



**CIVIL SERVICE COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**LONDON N. BREED
MAYOR**

Sent via Electronic Mail

May 25, 2023

NOTICE OF CIVIL SERVICE COMMISSION MEETING

Mitzey D. Davis



**SUBJECT: REQUEST FOR A HEARING BY MITZED DAVIS PROBATIONARY 9163
TRANSIT OPERATOR ON THEIR FUTURE EMPLOYMENT RESTRICTION
WITH THE MUNICIPAL TRANSPORTATION AGENCY.**

Dear Mitzey Davis:

The above matter will be considered by the Civil Service Commission at a hybrid meeting (in-person and virtual) in Room 400, City Hall, 1 Dr. Goodlett Place, San Francisco, California 94102 and through Cisco WebEx to be held on **June 5, 2023, at 2:00 p.m.** You will receive a separate email invite from a Civil Service Commission staff member to join and participate in the meeting.

The agenda will be posted for your review on the Civil Service Commission's website at www.sf.gov/CivilService under "Meetings" no later than end of day on Wednesday, May 31, 2023. Please refer to the attached Notice for procedural and other information about Commission hearings. A copy of the department's staff report on your appeal is attached to this email.

In the event that you wish to submit any additional documents in support of your appeal, please submit one hardcopy 3-hole punch, double-sided and numbered at the bottom of the page, to the CSC Office at 25 Van Ness Ave., Suite 720 and email a PDF version to the Civil Service Commission's email at civilservice@sfgov.org by **5:00 p.m. on Tuesday, May 30, 2023**, please be sure to redact your submission for any confidential or sensitive information that is not relevant to your appeal (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

Attendance by you or an authorized representative is recommended. Should you or a representative not attend, the Commission will rule on the information previously submitted and any testimony provided at its meeting. Where applicable, the Commission has the authority to uphold, increase, reduce, or modify any restrictions recommended by the department. All calendared items will be heard and resolved at this time unless good reasons are presented for a continuance.

You may contact me at (628) 652-1100 or at Sandra.Eng@sfgov.org if you have any questions.

CIVIL SERVICE COMMISSION

/s/

**SANDRA ENG
Executive Officer**

Attachment

Cc: Jeffrey Tumlin, Municipal Transportation Agency
Kimberly W. Ackerman, Municipal Transportation Agency
Romika Williams, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
David Garcia, Municipal Transportation Agency
Omozelle Biggins, Municipal Transportation Agency
Pete Wilson – TWU Local 250A
Commission File
Commissioners' Binder
Chron

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

A. Commission Office

The Civil Service Commission office is located at, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. The telephone number is (628) 652-1100. The fax number is (628) 652-1109. The email address is civilservice@sfgov.org and the web address is www.sfgov.org/civilservice/. Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

B. Policy Requiring Written Reports

It is the policy of the Civil Service Commission that except for appeals filed under Civil Service Commission Rule 111A Position-Based Testing, all items appearing on its agenda be supported by a written report prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Civil Service Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Officer. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

C. Policy on Written Submissions by Appellants

All written material submitted by appellants to be considered by the Commission in support of an agenda item shall be submitted to the Commission office, no later than 5:00 p.m. on the fourth (4th) business day preceding the Commission meeting for which the item is calendared (ordinarily, on Tuesday). An original copy on 8 1/2-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

D. Policy on Materials being Considered by the Commission

Copies of all staff reports and materials being considered by the Civil Service Commission are available for public view 72 hours prior to the Civil Service Commission meeting on the Civil Service Commission's website at <https://sf.gov/civilservice> and in its office located at 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102. If any materials related to an item on this agenda have been distributed to the Civil Service Commission after distribution of the agenda packet, those materials will be available for public inspection at the Civil Service Commission's during normal office hours (8:00 a.m. to 5:00 p.m. Monday through Friday).

E. Policy and Procedure for Hearings to be Scheduled after 5:00 p.m. and Requests for Postponement

A request to hear an item after 5:00 p.m. should be directed to the Executive Officer as soon as possible following the receipt of notification of an upcoming hearing. Requests may be made by telephone at (628) 652-1100 and confirmed in writing or by fax at (628) 652-1109.

A request for a postponement (continuance) to delay an item to another meeting may be directed to the Commission Executive Officer by telephone or in writing. Before acting, the Executive Officer may refer certain requests to another City official for recommendation. Telephone requests must be confirmed in writing prior to the meeting. Immediately following the "Announcement of Changes" portion of the agenda at the beginning of the meeting, the Commission will consider a request for a postponement that has been previously denied. Appeals filed under Civil Service Commission Rule 111A Position-Based Testing shall be considered on the date it is calendared for hearing except under extraordinary circumstances and upon mutual agreement between the appellant and the Department of Human Resources.

F. Policy and Procedure on Hearing Items Out of Order

Requests to hear items out of order are to be directed to the Commission President at the beginning of the agenda. The President will rule on each request. Such requests may be granted with mutual agreement among the affected parties.

G. Procedure for Commission Hearings

All Commission hearings on disputed matters shall conform to the following procedures: The Commission reserves the right to question each party during its presentation and, in its discretion, to modify any time allocations and requirements.

If a matter is severed from the *Consent Agenda* or the *Ratification Agenda*, presentation by the opponent will be for a maximum time limit of five (5) minutes and response by the departmental representative for a maximum time limit of five (5) minutes. Requests by the public to sever items from the [*Consent Agenda* or] *Ratification Agenda* must be provided with justification for the record.

For items on the *Regular Agenda*, presentation by the departmental representative for a maximum time of five (5) minutes and response by the opponent for a maximum time limit of five (5) minutes.

For items on the *Separations Agenda*, presentation by the department followed by the employee or employee's representative shall be for a maximum time limit of ten (10) minutes for each party unless extended by the Commission.

Each presentation shall conform to the following:

1. Opening summary of case (brief overview);
2. Discussion of evidence;
3. Corroborating witnesses, if necessary; and
4. Closing remarks.

The Commission may allocate five (5) minutes for each side to rebut evidence presented by the other side.

H. Policy on Audio Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are audio recorded in digital form. These audio recordings of open sessions are available starting on the day after the Commission meeting on the Civil Service Commission website at www.sfgov.org/civilservice/.

I. Speaking before the Civil Service Commission

Speaker cards are not required. The Commission will take public comment on all items appearing on the agenda at the time the item is heard. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Requests to Speak" portion of the regular meeting. Maximum time will be three (3) minutes. A subsequent comment after the three (3) minute period is limited to one (1) minute. The timer shall be in operation during public comment. Upon any specific request by a Commissioner, time may be extended.

J. Public Comment and Due Process

During general public comment, members of the public sometimes wish to address the Civil Service Commission regarding matters that may come before the Commission in its capacity as an adjudicative body. The Commission does not restrict this use of general public comment. To protect the due process rights of parties to its adjudicative proceedings, however, the Commission will not consider, in connection with any adjudicative proceeding, statements made during general public comment. If members of the public have information that they believe to be relevant to a matter that will come before the Commission in its adjudicative capacity, they may wish to address the Commission during the public comment portion of that adjudicative proceeding. The Commission will not consider public comment in connection with an adjudicative proceeding without providing the parties an opportunity to respond.

K. Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Information on Disability Access

The Civil Service Commission normally meets in Room 400 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. However, meetings not held in this room are conducted in the Civic Center area. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our ADA coordinator at (628) 652-1100 or email civilservice@sfgov.org to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical-based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Victor Young, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102-4689 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: soff@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Section 2.100) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 25 Van Ness Ave., Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and web site <https://sfethics.org/>.

NOTIFICATIONS

Mitzey D. Davis



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London Breed, Mayor

Gwyneth Borden, Chair
Amanda Eaken, Vice Chair
Stephanie Cajina, Director

Steve Heminger, Director
Fiona Hinze, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

MEMORANDUM

Date: June 5, 2023

To: The Civil Service Commission

Through: Kimberly W. Ackerman
Chief People Officer, SFMTA

From: David Garcia, Labor Relations Manager, SFMTA

Subject: Appeal of Future Employability Restrictions by Mitzey Davis – Probationary 9163
Transit Operator (Register No. 0046-23-7)

BACKGROUND

The San Francisco Municipal Transit Agency (SFMTA) maintains a substance abuse program (SAP) to comply with the U.S. Department of Transportation's (DOT) Regulations. See the United States Code of Federal regulations at, 49 CFR Part 40, and 655. These regulations require the SFMTA's Substance Abuse Program (SAP) to conform with the DOT's drug and alcohol testing requirements. For compliance with its SAP, SFMTA checks a new employee's drug and alcohol testing record before that employee begins to perform safety sensitive duties and removes employees from performing safety sensitive functions whenever they receive a positive drug test result.

SFTMA first hired Mitzey Davis (Appellant) on December 15, 2015. During her first tenure, the Appellant received a positive drug test result and the SFMTA removed her from performing safety sensitive functions. Ultimately, the SFMTA and Appellant entered into a five-year recovery agreement (Agreement) so that the Appellant could return to performing safety sensitive functions. After initiating the agreement, the Appellant returned to performing safety sensitive job functions until she received a second positive drug test ("Follow-Up Test" under the agreement) result on October 8, 2022.

The Appellant resigned from her position on October 22, 2021. SFMTA rehired the Appellant as a probationary Transit Operator (Job Code 9163) on February 27, 2023. On March 14, 2023, SFMTA released her from probation because its SAP and the agreement require SFMTA to release employees for having a second positive test, but for "substantial mitigating circumstances." SFMTA never learned about any mitigating circumstances because the Appellant resigned after she received her second positive test result.

As a routine practice, the SFMTA imposes a twenty-four-month future work restriction whenever it releases employees for having a second positive test result on a “Follow-up Test.” The Appellant’s positive test result on October 8, 2021, was her second positive drug test and occurred during the term of the recovery agreement.

On March 14, 2023, the SFMTA issued a Notice of Release from Probationary Appointment to the Appellant. The SFMTA considers the Appellant’s release as “disciplinary” and restricts her future employability for twenty-four months. Specifically, the SFMTA and the City and County of San Francisco should preclude the appellant from safety sensitive positions for twenty-four (24) months, require the appellant to complete SAP requirements, and cancel her current examination and eligibility status for safety sensitive positions. **EXHIBIT A.**

On March 15, 2023, the Appellant sent a request for appeal to the Civil Service Commission. The Appellant did not include her reasons for appealing her proposed future employment restrictions. See Appeal to the Civil Service Commission, March 15, 2023 (Register No. 0046-23-7; Form CSC-12). **EXHIBIT B.** The Appellant appeals the SFMTA’s “Future Employability Recommendation” for the position of Transit Operator (Job Code 9163). In accordance with the Civil Service Rules, the SFMTA submits this staff report for the Commission’s consideration.

ISSUES

Is it reasonable to preclude the Appellant from safety sensitive positions for twenty-four months?

Is it reasonable to cancel current examinations and eligibility status for safety-sensitive positions?

Should the Appellant’s twenty-four-month restriction against future employability commence from October 16, 2021, or rather, from her last day of employment in a probationary status on March 15, 2023?

AUTHORITY AND STANDARDS

San Francisco City Charter, Article 8A, The Municipal Transportation Agency. **EXHIBIT C.**

Article 8A, in pertinent part, requires the SFMTA to hold employees accountable for safe operation of the transit system. The article requires the SFMTA be accountable for passenger, public and employee safety and security. See Article 8A, Section 8A.103 2 (d)(1).

The SFMTA’s probationary periods are governed by the Civil Service Commission Rule 417 series. **EXHIBIT D.** A release from probationary based on disciplinary reasons requires the SFMTA to determine the employee’s future employability under the Civil Service Rules’ 417 series.

Sec. 417.1 Requirement for a Probationary Period

417.1.1 Any person appointed to a permanent civil service position shall serve a probationary period.

417.1.2 Nothing in these provisions is intended to infringe upon or restrict the authority of an appointing officer in releasing a probationary employee as provided in these Rules.

Sec. 417.2 Definition of Probationary Period

417.2.1 The probationary period is defined as the final and most important phase of the selection process and is to be used for evaluating the performance of an employee in the position to which appointed; and

417.2.2 A period of regularly scheduled hours worked, excluding any time off for leave, vacation, other types of time off (not including legal holidays), or overtime.

Sec. 417.9 Release of Employee During the Probationary Period

417.9.1 An employee may be released by the MTA Director of Transportation/Designee at any time during the probationary period upon written notice to the employee.

417.9.2 If a probationary employee is released for disciplinary reasons, a determination of the employee's future employability shall be made as provided in this section.

The decision on future employability reached through the procedures established under these Rules shall be final and shall not be subject to reconsideration.

The Appellant must comply with all the rules contained in the San Francisco Municipal Railway Rules and Instructions Handbook (**EXHIBIT E**) as set forth below in pertinent part:

Rule 2.1.3 – All employees will be held accountable for compliance with all rules in the San Francisco Municipal Railway Rules Instruction Handbook.

Rule 2.1.5 – Violation of any rule in this Rules and Instructions Handbook is sufficient cause for disciplinary action up to and including dismissal.

Rule 2.1.7 – Adherence to these rules is essential to safety, and safety is the primary importance in the performance of duties.

Rule 2.11.1 – All Safety-Sensitive employees are subject to the provisions of the Railway's Substance Abuse Policy and Procedures Handbook and must adhere strictly to its provisions.

Rule 2.13.1 - Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal. Inattention to Duty; Substance Abuse.

Rule 2.14.1 – Employees must comply with the laws, ordinances, and regulations of the state of California and the City and County of San Francisco.

Rule 2.14.2 – Employees shall be familiar with and obey all such laws, ordinances, and regulations applicable to their responsibilities, including the signing of traffic citations.

The Appellant must comply with the rules contained in the Substance Abuse Program Policies and Procedures Handbook. **EXHIBIT F**. In pertinent part, these rules include:

Section 7.0 – Prohibited Drug Use and Alcohol Use

7.1 Prohibited Drugs

FTA regulations specifically prohibit the use of the following illegal drugs and drug metabolites: marijuana, amphetamines, methylenedioxyamphetamines, opioids, and cocaine.

7.3 Legally Prescribed and Over-The-Counter Drugs

Legally prescribed drugs include those drugs approved and authorized for the employee by a physician for use during medical treatment. For prescription drugs, the physician must issue a written prescription that clearly indicates the employee's name, drug type, and proper dosage.

9.3.1.4 Prior Positive Tests or Refusals to Submit

When an applicant or Covered employee has previously failed any DOT-required test, the individual must provide proof to SFMTA that her or she has successfully completed the SAP referral, evaluation, and treatment process. SFMTA will not consider hiring any person who tested positive or refused to submit to testing for a minimum of two years following the positive test.

9.3.5 Return-to-Duty Testing

Any covered employee who has failed a drug test or who has refused to submit to a test, must pass the return-to-duty tested ordered by the substance abuse professional. A covered employee must also successfully complete the Substance Abuse Professional's recommendations and sign a return-to-work agreement. A positive return-to-duty test counts as a second positive test.

9.3.6 Follow-up Testing

After returning to duty, the employee will be subject to unannounced drug and/or alcohol tests for up to 60 months as determined by the Substance Abuse Professional, with a minimum of six tests during the first 12 months.

9.5 Consequences of a Non-negative Test Result

Any covered employee who has a positive drug test as verified by the MRO or who refuses to submit to a test will be removed from safety-sensitive functions immediately, evaluated by a Substance Abuse Professional, and informed of educational and rehabilitation resources¹.

12.0 Compliance with Background Check Requirements

All applicants and employees applying for safety-sensitive positions are required to sign a written consent to allow SFMTA to obtain information regarding the applicant/employee's DOT drug and alcohol testing history for the previous two-years.

Additionally, the applicant or covered employee must disclose if they, within the prior two years, failed a pre-employment drug or alcohol test for an employer that did not hire them.

FINDINGS

On October 16, 2020, Appellant completed an SAP assessment with Kaiser AMRS, as noted on the Appellants signed recovery agreement, which is dated December 24, 2020. **EXHIBIT G.**

On November 23, 2020, Appellant completed a Return to Duty (RTD) assessment.

On December 24, 2020, the Appellant requested that SFMTA consider returning her to performing safety-sensitive duties following a Department of Transportation (DOT) alcohol and/or drug rule violation. Id.

On December 24, 2020, the SFMTA and Appellant signed a Five-year Recovery Agreement. Id. Entering into this agreement and allowing the Appellant to return to performing safety sensitive job functions are permissive actions under the SAP requirements because the Appellant took a return to duty drug test and received a negative test result. The agreement established terms and conditions for the Appellant's continued employment with the SFMTA.

¹ Employees who fail a "Follow-Up" test within 5 years are subject to termination except where substantial mitigating circumstances warrant. See Exhibit D-2 of the Substance Abuse Program Policies and Procedures.

The Appellant signed the agreement and based on that agreement understands and agrees that she is to abstain from all mood-altering substances, both alcohol and drugs for the length of the five-year agreement. The Appellant signed the agreement to indicate she understands and agrees that the abstinence provisions apply during work, vacation leaves and other personal time off; that a positive test result at work will be considered a violation of this agreement. **Id., at paragraph 2.**

The Appellant signed the agreement and based on that agreement understands and agrees that the term of this agreement is for a period of five years in which the employee is able or performs safety-sensitive functions; and that absences in which the employee is not available to perform safety-sensitive functions do not contribute to the agreement term of five years. The agreement expires on December 23, 2025. **Id., at paragraph 4.**

The Appellant signed the agreement and based on that agreement understands and agrees that she would be tested for drugs and alcohol on an unannounced basis, and that testing will be performed at the Substance Abuse Professional's request, on the employee's own time, or in conjunction with random testing. The Appellant understands that a positive DOT test, other DOT alcohol and drug rule violation or refusal to test will constitute just cause for termination. The Appellant understands that failure to cooperate with the treatment process or a positive test result can be considered as out of compliance with this agreement.

The Appellant did not violate the recovery agreement until, October 8, 2021. That day, the Appellant was administered a "Follow-Up" drug test. The drug test was positive as reported by Dr. Timothy Elfelt on October 19, 2021. **EXHIBIT H**– Notification Packet of Second Positive Drug Test).

On October 19, 2021, the SFTMA Substance Abuse Program Manager Beverly Tilson notified the Appellant about her second positive drug test. **Id.**

On October 19, 2021, the SFMTA Substance Abuse Program Manager Beverly Tilson notified the Appellant's Division Manager about a second positive test resulting from a "Follow-Up Test" taken on October 8, 2021. **Id.**

On October 19, 2021, Division Manager, Romarr Pitcher (Pitcher) removed the Appellant from performing her safety-sensitive work functions because of the Appellant's second positive drug test. Pitcher notified the Appellant that she was being considered for termination. Pitcher directed the Appellant to contact the SFMTA Substance Abuse Program Manager for assistance with any substance abuse issues. At this point in time, the Appellant's last day of regularly scheduled workday was October 16, 2021. **Id.**

On October 22, 2021, the Appellant submitted her resignation in writing to Division Manger Pitcher.

On October 27, 2021, the SFMTA Human Resources Office administratively separated the Appellant by completing a separation report. The separation effective date is October 22, 2021.

On February 27, 2023, SFMTA hired the Appellant as a permanent 9163 Transit Operator.

On March 14, 2023, the SFMTA released the Appellant from her probationary position on March 14, 2023. **EXHIBIT A.**

DISCUSSION AND ANALYSIS

In 2020 the Appellant signed a recovery agreement with the SFMTA that would permit her to perform safety sensitive work functions after receiving a positive drug test result. The agreement required the operator to abstain from using mood-altering drugs and alcohol for a period of five years, while being authorized to perform safety sensitive functions. The Appellant violated the recovery agreement in 2021 by receiving a second positive drug test result, and she resigned from her position.

Then in 2023, the SFMTA hired the Appellant again on February 27, as a PCS 9163 Transit Operator, but had to release her from probation on March 14, 2023, because SFMTA records showed that the Appellant had received a second positive drug test within five years of entering into a recovery agreement with the SFMTA. The parties had initially signed the recovery agreement on December 24, 2020.

On October 8, 2021, the appellant was subject to a follow-up drug test under her recovery agreement. After receiving a second positive drug test result the Appellant resigned, effective October 22, 2021. According to the SFMTA Substance Abuse Policy, employees who test positive a second time, within five years of their signed recovery agreement, are subject to termination, except for substantial mitigating circumstances. SFMTA would have otherwise terminated the Appellant in 2021, but for her resignation that was effective on October 22, 2021.

SFMTA's substance abuse policy requires that it terminate employees for having a second positive test. The SFMTA imposes a 24-month future work restriction consistent with its usual practice whenever an employee receives a second positive drug test.

It is reasonable to preclude the Appellant from safety sensitive positions for twenty-four months because the SFMTA consistently recommends a 24-month future employability restriction whenever an employee tests positive under a "Follow-up" test.

It is reasonable to cancel the Appellant's current examinations and eligibility status for safety-sensitive positions because the SFMTA consistently recommends this action whenever an employee tests positive under a "Follow-up" test.

The Appellant’s twenty-four-month restrictions against future employability should commence from the Appellant’s last day of probationary employment on March 15, 2023, because the Appellant’s signed recovery agreement states that its term, “is for a period of five years in which the employee is able or performs safety-sensitive functions.” The Appellant stopped performing safety sensitive functions on October 16, 2021, and never returned to performing safety sensitive functions for the SFMTA. Therefore, the five-year term should span, December 24, 2020, through October 8, 2021, and then resume for the remaining 4 years and 76 days once the Appellant is able or returned to performing safety sensitive functions as an employee with the SFMTA. An employee’s resignation should not undermine or cancel an active Recovery Agreement.

The Appellant’s future employability with the SFMTA or the City and County of San Francisco should include the following restrictions:

- 1) Do not hire the appellant for safety sensitive positions for twenty-four (24) months.
- 2) Require the appellant to complete SAP requirements before returning to SFMTA employment.
- 3) Cancel current examination and eligibility status for safety sensitive positions.

CONCLUSION

Based on the information provided to Employee and Labor Relations, we conclude the Appellant tested positive for a prohibited drug and should be precluded from future employment for twenty-four months. A twenty-four-month restriction is the SFMTA’s standard for all second positive drug or alcohol tests.

RECOMMENDATION

Adopt the report, deny the appeal, and approve the future employability restrictions.

Attachments:

- Exhibit A: Notice of Probationary Release
- Exhibit B: Notice of Appeal, 2023 – Register No: 0046-23-7
- Exhibit C: City Charter Article 8A
- Exhibit D: Civil Service Rule Series 417
- Exhibit E: Rules and Instructions Handbook
- Exhibit F: Substance Abuse Policy
- Exhibit G: Signed Recovery Agreement
- Exhibit H: Second Positive Notification Packet
- Exhibit I: Appellant Resignation 2021
- Exhibit J: Notice of Probationary Release
- Exhibit K: Appellant’s Appointment Summary

EXHIBIT A



London Breed, Mayor

Amanda Eaken, Chair
Gwyneth Borden, Vice Chair
Stephanie Cajina, Director

Steve Heminger, Director
Fiona Hinze, Director
Manny Yekutieli, Director

Jeffrey Tumlin, Director of Transportation

Via U.S. Certified and First-Class Mail – HAND DELIVERED
Via E-Mail [REDACTED]

March 14, 2023

Mitzey D Davis
[REDACTED]
[REDACTED]
[REDACTED]

Re: Notice of Release from Permanent Probationary Appointment
Transit Operator (9163)

Dear Mitzey D Davis,

In accordance with San Francisco Municipal Transportation Agency (SFMTA), Civil Service Commission (CSC) Rule 417.9 - Release of Employee during the Probationary Period, you are hereby notified that you are being released from your probationary appointment as a 9163 Transit Operator effective March 15, 2023.

You are hereby being advised that the SFMTA is recommending to the Civil Service Commission that your future employment be restricted as follows:

- No future employment with CCSF/SFMTA that is classified as a Safety Sensitive position for 24 months
- After 24 months, Safety Sensitive position eligibility contingent on completion of SAP requirements
- Cancel current examination & Eligibility Status for Safety Sensitive Positions

If you have any questions regarding this matter, please contact HR-ELR@sfmta.com

Sincerely,



Shana Dines
Employee & Labor Relations Manager

Attachments: Separation Report, Notice & Report on Probationary Status and Notice of Release from Probationary Appointment

cc: Omozelle Biggins, Training



David Garcia, Labor Relations
Nicolle Lewis, Payroll Operations, Payroll
Valerie Coleman, Brian Lim, Employee Services
Rie Butler, Client Services, DHR
Personnel File



SEPARATION REPORT

INSTRUCTIONS: Please complete the Separation Report to:

1. Document internal departmental processes. Please do not send to DHR.
2. Document that the employee separation is not a complete separation from City service, Separation Report must be completed by the sending department and submitted to the receiving department to be attached to the AP ESR.
3. To process a layoff. Please send to the DHR layoff coordinator.
4. To administer a settlement agreement involving the separation of the employee-submit documentation to your Client Services Representative. (Reference TER_RZA)*

Date of Request: 3/14/2023

Department Contact: Milyn Sanchez Email: HR-ELR@sfmta.com Phone: _____

SECTION I: PERSONAL AND JOB INFORMATION

Name (Last, First, M.I.): Davis, Mitzey D Employee I.D.: [REDACTED]

Job Code: 9163 Job Title: Transit Operator

Position Number: [REDACTED] Hourly Rate: \$29.6125 Step: 1 Effective Date: 3/15/2023

Empl. Class: PCS Work Schedule: Full-Time

Is the employee serving a probationary period at the time of the separation? Yes No

Is this a complete separation from City and County Service? Yes No

If no, continuing in:

Department Code: (Select One) Status: _____ Job Code: _____ Effective Date: _____

Is employee granted leave pursuant to Civil Service Rule 120.31? Yes No

If no, is employee a transfer? No Yes, type of Transfer: (Select One)

SECTION II: SEPARATION INFORMATION

Resignation

Satisfactory Services (TER_RSS)

Unsatisfactory Services (TER_RUS)
(Form DHR 1-13 must be on file)

By the appointee: I hereby freely and voluntarily resign from the above position. I request approval of this resignation as of the effective date with the full understanding that once approved, I may acquire another position in this class only as provided in the rules of the Civil Service Commission (see employee copy and CSC Rules 114&119).

Employee Signature

Date

Lay-off

Involuntary Leave (PCS_LIL) Elective Involuntary Leave (PCS_EIL)

Involuntary Lay-off (PCS_LIO) Voluntary Lay-off (PCS_LVO)

(PV & EX Only): (Select One)

Reason for lay-off: (Select One)

Employee acknowledges receipt of the DHR information leaflet.

Employee Signature

Date

SEPARATION REPORT

DEPARTMENT USE ONLY

Termination

Settlement Agreement (TER RZA)
*(Separation Report and Settlement Agreement must be forwarded to Client Services Rep.)

Release from appointment:

Release from probation:

Dismissal:

Terminated for cause (TFC) (TPV,NCS, & Exempts only)

Automatic Resignation (ARS)

Never Reported to Work (DSH)

Death of an employee (DEA)

Other (Specify): _____

Retirement:

DEPARTMENT CERTIFICATION

The Appointing Officer/Authorized Designee named below hereby certifies that the information provided on this Separation Report is accurate, complete, and in compliance with applicable CCSF rules and policies.



415.646.4801

Appointing Officer/Authorized Designee Signature

Telephone

Name/Title: Shana Dines

Department Number: 68 Department Name: MTA

Personnel File Forwarded? Yes No

Forwarded to:

Department: _____ Contact: _____

DHR USE ONLY

Action Pending? Yes No

Analyst Name

Telephone

SR Ref Number: _____ Holdover Canvass: _____

Reference Number used for layoff actions: _____



NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT

Mailing Date 3/15/2023

Name Mitzey D Davis Department/Division MTA
Address [REDACTED] Type of Appointment: PCS
City [REDACTED] Entrance Probationary
State [REDACTED] Zip [REDACTED] Promotive Probationary

This notice is to inform you that effective 3/15/2023, you are released from your appointment in Class 9163,
Title Transit Operator.

The following checked item applies (check only one):

- A. Non-Disciplinary Release: The decision of the Appointing Officer is final. There are no restrictions on your future employment with the City and County of San Francisco.
- B. Disciplinary Release (see documents attached): Should you elect to appeal the recommendation(s), follow the procedures. You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to modify employment restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to release you from your employment.
- C. Automatic Reversion (Non-Disciplinary Release): You have automatic rights of reversion to the previous class from which promoted; if necessary, displacements in the former class shall occur. You will revert to the class from which promoted: Class _____, Title _____

You may request a hearing for review of any restrictions on your future employability (when box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of release, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by 4/4/2023. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

The items checked below are the recommendations made by your department on your future employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) experience outside the City and County service.		
<input checked="" type="checkbox"/>	Other (specify): <ul style="list-style-type: none">• No future employment with CCSF/SFMTA that is classified as a Safety Sensitive position for 24 months• After 24 months, Safety Sensitive position eligibility contingent on completion of SAP requirements• Cancel current examination & Eligibility Status for Safety Sensitive Positions		

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6

MUST BE COMPLETED BY DEPARTMENT:

Rank: 2 List# [REDACTED]

SSN: [REDACTED]

Employee Organization TWU Local 250A

METHOD OF SERVICE:

Certified Mail Hand Delivered

Certified Mail # HAND DELIVERED

Attachment(s)

DHR 1-14 (8/00)

[REDACTED]
SIGNATURE OF APPOINTING OFFICER

Shana Dines

NAME

Employee & Labor Relations Manager

TITLE

ADDITIONAL INFORMATION FOLLOWING RELEASE

1. This document serves as the official notice of your release to you, the Civil Service Commission, and the Department of Human Resources. You will be removed from the eligible list from which you were appointed.
2. If this is a Disciplinary Release (box B is checked) and you request a hearing within the time limits, you are entitled to:
 - a) Representation by an attorney or authorized representative of the employee's own choice.
 - b) Notification of date, time and place of hearing at a reasonable time in advance.
 - c) Inspection by the employee's attorney or authorized representative of those records and materials in the Civil Service Commission which relate to the separation.
3. The decision of the Civil Service Commission is final and not subject to reconsideration.
4. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT

Instructions for completing Form DHR 1-14

Refer to Civil Service Commission Rule 117 - Probationary Period

Use this form for a Probationary Employee when:

Probation began on or after March 16, 1998 and performance does not meet the standards for passing probation in the class.

Complete the information on the top section of the form: Name, Address, City, State, Zip, Mailing Date, Department/Division, and Type of Appointment. Type of Appointment: Entrance Probationary if the employee was certified from an entrance (E) list or certified from a combined promotive and entrance (CPE) list but did not advance to the position from another permanent appointment. Promotive Probationary if the employee was certified from a promotive (P) or combined promotive and entrance (CPE) list and advanced to the position from another permanent appointment.

In the first sentence enter the effective date of the release. This date must be before COB (close of business) on the last day of probation. Use the form Report of Probationary Status (DHR 6-37) to calculate end date of probation. Enter the Class Number and Title of the employee's position.

Check one box, A, B or C, to indicate the type of release:

A - Non-Disciplinary Release for entrance probationary employee.

B - Disciplinary Release for either entrance or promotive probationary employee in cases when release is for misconduct.

C - Automatic Reversion (Non-Disciplinary) for promotive probationary employee who does not meet standards of the current class. For box C, also enter the Class Number and Title of previous appointment.

If you have checked box B - Disciplinary Release:

- 1) Indicate the date by which the appeal must be filed in the space provided. Count twenty (20) calendar days from the mailing date of the notice or the effective date of release, whichever is later. When counting the days, count the day after the mailing date as the first day of the twenty (20) calendar days.
- 2) Indicate the recommended restrictions on future employability by checking the appropriate boxes. If you check the box requiring outside work experience, you must also type in the number of years. Attach a copy of all separation-related letters and supporting documentation.

Complete the information on the bottom section of the form: Rank, List#, SSN, and Employee Organization. Check the Method of Service used.

The Appointing Officer must sign the form. Type in the name and title of the Appointing Officer.

Make two copies of the form. Send a copy to DHR, Certification Unit; and retain a copy in the Employee Personnel File. Send the original to the employee.



NOTICE OF FUTURE EMPLOYMENT RESTRICTIONS

Mitzey D Davis
 Employee Name
 [Redacted]
 Street Address
 [Redacted]
 City State Zip

3/15/2023
 Mailing Date
 MTA
 Department/Division
 PCS
 Type of Appointment

This notice is to inform you that a future employment restriction is being imposed along with your separation action, or with the action of automatic resignation, reported to the Department of Human Resources separating you from your position in Class 9163 Title Transit Operator, effective 3/15/2023, for the reasons outlined in the attached document(s).

The items checked below are the restrictions made by the department on your future employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/> No Restrictions on Employment	<input checked="" type="checkbox"/> Citywide	<input type="checkbox"/> Department(s): _____
<input type="checkbox"/> Permanent Restriction	<input type="checkbox"/> DOT/SAPP	<input type="checkbox"/> Job Code(s): _____
<input checked="" type="checkbox"/> Conditional Restriction	<input checked="" type="checkbox"/> Cancel Current Examination & Eligibility Status	

Conditional restrictions may be lifted by proving you have satisfactorily met the following requirements:

Requirement Type	Description:	Level of Measurement:	Measurement Value:
<input type="checkbox"/> CER: Certification			
<input type="checkbox"/> EXP: Work Experience			
<input type="checkbox"/> LIC: Licensure			
<input checked="" type="checkbox"/> SAP: Substance Abuse Program	completion of SAP requirements	24 months	24 months
<input checked="" type="checkbox"/> Other:	No Safety Sensitive Position	24 months	24 months

In addition to the noted conditional restrictions, you are also restricted from specific attributes of a job class and/or department until you satisfactorily prove you meet the requirements to lift the restriction(s) as noted below:

Future Employment Restrictions	Description:	Level of Measurement:	Measurement Value:
001: Vehicle/Heavy Machinery			
002: Vulnerable Populations			
003: Face to Face Contact w/Public			
004: Contact w/Animals			
005: Signing/Approving City Docs			
006: Financial Instruments			
007: Confidential/Privileged Information			
008: IT Infrastructure			
009: Means of Entry to Living Spaces			
010: Pharmaceutical/Drug Inventory			
011: CDC Defined Toxins			
012: Weapons/Explosives			
013: City Property Valued > \$100			

You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. You may request a hearing for review of any restrictions on your future employability with the Civil Service Commission within 20 calendar days of the mailing date of this notice or from the date of separation, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102 by 4/4/2023. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing or file an appeal, the Human Resources Director will take final administrative action to confirm the restriction(s) in effect on the date of separation (Note: Future Employment Restriction(s) effective immediately).

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6. (SEE BELOW)

List #: [REDACTED]	Rank #: <u>2</u>	<input type="checkbox"/> Pending	<input checked="" type="checkbox"/> Final	Status of Action
DSW: [REDACTED]		[REDACTED]		
Emp Organization: <u>TWU Local 250A</u>		SIGNATURE		
METHOD OF SERVICE:		Shana Dines		
<input checked="" type="checkbox"/> Hand Delivered		NAME		
<input checked="" type="checkbox"/> Certified Mail	<u>HAND DELIVERED</u>	Employee & Labor Relations Manager		
		TITLE		

INFORMATION FOR FORMER EMPLOYEE FOLLOWING SEPARATION

1. This document serves as an official notice of future employment restrictions imposed with the Notice of Automatic Resignation from Employment to the former employee or with a Separation Action that is subject to the provisions of a collective bargaining agreement, to the Civil Service Commission, and the Department of Human Resources.
2. A separated employee may request a hearing before the Civil Service Commission only for review of any restrictions on their future employability with the City and County of San Francisco.
3. Such appeals or requests for hearing must be in writing and received from the employee or the employee’s representative by the date specified on this notice, or within twenty (20) calendar days from the mailing date of this notice, or the effective date of the separation, whichever is later. The request must be submitted to the Executive Officer, Civil Service Commission, 25 Van Ness Avenue, Suite 720, San Francisco, CA 94102.
4. An employee who requests a hearing within the time limits is entitled to:
 - a. Representation by an attorney or authorized representative of the employee's own choice.
 - b. Notification of date, time, and place of hearing at a reasonable time in advance.
 - c. Inspection by the employee’s attorney or authorized representative of those records and materials on file with the Civil Service Commission which relate to the restrictions on future employability.
5. Any interested party may request that the hearing be continued or postponed.
6. The decision of the Civil Service Commission is final and not subject to reconsideration.
7. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

DEPARTMENT INSTRUCTIONS FOR COMPLETING FORM DHR 1-13E

- Refer to related provisions of appropriate collective bargaining agreements
- Refer to CSC Rule 122, Article VI: Absence From Duty Without Leave (Misc)
- Refer to CSC Rule 222, Article IV: Absence From Duty Without Leave (UPPD)
- Refer to CSC Rule 322, Article VI: Absence From Duty Without Leave (UPFD)

Use this form when:

The appointing officer or Human Resources Director has taken action of automatic resignation on an employee on the basis of abandonment of position, regardless of employment status; and/or the separation action is subject to the provisions of the collective bargaining agreement.

Complete the information on the top section of the form: Name, Address, City, State, Zip, Mailing Date, Department/Division, Type of Appointment, Type of Separation.

In the first paragraph of the notice, enter the Class Number, Title and effective date of the separation.

If there are no restrictions imposed with the separation, the box “*no restrictions on future employability*,” must be checked to indicate this action, and attach applicable documents, e.g., a settlement agreement.

Indicate the restrictions on future employability by checking the appropriate boxes. If the restrictions are conditional, you must complete the section on the requirements needed to lift the restrictions, including the level of measurement (entry, journey, etc.) and values (length of time in months, years, etc.) of the requirements.

If Future Employment Restrictions are included, complete that section including details on the requirements needed to lift the restrictions. Attach a copy of all separation-related letters and supporting documentation. Documentation must provide justification and the rationale for the imposed restrictions.

The separated employee may request a hearing for review of any restrictions on future employability. Indicate the date by which the appeal must be filed in the space provided. Consistent with the separation action, count twenty (20), or thirty (30), calendar days from the mailing date of the notice or the effective date of release, whichever is applicable. When counting the days, count the day after the mailing date as the first day.

Complete the information on the bottom section of the form: Rank, List#, DSW#, and Employee Organization. Check the method of service used and tracking # if applicable.

Indicate status of action:

- Select “Pending” if Notice of Future Employment Restrictions is subject to the provisions of a collective bargaining agreement
- Select “Final” if the status is not subject to the provisions of a collective bargaining agreement, or to update a previously reported “Pending” action.

Type in the name and title of the appointing officer. The appointing officer must sign the form.

Send the *original* Notice of Future Employment Restrictions along with the *original* Notice of Automatic Resignation from Employment (DHR 1-48a) to the employee. Make two sets of copies of the notices; send one set of *copy* to DHR - Client Services along with the *original* Separation Report (DHR Form 1-67); and retain the other set of *copy* in the Official Employee Personnel Folder.

Reminder: Imposed restrictions on future employability are effective immediately, and must be reported to DHR – Client Services concurrent with the departmental notice to separate the employee. This will enable timely and appropriate updates to DHR systems and other dependent programs, such as exams, adoptions of eligible lists, citywide recruitments, and certifications/referrals.



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

CAP#:

6907

Part I: Notice of Probationary Status at Time of Appointment
Complete at time of appointment

Original: Personnel File
Copy: Employee

<u>Davis</u> Last Name	<u>Mitzey</u> First Name	<u>68 / SFMTA</u> Department/Division
<u>9163</u> Job Code	<u>Transit Operator</u> Title	<u>TWU 250A</u> Employee Organization/Union

Congratulations on your Permanent Civil Service (PCS) appointment!

You are now serving your probationary period, which is used to evaluate your performance on the job. It is the final and most important phase of the selection process. During your probationary period, you may be released by your appointing officer at any time in accordance with Civil Service Rule 117 – Probationary Period. The duration of your probationary period is governed by provisions in the Memorandum of Understanding (MOU) or ordinance covering your job code. Extensions of your probationary period are governed by Civil Service Rules and provisions in the MOU or ordinance covering your job code. Please refer to your human resources representative if you have any questions.

Duration of the Probationary Period (per MOU or Ordinance): 6 months

Did the employee received credit for prior service?: No

If yes, provide dates: from _____ to _____ Total time credited: _____ days

Provide justification for credit (cite Civil Service Rule Section or MOU Section):

Probationary Period Begin Date: 2/27/2023

Expected Probationary Period End Date: 8/26/2023 COB
(Probation begins on the employee's start work date in PCS status, not the certification date)

Voluntary Resumption of the Probationary Period. To be used only as specifically authorized by Civil Service Rule 117.8.

Employee has previously completed probation for this job code in this department, and is voluntarily resuming a probation period not to exceed six (6) months.

Resumed Probationary Period Begin Date:

Expected Resumed Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Mitzey D Davis

Printed Name

[Redacted Signature]

2-17-23

Signature

and

Date

Department Head/Designee

Valerie Coleman

Printed Name

[Redacted Signature]

2/17/2023

Signature

and

Date



**City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS**

CAP#:

6901

Part II: Report of Probationary Period Adjustment

Complete prior to the Expected Probationary Period End Date identified above

Original: Personnel File
Copy: Employee

No adjustment of the probationary period is required.

Employee's probationary period is adjusted as follows:

Adjustment Worksheet

If the probationary period was adjusted, please check the reason(s), provide the number of hours, and total the number of working days of extension.

Check	Reason for Extension	Number of Hours
<input type="checkbox"/>	Vacation & Floating Holidays	
<input type="checkbox"/>	Administrative Leave	
<input type="checkbox"/>	Compensatory Time Used	
<input type="checkbox"/>	Authorized Leave	
<input type="checkbox"/>	Unauthorized Absence	
<input type="checkbox"/>	Disciplinary Suspension	
<input type="checkbox"/>	Sick Leave with or without pay	
<input type="checkbox"/>	Other (Provide detailed explanation):	
Total Hours:		
Total Days of Adjustment:		

Probationary Period Begin Date:

Adjusted Probationary Period End Date:

Please sign below acknowledging that you understand this notice and have received a copy of it.

Employee

Mitzey D Davis

Printed Name

Department Head/Designee

Printed Name

Signature and Date

Signature and Date



City and County of San Francisco
NOTICE AND REPORT OF PROBATIONARY STATUS

CAP#: 6901

Part III: Report of Extension of Probationary Period
Complete prior to the Expected or Adjusted Probationary End Date

Original: Personnel File
Copies: Employee, Union, DHR-Client Services

- Employee's probation has been extended. Please check all boxes that apply to the extension:
 - Change in employee's supervisor during probationary period and current supervisor has not had adequate time to evaluate the employee's work
 - Inability to fully assess employee's performance based on change in duties (e.g., added requirement for employee to obtain training in new protocol) during the original probationary period or because some duties are cyclical in nature
 - Performance-related deficiencies that can be corrected with additional training within reasonable timeline
 - More time is needed to obtain required license(s) and or certificate(s) (may be extended for no more than twelve months pursuant to Civil Service Rule 117.4). Describe the license(s) and/ or certificate(s):
 - Other special circumstances. Describe in detail:

Probationary Period Begin Date:

Adjusted Probationary Period End Date:

Probationary extensions require additional signatures. Please refer to the applicable MOU for guidance.

Employee

Department Head / Designee

Union

Mitzey D Davis

Printed Name

Printed Name

Printed Name

Signature and Date

Signature and Date

Signature and Date

Part IV: Report of Release from Probationary

Appointment

Complete *prior* to the Expected or Adjusted Probationary Period
End Date

Original: Personnel File
Copies: Employee, DHR-Client Services

- Employee is released during the probationary period effective close-of-business: 3/14/2023
Department must complete a Notice of Release from Probationary Appointment (DHR Form 1-14)

Department Head/Designee



Signature and Date

Part V: Report of Successful Completion of Probationary Period

Complete on the Expected or Adjusted Probationary Period End Date

Original: Personnel File
Copies: Employee

- Employee successfully completed probation. Completion Date:

Department Head/Designee

Printed Name

EXHIBIT B



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

NOTICE OF RECEIPT OF APPEAL

DATE: March 16, 2023
REGISTER NO.: 0046-23-7
APPELLANT: MITZEY D. DAVIS

Jeffrey Tumlin
Director of Transportation
Municipal Transportation Agency
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

Dear Jeffrey Tumlin:

The Civil Service Commission has received the attached letter from Mitzey D. Davis, requesting a hearing on their future employability with the City and County of San Francisco. Your review and action are required.

If this matter is not timely or appropriate, please submit CSC Form 13 "Action Request on Pending Appeal/Request," with supporting information and documentation to my attention by email at civilservice@sfgov.org. CSC Form 13 is available on the Civil Service Commission's website at www.sfgov.org/CivilService on the "File an action request for a Civil Service Commission hearing" page."

In the event that Mitzey D. Davis's appeal is timely and appropriate, the department is required to submit a staff report in response to the appeal within sixty (60) days so that the matter may be resolved in a timely manner. Accordingly, **the staff report is due no later than 11 a.m. on May 25, 2023**, so that it may be heard by the Civil Service Commission at its meeting on June 5, 2023. If you will be unable to transmit the staff report by the May 25th deadline, or if required departmental representatives will not be available to attend the June 5th meeting, please notify me by use of CSC Form 13 as soon as possible, with information regarding the reason for the postponement and a proposed alternate submission and/or hearing date.

Appellant: Mitzey D. Davis
March 16, 2023
Page 2 of 2

You may contact me at Sandra.Eng@sfgov.org or (628) 652-1100 if you have any questions. For more information regarding staff report requirements, meeting procedures or future meeting dates, please visit the Commission's website at www.sf.gov/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Officer

Attachment

Cc: Kimberly Ackerman, Municipal Transportation Agency
Shana Dines, Municipal Transportation Agency
David Garcia, Municipal Transportation Agency



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

Sent via Email

March 16, 2023

Mitzey D. Davis



Subject: **Register No. 0046-23-7: Requesting a Hearing on their Future Employability with the City and County.**

Dear Mitzey D. Davis:

This is in response to your appeal submitted to the Civil Service Commission on March 15, 2023, requesting a hearing on your future employability with the City and County of San Francisco. Your appeal has been forwarded to the Municipal Transportation Agency for investigation and response to the Civil Service Commission.

If your appeal is timely and appropriate, the department will submit its staff report on this matter to the Civil Service Commission in the near future to request that it be scheduled for hearing. The Civil Service Commission generally meets on the 1st and 3rd Mondays of each month. You will receive notice of the meeting and the department's staff report on your appeal two Fridays before the hearing date via email, as you have requested on your appeal form.

The Civil Service Commission has the authority to remove restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to terminate your employment. In the meantime, you may wish to compile any additional information you would like to submit to the Commission in support of your position. The deadline for receipt in the Commission office of any additional information you may wish to submit is 5:00 p.m. on the Tuesday preceding the meeting date by email to civilservice@sfgov.org. Please be sure to redact your submission for any confidential or sensitive information (e.g., home addresses, home or cellular phone numbers, social security numbers, dates of birth, etc.), as it will be considered a public document.

You may contact me by email at Sandra.Eng@sfgov.org or by phone at (628) 652-1100 if you have any questions. You may also access the Civil Service Commission's meeting calendar, and information regarding staff reports and meeting procedures, on the Commission's website at www.sfgov.org/CivilService.

Sincerely,

CIVIL SERVICE COMMISSION

/s/

SANDRA ENG
Executive Office



CIVIL SERVICE COMMISSION
City and County of San Francisco
 25 Van Ness Avenue, Suite 720
 San Francisco, California 94102-6033
 Executive Officer
 (628) 652-1100

CSC Register No.
0046-23-7
 To: X to J Tumbia
C to Ackerman
 CC: C to S Dines

APPEAL TO THE CIVIL SERVICE COMMISSION

INSTRUCTIONS:

Submit an original copy of this form to the Executive Officer of the Civil Service Commission at the address above **within the designated number of days** following the postmarked mailing date or email date (whichever is applicable) of the Department of Human Resources' or Municipal Transportation Agency's notification to the appellant. The appellant's/authorized representative's original signature is required. **(E-mail is not accepted.)** It is recommended that you include all relevant information and documentation in support of your appeal.

TYPE OF APPEAL: (Check One)

- Examination Matters (by close of business on 5th working day)
- Employee Compensation Matters (by close of business on 7th working day) - Limited application
- Personal Service Contracts (Posting Period)
- Other Matters (i.e., Human Resources Director/Executive Officer Action) (30 Calendar days)
- Future Employability Recommendations (See Notice to Employee)

"During the Shelter Order dated March 17, 2020, we are accepting appeals by email at civilservice@sfgov.org"

Mitzzy Dominique Davis / South Van Ness 915-701-2311
 Full Name of Appellant Work Address Work Telephone
9163 TRANSIT OPERATOR MTA
 Job Code Title Department

[Redacted]
 Residence Address City State Zip Home Telephone

Full Name of Authorized Representative (if any) Telephone Number of Representative (including Area Code)

NOTE: If this is deemed to be a timely and appealable matter, the department will submit a staff report to the Civil Service Commission to request that it be scheduled for hearing. You will be notified approximately one week in advance of the hearing date, at which time you will be able to pick up a copy of the department's staff report at the Commission's offices. If you would instead prefer Commission staff to email you a copy of the meeting notice and staff report, please provide your email address below.

Email: [Redacted]

COMPLETE THE BASIS OF THIS APPEAL ON THE REVERSE SIDE. (Use additional page(s) if necessary)

Does the basis of this appeal include new information not previously presented in the appeal to the Human Resources Director? If so, please specify.	Check One: <input type="checkbox"/> Yes <input type="checkbox"/> No
---	--

[Redacted Signature] 3-15-2023
 Original Signature of Appellant or Authorized Representative Date

CSC-12 (5/2021) Date Received by Civil Service Commission: 3/15/23
@ 10:29 am
EA

State the basis of this appeal in detail. For more information about appeal rights and deadlines, please review the Civil Service Rules located on the Civil Service Commission's website at www.sfgov.org/CivilService.

I'm appealing my future employment restrictions.



NOTICE OF RELEASE FROM PROBATIONARY APPOINTMENT

Mailing Date 3/15/2023

Name Mitzey D Davis Department/Division MTA
 Address [REDACTED] Type of Appointment: PCS
 City [REDACTED] Entrance Probationary
 State [REDACTED] Zip [REDACTED] Promotive Probationary

This notice is to inform you that effective 3/15/2023, you are released from your appointment in Class 9163, Title Transit Operator

The following checked item applies (check only one):

- A. Non-Disciplinary Release: The decision of the Appointing Officer is final. There are no restrictions on your future employment with the City and County of San Francisco.
- B. Disciplinary Release (see documents attached): Should you elect to appeal the recommendation(s), follow the procedures. You may request a hearing before the Civil Service Commission on your future employability with the City and County of San Francisco. The Civil Service Commission has the authority to modify employment restrictions or impose additional restrictions on your future employability. However, the Commission CANNOT reverse the department's decision to release you from your employment.
- C. Automatic Reversion (Non-Disciplinary Release): You have automatic rights of reversion to the previous class from which promoted; if necessary, displacements in the former class shall occur. You will revert to the class from which promoted: Class _____, Title _____

You may request a hearing for review of any restrictions on your future employability (when box B above is checked) with the Civil Service Commission within twenty (20) calendar days of the mailing date of this notice or from the date of release, whichever is later. The request must be submitted in writing to the Executive Officer, Civil Service Commission, 25 Van Ness, Suite 720, San Francisco, CA 94102 by 4/4/2023. Requests received after this date will not be considered and your right to a hearing will be forfeited. If you do not request a hearing, the Human Resources Director will take final administrative action and the restriction(s) recommended, if any, will be in effect.

The items checked below are the recommendations made by your department on your future employability for positions covered by the San Francisco civil service system:

<input type="checkbox"/>	No restrictions on future employability.	<input checked="" type="checkbox"/>	Cancel any current examination and eligibility status.
<input type="checkbox"/>	No future employment with this department.	<input type="checkbox"/>	No future employment with the City and County of San Francisco.
<input type="checkbox"/>	Future employment subject to the review and approval of the Human Resources Director after satisfactory completion of _____ year(s) experience outside the City and County service.		
<input checked="" type="checkbox"/>	Other (specify): • No future employment with CCSF/SFMTA that is classified as a Safety Sensitive position for 24 months • After 24 months, Safety Sensitive position eligibility contingent on completion of SAP requirements • Cancel current examination & Eligibility Status for Safety Sensitive Positions		

If this matter is subject to the Code of Civil Procedures (CCP) Section 1094.5, the time by which judicial review must be sought is set forth in CCP Section 1094.6

MUST BE COMPLETED BY DEPARTMENT:
 Rank: [REDACTED] List# [REDACTED]
 SSN: [REDACTED]

Employee Organization TWU Local 250A
 METHOD OF SERVICE:
 Certified Mail x Hand Delivered X
 Certified Mail # HAND DELIVERED

Attachment(s)
 DHR 1-14 (8/00)

[REDACTED]
 SIGNATURE OF APPOINTING OFFICER
Shana Dines
 NAME
Employee & Labor Relations Manager
 TITLE

ADDITIONAL INFORMATION FOLLOWING RELEASE

1. This document serves as the official notice of your release to you, the Civil Service Commission, and the Department of Human Resources. You will be removed from the eligible list from which you were appointed.
2. If this is a Disciplinary Release (box B is checked) and you request a hearing within the time limits, you are entitled to:
 - a) Representation by an attorney or authorized representative of the employee's own choice.
 - b) Notification of date, time and place of hearing at a reasonable time in advance.
 - c) Inspection by the employee's attorney or authorized representative of those records and materials in the Civil Service Commission which relate to the separation.
3. The decision of the Civil Service Commission is final and not subject to reconsideration.
4. In the absence of a timely request for a hearing as provided above, no later request for a hearing will be considered.

EXHIBIT C

San Francisco Charter

ARTICLE VIIIA: THE MUNICIPAL TRANSPORTATION AGENCY

- Sec. 8A.100. Preamble.
- Sec. 8A.101. Municipal Transportation Agency.
- Sec. 8A.102. Governance and Duties.
- Sec. 8A.103. Service Standards and Accountability.
- Sec. 8A.104. Personnel and Merit System.
- Sec. 8A.105. Municipal Transportation Fund.
- Sec. 8A.106. Budget.
- Sec. 8A.107. Municipal Transportation Quality Review.
- Sec. 8A.108. Fare Changes and Route Abandonments.
- Sec. 8A.109. Additional Sources of Revenue.
- Sec. 8A.110. Planning and Zoning.
- Sec. 8A.111. Citizens' Advisory Council.
- Sec. 8A.112. Parking and Traffic.
- Sec. 8A.113. Parking and Traffic; Governance.
- Sec. 8A.114. Cable Cars.
- Sec. 8A.115. Transit-First Policy.

SEC. 8A.100. PREAMBLE.

(a) An effective, efficient, and safe transportation system is vital for San Francisco to achieve its goals for quality of life, environmental sustainability, public health, social justice, and economic growth. The Municipal Transportation Agency must manage San Francisco's transportation system which includes automobile, freight, transit, bicycle, and pedestrian networks to help the City meet those goals. Through this measure, the voters seek to provide the Municipal Transportation Agency with improved resources and expanded independence and authority in order to create a transportation system that is

among the best in the world.

(b) This article requires the Municipal Transportation Agency to develop clear, meaningful and quantifiable measures of its performance and goals and to regularly publicize those standards. This article also recognizes that the workers of the Municipal Transportation Agency are vital to the success of the Agency and to achieving the improvements voters seek. Therefore, it authorizes incentives for excellence and requires accountability for both managers and employees.

(c) Specifically, San Francisco residents require:

1. Reliable, safe, timely, frequent, and convenient transit service to all neighborhoods;
2. A reduction in breakdowns, delays, over-crowding, preventable accidents;
3. Clean and comfortable transit vehicles and stations, operated by competent, courteous, and well trained employees;
4. Support and accommodation of the special transportation needs of the elderly and the disabled;
5. Protection from crime and inappropriate passenger behavior on the Municipal Railway;
6. Responsive, efficient, and accountable management;
7. Roads that are not gridlocked with congestion;
8. A safe and comprehensive network of bicycle lanes;
9. A safe and inviting environment for pedestrians;
10. Efficient movement of goods and deliveries;
11. A transportation sector that promotes environmental sustainability and does not contribute to global warming; and
12. A well-managed and well-coordinated transportation system that contributes to a livable urban environment.

Through this measure, the voters seek to provide the transportation system with the resources, independence and focus necessary to achieve these goals.

(d) The voters find that one of the impediments to achieving these goals in the past has been that responsibility for transportation has been diffused throughout City government. Accordingly, this Article places within the Municipal Transportation Agency the powers and duties relating to transit now vested in other departments, boards, and commissions of the City and County. This Article further requires that, to the extent other City and County agencies provide services to the Municipal Transportation Agency, those departments must give the highest priority to the delivery of such services.

(e) At the same time, this Article is intended to ensure sufficient oversight of the Municipal Transportation Agency by, among other things, preserving the role of the City's Controller as to

financial matters, the City Attorney as to legal matters, and the Civil Service Commission, as to merit system issues. In addition, this Article requires that outside audits be performed to ensure that required service levels are obtained with a minimum of waste.

(f) Finally, this Article is intended to strengthen the Municipal Transportation Agency's authority to: 1) manage its employees; 2) establish efficient and economical work rules and work practices that maximize the Agency's responsiveness to public needs; and 3) protect the Agency's right to select, train, promote, demote, discipline, layoff and terminate employees, managers, and supervisors based upon the highest standards of customer service, efficiency and competency.

(g) The effective management of traffic flow and parking are vital to the operation of the Municipal Railway. Congestion on city streets causes delays in transit operations. Therefore, the Municipal Transportation Agency must manage parking and traffic flow to ensure that transit vehicles move through City streets safely and efficiently.

(h) In addition, the residents of San Francisco require that the Agency: 1) value and protect the safety of pedestrians and bicyclists; 2) reduce congestion and air pollution through efficient use of the streets; and 3) protect the City's economic health by giving priority to commercial deliveries and access to local businesses.

(i) The voters find that reducing the carbon emissions from San Francisco's transit sector is fundamental to the City's health and wellbeing and shall be among the Agency's policy priorities. Because the Agency has significant influence on San Francisco's transportation sector, which is responsible for fully half of the carbon emissions produced within the City, the voters direct the Agency to develop and implement strategies for substantially reducing those emissions. The voters further affirm the goals of the City's Climate Action Plan.

(j) This Article shall be interpreted and applied in conformance with the above goals.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.101. MUNICIPAL TRANSPORTATION AGENCY.

(a) There shall be a Municipal Transportation Agency. The Agency shall include a Board of Directors and a Director of Transportation. The Agency shall include the Municipal Railway and the former Department of Parking and Traffic, as well as any other departments, bureaus or operating divisions hereafter created or placed under the Agency. There shall also be a Citizens Advisory Committee to assist the Agency.

(b) The Board of Supervisors shall have the power, by ordinance, to abolish the Taxi Commission created in Section 4.133, and to transfer the powers and duties of that commission to the Agency under the direction of the Director of Transportation or his or her designee. In order to fully integrate taxi-related functions into the Agency should such a transfer occur, the Agency shall have the same exclusive authority over taxi-related functions and taxi-related fares, fees, charges, budgets, and personnel that it has over the Municipal Railway and parking and traffic fares, fees, charges, budgets, and personnel. Once adopted, Agency regulations shall thereafter supercede all previously-adopted ordinances governing motor vehicles for hire that conflict with or duplicate such regulations.

(c) Any transfer of functions occurring as a result of the above provisions shall not adversely affect the status, position, compensation, or pension or retirement rights and privileges of any civil service

employees who engaged in the performance of a function or duty transferred to another office, agency, or department pursuant to this measure.

(d) Except as expressly provided in this Article, the Agency shall comply with all of the restrictions and requirements imposed by the ordinances of general application of the City and County, including ordinances prohibiting discrimination of any kind in employment and contracting, such as Administrative Code Chapters 12B et seq., as amended from time to time. The Agency shall be solely responsible for the administration and enforcement of such requirements.

(e) The Agency may contract with existing City and County departments to carry out any of its powers and duties. Any such contract shall establish performance standards for the department providing the services to the Agency, including measurable standards for the quality, timeliness, and cost of the services provided. All City and County departments must give the highest priority to the delivery of such services to the Agency.

(f) The Agency may not exercise any powers and duties of the Controller or the City Attorney and shall contract with the Controller and the City Attorney for the exercise of such powers and duties.

(Added November 1999; amended by Proposition A, approved 11/6/2007)

Editor's Note:

The Board of Supervisors exercised the power granted under division (b) of this section and abolished the Taxi Commission and transferred its functions, powers, and duties to the Municipal Transportation Agency. See Police Code Art. 16, Sec. 1075.1.

SEC. 8A.102. GOVERNANCE AND DUTIES.

(a) The Agency shall be governed by a board of seven directors appointed by the Mayor and conformed after public hearing by the Board of Supervisors. All initial appointments must be made by the Mayor and submitted to the Board of Supervisors for confirmation no later than February 1, 2000. The Board of Supervisors shall act on those initial appointments no later than March 1, 2000 or those appointments shall be deemed confirmed.

At least four of the directors must be regular riders of the Municipal Railway, and must continue to be regular riders during their terms. The directors must possess significant knowledge of, or professional experience in, one or more of the fields of government, finance, or labor relations. At least two of the directors must possess significant knowledge of, or professional experience in, the field of public transportation. During their terms, all directors shall be required to ride the Municipal Railway on the average once a week.

Directors shall serve four-year terms, provided, however, that two of the initial appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be designated by the Mayor. No person may serve more than three terms as a director. A director may be removed only for cause pursuant to Article XV. The directors shall annually elect a chair. The chair shall serve as chair at the pleasure of the directors. Directors shall receive reasonable compensation for attending meetings of the Agency which shall not exceed the average of the two highest compensations paid to the members of any board or commission with authority over a transit system in the nine Bay Area counties.

(b) The Agency shall:

1. Have exclusive authority over the acquisition, construction, management, supervision, maintenance, extension, operation, use, and control of all property, as well as the real, personal, and financial assets of the Agency; and have exclusive authority over contracting, leasing, and purchasing by the Agency, provided that any Agency contract for outside services shall be subject to Charter Sections 10.104(12) and 10.104(15) and that the Agency may not transfer ownership of any of the real property of the City and County without approval from the Board of Directors and the Board of Supervisors;

2. Have exclusive authority to enter into such arrangements and agreements for the joint, coordinated, or common use with any other public entity owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, and transit electrical power facilities;

3. Have exclusive authority to make such arrangements as it deems proper to provide for the exchange of transfer privileges, and through-ticketing arrangements, and such arrangements shall not constitute a fare change subject to the requirements of Sections 8A.106 and 8A.108;

4. Notwithstanding any restrictions on contracting authority set forth in the Administrative Code, have exclusive authority to enter into agreements for the distribution of transit fare media and media for the use of parking meters or other individual parking services;

5. Have exclusive authority to arrange with other transit agencies for bulk fare purchases, provided that if passenger fares increase as a result of such purchases, the increase shall be subject to review by the Board of Supervisors pursuant to Sections 8A.106 and 8A.108;

6. Notwithstanding Section 2.109, and except as provided in Sections 8A.106 and 8A.108, have exclusive authority to fix the fares charged by the Municipal Railway, rates for off-street and on-street parking, and all other, rates, fees, fines, penalties and charges for services provided or functions performed by the Agency;

7. Notwithstanding any provision of the San Francisco Municipal Code (except requirements administered by the Department of Public Works governing excavation, street design and official grade) have exclusive authority to adopt regulations that control the flow and direction of motor vehicle, bicycle and pedestrian traffic, including regulations that limit the use of certain streets or traffic lanes to categories of vehicles and that limit the speed of traffic; and to design, select, locate, install, operate, maintain and remove all official traffic control devices, signs, roadway features and pavement markings that control the flow of traffic with respect to streets and highways within City jurisdiction, provided that:

(i) Notwithstanding the authority established in subsection 7, the Board of Supervisors may by ordinance establish procedures by which the public may seek Board of Supervisors review of any Agency decision with regard to the installation or removal of a stop sign or the creation or elimination of a bicycle lane. In any such review, the Agency's decision shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after submission of a request to the Board of Supervisors.

(ii) Nothing in this subsection 7 shall modify the authority of ISCOTT, or any successor body, over the temporary use or occupancy of public streets, or the authority of the Board of Supervisors to hear appeals regarding the temporary use or occupancy of public streets.

(iii) Nothing in subsection 7 shall modify the power of the Board of Supervisors to establish

civil offenses, infractions and misdemeanors.

(iv) Notwithstanding the authority established in subsection 7, to the extent state law contemplates that Agency action authorized by subsection 7 be effectuated by ordinance, such action shall be effectuated by resolution of the Board of Directors and shall be subject to referendum in accordance with Article 14, and, if a referendum petition contains the requisite number of signatures, the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article 14.

8. Have exclusive authority to adopt regulations limiting parking, stopping, standing or loading as provided by state law and to establish parking privileges and locations subject to such privileges for categories of people or vehicles as provided by state law; to establish parking meter zones, to set parking rates, and to select, install, locate and maintain systems and equipment for payment of parking fees, provided that:

(i) Notwithstanding the authority established in subsection 8, the Board of Supervisors may by ordinance establish procedures by which the public may seek Board of Supervisors review of any Agency decision with regard to the creation or elimination of any preferential parking zone, the creation or elimination of any parking meter zone, the adoption of any limitation on the time period for which a vehicle may be parked, or reservation of any parking space for persons with a disability that qualifies for parking privileges under state law. In any review of a decision of the Agency pursuant to this section, the Agency's decision shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days after submission of a request to the Board of Supervisors.

(ii) Nothing in subsection 8 shall modify the power of the Board of Supervisors to establish civil offenses, infractions and misdemeanors.

(iii) Notwithstanding the authority established in subsection 8, to the extent state law contemplates that any Agency action authorized by subsection 8 be effectuated by ordinance, such action shall be effectuated by resolution of the Board of Directors and, if a referendum petition contains the requisite number of signatures, shall be subject to referendum in accordance with Article 14, and the Board of Supervisors shall have the power to reconsider or repeal the action as provided in Article 14.

9. Have exclusive authority to establish policies regarding and procure goods and services for the enforcement of regulations limiting parking, stopping, standing or loading and the collection of parking-related revenues and, along with the Police Department, have authority to enforce parking, stopping, standing or loading regulations;

10. Be responsible for chairing the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) or any successor body;

11. Be responsible for cooperating with and assisting the Police Department in the promotion of traffic safety; studying and responding to complaints related to street design, traffic control devices, roadway features and pavement markings; collecting compiling and analyzing traffic data and traffic accident data and planning improvements to improve the safety of the City's roadways; and conducting traffic research and planning;

12. Have exclusive authority to apply for, accept, and expend state, federal, or other public or private grant funds for Agency purposes;

13. To the maximum extent permitted by law, with the concurrence of the Board of

Supervisors, and notwithstanding the requirements and limitations of Sections 9.107, 9.108, and 9.109, have authority without further voter approval to incur debt for Agency purposes and to issue or cause to be issued bonds, notes, certificates of indebtedness, commercial paper, financing leases, certificates of participation or any other debt instruments. Upon recommendation from the Board of Directors, the Board of Supervisors may authorize the Agency to incur on behalf of the City such debt or other obligations provided: 1) the Controller first certifies that sufficient unencumbered balances are expected to be available in the proper fund to meet all payments under such obligations as they become due; and 2) any debt obligation, if secured, is secured by revenues or assets under the jurisdiction of the Agency.

14. Have the authority to conduct investigations into any matter within its jurisdiction through the power of inquiry, including the power to hold public hearings and take testimony, and to take such action as may be necessary to act upon its findings; and

15. Exercise such other powers and duties as shall be prescribed by ordinance of the Board of Supervisors.

(c) The Agency's Board of Directors shall:

1. Appoint a Director of Transportation, who shall serve at the pleasure of the Board. The Director of Transportation shall be employed pursuant to an individual contract. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the Board of Directors, after an independent survey, determine most closely resemble the Agency in size, mission, and complexity. In addition, the Board of Directors shall provide an incentive compensation plan consistent with the requirements of Section 8A.104(k) under which a portion of the Director's compensation is based on achievement of service standards adopted by the Board of Directors.

2. Appoint an executive secretary who shall be responsible for administering the affairs of the Board of Directors and who shall serve at the pleasure of the Board.

3. In addition to any training that may be required by City, State or federal law, attend a minimum of four hours of training in each calendar year, provided by the City Attorney and the Controller regarding the legal and financial responsibilities of the Board and the Agency.

(d) The Director of Transportation shall appoint all subordinate personnel of the Agency, including deputy directors. The deputy directors shall serve at the pleasure of the Director of Transportation.

(e) Upon recommendation of the City Attorney and the approval of the Board of Directors, the City Attorney may compromise, settle, or dismiss any litigation, legal proceedings, claims, demands or grievances which may be pending for or on behalf of, or against the Agency relative to any matter or property solely under the Agency's jurisdiction. Unlitigated claims or demands against the Agency shall be handled as set forth in Charter Section 6.102. Any payment pursuant to the compromise, settlement, or dismissal of such litigation, legal proceedings, claims, demands, or grievances, unless otherwise specified by the Board of Supervisors, shall be made from the Municipal Transportation Fund.

(f) The Agency's Board of Directors, and its individual members, shall deal with administrative matters solely through the Director of Transportation or his or her designees. Any dictation, suggestion, or interference by a director in the administrative affairs of the Agency, other than through the Director of Transportation or his or her designees, shall constitute official misconduct; provided, however, that nothing herein contained shall restrict the Board of Directors' powers of hearing and inquiry as provided in this Section.

(g) Notwithstanding any provision of Chapter 6 or 21 of the Administrative Code establishing any threshold amount for exercise of executive authority to execute contracts, or any successor provision of the San Francisco Municipal Code, the Agency's Board of Directors may adopt threshold amounts under which the Director of Transportation and his or her designees may approve contracts.

(h) Except provided in this Article, the Agency shall be subject to the provisions of this Charter applicable to boards, commissions, and departments of the City and County, including Sections 2.114, 3.105, 4.101, 4.103, 4.104, 4.113, 6.102, 9.118, 16.100, and A8.346. Sections 4.102, 4.126, and 4.132 shall not be applicable to the Agency.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.103. SERVICE STANDARDS AND ACCOUNTABILITY.

(a) The Municipal Railway shall provide a level of service measured in service hours which is not less than that provided under the schedule of service published in the April 1996 timetable, although not necessarily in that configuration.

(b) By July 1 of each year, the Agency shall adopt mile-stones toward achievement of the goals specified in subsections (c) and (d). Milestones shall be adopted for each mode of transportation of the Municipal Railway, and for the Municipal Railway as a whole, with the goal of full achievement of the standards set in subsection (c).

(c) The standards for the Agency with respect to the services provided by the Municipal Railway shall include the following minimum standards for on-time performance and service delivery:

1. On-time performance: at least 85 percent of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or four minutes late as measured against a published schedule that includes time points; and

2. Service delivery: 98.5 percent of scheduled service hours must be delivered, and at least 98.5 percent of scheduled vehicles must begin service at the scheduled time.

(d) The Board of Directors shall adopt Agency rules setting additional measurable standards for system reliability, system performance, staffing performance, and customer service, including:

1. Passenger, public, and employee safety and security;
2. Coverage of neighborhoods and equitable distribution of service;
3. Level of crowding;
4. Frequency and mitigation of accidents and breakdowns;
5. Improvements in travel time, taking into account adequate recovery and lay-over times for operators;
6. Vehicle cleanliness, including absence of graffiti;

7. Quality and responsiveness of customer service;
8. Employee satisfaction;
9. Effectiveness of the preventive maintenance program; and
10. Frequency and accuracy of communications to the public.

11. The Agency's duties related to parking and traffic functions and any other functions that may be added to the Agency's responsibilities.

(e) The Board of Directors shall adopt Agency rules setting forth the methods by which performance shall be measured with respect to each standard established pursuant to subsections (c) or (d) above in accordance with industry best practices to enhance the Agency's ability to compare its performance to that of other comparable transit systems. The Agency shall regularly publish reports documenting the Agency's performance for each standard. Each performance report shall note any changes in the rules governing the methods by which performance is measured so as to inform interpretation of performance trends over time. Nothing herein shall prohibit the Agency from using additional performance measures.

(f) The Agency shall issue a Climate Action Plan to the Board of Supervisors and the Commission on the Environment by January 1, 2009, and every two years thereafter. The plan shall describe measures taken and progress made toward the goal of reducing greenhouse gas emissions from San Francisco's transportation sector to 80% of 1990 levels by 2012 and shall further address progress toward the following goals:

1. Zero greenhouse gas emissions for Municipal Railway transit vehicles;
2. Lowering energy consumption in Agency facilities and by non-transit vehicles;
3. Maximizing waste reduction in Agency operations;
4. Increasing transit trips and reducing private vehicle trips within the City;
5. Increasing the use of bicycling and walking as alternate forms of transportation; and
6. Improving regional transit connections to reduce private vehicle use by commuters.

No later than January 1, 2010, and no less than every ten years thereafter, the Board of Supervisors shall adopt legislation setting goals for reducing greenhouse gas emissions from San Francisco's transportation sector, and other climate action measures set forth above, for periods after 2012.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.104. PERSONNEL AND MERIT SYSTEM.

(a) The Agency shall establish its own personnel/labor relations office. The Director of Transportation shall appoint a personnel/labor relations manager, who shall serve at the pleasure of the

Director of Transportation and shall establish regular meetings with labor to discuss issues within the scope of representation on terms to be determined through collective bargaining.

(b) Except as otherwise provided in this Section, the Agency shall be governed by the rules of the civil service system administered by the City and appeals provided in civil service rules shall be heard by the City's Civil Service Commission. Unless otherwise agreed by the Agency and affected employee organizations, appeals to the Civil Service Commission shall include only those matters within the jurisdiction of the Civil Service Commission which establish, implement, and regulate the civil service merit system as listed in Section A8.409-3.

(c) Effective July 1, 2000, except for the administration of health services, the Agency shall assume all powers and duties vested in the Department of Human Resources and the Director of Human Resources under Articles X and XI of this Charter in connection with job classifications within the Agency performing "service-critical" functions. Except for the matters set forth in subsection (f), the Department of Human Resources and the Director of Human Resources shall maintain all powers and duties under Articles X and XI as to all other Agency employees.

(d) On or before April 15, 2000, the Agency shall designate "service-critical" classifications and functions for all existing classifications used by the Municipal Railway; provided, however, that employees in classifications designated as "service-critical" shall continue to be covered by any Citywide collective bargaining agreement covering their classifications until the expiration of that agreement.

(e) For purposes of this Article, "service-critical" functions are:

1. Operating a transit vehicle, whether or not in revenue service;
2. Controlling dispatch of, or movement of, or access to, a transit vehicle;
3. Maintaining a transit vehicle or equipment used in transit service, including both preventive maintenance and overhaul of equipment and systems, including system-related infrastructure;
4. Regularly providing information services to the public or handling complaints; and
5. Supervising or managing employees performing functions enumerated above.

The Agency shall consult with affected employee organizations before designating particular job classifications as performing "service-critical" functions. If an employee organization disagrees with the Agency's designation of a particular job classification as "service-critical" pursuant to the above standards, the organization may, within seven days of the Agency's decision, request immediate arbitration. The arbitrator shall be chosen pursuant to the procedures for the selection of arbitrators contained in the memorandum of understanding of the affected employee organization. The arbitrator shall determine only whether the Agency's designation is reasonable based on the above standards. The arbitrator's decision shall be final and binding.

The Agency may designate functions other than those listed above, and the job classifications performing those additional functions, as "service-critical," subject to the consultation and arbitration provisions of this Section. In deciding a dispute over such a designation, the arbitrator shall decide whether the job functions of the designated classes relate directly to achievement of the goals and milestones adopted pursuant to Section 8A.103 and are comparable to the above categories in the extent

to which they are critical to service.

(f) In addition, the Agency shall, with respect to all Agency employees, succeed to the powers and duties of the Director of Human Resources under Article X to review and resolve allegations of discrimination, as defined in Article XVII, against employees or job applicants, or allegations of nepotism or other prohibited forms of favoritism. To the extent resolution of a discrimination complaint or request for accommodation involves matters or employees beyond the Agency's jurisdiction, the Agency shall coordinate with and be subject to applicable determinations of the Director of Human Resources.

(g) The Agency shall be responsible for creating and, as appropriate, modifying Agency bargaining units for classifications designated by the Agency as "service-critical" and shall establish policies and procedures pursuant to Government Code sections 3507 and 3507.1 for creation and modification of such bargaining units. When the Agency creates or modifies a bargaining unit, employees in existing classifications placed in such bargaining unit shall continue to be represented by their current employee organizations.

(h) The Agency may create new classifications of Agency employees. Such classifications shall be subject to the civil service provisions of the Charter unless exempted pursuant to Section 10.104, or subsection (i).

(i) The Agency may create new classifications and positions in those classifications exempt from the civil service system for managerial employees in MTA bargaining units M and EM in addition to those exempt positions provided in Section 10.104; provided, however, that the total number of such exempt managerial positions within the Agency shall not exceed 2.75 percent of the Agency's total workforce, exclusive of the exempt positions provided in Section 10.104. This provision shall not be utilized to eliminate personnel holding existing permanent civil service managerial positions on November 2, 1999.

Persons serving in exempt managerial positions shall serve at the pleasure of the Director of Transportation. Such exempt management employees, to the extent they request placement in a bargaining unit, shall not be placed in the same bargaining units as non-exempt employees of the Agency.

(j) The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency to ensure compliance with the provisions of subsections (h) and (i).

(k) Upon the expiration of labor contracts negotiated by the Department of Human Resources and approved by the Board of Supervisors, and except for retirement benefits, the wages, hours, working conditions, and benefits of the employees in classifications within the Municipal Railway designated by the Agency as "service-critical" shall be fixed by the Agency after meeting and conferring as required by the laws of the State of California and this Charter, including Sections A8.346, A8.404 and A8.409. These agreements shall utilize, and shall not alter or interfere with, the health plans established by the City's Health Service Board; provided, however, that the Agency may contribute toward defraying the cost of employees' health premiums. For any job classification that exists both as a "service-critical" classification in the Agency and elsewhere in City service, the base wage rate negotiated by the Agency for that classification shall not be less than the wage rate set in the Citywide memorandum of understanding for that classification.

(l) Notwithstanding subsection (k), the Agency may, in its sole discretion, utilize the City's collective bargaining agreements with any employee organization representing less than 10 percent of

the Agency's workforce.

(m) In addition to the base pay established in collective bargaining agreements, agreements negotiated by the Agency relating to compensation for Agency managers and employees in classifications designated by the Agency as "service-critical" may provide incentive bonuses based upon the achievement of the service standards in Section 8A.103(c) and other standards and milestones adopted pursuant to Section 8A.103. Such agreements may also provide for additional incentives based on other standards established by the Board of Directors, including incentives to improve attendance. The Board of Directors may also establish a program under which a component of the compensation paid to the Director of Transportation and I exempt managers is based upon the achievement of service standards adopted by the Board of Directors. Notwithstanding any other provision of Article 8A, all such incentive programs shall be at the sole discretion of the Agency Board of Directors, subject to any bargaining obligation imposed by state law.

(n) For employees whose wages, hours and terms and conditions of employment are set by the Agency, the Agency shall exercise all powers of the City and County, the Board of Supervisors, the Mayor, and the Director of Human Resources under Sections A8.404 and A8.409. The mediation/arbitration board set forth in Section A8.409-4 shall consider the following additional factors when making a determination in any impasse proceeding involving the Agency: the interests and welfare of transit riders, residents, and other members of the public; the Agency's ability to meet the costs of the decision of the arbitration board without materially reducing service or requiring that the Agency raise fares in a manner inconsistent with Section 8A.108(b); and the Agency's ability to efficiently and effectively tailor work hours and schedules for transit system employees to the public demand for transit service. Notwithstanding the timelines described in Section A8.409-4, to be effective the beginning of the next succeeding fiscal year, all collective bargaining agreements must be submitted to the Board of Directors no later than June 15 for final adoption on or before June 30.

(o) The voters find that for transit system employees whose wages, hours and terms and conditions of employment are set by the Agency, the Agency's discretion in establishing and adjusting scheduling, deployment, assignment, staffing, sign ups, and the use and number of part-time transit system personnel based upon service needs is essential to the effective, efficient, and reliable operation of the transit system. In any mediation/arbitration proceeding under Section 8.409-4 with an employee organization representing transit system employees, the employee organization shall have the burden of proving that any restrictions proposed on the Agency's ability to exercise broad discretion with respect to these matters are justified. To meet this burden, the employee organization must prove by clear and convincing evidence that the justification for such restrictions outweighs the public's interest in effective, efficient, and reliable transit service and is consistent with best practices. The mediation/arbitration board shall not treat the provisions of MOUs for transit system employees adopted prior to the effective date of this provision as precedential in establishing the terms of a successor agreement. The mediation/arbitration board's jurisdiction shall be limited to matters within the mandatory scope of bargaining under state law.

(p) The voters find that unscheduled employee absences adversely affect customer service. Accordingly, not later than January 1, 2001, the agency shall create a comprehensive plan for the reduction of unscheduled absences. In addition, the Agency shall take all legally permitted steps to eliminate unexcused absences. Neither the Agency nor an arbitrator shall have authority to approve or award any memorandum of understanding or other binding agreement which restricts the authority of the Agency to administer appropriate discipline for unexcused absences.

(q) In addition, the voters find that Agency service has been impaired by the existence of side-letters and reliance on "past practices" that have been treated as binding or precedential but have not

been expressly authorized by the Board of Directors or the Director of Transportation, and have not been and are not subject to public scrutiny. Accordingly, for employees whose wages, hours and terms and conditions of employment are set by the Agency, no side-letter or practice within the scope of bargaining may be deemed binding or precedential by the Agency or any arbitrator unless the side-letter or practice has been approved in writing by the Director of Transportation or, where appropriate, by the Board of Directors upon the recommendation of the Director of Transportation and appended to the MOU of the affected employee organization or organizations subject to the procedures set out in this charter. No MOU or arbitration award approved or issued after the November 2010 general election shall provide or require that work rules or past practices remain unchanged during the life of the MOU, unless the specific work rules or past practices are explicitly set forth in the MOU. All side-letters shall expire no later than the expiration date of the MOU.

(r) Before adopting any tentative agreement with an employee organization covering matters within the scope of representation, the Agency shall, at a duly noticed public meeting, disclose in writing the contents of such tentative agreement, a detailed analysis of the proposed agreement, a comparison of the differences between the agreement reached and the prior agreement, an analysis of all costs for each year of the term of such agreement, and whether funds are available to cover these costs. Such tentative agreement between the Agency and employee organization shall not be approved by the Agency until 15 calendar days after the above disclosures have been made.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007; Proposition G, Approved 11/2/2010)

SEC. 8A.105. MUNICIPAL TRANSPORTATION FUND.

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended, or used by the Agency solely and exclusively for the operation including, without limitation, capital improvements, management, supervision, maintenance, extension, and day-to-day operation of the Agency, including any division subsequently created or incorporated into the Agency and performing transportation-related functions. Monies in the Fund may not be used for any other purposes than those identified in this Section.

(b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is hereby set aside to the Municipal Transportation Fund the following:

1. An amount (the "Base Amount") which shall be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations, for the fiscal year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as provided in subsection (c), below, for (1) the Municipal Railway; and (2) all other City and County commissions, departments and agencies providing services to the Municipal Railway, including the Department of Human Resources and the Purchasing Department, for the provision of those services. The Base Amount for the Department of Parking and Traffic and the Parking Authority shall be established in the same fashion but using fiscal years 2000-2001 and 2001-2002 for the services being incorporated into the Agency.

2. Subject to the limitations and exclusions in Sections 4.113, the revenues of the Municipal Railway, and, upon their incorporation into the Agency, the revenues of the Department of Parking and Traffic, and the Parking Authority; and

3. All other funds received by the City and County from any source, including state and federal

sources, for the support of the Agency .

(c) The Base Amount shall initially be determined by the Controller. Adjustments to the Base Amount shall be made as follows:

1. The Base Amount shall be adjusted for each year after fiscal year 2000-2001 by the Controller based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County discretionary revenues. In determining aggregate City and County discretionary revenues, the Controller shall only include revenues received by the City which are unrestricted and may be used at the option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors in the Controller's estimate of discretionary revenues for a fiscal year shall be corrected by adjustment in the next year's estimate.

2. An adjustment shall also be made for any increases in General Fund appropriations to the Agency in subsequent years to provide continuing services not provided in the Base Year, but excluding additional appropriations for one-time expenditures such as capital expenditures or litigation judgments and settlements.

(d) The Treasurer shall set aside and maintain the amounts required to be set aside by this Section, together with any interest earned thereon, in the Municipal Transportation Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon, to the next fiscal year for the purposes specified in this Article.

(e) It is the policy of the City and County of San Francisco to use parking-related revenues to support public transit. To that end, the following parking-related revenues deposited in the Transportation Fund shall be used to support the capital and operating expenses arising from the Agency's transit functions:

1. Revenues from parking meters, except those amounts collected from parking meters operated by the Recreation and Park Department and the Port Commission and except to the extent that they are required by law to be dedicated to other traffic regulation and control functions;

2. Revenues from off-street parking facilities under the jurisdiction of the Agency (excluding facilities owned by the Parking Authority), including facilities leased to private owners and non-profit corporations, except those amounts generated from any parking on or below any land or facilities under the jurisdiction of the Recreation and Park Department and except those amounts obligated by contract executed before 1993 to pay debt service;

3. Revenues from fines, forfeited bail, or penalties for parking violations, except those amounts to be credited to the courthouse construction fund as provided in Administrative Code Section 10.117-35.

(f) In addition, there is hereby set aside from the general revenues of the City and County and deposited in the Transportation Fund to support the Agency's transit services an amount equivalent to 80 percent of the revenues received from the City's tax on occupation of parking spaces. Additional amounts appropriated as a result of this subsection after July 1, 2008 which were not previously available to support transit service shall be used exclusively to:

1. support implementation of the transit service improvements recommended by the Transit Effectiveness Project or any subsequent system-wide route and service evaluation, with first priority

given to the hiring of full time on-going staff and expansion of training for Agency employees, supervisors and managers; and

2. support the creation of a Labor-Management Implementation and Service Improvement Committee consisting of the Director of Transportation and a designated representative of each union representing Agency employees. This committee shall meet quarterly to discuss implementation of this Section and ongoing system challenges.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.106. BUDGET.

The Agency shall be subject to the provisions of Article IX of this Charter except:

(a) No later than May 1 of each even-numbered year, after professional review, public hearing and after receiving the recommendations of the Citizens' Advisory Council, the Agency shall submit its proposed budget with annual appropriation detail in a form approved by the Controller for each of the next two fiscal years to the Mayor and the Board of Supervisors for their review and consideration. The Agency shall propose a budget that is balanced without the need for additional funds over the Base Amount, but may include fare increases and decreases, and reductions or abandonment of service. The Mayor shall submit the budget to the Board of Supervisors, without change. Should the Agency request additional general fund support over the Base Amount, it shall submit an augmentation request for those funds in the standard budget process and subject to normal budgetary review and amendment under the general provisions of Article IX.

(b) At the time the budget is adopted, the Agency shall certify that the budget is adequate in all respects to make substantial progress towards meeting the performance standards established pursuant to Section 8A.103 for the fiscal year covered by the budget.

(c) No later than August 1, the Board of Supervisors may allow the Agency's budget to take effect without any action on its part or it may reject but not modify the Agency's budget by a seven-elevenths' vote. Any fare change, route abandonment, or revenue measure proposed in the budget shall be considered accepted unless rejected by a seven-elevenths' vote on the entire budget. Should the Board reject the budget, it shall make additional interim appropriations to the Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all operations through the extended interim period until a budget is adopted. Any request for appropriation of General Fund revenues in excess of the Base Amount shall be approved, modified, or rejected under the general provisions of Article IX.

(d) No later than May 1 of each odd-numbered year, the Agency shall submit any budget amendment that may be required to increase appropriations over those approved in the two year budget or as may be required by law, provided that such budget amendment shall establish a detailed plan with appropriation detail only for those anticipated revenues and expenditures exceeding those approved in the two year budget or as otherwise required by law. The Agency may submit to the Board of Supervisors such additional budget amendments or modifications during the term of the budget, including but not limited to amendments reflecting fare changes, route abandonments and revenue measures, as may be required in the discretion of the Agency. The Board of Supervisors may allow any budget amendment to take effect without any action on its part or it may reject but not modify the budget amendment by a seven-elevenths' vote taken within 30 days after its submission to the Board of Supervisors.

(e) Notwithstanding any other provisions of this Charter or requirements of the Annual Salary Ordinance, the Controller may authorize the Agency to move funds within its budget and hire personnel without specific Controller approval so long as the Agency's periodic and verifiable projections of spending by the Agency show the Controller that the Agency's spending will be within the approved budget. However, should the projections show that the Agency spending is likely to exceed its budget, the Controller may impose appropriate controls in his or her discretion to keep the Agency within budget.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.107. MUNICIPAL TRANSPORTATION QUALITY REVIEW.

(a) The Agency shall biennially contract with a nationally recognized management or transportation consulting firm with offices in the City and County for an independent review of the quality of its operations. The contract shall be competitively bid and approved by the Controller and Board of Supervisors. The review shall contain:

1. A detailed analysis of the extent to which the Agency has met the goals, objectives, and performance standards it is required to adopt under Section 8A.103, and the extent to which the Agency is expected to meet those goals, objectives, and performance standards in the two fiscal years for which the review is submitted, and independent verification of the Agency's reported performance under the performance measures adopted pursuant to Section 4 of this measure; and

2. Such recommendations for improvement in the operation of the Agency as the firm conducting the review deems appropriate.

(b) The results of the review shall be presented promptly to the Citizens' Advisory Council, the Agency, the Board of Supervisors, and the Mayor by the reviewing firm; and the Citizens' Advisory Council, the Agency, and the Board of Supervisors shall each promptly hold at least one public hearing thereon.

(Added November 1999)

SEC. 8A.108. FARE CHANGES AND ROUTE ABANDONMENTS.

(a) Except as otherwise provided in this Section, any proposed change in fares or route abandonments shall be submitted to the Board of Supervisors as part of the Agency's budget or as a budget amendment under Section 8A.106, and may be rejected at that time by a seven-elevenths vote of the Board on the budget or budget amendment. Any changes in fares or route abandonments proposed by the Agency specifically to implement a program of service changes identified in a system-wide strategic route and service evaluation such as the Transit Effectiveness Project may only be rejected by a single seven-elevenths' vote of the Board of Supervisors on the budget or budget amendment.

(b) The Agency shall base any proposed change in Municipal Railway fares on the following criteria:

1. The Municipal Railway's need for additional funds for operations and capital improvements

and optimal maintenance of assets.

2. The extent to which the increase is necessary to meet the goals, objectives, and performance standards previously established by the Agency pursuant to Section 8A.103.

3. The extent to which the Agency has diligently sought other sources of funding for the operations and capital improvements of the Municipal Railway.

4. The need to keep Municipal Railway fares low to encourage maximum patronage.

5. The need to increase fares gradually over time to keep pace with inflation and avoid large fare increases after extended periods without a fare increase.

(c) For purposes of this Article, a "route abandonment" shall mean the permanent termination of service along a particular line or service corridor where no reasonably comparable substitute service is offered. If the Agency proposes to abandon a route at any time other than as part of the budget process as provided in Section 8A.106, it shall first submit the proposal to the Board of Supervisors. The Board of Supervisors may, after a noticed public hearing, reject the proposed route abandonment by a seven-elevenths vote of its members taken within 30 days after the proposal is submitted by the Agency.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.109. ADDITIONAL SOURCES OF REVENUE.

(a) To the extent allowed by law, the Board of Supervisors may, by ordinance, dedicate to the Agency revenues from sources such as gas taxes, motor vehicle licensing taxes or other available motor vehicle-related revenue sources.

(b) The Mayor, the Board of Supervisors, and the Agency diligently shall seek to develop new sources of funding for the Agency's operations, including sources of funding dedicated to the support of such operations, which can be used to supplement or replace that portion of the Municipal Transportation Fund consisting of appropriations from the General Fund of the City and County. Unless prohibited by preemptive state law, the Agency may submit any proposal for increased or reallocated funding to support all or a portion of the operations of the Agency, including, without limitation, a tax or special assessment directly to the electorate for approval, or to the owners of property or businesses to be specially assessed, or to any other persons or entities whose approval may be legally required, without the further approval of the Mayor or the Board of Supervisors. The Agency shall be authorized to conduct any necessary studies in connection with considering, developing, or proposing such revenue sources.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.110. PLANNING AND ZONING.

The planning and zoning provisions of this Charter and the Planning Code, as they may be amended from time to time, shall apply to all real property owned or leased by the Agency but shall not impede the Agency's exclusive authority to set rates and other charges pursuant to Section 8A.102(b)(5).

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.111. CITIZENS' ADVISORY COUNCIL.

The Agency shall establish a Citizens' Advisory Council of fifteen members which shall consist of one person appointed by each member of the Board of Supervisors and four members appointed by the Mayor. Each member must be a resident of the City and County. No fewer than ten members of the Council must be regular riders of the Municipal Rail-way. At least two members must use the Municipal Railway's paratransit system, and at least three of the members must be senior citizens over the age of 60. The membership of the Council shall be reflective of the diversity and neighborhoods of the City and County. The Council may provide recommendations to the Agency with respect to any matter within the jurisdiction of the Agency and shall be allowed to present reports to the Agency's board of directors. The members of the Council shall be appointed to four-year terms and shall serve at the pleasure of their appointing power. Staggered terms for the initial appointees to the Council shall be determined by lot.

(Added November 1999)

SEC. 8A.112. PARKING AND TRAFFIC

(a) The Municipal Transportation Agency Board of Directors shall succeed to all powers and duties of the former Parking and Traffic Commission, including the power of members to serve ex officio as members of the Parking Authority Commission under Section 32657 of the Streets and Highways Code. The chair of the Agency's board of directors shall designate annually the directors to serve as members of the Parking Authority Commission. Any person may serve concurrently as a member of the Agency's board of directors and as a member of the Parking Authority Commission. It is the policy of the City and County that the Agency exercise all powers vested by State law in the Parking Authority.

(b) It shall be City policy that the offices of Director of Transportation and Parking Authority Executive Director are not incompatible offices, and the Director of Transportation may serve ex officio as Parking Authority Executive Director, but shall not receive any additional compensation for that service.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.113. PARKING AND TRAFFIC; GOVERNANCE.

(a) The Agency shall be responsible for management of parking and traffic functions within the City, so as to:

1. Provide priority to transit services in the utilization of streets, particularly during commute hours while maintaining the safety of passengers, pedestrians, cyclists and motorists;
2. Facilitate the design and operation of City streets to enhance alternative forms of transit, such as pedestrian, bicycle, and pooled or group transit (including taxis);
3. Propose and implement street and traffic changes that gives the highest priority to public safety and to impacts on public transit, pedestrians, commercial delivery vehicles, and bicycles;

4. Integrate modern information and traffic-calming techniques to promote safer streets and promote usage of public transit;
5. Develop a safe, interconnected bicycle circulation network; and
6. Ensure that parking policies and facilities contribute to the long term financial health of the Agency.

(b) It shall be City policy that the Agency manage the Parking Authority so that it does not acquire or construct new or expanded parking facilities unless the Agency finds that the costs resulting from such acquisition, construction, or expansion and the operation of such facilities will not reduce the level of funding to the Municipal Railway from parking and garage revenues under Section 16.110 to an amount less than that provided for fiscal year 1999-2000, as adjusted by the Controller for inflation; further provided that it shall be City policy that before approving the acquisition, construction or expansion of a parking garage, the Agency's Board of Directors shall make a finding that the operation of the garage will advance or be consistent with the City's Transit First Policy.

(Added November 1999; Amended by Proposition A, Approved 11/6/2007)

SEC. 8A.114. CABLE CARS.

In the conduct of the public transportation system there shall be maintained and operated cable car lines as follows:

1. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Mason Street; thence along Mason Street to Columbus Avenue; thence along Columbus Avenue to Taylor Street; thence along Taylor Street to a terminal at Bay Street; returning from Bay and Taylor Streets along Taylor Street to Columbus Avenue; thence along Columbus Avenue to Mason Street; thence along Mason Street to Washington Street; thence along Washington Street to Powell Street; and thence along Powell Street to Market Street, the point of commencement.
2. A line commencing at Powell and Market Streets; thence along Powell Street to Jackson Street; thence along Jackson Street to Hyde Street; thence along Hyde Street to a terminal at Beach; returning from Beach and Hyde Streets along Hyde Street to Washington Street; thence along Washington Street to Powell Street; thence along Powell Street to Market Street, the point of commencement.
3. A line commencing at Market and California; thence along California Street to a terminal at Van Ness Avenue; returning from Van Ness Avenue along California Street to Market Street, the point of commencement.

To fully effectuate the intent of this section, these lines shall be maintained and operated at the normal levels of scheduling and service in effect on July 1, 1971; provided, however, that nothing herein contained shall prevent the increasing of the levels of scheduling and service.

(Amended by Proposition A, Approved 11/6/2007)

Editor's Note:

Formerly Sec. 16.100.

SEC. 8A.115. TRANSIT-FIRST POLICY.

(a) The following principles shall constitute the City and County's transit-first policy and shall be incorporated into the General Plan of the City and County. All officers, boards, commissions, and departments shall implement these principles in conducting the City and County's affairs:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
4. Transit priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.
5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.
7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.
8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.
9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.
10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

(b) The City may not require or permit off-street parking spaces for any privately-owned structure or use in excess of the number that City law would have allowed for the structure or use on July 1, 2007 unless the additional spaces are approved by a four-fifths vote of the Board of Supervisors. The Board of Supervisors may reduce the maximum parking required or permitted by this section.

(Amended by Proposition A, Approved 11/6/2007)

Editor's Note:

Formerly Sec. 16.102.

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EXHIBIT D

Rule 417

Probationary Period

Applicability: Rule 417 shall apply to all Service-Critical classes of the Municipal Transportation Agency (MTA).

Sec. 417.1 **Requirement for a Probationary Period**

Sec. 417.2 **Definition of Probationary Period**

Sec. 417.3 **Appointments Subject to the Probationary Period**

Sec. 417.4 **Extension of the Probationary Period to Obtain License or Certificate**

Sec. 417.5 **Credit for Probationary Period**

Sec. 417.6 **Successive Probationary Appointment**

Sec. 417.7 **Report of Completion of Probationary Period**

Sec. 417.8 **Voluntary Resumption of the Probationary Period**

Sec. 417.9 **Release of Employee During the Probationary Period**

Sec. 417.3 **Appointments Subject to the Probationary Period (cont.)**

- 417.3.6** Advancement from a part-time position to a full-time position except if the employee had previously served a probationary period in a full-time position in the same class in the same department;
- 417.3.7** Reversion by a promotive probationary employee to a position in a former class in which the probationary period has been completed, except if the employee has previously served a probationary period in the same department in that class.

Sec. 417.4 **Extension of the Probationary Period to Obtain License or Certificate**

The MTA Director of Transportation (appointing officer) may extend the probationary period of a probationary appointee for up to a maximum of twelve (12) calendar months in order to allow the employee time in which to obtain required licenses and/or certificates.

Sec. 417.5 **Credit for Probationary Period**

- 417.5.1** Time served while on leave of absence to serve under exempt, temporary civil service, or provisional appointment within MTA in another class during the probationary period may be counted toward the completion of the probationary period for the class from which leave was granted. Records shall be maintained and placed in the employee's personnel file.
- 417.5.2** The MTA Director of Transportation/Designee may credit as probationary time served, an employee's prior full-time service in a permanent position in the same class, excluding probationary time. Such credits shall not exceed one-half (1/2) of the required length of the probationary period.
- 417.5.3** The MTA Director of Transportation/Designee may credit periods of limited-term transfer toward the completion of the probationary period as provided in the transfer provisions of these Rules.

Sec. 417.6 **Successive Probationary Appointment**

With the approval of the MTA Director of Transportation/Designee, and with the concurrence of the employee, the employee's probationary period may be renewed. The MTA Director of Transportation/Designee shall establish the administrative process and procedures for accomplishing such successive probationary appointments.

Sec. 417.7 **Report of Completion of Probationary Period**

The MTA Director of Transportation/Designee shall notify the appointee upon completion of an appointee's probationary period.

Sec. 417.8 **Voluntary Resumption of the Probationary Period**

417.8.1 When agreed upon by the MTA Director of Transportation/Designee and an employee, a permanent employee past the probationary period may voluntarily agree to serve a new probationary period in lieu of the department dismissing the employee.

417.8.2 The duration of the resumed probationary period shall not exceed six (6) calendar months.

417.8.3 During this resumed probationary period, should the employee fail to abide by the terms and conditions of the probationary period set by the department, subsequent action may be taken.

417.8.4 This resumed probationary period is subject to all terms and conditions of a probationary period as provided elsewhere in these Rules.

Sec. 417.9 **Release of Employee During the Probationary Period****417.9.1** **Authority and procedures for release of probationary employee.**

1) An employee may be released by the MTA Director of Transportation/Designee at any time during the probationary period upon written notice to the employee.

2) Consistent with these Rules and subject to the approval of the Commission, the MTA Director of Transportation/Designee shall establish and promulgate procedures for administering and processing the release of probationary employees.

417.9.2 **Release of probationary employee for disciplinary reasons.**

1) If the release of a probationary employee is for disciplinary reasons, a determination of the employee's future employability shall be as provided in this section.

2) The decision on future employability reached through the procedures established under these Rules shall be final and shall not be subject to reconsideration.

Sec. 417.9 **Release of Employee During the Probationary Period (cont.)**

417.9.2 Release of probationary employee for disciplinary reasons. (cont.)

3) The Executive Officer shall establish and promulgate the administrative process and procedures including the time frame for filing requests for future employability hearings.

417.9.3 Reversion to Former Class - Released Promotive Probationary Employee.

1) Except if the release is for disciplinary reasons and subject to approval of the MTA Director of Transportation/Designee, an employee released during a promotive probationary period shall revert to a position in the class from which promoted. If necessary, displacements in the former class shall occur.

2) Except for reasons beyond the control of the Commission or the MTA Director of Transportation/Designee, reversion of a released promotive probationary employee shall be accomplished not later than thirty (30) days from the effective date of the employee's release.

3) The MTA Director of Transportation/Designee shall establish and promulgate the administrative process and procedures for the reversion of a released promotive probationary employee.

EXHIBIT E

San Francisco Municipal Railway

Rules and Instructions Handbook



**SAN FRANCISCO MUNICIPAL RAILWAY
RULES & INSTRUCTIONS HANDBOOK**

PREFACE

All MUNI employees are responsible for providing safe, efficient and courteous service to our passengers. As employees of MUNI, it is our duty to perform our duties with pride, courtesy, and attention toward providing safe and reliable transportation to our passengers.

The customers we serve expect and deserve employees who are neat in appearance, friendly, courteous, and who execute their duties in a competent and professional manner.

This Rules and Instructions Handbook sets forth the standards that govern the conduct of employees in the performance of their duties.

It is important that employees understand and comply with the rules and instructions contained herein.

Michael T. Burns
General Manager

Lisa A. Mancini
Chief Operating Officer

**SAN FRANCISCO MUNICIPAL RAILWAY
RULES & INSTRUCTIONS HANDBOOK**

No. _____

Revised: July 2000

This handbook is the Property of San Francisco Municipal Railway (SF MUNI). It must be returned when requested or when the employee leaves the service of SF MUNI.

Issued to: _____

Handbook Serial No: _____

Department: _____

No. _____

Receipt

I acknowledge receipt of the
Rules & Instructions Handbook for employees.

Name: _____

Date Issued: _____

Handbook Serial No: _____

Department: _____

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1. DEFINITIONS

Absence Without Leave (AWOL) – Failure to report or notify as required at time indicated on schedules or detail list.

Accident – An unforeseen event or occurrence which causes injury, death, contact, or damage to property.

Active Cab – The compartment of a car from which control is achieved.

Advanced Train Control System (ATCS) – A signal system which uses a moving block signal system. This allows the maximum allowable trains to enter the subway system by decreasing the distance between trains without violating safety.

Automatic Speed Control (ASC) – A system that prevents trains from exceeding permissible speeds as designated by an on-board CAB signal indication panel light and equipment.

Automatic Train Control (ATC) – The system for automatically controlling train movement, enforcing train safety, and directing train operations. ATC includes subsystems for automatic train operation, train protection, and line supervision. On MUNI's SLRV, a system that provides for a safe operation of trains (1-4 cars coupled) by means of CAB signals and ASC.

Automatic Train Protection (ATP) – That subsystem within ATCS which maintains safe train operation through a combination of train detection, train separation and interlocking.

Avoidable Accident Policy – An avoidable accident is generally defined as any accident involving a MUNI vehicle which results in property damage and/or personal injury and in which the operator failed to exercise proper precautions to prevent the accident.

Block – A length of track of defined limits, the use of which is governed by block signals, CAB signals, or both or other set procedures.

Blue Light Phone – Emergency communications telephone located in the subway and designated by a blue light.

Boundary Block – A block specifically included to establish the end of a train entering/exiting ATCS territory.

Bumper Bar – A device found in the Cable Car tracks that forces the rope out of the grip if grip person does not release control before a certain location is reached.

Bumping Post – A structure at the end of the tracks to prevent trains from leaving the end of the track.

CAB Signal Mode – A form of manual train control wherein the operator controls the speed of the train in accordance with signal aspects displayed on the CAB signal indicator.

Call On – Manual activation of the signal system to establish a red over green or red over yellow wayside signal authorizing operator to enter an occupied platform.

Car – A self propelled vehicle operating on tracks.

Catenary – An overhead wire from which a rail vehicle collects propulsion and auxiliary power.

Clear Aspect – The aspect of a signal that conveys an indication that the train may proceed past the signal.

Clearance Line – A location allowing for safe passage of a train or another vehicle.

Cleared Signal – A signal that displays a ‘two aspect’ set of lights that indicates the allowed route that must be used.

Closed Track – A track in which automatic mode trains are prevented from operating.

Coasting – Vehicle moves by gravity with power removed or poles lowered. Cable Car – Cable Car moves by gravity without the cable.

Communicating Cut-Out Train (CCT) – A train being manually driven by the operator, but its VOBC is still communicating with the VCC.

Consist – See train.

Console – The control panel in the cab.

Coupler – A device at each end of the LRV for joining together mechanically, electrically, and pneumatically with another LRV.

Crew – A grip person and a conductor.

Crossover – Two turn outs, with track between the frogs, arranged to form a continuous passage between two parallel tracks.

Cut-Out Mode – A train driven manually by an operator who operates *on sight*.

Deadman Control – A pressure or activity activated device to detect inattention or disability of a train operator.

De-energize – To remove electrical power.

Depression Beam – A beam located at the bottom of hills and used to hold the cable under the slot rail. It has movable parts to allow grip to pass through.

Depression Hatch Cover – Cover that allows for accessing the depression beam.

Derailment – The condition of rolling equipment leaving the rails.

Dips – Track depression in the roadway that brings grip to cable depth to allow grip person to pick up cable.

Dispatcher – The person at the division level responsible for scheduling work assignments for operators, filling open runs, and ensuring that operators report for work as scheduled.

Disturbed Block – A condition in which the axle counter block status is unknown or unacceptable to the VCC.

Driver Display Unit (DDU) – Provides a visual, textual indication of the train operating data to the train operator.

Dwell Time – The elapsed time between doors opening and doors closing.

Emergency – Any condition that has caused or could cause injury to personnel or damage to property and/or equipment.

Emergency Braking (EB) – An irretrievable braking application used for emergency conditions activated by the Emergency Device.

Emergency Vehicle – Official emergency responder or police vehicle with running red lights and or sirens.

Employee – Any person employed by the San Francisco Municipal Railway.

Entry Point – A location on the trackway that can be used to re-initialize the VOBC positioning system and enter the vehicle in the VCC database.

Failed Train – A train that had successfully entered the ATCS system and then experienced the failure of all VOBCs.

Flagging Protection – Flags, lights, or cones used by work crews for protection while working on or about the track.

Green Over Yellow – Signal to proceed without CAB signal control, a diverge (or crossing) move through an interlocking.

Grip – Mechanism on board the Cable Car that grips the underground cable, which in turn provides motive power for the Cable Car.

Grip Take-Out Hatches – Access points throughout the system to allow grip replacement on the road.

Grip Slot – Guideway where grip runs in service, also known as slot rail.

Grip Person – The person who operates and controls the Cable Car by use of a device called a grip which is used to grab the rope and propel the Cable Car up to cable speed.

Gypsy – A device under the Cable Car tracks that raises a moveable pulley which in turn elevates the cable toward the top of its channel to allow the grip person to capture the cable with the grip.

Hand Signal – A signal used to govern train movement by the motion or position of a person's hand or arm.

Headway –The time interval between successive vehicles both traveling in the same direction on the same route measured from the time the head end of the leading vehicle passes a given reference point to the time the head end of the vehicle immediately following passes the same reference point.

Hi-Rail Equipment – Any rubber tire vehicle with the capability of lowering auxiliary wheels onto standard gauge track and operating in a rail environment.

Hook – Metal bar with a curved lower surface used to pull cable into the grip dies.

Horn Key – L-shaped retainer that secures the grip to the Cable Car.

Incident – An unforeseen event or occurrence which does not necessarily result in death, injury, contact, or property damage.

Interlocking – An arrangement of switches and signals interconnected to provide a route for trains and to prevent conflicting train movements.

Junctions – Areas where a trackway crosses another trackway.

Lead cab – See active cab.

Leave Car House – To exit building and begin revenue service or testing.

Let-go – The act of releasing cable from the grip.

Light Rail Vehicle (LRV) – An electrically propelled, passenger carrying rail vehicle.

Locator Markers – Numbered signs on the wall of the subway identifying the location of a train in the subway other than at station.

Maximum Authorized Speed – The highest speed limit which is authorized for a particular section of track.

Non-Communicating Cut-Out Train (NCT) - A train being manually driven by the operator which has a failed VOBC.

Normal Speed – Allowable speed up to a governed limit except where restrictions have been imposed.

Official Railway Time – Pac Bell time.

On Sight – *Operate on sight* in cut-out mode, bypass mode, or without CAB signals, not to exceed 27 mph.

Operate on Sight – At a speed that will permit stopping within one-half the range of vision of another train, stop signal, switch not properly aligned, track defect or obstruction.

Operations Control Center (OCC) – The primary location for controlling, monitoring and dispatching the entire MUNI system.

Operator – Employee on board the vehicle who has direct and immediate control over operation of the vehicle.

Outfit – A packet of information given to the operator at pull-out time that contains transfers, a paddle and any new bulletins or notices pertaining to operations, etc.

Pantograph – A device used for electrical current collection from a catenary system.

Pick-up (take rope) – Dip or gypsy point where Cable Car picks up cable. The dip lowers grip to cable. Gypsy lifts cable to grip.

Platform – Station structure adjacent to the trackway from which passengers board or disembark a rail vehicle.

Portal – A point at which the train enters or leaves a subway or tunnel.

Proper Authority – Authorized MUNI personnel who have the power to give orders, clear accidents, or give directions in order to clear delays, restore service and enforce safety rules.

Pull- In Time – The scheduled time a run is due back at the yard.

Pull-Out Time – The scheduled time at which the operator must leave the yard or barn.

Rear Brake – Conductor controlled brake.

Rear Platform – Deck at the rear of Powell type cars, allows entrance and exit for Cable Car. It is also the location of the rear brake control.

Red Over Green – Call-on, main (or straight) move through an interlocking at restricted speed being prepared to stop before another train or obstruction (this signal is only issued at the Embarcadero station).

Red Over Red – Stop.

Red Over Yellow – Call on, diverge or crossing move through an interlocking at restricted speed being prepared to stop before another train or obstruction. This signal is only issued at the Embarcadero Station and the Van Ness storage track.

Restricted Speed – *Operate on sight*, not to exceed 10 mph.

Reverse Running – The operation of a train in the direction opposite to the normal direction.

Right of Way – A general term denoting land, property usually a strip, acquired for or devoted to transportation purposes.

Round Trip – Service from one terminal to another in a given direction and back.

Rule – A written directive regulating the action or conduct of employees.

Run – Each vehicle on a given line or route is a separate assignment. Each assignment involves many trips back and forth along the line's route, also a work assignment.

Running Time – The scheduled elapsed time between certain points along each route.

Safety Latch – Device in the slot that prevent the Cable Car from rolling back from the top of a steep grade.

Safety Sensitive Employee – Refer to SF MUNI Drug and Alcohol policy.

Signal Aspect – The display or presentation of a signal that provides an indication.

Signal Indication – The information conveyed by the aspect of a signal.

Signal Tower – Controls all inbound and outbound Cable Car movement at Powell and California streets.

Sign-up – The method used by employees to choose work assignments.

Skinning Cable – When the cable is held by grip in partial release position, (12 o'clock) and car is moving faster than 91/2 miles per hour.

Slot Rail (grip slot) – A rail in between running rails of a Cable Car that keeps the grips in-line with the cable.

Slow Zone – An area within defined limits where rail equipment speed is reduced for a specific purpose.

Stop Bar – Painted line between rails that indicate stops.

Switch – A device enabling rail vehicle movement to transfer from one track/overhead to another (see turnout).

Switch, Facing Point – A switch aligned such that the switch points face toward the approaching train movement.

Switch, Trailing Point – A switch aligned such that the switch points face away from the approaching train movement.

Switchback – A means to go from one direction to another.

Target Point – The absolute location on the trackway to which a vehicle is commanded to proceed by the VCC.

Terminals – Begin and end points on a line.

Track Brakes – Wooden shoes that apply to rails for braking.

Trailing Car – Car(s) that is coupled and trainlined to a lead car, which controls train movement.

Train – A single car or multiple car trainlined into an operating unit.

Train Controller – The supervisor responsible for overseeing light rail system operations.

Train ID Number – The run's train number derived from the schedule.

Trainline – Circuits routed through cars by means of couplers or jumper cables so that power or control signals may be transmitted to other cars or the train.

Turnout – A track arrangement of a switch and frog (with guardrails) by means of which trains may be diverted from one track to another.

Turntables – Manually operated platforms that turn the Cable Car around to the opposite direction.

Vehicle Control Center (VCC) – The central train control system facility that provides control of vehicle movements and switch settings within its control area.

Vehicle On-Board Controller (VOBC) – A vital microprocessor-based unit on each vehicle which interprets commands from the VCC, controls vehicle movements according to these commands, and reports vehicle status back to the VCC.

Vetag – A means of automatically controlling switches and other wayside equipment.

Wayside Sign – A fixed sign along the right of way conveying operational information to the train operator.

Work Area – An area clearly defined by location markers, stations, or interlocking(s). When a station is used as the limit of a work area, a train may operate within the clearance boundaries only as authorized by the Operations Control Center Superintendent and in coordination with the person or unit having the clearance.

Work Times – The time a train, equipment, or personnel is allowed in or to pass through an area specified by the clearance.

Yard - Storage area for vehicles.

2. GENERAL RULES

2.1 Application Of Rules

2.1.1 Employees, whose duties are prescribed by these rules, will be provided with a copy of the San Francisco Municipal Railway Rulebook and Instruction Handbook.

2.1.2 Employees must have a copy of this Rules & Instruction Handbook available for immediate reference.

2.1.3 All employees will be held accountable for compliance with all rules in the San Francisco Municipal Railway Rules and Instruction Handbook.

2.1.4 When new rules or amended rules are adopted, employees will be furnished a new page(s), which must be inserted in the rulebook. All revisions to this Rules and Instructions Handbook must be promptly complied with.

2.1.5 Violation of any rule in this Rules and Instructions Handbook is sufficient cause for disciplinary action up to and including dismissal.

2.1.6 If in doubt as to the exact meaning of any rule, bulletin, instruction, order or notice in effect, apply to the proper authorities for explanation.

2.1.7 Adherence to these rules is essential to safety and safety is the primary importance in the performance of duties.

2.1.8 Employees must respond to inspectors or designated management officials' instructions during situations constituting an emergency or a major disruption of service regardless of job classification.

2.2 Bulletins, Orders, and Notices

2.2.1 Written instruction, rules, procedures, bulletins, notices and written and verbal

orders apply to all employees whose duties they affect and must be obeyed. All Bulletins, orders, and notices are numbered consecutively from January 1 of each year.

2.2.2 Notices will be issued regarding sign-ups, special events, emergencies and the dates new or amended rules are adopted and become effective.

2.2.3 General Bulletin is a written instruction issued by the Chief Operating Officer or General Superintendent, which contains a permanent change or addition to the SF MUNI Rules and Instructions for Operations.

2.2.4 Divisional Bulletin is a written instruction issued by the General Superintendent or Superintendent of a specific division affecting the operations and/or procedures of that particular division, usually for a limited and stated period of time.

2.2.5 General Order is a written instruction issued by the General Manager or Chief Operating Officer and pertains to items which affect operation of vehicles (other than temporary speed restrictions), and are of a permanent or semi-permanent nature. Topics for General Orders may include:

- A. Scheduled adjustments;
- B. Special schedules;
- C. Special vehicle Movements;
- D. Placing into service new or modified equipment;
- E. Changes to operating procedures or issuance of new Standard Operating Procedures (SOPs) and Emergency Operating Procedures (EOPs);
- F. Rule Book changes.

2.2.6 Special Order is a written instruction issued by the General Superintendent of a specific division. They pertain to items which affect vehicles (other than temporary speed restrictions), and are of a permanent or semi-permanent nature. Topics for special orders may include:

- A. Schedule adjustments;
- B. Special vehicle movements;
- C. Placing into service new or modified equipment.

2.2.7 Notices will be issued over the signature of the Chief Operating Officer or the General Superintendent of a specific division and will contain instructions or information for employees.

2.2.8 Employees receiving bulletins or orders from the proper authority must formally acknowledge their receipt and understanding of the document.

2.2.9 Employees returning from a period off duty are responsible for compliance with any Bulletins or Orders posted during their absence.

2.2.10 Operators must operate vehicles and equipment according to Rules, Bulletins, Standard Operating Procedures, and other authorized instructions.

2.2.11 Operators returning to duty after a period off of 60 days or more must be reexamined and requalified in the rules.

2.3 Duties

2.3.1 Employees who change assignments must familiarize themselves with the rules affecting their new assignments, such as right-of-way rules, operating and maintenance equipment, routes, stops, fare structure, etc.

- 2.3.2** Employees must comply with Civil Service Commission Rules before engaging in additional employment outside of the Municipal Railway.
- 2.3.3** Employees must examine the bulletin board each working day prior to operating a vehicle.
- 2.3.4** Employees subject to these rules must not allow anyone, unless properly authorized, to perform any part of their duties.
- 2.3.5** Participation in any unauthorized activity, while on duty or on the property, that may interfere with the primary function or the proper work performance of another employee or in any way compromises safety for the employee or the public is prohibited.

2.4 Record of Employees

- 2.4.1** A personnel record is kept of every employee from the day he/she enters service. Employees may examine their full personnel record under authorized supervision. Records are confidential, except as otherwise provided by law and if an employee so desires, an employee representative may be present during the examination.
- 2.4.2** Employees of the Railway must provide their current home address and telephone number to their Division Dispatcher and promptly report any change of either on forms provided for this purpose.
- 2.4.3** Operators are required to notify supervisors of any change in Driver's License status.

2.5 Leave Of Absence

- 2.5.1** Leave of absence will be granted in accordance with Charter, Ordinances, Civil Service and Municipal Railway regulations. All leave of absence must be approved by proper authority.

- 2.5.2** Employees who are absent for more than five consecutive working days must file a properly executed application for sick leave or other leave of absence. The application must be filed before or immediately following the fifth day of absence.
- 2.5.3** On returning from sick leave after an absence of more than five consecutive working days, an employee must have approval to return to work from a doctor. On the day prior to the intended day to return to work, the employee must report to his/her division with a medical clearance from a doctor.
- A. If the doctor's clearance is received by the Division Dispatcher before 12:30 PM, the Transit Operator will be assigned to his/her regular run on the next scheduled work day.
 - B. If the doctor's clearance is received by the Division Dispatcher after 12:30 PM, the Transit Operator shall be placed on report (or assigned to other work), at a time designated by the Division Dispatcher, on the next scheduled work day.
- 2.5.4** Employees who are absent due to an Industrial Accident, regardless of the length of the absence, are to report to their Worker's Compensation Unit with a medical clearance.
- 2.5.5** Employees who have been on leave of absence for any cause exceeding sixty days must report to MUNI Headquarters, Operations Division, before returning to work, in order to establish their ability to return to full duty.
- 2.5.6** Employees who become ill or disabled while on duty are to immediately notify OCC and

will be governed by the provisions that apply to sick leave procedures.

2.6 Personal Appearance

2.6.1 All employees required to wear the official MUNI uniform must wear the required uniform while on duty.

2.6.2 Employees must present a neat appearance at all times while on duty.

2.6.3 Operator ID numbers are to remain in the designated place on the uniform and are to be in plain view at all times while on duty.

2.6.4 Official Municipal Railway and approved Union emblems are the only items allowed to be worn on the uniform.

2.6.5 Employees must maintain a high standard of personal cleanliness and neatness. Hair, mustaches, and beards must be neatly trimmed. Any style that impairs vision or hearing is prohibited.

2.7 Railway Property

2.7.1 Care must be exercised in the use of Railway property and every effort made to prevent damage or misuse.

2.7.2 Employees should not give away or loan MUNI property without the General Manager or the City Attorney's approval.

2.7.3 Employees must immediately report defective or lost property to OCC, an inspector, or their immediate supervisor.

2.7.4 Railway property must not be converted to personal use.

2.7.5 Unauthorized material must not be posted or allowed to be posted on Railway property or vehicles.

2.7.6 Railway property issued or in the possession of employee must be returned to the Railway upon separation of the employee from the

task for which the property was issued or upon demand by proper authority.

2.7.7 Employees must not duplicate or cause to be duplicated any Railway keys for any person without their supervisor's approval.

2.7.8 Operators must not loan or give any Railway keys to any person without their supervisor's approval.

2.8 Conduct

2.8.1 Polite, respectful behavior is required of all employees in their dealings with the public, their subordinates and each other.

2.8.2 Boisterous, profane or vulgar language is forbidden.

2.8.3 Avoid disputes with any person, no matter what the provocation.

2.8.4 When a passenger presents an invalid transfer or abuses a transfer rule, employees are to courteously request the passenger to retain the invalid transfer and pay the fare and then refer the passenger to the Passenger Service Department.

2.8.5 Politely refer a complainant to the Passenger Service Department if unable to resolve the matter satisfactorily.

2.8.6 Information concerning the business of the Railway is to be given only to properly authorized representatives of the Railway and peace officers in performance of their duties who present proper credentials.

2.8.7 Employees are not to, give presents to their superiors and supervisors are not to accept presents from subordinates.

- 2.8.8** Employees are not to engage in any business on Railway property that involves selling or buying merchandise or lending money.
- 2.8.9** Dishonest employees will not be retained in the service.
- 2.8.10** Immoral employees will not be retained in the service.
- 2.8.11** Quarrelsome employees will not be retained in the service.
- 2.8.12** Vicious employees will not be retained in the service.
- 2.8.13** Employees, on or off duty, are not to engage in unnecessary conversation with the operator in charge of a revenue vehicle.
- 2.8.14** Uniformed employees, upon request, are required to give their Identification number and vehicle number.
- 2.8.15** Employees must not engage in horseplay, fighting, sparring, or any form of practical joking that will compromise safety.
- 2.8.16** Employees must not loiter in areas open to the general public, nor in any manner interfere with Railway operation.
- 2.8.17** Employees must not possess a weapon while on duty.
- 2.8.18** Employees are prohibited from gambling while on duty or in uniform or at any time while on Railway property.
- 2.8.19** Employees may not play games on MUNI property after 6:00 P.M.
- 2.8.20** Employees are not to stop enroute between terminals, while in or out of service, or between garages, yards, or car houses and terminals, to enter any establishment, except to use the restroom or the telephone to report an emergency.

2.8.21 Knowingly falsifying any report or knowingly entering or causing to be entered any inaccurate, false or improper information on MUNI logs, books, reports, or records is prohibited.

2.9 Alertness

2.9.1 Operators must remain fully alert at all times. Sleeping or assuming an attitude of sleep while on duty is forbidden.

2.9.2 Operators on duty who become ill or otherwise feel they cannot maintain alertness to perform their normal duties must notify OCC or an inspector as soon as possible. Employees whose health becomes impaired to the degree that safety is threatened must notify OCC immediately.

2.9.3 Operators must not engage in unnecessary conversation or otherwise allow themselves to be distracted while operating.

2.9.4 Operators must be alert for hazards or obstructions and must take necessary action to avoid them, regardless of mode of operation.

2.9.5 Operators must remain in active cab seat at all times while vehicle is in motion.

2.10 Medical Issues

2.10.1 Prescribed medicine - Operators taking any prescribed medicine that may affect their judgment or faculties or cause dizziness or any other abnormal reaction must not operate Railway equipment. If there are any questions, operator must contact supervisor and advise of medication and its effects.

2.10.2 Color blindness - Operators must be able to clearly distinguish the colors used in the signage and signal systems.

2.10.3 Corrective lenses - Operators required to wear corrective lenses by their California Driver License must wear the required lenses while operating Railway vehicles.

2.11 Drugs and Alcohol

2.11.1 All Safety-Sensitive employees are subject to the provisions of the Railway's Substance Abuse Policy and Procedures Handbook and must adhere strictly to its provisions.

2.11.2 All employees are subject to the provisions of the Drug-Free Workplace Act of 1988, which prohibits the manufacture, distribution, dispensing, possession, or use of controlled substances in the workplace. Pursuant to Railway policy, any employee engaging in the manufacture, distribution, dispensing, possession or use of a controlled substance on Railway premises, in transit vehicles, in uniform, or while on Railway business will be subject to disciplinary action, up to and including termination, and/or will be required to complete a drug abuse assistance or rehabilitation program.

2.11.3 Every employee shall notify his or her supervisor of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to do so shall subject the employee to disciplinary action, up to and including termination, or satisfactory participation in a rehabilitation program.

2.11.4 No employee shall indulge in the use of, or be under the influence of intoxicants, or have open container(s) of intoxicants in their possession when reporting for or while on duty or at any time on Railway premises.

2.11.5 Employees shall not enter places where intoxicants are sold while on duty, except in case of necessity (i.e., emergency situation, use of restroom).

2.11.6 Employees in uniform, while off duty, must respect their uniform and refrain from the use of intoxicants or show evidence of the use of alcoholic liquor. Frequenting bars or taverns when in uniform is to be avoided.

2.12 Training

2.12.1 Employees must attend training sessions as directed by their supervisors.

2.13 Discipline

2.13.1 Violation of any of the following rules will be sufficient cause for charges for disciplinary action involving suspension or, if appropriate, dismissal.

- A. Inattention to duties;
- B. Incompetence;
- C. Substance Abuse;
- D. Immoral Conduct;
- E. Insubordination;
- F. Discourteous treatment of the public or other employees of the SF MUNI Railway;
- G. Fighting;
- H. Mishandling fares;
- I. Dishonesty;
- J. Abandonment of vehicle;
- K. Willful abuse of railway property.

2.14 Traffic Laws

2.14.1 Employees must comply with the laws, ordinances, and regulations of the state of California and the city and county of San Francisco.

2.14.2 Employees shall be familiar with and obey all such laws, ordinances, and regulations applicable to their responsibilities, including the signing of traffic citations.

2.15 Schedules

2.15.1 Operators shall not operate ahead of schedule.

2.15.2 Operators must leave terminals as scheduled unless authorized adjustments to their schedule have been made by authorized Railway personnel.

2.15.3 Operators working 'owl' runs must wait up to three (3) minutes past the scheduled connection time. If the connection is not made, employees are to radio OCC for instructions.

2.15.4 Operators must wait for passengers transferring from other lines when visible during early and late hours.

2.15.5 Operators must operate equipment in accordance with the timetables in effect. Schedules must be maintained with respect to leaving times, destinations, time points and transfer connections.

2.15.6 Turning in car or coach ahead of schedule, whether or not relief is involved, is prohibited without proper authorization.

2.16 Limitation on Driving Hours

2.16.1 No operator shall knowingly request additional work that would cause the operator to exceed the maximum time on the vehicle of 10 hours.

2.16.2 The only exception, other than a declared emergency, is that the operator shall be allowed to drive to the relief point or pull in to the appropriate garage after notifying OCC.

2.17 Routes

2.17.1 Deviating from established routes, or turning back before reaching the scheduled terminal, is prohibited, except when directed by emergency services personnel, proper authority, or OCC.

2.17.2 Employees must not deviate from authorized pull in and pull out routes.

2.18 Relief

2.18.1 Relief must be made only at relief points indicated by schedules. Failure to make a relief on time may result in absence without leave. Employees who miss scheduled reliefs are to contact OCC immediately for instructions.

2.18.2 In the event an employee fails to report for a relief on time, the employee who is to be relieved must call OCC for instructions and proceed in service. If an employee is not immediately available to make the relief, OCC, the Inspector, or other person in authority may order the employee to continue in service to the regularly scheduled terminal in the direction of travel. After completing the trip, the employee working may pull in after again calling OCC by radio or telephone.

2.19 Free List

2.19.1 Employees must conform to the regulations governing free transportation. The following persons, when presenting the proper identification are entitled to free transportation:

- A. Police;
- B. Office of Citizen Complaints;
- C. Patrol Special Police (when in full uniform);
- D. Auxiliary Police Reserve (when in full uniform);
- E. Deputy Sheriffs;
- F. Other Peace Officers (when in full uniform);
- G. Firefighters (when in full uniform);

- H. Parking Control Officers (when in full uniform);
- I. Guide, Signal, and Service animals;
- J. Municipal Railway Employees;
- K. Municipal Railway Dependents;
- L. Sisters of Charity;
- M. Special Service.

2.20 Arrests

2.20.1 An employee shall not request the arrest of any person, unless authorized by an Inspector or proper authority, except when employee is robbed, assaulted or in immediate personal danger.

2.20.2 If an arrest is made, immediately report it to OCC. An Accident Report must be made during, or immediately following completion of tour of duty, giving name and star number of arresting officer, and names and addresses of witnesses and person(s) arrested.

2.21 Safety

2.21.1 Operator shall never operate a MUNI vehicle at a speed that is greater than that which is reasonable or prudent, and in no event at a speed that would endanger the safety of persons or property.

2.21.2 While vehicles are in motion, operators are to devote his/her attention to pedestrians, tracks, traffic, and signals.

2.21.3 Operators, when approaching intersections where right or left turns are to be made, must operate slowly and ensure the right or left signal is activated one hundred feet before commencing the turn and remain in continuous operation while completing the turn.

- 2.21.4** Operators of rail vehicles or Cable Cars, when operating in double track areas, shall not pass when pedestrians are standing between the tracks.
- 2.21.5** When approaching passenger stops including boarding islands, bus zones, or any place where pedestrians are standing or walking in the street, operators are to sound the gong or horn to warn of the approaching coach or rail vehicle.
- 2.21.6** Operators must follow the directions of authorized personnel when passing any warning device. Operators are to operate slowly when approaching and passing flags or other warning devices.
- 2.21.7** Operators shall not close the front doors of the vehicle until all boarding and alighting passengers are entirely clear of the travel path of the doors.
- 2.21.8** Operators of PCCs must have interlock bypass switch in 'off' position while in service.
- 2.21.9** Operators are to set the interlock control switch to the 'on' position whenever coaches, electric coaches, and electric cars are in service.
- 2.21.10** Coaches and electric cars are to be brought to a complete stop before activating the door open handle or door open switches.
- 2.21.11** Operators are not to allow anyone, other than employees of the Railway, to ride or operate their vehicle when it is entering or leaving the car house or garage.
- 2.21.12** Operators are not to attempt to adjust seats, curtains, mirrors, or signs while the vehicle is in motion.

- 2.21.13** The controller emergency braking position, the deadman handle, the rear door interlock and hill holder, the rollback prevention, or the red emergency stop button must not be used for normal stops. Operators of vehicles that have a deadman handle shall not disable it (this device) in any way.
- 2.21.14** Operators shall not wear colored eyeglasses between the hours of sunset and sunrise while operating any Railway equipment or at any time while in the MUNI Metro subway (including the MUNI Metro switchback) or the Sunset Tunnel.
- 2.21.15** Employees must be careful to avoid any act or situation that could cause injury to themselves or others.
- 2.21.16** Employees must protect their own personal safety, the safety of others, and the safety of equipment and property.
- 2.21.17** Employees shall immediately report to proper authorities any emergency or conditions that might create a hazard.
- 2.21.18** Smoking is prohibited in areas where flammable materials are stored or where batteries are being stored or charged.
- 2.21.19** Employees shall take every precaution to eliminate possible fire hazards.
- 2.21.20** Employees must not introduce into or allow open flames or sparks in areas where there are or may be flammable vapors or concentrations of explosive dust.
- 2.21.21** Employees must become familiar with the location and use of fire alarms and fire devices in all areas and shall keep access to these areas free at all times.
- 2.21.22** Employees must wear safety vests when working on or about the track area.

2.22 Smoking – Eating – Personal Items – Radios

- 2.22.1** It is unlawful for anyone to smoke or carry lighted cigars, cigarettes, or pipes onboard any Railway revenue, non-revenue equipment, or inside a facility.
- 2.22.2** Employees may smoke only when taking layover at terminals, provided they smoke off the vehicle, and smoking does not interfere with their duties relating to safety, schedules and the collection of fares.
- 2.22.3** Drinking or eating in the cab area is prohibited.
- 2.22.4** Operators must not read newspapers or other materials while vehicle is enroute.
- 2.22.5** Items and apparel which limit or restrict hearing must not be used.
- 2.22.6** Personal items may be stored on board vehicles in designated areas only.
- 2.22.7** Employees are not to display or play personal radios, use headphones, or cellular telephones at any time while operating a vehicle.
- 2.22.8** Operators are to politely request passengers to keep 'radios silent'.

2.23 Rear Door

- 2.23.1** No person, in uniform or otherwise, except on lines where Proof of Payment is in effect, is to be allowed to enter the rear exit door of a motor coach, trolley coach, or electric car except where loaders/collectors are present.

2.24 Lost Articles

- 2.24.1** Recovered lost articles must be turned in.
- 2.24.2** Employees who come into the possession of recovered lost property will properly tag articles, and if not scheduled to 'pull-in', will turn articles over to the relief employee, and

each succeeding relief employee will take possession of the articles until the vehicle is 'pulled in'. The employee on the 'pull-in' trip will be responsible for turning all recovered lost property over to the Dispatcher. The employee on such trip will hand his or her time card to the Dispatcher for approval of the negotiated time allowed from the respective yard or garage to the office.

2.24.3 On two-operator vehicles, the conductor will be responsible for turning in recovered lost property at the Dispatcher's Office on or before completion of runs. Conductor will make out a Lost Property tag describing the article and showing the name of the crewmember coming into possession of the lost article.

2.24.4 If recovered articles are turned over to an employee by a passenger, the name and address of the finder is to be written on the reverse side of the Lost Property tag.

2.24.5 After recovered lost property has come into possession of an employee, they must not deliver such property to any person, except when authorized to do so by the proper authority and in that person's presence. The individual shall sign a receipt for return of property.

2.24.6 Employees coming into possession of articles valued greater than \$10.00 are to keep them in their possession and radio or telephone OCC for instructions as soon as possible.

2.24.7 Articles recovered and turned in will, if not claimed, be returned to the finder at the end of thirty (30) days. Note that articles of value may be held for longer periods.

2.25 Solicitors

2.25.1 Unauthorized persons will not be allowed to offer for sale any article or place

advertisements on any vehicle or premise of the Railway.

2.25.2 Employees must report unauthorized selling of merchandise to a supervisor.

2.25.3 Employees must engage only in Railway business while on duty and in accordance with Railway policy.

2.25.4 Panhandling on city property is forbidden.

2.26 Trespassers

2.26.1 Employees must immediately report to OCC any trespassers on MUNI property including trespassers on or near the right of way.

2.27 Emergency Equipment

2.27.1 Any emergency equipment that is used, defective, damaged, or missing must be reported to the proper authority so it can be replaced or repaired.

2.27.2 Rail employees shall be familiar with the location and proper use of the Blue Light phone system, utilized in subways and tunnels.

2.28 Tools or Equipment

2.28.1 Tools or equipment must only be used in a proper manner and for the purpose intended.

2.28.2 Tools, equipment, or materials must not be placed where they may present a hazard to personnel.

2.28.3 Employees must have the proper tools, equipment, and supplies before starting work.

2.28.4 Tools, equipment, or machinery that is found unsafe or defective must not be used and must be reported to the proper authority.

2.28.5 Unauthorized use of MUNI vehicles or other equipment is prohibited.

2.28.6 Employees are to acquaint themselves with the mechanical and/or electrical equipment

which they operate. They are to familiarize themselves with the printed instructions and special rules relating to each type of equipment.

2.28.7 Operators are not to operate defective equipment but are to report the defective equipment to OCC when in operation and to maintenance personnel when pulling out or in.

2.28.8 Employees must, when personal protective clothing or equipment is furnished, use it as directed.

2.28.9 Operators not qualified to operate the equipment used on their new assignments are to inform the Division Dispatcher and request that the Training Department be informed so that training may be scheduled.

2.28.10 Employees must not operate equipment they have not been qualified to operate.

2.28.11 All employee lockers and toolboxes should have MUNI-provided padlocks. Personal locks will be broken in case of a search.

2.28.12 All employee lockers and toolboxes are subject to search without notice. Searches will be conducted whether or not the affected employee is present. All searches of an employee's locker or toolbox will be conducted in the presence of that employee's immediate supervisor as well as the superintendent or a delegee of the superintendent of that employee's shop or station.

2.29 Convenience Stations

2.29.1 Employees are not to deface or damage convenience stations.

2.29.2 Employees are to cooperate in keeping these stations in a clean and sanitary condition.

- 2.29.3** Where locks are provided, operators are to ensure that doors are locked when leaving the convenience station.
- 2.29.4** When convenience stations are rented from private owners, employees are to be extremely careful to avoid committing any nuisance that may result in employees being denied the use of the facilities.

3. COMMUNICATIONS

3.1 Federal Communication Commission Rules

3.1.1 All radio communication systems are under the jurisdiction of, and regulated by, the Federal Communications Commission (FCC).

3.1.2 The MUNI radio system and the employees using the system are governed by the following FCC rules:

- A. Employees must not transmit any unnecessary or personal messages nor utter any obscene, indecent, or profane language by radio.
- B. No employee, except those specifically authorized by the FCC to do so, shall make any adjustment to a MUNI radio set.
- C. No employee must willfully damage or permit others to damage radio equipment.

Violation of the above rules is a Federal offense for which severe penalties are provided by law and for which employees may be disciplined up to and including discharge.

3.2 Establish Communications

3.2.1 Cable Car operators must be sure the channel is clear before establishing communications.

3.2.2 Operators must identify themselves by run number, line number, vehicle number, direction, operator ID and current location.

3.3 Radio Usage

3.3.1 Radio transmissions are to be kept to a minimum.

- 3.3.2 Authorized radio codes must be used whenever possible.
- 3.3.3 In radio transmissions, the following key words will be used:
 - A. Over – End of each transmission, to which a response is expected;
 - B. Out – End of transmission, response is not necessary;
 - C. Roger – Signify a transmission was received and understood.
- 3.3.4 Any radio failure in service must be reported to OCC immediately.
- 3.4 **Monitoring and Testing**
- 3.4.1 Employees assigned radios must make a radio test for proper operation.
- 3.4.2 Employees must make sure that radios used during their shift are continuously turned on and set at an adequate volume to receive transmissions clearly.
- 3.5 **Emergency Priority – Code 33**
- 3.5.1 Communications pertaining to emergencies take priority over all others. Falsely labeling a communication as an emergency is prohibited. Upon hearing code 33 from OCC, employees will refrain from using the radio unless called by OCC or making an emergency call.
- 3.6 **Assigned Channels**
- 3.6.1 All radio communications will be conducted on the assigned channels(s) unless otherwise directed by OCC or in the event of an emergency.

3.7 Communication Codes

700	In service	720	Abandoned vehicle
701	Out of service	721	Stolen vehicle
702	Personal necessity	722	Fire or fire equipment
703	Out of service at home	723	Line delay
704	Receiving poorly	724	Pedestrian collision
705	Not out	725	Fall on board
706	Late pull out	726	Fall alighting/ boarding (specify)
707	Rendezvous	727	Wheelchair
708	Media on scene	728	Wheelchair with physically challenged
709	Repeat last transmission	729	Terrorist threat
710	Telephone number given	730	Bomb threat
711	Proceed or proceeding to location given	731	Disabled vehicle
712	Arrived on scene	732	Derailed LRV, streetcar, or Cable Car
713	All clear	733	Evacuate train(s)
714	Return to last assignment	734	Close subway station or subway
715	Cancel last assignment	735	Notification to passengers of service delays
716	Request for shuttles	736	Interview citizen
717	Recovered vehicle, specify (stolen or abandoned)	740	Police
718	Vehicle accident (property damage only)	741	Ambulance
719	Vehicle accident (personal injury)	742	Claims enroute

Communication Codes (Cont.)

743	Fight on board	764	Doors (specify)
744	Intoxicated operator/ passenger	765	Low air
745	Altercation operator/passenger (verbal or physical)	766	Interlock
746	Juvenile disturbance	767	Mirrors (specify)
747	Operator assaulted	768	Flat tire (specify)
748	Vandalism MUNI property	769	Hot engine
749	Open feeder (specify feeder #)	770	No start
750	Overhead problem	771	Slot blade
751	Propulsion/no forward motion	772	Stuck in curve/ crown (specify)
752	Coupler	773	Grip change
753	Pantograph	774	Strand alarm specify location and number)
754	Seiman breaker	775	Bumper bar (specify location and number)
755	Dead tow/push	776	Pick pocket or purse snatch
756	No power	777	Armed robbery or hold up
757	Trolley pole (specify problem)	787	Cite(ing) illegally parked vehicle
758	Retriever	788	Traffic congestion
759	Trolley rope	790	Fare evasion (single)
760	Trolley shoes	791	Fare evasion (group)
761	Hot body	792	Difficult or hostile situation
762	Transmission	799	Drug test transport
763	Brakes		

Communication Codes (Cont.)

- Code 33 Clear communications-emergency in progress
- Code 100 Silent alarm
- Code 800 Alleged insane person
- Code 802 Coroner's case
- Code 900 Stop the cable-emergency
- Code 903 Request for vehicle inspection by police

4. OPERATING RULES

4.1 Reporting For Duty

- 4.1.1** Operators must report for duty to a designated location before their scheduled start time; failure to do so will be considered absence without leave.
- 4.1.2** The daily register must be signed in the proper place by all operators who report at their division headquarters before going on duty. In addition, 'report operators' must report in person to the Dispatcher when going on and off 'report'.
- 4.1.3** Operators reporting sick by telephone or otherwise must notify their Division Dispatcher at least 45 minutes ahead of their scheduled reporting time. Employees who report to the Dispatcher in person and request to be placed on the sick list must report at least fifteen minutes before their scheduled reporting time and must be in full uniform. Employees who do not comply with this rule may be charged with absence without leave.
- 4.1.4** Operators reporting for duty must have the assigned equipment to perform their jobs. Operators reporting for duty without the minimum regulation uniform, Rule Book, all LRV keys and pins, current Class B-P driver's license, medical and VTT in their immediate possession are not prepared for work and will not be paid. Pay will resume when the operator presents him/herself to the Dispatcher with all required equipment. Failure to present themselves to the dispatcher on the same day with all required equipment will result in the individual being considered AWOL.

4.1.5 Operators on sick leave must notify their Division Dispatcher before 12:30 P.M. on the day preceding the day on which they wish to resume work.

4.1.6 Operators will not be excused by the Night Dispatcher except in case of sickness or extreme necessity.

4.2 Operator's Documents

4.2.1 A current California Class B-P License, Medical and VTT card is required to operate a vehicle and must be in the operator's possession while on duty.

4.2.2 Operators are required to maintain a valid California license and report any changes/conditions to their driver's status.

4.2.3 A current medical certificate and a valid California Class C license are required for all non-revenue rail operators.

4.3 Absent Without Leave (AWOL)

4.3.1 A regular employee who is AWOL will be charged with an additional AWOL on each succeeding day (except on regular days off) the operator fails to notify the Division Dispatcher at least one hour before the reporting time of their regular assignment on such days.

4.3.2 An extra list employee who is AWOL and who fails to report to the Division Dispatcher at least one hour before the scheduled reporting time, or before 12:30 P. M., whichever is earlier on their next working day, will be charged with an additional AWOL. Furthermore, an AWOL will be charged each time the operator fails to report before 12:30 P.M. on each succeeding workday.

4.3.3 Transit operators must report for duty not later than the times indicated on schedules or detail list, unless absent with proper authorization. Failure to report as required will be considered AWOL.

4.4 Timepieces

4.4.1 While on duty, every uniformed employee must carry a reliable watch.

4.4.2 Employees, whose duties are affected by the timetable, must use an approved watch and prior to start of duty, must synchronize their time with official Railway time.

4.4.3 Employees not having access to official Railway time must obtain the correct time from OCC.

4.5 Preparatory Duties – Operators

4.5.1 Operators scheduled to pull out vehicles are to sign the daily register, check bulletin board, pick up outfit, and check location of vehicle assigned to their run. No car or coach may be taken from car house or garage unless assigned by proper authority.

4.5.2 Before taking cars or coaches out of the car house or garage, operators must make a careful inspection of both the interior and exterior of the vehicle.

4.5.3 Immediately notify the shop of defects affecting proper operation of the vehicle.

4.5.4 Check farebox for proper operation and program the farebox to ensure proper acceptance of fares.

4.5.5 Before starting coaches, operators are to make sure that no one is working on or under the vehicle that the shift lever(s) are in neutral position, and that the hand brake (parking brake) is properly applied.

- 4.5.6** Vehicles must not be moved until required air pressure is indicated. Operators are not to 'race' engines while building up air pressure.
- 4.5.7** All revenue vehicles must be pulled out in accordance with schedules.
- 4.5.8** Materials in outfits required for relief operators are to be placed in outfit boxes or other location that will ensure that information is properly passed on to relief personnel.
- 4.5.9** Before pulling MUNI equipment out of the carhouse, yard, or garages, the operator must complete the required pre-operational inspection for the vehicle. Immediately notify maintenance personnel or yard starter of defects affecting the proper operation of the vehicle and notify OCC if the vehicle will be late pulling out.
- 4.5.10** Operators are to place all material necessary for relief operators into the outfit/transfer box.
- 4.5.11** All electric cars and Cable Cars are required to operate in service from the time of pullout of the yard until the time of pull-in to the yard.
- 4.6 Pre-Operational Check**
- 4.6.1** When preparing a vehicle for service, operators assigned to pull out must make certain that the train is in safe and proper condition to operate. They must at a minimum:
- A. Report on time;
 - B. All notices or Bulletins in the outfit must be read and noted and placed in the outfit box;
 - C. Vehicles must not be moved or taken from the yard or shop unless authorized by the proper authority;

- D. When taking charge of a vehicle, as soon as speed permits, brakes must be applied and the effectiveness of the brakes noted;
- E. Operators are to make sure that no one is working on or under the vehicle before it is moved;
- F. Before moving the vehicle, the pre-operational check list must be completed. Notify maintenance personnel of defects affecting proper operation of the vehicle.

4.7 Noise

4.7.1 Motor coach operators are to shut off engines immediately upon arrival at terminals and are not to restart motors until ready to move up or depart the terminal.

4.7.2 Articulated trolley coach operators must place the master controller into the night park position immediately upon arrival at terminals and are not to restart motors until ready to move up or depart the terminal.

4.8 Lights

4.8.1 All revenue vehicles, except Cable Cars, are to be operated with headlights 'on' at all times.

4.8.2 Operators must operate with interior lights on at all times except Cable Cars.

4.9 Changing Equipment Functions

4.9.1 Operators must not alter, nullify, change design of, or in any manner restrict or interfere with the normal intended function of any device or Railway equipment on Railway property without proper authority, except in an emergency, in which case the change must be immediately reported to OCC.

4.9.2 Car or train systems and safety devices must not be cut out, bypassed, or

circumvented without proper authority from OCC.

4.9.3 Operators must report broken seals to OCC.

4.9.4 Operators must not cut-out or bypass any vehicle function, or change operating modes without approval from OCC.

4.10 Student Employees

4.10.1 Student employees are not to operate any of the equipment of the Railway for the purpose of study, or otherwise, unless authorized to do so by the proper authority. This rule applies to cars and coaches in car houses, garages and in revenue and non-revenue service.

4.11 Defect Cards

4.11.1 Defect cards are to be completed by employees for each vehicle assigned.

4.11.2 Defect cards will be included in outfits of all pullout runs. Operators must sign the card when pulling out or making reliefs and make note of defects and/or any damage to vehicle.

4.11.3 All operators, including those making reliefs or receiving cut-out vehicles, are to properly complete a defect card.

4.11.4 When pulling into the division, operators are to turn in the defect card to the shop person at the pull-in gate. If no shop person is available the operator is to turn in the defect card at the meet and greet location.

4.11.5 The operator must note any damage to the vehicle at the time of relief on the defect report.

4.11.6 Coaches must not pull out without wheel blocks.

4.12 Operations Control Center Notification

4.12.1 Operators are to immediately notify OCC when any difficulty occurs which might disrupt the operators' schedule or cause a delay.

4.12.2 Operators must notify OCC immediately of a broken down vehicle failing to move.

4.13 Reports

4.13.1 Operators are to make out Miscellaneous Report forms to report all unusual occurrences, except accidents.

4.14 Required Information

4.14.1 An operator operating more than one car must know the number of cars being operated, the car number, their designation, and their location in the train.

4.15 Stopping For Passengers

4.15.1 Cars and coaches shall stop at all designated stops where passengers are waiting to board or alight between the hours of 6:30 A.M. and 8:30 P.M.

4.15.2 Operators must pull into any properly marked vacant and clear bus zone to allow passengers to board or alight.

4.15.3 If unable to comply with Rule 4.15.1, then the operator is to stop at a safe boarding location and must wait for any intending passengers.

4.15.4 Coaches must be stopped in box zones so that:

- A. Front and rear doors are within one foot of the curb, if not;
- B. Both the front and rear doors are beyond three feet of the curb when other vehicles are parked at curb legally or illegally.

4.15.5 At multiple coach loading stops, operators whose coaches are in the third or greater position must stop in the first or second position before proceeding. When a disabled person is observed in any position of a multiple coach zone all operators are to stop, open doors, and announce the line and destination of the vehicle. No pass up of a disabled person is permitted.

4.16 Designated Stops

4.16.1 Cars and coaches will stop at all designated stops where passengers are waiting to board or alight between the hours of 6:30 A.M. and 8:30 P.M. At other hours, in addition to the above, stops will be made for boarding passengers and on verbal request of alighting passengers at the nearside of streets between designated stops.

4.16.2 Whenever a request is made in advance for a particular stop, operator and/or conductor must acknowledge the request of the passenger and announce same.

4.16.3 Between 8:30 P.M. and 6:30 A.M., stops will be made for boarding passengers and on verbal requests from alighting passengers at the nearside of streets between designated stops, except on Market Street or Ocean Avenue, Judah, West Portal, and Lincoln Lane (North side only).

4.17 Passing Up Passengers

4.17.1 Operators on Cable Cars, coaches, and electric cars, in revenue service, or on pull-out and pull-in trips, are to stop for intending passengers, when there is room enough to board, except as follows:

- A. When a number of coaches or electric cars having the same destination are bunched due to an unusual delay. In such instances, the operator on the first coach or electric car may pass up every

other stopping point where persons are waiting to board;

- B. When coach or electric car is loaded to capacity;
- C. When coach or electric car is disabled;
- D. When transferring motor coaches between garages;
- E. When motor coaches are operating during out of service trips;
- F. When operating Limited Stop and Express trips in areas where stops are not required;
- G. When directed by authorized official.

4.18 Standing Load Line

4.18.1 Operator is prohibited from moving a coach or electric car when passengers are standing in front of the designated standing load line.

4.19 Stops

4.19.1 All cars and coaches must be brought to a full stop at all places where traffic regulations or safety rules require stops be made.

4.20 Federal Law Requires Compliance with the Americans with Disabilities Act

4.20.1 Operators must **always** announce stops, at least at transfer points with other fixed routes, major intersections and destination points, all MUNI Metro stations in the subway, and at intervals along a route sufficient to permit individuals to be oriented to their location.

4.20.2 Operators must announce their route and destination to blind or vision impaired passengers at all stops served by multiple lines or destinations.

4.20.3 Operators must announce any stops at the request of any passenger.

- 4.20.4** Operators must lower the kneeler on kneeler-equipped vehicles at any time requested and at stops where the kneelers use would aid passengers in boarding.
- 4.20.5** Operators must make the wheelchair lift available to anyone requesting it, wheelchair user or standing passenger, on vehicles so equipped.
- 4.20.6** Operator must aid passengers in wheelchairs with lifting seats and the securement systems upon the request of the passenger.
- 4.20.7** Operator must ask passengers to yield seats in the securement area for wheelchair users.
- 4.20.8** Operators must request passengers to yield the forward seats to persons with disabilities and seniors.
- 4.20.9** Operators must allow persons traveling with respiratory or portable oxygen supply to board and ride any revenue vehicle.
- 4.21** **Unauthorized Stops**
- 4.21.1** Operator must not stop for passengers or employees at any station, platform, or bus stop location(s) unless authorized by OCC.
- 4.22** **Speed**
- 4.22.1** Operators, in or out of service, shall at all times operate at a safe speed that is consistent with weather, visibility, road or track conditions, traffic, traffic signal indications, and the indications of ATP system where used.
- 4.22.2** Operators must be prepared to stop short of any person, object, or obstruction within range of their vision.
- 4.22.3** Operators must have their train under control at all times and must not exceed the prescribed speed in either surface or subway operations. Operators must be aware of

elevations, curves, weather, visibility, track conditions, etc. and adjust their speed accordingly.

- 4.22.4** Speed must be regulated on the surface so that the operator's range of vision is greater than the stopping distance of the train.
- 4.22.5** If two speed limits are in effect because of a speed restriction placed on a train or vehicle, the operator must comply with the lower speed.
- 4.22.6** In manual operation, the speed must be regulated in the subway and tunnel so that the operator's range of vision is greater than the stopping distance of the train.
- 4.22.7** Electric cars and trolley coaches are to be operated at a reduced speed when entering or proceeding through intersections, curves, or when entering/leaving or operating within any MUNI yard or garage.
- 4.22.8** The maximum speed shall be restricted over track with opposing traffic when train movements are not governed by block signals, CAB signals, timetable, train order, current of traffic, or manual block system. In the absence of such control systems train operators shall operate with caution at an on sight speed.
- 4.22.9** A train must not exceed 5 mph in an intersection curve until the rear-most axle of the trailing truck has cleared the curve, until the number mark painted between the rails indicating the number of cars being operated, passes under the operator's cab.
- 4.22.10** Trains passing over entry or exit loops must not exceed 10 mph until the entire train has passed over them.
- 4.22.11** Employees must be alert to any rollbacks and must immediately apply brakes.

4.22.12 Operators are responsible for safe operation during and after the train has exited ATCS territory.

4.22.13 Maximum Authorized Speeds (MAS) – Unless otherwise posted with a more restrictive speed, maximum authorized speed in mph are as follows:

Light Rail Vehicles

Location	Maximum Authorized Speed (mph)
Curves	5
Shop	3
Yard Straight Track	5
Switches:	
• Surfaces	5
• Subway (Castro crossover move)	27
• Yard	3
Restricted Speed (subway & tunnel)	10
Subway Crossover Move:	
• Van Ness and West Portal	3
Pushing or Towing:	
• Surface	10
• Subway	27

Light Rail Vehicles (Cont.)

Location	Maximum Authorized Speed (mph)
Station Run Through Manually:	
• Surface	10
• Subway	10

Carwash	1
With Caution (on-sight)	27
Special Overhead	5

PCC and Historic (Air Cars)

Location	Maximum Authorized Speed (mph)
Yard Switches	3
Surface Tracks	25
Surface Curves	5
Surface Switches	5
Shop	3
Inbound San Jose from Tingley to entrance of right of way	
Between 18 th St. and 22 nd St.	10
Right of way on Embarcadero	35
Jefferson Street	20
Jones Street	15
Beach Street	20

Electric Cars – Surface Operation

Location	Maximum Authorized Speed (mph)
Metro Yard Revenue Loop	3
Bubble Pit	5
Entering Metro Yard at Ocean Ave.	2
Exiting Metro Yard at Ocean Ave.	5

Entering or Exiting Metro Yard: San Jose Ave. (Seneca Gate)	5
Entering or Exiting Geneva Yard	5
Surface Curves	5
Surface Switches	5
Right of Way on Junipero Serra	35
Right of Way on 19 th Ave.	35
Right of Way from St. Francis Circle to Ocean Ave.	25
Right of Way from Ocean Ave. to 19 th Ave.	10
San Jose from Tingley to Right of Way Entrance	15
Right of Way on San Jose to Randall	35
Right of Way on Church St. between 18 th St. and 22 nd St.	10
Right of Way on Embarcadero	35

Electric Cars – Surface Operation (Cont.)

Location	Maximum Authorized Speed (mph)
Enter or Exit West Portal Station to or from West Portal Ave.	5
Enter or Exit West Portal Station to or from Ulloa Ave.	5
Church and Duboce to D-4	5

Enter or Exit ATCS or ATC	10
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4.23 Boarding, Riding or Leaving Trains or Vehicles

4.23.1 Employees shall maintain a handhold and use proper means of access when boarding or leaving trains or other vehicles.

4.23.2 Employees shall not lean against standing vehicles.

4.23.3 Employees must not occupy seats to the exclusion of passengers.

4.23.4 Employees shall not board or leave any train or vehicle that is in motion and shall make every effort to prevent passengers from getting on or off moving vehicles.

4.24 Yard and Shop Movement, Storage

4.24.1 Employees must be prepared to stop not less than 10 feet from trains, persons, obstructions, improperly aligned switches, overhead problems, or track defects.

4.24.2 Cars being stored must be secured with brakes applied, auxiliaries off, Emergency Brake button depressed, lights off, and doors/windows locked.

4.24.3 Cars operating within the yard area must operate on sight, not to exceed posted speed and be prepared to stop short of switches not properly aligned or personnel on or about the track.

4.25 Switches and Crossovers

4.25.1 When operating on the surface over facing point switches and crossovers, the speed of the train must not exceed 5 mph until the rear of train has cleared the switch points and/or exit signal. Operators must stop before the front wheels go over a point on

switch and check for proper switch alignment.

4.25.2 Operator must not reverse direction of the train over a spring or lever-set switch unless the car is fully passed the switch.

4.25.3 Operator must maintain total awareness of their train's progress through the switch. Use the mirrors. Trailing car operators must be alert and prepared to stop the train if the switch splits or a derailment occurs.

4.25.4 Do not pass over a facing point on switch when a train is going the opposite direction.

4.25.5 Do not couple over a switch, except inbound at Church/Duboce after ascertaining that the switch is correctly aligned.

4.25.6 Cars or trains must not be reversed from the normal direction of travel when any portion of the train is located on a switch.

4.25.7 Any move or emergency maneuver that is not encountered in regular operation must be made with consent of and instructions from OCC or the proper authority.

4.25.8 Unless otherwise ordered in an emergency, operators must not close in behind a preceding train when such a movement would block an intervening switch.

4.26 Train Spacing – Electric Cars

4.26.1 In ATCS territory, when operating manually (NCT, CAB signal), trains must maintain a distance of at least 150 feet from the train ahead, except with permission of proper authority or to berth the train at an authorized location at a station.

4.26.2 Train movements that involve closing the distance between electric cars must involve a safety stop.

4.26.3 Trains operating on surface tracks must maintain a distance of at least 250 feet from

the preceding train when operating over the sections of lines listed below except at terminals or switchback locations where a train is switching back:

- A. Line J – between Market and Metro;
- B. Line K – between Ulloa and Lee, except during ‘pre-peak’ and ‘post-peak’ periods when cars are pulling out or pulling in;
- C. Line L – between West Portal and 34th Avenue and between 35th and 47th Avenue;
- D. Line M – between Ulloa and Capitol;
- E. Line N – between Market and 29th Avenue and between 30th and 48th Avenue.

4.26.4 Unless authorized, trains must be stopped no less than 5 feet from other trains, roadways, persons, obstructions, downed wires, improperly aligned switches or track defect.

4.27 Spacing Coaches

4.27.1 When stopping in traffic, a minimum five foot space must be maintained between the coach and the rear end of any vehicle.

4.27.2 When stopping at passenger stops that are on level or downgrade streets, a minimum of two feet space must be maintained between each coach and the rear of the coach in front of it.

4.27.3 When stopped in multiple coach zones that are on an upgrade street, allow at least five feet between coaches to compensate for possible rollback of preceding coaches.

4.27.4 Operators on trolley coaches, when operating on steep hills or grades, are not to approach closer than 250 feet of the

preceding coach, e.g., Union Street between Polk and Van Ness, etc.

4.27.5 Operators must not, when a loss of power has occurred, move their coach until the preceding coach has moved away from them a distance of one full block.

4.27.6 Operator must not approach closer than one block from the coach in front of them except:

A. On Mission Street between Ocean Avenue and the Ferry Terminal;

B. On Market Street from 8th Street to the Ferry Terminal;

C. When approaching terminals, within two blocks of the terminal.

4.28 Leaving Vehicles

4.28.1 Operators are not to leave Light Rail Vehicles, PCCs, Historical Vehicles, motor, or trolley coaches unattended. However, if it is necessary to leave vehicle enroute, employees are to follow proper procedures.

4.28.2 All operators of motor and trolley coaches, upon arriving at their terminal, must apply the parking brake and the wheelblock must be used (blocked against the grade) whenever the operator leaves the driver's seat.

4.28.3 Operators scheduled to be relieved must not leave their assigned vehicle until properly relieved.

4.28.4 When leaving any vehicle unattended, the operator must close all doors and windows after all passengers have alighted.

4.29 Railroad Crossings

4.29.1 Operators approaching railroad crossings shall bring their vehicles to a complete stop at a point from which the operator can see the tracks from his/her direction of travel and the opposite direction of travel.

4.29.2 Stops must be made not less than 15 feet nor more than fifty feet from the nearest rail of such crossing. After making the required stop, employees must look in both directions along the tracks for any approaching train(s).

4.29.3 Exceptions:

- A. Where police officers on duty direct are to proceed;
- B. Where a flag person directs employees to proceed;
- C. Where traffic controls 'stop' and 'go' signals (not red, railroad crossing, flashing signals) indicate that traffic may proceed;
- D. Where 'exempt grade crossing' signs are displayed;
- E. Employees are not to proceed at any crossing while any train is moving toward the crossing and is close enough to constitute an immediate hazard.

4.30 Right of Way

4.30.1 At traffic signal controlled locations, operation of electric cars, trolley and motor coaches will be governed by the traffic signals except at Sutter and Powell, Union and Mason, and Union and Hyde, where descending Cable Cars will have the right of way over coaches.

4.30.2 Electric car operators are not to pass at any intersection. Electric cars making the outer or longer turn have the right of way over the railed vehicle making the inner or shorter turn. The car on the inner turn must not proceed until the turning car has completely passed.

4.31 Train Doors

4.31.1 Trains must be stopped at stations, passenger safety islands, accessible locations, or passenger stops so that the doors are safely positioned for boarding or alighting passengers and clear of any defect in the platform, island, or pavement.

4.31.2 Doors must be opened only when at a complete stop.

4.32 Train Steps

4.32.1 Operator must ensure that the steps are at the proper level and the correct doors are activated for each passenger stop.

4.32.2 Operators must announce step movements over the Public Address (PA) system.

4.33 Cab Occupancy and Security

4.33.1 Operators must not allow an unauthorized person or persons to operate a vehicle or ride in any cab.

4.33.2 Non-operating cabs must:

- A. Not be occupied;
- B. Have windows closed and locked;
- C. Have the door closed and locked;
- D. Have curtains in fully open position.

4.33.3 Mirrors in the active cab must be adjusted properly.

4.33.4 Operators must not leave their operating cab enroute without notifying OCC.

4.34 Stopped on an Incline

4.34.1 Trains must not be held on an incline with the controller in power position.

4.35 Emergency Stop Buttons and Switches

4.35.1 Operator must report all emergency stops to OCC.

4.35.2 An operator must find out the reason for any passenger emergency stop application before resetting the button or switch.

4.35.3 Following an unsolicited emergency brake application, the operator must notify OCC to clear the emergency brake.

4.35.4 When power is off for any period exceeding 5 minutes, operators are to set the emergency brakes.

4.36 Leaving Vehicle Unattended

4.36.1 Operators are not to leave vehicles unattended enroute, except in personal necessity or to report an emergency. If it is necessary to leave the vehicle enroute on the surface then (for rail only) the train must be properly secured as follows:

- A. Set controller to full service brake;
- B. Key LRV 2 to neutral on; or
- C. Key SLRV to neutral/standby;
- D. Depress red emergency stop button on control panel;
- E. Close and lock all cab window, cab doors, and passenger doors.

4.36.2 In the subway, when necessary to exit single or multi-car trains, contact OCC and/or inspectors for instructions.

4.37 Coupling/Uncoupling

4.37.1 Cars must not be coupled or uncoupled in the subway/tunnel without permission from OCC. Operators within ATCS territory must contact the OCC for permission before coupling or uncoupling in the subway/tunnel.

4.37.2 Vehicle speed must be reduced to 5 mph or below for a distance of 50 feet prior to this safety stop. A full stop must be made prior to coupling within two feet between the couplers.

- 4.37.3 Employees must not climb on, over or under couplers.
- 4.37.4 Employees must never stand between cars to be coupled or uncoupled.
- 4.37.5 Coupler heads must be aligned before coupling and avoid coupling on a curve.
- 4.37.6 Only qualified employees may couple/uncouple cars.

4.38 Trainline Operations

- 4.38.1 The operator in charge of a lead and trailing car must remain in the active cab seat for the direction of travel and be ready to stop the train.
- 4.38.2 Operators in trailing cars must be alert.

4.39 Sand

- 4.39.1 Operators shall not use sand when over switches.
- 4.39.2 Operators shall not use sand in the subway.

4.40 Gong/Bell

- 4.40.1 Train operators are to sound the gong/bell on the surface when approaching an occupied high level platform and passenger island, making eye contact with occupants.

4.41 Horn Signal

- 4.41.1 An electric car horn is not to be used in surface operation except in an emergency.
- 4.41.2 Continuous short sounding of the train horn or other vehicle horn is the signal of an emergency.
- 4.41.3 Any employee hearing the emergency horn signal must respond to the scene and render any assistance necessary.

4.42 SLRV Automatic Speed Control (ASC) or CAB Signals

- 4.42.1 SLRVs in NCT mode must not exceed CAB signal indications.

- 4.42.2** In case of a failure of the automatic speed control or a CAB signal failure, OCC must be notified immediately and the operator will be governed by OCC's instructions.
- 4.42.3** Operators of vehicles with automatic speed control by-passed or CAB signals cut-out, and vehicles without CAB signals must not exceed the speed issued by OCC and signal indications. An operator of a vehicle in any of the aforementioned conditions will operate on sight, not to exceed 27 mph or exceed 3 mph while any part of the train is in a turnout or crossover at Van Ness, West Portal, or on the curve at the west end of Sunset Tunnel.
- 4.42.4** In ATC territory, operators must be alert for hazards or obstructions and must take the action necessary to avoid them, regardless of CAB signal indication.
- 4.43** **SLRV & LRV Automatic Speed Control (ASC) or CAB Signals**
- 4.43.1** Operator of an ATCS vehicle in cut-out mode, or unequipped vehicles, must not exceed the speed issued by OCC and obey signal indications (if applicable). Under no conditions will an operator of an ATCS vehicle in cut-out, or an unequipped vehicle, exceed the following speeds:
- A. Speeds governed by civil constraints;
 - B. Posted speed warnings or cautions;
 - C. On sight speed.
- 4.43.2** Any moves at Embarcadero, inbound and out bound at Duboce junction and straight moves at Van Ness, Castro and West Portal switches not authorized by wayside and/or CAB signals must be made at restricted speed or less and only upon order of OCC or proper authority.

4.43.3 Operators must monitor all cab warning and indicator systems and in the event of abnormal operating conditions or indications, OCC must be immediately notified and appropriate action taken.

4.44 Rail Operations Mandatory Stops

4.44.1 Mandatory stops must be made:

- A. When faced with a solid yellow bar between rails with a XX on the near side;
- B. At the next passenger stop when the bell is sounded;
- C. At a passenger stop verbally requested by a passenger;
- D. At a passenger stop where someone wants to board;
- E. At applicable signs and signals.

4.44.2 Mandatory stops at high level platforms: All manually operated trains in service must make mandatory stops at all high level platforms whether there are passengers intending to board. The high level platforms are in the subway along the Embarcadero and on King Street, at Stonestown, and at San Francisco State University.

4.44.3 Stops need not be made when operating an out of service train. The maximum speed through stations must not exceed 10 mph, paying attention to the tracks, pedestrians, traffic, and signals.

4.45 Station Movements

4.45.1 Full stops must be made at all stations, unless otherwise authorized by proper authority.

4.45.2 All manually operated trains and other rail equipment in service must make mandatory stops at all high level platforms whether there are intending passengers or not. The

high level platforms are in the subway, along the Embarcadero, Caltrain, Stonestown and San Francisco State University. An operating out-of-service train need not make stops, but must operate at a speed not to exceed 10 mph, paying attention to the tracks, pedestrians, traffic and signals.

4.45.3 Trains passing through a station without lighting must travel at 'restricted speed'.

4.45.4 Passengers must not be discharged into a station that is not lit.

4.45.5 When approaching occupied passenger stops on the surface, occupied passenger safety islands or any place where people are standing or walking on or near the track, the operator must sound the gong and operate according to conditions, alert for unexpected movements.

4.45.6 When approaching a passenger stop and station, the operator must sound the horn only when safety requires it.

4.45.7 Operator must immediately report any unauthorized passenger egress from a train.

4.46 Manual Operation of Subway Switches

4.46.1 Operator must verify the correct alignment before proceeding over switches.

4.46.2 When moving over switches in the subway, cranks or disabling rods must be left in the switch machines until the crossover move is completed.

4.46.3 All moves through switches and the crossovers, not governed by cleared signals, must be made at restricted speed (except at Van Ness crossover; no more than 3 mph) and all switches used in the crossover move must be returned to normal position after completion of the move(s).

4.46.4 All switches in an area not governed by the signal system must have a disabling rod or

switch crank inserted into them before making any moves over them. All switch cranks or rods must be removed before leaving the area of clearance and OCC must be notified of their removal as part of releasing the clearance.

4.47 Passing Another Train

4.47.1 Trains must not exceed 5 mph in an intersection curve. Special attention must be paid to the street markings adjacent to the left rail which indicate when a train has passed the end of the curved section.

4.47.2 When two trains approach an intersection curve from different directions, the train on the outer curve has the right of way. It is a violation to proceed when another train has started its move through the curve. Operator to wait until the rear of the passing train has cleared the back of your train before proceeding at the following locations:

- A. Church and Duboce;
- B. 30th Street and Church;
- C. 30th Street and San Jose Avenue;
- D. San Jose Avenue and Ocean.

4.48 Sweep/Inspection Train

4.48.1 Operators on a sweep/inspection train must ensure that there are no obstructions or conditions that would interfere with the safe conduct of revenue service.

4.48.2 Operators of sweep/inspection trains must obtain permission from OCC before entering the subway and tunnel. Operators must operate according to conditions. Particular care taken to ensure that: all tracks, overhead wires, wayside structure or equipment, and switches are clear and aligned.

4.49 Operating Trains from Other than

Forward Cab

4.49.1 Operators must not operate trains from other than the forward cab of the lead car.

4.50 Bumping Post

4.50.1 Trains must be stopped or parked no closer than 5 feet from a bumping post.

4.51 Brakes

4.51.1 Brakes must not be released unless a car is coupled to another car in good operating condition.

4.52 Deadman Feature

4.52.1 Deadman feature must not be used as a service brake.

4.52.2 Deadman feature must not be circumvented or disabled in any manner.

4.53 Slow Order

4.53.1 OCC shall issue a slow order identifying a speed that is less than the posted speed limit whenever necessary due to safety or operational conditions.

4.54 Wayside Locator

4.54.1 The wayside locator marker numbers are to be used to identify the location of a train in the subway other than at stations.

4.55 Signal Pushbutton

4.55.1 Inbound prior to the Van Ness crossover, operators must not use the signal pushbutton to clear the signal V4 until they have contacted OCC.

4.56 Freeways

4.56.1 Should a coach become disabled on the freeway, employees are to:

- A. Pull to the right as far as possible;
- B. Turn on the "4" way hazard warning lights;

C. Immediately notify OCC using the Priority Request to Talk button.


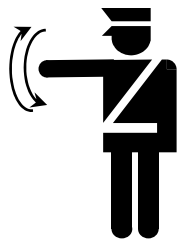
4.56.2 Inform passengers of the situation and instruct them to remain on the coach until a replacement vehicle arrives.

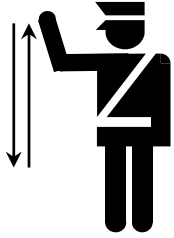
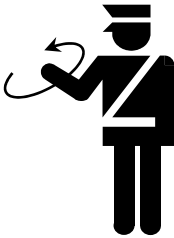
4.56.3 Assist passengers in transferring to the replacement coach(s).

5. SIGNALS AND SIGNS

5.1 Hand Signals

- 5.1.1** Hand signals may be given by a hand-held flag, hand motion and/or light of the prescribed color.
- 5.1.2** Signals must be clearly given in the prescribed manner while facing the operator of the vehicle.
- 5.1.3** Any object or hands waved violently by a person on or near the track ahead is a signal to stop.
- 5.1.4** An unclear hand signal is an instruction to stop.
- 5.1.5** An LRV or vehicle must not proceed on any signal given by a red flag, light or object.
- 5.1.6** Operators must acknowledge receiving a hand signal by sounding a gong or bell and perform the action indicated by the hand signal.
- 5.1.7** The following illustrate proper hand signals:

Rule	Signal	Aspect	Indication
5.1.8		Swing horizontally across the body.	STOP
5.1.9		Slight vertical movement at arm's length at right angle to whom signal is being given.	REDUCE SPEED

Rule	Signal	Aspect	Indication
5.1.10		Raised and lowered vertically, in the direction of the vehicle operator.	PROCEED FORWARD
5.1.11		Swing vertically in a circle at half arm's length across the body, below the shoulder.	MOVE BACKWARD

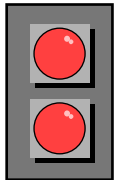
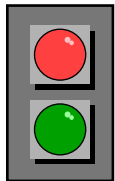
5.2 Wayside Signals

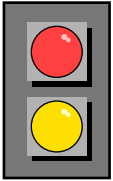
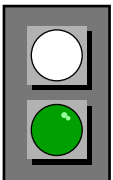
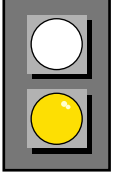
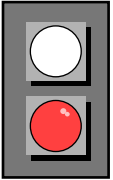


5.2.1 Multi-aspect signals, single-aspect signals, sequential signals, station entering signs, and crossbucks govern all routes and must be obeyed.

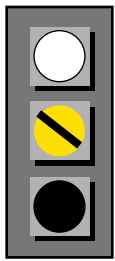
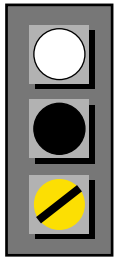
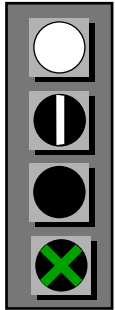
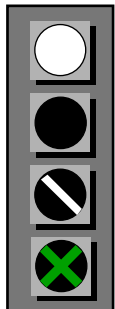
5.2.2 A signal improperly displayed, absence of a signal at a location where a signal should be shown, absence of a signal light, or white light showing where a colored light should be in a signal, must be regarded as the most restrictive indication that can be given at that signal.

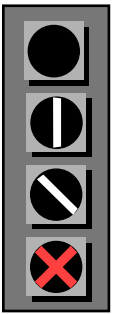
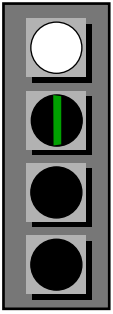
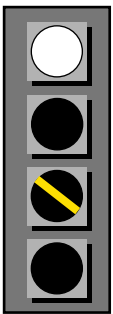
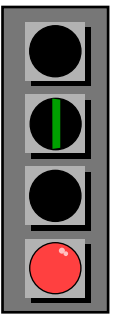
5.2.3 When a wayside signal is out of order, missing, improperly displayed, working improperly, or has a light out and the operator has no prior notification, the operator must immediately notify OCC and be governed by their instructions.

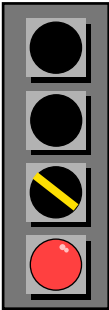
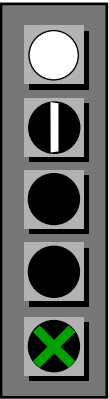
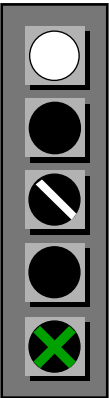
- 5.2.4 Signals must be obeyed if in conflict with station entering signs.
- 5.2.5 Wayside signals do not set forth permissible speeds.
- 5.2.6 Unless otherwise defined, speed limits are established by an operator prepared to stop within range of vision.
- 5.2.7 Speeds are prescribed by CAB signal indications, ATCS controlled Auto or CAB signal mode operation.
- 5.2.8 Upon a failed entry, and in the absence of CAB signals, speed limits are established by operate on sight rules.
- 5.2.9 All false proceed incidents must be immediately reported to OCC.
- 5.3 **Automatic Train Control – Wayside Signals**

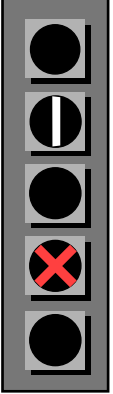
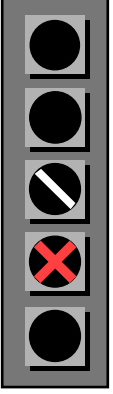

Rule	Signal	Aspect	Indication
5.3.1		Stop Aspect	STOP If signal does not change with the use of the wayside MPB, notify OCC and be governed by their instructions.
5.3.2		Restricting Aspect (Call on) Straight Track	DO NOT EXCEED RESTRICTED SPEED Proceed on straight track route at restricted speed prepared to stop short of train or obstruction.




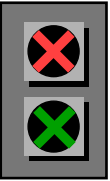
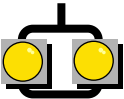
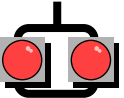
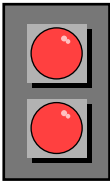
Rule	Signal	Aspect	Indication
5.3.3		Restricting Aspect (Call on) Turnout or Crossover	<p>DO NOT EXCEED RESTRICTED SPEED</p> <p>Proceed on turnout or crossover route at restricted speed.</p>
5.3.4		Permissive Aspect Straight Track	<p>Proceed on straight track route in accordance with CAB signal indications.</p>
5.3.5		Permissive Aspect Turnout or Crossover	<p>Proceed on turnout or crossover route in accordance with CAB signal indication.</p>
5.3.6		Permissive Aspect Reverse Run	<p>Clear to proceed with OCC authorization, on mainline in the reverse running direction in accordance with CAB signals or at line of sight speed.</p>
5.3.7		Cross Buck Red	<p>STOP DO NOT PROCEED</p>
		Green	<p>PROCEED</p>

Rule	Signal	Aspect	Indication
5.3.8		Confirmation Light Lunar White Directional bar	Proceed on turnout or crossover route by directional indication in accordance with CAB signal indications or at line of sight speed.
5.3.9		Confirmation Light Lunar White Directional bar	Proceed on turnout or crossover route by directional indication in accordance with CAB signal indications or at line of sight speed.
5.3.10		Sequential Switch Lunar White White Bar Green	CLEAR TO PROCEED WITH STRAIGHT MOVE Sequential switch at junction points with cross buck governing opposing move.
5.3.11		Sequential Switch Lunar White White Bar Green	CLEAR TO PROCEED WITH DIVERGING MOVE Sequential switch at junction points with cross buck governing opposing move.

Rule	Signal	Aspect	Indication
5.3.12		<p>Sequential Switch</p> <p>White Bar</p> <p>White Bar</p> <p>Red</p>	<p>STOP DO NOT PROCEED</p> <p>Sequential switch at junction points with cross buck governing opposing move.</p>
5.3.13		<p>West Portal Lunar White</p> <p>Green Bar</p>	<p>PROCEED WITH STRAIGHT MOVE</p>
5.3.14		<p>West Portal Lunar White</p> <p>Yellow Bar</p>	<p>PROCEED WITH DIVERGING MOVE</p>
5.3.15		<p>West Portal</p> <p>Green Bar</p> <p>Red</p>	<p>STOP</p>

Rule	Signal	Aspect	Indication
5.3.16		<p>West Portal</p> <p>Yellow Bar</p> <p>Red</p>	<p>STOP</p>
5.3.17		<p>Geneva Yard</p> <p>Lunar White</p> <p>White Bar</p> <p>Green</p>	<p>CLEAR TO PROCEED WITH STRAIGHT MOVE</p> <p>Sequential Switch with cross buck governing opposing move.</p>
5.3.18		<p>Geneva Yard</p> <p>Lunar White</p> <p>White Bar</p> <p>Green</p>	<p>CLEAR TO PROCEED WITH DIVERGING MOVE</p> <p>Sequential Switch with cross buck governing opposing move.</p>




Rule	Signal	Aspect	Indication
5.3.19		<p>Geneva Yard</p> <p>White Bar</p> <p>Red</p>	<p>DO NOT PROCEED</p> <p>Sequential Switch with cross buck governing opposing move.</p>
5.3.20		<p>Geneva Yard</p> <p>White Bar</p> <p>Red</p>	<p>DO NOT PROCEED</p> <p>Sequential Switch with cross buck governing opposing move.</p>
5.3.21	 <p>Lunar A</p>	<p>Permissive ATCS Aspect</p>	<p>ATCS Auto or CAB mode trains are clear to proceed on a mainline, turnout, or crossover route, with ATCS in vital control of the interlocking. Also governs reverse running in ATCS Auto or CAB.</p>


Rule	Signal	Aspect	Indication
5.3.22		Steady "T"	STOP
		Flashing "T"	PROCEED WITH CAUTION: Prepare to stop.
5.3.23		Vetag Control	DO NOT PROCEED
		Red Green	Vetag Traffic Control pre-emptive signal. PROCEED
5.3.24		Street Traffic Flashing Yellow	CAUTION: PREPARE TO STOP Governs regular traffic movement.
5.3.25		Street Traffic Red	DO NOT PROCEED Governs regular traffic movement.
5.3.26		Yard Movements Red	DO NOT PROCEED Governs movement into revenue loop at the yard.

5.4 Red Over Red – Unclear Signal

5.4.1 A signal displaying a Red over Red indication or an unclear signal supersedes CAB signal indications and requires the train to stop and not move until a 'Proceed' indication is displayed by that signal or permission to pass the Red over Red or unclear signal is given by OCC. If the OCC gives permission to go past the Red over Red signal, the operator must proceed in accordance with the rules.

5.5 SLRV Car-Borne CAB Signals

Rule	Aspect	Name	Indication
5.5.1	 Green	Green CAB Signal Aspect	PROCEED Not exceeding 50 mph.
5.5.2	 Yellow	Yellow CAB Signal Aspect	PROCEED Not exceeding 27 mph.
5.5.3	 Red	Red CAB Signal Aspect	PROCEED Not exceeding 10 mph, being prepared to stop short of a train, obstruction, switch not properly aligned or wayside signal requiring a STOP.

Rule	Aspect	Name	Indication
5.5.4	 Dark	Dark CAB Signal	A dark CAB signal or CAB signal with more than one aspect illuminated must be taken as a RED CAB signal. If this condition exists, notify OCC and be governed by their instructions.

5.6 Lunar White Signal

5.6.1 In ATCS territory, which is all interlockings from West and Duboce Portal to the Ferry Portal, the ATCS system provides control of trains in Auto or CAB mode operation with a special ATCS aspect – a Lunar White letter ‘A’.

5.7 Stop Here on Red Sign

5.7.1 When the wayside signal ahead displays the Red over Red aspect, stop the train before the coupler crosses the ‘Stop Here on Red’ sign.

5.8 ‘E’ Marker

5.8.1 Trains entering ATCS territory must not exceed 10 mph until the train entry process is complete. An ‘E’ marker identifies an entry point for ATCS operation. Prior to moving past the ‘E’ marker and in Full Service Brake, the operator must ensure that the train’s VOBC is active when it is reset. The Driver Display Unit (DDU) message sequence will be “Street Mode, ATCS failed, Dotted Line..., Cutout Mode, and then return to Street Mode”.

5.9 Wait Lights

5.9.1 Wayside signals W-4 at West Portal and D-4 at Duboce Portal inbound are equipped with 'Wait' lights. When flashing, these are lunar white in color and are located on the lower portion of these two wayside signals. OCC activates the 'Wait' lights at West Portal and Duboce Portal when there is a subway blockage. If the 'Wait' light is flashing at signals W-4 and D-4, operator must not enter the subway. Operator is to enter the subway only when you have a clear signal and the 'Wait' light has gone out.

5.9.2 A train should not leave the platform at all stations when the 'Wait' lights are activated.

5.10 Subway Signal Diverging Moves

5.10.1 Diverge moves over Van Ness and West Portal crossovers must be made at no more than 3 mph under any conditions.

5.10.2 Any moves made in the MMT, and Embarcadero, inbound and outbound at Duboce junction, and main moves at Van Ness, Castro, and West Portal switches not authorized by wayside and/or CAB signals or ATCS control, must be made at restricted speed or less, and only on orders from OCC or proper authority.

5.10.3 The operator must be prepared in any of these moves to stop short of any train, obstruction, or misaligned switch.

5.10.4 Any moves made when there is an ATCS, CAB signal, switch, or wayside signal malfunction must be under the instructions of and with permission from OCC or proper authority.

5.11 Subway Signal Failures

5.11.1 When a signal is out of order or has one or both lights out, or if the ATCS aspect is not visible, the operator must immediately notify OCC.

5.11.2 The operator at the controls has full responsibility for the safe operation of the train.

5.12 Other Movements in Tunnels not Governed by ATCS, CAB Signals, or Wayside Signals.

5.12.1 Certain main moves in the tunnel which are not governed by ATCS, CAB signals, or wayside signals may be authorized by OCC to be made at an on sight speed. Diverge moves made without ATCS, CAB signals, or wayside signals are governed by subway signal diverging moves rule 5.10.

5.12.2 Operators of trains making movements in the subway not authorized by wayside signals must first determine that all switches in the route are properly aligned and that disabling rods (cranks) are fully inserted in the switch machines.

5.12.3 Movements over the switches must be made at no more than the speeds outlines in Subway Signal Diverging Moves Section.

5.12.4 Authorization must be given by OCC or proper authority before any abnormal subway move can be initiated.

5.12.5 On electric cars not equipped with ATCS or CAB signals, or operating in cutout mode, all movements in the subway, Twin Peaks or Sunset Tunnels must be authorized by OCC. Movements will be made under these conditions in accordance with orders from OCC or proper authority.