

**Resolution amending Transportation Code Sections 1104, 1108, 1109 and 1114 to (1) require each Color Scheme, by December 31, 2012, to implement or affiliate with a Dispatch Service that has implemented a system for generating electronic trip data; (2) relieve Drivers of the obligation of submitting paper waybills as of December 31, 2012, or earlier upon notification from SFMTA that the Color Scheme for which he or she drives has implemented or affiliated with a Dispatch Service that has implemented a system for generating electronic trip data; and (3) require that Color Schemes provide Drivers with electronic trip data.**

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 amending Section 1104, to read as follows:

**SEC. 1104. ELIGIBILITY.**

(a) Determination of Eligibility. Each application shall be investigated by the SFMTA to determine the applicant's eligibility pursuant to the factors listed herein. The SFMTA, in determining whether the permit should be granted, may consider such facts as it deems pertinent, but shall at least consider the following factors:

(1) The applicant's compliance with all applicable statutes, ordinances and regulations. If, during the five years prior to application, an applicant has violated any statute,

ordinance or regulation which would be a basis for revocation of the permit, the SFMTA may, in its discretion, refuse to issue the permit.

(2) The record of the applicant for the preceding five years with regard to any other permits issued for the commercial operation of a motor vehicle for the transport of passengers, either in the City or elsewhere.

(3) Any prior convictions of a crime that would, in the judgment of the SFMTA, present a risk to public safety if a permit is granted ~~or renewed~~, 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.

(b) Burden of Proof on Applicant. A permit applicant shall have the burden of proving that the applicant meets all requirements for a permit.

(c) Eligibility for a Medallion.

(1) Applicants for a Taxi or Ramp Taxi Medallion must meet the eligibility requirements listed in Section 1103(c)(2)(A) through 1103(c)(2)(H) and be in compliance with any Controlled Substance Testing Program adopted by the SFMTA Board.

(2) Each applicant for a Taxi or Ramp Taxi Medallion shall submit all completed application materials, including ~~paper~~ Waybills ~~and/or electronic trip data and forms~~, and take any written, oral or practical examination required by the SFMTA within 45 calendar days of the date of the notice informing the applicant of the availability of a Medallion.

(3) Before issuing a Taxi or Ramp Medallion, in addition to all other eligibility requirements, the SFMTA must determine that the applicant has been a Full-Time Driver during four of five consecutive calendar years. At the applicant's election, the five years that the SFMTA considers may be either the five full calendar years immediately preceding the hearing, or the four full calendar years immediately preceding the hearing and the partial calendar year in which the hearing is held. The Full-Time Driving requirement for the year in which the application is heard may not be pro-rated for the purpose of determining whether to grant the application. This requirement of Full-time Driving for four of five consecutive years may only be satisfied by driving a Taxi or Ramp Taxi for which a permit has been issued by the SFMTA. ~~Written Paper~~ Waybills completed in compliance with Section 1109(c)(5), electronic trip data, or other corroborating documentary evidence, may be used to establish eligibility for a Medallion for the purposes of this Section.

(4) No applicant for a Taxi or Ramp Taxi Medallion shall be eligible to receive a Medallion if he or she holds a Medallion as an individual or if he or she is a shareholder in a corporation that holds one or more Medallions.

(d) Eligibility for a Ramp Medallion. The SFMTA shall not issue a Ramp Taxi Medallion to an applicant unless the applicant provides written documentation of the following requirements:

(1) The applicant has been a Full-Time Driver of a Ramp Taxi during the 12 months immediately preceding the applicant's submittal of completed application materials pursuant to Section 1104(c)(2).

(2) The applicant has completed at least 156 wheelchair pickups in the City as a Ramp Taxi Driver during the 12 months immediately preceding the permit hearing. At least 100 of the required 156 wheelchair pickups must be customers of the Paratransit Program as established by reports of usage of San Francisco paratransit debit cards.

(3) The applicant has satisfactorily completed training for operation of a Ramp Taxi in compliance with SFMTA requirements.

(4) The applicant has been interviewed through a process approved by the Paratransit Coordinating Council.

(5) SFMTA certification of satisfactory aptitude and attitude necessary for a Ramp Taxi Medallion Holder.

(6) The applicant is affiliated with a Color Scheme in compliance with, and agrees to operate said permit at all times subject to, the regulations of the SFMTA's Paratransit Program.

(e) Eligibility for a Single Operator Part-time Taxi Medallion. The applicant must receive a passing score on a test administered by the SFMTA in accordance with Section 1103(e).

Section 2. Article 1100 of Division II of the Transportation Code is hereby amended by amending Sections 1108-1109, 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 the following identification:

(1) Driver Permit Card (A-Card). Every Driver shall carry his or her A-Card 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 or passenger.

(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 Motor Vehicle for Hire. The badge shall only be worn by the Permit Holder to whom the badge is issued.

(3) Color Scheme Identification Card. A Driver's Color Scheme Identification Card 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.

(b) Renewal of Driver's Permits.

(1) Driver Permits shall be re-issued annually upon the payment of the applicable Renewal Fee.

(2) Controlled Substance Testing Program: Reserved.

(3) Drivers have an affirmative duty to report any criminal convictions which would be a basis for denying a permit pursuant to Section 1103(c)(2)(F). 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)(F).

(4) Controlled Substances.

(A) No Driver may operate a Motor Vehicle for Hire while his or her driving ability is impaired by any controlled substance, as defined in 21 CFR 1308.01 et seq. including prescription drugs. No Driver may consume or be under the influence of any intoxicating substance while operating a Motor Vehicle for Hire.

(B) Drivers shall maintain a drug and alcohol-free workplace and shall not sell, use, or possess alcohol or controlled substances, as defined in 21 CFR 1308.01 et seq., while operating a Motor Vehicle for Hire or at the Color Scheme's place of business.

(5) 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, he or she shall retain A-Card Seniority based on the original issuance date of the Driver Permit. A Driver Permit Holder who fails to renew by the renewal deadline and fails to submit a new Driver Permit application and complete the requirements within two calendar years after the renewal deadline may likewise apply for a new Driver Permit, but he or she shall have an A-Card Seniority date as of the date of the most recent Driver Permit.

(c) Notification to SFMTA of Change of Affiliation with Color Scheme.

(1) All Drivers must notify the SFMTA at least three business days prior to the effective date of any change of affiliation with a Color Scheme. No Driver may affiliate with a Color Scheme that is on administrative probation pursuant to Section 1118(g).

(2) In accordance with California Government Code Section 53075.5(b)(1)(B), a Driver's Permit shall be suspended for any period during which the Driver is not affiliated with a Color Scheme.

(3) A Driver shall return his or her Color Scheme Identification Card to the Color Scheme 30 calendar days after terminating affiliation with the Color Scheme, and shall return his or her A-Card to the SFMTA 30 calendar days after terminating affiliation with the Color Scheme if by that date the Driver has not yet affiliated with a new Color Scheme.

(d) Driver Duties at Beginning of Shift.

(1) A Driver is required to perform a safety check on a Motor Vehicle for Hire prior to placing it in operation. The Driver is responsible for ensuring that all equipment on the vehicle that is required by this Article is working properly, including but not limited to a Ramp Taxi ramp and securement system. If the Driver finds any unsafe equipment, then the Driver shall notify the Color Scheme, and the Color Scheme shall put the vehicle out of service until it is repaired and shall make another vehicle available to the Driver.

(2) A Driver is required to perform a communications test at the commencement of each shift to determine that there is functional communications equipment capable of both receiving and transmitting voice information. If communications equipment is not functional, that vehicle shall be taken out of service until such time as the communications equipment is functional.

(3) A Driver is responsible for ensuring that their vehicle is supplied with the following items:

- (A) 311 card;
- (B) Current copy of book of regulations issued by SFMTA;
- (C) A supply of receipts, preprinted with the name of the affiliated Color Scheme; and
- (D) Current maps of San Francisco and San Mateo counties or a functional GPS device;
- (E) Working flashlight;
- (F) Working ballpoint pen with black or blue ink;
- (G) SF Paratransit manual trip ticket forms;
- (H) Manual credit card transaction device and forms.

(4) A Driver shall ensure that the vehicle is clean inside and out and free of offensive odors, wash the exterior of the vehicle and/or sweep the interior passenger compartment and trunk as needed, and remove any loose items from the vehicle's dashboard and/or rear shelf.

(e) Driver Duties During Shift.

(1) A Driver shall not refuse, or direct or permit the refusal, of prospective passengers in any place within the City for transportation to any other place in the City, or to or from the San Francisco International Airport, or to the Oakland International Airport, or

paratransit passengers within the Paratransit Program service area, at rates authorized by law, if the prospective passengers present themselves for transportation in a clean, coherent, safe and orderly manner and for a lawful purpose and the Driver has sufficient time before the end of his or her shift.

(2) A Driver shall not refuse to transport a passenger's luggage, wheelchair or other mobility device, crutches or other property that can be transported within the confines of the vehicle's trunk and/or passenger areas. A Driver may refuse to convey a passenger who requests taxi service for the primary purpose of transporting goods or cargo if in the Driver's judgment the amount of goods to be carried could result in unsafe driving or damage to the vehicle.

(3) No Driver may refuse to transport a person with a physical disability in the front seat to accommodate the person's physical disability.

(4) A Driver shall not refuse to transport any service animal, or a secured, well-behaved and/or contained animal except when the Driver has documentation from a licensed physician of a medical condition that prevents contact with that type of animal on file with the SFMTA.

(5) A Driver shall, if requested, take reasonable measures to assist a passenger as necessary to get into and out of the vehicle, or to load or unload luggage, only to the extent that such assistance is within the physical capacity of the Driver. The Driver shall record the request for assistance and results ~~on the Waybill~~. If the Driver feels that their personal health or safety is at risk or is otherwise unable to assist the passenger, the Driver shall request appropriate assistance capable of handling the request from the Dispatch Service. A Driver shall inform the passenger(s) of his or her intention to activate the Taximeter when said passenger(s) has such a large amount of baggage, luggage, packages and/or

equipment to be loaded or unloaded that the Driver's departure is delayed, or when it is necessary to wait for dispatched assistance to arrive.

(6) Every Driver shall, if requested, assist a person with physical disabilities or an elderly person to get into and out of the vehicle and ensure the passenger is properly secured in the vehicle prior to transport. If a Driver is unable to properly assist and/or secure the passenger, the Driver shall notify the Dispatch Service and request another Driver's assistance or other appropriate service capable of handling the request. The Driver shall record the request and results ~~on the Waybill~~. The Driver shall remain with the passenger until assistance from another Driver or appropriate service has arrived.

(7) Every Driver must accept dispatch assignments, including, when available, an average minimum of one dispatch call per hour during each shift from their Dispatch Service. Drivers must advise their Dispatch Service if they are unable to handle an accepted call within five minutes of the time when they acknowledged or accepted the call.

(8) A passenger who first engages a Motor Vehicle for Hire has the exclusive right to conveyance therein to his or her destination. The Driver shall not solicit or accept any additional passenger without the prior consent of any passenger who has previously engaged the vehicle, or as authorized by SFMTA.

(9) Except as prohibited by the rules of the Paratransit Program, a Driver may transport two or more passengers who voluntarily agree to split the fare between them. The passengers may by mutual agreement split the fare according to any formula; however, regardless of any mutual agreement of the passengers, the Driver shall not collect from all combined passenger payments in any amount in excess of the fare shown on the Taximeter at the time that the last passenger reaches their destination.

(10) Drivers shall comply with any passenger request to turn down, turn off or change the channel of any audible device that is not required for safe operation of the vehicle

or communication with a Color Scheme, Dispatch Service, law enforcement agency, health care provider, or other emergency service agency. A Driver is not required to comply with a passenger request for any particular broadcast station or other passenger listening preferences.

(11) Except for emergencies, including but not limited to an emergency call to a Dispatch Service, a law enforcement agency, health care provider, or other emergency service agency, Drivers shall immediately comply with any passenger request to terminate mobile telephone conversations.

(12) Drivers may only use personal telephones for voice or any other type of communication in the vehicle in accordance with all applicable laws. While a passenger is in the vehicle, Drivers' personal conversations must be limited in number and short in duration, and at no time shall a Driver allow a personal communication to interfere with the Driver's full attention to the operation of the vehicle.

(13) During a shift a Driver may not monitor or listen to any Dispatch Service other than the Dispatch Service that provides service to the Color Scheme with which the vehicle is affiliated.

(14) A Driver shall not operate a Motor Vehicle for Hire in a reckless or dangerous manner.

(15) Ramp Taxi Service.

(A) Every Ramp Taxi Driver must log on the In-Taxi Equipment at the beginning of the shift.

(B) Every Ramp Taxi Driver shall meet an average response time to any request for service by a customer using a wheelchair of 20 minutes from the time that the Driver accepts the call.

(C) A Ramp Taxi Driver shall grant priority to requests for service from passengers who use wheelchairs, and once dispatched to a call from a customer using a wheelchair may not accept any other fare while en route to that dispatched call, except as otherwise instructed by the dispatcher. In the absence of a request for service to a passenger who uses a wheelchair, a Ramp Taxi Driver may transport any person.

(16) Drivers shall only receive a tip when expressly and voluntarily offered by the person paying the fare. Drivers may not demand, request, imply, assume or otherwise suggest that the Driver should receive any amount in excess of the authorized fare. A Driver may, without demanding or assuming that the passenger will pay a tip, ask the passenger whether they would like to tip the Driver when the tip is only capable of being added to a payment only by action of the Driver.

(17) The Driver must keep any audio communication device required by this Article at an audible volume, or any visual communication device visible to the Driver at all times during the shift.

(18) Drivers shall, at the beginning of a trip, inform any passenger whose destination is more than 15 miles from City limits, or if the passenger is picked up at the San Francisco International Airport, whose announced destination is more than 15 miles from the San Francisco International Airport and is not within the City limits, that the fare to be charged will be 150% of the amount registered on the Taximeter in accordance with Section 1122(b)(2).

(19) Drivers shall carry sufficient cash to be able to provide change for 20 dollars.

(20) Drivers shall, at the beginning of a trip, inform passenger(s) whose destination requires the crossing of a toll bridge, the amount of the toll charged and that the

toll charge is to be paid by the passenger(s) regardless of the direction in which the toll is collected.

(21) Drivers may charge a passenger less than the fare shown on the Taximeter at the end of a trip.

(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 number, the Vehicle Number, the Medallion number, and the amount of the fare.

(23) Drivers shall make a visual check of the interior of the vehicle at the conclusion of each trip to determine if any property has been left behind. If any of the passenger's property was loaded in the trunk, the Driver shall check the trunk area at the end of the trip to ensure that no property was left behind.

(24) Upon discovery, a Driver shall report the Found Property to the Dispatch Service immediately, and shall take reasonable measures to attempt to return Found Property in the vehicle to the rightful owner during the shift in which it was discovered. If it is not possible to return the Found Property before the end of the shift, the Driver shall leave it with the Color Scheme or Dispatch Service at the end of the shift. Drivers shall record a description of the Found Property on a form provided by the Color Scheme or Dispatch Service, stating whom they have contacted about the Found Property, and whether it was returned to the owner during the shift in which it was discovered, and if not, where and with whom it was left.

(25) If during the course of the work shift, any equipment failure makes the continued operation of the Taxi or Ramp Taxi unsafe, including but not limited to a Ramp Taxi without the required number of functional tie-down securements and lap/shoulder seat belts, then the Driver shall immediately return to vehicle to the Color Scheme to be taken out of service.

(26) The Driver shall not place or allow to be placed any loose items on the dashboard or rear shelf of the vehicle.

(27) The Driver shall keep the vehicle trunk and/or baggage area clean, free of items or materials that could damage or stain passengers' baggage, and free of any container containing flammable liquids.

(28) No Driver shall leave a vehicle unattended on a public street for more than 4 hours.

(29) No Driver shall threaten, harass, or abuse another person, nor may a Driver speak in an obscene, threatening or abusive manner.

(30) Drivers shall not use or attempt to use any physical force against any person except proportional, reasonable force necessary for self-defense or defense of another.

(31) Drivers shall be clean in dress and person.

(32) Any Driver who is pulled over by a Peace Officer while the Taximeter is in operation must turn off the Taximeter from the time the vehicle is pulled over until the time that the Peace Officer authorizes the vehicle to depart.

(33) No Driver shall burn any substance, drink, or eat while a passenger is in the vehicle.

(34) Resolution of Fare Disputes. In any case of fare dispute between the Driver and passenger(s), the Driver shall call the Police or, with the consent of the passenger, convey the passenger(s) to the nearest police station, where the officer in charge shall immediately decide the case, and if the decision is in favor of the passenger, the driver shall convey the passenger from the Police Station to his or her original destination without additional charge.

(f) Duties at End of Shift.

(1) Until December 31, 2012, or earlier pursuant to notice from the SFMTA that the Color Scheme for which he or she drives has implemented or affiliated with a Dispatch Service that has implemented a system for generating electronic trip data, Drivers shall turn in all completed paper W~~ay~~waybills to the Color Scheme at the conclusion of each shift.

(2) The Driver shall remove any litter, personal items, and any other loose items that do not belong with the vehicle.

(3) Drivers shall turn any unreturned or unclaimed Found Property in the Driver's possession at the end of a shift to the Color Scheme's or Dispatch Services' place of business, and shall obtain a receipt for the item regardless of value.

~~(g) A Driver must return his or her A Card to the SFMTA within 30 calendar days of terminating his or her affiliation with a Color Scheme if the Driver does not affiliate with another Color Scheme within 30 calendar days. If the Driver will discontinue driving for a period of time in excess of 30 consecutive days but intends to resume driving a Motor Vehicle for Hire in the future, the SFMTA shall hold the A Card on file until the Driver informs the SFMTA of his or her intention to resume driving. Upon receiving such notice, the SFMTA shall return the A Card to the Driver so long as all Application and Renewal Fees and other Permit Fees are paid and the Driver remains qualified for the permit.~~

~~(h) —~~Controlled Substance Testing Program. Reserved.

#### **SEC. 1109. CONDITIONS APPLICABLE TO TAXI AND RAMP TAXI MEDALLIONS.**

(a) Affiliation With Color Scheme Required; Color Scheme Change.

(1) A Medallion Holder shall be deemed affiliated with a particular Color Scheme when the SFMTA approves his or her application pursuant to this Article, and shall entitle the Medallion Holder to the right to the use of that Color Scheme's trade dress and place of business. Color Schemes shall not unreasonably withhold the use of the trade dress and place of business once affiliation has been approved.

(2) Affiliation with a Color Scheme and/or the failure of a Color Scheme to comply with this Article does not relieve the Medallion Holder of his or her responsibility to comply with all requirements of this Article applicable to the Medallion Holder.

(3) A Medallion Holder may apply to the SFMTA for a change in affiliation. The applicant's choice of Color Scheme shall be subject to the prior approval of the SFMTA. A Medallion Holder's request for affiliation with a Color Scheme shall be approved unless the Color Scheme is on Administrative Probation pursuant to Section 1120(d). The SFMTA may delay or deny a change in Color Scheme affiliation by a Medallion Holder if a court of competent jurisdiction issues a temporary or permanent order to prohibit or delay the transfer.

(4) A Medallion Holder who purchases his or her Medallion in accordance with subsection (e) must affiliate with a Participating Color Scheme.

(b) Use of Dispatch Service. All Medallion Holders affiliated with a Color Scheme must utilize the same Dispatch Service.

(c) Full-Time Driving Requirement.

(1) Every Medallion Holder subject to the provisions of this section 1109(c) shall be a Full-Time Driver.

(2) Exception for Certain Permits. Notwithstanding any contrary provision in this Article, the requirements set forth in this Subsection 1109(c) shall not apply to any person holding a Medallion issued on or before June 6, 1978.

(3) Declaration Required. No permit to operate a Taxi or Ramp Taxi shall be granted unless the Medallion Holder shall declare under penalty of perjury that he or she will actively and personally continue to engage in Full-Time Driving.

(4) Qualifying Vehicle. All Medallion Holders must drive the Taxi or Ramp Taxi associated with their Medallion when complying with Subsection 1109(c) unless that vehicle is unavailable.

(5) Medallion Holders Responsible for Documenting Compliance. A Medallion Holder has the responsibility to maintain his or her own business records, including, until December 31, 2012, or earlier pursuant to notice from the SFMTA that the Color Scheme for which he or she drives has implemented or affiliated with a Dispatch Service that has implemented a system for generating electronic trip data, paper ~~W~~waybills. ~~Written Paper ~~W~~waybills, electronic trip data,~~ or other corroborating documentary evidence completed in compliance with all requirements may be used to demonstrate compliance with the Full-Time Driving requirement. Failure of a Color Scheme to maintain business records, including paper ~~W~~waybills or electronic trip data, as required by this Article shall not excuse a Medallion Holder from proving that he or she has satisfied this Subsection 1109(c) or any other requirement.

(6) Partial Years. During the year that a Medallion is first issued or any year in which operation of the Medallion was temporarily suspended with the approval of the SFMTA in accordance with Section 1105(9), the number of driving hours required to meet the Full-Time Driving Requirement shall be reduced by the same proportion as the ratio of the Permit Holder's excused driving hours to the hours remaining in the calendar year.

(7) Exception for Color Scheme Key Personnel.

(A) Alternative Driving Requirement. Medallion Holders who are designated as "Key Personnel" by a Color Scheme may satisfy the Full-Time Driving requirement by driving 120 hours per year and performing 1,500 hours of work per year as Key Personnel for the Color Scheme.

(B) Written Designation of Key Personnel. Each Color Scheme seeking to designate one or more of its employees for a calendar year pursuant to this Subsection 1109(c)(7) must file a written designation by December 1st of the preceding year. A Permit Holder may not be designated as Key Personnel by more than one Color Scheme during a calendar year. The SFMTA will only recognize as Key

Personnel only those Medallion Holders named in a completed designation form filed by the Color Scheme as of December 1st.

(C) Number of Key Personnel Designated at a Color Scheme. Each Color Scheme will be entitled to designate Key Personnel in accordance with the number of Medallions affiliated with that Color Scheme. The number of Medallions affiliated with a particular Color Scheme for a calendar year shall be determined as of December 1st of the previous year, based on the records of the SFMTA. Only individuals already holding a Medallion by December 1 of that year may be considered for Key Personnel designation. The number of designated Key Personnel at a Color Scheme may not be increased or decreased during the subsequent calendar year even if the number of Medallions affiliated with that Color Scheme changes during the year.

A Color Scheme with 1 to 10 Medallions may not designate anyone as Key Personnel.

A Color Scheme with 11 to 20 Medallions may designate one person.

A Color Scheme with 21 to 40 Medallions may designate two people.

A Color Scheme with 41 to 60 Medallions may designate three people.

A Color Scheme with 61 to 80 Medallions may designate four people.

A Color Scheme with 81 to 100 Medallions may designate five people.

A Color Scheme with 101 to 150 Medallions may designate six people.

A Color Scheme with 151 to 200 Medallions may designate seven people.

A Color Scheme with 201 to 300 Medallions may designate eight people.

A Color Scheme with 301 to 400 Medallions may designate nine people.

A Color Scheme with over 400 Medallions may designate nine people, plus one additional person for every 100 Medallions over 400.

(D) Statement of Work by Key Personnel. No later than February 1st of each year, each Color Scheme that has designated one or more employees as Key Personnel must submit a written Statement of Work on a form provided by SFMTA, demonstrating the number of hours during the previous calendar year that each of its designated Key Personnel worked on tasks related to the business of the Color Scheme, including but not limited to, office duties, dispatching, cashiering, or performing management duties. The Statement of Work shall be signed under penalty of perjury by both the Color Scheme and the Medallion Holder designated as Key Personnel. The Color Scheme shall be responsible for submitting proof of employment with the Statement of Work, which shall consist of state or federal tax forms filed with the appropriate regulatory agency. A Medallion Holder and/or Color Scheme that submit a falsely sworn Statement of Work shall be subject to automatic revocation of his or her Permit.

(E) Partial Completion of Requirements. If a Medallion Holder performs at least 750 hours of work as designated Key Personnel for the a Color Scheme during the year but less than 1,500 hours, the Permit Holder shall be entitled to partial credit against the Full-Time Driving requirement on a pro rata basis. The credit shall correspond to the percentage of 1,500 hours that the designated Permit Holder worked for the company in such capacity. If a Permit Holder does not perform at least 750 hours of work as designated personnel for the Color Scheme during the year, the Permit Holder shall not be entitled to any credit against the Full-Time Driving requirement.

(F) Ramped Taxi Permit Holders Ineligible. Ramped Taxi Permit Holders are not eligible to be designated as Key Personnel.

(d) Corporate Medallion Holders.

(1) Permits Void in Event of Transfer or Sale of Permit Holder. Any Medallion held by a Permit Holder that is not a natural person shall be deemed null and void and revoked if any of the following circumstances has occurred since the issuance of the Medallion:

(A) If the Medallion Holder is or was sold or transferred at any time after June 6, 1978. For the purposes of this Section, a sale or transfer occurs upon a cumulative sale or transfer of either 10 percent or more of the stock or other ownership of the Medallion Holder, or 10 percent of the Permit Holder's assets since June 6, 1978, unless such sale or transfer has the prior written approval of the SFMTA.

(B) If the management or control of the Permit Holder is or has been transferred for consideration since the issuance of the permit;

(C) If the Medallion Holder's rights to receive income derived from the lease of a permit is assigned, transferred or sold.

(e) Limitation on Ramp Taxi Medallion Holders Accepting Other Permits. No person to whom a Ramp Taxi Medallion is issued may accept any other Medallion for a minimum of three years after receipt of the Ramp Taxi Medallion. If a Ramp Taxi Medallion Holder becomes eligible for a Taxi Medallion during his or her first three years as a Ramp Taxi Medallion Holder, and so long as the Ramp Taxi Medallion Holder remains otherwise qualified, the Ramp Taxi Medallion Holder's application shall be kept active and shall be considered for a Taxi Medallion in accordance with the applicant's position on the Waiting List or, if there is no longer a Waiting List, the applicant's A-Card Seniority after the three year period has elapsed.

Section 3. Article 1100 of Division II of the Transportation Code is hereby amended by amending Section 1114, to read as follows:

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

(a) Requirements Applicable to All Records. Except as otherwise specified herein, all records required to be created and/or maintained by Permit Holders by this Article shall be subject to the following requirements:

(1) When a signature is required, the record must be signed by a Permit Holder, or in the case of a corporation, by a person authorized to bind the corporation or his or her delegee if accompanied by written documentation of the delegation of signature authority.

(2) The format and content of any records required to be created or maintained, or of any reports or plans required to be filed by Permit Holders by this Article shall be subject to SFMTA approval.

(3) Except as otherwise specified in this Article, all records required to be submitted to the SFMTA may be delivered by any means authorized in this Section. The Permit Holder that is subject to the records requirement shall have the burden of proving that the required records were actually delivered in a manner consistent with this Section. Except where a particular method of delivery is required for a specific type of records, records may be submitted by any of the following means:

(A) In person by the Permit Holder to a location or address specified by SFMTA;

(B) By first class U.S. Mail, postage pre-paid;

(C) By fax; or

(D) By email.

(4) All records required to be maintained by Permit Holders by this Article or by other law or regulation shall be made available for inspection by the SFMTA during normal business hours within three business days of request. The SFMTA may request that Permit

Holders submit copies of records or original records within three business days of request. If the Chief of Police indicates that the inquiry relates to a criminal law enforcement investigation, such records shall be provided within one business day of request. In the event that SFMTA requires original records, the SFMTA shall provide the Permit Holder a receipt for any original documents that the SFMTA removes from the Permit Holders' premises, and shall protect and document the chain of custody of such original records until they are returned to the Permit Holder.

(5) All Permit Holders are responsible for creating, maintaining and preserving the documents and records that are required by as a condition of a permit or to meet permit qualification requirements.

(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 Number. Each Driver shall provide his or her badge 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 December 31, 2012, Drivers at Color Schemes that have not implemented a system to report electronic trip data or 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 December 31, 2012, 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. Except when driving for a Color Scheme that has implemented electronic Waybills in compliance with SFMTA requirements, Every Driver must produce an accurate and legible Waybill, completed in indelible ink. Each Waybill shall include the following information for the period covered by that Waybill:

(A) — Date of trip;

(B) — Driver's name;

(C) — Driver's badge number;

(D) — Driver's signature at the commencement of the shift;

(E) — Vehicle Number and vehicle license number;

(F) — Medallion number;

(G) — Starting mileage of the vehicle for the shift;

(H) — Mileage of the vehicle at the end of the shift;

(I) — Number of passengers on each trip;

(J) — Origin and destination of each trip;

(K) — The fare for each trip;

~~(L) The time of hire and discharge for each trip; and~~

~~(M) A mechanically or electronically generated time stamp showing the starting and ending times of the shift.~~

(c) Additional Requirements Applicable to Medallion Holders.

(1) Annual Filings Required for Renewal. No Taxi or Ramp Taxi Medallion shall be renewed unless the Permit Holder files a sworn statement by May 1 of every year under penalty of perjury attesting to compliance with this Article and associated state and federal laws on a form designated by the SFMTA.

(d) Additional Requirements Applicable to Corporate Medallion Holders.

(1) Annual Filings Required for Renewal. Any corporation holding a Medallion issued pursuant to this Article shall maintain a stock register at its principal place of business in San Francisco. No Medallion held by a corporation may be renewed unless the Permit Holder files the following documents with the SFMTA by May 1 of each year: The SFMTA may require other corporate records to be provided to the SFMTA together with other required annual filings:

(A) Copy of current stock register;

(B) Copy of current filed copy of Statement of Domestic Stock

Corporation issued by the California Secretary of State.

(2) All corporate Permit Holders shall report to the SFMTA in writing any of the following within 30 days of occurrence:

(A) Issuance or transfer of any shares of stock.

(B) Change in any of the corporate officers listed pursuant to Section 312 of the California Corporations Code or successor statute.

(C) Change of any member of its Board of Directors.

(D) Any notice of suspension or certificate of revivorship issued to the corporation by the California Secretary of State.

(e) Additional Requirements Applicable to Color Schemes.

(1) ~~Waybills~~ Electronic Trip Data.

~~(A) A Color Scheme shall use a Waybill format approved by the SFMTA.~~

~~(AB) Each Color Scheme Permit Holder shall implement a system, or affiliate with a Dispatch Service that provides a system, that generates electronic trip data Waybills in a format approved by the SFMTA for all affiliated vehicles by December 31, 2012 a date to be set by the SFMTA Board of Directors. An electronic Waybill~~ Such system must, at a minimum, archive all taxi trip data for at least six years, produce data that can generate reports using off-the-shelf database and spreadsheet software, and record the following information, include, at a minimum:

- (i) Driver's identification established by authentication through driver's license swipe or other secure system;
- (ii) Date of shift;
- (iii) Vehicle Number and vehicle license number;
- (iv) Medallion number (manually entered);
- (v) Number of passengers on each trip (manually entered);
- (vi) GPS-generated origin and destination of each trip;
- (vii) The fare for each trip including applicable fees charged;
- (viii) The mileage for each trip;
- (ix) The total number of trips for each shift;
- (x) The time of hire and discharge for each trip;
- (xi) The starting and ending times and total hours of each shift;

~~(xii) Capacity to sort and summarize data for analysis in customizable reports;~~

~~(xiii) Capacity to archive electronic waybill information for at least five years; and~~

~~(xiv) Restricted internet based, read only access by SFMTA, driver and color scheme to electronic waybill data, and reporting capacity that is compatible with off the shelf database and spreadsheet software.~~

(~~B~~C) A Color Scheme shall retain original paper ~~W~~waybills for all Drivers and Medallion Holders for at least one year at its principal place of business; and shall maintain originals and/or legible copies of paper ~~W~~waybills and the data generated by electronic ~~W~~waybills for at least six years to document driving performed by Drivers affiliated with the Color Scheme. Color Schemes may store copies of original paper ~~W~~waybills more than 12 months old in a secure electronic format.

(~~C~~D) Until such date as they may be discarded pursuant to Section 1114(e)(1)(B), above. Color Schemes shall store paper ~~W~~waybills either alphabetically, numerically or chronologically. If a Color Scheme's ~~W~~waybills are not so organized, the SFMTA may require the Color Scheme to reorganize the ~~W~~waybills either alphabetically, numerically or chronologically, and the Color Scheme shall order ~~W~~waybills in accordance with SFMTA direction within 90 days of SFMTA request. A Color Scheme may request a waiver of such requirement if the Permit Holder demonstrates to SFMTA's satisfaction that its ~~W~~waybills are already organized in a different manner that allows efficient inspection and auditing by SFMTA. Any ~~W~~waybills presented to SFMTA for inspection in any manner other than as required or approved by SFMTA may not be counted for compliance with the Full-Time Driving requirement.

(DE) If requested, Color Schemes shall provide each Driver duplicate copies of that Driver's ~~W~~waybills for a prior year in an electronic or paper format. If the ~~W~~waybills are provided in paper format, the Color Scheme may charge no more than \$0.10 per page, or a flat fee not to exceed \$50 for duplication of all ~~W~~waybills of a Driver for the period of one year. After December 31, 2012, Color Schemes must make available Driver electronic trip data to that Driver in an electronic format upon Driver request for any date in the year 2013 and forward, including, but not limited to, any other portable storage medium or device or via electronic mail at the Color Scheme's option, and may charge no more than \$10 per year for electronic duplication of Driver records.

(2) Medallion Holder Files. Color Schemes must maintain files for each Medallion Holder affiliated with the Color Scheme. Such files shall at least contain written copies of all Leases or permits associated with the Motor Vehicle for Hire at the Color Scheme's principal place of business, and employment or other applications initiating affiliation with the Color Scheme. Color Schemes shall provide copies of a Lease to any party to the Lease upon request.

(3) Receipts to Drivers. Color Scheme Holders shall provide receipts for payments for fuel, Gate Fees, Lease fees or any other payment made by Drivers to Color Schemes.

(4) Medical Examination Certificates. Reserved.

(5) Vehicle Inventory Changes. Prior to placing a Taxi or Ramp Taxi into service for the first time, when changing one vehicle for another, or when assigning a new Vehicle Number, the Color Scheme shall submit the information required by this Section to the SFMTA on a form provided by the SFMTA.

(6) Current Information Required to be Maintained. All Color Schemes shall maintain at the principal place of business the following information in a place where it is easily accessible to dispatchers and for immediate inspection upon request by SFMTA:

(A) Driver Roster.

(B) List of Affiliated Drivers. A current list updated at least weekly with all affiliated Drivers, including Driver's name, home address, cellular telephone number Driver Permit number, and California driver's license number.

(C) Vehicles. A current list of all affiliated Taxis and Ramp Taxis including, but not limited to, the vehicle number, the vehicle license number, the vehicle identification number, the Model Year and make of the vehicle.

(7) Weekly Reporting Requirements. Color Schemes shall fax or email to the SFMTA the following reports. Except as otherwise provided, weekly reports shall be submitted by close of business on the first business day of each week:

(A) Driver Roster.

(i) Every Color Scheme Permit Holder shall maintain a Driver Roster, updated after each shift to reflect actual shift assignments, that must at a minimum include: the date of the shift assignment, Driver's name, and the hours worked for that shift, vehicle number and Medallion number, if different. This schedule shall include the schedules of all Medallion Holders affiliated with a Color Scheme. The Driver Roster shall be provided to the SFMTA as part of the weekly report, and shall be made available for inspection by the SFMTA or law enforcement agencies during business hours.

(ii) All original Driver Rosters shall be retained at the Color Scheme's principal place of business for a period of not less than six years. Color Schemes shall maintain at the principal place of business the most recent

12 months of Driver Rosters in a paper format. Color Schemes may store Driver Rosters more than 12 months old in a secure electronic format. The SFMTA may excuse a Color Scheme from retaining schedules for a particular year by certifying that a Color Scheme has submitted all 12 schedules for that year. The SFMTA may grant exceptions for submission for companies with exceptionally large schedules or which have an electronic timecard system for schedules.

~~(B) — Waybill Report. All Color Schemes shall list all affiliated Medallion Holders in the weekly Waybill Report. On the first business day of each week, all Color Schemes shall fax to the SFMTA the names of all affiliated Medallion Holders who have failed to turn in Waybills for the previous week, whether or not that Medallion Holder appears on the Driver Roster or is otherwise scheduled.~~

~~(B)~~ List of Terminated Drivers. Color Schemes shall list the name and A-Card number of any Driver terminated during the prior week, and the date of termination.

~~(C)~~ Mechanical Breakdown Log. A record of all Taxis and/or Ramp Taxis which have been out of service for more than 72 hours as of the preceding week on a form approved by the SFMTA, including but not limited to the and the spare vehicle, if any, that was assigned to replace the out-of-service Taxi and/or Ramp Taxi, the reason for the breakdown and the estimated date of return to service.

(8) Filings Required for Emissions Compliance.

(A) Company Emission Reduction Plans. On June 1, 2010, each Color Scheme Permit Holder shall submit a written Emission Reductions Plan describing the Color Scheme's plans to implement reductions requirements of Section 1106(m) during 2010. On June 1, 2010, and June 1, 2011, each Color Scheme Permit Holder shall submit to the SFMTA a written statement on the steps the Color Scheme has taken in

the prior year to carry out that year's Emissions Reduction Plan and the results of those efforts.

(9) Permit Renewal Requirements. No Color Scheme Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:

- (A) Current San Francisco business license;
- (B) Completed designated manager form(s);
- (C) Current list of all affiliated Drivers, Medallion Holders and type of Lease for each;
- (D) Insurance certificates demonstrating compliance with the insurance requirements of this Article for every vehicle and Medallion affiliated with the Color Scheme;
- (E) Copy of company drug-free workplace policy;
- (F) Sworn statement attesting to compliance with this Article and applicable state and federal laws.

(f) Additional Requirements Applicable to Dispatch Services.

(1) Semi-Annual Service Report. All Dispatch Services must provide the SFMTA with dispatch service reports covering the period of January 1 through June 30 due to the SFMTA by August 1, and covering the period of July 1 through December 31 by February 1 of each year in a format approved by the SFMTA.

(2) 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 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 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.

(3) Annual Filings Required for Renewal of Permit. No Dispatch Service Permit shall be renewed unless the Permit Holder files the following documents by May 1 of each year:

- (A) Copy of current City business license;
- (B) Completed Designated Manager Form;
- (C) List of all affiliated Color Schemes;
- (D) Copy of company drug-free workplace policy;
- (E) Insurance certificates demonstrating compliance with the insurance requirements of this Article;

(F) Sworn statement attesting to compliance with this Article and applicable state and federal laws.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
Mariam 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 June 5, 2012.

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