


BOARD of SUPERVISORS



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MEMORANDUM

TO: Monique Moyer, Executive Director, Port of San Francisco
Ed Reiskin, Executive Director, Municipal Transportation Agency (SFMTA)
Mohammed Nuru, Director, Public Works
Chief Greg Suhr, Police Department
Chief Joanne Hayes-White, Fire Department
Barbara Garcia, Director, Department of Public Health
Anne Kronenberg, Executive Director, Department of Emergency Management
Jocelyn Kane, Executive Director, Entertainment Commission

FROM: Victor Young, Assistant Clerk, Board of Supervisors 

DATE: November 16, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee has received the following proposed legislation, introduced by Supervisor Wiener on September 29, 2015:

File No. 150975

Ordinance amending the Transportation Code to change the membership of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) by adding a seat for a representative of the Port, and adding four seats for appointees of the Board of Supervisors.

If you have any additional comments or reports to be included with the file, please forward them to Derek Evans at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

- c. Christine Fountain, Police Department
Sergeant Rachel Kilshaw, Police Department
Janet Martinsen, SFMTA
Kate Breen, SFMTA
Dillon Auyoung, SFMTA
Frank Lee, SFPUC
Kelly Alves, Fire Department (secretary.firechief@sfgov.org)
Greg Wagner, Department of Public Health
Crystal Stewart, Entertainment Commission

[Transportation Code - Expanding the Membership of the Interdepartmental Staff Committee on Traffic and Transportation]

Ordinance amending the Transportation Code to change the membership of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) by adding a seat for a representative of the Port and adding four seats for appointees of the Board of Supervisors.

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 Transportation Code is hereby amended by revising Division I, Sections 6.1, 6.2, and 6.5, to read as follows:

SEC. 6.1. INTERDEPARTMENTAL STAFF COMMITTEE ON TRAFFIC AND TRANSPORTATION (ISCOTT).

(a) There is hereby established a committee to be known as the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), ~~consisting of the department or their designated representatives~~ The members of ISCOTT shall be:

Seat 1: Director of Transportation or his or her designee, who shall be the chairperson of ISCOTT. If the Director designates a person to serve in this seat, the designee may not serve more than five successive years, and the Director shall not reappoint any designee who has served for five successive years until at least three years have passed since that person held the seat. Within 30 days

1 of the effective date of Ordinance No. _____, the Director shall personally assume Seat 1 or appoint a
2 designee, but the Director may not appoint a designee who has served as chairperson of ISCOTT
3 within the previous five years.

4 Seats 2 through 7: One employee from each of the following departments, appointed in
5 writing by the department head: ~~and agencies: Municipal Transportation Agency, Department of~~
6 Public Works, Police Department, Fire Department, Department of Public Health, and
7 Entertainment Commission, and Port of San Francisco. The member representing the Port of San
8 Francisco shall vote only on matters having a direct impact on property under the jurisdiction of the
9 Port. The Director of Transportation shall serve as Chair of ISCOTT.

10 Seat 8: A person with knowledge and understanding of the perspectives and interests of
11 pedestrians, appointed by the Board of Supervisors.

12 Seat 9: A person with knowledge and understanding of the perspectives and interests of
13 bicyclists, appointed by the Board of Supervisors.

14 Seat 10: A person with knowledge and understanding of the perspectives and interests of the
15 entertainment industry, appointed by the Board of Supervisors.

16 Seat 11: A person with knowledge and understanding of organizing and running a temporary
17 event, appointed by the Board of Supervisors.

18 The Director of Administrative Services of the City and County of San Francisco or his or her
19 designee shall review recycling plans submitted pursuant to Section 6.5 and recommend any conditions
20 to ISCOTT that should be imposed on any applicant.

21 (b) In exercising its powers, ISCOTT shall consult with any other City department or
22 agency that could be affected by any temporary use or occupancy of a public street. ISCOTT
23 shall have the authority to take all acts reasonably necessary for it to carry out any duties
24 imposed upon it by law.

1 (c) Before acting on any application for temporary use or occupancy of public streets, a
2 street fair, or an athletic event, ISCOTT shall conduct a public hearing at a publicly noticed
3 time and place to be determined by ISCOTT. The notice of such public hearing shall at minimum
4 include the names of all ISCOTT members and the proposed location and general description of the
5 temporary use. ISCOTT shall keep meeting minutes of any such hearing. Six members shall constitute
6 a quorum of ISCOTT, and ISCOTT shall act on all applications by an affirmative vote of at least six
7 members. Any motion to continue an item shall require a majority vote of all members. In the absence
8 of a motion to approve, disapprove, or continue an item, the chairperson shall offer a motion to
9 approve on which the members shall vote.

10 (d) By no later than January 31 each year, ISCOTT shall issue an annual report, published on
11 its web page, including at least the following information: (1) the number of applications received by
12 ISCOTT under Section 6.2 in the preceding calendar year; (2) the number of those applications seeking
13 the use of one block or less; (3) the number of applications denied and approved by ISCOTT; and (4) a
14 list of all permits issued where the applicant requested police services under Administrative Code
15 Chapter 10B, including the number of officers requested for each event.

16 (e) ISCOTT shall develop a survey and distribute it to each applicant requesting anonymous
17 feedback regarding ISCOTT's performance.

18
19 **SEC. 6.2. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY**
20 **OF PUBLIC STREETS; PROCEDURE.**

21 (a) Any person seeking permission for the temporary use or occupancy of a public
22 street within the City shall file an application with, and on a form provided by, the San Francisco
23 Municipal Transportation Agency (SFMTA), and shall pay the filing fee established by the
24 SFMTA Board of Directors.

25 * * * *

1 (e) ISCOTT Review and Approval Process. In reviewing an application, ISCOTT shall
2 consider the benefits and impacts of the temporary use or occupancy of public streets on the
3 traffic, security, health, and safety of the public; determine the benefit to active recreation and
4 community cohesion; determine the traffic, security, health, and safety requirements of the
5 proposed temporary use or occupancy; and evaluate the measures proposed by the applicant
6 to satisfy those requirements. For major events, ISCOTT shall forward the applicant's
7 proposed emergency medical services plan to the Executive Director of the Department of
8 Emergency Management (DEM). Emergency Medical Services and Emergency Operations Section
9 (EMSEO). ISCOTT shall consider the recommendations of EMSEO DEM regarding the
10 proposed emergency medical services plan. It shall be the duty of ISCOTT to also consider
11 the following:

12 (1) Demonstrated ability of the applicant to comply with requirements
13 necessary to protect the safety, health, and welfare of the public, including compliance with
14 the requirements of ~~San Francisco~~ Health Code Article 19L, "Prohibiting Smoking at Certain
15 Outdoor Events."

16 (2) Duration of the temporary use or street occupancy and the City's ability to
17 accommodate such use or occupancy with the necessary resources.

18 (3) Overextension of the City's resources because of previously approved
19 temporary use or occupancy of public streets or other activities that could cause scheduling
20 conflicts during the same period.

21 (4) The availability of an appropriate emergency access plan.

22 (5) The number of major events (as defined in Section 6.3 below) scheduled
23 during the period for which the applicant seeks a permit, the nature and location of the major
24 events, and the demand these major events will have on the City's resources, including its
25 police, emergency and sanitation personnel. In considering the major events for which

1 applications have been filed and/or approved, ISCOTT should give priority based on the
2 chronological order in which the applications are received, and applicants denied permission
3 on the basis that there are too many major events already approved or pending for approval
4 shall be offered alternative dates by ISCOTT. Notwithstanding this provision, ISCOTT may, in
5 its discretion, grant preference to recurring events traditionally or historically associated with a
6 particular day or days/dates, provided that applications, once approved, cannot be revoked
7 because of the subsequent filing of an application for a permit for an event traditionally or
8 historically associated with a particular day or days/dates.

9 (6) If the application is related to a filming project to be conducted by the
10 applicant, ISCOTT shall notify the Film Commission (or other successor commission or
11 division of the Mayor's office) and shall consider such conditions and criteria as the Film
12 Commission shall attach to the application.

13 (f) ISCOTT may impose additional requirements or conditions it deems necessary to
14 protect the public interest by ensuring traffic management, security of property and health and
15 safety of citizens, and shall strive to minimize any imposition of on- or off-duty police personnel for
16 small, neighborhood events. ~~At the time ISCOTT reviews the application, it~~ The SFMTA shall also
17 determine the necessity of and the total estimated actual costs incurred by the Municipal
18 Transportation Agency to run motor coaches to accommodate the rerouting of electrically
19 powered transit vehicles because of restrictions that are imposed by the temporary street
20 closing. Upon receipt of an invoice from the SFMTA, ~~the~~ applicant shall pay a fee to the SFMTA
21 based on the number of electrically powered vehicle hours per line affected. For purposes of
22 this provision, "vehicle hour" shall mean the number of hours each coach on a line is in
23 operation during the day of the street closing. If ISCOTT approves the application ~~is approved,~~
24 SFMTA may ~~ISCOTT shall~~ transmit to the applicant an invoice for the fee. The SFMTA may, in its
25 exclusive discretion, waive all or a portion of the fee. The applicant shall make full payment of the

1 fee no later than five days prior to the date of the street closing, or in accordance with a
2 schedule agreed to by the Director of Transportation. ISCOTT shall not disapprove any
3 application for a temporary use or occupancy of public streets because of the applicant's
4 political, religious, or cultural orientation.

5 (g) ISCOTT shall take action to approve or disapprove an application within 30 days
6 of receipt of a complete application. Notice of ISCOTT's action of approval or disapproval
7 shall be submitted to the Chief of Police, the Fire Chief, the Director of Public Health, the
8 Director of Public Works, ~~and~~ the Executive Director of the Entertainment Commission, and
9 the Executive Director of the Port, and shall be maintained as a matter of record. For major
10 events, notice of ISCOTT's action of approval or disapproval shall also be submitted to the
11 Executive Director of EMSEO DEM.

12 (h) Whenever ISCOTT considers an application regarding a Pavement to Parks project or
13 other similar project, ISCOTT shall consider the project to have been approved by the SFMTA or the
14 Fire Department upon receipt of a letter signed by the Director of Transportation or the Fire Chief,
15 respectively, indicating the department's support for the project. ISCOTT may impose additional
16 conditions so long as such conditions are outside the general scope of the jurisdiction of either the
17 SFMTA or the Fire Department.

18 (hi) Appeals Process. Should the application be disapproved by ISCOTT, the
19 applicant may first appeal the decision to the Director of Transportation if the application was
20 filed at least 30 days prior to the date of the proposed temporary use or occupancy. Such
21 appeal shall be made by filing the appeal with the Director of Transportation, on a form
22 provided by the ~~Municipal Transportation Agency~~ SFMTA, within five working days of
23 disapproval. Upon receipt, the Director of Transportation shall set a time and place for
24 hearing such appeal. In considering the appeal the Director of Transportation shall conduct a
25 public hearing for which notice shall be posted at least 72 hours in advance of the hearing, on

1 the SFMTA website, at the SFMTA office, ~~Municipal Transportation Agency~~, at the main public
2 library, and at the Office of the Clerk of the Board of Supervisors.

3 (j) At the appeal hearing, the appellant and members of ISCOTT shall have an
4 opportunity to present oral testimony and written materials in support of their positions. The
5 Director of Transportation shall consider the same criteria as set forth in Section 6.2(e). Upon
6 hearing the appeal, and after any further investigation by the Director of Transportation, the
7 Director of Transportation may affirm, reverse, or modify the ISCOTT decision. Notice of the
8 Director of Transportation's action of approval or disapproval shall be submitted to the Chief of
9 Police, the Fire Chief, the Director of Public Health, the Director of Public Works, ~~and the~~
10 Executive Director of the Entertainment Commission, and the Executive Director of the Port, and
11 shall be maintained as a matter of record.

12 (jk) If the Director of Transportation denies the application after the appeal described
13 in ~~the Subsection (j) preceding paragraph~~, the applicant may then appeal the decision to the
14 Board of Supervisors. Such appeal shall be made by filing the appeal with the Clerk of the
15 Board, on a form provided by the Clerk, within five working days of the Director of
16 Transportation's disapproval. The Board may establish a fee to be imposed upon the filing of
17 any such appeal. Upon receipt, the Clerk shall set a time and place for hearing such appeal
18 by the Board ~~of Supervisors~~, which hearing shall be at the Board's next regular meeting,
19 provided that all applicable public notice requirements are satisfied. The Board shall conduct
20 the hearing according to the same standards of review as set forth in Section 6.2(e). Upon
21 hearing the appeal, and after any further investigation that the Board may request, the Board
22 may affirm, reverse or modify the Director of Transportation's decision. The decision of the
23 Board regarding the appeal shall be final. The Clerk of the Board shall transmit copies of any
24 legislation approving a temporary street closing to the Director of Public Works, Chief of
25 Police, the Fire Chief, the Superintendent of Emergency Hospital Service of the Department of

1 Public Health, the Executive Director of the Entertainment Commission, and ~~to~~ the Director of
2 Transportation. For major events, the Clerk shall transmit copies of any legislation approving
3 a temporary street closing to the Executive Director of DEMFMSEO.

4 (kl) Any permission for the temporary use of occupancy of a public street authorized
5 pursuant to these provisions shall be subject to the conditions set forth in Sections 6.7 and
6 6.8.

7 (lm) Late Application. Should the applicant file an application for a proposed
8 temporary use or occupancy fewer than 30 days prior to the date of the proposed use or
9 occupancy, and not far enough in advance of the proposed use or occupancy to allow
10 ISCOTT to consider the application at a regularly scheduled meeting of ISCOTT, then the
11 Director of Transportation shall have the responsibility and duty to consider and approve or
12 disapprove the application after consulting with the members of ISCOTT. The Director of
13 Transportation shall conduct a public hearing, for which notice shall be posted at least 24
14 hours in advance of the hearing on the SFMTA website, at the SFMTA office Municipal
15 Transportation Agency, at the main public library, and at the Office of the Clerk of ~~The~~ Board of
16 Supervisors. At the hearing, the applicant and interested persons shall have an opportunity to
17 present oral testimony and written materials in support of their position. The Director of
18 Transportation shall conduct the hearing according to the same standards of review as set
19 forth in Section 6.2(e) hereof. Notice of the Director of Transportation's action of approval or
20 disapproval shall be submitted to the Chief of Police, the Chief of the Fire Department, the
21 Director of Public Health, the Director of Public Works, ~~and~~ the Executive Director of the
22 Entertainment Commission, and the Executive Director of the Port, and shall be maintained as a
23 matter of record. In the event the Director of Transportation disapproves the application, the
24 applicant shall have the right to appeal the Director of Transportation's decision to the Board
25

1 of Supervisors in accordance with the same terms and conditions as set forth in Section
2 6.2(~~ke~~).

3
4 **SEC. 6.5. RECYCLING, COLLECTION AND DISPOSITION.**

5 (a) Recycling Plan. Any applicant seeking permission for the temporary use or
6 occupancy of a public street, a street fair or an athletic event within the City for an activity or
7 special event that includes dispensing of beverages from glass, aluminum, or plastic
8 containers, or which causes to be generated large amounts of other recyclable materials, shall
9 be required to submit a plan demonstrating a good-faith effort to provide a method to separate
10 glass, aluminum and plastic beverage containers or other materials for the purpose of
11 recycling them.

12 (b) Disposition of Recyclable Materials. Prior to the review by ISCOTT of such
13 application, the applicant shall submit to the chair of ISCOTT and to the City Administrator the
14 following information:

15 (1) A plan that describes the number and location of source-separated recycling
16 containers that are necessary to ensure convenient utilization and protect public health and
17 safety; and

18 (2) Documentation that collection services shall be performed by a private or
19 nonprofit source.

20 The City Administrator or his or her designee shall review the information submitted by the
21 applicant and recommend any conditions to ISCOTT that, in the opinion of the City Administrator,
22 should be imposed on the applicant.

23 * * * *

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25 Section 2. Effective and Operative Dates.

1 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
2 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
3 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
4 Mayor's veto of the ordinance.

5 (b) This ordinance shall become operative 180 days after its effective date, or 10 days
6 after the Board of Supervisors appoints at least two members to serve in Seats 8 through 11
7 of ISCOTT, whichever date is sooner.

8
9 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears under
14 the official title of the ordinance.

15
16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By:

19 
JON GIVNER
Deputy City Attorney

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