

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 170321-035

WHEREAS, The Transportation Code authorizes the Director of Transportation to issue permits for bicycle sharing stations in the street, and on sidewalks subject to coordination with Public Works, but there is no City permit required to park, leave standing, or leave unattended a bicycle that is part of a Stationless Bicycle Share Program on any sidewalk, street, or public right-of-way under the jurisdiction of either the Municipal Transportation Agency or Public Works; and,

WHEREAS, The proposed changes are necessary to authorize the Director of Transportation to issue such permits to allow the City to effectively regulate stationless bike share operations in San Francisco given the potential risk to public health and safety; and,

WHEREAS, Maintaining the status quo and not requiring a permit for Stationless Bicycle Share Programs would likely result in cluttered and obstructed sidewalks and public spaces and pose a threat to public health and safety, uneven and inequitable distribution of rental bicycles, and potential liability for the City; and,

WHEREAS, In developing this proposed approach, SFMTA staff consulted with the office of Supervisor Peskin, the Mayor's Office, Public Works, and other stakeholders and informed Bluegogo and the two other operators of stationless bicycle share companies that a new permit was in development; and

WHEREAS, San Francisco City Charter Section 16.112 requires that published notice be given and a public hearing be held before any fee or any schedule of rates, charges or fares which affects the public is instituted or changed; and,

WHEREAS, Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City's official newspaper to provide notice that the Board of Directors will hold a public hearing to consider amending the Transportation Code to establish penalties, including administrative penalties, and permit fees related to the Stationless Bicycle Share Permit Program beginning on February 23, 2017; and,

WHEREAS, The California Environmental Quality Act (CEQA) applies to "projects" that have the potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect change in the environment; and,

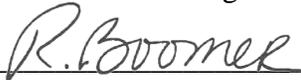
WHEREAS, On February 27, 2017 the SFMTA, under authority delegated by the Planning Department, determined that the Stationless Bicycle Share Program is not a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

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WHEREAS, A copy of the determination is on file with the Secretary for the SFMTA Board of Directors, and the proposed action is the Approval Action as defined by the S.F. Administrative Code Chapter 31; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, Sections 201, 302, 901, 902 and 909 to establish a Stationless Bicycle Share Permit Program, require a permit issued by the Director of Transportation, establish a fee for the issuance of the permit, establish administrative penalties for failure to obtain a permit, provide a procedure for the assessment and collection of administrative penalties for parking, leaving standing, or leaving unattended a bicycle under the Program on a sidewalk, street, or other public right-of-way, and require a public hearing to designate on-street parking spaces to leave or park any bicycle that is part of a Stationless Bicycle Share Program.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 21, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code – Stationless Bicycle Share Permit Program]

Resolution amending the Transportation Code by establishing a Stationless Bicycle Share Permit Program, requiring a permit issued by the Director of Transportation, establishing a fee for the issuance of the permit, establishing administrative penalties for failure to obtain a permit, providing a procedure for the assessment and collection of administrative penalties for parking, leaving standing, or leaving unattended a bicycle under the Program on a sidewalk, street, or other public right-of-way, and requiring a public hearing to designate on-street Parking Spaces to leave or park any bicycle that is part of a Stationless Bicycle Share Program.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.
Asterisks (* * * *) indicate the omission of unchanged Code

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

Section 1. Articles 200, 300 and 900 of Division II of the Transportation Code are hereby amended by revising Sections 201, 302, 901, 902, and 909 to read as follows:

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:

* * * *

(6) Designate on-street bicycle Parking Spaces for the installation and use of 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, 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, bicycle rack, or bicycle sharing station prior to holding a public hearing. If the bicycle parking space, bicycle rack, or bicycle sharing station will be temporarily relocated for less than ninety days, no public hearing is required. If the temporary relocation is for ninety days or longer, a public hearing must be held within ninety days following the temporary relocation.

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SEC. 302. TRANSPORTATION CODE PENALTY SCHEDULE.

Violation of any of the following subsections of the Transportation Code shall be punishable by the fines set forth below.

Transportation Code Section	Description	Fine Amount Effective July 1, 2016**	Fine Amount Effective July 1, 2017**
PEDESTRIANS AND SIDEWALKS			
Div I 7.2.10	Pedestrian Crossings	\$64.00	\$66.00
Div I 7.2.11	Electric Assistive Personal Mobility Devices	\$64.00	\$66.00
Div I 7.2.12	Bicycle Riding Restricted	\$100.00	\$100.00
Div I 7.2.13	NUV Violation	\$64.00	\$66.00
ON-STREET PARKING			
Div I 7.2.20	Residential Parking	\$81.00	\$84.00
Div I 7.2.22	Street Cleaning	\$71.00	\$73.00

Div I 7.2.23(a)	Parking Meter-Downtown Core	\$81.00	\$84.00
Div I 7.2.23(b)	Parking Meter-Outside Downtown Core	\$71.00	\$73.00
Div I 7.2.25	Red Zone	\$110.00	\$110.00
Div I 7.2.26	Yellow Zone	\$95.00	\$98.00
Div I 7.2.27	White Zone	\$110.00	\$110.00
Div I 7.2.28	Green Zone	\$81.00	\$84.00
Div I 7.2.29	Parking for Three Days	\$110.00	\$110.00
Div I 7.2.30(a)	Overtime Parking Downtown Core	\$81.00	\$84.00
Div I 7.2.30(b)	Overtime Parking Outside Downtown Core	\$71.00	\$73.00
Div I 7.2.30(c)	Overtime Meter Parking Downtown Core	\$81.00	\$84.00
Div I 7.2.30(d)	Overtime Meter Parking Outside Downtown Core	\$71.00	\$73.00
Div I 7.2.32	Angled Parking	\$64.00	\$66.00
Div I 7.2.33	Blocking Residential Door	\$50.00	\$52.00
Div I 7.2.34	Median Dividers and Islands	\$81.00	\$84.00
Div I 7.2.35	Parking on Grades	\$64.00	\$66.00
Div I 7.2.36	100 Feet Oversize	\$110.00	\$110.00
Div I 7.2.37	Motorcycle Parking	\$110.00	\$110.00

Div I 7.2.38	Parking in Stand	\$110.00	\$110.00
Div I 7.2.39	Parking Transit-Only	\$110.00	\$110.00
Div I 7.2.40	Tow-Away Zone- Downtown Core	\$105.00	\$109.00
Div I 7.2.41	Tow-Away Zone- Outside Downtown Core	\$95.00	\$98.00
Div I 7.2.42	Parking Restrictions	\$95.00	\$98.00
Div I 7.2.43	Parking-Public Property	\$71.00	\$73.00
Div I 7.2.44	Misuse Disabled Parking Placard/License	\$875.00*	\$875.00*
Div I 7.2.45	Temporary Parking Restriction	\$71.00	\$73.00
Div I 7.2.46	Temporary Construction Zone	\$71.00	\$73.00
Div I 7.2.47	Remove Chalk	\$110.00	\$110.00
Div I 7.2.48	Repairing Vehicle	\$86.00	\$89.00
Div I 7.2.49	Permit on Wrong Car	\$110.00	\$110.00
Div I 7.2.50	Invalid Permit	\$110.00	\$110.00
Div I 7.2.51	Parking Marked Space	\$64.00	\$66.00
Div I 7.2.52	On-Street Car Share Parking	\$110.00	\$110.00
Div I 7.2.54	Large Vehicle	\$110.00	\$110.00
OFF-STREET PARKING			
Div I 7.2.60	Parking Facility	\$64.00	\$66.00

	Charges		
Div I 7.2.61	Entrance/Exit Parking Facility	\$100.00	\$100.00
Div I 7.2.62	Blocking Space Parking Facility	\$64.00	\$66.00
Div I 7.2.63	Speeding within Parking Facility	\$100.00	\$100.00
Div I 7.2.64	Block Charging Bay	\$110.00	\$110.00
Div I 7.2.65	Overtime Parking - Off-Street Parking Meter	\$71.00	\$73.00
Div I 7.2.66	Misuse Disabled Parking Placard/ License Plate	\$875.00*	\$875.00*
Div II 1009	SFMTA Property	\$71.00	\$73.00
TRAFFIC REGULATIONS			
Div I 7.2.70	Obstruction of Traffic-Vehicle	\$110.00	\$110.00
Div I 7.2.71	Obstruction of Traffic Without Permit	\$585.00	\$605.00
Div I 7.3.3	Obstruction of Traffic Without Permit	\$1,000, or six months in jail, or both (4th or more offenses within one year)	\$1,000, or six months in jail, or both (4th or more offenses within one year)
Div I 7.2.72	Driving in Transit-Only Area	\$76.00	\$79.00
Div I 7.2.73	Driving Through Parades	\$100.00	\$100.00
Div I 7.2.74	Streetcar Right-of-Way	\$100.00	\$100.00

Div I 7.2.75	Passing Safety Zones	\$100.00	\$100.00
Div I 7.2.76	Removal of Vehicles-Collision	\$100.00	\$100.00
Div I 7.2.77	Weight Restricted Streets	\$100.00	\$100.00
COMMERCIAL VEHICLES			
Div I 7.2.80	Vehicles for Hire Parking	\$110.00	\$110.00
Div I 7.2.81	Advertising Sign	\$110.00	\$110.00
Div I 7.2.82	Selling from Vehicle	\$110.00	\$110.00
Div I 7.2.83	Truck Loading Zone	\$95.00	\$98.00
Div I 7.2.84	Commercial Vehicle Parking Restrictions	\$110.00	\$110.00
Div I 7.2.86	Idling Engine While Parked	\$100.00	\$100.00
Div I 7.2.87	Commercial Passenger Vehicle Street Restrictions	\$110.00	\$110.00
Div. I 7.2.88	For Sale Sign	\$64.00	\$66.00
TRANSIT VIOLATIONS			
Div I 7.2.101	Fare Evasion	\$116.00	\$120.00
Div I 7.2.102	Passenger Misconduct	\$116.00	\$120.00
Div I 7.2.103	Fare Evasion – Youth Violation	\$58.00	\$60.00
Div I 7.2.104	Passenger Misconduct – Youth Violation	\$58.00	\$60.00
<u>BICYCLE VIOLATIONS</u>			

<u>Div I 7.2.110</u>	<u>Stationless Bicycle Share Parking</u>	<u>\$100</u>	<u>\$100</u>
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* This fine includes a 10% additional penalty assessment as mandated by California Vehicle Code 40203.6.

** Note: The California State Legislature has imposed additional fees applicable to all parking citations. As a result, the total fine amount for parking citations includes the following fees: \$4.50 for the state courthouse construction fee, \$2.50 for the local courthouse construction fee, and \$3-00 for the Trial Court Trust Fund fee.

SEC. 901. DEFINITIONS.

As used in this Article, 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.~~

Car Share Organization. A public, private, or non-profit entity that provides preapproved members access to a citywide network of at least ~~ten~~ (10) motor vehicles in the City and County of San Francisco and meets the requirements set forth in the Transportation Code.

Car Share Vehicle. A motor vehicle for which a Car Share Vehicle Parking Permit is issued by the SFMTA that authorizes the vehicle to Park in a designated on-street car share Parking Space.

~~**On-Street Car Share Vehicle Parking Permit.** A permit issued by the SFMTA that authorizes such vehicle to Park in a designated on-street car share Parking Space without being subject to enforcement of Car Share Vehicle parking restrictions.~~

City Vehicle. A motor vehicle not in excess of 6,000 pounds gross weight owned by the City and County of San Francisco and used for official government business by a City employee.

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.

Educational Institution. Any school or other place of learning providing a preschool, elementary or secondary level of study.

Institution. A place of employment with more than 200 employees or an Educational Institution located in a primarily residential neighborhood, including but not limited to such facilities as an accredited college, university, hospital or sanitarium.

~~***City Vehicle.***~~ A motor vehicle not in excess of 6,000 pounds gross weight owned by the City and County of San Francisco and used for official government business by a City employee.

~~***SFMTA Parking Permit.***~~ A permit issued by the SFMTA that authorizes specified City vehicles, or City employees' personal vehicles, when used for official government business to Park at Parking Meters without making payment, and exempts such vehicles from certain Parking restrictions.

On-Street Car Share Vehicle Parking Permit. A permit issued by the SFMTA that authorizes such vehicle to Park in a designated on-street car share Parking Space without being subject to enforcement of Car Share Vehicle parking restrictions.

Permittee. The natural person, sole proprietorship, partnership, association, corporation, governmental or non-profit agency that is the named holder of a permit issued pursuant to this Article 900, and such person or entity's successors or assigns in interest Only a natural person is eligible for a Residential Parking Permit.

Person. A natural person, sole proprietorship, partnership⁴ association, corporation, governmental or non-profit agency, except that for the purposes of a Residential Parking Permit and a Carpool Permit, a "Person" shall mean a natural person.

Residential Parking Permit. A permit issued by the SFMTA to a specified vehicle that authorizes such vehicle to Park in the Residential Parking Permit Area without being subject to enforcement of Residential Parking Permit Area time restrictions.

Residential Parking Permit Area. A residential area designated pursuant to Section 905 wherein Resident Motor Vehicles displaying a valid Residential Parking Permit shall be exempt from specified Parking time restrictions.

SFMTA Parking Permit. A permit issued by the SFMTA that authorizes specified City vehicles, or City employees' personal vehicles, when used for official government business to Park at Parking Meters without making payment, and exempts such vehicles from certain Parking restrictions.

Special Traffic Permit. A permit issued by the SFMTA that authorizes the obstruction of traffic for construction activities other than the Parking of vehicles at a specified construction site and subject to all permit conditions imposed by the SFMTA.

Stationless Shared Bicycle. A bicycle designed to be locked or secured from unauthorized use without being locked or secured to a bicycle rack, bicycle sharing station, or other object.

Stationless Bicycle Share Operator. A public, private, or non-profit entity or individual that manages or operates a Stationless Bicycle Share Program.

Stationless Bicycle Share Program. A system of self-service bicycles for hire operated by a Stationless Bicycle Share Operator which does not require either a bicycle rack or bicycle sharing station permit and offers to customers a pool of at least 10 self-service Stationless Shared Bicycles for use in the public right-of-way or on public property in the City and County of San Francisco.

Transportation Broker. The authorized representative of an Institution, including but not limited to the principal or administrator of an Educational Institution, who has primary responsibility for implementing the SFMTA's Parking permit program for that Institution and who is designated as the

Institution's primary liaison with the SFMTA for all issues related to on-street Parking permits issued pursuant to this Article 900.

Vanpool Permit. A permit issued by the SFMTA that authorizes specified Vanpool Vehicles to Park in a Vanpool Permit Parking Area subject to specified restrictions.

Vanpool Vehicle. Any motor vehicle, other than a motor truck or truck tractor, designed for carrying more than six but not more than 15 Persons including the driver, which is maintained and used primarily for the non-profit work-related transportation of adults for the purpose of ride-sharing.

SEC. 902. GENERAL PERMIT CONDITIONS.

The following general provisions apply to all permits issued under this Article 900.

(a) **Application and Renewal.** Permit applications must be submitted on a form supplied by the SFMTA. All required application and any other fees must be paid and all permit requirements satisfied before a permit may be issued. The SFMTA may require any information of the applicant which it deems necessary to carry out the purposes of this Article. Permits may be renewed annually in compliance with any renewal procedures established by the SFMTA.

(b) **Display of Permit.** Permittees must maintain the permit at the site of the permitted activity and available for inspection in accordance with any requirements for permit display as may be established by the SFMTA, and shall make all permits available for inspection upon request by an employee of the Police Department or SFMTA.

(c) **Prior Payments Required.** No permit shall be issued or renewed until the applicant has paid all permit fees that are due to the SFMTA. No permit shall be issued to any applicant who is responsible for payment of one or more delinquent citations for violation of any provision of this Code or the Vehicle Code until all fines and fees associated with the citation are paid in full.

(d) **Permit Fees.** Fees for permits issued pursuant to this Code are as follows:

Table 902(d)
Permit Fee Schedule

	Effective July 1, 2016	Effective July 1, 2017
Special Traffic Permit (§ 903)		
Base Permit Fee:	\$226.50	\$294.50
Daily Fee:	\$46.50	\$60.50
Late Fee	\$253.50	\$329.50
Temporary Exclusive Use of Parking Meters (§ 904)		
Base Permit Fee: per 25 linear feet of construction frontage per day, including weekends and holidays:	\$10.00	\$11.00
Residential Area Parking Permit (§ 905)		
Motorcycle (Annual)	\$95.00	\$96.00
Resident/Business/School/Fire Station/Foreign Consulate/Medical & Childcare Provider Base Permit Fee:		
(one year):	\$127.00	\$128.00
(Less than 6 months):	\$63.00	\$63.00
Permit Transfer:	\$21.00	\$22.00
1-Day Flex Permit:		
1-5 permits per order	\$5.00 each permit	\$6.00 each permit
6-15 permits per order	\$7.00 each permit	\$8.00 each permit
16-20 permits per order	\$10.00 each permit	\$11.00 each permit

Short-Term Permits		
2 weeks:	\$44.00	\$45.00
4 weeks:	\$64.00	\$65.00
6 weeks:	\$83.00	\$84.00
8 weeks:	\$108.00	\$109.00
Contractor Permit (§ 906)		
Base Permit Fee		
Annual/Renewal:	\$1,167.00	\$1,280.00
Less than 6 Months:	\$575.00	\$640.00
Permit Transfer Fee:	\$50.00	\$52.00
Vanpool Permit (§ 907)		
Base Permit Fee		
(per year):	\$127.00	\$128.00
(Less than 6 months):	\$63.00	\$63.00
<u>Stationless Bicycle Share Program Permit</u> <u>(§ 909)</u>		
<u>Permit Application Fee</u>		
<u>Less than 500 bicycles</u>	<u>\$11,826</u>	<u>\$12,208</u>
<u>500 to 1,500 bicycles</u>	<u>\$13,355</u>	<u>\$13,787</u>
<u>1,500 to 2,500 bicycles</u>	<u>\$15,210</u>	<u>\$15,702</u>
<u>2,500 to 3,000 bicycles</u>	<u>\$16,739</u>	<u>\$17,280</u>
<u>3,500 or more bicycles</u>	<u>\$18,944</u>	<u>\$19,558</u>

<u>Annual/Renewal Fee</u>		
<u>Less than 500 bicycles</u>	<u>N/A</u>	<u>\$9,725</u>
<u>500 to 1,500 bicycles</u>	<u>N/A</u>	<u>\$11,303</u>
<u>1,500 to 2,500 bicycles</u>	<u>N/A</u>	<u>\$13,219</u>
<u>2,500 to 3,500 bicycles</u>	<u>N/A</u>	<u>\$14,797</u>
<u>3,500 or more bicycles</u>	<u>N/A</u>	<u>\$17,074</u>
SFMTA Permit (§ 910) (Based on the annualized Parking Meter Use Fee)	\$2,600.00	\$2,860.00
On-Street Car Share Vehicle Permit (§ 911) Base Permit Fee – One time set up fee	\$416.00	\$431.00
Zone 1	\$2,808.00 (\$234 per month)	\$2,916.00 (\$243 per month)
Zone 2	\$1,872.00 (\$156 per month)	\$1,944.00 (\$162 per month)
Zone 3	\$624.00 (\$52 per month)	\$648.00 (\$54 per month)
Vehicle Press Permit (§ 912) Base Permit Fee: The permit fee shall only be increased pursuant to the Automatic Indexing Implementation Plan approved by the SFMTA Board of Directors.	\$60.00	\$62.00
Designated Shuttle Stop Use Permit (§ 914)	\$7.31	To be determined
Farmer's Market Parking Permit (§		

801(c)(17))		
Base Permit Fee (quarterly):	\$197.00	\$199.00
Temporary Street Closures Permits (Division I, Article 6)		
Neighborhood Block Party		
More than 120 days in advance:	\$167.00	\$192.00
90-120 days in advance:	\$199.00	\$238.00
60-89 days in advance:	\$230.00	\$299.00
30-59 days in advance:	\$307.00	\$399.00
Fewer than 30 days in advance:	\$614.00	\$798.00
All Other Events		
More than 120 days in advance:	\$553.00	\$636.00
90-120 days in advance:	\$657.00	\$789.00
60-89 days in advance:	\$762.00	\$990.00
30-59 days in advance:	\$923.00	\$1,200.00
Fewer than 30 days in advance:	\$1,082.00	\$1,406.00
Fewer than 7 days in advance:	\$1,244.00	\$1,617.00
Bus Substitution Fee (Division I, Article 6.2(f))	\$32.75	\$33.75

(e) **Indemnification.** The permit application for Special Traffic Permits issued pursuant to Section 903, and permits for the Temporary and Exclusive Use of Parking Meters issued pursuant to Section 904, shall require the applicant to acknowledge that the Permittee, by acceptance of the permit, agrees to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims,

demands, actions or causes of action which 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.

(f) **Rules and Regulations.** Compliance with all applicable rules and regulations and with all permit conditions shall be a material condition for the issuance or renewal of a permit.

(g) **Permit Revocation.** The Director of Transportation is authorized to revoke the permit of any Permittee found to be in violation of this Article and, upon written notice of revocation, the Permittee shall surrender such permit in accordance with the instructions in the notice of revocation.

SEC. 909. BICYCLE RACK, BICYCLE SHARING STATION, AND STATIONLESS BICYCLE SHARE PROGRAM PERMITS.

(a) **Permit Required.** No 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 Rack, ~~or~~ Bicycle Sharing Station, or Stationless Bicycle Share Program Permits.** The Director of Transportation has the authority at his or her sole discretion to grant a revocable permit to:

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

(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 of the City.

(c) **Permit Conditions.** The Director of Transportation may impose permit conditions related to the installation, design, location or maintenance of the 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 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.

(bd) **Criteria for Granting a Bicycle Rack or Bicycle Sharing Station Permit.** In considering an application for a bicycle rack or bicycle sharing station permit, the Director of Transportation shall consider the proposed location and design of the bicycle rack or bicycle sharing station in light of all legal requirements, the availability of Parking, and the anticipated effects of the proposed bike rack, bicycle sharing station on public transit, pedestrian and vehicular traffic and access to or from residences and businesses.

(ee) **Placement of Bicycle Rack or Bicycle Sharing Station.** The Director of Transportation may at his or her own initiative and after giving notice to the abutting property owner(s) cause 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.**

(1) The SFMTA may issue a permit to a Stationless Bicycle Share Operator upon

receipt of a written application from a qualified Stationless Bicycle Share Operator on a form prescribed by the SFMTA.

(2) The name and current contact information for the Stationless Bicycle Share Operator shall be displayed on each bicycle that is part of a Stationless Bicycle Share Program.

(3) The SFMTA reserves the right to revoke a Stationless Bicycle Share Program Permit for cause at any time upon written notice of revocation. The Permittee shall surrender such permit in accordance with the instructions in the notice of revocation.

(4) A permit fee must be paid by the Permittee before any permit may be issued. In addition, the Permittee shall provide sufficient evidence to demonstrate payment of any penalties assessed for violation(s) of any provision of the San Francisco 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.

(5) Upon notification by the City of any bicycle that is improperly parked or left standing or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works, the Stationless Bicycle Share Program Operator shall remove the bicycle within two hours.

(6) 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, and withstand the rigors of outdoor storage and constant use for at least five years. The make and model of each bicycle made available to customers and a corresponding unique identification number must be

submitted to the SFMTA.

(B) The Permittee shall equip each bicycle with an on-board GPS device capable of providing real-time location data to the SFMTA in accordance with the specifications issued by the Director of Transportation, and shall maintain a continuous feed of the required data at all times for bicycles made available to customers.

(C) Bicycles may only be available to customers on an hourly basis, or in smaller intervals, and at rates which vary by duration of usage or by duration of usage and distance but are clearly and understandably communicated to the customer prior to bicycle use.

(D) Bicycles must be available for pick-up and drop-off by customers on a 24-hour, seven days per week basis.

(E) Adequate insurance as determined by the City's Risk Manager, which lists the City and County of San Francisco as an additional insured must be provided for each bicycle ridden, parked, or left standing or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works, and each user using the bicycle during the period of use. The Permittee must indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which 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, including, regardless of the negligence of the Indemnitees.

(F) Stationless Bicycle Share Operator shall pay the SFMTA a public property repair and maintenance endowment totaling twenty-five thousand dollars (\$25,000), payable in installments as described herein, to ensure adequate funds are available to reimburse the City for

future public property repair and maintenance costs that may be incurred, including but not limited to any costs of repairing or maintaining damaged public property by the Stationless Bicycle Share Operator or its customers, removing and storing bicycles improperly parked or left unattended on public property, and addressing and abating any other violations. The maintenance endowment shall be paid in annual installments of \$2,500 per year for ten consecutive years, with the first payment due at the time of permit issuance.

(G) If the SFMTA, Public Works, or any other City agency, department, or commission, including the City Attorney's Office, incurs any costs of addressing or abating any violations, including repair or maintenance of public property, upon receiving written notice of such City costs, the Stationless Bicycle Share Operator shall reimburse SFMTA for such costs within thirty days. The SFMTA shall arrange for transfers of funds to any other City agency, department, or commission that incurred costs described above. The Stationless Bicycle Share Operator's payment pursuant to this paragraph shall not substitute for any installment payment otherwise owed or to be paid to the SFMTA.

(H) Stationless Bicycle Share Operator shall develop a marketing and targeted community outreach plan, which shall include a strategy to partner with bicycle advocacy and community benefit organizations, a culturally relevant and multilingual communications plan, and an equitable bike share implementation plan, to promote the use of their bicycle sharing system citywide among low income communities, and implement the plan at their own cost. Alternatively, the Stationless Bicycle Share Operator shall pay an in-lieu fee to the SFMTA to provide these services. If the Bike Share Operator chooses to pay an in lieu fee, the SFMTA must use the fee to promote the use of bicycle sharing citywide particularly among low income communities.

(I) Citywide distribution of bicycles available to customers as determined by the SFMTA. At a minimum, the density of bicycles in the designated service area shall not fall below at least three bicycles per square mile for more than 10 consecutive minutes between the hours of 6:00 am and 10:00 pm seven days a week. At least 20% of overall bicycle availability shall be maintained

within groups of census tracts designated as “communities of concern” (CoCs) by the Metropolitan Transportation Commission, calculated by the total number of bicycles located in CoCs multiplied by the minutes they are available for hire between the hours of 6:00 am and 10:00 pm, divided by the total number of bicycles in service times minutes available throughout the service area.

(J) A maintenance, cleaning and repair plan for the bicycles must be submitted to and approved by the SFMTA and DPW as applicable.

(K) Adequate bicycle parking must be provided by the Stationless Bicycle Share Operator. A Bicycle Share Operator shall pay a fee to SFMTA to cover the cost of SFMTA’s installation of bicycle racks to insure adequate bicycle parking.

(L) A one year low-income customer plan that waives any applicable bicycle deposit and offers an affordable cash payment option and unlimited trips under 30 minutes to any customer with an income level at or below 200% of the federal poverty guidelines, which is subject to annual renewal.

(M) A multilingual website with languages determined by the SFMTA, call center, and mobile application customer interface that is available twenty-four hours a day, seven days a week. The website and mobile application shall also meet the requirements of Section 508 of the Rehabilitation Act and Section 255 of the Communications Act that apply to information and communication technology.

(N) A Privacy Policy that safeguards customers’ personal, financial, and travel information and usage including, but not limited to, trip origination and destination data.

(O) Aggregate customer demographic data, that does not identify individual customers, payment methods, or their individual trip history, gathered by the system application shall be provided to the SFMTA on at least a monthly basis using anonymized keys.

(P) An electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the bicycle identification number corresponding to the make and model of the bicycle registered with the SFMTA.

(Q) During each calendar year of business operations, the Stationless Bicycle Share Operator shall offer to its customers not less than one safety training class every other quarter.

(R) Stationless Bicycle Share Operator shall provide a proposed service area and furnish a map to the SFMTA in ESRI shapefile format.

(S) Notwithstanding any other requirement, the Director of Transportation has the authority to deny a permit based on the extent that issuing a permit would conflict with existing contractual agreements or permits issued to other bicycle share operators, lead to an over-concentration of bicycle share bicycles in the public right-of-way, cause an imbalance in the geographical distribution of bicycles which are part of a bicycle share program, or otherwise adversely impact an existing or proposed bicycle share network.

(g) **Stationless Bicycle Share Program Permit Issuance.** After evaluating an applicant's permit application, the Director of Transportation shall grant the Permit as requested, or grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director of Transportation's decision.

(h) **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, the Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to enforce Division 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.

(i) Procedure for Assessment and Collection of Administrative Penalties.

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

(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 Stationless Bicycle Share Program Permit requirements authorized under the Transportation Code; and

(B) That the administrative penalty scheme established by this Section 909 is intended to compensate the public for the injury or damage caused by any person or Stationless Bicycle Share Operator who parks or leaves standing or unattended any bicycle, that is part of a Stationless Bicycle Share Program, on any sidewalk, Street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency or Public Works without a permit issued by the Municipal Transportation Agency authorizing the bicycle to be parked, left standing, or left unattended at that location. 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 Division I, Section 7.2.110 of this 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 by certified U.S. mail to the best known address for the bicycle owner. The citation shall inform the person or entity responsible of the date and nature of the violation and the amount of the administrative penalty, and shall state 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, pursuant to subsection (i)(4), to request an administrative hearing of the citing officer or employee's 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 of Division I, Section 7.2.110 to the best known address for the bicycle owner.

(4) Request for Hearing; Hearing.

(A) A person or entity that has been issued an administrative citation may request an administrative hearing in person, by telephone, or by email in order to contest the citation issued in accordance with this Section 909. The administrative hearing shall be initiated by filing a request for an administrative hearing with the SFMTA Hearing Division within 15 business days from the date of the citation. Failure to request a hearing in a timely manner or to attend a scheduled hearing shall satisfy the hearing requirement.

(B) Whenever an administrative hearing is requested pursuant to this subsection, 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 affected parties.

(C) 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 proceedings is maintained. The burden of proof to uphold the violation shall be on the City, but the

administrative citation shall be prima facie evidence of the violation.

(D) 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. 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 upheld upon review, the administrative penalty shall be due and payable not later than 10 business days from the date of the notice of decision issued under subsection (i)(4)(D).

(C) If a penalty due and payable under subsections (i)(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 909, 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.

(ej) Department of Public Works — Coordination.

(1) Bicycle sharing stations shall not be installed on any sidewalk of the City until the Department of Public Works is notified in writing of the site of the proposed bicycle sharing station installation and the proposed date of installation, and has issued any other required permit(s). Such notice shall be provided to the Department of Public Works for review by the Department of the proposed installation at least 30 days before the date of installation. In the event that a temporary relocation of a bicycle sharing station for less than ninety days 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 sharing station prior to providing notice to the Department of Public Works of the temporary relocation.

(2) A Stationless Bicycle Sharing Program Permit shall not be issued by the Director of Transportation until the Department of Public Works is notified in writing of the permit application and has issued any other required permit(s). Such notice shall be provided to the Department of Public Works at least 30 days prior to the date a permit will be issued.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The San Francisco Municipal Transportation Agency Board of Directors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 3. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, 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 ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 21, 2017.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency