File No. 191013 Committee Item No. 2
Board Item No. 9

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget & Finance Committee **Date** November 20, 2019

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Completed by: Linda Wong Date November 15, 2019
Completed by: Linda Wong Date November 26, 2019

FILE NO. 191013 ORDINANCE NO.

[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.

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

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

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

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

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

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

~~*(a) To park, leave standing, or leave unattended a 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 the Department of 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. Powered Scooters parked, left standing, or left unattended in violation of this Section 7.2.111 constitute a public nuisance subject to abatement and removal pursuant to Article 26 of the Public Works Code, Sections 1600et seq. For purposes of this Section 7.2.11,1 "Powered Scooter" shall mean a "motorized scooter" as defined in Section 407.5 of the California Vehicle Code as it read on April 1, 2018, and any vehicle defined as a "Powered Scooter" under Division II of the Transportation Code.*~~

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

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

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

Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment 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: Stephanie Stuart
STEPHANIE STUART
Deputy City Attorney

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FILE NO: 191013

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.

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SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 191105-136

WHEREAS, Over the past few years, companies have launched shared mobility devices and services in San Francisco that utilize the public right-of-way without permits or authorization; and,

WHEREAS, The Board of Supervisors has had to react to establish the violation for operating such a service without a permit, such as the powered scooter program, and SFMTA has had to establish individual pilot permit programs in reaction to the launch of an unpermitted service; and,

WHEREAS, Shared mobility devices and services have the potential to complement our existing transportation network by providing an alternative to single occupancy vehicles, but they also have the potential to impede pedestrian travel, and to benefit only certain sectors of San Francisco; and,

WHEREAS, The SFMTA is shifting its stance from reactive to proactive by establishing a violation for operating a Shared Mobility Device Service without a permit or authorization; and,

WHEREAS, The SFMTA is allowing innovation to occur through a clear path for new mobility services through the Proof of Concept Authorization (POCA); and,

WHEREAS, On September 26, 2019, the SFMTA, under authority delegated by the Planning Department, determined that Mobility Permit Harmonization 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,

WHEREAS, the San Francisco Municipal Transportation Agency Board of Directors finds that notice was adequately given for this item and waives the SFMTA Board's Rule of Order, Article 4, Section 10, now therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amend Division II of the Transportation Code to establish a definition of Shared Mobility Device Service that encompasses existing shared mobility device services (bikeshare and e-scooter share), and, be it

FURTHER RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amend Division II of the Transportation Code to delegate authority to the Director of Transportation to authorize the temporary operation of a Shared Mobility Device Service or Non-Standard Vehicle service under a Proof of Concept Authorization if there is not an existing permit program and establish fees and administrative penalties for violations.

FURTHER RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommend that the Board of Supervisors approve an amendment to Division I of the Transportation Code to prohibit the operation of Shared Mobility Devices Service without a permit or authorization from SFMTA.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 5, 2019.

R. Boomer

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO. 191105-136

[Transportation Code - Regulation of Non-Standard Vehicles]

Resolution amending the Transportation Code regarding Non-Standard Vehicles by (1)revising fine amounts and permit fees for Shared Mobility Device Services; (2) adding definitions of "Authorized Operator," "Mobility Device," "Shared Mobility Device Service," and "Proof of Concept Authorization," authorizing temporary operation of a "Shared Mobility Device Service" under a "Proof of Concept Authorization;" and (3) providing for the imposition of administrative fines against non-Authorized Operators.

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 300 of Division II of the Transportation Code is hereby amended by revising Sections 302 and 310, and adding Section 327, to read as follows:

SEC. 302. TRANSPORTATION CODE PENALTY SCHEDULE.

Violation of any of the following subsections of the Transportation Code shall be punishable by the fines set forth below.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2018**	FINE AMOUNT Effective July 1, 2019**
* * * *			
SHARED MOBILITY DEVICE SERVICES VIOLATIONS			

Div I 7.2.110	~~Stationless Bicycle Share Parking~~Shared Mobility Device Service Parking (Shared Mobility Device Service That Does Not Hold an SFMTA Permit or Authorization)		
	First offense	$100	$100
	Second offense within one year of first offense	$200	$200
	Third or subsequent offense within one year of first offense	$500	$500
Div I 7.2.110	Operating a Shared Mobility Device Service without a Permit or Authorization		
	First offense		$2500
	Second offense within one year of the first offense		$5000
Div I 7.2.110	Shared Mobility Device Service Parking (Shared Mobility Device Service Operators that Hold a SFMTA Permit or Authorization)		$100
Div I 7.2.111	Powered Scooter Share Parking (Powered Scooter Share Operators That Do Not Hold a SFMTA Permit)		
	First offense	$100	$100
	Second offense within one year of first offense	$200	$200
	Third or subsequent offense within one year of first offense	$500	$500
Div I 7.2.111	Powered Scooter Share Parking (Powered Scooter Share Operators that Hold a SFMTA Permit)		$100

* * * *

SEC. 310. SCHEDULE OF FINES.

Violation of any of the following subsections of the Transportation Code governing the operation of a motor vehicle for hire, Non-Standard Vehicle, or Shared Mobility Device Service pursuant to a Proof of Concept Authorization, shall be punishable by the administrative fines set forth below.

TRANSPORTATION CODE SECTION	DESCRIPTION	FINE AMOUNT Effective July 1, 2018	FINE AMOUNT Effective July 1, 2019
* * * *			
CONDITIONS APPLICABLE TO NON-STANDARD VEHICLE PERMITS AND SHARED MOBILITY DEVICE SERVICES			
DIV. II § 1206(a)	Operating without a permit or authorization	$5,000	$5,000
DIV. II §§ 1206(b)(4), 1206-1, 1207, 1209(a)	Non-Standard Vehicle Permit Conditions	$260 per violation per day	$270 per violation per day
	Shared Mobility Device Service with a Proof of Concept Authorization		$270 per violation per day

SEC. 327. PROOF OF CONCEPT AUTHORIZATION FEES.

The following fees reimburse the SFMTA for staff costs related to the review of applications for a Proof of Concept Authorization established under Section 1206-1 and costs associated with overseeing the limited operation of any Shared Mobility Device Service or Non-Standard Vehicle pursuant to a Proof of Concept Authorization.

DESCRIPTION	FY 2019 Effective July 1, 2018	FY 2020 Effective July 1, 2019
Proof of Concept Authorization Application	$4,089	$4,089
Proof of Concept Authorization Administration	$2,110 per 30-day testing period	$2,110 per 30-day testing period

Section 2. Article 1200 of Division II of the Transportation Code is hereby amended by revising Sections 1202 (with new defined terms placed therein in correct alphabetical sequence), 1206, 1209, and 1210, and adding Section 1206-1, to read as follows:

SEC. 1202. DEFINITIONS.

For purposes of this Article 1200, the following definitions shall apply:

* * * *

"Authorized Operator" shall mean any person, business, firm, partnership, association, or corporation that holds a Proof of Concept Authorization to operate a Shared Mobility Device Service or Non-Standard Vehicle.

"Mobility Device" shall mean

(a) a conveyance with the primary purpose of carrying people and which is capable of transporting one or more persons on a public roadway, and over which the SFMTA may exercise jurisdiction. "Mobility Device" includes but is not limited to, a motor vehicle, bicycle, or other conveyance that has the potential to impede the direction and flow of traffic, and includes a Stationless Shared Bicycle or Powered Scooter.

(b) Notwithstanding the foregoing subsection (a), "Mobility Device" is not:

(1) a type of conveyance excluded from the scope of this Article 1200 under Section 1201(b)(2);

(2) any motor vehicle that is required to have a parking permit under Article 900 of the Transportation Code; or

(3) a device assigned for the sole exclusive use by the same individual for at least 30 consecutive days.

"Proof of Concept Authorization" or **"POCA"** shall mean an authorization issued by the Director of Transportation in his or her sole discretion to allow for limited testing of a Shared Mobility Device Service or Non-Standard Vehicle that is subject to the SFMTA's jurisdiction, but is not yet regulated by the SFMTA.

"Shared Mobility Device Service" shall mean one or more Mobility Devices capable, either individually or cumulatively, of carrying 10 or more people, for use in the public right-of-way or on public property within the boundaries of the City and County of San Francisco, Alameda County, Contra Costa County, Marin County, San Mateo County, or Santa Clara County that is:

(a) owned or leased by a business, firm, partnership, association, or corporation, or if owned by an individual, is not primarily for that individual's own use; and

(b) available for self-service or rental use on a digital application or other electronic digital platform; and

(c) either (i) available for hire, with or without a driver or paid operator; or (ii) provided at no cost or as a benefit to riders, including but not limited to, employees, clients, members or customers as part of an organized program.

SEC. 1206. PERMIT REQUIREMENT; GENERAL PERMIT CONDITIONS.

(a) **Permits Required.** ~~As of the date designated by the Director of Transportation under Section 1201(e) to implement the program for issuance of permits under this Article 1200, and any date thereafter,~~ Unless otherwise exempted under Section 1201(b)(2) of this Article 12 or authorized under Section 1206-1, ~~no~~ a person, business, firm, partnership, association, or corporation shall

not ~~drive, or~~ operate or cause to be operated, any Non-Standard Vehicle or Shared Mobility Device Service within the City without the applicable permit, agreement, or authorization issued by the SFMTA authorizing such ~~driving or~~ operation in accordance with this Article.

* * * *

SEC 1206-1. PROOF OF CONCEPT AUTHORIZATION.

(a) **Authority.** Where there is no existing permit program that encompasses a particular Shared Mobility Device Service or Non-Standard Vehicle, the Director of Transportation may, in lieu of a permit, and in the Director's sole discretion, authorize a limited number of Proof of Concept Authorizations (POCAs) for a Shared Mobility Device Service or Non-Standard Vehicle, provided that the Director determines that to do so would promote the public health, safety, and welfare. The POCA provides an opportunity to demonstrate the potential public benefits of a Shared Mobility Device Service or Non-Standard Vehicle in supporting the City's "Guiding Principles for Emerging Mobility Services Policy," adopted by the SFMTA in July 2017, as may be amended from time to time. These Guiding Principles provide a consistent policy framework to evaluate new mobility services and shall be taken into consideration by the Director when evaluating POCA applications. The Director shall attach any conditions to the POCA that the Director deems necessary to protect the public health, safety and welfare; to collect data; to mitigate any potential adverse impacts; or to fulfill other public purposes recognized by the Director. The Director shall be authorized to determine the term of a POCA and any extensions thereof, provided that in not case shall the duration of a POCA exceed one year. There is no appeal of the Director's decision regarding a POCA application, including whether or not to issue the POCA, to place conditions on the POCA, or to extend the POCA.

(b) **Application.** The Director may provide an application for persons or entities seeking a POCA. An Applicant for a POCA shall pay the Application Fee, and shall submit the following information in addition to any other information which may be required by the Director:

(1) Name, address, phone number, and email address of the Applicant;

(2) A description of the Mobility Device or Non-Standard Vehicle and a description of the nature and scope of the Applicant's plan for limited testing of a Shared Mobility Device Service or Non-Standard Vehicle, including the number of devices or vehicles, frequency and span of testing or service, staging locations, and maps or detailed description of any routes and geographic areas of operation, as applicable;

(3) Insurance as required by the Director; and

(4) An acknowledgement by the Applicant that if issued a POCA, the Applicant agrees to comply with all applicable local, state, and federal laws governing its Shared Mobility Device Service or Non-Standard Vehicle, as well as any conditions contained in the POCA. One condition that must be included in any POCA is an agreement to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees, and agents ("Indemnitees") harmless from and against any and all claims, demands, actions, or causes of action which 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 POCA, regardless of the negligence of the Indemnitees.

(c) **Fees.**

(1) At the time of submitting the POCA Application, the Applicant shall submit a non-refundable Application Fee as set forth in Section 327.

(2) Where the Director decides to issue a POCA, the Applicant shall submit an Administration Fee as set forth in Section 327; provided, however, that the Administration Fee may be increased to recover costs in excess of that amount incurred by SFMTA in administering the POCA program.

(d) **Other Permits or Approvals.** In the event the Mobility Device or Non-Standard Vehicle subject to a POCA will be tested or operated on any sidewalk, street, or public right-of-way under the jurisdiction of the Department of Public Works, the Port of San Francisco, the Public Utilities

Commission, or the Recreation and Park Commission, the Applicant shall also submit an application to the Office of Emerging Technology, if required under Section 22G of the Administrative Code, for any additional permits or approvals necessary for such testing or operation, assuming the ordinance in Board File No. _____ has been enacted.

(e) **Termination.** A POCA issued under this Section 1206-1 is subject to immediate termination by the Director. The Director may terminate a POCA for violation of any applicable law, violation of conditions included in the POCA, or if the Director concludes that termination is necessary to protect the public health, safety, or welfare. There is no appeal of the Director's decision to terminate a POCA.

(e) **Administrative Fines.** Any person or entity who violates any applicable law or condition contained in a POCA issued under this Section 1206-1 is subject to the issuance of a citation and imposition of an administrative fine in accordance with Section 1209(a).

SEC. 1209. ADMINISTRATIVE FINES; PERMIT REVOCATION.

(a) For good cause, the SFMTA may revoke any permit or terminate any authorization issued under this Article 1200, and may impose an administrative fine against a Permittee or Authorized Operator. "Good cause" hereunder shall include, but shall not be limited to, the following:

(1) A Permittee or Authorized Operator failed to pay a fine imposed by the SFMTA under Section 310 of this Code within 30 days of imposition or within such other time period as determined by the agreement of the Permittee or Authorized Operator and the SFMTA;

(2) A Permittee or Authorized Operator failed to pay a permit or administrative fee within 30 days following notice of nonpayment;

(3) The Permittee or Authorized Operator has violated any statute or ordinance, including any provision of Division I or II of this Transportation Code, governing the operation or licensing of the vehicles and services regulated by this Code; or

(4) The Permittee or Authorized Operator has violated one or more conditions of the permit or POCA.

SEC. 1210. ADMINISTRATIVE FINES ASSESSED AGAINST NON-PERMIT HOLDERS OR NON-AUTHORIZED OPERATORS.

(a) Whenever the SFMTA determines that a non-Permittee or non-Authorized Operator has violated this Article 1200, and it pursues administrative enforcement through the imposition of an administrative fine, SFMTA may issue and serve a Citation, in person or by first-class U.S. Mail, return receipt requested, on any person or entity responsible for the violation. A Citation issued in accordance with this subsection (a) shall include the information required by Section 1209(c).

* * * *

Section 3. Effective and Operative Dates.

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

(b) This ordinance shall become operative upon the later of (1) its effective date as stated in subsection (a) or (2) the effective date of the ordinance in Board of Supervisors File No. _____, amending Division I, Section 7.2.110, and deleting Division I, Section 7.2.111.

Section 4. The amendment to Section 302 and addition of Section 327 of the Transportation Code made by Section 1 of this ordinance are intended to be additive to the revisions made by the SFMTA Board of Directors in approving Resolution No. 180403-057 approving the 2018-2020 budget.

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: Stephanie Stuart
STEPHANIE STUART
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 November 5, 2019.

R. Boomer
Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 15, 2019

File No. 191013

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 8, 2019, Mayo Breed submitted the proposed legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

joy navarrete

Digitally signed by joy navarrete
DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=joy navarrete, email=joy.navarrete@sfgov.org
Date: 2019.11.18 14:56:55 -08'00'

October 8, 2019

The Honorable Members of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton Goodlett Place, Room 244
San Francisco, CA 94102

Subject: Amendment to Transportation Code Division I to establish a violation for operating a Shared Mobility Device Service without a permit

Honorable Members of the Board of Supervisors:

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors amend Division I of the San Francisco Transportation Code to make it a violation of the Transportation Code to operate a Shared Mobility Device Service, without the applicable permit or authorization. The creation of a unified Shared Mobility Device violation necessitates the repeal of Bicycle Share and Powered Scooter Share parking violations, both of which will be covered by the Shared Mobility Device Service violation.

This legislation will complement and work in concert with the legislation that will establish the Office of Emerging Technology, which will become the City's front door for emerging technologies. Proposals to operate new mobility services that do not fall within an existing permit program will be routed through the Office of Emerging Technology's front door. If the new mobility service would operate within SFMTA's exclusive jurisdiction, the Office of Emerging Technology will refer the proposal to SFMTA. If the operation of the new mobility service would affect more than one City department or agency, the Office of Emerging Technology will require the applicant to seek and obtain any required permit or authorization from each affected City department or agency.

Background

We ask that the Board of Supervisors consider an amendment to Division I of the Transportation Code that will create a violation for operating a Shared Mobility Device Service without a permit or authorization. Division II of the San Francisco Transportation Code will also be amended, upon approval of the SFMTA Board, to define a Shared Mobility Device Service as a service which is capable of transporting ten or more passengers, together or separately. To offset the prohibition of operating without a permit, the Proof of Concept Authorization (POCA) will be added to Division II, which allows for the limited testing of new technologies, while ensuring that they are in alignment with the SFMTA's Guiding Principles for Emerging Technologies.

Currently, if there is not an existing permit program for a new mobility service, companies can generally start operating until a violation is established and a permit program developed. This can be a lengthy process, which requires amendments to the Transportation Code, including the definition of each respective new device, as well as creating a violation for each type of service, and in the meantime, that service would still be operating outside of a structured permit program.

An example of this type of reactive regulatory approach that SFMTA would like to shift relates to the scooter share operations. In the spring of 2018, three non-permitted Powered Scooter Share operators launched in the City, leading to complaints about the manner in which the unregulated scooters were parked and ridden. In response, the Board of Supervisors passed a law requiring operators of Powered Scooter Share Programs to have a permit. A moratorium on scooter share operations was enacted to allow SFMTA to create the Powered Scooter Share Program.

Following the launch of the non-permitted Powered Scooter Share Programs, SFMTA began to internally discuss the coordination of permits issued by the Agency. The goal is to change SFMTA's position from reactive to proactive: instead of launching first and then asking for a permit, Shared Mobility Device Service operators would need permission before launching.

If approved by the SFMTA Board, the Proof of Concept Authorization (POCA) will be added to Division II of the San Francisco Transportation Code to allow innovation by Shared Mobility Device Service operators, while still maintaining public safety and consumer protection. As opposed to a pilot program or permit program, the POCA is for a short period of time, with a limit on the number of devices, the scope or the geographic location. Although the requirements are simplified, POCA recipients must still comply with core requirements such as data sharing, insurance, points of contact for the public and guidelines on the use and parking of Shared Mobility Devices allowed by the POCA.

Public Outreach

The impetus for this proposal had its genesis following the voluminous complaints from the public following the non-permitted launch of the Powered Scooters on City streets.

Staff discussed the Transportation Code amendments, including the POCA, with the SFMTA's Citizens' Advisory Council (CAC)'s Engineering, Maintenance & Safety Committee (EMSC), SFCTA's CAC, Pedestrian Safety Advisory Committee (PSAC), Bicycle Advisory Committee (BAC), Paratransit Coordinating Council (PCC), and Multimodal Accessibility Advisory Committees in July and August 2019. A public meeting to gather input from interested community organizations, industry members, current and former applicants, concerned

residents, and people who have submitted a comment recently regarding an emerging mobility device was held in late September. Staff also met with the San Francisco Chamber of Commerce in October. Feedback and comments will be used to inform the proposed legislation and the POCA terms and conditions that follow.

Recommendation

The SFMTA requests that the San Francisco Board of Supervisors approve the attached amendment to Division I of the Transportation Code to prohibit the operation of a Shared Mobility Device Service, without the applicable permit or authorization.

Thank you for your time and consideration of this proposal. Should you have any questions or require more information, please do not hesitate to contact me at any time.

Sincerely,

Tom Maguire
Interim Director of Transportation

Mobility Permit Harmonization - Transportation Code Division I and II Amendments

The San Francisco Municipal Transportation Agency (SFMTA) is launching mobility permit harmonization effort to ensure that the burgeoning new mobility sector aligns with SFMTA's and San Francisco County Transportation Authority's (SFCTA) Guiding Principles for Emerging Mobility, while defining a clear path for new entrants to operate in compliance with City requirements.

This would allow new mobility industry entrants a clear path for innovation on San Francisco streets, while ensuring SFMTA has the regulatory tools needed to manage the new entrants. To accomplish this, SFMTA would propose new legislation.

Transportation Code Division I Amendment
SFMTA would request the Board of Supervisors amend Division 1 of the Transportation Code that would make it a violation to operate a "Shared Mobility Device Service" without a permit or other authorization from the SFMTA. This would ensure that mobility services that are within SFMTA's jurisdiction to regulate have authorization before they begin operations.

Transportation Code Division II Amendments
SFMTA would request the SFMTA Board to impose basic substantive requirements, such as defining Shared Mobility Device Service to encompass current shared mobility devices as well as such devices that may be introduced in the future. In addition, the term "Proof of Concept" or "POCA" would be added, intended to provide a means for SFMTA to authorize new shared mobility devices to test in limited numbers and on a short term basis, without requiring the SFMTA to develop, and the proponent to apply for, a conventional permit to authorize testing of the device.

Not a "project" pursuant to CEQA as defined in CEQA Guidelines Sections 15060(c) and 15378(b) because the action would not result in a direct or a reasonably foreseeable indirect physical change to the environment.

Forrest Chamberlain Sep 26, 2019

Forrest Chamberlain Date
San Francisco Municipal Transportation Agency

File # 191013
Received in Committee
11/20/19

SFMTA

Mobility Permit Harmonization

461

San Francisco Board of Supervisors, Budget and Finance Committee
November 20, 2019
Kate Toran, Director of Taxis and Accessible Services
Darton Ito, Office of Innovation

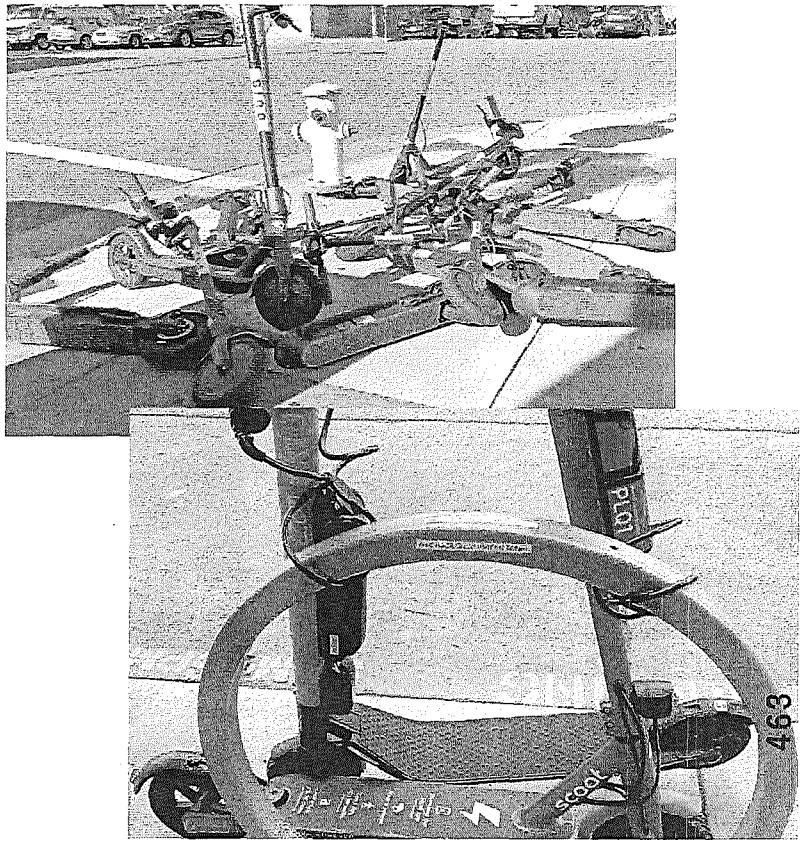
What is Permit Harmonization?

- **Phase 1**: Plan to require all new mobility service operators under SFMTA's jurisdiction to have authorization before starting operations AND to streamline the authorization process

- Shift from reactive to proactive regulatory approach
- Allow innovation through a clear path for new mobility services
- Standardize processes and tools to administer, monitor and enforce
- Coordinate data reporting to understand impacts on transportation network
- Partner with the proposed Office of Emerging Technology

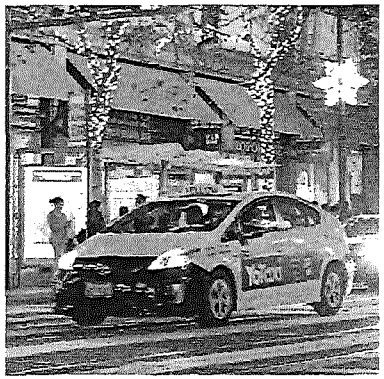
Why Regulate?

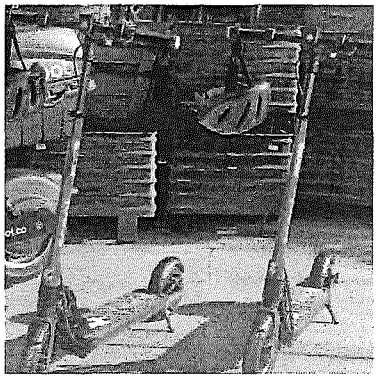
- Public Safety
- Consumer Protection
- SFMTA Charter Mandate
- Align with City's Policy Framework:
  - Guiding Principles
  - Disabled Access
  - Parking Requirements



Regulated Mobility Programs

- Taxis
- Bikeshare
- Powered Scooter Share
- Private Transit Vehicles
- Commuter Shuttle
- On-Street Vehicle Share
- Shared Electric Mopeds

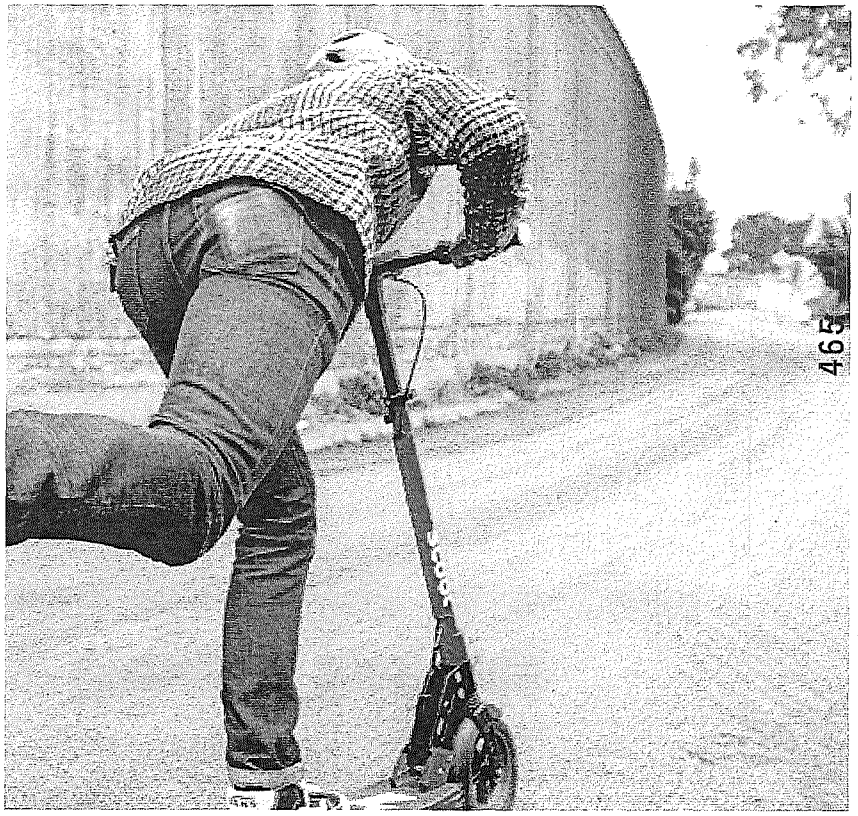




464

Phase 1: Transportation Code Division I Amendments

- Request Board of Supervisors:
  1. Expand parking restrictions previously applicable to bike share and scooter share to apply to broader category of shared mobility device
  2. Create a violation for operating a shared mobility service without a permit or authorization



Phase 1: Transportation Code Division II Amendments

- **Defines a Shared Mobility Device Service**
  - Mobility device or devices, capable of carrying 10 or more people, separately or together
- **Establishes a Proof of Concept Authorization (POCA)**
  - Prevents unregulated launches
  - Clear path to test or deploy on a limited basis
  - Provides opportunity to establish appropriate rules
  - Collect information, including to inform potential pilot or permit programs
  - Authorized by the Director of Transportation
- ***Approved by SFMTA Board 11/5***

Phase 1: Proof of Concept Authorization (POCA) Process Framework

A Policy Directive issued by the Director of Transportation will be developed to guide the implementation of the POCA program including:

- Application requirements, including Application and Administration Fees
- Process and criteria for reviewing applications
- Public engagement
- Criteria for establishing the POCA terms
- Criteria for assessing fines or terminating a POCA

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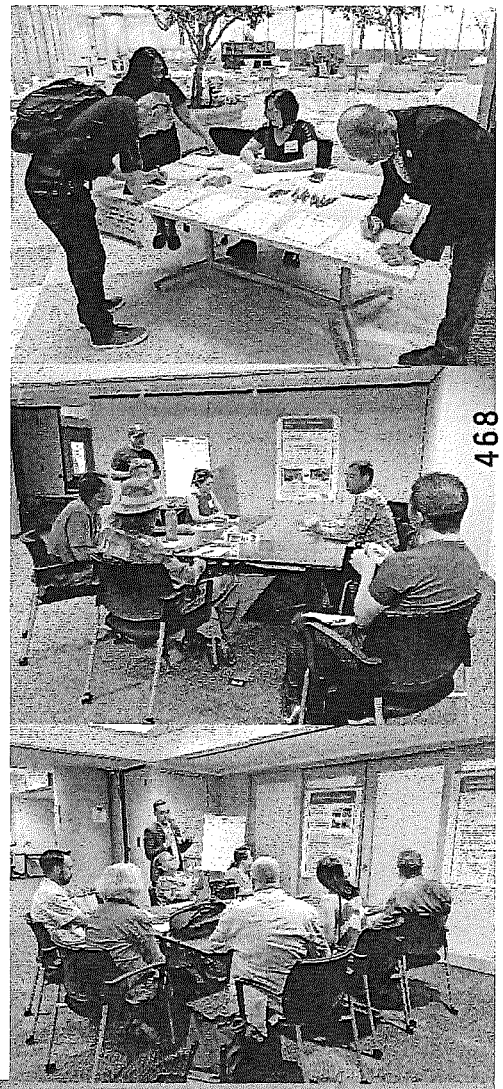
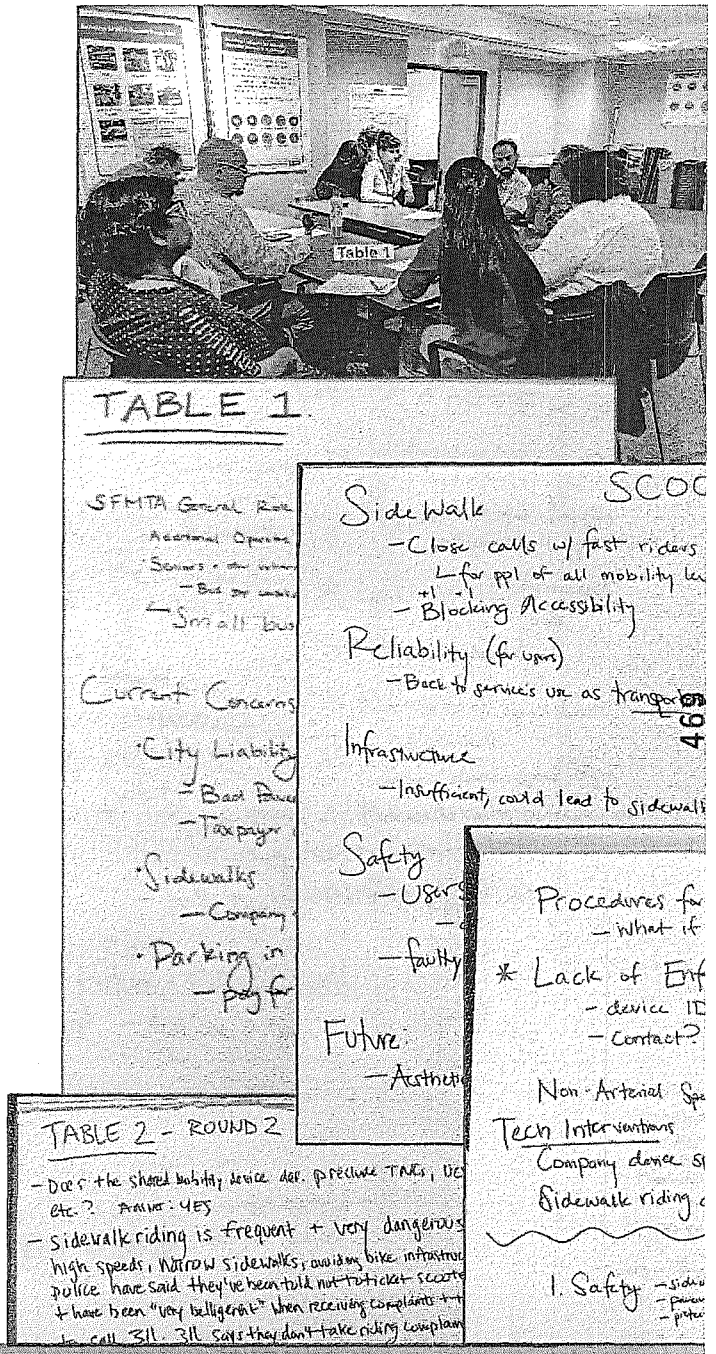
Public Outreach and Engagement

- **On-going to Key Stakeholders**
  - Advocacy groups, non-profits, industry organizations
  - SFMTA's Mobility Permit Harmonization project site
- **Committees/Advisory Bodies**
  - SFMTA Board, Policy and Governance Committee
  - Pedestrian Safety Advisory Committee
  - Multimodal Accessibility Advisory Committee
  - Bicycle Advisory Committee
  - Transportation Authority, Citizens Advisory Committee
  - Paratransit Coordinating Council
  - Mayor's Disability Council
  - SFMTA Citizens Advisory Committee
- **City Departments & other Governmental Agencies**
- **Community Forum: industry + community groups**



Feedback Heard

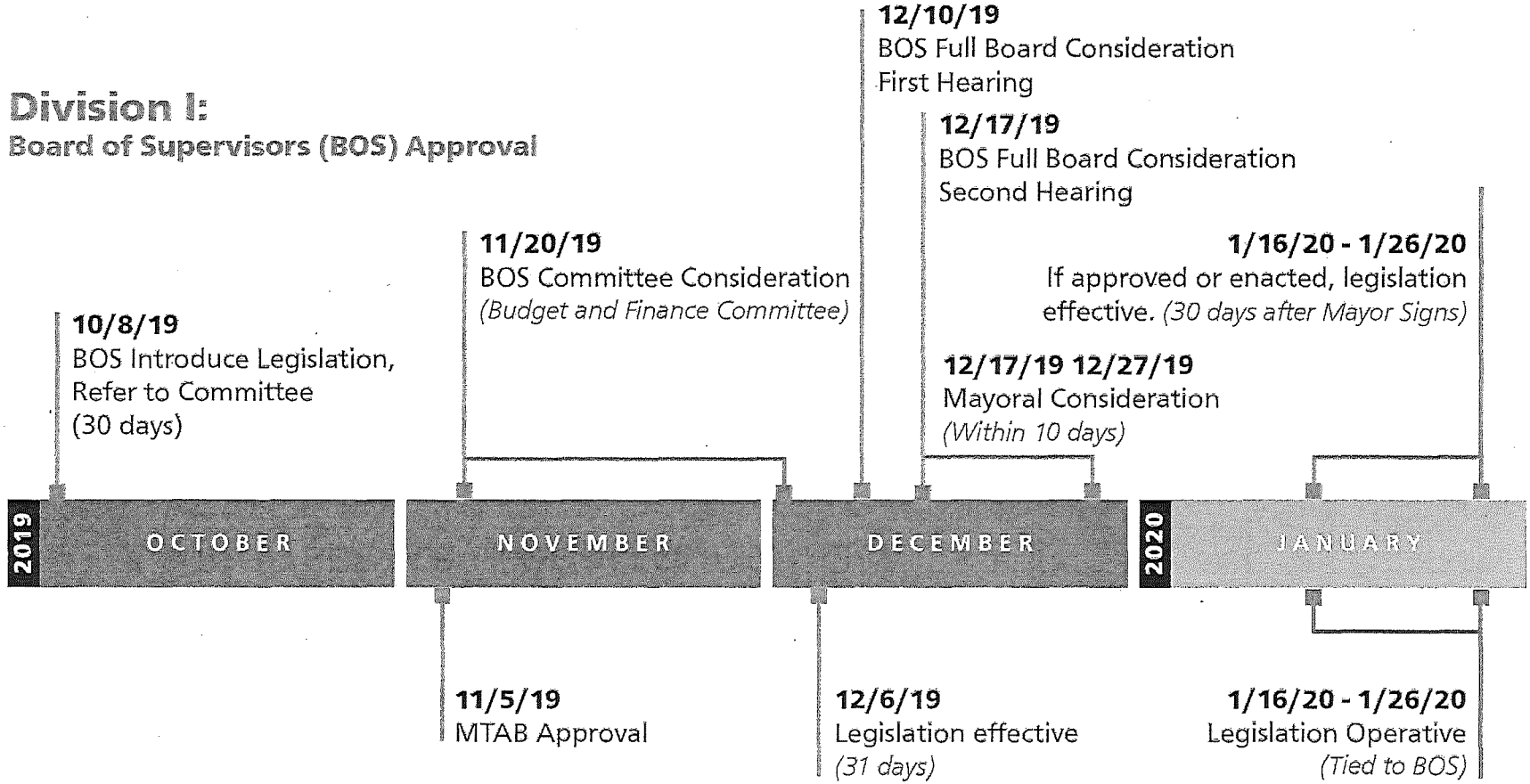
- **Key Concerns**
  - Pedestrian safety
  - Rider/service user accountability
  - Complaint reporting process
  - On-going community engagement
  - Infrastructure needs
- **Response**
  - Incorporate provisions into POCA Policy Directive
  - Continue to engage community
  - Work with 311



SFMTA Mobility Permit Harmonization

LEGISLATIVE APPROVAL TIMELINE

Division I:
Board of Supervisors (BOS) Approval



Division II:
Municipal Transportation Agency Board (MTAB) Approval

Updated: 11-18-2019 15:04

470

Next Steps

- **Phase 2: Existing Elements**
  - Restructure Division II of the Transportation Code so that existing regulated mobility permit programs are under one umbrella
  - Ensure that the regulatory framework allows the addition of new permit programs as they arise without having to recreate basic elements (e.g. appeals process)
- **Phase 3: Movement of Goods**

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SFMTA Board Recommendation

Requesting that the Board of Supervisors amend Division I of the Transportation Code to:

- Expand parking restrictions previously applicable to bike share and scooter share to apply to broader category of shared mobility device

- Establish a violation for operating a Shared Mobility Device Service without a permit or other authorization from SFMTA

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Questions

President, District 7
BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-6516
Fax No. 554-7674
TDD/TTY No. 544-6546

Norman Yee

PRESIDENTIAL ACTION

Date: 11/13/2019

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

☐ Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____ _____ (Primary Sponsor)

Title. _____

☒ Transferring (Board Rule No 3.3)

File No. 191013 Mayor (Primary Sponsor)

Title. Transportation Code - Mobility Device Permit Requirement

From: Land Use & Transportation Committee

To: Budget & Finance Committee

☐ Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: _____ Replacing Supervisor: _____

For: _____ (Date) _____ (Committee) Meeting

Duration: ◉ Partial ○ Full Meeting

☐ Start Time _____ End Time _____

☐ Until original Committee Member returns

Norman Yee, President
Board of Supervisors

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

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

190973

From:	Aaron Goodman <amgodman@yahoo.com>
Sent:	Monday, October 21, 2019 10:03 AM
To:	Major, Erica (BOS); Peskin, Aaron (BOS); Haney, Matt (BOS); Safai, Ahsha (BOS); Board of Supervisors, (BOS)
Subject:	SFBOS Land-Use - Monday October 21st - Comment (A.GOODMAN) D11

ATTN: SF BOS (Land-Use) Committee (cc: SFBOS)

As I am unable to attend the mid-day meeting today, please accept this email as my public comment on the issues below. Will keep them brief as I can but you have a lot on the agenda today needing vetting.

19054 - Jobs Housing Linkage
19089 - Jobs Housing Fit

I support both items above, in determining the best strategy forward on the creation of affordable RENTAL housing for working communities and the need to determine how to build larger housing developments for 100% affordable units.
I would ask that you also consider in the two items the relation of mass transit and equity in relation to funding areas and districts since many areas seeing the largest developments in SF are also devoid of any serious transit projects that are shovel ready and supportive prior to the construction of mass housing developments.

190971 - India Basin (Street Vacated)
I would like to submit comments on the EQUITY concerns on lacking transit proposals to improve the T-Line and the linkage between numerous developments in D10. The Pier 70 / India Basin / Alice Griffith and Hunters View, BVHP, Candlestick areas all the way around to Sunnydale from Potrero require a more robust solution on public transit. Please look into this issue with the SFMTA and how they propose to amp up the mass-transit in D10 to equitably address mass transit needs and upcoming service issues during roadway construction at Ceasar Chavez and Alemany on 101/280 already at serious congestion levels that impacts Bayshore, and the T-third. (I am in support of the India Basin project, but would like to see a more robust water-taxi, and trackless train system that loops around the BVHP and back up Geneva Harney to balboa park station to bring quickly new mass-transit solutions to these neighborhoods being developed.)

190972 - Electrification of Municipal Facilities
190974 - Energy Performance in New Buildings
I am in support of this proposal and would want to see more efforts on urban infrastructure and build out in addition to local property tax incentives to switch to solar. Costs are causing residential installers to balk at installations, especially smaller installs. Therefore it is critical to ensure smaller home-owners and businesses can switch to solar more readily.. On the energy efficieny issues LEED does not always take into account the issues of obsolescence and sound existing construction that should promote preservation and adaptive re-use. So key is to include measures that document the demolition of existing systems and buildings and their

replacement with new energy efficient systems. If we toss a recently installed roof for a new roof and solar, the carbon impacts must be addressed in the changes.

191016 - Educator Housing
Key is to determine the effects prior and loss of educator housing since 2001 (Purchase of Stonestown and portions of Parkmerced) that served as educator housing. SFSU-CSU was asked to consider staff/teacher housing at the UPS blocks. The SOTA switch downtown should be considered whether the site is for 100% future housing or an option to rebuild the school at its existing site and plan for the school SOTA to remain and the old educator building converted to shared housing co-op building downtown due to already overcongested streets in the Van Ness Market area. Which will be more dangerous for kids and teens if shifted in that area from the existing SOTA site. There is also the concerns about CCSF and teacher housing on Balboa Reservoir, and CCSF's future plans. All these sites MUST have new and adequate new transit serving the areas so please legislate to support more transit improvements in these areas.

191018 - 770 Woolsley
I am supportive of the landmarking in the hope to create a more adventurous solution with green-houses and landscaped courtyards for the future housing on this site. Their is also the need for addressing overcrowded bus services on the 44 and 8/9 lines along with the 54 which serve the D10/D11 neighborhoods. Please look into the transit issues and equity for these proposals.

191013- Mobility Permits
191033 - Office of Emerging Technology

My concern is the lacking ADA compliance on many of these new technologies that service the seniors and disabled communities. Portland and Detroit have ADA bikes for bike-share, and currently with all the mobility push, we have yet to see it adequately addressed in the pods and systems being attached to bike racks and public infrastructure. These systems are parasitical and do not adequately address EQUITY in low cost options alone. Therefore a percentage should be done financially that re-invests in public mass-transit systems connections, loops and links in existing infrastructure.

Thank you all for addressing these concerns in your discussion later today.

Sincerely

Aaron Goodman D11
amgodman@yahoo.com

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

October 15, 2019

File No. 191013

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 8, 2019, Mayor Breed submitted the proposed legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

OFFICE OF THE MAYOR
SAN FRANCISCO

LONDON N. BREED
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Sophia Kittler
RE: Transportation Code - Mobility Device Permit Requirement
DATE: Tuesday, October 8, 2019

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.

Should you have any questions, please contact Sophia Kittler at 415-554-6153.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2019 OCT -8 PM 4:17
BY: AK

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

Major, Erica (BOS)

From: BOS Legislation, (BOS)
Sent: Friday, October 18, 2019 9:21 AM
To: Major, Erica (BOS)
Subject: FW: Pending Further Review Completed: #191013

From: Khan, Asim (CON) <asim.khan@sfgov.org>
Sent: Thursday, October 17, 2019 4:48 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>
Cc: Egan, Ted (CON) <ted.egan@sfgov.org>
Subject: Pending Further Review Completed: #191013

The OEA has completed its review of the ordinance #191013 and will not be issuing a report on the matter.

#191013 Transportation Code - Mobility Device Permit Requirement

Thanks,
Asim

Asim Khan, Ph.D.
Senior Economist, Office of Economic Analysis
Controller's Office
City and County of San Francisco
City Hall, Room 306
San Francisco, CA 94102
(415) 554-5369

Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Tuesday, October 15, 2019 10:19 AM
To: Gibson, Lisa (CPC)
Cc: Navarrete, Joy (CPC); Lewis, Don (CPC)
Subject: REFERRAL CEQA (191013) Transportation Code - Mobility Device Permit Requirement
Attachments: 191013 CEQA.pdf

Greetings,

Attached is a referral for the Planning Department's environmental review.

ERICA MAJOR
Assistant Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org


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Major, Erica (BOS)

From: Major, Erica (BOS)
Sent: Tuesday, October 15, 2019 10:29 AM
To: Maguire, Tom (MTA); Scott, William (POL); Nuru, Mohammed (DPW)
Cc: Breen, Kate (MTA); Martinsen, Janet (MTA); Ramos, Joel (MTA); Carr, Rowena (POL); Steeves, Asja (POL); Hussey, Deirdre (POL); Kilshaw, Rachael (POL); Steinberg, David (DPW); Spitz, Jeremy (DPW); Blot, Jennifer (DPW); Thomas, John (DPW); Liu, Lena (DPW)
Subject: REFERRAL FYI (191013) Transportation Code - Mobility Device Permit Requirement
Attachments: 191013 FYI.pdf

Greetings,

These matter are being forwarded to your department for informational purposes. If you have any 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.

ERICA MAJOR
Assistant Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

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