

File No. 171210

Committee Item No. 6
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation
Board of Supervisors Meeting:

Date: March 19, 2018
Date: _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input 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 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 checked="" 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 type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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

Completed by: John Carroll
Completed by: _____

Date: March 16, 2018
Date: _____

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 ~~*striketrough italics Times New Roman font*~~.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~striketrough 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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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:

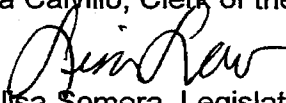
On November 28, 2017, the San Francisco Municipal Transportation Agency introduced the following proposed legislation:

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 Calyillo, 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

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@sfgov.org,
c=US
Date: 2018.01.22 17:06:45 -0800



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 -07'00'

8/14/2017

Christopher Espiritu
 San Francisco Planning Department

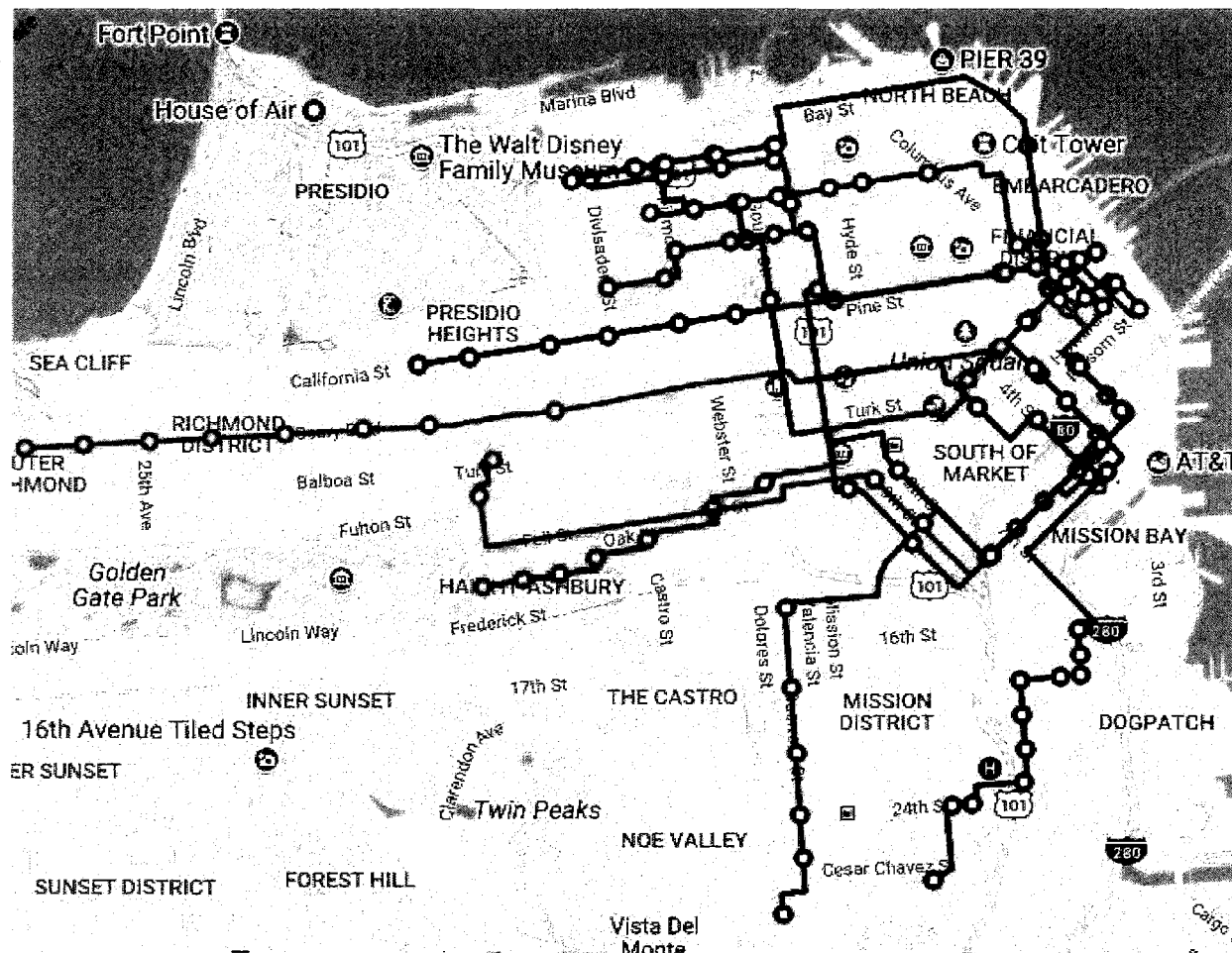
Date

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,

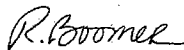
WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; now, therefore be it

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

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:

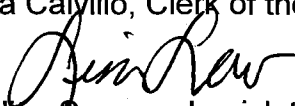
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This legislation is being transmitted to you for environmental review.

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



SFMTA
 Municipal
 Transportation
 Agency

Edwin M. Lee, *Mayor*

Cheryl Brinkman, *Chairman*
 Malcolm Heinicke, *Vice-Chairman*
 Gwyneth Borden, *Director*
 Lee Hsu, *Director*

Joel Ramos, *Director*
 Cristina Rubke, *Director*
 Art Torres, *Director*

Edward D. Reiskin, *Director of Transportation*

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2017 NOV 13 AM 11:51
 AK

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

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