

File No. 171210

Committee Item No. 6

Board Item No. 30

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: March 19, 2018

Board of Supervisors Meeting:

Date: April 3, 2018

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Presentation - March 19, 2018</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA 'Not A Project' Determination - January 22, 2018</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SFMTA Memo - August 14, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>SFMTA Reso No. 171017-133 - October 17, 2017</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referrals - December 5, 2017</u> |

Completed by: John Carroll

Date: March 16, 2018

Completed by: John Carroll

Date: March 27, 2018

1 [Transportation Code - Non-Standard Vehicle Permits]
 2

3 **Ordinance amending the Transportation Code to prohibit Non-Standard Vehicles from**
 4 **operating without a permit as required by Article 1200 of that Code; and affirming the**
 5 **Planning Department's determination under the California Environmental Quality Act.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 8 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 9 **Board amendment additions** are in double-underlined Arial font.
 10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 11 **Asterisks (* * * *)** indicate the omission of unchanged Code
 12 subsections or parts of tables.

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

14 Section 1. The Planning Department has determined that the actions contemplated in
 15 this ordinance comply with the California Environmental Quality Act (California Public
 16 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
 17 Board of Supervisors in File No. 171210 and is incorporated herein by reference. The Board
 18 affirms this determination.

19 Section 2. The Transportation Code is hereby amended by revising Section 7.3.50, to
 20 read as follows:

21 **SEC. 7.3.50. OPERATING WITHOUT A PERMIT.**

22 (a) For any person or entity to drive or operate any taxi on the public street without
 23 a permit issued by the SFMTA authorizing such driving or operation. The penalty for violation
 24 of this Subsection 7.3.50 shall be \$2,500 for the first offense and \$5,000 for a subsequent
 25 offense, except as otherwise provided by Public Utilities Code Section 5412.2(a). For

1 purposes of this Section 7.3.50(a), taxi shall mean a motor vehicle for hire that picks up
2 passengers without prearrangement.

3 (b) For any person or entity to operate any Dispatch Service or to provide taxi-
4 related services to Drivers or Medallion Holders, including but not limited to procurement of a
5 Taxi vehicle, vehicle insurance, or maintenance, or the recruitment, management, or
6 scheduling of Drivers, without a permit issued by the SFMTA authorizing such operation in
7 accordance with the provisions of this Code.

8 (c) For any person to drive, or to allow another person to drive, a vehicle that is
9 authorized for use as a Motor Vehicle for Hire without a Driver Permit issued by the SFMTA.


10 (d) For any person or entity to operate a Non-Standard Vehicle on a public street without
11 the applicable permit issued by the SFMTA in accordance with Article 1200 of this Code.

12
13 Section 3. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

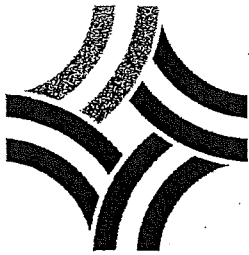
17
18 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the "Note" that appears under
23 the official title of the ordinance.

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

By: 
DAVID A. GREENBURG
Deputy City Attorney

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SFMTA
Municipal
Transportation
Agency

Private Transit Vehicle Transportation Code Amendment

Land Use and Transportation Committee
San Francisco Board of Supervisors

March 19, 2018

Background

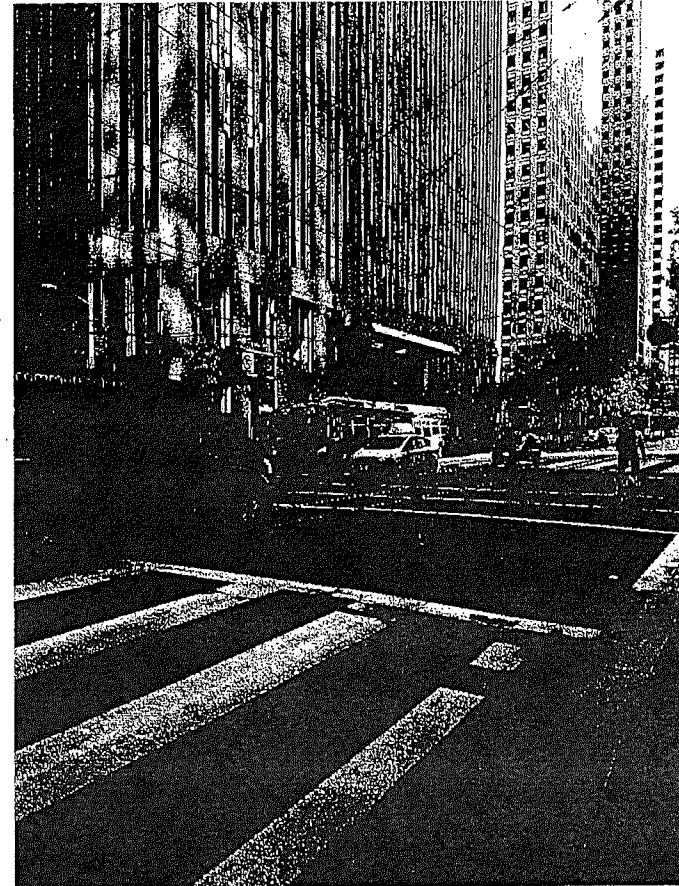
- Historical jitneys
- New private transit vehicles (PTVs) in 2014
- Jurisdiction



Photo: Mark Wahl

Permit Program

- MTA Board approved in October 2017
- Key requirements:
 - Stops in safe, legal locations
 - Muni duplication
 - Data
 - Accessibility
- Chariot has applied



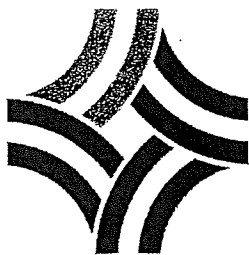


SFMTA
Municipal
Transportation
Agency

SUSTAINABLE STREETS AND TAXIS & ACCESSIBLE SERVICES DIVISIONS

Division I Legislation

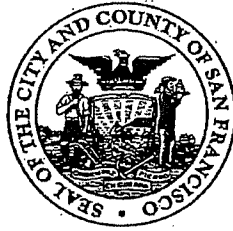
- Prohibits operating PTV without a permit
- \$5,000 fine per violation established under Division II
- Ensures compliance with permit program



SFMTA
Municipal
Transportation
Agency

Thank You

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

December 5, 2017

File No. 171210

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

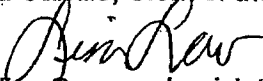
On November 28, 2017, the San Francisco Municipal Transportation Agency introduced the following proposed legislation:

File No. 171210

Ordinance amending the Transportation Code to prohibit Non-Standard Vehicles from operating without a permit as required by Article 1200 of that Code; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By:  Ailsa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfpov.org,
c=US
Date: 2018.01.22 17:06:45 -0800'



SFMTA
Municipal
Transportation
Agency

MEMORANDUM

Date: August 14, 2017
 To: Lisa Gibson, Environmental Review Officer, San Francisco Planning Department
 From: Alex Jonlin, San Francisco Municipal Transportation Agency
 Through: Erik Jaszewski, San Francisco Municipal Transportation Agency
 Subject: Private Transit Vehicle Permit Program

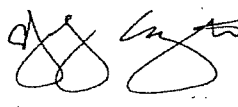
INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA) proposes to establish a regulatory framework governing the operation and permitting of Private Transit Vehicles operating in San Francisco—historically termed “jitneys.” For purposes of the Agency’s permitting authority, Private Transit Vehicles are defined as privately-owned, passenger-carrying vehicles that are used to provide transportation to the public for individual fares, excluding (1) Taxis, (2) vehicles regulated by the California Public Utilities Commission (such as Transportation Network Companies), (3) vehicles operated by an organization for the purposes of transporting discrete groups of persons such as employees, students, patients or clients, (4) ambulances, and (5) fixed guideway services such as passenger railways.

In order to ensure private transit vehicle services operate in a manner that supports SFMTA’s goals as outlined in the Strategic Plan, the Transit First Policy, and the Emerging Mobility Services and Technologies Guiding Principles, SFMTA proposes to establish a permit program and regulatory framework for PTVs in San Francisco. Companies would be required to apply for and receive a permit prior to operating private transit service that is open to the public and charges individual fares in the city. Applicants would be required to provide detailed information about their proposed service and to demonstrate that the service complies with SFMTA policies in order to receive a permit. While permit issuance would not require subsequent approval by the SFMTA Board of Directors, such issuance is discretionary and is based on the terms and conditions established in the PTV Program.

PTV activities may increase or decrease irrespective of the establishment of the PTV Permit Program. However, as SFMTA’s issuance of PTV permits is discretionary, the Agency would ensure such actions that are subject to the California Environmental Quality Act

Not a “project” pursuant to CEQA as defined in CEQA Guidelines Sections 15060(c) and 15378(b) because the action would not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

 Digitally signed by Christopher Espiritu
 DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Christopher Espiritu, email=Christopher.Espiritu@sfgov.org
 Date: 2017.08.14 17:26:04 -0700

8/14/2017

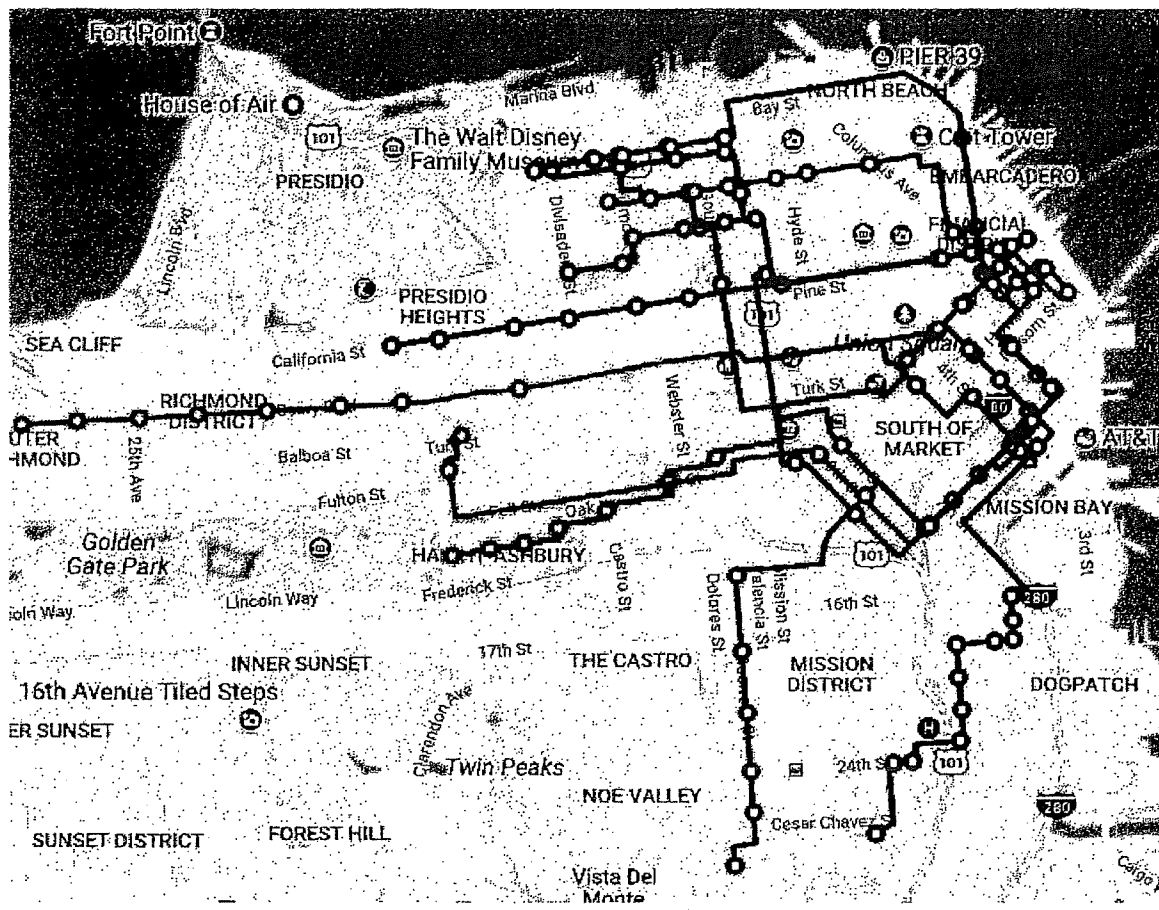
Christopher Espiritu Date
 San Francisco Planning Department

would be reviewed by the San Francisco Planning Department. Current operations of PTV's in San Francisco are considered a baseline condition and would be permitted as such. However, prior to issuing any subsequent permits, the SFMTA would document any change in operations as compared to that which was permitted in the prior year so as to appropriately characterize any potential environmental effects resulting from such permitting action by SFMTA.

BACKGROUND

Private Transit Vehicle operators in San Francisco currently consist of one organization—Chariot. They service approximately twelve routes (as shown in Figure 1), at frequencies ranging from five to fifteen minutes during peak commute hours. In order to serve these routes, the SFMTA estimates that Chariot operates approximately 100 vehicles on San Francisco streets.

Figure 1 - Existing Chariot Routes



The SFMTA is not aware of any other existing or future private transit vehicle providers or additional routes or private transit vehicles from Chariot. Therefore, any additional routes or increase in number of Private Transit Vehicles are not reasonably foreseeable. Permittees would be required to notify the SFMTA of any changes in service, including routes, stops, and vehicles used, and the SFMTA would monitor throughout the year to ensure permittees' operations are compliant with permit terms and conditions. However, these changes would not be subject to approval on an individual basis. Private Transit Vehicle operators would be required to apply for a new permit on an annual basis.

PERMIT PROGRAM ELEMENTS

Application

Applicants would be required to provide the following information in order to be considered for a permit:

- Contact information
- Up-to-date California Highway Patrol safety inspection records
- A service plan describing the proposed service, including detailed information on any routes, frequency, service hours, and staging locations
- List of stops, including demonstration that all stops are at locations where loading is permitted
- Valid insurance certificates
- List of vehicles, including license plate numbers, valid California registrations, and vehicle specifications
- Driver training policies
- Policies and procedures for providing access to people with disabilities
- Fare structure and methods of fare payment
- Service disruption prevention plan, including steps taken to avoid labor-related service disruptions
- Agreement to indemnify the City

Permit Terms and Conditions

Permittees would be required to abide by the following permit terms and conditions. Violations could result in administrative penalties or permit revocation.

- Communication:
 - Establish a designated point of contact and responding to communications in a timely manner
 - Have a mechanism in place for receiving and addressing customer complaints
 - Post fare structure and accepted methods of fare payment on website
- Licensing and Insurance:
 - Compliance with California Highway Patrol safety inspection requirements
 - Liability insurance requirements similar to CPUC standard for similar services
 - Valid San Francisco business license

- Vehicles:
 - Valid permit authorization sticker on each vehicle
 - Valid California registration and license plates
 - Vehicles must be no more than eight years old or meet emissions standards applicable to new vehicles eight years prior
 - No more than 25 feet in length, excepting bicycle racks
 - Capability to transmit GPS data
 - No outstanding past-due citations
 - Autonomous vehicles must comply with any local regulations
- Drivers
 - Valid California driver's license
 - View Large Vehicle Urban Driving Safety Video and complete other training as required by SFMTA
 - Compliance with state and federal labor standards
 - Compliance with existing background check and drug and alcohol testing requirements
- Routes
 - New routes must not duplicate Muni service (excepting those routes that are in operation prior to establishment of the permitting program)
 - No travel on restricted streets
 - No travel in Muni Only or Transit Only lanes
 - Notify SFMTA of any changes to service plan or routes
- Stops
 - No stopping in travel lane, red zones, or other locations where stopping is prohibited
 - Loading only in legal locations such as white passenger loading zones
 - Permittees may apply for general, non-designated passenger loading zones through the Color Curb Program (specific locations are not currently foreseeable)
 - Active loading while in designated loading zones – no staging
 - Notify SFMTA of any changes to stop locations
- Data
 - Live GPS location data of all vehicles in PTV service in San Francisco
 - Ridership data as requested
- Accessibility and Equity
 - Provide equal access to people with disabilities
 - Contribute to SFMTA accessibility fund if equal service not provided
 - Non-discrimination clause

Permit Fees

First-time applicants would be required to pay a non-refundable application fee. Permittees would thereafter be required to pay a fee on an annual basis. The fee amount scales up in increments based on the size of the permittee's vehicle fleet. Fees would go towards administration and enforcement of the program, consistent with state law requiring permit fees to be set on a cost recovery basis.

Incentives would be offered to permittees to encourage use of clean air vehicles and service to historically underserved areas of the city. Permittees that operate zero-emissions vehicles would be

eligible for an annual fee reduction of up to 20%, dependent on the percentage of the permittee's fleet composed of such vehicles. Permittees offering service to MTC-defined Communities of Concern south of Cesar Chavez and Taraval Streets would also be eligible for fee reductions of up to 20%, dependent on the amount of service provided to those communities.

Enforcement

Permittees would be subject to administrative penalties of \$250 per violation per day for violation of permit terms and conditions. Investigators from the SFMTA Taxis and Accessible Services Division would be assigned to the PTV program and would be empowered to issue penalties as well as citations for parking infractions like double-parking or stopping in bus zones. These investigators would also coordinate with parking control officers, who would continue to be able to cite PTVs for parking infractions.

Repeated violation of permit terms and conditions could result in permit probation and revocation. Applicants and permittees would be able to appeal permit application denials, administrative penalties, and permit revocation with the SFMTA Hearing Division.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 171017-133

WHEREAS, Small privately-operated, publicly-accessible buses and vans, often known as jitneys, have a long history in San Francisco; and,

WHEREAS, The SFMTA has regulatory authority over Motor Vehicles for Hire and Non-Standard Vehicles, including jitneys, operated wholly within the City and County of San Francisco; and,

WHEREAS, The City's jitney regulations were repealed in 2011 after jitneys had all but disappeared from San Francisco streets; and,

WHEREAS, Since 2011, new private transit vehicle services have begun operation in San Francisco; and,

WHEREAS, Since that time, SFMTA has received complaints from San Francisco residents, Muni operators, and others regarding PTV service in San Francisco, including violations of traffic laws and traffic and community impacts; and

WHEREAS, Private transit vehicles have the potential to support the City's goals if they operate safely, replace single-occupancy vehicle trips, reduce car ownership, complement transit and contribute to a reduction in parking demand, although SFMTA lacks data on the full effects of private transit vehicles at this time; and

WHEREAS, Private transit vehicles can contribute to adverse impacts on San Francisco's transportation network, including delaying transit bus and rail service, increasing traffic congestion, and interfering with the safe movement of people walking, biking, driving, and riding transit in San Francisco; and

WHEREAS, Regulation of private transit vehicle services is necessary to minimize such impacts and ensure such services operate in a manner that is consistent with the City's Transit First and Vision Zero policies; and

WHEREAS, The SFMTA Board adopted the Guiding Principles for Emerging Mobility Services and Technologies in July 2017 in order to consistently evaluate new mobility services and technologies and ensure their alignment with City goals and policies and these Guiding Principles informed the development of this legislation; and

WHEREAS, Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors would hold a public hearing on September 19, 2017, to consider the proposed establishment of private transit vehicle permit fees and penalties, which notice ran starting on August 30, 2017 for five consecutive days; and

WHEREAS, The item was continued from September 19 to October 3, and then to October 17. In compliance with Charter Section 16.112 staff posted another advertisement in the City's official newspaper which ran for five consecutive days, starting on October 6, 2017; and

Whereas, Since staff was unable to post the advertisement in a timely manner under the MTA Board's Rule of Order, Article 4, Section 10 for the October 17 meeting, the SFMTA Board of Directors is being asked to waive this Rule; and

WHEREAS, On August 14, 2017, the San Francisco Planning Department determined that approval of the Private Transit Vehicle Permit Program and Regulatory Framework is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

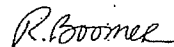
WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; now, therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors finds that notice was adequately given for this item and waives the SFMTA Board's Rule of Order, Article 4, Section 10, and, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends the Transportation Code, Division II, to create a private transit vehicle permit program, including application requirements, permit terms and conditions, fees, and administrative penalties, and, be it

FURTHER RESOLVED, That the SFMTA Board of Directors recommends that the Board of Supervisors approve an amendment to the Transportation Code, Division I to prohibit the operation of Non-Standard Vehicles, including private transit vehicles, without the applicable permit.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 17, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, March 19, 2018 8:42 AM
To: Somera, Alisa (BOS)
Subject: FW: Please pass legislation to create an infraction for private transportation vehicles that operate without a permit and that have created hazards to the public

From: Iris Biblowitz [mailto:irisbiblowitz@hotmail.com]
Sent: Saturday, March 17, 2018 7:30 PM
To: Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; SafaiStaff (BOS) <safaistaff@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MTABoard@sfmta.org
Subject: Please pass legislation to create an infraction for private transportation vehicles that operate without a permit and that have created hazards to the public

Dear Supervisors of the Land Use Committee:

I'm asking you to legislate an infraction to private transportation vehicles like Chariot that have violated city laws and put the public at risk, as well as our public transportation system. If you do this, the MTA would have the authority to then deny the permit to Chariot (Ford) in light of their violations.

Among the hazardous practices that I've observed of Chariot are:

- Double parking to board and discharge passengers in multiple locations.
- Stopping at public bus stops to pick up and discharge passengers, putting people waiting for MUNI at risk. I've known people with disabilities and seniors who've been afraid to board MUNI and have missed doctors' appointments because Chariot has been blocking the way.
- Parking in handicapped zones.
- Stopping in crosswalks.

As a nurse, I'm very concerned about the safety of pedestrians that are put at risk with Chariot's violations. Also, Chariot (and other private companies like Google, Uber, and Lyft) have contributed to gentrification and displacement, and highlighted the extreme inequality of rich and poor in San Francisco.

Thank you - Iris Biblowitz, RN

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, March 19, 2018 9:15 AM
Subject: FW: Legislation to create a private transportation vehicle (Chariot) infraction is on Land Use and Transportation agenda

From: tesw@aol.com [mailto:tesw@aol.com]

Sent: Sunday, March 18, 2018 10:13 AM

To: Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MTABoard@sfmta.com; Cityattorney <Cityattorney@sfcityatty.org>; MayorMarkFarrell (MYR) <mayormarkfarrell@sfgov.org>

Subject: Legislation to create a private transportation vehicle (Chariot) infraction is on Land Use and Transportation agenda

Dear Supervisors Tang, Kim, and Safai:

I understand that Item 4 on the March 19, 2018 agenda asks no more than that the Board of Supervisors create an infraction for private transportation vehicles that might try to operate without a permit issued by the San Francisco Municipal Transportation Agency. There is only one private transportation company now in operation in San Francisco, Chariot, owned by the Ford Motor Company.

While you do not have the power to prevent the SFMTA from issuing a permit to Chariot, I urge you to send a message to the SFMTA (once the Board of Supervisors creates the infraction and the Mayor signs the infraction legislation into law) that the Board of Supervisors strongly opposes the issuance of a permit to Chariot based on the lawless nature of this company's operations.

The lawless nature of Chariot's operations are outlined below. I have observed many violations by Chariot, including parking in red zones, blocking MUNI buses, parking at parking meters without paying, and parking in bus stops.

Chariot's lawless operations involve:

- **Boarding passengers in front of driveways to garages.** According to state law, California Vehicle Code 22500 (e) (i), this practice can be legal if an ordinance is passed for each driveway where a private transportation vehicle wishes to operate. This is NOT a matter of agreement between Chariot (or any other PTV or PTV company) and the property owner, even though SFMTA staff may try to tell you that it is;
- **Staging/parking in front of garage frontages/driveways.** Again, this practice is illegal violating CVC 22507.2;
- **Double parking to board or discharge passengers in numerous locations in violation of CVC 22500 (h).** The places where Chariot currently double parks are easy to identify based on its [publicly available app](#);
- **Stopping in crosswalks to board and discharge passengers in violation of CVC 22500 (b);**
- **Stopping in public bus stops to pick up and discharge passengers in violation of CVC 22500 (i);**
- **Parking in handicapped zones in violation of CVC 22507.8.a; and,**
- **Parking in bicycle lanes in violation of CVC 21211 (a).**

Thank you,

Tes Welborn

Somera, Alisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, March 19, 2018 11:11 AM
Subject: FW: Please urge the SFMTA to deny an operating permit to Chariot
Attachments: Chariot #206 double parks on Geary at 25th avenue 02-12-2018 at 6 p.m..jpg; Chariot 227 stopped at driveway on California at Arguello 01-26-2018.jpg; Chariot double parks on California at Presidio 11-28-2017 7-21 a.m..jpg; Chariot double parks on California at Presidio_07-19-2017.jpg; Chariot double parks on Chestnut at Fillmore 12-12-2017 at about 4-45 p.m..jpg; Chariot van in Howard Street bicycle lane.jpg; SF City Attorney protest to the CPUC re. Chariot Application 08-24-2016.PDF; Current Chariot operations are largely based on violations of the law 03-18-2018 (1).pdf.pub

From: Sue Vaughan [mailto:selizabevhaughan@gmail.com]
Sent: Sunday, March 18, 2018 6:12 PM
To: Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Cc: Major, Erica (BOS) <erica.major@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MTABoard <MTABoard@sfmta.com>; Cityattorney <Cityattorney@sfcityatty.org>; MayorMarkFarrell (MYR) <mayormarkfarrell@sfgov.org>
Subject: Please urge the SFMTA to deny an operating permit to Chariot

Dear Supervisors Tang, Kim, and Safai:

I understand that Item 4 on the March 19, 2018 agenda asks no more than that the Board of Supervisors create an infraction for private transportation vehicles that might try to operate without a permit issued by the San Francisco Municipal Transportation Agency. There is only one private transportation company now in operation in San Francisco, Chariot, owned by the Ford Motor Company.

While you do not have the power to prevent the SFMTA from issuing a permit to Chariot, I urge you to send a message to the SFMTA (once the Board of Supervisors creates the infraction and the Mayor signs the infraction legislation into law) that **the Board of Supervisors strongly opposes the issuance of a permit to Chariot based on the lawless nature of this company's operations.** The lawless nature of Chariot's operations are detailed in the attached document and outlined below. Chariot's lawless operations involve:

- **Boarding passengers in front of driveways to garages.** According to state law, California Vehicle Code 22500 (e) (i), this practice can be legal if an ordinance is passed for each driveway where a private transportation vehicle wishes to operate. This is NOT a matter of agreement between Chariot (or any other PTV or PTV company) and the property owner, even though SFMTA staff may try to tell you that it is;
- **Staging/parking in front of garage frontages/driveways.** Again, this practice is illegal violating CVC 22507.2;
- **Double parking to board or discharge passengers in numerous locations in violation of CVC 22500 (h).** The places where Chariot currently double parks are easy to identify based on its publicly available app;
- **Stopping in crosswalks to board and discharge passengers in violation of CVC 22500 (b);**
- **Stopping in public bus stops to pick up and discharge passengers in violation of CVC 22500 (i);**
- **Parking in handicapped zones in violation of CVC 22507.8.a; and,**

• **Parking in bicycle lanes in violation of CVC 21211 (a).**

Please see the attached documents for more details of Chariot's ongoing violations and the attached photographs which provide some documentary evidence of the lawlessness of Chariot operations.

Additionally, should Chariot eventually be able to create a system with legal places to board and discharge passengers, and to eliminate its other violations, I ask that you urge the SFMTA to charge a per vehicle, taxicab medallion-style fee for use of city streets as places of enterprise for private gain. In 2013 the City Attorney successfully defended a lawsuit against medallion fees, citing exemptions in state law. If we can charge such fees for taxicabs, why can't we charge them for private transportation vehicles (or tech shuttle buses, for that matter)?

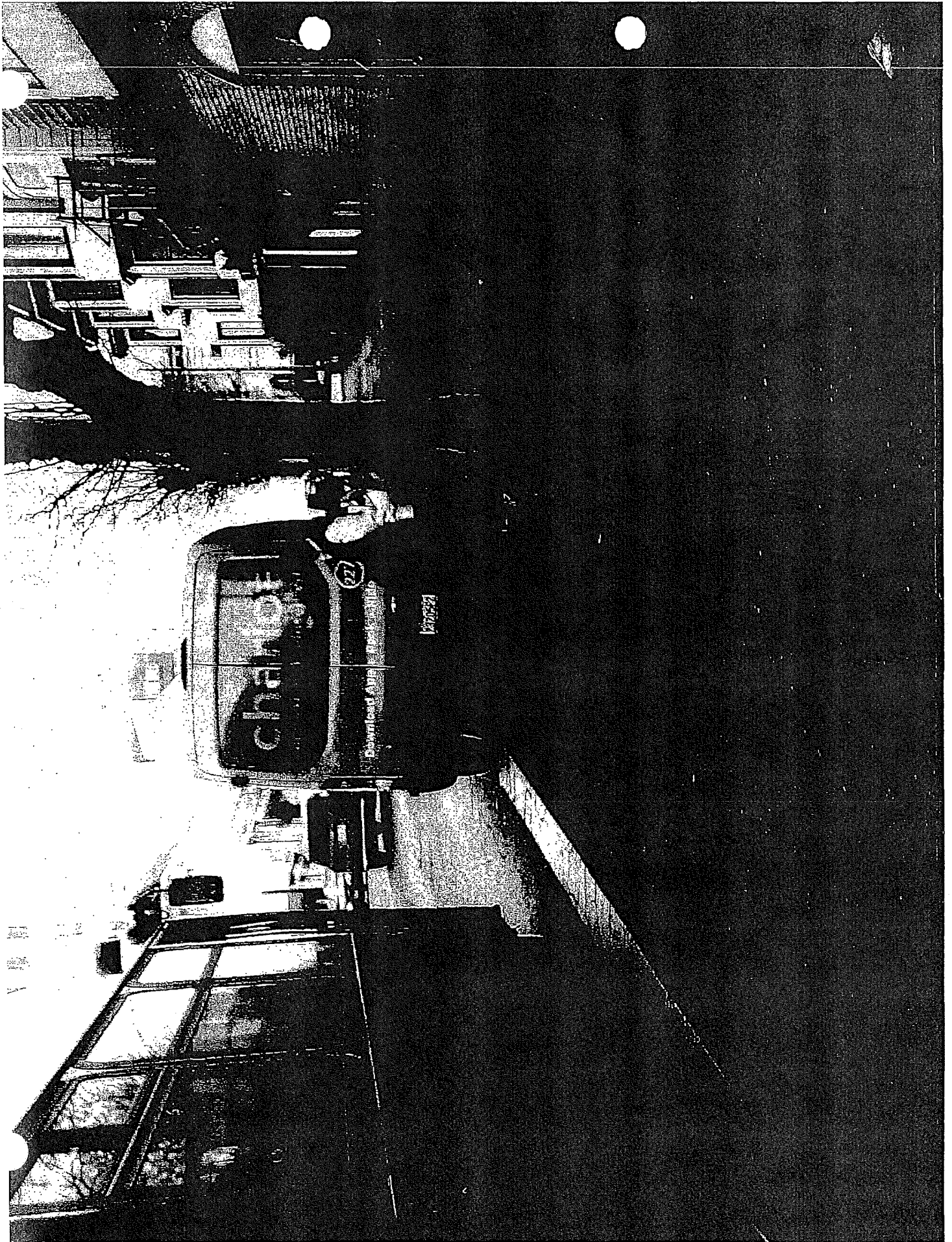
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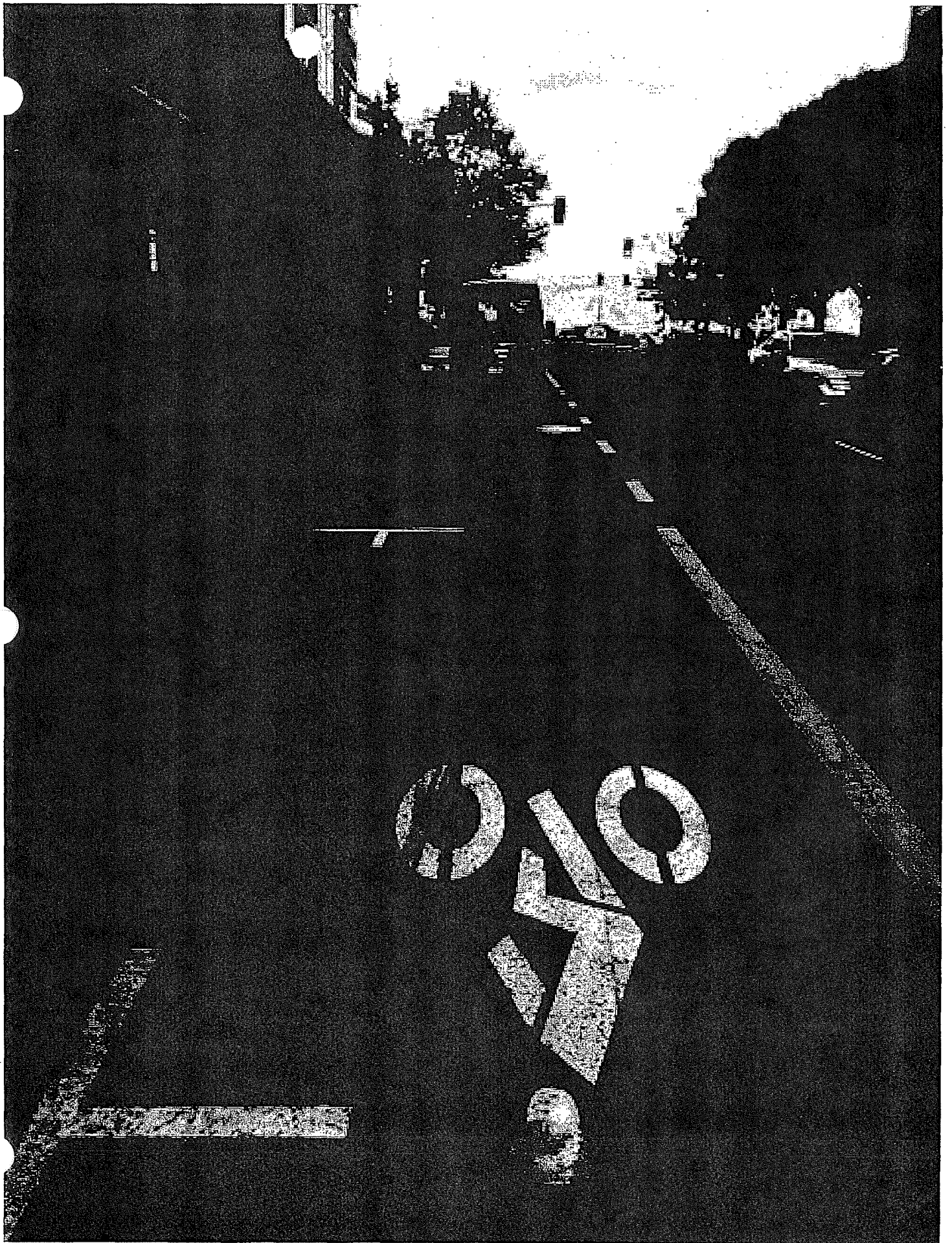
Susan Vaughan
District 1

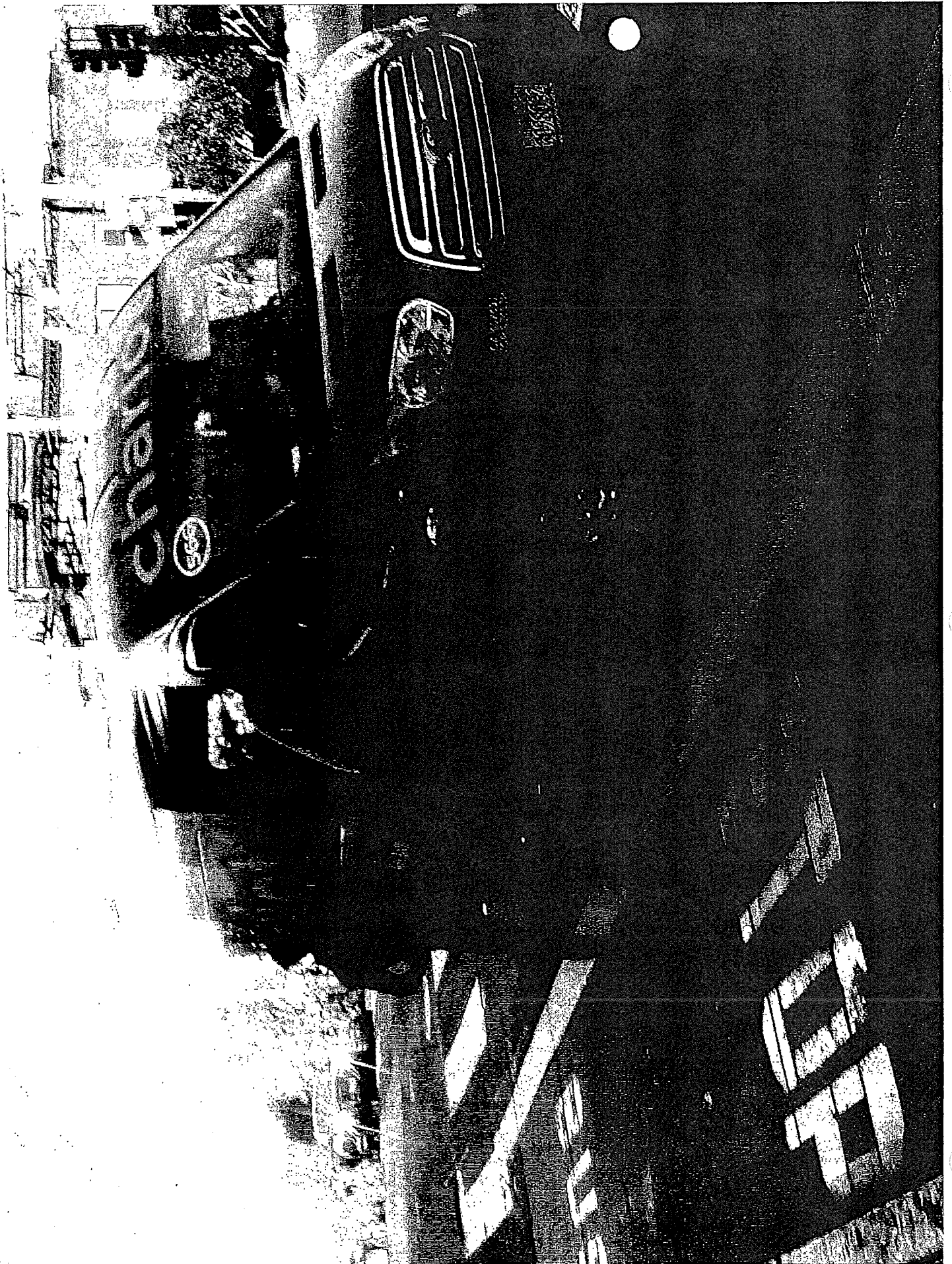
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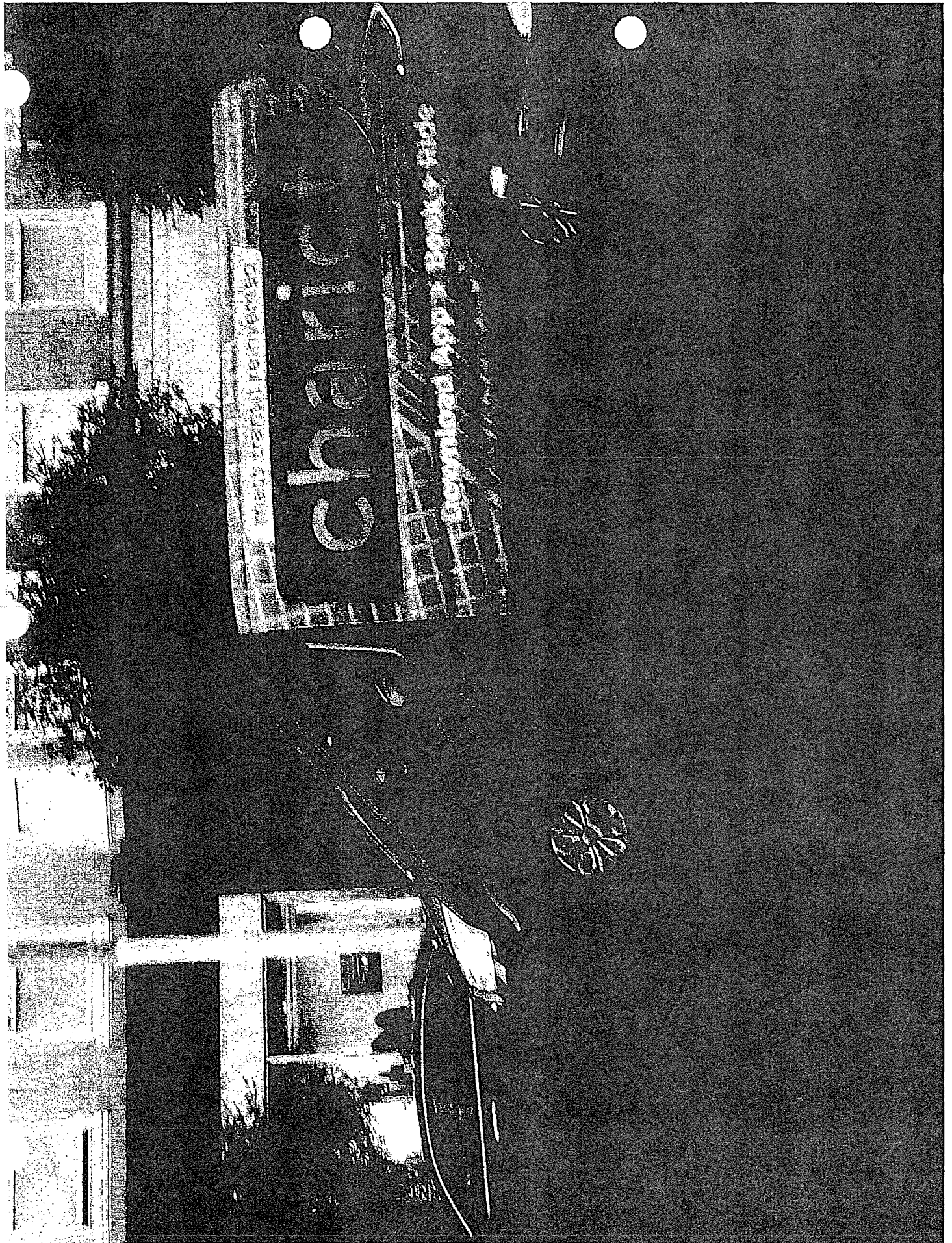
Erica.Major@sfgov.org, Board.of.Supervisors@sfgov.org, MTABoard@sfmta.com, cityattorney@sfgov.org,
mayormarkfarrell@sfgov.org













FILED
9-30-16
04:59 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Application of Chariot Transit Inc., dba Chariot Transit for authority to operate as a scheduled, and on-call passenger stage corporation between points in San Francisco and surrounding counties including Alameda, San Francisco, Marin, Contra Costa, San Mateo, and Santa Clara counties and various locations in downtown San Francisco and surrounding counties including Alameda, San Francisco, Marin, Contra Costa, San Mateo, and Santa Clara counties; and to establish a Zone of Rate Freedom.

A.16-08-015
(Filed August 24, 2016)

**PROTEST OF THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY TO
APPLICATION NO. A.16-08-015**

DENNIS J. HERRERA, State Bar #139669
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Susan Cleveland-Knowles, State Bar #193000
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Attorneys for Protestant
San Francisco Municipal Transportation Agency

I. SUMMARY

The San Francisco Municipal Transportation Agency ("SFMTA") submits this Protest to Chariot Transit, Inc.'s ("Chariot's") Application No. A.16-08-015 pursuant to Rule 2.6 of the rules of Practice and Procedure ("Rules") of the California Public Utilities Commission (the "Commission"). Chariot seeks a Certificate of Public Convenience and Necessity ("CPCN") from the Commission to operate as a fixed route and on demand passenger stage corporation. The SFMTA has an interest in this proceeding to ensure that public transit service operated by the SFMTA can continue to operate efficiently and that the flow of vehicles, bicycles and pedestrians in the City is maintained. SFMTA protests Chariot's application ("Application") for three reasons.

First, the Application is deficient in several respects. Among other deficiencies, it is unclear as to the scope and nature of the proposed transportation service. Specifically, the Application is not clear as to whether the proposed service even falls under the CPUC's jurisdiction. And, Chariot failed to properly serve the Application on the SFMTA or the City and County of San Francisco. Thus, the Commission should either reject the Application or require Chariot to amend the Application to: (1) address the substantive deficiencies; and (2) serve the Application or notice of the Application on potentially impacted entities as required by the Rules.

Second, should the Commission decide instead to consider the pending Application, the SFMTA asserts that without further clarification, Chariot does not meet the definition of "passenger stage corporation." Thus, the SFMTA, and not the Commission, is the appropriate entity to regulate Chariot's San Francisco operations.

Third, in the alternative, if the Commission nonetheless asserts jurisdiction over Chariot, the SFMTA requests that any certification issued to Chariot include these conditions: (1) that Chariot vehicles operating in San Francisco be required to obey applicable California Vehicle Code ("CVC") and San Francisco Transportation Code ("SF Trans. Code") parking and traffic requirements; (2) that any approved routes in San Francisco be limited to routes that do not involve travel on street segments on which the San Francisco Transportation Code restricts travel by certain vehicles based on either weight or passenger capacity; and (3) that Chariot be required to comply

with San Francisco laws regulating the placement of signage on public sidewalks. These conditions are needed because of Chariot's record of repeated violations of these requirements by its ongoing San Francisco operations.

II. BACKGROUND

The SFMTA is a multi-modal transportation organization responsible for operating buses, rail, cable cars and a historic fleet of streetcars, as well as developing and implementing innovative transportation solutions to benefit auto drivers, transit riders, bicyclists and pedestrians. SFMTA programs and services promote safe, efficient and convenient mobility alternatives for San Francisco residents, commuters, businesses and visitors. In addition to providing public transportation service for the City and County of San Francisco ("the City"), the SFMTA is charged with regulating the flow of vehicle, bicycle and pedestrian traffic, including regulations for parking, stopping and standing in San Francisco.

The SFMTA has an interest in this proceeding to the extent that any authority granted by the Commission for Chariot to operate in the City could impact or interfere with both the public transit service operated by the SFMTA and the flow of all modes of traffic in the City. There has been a substantial increase in the number of privately operated transportation services operating in the City in recent years. These services include commuter shuttles, Transportation Network Companies ("TNCs") and privately operated common carrier services, such as that proposed by Chariot.

Chariot filed the Application on August 24, 2016, and the Application was noticed in the Commission's Daily Calendar on August 31, 2016. Although neither the City and County of San Francisco nor the SFMTA were served with a notice or copy of the Application as required by Rule 3.3(b), the SFMTA was able to obtain a copy from Commission staff. The SFMTA is not aware that any other potentially affected transit agencies and municipalities have been noticed or served.

III. CORRESPONDENCE AND COMMUNICATIONS

All subsequent correspondence, communications and pleadings in connection with this

Response or the subject Application should be directed to:

David A. Greenburg
Office of the City Attorney
City and County of San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Tel: (415) 554-3958
Fax: (415) 255-3139
Email: david.greenburg@sfgov.org

with a copy to

Tom Maguire, Director
Sustainable Streets Division
San Francisco Municipal Transportation Agency
One South Van Ness Avenue, 7th Floor
San Francisco, CA 94103
Tel: (415) 701-4677
Fax: (415) 701-4735
Email: Tom.Maguire@sfmta.com

IV. GROUNDS FOR PROTEST

A. **Chariot's Application is inadequate and was not served or noticed in accordance with Commission rules.**

Because the Application lacks a clear explanation of its proposed service and fails to comply with statutory requirements governing content, SFMTA is unable to comment meaningfully and thoroughly on the Application. Accordingly, the Commission should deny the Application or require the applicant to submit a revised application that complies with the Commission's Rules and the Public Utilities Code, and that is properly served or noticed to the affected transit agencies and other public entities.

i. Chariot's Application Is Unclear.

The Application is incomplete and unclear on a number of issues. Most importantly, it is unclear on a fundamental point; whether, based on the service being proposed, Chariot is properly

categorized as a passenger stage corporation subject to Commission regulation. Page one of the Application states that Chariot is requesting a CPCN “to establish and operate a fixed route and on-demand app-based service passenger stage corporation, for the transportation of passengers between points in San Francisco and surrounding counties . . .” This statement describes what appears to be passenger stage service, as it is service that would presumably charge individual fares for service extending into more than one county. Later in the Application, however, Chariot’s intentions become unclear. On page two, the Application states that Chariot “seeks to operate a fixed-route service with on demand aspects; primarily in the city of San Francisco.” And on page one of Exhibit C to the Application, describing proposed routes, Chariot states that, with the exception of a Mill Valley route that amounts to “less than 2% of all business,” all routes outside of the City of San Francisco are privately funded routes that do not charge individual fares. Privately-funded service that does not charge individual fares describes service provided by a charter party carrier, and not by a PSC. (*See*, Pub. Utils. Code §5353(c), excluding from the scope of the Passenger Charter-party Carrier Act “service that is regulated under §1031 *et seq.* of that Code, regulating passenger stage corporations). Thus, it appears that Applicant may be confusing charter service with passenger stage service.

Under the Public Utilities Code, a passenger stage corporation (“PSC”) is defined to exclude a common carrier where 98% or more of the carrier’s operations, as measured by total route mileage, occur exclusively within the limits of a single city or city and county. (Cal. Pub. Util. Code § 226(a).) If it is true that 98% or more of Applicant’s proposed “passenger stage routes,” as measured by mileage, are within San Francisco, then the proposed service fails to meet the definition of “passenger stage corporation” set forth in Section 226(a) of the Public Utilities Code.

In addition, the Application does not adequately describe the location of the proposed stops. As a large, congested city, San Francisco has limited curb space in many areas that is available to serve as loading areas without violating City parking regulations. The Application should commit to

the use of stops only in permissible loading or stopping areas (such as white zones or yellow zones designated for passenger loading), so as to avoid adding to traffic congestion.

The application is also deficient in several other respects. It does not address several of the requirements for a passenger stage application set forth in Section 1032 of the Public Utilities Code, including Sec. 1032(b)(1)(C) (preventive maintenance program); Sec. 1032(b)(1)(E) (operator safety education and training); Sec. 1032(b)(1)(G) (workers' compensation insurance); and Sec. 1032(b)(1)(H) (location for inspection of records). Any new or revised application should address these points:

ii. Chariot failed to properly serve the Application.

Rule 3.3(b) requires that an applicant mail a copy of the application to public transit operators operating in any part of the territory sought to be served by the applicant. In addition, the applicant is required to mail notice of the application to city and county governmental entities "within whose boundaries passengers will be loaded or unloaded." Page six of the Application states that copies of the Application "have been were mailed to the entities and agencies below." There are no entities listed below that statement. Perhaps the statement is intended to refer to the list of entities included in Exhibit G to the Application. Exhibit G lists both the "General Manager for the Municipal Railway" and the "Clerk of the City and County of San Francisco," although neither the SFMTA nor the City and County of San Francisco were served with the Application. (Declaration of Tom Maguire, Attached as Exhibit 1, at ¶¶5-6.) Instead, SFMTA obtained a copy of the Application by requesting it from CPUC staff.

For the reasons stated above, Chariot's application should be found insufficient and be rejected or amended to address SFMTA's concerns. Further, any new or revised application should be properly noticed or served as required by Rule 3.3(b).¹

B. The Commission should decline to consider the Application if Applicant's proposed service does not require a Certificate of Public Convenience and Necessity and Applicant does not meet the definition of "Passenger Stage Corporation."

As explained in subsection A, the Application is deficient in a number of respects, including vague and potentially contradictory descriptions of the proposed service. Should the Commission decide nonetheless to act upon the Application as submitted, it is SFMTA's position that the Commission has jurisdiction to regulate Chariot as a passenger stage corporation only if Chariot's passenger stage operations consist of more than two percent (based on mileage) service that is outside of the City. If at least 98 percent of the proposed service is located entirely within the City, it does not require a CPCN, and Chariot does not meet the definition of a Passenger Stage Corporation.

The Legislature has granted the Commission authority to regulate passenger stage corporations in the state. (Cal. Pub. Util. Code § 1031.) But, as noted above, the Legislature has also decreed that a common carrier is not a passenger stage corporation if 98% or more of the carrier's operations, as measured by total route mileage, occur exclusively within the limits of a single city or city and county. (Cal. Pub. Util. Code § 226(a).) Based on the proposed service described in Chariot's application, it is not clear that Chariot is a PSC, and therefore subject to the Commission's jurisdiction.

The Commission has repeatedly recognized that it lacks jurisdiction over common carriers that would qualify as PSCs except for the fact that they are operating exclusively within a single city or city and county. (See, e.g., *In Matter of Kiddie Karriage Shuttle Service* (1996) 66 Cal.P.U.C.2d 136 [PSC application to provide service solely within the City of Modesto is not

¹ While not included on the CPUC's service list, SFMTA is nonetheless mailing courtesy copies of this Protest to those entities listed in Exhibit G of the Application.

subject to the Commission's jurisdiction[.]) As the Commission has explicitly stated, it can neither modify nor act outside the statutory bounds of its authority:

"Our authority to regulate passenger stage corporations is limited to those whose total route mileage is more than two percent outside the boundaries of a single city or city and county. (§ 226(a).) [We] cannot expand or contract the statutory limitations. . . . If a carrier falls within the definition of the current statutes it will be regulated by this Commission. If it does not, we have no jurisdiction."

(Re Specialized Transportation of Unaccompanied Infants and Children (1997) 73

Cal.P.U.C.2d 640; see also Los Angeles Railway Corporation v. Asbury Rapid Transit System (1940) 42 C.R.C. 837, 855.) The exclusion of intra-city service from the Commission's jurisdiction has also been recognized by the California Supreme Court. (*Asbury Rapid Transit System v. The Railroad Commission (1941) 18 Cal. 2d 105, 109.*) Most recently, this Commission confirmed that, "[t]he plain meaning of Code § 226 is that any corporation or person that would otherwise be a PSC that meets the criteria of the 98% exemption is not actually a PSC." (*In the Matter of the Application of San Francisco Deluxe Sightseeing, LLC (2012) Cal. P.U.C. Dec. No.12-11-002 [Conclusion of Law No. 10], 2012 WL 5879622, rehearing denied and modified by Decision No. 12-04-24, 2014 WL 1478352.*)²

The Commission's lack of jurisdiction over Chariot does not mean that Chariot may operate within San Francisco free of regulation that will ensure the public safety. San Francisco has police power authority to regulate privately-operated fixed route bus service in the City that is offered to the general public. (Cal. Const., art. XI, § 7; *See People v. Willert (1939) 37 Cal.App.2d Supp. 729, 737.*) Section 1103(f) of the San Francisco Transportation Code requires Chariot to obtain a Non-Standard Vehicle Permit from the SFMTA in order to conduct its proposed operations. As referenced above, there are currently a large number of types of private transportation services being operated in San Francisco, each with distinguishing characteristics that affect the nature and substance of regulation.

² Dec. No.12-11-002 involved different facts than the instant case because while it involved two applicants who had been providing service that met the statutory exemption from Commission jurisdiction under Section 226, both of those applicants were seeking authorization to expand their service so as to clearly bring it within the Commission's jurisdiction. Dec. No.12-11-002 did not grant Passenger Stage Corporation status to applicants providing such service in only one county.

The SFMTA is balancing the need to apply regulation uniformly with the highly individualized nature of each type of transportation service and provider. To that end, the SFMTA is presently developing more detailed regulations that will supplement the existing provisions of Section 1103(f) to further address the requirements for the operation of privately-owned intra-city transit buses on City streets. These regulations will be considered for adoption by the SFMTA Board of Directors as part of a public process in which Chariot and other entities that may be affected by the regulations may participate.

- C. In the alternative, if the Commission intends to grant Chariot's application, any certification should require that Chariot comply with San Francisco's parking and traffic and signage laws, and ensure that any approved routes in San Francisco do not include service on street segments for which travel by commercial vehicles with a capacity of nine or more persons, or by vehicles with a weight in excess of 6000 lbs. is restricted under the San Francisco Transportation Code.**

San Francisco is a very densely populated urban area with unique geography that experiences significant traffic congestion due to high volumes of motor vehicle, bicycle and pedestrian traffic. The City is a major employment center, provides distinct and unique residential experiences, is home to a diverse population, and maintains it is unique among California cities due to its unique geography and its status as a premier tourist destination, all within a geographically limited area. In addition, while San Francisco can be accessed by major freeways, freeway routes through or bypassing the city are limited, so vehicles going to or coming from freeways travels relatively long distances on City streets.

In order to help improve traffic flow and reduce congestion, San Francisco has established street restrictions in Sections 501 and 503 of the City's Transportation Code. With specified exceptions, these provisions restrict certain types of vehicles from traveling on specified street segments. Section 501 establishes street restrictions based on vehicle weight, and Section 503 prohibits commercial vehicles with a seating capacity of nine or more persons, including the driver, from traveling on specified street segments. The restrictions ("Street Restrictions") have been

developed following analysis by SFMTA and its predecessor agencies, taking into account a broad range of considerations, including geography, roadway capacity, vehicular, bicycle and pedestrian traffic patterns and volume, as well as neighborhood characteristics.

The proposed routes shown in the Application include a number of routes that travel on streets subject to Street Restrictions. These include, for example, Chestnut Street between Franklin and Lyon Streets and Guerrero Street between 18th and Cesar Chavez Streets. A map of streets subject to Street Restrictions is attached as Exhibit 2.

These streets are frequently congested, and parking can be very difficult, contributing to the congestion. It is for these reasons that the City has included these street segments in the Transportation Code Street Restrictions. Allowing Chariot's vehicles to operate to travel on, and stop along, these streets will only aggravate this congestion.

When the Street Restrictions were brought to the attention of Chariot, Chariot contended that its vehicles are "vanpools" and thus not be subject to Street Restrictions. (Declaration of Alexander Jonlin ("Jonlin Decl.") attached as Exhibit 3, at ¶13 and Attachment D.)³ However, Chariot vehicles do not meet the definition of a "vanpool" under the Vehicle Code since they are not maintained and used primarily for the non-profit work-related transportation of adults for the purposes of ridesharing. (CVC §668.)

In addition, Chariot's current operations in San Francisco have shown a consistent and ongoing disregard for other City parking and traffic laws, included but not limited to the following:

a. Staging and stopping in residential driveways: Residents along a number of corridors, including Divisadero, Chestnut, Oak, Dolores, Guerrero, and Brannan Streets, have complained about Chariot vehicles illegally staging or stopping to pick up passengers in their driveways. (Jonlin Decl. at ¶7 and Attachment A.) Staff observations have confirmed that many Chariot stops across the city are in front of residential driveways. (Jonlin Decl. at ¶6.)

Additionally, route maps and stop locations listed on Chariot's website identify loading locations

³ The emails included as attachments to Exhibit 3 are intended as examples of complaints concerning Chariot's operations received by SFMTA; the Agency can provide additional complaint correspondence upon request.

(such as 1886 Filbert on the SOMA Sprinter PM route, or 1995 Chestnut on the Chestnut AM Route) that are in front of driveways of residences.

b. Double parking, blocking traffic: The SFMTA has received complaints about Chariot vehicles illegally stopping in the travel lane to load passengers in a number of locations. At Chariot's stop on the east side of Divisadero Street south of Chestnut Street, staff observed 18 Chariot vehicles stopping within one half-hour period; 11 of these double-parked. (Jonlin Decl. at ¶8 and Attachment B.) Other complaints about Chariot vehicles stopping in the travel lane have come from major Muni corridors such as Geary Boulevard and California Street. Chariot lists stops along these corridors on its website at locations with no apparent legal curb space, where vehicles would have to double-park in order to unload passengers. (Jonlin Decl. at ¶8.)

c. Stopping in Muni "red zones": SFMTA has received complaints about Chariot vehicles illegally stopping in Muni bus zones along Pine Street in the Financial District and California Street in the Richmond. (Jonlin Decl. at ¶9.) SFMTA has not authorized any use of any Muni zones by Chariot. While SFMTA does allow participants in the voluntary Commuter Shuttle Program to use designated Muni bus zones under a permit program, Chariot does not participate in the Commuter Shuttle Program. Chariot's website lists stops on four of its routes on Pine Street between Davis and Battery Streets. The curb along this entire stretch of Pine Street is designated no stopping except Muni in the afternoon peak period.

d. Driver behavior: SFMTA Parking Control Officers have reported Chariot drivers being verbally and physically aggressive, including one instance in which a Chariot driver hit the window of the officer's vehicle. (Jonlin Decl. at ¶10 and Attachment C.) A resident reported Chariot drivers illegally parked in front of a driveway refusing to move to allow vehicles to exit the driveway. (Jonlin Decl. at ¶11 and Attachment A.)

e. Responsiveness: The SFMTA has repeatedly brought these and other issues to the attention of Chariot. While Chariot staff have often responded pledging to resolve individual issues, the SFMTA has not observed an overall improvement in Chariot's behavior. (Jonlin Decl. at ¶¶7-9; 12-14.)

Moreover, Chariot has also shown a consistent and ongoing disregard of San Francisco laws governing the placement of signs on the sidewalks. Chariot has repeatedly placed "A-Frame" or "sandwich board" signs on sidewalks in San Francisco in violation of San Francisco Police Code Sec. 63(a), prohibiting obstruction of sidewalks. (Jonlin Decl. at ¶12.).

Accordingly, SFMTA requests that in the event the Commission grants a CPCN to Chariot, that any certification require that Chariot comply with San Francisco parking and traffic and signage laws, and that any approved routes in San Francisco comply with San Francisco's Street Restrictions set forth in Sections 501 and 503 of the City's Transportation Code.

The following specific conditions should be considered in order to protect the SFMTA's ability to provide for the smooth operation of transit and streets in San Francisco:

1. Chariot will only use legal loading zones for the purposes of passenger loading or unloading and staging, and will not stop across driveways, in travel lanes, or in other illegal locations.
2. Chariot will not use any of the City's Muni bus stops ("Red Zones") for passenger loading or unloading except and unless the City at some future time implements a regulatory program that authorizes Chariot to use designated Red Zones for this purpose.
3. Chariot will not operate on the restricted streets designated in Sections 501 and 503 of the San Francisco Transportation Code.
4. Chariot will not use any of the City's Commuter Shuttle Program designated zones for passenger loading or unloading except and unless at some time in the future Chariot is authorized to participate in the program and is issued a Commuter Shuttle Program permit and agrees to operate in accordance with the terms of that permit.
5. Chariot shall comply San Francisco laws regulating obstruction of sidewalks.

V. SCHEDULE

The schedule set forth on page 10 of the Application is unduly compressed in light of the issues raised above. Any schedule set by the Commission should provide sufficient time for the Application

to be properly served on all agencies and entities entitled to notice or service, as well as sufficient time for those parties to respond to the Application.

VI. CONCLUSION

For the reasons set forth above, the SFMTA requests that the Commission either reject Application 16-08-015, or require the applicant to revise the Application and properly notice or serve the revised application on all affected entities in accordance with the Commission's Rules. In the alternative, if the Commission nonetheless asserts jurisdiction over Chariot, the SFMTA requests that any certification issued to Chariot include these conditions: (1) that Chariot vehicles operating in San Francisco be required to obey applicable California Vehicle Code and San Francisco Transportation Code; (2) that any approved routes in San Francisco be limited to routes that do not involve travel on street segments on which the San Francisco Transportation Code restricts travel by certain vehicles based on either weight or passenger capacity; and (3) that Chariot be required to comply with San Francisco Public Works Code requirements regulating the placement of signage on public sidewalks.

Dated: September 30, 2016

Respectfully submitted,

DENNIS J. HERRERA
City Attorney
SUSAN CLEVELAND-KNOWLES
General Counsel
San Francisco Municipal Transportation Agency
DAVID A. GREENBURG
Deputy City Attorney

By: _____ /s/
DAVID A. GREENBURG
Deputy City Attorney
Attorneys for
SAN FRANCISCO MUNICIPAL TRANSPORTATION
AGENCY

EXHIBIT 1

DECLARATION OF TOM MAGUIRE

I, Tom Maguire, declare as follows:

1. I have personal knowledge of the matters stated below, except those stated on information and belief, which I believe to be true. If called upon to testify in this matter, I could and would testify to the following.

2. I am an employee of the San Francisco Municipal Transportation Agency (SFMTA), where I serve as Director of the Sustainable Streets Division. I have held this position since October, 2014.

3. As Director of the Sustainable Streets Division, I report directly to the Director of Transportation. I oversee the Sustainable Streets Division, which, among other functions, carries out SFMTA's responsibilities for regulating the flow and direction of vehicle, bicycle and pedestrian traffic in the City, as well as the regulation of vehicles for hire. An application to the California Public Utilities Commission ("CPUC") from a service provider seeking certification as a passenger stage corporation that was served on SFMTA would be brought to my attention.

4. Chariot Transit Inc.'s ("Chariot's") application to the CPUC for certification as a passenger stage corporation can be read to indicate that it was served on the "General Manager Municipal Railway." This position has not existed for several years. The successor to that position is SFMTA's the Director of Transit, a position currently held by John Haley.

5. I have confirmed with John Haley that he is not aware of SFMTA being served with a copy of Chariot's application. I likewise am unaware that SFMTA has been served with the application.

6. Chariot's application can also be read to indicate that it was served on the "Clerk of the City and County of San Francisco." My staff has confirmed with the County Clerk, that her office likewise never received Chariot's application.

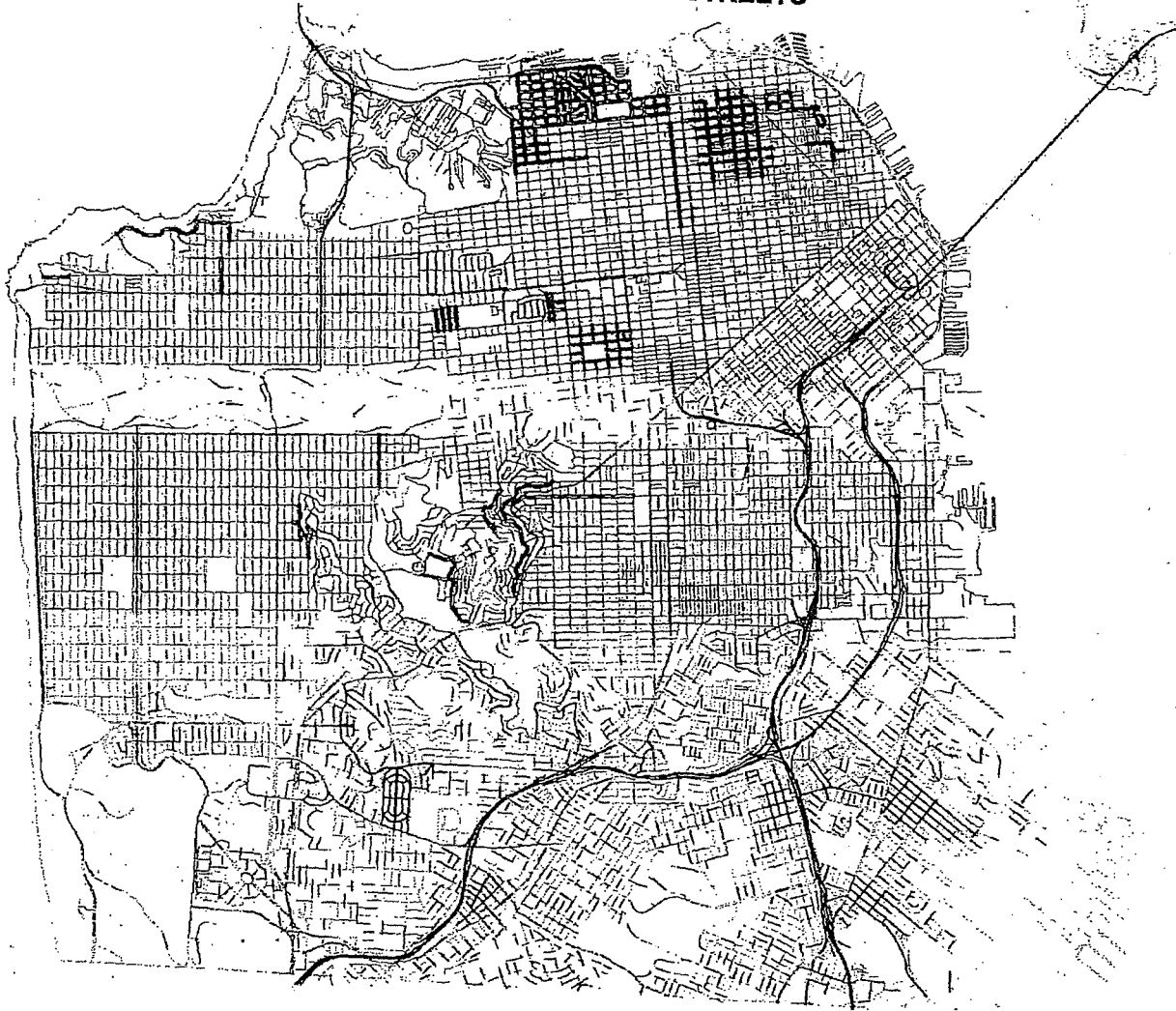
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30 day of September, 2016.



Tom Maguire

EXHIBIT 2

RESTRICTED TRAFFIC STREETS



- Weight Restriction Over 3 Tons
- - - Weight Restriction Over 9 Tons
- Buses and Vans With 8 or More Passengers Restricted
- Buses and Vans With 8 or More Passengers Restricted (Alamo Square Neighborhood)

BASEMAP:
 Department of Public Works, SFMTA
RESTRICTED STREETS LAYER:
 SFMTA - SUSTAINABLE STREETS
 LAST MODIFIED: JANUARY 17, 2014

Notes:

- 1) Certain vehicles exempt, including vehicles with business in that block, utility vehicles, emergency vehicles, school buses, and city vehicles. Employer buses exempt in Alamo Square neighborhood only.
- 2) Transportation code restricts the parking of commercial vehicles with gross weight over 10,000 pounds on residentially zoned areas.

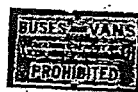
For further information on restricted traffic streets, go to www.sfparks.org and view the Municipal Codes (Transportation Code).

Prepared January 2014, Check Point
 Updates & Revisions - Ricardo Cisneros/Thomas Abdallah

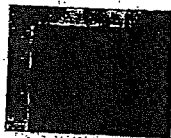
Roadway Signage



Transportation Code Section 501



Transportation Code Section 503



Transportation Code Section 503 (Alamo Square)

Disclaimer: The City and County of San Francisco does not guarantee the accuracy or completeness of any information provided.



EXHIBIT 3

DECLARATION OF ALEXANDER JONLIN

I, Alexander Jonlin, declare as follows:

1. I have personal knowledge of the matters stated below, except those stated on information and belief, which I believe to be true. If called upon to testify in this matter, I could and would testify to the following.

2. I am an employee of the Mayor's Office of Economic and Workforce Development, currently detailed to the San Francisco Municipal Transportation Agency (SFMTA), where I serve as a Transportation Analyst. I have worked for the SFMTA since June, 2015, and held this position since January, 2016.

3. Since October, 2015, my primary responsibility has been handling day to day issues concerning the regulation private buses, including commuter shuttles under the Commuter Shuttle Program, as well as other types of privately owned buses operating in the City, such as tour buses, jitneys and other shuttle services.

4. My duties include communicating with service providers about operational issues, including complaints about operations.

5. I have received and logged twenty-two complaints from members of the public and colleagues at the SFMTA regarding vehicles belonging to Chariot Transit Inc. ("Chariot") since November, 2015. I have responded to complainants and contacted Chariot representatives and SFMTA parking enforcement when appropriate.

6. I have received complaints from residents on Divisadero Street in the Marina District, Oak Street in the Western Addition, Dolores and Guerrero Streets in the Mission, and Brannan Street in Soma complaining about Chariot vehicles stopping across their driveways. I have personally observed Chariot vehicles stopping in driveways on Divisadero, Guerrero, and Chestnut Streets. Other loading locations listed on Chariot's website (such as 1886 Filbert on the

SOMA Sprinter PM route or 1995 Chestnut on the Chestnut Bullet AM route, among many others) appear to be in driveways.

7. I have repeatedly brought specific locations to the attention of Chariot representatives and informed them that staging or stopping to pick up passengers across driveways is illegal, but I have observed that Chariot continued to systematically place stops in driveways. Included as Attachment A to this Declaration are examples of correspondence between myself and Chariot concerning complaints about Chariot vehicles blocking driveways, including an incident where the driver refused to move the vehicle despite being asked to do so.

8. I have received complaints from members of the public about Chariot vehicles double parking and blocking travel lanes while loading and unloading passengers on Broadway in Pacific Heights, Divisadero Street in the Marina District, and California Street and Geary Boulevard in the Richmond District. In March 2016 at Chariot's stop on the east side of Divisadero Street south of Chestnut Street, I observed 18 Chariot vehicles stopping within one half-hour period; 11 of these double-parked. Chariot's website lists stops like 5498 Geary with no apparent legal curb space, where vehicles would have to block the travel lane in order to load or unload passengers. I have contacted Chariot about these issues and Chariot representatives have responded pledging to change their stop locations, but I have continued to receive complaints, often regarding the same locations. Included as Attachment B to this Declaration is email correspondence between myself and Chariot concerning complaints about double-parking by Chariot vehicles.

9. I have received complaints from members of the public about Chariot vehicles stopping in Muni zones on Pine Street in the Financial District and California Street in the Richmond. Muni operators have reported to me that they have been unable to access Muni stops

on Pine Street in the Financial District and in other locations due to Chariot vehicles blocking the stops. I have contacted Chariot about these issues and Chariot representatives have promised that they have a policy to not stop in Muni zones, but stops listed on their website like those along Pine Street in the Financial District and at 3700 Arguello are located in Muni zones.

10. I received a report from a colleague in the parking enforcement division in which a Parking Control Officer reported being verbally harassed while issuing a citation to a Chariot vehicle illegally parked in a tow-away no-stopping zone along 1st Street south of Market Street, after which the Chariot driver hit the window of the Parking Enforcement Officer's vehicle. Attached as Attachment C to this Declaration is a June 20, 2016 email I received from Camron Samii, Enforcement Manager for SFMTA's Sustainable Streets Division, summarizing this incident.

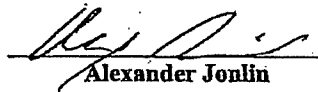
11. I received a complaint from a member of the public who reported that a Chariot vehicle was parked in front of their driveway on Brannan and that the Chariot vehicle refused to move for an extended period of time even when the member of the public explained that they needed to exit their driveway. Attachment A includes an email discussion between Chariot and myself concerning this incident.

12. I have received complaints from members of the public regarding Chariot sandwich signs illegally placed on the sidewalk on Broadway in Pacific Heights, Oak Street in the Western Addition, California Street in the Richmond, Divisadero Street in the Marina District, and Guerrero Street in the Mission. Often these signs were chained to utility poles. I contacted Chariot and informed them that placing "A-frame" or sandwich signs on the sidewalk is illegal. While their representatives pledged to resolve the issue, I did not see any improvement until San Francisco Public Works inspectors took enforcement action.

13. I have observed Chariot traveling on restricted streets including Chestnut and Guerrero Streets. Commercial vehicles with capacity for 8 or more passengers are prohibited on Chestnut Street, and commercial vehicles weighing over 3 tons are prohibited on Guerrero Street. Chariot vehicles have capacity for over 8 passengers and weigh over 3 tons, so they are prohibited on these streets. I have brought this issue to the attention of Chariot representatives but they have not taken any action to change their routes to comply with San Francisco street restrictions. Included as Attachment D to this Declaration is email correspondence between myself and Chariot informing Chariot that its vehicles are travelling on streets subject to these restrictions and may be cited.

14. I have contacted Chariot regarding violations of San Francisco parking and traffic laws at least 12 times since November 2015. While Chariot representatives have often responded pledging to resolve issues, and in a limited number of cases have moved specific stops, their overall system continues to operate in violation of San Francisco parking and traffic laws.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30th day of September, 2016.


Alexander Jonlin

ATTACHMENT A
to
EXHIBIT 3

To: Ali Vahabzadeh <@chariot.com>

"Jonlin, Alexander"

cc: <Alexander.Jonlin@sfmta.com>

Subject: Re: Chariot Complaint

Hi Alex,

As a quick follow up to this situation -

We initially received this notification about a week ago. While we never condone our drivers sitting and blocking drive ways as occurred in this situation, we also realize the potential

interruptions caused by our vehicles in this vicinity.

Following the initial message, we immediately took steps to rectify the situation - the stops for our vehicles have since been moved down the street to a more accessible location with less likelihood of problems arising.

As Ali mentioned, please copy me on all issues related to problems with our operations and I will work quickly to rectify them.

On Wed, May 25, 2016 at 6:48 PM, Ali Vahabzadeh <ali@chariot.com> wrote:

Thanks for the feedback, Alex.

Please copy my teammate Kyle in the future, cc'd here.

On May 25, 2016 6:35 PM, "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com> wrote:

Ali-

We received a complaint (below) on May 10th regarding a Chariot vehicle illegally stopping and blocking a driveway on Brannan near 4th. Chariot vehicles are not permitted to stop in driveways - vehicles that do so are subject to citation. This is especially egregious in the incident detailed below, in which a Chariot vehicle continued to block the driveway despite other vehicles attempting to enter and exit. Please schedule stops only in legal, safe locations like passenger loading white zones or commercial yellow zones.

Thanks,

Alex

They swarm this area every morning and afternoon at rush hour, parking pretty much wherever they decide to stop and park, usually double parked or blocking driveways. --- I work near 4th & Brannan. The city has made life difficult in this neighborhood, and done little to mitigate the impacts. Zero traffic officers to keep a very unsafe situation from becoming a fatal incident. On a daily basis, I see fender-benders, drivers dangerously confused by the constant change of lane alignments and visual blockage of traffic signs by construction signs. My own car was hit last week as I was backing out of my parking space when a frustrated commuter decided to use the parking lot to get out of a game-day rush-hour stand-still gridlock. It's seriously out of control down here, but this is not what I'm writing you about.

I'm writing you about a company called Chariot that operates these green commuter vans that serve neighborhoods poorly served by Muni, which technically at this point is every neighborhood since Muni has deteriorated so severely. So I support transit alternatives, but the driveway-blocking, double-parking, obnoxious-attitude ways of these horrible Chariot "private transit" vans need to be seriously clipped. Name the obnoxious behavior, I've experienced it from this company and its drivers: charging at pedestrians, blocking driveways, double-parking on congested streets, sudden lane changes without signals, obnoxious behavior by the drivers when you confront their behavior. This company is a bad operator, and these behaviors are their routine way of doing business.

Today: Van 63. What a horrible, obnoxious person. What other business drives around blocking access to other businesses, refusing to leave? I finally got out of my car and got in a shouting match. She refused to leave. I laid on the horn without rest. She refused to leave. She even directed ME to other ways I could get there, as if it's her place to direct traffic at all. And she was illegally parked. Her refusal to move was unbelievable. I ultimately had to drive up over the sidewalk, during rush hour, filled with lots of pedestrians and what not, so that this obnoxious person could park her van illegally blocking the business I was trying to access.

Finally the lot attendant came out with his phone and started taking pictures of her, and she drove away. His name is Reynaldo. He works at the lot at 4th & Brannan where there is a Wells Fargo and a Starbucks. He's a great guy, and he works really hard. He doesn't deserve to have his business impacted by this company's bad behavior. How is it that this type of behavior is tolerated by the city at all, much less in a neighborhood that is already suffering such major impacts.

I don't care if her company told her to park there or not, as she claimed. I know there is no permit to block access to another business as she was doing, and as these vans routinely do, and I hope the city shuts them down.

Alex Jonlin

Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7th Floor

San Francisco, CA 94103-5417

Email: Alexander.Jonlin@sfmta.com

Phone: [415-646-2349](tel:415-646-2349)

ATTACHMENT B
to
EXHIBIT 3

Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7th Floor

San Francisco, CA 94103-5417

Email: Alexander.Jonlin@sfmta.com

Phone: [415-646-2349](tel:415-646-2349)

— Message from Ali Vahabzadeh <ali@chariot.com> on Mon, 13 Jun 2016 17:56:38 +0000 —

To: "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>

cc: Kyle Merson <kyle@chariot.com>, "Napolitan, Francesca" <Francesca.Napolitan@sfmta.com>

Subject: Re: Chariot at Geary & 33rd

This is an outrage: to open your mailbox and see a dozen citations from an enforcement agency that doesn't have the courtesy to get out of their vehicle and provide a paper citation on the spot. Where is the burden of proof? Our company is not an ATM machine.

Kyle - Please do not pay these until/if we have a better arrangement and understanding with the Enforcement division. This is the last time this is going to happen.

Ali Vahabzadeh
CEO, [Chariot](#)
415-933-7899

[In the Press](#) | [Interview with @Jason](#) | [We're Hiring!](#) | [Explore Chariot's Routes](#)

On Mon, Jun 13, 2016 at 10:43 AM, Jonlin, Alexander <Alexander.Jonlin@sfmta.com> wrote:
Kyle-

We'll pass along your comments to our enforcement team. I know they prefer to issue citations in person for the reasons you outlined, but often choose to issue "driveway" citations when it would be unsafe or disruptive to stop the driver and hand them the ticket.

Thanks,

Alex

From: Kyle Merson [mailto:kyle@chariot.com]
Sent: Friday, June 10, 2016 3:02 PM

To: Jonlin, Alexander <Alexander.Jonlin@sfmta.com>
Cc: Ali Vahabzadeh <ali@ridechariot.com>; Napolitan, Francesca <Francesca.Napolitan@sfmta.com>
Subject: Re: Chariot at Geary & 33rd

Hi Alex,

To follow up on this situation - the loading area has been adjusted as of two days ago. While we are on this subject, I wanted to bring up an issue that just came to my attention.

As I hope our past couple of interactions have shown, Chariot is very fast to respond to notices of driver operations that are impacting and disrupting our city neighbors. Especially in a situation where we receive an official notification (our signboards, for example, or this situation), we work very quickly to rectify any issue that is brought to our attention.

We recently received a large amount of tickets for double parking violations - tickets that were not provided at the time to our driver but appear to have been given by capturing images of our vehicles and writing the ticket. While I am aware this is an acceptable and lawful way the SFMTA can administer tickets, I would also like to cite the above. Had even one of these tickets been physically given to a driver (who are trained to immediately inform us so we can rectify issues), or had we been notified as you did for us in this case, we would have adjusted our operations and retrained drivers to ensure we are compliant with the SFMTA laws within a day.

Indeed, in this situation, when we received the first of these violations, we immediately retrained and fixed our driver operations to make sure they were following all laws appropriately.

Let me know if this situation can be resolved in this conversation. Hope to hear back soon.

On Tue, Jun 7, 2016 at 1:38 PM, Jonlin, Alexander <Alexander.Jonlin@sfmta.com> wrote:

Thanks Kyle, we appreciate your responsiveness on this matter. Let us know how it goes!

Alex

From: Kyle Merson [<mailto:kyle@chariot.com>]
Sent: Tuesday, June 07, 2016 1:26 PM
To: Jonlin, Alexander <Alexander.Jonlin@sfmta.com>
Cc: Ali Vahabzadeh <ali@ridechariot.com>; Napolitan, Francesca <Francesca.Napolitan@sfmta.com>
Subject: Re: Chariot at Geary & 33rd

Hi Alex,

Thanks for the message. I will talk to our driving team for our route in Outer Richmond and adjust the loading area. We should have a new location shortly.

On Tue, Jun 7, 2016 at 1:21 PM, Jonlin, Alexander <Alexander.Jonlin@sfmta.com> wrote:
Ali and Kyle-

We've received some complaints about Chariot vehicles double-parking each morning at

Geary & 33rd to load and unload passengers. Please load and unload only at locations like white zones and yellow zones where vans are able to safely and legally pull all the way to the curb and out of traffic.

Thank you,

Alex

Alex Jonlin

Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7th Floor

San Francisco, CA 94103-5417

Email: Alexander.Jonlin@sfmta.com

Phone: [415-646-2349](tel:415-646-2349)

— Message from Ali Vahabzadeh <ali@ridechariot.com> on Wed, 10 Feb 2016 02:25:54 +0000 —

To: "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>

cc: "Paine, Carli" <Carli.Paine@sfmta.com>, "Martinsen, Janet"

ATTACHMENT C
to
EXHIBIT 3

Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7th Floor

San Francisco, CA 94103-5417

Email: Alexander.Jonlin@sfmta.com

Phone: [415-646-2349](tel:415-646-2349)

----- Message from "Samii, Camron" <Camron.Samii@sfmta.com> on Mon, 20 Jun 2016 14:39:25 +0000

To: "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>
cc: "Maguire, Tom" <Tom.Maguire@sfmta.com>
Subject: RE: Chariot at Geary & 33rd

Alex, 6/16/16 PCO interaction with Chariot...

Note from PCO - On 6/16/16 at 0830 hours, I was deployed to Tow 13, traveling south across Market Street from Battery to 1st. Ahead there was a Chariot van curbside in the Tow Away Zone (7AM-9AM) I pulled behind the van honked horn, no response, looked out right side of vehicle to see passenger door on Chariot Van open (Van was staged). I proceeded to issue a citation, placing it on windshield, under wiper. Started to issue a second citation to a van in front of the first van when driver for Chariot exited van yelling at me, "why did I not ask her to move and to give her a ticket"? I explained that our policy is to place the ticket on the vehicle, under the wiper. I then told the driver I did honk my horn, there was no movement and because the van was staging in a Now Stopping - Tow Away Zone, I issued the ticket. I continued on to cite the van in front, when the driver began to drive off, as I was walking back to my vehicle, a man in the passenger side of the Chariot van asked me why the van in front didn't get a ticket? I informed him that was not his concern, entered my vehicle when a female from the Chariot van started to film/take pictures with her phone. As I was pulling

around the Chariot van the driver jumped in front of my vehicle asking for my name. I informed her all my information was on the citation. As I began to drive off, she hit my window. I would like to add that I have had previous, negative, encounters with Chariot drivers. Whether I asked them to move or cited them, all have been very disrespectful as well as verbally abusive.

Camron Samii
Enforcement Manager
SFMTA - Sustainable Streets Division
505 7th St. - San Francisco, CA 94103
Phone: 415.734.3080



SFMTA
Municipal
Transportation
Agency

ATTACHMENT D
to
EXHIBIT 3

----- Message from Ali Vahabzadeh <ali@ridechariot.com> on Wed, 10 Feb 2016 02:25:54 +0000 -----

To: "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>

cc: "Paine, Carli" <Carli.Paine@sfmta.com>, "Martinsen, Janet"

<Janet.Martinsen@sfmta.com>

Subject: Re: Chariot in the Marina

Hi Alex,

Please provide more specific information so that we can work with our drive team to ameliorate any issues. It makes it impossible for any service operator to correct matters without such level of detail.

There are exceptions to the code which Chariot qualifies for, i.e we are classified as a "vanpool" by the CHP.

Best,

Ali Vahabzadeh
CEO, Chariot
415-933-7899

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On Mon, Feb 8, 2016 at 4:56 PM, Jonlin, Alexander <Alexander.Jonlin@sfmta.com> wrote:

Hi Ali,

We've received some more complaints from constituents who live on Divisadero between Lombard and Chestnut Streets regarding Chariot vehicles blocking traffic in the morning while loading. It is important that vehicles pull all the way to the curb to load and unload, and vehicles that double park are subject to citation.

In addition, Chestnut Street between Franklin and Lyon and nearly all the streets north of it throughout the Marina District are restricted, with a prohibition on vehicles with capacity for 8 or more passengers. A restricted streets map is attached here for reference. Chariot vehicles travelling on these streets and others throughout the city are subject to citation. Please route Chariot vehicles only on unrestricted streets.

Let me know if you have any questions. I look forward to working with you to resolve these issues.

Thanks,

Alex Jonlin

March 17, 2018: Current Chariot Operations Are Largely Based on CVC Violations

Current Chariot operations are largely based on violations of the law -- as witnessed by residents of San Francisco and as noted in the August 24, 2016 *Protest of the San Francisco Municipal Transportation Agency to Application No. A.16-08-015*, Chariot's application with the California Public Utilities Commission for status as a passenger stage corporation operating between San Francisco and surrounding counties.

In that document, San Francisco City Attorneys Susan Cleveland-Knowles and David Greenburg note "Chariot's record of repeated violations" of the California Vehicle Code and the San Francisco Transportation Code, among other codes. On page 9 of this document, they write:

Chariot's current operations in San Francisco have shown a consistent and ongoing disregard for other City parking and traffic laws, including but not limited to the following: a) Staging and stopping in residential driveways. ... b) Double parking, blocking traffic ... in the travel lane to load passengers. ... Chariot lists stops [along major Muni corridors such as Geary Boulevard and California Street] on its website with no apparent legal curb space, where vehicles would have to double park to unload passengers. c) Stopping in Muni "red zones" ... along Pine Street in the Financial District and California Street in the Richmond. ... d) Driver behavior: SFMTA Parking Control Officers have reported Chariot drivers being verbally and physically aggressive, including one instance in which a Chariot driver hit the window of the officer's vehicle. ... e) Responsiveness: The SFMTA has repeatedly brought these and other issues to the attention of Chariot. While Chariot staff have often responded pledging to resolve individual issues, the SFMTA has not observed an overall improvement in Chariot's behavior.

Chariot now has around 100 vehicles in its San Francisco fleet, with carrying capacities of 14 passengers each. It is unknown if any are yet wheelchair accessible, and, in fact, Chariot restricts its ridership for insurance purposes. It appears to be a service that has been, at least initially, created to cater to a very narrow demographic, those who work in the Financial District of San Francisco or who take Caltrain to points south for their work.

Observations by members of the general public more than a year since the protest was filed reveal that Chariot's violations continue on a regular and seemingly deliberate basis. Since its inception, Chariot vehicles continue to be observed:

- **Boarding passengers in front of driveways to garages.** Chariot has such stops on Gough Street at Sacramento in front of a driveway frontage, another one on Geary Boulevard at Funston, and a third one on California at Arguello. It may have others. Such stops violate **CVC 22500**: *A person shall not stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places: (e) (1) In front of a public or private driveway, except that a bus engaged as a common carrier, schoolbus, or a taxicab may stop to load or unload passengers when authorized by local authorities pursuant to an ordinance;*
- **Staging/parking in front of garage frontages, violating CVC 22507.2: Notwithstanding subdivision (e)**

between Arguello and Second Avenue, and on Second Avenue and/or Third Avenue between Cornwall and California;

Stopping in crosswalks to board and discharge passengers, in violation of CVC 22500 (b):

On a crosswalk, except that a bus engaged as a common carrier or a taxicab may stop in an unmarked crosswalk to load or unload passengers when authorized by the legislative body of a city pursuant to an ordinance; and CVC 22500 (1) In front of or upon that portion of a curb that has been cut down, lowered, or constructed to provide wheelchair accessibility to the sidewalk;

Stopping in public bus stops (California at Presidio, Geary at Arguello, Haight Street at Masonic, and elsewhere) to pick up and discharge passengers in violation of CVC 22500 (i):

Except as provided under Section 22500.5, alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance. CVC 22500.5 permits school buses to operate in a public bus stop, pursuant to the passage of an ordinance, but that's it;

Parking in a handicap zones, such as the one on Fillmore at O'Farrell, in violation of CVC

22507.8.a: *It is unlawful for any person to park or leave standing any vehicle in a stall or space designated for disabled persons and disabled veterans pursuant to Section 22511.7 or 22511.8 of this code or Section 14679 of the Government Code, unless the vehicle displays either a special identification license plate issued pursuant to Section 5007 or a distinguishing placard issued pursuant to Section 22511.55 or 22511.59; and,*

Parking in bicycle lanes, such as the one on Howard Street, in violation of CVC 21211(a):

No person may stop, stand, sit, or loiter upon any class I bikeway, as defined in subdivision (a) of Section 890.4 of the Streets and Highways Code, or any other public or private bicycle path or trail, if the stopping, standing, sitting, or loitering impedes or blocks the normal and reasonable movement of any bicyclist. This particular part of the vehicle code makes exceptions for utility vehicles, newspaper delivery vehicles, garbage trucks, or tow trucks, but NOT private transportation vehicles.

We question whether or not this business, whose profit model is currently based largely on law breaking, can get fully into compliance with the law by the time the SF Board of Supervisors passes operating-without-a-permit infraction legislation, and by the time the Mayor signs that legislation. We are also concerned that the SFMTA and the SFPD do not have the capacity and/or perhaps the will to engage in the level of enforcement that is currently necessary and will be necessary in the future to get Chariot and other PTV companies into compliance. Adding to concerns about compliance with the vehicle code, there are no limits on the number of PTV companies that can operate in San Francisco, or the number of vehicles that can operate in a company fleet.

We also question why the SFMTA is not charging fair market value for use of City streets as places of enterprise for private gain, as is the case with the sale of medallions for taxicabs.

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Monday, March 19, 2018 9:15 AM
To: Somera, Alisa (BOS); Carroll, John (BOS)
Subject: FW: Legislation to create a private transportation vehicle (Chariot) infraction is on Land Use and Transportation agenda

Categories: 171210

From: tesw@aol.com [mailto:tesw@aol.com]

Sent: Sunday, March 18, 2018 10:13 AM

To: Tang, Katy (BOS) <katy.tang@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MTABoard@sfmta.com; Cityattorney <Cityattorney@sfcityatty.org>; MayorMarkFarrell (MYR) <mayormarkfarrell@sfgov.org>

Subject: Legislation to create a private transportation vehicle (Chariot) infraction is on Land Use and Transportation agenda

Dear Supervisors Tang, Kim, and Safai:

I understand that Item 4 on the March 19, 2018 agenda asks no more than that the Board of Supervisors create an infraction for private transportation vehicles that might try to operate without a permit issued by the San Francisco Municipal Transportation Agency. There is only one private transportation company now in operation in San Francisco, Chariot, owned by the Ford Motor Company.

While you do not have the power to prevent the SFMTA from issuing a permit to Chariot, I urge you to send a message to the SFMTA (once the Board of Supervisors creates the infraction and the Mayor signs the infraction legislation into law) that the Board of Supervisors strongly opposes the issuance of a permit to Chariot based on the lawless nature of this company's operations.

The lawless nature of Chariot's operations are outlined below. I have observed many violations by Chariot, including parking in red zones, blocking MUNI buses, parking at parking meters without paying, and parking in bus stops.

Chariot's lawless operations involve:

- **Boarding passengers in front of driveways to garages.** According to state law, California Vehicle Code 22500 (e) (i), this practice can be legal if an ordinance is passed for each driveway where a private transportation vehicle wishes to operate. This is NOT a matter of agreement between Chariot (or any other PTV or PTV company) and the property owner, even though SFMTA staff may try to tell you that it is;
- **Staging/parking in front of garage frontages/driveways.** Again, this practice is illegal violating CVC 22507.2;
- **Double parking to board or discharge passengers in numerous locations in violation of CVC 22500 (h).** The places where Chariot currently double parks are easy to identify based on its publicly available app;
- **Stopping in crosswalks to board and discharge passengers in violation of CVC 22500 (b);**
- **Stopping in public bus stops to pick up and discharge passengers in violation of CVC 22500 (i);**
- **Parking in handicapped zones in violation of CVC 22507.8.a; and,**

· Parking in bicycle lanes in violation of CVC 21211 (a).

Thank you,

Tes Welborn

Carroll, John (BOS)

From: Jon Ginoli <pansydivision@sbcglobal.net>
Sent: Sunday, March 18, 2018 9:16 PM
To: Tang, Katy (BOS); Kim, Jane (BOS); Safai, Ahsha (BOS)
Cc: Major, Erica (BOS); Board of Supervisors, (BOS); MTABoard@sfmta.com; Cityattorney; MayorMarkFarrell (MYR)
Subject: Stop the corporate giveaway to Chariot! (Item #6 - Transportation Code)

Dear Supervisors Safai, Tang, and Kim:

I'm writing regarding Item #6 on the March 19, 2018 Land Use and Transportation Committee agenda. I understand that this item would amend the Transportation Code to prohibit Non-Standard Vehicles from operating without a permit. The Ford-owned Chariot is the only private transit company in operation right now in San Francisco. Chariot competes directly with MUNI and uses public right-of-way for profit while excluding those who are most in need of transit. Their business model is based on violating the California Vehicle Code by double-parking to pick up passengers, pulling into garage spaces, parking in handicapped spaces, and unloading passengers in public bus stops. In order to make their pickup on time, they idle in front of homes and businesses.

I'm aware you do not have the power to stop the SFMTA from issuing the permit to Chariot, but after the infraction has been signed into law, I'm asking that you please urge the SFMTA to deny the permit to Chariot based on these illegal business practices.

Thanks for listening,

Jon Ginoli
Mission District

Carroll, John (BOS)

From: Bill Noertker <wnoertker@yahoo.com>
Sent: Sunday, March 18, 2018 10:32 PM
To: Tang, Katy (BOS); Kim, Jane (BOS); Safai, Ahsha (BOS)
Cc: Major, Erica (BOS); Board of Supervisors, (BOS); MTABoard@sfmta.com; Cityattorney; MayorMarkFarrell (MYR)
Subject: Regarding Item #6 - Transportation Code - Non-Standard Vehicle Permits

Dear Supervisors Kim, Tang, and Safai:

I'm writing regarding Item #6 on the March 19, 2018 Land Use and Transportation Committee agenda. I understand that this item would amend the Transportation Code to prohibit Non-Standard Vehicles from operating without a permit. The Ford-owned Chariot is the only private transit company in operation right now in San Francisco. Chariot competes directly with MUNI and uses public right-of-way for profit while excluding those who are most in need of transit. Their business model is based on violating the California Vehicle Code by double-parking to pick up passengers, pulling into garage spaces, parking in handicapped spaces, and unloading passengers in public bus stops. In order to make their pickup on time, they idle in front of homes and businesses.

I'm aware you do not have the power to stop the SFMTA from issuing the permit to Chariot, but after the infraction has been signed into law, I'm asking that you please urge the SFMTA to deny the permit to Chariot based on these illegal business practices.

Thank you for your time,
Bill Noertker

Carroll, John (BOS)

From: Aaron Goodman <amgodman@yahoo.com>
Sent: Sunday, March 18, 2018 11:24 PM
To: Board of Supervisors, (BOS)
Cc: CAC; MTABoard
Subject: SFBOS Hearing Item on SFMTA and Chariot / March 19, 2018

Dear Supervisors;

I understand that Item 4 on the March 19, 2018 agenda asks no more than that the Board of Supervisors create an infraction for private transportation vehicles that might try to operate without a permit issued by the San Francisco Municipal Transportation Agency. There is only one private transportation company now in operation in San Francisco, Chariot, owned by the Ford Motor Company. (*Note Ford Bike Go Bike program has concerns as well due to the lacking ADA accessible, bikes, or alternative 3-4 wheeled options and bench-seat, or disabled access bikes for similar accessible use and public needs. These should NOT be all identical, and efforts should be made to ensure equitable systems for use on public streets of these bike programs immediately)

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Thank you,
Aaron Goodman D11

Carroll, John (BOS)

From: Patrick John Maley <pmaley@mail.sfsu.edu>
Sent: Monday, March 19, 2018 6:54 AM
To: Tang, Katy (BOS); Kim, Jane (BOS); Safai, Ahsha (BOS)
Cc: Major, Erica (BOS); Board of Supervisors, (BOS); MTABoard@sfmta.com; Cityattorney; MayorMarkFarrell (MYR)
Subject: Regarding Item #6 - Transportation Code - Non-Standard Vehicle Permits

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Thank you for your time,
Josh Miller
zip code 94131

Somera, Alisa (BOS)

From: Jon Ginoli <pansydivision@sbcglobal.net>
Sent: Sunday, March 18, 2018 9:16 PM
To: Tang, Katy (BOS); Kim, Jane (BOS); Safai, Ahsha (BOS)
Cc: Major, Erica (BOS); Board of Supervisors, (BOS); MTABoard@sfmta.com; Cityattorney; MayorMarkFarrell (MYR)
Subject: Stop the corporate giveaway to Chariot! (Item #6 - Transportation Code)

Dear Supervisors Safai, Tang, and Kim:

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Thanks for listening,

Jon Ginoli
Mission District

Somera, Alisa (BOS)

From: Aaron Goodman <amgodman@yahoo.com>
Sent: Sunday, March 18, 2018 11:24 PM
To: Board of Supervisors, (BOS)
Cc: CAC; MTABoard
Subject: SFBOS Hearing Item on SFMTA and Chariot / March 19, 2018

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zip code 94131

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

December 5, 2017

File No. 171210

Lisa Gibson
Acting Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

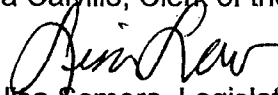
On November 28, 2017, the San Francisco Municipal Transportation Agency introduced the following proposed legislation:

File No. 171210

Ordinance amending the Transportation Code to prohibit Non-Standard Vehicles from operating without a permit as required by Article 1200 of that Code; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

for By:  Alisa Somera, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning



SFMTA
Municipal
Transportation
Agency

Edwin M. Lee, *Mayor*

Cheryl Brinkman, *Chairman*

Malcolm Heinicke, *Vice-Chairman*

Gwyneth Borden, *Director*

Lee Hsu, *Director*

Joël Ramos, *Director*

Cristina Rubke, *Director*

Art Torres, *Director*

Edward D. Reiskin, *Director of Transportation*

November 9, 2017

Angela Calvillo, Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
NOV 13 AM 11:51
AK

Subject: *Amendment to Transportation Code Division I to prohibit Non-Standard Vehicles from operating without a permit*

Dear Ms. Calvillo:

Attached are an original and two copies of a proposed Ordinance authorizing the amendment of Transportation Code, Division I to prohibit Non-Standard Vehicles from operating without a permit as required by Transportation Code, Division II.

The following is a list of additional accompanying documents:

- Briefing letter (sending separately)
- SFMTA Board of Directors Resolution
- CEQA determination

SFMTA's Local Government Affairs Liaison, Janet Martinsen is available at janet.martinsen@sfmta.com or 701.4693 to answer any questions you may have about the submission.

Sincerely,

Edward D. Reiskin
Director of Transportation

Lew, Lisa (BOS)

From: Lew, Lisa (BOS)
Sent: Tuesday, December 05, 2017 9:35 AM
To: Gibson, Lisa (CPC)
Cc: Navarrete, Joy (CPC); Lynch, Laura (CPC); Somera, Alisa (BOS)
Subject: BOS Referral: File No. 171210 - Transportation Code - Non-Standard Vehicle Permits
Attachments: 171210 CEQA.pdf

Hello,

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File No. 171210

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Sent on behalf of Alisa Somera, Land Use and Transportation Committee. Please respond directly to Alisa Somera.

Regards,

Lisa Lew
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
P 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

 Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.