

BOARD of SUPERVISORS



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March 15, 2018

File No. 180214

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

Dear Ms. Gibson:

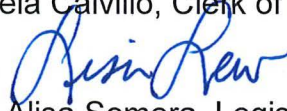
On March 6, 2018, Supervisor Peskin introduced the following proposed legislation:

**File No. 180214**

**Ordinance amending Division I of the Transportation Code to establish a violation for motorized scooters that are a part of a Motorized Scooter Share Program, to be parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency (MTA) or Department of Public Works (DPW) without an MTA-issued permit authorizing the scooter to be parked, left standing, or left unattended at that location; amending the Public Works Code to authorize DPW to take enforcement action to abate or remove unauthorized motorized scooters that are not a part of a permitted Motorized Scooter Share Program and are parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of DPW or the MTA; 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

*for* By:  Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

1 [Transportation, Public Works Codes - Unauthorized Motorized Scooter Violations, Motorized  
2 Scooter Share Program]

3 **Ordinance amending Division I of the Transportation Code to establish a violation for**  
4 **motorized scooters that are a part of a Motorized Scooter Share Program, to be parked,**  
5 **left standing, or left unattended on a sidewalk, street, or public right-of-way under the**  
6 **jurisdiction of the Municipal Transportation Agency (MTA) or Department of Public**  
7 **Works (DPW) without an MTA-issued permit authorizing the scooter to be parked, left**  
8 **standing, or left unattended at that location; amending the Public Works Code to**  
9 **authorize DPW to take enforcement action to abate or remove unauthorized motorized**  
10 **scooters that are not a part of a permitted Motorized Scooter Share Program and are**  
11 **parked, left standing, or left unattended on a sidewalk, street, or public right-of-way**  
12 **under the jurisdiction of DPW or the MTA; and affirming the Planning Department's**  
13 **determination under the California Environmental Quality Act.**

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

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

22 Section 1. Findings.

23 (a) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
2 determination.

3 (b) The San Francisco General Plan's Transit-First Policy recognizes that decisions  
4 regarding the use of limited public street and sidewalk space shall encourage the use of public  
5 right-of-ways by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and  
6 improve public health and safety. The proliferation of Motorized Scooter Share Programs,  
7 which include motorized scooters that can be secured without being locked to a fixed object,  
8 has the potential to cause obstructions of public right-of-ways and, in the absence of sufficient  
9 education as to existing laws, cause a myriad of other safety hazards for both users of  
10 Motorized Scooters as well as members of the public more generally. The Administrative  
11 Code defines a "public nuisance" as any "thing or condition, including but not limited to  
12 violations of the Municipal Code or State law, that threatens injury or damage to the health,  
13 safety, welfare, or property of members of the public, that obstructs the free use of property of  
14 others or of the public right-of-way or commons, or otherwise interferes with the comfortable  
15 enjoyment of life or property." Admin. Code § 80.4(d)(1). The City seeks to regulate  
16 Motorized Scooter Share Programs to ensure that public right-of-ways and Public Property  
17 remain free of public nuisances, safe and accessible for all users, and clear of obstructions  
18 that pose threats to public health, safety, and welfare, and to ensure that Motorized Scooter  
19 Share Programs comply with State and City regulations that inure to the public's health,  
20 safety, and welfare.

21  
22 Section 2. Division I of the Transportation Code, Article 7, is hereby amended by  
23 revising the heading "Bicycle Violations" preceding Section 7.2.110 and adding Section  
24 7.2.111 following Section 7.2.110, to read as follows:

25 **BICYCLES SHARED MOBILITY SERVICES VEHICLE VIOLATIONS**

1           \* \* \* \*

2           **SEC. 7.2.111. MOTORIZED SCOOTER SHARE PARKING RESTRICTIONS.**

3           (a) To park, leave standing, or leave unattended a motorized scooter that is part of a Motorized  
4 Scooter Share Program, on any sidewalk, Street, or public right-of-way under the jurisdiction of the  
5 Municipal Transportation Agency or the Department of Public Works without a permit issued by the  
6 Municipal Transportation Agency authorizing the motorized scooter to be parked, left standing, or left  
7 unattended at that location. Motorized scooters parked, left standing, or left unattended in violation of  
8 this Section 7.2.111 constitute a public nuisance subject to abatement and removal pursuant to Article  
9 26 of the Public Works Code, Sections 1600 et seq.

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

13  
14           Section 3. The Public Works Code is hereby amended by revising Sections 1603 and  
15 1605, to read as follows:

16           **SEC. 1603. PROHIBITED DUMPING ACTIVITY.**

17           (a) It shall be prohibited for any Person to deposit, leave, place, keep, maintain, or  
18 abandon, Debris and Waste Construction Materials, industrial materials, or more than 100  
19 pounds total of any other waste, refuse, or debris, motorized scooters that are part of a Motorized  
20 Scooter Share Program, or bicycles that are part of a Stationless Bicycle Share Program, on any  
21 Public Property without the lawful and express written permission of the City and County of  
22 San Francisco.

23           (b) Any activity or action that violates this Article 26 shall be, and is hereby  
24 declared, a public nuisance.

1 (c) Nothing in this Article 26 shall be construed to authorize or allow any Person to  
2 deposit, leave, place, keep, maintain, or abandon, any other property or materials, in any  
3 amount, on any Public Property without the lawful and express written permission of the City  
4 and County of San Francisco, other than to deposit trash in an appropriate designated  
5 receptacle.

6  
7 **SEC. 1605. ENFORCEMENT – INJUNCTIVE RELIEF, CIVIL PENALTIES, COSTS,  
8 AND ATTORNEYS’ FEES.**

9 \* \* \* \*

10 (c) In any civil court action brought by the City Attorney to enforce this Article 26 in  
11 which the City succeeds in obtaining any order from the Court, the City shall be entitled to  
12 recover from any and all Responsible Parties all of its costs of investigation, enforcement,  
13 abatement, and litigation.

14 (1) The City shall be entitled to recover civil penalties from each and every  
15 Responsible Party in an amount that is not less than twice the amount it cost the City to abate  
16 the nuisance. Costs to the City to abate the nuisance shall include any personnel, equipment,  
17 and other charges incurred by the City related to the investigation, abatement, clean-up,  
18 removal, and/or containment of Debris and Waste Construction Materials, industrial materials,  
19 or more than 100 pounds of any other waste, refuse, or debris, motorized scooters that are part  
20 of a Motorized Scooter Share Program, or bicycles that are part of a Stationless Bicycle Share  
21 Program, dumped on Public Property. This civil penalties provision is designed to  
22 compensate the City for any costs it incurred to investigate and abate the unlawful acts of any  
23 Responsible Party and for the ancillary health hazards and inconveniences caused to the City  
24 and its residents, rights of way blocked, traffic delays or detours, and any personal or  
25


1 business difficulties suffered from the maintenance of illegally dumped materials on Public  
2 Property.

3 \* \* \* \*

4  
5 Section 4. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.

9  
10 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
14 additions, and Board amendment deletions in accordance with the "Note" that appears under  
15 the official title of the ordinance.

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

20 By:   
21 DAVID A. GREENBURG  
22 Deputy City Attorney

23 n:\legana\as2018\1800455\01258181.docx

**LEGISLATIVE DIGEST**

[Transportation, Public Works Codes - Unauthorized Motorized Scooter Violations, Motorized Scooter Share Program]

**Ordinance amending Division I of the Transportation Code to establish a violation for motorized scooters that are a part of a Motorized Scooter Share Program, to be parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency (MTA) or Department of Public Works (DPW) without an MTA-issued permit authorizing the scooter to be parked, left standing, or left unattended at that location; amending the Public Works Code to authorize DPW to take enforcement action to abate or remove unauthorized motorized scooters that are not a part of a permitted Motorized Scooter Share Program and are parked, left standing, or left unattended on a sidewalk, street, or public right-of-way under the jurisdiction of DPW or the MTA; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Currently, there is no permit required to park, leave standing, or leave unattended a motorized scooter that is part of a Motorized Scooter 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 issued by the Municipal Transportation Agency to park, leave standing, or leave unattended a Motorized Scooter that is part of a Motorized Scooter Share Program on any sidewalk, Street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency or Public Works. In addition to any penalty established by the Municipal Transportation Agency, the agency would be authorized to impose administrative penalties for violations. Finally, the legislation authorizes the Department of Public Works to take any necessary enforcement action to abate or remove unauthorized Motorized Scooters.