



**FILED**

9-30-16  
04:59 PM

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE  
STATE OF CALIFORNIA**

Application of Chariot Transit Inc., dba Chariot Transit for authority to operate as a scheduled, and on-call passenger stage corporation between points in San Francisco and surrounding counties including Alameda, San Francisco, Marin, Contra Costa, San Mateo, and Santa Clara counties and various locations in downtown San Francisco and surrounding counties including Alameda, San Francisco, Marin, Contra Costa, San Mateo, and Santa Clara counties; and to establish a Zone of Rate Freedom.

A.16-08-015  
(Filed August 24, 2016)

**PROTEST OF THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY TO  
APPLICATION NO. A.16-08-015**

DENNIS J. HERRERA, State Bar #139669  
City Attorney  
Susan Cleveland-Knowles, State Bar #193000  
David Greenburg, State Bar # 152490  
Deputy City Attorneys  
Fox Plaza  
1390 Market Street, 7th floor  
San Francisco, California 94102-5408  
Telephone: (415) 554-3958  
Facsimile: (415) 554-3985  
E-Mail: david.greenburg@sfgov.org

Attorneys for Protestant  
San Francisco Municipal Transportation Agency

## **I. SUMMARY**

The San Francisco Municipal Transportation Agency ("SFMTA") submits this Protest to Chariot Transit, Inc.'s ("Chariot's") Application No. A.16-08-015 pursuant to Rule 2.6 of the rules of Practice and Procedure ("Rules") of the California Public Utilities Commission (the "Commission"). Chariot seeks a Certificate of Public Convenience and Necessity ("CPCN") from the Commission to operate as a fixed route and on demand passenger stage corporation. The SFMTA has an interest in this proceeding to ensure that public transit service operated by the SFMTA can continue to operate efficiently and that the flow of vehicles, bicycles and pedestrians in the City is maintained. SFMTA protests Chariot's application ("Application") for three reasons.

First, the Application is deficient in several respects. Among other deficiencies, it is unclear as to the scope and nature of the proposed transportation service. Specifically, the Application is not clear as to whether the proposed service even falls under the CPUC's jurisdiction. And, Chariot failed to properly serve the Application on the SFMTA or the City and County of San Francisco. Thus, the Commission should either reject the Application or require Chariot to amend the Application to: (1) address the substantive deficiencies; and (2) serve the Application or notice of the Application on potentially impacted entities as required by the Rules.

Second, should the Commission decide instead to consider the pending Application, the SFMTA asserts that without further clarification, Chariot does not meet the definition of "passenger stage corporation." Thus, the SFMTA, and not the Commission, is the appropriate entity to regulate Chariot's San Francisco operations.

Third, in the alternative, if the Commission nonetheless asserts jurisdiction over Chariot, the SFMTA requests that any certification issued to Chariot include these conditions: (1) that Chariot vehicles operating in San Francisco be required to obey applicable California Vehicle Code ("CVC") and San Francisco Transportation Code ("SF Trans. Code") parking and traffic requirements; (2) that any approved routes in San Francisco be limited to routes that do not involve travel on street segments on which the San Francisco Transportation Code restricts travel by certain vehicles based on either weight or passenger capacity; and (3) that Chariot be required to comply

with San Francisco laws regulating the placement of signage on public sidewalks. These conditions are needed because of Chariot's record of repeated violations of these requirements by its ongoing San Francisco operations.

## **II. BACKGROUND**

The SFMTA is a multi-modal transportation organization responsible for operating buses, rail, cable cars and a historic fleet of streetcars, as well as developing and implementing innovative transportation solutions to benefit auto drivers, transit riders, bicyclists and pedestrians. SFMTA programs and services promote safe, efficient and convenient mobility alternatives for San Francisco residents, commuters, businesses and visitors. In addition to providing public transportation service for the City and County of San Francisco ("the City"), the SFMTA is charged with regulating the flow of vehicle, bicycle and pedestrian traffic, including regulations for parking, stopping and standing in San Francisco.

The SFMTA has an interest in this proceeding to the extent that any authority granted by the Commission for Chariot to operate in the City could impact or interfere with both the public transit service operated by the SFMTA and the flow of all modes of traffic in the City. There has been a substantial increase in the number of privately operated transportation services operating in the City in recent years. These services include commuter shuttles, Transportation Network Companies ("TNCs") and privately operated common carrier services, such as that proposed by Chariot.

Chariot filed the Application on August 24, 2016, and the Application was noticed in the Commission's Daily Calendar on August 31, 2016. Although neither the City and County of San Francisco nor the SFMTA were served with a notice or copy of the Application as required by Rule 3.3(b), the SFMTA was able to obtain a copy from Commission staff. The SFMTA is not aware that any other potentially affected transit agencies and municipalities have been noticed or served.

### **III. CORRESPONDENCE AND COMMUNICATIONS**

All subsequent correspondence, communications and pleadings in connection with this

Response or the subject Application should be directed to:

David A. Greenburg  
Office of the City Attorney  
City and County of San Francisco  
1390 Market Street, 7<sup>th</sup> Floor  
San Francisco, CA 94102  
Tel: (415) 554-3958  
Fax: (415) 255-3139  
Email: david.greenburg@sfgov.org

with a copy to

Tom Maguire, Director  
Sustainable Streets Division  
San Francisco Municipal Transportation Agency  
One South Van Ness Avenue, 7<sup>th</sup> Floor  
San Francisco, CA 94103  
Tel: (415) 701-4677  
Fax: (415) 701-4735  
Email: Tom.Maguire@sfmta.com

### **IV. GROUNDS FOR PROTEST**

#### **A. Chariot's Application is inadequate and was not served or noticed in accordance with Commission rules.**

Because the Application lacks a clear explanation of its proposed service and fails to comply with statutory requirements governing content, SFMTA is unable to comment meaningfully and thoroughly on the Application. Accordingly, the Commission should deny the Application or require the applicant to submit a revised application that complies with the Commission's Rules and the Public Utilities Code, and that is properly served or noticed to the affected transit agencies and other public entities.

##### **i. Chariot's Application Is Unclear.**

The Application is incomplete and unclear on a number of issues. Most importantly, it is unclear on a fundamental point; whether, based on the service being proposed, Chariot is properly

categorized as a passenger stage corporation subject to Commission regulation. Page one of the Application states that Chariot is requesting a CPCN “to establish and operate a fixed route and on-demand app-based service passenger stage corporation, for the transportation of passengers between points in San Francisco and surrounding counties . . . ” This statement describes what appears to be passenger stage service, as it is service that would presumably charge individual fares for service extending into more than one county. Later in the Application, however, Chariot’s intentions become unclear. On page two, the Application states that Chariot “seeks to operate a fixed-route service with on demand aspects; primarily in the city of San Francisco.” And on page one of Exhibit C to the Application, describing proposed routes, Chariot states that, with the exception of a Mill Valley route that amounts to “less than 2% of all business,” all routes outside of the City of San Francisco are privately funded routes that do not charge individual fares. Privately-funded service that does not charge individual fares describes service provided by a charter party carrier, and not by a PSC. (*See*, Pub. Utils. Code §5353(c), excluding from the scope of the Passenger Charter-party Carrier Act “service that is regulated under §1031 *et seq.* of that Code, regulating passenger stage corporations). Thus, it appears that Applicant may be confusing charter service with passenger stage service.

Under the Public Utilities Code, a passenger stage corporation (“PSC”) is defined to exclude a common carrier where 98% or more of the carrier’s operations, as measured by total route mileage, occur exclusively within the limits of a single city or city and county. (Cal. Pub. Util. Code § 226(a).) If it is true that 98% or more of Applicant’s proposed “passenger stage routes,” as measured by mileage, are within San Francisco, then the proposed service fails to meet the definition of “passenger stage corporation” set forth in Section 226(a) of the Public Utilities Code.

In addition, the Application does not adequately describe the location of the proposed stops. As a large, congested city, San Francisco has limited curb space in many areas that is available to serve as loading areas without violating City parking regulations. The Application should commit to

the use of stops only in permissible loading or stopping areas (such as white zones or yellow zones designated for passenger loading), so as to avoid adding to traffic congestion.

The application is also deficient in several other respects. It does not address several of the requirements for a passenger stage application set forth in Section 1032 of the Public Utilities Code, including Sec. 1032(b)(1)(C) (preventive maintenance program); Sec. 1032(b)(1)(E) (operator safety education and training); Sec. 1032(b)(1)(G) (workers' compensation insurance); and Sec. 1032(b)(1)(H) (location for inspection of records). Any new or revised application should address these points.

ii. Chariot failed to properly serve the Application.

Rule 3.3(b) requires that an applicant mail a copy of the application to public transit operators operating in any part of the territory sought to be served by the applicant. In addition, the applicant is required to mail notice of the application to city and county governmental entities "within whose boundaries passengers will be loaded or unloaded." Page six of the Application states that copies of the Application "have been were mailed to the entities and agencies below." There are no entities listed below that statement. Perhaps the statement is intended to refer to the list of entities included in Exhibit G to the Application. Exhibit G lists both the "General Manager for the Municipal Railway" and the "Clerk of the City and County of San Francisco," although neither the SFMTA nor the City and County of San Francisco were served with the Application. (Declaration of Tom Maguire, Attached as Exhibit 1, at ¶¶5-6.) Instead, SFMTA obtained a copy of the Application by requesting it from CPUC staff.



For the reasons stated above, Chariot's application should be found insufficient and be rejected or amended to address SFMTA's concerns. Further, any new or revised application should be properly noticed or served as required by Rule 3.3(b).<sup>1</sup>

**B. The Commission should decline to consider the Application if Applicant's proposed service does not require a Certificate of Public Convenience and Necessity and Applicant does not meet the definition of "Passenger Stage Corporation."**

As explained in subsection A, the Application is deficient in a number of respects, including vague and potentially contradictory descriptions of the proposed service. Should the Commission decide nonetheless to act upon the Application as submitted, it is SFMTA's position that the Commission has jurisdiction to regulate Chariot as a passenger stage corporation only if Chariot's passenger stage operations consist of more than two percent (based on mileage) service that is outside of the City. If at least 98 percent of the proposed service is located entirely within the City, it does not require a CPCN, and Chariot does not meet the definition of a Passenger Stage Corporation.

The Legislature has granted the Commission authority to regulate passenger stage corporations in the state. (Cal. Pub. Util. Code § 1031.) But, as noted above, the Legislature has also decreed that a common carrier is not a passenger stage corporation if 98% or more of the carrier's operations, as measured by total route mileage, occur exclusively within the limits of a single city or city and county. (Cal. Pub. Util. Code § 226(a).) Based on the proposed service described in Chariot's application, it is not clear that Chariot is a PSC, and therefore subject to the Commission's jurisdiction.

The Commission has repeatedly recognized that it lacks jurisdiction over common carriers that would qualify as PSCs except for the fact that they are operating exclusively within a single city or city and county. (*See, e.g., In Matter of Kiddie Karriage Shuttle Service* (1996) 66 Cal.P.U.C.2d 136 [PSC application to provide service solely within the City of Modesto is not

---

<sup>1</sup> While not included on the CPUC's service list, SFMTA is nonetheless mailing courtesy copies of this Protest to those entities listed in Exhibit G of the Application.

subject to the Commission's jurisdiction].) As the Commission has explicitly stated, it can neither modify nor act outside the statutory bounds of its authority:

"Our authority to regulate passenger stage corporations is limited to those whose total route mileage is more than two percent outside the boundaries of a single city or city and county. (§ 226(a).) [We] cannot expand or contract the statutory limitations. . . . If a carrier falls within the definition of the current statutes it will be regulated by this Commission. If it does not, we have no jurisdiction."

*(Re Specialized Transportation of Unaccompanied Infants and Children (1997) 73*

*Cal.P.U.C.2d 640; see also Los Angeles Railway Corporation v. Asbury Rapid Transit System (1940) 42 C.R.C. 837, 855.)* The exclusion of intra-city service from the Commission's jurisdiction has also been recognized by the California Supreme Court. (*Asbury Rapid Transit System v. The Railroad Commission* (1941) 18 Cal. 2d 105, 109.) Most recently, this Commission confirmed that, "[t]he plain meaning of Code § 226 is that any corporation or person that would otherwise be a PSC that meets the criteria of the 98% exemption is not actually a PSC." (*In the Matter of the Application of San Francisco Deluxe Sightseeing, LLC* (2012) Cal. P.U.C. Dec. No.12-11-002 [Conclusion of Law No. 10], 2012 WL 5879622, rehearing denied and modified by Decision No. 12-04-24, 2014 WL 1478352).<sup>2</sup>

The Commission's lack of jurisdiction over Chariot does not mean that Chariot may operate within San Francisco free of regulation that will ensure the public safety. San Francisco has police power authority to regulate privately-operated fixed route bus service in the City that is offered to the general public. (Cal. Const., art. XI, § 7; *See People v. Willert* (1939) 37 Cal.App.2d Supp. 729, 737.) Section 1103(f) of the San Francisco Transportation Code requires Chariot to obtain a Non-Standard Vehicle Permit from the SFMTA in order to conduct its proposed operations. As referenced above, there are currently a large number of types of private transportation services being operated in San Francisco, each with distinguishing characteristics that affect the nature and substance of regulation.

---

<sup>2</sup> Dec. No.12-11-002 involved different facts than the instant case because while it involved two applicants who had been providing service that met the statutory exemption from Commission jurisdiction under Section 226, both of those applicants were seeking authorization to expand their service so as to clearly bring it within the Commission's jurisdiction. Dec. No.12-11-002 did not grant Passenger Stage Corporation status to applicants providing such service in only one county.



The SFMTA is balancing the need to apply regulation uniformly with the highly individualized nature of each type of transportation service and provider. To that end, the SFMTA is presently developing more detailed regulations that will supplement the existing provisions of Section 1103(f) to further address the requirements for the operation of privately-owned intra-city transit buses on City streets. These regulations will be considered for adoption by the SFMTA Board of Directors as part of a public process in which Chariot and other entities that may be affected by the regulations may participate.

- C. In the alternative, if the Commission intends to grant Chariot's application, any certification should require that Chariot comply with San Francisco's parking and traffic and signage laws, and ensure that any approved routes in San Francisco do not include service on street segments for which travel by commercial vehicles with a capacity of nine or more persons, or by vehicles with a weight in excess of 6000 lbs. is restricted under the San Francisco Transportation Code.**

San Francisco is a very densely populated urban area with unique geography that experiences significant traffic congestion due to high volumes of motor vehicle, bicycle and pedestrian traffic. The City is a major employment center, provides distinct and unique residential experiences, is home to a diverse population, and maintains it is unique among California cities due to its unique geography and its status as a premier tourist destination, all within a geographically limited area. In addition, while San Francisco can be accessed by major freeways, freeway routes through or bypassing the city are limited, so vehicles going to or coming from freeways travels relatively long distances on City streets.

In order to help improve traffic flow and reduce congestion, San Francisco has established street restrictions in Sections 501 and 503 of the City's Transportation Code. With specified exceptions, these provisions restrict certain types of vehicles from traveling on specified street segments. Section 501 establishes street restrictions based on vehicle weight, and Section 503 prohibits commercial vehicles with a seating capacity of nine or more persons, including the driver, from traveling on specified street segments. The restrictions ("Street Restrictions") have been

developed following analysis by SFMTA and its predecessor agencies, taking into account a broad range of considerations, including geography, roadway capacity, vehicular, bicycle and pedestrian traffic patterns and volume, as well as neighborhood characteristics.

The proposed routes shown in the Application include a number of routes that travel on streets subject to Street Restrictions. These include, for example, Chestnut Street between Franklin and Lyon Streets and Guerrero Street between 18<sup>th</sup> and Cesar Chavez Streets. A map of streets subject to Street Restrictions is attached as Exhibit 2.

These streets are frequently congested, and parking can be very difficult, contributing to the congestion. It is for these reasons that the City has included these street segments in the Transportation Code Street Restrictions. Allowing Chariot's vehicles to operate to travel on, and stop along, these streets will only aggravate this congestion.

When the Street Restrictions were brought to the attention of Chariot, Chariot contended that its vehicles are "vanpools" and thus not be subject to Street Restrictions. (Declaration of Alexander Jonlin ("Jonlin Decl.") attached as Exhibit 3, at ¶13 and Attachment D.)<sup>3</sup> However, Chariot vehicles do not meet the definition of a "vanpool" under the Vehicle Code since they are not maintained and used primarily for the non-profit work-related transportation of adults for the purposes of ridesharing. (CVC §668.)

In addition, Chariot's current operations in San Francisco have shown a consistent and ongoing disregard for other City parking and traffic laws, included but not limited to the following:

a. Staging and stopping in residential driveways: Residents along a number of corridors, including Divisadero, Chestnut, Oak, Dolores, Guerrero, and Brannan Streets, have complained about Chariot vehicles illegally staging or stopping to pick up passengers in their driveways. (Jonlin Decl. at ¶7 and Attachment A.) Staff observations have confirmed that many Chariot stops across the city are in front of residential driveways. (Jonlin Decl. at ¶6.)

Additionally, route maps and stop locations listed on Chariot's website identify loading locations

---

<sup>3</sup> The emails included as attachments to Exhibit 3 are intended as examples of complaints concerning Chariot's operations received by SFMTA; the Agency can provide additional complaint correspondence upon request.

(such as 1886 Filbert on the SOMA Sprinter PM route, or 1995 Chestnut on the Chestnut AM Route) that are in front of driveways of residences.

b. Double parking, blocking traffic: The SFMTA has received complaints about Chariot vehicles illegally stopping in the travel lane to load passengers in a number of locations. At Chariot's stop on the east side of Divisadero Street south of Chestnut Street, staff observed 18 Chariot vehicles stopping within one half-hour period; 11 of these double-parked. (Jonlin Decl. at ¶8 and Attachment B.) Other complaints about Chariot vehicles stopping in the travel lane have come from major Muni corridors such as Geary Boulevard and California Street. Chariot lists stops along these corridors on its website at locations with no apparent legal curb space, where vehicles would have to double-park in order to unload passengers. (Jonlin Decl. at ¶8.)

c. Stopping in Muni "red zones": SFMTA has received complaints about Chariot vehicles illegally stopping in Muni bus zones along Pine Street in the Financial District and California Street in the Richmond. (Jonlin Decl. at ¶9.) SFMTA has not authorized any use of any Muni zones by Chariot. While SFMTA does allow participants in the voluntary Commuter Shuttle Program to use designated Muni bus zones under a permit program, Chariot does not participate in the Commuter Shuttle Program. Chariot's website lists stops on four of its routes on Pine Street between Davis and Battery Streets. The curb along this entire stretch of Pine Street is designated no stopping except Muni in the afternoon peak period.

d. Driver behavior: SFMTA Parking Control Officers have reported Chariot drivers being verbally and physically aggressive, including one instance in which a Chariot driver hit the window of the officer's vehicle. (Jonlin Decl. at ¶10 and Attachment C). A resident reported Chariot drivers illegally parked in front of a driveway refusing to move to allow vehicles to exit the driveway. (Jonlin Decl. at ¶11 and Attachment A.)

e. Responsiveness: The SFMTA has repeatedly brought these and other issues to the attention of Chariot. While Chariot staff have often responded pledging to resolve individual issues, the SFMTA has not observed an overall improvement in Chariot's behavior. (Jonlin Decl. at ¶¶7-9; 12-14.)

Moreover, Chariot has also shown a consistent and ongoing disregard of San Francisco laws governing the placement of signs on the sidewalks. Chariot has repeatedly placed "A-Frame" or "sandwich board" signs on sidewalks in San Francisco in violation of San Francisco Police Code Sec. 63(a), prohibiting obstruction of sidewalks. (Jonlin Decl. at ¶12.).

Accordingly, SFMTA requests that in the event the Commission grants a CPCN to Chariot, that any certification require that Chariot comply with San Francisco parking and traffic and signage laws, and that any approved routes in San Francisco comply with San Francisco's Street Restrictions set forth in Sections 501 and 503 of the City's Transportation Code.

The following specific conditions should be considered in order to protect the SFMTA's ability to provide for the smooth operation of transit and streets in San Francisco:

1. Chariot will only use legal loading zones for the purposes of passenger loading or unloading and staging, and will not stop across driveways, in travel lanes, or in other illegal locations.
2. Chariot will not use any of the City's Muni bus stops ("Red Zones") for passenger loading or unloading except and unless the City at some future time implements a regulatory program that authorizes Chariot to use designated Red Zones for this purpose.
3. Chariot will not operate on the restricted streets designated in Sections 501 and 503 of the San Francisco Transportation Code.
4. Chariot will not use any of the City's Commuter Shuttle Program designated zones for passenger loading or unloading except and unless at some time in the future Chariot is authorized to participate in the program and is issued a Commuter Shuttle Program permit and agrees to operate in accordance with the terms of that permit.
5. Chariot shall comply San Francisco laws regulating obstruction of sidewalks.

## **V. SCHEDULE**

The schedule set forth on page 10 of the Application is unduly compressed in light of the issues raised above. Any schedule set by the Commission should provide sufficient time for the Application

to be properly served on all agencies and entities entitled to notice or service, as well as sufficient time for those parties to respond to the Application.

## **VI. CONCLUSION**

For the reasons set forth above, the SFMTA requests that the Commission either reject Application 16-08-015, or require the applicant to revise the Application and properly notice or serve the revised application on all affected entities in accordance with the Commission's Rules. In the alternative, if the Commission nonetheless asserts jurisdiction over Chariot, the SFMTA requests that any certification issued to Chariot include these conditions: (1) that Chariot vehicles operating in San Francisco be required to obey applicable California Vehicle Code and San Francisco Transportation Code; (2) that any approved routes in San Francisco be limited to routes that do not involve travel on street segments on which the San Francisco Transportation Code restricts travel by certain vehicles based on either weight or passenger capacity; and (3) that Chariot be required to comply with San Francisco Public Works Code requirements regulating the placement of signage on public sidewalks.

Dated: September 30, 2016

Respectfully submitted,

DENNIS J. HERRERA  
City Attorney  
SUSAN CLEVELAND-KNOWLES  
General Counsel  
San Francisco Municipal Transportation Agency  
DAVID A. GREENBURG  
Deputy City Attorney

By:                     /s/                      
DAVID A. GREENBURG  
Deputy City Attorney  
Attorneys for  
SAN FRANCISCO MUNICIPAL TRANSPORTATION  
AGENCY

# EXHIBIT 1

---



### **DECLARATION OF TOM MAGUIRE**

**I, Tom Maguire, declare as follows:**

1. I have personal knowledge of the matters stated below, except those stated on information and belief, which I believe to be true. If called upon to testify in this matter, I could and would testify to the following.

2. I am an employee of the San Francisco Municipal Transportation Agency (SFMTA), where I serve as Director of the Sustainable Streets Division. I have held this position since October, 2014.

3. As Director of the Sustainable Streets Division, I report directly to the Director of Transportation. I oversee the Sustainable Streets Division, which, among other functions, carries out SFMTA's responsibilities for regulating the flow and direction of vehicle, bicycle and pedestrian traffic in the City, as well as the regulation of vehicles for hire. An application to the California Public Utilities Commission ("CPUC") from a service provider seeking certification as a passenger stage corporation that was served on SFMTA would be brought to my attention.

4. Chariot Transit Inc.'s ("Chariot's") application to the CPUC for certification as a passenger stage corporation can be read to indicate that it was served on the "General Manager Municipal Railway." This position has not existed for several years. The successor to that position is SFMTA's the Director of Transit, a position currently held by John Haley.

5. I have confirmed with John Haley that he is not aware of SFMTA being served with a copy of Chariot's application. I likewise am unaware that SFMTA has been served with the application.

6. Chariot's application can also be read to indicate that it was served on the "Clerk of the City and County of San Francisco." My staff has confirmed with the County Clerk, that her office likewise never received Chariot's application.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30 day of September, 2016.

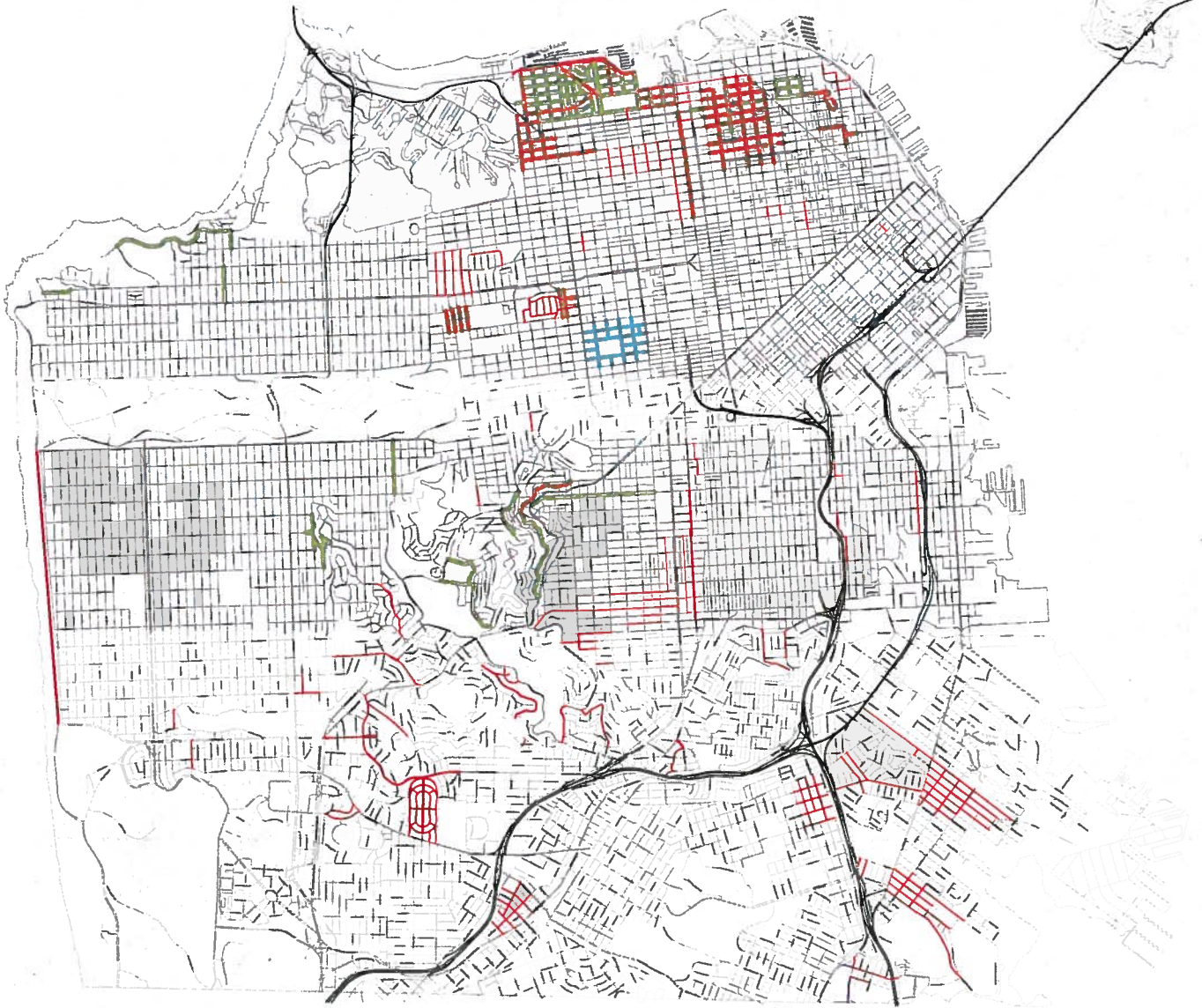


Tom Maguire

# EXHIBIT 2

---

# RESTRICTED TRAFFIC STREETS



- Weight Restriction Over 3 Tons
- Weight Restriction Over 9 Tons
- Buses and Vans With 8 or More Passengers Restricted
- Buses and Vans With 8 or More Passengers Restricted (Alamo Square Neighborhood)

BASEMAP:  
Department of Public Works, SFMTA  
RESTRICTED STREETS LAYER:  
SFMTA - SUSTAINABLE STREETS  
LAST MODIFIED: JANUARY 13, 2014

## Notes:

1) Certain vehicles exempt, including vehicles with business in that block, utility vehicles, emergency vehicles, school buses, and city vehicles. Employer buses exempt in Alamo Square neighborhood only.

2) Transportation code restricts the parking of commercial vehicles with gross weight over 10,000 pounds on residentially zoned areas.

For further information on restricted traffic streets, go to [www.sfgov.org](http://www.sfgov.org) and view the Municipal Codes (Transportation Code).

Prepared January 2014, Charlie Ream  
Updates & Revision - Ricardo Oles/Tamam Abdallah

## Roadway Signage



Transportation Code Section 501



Transportation Code Section 503



Transportation Code Section 503  
(Alamo Square)

# EXHIBIT 3

---

### **DECLARATION OF ALEXANDER JONLIN**

**I, Alexander Jonlin, declare as follows:**

1. I have personal knowledge of the matters stated below, except those stated on information and belief, which I believe to be true. If called upon to testify in this matter, I could and would testify to the following.

2. I am an employee of the Mayor's Office of Economic and Workforce Development, currently detailed to the San Francisco Municipal Transportation Agency (SFMTA), where I serve as a Transportation Analyst. I have worked for the SFMTA since June, 2015, and held this position since January, 2016.

3. Since October, 2015, my primary responsibility has been handling day to day issues concerning the regulation private buses, including commuter shuttles under the Commuter Shuttle Program, as well as other types of privately owned buses operating in the City, such as tour buses, jitneys and other shuttle services.

4. My duties include communicating with service providers about operational issues, including complaints about operations.

5. I have received and logged twenty-two complaints from members of the public and colleagues at the SFMTA regarding vehicles belonging to Chariot Transit Inc. ("Chariot") since November, 2015. I have responded to complainants and contacted Chariot representatives and SFMTA parking enforcement when appropriate.

6. I have received complaints from residents on Divisadero Street in the Marina District, Oak Street in the Western Addition, Dolores and Guerrero Streets in the Mission, and Brannan Street in Soma complaining about Chariot vehicles stopping across their driveways. I have personally observed Chariot vehicles stopping in driveways on Divisadero, Guerrero, and Chestnut Streets. Other loading locations listed on Chariot's website (such as 1886 Filbert on the



SOMA Sprinter PM route or 1995 Chestnut on the Chestnut Bullet AM route, among many others) appear to be in driveways.

7. I have repeatedly brought specific locations to the attention of Chariot representatives and informed them that staging or stopping to pick up passengers across driveways is illegal, but I have observed that Chariot continued to systematically place stops in driveways. Included as Attachment A to this Declaration are examples of correspondence between myself and Chariot concerning complaints about Chariot vehicles blocking driveways, including an incident where the driver refused to move the vehicle despite being asked to do so.

8. I have received complaints from members of the public about Chariot vehicles double parking and blocking travel lanes while loading and unloading passengers on Broadway in Pacific Heights, Divisadero Street in the Marina District, and California Street and Geary Boulevard in the Richmond District. In March 2016 at Chariot's stop on the east side of Divisadero Street south of Chestnut Street, I observed 18 Chariot vehicles stopping within one half-hour period; 11 of these double-parked. Chariot's website lists stops like 5498 Geary with no apparent legal curb space, where vehicles would have to block the travel lane in order to load or unload passengers. I have contacted Chariot about these issues and Chariot representatives have responded pledging to change their stop locations, but I have continued to receive complaints, often regarding the same locations. Included as Attachment B to this Declaration is email correspondence between myself and Chariot concerning complaints about double-parking by Chariot vehicles.

9. I have received complaints from members of the public about Chariot vehicles stopping in Muni zones on Pine Street in the Financial District and California Street in the Richmond. Muni operators have reported to me that they have been unable to access Muni stops

on Pine Street in the Financial District and in other locations due to Chariot vehicles blocking the stops. I have contacted Chariot about these issues and Chariot representatives have promised that they have a policy to not stop in Muni zones, but stops listed on their website like those along Pine Street in the Financial District and at 3700 Arguello are located in Muni zones.

10. I received a report from a colleague in the parking enforcement division in which a Parking Control Officer reported being verbally harassed while issuing a citation to a Chariot vehicle illegally parked in a tow-away no-stopping zone along 1<sup>st</sup> Street south of Market Street, after which the Chariot driver hit the window of the Parking Enforcement Officer's vehicle. Attached as Attachment C to this Declaration is a June 20, 2016 email I received from Camron Samii, Enforcement Manager for SFMTA's Sustainable Streets Division, summarizing this incident.

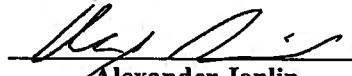
11. I received a complaint from a member of the public who reported that a Chariot vehicle was parked in front of their driveway on Brannan and that the Chariot vehicle refused to move for an extended period of time even when the member of the public explained that they needed to exit their driveway. Attachment A includes an email discussion between Chariot and myself concerning this incident.

12. I have received complaints from members of the public regarding Chariot sandwich signs illegally placed on the sidewalk on Broadway in Pacific Heights, Oak Street in the Western Addition, California Street in the Richmond, Divisadero Street in the Marina District, and Guerrero Street in the Mission. Often these signs were chained to utility poles. I contacted Chariot and informed them that placing "A-frame" or sandwich signs on the sidewalk is illegal. While their representatives pledged to resolve the issue, I did not see any improvement until San Francisco Public Works inspectors took enforcement action.

13. I have observed Chariot traveling on restricted streets including Chestnut and Guerrero Streets. Commercial vehicles with capacity for 8 or more passengers are prohibited on Chestnut Street, and commercial vehicles weighing over 3 tons are prohibited on Guerrero Street. Chariot vehicles have capacity for over 8 passengers and weigh over 3 tons, so they are prohibited on these streets. I have brought this issue to the attention of Chariot representatives but they have not taken any action to change their routes to comply with San Francisco street restrictions. Included as Attachment D to this Declaration is email correspondence between myself and Chariot informing Chariot that its vehicles are travelling on streets subject to these restrictions and may be cited.

14. I have contacted Chariot regarding violations of San Francisco parking and traffic laws at least 12 times since November 2015. While Chariot representatives have often responded pledging to resolve issues, and in a limited number of cases have moved specific stops, their overall system continues to operate in violation of San Francisco parking and traffic laws.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30<sup>th</sup> day of September, 2016.

  
Alexander Jonlin

**ATTACHMENT A**  
**to**  
**EXHIBIT 3**

---

To: Ali Vahabzadeh <ali@chariot.com>

"Jonlin, Alexander"

cc: <Alexander.Jonlin@sfmta.com>

Subject: Re: Chariot Complaint

Hi Alex,

As a quick follow up to this situation -

We initially received this notification about a week ago. While we never condone our drivers sitting and blocking drive ways as occurred in this situation, we also realize the potential

interruptions caused by our vehicles in this vicinity.

Following the initial message, we immediately took steps to rectify the situation - the stops for our vehicles have since been moved down the street to a more accessible location with less likelihood of problems arising.

As Ali mentioned, please copy me on all issues related to problems with our operations and I will work quickly to rectify them.

On Wed, May 25, 2016 at 6:48 PM, Ali Vahabzadeh <ali@chariot.com> wrote:

Thanks for the feedback, Alex.

Please copy my teammate Kyle in the future, cc'd here.

On May 25, 2016 6:35 PM, "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com> wrote:

Ali-

We received a complaint (below) on May 10<sup>th</sup> regarding a Chariot vehicle illegally stopping and blocking a driveway on Brannan near 4<sup>th</sup>. Chariot vehicles are not permitted to stop in driveways – vehicles that do so are subject to citation. This is especially egregious in the incident detailed below, in which a Chariot vehicle continued to block the driveway despite other vehicles attempting to enter and exit. Please schedule stops only in legal, safe locations like passenger loading white zones or commercial yellow zones.

Thanks,

Alex

They swarm this area every morning and afternoon at rush hour, parking pretty much wherever they decide to stop and park, usually double parked or blocking driveways. --- I work near 4th & Brannan. The city has made life difficult in this neighborhood, and done little to mitigate the impacts. Zero traffic officers to keep a very unsafe situation from becoming a fatal incident. On a daily basis, I see fender-benders, drivers dangerously confused by the constant change of lane alignments and visual blockage of traffic signs by construction signs. My own car was hit last week as I was backing out of my parking space when a frustrated commuter decided to use the parking lot to get out of a game-day rush-hour stand-still gridlock. It's seriously out of control down here, but this is not what I'm writing you about.

I'm writing you about a company called Chariot that operates these green commuter vans that serve neighborhoods poorly served by Muni, which technically at this point is every neighborhood since Muni has deteriorated so severely. So I support transit alternatives, but the driveway-blocking, double-parking, obnoxious-attitude ways of these horrible Chariot "private transit" vans need to be seriously clipped. Name the obnoxious behavior, I've experienced it from this company and it's drivers: charging at pedestrians, blocking driveways, double-parking on congested streets, sudden lane changes without signals, obnoxious behavior by the drivers when you confront their behavior. This company is a bad operator, and these behaviors are their routine way of doing business.

Today: Van 63. What a horrible, obnoxious person. What other business drives around blocking access to other businesses, refusing to leave? I finally got out of my car and got in a shouting match. She refused to leave. I laid on the horn without rest. She refused to leave. She even directed ME to other ways I could get there, as if it's her place to direct traffic at all. And she was illegally parked. Her refusal to move was unbelievable. I ultimately had to drive up over the sidewalk, during rush hour, filled with lots of pedestrians and what not, so that this obnoxious person could park her van illegally blocking the business I was trying to access.

Finally the lot attendant came out with his phone and started taking pictures of her, and she drove away. His name is Reynaldo. He works at the lot at 4th & Brannan where there is a Wells Fargo and a Starbucks. He's a great guy, and he works really hard. He doesn't deserve to have his business impacted by this company's bad behavior. How is it that this type of behavior is tolerated by the city at all, much less in a neighborhood that is already suffering such major impacts.

I don't care if her company told her to park there or not, as she claimed. I know there is no permit to block access to another business as she was doing, and as these vans routinely do, and I hope the city shuts them down.

---

**Alex Jonlin**



Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7<sup>th</sup> Floor

San Francisco, CA 94103-5417

Email: [Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)

Phone: [415-646-2349](tel:415-646-2349)

---

**ATTACHMENT B**  
to  
**EXHIBIT 3**

---

Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7<sup>th</sup> Floor

San Francisco, CA 94103-5417

Email: [Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)

Phone: [415-646-2349](tel:415-646-2349)

----- Message from Ali Vahabzadeh <ali@chariot.com> on Mon, 13 Jun 2016 17:56:38 +0000 -----

**To:** "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>

**cc:** Kyle Merson <kyle@chariot.com>, "Napolitan, Francesca" <Francesca.Napolitan@sfmta.com>

**Subject:** Re: Chariot at Geary & 33rd

This is an outrage: to open your mailbox and see a dozen citations from an enforcement agency that doesn't have the courtesy to get out of their vehicle and provide a paper citation on the spot. Where is the burden of proof? Our company is not an ATM machine.

Kyle - Please do not pay these until/if we have a better arrangement and understanding with the Enforcement division. This is the last time this is going to happen.

Ali Vahabzadeh  
CEO, [Chariot](#)  
415-933-7899

[In the Press](#) | [Interview with @Jason](#) | [We're Hiring!](#) | [Explore Chariot's Routes](#)

On Mon, Jun 13, 2016 at 10:43 AM, Jonlin, Alexander <[Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)> wrote:  
Kyle-

We'll pass along your comments to our enforcement team. I know they prefer to issue citations in person for the reasons you outlined, but often choose to issue "driveway" citations when it would be unsafe or disruptive to stop the driver and hand them the ticket.

Thanks,

Alex

**From:** Kyle Merson [mailto:kyle@chariot.com]

**Sent:** Friday, June 10, 2016 3:02 PM

**To:** Jonlin, Alexander <Alexander.Jonlin@sfmta.com>

**Cc:** Ali Vahabzadeh <ali@ridechariot.com>; Napolitan, Francesca <Francesca.Napolitan@sfmta.com>

**Subject:** Re: Chariot at Geary & 33rd

Hi Alex,

To follow up on this situation - the loading area has been adjusted as of two days ago. While we are on this subject, I wanted to bring up an issue that just came to my attention.

As I hope our past couple of interactions have shown, Chariot is very fast to respond to notices of driver operations that are impacting and disrupting our city neighbors. Especially in a situation where we receive an official notification (our signboards, for example, or this situation), we work very quickly to rectify any issue that is brought to our attention.

We recently received a large amount of tickets for double parking violations - tickets that were not provided at the time to our driver but appear to have been given by capturing images of our vehicles and writing the ticket. While I am aware this is an acceptable and lawful way the SFMTA can administer tickets, I would also like to cite the above. Had even one of these tickets been physically given to a driver (who are trained to immediately inform us so we can rectify issues), or had we been notified as you did for us in this case, we would have adjusted our operations and retrained drivers to ensure we are compliant with the SFMTA laws within a day.

Indeed, in this situation, when we received the first of these violations, we immediately retrained and fixed our driver operations to make sure they were following all laws appropriately.

Let me know if this situation can be resolved in this conversation. Hope to hear back soon.

On Tue, Jun 7, 2016 at 1:38 PM, Jonlin, Alexander <[Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)> wrote:

Thanks Kyle, we appreciate your responsiveness on this matter. Let us know how it goes!

Alex

**From:** Kyle Merson [mailto:[kyle@chariot.com](mailto:kyle@chariot.com)]

**Sent:** Tuesday, June 07, 2016 1:26 PM

**To:** Jonlin, Alexander <[Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)>

**Cc:** Ali Vahabzadeh <[ali@ridechariot.com](mailto:ali@ridechariot.com)>; Napolitan, Francesca <[Francesca.Napolitan@sfmta.com](mailto:Francesca.Napolitan@sfmta.com)>

**Subject:** Re: Chariot at Geary & 33rd

Hi Alex,

Thanks for the message. I will talk to our driving team for our route in Outer Richmond and adjust the loading area. We should have a new location shortly.

On Tue, Jun 7, 2016 at 1:21 PM, Jonlin, Alexander <[Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)> wrote:  
Ali and Kyle-

---

We've received some complaints about Chariot vehicles double-parking each morning at

Geary & 33<sup>rd</sup> to load and unload passengers. Please load and unload only at locations like white zones and yellow zones where vans are able to safely and legally pull all the way to the curb and out of traffic.

Thank you,

Alex

**Alex Jonlin**

Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7<sup>th</sup> Floor

San Francisco, CA 94103-5417

Email: [Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)

Phone: [415-646-2349](tel:415-646-2349)

----- Message from Ali Vahabzadeh <ali@ridechariot.com> on Wed, 10 Feb 2016 02:25:54 +0000 -----

**To:** "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>

**cc:** "Paine, Carli" <Carli.Paine@sfmta.com>, "Martinsen, Janet"



**ATTACHMENT C**  
**to**  
**EXHIBIT 3**

---

Transportation Analyst, Sustainable Streets Planning Division



San Francisco Municipal Transportation Agency

1 South Van Ness Ave. 7<sup>th</sup> Floor

San Francisco, CA 94103-5417

Email: [Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)

Phone: [415-646-2349](tel:415-646-2349)

----- Message from "Samii, Camron" <Camron.Samii@sfmta.com> on Mon, 20 Jun 2016 14:39:25 +0000

-----

**To:** "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>  
**cc:** "Maguire, Tom" <Tom.Maguire@sfmta.com>

**Subject:** RE: Chariot at Geary & 33rd

Alex, 6/16/16 PCO interaction with Chariot...

*Note from PCO - On 6/16/16 at 0830 hours, I was deployed to Tow 13, traveling south across Market Street from Battery to 1<sup>st</sup>. Ahead there was a Chariot van curbside in the Tow Away Zone (7AM-9AM) I pulled behind the van honked horn, no response, looked out right side of vehicle to see passenger door on Chariot Van open (Van was staged). I proceeded to issue a citation, placing it on windshield, under wiper. Started to issue a second citation to a van in front of the first van when driver for Chariot exited van yelling at me, "why did I not ask her to move and to give her a ticket"? I explained that our policy is to place the ticket on the vehicle, under the wiper. I then told the driver I did honk my horn, there was no movement and because the van was staging in a Now Stopping - Tow Away Zone, I issued the ticket. I continued on to cite the van in front, when the driver began to drive off, as I was walking back to my vehicle, a man in the passenger side of the Chariot van asked me why the van in front didn't get a ticket? I informed him that was not his concern, entered my vehicle when a female from the Chariot van started to film/take pictures with her phone. As I was pulling*

*around the Chariot van the driver jumped in front of my vehicle asking for my name. I informed her all my information was on the citation. As I began to drive off, she hit my window. I would like to add that I have had previous, negative, encounters with Chariot drivers. Whether I asked them to move or cited them, all have been very disrespectful as well as verbally abusive.*

Camron Samii  
Enforcement Manager  
SFMTA - Sustainable Streets Division  
505 7th St. - San Francisco, CA 94103  
Phone: 415.734.3080



**SFMTA**  
Municipal  
Transportation  
Agency

**ATTACHMENT D**  
**to**  
**EXHIBIT 3**

---

----- Message from Ali Vahabzadeh <ali@ridechariot.com> on Wed, 10 Feb 2016 02:25:54 +0000 -----

**To:** "Jonlin, Alexander" <Alexander.Jonlin@sfmta.com>

**cc:** "Paine, Carli" <Carli.Paine@sfmta.com>, "Martinsen, Janet"

---

<Janet.Martinsen@sfmta.com>

**Subject** : Re: Chariot in the Marina

Hi Alex,

Please provide more specific information so that we can work with our drive team to ameliorate any issues. It makes it impossible for any service operator to correct matters without such level of detail.

There are exceptions to the code which Chariot qualifies for, i.e we are classified as a "vanpool" by the CHP.

Best,

Ali Vahabzadeh

CEO, Chariot

415-933-7899

In the Press | We're Hiring! | Explore Chariot's Routes

On Mon, Feb 8, 2016 at 4:56 PM, Jonlin, Alexander <[Alexander.Jonlin@sfmta.com](mailto:Alexander.Jonlin@sfmta.com)> wrote:

Hi Ali,

We've received some more complaints from constituents who live on Divisadero between Lombard and Chestnut Streets regarding Chariot vehicles blocking traffic in the morning while loading. It is important that vehicles pull all the way to the curb to load and unload, and vehicles that double park are subject to citation.

In addition, Chestnut Street between Franklin and Lyon and nearly all the streets north of it throughout the Marina District are restricted, with a prohibition on vehicles with capacity for 8 or more passengers. A restricted streets map is attached here for reference. Chariot vehicles travelling on these streets and others throughout the city are subject to citation. Please route Chariot vehicles only on unrestricted streets.

Let me know if you have any questions. I look forward to working with you to resolve these issues.

Thanks,

---

**Alex Jonlin**