

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 210119-010

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.

*Caroline Celaya*

Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

[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
<b>Special Traffic Permit</b> (§ 903)		
Base Permit Fee:	\$333	\$350
Daily Fee:	\$68	\$71

Late Fee:	\$374	\$393
<b>Temporary Exclusive Use of Parking Meters (§ 904)</b>		
<b>Base Permit Fee:</b> per 25 linear feet of construction frontage per day, including weekends and holidays:	\$16	\$16.50
<b>Residential Area Parking Permit (§ 905)</b>		
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
<b>Contractor Permit (§ 906)</b>		
Base Permit Fee		
Annual/Renewal:	\$2,104	\$2,169
Less than 6 Months:	\$1,064	\$1,097
Permit Transfer Fee:	\$25	\$26
<b>Vanpool Permit (§ 907)</b>		
Base Permit Fee		
(per year):	\$152	\$160
(Less than 6 months):	\$75	\$79
<b>Stationless Bicycle Share Program Permit</b>		

(§ 909)		
Permit Application Fee	\$5,394	\$5,512
Annual/Renewal Fee	\$38,480	\$39,322
<b>SFMTA Permit</b> (§ 910)		
(Based on the annualized Parking Meter Use Fee)	\$3,380	\$3,640
<b>On-Street Shared Vehicle Parking Permit</b> (§ 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
<b>On-Street Shared Electric Moped Parking Permit</b> (§ 915)		
(1 Year)	\$100	\$100
(Less than 6 months):	\$50	\$50
<b>Vehicle Press Permit</b> (§ 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
<b>Designated Shuttle Stop Use Permit</b> (§ 914)	\$8.10	\$8.30
<b>Farmer's Market Parking Permit</b> (§ 801(c)(17))		
Base Permit Fee (quarterly):	\$235	\$247
<b>Temporary Street Closures Permits</b> (Division I, Article 6)		
<b>Neighborhood Block Party</b>		
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
<b>Community Events</b>		
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
<b>Special Events</b>		
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
<b>Bus Substitution Fee</b> (Division I, Article 6.2(f))	\$38	\$39
<b>Powered Scooter Share Program Permit (\$916)</b>		
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).

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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.

*Caroline Celaya*  
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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency