

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 190820-107

WHEREAS, In March 2017, the SFMTA Board approved changes to the Transportation Code to establish a Stationless Bikeshare Permit Program, and, after reviewing applications submitted by stationless bikeshare operators for a permit under this new program, the SFMTA issued an 18-month permit to Social Bicycles or JUMP effective January 9, 2018 until July 9, 2019; and,

WHEREAS, On April 16, 2019, the SFMTA Board amended the Transportation Code to update the Stationless Bikeshare permit program to create a more useful, safe, sustainable, equitable, and accountable citywide Stationless Bikeshare Permit Program; and,

WHEREAS, On June 7, 2019, Bay Area Motivate LLC, owned by Lyft (“Motivate” or “Lyft”), sued the SFMTA alleging that a 2015 Coordination Agreement signed by SFMTA and Motivate, among other parties, gave Motivate the exclusive right to operate a bike share program in San Francisco; and,

WHEREAS, On July 23, 2019, the San Francisco Superior Court issued an Order Granting Preliminary Injunction enjoining the SFMTA from issuing Stationless Bikeshare Permit Program permits to any other operator than Lyft for bikeshare, without first engaging in a 90-day Right of First Offer process regarding e-bikes; and,


WHEREAS, The Court’s order recognized that SFMTA could continue to allow JUMP to operate its pilot program with a maximum of 500 e-bikes for up to 100 days from the date of the Order; and,

WHEREAS, On July 18, 2019 the Director extended JUMP’s permit, but could not issue a new permit under the revised legislation due to the Court’s Order; and,

WHEREAS, The proposed action is 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; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors ratifies the Interim Permit extension of Stationless Bicycle Share Permit Program No. 01, with Social Bicycles (also known as JUMP), on the terms of the Pilot, consistent with a court order in related litigation, including any terms that may conflict with the new permit requirements adopted by the SFMTA Board in April, 2019.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of August 20, 2019.

  
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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency