

MHA Today

Voice of the Medallion Holders Association

San Francisco

October 2007



Lindsey Welcome, 1945 - 2007

Farewell to Welcome

by Bettina Cohen

Lindsey Welcome was in her mid-20's when she arrived in San Francisco, around 1970. Lured by the City's tradition of celebrating diversity and freedom of spirit, it was around 1984 when she found career fulfillment driving a taxi here. An independent woman working in a profession and culture dominated by men, Welcome enjoyed driving both her local customers and visiting tourists. She frequently played ambassador and sightseeing guide as she drove up and down the City's foggy streets.

"She had this great, sly kind of humor. She had a twinkle in her eye. It was spirited, playful, teasing. I'll miss her," said Kathleen Young, a close friend who discovered Welcome's body at her Oakland home on June 23.

475 Admonished! A Fine If You Don't Sign

by Bettina Cohen

If you have received a letter of admonishment from the Taxi Commission office, you are not alone.

The Taxi Commission has sent formal admonishment letters to more than 475 medallion holders, based on its 2005 Medallion Holder Audit. In fact, more than 62 percent of the 956 post-K medallion holders that were audited came under fire from commission staff.

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Welcome - her friends called her Welcome, rather than Lindsey - took her own life after the muscular dystrophy she had struggled with for years accelerated rapidly during the last several months. (It was not, as previously reported in *MHA Today*, multiple sclerosis.) On top of her physical disability, which included bones that had become so brittle that they broke easily, Welcome, who held medallion 655 since 1997, was up for revocation of her taxi permit, due to a paperwork violation. In spring 2007, Welcome did not come to the Taxi Commission office at 25 Van Ness to file a 1095 form, which verifies that the medallion holder is still living.

Although commission staff told a *Bay Guardian* reporter that Welcome had not

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driven her cab in seven years, managers at Luxor Cab attest that she had continued driving until a year and a half before her death. Longtime friend Carol Fenner, whose own start as a taxi driver was the model for Welcome getting behind the wheel, recalled that Welcome had continued driving after having a double knee replacement surgery.

"She absolutely loved the job. She really enjoyed meeting the people," said Fenner, who received her own medallion the same day as Welcome. The pair jointly became the 10th and 11th women drivers to receive taxi medallions following the passage of Proposition K.

Welcome was an activist, involved in the various communities that made up who she was. She participated in feminist and lesbian organizations, helped form a business group for self-employed women in the East Bay, and joined the group then known as the K-Owners' Association as soon as she got her medallion. Within a couple of years, she took on treasurer duties for the group, which is now the Medallion Holders' Association.

"Lindsey was a very early MHA activist, one we could always rely on, back when it was the KOA, which was before the PDA (Permit Holders' and Drivers' Association)," stated Joseph Fleischman, who served as secretary of the organization at the time. "She was an active and very supportive member of our organization, almost from its inception. She often attended our board meetings, and for years, attended every semi-annual general meeting."

"She was always a very conscientious person in wanting to promote the interests of her group," Fenner said. "She recognized the importance of organizing and being a viable political force."

When muscular dystrophy began taking its toll, Welcome realized the limits the disease

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MHA Dispatches

- Former taxi commissioner **Mary McGuire** received a letter from the Taxi Commission in August threatening revocation for a \$2 underpayment on her annual medallion fee. However, McGuire has a receipt from the Tax Collector's office showing that she had paid her permit fee in full.
- The Taxi Commission began issuing ramp taxi permits at its Sept. 11 meeting, as part of the **50 new medallions** that were approved in May.
- A Taxi Commission **working group** held its first meeting on Sept. 10, to discuss alternative fuel, compressed natural gas, and hybrid vehicle types, in order to establish the "green" requirements for 25 of the new medallions.
- **Grasshopper Alec Kaplan** had his ramp medallion and driving permit summarily suspended following a July incident with a passenger. He faces revocation and criminal charges.
- **Jote Kejela**, a disabled medallion holder, has filed an appeal with the San Francisco Board of Appeals, in response to the June 26 Commission vote to revoke his medallion.
- MHA has contributed \$300 to **Access Exchange International**, a San Francisco-based organization that provides workshops and technical expertise for accessible transportation projects in less-developed countries.
- **Proposition A**, a ballot measure addressing the Metropolitan Transportation Authority (MTA), will be before San Francisco voters on Nov. 6. Prop A expands existing language that allows the City to dissolve the Taxi Commission and place taxi regulation under the MTA. The Board of Directors of MHA recommends **Yes on Proposition A**.
- See www.medallionholders.com for more news.



**Monday October 15
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**Renew friendships and renew your membership!
Bring your questions about admonishments and ADA issues**

Stepped Up Enforcement Targets Illegal Operators

At the Sept. 25 Taxi Commission meeting, Sgt. Ron Reynolds of SFPD described a new crackdown on illegal limo and taxi operators. Violators are subject to arrest, towing and criminal prosecution. Under certain circumstances, vehicles can be impounded for up to 30 days. Sgt. Reynolds gives credit for the program to District Attorney Kamela Harris, Taxi Commission Director Heidi Machen and Taxi Commission Deputy Director Jordanna Thigpen. The program is modeled on a successful enforcement effort against bandit cabs in Los Angeles.

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Photo by Bob Vitcha

The operator of this illegal taxi can't seem to decide if he wants to be number 286 or 2862. The airport decal displayed on the side is invalid. This and another pirate cab are often parked near 20th and Harrison.

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imposed on her. "She got to the point where she didn't go to the airport because she had a hard time picking up luggage," Fenner said.

Yet, she did not want to stop being a taxi driver. When an elderly woman Welcome had driven needed transportation for her weekly banking and grocery shopping, Welcome stepped into a caretaker role and picked her up every week, Fenner recalled. And she loved taking tourists down the zigzagging 1000 block of Lombard Street, Young said.

"She said things like, 'This is really great. I get to drive around in my favorite city and meet people who are one of a kind. It's a great city with great people,'" Fenner said.

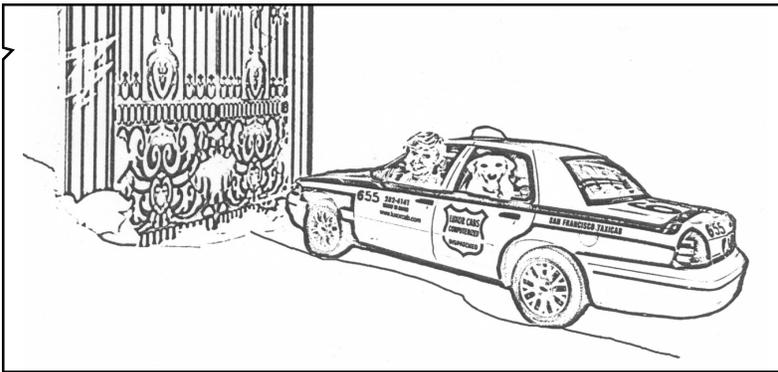
Around the time she had hip replacement surgery, Welcome did stop driving her cab. "She drove for as long as she possibly could," Fenner said. "Then she realized she couldn't get in and out of the cab, she couldn't go upstairs to ring the bell, and I think she was concerned for public safety, because of her reflexes and her weakness."

In the months before her death, commission staff spoke with Welcome on the telephone regarding the annual filing of a 1095 form. According to accounts both by Luxor management and friends who were near her at the end, commission staff was unhelpful, uncaring, and had discouraged Welcome from coming to the office if she could not produce an up-to-date driver's license.

During the public comment session of the July 13 Taxi Commission meeting, Young and another friend, Happy Hyder, told commissioners that the staff had put Welcome through undue stress, and that it had contributed to the disintegration of her health through the final months of her life. By this point, she was dependent upon income that she received from Luxor for leasing her medallion to the company.

"She really believed, and I believe, that (the threat of) this loss of income was putting a lot of stress on her body," Hyder said. "You could see it from week to week. She believed she was going to have to give up her medallion."

Notice of Welcome's permit being up for revocation was made public on June 22, the Friday preceding the Tuesday, June 26 Taxi Commission meeting in which the revocation hearing was scheduled. MHA Treasurer Charles Rathbone left two telephone messages for Welcome, in an effort to assure her that the organization was ready to assist and support her in the pending hearing. But the calls came too late. Having not



Lindsey and her dog Greta arrive at the Pearly Gates - Art by Murai

yet received news of Welcome's death, four out of five Commissioners voted to revoke. Commissioner Richard Benjamin recused himself due to his affiliation with Luxor. Commissioner Min Paek was absent. Commissioner Patricia Breslin cast the lone vote against revocation.

"I saw her driving on occasion and I didn't have a clue she was in poor health," said medallion holder Murai, who recalled that Welcome advised her to apply for a medallion back when she was at DeSoto Cab Co. "I remember sitting at a table at DeSoto Cab with Lindsey Welcome," Murai said. "She told me about the (medallion applicants) list. She said it was the best thing for older girls like us because it had a safety net for our advancing years."

But Welcome, who apparently had not been aware that an appeals process exists in the event of a revocation vote, ended her life instead at the age of 61, leaving behind many people who knew that for more than two decades, she had loved being a San Francisco taxi driver.

"Lindsey was sweet and caring. She was always one of my favorite cab driver friends. I am genuinely saddened by this news," Fleischman wrote in an email when he heard of her death.

"She was one of those cabbies that really interacted with people, and was what they wanted to represent San Francisco," Young said.

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Admonishments

The majority - at least 300 - were admonished for various waybill and rule violations, including waybill errors, not driving their own medallion number taxi, and failure to notify the Taxi Detail of an absence of more than 30 days.

Those admonished include 175 medallion holders who allegedly did not drive their cab for 800 hours in 2005. At least 19 others are still under investigation for not meeting the driving requirement that was established under the Police Code years after the passage of Proposition K. The MHA has heard from at least one medallion holder who disputes this charge, and two others who were admonished for failing to drive enough hours despite having filed for an accommodation in 2005 under the Americans with Disabilities Act.

As of mid-September, MHA did not know of anyone who had also received a threat of revocation from the Taxi Commission office.

Some admonishment recipients are indignant, believing that they have followed the rules. A particular sticking point is the "drive your own" violation, which disregards the di-

rective by Sgt. Vince Simpson of the Taxi Detail in June of 2000 that medallion holders can drive another cab if their medallion number taxi is still out at the time they are ready to start their shift, "as long as they record it on their waybill" that "the cab was not available." To view the four-minute discussion between Sgt. Simpson and Commissioners Paul Gillespie and Mary McGuire, go to www.telefog.com/youtube.

Commission staff is requiring admonishment recipients to sign a letter acknowledging they are in violation, and threatening those who do not with a hefty fine.

"Many of these people are signing under protest," MHA president Carl Macmurdo said. "Some are being threatened with a \$250 per day fine for failure to cooperate with the commission, if they don't sign. It's coming across as harassment on the part of the commission staff."

In a letter to commissioners dated Sept. 5, executive director Heidi Machen and deputy director Jordanna Thigpen state that "all but 187 Post-K medallion holders were completed, and those 187 will be among the first to be audited for 2006."

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Interim ADA Policy

Revocations On Hold Until Lawsuit Is Resolved

As this issue of *MHA Today* goes to press, we have learned that a new policy regarding disabled medallion holders has been adopted. Revocations and other actions against disabled medallion holders are supposed to cease pending the outcome of a lawsuit filed in US District Court.

As reported in the last issue, medallion holders William Slone and Michael Merrithew have filed a class action against the City and County of San Francisco and the San Francisco Taxi Commission under the Americans with Disabilities Act. For more on the suit, see the MHA website at www.medallionholders.com

Working with the City Attorney's office, the parties to the lawsuit have agreed to stay all administrative actions against disabled medallion holders based on their disability. This means that the Taxi Commission will not fine you or take steps to revoke your medallion if you did not drive for 800 hours because of a physical or mental disability until the lawsuit is resolved.

THE STAY IS LIMITED ONLY TO MEDALLION HOLDERS WHO HAVE A DISABILITY. Other issues, including the drive-your-own-medallion rules, are not covered by the stay.

To be included in the stay, you need to send to the Taxi Commission proof that you have applied to the Taxi Detail or the Taxi Commission for an accommodation under the ADA in the past or a current request for an accommodation, a current Medical Certification and a current Medical Release.

The required documents are:

Either written proof that you contacted either the Taxi Detail or the Taxi Commission for an ADA modification or waiver of the full-time driving requirement in MPC § 1081(f), *and* an updated Health Care Provider Certification executed by a licensed California health care practitioner, *and* an updated Medical Authorization and Release Form.

Or a Request for Reasonable Accommodation form, *and* a Health Care Provider Certification executed by a licensed California health care practitioner, *and* a Medical Authorization and Release Form.

The Medical Certification must state what your disability is and whether you need a modification or waiver of the 800-hour personal driving requirement.

Modifications may include shorter shifts, broken shifts, temporary waivers during physical therapy, or other appropriate measures. Your health care practitioner should be as detailed as possible. Your Medical Certification and Release may be reviewed by Commission staff and by the City Health Department.

To obtain the Medical Certification and Release forms, you may contact the Taxi Commission at (415) 503-2180.

If you have any questions regarding the stay, you may contact attorney Elliott Myles. The preferred method of contact is by email to mail@myleslawfirm.com or if you do not have email, by phone at (510) 986-0877.

MHA will continue to follow this developing story. For updates, see www.medallionholders.com

Taxi Commission Subcommittees Formed

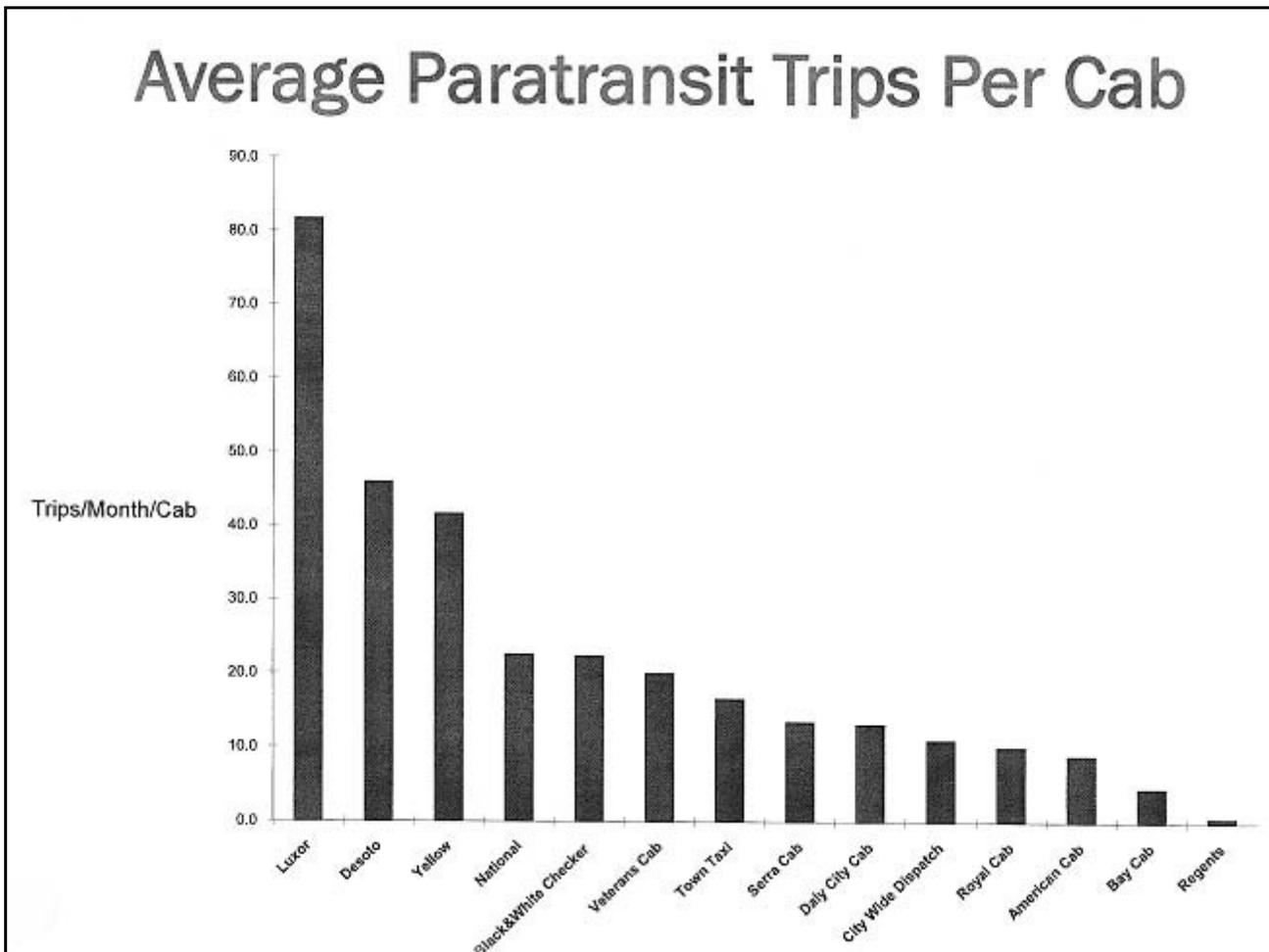
The Taxi Commission has formed two subcommittees to examine ordinances and rules and to recommend changes. A third subcommittee will recommend specific models of clean-air vehicles.

The Rules subcommittee is composed of three commissioners: Patricia Breslin (chair), Paul Gillespie and Tom Oneto. It will focus on the drive-your-own rule, waybill issues, long-term leasing and other items that are found in the commission's handbook of Rules and Regulations.

The Charter Reform Subcommittee, chaired by Commissioner Malcolm Heinicke, will examine Proposition K for possible changes that require voter approval. The group includes cab company, driver and medallion holder representatives, as well as representatives of the public and various city agencies. Altogether, there are a dozen voting members and five non-voting members.

Paratransit Debit Card Debut Set for 2008

A new Paratransit Debit Card System will debut in the second quarter of 2008. This chart, presented to the Taxi Commission on Sept. 25, illustrates the current levels of paratransit service provided by dispatch companies. The new system enjoys broad support within the industry. Key features include purchase subsidies, choice of vendors, and driver privacy. The system eliminates paper scrip and will allow companies to add credit card processing.





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