intent to suspend referenced below)</i>	455	75
Issued Notice of Intent to Suspend for Address Problems	263	174
Issued Notice of Intent to Suspend so SFMTA could determine license status	558	177

TABLE 4: Clean Air Taxi Program: 2009 End of Year Results

Color Scheme	Regular	Ramp	Total	CNG Total: spares not included	Hybrid Total: spares not included	First Quarter GHG Score	Mid-Year GHG Score	Q3 Score	End of Year Score
ABC Taxicab	1	0	1	0	0				
Alliance Cab	4	2	6	0	0				50.9
American Taxicab	14	1	15	1	4		33.5	33.50	33.50
Arrow Cab	52	0	52	0	15	42.7	40.45	40.42	36.58
Bay Cab	64	3	67	7	16	57.1	51.59	47.06	43.08
Best Cab	1	1	2	0	1	32.5	32.5	32.50	32.50
Big Dog City	21	0	21	0	6	42.5	37.75	38.62	38.62
Black & White Checker	60	10	70	6	5	54.5	44.06	39.72	37.72
Central Cab	1	0	1	0	0				
Comfort Cab	1	2	3	0	1			33.50	33.50
Crown Cab	6	0	6	0	3			36.80	35.70
DeSoto Cab	102	7	109	2	23	46.2	44.18	43.93	43.54
Executive Cab	1	0	1	0	0				
Fog City Cab	22	1	23	3	1	50	50	35.90	40.5
Gold Star Taxi	1	1	1	0	0				
Green Cab	9	0	9	0	9	35.75	29.68	29.68	25.08
Lucky Cab	1	0	1	0	0				
Luxor Cab	173	40	213	12	62	39.4	35.5	34.83	34.69
Max Cab	3	0	3	0	0				
Metro Cab	24	0	24	0	10	51.4	45.86	39.84	38.93
National	64	0	64	2	18	42.8	42.2	38.18	35.87
Regents Cab Company	35	1	36	2	7	32.5	34.27	32.64	32.8
Royal Taxi	59	3	62	1	22	42.22	39.42	35.95	35.97
San Francisco Super Cab	2	0	2	0	0				
San Francisco Taxicab	11	2	13	1	4	45.23	39.74	38.70	39.74
Six2Six Taxi	2	0	2	2	0				
Town Taxi	95	4	99	4	24	51	47.6	43.14	37.50
United Cab	0	0	0	2	6	42.45	33.88	34.37	closed
USA Cab	2	0	2	2	0		34.9	34.90	34.9

TABLE 5: Medallions Issued in July, 2009

Type of Medallion	Medallion #	Last Name	First Name	Color Scheme
Ramp	9068	Wilson	Craig	Luxor
Ramp	9054	Geitheim	David	Luxor
Regular	147	Slootsky	Leonid	Town
Regular	613	Do	Alan H.	Yellow

TABLE 6: Applications Received in July, 2009

Type of Application:	Number of Applications Received:
New Driver	0 (new drivers still being processed by SFPD)
Waiting List	1
Taxi Medallion	14
Ramp Medallion	5
Color Scheme Change	1

TABLE 7: Permits Issued in July, 2009

Type of Application:	Number of Applications Received:
New Driver	98
Taxi Medallion	2
Ramp Medallion	2
Color Scheme	0
Dispatch	0