

**THIS PRINT COVERS CALENDAR ITEM NO. : 10.5**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Taxis and Accessible Services

**BRIEF DESCRIPTION:**

Requesting that the Board of Directors amend Transportation Code Division II, Article 1100, Sections 1103, 1108, 1113, 1114 and 1118 to remove the ban on taxi wrap advertising, eliminate the requirement that drivers display metal badges and color scheme identification cards, require drivers to display their A-Card on the outside of their clothing, require drivers to give passengers their A-Card number rather than their badge number upon request, update the schedule of taxi-related fines to reflect that change, remove outdated language regarding paper waybills and correct inaccurate Code references.

**SUMMARY:**

- Staff is recommending creating, amending or deleting sections of the Transportation Code to help promote public safety and customer service.
- The prohibition on vehicle wrap advertising has been determined to serve no regulatory purpose.
- The SFMTA has recently issued new driver A-Cards. These A-Cards identify the driver by name, photograph, and unique identifier, and functions as both the taxi driver identification card and the SFO Smart Card. This legislation would require that the A-Card be worn on the outside of the drivers' clothing and be provided to customers.
- This legislation also corrects numbering errors in the Code.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Transportation Code Amendments

**APPROVALS:**

**DATE**

DIRECTOR \_\_\_\_\_

11/7/15

SECRETARY \_\_\_\_\_

11/7/15

**ASSIGNED SFMTAB CALENDAR DATE:** November 17, 2015

## **PAGE 2**

### **PURPOSE**

Requesting that the Board of Directors amend Transportation Code Division II, Article 1100, Sections 1103, 1108, 1113, 1114 and 1118 to remove the ban on taxi wrap advertising, eliminate the requirement that drivers display metal badges and color scheme identification cards, require drivers to display their A-Card on the outside of their clothing, require drivers to give passengers their A-Card number rather than their badge number upon request, update the schedule of taxi-related fines to reflect that change, remove outdated language regarding paper waybills and correct inaccurate Code references.

### **GOAL**

Goal 1: Create a safer transportation experience for everyone.

Objective 1.3: Improve the safety of the transportation system.

Goal 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.

Goal 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.

Goal 4: Create a workplace that delivers outstanding service.

Objective 4.4: Improve relationships and partnerships with our stakeholders.

### **DESCRIPTION**

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

As part of that mandate, SFMTA's Taxis and Accessible Services strives to ensure that San Francisco taxicab industry is appropriately regulated. This mandate includes creating, amending or deleting sections of the Transportation Code to help promote public safety and customer service.

Staff is proposing to remove the language in Transportation Code Section 1113(i)(6) prohibiting taxicab vehicle wrap advertising. Staff has determined this prohibition on vehicle wrap advertising to be unnecessary from a regulatory perspective. It is important to note that the language in Transportation Code Section 1113 preventing advertising from interfering with any signage or equipment related to safety will remain, and advertising or signage may not be affixed to the taxicab in a way that obscures taxicab identifying information.

## **PAGE 3**

In addition, staff is proposing to eliminate the current badge and the color scheme identification card and replace it with the new driver A-Card. The SFMTA has recently issued new driver A-Cards, in conjunction with San Francisco International Airport (SFO), to all taxi drivers. These new A-Cards identify the driver by name, photograph, and unique identifier, and function as both the taxi driver identification card and the SFO Smart Card, which allows taxi drivers to load value and pay for access to the taxicab lots at SFO. As the new A-Card displays a unique identifier, which is currently required on the driver badge, and the driver's photo, which is currently required on the color scheme identification card, it removes the need for these two additional cards. Staff is also proposing that the language in Transportation Code 1108(a)(1) be updated to require that the A-Card be worn on the outside of the drivers' clothing, and that language in Transportation Code 1113(b)(2) be changed to require that the A-Card identification number be provided to a passenger upon request.

As part of on-going review of the Transportation Code 1114(b)(4), staff is also proposing to remove outdated language regarding paper waybills.

Finally, staff is proposing to correct the Transportation Code in places where it references Section 1103(c)(2)(F) inaccurately. The references to this section are intended to relate back to the criminal background requirements that must be met in order to obtain a taxicab permit. However, by referring to sub-section (F), those references in the Code are actually referring to a subsection related to age requirements which reads as follows:

(F) Have attained the age of 21.

The proper code reference is to Transportation Code 1103(c)(2)(E) which reads:

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

This is an unintentional clerical error that should be resolved to retain consistency and eliminate confusion.

## **PUBLIC OUTREACH**

In a continuing effort to remain open and transparent to the industry, staff discussed these issues before the industry in Color Scheme meetings, Taxi Task Force meetings, and various subcommittee meetings beginning in July of 2015, and solicited feedback.

**PAGE 4**

**ALTERNATIVES CONSIDERED**

The alternative for not eliminating the taxicab vehicle wrap advertising would be to continue the current ban, which serves no regulatory purpose.

The alternative to not eliminating the badge and color scheme identification card requirement would be to require drivers to maintain three separate identification cards, which provides no regulatory benefit.

**FUNDING IMPACT**

By amending the Transportation Code to remove the prohibition against Taxi Wraps, the industry will begin increasing their own revenue sources based on their choices in advertising.

**ENVIRONMENTAL REVIEW**

On October 23, 2015, the Municipal Transportation Agency determined that the proposed Transportation Code amendments related to the removal of the ban on taxi wrap advertising, the elimination of the requirement that drivers display metal badges and color scheme identification cards, the requirement that drivers to display their A-Card on the outside of their clothing, the requirement that drivers provide passengers their A-Card number rather than their badge number upon request, the update of the schedule of taxi-related fines to reflect that change, and the correction of inaccurate Code references are not a “project” for purposes of environmental review under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15060(c).

The Agency’s determination is on file with the Secretary to the SFMTA Board of Directors.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

None

The City Attorney has reviewed this calendar item.

**RECOMMENDATION**

Requesting that the Board of Directors amend Transportation Code Division II, Article 1100, Sections 1103, 1108, 1113, 1114 and 1118 to remove the ban on taxi wrap advertising, eliminate the requirement that drivers display metal badges and color scheme identification cards, require drivers to display their A-Card on the outside of their clothing, require drivers to give passengers their A-Card number rather than their badge number upon request, update the schedule of taxi-related fines to reflect that change, remove outdated language regarding paper waybills and correct inaccurate Code references.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS  
RESOLUTION No. \_\_\_\_\_

WHEREAS, The SFMTA's Taxis and Accessible Services Division is responsible for the regulation of the private businesses that make up the San Francisco taxi industry, including qualifying and licensing permit holders, monitoring regulatory compliance, and administering discipline for regulatory violations; and,

WHEREAS, The SFMTA is proposing to end the prohibition on wrap advertising for taxicabs; and,

WHEREAS, badges and color scheme identification cards have become obsolete because the new driver A-Card includes a unique identifier and the driver's photo; and,

WHEREAS, The SFMTA is proposing to eliminate the requirement for drivers to display badges and color scheme identification cards, and proposing drivers be required to display their A-Card on the outside of their clothing; and,

WHEREAS, The SFMTA is proposing that drivers be required to give passengers their A-Card number rather than their badge number upon request, and proposing to update the schedule of taxi-related fines to reflect that change; and,

WHEREAS, The SFMTA is proposing additional amendments to remove outdated language regarding paper waybills and correct inaccurate Code references; and,

WHEREAS, The proposed amendments to Transportation Code Division II do not constitute a project under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15060(c); and,

WHEREAS, A copy of this determination is on file with the Secretary for the SFMTA Board of Directors; now, therefore be it

RESOLVED, That the Board of Directors amend Transportation Code Division II, Article 1100, Sections 1103, 1108, 1113, 1114 and 1118 to remove the ban on taxi wrap advertising, eliminate the requirement that drivers display metal badges and color scheme identification cards, require drivers to display their A-Card on the outside of their clothing, require drivers to give passengers their A-Card number rather than their badge number upon request, update the schedule of taxi-related fines to reflect that change, remove outdated language regarding paper waybills and correct inaccurate Code references.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 17, 2015.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

RESOLUTION #

[Transportation Code – Taxi Wrap Advertising, Driver Identification]

**Resolution amending the Transportation Code to delete the requirement that Drivers display an SFMTA-issued badge and a color scheme identification card, to require Drivers instead to display their A-Cards, and to change the schedule of fines to be consistent with that change; to remove the ban on taxi wrap advertising; to remove outdated language re paper waybills; and to correct incorrect internal references to other Code sections.**

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

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

Section 1. Article 300 of Division II of the Transportation Code is hereby revised 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.

<b>TRANSPORTATION CODE SECTION</b>	<b>DESCRIPTION</b>	<b>FINE AMOUNT Effective July 1, 2014</b>	<b>FINE AMOUNT Effective July 1, 2015</b>
--	--------------------	---	---

\* \* \* \*

<b>CONDITIONS APPLICABLE TO DRIVER PERMITS</b>			
Div II § 1108(c)	Color Scheme affiliation	\$6.00 per day	\$6.00 per day
Div II § 1108(a)	Driver identification	\$82.00	\$85.00
Div II § 1108(d)(2)	Duties at beginning of shift	\$82.00	\$85.00
Div II § 1108(d)(3)	Designated items in vehicle	\$82.00	\$85.00

<b>TRANSPORTATION CODE SECTION</b>	<b>DESCRIPTION</b>	<b>FINE AMOUNT Effective July 1, 2014</b>	<b>FINE AMOUNT Effective July 1, 2015</b>
Div II § 1108(e)(2)	Transporting passenger property	\$82.00	\$85.00
Div II § 1108(e)(5)	Loading and unloading assistance	\$82.00	\$85.00
Div II § 1108(e)(8)	Additional passengers	\$82.00	\$85.00
Div II § 1108(e)(10)-(12)	Mobile telephones; Other audible devices	\$82.00	\$85.00
Div II § 1108(e)(18)- (20), (22)	Driver duties re fares	\$82.00	\$85.00
Div II § 1108(e)(26)	Loose items	\$82.00	\$85.00
Div II § 1108(e)(27)	Trunk and/or baggage area	\$82.00	\$85.00
Div II § 1108(e)(31)	Clean in dress and person	\$82.00	\$85.00
Div II § 1108(e)(32)	Taximeter violation	\$82.00	\$85.00
Div II § 1108(e)(33)	Drinking or eating in vehicle	\$82.00	\$85.00
Div II § 1108(e)(33)	Smoking in vehicle	\$250.00	\$258.00
Div II § 1108(f)(1)-(3)	Duties at end of shift	\$82.00	\$85.00
Div II § 1114(b)(2)	<del>Badge</del> Driver A-Card	\$82.00	\$85.00
Div II § 1114(b)(3)	Medical certificate	\$82.00	\$85.00
Div II § 1108(e)(4)	Service animals or contained animals	\$164.00	\$169.00
Div II § 1108(d)(1)	Safety check	\$164.00	\$169.00
Div II § 1108(e)(1)	Refusal to convey	\$164.00	\$169.00
Div II § 1108(e)(7)	Servicing dispatch calls	\$164.00	\$169.00
Div II § 1108(e)(9)	Splitting fares	\$164.00	\$169.00
Div II § 1108(e)(16)	Requesting gratuities	\$164.00	\$169.00
Div II § 1108(e)(17)	Audio/visual communication device	\$164.00	\$169.00
Div II § 1108(e)(24)	Found property	\$164.00	\$169.00
Div II § 1124(d)	Accept credit card; Passenger payment choice	\$164.00	\$169.00
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)(13)	Use of Dispatch Service; log in/out	\$164.00	\$169.00
Div II § 1108(e)(39)	Failure to activate meter	\$164.00	\$169.00
Div II § 1108(e)(14)	Reckless or dangerous driving	\$164.00	\$169.00

<b>TRANSPORTATION CODE SECTION</b>	<b>DESCRIPTION</b>	<b>FINE AMOUNT Effective July 1, 2014</b>	<b>FINE AMOUNT Effective July 1, 2015</b>
Div II § 1108(e)(15)	Ramp Taxi rules	\$164.00	\$169.00
Div II § 1108(e)(29)	Threats and abuse	\$164.00	\$169.00
Div II § 1108(e)(35)-(37)	Paratransit Debit Card	\$164.00	\$169.00
Div II § 1124(c)(5)	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 § 1103(c)(3)(A0 <del>2</del> )	Criminal convictions	\$544.00	\$561.00
Div II § 1108(b)	Controlled substances	\$544.00	\$561.00
Div II § 1108(e)(38)	Tampering with equipment	\$544.00	\$561.00

\* \* \* \*

Section 2. Article 1100 of Division II of the Transportation Code is hereby revised by amending Section 1103, to read as follows:

**SEC. 1103. PERMIT APPLICATIONS AND RENEWAL.**

\* \* \* \*

(c) Additional Requirements Applicable to Driver Permit Applications.

\* \* \* \*

(3) Renewal of Driver's Permits.

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

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

(C) Lapse of Active Permit Status; New Application; A-Card Seniority. A Driver Permit Holder who fails to renew his or her Driver Permit within the deadline for renewal set by the SFMTA may renew his or her Driver Permit upon submission of a new



Driver Permit application and completion of all requirements for a new Driver Permit. If the Driver Permit Holder submits the new Driver Permit application and completes the requirements within two years of the renewal deadline, or prior to January 1, 1995, he or she shall retain A-Card Seniority based on the original issuance date of the Driver Permit. If, on or after January 1, 1995, the Driver Permit Holder submits a new Driver Permit application and completes the requirements more than two calendar years after the renewal deadline, he or she shall have an A-Card Seniority date as of the date of the most recent Driver Permit.

\* \* \* \*

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

SEC. 1108. CONDITIONS APPLICABLE TO DRIVER PERMITS.

(a) Driver Identification. Upon issuance of a Driver Permit, the SFMTA will issue to each Driver ~~a~~ the following identification:

(1) ~~—~~ Driver Permit Card (A-Card). Every Driver shall conspicuously display ~~carry~~ his or her A-Card on the outside of his or her clothing at all times while operating a Motor Vehicle for Hire, and shall provide the A-Card for inspection upon request by the SFMTA or any peace officer. The A-Card shall be worn only by the Driver to whom it is issued.

(2) ~~—~~ Badge with the Permit Number. Every Driver shall ~~display a SFMTA issued badge constantly and conspicuously displayed on the outside of the Driver's clothing and jacket at all times while operating or in possession of a Taxi or Ramp Taxi. The badge shall only be worn by the Driver to whom the badge is issued.~~

(3) ~~—~~ Color Scheme Identification Card. ~~A Driver's Color Scheme Identification Card, which must bear a photograph of the Driver, must be displayed conspicuously at all times in any Motor Vehicle for Hire that the Driver is operating in a manner that the badge number printed on the card is easily visible to any passenger in the vehicle.~~

\* \* \* \*

(e) Driver Duties During Shift.

\* \* \* \*

(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~~ A-Card identification number, the Vehicle Number, the Medallion number, and the amount of the fare.

\* \* \* \*

Section 4. Article 1100 of Division II of the Transportation Code is hereby revised by amending Section 1113, to read as follows:

SEC. 1113. TAXI AND RAMP TAXI EQUIPMENT REQUIREMENTS.

\* \* \* \*

(d) Interior Display of Information. Every Taxi or Ramp Taxi shall have the following items in the interior of the vehicle in a place clearly visible to passengers and in a format approved by the SFMTA:

\* \* \* \*

~~(4) Driver Identification. A holder for a Color Scheme Identification Card.~~

\* \* \* \*

(i) Signage, Advertising and Displays. Advertising or other displays on the exterior or interior of a taxi:

(1) May not impede the Driver's vision in any way.

(2) May not cover any vehicle identifiers required by law or regulation.

(3) May not cover any portion of the license plate of the vehicle.

(4) May not interfere with vehicle operation, including but not limited to the tire inflation valve or any wheel balancing dynamics. Defects in any portion of the wheel must be remedied before any advertisement or other display is affixed to the wheel.

(5) May not interfere with any safety features of the vehicle or present a safety hazard to passengers.

~~(6) Vehicle wrap advertising, whether partial or full, is not allowed on a Taxi or Ramp Taxi vehicle.~~

\* \* \* \*

Section 5. Article 1100 of Division II of the Transportation Code is hereby revised by amending Section 1114, to read as follows:

SEC. 1114. RECORDS AND REPORTING REQUIREMENTS APPLICABLE TO PERMIT HOLDERS.

\* \* \* \*

(b) Additional Requirements Applicable to Drivers.

(1) Receipts for Fare to be Delivered to Passenger. All Drivers shall provide a receipt for fare paid upon the demand of any passenger.

(2) ~~Badge~~ A-Card Identification Number. Each Driver shall provide his or her ~~badge~~ A-Card identification number to any passenger upon request.

(3) Medical Examination Certificates. The Driver shall retain the original report or certification completed by the examining physician or laboratory following any physical examination required by this Article, and shall file a copy of the report or certification with the SFMTA.

~~(4) Waybills.~~

~~(A) Until April 30, 2013, Drivers at Color Schemes that are not affiliated with a Dispatch Service that provides Electronic Trip Data shall be required to create a paper waybill for each shift, which shall include the date of the trip, the Driver's name and badge number, the medallion number and vehicle license number, the starting and ending mileage for each shift, the number of passengers on each trip, and the origin, destination and meter total for each trip. Such paper waybills~~

~~shall be signed by the Driver at the conclusion of the shift and shall be mechanically or electronically time stamped at the beginning and end of each shift.~~

~~(B) — After April 30, 2013, no Driver shall be required to create paper waybills. Drivers shall continue to be responsible for maintaining certain manual documentation for regulatory purposes as required elsewhere in this Article, including but not limited to, documenting non-Paratransit Debit Card wheelchair using customers, recording any trip information that the Driver may need to substantiate his or her position with respect to any incident occurring in the Taxi, and manually entering onto the meter the medallion number at the beginning of each shift, and the number of passengers for each fare.~~

\* \* \* \*

(f) Additional Requirements Applicable to Dispatch Services.

\* \* \* \*

(4) Reports of Found Property.

(A) Receipt to Drivers. Every Dispatch Service Permit Holder shall issue a receipt to the Driver for any Found Property located in an affiliated Taxi or Ramp Taxi and provided to the Dispatch Service.

(B) Return to Owner. Every Dispatch Service Permit Holder shall endeavor to return Found Property to its rightful owner. If after 2 business days the owner cannot be located, the Dispatch Service Permit Holder shall give the property to SFMTA with a receipt that includes an inventory of the property, the date it was turned in, the name or ~~badge~~ A-Card identification number of the Driver who turned it in and the Vehicle Number of the vehicle in which it was found.

(C) Property Log Book. Every Dispatch Service Permit Holder shall maintain at the principal place of business a log book in a form approved by the SFMTA which records the date, time, vehicle number, Driver by name or ~~badge~~ A-Card identification number,

Incident Report Number (if applicable), description and disposition of the property. The log book shall be retained for a minimum period of one year.

(D) Weekly Property Report to SFMTA. On the first business day of each week, each Dispatch Service Permit Holder shall fax or email to the SFMTA a copy of all entries made in the property log for the previous week. Those Dispatch Services having no entries for that week will fax or email a notice advising the SFMTA that no property was turned in. Dispatch Service Permit Holders shall account for all affiliated Color Schemes.

\* \* \* \*

Section 6. Article 1100 of Division II of the Transportation Code is hereby revised by amending Section 1118, to read as follows:

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

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

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

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

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

\* \* \* \*

Section 7. 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. [If the operative date of the ordinance is different than the effective date, then note the operative date in this section and change the title of the section to "Effective and Operative Dates," or note the operative date elsewhere in the ordinance.]

Section 8. 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 M. 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 November 17, 2015.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency