

COMMUTER SHUTTLE PERMIT TERMS AND CONDITIONS

(Capitalized terms shall have the meanings set forth in Section 914(a) of the San Francisco Transportation Code)

April 2016-March 2017

I. Eligibility

- A. Permittee shall use Designated Stops only for the purpose of providing privately operated and pre-arranged transportation services for the exclusive or primary use of a discrete group, such as clients, patients, students, staff, visitors or residents, between an entity's facilities or between the entity's facilities and other locations, on a regularly-scheduled basis to, from, and/or within San Francisco.
- B. Permittee shall not use any Designated Stops to provide any of the following services, even if such service is being provided using permitted vehicles:
 - 1. Tours, sightseeing, recreational, or party services;
 - 2. On-call, point-to-point services (such as airport, or other on-demand service);
 - 3. Private individual fare transportation services;
 - 4. Vanpool services;
 - 5. Any services that replicate Muni transit routes;
 - 6. Other non-commute services not falling under paragraph I above.

II. Indemnification

- A. Permittee agrees to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting directly or indirectly from the activity authorized by the permit regardless of the negligence of the Indemnitees.

III. Labor Harmony and Service Disruption Prevention Plan

- A. Permittee shall comply with its Service Disruption Prevention Plan.
- B. Permittee shall make all reasonable efforts to ensure its operations do not cause or contribute to any service disruptions.

IV. Placards

- A. Permittee shall list all Shuttle Buses being operated in Shuttle Service under the Shuttle Permit on the Permittee's Shuttle Placard application. Each Shuttle Bus shall display a valid SFMTA-issued Shuttle Placard visible from outside the Shuttle Bus at front, rear, and each side locations on the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. A Shuttle Placard may be used

only on the vehicle listed on the application for that Shuttle Placard, and may not be transferred to any other vehicle.

1. On the front of vehicle, the Shuttle Placard shall be affixed to the left of the license plate. If space is not available to the left of the license plate, affix immediately above or to the right of the license plate (within two inches of the license plate).
2. On the rear of vehicle, the Shuttle Placard shall be affixed to the left of the license plate. If space not available to the left of the license plate, affix immediately above or to the right of the license plate (within two inches of the license plate).
3. On the sides of the vehicle, the Shuttle Placard shall be affixed on the rear half of the vehicle, approximately halfway up the side of the bus in a manner that is clearly visible to members of the public.
4. Permittee shall inform the SFMTA if it is not possible to affix a Shuttle Placard in the manner proscribed above due to the physical conditions of the vehicle and shall follow SFMTA instructions in making an alternative arrangement. Under no circumstance shall a Shuttle Bus be operated in Shuttle Service without a Shuttle Placard on each side of the vehicle.

V. Public Comment and Access

- A. Permittee shall designate a representative to receive comments or concerns about shuttle operations and driver conduct. Each authorized shuttle shall have a sticker or label that reads “How is my driving?” and includes a phone number to reach the designated representative.
- B. Any Permittee providing Shuttle Service that is free for use by the public, and which displays the words “Free to the Public” on the loading side of the shuttle vehicle in clearly legible letters at least four inches high shall be exempt from otherwise applicable permit fees for use of Designated Stops.

VI. Operating Guidelines: Operators of Shuttle Buses authorized under this permit shall obey the following Operating Guidelines:

- A. *Muni priority*: Muni buses shall be given priority at and approaching or departing Designated Stops;
- B. *Yield to Muni*: Where Muni or other public transit buses are approaching a Designated Stop and when safe to do so, Permittee’s vehicles shall allow such buses to pass so they may stop at Designated Stops first;
- C. *Stay within the network*: Shuttle Buses shall not stop or stand in Muni stop “red zones” other than Designated Stops;
- D. *Active loading; No staging or idling*: Permittee’s Shuttle Buses shall use Designated Stops for active loading and unloading only, and shall load and unload riders as quickly and safely as possible. Permittee shall not stage vehicles in Designated Stops, and will only stage vehicles at locations in accordance with parking laws and regulations;

- E. *Move forward*: Operators shall pull forward in a Designated Stop to leave room for Muni or other shuttles;
- F. *Pull in*: Operators shall pull all the way to, and parallel with, the curb for passenger boarding and alighting, and shall not load or unload passengers in a vehicle or bicycle lane, or in a manner that impedes travel in these lanes;
- G. *Comply with all applicable laws*: Permittee shall comply with all applicable federal, state, and local laws, including the San Francisco Transportation Code, the California Vehicle Code, and applicable CPUC requirements, including those for registration, insurance, vehicle inspection, and regulation of drivers;
- H. *Circulation*: Permittee shall route vehicles authorized under the permit on arterial streets and avoid steep and/or narrow streets to the extent possible. Vehicles authorized under the permit that are over 35 feet in length shall travel only on minor and major arterial streets as designated by the California Department of Transportation when providing service under the Permit, except as directed by police officers, authorized SFMTA staff, including Parking Control Officers, or traffic control devices. Permittee agrees to comply with all relevant street and lane restrictions, including weight and passenger capacity restrictions set forth in the Transportation Code;
- I. *Training*: Permittee shall ensure that training for shuttle operators addresses the above operating guidelines; and shall document that all operators have viewed the SFMTA Large Vehicle Safety Video;
- J. *Follow instruction from officials and traffic control devices*: Drivers operating Shuttle Buses authorized under this permit shall follow instructions from police officers, authorized SFMTA staff, including Parking Control Officers, and official traffic control devices in the event of emergencies, construction work, special events, or other unusual traffic conditions. In the absence of such instructions during emergencies, construction work, special events, or other unusual traffic conditions, drivers shall use the shortest possible safe detour off of approved streets. Permittee shall notify the SFMTA within 24 hours of any such deviation.

VII. Data Reporting Requirements

- A. Permittee shall equip each Shuttle Bus with an on-board device capable of providing real-time location (or “telemetry) and stop-event data to the SFMTA in accordance with specifications issued by the Director, and shall maintain a continuous feed of the specified data at all times while the Shuttle Bus is being used to provide Shuttle Service within the City;
- B. Permittee shall begin providing a continuous feed of such data to the SFMTA on the first day that the Permittee begins providing Shuttle Service under the Permit unless the Director establishes an alternate date, and shall continue to provide the data feed until Permittee ceases to provide Shuttle Service or is authorized by SFMTA to stop providing data;

- C. Permittee agrees to provide data feeds solely for the use of the SFMTA from vehicles covered by the permit in accordance with SFMTA's specifications, as outlined in *Commuter Shuttle Program API Specification V2*, or any subsequent API document provided by the SFMTA;
- D. The SFMTA shall not be responsible for any data reporting equipment, or for the failure of any equipment, installed inside any Shuttle Bus for any reason, including for the purpose of complying with these terms and conditions; and
- E. If a Shuttle Bus becomes unable to provide the required data for any reason, Permittee shall not operate that Shuttle Bus in Shuttle Service without first notifying SFMTA of the identity of the bus, the route affected and the time at which Permittee expects the data transmission to be restored;
- F. Permittee agrees to provide the following data each month to the SFMTA:
 - 1. Daily stop-events by zone;
 - 2. Monthly vehicle miles traveled in commuter shuttle service in San Francisco (including any deadheading);
 - 3. Average daily boardings in commuter shuttle service in San Francisco;
 - 4. Average daily occupancy for each vehicle upon exiting San Francisco (if applicable);
 - 5. Average daily occupancy for each vehicle upon arrival at destination;
 - 6. Typical routes, and average number of runs per route; and
 - 7. Average number of daily shuttle vehicles in operation;
- G. Permittee shall provide information about fleet vehicle fuel type, ridership, routing, and other requested information within 15 business days of receiving such a request from the SFMTA;
- H. Permittee shall provide updated information to the SFMTA within five business days in the case of changes to any of the information provided as part of the Permit Application, including but not limited to:
 - 1. Change of primary contact, billing contact;
 - 2. Increase in number of monthly stop events; and
 - 3. New/different vehicles operating under permit.

VIII. Permit Fees

- A. Except for Permittees exempt from fees as described in Section V.2., Permittee shall pay a fee monthly assessed on a per stop event basis at the rate designated by the SFMTA.
- B. Permittee shall update its average number of monthly stop events each month through the Commuter Shuttle Permit Application website, and submit to a stop-event reconciliation every six months to compare the number of estimated stop-events with the number of stop-events actually made. The SFMTA does not issue refunds for estimated stop-events that are not made. If actual stop-events exceed the number of estimated stop-events by more than 10 percent, a penalty of 10 percent of the unpaid cost may be assessed, in addition to invoicing for the additional stop-events.

- C. Any invoices sent by the SFMTA are due and payable within 30 days of invoice date. Fees remaining unpaid 30 days after the date of invoice shall be subject to a 10% penalty plus interest at the rate of 1% per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.
- D. Payment of all outstanding fees, penalties and outstanding citations must be made prior to the issuance of any permit.
- E. Under no circumstances will any shuttle permit fees be refunded.

IX. Possessory Interest

- A. Permittee acknowledges that this Permit may create a “possessory interest” for property tax purposes. Generally, such a possessory interest is not created unless the Permit entitles the Permittee to possession, occupancy, or use of City property for private gain. If such a possessory interest is created, then the following shall apply:
 1. Permittee, on behalf of itself and any permitted successors and assigns, recognizes and understands that Permittee, and any permitted successors and assigns, may be subject to real property tax assessments on the possessory interest.
 2. Permittee, on behalf of itself and any permitted successors and assigns, recognizes and understands that the creation, extension, renewal, or assignment of this Permit may result in a “change in ownership” for purposes of real property taxes, and therefore may result in a revaluation of any possessory interest created by this Permit. Permittee accordingly agrees on behalf of itself and its permitted successors and assigns to report on behalf of the City to the County Assessor the information required by Revenue and Taxation Code section 480.5, as amended from time to time, and any successor provision.
 3. Permittee, on behalf of itself and any permitted successors and assigns, recognizes and understands that other events also may cause a change of ownership of the possessory interest and result in the revaluation of the possessory interest. (see, e.g., Rev. & Tax. Code section 64, as amended from time to time). Permittee accordingly agrees on behalf of itself and its permitted successors and assigns to report any change in ownership to the County Assessor, the State Board of Equalization or other public agency as required by law.
 4. Permittee further agrees to provide such other information as may be requested by the City to enable the City to comply with any reporting requirements for possessory interests that are imposed by applicable law.

X. Payment of Citations and Charges

- A. Permittee shall, in a timely manner and as otherwise required by law, pay all traffic and parking citations issued to its Shuttle Buses in the course of providing Shuttle Service, as well as all permit fees, penalties for permit violations, and any other amounts due to SFMTA in connection with Shuttle Service operated by Permittee, subject to the Permittee's right under applicable law to contest any citations or penalties

XI. Fleet Limitations

- A. Except for Shuttle Buses that were already approved for use in the commuter shuttle pilot program prior to January 31, 2016, all Shuttle Buses shall be either model year 2012 or newer, or be equipped with a power source that complies with emissions standards applicable to model year 2012 vehicles of the same type.
- B. As of January 1, 2020, all Shuttle Buses used by Permittee in the Commuter Shuttle Program shall be model year 2012 or newer.
- C. After January 1, 2020, all Shuttle Buses used by Permittee in the Commuter Shuttle Program shall be no more than eight model years old.
- D. SFMTA ensures compliance with this condition through the annual permit renewal process, which requires submittal of vehicle registration and, in the case of vehicles older than model year 2012 placed in Shuttle Service after January 31, 2016, documentation to show compliance with applicable emissions standards.

XII. Administrative Penalties

- A. Any Permittee that is operating a Shuttle Bus in violation of these terms and conditions or Section 914(h) of the San Francisco Transportation Code may be subject to the issuance of a citation and imposition of an administrative penalty in accordance with Section 914(l) of the San Francisco Transportation Code.

XIII. Grounds for Suspension or Revocation

- A. The Director of Transportation (“Director”) may suspend or revoke this permit upon written notice and opportunity for hearing. Upon revocation or suspension, Permittee shall surrender such Permit and the Shuttle Placards authorized under the Permit in accordance with the instructions in the notice of suspension or revocation;
- B. Where the SFMTA determines that public safety is at risk, or where the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code, the SFMTA is authorized to suspend a permit issued immediately upon written notice of suspension to the Permittee, provided that the Director shall provide the Permittee with the opportunity for a hearing on the suspension within five business days of the date of notice of suspension; and
- C. Permit may be suspended or revoked following the Director's determination after an opportunity for hearing that:
 - 1. the Permittee has failed to abide by any permit condition;
 - 2. the Permittee knowingly or intentionally provided false or inaccurate information on a permit application;
 - 3. one or more of Permittee's Shuttle Buses have, in the course of providing Shuttle Service, repeatedly and egregiously violated parking or traffic laws;
 - 4. the Permittee's continued operation as a Shuttle Service Provider would constitute a public safety risk; or

5. the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code, the California Vehicle Code, or the San Francisco Transportation Code.

