

1 [Taxicab gate cap; ratifying previous gate fees; gate surcharge for "clean air vehicles"; taxi
2 fleet greenhouse gas emissions.]

3 **Ordinance amending the San Francisco Police Code by: amending Section 1135.1, to**
4 **raise the taxicab gate cap to \$96.50 and to ratify gate fees previously charged up to**
5 **\$91.50 per shift for the period from January 1, 2003 to October 27, 2006; by repealing**
6 **current Section 1135.2, as obsolete; by adding a new Section 1135.2, to authorize a**
7 **\$10.00 surcharge on the gate cap for clean air vehicles; and by adding Section 1135.3,**
8 **to requiring taxi companies to reduce average per vehicle greenhouse gas emissions**
9 **by 20 percent from 1990 levels by 2012.**

10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

13 Be it ordained by the People of the City and County of San Francisco:

14 Section 1. The San Francisco Police Code is hereby amended by amending
15 Section 1135.1, to read as follows:

16 **SEC. 1135.1. GATE FEES.**

17 (a) **Cap on Gate Fees.** The mean gate fee charged drivers by a taxicab company
18 may not exceed \$96.50 ~~\$85.00~~ for a shift of 10 hours or longer. The cap shall be prorated at
19 \$9.65 ~~\$8.50~~ per hour for shifts shorter than 10 hours. The mean gate fee shall be determined
20 by adding together the gate fees charged by the company for all available shifts during one
21 week and dividing that total by the number of available shifts during the week. ~~The~~
22 ~~aforementioned cap on gate fees and the higher cap on gate fees provided for in subsection (b) shall~~
23 ~~become operative on January 1, 2003 or, if the effective date of the Ordinance creating the higher cap~~
24 ~~on gate fees occurs thereafter, on the effective date of that Ordinance.~~

1 ~~(b) Higher Cap on Gate Fees. Notwithstanding the provisions of subsection (a), the mean gate~~
2 ~~fee charged drivers by a taxicab company may not exceed \$91.50 for a shift of 10 hours or longer and~~
3 ~~the cap shall be prorated at \$9.15 per hour for shifts shorter than 10 hours, provided that the following~~
4 ~~conditions are met once they take effect:~~

5 ~~(i) The taxicab company is in compliance with the rules and regulations established by the~~
6 ~~Controller of the City and County of San Francisco pursuant to Section 1095(b) of this Article. This~~
7 ~~condition shall take effect on January 1, 2003 or, if the effective date of the Ordinance creating the~~
8 ~~higher cap on gate fees occurs thereafter, on the effective date of that Ordinance. "Compliance" shall~~
9 ~~mean that by no later than January 1, 2003 or, if the effective date of the Ordinance creating the higher~~
10 ~~cap on gate fees occurs thereafter, by no later than the effective date of that Ordinance, the taxicab~~
11 ~~company has submitted the information required by the Controller's rules and regulations for the most~~
12 ~~recent year the information is required, and by no later than April 1, 2003 the taxicab company has~~
13 ~~submitted the information required by the Controller's rules and regulations for the three most recent~~
14 ~~years the information is required. The condition that the taxicab company be in compliance with the~~
15 ~~Controller's rules and regulations is ongoing; hence, the right to charge the higher mean gate fee~~
16 ~~authorized by this subsection is dependent on continued fulfillment of this condition.~~

17 ~~(ii) All taxicabs operating under the taxicab company's color scheme are covered by workers'~~
18 ~~compensation insurance. This condition shall take effect on May 1, 2003. The taxicab company shall~~
19 ~~not be deemed to fulfill this condition until the taxicab company has submitted to the Taxi Commission~~
20 ~~proof that the condition is fulfilled. This condition is an ongoing condition, and the aforementioned~~
21 ~~requirement for proving that the condition is fulfilled is an ongoing requirement; hence, the right to~~
22 ~~charge the higher mean gate fee authorized by this subsection is dependent on continued fulfillment of~~
23 ~~the condition and continued compliance with the proof requirement.~~

1 ~~(b)~~ ~~(e)~~ **"Gate Fee" Defined.** For the purposes of this Section, "gate fee" shall mean
2 any monetary fee or other charge or consideration, or any combination thereof, required of a
3 driver other than a permit-holder for the privilege of driving a taxicab during a particular shift,
4 or for any period of time, including receipt of all services provided in connection with such
5 privilege, whether said fee is set by contract, lease or other agreement, orally or in writing,
6 and whether said fee is paid by the driver as a flat rate, as a commission on receipts from
7 fares, or as a specified fee for any other purpose.

8 ~~(c)~~ ~~(d)~~ **Regulations; Penalties.** The Taxi Commission may, from time to time and
9 after a noticed public hearing, adopt regulations to carry out the purposes of this Section.
10 Violation of any provision of this Section, or of any regulation adopted pursuant to this
11 Section, may be cause for revocation or suspension of any permit granted to the violator by
12 the City and County related to the operation of taxicabs or other motor vehicles for hire, or for
13 the imposition of any other penalties authorized under this Article.

14 ~~(d)~~ **Ratifying Gate Fees Actually Charged Up to \$91.50 Between January 1, 2003 and**
15 **October 27, 2006. The average gate fees actually charged to taxi drivers by taxicab companies from**
16 **January 1, 2003 through October 27, 2006 and not exceeding an average of \$91.50 for a shift of 10**
17 **hours or longer are hereby declared to be fair, reasonable, and in compliance with any applicable**
18 **provision of this Section 1135.1 during that period.**

19 ~~(e)~~ *Evaluation By Taxi Commission. The Taxi Commission shall evaluate the impact of this*
20 *ordinance and any lease fee cap and report back to the Board of Supervisors within nine months of the*
21 *final adoption of this ordinance.*

22 ~~(f)~~ *Operative Date. This Section shall only become operative on the date that the fare*
23 *increases authorized in Ordinance No. 188 98 become operative.*

1 ~~(g) Sunset Provisions Pertaining to Higher Cap on Gate Fees. Subsection (b) shall expire by~~
2 ~~operation of law under either of the circumstances described below:~~

3 ~~(i) By no later than May 1, 2003, the Controller shall submit a recommendation to the Board~~
4 ~~of Supervisors for a specific long term lease fee cap covering all long term lease drivers. If within 90~~
5 ~~days of the Controller's submission of a recommendation, or, if the Controller fails to meet the deadline~~
6 ~~for submitting a recommendation, by no later than March 1, 2004, the City fails to enact into law an~~
7 ~~ordinance prescribing a specific long term lease fee cap covering all long term lease drivers,~~
8 ~~subsection (b) shall expire.~~

9 ~~(ii) By no later than October 1, 2003, the Controller shall submit a recommendation to the~~
10 ~~Board of Supervisors for enactment of a program that would make a substantial and reasonable degree~~
11 ~~of health insurance or health benefits available to all taxi drivers. The Controller's recommendation~~
12 ~~shall be based on his study of the health insurance/health benefits issue, which shall include~~
13 ~~consultation with City departments having expertise in one or more dimensions of the issue. If, within~~
14 ~~90 days of the Controller's submission of a recommendation, or, if the Controller fails to meet the~~
15 ~~deadline for submitting a recommendation, by no later than January 1, 2004, the City fails to enact into~~
16 ~~law an ordinance that establishes a program that makes a substantial and reasonable degree of health~~
17 ~~insurance or health benefits available to all taxi drivers, subsection (b) shall expire, unless the~~
18 ~~Controller certifies that it is not feasible for the City to establish such a program.~~

19 ~~(iii) The Board of Supervisors may be resolution extend the date by which the City must enact~~
20 ~~the ordinances described in subparts (i) and (ii) to prevent the expiration of subsection (b), provided~~
21 ~~that the Board finds that further time is needed to resolve issues relating to the ordinances and that~~
22 ~~progress is being made on developing the ordinances for the Board's consideration.~~

1 Section 2. The San Francisco Police Code is hereby amended by repealing
2 Section 1135.2 in its entirety.

3 ~~**SEC. 1135.2. LEASE FEES.**~~

4 ~~(a) *Cap on Lease Fees.* The monthly lease fee for the use of a taxicab permit may not exceed~~
5 ~~*\$1,800. The cap shall be prorated for leases longer or shorter than one month.*~~

6 ~~(b) *"Lease Fee" Defined.* For the purposes of this Section, "lease fee" shall mean any~~
7 ~~*monetary fee or other charge or consideration, or any combination thereof, charged by or paid to a*~~
8 ~~*permit holder for the privilege of operating under the permit holder's permit during a particular shift,*~~
9 ~~*or for any period of time, whether said fee is set by contract, lease or other agreement, orally or in*~~
10 ~~*writing, whether said fee is set as a flat rate, as a commission on receipts from fares, or as a specified*~~
11 ~~*fee for any other purpose, and whether said fee is paid by the driver or a third party.*~~

12 ~~(c) *Chief's Regulations; Penalties.* The Chief of Police may, from time to time and after a~~
13 ~~*noticed public hearing, adopt regulations to carry out the purposes of this Section. Violation of any*~~
14 ~~*provision of this Section, or of any regulation adopted pursuant to this Section, may be cause for*~~
15 ~~*revocation or suspension of any permit granted to the violator by the City and County related to the*~~
16 ~~*operation of taxicabs or other motor vehicles for hire, or for the imposition of any other penalties*~~
17 ~~*authorized under this Article.*~~

18 ~~(d) *Evaluation By Taxi Commission.* The Taxi Commission shall evaluate the impact of this~~
19 ~~*ordinance and any gate fee cap and report back to the Board of Supervisors within nine months of the*~~
20 ~~*final adoption of this ordinance.*~~

21 ~~(e) *Operative Date.* This Section shall only become operative on the date that the fare~~
22 ~~*increases authorized in Ordinance No. 188 98 become operative.*~~

23 ~~(f) *Sunset Provision.* The provisions of this Section shall expire twenty four months after the~~
24 ~~*effective date of the Section.*~~

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Section 3. The San Francisco Police Code is hereby amended by adding a new Section 1135.2, to read as follows:

SEC. 1135.2. GATE FEE SURCHARGE FOR CLEAN AIR VEHICLES.

(a) Gate Fee Surcharge. Notwithstanding any provision of Police Code Section 1135.1, including the cap on gate fees imposed pursuant to that section, a taxicab company may collect a surcharge of \$10.00 on any gate fee charged for use of a clean air vehicle, subject to the requirements of this Section. The surcharge shall be for a shift of 10 hours or longer, and shall be prorated at \$1.00 per hour for shifts shorter than 10 hours. The surcharge shall be in addition to the company's basic gate fee and any other surcharges, increases, or adjustments to the gate fee cap authorized by the City, and may be collected for the life of the vehicle.

(b) Definition of "Clean Air Vehicle." For purposes of this Section, "clean air vehicle" means a taxicab vehicle approved by the Taxi Commission that is rated as SULEV (Super Ultra Low Emission Vehicle) or better by the California Air Resources Board. The Taxi Commission annually shall prepare a list of vehicles that qualify as "clean air vehicles" for purposes of this Section. The Taxi Commission shall also prepare and publicize a list of grants, rebates, and other incentives available to purchasers of clean air vehicles.

Section 4. The San Francisco Police Code is hereby amended by adding a new Section 1135.3, to read as follows:

SEC. 1135.3. REDUCED EMISSIONS BY COMPANY.

(a) Company Emission Reduction Plans. On September 1, 2008, each holder of a color scheme permit under Section 1125 shall submit to the Taxi Commission a written plan on how the color scheme will reduce its average per vehicle greenhouse gas emissions consistent with a 20 percent

1 reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. The plans shall
2 provide for spreading the reductions out evenly over each of the three years. Ramp taxis and fleet test
3 vehicles operated by the color scheme shall not be included in calculation of the color scheme's
4 average per vehicle greenhouse gas emissions.

5 (b) **Progress Reports.** On September 1, 2009, and every year thereafter until September 1,
6 2011, each holder of a color scheme permit shall submit to the Taxi Commission a written report on the
7 steps the color scheme has taken in the preceding year to carry out its emissions reduction plan and the
8 results of those efforts.

9 (c) **On-Going Emission Reductions.** Beginning on September 1, 2011, each holder of a color
10 scheme permit shall maintain average per vehicle greenhouse gas emissions at a level consistent with a
11 20 percent reduction in taxi fleet greenhouse gas emissions from 1990 levels by the year 2012. Ramp
12 taxis and fleet test vehicles operated by the color scheme shall not be included in calculation of the
13 color scheme's average per vehicle greenhouse gas emissions.

14 (d) **Implementation and Enforcement.** The Taxi Commission may adopt rules and regulations
15 to implement this Section. The Taxi Commission may reject as incomplete or insufficient any emissions
16 reduction plan submitted under subsection (a) or progress report submitted under subsection (b), and
17 the color scheme shall be required to resubmit the plan or report within the time period set by the
18 Commission. Failure to comply with this Section may be punished as a misdemeanor, and the holder of
19 the color scheme permit may be subject to administrative discipline, including suspension or revocation
20 of the permit.

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22 Section 5. **Severability.** In the event that a court or agency of competent jurisdiction
23 holds that a federal or state law, rule or regulation invalidates any clause, sentence,
24 paragraph or section of this ordinance or the application thereof to any person or
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1 circumstances, it is the intent of the Board of Supervisors that the court or agency sever such
2 clause, sentence, paragraph or section so that the remainder of this ordinance shall remain in
3 effect.

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

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8 By: _____
9 THOMAS J. OWEN
Deputy City Attorney

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