

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 230418-033

WHEREAS, The San Francisco Charter provides the San Francisco Municipal Transportation Agency (SFMTA) with exclusive jurisdiction over taxi matters, including appeals; and,

WHEREAS, Once the SFMTA adopted regulations over taxi matters, including the process for appealing certain permit decisions, unless SFMTA agrees otherwise, those regulations override any conflicting provisions of City law, including the Board of Appeals' appellate authority over permits in Charter Section 4.106; and,

WHEREAS, San Francisco taxi permittees who receive a notice of denial, nonrenewal, revocation or summary suspension of their permit may appeal that decision by requesting a hearing through the SFMTA's Hearing Section; and,


WHEREAS, prior to ending the informal practice of allowing taxi related matters to be heard by the Board of Appeals, SFMTA wants to remove references to the Board of Appeals from the Transportation Code; and,

WHEREAS, On September 29, 2022, the SFMTA, under authority delegated by the Planning Department, determined that the proposed amendment to Transportation Code, Division II, Article 1100 – remove references to the Board of Appeals is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Section 15060(s) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; now, therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amend Transportation Code, Division II, Article 1100, Section 1119- 1121.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of April 18, 2023.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Regulation of Motor Vehicles for Hire]

Resolution amending the Transportation Code to modify the administrative hearing procedures applicable to motor vehicle for hire permits issued under Article 1100.

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 revising Sections 1119 - 1121 to read as follows:

SEC. 1119. ADMINISTRATIVE FINES ASSESSED AGAINST NON-PERMIT HOLDERS.

* * * *

(d) **Right to Judicial Review.** A decision of a Hearing Officer made under ~~this~~ Sections 1119, 1120, or 1121 is a final administrative decision. The person or entity cited may obtain judicial review of the administrative decision by filing a petition for review in accordance with California Code of Civil Procedure Sections 1094.5 and 1094.6.

SEC. 1120. ADMINISTRATIVE HEARINGS.

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(h) **Settlement.**

(1) After issuance of an SFMTA Complaint, Notice of Nonrenewal, Inactive Status under Section 1103(b)(4), or Summary Suspension, or a Citation issued under Section 1119(a) or for a violation listed under Section 1118(a), the

SFMTA may enter into a settlement with the Respondent or person cited. The parties may reach a settlement before, during, or after the hearing, but may not enter into a settlement after the Hearing Officer issues the Notice of Decision in accordance with subsection (e)(2).

(2) A settlement need not be read into the record of the hearing, or approved by the Hearing Officer, but must be reduced to writing, and signed and dated by the SFMTA and Respondent or Respondent's legal counsel or other authorized representative.

(3) By entering into a settlement agreement, ~~Respondent waives any right to appeal to the City's Board of Appeals, and~~ Respondent waives any right to seek judicial review with respect to the subject of the settlement agreement.

* * * *

(k) **Right to Judicial Review.** A decision of a ~~H~~Hearing Officer made under Sections 1119, 1120, or 1121 is a final administrative decision. The person or entity cited may obtain judicial review of the administrative decision by filing a petition for review in accordance with California Code of Civil Procedure Sections 1094.5 and 1094.6.

SEC. 1121. SUMMARY SUSPENSION OF PERMIT FOR HEALTH OR SAFETY REASONS.

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(c) **Appeal.** If the Permittee ~~appeals a~~ seeks judicial review of the Hearing Officer's decision upholding a summary suspension ~~to the Board of Appeals,~~ the summary suspension shall remain in effect until a final decision is issued by the court ~~Board of Appeals.~~ Where a permit is revoked after a summary suspension, the revocation shall be effective immediately and, if the Permittee seeks judicial review ~~appeals to the Board of Appeals,~~ shall remain in effect until a final decision is issued by the court ~~Board of Appeals.~~

Section 2. Effective Date. This resolution shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this resolution.

Section 3. Scope of Resolution. In enacting this resolution, 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 resolution as additions or deletions in accordance with the "Note" that appears under the official title of the resolution.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: Stephanie Stuart
STEPHANIE STUART
Deputy City Attorney

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Secretary to the Board of Directors
San Francisco Municipal Transportation Agency