

LEGAL TEXT OF PROPOSITION H (Continued)

and county of San Francisco shall replace and or adjust existing parking meters to accept nickels and dimes (not just quarters).

(f) to administer the parking violation enforcement and collection program, including the control and management of parking control officers, parking offense towing and scofflaw programs, and the administration of and maintenance of information on the issuance and disposition of parking citations, provided, however, that the Board of Supervisors shall have the power, by duly enacted ordinance, to transfer the administration of all or any part of such parking violation enforcement and collection program from the chief of police to the head of any other department of the City and County of San Francisco.

This proposed Charter Amendment rolls back the San Francisco Traffic Code Fines or Penalties back to the amount they were on January 1, 1988 and establishes a moratorium on an increase of these fines for a minimum of three years.

The powers and duties of the chief of police with respect to traffic functions hereinabove stated shall not modify to any extent the powers and duties of any department or office, but shall be, first for the purpose of assisting the chief of police in his regulation of traffic, and second, for the purpose of recommendation only, to other departments or offices upon matters within their jurisdiction, but affecting to any extent the regulation of traffic.

The effective date of this section as amended herein shall be July 1, 1972. (Amended November, 1988) The effective date of this section as amended herein shall be July 1, 1996.

3.698-2 Department of Parking and Traffic; Composition — Organization

This charter amendment proposes the abolition of the Department of Parking and

Traffic.

3.698-3 Department of Parking and Traffic — Functions and Duties

(a) The police department of parking and traffic shall be responsible for the day to day operation of the affairs placed under the jurisdiction of the parking and traffic commission.

(b) The board of supervisors shall adopt ordinances necessary to carry out the policies of this charter amendment which shall include, without limitation as to any other action it may deem necessary, transfer to the police department of parking and traffic the following functions and operations:

- (1) Traffic signal maintenance;
- (2) Sign shops;
- (3) Authorization and administration of colored curb marking;
- (4) Enforcement of parking and traffic regulations;
- (5) Establishment, enforcement and administration of residential parking permit zones;
- (6) Meter planning, collection, coin counting and maintenance;
- (7) Off-street parking except at the airports;
- (8) Parking ticket enforcement, parking control officers, parking offense towing, scofflaw programs, the maintenance of information on the issuance and disposition of parking citations and maintenance of liaison with the municipal court;
- (9) Administration of the interdepartmental committee on traffic and transportation.

(c) The police department of parking and traffic shall have powers and duties relating to street traffic, subject to the laws relating thereto, as follows:

(1) to cooperate with and assist all other city departments the police department in the promotion of traffic safety education;

(2) to receive, study and give prompt attention to complaints relating to street design or traffic

devices or the absence thereof;

(3) to collect, compile, analyze and interpret traffic and parking data and to analyze and interpret traffic accident information;

(4) to engage in traffic research and traffic planning; and

(5) to cooperate for the best performance of these functions with any department and agency of the city and county and state as may be necessary.

(6) to establish as needed parking control officer promotions and establish specific ceilings for these not to surpass current positions and or promotions. Parking control officers positions shall consist of civil service classifications 8214 and 8216 senior parking control officer. Parking control officers of the classification 8214 upon completion of 10 years of service shall advance to 8216 senior parking control officer. Only 50% of the parking control officers duties will be directed to the issuing of parking citations. All parking citation quotas shall be abolished.

(d) The police department shall submit to the traffic bureau of the police department, for its review and recommendation, all proposed plans relating to street traffic control devices; provided, however, that the bureau may waive submission and review of plans and particular devices designated by it. Failure of the said traffic bureau to submit to the department its recommendation on any proposed plan within 15 days after receipt shall be considered an automatic approval of said traffic bureau. The police department shall not, with respect to any traffic control devices, implement such plan until the recommendation of the traffic bureau has been reviewed or until the 15-day period has elapsed. (Added November, 1988) □

TEXT OF PROPOSED ORDINANCE PROPOSITION I

ORDERING SUBMISSION OF AN ORDINANCE REQUIRING THE BOARD OF SUPERVISORS TO SET BOTH THE AMOUNT THAT A TAXICAB OPERATOR MAY CHARGE A TAXICAB DRIVER FOR THE USE OF THE TAXICAB, AND THE AMOUNT THAT A TAXICAB PERMIT HOLDER MAY CHARGE AN OPERATOR FOR USE OF THE TAXICAB PERMIT. THE ORDINANCE MANDATES THAT ALL TAXICABS BELONG TO A CITYWIDE CENTRALIZED DISPATCH SERVICE, PROVIDES FOR ISSUANCE OF PEAK-TIME AND WHEELCHAIR-ACCESSIBLE PERMITS, REQUIRES THAT PERMIT APPLICANTS HOLD VALID DRIVERS' PERMITS AS A CONDITION TO REMAINING ON THE WAITING LIST, IMPOSES DRIVING REQUIREMENTS TO BE MET BEFORE A TAXICAB PERMIT IS ISSUED, MODIFIES ANNUAL DRIVING REQUIREMENTS FOR TAXICAB PERMIT HOLDERS, AND DEMANDS PERIODIC

SAFETY INSPECTIONS OF TAXICABS.

The Board of Supervisors hereby orders submitted to the qualified electors of the City and County of San Francisco, at an election to be held on November 7, 1995, an Ordinance, submitted by members of the Board of Supervisors, requiring the Board of Supervisors to set the amount that a taxicab operator may charge a taxicab driver for use of the taxicab, and the amount that a taxicab permit holder may charge an operator for the use of the permit. The Ordinance also requires that all taxicabs belong to a citywide centralized dispatch service, provides for issuance of peak-time and wheelchair-accessible permits, requires that permit applicants hold valid drivers' permits as a condition to remaining on the waiting list, imposes driving requirements to be met before a taxicab permit is issued, modifies annual driving requirements for taxicab permit holders, and demands periodic safety inspections of taxicabs. The new Ordinance shall read as follows:

[Taxicab Regulation]

AN ORDINANCE REQUIRING THE BOARD OF SUPERVISORS TO SET THE AMOUNT THAT TAXICAB OPERATORS MAY CHARGE TAXICAB DRIVERS FOR USE OF THE TAXICAB, AND THE AMOUNT THAT TAXICAB PERMIT HOLDERS MAY CHARGE OPERATORS FOR USE OF THE PERMIT. THE ORDINANCE MANDATES THAT ALL TAXICABS BELONG TO A CENTRALIZED DISPATCH SERVICE, PROVIDES FOR ISSUANCE OF PEAK-TIME AND WHEELCHAIR-ACCESSIBLE PERMITS, REQUIRES THAT PERMIT APPLICANTS HOLD VALID DRIVER'S PERMITS AS A CONDITION TO REMAINING ON THE WAITING LIST, IMPOSES DRIVING REQUIREMENTS TO BE MET BEFORE A TAXICAB PERMIT IS ISSUED, MODIFIES ANNUAL DRIVING REQUIREMENTS FOR TAXICAB PERMIT HOLDERS, AND DEMANDS PERIODIC

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LEGAL TEXT OF PROPOSITION I (Continued)

SAFETY INSPECTIONS OF TAXICABS.

NOTE: All sections are new.

Section 1. Legislative Findings. (a) The People of the City and County of San Francisco, in June of 1978, approved Proposition K. The people intended to effect the removal of taxicab permits from corporate control and to prevent profiteering in taxicab permits by requiring the issuance of non-transferable, free permits to individuals, subject to a requirement that individual permit holders be active taxicab drivers. This requirement was designed to ensure the safety and security of the people and to achieve the best taxicab service at the lowest rates.

(b) The purposes of Proposition K of 1978 have not been fully achieved for a number of reasons, including:

(i) insufficient enforcement of the provisions of Proposition K's active-driving requirement for permittee-drivers; and especially

(ii) profiteering in fees charged by taxicab permit holders to taxicab companies for the use of their permits, which has replaced the profiteering in the purchase and sale of permits that Proposition K effectively prohibited.

(c) Because the City and County of San Francisco limits the number of taxicab permits and prohibits their purchase and sale, and because most or all taxicab companies operating in San Francisco are owned and managed by permit holders who profit personally when permit-use fees increase, market constraints on profiteering by permit holders in permit-use fees are lacking.

(d) Profiteering in permit-use fees has led to excessive "gate" fees to drivers for the use of taxicabs, compelling the establishment of taxicab fares which, although regulated, are unnecessarily high.

(e) High permit-use fees and gate fees have led to low driver earnings and a high rate of driver turnover, which has been detrimental to the quality of taxicab service in the City and County of San Francisco.

(f) The establishment of fair and reasonable gate fees and permit-use fees by the City and County of San Francisco is in the public interest because such regulation will serve the public convenience and necessity, safeguard the public welfare and the safety of taxicab users, and prevent abuses which will otherwise deny the public the benefits of Proposition K.

(g) The establishment of a citywide centralized dispatch system will serve the public convenience and necessity because it will more efficiently utilize the present fleet of taxicabs and provide better taxicab service, especially in outlying neighborhoods.

Section 2. Definitions. For the purposes of this Ordinance only, the following terms are defined as follows:

(a) "Taxicab" Defined. A "taxicab" is hereby defined to be a motor vehicle for hire of a distinctive color or colors which is operated at rates per mile or upon a waiting-time basis, or both, and which is equipped with a taximeter and which is used for the transportation of passengers for hire over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the

passenger or person hiring such vehicle.

(b) "Wheelchair-Accessible Taxicab" Defined. A "wheelchair-accessible taxicab" is hereby defined to mean a motor vehicle for hire operated at rates per mile or upon a waiting-time basis, or both, which is a minivan or similar vehicle specially adapted for access by wheelchair users, which is also equipped with a taximeter, and which serves the general public but prioritizes requests for service from wheelchair users for purposes of transportation over and along the public streets, not over a defined route but, as to the route and destination, in accordance with and under the direction of the passenger or person hiring such vehicle.

(c) "Taxicab Permit" Defined. A "taxicab permit" is a permit issued by the City and County of San Francisco permitting the holder to operate a taxicab for hire on the streets of the City and County of San Francisco by placing it in service to the public. The term "taxicab permit" includes permits to operate wheelchair-accessible taxicabs and permits carrying restrictions upon the days, times or shifts during which the permittee can operate the taxicab.

(d) "Taxicab Permittee" Defined. "Taxicab Permittee" is hereby defined to mean any person, persons, business, firm, partnership, association, corporation or other entity that holds any permit issued by or under the authority of the City and County of San Francisco to operate a taxicab for hire. "Taxicab permit holder" means "taxicab permittee."

(e) "Operator" Defined. "Operator" is hereby defined to mean any person, firm, partnership, association, corporation or other entity that operates a taxicab for hire in the City and County of San Francisco by placing a taxicab in service to the public, whether such person, firm, partnership, association, corporation or other entity is a taxicab permittee, or is not a taxicab permittee but is entitled to operate a taxicab for hire under a lease or other agreement with a taxicab permittee. A person or entity that has both the authority to decide who may drive a particular taxicab and the right to charge a gate fee is an operator. Operation of a taxicab usually includes ownership or control of the taxicab and its equipment, responsibility for its condition and maintenance, and responsibility for business decisions with respect to the taxicab.

(f) "Driver" Defined. "Driver" is hereby defined to mean any person engaged in the mechanical operation of and having physical charge or custody of a taxicab for hire while said taxicab is available for hire or is actually hired.

(g) "Gate Fee" Defined. A "gate fee" is hereby defined to be any monetary fee or other charge or consideration required of a driver for the privilege of driving a taxicab during a particular shift, or for any period of time, including receipt of all services provided in connection with such privilege, whether said fee is set by contract, lease or other agreement, orally or in writing, and whether said fee is paid by the driver as a flat rate, as a commission on receipts from fares, or as a specified fee for any other purpose. A fee charged for failure to return the taxicab on time shall not be considered a gate fee.

(h) "Permit-Use Fee" Defined. A permit-use

fee is hereby defined to be the amount that a permittee fees an operator for the right to operate under his or her permit.

(i) "Taxicab Color Scheme" Defined. A "taxicab color scheme" is hereby defined to be any color scheme, design, or dress for taxicabs that is distinguishable from the color scheme, design, or dress customarily used for private automobiles.

(j) "Taxicab Dispatch Service" Defined. A "taxicab dispatch service" is hereby defined to be any person, business, firm, partnership, association, corporation or other entity which holds itself out to the public in general as a source of taxicab service by or through which taxicabs may be summoned or dispatched by voice or data communications.

Section 3. Taxicab Gate Fee Regulation. (a) The Board of Supervisors shall establish fair and reasonable maximum gate fees to take effect 90 days after the effective date of this Ordinance. An operator may charge a gate fee for any shift or shifts that exceeds the maximum gate fee set pursuant to this Ordinance provided that the mean gate fee for a particular taxicab does not exceed the maximum rate. The mean gate fee shall be determined by adding the gate fees for all shifts for one week and dividing by the number of shifts. Maximum gate fees shall be established at an amount which is sufficient to provide the operator with a rate of return meeting constitutional standards.

(b) The Board of Supervisors shall establish maximum rates for late fees assessed against drivers by taxicab operators for failure to return the taxicab on time. These rates shall take effect 90 days after the effective date of this Ordinance.

(c) For a period of 90 days from the effective date of this Ordinance, or until maximum gate fees and late fees are set by the Board of Supervisors as required by subsections (a) and (b) above, no operator may charge a gate fee or late fee at a rate higher than the rate charged by that operator on January 1, 1995.

(d) It shall be unlawful for an operator or any agent or employee of an operator to solicit or accept money or any other thing of value from a driver, except for the lawful fees authorized by this Ordinance, and the cost of gasoline or other items purchased at the driver's option.

(e) Except where preemptive state law otherwise provides, no operator may require a driver to deposit any sum of money as security for payment of any obligation to the operator. Within ninety days of the effective date of this Ordinance, each operator shall return any such deposit in his or her possession.

(f) A driver shall not be required to purchase gasoline from the operator. Upon return of the taxicab to the operator, however, the driver may be required to purchase the amount of gasoline necessary to fully replace any gasoline previously furnished by the operator and not yet replaced by the driver.

(g) An operator must furnish a driver with itemized receipts for all payments made by the driver to the operator, whether or not the driver requests a receipt.

(h) Notwithstanding any limitation on gate fees
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LEGAL TEXT OF PROPOSITION I (Continued)

established by the Board of Supervisors pursuant to subsection (a) of this section, the Board of Supervisors may, by ordinance, require the governing body of the agency responsible for the regulation of taxicabs (hereafter the "responsible agency") to hear the petitions of operators seeking permission to charge gate fees in excess of the maximum gate fee set under subsection (a) of this section. The responsible agency shall grant such a petition if the operator demonstrates that the gate fee limitation prevents it from receiving a rate of return meeting constitutional standards. In order to assist the responsible agency in deciding whether to grant such a petition, the department head of the responsible agency (hereafter "responsible department head"), or his or her designee, shall prepare an analysis of the petition, including a recommendation whether to grant or deny the petition. The responsible agency shall grant or deny any such petition within 90 days of its receipt, until which time the gate fee established pursuant to subsection (a) of this section shall be in effect.

Section 4. Regulation of Permit-Use Fees. (a) The Board of Supervisors shall establish fair and reasonable maximum rates that taxicab permittees may charge operators for the use of their taxicab permits. These rates shall take effect 90 days after the effective date of this Ordinance.

(i) In establishing such rates the Board of Supervisors shall make and consider a comparison of the prevailing rate for use or lease of taxicab permits and the absence of a market value for taxicab permits in San Francisco with the prevailing use or lease rate and the market value of taxicab permits in cities that control gate fees.

(ii) The Board of Supervisors may also consider a comparison of the prevailing use or lease rate and the absence of a market value for taxicab permits in San Francisco with the use or lease rate and the market value of taxicab permits in cities of similar size that do not control gate fees.

(b) The total consideration received by a permittee-driver for the use of his or her permit may include a reduction in gate fees, or any other consideration, provided that the value of such consideration does not exceed the maximum permit-use fee established by the Board of Supervisors.

(c) For a period of 90 days after the effective date of this Ordinance, or until maximum permit-use fees are set by the Board of Supervisors, no permittee may charge a rate for the use of his or her permit that is higher than the rate charged by that permittee as of January 1, 1995.

Section 5. Procedures For Establishing Gate Fees and Permit-Use Fees. (a) Within ninety days after the effective date of this Ordinance, the Board of Supervisors shall conduct hearings to determine maximum gate fees, permit-use fees and rates of fare. In order to assist the Board of Supervisors in setting fair maximum permit use fees, gate fees, and rates of fare, a committee of the Board, or the Board's designee, shall issue a report including a recommendation of the appropriate fees and rates.

(i) Should the Board of Supervisors reduce gate fees by more than five dollars per shift from the average gate fee charged in San Francisco on

January 1, 1995, the Board of Supervisors shall calculate the rates of fare so that the benefit of that portion of the reduction in excess of five dollars per shift shall be shared equally between drivers and the public.

(ii) The average gate fee shall be calculated by determining the mean gate fee for all taxicabs associated with color schemes of over fifty taxicabs.

(b) Subsequent to the hearings provided for in subsection (a) of this section, the Board of Supervisors shall hold hearings to determine maximum gate fees, late fees, permit-use fees and rates of fare between the first day of March and the first day of June in every even-numbered year, or more frequently at the discretion of the Board of Supervisors.

(c) The Board of Supervisors shall not increase the maximum allowable gate fee, or set the initial maximum allowable gate fee above the average gate fee as of January 1, 1995, unless it also increases rates of fare to a level at least sufficient to enable a driver working a typical shift to recover enough in additional fares to compensate for the increase in gate fees.

(d) The Controller of the City and County of San Francisco may establish regulations for the keeping and filing of financial statements and accounting books and records by every taxicab permittee and operator for the purpose of providing information to the Board of Supervisors for its use in setting gate and permit-use fees, and for the purpose of providing information to the responsible agency to assist it in performing its duties under this Ordinance. A permittee's or operator's failure to comply with such regulations may be cause for revocation or suspension of any permit granted by the City and County of San Francisco with respect to the taxicab industry.

Section 6. Centralized Dispatch. (a) Within six months of the effective date of this Ordinance, the responsible department head, or his or her designee, shall conduct public hearings and solicit public testimony on the question of how an integrated or unified dispatch system for taxicabs operating in the City and County of San Francisco shall be organized. Within three months of the conclusion of these hearings, the responsible department head shall issue a report and recommendations for consideration by the responsible agency. Within three months of the date the report is issued, the responsible agency shall determine how the centralized dispatch system shall be organized, and shall direct the responsible department head to present regulations consistent with that determination to the responsible agency for adoption. These regulations, which shall be presented to the responsible agency within six months of its determination of the appropriate centralized dispatch system, shall include the steps necessary for establishment, operation and maintenance of a centralized dispatch system. These regulations shall also provide for the establishment of procedures to prevent discrimination against participants in the Paratransit Program of the San Francisco Public Transportation Commission in the operation of the centralized dispatch system. These regulations shall further provide that:

(i) each taxicab dispatch service shall maintain

a distinct identity and separate telephone number for dispatch purposes;

(ii) a taxicab dispatch service that has received a call for service shall be solely responsible for responding to that call for a period of time to be specified by the responsible department head. At the caller's option, another taxicab dispatch service may respond to the call if it has not been assigned to a driver within the specified time period.

(b) Subsequent to the establishment of the centralized dispatch system, the responsible department head, at the direction of the responsible agency and after hearings held pursuant to Section 7 of this Ordinance, may present regulations to the responsible agency regarding the operation of such system without regard to the provisions of subsections (a)(i) and (ii) above. Any such regulations, however, shall provide that persons requesting taxicab service shall have the option of requesting the exclusive services of a particular taxicab color scheme.

(c) The responsible agency and the responsible department head shall take whatever steps are necessary, in the conduct of public hearings and adoption of regulations, to enable the centralized dispatch system to commence operations within 24 months of the effective date of this Ordinance. Within 30 days of the date upon which the centralized dispatch service begins operation, all taxicab permits shall be affiliated with the centralized dispatch system. Failure of a taxicab permit holder to ensure that his or her permit is affiliated with the centralized dispatch service shall be cause for revocation of the taxicab permit.

Section 7. Public Convenience and Necessity Hearings. (a) The responsible agency, or its designee, shall conduct public hearings once in every odd-numbered year, or more frequently at the discretion of the responsible agency, and at a time and in a manner calculated to precede the hearings required by Section 5(b) of this Ordinance, to determine if public convenience and necessity require the responsible agency to adopt measures to improve taxicab service. Such measures include but are not limited to improving the operation of taxicab dispatch services, creating or recommending creation of taxicab stands or waiting areas, and regulating taxicab permits, including permits to operate wheelchair-accessible taxicabs and peak-time permits as provided for in this Ordinance. The hearings shall be consolidated with hearings held pursuant to Appendix F to the San Francisco Charter and the San Francisco Police Code, which shall also be held once in every odd-numbered year, or more frequently at the discretion of the responsible agency, to determine whether public convenience and necessity require the issuance of additional permits to operate motor vehicles for hire.

(b) Before issuing any additional taxicab permits, the responsible agency shall consider other methods of improving taxicab service. In determining whether to require an increase in the number of taxicab permits, the responsible agency shall consider whether the effects of such increase may be detrimental to the quality of taxicab service. No taxicab permit of any kind

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LEGAL TEXT OF PROPOSITION I (Continued)

shall be issued unless the responsible agency concludes, on the basis of clear and convincing evidence, that the requirements of public convenience and necessity cannot reasonably be met except by the issuance of that permit.

Section 8. Peak-Time Permits. (a) The responsible agency may create a new class or classes of taxicab permits by limiting the days, times or shifts during which taxicabs operating under such permits may be employed. Such permits shall be designated peak-time permits. The purpose of issuing peak-time permits shall be to improve taxicab service by increasing the availability of taxicabs during periods of high demand. Within 90 days of the issuance of a peak-time permit or permits, if any, the responsible department head shall adopt regulations concerning enforcement of the restrictions placed upon these permits.

(b) Peak-time permits may only be issued to persons on the waiting list of permit applicants who meet the criteria of sections 10 and 11 of this Ordinance. Such permits shall be offered to applicants in order of their position on the waiting list. A permit applicant shall be free to accept or decline a peak-time permit without losing his or her position on the waiting list; provided, however, that an applicant who accepts a peak-time permit shall be ineligible for any other taxicab permit for three years from the date of such acceptance. An applicant who accepts a peak-time permit shall surrender it upon receiving any other taxicab permit.

Section 9. Wheelchair-Accessible Taxicabs.

(a) The responsible agency shall issue as many permits to operate wheelchair-accessible taxicabs as the public convenience and necessity require. These permits shall be designated wheelchair-accessible permits. The responsible agency may decide to increase the number of taxicab permits by issuing a wheelchair-accessible permit or permits. It may also replace existing permits with wheelchair-accessible permits, but only by reissuing existing permits as wheelchair-accessible permits when the existing permits are surrendered and become available for reissuance to persons on the waiting list.

(b) Before receiving a permit to operate a wheelchair-accessible taxicab, the applicant must satisfy the criteria set forth in sections 10 and 11 of this Ordinance.

(c) An applicant who is issued a permit to operate a wheelchair-accessible taxicab must operate or arrange for the operation of that taxicab each day of the year to the extent reasonably necessary to meet demand for the taxicab's services. The applicant must also operate his or her permit in association with a taxicab color scheme that is under contract to the Paratransit Program of the San Francisco Public Transportation Commission.

(d) The responsible department head shall establish regulations for the purpose of ensuring that wheelchair users are given priority of service by wheelchair-accessible taxicabs. Those regulations shall also require a mandatory course of training for all holders and operators of permits to operate wheelchair-accessible taxicabs and all drivers of such taxicabs, which training shall include sensitivity training about the needs of

disabled persons.

(e) The provisions of Section 8(b) of this Ordinance shall also apply to the issuance of permits to operate wheelchair-accessible taxicabs.

Section 10. Waiting List of Permit Applicants.

(a) The responsible agency shall consolidate the two waiting lists that were kept pursuant to the San Francisco Police Code prior to the effective date of this Ordinance, and shall produce a single waiting list of taxicab permit applications. All such applications shall be processed and considered by the responsible agency in the order of their receipt pursuant to the provisions of Sections 2 and 3 of Appendix F to the San Francisco Charter, except as otherwise provided in this Ordinance.

(b) Commencing upon the effective date of this Ordinance, the responsible agency shall not accept an application for a taxicab permit unless, at the time the application is submitted, the applicant holds a valid driver's permit issued pursuant to the San Francisco Police Code. Each applicant on the waiting list for a taxicab permit shall maintain a valid driver's permit. The responsible agency shall strike from the waiting list the name of any applicant who is without a valid driver's permit for more than one year, unless the applicant can show good cause why he or she was without a permit.

Section 11. Eligibility for Taxicab Permits. (a) Commencing upon the effective date of this Ordinance, the responsible agency may not grant a permit to operate a taxicab to an applicant unless he or she has complied with the driving requirements set forth in this section.

(i) Until December 31, 1996, an applicant who otherwise qualifies for a taxicab permit shall be eligible for the permit only if the applicant has driven one hundred taxicab shifts in San Francisco between January 1, 1995 and the date that the application is considered by the responsible agency.

(ii) Commencing January 1, 1997 and until December 31, 1997, an applicant who otherwise qualifies for a taxicab permit shall be eligible for the permit only if, at the time the application is considered by the responsible agency, the applicant has driven at least two hundred taxicab shifts in San Francisco, one hundred of which have been driven since January 1, 1996.

(iii) Commencing January 1, 1998 and until January 1, 2004, the cumulative number of required shifts shall increase by one hundred each year. At least one hundred of the number of shifts required must be driven after the start of the calendar year before the year in which the application is considered.

(iv) Commencing January 1, 2005, and continuing each year thereafter, an applicant who otherwise qualifies for a taxicab permit shall be eligible for the permit only if, at the time the application is considered by the responsible agency, the applicant has driven at least one thousand taxicab shifts in San Francisco, at least one hundred of which have been driven since the start of the previous calendar year.

(v) For each year prior to 1996, an applicant who drove a San Francisco taxicab for at least six months of the year, on a full-time or a part-time basis, shall be presumed, in the absence of proof

to the contrary, to have driven a taxicab for at least one hundred shifts during that year.

(b) Taxicab permit operators shall keep accurate records of who drives their taxicabs and shall, upon request, furnish taxicab permit applicants with a report of the number of shifts the applicant has driven for the operator during the relevant time periods. If such information is unavailable for shifts driven before the effective date of this Ordinance, the operator shall furnish the applicant with a report of the time period or periods during which the applicant was a full-time or a part-time taxicab driver for the operator. The responsible department head, or his designee, shall, upon the request of a permit applicant, review documentation presented by the applicant and determine whether he or she has driven one thousand taxicab shifts in San Francisco. For the purpose of this Ordinance, a shift shall consist of a minimum of six hours.

(c) A permit applicant who has not complied with the driving requirements contained in this section shall retain his or her position on the waiting list; provided, however, that the responsible agency shall not issue a taxicab permit to any applicant until he or she complies with the provisions of this section.

(d) If a permit applicant who has previously driven 100 shifts or more as a taxicab driver in San Francisco cannot find employment as a taxicab driver, the applicant may apply to the responsible agency for an exemption from the driving requirements contained in this section. Such exemption may only be granted if the responsible agency decides that the applicant has made a good-faith effort to find employment as a taxicab driver in San Francisco. As a condition of such exemption, the responsible agency shall require the applicant to substitute other professional driving experience, which it shall approve. The agency may also require the applicant to comply with any other conditions that it sees fit to impose.

(e) The responsible agency may, after conducting a public hearing, increase the driving requirements contained in this section upon a finding that public convenience and necessity require such an increase. In addition, the responsible agency may, if it has determined that public convenience and necessity require the issuance of a taxicab permit or permits, but no permit applicant has satisfied the driving requirements contained in this section, temporarily reduce the driving requirements to the extent necessary to meet the requirements of public convenience and necessity.

(f) Within 90 days of the effective date of this Ordinance, the responsible department head shall provide written notice to all taxicab permit applicants of the provisions of sections 10 and 11 of this Ordinance. Such notice shall contain the text of sections 10 and 11 and shall be mailed to the applicant's last known address.

Section 12. Priority for Receipt of Taxicab Permits. The responsible agency may, after conducting a public hearing, establish a new system for awarding taxicab permits based on the amount of driving experience that each applicant has accrued. If the responsible agency adopts such a system, it shall cease to accept new appli-

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LEGAL TEXT OF PROPOSITION I (Continued)

cations for the waiting list of taxicab permit applicants, but shall continue to issue permits to eligible applicants on the waiting list under the existing system. Permits shall not be granted under the new system until all eligible applicants on the waiting list have received a permit.

Section 13. Requirements for Permittee-Drivers. (a) Every holder of a taxicab permit who is subject to the active driving requirement contained in Section 2(b) of Appendix F to the San Francisco Charter shall be required to work as a permittee-driver for at least 180 shifts per year; provided, however, that permittee-drivers who are 65 years of age or older and who hold other than peak-time permits shall be required to drive at least 150 shifts per year. All permittee-drivers holding peak-time permits shall be required to drive at least 100 shifts per year.

(b) Persons who were holders of taxicab permits prior to July 2, 1978 shall not be subject to the active driving requirement of this section.

(c) Pursuant to regulations to be adopted by the responsible department head, permittees subject to the active driving requirement shall certify each year, under penalty of perjury, that they have complied with the driving requirement, specifying the number of shifts driven. Should a holder of a taxicab permit authorize another to operate his or her taxicab permit as permitted by the relevant provisions of the San Francisco Police Code, the operator shall keep complete and accurate records of shifts driven by the permittee. The operator shall also certify each year, under penalty of perjury, that the permittee-driver has complied with the driving requirement, specifying the number of shifts driven.

(d) A permittee subject to the active driving requirement may, with the approval of the responsible agency, take a leave of absence from driving a taxicab. In such case, the permittee shall surrender his or her permit to the responsible agency. The permit shall be reissued to the first eligible person on the waiting list of permit applicants. Upon receipt of written notice from the absent permittee that he or she intends to resume driving a taxicab, the responsible department head shall enter his or her name on the waiting list above the names of all applicants, except the names of any other absent permittee who has

given prior notification of his or her intent to resume driving. An absent permittee who refuses a permit for which he or she is eligible shall lose his or her place on the waiting list and may not reapply for a place on the list for a period of 90 days; provided, however, that an absent permittee may decline a peak-time or wheelchair-accessible taxicab permit without losing his or her place on the waiting list.

(e) The responsible agency may, on written application and following an investigation, grant a waiver of the driving requirement contained in this section for a period of one year, based on personal hardship or on incapacity due to illness or injury. No taxicab permittee shall be granted more than two such one-year waivers while he or she holds a taxicab permit.

Section 14. Safety Inspections. Commencing January 1, 1997, the responsible department head, or his or her designee, shall conduct inspections of taxicabs once every six months, or more frequently at the discretion of the responsible department head, to ensure compliance with taxicab safety equipment requirements contained in the San Francisco Police Code and/or the responsible agency's taxicab regulations. This requirement, however, shall not apply to taxicabs of the current model year, which shall be subject to inspection only once during that year.

Section 15. Regulation by the Responsible Agency. In addition to the specific authority granted to the responsible agency by this Ordinance, the responsible agency may adopt such other regulations, consistent with this Ordinance, Appendix F to the San Francisco Charter, and the San Francisco Police Code, that it believes are necessary to implement the provisions of this Ordinance.

Section 16. Penalties. (a) The responsible agency may suspend or revoke the taxicab permit of any permit holder who violates or causes to be violated any provision of this Ordinance or any regulation or rule adopted pursuant to this Ordinance.

(b) Any person who violates any provision of the Ordinance shall be deemed guilty of a misdemeanor or an infraction. It shall be a violation of this Ordinance to knowingly assist or knowingly induce another to violate a provision of this Or-

dinance. Upon conviction of a violation charged as a misdemeanor, the person so convicted shall be subject to a fine of not more than \$500 or imprisonment in the County Jail for a period of not more than six months, or both such fine and imprisonment. Upon conviction of a violation charged as an infraction, the person so convicted shall be punished for the first offense by a fine of not less than \$10 nor more than \$50, and for a second and any additional offense by a fine of not less than \$20 and not more than \$100.

Section 17. Permit Fees. The annual fees set pursuant to the San Francisco Police Code for driver's permits, taxicab permits, taxicab dispatch service permits and taxicab color scheme permits shall be set at whatever levels are sufficient to cover the estimated costs of enforcement of this Ordinance, including personnel costs.

Section 18. Effect on Other Laws. Some of the provisions of this Ordinance are inconsistent with one or more of the provisions of Appendix F to the San Francisco Charter and with certain sections of Article 16 of the San Francisco Police Code, including but not limited to sections 1079, 1081, 1121 and 1137. To the extent that this Ordinance conflicts with Appendix F or with any section of the San Francisco Police Code, it is the intention of the people of the City and County of San Francisco that the provisions of this Ordinance shall prevail. The people hereby request that, within 6 months of the effective date of this Ordinance, the Board of Supervisors amend Appendix F and the San Francisco Police Code to the extent necessary to conform to this Ordinance.

Section 19. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held unconstitutional, invalid or ineffective by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of any remaining portion of this Ordinance. The people of the City and County of San Francisco hereby declare that they would have passed each remaining section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. □

TEXT OF PROPOSED ORDINANCE PROPOSITION J

MUNI AUDIT BE IT ORDAINED BY THE PEOPLE OF THE CITY AND COUNTY OF SAN FRANCISCO: SEC. 1. COMPLETE MANAGEMENT AUDIT OF THE MUNICIPAL RAILWAY; SCOPE OF AUDIT; TIME FOR COMPLETION

(a) The City and County of San Francisco hereby mandates that a comprehensive management audit be conducted by the Budget Analyst of the Board of Supervisors. Further, the Transportation Commission shall conduct a series of public hearings to discuss the audit and its findings, and that after the Transportation Commission shall prepare an Action Plan and submit it to

the Mayor. The Mayor, the Transportation Commission, the head of the Municipal Railway, and the Board of Supervisors shall use their best efforts to implement and take all steps necessary to carry out costs savings, efficiencies, and safety measures outlined in the Action Plan.

(b) No later than thirty days after the effective date of this ordinance, the Budget Analyst of the San Francisco Board of Supervisors shall begin a comprehensive management audit of the Municipal Railway. The Budget Analyst may retain the services of a qualified professional transit consultant to assist the Budget Analyst with the management audit. The Budget Analyst shall

deliver a report of its findings and recommendations to the Transportation Commission no later than six months after commencement of the Audit or seven months after the effective date of this ordinance.

(c) The audit shall include, but not be limited to the following:

- (1) Improved Service and Scheduling
- (2) Increasing Cost Efficiencies
- (3) Selling of Surplus Assets
- (4) Acquisition Plans for New Equipment
- (5) Salaries and Employee Benefits
- (6) Safety of Passengers and Drivers

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