BOARD of SUPERVISORS



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MEMORANDUM

Date:	September 18, 2025		
То:	Planning Department/Planning Commission		
From:	John Carroll, Assistant Clerk, Land Use and Transportation Committee		
Subject:	Board of Supervisors Legislation Referral - File No. 250925 Public Works Code - Pollution Liability Insurance Requirements for Excavators		
(Californi ⊠	a Environmental Quality Act (CEQA) Determination a Public Resources Code, Sections 21000 et seq.) Ordinance / Resolution Ballot Measure		
(Planning	nent to the Planning Code, including the following Findings: Code, Section 302(b): 90 days for Planning Commission review) eral Plan Planning Code, Section 101.1 Planning Code, Section 302		
	nent to the Administrative Code, involving Land Use/Planning ule 3.23: 30 days for possible Planning Department review)		
(Charter, (Requires subdivision relocation public house the annu	Plan Referral for Non-Planning Code Amendments Section 4.105, and Administrative Code, Section 2A.53) d for legislation concerning the acquisition, vacation, sale, or change in use of City property; on of land; construction, improvement, extension, widening, narrowing, removal, or n of public ways, transportation routes, ground, open space, buildings, or structures; plans for busing and publicly-assisted private housing; redevelopment plans; development agreements; all capital expenditure plan and six-year capital improvement program; and any capital ment project or long-term financing proposal such as general obligation or revenue bonds.)		
	Preservation Commission Landmark (Planning Code, Section 1004.3) Cultural Districts (Charter, Section 4.135 & Board Rule 3.23) Mills Act Contract (Government Code, Section 50280) Designation for Significant/Contributory Buildings (Planning Code, Article 11)		

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1	[Public Works Code - Pollution Liability Insurance Requirements for Excavators]	
2		
3	Ordinance amending the Public Works Code to authorize the Department of Public	
4	Works to determine the circumstances under which contractors performing excavation	
5	in the public right-of-way shall be required to obtain a pollution liability insurance	
6	policy; and affirming the Planning Department's determination under the California	
7	Environmental Quality Act.	
8 9	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.	
10	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.		
12		
13	Be it ordained by the People of the City and County of San Francisco:	
14		
15	Section 1. Environmental Findings.	
16	The Planning Department has determined that the actions contemplated in this	
17	ordinance comply with the California Environmental Quality Act (California Public Resources	
18	Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of	
19	Supervisors in File No and is incorporated herein by reference. The Board affirms this	
20	determination.	
21		
22	Section 2. General Findings.	
23	(a) San Francisco's fragmented and protracted permitting processes hinder small	
24	businesses and impede housing development. A fast, predictable, and transparent permitting	
25	process will create new jobs, businesses, and homes, as well as facilitate the City's economic	

recovery from the COVID-19 pandemic. Commonly referred to as "PermitSF," the City's effort
to reform permitting consists of improving the customer experience by streamlining approval
processes; promoting government accountability to provide certainty about the delivery of
government services; and centralizing technology to create a single point of permitting
access.

(b) This ordinance authorizes the Department of Public Works to determine the specific circumstances under which contractors performing excavation in the public right-of-way shall be required to obtain a pollution liability insurance policy in lieu of the requiring all excavators to obtain a pollution liability insurance policy.

Section 3. Article 2.4 of the Public Works Code is hereby amended by revising Section 2.4.23 to read as follows:

SEC. 2.4.23. LIABILITY AND INDEMNIFICATION.

Each permit, except one obtained by a municipal excavator, shall incorporate by reference and require the owner and its agent, if any, to comply with the liability, indemnity, insurance, and taxable possessory interest provisions set forth below in this Section; provided, however, that the Director, with the concurrence of the City Controller and City Risk Manager, may modify the indemnity and insurance provisions as they pertain to a particular permit.

* * * *

(c) Insurance.

(i) Each owner or its agent shall maintain in full force and effect, throughout the term of the permit, an insurance policy or policies issued by an insurance company or

1	companies satisfactory to the City's Controller and Risk Manager. Policy or policies shall
2	afford insurance covering all operations, vehicles, and employees, as follows:
3	(1) Workers' Compensation with employers' liability limits not less than
4	\$1,000,000 each accident;
5	(2) Commercial general liability insurance with limits not less than
6	\$1,000,000 each occurrence combined single limit for bodily injury and property damage,
7	including contractual liability; personal injury; explosion, collapse, and underground (xcu);
8	products; and completed operations;
9	(3) Business automobile liability insurance with limits not less than
10	\$1,000,000 each occurrence combined single limit for bodily injury and property damage,
11	including owned, nonowned, and hired auto coverage, as applicable;
12	(4) If required by Department regulations or a Public Works Order,
13	$\underline{c}\mathcal{E}$ ontractors' pollution liability insurance, on an occurrence form, with limits not less than
14	\$1,000,000 each occurrence combined single limit for bodily injury and property damage and
15	any deductible not to exceed \$25,000 each occurrence.
16	* * * *
17	
18	Section 4. Effective Date. This ordinance shall become effective 30 days after
19	enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20	ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21	of Supervisors overrides the Mayor's veto of the ordinance.
22	
23	Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24	intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

25

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 unde	
3	the official title of the ordinance.	
4		
5		
6	APPROVED AS TO FORM:	
7	DAVID CHIU, City Attorney	
8	By: /s/ Christopher T. Tom	
9	CHRISTOPHER T. TOM Deputy City Attorney	
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LEGISLATIVE DIGEST

[Public Works Code - Pollution Liability Insurance Requirements for Excavators]

Ordinance amending the Public Works Code to authorize the Department of Public Works to determine the circumstances under which contractors performing excavation in the public right-of-way shall be required to obtain a pollution liability insurance policy; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Currently, each recipient of an excavation permit issued under Article 2.4 of the Public Works Code must maintain certain prescribed insurance policies, including contractors' pollution liability insurance, for the duration of the excavation permit.

Amendments to Current Law

This ordinance would amend the Public Works Code to authorize the Department of Public Works to determine the specific circumstances under which contractors performing excavation in the public right-of-way would be required to obtain a pollution liability insurance policy. In lieu of the requiring all excavators to obtain a pollution liability insurance policy, the ordinance would authorize Department of Public Works to issue regulations or orders that specify the circumstances under which a contractor performing excavation in the public right-of-way would need to obtain a pollution liability insurance policy.

Background Information

This ordinance furthers the City's efforts under "PermitSF" to reform permitting and improve the customer experience by streamlining approval processes, promoting government accountability to provide certainty about the delivery of government services, and centralizing technology to create a single point of permitting access.

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