

Scooter Permit Appeal Hearing Procedures

The SFMTA Hearing Section appointed Hearing Officer James Doyle to hear and decide this case. Under Section 916(e)(1) of the Transportation Code and the Procedures for Review of Powered Scooter Share Permit Denials, Permits Granted with Modifications and Permit Revocations (“Procedures”), the Hearing Officer issues the following additional procedures that will apply to this matter.

Pre-Hearing Statements

Under the Procedures, the parties may submit Pre-Hearing Statements in support of their positions no less than 10 calendar days prior to the hearing. Any Pre-Hearing statement must be served on the opposing party, and three hard copies must be provided to the Hearing Section. The Pre-Hearing Statement may include:

- A statement of the facts of the case;
- Legal argument and citation to legal authority in support of the party’s position;
- An attached numbered list of documents that the party will present at the hearing; and
- A copy of each document the party will present at the hearing.

The Appellant shall mark its documents as Exhibit A, Exhibit B, *etc.* SFMTA shall mark its documents as Exhibit 1, Exhibit 2, *etc.*

As required by the Procedures, a party that intends to introduce witness testimony shall provide a witness list including a summary of the witness’s testimony, which must be delivered to the Hearing Section at least five business days prior to the hearing. Witness lists may be delivered by email.

Hearing Record and Procedure

It is expected that the hearing will be conducted in one session. A maximum of 75 minutes of total hearing time is allocated for each party. Additionally, each party will be allocated five minutes for an opening statement, and the Appellant will be allocated an additional 5 minutes for rebuttal closing argument because it bears the burden of proof in this matter. Please note that this is a maximum, and that a party may use less time. Each party may use the 75 minutes of allocated hearing time for examination of witnesses – including cross examination – and for closing argument, as the party deems appropriate. The hearing clerk will keep a running count of each party’s time, but it is the parties’ responsibility to determine how they will allocate it.

If either party believes they will need additional time to present their case, the party may submit a written request to the Hearing Section stating good cause by close of business 7 calendar days before the hearing date.

The hearing shall be open to the public and shall be tape-recorded. Any party to the hearing may, at that party’s expense, cause the hearing to be transcribed by a certified court reporter.

Oral public comment will not be permitted. Any member of the public may submit written comment to the Hearing Section no later than two days prior to the hearing date.

Please be advised that the City Attorney’s Office has assigned Deputy City Attorney Brad Russi of the Government Team, to assist the Hearing Officer. Because the Hearing Officer is acting in a quasi-judicial capacity in this proceeding, neither the Hearing Officer nor the City Attorney

staff assisting him may share information about the case with any of the parties to the proceeding, other than as would be appropriate between a court and the opposing counsel appearing before it, and as would be appropriate at a hearing where all parties are present. Thus, although another deputy city attorney may represent or assist SFMTA in this hearing, this SFMTA deputy city attorney has not and will not separately share information about the case with the deputy city attorney advising the Hearing Officer or vice versa.

Contact Information

If you have questions about this process, please contact Teresa Moran, SFMTA Administrative Hearings Manager - Telephone (415) 646-2026, email: teresa.moran@sfmta.com, 1 South Van Ness Avenue, Room 6180, San Francisco, CA 94103. *Do not contact the Hearing Officer directly.*

Pre-hearing submissions shall be submitted to Teresa Moran, Manager, Administrative Hearings, at the above-stated mailing or email address.