

**THIS PRINT COVERS CALENDAR ITEM NO.: 13**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Sustainable Streets

**BRIEF DESCRIPTION:**

Amending the Transportation Code, Division II, to modify existing Powered Scooter Share Permit Program requirements to, among other things, remove the limitations of the pilot program, authorize the Director to determine the appropriate number of permitted scooters and permittees, require that powered scooters have integrated lock-to devices, revise distribution and rebalancing requirements, update data sharing terms, adjust the permit fee schedule and endowment fund amounts, revise the fine structure for parking violations as between permittees and non-permittees, require a more robust community engagement process, and require that applicants provide sample scooters for inspection and evaluation by the SFMTA.


**SUMMARY:**

- In May 2018, the SFMTA Board of Directors amended the Transportation Code, Division II, to establish the Powered Scooter Share Pilot Program.
- The SFMTA reviewed 12 applications and granted two 12-month permits to the strongest applicants effective October 15, 2018-October 14, 2019. SFMTA staff released a Mid-Pilot Evaluation in April 2019 to the Board of Directors summarizing key findings.
- The proposed changes to the Transportation Code will modify the permit program, lifting the limits of the pilot program, and utilizing lessons learned from the Powered Scooter Share Pilot and the Stationless Bikeshare Permit Program to create a more useful, safe, sustainable, equitable, and accountable citywide Powered Scooter Share program.
- If approved, SFMTA staff plan to implement a revised permit process and evaluate applications in order for the Director of Transportation to issue new permits in advance of the expiration of the existing pilot permits in October 2019.

**ENCLOSURES:**

1. SFMTAB Resolution
2. Transportation Code Division II Legislation

**APPROVALS:**

DIRECTOR  \_\_\_\_\_

SECRETARY  \_\_\_\_\_

**DATE**

July 10, 2019

July 10, 2019

**ASSIGNED SFMTAB CALENDAR DATE:** July 16, 2019

**PURPOSE**

Amending the Transportation Code, Division II, to modify existing Powered Scooter Share Permit Program requirements to, among other things, remove the limitations of the pilot program, authorize the Director to determine the appropriate number of permitted scooters and permittees, require that powered scooters have integrated lock-to devices, revise distribution and rebalancing requirements, update data sharing terms, adjust the permit fee schedule and endowment fund amounts, revise the fine structure for parking violations as between permittees and non-permittees, require a more robust community engagement process, and require that applicants provide sample scooters for inspection and evaluation by the SFMTA.

**STRATEGIC PLAN GOALS & TRANSIT FIRST POLICY PRINCIPLES**

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

- Goal 1 - Create a safer transportation experience for everyone.
  - Objective 1.2: Improve the safety of the transit system.
  - Objective 1.3: Improve security for transportation system users.
  
- Goal 2 - Make transit and other sustainable modes of transportation the most attractive and preferred means of travel.
  - Objective 2.2: Enhance and expand use of the city's sustainable modes of transportation.
  
- Goal 3 - Improve the quality of life and environment in San Francisco and the region.
  - Objective 3.1: Use agency programs and policies to advance San Francisco's commitment to equity.
  - Objective 3.3: Guide emerging mobility services so they are consistent with sustainable transportation principles.

This action supports the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
2. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

## **DESCRIPTION**

### **Background of Powered Scooters in San Francisco**

Powered scooter share systems have expanded rapidly in the past two years, and the SFMTA supports innovative solutions that complement the City's transportation network. However numerous challenges surfaced in March 2018 when several companies deployed scooter share programs in San Francisco in the absence of a permitting or regulatory scheme. While scooter share programs introduce a new transportation option that may reduce traffic congestion, parking demand, and carbon emissions, their initial deployment significantly impacted the safety and accessibility of San Francisco's sidewalks due to illegal sidewalk riding and scooters left in locations that impeded pedestrian access and created hazards.

Based on these concerns and San Francisco's past experience regulating shared mobility systems, the Board of Supervisors and the SFMTA Board of Directors amended Divisions I and II, respectively, of the Transportation Code to address scooter services. The amendments authorized the SFMTA to implement a 12-month Powered Scooter Share Pilot Program to address the initial significant concerns observed. The Transportation Code authorizes penalties for operating a scooter share program without a permit and failing to comply with permit conditions.

California law and San Francisco's Public Works Code prohibit riding powered scooters on sidewalks, leaving them on their side, or parked on a sidewalk such that there is not an adequate path for pedestrian traffic. The pilot program permitted scooter share operators with terms and conditions to minimize negative impacts to safety and accessibility, while maximizing transportation benefits with improved mobility options.

### **SFMTA's Powered Scooter Share Pilot Program**

The terms of the Powered Scooter Share Pilot Program (Pilot), as established by the SFMTA Board of Directors in May 2018, authorized the SFMTA to issue up to five total permits during the one-year pilot period, with a maximum total of 1,250 scooters during the first six months increasing to 2,500 scooters after six months. In accordance with the Transportation Code, the SFMTA developed a comprehensive application process that set forth many of the substantive terms and conditions to be included in the permits. In addition, the application included several open-ended specifications, setting forth general criteria but looking to the applicants to provide innovative approaches as to how they would operate. The responses helped inform the SFMTA of the range of approaches and operational considerations associated with operating a scooter share program.

The Director of Transportation issued two permits for 625 scooters to the two operators that demonstrated the highest level of commitment to San Francisco's Guiding Principles for Emerging Mobility Services and Technologies. The two permitted companies, Scoot and Skip, have largely complied with their obligations under the permit program, including providing an equitable distribution of scooters in underserved neighborhoods such as Communities of Concern and a low-income program.

The existing Pilot has yielded notable public benefits as a useful component of San Francisco's transportation system. During the Pilot's most recent month of complete data (May 2019), scooter usage reached an average of 3,300 trips per day. Moreover, parking citations and complaints to the City have continued to drop compared with the initial Pilot launch, and even more significantly compared with the unpermitted use in Spring 2018. Initial findings also suggest that powered scooters may replace Transportation Network Company (TNC) trips and induce transit trips, and thereby serve as an effective and low-emission last-mile solution.

In April 2019, SFMTA staff provided the Board with a mid-pilot evaluation of the Powered Scooter Share Pilot Program, and indicated that the Agency intended to increase the maximum number of powered scooters permitted to operate from 1,250 to 2,500 for the remaining six months of the Pilot if operators met certain requirements centered on safety, equity, and accountability.

Key findings of the Powered Scooter Share Mid-Pilot Evaluation included:

- Demand for powered shared scooters is strong.
- Scooters may reduce private auto use and Vehicle Miles Traveled (VMT).
- Complaints about sidewalk riding and improper parking were significantly reduced under the Pilot; the lock-to design addresses major issues with sidewalk clearance and pedestrian safety.
- While State law no longer requires scooter riders over the age of 18 to wear helmets, the SFMTA continues to encourage operator commitment for helmet distribution and rider education to prevent injuries.
- More robust equity engagement is needed to ensure powered scooter share programs effectively serve historically disadvantaged communities and low-income individuals.
- Powered scooter share systems can serve the public interest when properly regulated.

### **Proposed Transportation Code Revisions**

Based on the conclusions of the mid-Pilot evaluation and the benefits of scooters to the overall transportation network in the City discussed above, the SFMTA recommends that the Board adopt a revised Powered Scooter Share Permit Program. The proposed changes to the Transportation Code will allow the program to utilize lessons learned from the 12-month Pilot, as well as the 18-month Stationless Bikeshare permit program, to create a more useful, safe, sustainable, equitable, and accountable citywide Powered Scooter Share Permit Program.

If the Board updates the Powered Scooter Share program, SFMTA staff plan to implement a revised permit process to solicit and evaluate applications later this summer in order to issue new permits such that there is no gap in service when the current permits expire on October 14, 2019. The application process will be open to all applicants, and the evaluation process will require applicants to meet high standards for obtaining a permit, including but not limited to, lock-to requirements, qualifications/experience, and data-sharing. Under the proposed legislation, the Director of Transportation will establish a cap on the number of powered shared scooters each permittee will be authorized to provide to customers to avoid over-crowding and over-saturation. Permits will be issued for no longer than a period of one year, reflecting that the scooter sharing

industry continues to evolve quickly. The SFMTA will implement the program consistent with San Francisco's Guiding Principles for Emerging Mobility Services and Technologies (Guiding Principles).

The proposed Transportation Code legislation modifies the existing Powered Scooter Share Pilot Permit Program to, among other things, include the following changes, organized by Guiding Principle.

### **Transit**

#### *Revised Program Structure*

The Transportation Code created a 12-month pilot program, which limited the number of permitted scooters. The proposed changes would lift these restrictions, and authorize the Director to determine the number of permittees and permitted scooters in order to actively manage the Powered Scooter Share Permit Program.

### **Safety & Disabled Access**

#### *Device Requirements*

The Transportation Code currently requires that Powered Scooter Share operators demonstrate that scooters are of high quality. The proposed Transportation Code revisions would establish additional safety and security standards by requiring devices to have integrated lock-to capabilities and tamper-resistant security hardware, comply with California Vehicle Code requirements, and adhere to standard certifications as determined by the SFMTA. SFMTA staff have learned from the current Pilot, as well as from station-based and stationless bikeshare operators, that "lock-to" bicycles and scooters (i.e., devices with integrated locks allowing them to be locked to and secured at public bike racks) work well and are an effective means to address accessibility and theft concerns.

Additionally, the proposed Transportation Code revisions would require permittees to provide two sample scooters, for SFMTA inspection of basic device safety requirements. The revisions would also require that operators: educate and train users on proper scooter parking and operating laws in compliance with the California Vehicle Code; provide safety training classes; and, report on collisions as directed by the SFMTA.

### **Financial Impact**

#### *Fees & Endowment Funds*

SFMTA staff learned from the recent implementation of various permit programs that the application review process and permit oversight are more time-consuming than expected, and therefore propose modifying the existing permit fee schedule to better reflect staff time related to application evaluation, and the annual/renewal permit fee related to permit administration of the Powered Scooter Share Program. Currently, the Powered Scooter Share Permit Application Fee is \$5,000, while the annual permit fee is \$25,000. For Fiscal Year 2020, when the program would be effective, the proposed Permit Application Fee is \$5,132, and the proposed Annual/Renewal Permit Fee is \$36,613. The proposed changes are consistent with the

Stationless Bikeshare Permit Application Fee, which was adjusted and approved by the Board in April 2019 and, consistent with State law, better reflect the cost to administer this program.

The SFMTA also currently requires a public property repair and maintenance endowment of \$10,000 to ensure adequate funds are available to reimburse the City in the event of damages or maintenance necessitated by the Powered Scooter Share Operators or their customers. SFMTA staff recommend increasing the endowment to \$25,000 to more accurately ensure adequate funds. The proposed changes also allow for payment in annual installments, as opposed to payment upon issuance of the permit.

### **Accountability**

#### *Data Sharing*

The Transportation Code currently requires powered scooters to be capable of providing real-time location data. The proposed changes would require permittees to equip powered scooters with on-board GPS devices for this same purpose in accordance with specifications issued by the Director of Transportation, and would require specified data sets to be shared with users, and the SFMTA. Additionally, proposed changes would require permittees to maintain aggregated data, and share with the SFMTA as directed.

#### *Parking Fines*

Currently, the parking fine amounts under Transportation Code section 302 for violations of parking without a permit, as established by the Board of Supervisors under Division I, Section 7.2.111 of the Transportation Code, start at \$100, and increase for repeat violations as follows: \$100 for the first infraction, \$200 for the second infraction, and \$500 for a third or subsequent infraction occurring within one year of the first violation. SFMTA staff recommend maintaining this structure for scooters belonging to Powered Scooter Share Operators that do not hold a SFMTA permit. The proposed amendments would create a separate fine structure of \$100 per parking violation for scooters belonging to a Powered Scooter Share Operator that is permitted under the SFMTA's program, which is consistent with the fine for Stationless Bikeshare parking violations, in addition to being subject to an administrative penalty.

#### *Responsiveness*

The Transportation Code currently requires permittees to establish customer service processes that are open to the public. In order to effectively respond to public complaints, scooter malfunctions, and other time-sensitive challenges, the proposed changes would require that permittees maintain a 24-hour a day, seven day a week, call number for users or members of the public to report complaints, and for the permittees to track and report back on complaints in a format prescribed by the SFMTA. In the permit conditions, staff intend to require that permittees maintain a database of such complaints and share it with the SFMTA.

### **Labor**

#### *Labor Harmony*

SFMTA staff recommend requiring a labor harmony plan in order to verify safe and fair labor conditions, as well as to ensure that Powered Scooter Share services are a consistently reliable

transportation option for users. The Stationless Bikeshare Permit Program has adopted the same standards to encourage a safe, reliable, and geographically equitable system. While this requirement was included as a condition of approval of the permits in the Pilot, the proposed legislation adds it to Transportation Code.

### *Equitable Access*

#### *Affordable Access*

The Transportation Code currently requires a low-income plan to waive any applicable deposits and a discounted cash payment option for users with incomes at or below 200% of the federal poverty guidelines. Without specifying a minimum discount, SFMTA staff were unable to guarantee affordable access. After reviewing operators' applications for the Pilot, SFMTA staff recommend requiring a level of affordability equal to or greater than a 50% discount on rental fees or unlimited trips under 30 minutes.

#### *Distribution of Powered Scooters*

The Powered Scooter Share Pilot Program called on permittees to propose service areas and encouraged them to make powered scooters available in neighborhoods deemed vulnerable to current and future growth by the Metropolitan Transportation Commission based on the percentage of low-income and minority residents, people with disabilities, and households without vehicles, and other factors. However, given that powered shared scooters tend to cluster in the city center, and given the central location of many of San Francisco's "Communities of Concern" within San Francisco's downtown, SFMTA staff propose revising the Transportation Code to allow staff to define a Powered Scooter Share service area and distribution guidelines that identify ideal minimum thresholds and availability targets for individual Communities of Concern and other neighborhoods beyond the downtown core.

#### *Community Engagement*

The Transportation Code does not require any specific level of community engagement, although it was encouraged in the Pilot. The proposed revisions require permittees to develop targeted community outreach plans that comply with the SFMTA's Community Engagement Plan requirements. Possible community outreach efforts have and could continue to focus on local hiring, community-based organization partnerships for low-income membership, arts and culture promotional opportunities, small business promotion, and other equity-based engagement.

### *Sustainability*

Although the application and evaluation of permits under the Pilot addressed sustainability issues to some extent, the Transportation Code does not currently address the environmental impact of scooters. In order to support the SFMTA's Strategic Plan Goals and Transit First Policy, proposed changes would require permittees to monitor and report certain metrics to aid in assessing the Powered Scooter Share Program's environmental impact. Metrics include non-revenue VMT, including the number of trips and length of trips generated by redistributing, charging, and collecting activities. Proposed changes will also require permittees to comply with San Francisco Department of Environment Zero Waste and Producer Responsibility policies,

which may include addressing concerns surrounding scooter lifecycles and disposal of hazardous waste such as batteries.

***Other Changes***

The proposed Transportation Code changes also include: 1) requiring that permittees pay a fee for the SFMTA to install additional bike racks for scooter parking; 2) requiring that a permittee obtain SFMTA's written approval prior to transfer of any permit; 3) requiring that scooters be available on at most an hourly basis; 4) authorizing the Director of Transportation to consider past experience, including an operator's compliance, and efforts to ensure compliance, with applicable laws; 5) allowing permittees to submit requested aggregated demographic data through a City-administered survey on an annual basis; 6) technical changes to the procedures governing review of permit denials; and, 7) other non-substantive changes to provide clarity and consistency with Transportation Code section 901 and the bikeshare provisions in section 909.

**STAKEHOLDER ENGAGEMENT**

In developing these proposed amendments, SFMTA staff drew upon lessons learned thus far from the Powered Scooter Share Pilot Program, the 18-month Stationless Bicycle Share Pilot Program, and global best practices from emerging mobility standards. This included discussions and correspondence with permit holding operators, elected officials, residents, community leaders, subject matter experts, scholars, program participants, staff from other city departments, and staff from other cities. The SFMTA also held an open house on April 2, 2019, attended by over 50 people, to gather feedback on the Pilot from a wide range of stakeholders.

These discussions covered a wide range of topics, from operational needs and efficiency standards, to equity concerns and outreach recommendations. Existing San Francisco shared mobility operators GoBike, JUMP, Skip and Scoot provided data, monthly updates, and operational success and challenges to better inform the future of the permit program. The Mid-Pilot Scooter Evaluation provides a detailed description of the range of feedback received by the SFMTA.

**ALTERNATIVES CONSIDERED**

Returning to a regulatory environment where a permit is not required for powered scooter share operations was considered by SFMTA staff. Staff concluded that this option would likely result in the resurgence of cluttered and obstructed public spaces, potentially posing a threat to public health and safety, uneven and inequitable distribution of powered scooter share services, and potential liability for the City.

Banning all Powered Scooter Share operations was also considered. However, given the positive findings of the Mid-Pilot Evaluation, SFMTA staff concluded that this option would deny the myriad benefits that the rapid adoption of scooter share services have provided in San Francisco and across the world, and would also deny the SFMTA the opportunity to continue evaluating the effectiveness of these programs in supporting the Agency's goals and policies.



**FUNDING IMPACT**

All costs associated with permitting of Powered Scooter Share Permit Program are recovered through the permit fees – an initial permit fee of \$5,132 for a permit application, and a \$36, 613 annual permit fee. These costs were estimated based on review of other SFMTA permit programs and expected level of staff effort to oversee the Powered Scooter Share Permit. These fees will not exceed the costs of the program. Applicable penalties which may be imposed for violations will be tracked by SFMTA staff, however the volume of these violations and the resulting funding impact is unknown.

**PUBLISHED NOTICE AND PUBLIC HEARING**

Pursuant to Charter Section 16.112 and the Rules of Order of the Board of Directors, published notice was placed in the City’s official newspaper to provide notice that the Board of Directors will hold a public hearing on July 16th, 2019, to consider amending the Transportation Code and revise the permit fees for the Powered Scooter Share Permit Program. For Fiscal Year 2019-2020, the proposed Permit Application Fee is \$5,132 and the proposed Annual/Renewal Permit Fee is \$36,613. In compliance with these requirements, the advertisement ran in the San Francisco Examiner for a five-day period beginning on July 3, 2019.

**ENVIRONMENTAL REVIEW**

On June 21, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation is not defined as 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).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The City Attorney has reviewed this report.

No other approvals are required.

**RECOMMENDATION**

Staff recommends that the SFMTA Board amend the Transportation Code, Division II, to modify existing Powered Scooter Share Permit Program requirements to, among other things, remove the limitations of the pilot program, authorize the Director to determine the appropriate number of permitted scooters and permittees, require that powered scooters have integrated lock-to devices, revise distribution and rebalancing requirements, update data sharing terms, adjust the permit fee schedule and endowment fund amounts, revise the fine structure for parking violations as between permittees and non-permittees, require a more robust community engagement

**PAGE 10.**

process, and require that applicants provide sample scooters for inspection and evaluation by the SFMTA.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, In May 2018, the SFMTA Board of Directors approved changes to the Transportation Code, Division II, to establish the Powered Scooter Share Pilot Program (Pilot); and,

WHEREAS, The SFMTA reviewed 12 applications and granted two 12-month permits to the strongest applicants effective October 15, 2018-October 14, 2019; SFMTA staff released a Mid-Pilot Evaluation in April 2019 to the Board of Directors summarizing key findings including that the Pilot yielded notable public benefits as a useful component of San Francisco's transportation system; and,

WHEREAS, The proposed Transportation Code revisions amend the Transportation Code, Division II, to modify existing Powered Scooter Share Permit Program requirements to, among other things, remove the limitations of the pilot program, authorize the Director to determine the appropriate number of permitted scooters and permittees, require that powered scooters have integrated lock-to devices, revise distribution and rebalancing requirements, update data sharing terms, adjust the permit fee schedule and endowment fund amounts, revise the fine structure for parking violations as between permittees and non-permittees, require a more robust community engagement process, and require that applicants provide sample scooters for inspection and evaluation by the SFMTA; and,

WHEREAS, The proposed changes to the Transportation Code will allow the permit program to utilize lessons learned from the Powered Scooter Share Pilot Program and the Stationless Bikeshare Permit Program to create a more useful, safe, sustainable, equitable, and accountable citywide Powered Scooter Share program; and,

WHEREAS, Upon approval of this legislation, SFMTA staff plan to implement a revised permit process and solicit and evaluate applications in order to allow the Director of Transportation to issue new permits no later than October 15, 2019 for a one year period; and,

WHEREAS, Since the existing permit fee does not adequately reflect the cost of staff time to review applications and implement the Program, SFMTA staff propose modifying the existing permit fee schedule to better reflect staff time including both the permit fee application and annual/renewal permit fee; and,

WHEREAS, San Francisco Charter Section 16.112 requires that published notice be given and a public hearing be held before any fee or any schedule of rates, charges or fares which affects the public is instituted or changed; and,

WHEREAS, Pursuant to Charter Section 16.112 and the SFMTA Board of Directors' Rules of Order, published notice was placed in the City's official newspaper to provide notice

that the Board of Directors will hold a public hearing on July 16, 2019, to consider revising the permit fees for the Stationless Bicycle Share Permit Program. and the advertisement ran in the San Francisco Examiner for a five-day period beginning on July 3, 2019; 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 June 21, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation is not defined as 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 be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends the Transportation Code, Division II, to modify existing Powered Scooter Share Permit Program requirements to, among other things, remove the limitations of the pilot program, authorize the Director to determine the appropriate number of permitted scooters and permittees, require that powered scooters have integrated lock-to devices, revise distribution and rebalancing requirements, update data sharing terms, adjust the permit fee schedule and endowment fund amounts, revise the fine structure for parking violations as between permittees and non-permittees, require a more robust community engagement process, and require that applicants provide sample scooters for inspection and evaluation by the SFMTA.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of July 16, 2019.

---

Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code - Powered Scooter Share Program]

**Resolution amending the Transportation Code to, among other things, revise fine amounts, permit fees and permit requirements, including terms and conditions, for the Powered Scooter Share Permit Program.**

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 Section 302, 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**
* * * *			
<b>SHARED MOBILITY SERVICES VIOLATIONS</b>			
* * * *			
Div I 7.2.111	Powered Scooter Share Parking <u>(Powered Scooter Share Operators That Do Not Hold A SFMTA Permit)</u>		

	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
<u>Div I 7.2.111</u>	<u>Powered Scooter Share Parking</u> <u>(Powered Scooter Share Operators That Hold a SFMTA Permit)</u>		<u>\$100</u>

Section 2. Article 900 of Division II of the Transportation Code is hereby amended by revising Sections 901, 902, and 916, to read as follows:

**SEC. 901 DEFINITIONS.**

As used in this Article 900, the following words and phrases shall have the following meanings:

\* \* \* \*

**Permittee.** Unless otherwise defined herein with respect to a particular type of permit under this Article 900, the natural person, sole proprietorship, partnership, association, corporation, or governmental or non-profit agency that is the named holder of a permit issued pursuant to this Article 900, and such person or entity's successors or assigns in interest, subject to the approval provisions in Sections 909 and 916. Only a natural person is eligible for a Residential Parking Permit.

\* \* \* \*

**SEC. 902. GENERAL PERMIT CONDITIONS.**

The following general provisions apply to all permits issued under this Article 900.

\* \* \* \*

	<b>FY 2019 Effective July 1, 2018</b>	<b>FY 2020 Effective July 1, 2019</b>
<b>Special Traffic Permit</b> (§ 903)		
Base Permit Fee:	\$322	\$333
Daily Fee:	\$66	\$68
Late Fee:	\$361	\$374
<b>Temporary Exclusive Use of Parking Meters</b> (§ 904)		
<b>Base Permit Fee:</b> per 25 linear feet of construction frontage per day, including weekends and holidays:	\$11	\$12
<b>Residential Area Parking Permit</b> (§ 905)		
Motorcycle (Annual)	\$102	\$108
Motorcycle (Less than 6 months)	\$51	\$54
Resident/Business/School/Fire Station/Foreign Consulate/Medical & Childcare Provider Base Permit Fee:		
(1 year):	\$136	\$144
(Less than 6 months):	\$67	\$71
Permit Transfer:	\$23	\$24
1-Day Flex Permit (purchased within one calendar year):		
1-5 permits	\$6 each permit	\$6 each permit
6-15 permits	\$8 each permit	\$8 each permit
16-20 permits	\$12 each permit	\$13 each permit
Short-Term Permits		
2 weeks:	\$48	\$51
4 weeks:	\$69	\$73
6 weeks:	\$89	\$94
8 weeks:	\$116	\$123
<b>Contractor Permit</b> (§ 906)		
Base Permit Fee		
Annual/Renewal:	\$1,602	\$1,732
Less than 6 Months:	\$822	\$887
Permit Transfer Fee:	\$42	\$42
<b>Vanpool Permit</b> (§ 907)		
Base Permit Fee		
(per year):	\$136	\$144
(Less than 6 months):	\$67	\$71
<b>Stationless Bicycle Share Program Permit</b> (§ 909)		
Permit Application Fee	\$4,947	\$5,132
Annual/Renewal Fee	\$35,288	\$36,613
<b>SFMTA Permit</b> (§ 910)		
(Based on the annualized Parking Meter Use Fee)	\$2,860	\$3,120
<b>On-Street Shared Vehicle Parking Permit</b> (§ 911)		
Zone 1	\$300 per month	\$330 per month
Zone 2	\$212 per month	\$233 per month
Zone 3	\$59 per month	\$65 per month
<b>On-Street Shared Electric Moped Parking Permit</b> (§ 915)		
(1 Year)	\$352	\$366
(Less than 6 months):	175 <sup>1</sup>	\$182
<b>Vehicle Press Permit</b> (§ 912)		
Base Permit Fee: The permit fee shall only be increased pursuant to the Automatic Indexing Implementation Plan	\$64	\$67

approved by the SFMTA Board of Directors.		
<b>Designated Shuttle Stop Use Permit</b> (§ 914)	\$7.65	\$7.75
<b>Farmer's Market Parking Permit</b> (§ 801(c)(17))		
Base Permit Fee (quarterly):	\$211	\$224
<b>Temporary Street Closures Permits</b> (Division I, Article 6)		
<b>Neighborhood Block Party</b>		
More than 120 days in advance:	\$99	\$99
90-120 days in advance:	\$200	\$200
60-89 days in advance:	\$300	\$325
30-59 days in advance:	\$425	\$450
Fewer than 30 days in advance:	\$850	\$875
<b>All Other Events</b>		
More than 120 days in advance:	\$661	\$600
90-120 days in advance:	\$821	\$850
60-89 days in advance:	\$1,030	\$1,100
30-59 days in advance:	\$1,248	\$1,350
Fewer than 30 days in advance:	\$1,462	\$1,575
Fewer than 7 days in advance:	\$1,682	\$2,500
<b>Bus Substitution Fee</b> (Division I, Article 6.2(f))	\$35	\$36.50
<b>Powered Scooter Share Program Permit</b> (§916)		
Powered Scooter Share Program <u>Annual/Renewal</u> Permit	\$25,000	<u>\$36,613</u> -\$25,000
Powered Scooter Share Program Permit Application Fee	\$5,000	<u>\$5,132</u> \$5,000

**SEC. 916. POWERED SCOOTER SHARE ~~PILOT~~ PROGRAM.**

**(a) General Permit Program Requirements.**

(1) The Director of Transportation is authorized to implement a ~~pilot~~ program for the issuance of Powered Scooter Share Permits. ~~commencing on a date designated by the Director. The duration of the pilot program shall not exceed 12 months from the date of commencement.~~ The SFMTA shall implement this program consistent with the agency's "Guiding Principles for Emerging Mobility Services and Technologies" as may be amended from time to time.

(2) The Director of Transportation has the authority in the Director's discretion to grant revocable ~~may issue~~ Powered Scooter Share Permits for operation in the public right-of-way under the jurisdiction of the SFMTA or the Department of Public Works ("Public Works") in the City upon receipt and evaluation of applications from Powered Scooter Share Operators on a form prescribed by the SFMTA which ~~applications~~ meets



the requirements of this Section 916. ~~Each applicant shall pay a nonrefundable permit application fee. The Director of Transportation shall determine the maximum number of Powered Scooters authorized under the Powered Scooter Share Permit Program and shall determine the appropriate number of permittees. The maximum number of Powered Scooters authorized under the Powered Scooter Share Permit Program shall be a total of 1250 during the first six months of the pilot program, and a total of 2500 during the remainder of the pilot program. In no event shall SFMTA issue more than five Powered Scooter Share Permits under the pilot program. Each permit shall be valid for up to one year, but in no event longer than the ending date of the pilot program. A permittee whose permit is revoked shall not be eligible to reapply for a permit for six months from the date of revocation.~~

(3) The Director of Transportation may determine criteria for evaluation of permit applications. In evaluating a permit application, the Director of Transportation may consider, among other factors, consideration of the extent to which an operator has the capacity to meet the permit terms based on past experience operating mobility programs, including, but not limited to, the operator's compliance with applicable laws and its efforts to ensure compliance by its users with applicable laws.

~~(3) — Definition of Permittee. "Permittee" shall mean the natural person, sole proprietorship, partnership, association, corporation, governmental or non-profit agency that is the named holder of a permit issued under this Section 916.~~

(b) **Permit Required.** No Powered Scooter that is part of a Powered Scooter Share Program may be parked, left standing, or left unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or ~~the Department of Public Works (Public Works)~~ without the Powered Scooter Share Operator first obtaining a permit under this Section 916.

(c) **Director's Authority to ~~Issue~~Impose Powered Scooter Share Program Permits Conditions.** ~~The Director of Transportation has the authority at his or her sole~~

discretion to grant a revocable permit to the Powered Scooter Share Operator of a Powered Scooter Share Program for operation in the public right of way under the jurisdiction of the SFMTA or Public Works in the City. The Director of Transportation may impose permit conditions, including but not limited to, those conditions related to the location, placement, parking, securing, safe operation, or maintenance of any Powered Scooter that is part of a Powered Scooter Share Program, as well as conditions that the Director determines are necessary to protect the public convenience and safety concerning transfer of permits, grounds for permit revocation, indemnification requirements, protection of personal, financial and travel information of users, and the maintenance of insurance in a form and amount satisfactory to the City.

(d) **General Permit Requirements ~~and Criteria~~ for Powered Scooter Share Program Permits.**

~~(1)~~ — The Director of Transportation may issue a permit to a Powered Scooter Share Operator upon receipt of a written application from a qualified permit applicant on a form prescribed by the SFMTA.

~~(1)-(2)~~ The name and current contact information for the Powered Scooter Share Operator, as well as a unique number identifying the scooter, shall be prominently displayed on each scooter that is part of a Powered Scooter Share Program.

~~(2)-(3)~~ The Director of Transportation reserves the right to revoke a Powered Scooter Share Program Permit for cause at any time upon written notice of revocation as set forth in subsection (f) of this Section 916. The ~~Permittee~~ Powered Scooter Share Program Operator shall surrender such permit in accordance with the instructions in the notice of revocation.

~~(3)-(4)~~ A permit fee must be paid by the permit applicant before any permit may be issued or renewed. In addition, an applicant shall provide sufficient evidence to

demonstrate payment of any penalties assessed for violation(s) of any provision of the San Francisco Municipal Code or of terms of any existing or previously issued permits issued by the City, for which there has been a final determination of the violation.

~~(4)-(5)~~ Upon notification by the City of any Powered Scooter belonging to a Powered Scooter Share Program Operator that is ~~improperly~~ parked, left standing, or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works without a permit, the Powered Scooter Share Operator shall, in addition to paying any applicable fines or penalties, remove the scooter within ~~one~~ two hours.

~~(5)-(6)~~ To be eligible and qualified to obtain a Powered Scooter Share Program Permit, a Powered Scooter Share Program Operator shall agree to ~~permit applicant must demonstrate compliance with, or must agree to,~~ as applicable, the following requirements, ~~to the SFMTA's satisfaction:~~

(A) Provide Powered Scooters of high quality, that are sturdily built and with tamper-resistant hardware to accommodate a range of users, comply with California Vehicle Code requirements, will withstand the rigors of outdoor storage and constant use, have integrated lock-to capabilities, and adhere to standard certifications as determined by the SFMTA; and make available two sample scooters for inspection and evaluation by the SFMTA.

(B) Ensure that Powered Scooters are only available to customers on an hourly basis, or in smaller intervals, and at rates which vary by duration of usage or by duration of usage and distance, and that are clearly and understandably communicated to the customer prior to scooter use.

~~(A) — Each Powered Scooter shall be capable of providing real-time location data to the SFMTA in accordance with the specifications issued by the Director of Transportation.~~

(C) Equip each Powered Scooter with an on-board GPS device capable of providing real-time location data to the SFMTA in accordance with the specifications issued by

the Director of Transportation, maintain a continuous feed of the required data at all times for scooters made available to customers, and maintain aggregated data as the SFMTA deems necessary. Powered Scooter Share Program Operator shall provide such data to the SFMTA as directed.

~~(D)-(B)~~ Provide a Adequate insurance as determined by the City's Risk Manager, which lists the City and County of San Francisco as an additional insured, ~~must be~~ and which covers provided for each Powered Scooter ridden, parked, or left standing or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works, and ~~for~~ each user using the Powered Scooter during the period of use. Further, tThe Permittee must indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees, and agents (collectively, "Indemnitees") harmless from and against any and all claims, demands, actions, or causes of action that 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 permit, regardless of the negligence of the Indemnitees.

~~(E)-(C)~~ Powered Scooter Share Operators shall pPay the SFMTA a public property repair and maintenance endowment totaling ~~\$10,000,~~ \$25,000, payable in installments as described herein, ~~payable at the time of permit issuance,~~ to ensure adequate funds are available to reimburse the City for future public property repair and maintenance costs that may be incurred, including but not limited to any costs of repairing or maintaining damaged public property by the Powered Scooter Share Operator or its customers, removing and storing scooters improperly parked or left unattended on public property, and addressing and abating any other violations. The maintenance endowment shall be paid in annual installments of \$2,500 per year for ten consecutive years, with the first payment due at the time of permit issuance.

~~(F)(D)~~ Reimburse the SFMTA within 30 days for costs if the SFMTA, Public Works, or any other City agency, department, or commission, including the City Attorney's Office, incurs any such costs of addressing or abating any violations of this Section 916, including repair or maintenance of public property, upon receiving written notice of such City costs, ~~the Powered Scooter Share Operator shall reimburse the SFMTA for such costs within 30 days.~~ The SFMTA shall arrange for transfer of funds to any other City agency, department, or commission that incurred costs described above. The Powered Scooter Share Operator's payment under this subsection ~~(d)(5)(F) (d)(6)(D)~~ shall not substitute for any installment payment otherwise owed or to be paid to the SFMTA.

(G) Develop a targeted community outreach plan which complies with SFMTA's Community Engagement Plan Requirements, as amended from time to time, which shall include a strategy to partner with advocacy and community benefit organizations, a culturally relevant and multilingual communications plan, and an equitable Powered Scooter share implementation plan, to promote the use of their Powered Scooter sharing system citywide among low-income communities, and to implement the plan at its own cost. The Powered Scooter Share Program Operator shall keep a record of any public feedback received in a format and manner as determined by the SFMTA.

~~(H)(E)~~ The SFMTA encourages City Powered Scooter Share Operators to make Powered Scooters available to users in census tracts designated as "communities of concern" by the Metropolitan Transportation Commission. Each Powered Scooter Share Program Operator shall Provide distribution of Powered Scooters available to customers consistent with the SFMTA's distribution guidelines, including identification of service areas, minimum distribution thresholds, and availability requirements in specific neighborhoods classified as Communities of Concern by the Metropolitan Transportation Commission to meet equity goals. Provide a proposed service area, which meets the SFMTA's distribution

guidelines, for approval by the SFMTA and furnish an accurate map of the agreed-upon area to the SFMTA.

~~(I)(F)~~ Submit a maintenance, operations, cleaning, disposal, and repair plan for the Powered Scooters subject to approval by the SFMTA and Public Works.

~~(J)(G)~~ Submit a low-income user plan that waives any applicable scooter deposit and offers a minimum 50% discount off rental fees or unlimited trips under 30 minutes, and a cash payment option, ~~an affordable and discounted cash payment option~~ to any user with an income level at or below 200% of the federal poverty guidelines.

~~(K)(H)~~ Provide a multilingual website with languages determined by the SFMTA, 311-call center, and mobile application customer interface, that is available 24 hours a day, seven days a week. As part of the call center, the Powered Scooter Share Program Operator must provide a telephone number for customers and members of the public to report any concerns or complaints, which the Powered Scooter Share Program Operator must track. The website and mobile application shall also meet the requirements of Section 508 of the Rehabilitation Act and Section 255 of the Communications Act that apply to information and communication technology. The Powered Scooter Share Program Operator shall keep a record of any feedback received through the processes described herein in a format and manner as determined by the SFMTA.

~~(L)(I)~~ Submit a Privacy Policy consistent with guidelines issued by the Director of Transportation that safeguards users' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data.

~~(M)(J)~~ Submit aggregate user demographic data that does not identify individual users, payment methods, or their individual trip history, gathered by the system application or through a City-administered survey, to the SFMTA periodically, and on no less than on an annual basis, ~~on at least a monthly basis~~ using anonymized keys.

~~(N)(K)~~ Provide an electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the scooter identification number corresponding to the make and model of the scooter registered with the SFMTA.

~~(O)(L)~~ Each Powered Scooter Share Program Operator shall use best efforts to ensure that its users comply with all applicable laws. Consistent failure by the users associated with a specific Operator to comply with applicable laws shall be grounds for permit suspension or revocation. At a minimum, each Powered Scooter Share Program Operator shall provide to the user a summary of State and local laws governing the use of Powered Scooters, including but not limited to, informing the user of applicable requirements for licensing, helmets, travel on highways, parking, and use of sidewalks, as specified by the Director of Transportation. The user shall be required to acknowledge having read these requirements. The Powered Scooter Share Program Operator also shall comply with safety and parking requirements, including but not limited to, the following:

(1) A plan for educating users on proper scooter parking must be provided by the Powered Scooter Share Program Operator. A Powered Scooter Share Program Operator also shall pay a fee to SFMTA to cover the cost of SFMTA's installation of bicycle racks to insure adequate scooter parking; and

(2) Report on collisions as directed by the SFMTA. In addition, during each calendar year of business operations, the Powered Scooter Share Program Operator shall offer to its customers not less than one safety training class every quarter.

~~(P) (M)~~ Each Permittee shall comply with, and shall ensure that their employees and contractors comply with, applicable laws, including but not limited to, the provisions of this Section 916, and other applicable provisions of this Transportation

Code, the Charter, and the remainder of the Municipal Code, the California Vehicle Code, California worker's compensation laws, and the Americans with Disabilities Act.

(Q) No permit may be transferred without the prior written approval of the Director of Transportation. Permittees shall promptly notify SFMTA of any changes to their corporate structure or ownership. Failure to do so shall be cause for revocation of the permit. For purposes of this paragraph, "transfer" includes the sale or other exchange of 50% or more of the ownership or control of a permittee to a third party.

(R) Sustainability.

(1) Comply with the City's Zero Waste Policy, as amended from time to time, with regard to disposal of scooters and scooter parts; and

(2) Document and report to the SFMTA new non-revenue vehicle miles traveled (VMT), and number and length of trips generated by collecting, redistributing, and charging activities, in a format prescribed by the Director of Transportation.

(S) Provide a labor harmony plan. Labor harmony is critical for the provision of scooter services in the context of safety and maintenance, as well as equitable geographic device distribution. The Powered Scooter Share Program Operator shall include a description of the means by which the operator has considered labor and labor harmony in its operations specifically as it relates to consistent distribution, operation, and maintenance, including steps taken to avoid potential disruptions. The Powered Scooter Share Program Operator shall provide in its plan any agreements or documents evidencing such steps, as well as information regarding employee work hours, working conditions, and wages.

**(e) Powered Scooter Share Program Permit Issuance.**

(1) After evaluating an applicant's permit application, the Director of Transportation shall either grant the Permit as requested, grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director of Transportation's decision.



An applicant may request review ~~by a hearing officer~~ of the Director of Transportation's decision to deny a permit or grant a permit with modifications. Review of the Director's decisions will be conducted under the substantial evidence standard. The Director shall issue procedures governing review of these decisions by a neutral third party.

(2) Notwithstanding any other requirement, the Director of Transportation has the authority to deny a permit based on the extent ~~that~~to which issuing a permit would lead to an over-concentration of shared Powered Scooters in the public right-of-way, cause an imbalance in the geographical distribution of scooters that are part of the Powered Scooter Share Program, or otherwise not be in the public interest.

(3) In evaluating a permit application, the Director of Transportation may consider the extent to which an operator has the capacity to meet the permit terms based on past experience, including compliance with applicable laws and its efforts to ensure compliance by its users with applicable laws.

(f) **Permit Revocation.**

(1) For good cause, the Director of Transportation may revoke any permit issued under this Section 916. "Good cause" hereunder shall include, but shall not be limited to, the following:

(A) A Permittee failed to pay a fine imposed by the SFMTA under Section 302 of this Code within 30 days of the date due under this Section 916;

(B) A Permittee failed to pay a permit fee within 30 days following notice of nonpayment;

(C) The Permittee has violated any statute or ordinance, including any provision of Division I or II of this Transportation Code, governing the operation of Powered Scooters regulated by this Code; or

(D) The Permittee has violated one or more conditions of the permit.

(2) A Permittee may request review ~~by a hearing officer~~ of the Director of Transportation's decision to revoke a permit. The Director shall issue procedures governing review of these decisions by a neutral third party.\* \* \* \*Section 3. 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 4. The amendments to Sections 302 and 902 of the Transportation Code made by Sections 1 and 2 of this ordinance are intended to be additive to the revisions to those sections made by the SFMTA Board of Directors in approving Resolution No. 180403-057 approving the 2018-2020 budget.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the ordinance. The SFMTA Board of Directors hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this ordinance or application thereof would be subsequently declared invalid or unconstitutional.

Section 6. 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: \_\_\_\_\_  
JULIE VEIT  
Deputy City Attorney

n:\egana\as2019\1900639\01367957.docx

I certify that the foregoing resolution was adopted by the San Francisco  
Municipal Transportation Agency Board of Directors at its meeting of July 16, 2019.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency