

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Taxis and Accessible Services

BRIEF DESCRIPTION:

Requesting the Board of Directors to authorize the Director of Transportation to waive color scheme and dispatch service permit renewal fees for FY 2014-2015; to amend the Transportation Code to define “e-hail” and to authorize an e-hail fee, to prohibit a driver from charging any amount above the taximeter fare plus other expressly authorized charges, to require all taxi drivers to log into the in-taxi equipment while driving a taxi, to authorize a medallion holder to purchase a taxi vehicle that will be operated as “gas and gates” by a taxi company, and to provide for a penalty for failing to install accessible passenger information monitors in all taxicabs.

SUMMARY:

- All San Francisco taxi companies are experiencing a shortage of taxi drivers, which results in losses to taxi companies operating taxi vehicles after expenses such as liability insurance, workers’ compensation, mechanical repairs and maintenance and vehicle purchasing costs.
- Taxi companies are having a hard time financing the large numbers of new taxi vehicles that are required for new medallions being issued. Currently, regulations require a color scheme to purchase and to own a vehicle that will be operated as a gas and gates vehicle. The Transportation Code should be amended to authorize a medallion holder to provide the vehicle to the color scheme to be operated as a gas and gates medallion by the taxi company.
- Currently, taxi drivers are not required to “log in” to the in-taxi equipment. This prevents systems that collect electronic trip data from accurately recording taxi trips and makes it impossible to be sure who is actually driving the taxi. The Transportation Code should be amended to require all taxi drivers to log into the in-taxi equipment while driving.
- Currently, there is no express prohibition against a taxi driver charging in excess of the amount reflected on the taximeter, plus any additional authorized fees. The Transportation Code should be amended to prohibit a taxi driver from charging a customer any amount not expressly authorized in the Transportation Code.
- The Transportation Code requires blind-accessible passenger information monitors (PIMs) to be installed in all taxicabs but does not specify a penalty for failing to do so. The Transportation Code should be amended to provide a penalty for failing to install PIMs in all taxicabs.

ENCLOSURES:

1. SFMTAB Resolution

APPROVALS:

DATE

DIRECTOR _____

5/12/14

SECRETARY _____

5/12/14

ASSIGNED SFMTAB CALENDAR DATE: May 20, 2014

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PURPOSE

Requesting the Board of Directors to authorize the Director of Transportation to waive color scheme and dispatch service permit renewal fees for FY 2014-2015; to amend the Transportation Code to define “e-hail” and to authorize an e-hail fee, to prohibit a driver from charging any amount above the taximeter fare plus other expressly authorized charges, to require all taxi drivers to log into the in-taxi equipment while driving a taxi, to authorize a medallion holder to purchase a taxi vehicle that will be operated as “gas and gates” by a taxi company, and to provide for a penalty for failing to install accessible passenger information monitors in all taxicabs.

GOAL

1. Create a safer transportation experience for everyone.
Objective 1.3: Improve the safety of the transportation system.
2. Make transit, walking, bicycling, taxi, ridesharing, and carsharing the preferred means of travel.
Objective 2.1: Improve customer service and communications.
Objective 2.3: Increase use of all non-private auto modes.
3. Improve the environment and quality of life in San Francisco.
Objective 3.2: Increase the transportation system’s positive impact to the economy.
Objective 3.4: Deliver services efficiently.
4. Create a workplace that delivers outstanding service.
Objective 4.4: Improve relationships and partnerships with our stakeholders.

DESCRIPTION

Taxi Company Permit Renewal Fee Waiver

All San Francisco taxi companies are experiencing a shortage of taxi drivers. Without taxi drivers paying gate fees to use taxi vehicles to work shifts as for-hire drivers, the taxi companies are operating existing vehicles at a loss after expenses such as liability insurance, workers’ compensation insurance, mechanical repairs and maintenance and vehicle purchasing costs.

The shortage of drivers is due in part to competition from other for-hire transportation services, especially Transportation Network Company (TNC) services. The shortage of drivers is also due to the addition of 120 new medallions in 2013 and 200 new medallions in 2014, with each new taxi requiring four or five drivers to keep the shifts filled. The addition of new medallions increases financial pressure on companies because of the need to acquire new vehicles to assign to each new medallion.

The Board previously authorized the Director of Transportation to waive new driver application fees in order to recruit new drivers. In addition, SFMTA Taxi Services is working with state and local employment development agencies to recruit new drivers and has increased the frequency of

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new driver training from bi-weekly to weekly. The SFMTA has also undertaken to subsidize the cost of ramp taxi driver certification training and driver drug testing and has offered cash incentives for wheelchair pick-ups. Nevertheless, it will take some time to mitigate the continuing loss of existing drivers to TNC services and the need for substantial numbers of additional drivers to fill new medallion shifts.

The SFMTA collects between \$1,500 and \$9,000 from each color scheme permit holder and over \$6,000 from each dispatch service permit holder for annual permit renewal fees. Staff requests authorization to waive these permit renewal fees for the upcoming fiscal year in order to reduce the economic pressure on taxi companies caused by the driver shortage and by SFMTA's issuance of several hundred new medallions.

Medallion Holder Ownership of Company-Operated Vehicle

Currently, regulations require a color scheme to purchase and own a taxi vehicle that will be operated by the company as a "gas and gates" medallion. This requirement was established as part of a reform of medallion leasing to prevent leasing medallions to a non-medallion holding driver who was expected to provide the vehicle. However, due to recent changes in the industry, medallion leasing is no longer economically feasible, to the point where many drivers have surrendered their leases on a voluntary basis. Further, better monitoring and enforcement tools available to staff will provide effective enforcement of leasing regulations without mandating that gas and gates vehicles be owned only by taxi companies. Taxi companies are currently struggling to finance more and more vehicles as hundreds of new medallions are added to the taxi fleet. As a result, many new medallion holders find themselves with a medallion but without a vehicle, and many companies find themselves paying a medallion holder a monthly fee without being able to recover a profit by leasing a taxi vehicle to drivers. Further, the public is deprived of the benefit of additional taxi service that was intended by the issuance of the new medallion. This situation would be mitigated if the medallion owner were allowed to finance a vehicle at the same time as financing the medallion. The San Francisco Federal Credit Union has indicated an interest in offering vehicle financing to the new medallion holder in order to ensure that the new medallion becomes economically productive by being paired with a vehicle as soon as it is issued.

Accordingly, the Transportation Code should be amended to authorize a medallion holder to provide the vehicle to the color scheme to be operated as a gas and gates medallion by the color scheme. The color scheme would still be required to perform all other aspects of gas and gates operation for a company operated medallion, and medallion leasing would continue to be prohibited.

Driver Log In Requirement

"In-taxi equipment" includes computer and voice dispatch equipment by which requests for taxi service are communicated to taxi drivers. Drivers have to log in to that equipment in order to be able to receive dispatch orders. Some drivers operate without logging into their dispatch equipment and rely on street hails and hotel and airport taxi stands. During November-December, 2013, analysis of dispatch data shows that on average one third of taxi vehicles were not using the dispatch equipment installed in the taxi.

The SFMTA has just invested in new regulatory software to manage the taxi fleet. This

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“RideIntegrity” software allows staff to view the fleet from office computers and see where any taxi is at any time. This system also generates trip data through which staff can review taxi activity by vehicle, by driver, by medallion, by company, by time or location and other parameters. The utility of the RideIntegrity system will be reduced substantially if driver information is not included because drivers do not log into their dispatch equipment.

In addition, staff has been working to improve taxi dispatch service by setting minimum equipment and service level standards and creating incentives for improved dispatch performance. This effort is undermined if drivers are allowed to operate without using their dispatch equipment.

Currently, there is no requirement that taxi drivers log in to the in-taxi equipment. The Transportation Code should be amended to require all taxi drivers to log into the in-taxi equipment while driving a taxi.

Restriction to Authorized Charges

Currently, there is no express prohibition against a taxi driver charging in excess of the amount reflected on the taximeter, plus any additional authorized fees. According to our complaint statistics, overcharging is not an extremely common complaint; we estimate that complaints based on fares are less than ten percent of all complaints received.. However there is at least one context where this has become an issue: the use of credit card processing services that charge the taxi passenger a fee for credit card usage. For example, TaxiPass is a credit card processing service that was rejected in San Francisco as a credit card processing solution in 2010 specifically because it would have cost credit card users an additional \$3.50 if they elect to pay for a taxi with a credit card. That company has now changed its business model and is marketing to individual drivers. SFMTA has started receiving complaints from taxi passengers who are being charged \$4.50 extra for using their credit card to pay a driver who is signed up with TaxiPass.

In order to avoid these charges to taxi passengers the Transportation Code should be amended to prohibit a taxi driver from charging a customer any amount not expressly authorized in the Transportation Code. Currently, overcharging a taxi customer is a criminal misdemeanor, but without an administrative penalty it is difficult to enforce.

Enforcement of PIM Installation Requirement

The Transportation Code requires blind-accessible passenger information monitors (PIMs) to be installed in all taxicabs but does not provide for a penalty for failing to install them. While many companies have complied in good faith to commence installation, some companies have entered into contracts with PIM vendors in order to comply with the letter of the regulations, but have failed to install PIM units, taking advantage of the fact that there is no penalty for not actually installing them. The Transportation Code should be amended to provide a penalty to be assessed against companies and medallion holders (who are jointly and severally responsible for compliance with all vehicle equipment requirements) for failing to install accessible PIMs.

ALTERNATIVES CONSIDERED

If these recommendations are not adopted, taxi companies will be liable for permit renewal fees as of July 1; taxi drivers will not be required to utilize the dispatch equipment that is required to be

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installed in all taxicabs and many taxi drivers will remain unavailable for dispatch requests; taxi drivers will continue to be able to use credit card processing services that impose charges on the taxi passenger for using a credit card to pay taxi fare; companies will continue to be required to purchase all taxi vehicles for company operated medallions, and there will be no penalty for failing to install accessible PIM units.

The waiver of permit renewal fees and the change to allow medallion owners to acquire vehicles will provide substantial economic relief to taxi companies in the short term and will facilitate the rapid deployment of additional taxicabs.

The requirement for full PIM installation, driver log in and prohibition against imposing unauthorized charges will improve customer service and safety for taxi passengers.

FUNDING IMPACT

Waiver of taxi company permit renewal fees will result in a one-time loss of revenues to the SFMTA of \$177,000. All other proposed changes are regulatory and have no financial consequences to the agency.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None.

RECOMMENDATION

That the Board of Directors authorize the Director of Transportation to waive color scheme and dispatch service permit renewal fees for FY 2014-2015, to amend the Transportation Code to define “e-hail” and to authorize an e-hail fee, to prohibit a driver from charging any amount above the taximeter fare plus other expressly authorized charges, to require all taxi drivers to log into the in-taxi equipment while driving a taxi, to authorize a medallion holder to purchase a taxi vehicle that will be operated as “gas and gates” by a taxi company, and to provide for a penalty for failing to install accessible passenger information monitors in all taxicabs.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, All San Francisco taxi companies are experiencing a shortage of taxi drivers;
and

WHEREAS, Without taxi drivers paying to use taxi vehicles, taxi companies are operating existing taxi vehicles at a loss; and

WHEREAS, The addition of newly issued medallions requires the acquisition of new vehicles to be assigned to each new medallion; and

WHEREAS, Current regulations prohibit a medallion holder from purchasing or owning the taxi vehicle associated with the medallion that is operated by a taxi company; and

WHEREAS, Current regulations do not require taxi drivers to log into the taxis' dispatch equipment, which undermines enforcement capacity and the quality of dispatch service, and

WHEREAS, Current regulations do not expressly prohibit a taxi driver from imposing charges in excess of the charges authorized by the Transportation Code; and

WHEREAS, Current regulations do not provide an administrative penalty for failing to install required passenger information monitors that are required to be installed in all taxis; now, therefore, be it

RESOLVED, That the Board of Directors authorizes the Director of Transportation to waive color scheme and dispatch service permit renewal fees for FY 2014-2015, and be it further

RESOLVED, That the Board of Directors amends the Transportation Code to define "e-hail" and to authorize an e-hail fee, to prohibit a driver from charging any amount above the taximeter fare plus other expressly authorized charges, to require all taxi drivers to log into the in-taxi equipment while driving a taxi, to authorize a medallion holder to purchase a taxi vehicle that will be operated "gas and gates" by a taxi company; and to provide for a penalty for failing to install accessible passenger information monitors in all taxicabs.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 20, 2014.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Taxi fares and gate fees]

Resolution amending Division II of the Transportation Code by adding an administrative penalty to be imposed on color schemes and/or medallion holders for failure to timely install a passenger information monitor in a taxi vehicle, define the term “e-hail” and amend the definition of the term “gas and gates,” approve an e-hail fee, prohibit drivers from charging rates or fees other than those authorized by Section 1124, make nonsubstantive revisions and clarifications to Section 1124, and require taxi drivers to be logged into a dispatch system, using identification approved by the SFMTA, at all times when operating a taxi vehicle.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 310, to read as follows:

SEC. 310. SCHEDULE OF FINES. Violation of any of the following subsections of the San Francisco Transportation Code governing the operation of a motor vehicle for hire shall be punishable by the administrative fines set forth below.

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1105(a)(14)	Current address	\$28.00	\$29.00
Div II § 1105(a)(9)	Continuous operation	\$55.00 per day	\$57.00 per day
Div II § 1114(a)	Records	\$82.00	\$85.00
Div II § 1105(a)(17)	Response time goals	\$164.00	\$169.00
Div II § 1105(a)(7)	Compliance with lawful orders	\$217.00	\$224.00
Div II § 1105(a)(6)	Compliance with laws and regulations	\$489.00	\$504.00
Div II § 1105(a)(13)	Shift Change; Unattended Vehicle	\$489.00	\$504.00
Div II § 1105(a)(13)	Improper shift change	\$489.00	\$504.00
Div II § 1105(a)(18)	Retaliation against permit holder	\$489.00	\$504.00
Div II § 1105(a)(8)	Cooperation w/ regulatory entities; False statements	\$544.00	\$561.00
Div II § 1105(a)(12)	Compliance with Paratransit Program	\$544.00	\$561.00
Div II § 1105(a)(10)	Accepting/ soliciting gifts from Drivers	\$652.00	\$672.00
Div II § 1105(a)(1)	Operating without a permit	\$5,153.00	\$5,310.00

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1106(s)	Dissolution plan	\$55.00 per day	\$57.00 per day
Div II § 1114(e)(8)	Emissions reduction plan	\$55.00 per day	\$57.00 per day
Div II § 1106(n)	Required postings	\$82.00	\$85.00
Div II § 1106(o)	Required notifications	\$82.00	\$85.00
Div II § 1113(d)(3)	Required PIM	\$82.00	\$85.00
Div II § 1114(e)(3)	Receipts	\$82.00	\$85.00
Div II § 1114(e)(5)	Vehicle inventory changes	\$82.00	\$85.00
Div II § 1114(e)(7)	Weekly reporting requirements	\$82.00	\$85.00
Div II § 1106(e)	Transfer of business; New location	\$272.00 per day	\$280.00 per day
Div II § 1106(k)(1)	Facility to clean vehicles	\$272.00	\$280.00
Div II § 1106(i)	Workers' Compensation	\$327.00 per day	\$337.00 per day
Div II § 1106(p)	Obligations related to Drivers	\$435.00	\$448.00
Div II § 1106(r)	Found property	\$435.00	\$448.00
Div II § 1114(e)(1)	Waybills	\$435.00	\$448.00

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1114(e)(2)	Medallion Holder files	\$435.00	\$448.00
Div II § 1114(e)(6)	Current business information	\$435.00	\$448.00
Div II § 1124(b)(5)	Retaliation re credit card processing	\$435.00	\$448.00
Div II § 1124(c)	Overcharging gate fees	\$544.00	\$561.00
Div II § 1106(c)	Use of Dispatch Service	\$489.00	\$504.00
Div II § 1106(d)	Business premises	\$489.00	\$504.00
Div II § 1106(h)	Staffing requirements	\$489.00	\$504.00
Div II § 1106(1)(2-7)	Use of spare vehicles	\$489.00	\$504.00
Div II § 1106(f)	Telephone directory	\$544.00	\$561.00
Div II § 1106(j)	Paratransit Broker contract	\$544.00	\$561.00
Div II § 1114(e)(8)	Required information	\$544.00	\$561.00
Div II § 1114(e)(9)	Required information	\$544.00	\$561.00
Div II § 1106(k)(2)-(4)	Unsafe/n Nonworking equipment	\$1,087.00	\$1,120.00
Div II § 1106(q)(4)	Driver operating under the influence	\$1,087.00	\$1,120.00
Div II § 1106(a)	Color Scheme Permit required	\$5,153.00	\$5,310.00

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1106(1)(8)	Leasing spare vehicles	\$5,153.00	\$5,310.00
Div II § 1107(a)	Emergency plan	\$55.00 per day	\$57.00 per day
Div II § 1107(e)	Adequate communications equipment	\$55.00 per day	\$57.00 per day
Div II § 1114(f)(1)	Dispatch Service report	\$55.00 per day	\$57.00 per day
Div II § 1107(d)	Service call records	\$82.00	\$85.00
Div II § 1107(b)-(e)	Serving dispatch customers	\$82.00	\$85.00
Div II § 1114(f)(2)	Found property recordkeeping	\$82.00	\$85.00
Div II § 1107(m)	Workers' Compensation	\$327.00 per day	\$337.00 per day
Div II § 1107(c)	Ramp Taxi response	\$435.00	\$448.00
Div II § 1107(k)	Improper dispatching	\$544.00	\$561.00
Div II § 1108(c)	Color Scheme affiliation	\$6.00 per day	\$6.00 per day
Div II § 1108(a)	Driver identification	\$28.00	\$29.00
Div II § 1108(d)(2)	Duties at beginning of shift	\$28.00	\$29.00
Div II § 1108(d)(3)	Designated items in vehicle	\$28.00	\$29.00
Div II § 1108(e)(2)	Transporting passenger property	\$28.00	\$29.00

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1108(e)(5)	Loading and unloading assistance	\$28.00	\$29.00
Div II § 1108(e)(8)	Additional passengers	\$28.00	\$29.00
Div II § 1108(e)(10)-(12)	Mobile telephones; Other audible devices	\$28.00	\$29.00
Div II § 1108(e)(18)-(20), (22)	Driver duties re fares	\$28.00	\$29.00
Div II § 1108(e)(26)	Loose items	\$28.00	\$29.00
Div II § 1108(e)(27)	Trunk and/or baggage area	\$28.00	\$29.00
Div II § 1108(e)(31)	Clean in dress and person	\$28.00	\$29.00
Div II § 1108(e)(32)	Taximeter violation	\$28.00	\$29.00
Div II § 1108(e)(33)	Smoking, drinking or eating	\$28.00	\$29.00
Div II § 1108(f)(1)-(3)	Duties at end of shift	\$28.00	\$29.00
Div II § 1114(b)(2)	Badge	\$28.00	\$29.00
Div II § 1114(b)(3)	Medical certificate	\$28.00	\$29.00
Div II § 1114(b)(4)	Waybills	\$28.00	\$29.00
Div II § 1108(e)(4)	Service animals or contained animals	\$55.00	\$57.00
Div II § 1108(d)(1)	Safety check	\$82.00	\$85.00

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1108(e)(1)	Refusal to convey	\$82.00	\$85.00
Div II § 1108(e)(7)	Servicing dispatch calls	\$82.00	\$85.00
Div II § 1108(e)(9)	Splitting fares	\$82.00	\$85.00
Div II § 1108(e)(16)	Requesting gratuities	\$82.00	\$85.00
Div II § 1108(e)(24)	Found property	\$82.00	\$85.00
Div II § 1124 (f)	Passenger payment choice	\$82.00	\$85.00
Div II § 1108(e)(3)	Transporting person with a disability in front seat	\$164.00	\$169.00
Div II § 1108(e)(6)	Assisting and securing person with a disability	\$164.00	\$169.00
Div II § 1108(e)(14)	Reckless or dangerous driving	\$164.00	\$169.00
Div II § 1108(e)(15)	Ramp Taxi rules	\$164.00	\$169.00
Div II § 1108(e)(35) - (37)	Paratransit Debit Card	\$164.00	\$169.00
Div II § 1124(d)	Luggage charges	\$164.00	\$169.00
Div II § 1108(e)(25)	Unsafe taxi	\$217.00	\$224.00
Div II § 1108(e)(30)	Excessive force	\$217.00	\$224.00
Div II § 1108(b)(3)	Criminal convictions	\$544.00	\$561.00

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1108 (b)(4)(B)	Controlled substances	\$544.00	\$561.00
Div II § 1108(38)	Tampering with equipment	\$544.00	\$561.00
Div II § 1113(b)-(e), (g)-(j)	Equipment and display requirements	\$28.00	\$29.00
Div II § 1113(d)(3)	<u>Install PIM in Taxi vehicle</u>	<u>\$164.00 per vehicle</u>	<u>\$169.00 per vehicle</u>
Div II § 1113 (m)	Vehicle windows	\$28.00	\$29.00
Div II § 1113 (o)	Sanitary condition	\$28.00	\$29.00
Div II § 1113 (a)	Safe operating condition	\$82.00	\$85.00
Div II § 1113 (k)	Standard vehicle equipment	\$82.00	\$85.00
Div II § 1113 (k)(13)-(15)	Vehicle tires and wheels	\$82.00	\$85.00
Div II § 1113 (m)	Security cameras	\$82.00	\$85.00
Div II § 1113 (n)	Condition of vehicle	\$82.00	\$85.00
Div II § 1113 (u)	Working Taxi ramp	\$82.00	\$85.00
Div II § 1113 (p)	Vehicle title requirements	\$272.00	\$280.00
Div II § 1113 (q)-(r)	Excessive vehicle mileage or age	\$272.00	\$280.00
Div II § 1113 (s)	Vehicle inspections	\$272.00	\$280.00
Div II § 1113(s)(7)	Fraud related to inspection	\$272.00	\$280.00
Div II § 1113(t)	Replacement vehicle	\$272.00	\$280.00
Div II § 1113(v)	Retired vehicles	\$272.00	\$280.00

TRANSPORTATION CODE SECTION	DESCRIPTION	Fine Amount Effective July 1, 2014	Fine Amount Effective July 1, 2015
Div II § 1113(f)	Taximeters	\$327.00	\$337.00
Div II § 1109(a)(1)	Use of Dispatch Service	\$82.00	\$85.00
Div II § 1110(a)(1)-(3)	Wheelchair priority	\$164.00	\$169.00
Div II § 1110(a)(3)	Wheelchair pickups	\$164.00	\$169.00
Div II § 1110(b)	Ramp Taxi Medallion in spare taxi	\$164.00	\$169.00
Div II § 1110(d)	Ramp Taxi qualifications	\$164.00	\$169.00
Div II § 1109(c)	Full-time driving requirement	\$24,000.00 multiplied by percentage of hours short of the full time driving requirement	\$24,000.00 multiplied by percentage of hours short of the full time driving requirement

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1102, to read as follows:

SEC. 1102. DEFINITIONS.

* * * *

“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.

* * * *

"Gas and Gates Medallion" shall mean a Medallion that is operated by a Color Scheme that ~~owns and~~ maintains the Taxi or Ramp Taxi vehicle, purchases insurance for the vehicle, hires and schedules the Drivers of the vehicle, collects the gate fees daily, issues receipts to the Drivers, and makes regular payments to the Medallion Holder or to the SFMTA for the use of the Medallion, or a Medallion that is operated by the Medallion Holder who owns and maintains the vehicle, purchases insurance for the vehicle, hires and schedules the Drivers of the vehicle, collects the gate fees daily, and issues receipts to the Drivers.

* * * *

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

(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 the Dispatch Service's dispatch equipment at all times while operating a taxi vehicle, using a means of identification approved by the SFMTA.

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

(15) Ramp Taxi Service.

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

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

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

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

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

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

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

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

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

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

(23) Drivers shall make a visual check of the interior of the vehicle at the conclusion of each trip to determine if any property has been left behind. If any of the passenger's property was loaded in the trunk, the Driver shall check the trunk area at the end of the trip to ensure that no property was left behind.

(24) Upon discovery, a Driver shall report Found Property to the Dispatch Service immediately, and shall take reasonable measures to attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered. If it is not possible to return the Found Property before the end of the shift, the Driver shall leave it with the Color

Scheme or Dispatch Service at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme or Dispatch Service, stating whom they have contacted about the Found Property, and whether it was returned to the owner during the shift in which it was discovered, and if not, where and with whom it was left.

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

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

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

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

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

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

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

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

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

(34) Resolution of Fare Disputes. In any case of fare dispute between the Driver and passenger(s), the Driver shall call the Police or, with the consent of the passenger, convey the passenger(s) to the nearest police station, where the officer in charge shall immediately decide the case, and if the decision is in favor of the passenger, the Driver 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.

* * * *

Section 4. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1124, to read as follows:

SEC. 1124. TAXI FARES AND FEES; GATE FEES FEES, RATES AND CHARGES.

(a) **Setting Rates of Fare and Gate Fees.** Beginning in fiscal year 2010-2011 and at least every other fiscal year thereafter, 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 \$2.00 of that trip fee from the passenger upon receipt of cab fare from the passenger.

~~(2) — **Out-of-Town Trips.** Drivers are authorized to collect 150 percent of the metered rate for out-of-town trips exceeding 15 miles beyond City limits. For trips exceeding 15 miles from San Francisco International Airport and not terminating within the City limits of San Francisco, the fare will be 150 percent of the metered rate except for those trips originating at the San Francisco International Airport with a destination across the Golden Gate or Bay Bridges the 15-mile limit will apply from the City limits of San Francisco as set forth above. For taxicab trips originating at San Francisco International Airport that incur an airport trip fee, the taxicab driver may collect \$2.00 of that trip fee from the passenger upon receipt of cab fare from the passenger.~~

~~(23) **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.~~

(4) **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.

(5) **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.

(6) **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.

(5) Credit Card Processing. 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.

~~(6) Cancellation Fee. A cancellation fee of up to \$10 may be charged to any consenting customer who arranges a trip via a smartphone application or telephone call, has placed a credit card number on file, and 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. Customer consent for imposition of a cancellation fee may be obtained prior to or at the time of the trip booking, but only after the customer is informed of the circumstances upon which the fee will be imposed, including any applicable grace period. 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.~~

~~(7) 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.~~

(~~ee~~) **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 \$96.50* for a shift of 10 hours or longer. The cap shall be prorated at \$9.65* 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.

~~(d) — 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.~~

~~(e) — 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.~~

~~(f) — 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.~~

Section 5. 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 6. 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: _____
Mariam Morley
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 20, 2014.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency