



June 17, 2014

**The Honorable Members of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton Goodlett Place, Room 244
San Francisco, CA 94102**

***SUBJECT: Ordinance Amending the Transportation, Police, Administrative, and
Business and Tax Regulations Codes***

Honorable Members of the Board of Supervisors:

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors adopt the attached ordinance, which adds several taxi-related sections to the Transportation Code and repeals superseded sections of the Police Code, the Business and Tax Regulations Code, and the Administrative Code relevant to taxis. Adoption of this ordinance will facilitate the SFMTA's efforts to improve taxi service in San Francisco.

Background and Purpose of the Legislation

Police Code Repeal

The SFMTA currently has exclusive authority to regulate taxis in San Francisco. Prior to the SFMTA obtaining jurisdiction over taxis, the Police Department, and later the Taxi Commission, regulated motor vehicles for hire including taxis, through Article 16 of the Police Code. Beginning in 2009, many of the provisions of Article 16 were superseded by amendments to Division I of the Transportation Code adopted by the BOS, and by the comprehensive regulatory scheme for taxis enacted by the SFMTA in Division II, Article 1100 of the Transportation Code. Therefore, the provisions of Article 16 of the Police Code, and the other ordinances that the attached ordinance would repeal, are now either duplicative of or inconsistent with the taxi regulations contained in the Transportation Code. This creates confusion among both members of the taxi industry and members of the public.

At its meeting of November 16, 2010, the SFMTA Board recommended legislation to the Board of Supervisors moving several existing taxi-related misdemeanors from the Police Code to the Transportation Code, and adding new taxi-related misdemeanors to the Transportation Code. That legislation was ultimately adopted by the Board of Supervisors, with minor amendments, in March 2011. (Ordinance No. 45-11, File No. 101422). The attached ordinance will complete the process of consolidating the Municipal Code's taxi regulations into the Transportation Code by deleting remaining taxi-related provisions from the Police, Administrative and Business and Tax Regulations Codes. It will also amend the Transportation Code in the manner outlined in more detail below.

Subpoena Power

The SFMTA does not currently have the authority to compel the production of testimony or other evidence in the context of its role as the agency that enforces taxi regulations. Currently, when a permit holder or applicant challenges the SFMTA's decision regarding a permit, including revocation or denial

of a permit, the SFMTA may only use as evidence at the hearing any records that are in its own files. For example, if there are allegations that a medallion applicant was traveling out of the country at the time that he or she claimed to be driving, the SFMTA has no ability to require the applicant to show his or her passport as evidence at the hearing. In addition, neither the SFMTA nor the permit holder may subpoena witness testimony or other evidence to a hearing challenging an SFMTA decision to deny, suspend or revoke a taxi permit. Adoption of this ordinance would make it simpler and more efficient for SFMTA Taxi Services to investigate permit applications and for permit holders and the SFMTA to present all relevant evidence at a taxi permit hearing.

Increased Penalties

The administrative penalty for operating a motor vehicle for hire without a permit in San Francisco is \$5,000.00 under Division II, Section 1105(a) of the Transportation Code. However, the criminal penalty for the same conduct is a fine of no more than \$1,000.00. This creates a substantial disparity between the consequences to the operator of an illegal motor vehicle for hire, depending on whether he or she is apprehended by SFMTA Taxi Investigators or by the San Francisco Police Department. These amendments increase the criminal penalty to the amount allowed by state law to make it more consistent with the current administrative penalty.

New Misdemeanors

These amendments will make it a misdemeanor for a taxi to operate without a functioning taximeter, as this often leads to fraudulent conduct and for an operator of a charter party carrier to refuse to produce a waybill upon request by a Police Officer, or a person authorized to enforce the provisions of Article 1100 of the Transportation Code.

Other Approvals

The SFMTA Board of Directors passed a resolution on June 5, 2012 (Resolution No. 12-081) recommending that the BOS adopt the attached ordinance.

Recommendation

The SFMTA requests that the San Francisco Board of Supervisors adopt this ordinance.

Thank you for your consideration of these proposed amendments and for your continued support of the SFMTA. Should you have any questions or require more information, please do not hesitate to contact me at any time.

Sincerely,



Edward D. Reiskin
Director of Transportation