

BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Maguire, Interim Executive Director, Municipal Transportation Agency
William Scott, Police Chief, Police Department
Mohammed Nuru, Director, Public Works

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: October 15, 2019

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on October 8, 2019:

File No. 191013

Ordinance amending the Transportation Code to establish a violation for operating a Shared Mobility Device Service without a permit or other authorization from the Municipal Transportation Agency, and to repeal certain parking restrictions related to stationless bicycle share programs and powered scooter share programs; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have comments or reports to be included with the files, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Kate Breen, San Francisco Municipal Transportation Agency
Janet Martinsen, San Francisco Municipal Transportation Agency
Joel Ramos, San Francisco Municipal Transportation Agency
Rowena Carr, Police Department
Asja Steeves, Police Department
Deirdre Hussey, Police Department
Sergeant Rachael Kilshaw, Police Department
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works

[Transportation Code - Mobility Device Permit Requirement]

Ordinance amending the Transportation Code to establish a violation for operating a Shared Mobility Device Service without a permit or other authorization from the Municipal Transportation Agency, and to repeal certain parking restrictions related to stationless bicycle share programs and powered scooter share programs; and affirming the Planning Department’s determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in *strikethrough italics Times New Roman font*. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~strikethrough Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms this determination.

Section 2. Article 7 of Division I of the Transportation Code is hereby amended by revising Section 7.2.110 and deleting Section 7.2.111, to read as follows. Section 7.2 is reprinted to provide context.

SEC. 7.2. INFRACTIONS.

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

9 **SEC. 7.2.110. ~~STATIONLESS BICYCLE SHARE PARKING RESTRICTIONS~~ SHARED**
10 **MOBILITY DEVICE SERVICE PERMIT REQUIREMENTS.**

11 *(a) To operate a Shared Mobility Device Service, as defined in Section 1202 under Division*
12 *II, without a permit, agreement, or other authorization from the Municipal Transportation Agency or*
13 *appropriate City department or agency authorizing such operations, except as otherwise provided in*
14 *Division II of this Code.*

15 *(ab) To park, leave standing, or leave unattended a ~~bicycle~~ Mobility Device, as defined*
16 *in Section 1202 under Division II, that is part of a ~~Stationless Bicycle Share Program~~ Shared Mobility*
17 *Device Service, as defined in Section 909, on any sidewalk, Street, or public right-of-way under*
18 *the jurisdiction of the Municipal Transportation Agency or ~~the Department of Public Works~~ other*
19 *City department or agency without a permit, agreement, or other authorization issued by the*
20 *appropriate City department or agency ~~Municipal Transportation Agency~~ authorizing the*
21 *~~bicycle~~ Mobility Device to be parked, left standing, or left unattended at that location except as*
22 *otherwise provided in Division II of this Code. ~~Bicycles~~ Mobility Devices parked, left standing, or left*
23 *unattended in violation of this Section 7.2.110 constitute a public nuisance subject to*
24 *abatement and removal pursuant to Article 26 of the Public Works Code, Sections 1600 et*
25 *seq.*

1 (b~~c~~) In addition to any penalty established by the Municipal Transportation Agency in
2 Transportation Code Section 302, the Municipal Transportation Agency may impose
3 administrative penalties ~~pursuant to Transportation Code Section 909~~ for violation of Shared
4 Mobility Device Service permit requirements.

5 **~~SEC. 7.2.111. POWERED SCOOTER SHARE PARKING RESTRICTIONS.~~**

6 (a) ~~—To park, leave standing, or leave unattended a Powered Scooter that is part of a~~
7 ~~Powered Scooter Share Program, on any sidewalk, Street, or public right-of-way under the jurisdiction~~
8 ~~of the Municipal Transportation Agency or the Department of Public Works without a permit issued by~~
9 ~~the Municipal Transportation Agency authorizing the Powered Scooter to be parked, left standing, or~~
10 ~~left unattended at that location. Powered Scooters parked, left standing, or left unattended in violation~~
11 ~~of this Section 7.2.111 constitute a public nuisance subject to abatement and removal pursuant to~~
12 ~~Article 26 of the Public Works Code, Sections 1600et seq. For purposes of this Section 7.2.11,1~~
13 ~~“Powered Scooter” shall mean a “motorized scooter” as defined in Section 407.5 of the California~~
14 ~~Vehicle Code as it read on April 1, 2018, and any vehicle defined as a “Powered Scooter” under~~
15 ~~Division II of the Transportation Code.~~

16 (b) ~~—In addition to any penalty established by the Municipal Transportation Agency in~~
17 ~~Transportation Code Section 302, the Municipal Transportation Agency may impose administrative~~
18 ~~penalties for violation of Powered Scooter Share Program permit requirements.~~

19 Section 3. Effective Date. This ordinance shall become effective 30 days after
20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
21 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
22 of Supervisors overrides the Mayor’s veto of the ordinance.

23 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the "Note" that appears under
3 the official title of the ordinance.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: 
8 STEPHANIE STUART
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Transportation Code - Mobility Device Permit Requirement]

Ordinance amending the Transportation Code to establish a violation for operating a Shared Mobility Device Service without a permit or other authorization from the Municipal Transportation Agency, and to repeal certain parking restrictions related to stationless bicycle share programs and powered scooter share programs; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Currently, a permit issued by the Municipal Transportation Agency is required to park, leave standing, or leave unattended a bicycle that is part of a Stationless Bicycle Share Program on any sidewalk, Street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency or Public Works.

Amendments to Current Law

This legislation would require a permit, agreement or other authorization to operate a Shared Mobility Device Service, as defined in Article 1200 of Division II of the Transportation Code. In addition, this legislation modifies the requirement to have a permit, agreement or other authorization to park, leave standing, or leave unattended a mobility device that is part of a Shared Mobility Device Service on any sidewalk, street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency or any appropriate City department or agency. Scooters that are part of a Powered Scooter Share Program and bicycles that are part of a Stationless Bicycle Share Program will be included in the definition of “Mobility Device” in Division II of the Transportation Code and thus, will be subject to this legislation.

Background Information

This legislation is part of a citywide effort to require a permit, agreement or other authorization in order to operate a mobility device or other type of emerging technology on City streets, sidewalks or public rights-of-way. Accordingly, this legislation is intended to complement proposed legislation that would amend the Administrative Code to create an Office of Emerging Technology within the Department of Public Works.