



Edwin M. Lee  
Mayor

Cynthia G. Goldstein  
Executive Director

September 18, 2012

Mr. Mark Gruberg  
2940 16<sup>th</sup> Street #314  
San Francisco, CA 94103

Re: Rejection of Appeal No. 12-113; United Taxicab Workers v. SFMTA for Lack of Jurisdiction

Dear Mr. Gruberg:

This letter is sent to inform you that the City Attorney has advised that the San Francisco Board of Appeals ("Board") lacks jurisdiction over the above-referenced appeal of Municipal Transportation Agency ("Agency") Resolution No. 12-115 which authorizes the Agency to issue 150-200 temporary full-time medallions under terms specified therein. The Board's lack of jurisdiction over this matter is based on San Francisco Charter Section 8A.101 and San Francisco Transportation Code Section 1115.

As you noted in your Preliminary Statement of Appeal, Charter Section 8A.101(b) grants the Agency exclusive regulatory authority over the taxi industry and states that "[o]nce adopted, Agency regulations shall thereafter supercede all previously-adopted ordinances governing motor vehicles for hire that conflict with or duplicate such regulation." Transportation Code Section 1115, adopted in May 2009, regulates the Agency's determination of the number of permits to issue and thus supercedes Police Code Section 1079.

The Board continues to hear appeals of the denial, revocation or suspension of individual taxi-related permits pursuant to Police Code Section 2.13, which has not (yet) been superceded by Agency regulation.

If you wish to challenge the City Attorney's advice concerning the Board's lack of jurisdiction, you may convert your appeal to a Request for Jurisdiction under Rules of the Board of Appeals, Article V, Section 10. After a brief hearing on the matter, the Board will make a final ruling as to whether Agency Resolution No. 12-115 falls within the jurisdiction of the Board. Please note that filing a Request for Jurisdiction would not suspend the Resolution.

As we discussed, any briefing filed in support of a Jurisdiction Request must be submitted at the time of filing. An original plus ten copies of the written request should be submitted which, pursuant to the Rules of the Board, may not exceed six (6) double-spaced pages of argument with an unlimited number of pages of exhibits allowed. The check you submitted in the amount of \$300 as payment for the filing of an appeal is enclosed with this letter. If you elect to file a Jurisdiction Request, the cost of filing is \$150, payable by check or cash.

Sincerely,

A handwritten signature in black ink that reads "Cynthia G. Goldstein".

Cynthia G. Goldstein  
Executive Director

Enclosure