



SFMTA

Taxi Hearing Process

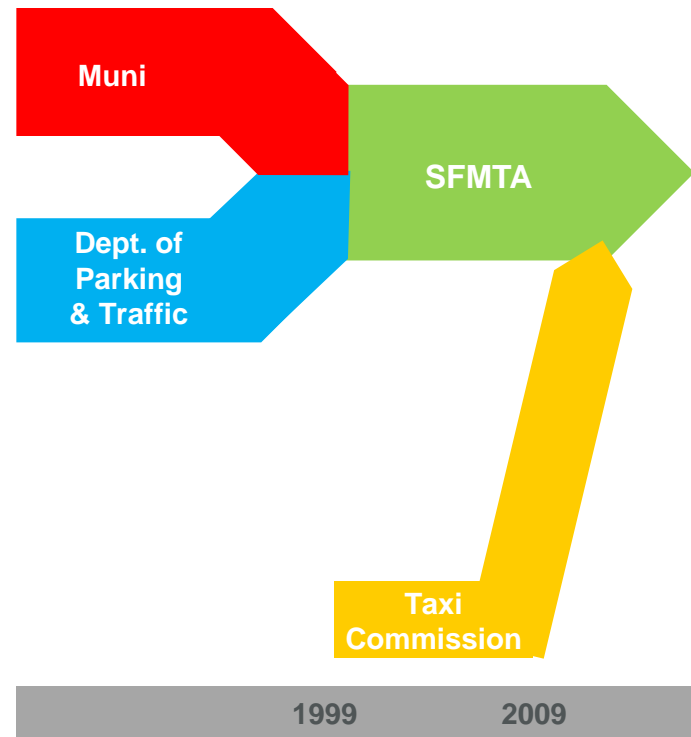


SFMTA Board of Directors
November 15, 2022

Kate Toran, Director of Taxis, Access & Mobility Services
Jonathan Rewers, Chief Strategy Officer

Board of Appeals History

- ❖ Until 2007, the Board of Appeals had jurisdiction under the City Charter to hear appeals of taxi permitting decisions
- ❖ Proposition A passed in 2007 and granted the SFMTA exclusive authority over the regulation of taxis
- ❖ The Board of Supervisors adopted Ordinance No. 308-08, abolishing the Taxi Commission in 2008
- ❖ Taxis joined the SFMTA in 2009, operating under the regulatory framework established by the SFMTA Board: Article 1100 of the Transportation Code
- ❖ Article 1100 sets standards for taxi permit issuance and provides a structured hearing process for permit holders & applicants



Board of Appeals History, continued

- ❖ In 2013, the SFMTA and the Board of Appeals negotiated a Memorandum of Understanding (MOU) intended to memorialize the SFMTA's consent to the Board of Appeals' exercise of jurisdiction over appeals from taxi permit decisions issued by the SFMTA's Hearing Section.
- ❖ The **MOU was never executed**, instead the SFMTA and Board of Appeals developed an **informal arrangement** that allowed the Board of Appeals to continue hearing appeals of taxi permit decisions
- ❖ The Board of Appeals website states: *"S.F. Charter Article VIII A grants SFMTA exclusive authority over matters within its jurisdiction. Therefore, appeals of SFMTA decisions may be heard by the Board only with the consent of SFMTA and upon acceptance of the appeal by the Board."*

Hearing Statistics

- ❖ The number of hearings in any given time period depends on enforcement activity
- ❖ The Taxi Enforcement team began a concerted enforcement effort over the past few years to ensure permit holders are in compliance with Transportation Code requirements
- ❖ 316 notices of non-renewal sent to non-compliant medallion holders in 2020
- ❖ 49 appeals filed to the Hearing Section
 - ❖ 32 default decisions due to permit holder's failure to appear
 - ❖ 17 hearings heard: 13 decisions upheld SFMTA's action and 4 decisions overturned SFMTA action
 - ❖ 8 appeals were subsequently filed before the Board of Appeals: SFMTA prevailed twice, twice did not prevail, 3 appeals are still pending and 1 appeal was settled prior to the hearing

Permit Harmonization: Appeals Process

- ❖ In 2019, SFMTA staff began a Permit Harmonization process to align the various permit processes
- ❖ Staff identified the need to propose amendments for SFMTA Board consideration to reorganize aspects of Division II of the Transportation Code to provide a consistent regulatory framework that streamlines SFMTA's permit programs, including application and appeals processes
- ❖ Appeals for taxi permit decisions have been misaligned with all other SFMTA appeals because of the duplicative, two-step process:
 1. SFMTA Hearing
 2. Board of Appeals Hearing

Taxi Appeals Process

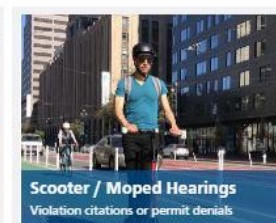
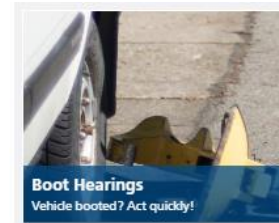
- ❖ There is no affirmative right for taxi permit decisions to be heard by the Board of Appeals
- ❖ To align the taxi appeals process with other appeals at SFMTA, the Director of Transportation discontinued the informal practice of allowing taxi permit decisions to be appealed to the Board of Appeals in September 2022, while allowing for the completion of pending appeals
- ❖ Staff is requesting amendments to the Transportation Code to remove inapplicable references to the Board of Appeals and to clarify that a decision by the Hearing Officer is the final administrative decision
- ❖ Taxi permit **decisions remain appealable** to the Hearing Section

Administrative Hearing Section

The Administrative Hearing Section is an **independent, neutral body, that is separated** from the rest of the SFMTA by an **ethical wall.**

Hearing Officers are required by law to be **independent, objective, fair and impartial.**

The Hearing Section works collaboratively to mete out justice as even-handedly as courteously as possible while following the provisions of the law, and does **so without input or interference from Agency management**



Administrative Hearing Section

Hearings conducted on protested matters:

Streets

- ❖ Parking Citations
- ❖ Towed Vehicles
- ❖ Immobilized vehicles (Booted)
- ❖ Safe Paths of Travel (SPOT) citations
- ❖ Facilitation of Engineering Public Hearings for proposed parking and traffic changes

Transit

- ❖ Muni Accessibility Reviews
- ❖ Transit Violation Citations

TAMS

- ❖ Appeals of Scooter Permit Application
- ❖ Administrative citations issued to Scooter, E-bike and Commuter Shuttle companies
- ❖ Taxi Issues:
 - ❖ Permit revocation/suspension
 - ❖ Application denials
 - ❖ Administrative citations issued to Taxi permit holders and unpermitted drivers

Administrative Hearing Section

How do we ensure the **independence** of the Hearing Officers when conducting hearings?

- ❖ There is an “ethical wall” between *decisions/actions* of the SFMTA and *appeals*.
- ❖ The *ethical wall* includes:
 - ❖ **Separate City Attorney advice** – City Attorney’s Office has 2 different sets of counsel who advise the SFMTA and the Hearing Officers (including ethical screen within the CAO’s office for due process matters)
 - ❖ **No interference** by the Director of Transportation
 - ❖ The **Manager of Administrative Hearings** reports to the Chief Financial Officer (CFO).
 - ❖ The **CFO is a part of a separate division - Finance and Technology**, and not a part of Streets, TAMS, Transit, Safety, HR

Questions

