

SAN FRANCISCO TRANSPORTATION CODE RELEVANT SECTIONS PERTAINING TO SPECIAL TRAFFIC PERMITS

Note: Code sections are provided here for reference only and have been condensed. They are subject to change. The Contractor must be familiar with the latest Codes. [The most up-to-date versions of these and other Code Sections are available on the City and County of San Francisco website at http://www.sfgov.org/.](http://www.sfgov.org/)

Division I

SEC. 7.2. - INFRACTIONS.

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

SEC. 7.2.45. - DIVERTING OF TRAFFIC AND TEMPORARY PARKING RESTRICTIONS

To Park a vehicle in violation of a temporary Parking prohibition or restriction posted on any street or area, or to disobey the lawful order of any Police Officer or Parking Control Officer directing the removal or diversion of a vehicle from any street or area. (33(c))

SEC. 7.2.46. - TEMPORARY PARKING AND TRAFFIC RESTRICTIONS

To violate any temporary Parking or traffic restriction authorized by the SFMTA for any public or private construction work, or that is posted pursuant to Section 3.4. (33.1)

SEC. 7.2.70. - OBSTRUCTING TRAFFIC-VEHICLE.

To Park a vehicle in a manner to obstruct the flow of pedestrian or vehicular traffic. (70, 71b)

SEC. 7.2.71. - OBSTRUCTING TRAFFIC - WITHOUT PERMIT; VIOLATION OF TERMS OF PERMIT; VIOLATION OF DIVISION II, SECTION 903.

To obstruct traffic without a Special Traffic Permit, obstruct traffic in violation of the terms of a Special Traffic Permit, or violate the regulations set forth in Division II, Section 903. Each hour during which the obstruction continues shall constitute a separate offense. The first, and each subsequent offense within a one year period, shall result in a penalty set forth in Division II, Section 302.

SEC. 7.3.3. OBSTRUCTING TRAFFIC.

To obstruct traffic four or more times within one year without a Special Traffic Permit, or violate the terms of a Special Traffic Permit or the regulations set forth in Division II, Section 903. Each hour during which the obstruction continues shall constitute a separate offense. Any person and/or business entity violating this section may be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of at least \$1,000, or imprisonment in the county jail not exceeding six months, or both. (194.3)

Division II

SEC. 306. - OBSTRUCTING TRAFFIC—WITHOUT PERMIT; VIOLATION OF TERMS OF PERMIT; VIOLATION OF DIVISION II, SECTION 903—ADMINISTRATIVE PENALTIES.

- (a) Any person who violates Division I, Section 7.2.71 may be subject to the issuance of a citation and imposition of an administrative penalty. The designated officer or employee may issue an admonishment or direct corrective action in lieu of the issuance of a citation.
- (b) Administrative penalties shall not exceed \$1,000 for each offense, with a maximum cumulative penalty not to exceed \$5,000 per day, per violator.
- (c) The Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to enforce Division I, Section 7.2.71. Any officer or employee so designated is hereby authorized to issue citations imposing administrative penalties for violations of Division I, Section 7.2.71.

SEC. 307. - PROCEDURE FOR ASSESSMENT AND COLLECTION OF ADMINISTRATIVE PENALTIES FOR SECTION 306 VIOLATIONS.

- (a) This Section shall govern the imposition, assessment and collection of administrative penalties imposed pursuant to Section 306.
- (b) The SFMTA Board of Directors finds:
 - (1) That it is in the best interest of the City, its residents, visitors and those who work in and on City streets and sidewalks to provide an alternative, administrative penalty mechanism for enforcement of the obstructing traffic violations covered by this section in addition to the existing enforcement mechanisms authorized under the California Penal Code; and
 - (2) That the administrative penalty scheme established by this section is intended to compensate the public for the injury and damage caused by the prohibited conduct and gain compliance with the SFMTA's "Regulations for Working in San Francisco Streets" (also known as "the Bluebook"). 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.
- (c) *Administrative Citation.* Where an officer or employee designated in Section 306 determines that there has been a violation of Division I, Section 7.2.71, the officer or employee may issue an administrative citation to the person and/or entity responsible for the violation. For purposes of this Section, an entity is responsible if an officer, employee or agent of the entity commits the violation. The citation shall inform the person or entity responsible of the date, time, place and nature of the violation and the amount of the proposed 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 (d), to request administrative review of the citing officer or employee's determination as to the violation and assessment of penalties, and shall set forth the procedure for requesting administrative review. The designated officer or employee shall serve the administrative citation as follows:

1.

Where there is a nexus between the violator and a specific property:

(A)

One copy of the Notice shall be posted in a conspicuous place upon the property.

(B)

One copy of the Notice shall be served upon each of the following:

(i)

The person, if any, in real or apparent charge and control of the premises or property involved;

(ii)

The owner of record, if applicable.

Service required by subparagraph (B) shall be made by first class mail and a certificate of mailing shall be prepared.

2.

Where the issuing officer or employee is unable to ascertain a nexus between the violation and property within the City, a completed copy of the administrative citation may be served on the individual who has committed the violation by personal service, or by first class mail and a certificate of mailing prepared.

3.

For purposes of this Section, there is a nexus where activity on the property has caused, contributed to, or been a substantial factor in causing, the violation.

(d)

Request for Hearing; Hearing.

(1)

A person or entity that has been issued an administrative citation may request administrative review in order to contest the citation issued in accordance with this Section. Administrative review shall be initiated by filing a request for administrative review 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.

(2)

Whenever administrative review is requested pursuant to this Section, the SFMTA Hearing Section shall, within fifteen 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.

(3)

The administrative hearing shall be conducted by a neutral hearing of office 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. This 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.

(4)

The Hearing Officer shall issue a decision including a summary of the issues and the evidence presented, and findings and conclusions, within 15 calendar 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 or entity 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.

(e)

Payment and Collection of Penalty.

(1)

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.

(2)

Where a person or entity has made a timely request for administrative hearing, and the penalty has been upheld upon review, any administrative penalty imposed by the Hearing Officer shall be due and payable not later than 10 business days from the date of the notice of decision issued under subparagraph (d)(4).

(3)

If a penalty due and payable under paragraphs (1) or (2) 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 days after the due date shall be subject to a late payment penalty of fifty (\$50) dollars. 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, including obtaining a judgment for the amount of the administrative penalty and other costs and charges.

(4)

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 days from the date of the notice, the SFMTA shall initiate proceedings to make the amount due and all additional authorized costs and charges, including attorneys fees, a lien on the property. Such liens shall be imposed in accordance with Chapter 10, Article XX of the Administrative Code.

(f)

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

SEC. 902. - GENERAL PERMIT CONDITIONS.

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

(a)

Application and Renewal. Permit applications must be submitted on a form supplied by the SFMTA. All required application 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):

	<u>Base Permit Fee:</u>	<u>Daily Fee:</u>	<u>Removal/Relocation Fee:</u>
Special Traffic Permit (§ 903)	\$362.00 \$406.00 late fee if application received later than two full working days in advance- SFMTA also reserves the right to refuse late applications	\$73.00 per day for use of the permit	\$50.00 for the removal or relocation of each sign. \$75.00 for removal or relocation of each pole. \$200.00 per Parking Space for the temporary relocation of colored curbs zones, including painting. \$350.00 per Parking Space for permanent relocation of colored curb zones, including painting. Any labor and materials costs for pavement striping or signal adjustment.
Temporary Exclusive Use of Parking Meters (§ 904)	Base Permit Fee: \$4.00 per 25 linear feet of construction frontage per day, including weekends and holidays		
Contractor Permit (§ 906)	Base Permit Fee: \$807.00 if issued between June 1 and November 31; \$404.00 if issued between December 1 and May 31. Permit Transfer Fee: \$35		

(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.