

1 [REQUIREMENTS AND FEES FOR SPECIAL TRAFFIC PERMITS]

2 AMENDING SECTION 194 OF THE SAN FRANCISCO TRAFFIC CODE TO PERMIT THE
3 DEPARTMENT OF PARKING AND TRAFFIC TO CHARGE FEES FOR THE ISSUING
4 SPECIAL PERMITS AND ASSESS PENALTY FEES FOR VIOLATION OF PERMITS.

5 Note: Additions are underlined; and deletions are
6 in ((double parentheses)).

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

8 Section 1. Article 11 of the San Francisco Traffic code is hereby amended by amending
9 Section 194, to read as follows:

10 **SEC. 194. TEMPORARY OBSTRUCTION OF TRAFFIC - PERMITS**

11 **REQUIRED.** A Special Traffic Permit will be required for any obstruction of traffic upon a
12 street or sidewalk area of major traffic importance by any construction, excavation or other
13 activity, if such construction activities are not in compliance with City and County of San
14 Francisco contract specifications or with the Department of Parking and Traffic's "Regulations
15 for Working in San Francisco Streets" (otherwise known as "the Bluebook").

16 **((Sec. 194)) SEC. 194.1 DIRECTOR OF PARKING AND TRAFFIC**

17 **AUTHORIZED TO ISSUE PERMITS TO OBSTRUCT TRAFFIC.** Upon application
18 ((therefor)) on a form supplied by the Director of Parking and Traffic, the Director or his or her
19 designee is authorized to issue a Special Traffic Permit ((permit)) for obstruction of ((to)) traffic
20 as described in Section 194, ((of major traffic importance)) subject to restrictions imposed by
21 him/her concerning the period of the obstruction, the type of obstruction, and the number of

Supervisor Newsom

1 traffic lanes which must be left open for traffic. The director or his or her designee is authorized
2 to permit an obstruction of traffic by an endorsement upon a building permit, demolition permit,
3 or other type of permit. ((Every permit for an obstruction to traffic shall be kept)) The Permittee
4 shall maintain the permit at the site of the obstruction and available for inspection. In
5 determining whether to issue a permit for obstruction of traffic, the Director or his or her designee
6 shall ((be guided by)) consider the need to obstruct traffic and the purpose to be served by
7 permitting the obstruction as set forth in the application, the number of lanes of traffic which will
8 be left open if the permit is granted, the effect upon traffic of the granting of the permit and the
9 effect upon the public interest generally of granting or denying the permit. Appeals from the
10 Director's or the Directors designees's determination may be taken to the Board of Permit
11 Appeals.

12 **SEC. 194.2 SPECIAL TRAFFIC PERMIT - FEES TO BE PAID.** No Special Traffic
13 Permit shall be issued for the obstruction of traffic unless a fee has been paid. The Special
14 Traffic Permit fee is \$100 plus \$20 per working day for the duration of the permit. The fee for
15 the Special Traffic permit and any penalties, if applicable, shall be deposited in the Road Fund.
16 All deposits to the Road Fund from the Special Traffic Permit Program shall be used to offset the
17 costs related to the administration and inspections associated with the Special Traffic Permit
18 Program. The Director shall examine these costs and revenue annually and, no later than
19 February 1st of each year, shall report to the Board of Supervisors on the adequacy of certain
20 fees to meet costs and replace the lost parking revenue. If these costs or lost revenue have
21 changed, the Director shall recommend legislation to the Board of Supervisors that will ensure

1 the fees will recover lost costs and revenues. The Director shall also establish procedures for
2 billing and collection of a deposit, fees, penalties and other charges as provided for in this
3 Article.

4 **SEC. 194.3 EXCEEDING PERMISSIBLE USE OR OBSTRUCTION OF**
5 **TRAFFIC WITHOUT PERMIT - PENALTY FEE.** The Director of Parking and Traffic has
6 the authority to determine rules and regulations for the use of a Special Traffic Permit as
7 necessary to regulate the flow of traffic, maintain the street in the condition it was in at the time
8 the permit was obtained and for the general welfare of the public. If a permittee has not
9 complied with the rules and requirements as specified in the Special Traffic Permit or if any
10 person obstructs streets of major traffic importance without obtaining a Special Traffic Permit as
11 required in Section 194, the Director or his/her designee is authorized to cite and, consistent with
12 due process, assess a penalty up to \$1,000 per incident for violating the permit requirements and
13 up to \$5,000 per incident for obstructing traffic without a Special Traffic Permit. An incident for
14 purposes of the section occurs whenever a permit holder obstructs traffic for 60 minutes or more
15 over the period specified by the permit, or a person obstructs traffic without a Special Traffic
16 Permit. Each separate 60 minute period of obstruction shall constitute a separate incident under
17 which the director or his or her designee assess penalties under this section.

18 **SEC. 194.4 SPECIAL TRAFFIC PERMIT – PERMITTEE TO DEFEND AND**
19 **INDEMNIFY CITY AND COUNTY.** The permit application shall require the applicant to
20 acknowledge that the permittee or its successors or assigns in interest, by acceptance of the
21 permit, agree to indemnify and hold the City and County of San Francisco, its departments,

1 commissions, boards, officers, employees and agents harmless from and against any and all
2 claims, demands, actions or causes of action which may be made against the City and County of
3 San Francisco, its departments, commissions, boards, officers, employees and agents for the
4 recovery of damages for the injury to or death of any person or persons or for the damage to any
5 property resulting directly or indirectly from the obstruction of traffic authorized the the Special
6 Traffic Permit regardless of the negligence of the City and County of San Francisco.

7 **SEC. 194.5 DEPOSIT FOR CONVENIENCE.** With the exception of City agencies
8 and departments, each Permittee may file and maintain with the Department of Parking and
9 Traffic a bond, cash deposit, or other security acceptable to the Department of Parking and
10 Traffic securing the performance of the obligations of the Owner and Applicant under any
11 Special Traffic Permit and in compliance with all the terms and conditions of this Article. The
12 deposit shall be in an amount mutually agreed upon by the Director and the depositor. The
13 deposit shall be made in favor of the “Department of Parking and Traffic, City and County of
14 San Francisco” in a form approved by the Director. The Director may make deductions from the
15 balance of the Permittee’s deposit(s) to ensure the faithful performance of the obligations under
16 a Special Traffic Permit, to cover fees and to offset costs for any work done or made by the
17 Department of Parking and Traffic in connection with the administration of the Special Traffic
18 Permit.

19 **SEC. 194.6 ADDITIONAL FEES FOR A SPECIAL TRAFFIC PERMIT.** In
20 instances where the administration of this Article involves the removal or relocation of any
21 parking spaces, parking meters, traffic signs, pavement markings, traffic signals or any traffic

1 control devices and such removal or relocation is or will be unusually costly to the Department
2 of Parking and Traffic, the Director, in his discretion, may require an Applicant or Permittee to
3 pay any additional fee to cover these costs. The fee for this additional cost shall be \$50 for the
4 removal or relocation of each traffic sign, \$75 for removal or relocation of each pole, and any
5 costs, including labor and materials, incurred by the Department of Parking and Traffic for
6 striping or adjustment of signals. The fee for temporary relocation of colored parking zones,
7 including curb painting, shall be \$200 per space, and \$350 per space for permanent relocation of
8 colored parking zones, including curb painting.

9 **((SEC. 195. VIOLATION OF DEPARTMENT ORDER AND INFRACTION.**

10 Every person who violates a Department order is guilty of an infraction punishable by a fine of
11 not less than \$100 nor more than \$500. Each day's violation is a separate infraction.))

12
13
14 RECOMMENDED:

15 *Bond m. yee*

16 *for*
17 Executive Director
18 Department of Parking and Traffic

19 APPROVED AS TO FORM:

20 Louise H. Renne, City Attorney

21
22 By: *Loretta Giorgi*
23 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 001665

Date Passed:

Ordinance amending Section 194 of the San Francisco Traffic Code to permit the Department of Parking and Traffic to charge fees for the issuing special permits and assess penalty fees for violation of permits.

November 20, 2000 Board of Supervisors — PASSED, ON FIRST READING

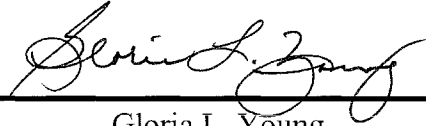
Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 4, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

File No. 001665

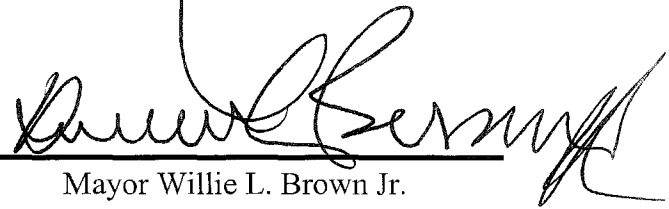
I hereby certify that the foregoing Ordinance
was FINALLY PASSED on December 4, 2000
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

DEC 15 2000

Date Approved



Mayor Willie L. Brown Jr.