

RESOLUTION NO.

[Transportation Code – Curbside Electric Vehicle Charging Permitting Program]

**Resolution amending Division II of the Transportation Code to establish the Curbside Electric Vehicle Charging Program and associated permits and permit requirements to allow for the installation of curbside electric vehicle charging stations; delegate authority to the Director of Transportation to designate stalls or spaces on public streets for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes; establish a fee and fine schedule for these permits; and provide that all of these provisions are operative once the Board of Supervisors finally adopts companion legislation.**

NOTE: **Additions** are in *single-underline italics Times New Roman font*.  
**Deletions** are in *strike-through italics Times New Roman font*.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 200 of Division II of the Transportation Code is hereby amended by revising Section 201 and adding Section 208, to read as follows:

**SEC. 201. PROCEDURES FOR IMPLEMENTING PARKING AND TRAFFIC CONTROLS.**

\* \* \* \*

**(c) SFMTA Board of Directors' Action Required.** The following Parking and traffic measures may not be implemented without prior approval of the SFMTA Board of Directors, taking into consideration the recommendation of the City Traffic Engineer:

\* \* \* \*

~~(17) Designate stalls or spaces on a public street for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes.~~

**SEC. 208. DELEGATION OF AUTHORITY TO THE DIRECTOR OF TRANSPORTATION TO DESIGNATE STALLS OR SPACES ON A PUBLIC STREET FOR THE EXCLUSIVE PURPOSE OF ELECTRIC VEHICLE CHARGING.**

(a) Delegation. The Director of Transportation is authorized, following any required public hearing as set forth in subsection (b), to designate stalls or spaces on a public street for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes pursuant to California Vehicle Code Section 22511 based upon a determination of public convenience and necessity, that includes but is not limited to, the site selection factors described in Section 918(c)(2) of this Code.

(b) Posting and Public Hearing Requirements. The posting and public hearing requirements set forth in Sections 201(b) and 202 shall apply to any proposed designation of a stall or space on a public street for the exclusive purpose of electric vehicle charging.

Section 2. Article 900 of Division II of the Transportation Code is hereby amended by revising Section 901 and adding Section 918, to read as follows:

**SEC. 901. DEFINITIONS.**

As used in this Article 900, the following words and phrases shall have the following meanings:

\* \* \* \*

**Contractor Permit.** A permit issued by the SFMTA that authorizes specified vehicles to Park at Parking Meters without making payment, and exempts such vehicles from certain Parking time restrictions.

**Curbside Electric Vehicle Charging Operator.** An entity that has a permit to install, manage, and/or operate a Curbside Electric Vehicle Charging Station as part of the Curbside Electric Vehicle Charging Program.

**Curbside Electric Vehicle Charging Operator Permit.** A permit issued by the SFMTA that allows an operator to participate in the Curbside Electric Vehicle Charging Program under specified requirements and to apply for one or more Curbside Electric Vehicle Charging Site Permit(s).

**Curbside Electric Vehicle Charging Program.** A program designed to expand public charging access by installing Curbside Electric Vehicle Charging Stations directly along the curb.

**Curbside Electric Vehicle Charging Site Permit.** A permit issued by the SFMTA that allows for the installation and operation of one or more Curbside Electric Vehicle Charging Stations.

**Curbside Electric Vehicle Charging Stall.** A single parking space that is designated for electric vehicle charging only and allows one electric vehicle to charge at a time.

**Curbside Electric Vehicle Charging Station.** The equipment and associated infrastructure required to deliver power to charge an electric vehicle parked curbside. A station may be equipped with multiple ports and serve more than one Curbside Electric Vehicle Charging Stall.

\* \* \* \*

**SEC. 918. CURBSIDE ELECTRIC VEHICLE CHARGING PROGRAM PERMITS.**

**(a) General Permit Program Requirements.** *The requirements of this subsection (a) apply to both Electric Vehicle Charging Operator Permits (“Operator Permits”) under subsection (b) of this Section 918 and Curbside Electric Vehicle Charging Site Permits (“Site Permits”) under subsection (c) of this Section 918.*

**(1) Authority.** *The Director of Transportation (“Director”) is authorized to implement a program to determine eligibility criteria for participation in the Curbside Electric Vehicle Charging Program and to issue Operator Permits and location-specific Site Permits under Chapter 46 of the Administrative Code for the installation and operation Curbside Electric Vehicle Charging Stations (“Charging Stations”) on any sidewalk, street, or public right-of-way under the jurisdiction of the SFMTA or San Francisco Public Works (“Public Works”).*

**(2) Director’s Authority to Impose Permit Conditions.** *The Director may impose permit conditions including, but not limited to, those conditions that the Director determines are necessary to protect public convenience and safety. These may include, but are not limited to, bonding, security, or letter of credit requirements, and recordation requirements.*

**(3) Fees and Administrative Fines.** *Fees pursuant to this Section 918 shall be set forth in the SFMTA Fee and Fine Schedule and adjusted by an Automatic Index under the provisions in Section 301(b). Fees shall include a Curbside Electric Vehicle Charging Operator Permit Application Fee, a Curbside Electric Vehicle Charging Site Permit Application Fee with discounts available to vendors for sites within a quarter-mile radius of each other, and a Curbside Electric Vehicle Charging Site Permit Annual Renewal Fee. The Director may waive any of the above fees when there is a*

compelling public interest. The Director is also authorized to impose administrative fines as described in this Section 918.

(4) **Prior Penalties.** An applicant shall provide sufficient evidence to demonstrate payment of any penalties assessed for violation(s) of any provision of the Municipal Code or of terms of any existing or previously issued permits issued by the City, for which there has been a final determination of the violation. Failure to do so may result in rejection of an Operator Permit or Site Permit.

(5) **Operator Requirements.** A Curbside Electric Vehicle Charging Operator (“Operator”) shall:

(A) **Insurance and Indemnity.** Provide adequate insurance in compliance with State law and as determined by the City’s Risk Manager, which lists the City as an additional insured, and which covers each of the Permittee’s Charging Stations on any sidewalk, street, or public right-of-way under the jurisdiction of the SFMTA or Public Works, and each user using the Permittee’s Charging Stations during the period of use. Further, Permittee must indemnify and hold the City, its departments, commissions, boards, officers, employees, and agents (collectively, “Indemnitees”) harmless from and against any and all claims, demands, actions, or causes of action that may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting directly or indirectly from the activity authorized by the permit, regardless of the negligence of the Indemnitees.

(B) **Reimbursement.** Reimburse the SFMTA within 30 days for costs if the SFMTA, Public Works, or any other City agency, department, or commission, including the City Attorney’s Office, incur any such costs of addressing or abating any violations of this Section 918, including repair or maintenance of public property, upon receiving written notice of such City costs. The SFMTA shall arrange for transfer of funds to any other City agency, department, or commission

that incurred costs described above. The Operator's reimbursement payment shall not substitute for any installment payment otherwise owed or to be paid to the SFMTA.

(C) **Outreach.** Develop a targeted community outreach plan which complies with SFMTA's Neighborhood Outreach Plan Requirements, as may be amended from time to time, which may include connecting with key stakeholders, briefing elected officials, attending community meetings, engaging neighborhood groups and/or merchant associations, connecting with fronting properties, and posting multilingual informational flyers in the vicinity of the proposed project.

(D) **Privacy.** Provide a Privacy Policy consistent with guidelines issued by the Director of Transportation, as amended from time to time, that safeguards users' personal, financial, and electric vehicle charging information.

(E) **Payment Standards.** Provide an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the identification number corresponding to the Charging Station and port registered with the SFMTA.

(F) **Legal Compliance.** Comply with, and ensure that their employees and contractors comply with, applicable laws including but not limited to, the provisions of this Section 918 and other applicable provisions of this Transportation Code, the Charter, and the remainder of the Municipal Code, the California Vehicle Code, California worker's compensation laws, the Americans with Disabilities Act, and applicable laws on the safe disposal of electronic and toxic waste.

(G) **Permit Transfer.** Not transfer any permit without the prior written approval of the Director. Permittees shall promptly notify the SFMTA of any changes to their corporate structure or ownership. Failure to do so shall be cause for revocation of the permit. For

purposes of this paragraph, “transfer” includes the sale or other exchange of 50% or more of the ownership or control of a permittee to a third party.

(H) **Accessibility.** Comply with the SFMTA’s Accessible Curbside Electric Vehicle Charging requirements, as amended from time to time.

(I) **SFMTA Terms and Conditions.** Comply with any other terms and conditions required by the Director.

(b) **Electric Vehicle Charging Operator Permits.** The Director has the authority and discretion to grant revocable Operator Permits upon receipt and evaluation of applications from an Operator on a form prescribed by the SFMTA, which meets the requirements of this Section 918.

(1) **Application Requirements.** The application form shall request the following information and any other information the Director determines to be relevant: an attestation of the applicant’s experience, qualifications, financial readiness, and ability to meet reliability requirements and compliance with permit terms; the applicant’s agreement to comply with data reporting requirements; a description of the applicant’s technological solution and business and operational model including typical pricing structure and communication processes; and a general site plan of where the chargers would be installed.

(2) **Term.** Operator Permits shall have a duration of two years from the date the permit is issued and are eligible for one or more extensions of up to 10 years each. If an Operator Permit expires or is revoked, the Operator shall, at its sole cost, remove all of its Charging Stations and restore the sidewalk areas following removal.

(3) **Data Collection.** The Operator shall collect data on their charging stations and keep a record of any public feedback received in a written format and manner as determined by the

SFMTA, following the data reporting requirements defined in the Operator Permit, as amended from time to time.

(c) **Curbside Electric Vehicle Charging Site Permits.** The Director has the authority and discretion to grant revocable Site Permits for the installation and operation of Charging Stations upon receipt and evaluation of applications from an Operator on a form prescribed by the SFMTA, which meets the requirements of this Section 918.

(1) **Permit Required.** An Operator shall not install or operate a Charging Station on any sidewalk, street, or public right-of-way under the jurisdiction of the SFMTA or Public Works without the first obtaining a Site Permit. An Operator must still obtain any other applicable permits from City Departments. Upon notification by the City, in addition to paying any applicable fines or penalties, an unpermitted station shall be removed within five business days. A single Site Permit application may seek authorization for multiple Charging Stations if they are within a quarter mile of each other. Where a Site Permit application seeks authorization for more than one Charging Station, the Director may approve a subset of Charging Stations.

(2) **Site Factors and Eligibility.** In evaluating the application, the Director may consider the following factors and any other factor the Director determines to be relevant:

(A) whether the site occupies or interferes with a traffic lane;

(B) whether the site interferes with or delays public transit service, or impedes transit maintenance, operations, or access, including any specific requirements regarding the operation of a particular type of SFMTA transit vehicle, transit line, transit stop, or other factors or considerations;

(C) whether the site displaces a transit stop;

(D) whether the site significantly interferes with the movements of pedestrians or bicyclists, or creates hazardous conditions for pedestrians or bicyclists;

(E) whether the site significantly impacts vehicular traffic and loading;

(F) whether the site significantly impacts paratransit or ADA accessible loading or access;

(G) whether the site significantly impacts existing infrastructure or installations near parking spaces including bikeshare stations, existing parklets, and expanded sidewalks;

(H) the maximum number of Curbside Electric Vehicle Charging Stations authorized under the Curbside Electric Vehicle Charging Permit Program Citywide and in any given area of the City;

(I) the availability of parking; and

(J) access to or from residences and businesses.

(3) **Overconcentration.** Notwithstanding any other requirement, the Director may deny a Site Permit if issuing a permit would lead to an over-concentration of Charging Stations in the public right-of-way; cause an imbalance in the geographical distribution of stations which are part of the Curbside Electric Vehicle Charging Program; or otherwise not be in the public interest.

(4) **Term.** Site Permits may have a duration of up to five years from the effective date on the Site Permit and are eligible for one or more extensions of up to five years each at the Director's discretion. If a Site Permit is revoked, the Operator shall not be eligible to reapply for a Site Permit for 24 months from the date of revocation. If a Site Permit expires or is revoked, the Operator shall, at its sole cost, remove the Charging Station and restore the sidewalk area following removal.

(5) **Contents.** Site Permits shall list the name and current contact information for the Operator, as well as a unique number identifying the Curbside Electric Vehicle Charging Station. The unique identifying number shall be prominently displayed on each station that is part of this program.

(6) **Issuance.** After evaluating a Site Permit application, the Director shall grant, deny, or grant the Site Permit with modifications. If the Director denies the permit or grants the permit with modifications, the Director shall explain in writing the basis for the decision. An applicant may appeal the Director's decision to deny a permit or grant a permit with modifications to a neutral

hearing officer. The hearing officer's review of the Director's decisions shall be conducted under the substantial evidence standard, and the hearing officer shall uphold the Director's determination where there is any substantial evidence to uphold that determination. The Director shall issue procedures governing appeals and may amend the procedures from time to time. In applying the substantial evidence standard, the neutral hearing officer shall not reweigh the evidence. The hearing officer may either deny the appeal or order the Director to reconsider the matter. The hearing officer's order shall be in writing and shall explain the basis of the decision. A hearing officer's order to reconsider shall not limit or control in any way the discretion vested in the Director to issue Site Permits.

(7) **Joint and Several Liability.** As a condition of a Site Permit, each Permittee agrees on its behalf and on behalf of any agents, successors, or assigns to be wholly responsible for the construction, installation, and maintenance of any permitted Charging Station. Each Permittee and its agents are jointly and severally liable for all consequences of such construction, installation, and maintenance of a Charging Station. A Permittee is not excused from responsibility or liability by the issuance of any Site Permit, inspection, repair suggestion, approval, or acquiescence of any person affiliated with the City.

(8) **Maintenance Plan.** Permittees shall submit a reliability, maintenance, operations, cleaning, removal, and/or repair plan for permitted Charging Stations in a format and meeting requirements as determined by the SFMTA, as amended from time to time.

(d) **Revocation or Summary Suspension of Operator Permits and Site Permits.**

(1) **Summary Suspension.** When the Director determines that an alleged permit violation poses an imminent or ongoing risk to public health or safety, the SFMTA may summarily suspend the permit pending the outcome of a hearing conducted pursuant to the Director's procedures for review of revocation and summary suspension decisions referenced in subsection (e)(3) below. Any

affected Permittee shall be given a Notice of Summary Suspension, in writing, delivered to said Permittee in person or by first-class U.S. Mail.

(2) For good cause, the Director may revoke any permit issued under this Section 918.

“Good cause” hereunder shall include, but shall not be limited to the following:

(A) The Permittee failed to pay a fine imposed by the SFMTA under Section 302 of this Code within 30 days of the date due under this Section 918;

(B) The Permittee failed to pay a permit fee within 30 days following notice of nonpayment;

(C) The Permittee has violated any statute or ordinance, including but not limited to any provision of Division I or II of this Transportation Code, governing the operation of Charging Station regulated by this Code; or

(D) The Permittee has violated one or more conditions of the permit.

(3) A Permittee may request review of the Director’s decision to revoke or summarily suspend a permit. The Director shall issue procedures governing review of these decisions by a neutral hearing officer.

**(e) Administrative Penalties Applicable to Curbside Electric Vehicle Charging Operators.**

(1) An Operator who violates one or more conditions of the permit may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 918(e).

(2) Administrative penalties may not exceed \$500 for the first violation of Subsection 918(e) by a Permittee or \$1,000 daily for any ongoing violations of Subsection 918(e) within a 12-month period by that Permittee for each violation. In determining the amount of the penalty, the officer or employee who issued the citation may take any or all of the following factors into consideration:

- (A) The duration of the violation;
- (B) The frequency, recurrence and number of violations by the same violator;
- (C) The seriousness of the violation;
- (D) The good faith efforts of the violator to correct the violation;
- (E) The economic impact of the fine on the violator;
- (F) The injury or damage, if any, suffered by any member of the public;
- (G) The impact of the violation on the community;
- (H) The amount of City staff time expended investigating or addressing the

violation;

- (I) The amount of fines imposed by the charging official in similar situations;

and

- (J) Such other factors as justice may require.

(3) In addition to other designated employees, the Director is authorized to designate officers or employees of the SFMTA to enforce this Section 918. Any officer or employee so designated is hereby authorized to issue citations imposing administrative penalties for violations of this Section 918.

**(f) Procedure for Assessment and Collection of Administrative Penalties.**

(1) This subsection (f) shall govern the imposition, assessment, and collection of administrative penalties imposed pursuant to subsection (e).

(2) The SFMTA finds:

(A) That it is in the best interest of the City, its residents, visitors, and those who park on City streets to provide an alternative, administrative penalty mechanism for enforcement of

violations of the Curbside Electric Vehicle Charging Program permit requirements established by this Section 918; and

(B) That the administrative penalty scheme established by this Section 918 is intended to compensate the public for the injury or damage caused by any person or Operator who installs a Charging Station in the public right-of-way under the jurisdiction of the SFMTA or Public Works. The administrative penalties authorized under this Section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(3) **Administrative Citation.** Where a designated officer or employee determines that there has been a violation of the Municipal Code, the officer or employee may issue an administrative citation to the person and/or entity responsible for the violation. The citation may be personally served on the applicant or served by certified U.S. mail to the last known address for the Curbside Electric Vehicle Charging Operator. The citation shall state the date and nature of the violation, the amount of the administrative penalty, and that the penalty is due and payable to the SFMTA within 15 business days from the date of the notice, if not contested within the time period specified. The citation shall also state that the person or entity responsible has the right, under subsection (f)(4), to request an administrative hearing of the determination as to the violation and assessment of penalties, and shall set forth the procedure for requesting an administrative hearing. The designated officer or employee shall mail the administrative citation and evidence supporting the determination of a violation to the last known address for the Operator.

(4) **Request for Hearing; Hearing.**

(A) A person or entity that has been issued an administrative citation may request a hearing by submitting to the SFMTA Hearing Section a written request for hearing, with a copy provided to the SFMTA officer or employee who issued the administrative citation, within 15

business days of the date of the citation in order to contest the citation. Failure to request a hearing in a timely manner or to attend a scheduled hearing shall be deemed a waiver of the right to hearing.

(B) At the time the administrative hearing request is filed, the requesting party must deposit with the SFMTA Hearing Section the full amount of the penalty required under the citation.

(C) Whenever an administrative hearing is requested under this subsection (f)(4), the SFMTA Hearing Section shall, within 15 business days of receipt of the request, notify the requestor of the date, time, and place of the administrative hearing by certified mail. Such hearing shall be held no later than 30 calendar days after the SFMTA Hearing Section receives the request, unless time is extended by mutual agreement of the SFMTA and the affected party.

(D) The administrative hearing shall be conducted by a neutral Hearing Officer assigned by the SFMTA Hearing Section. The SFMTA Hearing Section may issue rules as needed to implement this requirement. The parties may present evidence and testimony to the Hearing Officer. All testimony shall be under oath. The Hearing Officer shall ensure that a record of the proceeding is maintained. The burden of proof to uphold the violation, by a preponderance of the evidence, shall be on the City, but the administrative citation shall be prima facie evidence of the violation.

(E) The Hearing Officer shall issue a written decision including a summary of the issues and the evidence presented, and findings and conclusions, within 15 business days of the conclusion of the hearing. The Hearing Officer may uphold the penalty imposed by the citation or dismiss the citation, but the Hearing Officer may not adjust the penalty in the context of an administrative hearing conducted under this Section 918. A copy of the decision may be personally delivered to the person contesting the violation or sent by first class mail. The decision shall be a final administrative determination. An aggrieved party may seek judicial review of the decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

**(5) Payment and Collection of Penalty.**

(A) Where a person or entity has not made a timely request for administrative hearing, the penalty shall be due and payable to the SFMTA on or before 15 business days from the date of issuance.

(B) Where a person or entity has made a timely request for administrative hearing, and the violation and penalty have been dismissed upon review, the amount deposited by the requestor under subsection (f)(4)(B) shall be refunded or credited to the requestor, at the requestor's option not later than 10 business days from the date of the notice of decision issued under subsection (f)(4)(E).

(C) If a penalty due and payable under subsections (g)(5)(A) or (B) remains unpaid after the specified due date, the SFMTA shall send the violator written notice that the penalty is overdue. Penalties that remain unpaid 30 calendar days after the due date shall be subject to a late payment penalty of \$50. Persons and entities against whom administrative penalties are imposed shall also be liable for the costs and attorney's fees incurred by the SFMTA in bringing any civil action to enforce the provisions of this Section 918, including obtaining a judgment for the amount of the administrative penalty and other costs and charges.

(D) Where there is a nexus between the violation and property in the City owned by the violator, the SFMTA shall further inform the violator that if the amount due is not paid within 30 calendar days from the date of the notice, the SFMTA may initiate proceedings to make the amount due and all additional authorized costs and charges, including attorney's fees, a lien on the property. Such liens shall be imposed in accordance with Chapter 10, Article XX of the Administrative Code.

(6) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

(g) **San Francisco Public Works – Coordination.** The Director shall not issue a Site Permit until the Department of Public Works is notified in writing of the permit application.

Section 3. Operative Date. This resolution shall be operative only if the related ordinance introduced at the Board of Supervisors on March 10, 2026, and contained in Board File No. 260238 is finally adopted by the Board of Supervisors. If that ordinance is finally adopted, then this Resolution shall be operative on the effective date of that ordinance.

Section 4. Scope of Resolution. In enacting this resolution, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this resolution as additions or deletions in accordance with the "Note" that appears under the official title of the resolution.

Section 5. Effective Date. This resolution shall become effective at 12:00 a.m. on the 31st days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this resolution.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: \_\_\_\_\_  
MISHA TSUKERMAN  
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of \_\_\_\_\_.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency