

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 12-081

WHEREAS, The proposed ordinance is the second part of legislation that the Board of Directors recommended to the Board of Supervisors in at its meeting of November 16, 2010, for the purpose of moving motor vehicle for hire (MVFH) related ordinances into the Transportation Code. The Board of Supervisors approved the ordinance with amendments in March, 2011. (Ordinance No. 45-11, File No. 101422). That ordinance moved existing motor vehicle for hire related misdemeanors from the Police Code to the Transportation Code, and added additional motor vehicle for hire related misdemeanors.

WHEREAS, The prior ordinance also granted authority to Taxi Services' field enforcement staff to enforce only specified parking regulations that are particularly relevant to taxis and limousines. However, that provision proved unnecessary and is deleted in favor of the Director of Transportation's general authority to delegate such authority with flexibility to any SFMTA employee as needed; and,

WHEREAS, The proposed ordinance would authorize the SFMTA to subpoena witnesses, documents and records as needed in administrative proceedings for enforcement of MVFH regulations. Currently parties adverse to the SFMTA in administrative hearings are able to get all public documents to advance their case, but the SFMTA is not able to require the production of any evidence outside of its own files that would support its position; and,

WHEREAS, The proposed ordinance would additionally authorize the imposition of maximum allowable fines for a charter party carrier that exceeds its charter by picking up street-hails (\$2,500 for the first offense and \$5,000 for subsequent offenses);

WHEREAS, The proposed ordinance would have the effect of removing the jurisdiction of the Board of Appeals from taxi permit hearings, which had been granted by ordinance in the Police Code and is not reproduced in the Transportation Code; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends that the Board of Supervisors amend Transportation Code, Division I to repeal Article 16 of the Police Code and transfer the remaining provisions of that Article to Division I of the Transportation Code; and (1) clarifying the authority of the Director of Transportation to designate staff who may enforce parking laws and deleting Section 3.1(f), which makes such designations, (2) authorizing the SFMTA to subpoena evidence and testimony relevant to its enforcement of motor vehicle for hire regulations, (3) increasing penalties for operating a motor vehicle for hire without a permit, (4) renumbering sections for clarity and (5) eliminating outdated provisions of the Business Tax and Regulations Code.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 5, 2012.

R. Pozner

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency