

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 191015-129

WHEREAS, In May 2018, the SFMTA Board of Directors approved changes to the Transportation Code, Division II, to establish the Powered Scooter Share Pilot Program (Pilot); and,

WHEREAS, Under the authorization of the Pilot, in October 2018, the SFMTA granted two 12-month permits; and, in April 2019, SFMTA staff released a Mid-Pilot Evaluation to the SFMTA Board of Directors summarizing key findings, including that the Pilot yielded notable public benefits as a useful component of San Francisco's transportation system; and,

WHEREAS, In July 2019, the SFMTA Board of Directors approved changes to the Transportation Code, Division II to, among other things, remove the limitations of the pilot program and modify the permit program to incorporate lessons learned from the Powered Scooter Share Pilot and the Stationless Bikeshare Permit Program to create a more useful, safe, sustainable, equitable, and accountable citywide Powered Scooter Share Program; and,

WHEREAS, The revisions that the SFMTA Board of Directors adopted in July 2019 did not amend the definition of Powered Scooter, which is defined as any two-wheeled device that has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor or other power source; and

WHEREAS, In August 2019, the SFMTA issued permit applications consistent with the amendments to the Transportation Code, which included requirements to propose Adaptive Scooter Pilot plans, and after review of 11 applications, SFMTA announced it selected four permittees to be awarded permits to be issued in October 2019; and

WHEREAS, In their applications, because some applicants proposed adaptive scooters that included more than two wheels, staff recommend this update to the definition of Powered Scooter to allow for the operation of a broader range of adaptive scooters under the Powered Scooter Permit Program that may better meet the needs of the disability community, as well as to clarify that the public policy rationale to regulate powered scooters applies to similar devices that, for whatever reason, happen to have more than two wheels; and

WHEREAS, On September 27, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation is not defined as 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,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors, and is incorporated herein by reference; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, Section 901 to update the definition of Powered Scooter to allow for powered scooters that have two or more wheels.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 15, 2019.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code - Powered Scooter Definition]

Resolution amending Section 901 of the Transportation Code, Division II, to update the definition of Powered Scooter to allow for powered scooters that have two or more wheels.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

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

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by revising Section 901, to read as follows:

SEC. 901. DEFINITIONS.

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

* * * *

Powered Scooter. Any ~~two-wheeled~~ device that has two or more wheels, has handlebars, has a floorboard that is designed to be stood upon when riding, and is powered by an electric motor or other power source. This device may also have a driver seat that does not interfere with the ability of the rider to stand and ride and may also be designed to be powered by human propulsion. A motorcycle, as defined in Section 400 of the California Vehicle Code, a motor-driven cycle, as defined in Section 405 of the California Vehicle Code, or a motorized bicycle or moped, as defined in Section 406 of the California Vehicle Code, is not a Powered Scooter.

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Section 2. 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 3. 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 SFMTA 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 4. Scope of Ordinance. In enacting this ordinance, the SFMTA 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: _____
JULIE VEIT
Deputy City Attorney

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Secretary to the Board of Directors
San Francisco Municipal Transportation Agency