

THIS PRINT COVERS CALENDAR ITEM NO. : 10.11

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Amend Transportation Code Division II, Sections 909 and 201 to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary, clarify the Director of Transportation’s authority to grant bicycle sharing station permits to operators of bicycle sharing programs, eliminate the requirement to notify the Department of Public Works regarding proposed bicycle rack installation on any City sidewalk, and establish a 30-day requirement to notify the Department of Public Works regarding proposed bicycle sharing station installation on any City sidewalk except in instances of temporary relocation for less than ninety days to improve safety or traffic operations or to accommodate construction or roadway maintenance.

SUMMARY:

- The proposed legislation will grant the Director authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary to improve safety or traffic operations or to accommodate construction or roadway maintenance.
- Further, the changes will clarify the Director’s authority to grant bicycle sharing station permits to operators of bicycle sharing programs.
- In addition, the legislation eliminates the requirement to notify the Department of Public Works regarding proposed bicycle rack installation on any City sidewalk.
- Finally, the changes will establish a 30-day requirement to notify the Department of Public Works regarding proposed bicycle sharing station installation on any City sidewalk except in instances of temporary relocation for less than ninety days to improve safety or traffic operations or to accommodate construction or roadway maintenance.
- The proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code Division II

APPROVALS:

DATE

DIRECTOR _____ 2/23/15

SECRETARY _____ 2/23/15

ASSIGNED SFMTAB CALENDAR DATE: March 3, 2015

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PURPOSE

Amend Transportation Code Division II, Sections 909 and 201 to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary to improve safety or traffic operations or to accommodate construction or roadway maintenance, clarify the Director of Transportation's authority to grant bicycle sharing station permits to operators of bicycle sharing programs, eliminate the requirement to notify the Department of Public Works regarding proposed bicycle rack installation on any City sidewalk, and establish a 30-day requirement to notify the Department of Public Works regarding proposed bicycle sharing station installation on any City sidewalk except in instances of temporary relocation for less than ninety days to improve safety or traffic operations or to accommodate construction or roadway maintenance.

GOAL

This action supports the following SFMTA Strategic Plan Goal and Objectives:

Goal 2 - Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel.

Objective 2.3 - Increase use of all non-private auto modes.

Goal 3 - Improve the environment and quality of life in San Francisco

Objective 3.4 - Deliver services efficiently.

DESCRIPTION

Background

Twenty-eight of San Francisco's first 35 pilot bicycle sharing stations, installed in August of 2013, were permitted by DPW under the Surface Mounted Facilities permitting process. SFMTA staff worked closely with the operation and maintenance contractor for the regional bike share program (Bay Area Bike Share) to identify and design station locations and develop permit submittals for these stations. The remaining stations were subject to the permitting authority of other City departments and agencies such as the Port, Department of Recreation and Parks and the Office of Community Investment and Infrastructure (the successor agency to the Redevelopment Agency).

Subsequent to this permit approval and issuance, SFMTA and DPW staff mutually agreed that future bicycle sharing stations could be permitted by the SFMTA with peer review of station locations by DPW.

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Current Requirements

With respect to the installation of bicycle racks, the Transportation Code Division II, Section 909 authorizes the Director of Transportation to grant revocable permits to install and maintain bicycle racks to property owners of property abutting any sidewalk in the City. Further, the Director of Transportation may, at his or her own initiative after giving notice to the abutting property owner, cause bicycle racks to be installed on any City street or sidewalk. Finally, the SFMTA is required to notify DPW of any proposed bicycle rack installation, whether it will be installed on a City sidewalk or street, at least forty-five days in advance.

With respect to public hearings, Division II, Section 201(b)(6) grants the City Traffic Engineer the authority to designate on-street bicycle parking spaces after holding a public hearing.

Proposed Transportation Code Revisions

The proposed changes are necessary to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary to improve safety or traffic operations or to accommodate construction or roadway maintenance, clarify the Director of Transportation's authority to grant bicycle sharing station permits to operators of bicycle sharing programs, and improve efficiency in the approval and permitting of both bicycle racks and bicycle sharing stations. Transportation Code Division II, Section 909 currently requires a public hearing prior to any on-street bicycle rack or bicycle sharing station installation, and does not provide for temporary re-location of bicycle rack or sharing stations, which hampers the ability of the City to respond quickly when emergencies arise. Likewise, with respect to permitting, Section 909 does not provide the authority for the SFMTA to issue permits to a bicycle sharing system operator. Finally, the 45-day advance notice requirement to DPW imposes needless delay in the installation of bicycle racks that have been requested by the public. Because bicycle sharing stations are more massive than typical sidewalk bicycle rack installations, the proposed thirty days advance notice to DPW is considered more appropriate, and will impose no significant delay in their installation.

ALTERNATIVES CONSIDERED

Maintaining the status quo was considered. Both DPW and SFMTA staff concluded that this option would likely result in continued inefficiencies in the process for approving and permitting bicycle racks and bicycle sharing stations, impede the ability of the City to temporarily relocate bicycle racks and sharing stations due to safety or traffic operations concerns or to accommodate construction or roadway maintenance, and cause future delays in the permitting and installation of bicycle racks or sharing stations.

Having the SFMTA permit bicycle sharing stations without making changes to the Transportation Code was also considered. This option would leave in place the requirement for 45-day advance notice to DPW before the installation of bicycle racks or bicycle sharing stations

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on City sidewalks or streets. Also, because the Transportation Code does not provide for temporary emergency relocation of either bicycle racks or bicycle sharing stations, relocating a bicycle rack or bicycle sharing station when necessary to improve safety or traffic operations or to accommodate construction or roadway maintenance would take a much longer period of time than is desirable or safe due to the DPW advance notice and public hearing requirements.

FUNDING IMPACT

The proposed changes to the Transportation Code will have no funding impact.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The California Environmental Quality Act (CEQA) applies to “projects” that have the potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect change in the environment. On January 27, 2015, SFMTA staff, under authority delegated from the Planning Department, determined that the proposed modifications are not subject to environmental review pursuant to Title 14 of the California Code of Regulations section 15060(c)(2) since the changes will not directly result in any construction, improvements or physical change to the environment.

A copy of the determination is on file with the Secretary for the SFMTA Board of Directors. The proposed action is the Approval Action as defined by the S. F. Administrative Code Chapter 31.

DPW has agreed to the proposed changes. The City Attorney has reviewed this report.

RECOMMENDATION

SFMTA staff recommends that the SFMTA Board amend Transportation Code Division II Section to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary, clarify the Director of Transportation’s authority to grant bicycle sharing station permits to operators of bicycle sharing programs, eliminate the requirement to notify the Department of Public Works regarding proposed bicycle rack installation on any City sidewalk, and establish a 30-day requirement to notify the Department of Public Works regarding proposed bicycle sharing station installation on any City sidewalk except in instances of temporary relocation for less than ninety days to improve safety or traffic operations or to accommodate construction or roadway maintenance.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Transportation Code Division II, Section 909 authorizes the Director of Transportation to install and permit bicycle racks on any street or sidewalk in the City at the request of, or after giving notice to, the abutting property owner, but does not authorize the Director of Transportation to issue bicycle sharing station permits to operators of bicycle sharing programs; and

WHEREAS, Transportation Code Division II, Section 201 grants the City Traffic Engineer to authority to designate on-street bicycle parking spaces after a public hearing but does not currently provide for their temporary relocation due to safety or traffic concerns or to accommodate construction or roadway maintenance without holding a subsequent public hearing; and,

WHEREAS, SFMTA staff have identified a number of amendments to the Transportation Code to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary, clarify the Director of Transportation's authority to grant bicycle sharing station permits to operators of bicycle sharing programs, eliminate the requirement to notify the Department of Public Works regarding proposed bicycle rack installation on any City sidewalk, and establish a 30-day requirement to notify the Department of Public Works regarding proposed bicycle sharing station installation on any City sidewalk except in instances of temporary relocation for less than ninety days to improve safety or traffic operations or to accommodate construction or roadway maintenance; and,

WHEREAS, The proposed changes are necessary to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary, clarify the Director of Transportation's authority to grant bicycle sharing station permits to operators of bicycle sharing programs, and improve efficiency in the approval and permitting of both bicycle racks and bicycle sharing stations; and,

WHEREAS, The Department of Public Works has agreed to the proposed changes; and,

WHEREAS, The California Environmental Quality Act (CEQA) applies to "projects" that have the potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect change in the environment; and,

WHEREAS, On January 27, 2015, SFMTA staff, under authority delegated from the Planning Department, determined that the proposed modifications are not subject to environmental review pursuant to Title 14 of the California Code of Regulations section 15060(c)(2) since the changes will not directly result in any construction, improvements or physical change to the environment; and,

WHEREAS, A copy of the determination is on file with the Secretary for the SFMTA Board of Directors, and the proposed action is the Approval Action as defined by the S.F. Administrative Code Chapter 31; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends the Transportation Code Division II Section 909 and 201 to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary, clarify the Director of Transportation's authority to grant bicycle sharing station permits to operators of bicycle sharing programs, eliminate the requirement to notify the Department of Public Works regarding proposed bicycle rack installation on any City sidewalk, and establish a 30-day requirement to notify the Department of Public Works regarding proposed bicycle sharing station installation on any City sidewalk except in instances of temporary relocation for less than ninety days to improve safety or traffic operations or to accommodate construction or roadway maintenance.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 3, 2015.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Bicycle Rack and Bicycle Sharing Station Permits]

Resolution amending Transportation Code, Division II, to grant the Director of Transportation authority to temporarily relocate bicycle parking spaces prior to a public hearing when necessary to improve safety or traffic operations or to accommodate construction or roadway maintenance, clarify the Director of Transportation’s authority to grant bicycle sharing station permits to operators of bicycle sharing programs, eliminate the requirement to notify the Department of Public Works regarding proposed bicycle rack installation on any City sidewalk, and establish a 30-day requirement to notify the Department of Public Works regarding proposed bicycle sharing station installation on any City sidewalk except in instances of temporary relocation for less than ninety days to improve safety or traffic operations or to accommodate construction or roadway maintenance.

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. Articles 200 and 900 of Division II of the Transportation Code are hereby amended by revising Sections 201 and 909, to read as follows:

SEC. 201. PROCEDURES FOR IMPLEMENTING PARKING AND TRAFFIC CONTROLS.

(a) **Office of City Traffic Engineer.** The position of City Traffic Engineer is established. The City Traffic Engineer shall be an employee of the SFMTA licensed with the State of California as a Civil or Traffic Engineer and designated by the Director of

Transportation to exercise the powers and perform the duties of City Traffic Engineer established by this Code. The City Traffic Engineer shall have the authority to:

- (1) Identify, study and implement measures to improve traffic conditions and increase the safety of vehicles and pedestrians in furtherance of the City's Transit First Policy.
- (2) Review and investigate requests to install, modify or remove Traffic Control Devices.
- (3) Install color curb markings, including painting red zones not to exceed 20 (continuous) feet in length where needed to ensure public safety, proper Parking Meter spacing or vehicular access to private or public driveways and Streets.
- (4) Design, install, operate and maintain Traffic Control Devices as necessary to guide, warn and control moving vehicular and pedestrian traffic.
- (5) Install or remove any temporary Traffic Control Devices on any Street for the purpose of controlling Parking or traffic during emergencies, special conditions or events, construction work, short-term testing, or when necessary for the protection of public health and safety. Such temporary Traffic Control Devices shall be removed when they are no longer required following the emergency, condition, or event.
- (6) Implement Parking and traffic control measures approved by the SFMTA Board of Directors.
- (7) Determine the hours and days during which any Traffic Control Device shall be in operation except where such hours or days are established by law or by resolution of the SFMTA Board of Directors.
- (8) Conduct engineering and traffic surveys necessary to establish and maintain appropriate speed limits.
- (9) Regulate or prohibit obstructions on Streets and grant or deny Special Traffic Permits.

(10) Mark center lines, lane lines, crosswalks, the boundaries of Parking Spaces associated with Parking Meters, and other distinctive markings upon the surface of any Street, or place any signs to indicate the course to be traveled by vehicles or pedestrians.

(11) Take other actions to regulate Parking and traffic or prohibit Obstructions to Traffic which do not require public hearing or approval of the SFMTA Board of Directors as described in Sections (b) and (c) of this Section.

(12) To remove without notice any unauthorized Traffic Control Device, including color curb markings or other markings that regulate Parking and traffic.

(13) Indicate by signs or markings where Parking is prohibited within 15 feet of any fire hydrant.

(14) Carry out all functions of the City Traffic Engineer consistent with all laws, regulations, generally accepted traffic engineering standards and SFMTA policies.

(b) **Public Hearings.** The following Parking and traffic measures may be implemented following a public hearing:

(1) Locate and install Traffic Calming Devices.

(2) Designate the location of Stands, the types of vehicles authorized to use such Stands and the days and hours in which Parking restrictions shall be enforced at any Stand.

(3) With the exception of blue zones for the exclusive use of persons with disabilities designated in accordance with Vehicle Code § 21458(a)(5), determine the locations for Parking restrictions designated by painted curb colors in accordance with Vehicle Code Section 21458 and the times that Parking is prohibited in such locations.

(4) Determine the locations of Truck Loading Zones and the times that Parking is prohibited in that Zone.

(5) Designate motorcycle Parking Spaces.

(6) Designate on-street bicycle Parking Spaces for the installation and use of Bicycle Racks and Bicycle Sharing Stations. In the event that a temporary relocation of a bicycle parking space, bicycle rack, or bicycle sharing station is necessary to improve safety or traffic operations, or to accommodate construction or roadway maintenance, the Director of Transportation has the authority to temporarily relocate a bicycle parking space, bicycle rack, or bicycle sharing station prior to holding a public hearing. If the bicycle parking space, bicycle rack, or bicycle sharing station will be temporarily relocated for less than ninety days, no public hearing is required. If the temporary relocation is for ninety days or longer, a public hearing must be held within ninety days following the temporary relocation.

(c) **SFMTA Board of Directors' Action Required.** The following Parking and traffic measures may not be implemented without a public hearing and prior approval of the SFMTA Board of Directors, taking into consideration the recommendation of the City Traffic Engineer:

(1) Designate Parking Meter Zones and Streets on which Parking Meters are to be installed in each Parking Meter Zone.

(2) Designate blue zone Parking Spaces for the exclusive use of persons with disabilities in accordance with Vehicle Code § 21458(a)(5).

(3) Establish, modify or eliminate preferential Parking programs in accordance with Vehicle Code §§ 22507 and 22507.1, including the applicable geographical area(s) and the days and hours of applicable Parking restrictions.

(4) Install or remove bicycle lanes.

(5) Implement the following changes within the bicycle route network, as defined in the most recent update of the Transportation Element of the San Francisco General Plan:

(A) The narrowing of right-hand travel lanes with Parking, including turn lanes to less than 22 feet or the narrowing of right-hand travel lanes without Parking, including turn lanes to less than 14 feet;

(B) The narrowing or elimination of any bicycle lanes, bicycle paths or bicycle routes;

(C) The addition of traffic lanes, except where such lanes consist of left-turn or right-turn pockets.

(D) Subsections (c)(5)(A) through (c)(5)(C) shall not apply to construction zones involving temporary changes to lane widths or lane configurations.

(6) Designate intersections at which right, left or U turns are prohibited.

(7) Designate intersections at which turns against a red or stop signal are prohibited.

(8) Establish multiple turn lanes where vehicles can make right or left turns from more than one lane.

(9) Designate one-way Streets.

(10) Designate intersections at which one direction of traffic shall be required to yield to the other.

(11) Designate intersections at which traffic shall be required to stop, or where a required stop is eliminated.

(12) Designate the location of all bus zones for the use of public transit vehicles.

(13) Set time limits for, and the days and hours of enforcement of any Parking restriction.

(14) Establish or close a crosswalk.

(15) Establish a tow-away zone.

- (16) Designate the angle or direction in which vehicles are required to Park on the Street.
- (17) Designate locations where Parking by vehicles over 6 feet high is restricted within 100 feet of an intersection.
- (18) Establish bus, truck, and weight restrictions on Streets.
- (19) Establish transit only lane regulations.
- (20) Establish speed limits on Streets.
- (21) Establish on-street Car Share Vehicle Parking Spaces.
- (22) Designate locations where Parking by vehicles over twenty-two feet in length or seven feet in height, or camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobilehomes, recreational vehicles, or semi-trailers are prohibited from parking between the hours of midnight and 6 a.m.

SEC. 909. BICYCLE RACK AND BICYCLE SHARING STATION PERMITS.

(a) **Issuance of Bicycle Rack or Bicycle Sharing Station Permits.** The Director of Transportation ~~has the authority~~*is empowered* at his or her sole discretion to grant a revocable permit to the property owner of property abutting any Street of the City to install and maintain a bicycle rack on the sidewalk fronting such property, or to the operator of a bicycle sharing program to install and maintain a bicycle sharing station on the sidewalk or any Street of the City. The Director of Transportation may impose permit conditions related to the installation, design, location or maintenance of the bicycle rack or bicycle sharing station as he or she determines necessary to protect the public convenience and safety. No permit for a bicycle rack issued under this Section 909 shall become effective until the permit has been signed by the Permittee or the Permittee's authorized agent and a copy of the permit has been recorded in the office of the City Recorder.

(b) **Criteria for Granting a Bicycle Rack or Bicycle Sharing Station Permit.** In considering an application for a bicycle rack or bicycle sharing station permit, the Director of Transportation shall consider the proposed location and design of the bicycle rack or bicycle sharing station in light of all legal requirements, the availability of Parking, and the anticipated effects of the proposed bike rack or bicycle sharing station on public transit, pedestrian and vehicular traffic and access to or from residences and businesses.

(c) **Placement of Bicycle Rack or Bicycle Sharing Station.** The Director of Transportation may at his or her own initiative and after giving notice to the abutting property owner(s) cause bicycle racks or bicycle sharing stations to be installed on any Street or sidewalk of the City.

(d) **Department of Public Works – Coordination.** Bicycle ~~racks~~sharing stations shall not be installed on any sidewalk of the City until the Department of Public Works is notified of the site of the proposed bicycle ~~rack~~sharing station installation and the date of installation. Such notice shall be provided to the Department of Public Works for review by the Department of the proposed installation at least ~~30~~⁴⁵ days before the date of installation. In the event that a temporary relocation of a bicycle sharing station for less than ninety days is necessary to improve safety or traffic operations, or to accommodate construction or roadway maintenance, the Director of Transportation has the authority to temporarily relocate a bicycle sharing station prior to providing notice to the Department of Public Work of the temporary relocation.

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

Section 3. 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: _____
JOHN I. KENNEDY
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 3, 2015.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency