[Transportation Code - Bicycle Parking Facilities]

Resolution amending Division II of the Transportation Code to establish rules for various types of Bike Parking Facilities and make conforming changes; authorizing the City Traffic Engineer to designate on-street Bicycle Parking Spaces for Bicycle Hangars and Bicycle Lockers following a public hearing; authorizing the Director of Transportation to issue permits to third parties or other governmental entities to install or manage Bicycle Hangars and Bicycle Lockers; authorizing SFMTA to require permittees to bear the costs of removing any Bicycle Hangar, Bicycle Locker, Bicycle Rack, or Bicycle Sharing Station and restoring the street to its prior condition; authorizing SFMTA to require the removal of a Bicycle Hangar, Bicycle Locker, Bicycle Rack, or Bicycle Sharing Station upon the expiration or revocation of the permit or for reasons of public necessity or convenience; and making minor corrections.

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. Articles 100, 200, and 900 of Division II of the Transportation Code are hereby amended by revising Sections 101, 201, and 909, to read as follows:

SEC. 101. DEFINITIONS.

Any words or phrases that are not defined in the Vehicle Code or in Division I of this Code shall have the meanings set forth below.

Alley. Any street having a roadway width not exceeding 25 feet.

Bicycle Hangar. *A structure that allows for the secure parking of multiple bicycles through the use of a closed and locked door, cover, or other similar method.*

Bicycle Locker. *A structure that allows for the secure parking of bicycles through the use of separate closed and locked doors for each bicycle.*

Bicycle Parking Facility. *One or more of the following facilities: Bicycle Hangars, Bicycle Lockers, Bicycle Racks, and/or Bicycle Sharing Stations.*

Bicycle Parking Space. *A curbside area of the street designated for bicycle parking.*

Bicycle Rack. *A structure that allows public parking of bicycles but does not utilize a closed and locked door, cover, or other similar method.*

Bicycle Sharing Station. *A station that allows the parking of bicycles that are a part of a bicycle sharing program.*

* * * *

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

* * * *

(b) **Public Hearings.** The following Parking and traffic measures may be implemented following a Public Hearing by the City Traffic Engineer or, if a project includes actions in this subsection and subsection (c), the City Traffic Engineer may recommend a hearing at the SFMTA Board of Directors:

* * * *

(6) Designate on-street ~~*b*~~*B*icycle Parking Spaces for the installation and use of *Bicycle Parking Facilities* ~~*Bicycle Racks, and Bicycle Sharing Stations, or to grant a permit for a Stationless Bicycle Share Program*~~. In the event that a temporary relocation of a *Bicycle Parking Space or Bicycle Parking Facility* ~~*bicycle parking space bicycle rack, or bicycle sharing station*~~ is necessary to improve safety or traffic operations, or to accommodate construction or roadway maintenance, the Director of Transportation has the authority to temporarily relocate a *Bicycle Parking Space or Bicycle Parking Facility* ~~*bicycle parking space, bicycle rack, or bicycle sharing station*~~ prior to holding a public hearing. If the *Bicycle Parking Space or Bicycle Parking Facility* ~~*bicycle parking space, bicycle rack, or bicycle sharing station*~~ will be temporarily relocated for less than ~~*ninety*~~ *90* days, no public hearing is required. If the temporary relocation is for ~~*ninety*~~ *90* days or longer, a public hearing must be held within ~~*ninety*~~ *90* days following the temporary relocation. *Any Bicycle Parking Facilities that are not installed and operated by the SFMTA also require a permit under Section 909 of this Code and shall be installed pursuant to the authority granted to the Director under Section 909(e).*

* * * *

SEC. 909. BICYCLE *PARKING FACILITY* ~~*RACK, BICYCLE SHARING STATION,*~~ AND STATIONLESS BICYCLE SHARE PROGRAM PERMITS.

(a) **Permit Required.** No *Bicycle Parking Facility that is owned or operated by a third party or other governmental entity* ~~*bicycle rack, bicycle sharing station,*~~ or bicycle that is part of a Stationless Bicycle Share Program may be installed, parked, left standing, or left unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or the Department of Public Works (Public Works) without first obtaining a permit.

(b) **Issuance of Bicycle *Parking Facility* ~~*Rack, Bicycle Sharing Station,*~~ or Stationless Bicycle Share Program Permits.** The Director of Transportation has the authority at the Director's sole discretion to grant a revocable permit to:

(1) *a third party or other governmental entity to install and/or maintain a Bicycle Parking Facility on the street or sidewalk; or*~~*the property owner of property abutting any Street of the City to install and maintain a bicycle rack on the sidewalk fronting such property;*~~

~~*(2) the operator of a bicycle share program to install and maintain a bicycle sharing station on the sidewalk or any Street; or*~~

(*2*~~*3*~~) the operator of a Stationless Bicycle Share Program for operation in the public right-of-way under the jurisdiction of the SFMTA or Public Works in the City.

(c) **Permit Conditions.** The Director of Transportation may impose permit conditions related to the installation, design, location, *placement, safe operation, indemnification requirements, customer outreach,* or maintenance of the *Bicycle Parking Facility,* ~~*bicycle rack or bicycle sharing station,*~~ or the location, placement, parking, safe operation, indemnification requirements, customer outreach, or maintenance of any bicycle that is part of a Stationless Bicycle Share Program and parked or left standing or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works as ~~*he or she*~~ *the Director* determines necessary to protect the public convenience and safety, including, but not limited to, the maintenance of insurance in a form and amount satisfactory to the City. ~~*No permit for a bicycle rack issued under this Section 909 shall become effective until the permit has been signed by the Permittee or the Permittee's authorized agent and a copy of the permit has been recorded in the office of the City Recorder.*~~ *SFMTA may require permittees to bear the costs of removal of any Bicycle Parking Facility and restoration of the street to its prior condition. SFMTA may require*

removal of a Bicycle Parking Facility upon the expiration or revocation of the permit or for reasons of public necessity or convenience.

(d) **Criteria for Granting a Bicycle *Parking Facility* ~~*Rack or Bicycle Sharing Station*~~ Permit.** In considering an application for a *Bicycle Parking Facility* ~~*bicycle rack, or bicycle sharing station*~~ permit, the Director of Transportation shall consider the proposed location and design of the *Bicycle Parking Facility* ~~*bicycle rack or bicycle sharing station*~~ in light of all legal requirements, the availability of Parking, and the anticipated effects of the proposed *Bicycle Parking Facility* ~~*bicycle rack or bicycle sharing station*~~ on public transit, pedestrian and vehicular traffic, and access to or from residences and businesses. *The Director may consider whether the fronting property owner or owners support or oppose installation and operation of the Bicycle Parking Facility.*

(e) **Placement of Bicycle *Parking Facilities*~~*Rack or Bicycle Sharing Station*~~.** The Director of Transportation may at the Director's own initiative and after giving notice to the abutting property owner(s) cause *Bicycle Parking Facilities* ~~*bicycle racks or bicycle sharing stations*~~ to be installed on any Street or sidewalk of the City.

(f) **General Permit Requirements and Criteria for Stationless Bicycle Share Program Permit.**

* * * *

(5) To be eligible to obtain a Stationless Bicycle Share Program Permit, the Stationless Bicycle Share Operator must demonstrate compliance with the following requirements to the SFMTA's satisfaction:

(A) Bicycles must be of high quality, sturdily built and with tamper-resistant hardware to accommodate a range of users, comply with California Vehicle Code

requirements, withstand the rigors of outdoor storage and constant use for at least five years, have integrated lock-to capabilities, and adhere to standard certifications as determined by the SFMTA. Two sample bicycles must be made available for inspection and evaluation by the SFMTA.~~.~~ The make and model of each bicycle made available to customers and a corresponding unique identification number must be submitted to the SFMTA. The SFMTA shall require a certain percentage of each Permittee's bicycle fleet to be comprised of electric bicycles as determined by the SFMTA.

* * * *

(i) **Administrative Penalties Applicable to Stationless Bicycle Share Operators.**

(1) Any person or Stationless Bicycle Share Operator who violates Division I, Section 7.2.110 of this Code may be subject to the issuance of a citation and imposition of an administrative penalty.

(2) Administrative penalties may not exceed $500 for each offense.

(3) In addition to other authorized *employees* ~~*em- ployees*~~, the Director of Transportation is *authorized* ~~*autho- rized*~~ to designate officers or employees of the Municipal Transportation Agency to enforce *Division* ~~*Di- vision*~~ I, Section 7.2.110 of this Code. Any officer or employee so designated is hereby authorized to issue citations imposing administrative penalties for violations of Division I, Section 7.2.110.

* * * *

Section 2. 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 3. Effective Date. This resolution shall become effective on the 31st day 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

4915-4570-2880