

THIS PRINT COVERS CALENDAR ITEM NO.: 10.1

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Making certain modifications to the Powered Scooter Share Permit Program (Program) including amending the Transportation Code, Division II, Section 916 to modify existing Program requirements to, among other things, allow for permit terms of up to two years, require that permittees comply with adaptive scooter program requirements, add a summary suspension process for operators that pose imminent or ongoing health or safety risks, remove the endowment fund provisions, and add the bike rack fee to Transportation Code, Division II, Section 902(d); and authorizing the Director of Transportation to extend the duration of the current permits by two and a half months to June 30, 2021 to further respond to changes resulting from the COVID-19 pandemic by suspending the requirement in Section 916(a)(2) of the Transportation Code, Division II, that the duration of Program permits be up to one year.


SUMMARY:

- As a result of amendments to the Transportation Code, Division II, establishing a permanent Program, the SFMTA issued four 12-month permits in October 2019.
- In August 2020, the SFMTA Board of Directors suspended the requirement in the Transportation Code that the duration of permits be up to one year, and authorized the extension of the current permit terms by six months to April 2021 to respond to the COVID-19 pandemic. The proposed action will authorize the Director of Transportation, or his designee, to further extend the term of current permits by two and a half months to June 30, 2021, to allow permittees time to recover from the latest Stay Home order.
- The proposed Transportation Code amendments will make minor modifications to the Program using lessons learned to date, while leaving the main Program framework intact.
- If approved, the Director of Transportation will solicit applications and issue new permits in advance of the proposed expiration of the existing permits in June 2021.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code Division II amendment

APPROVALS:

	DATE
DIRECTOR 	January 12, 2021
SECRETARY 	January 12, 2021

ASSIGNED SFMTAB CALENDAR DATE: January 19, 2021

PURPOSE

Making certain modifications to the Powered Scooter Share Permit Program (Program) including amending the Transportation Code, Division II, Section 916 to modify existing Program requirements to, among other things, allow for permit terms of up to two years, require that permittees comply with adaptive scooter program requirements, add a summary suspension process for operators that pose imminent or ongoing health or safety risks, remove the endowment fund provisions, and add the bike rack fee to Transportation Code, Division II, Section 902(d); and authorizing the Director of Transportation to extend the duration of the current permits by two and a half months to June 30, 2021 to further respond to changes resulting from the COVID-19 pandemic by suspending the requirement in Section 916(a)(2) of the Transportation Code, Division II, that the duration of Program permits be up to one year.

STRATEGIC PLAN GOALS & TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan Goals and Objectives:

Goal 1 - Create a safer transportation experience for everyone.

Objective 1.2: Improve the safety of the transit system.

Objective 1.3: Improve security for transportation system users.

Goal 2 - Make transit and other sustainable modes of transportation the most attractive and preferred means of travel.

Objective 2.2: Enhance and expand use of the city's sustainable modes of transportation.

Goal 3 - Improve the quality of life and environment in San Francisco and the region.

Objective 3.1: Use agency programs and policies to advance San Francisco's commitment to equity.

Objective 3.3: Guide emerging mobility services so they are consistent with sustainable transportation principles.

This action supports the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

Powered Scooters in San Francisco

The current Powered Scooter Share Permit Program incorporates lessons learned from the 12-month Powered Scooter Share Pilot as well as the City's 18-month Stationless Bikeshare Permit Program to create a more useful, safe, and equitable citywide program. It provides strong guidance and clear requirements around key issues such as the distribution of devices, operational sustainability, community engagement processes, data sharing, and accountability standards.

As directed in the 2019-2020 Powered Scooter Share Permit Program memorandum dated September 27, 2019 (Policy Directive), the current Powered Scooter Share Program began on October 15, 2019. The SFMTA issued permits to four companies, Spin, Scoot, Lime, and JUMP to operate for a one-year term, beginning October 15, 2019.

Key requirements of the Powered Scooter Share Program include:

- All scooters must have a lock-to device
- Clear parking guidelines and parking enforcement
- Complaints database
- Low income plan
- Bike rack fee
- Adaptive Scooter Pilot
- Community Engagement Plan
- Labor Harmony Provision

On February 25, 2020, the Mayor declared a local emergency in response to the COVID-19 pandemic, issuing a Proclamation of the Mayor Declaring the Existence of a Local Emergency (COVID-19 Emergency). On March 16, 2020, San Francisco's Health Officer issued a Public Health Order in response to the COVID-19 Emergency, requiring that residents remain in place, with the only exception being for essential needs (Shelter in Place Order or SIP). With the SIP in effect, Powered Scooters were deemed to be an essential service and were therefore able to continue operations. Of the four permittees, only Spin continued operations throughout the entire period, although Lime and Scoot resumed operations during the summer.

With the 2019-2020 permits set to expire on October 15, 2020, the SFMTA Board, on August 18, 2020, suspended the one-year permit term requirement in the Transportation Code to extend the permits an additional six months. The SFMTA amended the current permits to extend the permit term, effective until April 15, 2021, allowing the current permittees to continue to operate given the disruption of services created by the COVID-19 Emergency and resulting SIP orders. The permit extension has also helped operators stabilize their businesses while allowing the SFMTA to monitor the performance of the Program during the emergency.

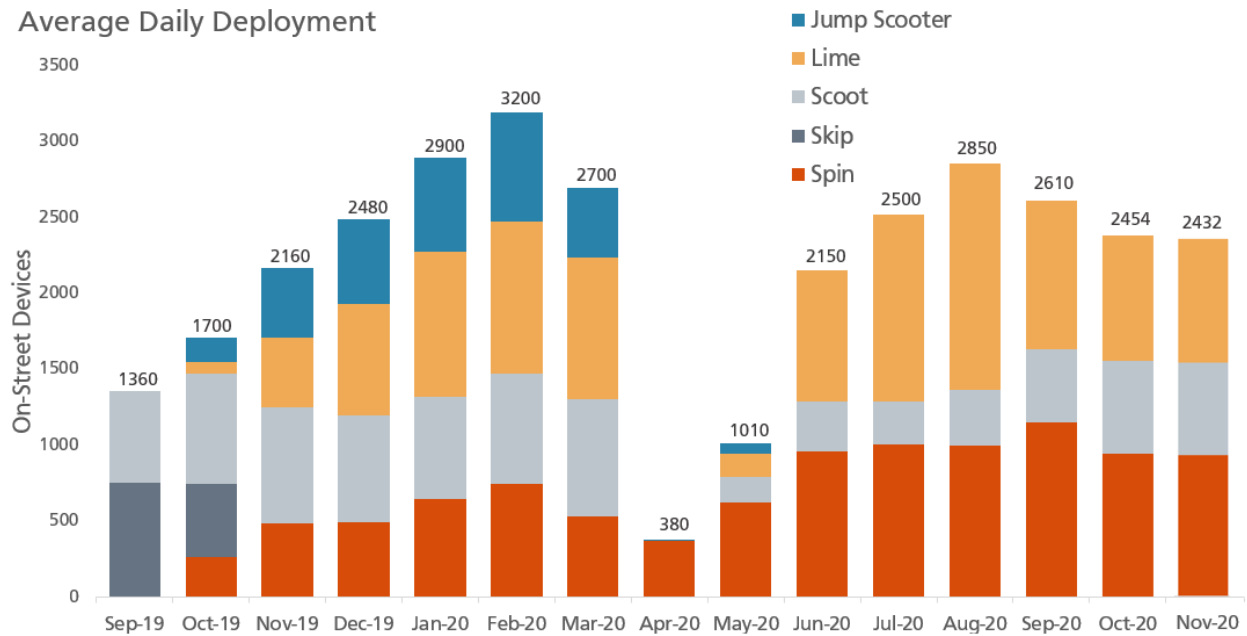
The Director of Transportation's Policy Directive issued on September 27, 2019 allowed each permittee to operate up to 1,000 scooters in San Francisco, with the potential to expand up to 2,500 scooters each, upon meeting certain criteria, for a total combined fleet size of 10,000

scooters. On July 30, 2020, the Director of Transportation issued a Policy Directive to adjust the Powered Scooter Share Distribution Guidelines, including metrics to allow for fleet expansion, to more accurately reflect the realities facing the transportation system during the COVID-19 Emergency. The updated Distribution Guidelines are intended to create the conditions for safe and equitable Powered Scooter Share expansion that aligns with SFMTA’s Transportation Recovery Plan. The revised expansion guidelines allow permittees to serve more neighborhoods and provide a higher level of service, while maintaining a focus on equity, safety, rider accountability, service quality, and customer service.

Scoot is currently authorized to operate up to 1,000 devices, while Spin is authorized to operate up to 1,500 devices after the SFMTA granted its request for a fleet expansion based on compliance with the SFMTA’s criteria as set forth in the Distribution Guidelines. In May, Lime acquired JUMP and the permit transfer has recently been approved. This transfer increases the number of scooters Lime is permitted to operate to 2,000.

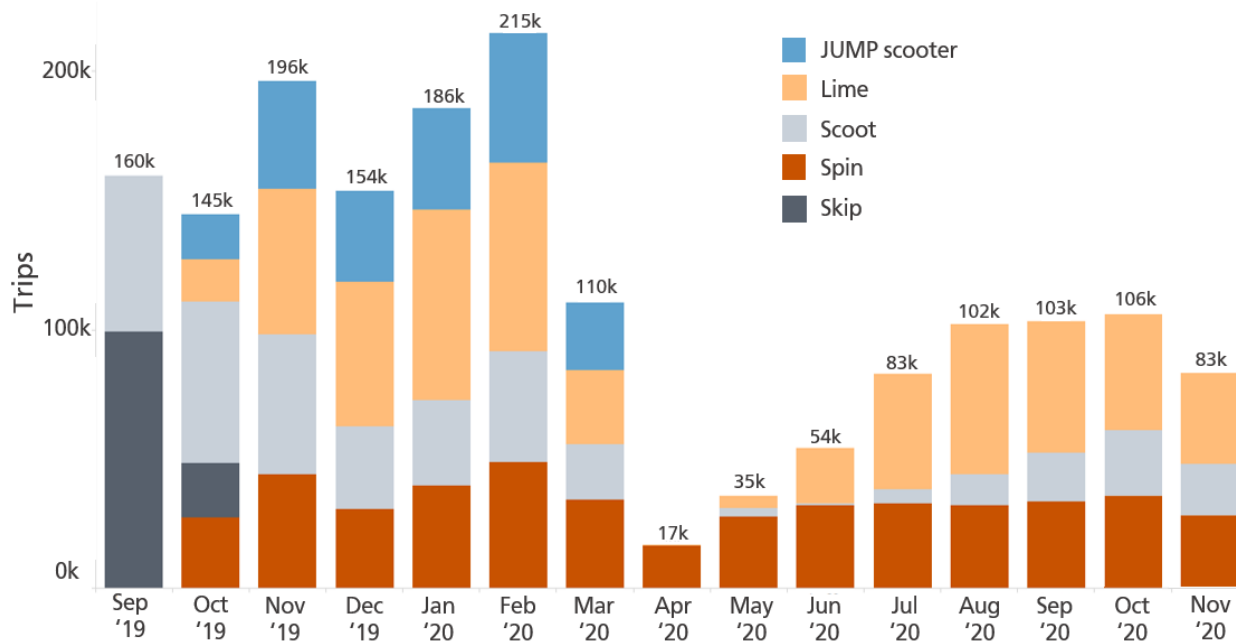
Currently, the permittees are authorized to operate up to 4,500 scooters cumulatively. Overall deployment has fluctuated during the permit term, especially in response to the SIP, and has rebounded considerably from a low point in April, as shown in Figure 1.

Figure 1 – Average Powered Scooter Share Daily Deployment (by Provider)



From the beginning of the program until the Shelter in Place (SIP) went into effect (October 15, 2019 through March 16, 2020), on average there were a total of 6,700 rides taken per day. The impact of the SIP resulted in a 90% drop in total rides in April 2020, down to about 730 scooter rides/day. Ridership has rebounded since the April nadir to approximately 50% of February 2020 trips, as shown in Figure 2; currently there are approximately 3,300 rides taken per day.

Figure 2 – Monthly Powered Scooter Share Trips (by Provider)



Proposed Transportation Code Revisions

Based on the SFMTA’s experience operating the Program to date and the benefits of scooters to the overall transportation network in the City discussed above, the SFMTA recommends that the Board adopt minor updates to the Transportation Code governing the Program. These proposed changes include:

- requiring that permittees comply with the SFMTA’s adaptive scooter program, which will require permittees to provide adaptive scooters as part of the fleet available for rent in-app;
- eliminating the maintenance endowment fund;
- allowing the Director of Transportation to summarily suspend operators that pose imminent or ongoing health or safety risks to the public;
- allowing the Director of Transportation the flexibility to issue permit with terms of up to two years instead of one year;
- adding the bike rack fee to the Permit Fee Schedule in Transportation Code, Division II; and
- authorizing the Director of Transportation to extend the current permits for two and a half months by further suspending the requirement in Section 916(a)(2) of the Transportation Code, Division II, that the duration of Program permits be up to one year.

If the Board adopts these changes to the Program, SFMTA staff plan to incorporate them into a revised permit process to solicit and evaluate applications. Application review and permit issuance will occur in the winter and spring of 2021 in order to issue new permits prior to the expiration of current permits, which will expire on June 30, 2021, if authorized by the Board.

The following sections provide a detailed description of the proposed Transportation Code amendments, organizing according to the city's adopted Guiding Principles for Emerging Mobility Services and Technologies (Guiding Principles).

Disabled Access

Under the current Permit Program, the SFMTA required permittees to pilot Adaptive Scooters to increase accessible travel options. "Adaptive Scooter" was defined as a powered shared scooter that is physically modified to expand access to people with various physical disabilities. Examples included, but were not limited to, scooters with seats and/or wide floorboards. Permittees were required to provide the SFMTA with information on the selection and/or development of the device and demonstrate how input and feedback from people with disabilities was incorporated.

Under the proposed Transportation Code amendments, permittees will be required to comply with the SFMTA's adaptive scooter program requirements, as amended from time to time, to provide adaptive scooters as part of the permittee's fleet. SFMTA staff will work with relevant stakeholders, including SFMTA's Multimodal Accessibility Advisory Committee and the San Francisco Mayor's Office on Disability, to complete detailed requirements to be promulgated through the permit application process. Potential requirements for the adaptive scooter program may include:

- adaptive scooters must be available for reservation through the permittee's application
- adaptive scooters must be required to be equipped with an on-board GPS device capable of providing location data to the SFMTA in order to help staff analyze usage patterns.
- For relevant data not provided through GPS, permittees will be required to track and report on adaptive scooter metrics on a monthly basis and, upon request, be able to provide additional verification on the process utilized or actual data reported.

Financial Impact

Bike Rack Fee

Section 916(d)(5)(O)(1) of Transportation Code, Division II, currently requires permittees to pay a bike rack fee in order to insure adequate scooter parking for each permitted device, but does not specify the fee amount. The SFMTA currently charges a fee of \$75 per permitted device, which is a term in the current permits. Staff recommend increasing the rack fee from \$75 to \$100 per permitted device to reflect current installation costs, and propose adding this fee to the Permit Fee Schedule in Transportation Code, Division II, Section 902(d), to take effect on July 1, 2021. The increased fee amount is based on a cost recovery analysis completed by staff.

Endowment Funds

The SFMTA currently requires a public property repair and maintenance endowment of \$25,000, to last for 10 years paid in annual installments of \$2,500, to ensure adequate funds are available to reimburse the City in the event of damages or maintenance necessitated by the permittees or their customers. SFMTA staff recommend eliminating this endowment, which has not been used

to date. Additionally, staff have determined that the cost administering the fund exceeds the fund amount.

Permit Duration

The proposed Transportation Code amendments also include allowing the Director of Transportation to offer permits of up to two years in duration, an increase from the current one-year limit. The industry is no longer growing at the same rapid pace as it was in 2018, the Program has matured since its inception that year, and staff believe that it may be beneficial to have more permit term flexibility. A longer permit term has the potential to provide permittees more clarity and incentivize greater investment in outreach activities and other programs aimed at making scooters an equitable mobility option. Staff would also be able to better collaborate with operators on improving issues such as user accountability over a longer permit term and make more meaningful observations on the impacts of these efforts with greater permittee continuity. Additionally, the significant burden on staff of soliciting and reviewing applications on an annual basis—a process which currently takes approximately six months—would be reduced with a longer permit term. Finally, during a time of significant unpredictability in the transportation system, a longer permit term would allow permittees to be better positioned to consistently deliver service in support of the Transportation Recovery Plan. Under this change, however, the SFMTA would still have the option of issuing permits of shorter duration—for example, a one-year permit, or issuing a one-year permit with an option for a second year based on compliance with key metrics—should this be desired by the Director of Transportation.

Further Extension of Permit Terms

Under Section 916(a)(2) of Division II of the Transportation Code, scooter permits shall be valid up to one year. Due to the impact of the COVID-19 Emergency on the transportation sector, the Board approved the suspension of the term requirement in August and the permit term was extended by six months. Because of the extreme and unanticipated circumstances due to the surge in COVID-19 and the new Stay Home order, SFMTA staff recommends that the Board further suspend the requirement in the Transportation Code, and authorize the Director of Transportation, or his designee, to extend the Powered Scooter Share Program permit terms by an additional two and a half months, to June 30, 2021. The proposed further suspension of Section 916(a)(2) of the Transportation Code will allow the program to stabilize under the current conditions, and give staff the opportunity to conduct additional outreach and respond to comments heard during the Board of Supervisors Land Use and Transportation Committee hearing on November 30, 2020.

The proposed extension of the existing permit term by two and a half months also ensures that there is continuity of service once the current Stay Home order is lifted, allowing the current permittees to contribute to the Transportation Recovery Plan. It would also help the scooter companies stabilize their businesses in response to the latest restrictions on movement. Finally, it would allow the Program to align with all other permit programs overseen by the Taxis and Accessible Services Division, which are on a fiscal year calendar basis.

Other Changes

In addition to the revocation provisions already included, staff propose adding the ability to summarily suspend permittees that pose imminent or ongoing health or safety risks to the public, a procedure consistent with the Taxi program. Staff also propose revisions to the appeal process to make procedures consistent with other programs such as Taxis and to also clarify hearing procedures. The SFMTA is proposing several other minor changes to the Transportation Code to be consistent with current practice.

STAKEHOLDER ENGAGEMENT

In developing these proposed amendments, SFMTA staff drew upon lessons learned thus far from the Powered Scooter Share Pilot Program, the Stationless Bicycle Share Pilot Program, and the current Powered Scooter Share Permit Program. This included discussions and correspondence with permittees, elected officials, residents, community leaders, subject matter experts, scholars, program participants, staff from other City departments, and staff from other cities. Additionally, SFMTA staff are conducting outreach to various stakeholder groups, advisory committees, and Community-Based Organizations, including the following:

Community-Based Organizations and Stakeholder Groups

- BMAGIC
- Calle 24
- Chinatown Community Development Corporation
- Chinese for Affirmative Action
- Chinese Newcomers Association
- Chinese Progressive Association
- Day Laborer Association
- Senior Disability Action
- Excelsior Action Group
- Excelsior Works
- Filipino-American Development Foundation
- Healthy Southeast
- Mission Asset Fund
- Mission Economic
- Development Association
- Mission Neighborhood Centers
- MoMAGIC
- Independent Living Resource Center
- PODER
- Safe Passage
- SF Rising
- SOMA Pilipinas
- SOMCAN
- Tenderloin Community Benefit District
- Tenderloin Neighborhood Development Corporation
- The Village Project
- United to Save the Mission
- Mayor's Office on Disability

Advisory Committees

- Multimodal Accessibility Advisory Committee
- Board of Supervisors Bicycle Advisory Committee
- Vision Zero Task Force
- Paratransit Coordinating Council
- SFMTA Citizen's Advisory Committee
- Mayor Disability Council

- Pedestrian Safety Advisory Committee
- SFMTA Small Business Working Group

SFMTA staff presented at the Board of Supervisors Land Use and Transportation Committee on November 30, 2020, and are considering changes to the Program in response to feedback received during that public forum regarding labor harmony and safe charging requirements. Staff are also offering an online open house and survey during the month of January to provide an extended timeframe for the community to provide feedback regarding what is working in the current permit program and what could be improved. Finally, staff receives feedback (complaints/compliments) from the community throughout the current Program using the Emerging and Regulated Mobility Feedback form¹, as well as via email, phone, and through 311.

Additionally, many aspects of the Program are established under Director of Transportation (DOT) authority, and public input is anticipated to be particularly important in the following areas:

- Labor harmony: strengthening coordination with community-based organization hiring programs as appropriate in order to encourage direct employment of qualified and economically disadvantaged San Franciscans through the City's numerous community workforce partners, and encouraging W-2 employment rather than the use of independent contractors and staffing agencies;
- Community engagement requirements: adding mobility justice training requirement;
- Distribution requirements: emphasizing the coverage requirement (based on ability of a customer to access a scooter within a certain distance for all neighborhoods in the City) while still maintaining the threshold requirement (based on required number of devices in key neighborhoods); and
- Establishing specific requirements for the adaptive scooter program: transitioning from an adaptive pilot requirement to a program requirement.

ALTERNATIVES CONSIDERED

Returning to a regulatory environment where a permit is not required for powered scooter share operations was considered by SFMTA staff. Staff concluded that this option would result in the resurgence of cluttered and obstructed public spaces, potentially posing a threat to public health and safety, uneven and inequitable distribution of powered scooter share services, and potential liability for the City.

SFMTA staff also considered not adopting the discrete amendments proposed. Not adopting the proposed adaptive scooter requirements would mean the Permit Program would likely not expand mobility options for people with disabilities. Staff also considered not allowing the proposed additional permit term flexibility, but this would not allow the SFMTA to achieve the potential benefits of a longer term and savings of staff time and resources. Additionally, not adopting the permit term extension would jeopardize continuity of service once the current Stay Home order is lifted, and potentially undermine permittees' ability to contribute to the Transportation Recovery Plan. Banning all Powered Scooter Share operations was also considered. However, given the generally successful experience to date of a carefully regulated permit program, SFMTA staff concluded that this

¹ <https://www.sfmta.com/about-us/contact-us/regulated-emerging-mobility-comments>

option would deny the many benefits that the rapid adoption of scooter share services have provided in San Francisco and across the world, and would also deny the SFMTA the opportunity to continue evaluating the effectiveness of these programs in supporting the Agency’s goals and policies. Additionally, scooters and micromobility in general are important mobility options that help offset changes in transportation due to the COVID-19 Emergency, such as increased private automobile traffic and reduced Muni service and ridership. Eliminating this mobility option would directly contradict scooters’ alignment with the SFMTA’s Transportation Recovery Plan.

FUNDING IMPACT

Costs associated with permitting of the Program are recovered through the permit fees. The Board of Directors adopted an increase in fees – an initial permit fee of \$5,394 for a permit application, and a \$38,340 annual/renewal permit fee – on June 30, 2020, which went into effect on January 4, 2021, and will not exceed the costs of the program. Additionally, the SFMTA charges permittees a bike rack fee to cover the cost of procurement and installation of bike racks commensurate with their permitted fleet size. Applicable penalties which may be imposed for permit violations will be tracked by SFMTA staff, however the volume of these violations and the resulting financial impact is unknown.

PUBLISHED NOTICE AND PUBLIC HEARING

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 on January 19, 2021, to consider amending the Transportation Code, Division II, Section 902(d) to add the bike rack fee for the Powered Scooter Share Permit Program. For Fiscal Year 2021-2022, the proposed bike rack fee is \$100 per permitted device. In compliance with these requirements, the advertisement ran in the San Francisco Examiner for a five-day period beginning on January 6, 2020.

ENVIRONMENTAL REVIEW

On November 4, 2020, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation 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).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this report.

No other approvals are required.

RECOMMENDATION

Staff recommends that the SFMTA Board make certain modifications to the Powered Scooter Share Permit Program (Program) including amending the Transportation Code, Division II, Section 916 to modify existing Program requirements to, among other things, allow for permit terms of up to two years, require that permittees comply with adaptive scooter program requirements, add a summary suspension process for operators that pose imminent or ongoing health or safety risks, remove the endowment fund provisions, and add the bike rack fee to Transportation Code, Division II, Section 902(d); and authorize the Director of Transportation to extend the duration of the current permits by two and a half months to June 30, 2021 to further respond to changes resulting from the COVID-19 pandemic by suspending the requirement in Section 916(a)(2) of the Transportation Code, Division II, that the duration of Program permits be up to one year.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, As a result of amendments to the Transportation Code, Division II, establishing the current Powered Scooter Share Permit Program (Program), the SFMTA issued four 12-month permits in October 2019; and,

WHEREAS, The SFMTA's Program gives San Francisco denizens an alternative mobility option to single-occupancy automobiles, while also providing strong guidance and clear requirements to permittees regarding key issues such as the parking requirements, distribution of devices, operational sustainability, community engagement processes, data sharing, and rider accountability; and,

WHEREAS, The proposed revisions to amend the Transportation Code, Division II, would make certain modifications to the Program to, among other things, allow for permit terms of up to two years, require that permittees comply with adaptive scooter program requirements, add a summary suspension process for operators that pose imminent or ongoing health or safety risks, remove the endowment fund provisions, and add the bike rack fee to Transportation Code, Division II, Section 902(d); and,

WHEREAS, The proposed changes to the Transportation Code will allow the Program to continue to utilize lessons learned to create a more useful, equitable, and accessible citywide Program; and,

WHEREAS, On February 25, 2020, the Mayor declared a local emergency in response to the COVID-19 pandemic and issued the Proclamation of the Mayor Declaring the Existence of a Local Emergency (COVID-19 Emergency) and on March 16, 2020, San Francisco's Health Officer issued a Public Health Order in response to the COVID-19 Emergency, requiring that residents remain in place, with the only exception being for essential needs (Shelter in Place Order or SIP); and,

WHEREAS, With the 2019-2020 permits set to expire on October 15, 2020, the SFMTA Board, on August 18, 2020, suspended the one-year permit term requirement in the Transportation Code to extend the permits an additional six months. The SFMTA amended the current permits to extend the permit term, effective until April 15, 2021, allowing the current permittees to continue to operate given the disruption of services created by the COVID-19 Emergency and resulting SIP orders; and,

WHEREAS, Because of the extreme and unanticipated circumstances due to the surge in COVID-19 cases and the new Stay Home order, staff has determined that a further suspension of Section 916(a)(2) of the Transportation Code, Division II, will allow the Program to stabilize under the current conditions, give staff the opportunity to conduct additional outreach, ensure that there is continuity of service once the current Stay Home order is lifted, which will allow the current permittees

to contribute to the Transportation Recovery Plan, and allow the Program to align with all other permit programs overseen by the Taxis and Accessible Services Division, which are on a fiscal year calendar basis; and,

WHEREAS, Upon approval of this legislation, SFMTA staff plan to implement a revised permit process and solicit and evaluate applications in order to allow the Director of Transportation to issue new permits no later than July 1, 2021; 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 November 4, 2020, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation 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,

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 the Transportation Code, Division II, Section 916 to modify existing Powered Scooter Share Program requirements to, among other things, allow for permit terms of up to two years, require that permittees comply with adaptive scooter program requirements, add a summary suspension process for operators that pose imminent or ongoing health or safety risks, remove the endowment fund provisions, and add the bike rack fee to Transportation Code, Division II, Section 902(d); and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors suspends the requirement in Transportation Code, Division II, Section 916(a)(2), that the duration of Powered Scooter Share Program permits be up to one year, and authorizes the Director of Transportation to extend the duration of the current permits by two and a half months to June 30, 2021 to further respond to changes resulting from the COVID-19 pandemic.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 19, 2020.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Powered Scooter Share Program]

Resolution amending the Transportation Code to, among other things, revise permit requirements, including terms and conditions, for the Powered Scooter Share Permit Program, and authorizing the Director of Transportation to suspend through June 30, 2021 the requirement that the duration of Powered Scooter Share Program permits be up to one year, and to extend the current permits, issued in October 2019 and currently expiring April 15, 2021, through June 30, 2021, to account for changes in the program due to the COVID-19 pandemic.

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 902 and Section 916, to read as follows:

SEC. 902. GENERAL PERMIT CONDITIONS.

* * * *

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

**Table 902(d)
Permit Fee Schedule**

	FY 2021 Effective July 1, 2020	FY 2022 Effective July 1, 2021
Special Traffic Permit (§ 903)		
Base Permit Fee:	\$333	\$350
Daily Fee:	\$68	\$71

Late Fee:	\$374	\$393
Temporary Exclusive Use of Parking Meters (§ 904)		
Base Permit Fee: per 25 linear feet of construction frontage per day, including weekends and holidays:	\$16	\$16.50
Residential Area Parking Permit (§ 905)		
Motorcycle (Annual)	\$113	\$119
Motorcycle (Less than 6 months)	\$57	\$60
Resident/Business/School/Fire Station/Foreign Consulate/Medical & Childcare Provider Base Permit Fee:		
(1 year):	\$152	\$160
(Less than 6 months):	\$75	\$79
Permit Transfer:	\$25	\$26
1-Day Flex Permit (purchased within one calendar year):		
1-5 permits	\$7 each permit	\$7 each permit
6-15 permits	\$9 each permit	\$9 each permit
16-20 permits	\$14 each permit	\$15 each permit
Short-Term Permits		
2 weeks:	\$54	\$57
4 weeks:	\$77	\$81
6 weeks:	\$99	\$104
8 weeks:	\$129	\$135
Contractor Permit (§ 906)		
Base Permit Fee		
Annual/Renewal:	\$2,104	\$2,169
Less than 6 Months:	\$1,064	\$1,097
Permit Transfer Fee:	\$25	\$26
Vanpool Permit (§ 907)		
Base Permit Fee		
(per year):	\$152	\$160
(Less than 6 months):	\$75	\$79
Stationless Bicycle Share Program Permit		

(§ 909)		
Permit Application Fee	\$5,394	\$5,512
Annual/Renewal Fee	\$38,480	\$39,322
SFMTA Permit (§ 910)		
(Based on the annualized Parking Meter Use Fee)	\$3,380	\$3,640
On-Street Shared Vehicle Parking Permit (§ 911)		
Zone 1	\$130 per month	\$130 per month
Zone 2	\$75 per month	\$75 per month
Zone 3	\$20 per month	\$20 per month
On-Street Shared Electric Moped Parking Permit (§ 915)		
(1 Year)	\$100	\$100
(Less than 6 months):	\$50	\$50
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.	\$70	\$72
Designated Shuttle Stop Use Permit (§ 914)	\$8.10	\$8.30
Farmer's Market Parking Permit (§ 801(c)(17))		
Base Permit Fee (quarterly):	\$235	\$247
Temporary Street Closures Permits (Division I, Article 6)		
Neighborhood Block Party		
More than 120 days in advance:	\$50	\$50
90-120 days in advance:	\$75	\$75
60-89 days in advance:	\$100	\$100
30-59 days in advance:	\$150	\$150
Fewer than 30 days in advance:	\$300	\$350
Community Events		
More than 120 days in advance:	\$100	\$100

90-120 days in advance:	\$150	\$150
60-89 days in advance:	\$200	\$200
30-59 days in advance:	\$250	\$250
7-29 days in advance:	\$300	\$500
Fewer than 7 days in advance:	\$500	\$750
Special Events		
More than 120 days in advance	\$1,100	\$1,100
90-120 days in advance	\$1,250	\$1,325
60-89 days in advance	\$1,500	\$1,600
30-59 days in advance	\$1,750	\$2,000
Fewer than 30 days in advance	\$2,000	\$2,200
Fewer than 7 days in advance	\$2,500	\$2,750
Bus Substitution Fee (Division I, Article 6.2(f))	\$38	\$39
Powered Scooter Share Program Permit (\$916)		
Powered Scooter Share Program Annual/Renewal Permit	\$38,480	\$39,322
Powered Scooter Share Program Permit Application Fee	\$5,394	\$5,512
<u>Bike Rack Fee (per permitted device)</u>	<u>\$100</u>	<u>\$100</u>

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SEC. 916. POWERED SCOOTER SHARE PROGRAM.

(a) General Permit Program Requirements.

(1) The Director of Transportation is authorized to implement a program for the issuance of Powered Scooter Share Permits. The SFMTA shall implement this program consistent with the agency’s “Guiding Principles for Emerging Mobility Services and Technologies” as may be amended from time to time.

(2) The Director of Transportation has the authority in the Director's discretion to grant revocable Powered Scooter Share Permits for operation in the public right-of-way under the jurisdiction of the SFMTA or the Department of Public Works ("Public Works") in the City upon receipt and evaluation of applications from Powered Scooter Share Operators on a form prescribed by the SFMTA which meets the requirements of this Section 916. The Director of Transportation shall determine the maximum number of Powered Scooters authorized under the Powered Scooter Share Permit Program and shall determine the appropriate number of permittees. Permit terms may be up to two years. ~~Each permit shall be valid for up to one year.~~ A permittee whose permit is revoked shall not be eligible to reapply for a permit for six months from the date of revocation.

(3) The Director of Transportation may determine criteria for evaluation of permit applications. In evaluating a permit application, the Director of Transportation may consider, among other factors, ~~consideration of~~ the extent to which an operator has the capacity to meet the permit terms based on past experience operating mobility programs, including, but not limited to, the operator's compliance with applicable laws and its efforts to ensure compliance by its users with applicable laws.

(b) Permit Required. No Powered Scooter that is part of a Powered Scooter Share Program may be parked, left standing, or left unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works without the Powered Scooter Share Operator first obtaining a permit under this Section 916.

(c) Director's Authority to Impose Powered Scooter Share Program Permit Conditions. The Director of Transportation may impose permit conditions, including but not limited to, those conditions that the Director determines are necessary to protect the public convenience and safety.

(d) General Permit Requirements for Powered Scooter Share Program Permits.

(1) The name and current contact information for the Powered Scooter Share Operator, as well as a unique number identifying the scooter, shall be prominently displayed on each scooter that is part of a Powered Scooter Share Program.

(2) The Director of Transportation reserves the right to revoke a Powered Scooter Share Program Permit for cause or issue a summary suspension at any time upon written notice of revocation or summary suspension as set forth in subsection (f) of this Section 916. The Powered Scooter Share Program Operator shall surrender such permit in accordance with the instructions in the notice of revocation or summary suspension.

(3) A permit fee must be paid by the permit applicant before any permit may be issued or renewed. In addition, an applicant 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.

(4) Upon notification by the City of any Powered Scooter belonging to a Powered Scooter Share Program Operator that is parked, left standing, or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works without a permit, the Powered Scooter Share Operator shall, in addition to paying any applicable fines or penalties, remove the scooter within two hours.

(5) To be eligible and qualified to obtain a Powered Scooter Share Program Permit, a Powered Scooter Share Program Operator shall agree to, as applicable, the following minimum requirements:

(A) Provide Powered Scooters of high quality, that are sturdily built and with tamper-resistant hardware to accommodate a range of users, comply with California

Vehicle Code requirements, will withstand the rigors of outdoor storage and constant use, have integrated lock-to capabilities, and adhere to standard certifications as determined by the SFMTA; and make available two sample scooters for inspection and evaluation by the SFMTA.

(B) Ensure that Powered Scooters are only 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, and that are clearly and understandably communicated to the customer prior to scooter use.

(C) Equip each Powered Scooter 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, maintain a continuous feed of the required data at all times for scooters made available to customers, and maintain aggregated data as the SFMTA deems necessary. The Powered Scooter Share Program Operator shall provide such data to the SFMTA as directed.

(D) Provide adequate insurance in compliance with State law and as determined by the City's Risk Manager, which lists the City and County of San Francisco as an additional insured, and which covers each Powered Scooter 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 Powered Scooter during the period of use. Further, the Permittee must indemnify and hold the City and County of San Francisco, 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.

~~(E) — Pay ay the SFMTA a public property repair and maintenance endowment totaling \$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 Powered Scooter Share Operator or its customers, removing and storing scooters 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.~~

~~(F)~~(E) 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, incurs any such costs of addressing or abating any violations of this Section 916, 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 Powered Scooter Share Operator’s payment under this subsection (d)(5)~~(F)~~(E) shall not substitute for any installment payment otherwise owed or to be paid to the SFMTA.

~~(G)~~(F) Develop a targeted community outreach plan which complies with SFMTA’s Community Engagement Plan Requirements, as amended from time to time, which shall include, but not be limited to, a strategy to partner with advocacy and community benefit organizations, a culturally relevant and multilingual communications plan, and an equitable Powered Scooter share implementation plan, to promote the use of their Powered Scooter sharing system citywide among low-income communities, and to implement

the plan at its own cost. The Powered Scooter Share Program Operator shall keep a record of any public feedback received in a format and manner as determined by the SFMTA.

~~(H)~~(G) Provide distribution of Powered Scooters available to customers consistent with the SFMTA's distribution guidelines, as amended from time to time, including, but not limited to, identification of service areas, minimum service and distribution metric thresholds, and availability requirements in specific neighborhoods classified as Communities of Concern by the Metropolitan Transportation Commission to meet equity goals. Provide a proposed service area, which meets the SFMTA's distribution guidelines, for approval by the SFMTA and furnish an accurate map of the agreed-upon area to the SFMTA.

~~(H)~~(H) Submit a maintenance, operations, cleaning, disposal, and repair plan for the Powered Scooters subject to approval by the SFMTA and Public Works.

~~(D)~~(I) Submit a low-income user plan that waives any applicable scooter deposit and offers a minimum 50% discount off rental fees or unlimited trips under 30 minutes, and a cash payment option, to any user with an income level at or below 200% of the federal poverty guidelines.

~~(K)~~(J) Provide a multilingual website with languages determined by the SFMTA, call center, and mobile application customer interface, that is available 24 hours a day, seven days a week. As part of the call center, the Powered Scooter Share Program Operator must provide a telephone number for customers and members of the public to report any concerns or complaints, which the Powered Scooter Share Program Operator must track. 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. The Powered Scooter Share Program Operator shall keep a record of any feedback received through the processes described herein in a format and manner as determined by the SFMTA.

~~(L)~~(K) Submit a Privacy Policy consistent with guidelines issued by the Director of Transportation that safeguards users' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data.

~~(M)~~(L) Submit aggregate user demographic data that does not identify individual users, payment methods, or their individual trip history, gathered by the system application, or through a City-administered survey, to the SFMTA periodically, and on no less than on an annual basis, using anonymized keys.

~~(N)~~(M) Provide an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the scooter identification number corresponding to the make and model of the scooter registered with the SFMTA.

~~(O)~~(N) Use best efforts to ensure that its users comply with all applicable laws. Consistent failure by the users associated with a specific operator to comply with applicable laws shall be grounds for permit suspension or revocation. At a minimum, each Powered Scooter Share Program Operator shall provide to the user a summary of State and local laws governing the use of Powered Scooters, including but not limited to, informing the user of applicable requirements for licensing, helmets, travel on highways, parking, and use of sidewalks, as specified by the Director of Transportation. The user shall be required to acknowledge having read these requirements. The Powered Scooter Share Program Operator also shall comply with safety and parking requirements, including but not limited to, the following:

(1) A plan for educating users on proper scooter parking must be provided by the Powered Scooter Share Program Operator. A Powered Scooter Share Program Operator also shall pay a fee to SFMTA to cover the cost of SFMTA's installation of bicycle racks to insure adequate scooter parking; and

(2) Report on collisions as directed by the SFMTA. In addition, during each ~~quarter of the permit term~~calendar year of business operations, the Powered Scooter Share Program Operator shall offer to its customers not less than one safety training class every quarter.

~~(P)~~(O) Comply with, and ensure that their employees and contractors comply with, applicable laws, including but not limited to, the provisions of this Section 916, 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, and the Americans with Disabilities Act.

~~(Q)~~(P) No permit may be transferred without the prior written approval of the Director of Transportation. Permittees shall promptly notify 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.

~~(R)~~(Q) Sustainability.

(1) Comply with the City's Zero Waste Policy, as amended from time to time, with regard to disposal of scooters and scooter parts; and

(2) Document and report to the SFMTA new non-revenue vehicle miles traveled (VMT), and number and length of trips generated by collecting, redistributing, and charging activities, in a format prescribed by the Director of Transportation.

~~(S)~~(R) Provide a labor harmony plan. Labor harmony is critical for the provision of scooter services in the context of safety and maintenance, as well as equitable geographic device distribution. The Powered Scooter Share Program Operator shall include a description of the means by which the operator has considered labor and labor harmony in its operations specifically as it relates to consistent distribution, operation, and

maintenance, including steps taken to avoid potential disruptions. The Powered Scooter Share Program Operator shall provide in its plan any agreements or documents evidencing such steps, as well as information regarding employee work hours, working conditions, and wages.

(S) Comply with the SFMTA's adaptive scooter program requirements, as amended from time to time.

(e) Powered Scooter Share Program Permit Issuance.

(1) After evaluating an applicant's permit application, the Director of Transportation shall either grant the Permit as requested, 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. An applicant may request review of the Director of Transportation's decision to deny a permit or grant a permit with modifications. Review of the Director's decisions will be conducted under the substantial evidence standard. The Director shall issue procedures governing review of these decisions by a neutral hearing officer. 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 reconsideration by the Director of the matter in light of the decision, but the order shall not limit or control in any way the discretion legally vested in the Director to issue permits.

(2) Notwithstanding any other requirement, the Director of Transportation has the authority to deny a permit based on the extent to which issuing a permit would lead to an over-concentration of shared Powered Scooters in the public right-of-way, cause an imbalance in the geographical distribution of scooters that are part of the Powered Scooter Share Program, or otherwise not be in the public interest.

(f) Permit Revocation or Summary Suspension.

(1) Summary Suspension. When the Director of Transportation 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 of Transportation’s procedures for review of revocation and summary suspension decisions referenced in subsection (f)(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.

~~(1)(2)~~ For good cause, the Director of Transportation may revoke any permit issued under this Section 916. “Good cause” hereunder shall include, but shall not be limited to, the following:

(A) ~~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 916;

(B) ~~A~~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 any provision of Division I or II of this Transportation Code, governing the operation of Powered Scooters regulated by this Code; or

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

~~(2)(3)~~ A Permittee may request review of the Director of Transportation’s decision to revoke or summarily suspend a permit. The Director shall issue procedures governing review of these decisions by a neutral hearing officer~~third party~~.

(g) Administrative Penalties Applicable to Powered Scooter Share Program Operators.

(1) Any Powered Scooter Share Program Operator who violates Division I, Section 7.2.110 of this Code is subject to the issuance of a citation and imposition of an administrative penalty.

(2) Any Powered Scooter Share Program Operator who violates one or more conditions of a permit issued under this Section 916 is subject to the issuance of a citation and imposition of an administrative penalty.

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

(4) In addition to other designated 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.

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

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

(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 Powered Scooter Share Program Permit requirements established by this Section 916, including the SFMTA's Mobility Device Parking Requirements, as amended from time to time; and

(B) That the administrative penalty scheme established by this Section 916 is intended to compensate the public for the injury or damage caused by any person or Powered Scooter Share Operator who parks or leaves standing or unattended any Powered Scooter, that is part of a Powered Scooter 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 Powered Scooter 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 served by certified U.S. mail to the last known address for the Powered Scooter Share Operator. The citation shall state 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, under subsection (h)(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 Powered Scooter owner.

(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 ~~may request an administrative hearing in person, by telephone, or by email in order to contest the citation issued in accordance with this Section 916. The administrative hearing shall be initiated by filing a request for an administrative hearing with the SFMTA Hearing Section 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 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 (h)(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 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 proceedings 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 916. 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 (h)(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 (h)(4)~~(D)~~(E).

* * * *

Section 2. The COVID-19 pandemic, as referenced in the Proclamation of the Mayor Declaring the Existence of a Local Emergency dated February 25, 2020 (COVID-19 Emergency), as well as in numerous ordinances of the Board of Supervisors and orders of the County Health Officer, resulted in a sharp decline in usage of Powered Scooters and caused some Powered Scooter Share permittees to suspend business operations. To respond to these changes resulting from the COVID-19 Emergency, on August 18, 2020, the SFMTA Board of Directors adopted Resolution No. 200818-073 to authorize the Director of Transportation or his designee on a one-time basis to suspend Section 916(a)(2) of the Transportation Code, Division II, which provides that the duration of Powered Scooter Share Program permits be up to one year, and to extend the duration of the then-current permits issued in October 2019 by six months, to April 2021. The Director of Transportation subsequently extended the permits until April 15, 2021.

Given the recent surge in COVID-19 cases, and issuance of regional stay-at-home orders, a further response to the COVID-19 Emergency is needed. In addition, it would be beneficial for the program to be administered on a fiscal year calendar basis to align with other SFMTA permit programs. Accordingly, the Director of Transportation is authorized to suspend Section 916(a)(2) a second time, for an additional two-and-a-half months, through June 30, 2021, and thereby extend the duration of Powered Scooter Share permits through that date.

Section 3. The amendment to Sections 902 of the Transportation Code made by Section 1 of this ordinance, regarding the new bike rack fee, is intended to be additive to the revisions to that section made by the SFMTA Board of Directors in approving Resolution No. 200630-06 approving the 2020-2022 budget.

Section 4. Effective Date; Operative Date.

(a) This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

(b) The operative date for the amendment to Section 902(d) of the Transportation Code in Section 1 of this ordinance, regarding the bike rack fee, is July 1, 2021. The operative date for all other provisions of this ordinance is its effective date.

Section 5. 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: _____
JULIE VEIT
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 January 19, 2021.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency