

THIS PRINT COVERS CALENDAR ITEM NO. : 12

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Amending the Transportation Code, Division II, to modify existing Stationless Bicycle Share Permit Program requirements to, among other things, require that stationless bicycles have integrated lock-to devices and adhere to standard certifications, require that a certain percentage of each permittee's fleet consist of electric bicycles, revise distribution and rebalancing requirements, require that permittees' Privacy Policies be consistent with state and local law and any guidelines issued by the Director of Transportation, adjust the permit fee schedule, and require that applicants provide sample bicycles for inspection and evaluation by the SFMTA.


SUMMARY:

- In March 2017, the SFMTA established a Stationless Bikeshare Permit Program and issued an 18-month permit to a single operator – JUMP – effective January 9, 2018 until July 9, 2019.
- The proposed changes to the Transportation Code will allow the program to utilize lessons learned from the Stationless Bikeshare permit program and Powered Scooter Share pilot efforts to create a more useful, safe, sustainable, equitable, and accountable citywide Stationless Bikeshare Permit Program.
- If approved, SFMTA staff plan to implement a revised permit process and evaluate applications in order to issue new permits.

ENCLOSURES:

1. SFMTAB Resolution

APPROVALS:

DIRECTOR 

SECRETARY 

DATE

April 11, 2019

April 11, 2019

ASSIGNED SFMTAB CALENDAR DATE: April 16, 2019

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PURPOSE

Amending the Transportation Code, Division II, to modify existing Stationless Bicycle Share Permit Program requirements to, among other things, require that stationless bicycles have integrated lock-to devices and adhere to standard certifications, require that a certain percentage of each permittee's fleet consist of electric bicycles, revise distribution and rebalancing requirements, require that permittees' Privacy Policies be consistent with state and local law and any guidelines issued by the Director of Transportation, adjust the permit fee schedule, and require that applicants provide sample bicycles for inspection and evaluation by the SFMTA.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

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

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 3.3 - Guide emerging mobility services so that they are consistent with sustainable transportation principles.

1. 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.
6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.
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

SFMTA's Stationless Bikeshare Permit Program

In March 2017, the SFMTA Board approved changes to the Transportation Code to establish a Stationless Bikeshare Permit Program. After reviewing applications submitted by stationless bikeshare operators for a permit under this new program, the SFMTA issued an 18-month permit to a

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single operator – JUMP – effective January 9, 2018 until July 9, 2019. At that time, the Director of Transportation issued a memo indicating that no additional SFMTA stationless bikeshare permits would be issued during this 18-month period. The SFMTA plans to continue the Stationless Bikeshare Permit Program at the conclusion of the pilot period by lifting the Director of Transportation’s moratorium on the submission of stationless bikeshare applications and accept applications between April 29, 2019 and May 27, 2019.

The proposed changes to the Transportation Code will allow the program to utilize lessons learned from the 18-month JUMP Stationless Bikeshare permit program and Powered Scooter Share pilot efforts to create a more useful, safe, sustainable, equitable, and accountable citywide Stationless Bikeshare Permit Program. Upon approval of this legislation, SFMTA staff plan to implement a revised permit process and solicit and evaluate applications in order to issue new permits no later than July 9, 2019, and potentially earlier depending on completion of the application review process. 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, lab tests for vehicles, qualifications/experience, and data-sharing. Any applicants that satisfy these permit requirements will be granted a permit. The SFMTA will establish a cap on the number of stationless bikes each permittee will be authorized to provide to customers, based on criteria including, but not limited to, the number of bikes requested, proposed service area, past experience operating shared mobility, and staffing and operations plans sufficient for the scale of proposed service. The SFMTA will develop a range or criteria for the total number of overall stationless bikes permitted to avoid over-crowding, and over-saturation. Permits will be issued for no longer than a period of two years.

Existing Stationless Bikeshare Permit Program

The existing JUMP stationless bikeshare permit program has yielded notable public benefits as a useful system. For example, when the number of permitted stationless bikes was raised to 500 stationless bikes, usage reached a monthly average of 2,300 trips per day. The flexibility to park a bike at any public bike rack, without the necessity of a station, creates a system that has allowed more San Francisco residents and visitors to use bikeshare as a transportation option, even without a nearby bikeshare station. In addition, JUMP has complied with its obligations under the permit program to provide an equitable distribution of stationless bikes in Communities of Concern, and a low-income program.

On September 18, 2018, SFMTA staff provided the Board with an evaluation of the nine-month JUMP stationless bikeshare program and indicated that the agency intended to increase the number of stationless bicycles permitted to operate from 250 to 500 for the remaining nine months of the permit.

In addition, SFMTA staff provided the following findings to the SFMTA Board as a result of its evaluation:

- Demand for shared electric bikes is high
- The stationless JUMP service complements the station-based GoBike service with different trip lengths, origins and destinations.
- The lock-to design addresses major issues for accessibility and sidewalk clearance.

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- Stationless bikeshare leads to an increased demand for bike parking.
- Rebalancing guidelines require precision to reach general redistribution and geographic equity goals.
- Community engagement guidelines should provide specific direction for each operator's outreach efforts to develop organizational partnerships and promote their low-income plan to the community.

Existing Station-Based Bikeshare Program

Simultaneous to the stationless bikeshare operations, the current station-based GoBike system, which is owned and operated by Lyft, has also shown significant growth. This program began with 35 stations, 350 bikes and an average of 900 trips per day. Now, this program has 161 stations, approximately 1,900 bikes and currently averages over 6,600 trips per day. The steady uptick in the number of trips is possible as a result of the dependability of having stations throughout the City which provides operational convenience for reliable and consistent service that commuters and other members of the public can rely upon as their regular daily routine. Stations also create greater equitable access for members of the public since users do not need a smartphone to locate and access a bicycle. Stations also activate public spaces with people, instead of cars, and can provide some safety benefits as buffers to the sidewalk, with improved visibility on the street.

SFMTA's Overall Bikeshare Program

The success of both these systems as transportation options suggests that SFMTA's overall Bikeshare Program should promote both station-based and stationless systems—or even a hybrid mixture of bikes that can be flexibly parked at either stations or locked to public bike racks. Currently, Lyft has expressed potential interest in implementing such a hybrid system for the existing five city regional station-based bikeshare program contracted by the Metropolitan Transportation Commission. Since the SFMTA is currently participating in this station-based program and has implemented a stationless bikeshare permit program, the agency would require Lyft to obtain a permit from the SFMTA in order to expand to a hybrid system that utilizes both station-based and stationless bikes.

Proposed Transportation Code Revisions

The proposed Transportation Code legislation modifies existing Stationless Bike Share Permit Program requirements to, among other things, include:

- requirements that stationless bicycles have integrated lock-to devices and adhere to standard certifications as determined by the SFMTA
- a requirement that a certain percentage of each permittee's fleet be electric bicycles as determined by the SFMTA
- revised stationless bicycle distribution and rebalancing requirements
- a requirement that applicants submit a targeted community outreach plan which complies with SFMTA's Community Engagement Plan
- requirements that permittees' Privacy Policies be consistent with state and local law and any guidelines issued by the Director of Transportation
- authorizing the Director of Transportation to impose additional permit conditions that are necessary to protect the public convenience and safety including, but not limited to, approving the transfer of permits.

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- a labor harmony provision requiring that permittees describe the means by which they will ensure consistent distribution, operation, and maintenance, and steps taken to avoid potential disruptions.
- a requirement that permittees comply with the City's Zero Waste Policy
- consideration of past operational experience in evaluating permit applications
- adjustments to the Stationless Bikeshare Program permit fee schedule to better reflect staff time, bringing the Permit Application Fee to \$4,947 and the Annual/Renewal Permit Fee to \$35,288 for Fiscal Year 2018-2019
- a requirement that applicants provide sample bicycles for inspection and evaluation by the SFMTA

Vehicle Requirements

The Transportation Code currently requires that Stationless Bikeshare operators demonstrate that bicycles are of high quality, sturdily built, and with tamper-resistant hardware to accommodate a range of users, comply with California Vehicle Code requirements, and withstand the rigors of outdoor storage and use for at least five years in order to be eligible for a permit. The proposed Transportation Code revisions would add requirements that bicycles have integrated lock-to capabilities and adhere to standard certifications as determined by the SFMTA, and applicants must provide two samples of the stationless bicycles to be used under the program for inspection and evaluation by SFMTA staff. From both the current station-based and stationless bikeshare operators, along with the stationless scootershare program, SFMTA staff has learned 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, theft, and vandalism concerns. The proposed Transportation Code revisions would also add requirement that operators educate users on proper bicycle parking.

Provision of E-Bikes

The Transportation Code does not require that stationless bicycles be electric. From analysis of user data and public feedback, SFMTA has learned that electric bicycles are very popular with users in San Francisco, helping people make longer trips and access parts of the City that have higher elevations. As a result, the proposed Transportation Code revisions would add a requirement that a certain percentage of every Permittee's stationless bicycle fleet include electric bikes as determined by the SFMTA.

Distribution of Bicycles

The Transportation Code currently requires that the density of bicycles in the designated service area not fall below at least three bicycles per square mile for more than ten consecutive minutes between the hours of 6:00 am and 10:00 pm seven days a week. This density requirement has been difficult to measure and enforce, and does not take into account the varying needs of different neighborhoods. In addition, the Transportation Code currently also requires that at least 20% of overall bicycle availability be maintained within groups of census tracts designated as "communities of concern" (CoCs) by the Metropolitan Transportation Commission. This requirement does not fully achieve equitable distribution goals as it is possible to achieve this metric solely by providing service to central San Francisco neighborhoods. The proposed Transportation Code revisions would retain the

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requirement that permittees meet distribution and availability requirements as determined by the SFMTA, both throughout the service area and in CoC's, but leaves the specifics of those requirements to the SFMTA to determine.

Community Engagement

The Transportation Code does not require that permittees deliver any specific level of community engagement and allows permittees to pay an in-lieu fee to the SFMTA to promote bicycle sharing citywide in low-income communities. The proposed revisions require permittees to develop targeted community outreach plans that comply with the SFMTA's Community Engagement Plan requirements, and eliminates the in-lieu fee payment option. Some of these possible community outreach efforts could focus on local hiring, community-based organization partnerships for low-income bikeshare membership, arts and culture promotional opportunities, small business promotion, or other equity-based engagement.

User Privacy

The Transportation Code requires that permittees have a Privacy Policy that safeguards customers' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data. The proposed Transportation Code revisions add a requirement that a permittee's Privacy Policy must be consistent with state and local law and any guidelines issued by the Director of Transportation.

Other

The proposed Transportation Code revisions also include new provisions that: (1) authorize the Director of Transportation to impose additional permit conditions necessary to protect the public convenience and safety including, but not limited to, approving the transfer of permits, (2) add a labor harmony requirement, (3) require that permittees comply with the City's Zero Waste policy for disposal of bicycles and bicycle parts, and (4) authorize the Director of Transportation to consider past experience, including an operator's compliance, and efforts to ensure user compliance, with applicable laws.

Lastly, SFMTA staff has learned that the application review process is very time-consuming and have proposed modifying the existing permit fee schedule to better reflect staff time, including both the permit application fee to recover costs related to application evaluation, and the annual/renewal permit fee to cover costs related to permit administration. Currently, the Permit Application Fee is between \$12,593 and \$20,179, depending on how many bicycles are included in the application, and includes the first year's Annual Fee. Currently the Annual/Renewal Fee is between \$10,033 and \$17,676, depending on how many bicycles are included in the permit. For Fiscal Year 2019, the proposed Permit Application Fee is \$4,947, and the proposed Annual/Renewal Permit Fee is \$35,288. These fees are capped by State Law to cover the cost to administer this program

If the proposed Transportation Code revisions are approved, SFMTA staff will modify the permit application to incorporate these changes.

STAKEHOLDER ENGAGEMENT

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In developing this proposed approach, SFMTA staff drew upon lessons learned from the 18-month Stationless Bicycle Share Pilot Program, the Scootershare 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.

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 for GoBike, JUMP, Skip and Scoot provided data, monthly updates, and operational success and challenges.

ALTERNATIVES CONSIDERED

Returning to a regulatory environment where a permit is not required for stationless bikeshare operations was considered by SFMTA staff; however, staff concluded that this option would likely result in cluttered and obstructed public spaces, potentially posing a threat to public health and safety, uneven and inequitable distribution of rental bicycles, and potential liability for the City.

Prohibiting all stationless bikeshare operations was also considered. However, staff concluded that this option would deny the myriad benefits that this service has proven to provide in San Francisco and across the world.

FUNDING IMPACT

All costs associated with the Stationless Bicycle Share Permit Program are recovered through the SFMTA's permit fee schedule and administrative penalties which may be imposed for violations of local law.

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 April 16, 2019, to consider revising the permit fees for the Stationless Bicycle Share Permit Program. For Fiscal Year 2018-2019, the proposed Permit Application Fee is \$4,947, and the proposed Annual/Renewal Permit Fee is \$35,288. In compliance with these requirements, the advertisement ran in the San Francisco Examiner for a five-day period beginning on March 15, 2019.

ENVIRONMENTAL REVIEW

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 March 14, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the proposed Transportation Code legislation is not defined as

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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

SFMTA staff recommends that the SFMTA Board amend the Transportation Code, Division II, to modify existing Stationless Bicycle Share Permit Program requirements to, among other things, require that stationless bicycles have integrated lock-to devices and adhere to standard certifications, require that a certain percentage of each permittee’s fleet consist of electric bicycles, revise distribution and rebalancing requirements, require that permittees’ Privacy Policies be consistent with state and local law and any guidelines issued by the Director of Transportation, adjust the permit fee schedule, and require that applicants provide sample bicycles for inspection and evaluation by the SFMTA.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

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 a single operator – JUMP – effective January 9, 2018 until July 9, 2019; and,

WHEREAS, At that time, the Director of Transportation issued a memo indicating that no additional SFMTA stationless bikeshare permits would be issued during this 18-month period; however, with the impending conclusion of this permit, the SFMTA plans to roll out an expansive Stationless Bikeshare Permit Program by lifting the Director of Transportation’s moratorium on the submission of stationless bikeshare application and accept applications between April 29, 2019 and May 27, 2019; and,

WHEREAS, The proposed Transportation Code revisions amend the Transportation Code, Division II, to modify existing Stationless Bicycle Share Permit Program requirements to, among other things, require that stationless bicycles have integrated lock-to devices and adhere to standard certifications, require that a certain percentage of each permittee’s fleet consist of electric bicycles, revise distribution and rebalancing requirements, require that permittees’ Privacy Policies be consistent with state and local law and any guidelines issued by the Director of Transportation, adjust the permit fee schedule, and require that applicants provide sample bicycles for inspection and evaluation by the SFMTA; and,

WHEREAS, The proposed changes will allow the program to utilize lessons learned from both the 18-month JUMP Stationless Bikeshare permit and powered Scooter Share pilot programs to create a more useful, safe, sustainable, equitable and accountable citywide Stationless Bikeshare Permit 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 issue new permits no later than July 9, 2019 for no longer than a two-year period; and,

WHEREAS, Since the application review process is very time-consuming, 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,

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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 April 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 March 15, 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 March 14, 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 Stationless Bicycle Share Permit Program requirements to, among other things, require that stationless bicycles have integrated lock-to devices and adhere to standard certifications, require that a certain percentage of each permittee's fleet consist of electric bicycles, revise distribution and rebalancing requirements, require that permittees' Privacy Policies be consistent with state and local law and any guidelines issued by the Director of Transportation, adjust the permit fee schedule, and require that applicants provide sample bicycles 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 April 16, 2019.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION

[Transportation Code – Stationless Bikeshare Permit Program]

Resolution amending the Transportation Code to revise permit fees and permit requirements, including terms and conditions, for the Stationless Bikeshare 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 900 of Division II of the Transportation Code is hereby amended by revising Sections 902 and 909, to read as follows:

SEC. 902. GENERAL PERMIT CONDITIONS.

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

* * * *

(d) Permit Fees. Fees for permits issued pursuant to this Code are as follows:

**Table 902(d)
Permit Fee Schedule**

	FY 2019 Effective July 1, 2018	FY 2020 Effective July 1, 2019
Special Traffic Permit (§ 903)		
Base Permit Fee:	\$322	\$333
Daily Fee:	\$66	\$68
Late Fee:	\$361	\$374
Temporary Exclusive Use of Parking Meters (§ 904)		
Base Permit Fee: per 25 linear feet of construction frontage per day, including weekends and holidays:	\$11	\$12
Residential Area Parking Permit (§ 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
Contractor Permit (§ 906)		
Base Permit Fee		
Annual/Renewal:	\$1,602	\$1,732
Less than 6 Months:	\$822	\$887
Permit Transfer Fee:	\$42	\$42
Vanpool Permit (§ 907)		
Base Permit Fee		
(per year):	\$136	\$144
(Less than 6 months):	\$67	\$71
Stationless Bicycle Share Program Permit (§ 909)		
Permit Application Fee	<u>\$4,947</u>	<u>\$5,132</u>
Less than 500 bicycles	\$12,593	\$13,068
500 to 1,500 bicycles	\$14,223	\$14,759
1,500 to 2,500 bicycles	\$16,199	\$16,810
2,500 to 3,500 bicycles	\$17,829	\$18,501
3,500 or more bicycles	\$20,179	\$20,940
Annual/Renewal Fee	<u>\$35,288</u>	<u>\$36,613</u>
Less than 500 bicycles	\$10,033	\$10,411
500 to 1,500 bicycles	\$11,622	\$12,102
1,500 to 2,500 bicycles	\$13,639	\$14,153
2,500 to 3,500 bicycles	\$15,268	\$15,844
3,500 or more bicycles	\$17,676	\$18,283
SFMTA Permit (§ 910)		
(Based on the annualized Parking Meter Use Fee)	\$2,860	\$3,120
On-Street Shared Vehicle Parking Permit (§ 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
On-Street Shared Electric Moped Parking Permit (§ 915)		
(1 Year)	\$352	\$366
(Less than 6 months):	175 ¹	\$182

Vehicle Press Permit (§ 912) Base Permit Fee: The permit fee shall only be increased pursuant to the Automatic Indexing Implementation Plan approved by the SFMTA Board of Directors.	\$64	\$67
Designated Shuttle Stop Use Permit (§ 914)	\$7.65	\$7.75
Farmer's Market Parking Permit (§ 801(c)(17)) Base Permit Fee (quarterly):	\$211	\$224
Temporary Street Closures Permits (Division I, Article 6)		
Neighborhood Block Party 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
All Other Events 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
Bus Substitution Fee (Division I, Article 6.2(f))	\$35	\$36.50
Powered Scooter Share Program Permit (§916) Powered Scooter Share Program Permit	\$25,000	\$25,000
Powered Scooter Share Program Permit Application Fee	\$5,000	\$5,000

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SEC. 909. BICYCLE RACK, BICYCLE SHARING STATION, AND STATIONLESS BICYCLE SHARE PROGRAM PERMITS.

(a) **Permit Required.** No bicycle rack, bicycle sharing station, or bicycle that is part of a Stationless Bicycle Share Program may be installed, 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 first obtaining a permit.

(b) **Issuance of Bicycle Rack, Bicycle Sharing Station, or Stationless Bicycle Share Program Permits.** The Director of Transportation has the authority at the Director's ~~his or her~~ sole discretion to grant a revocable permit to:

- (1) the property owner of property abutting any Street of the City to install and maintain a bicycle rack on the sidewalk fronting such property;
- (2) the operator of a bicycle share program to install and maintain a bicycle sharing station on the sidewalk or any Street; or
- (3) the operator of a Stationless Bicycle Share Program for operation in the public right-of-way under the jurisdiction of the SFMTA or Public Works in the City.

(c) **Permit Conditions.** The Director of Transportation may impose permit conditions related to the installation, design, location, or maintenance of the bicycle rack or bicycle sharing station, or the location, placement, parking, safe operation, indemnification requirements, customer outreach, or maintenance of any bicycle that is part of a Stationless Bicycle Share Program and parked or left standing or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works as he or she determines necessary to protect the public convenience and safety, including, but not limited to, the maintenance of insurance in a form and amount satisfactory to the City. 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.

(d) **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~~bicycle rack or bicycle sharing station on public transit, pedestrian and vehicular traffic, and access to or from residences and businesses.

(e) **Placement of Bicycle Rack or Bicycle Sharing Station.** The Director of Transportation may at ~~the Director's~~ 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.

(f) **General Permit Requirements and Criteria for Stationless Bicycle Share Program Permit.**

(1) The SFMTA may issue a permit to a Stationless Bicycle Share Operator upon receipt of a written application from a qualified Stationless Bicycle Share Operator on a form prescribed by the SFMTA. 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 name and current contact information for the Stationless Bicycle Share Operator shall be displayed on each bicycle that is part of a Stationless Bicycle Share Program.

~~(3) The SFMTA reserves the right to revoke a Stationless Bicycle Share Program Permit for cause at any time upon written notice of revocation. The Permittee shall surrender such permit in accordance with the instructions in the notice of revocation.~~

~~(34)~~ A permit fee must be paid by the Permittee before any permit may be issued. Failure to pay any applicable annual/renewal fee shall result in immediate termination of any existing permit. In addition, the Permittee 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.

(45) Upon notification by the City of any bicycle that is improperly parked or left standing or unattended on any sidewalk, Street, or public right-of-way under the jurisdiction of the SFMTA or Public Works, the Stationless Bicycle Share Program Operator shall remove the bicycle within two hours.

(56) To be eligible to obtain a Stationless Bicycle Share Program Permit, the Stationless Bicycle Share Operator must demonstrate compliance with the following requirements to the SFMTA's satisfaction:

(A) Bicycles must be of high quality, sturdily built and with tamper-resistant hardware to accommodate a range of users, comply with California Vehicle Code requirements, and withstand the rigors of outdoor storage and constant use for at least five years, have integrated lock-to capabilities, and adhere to standard certifications as determined by the SFMTA. Two sample bicycles must be made available for inspection and evaluation by the SFMTA. The make and model of each bicycle made available to customers and a corresponding unique identification number must be submitted to the SFMTA. The SFMTA shall require a certain percentage of each Permittee's bicycle fleet to be comprised of electric bicycles as determined by the SFMTA.

(B) The Permittee shall equip each bicycle 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, and shall maintain a continuous feed of the required data at all times for bicycles made available to customers.

(C) Bicycles may only be 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 but are clearly and understandably communicated to the customer prior to bicycle use.

(D) Bicycles must be available for pick-up and drop-off by customers on a 24-hour, seven days per week basis.

(E) 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 provided for each bicycle 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 bicycle during the period of use. The Permittee must indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees, and agents ("Indemnitees") harmless from and against any and all claims, demands, actions, or causes of action which 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.

(F) Stationless Bicycle Share Operator shall pay the SFMTA a public property repair and maintenance endowment totaling ~~twenty five thousand dollars~~ (\$25,000), payable in installments as described herein, 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 Stationless Bicycle Share Operator or its customers, removing and storing bicycles 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.

(G) If the SFMTA, Public Works, or any other City agency, department, or commission, including the City Attorney's Office, incurs any costs of addressing or abating any violations, including repair or maintenance of public property, upon receiving written notice of such City costs, the Stationless Bicycle Share Operator shall reimburse SFMTA for such costs within ~~thirty~~³⁰ days. The SFMTA shall arrange for transfers of funds to any other City agency, department, or commission that incurred costs described above. The Stationless Bicycle Share Operator's payment pursuant to this paragraph shall not substitute for any installment payment otherwise owed or to be paid to the SFMTA.

(H) Stationless Bicycle Share Operator shall develop a marketing and targeted community outreach plan which complies with SFMTA's Community Engagement Plan Requirements, and implement the plan at ~~their~~^{its} own cost. Permittee shall keep a record of any public feedback received in a format and manner as determined by the SFMTA. ~~Alternatively, the Stationless Bicycle Share Operator shall pay an in lieu fee to the SFMTA to provide these services. If the Bike Share Operator chooses to pay an in lieu fee, the SFMTA must use the fee to promote the use of bicycle sharing citywide particularly among low income communities.~~

(I) Citywide distribution of bicycles available to customers 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 as determined by the SFMTA. ~~At a minimum, the density of bicycles in the designated service area shall not fall below at least three bicycles per square mile for more than 10 consecutive minutes between the hours of 6:00 am and 10:00 pm seven days a week. At least 20% of overall bicycle availability shall be maintained within groups of census tracts designated as "communities of concern" (CoCs) by the~~

Metropolitan Transportation Commission, calculated by the total number of bicycles located in CoCs multiplied by the minutes they are available for hire between the hours of 6:00 am and 10:00 pm, divided by the total number of bicycles in service times minutes available throughout the service area.

(J) A maintenance, cleaning, staffing, and repair plan for the bicycles must be submitted to and approved by the SFMTA and DPW as applicable.

(K) Adequate bicycle parking must be provided by the Stationless Bicycle Share Operator as determined by the SFMTA. In addition, a plan for educating users on proper bicycle parking must be provided by the Stationless Bicycle Share Operator. A Bicycle Share Operator shall pay a fee to SFMTA to cover the cost of SFMTA's installation of bicycle racks to insure adequate bicycle parking.

(L) A one year low-income customer plan that waives any applicable bicycle deposit and offers an affordable cash payment option and unlimited trips under 30 minutes to any customer with an income level at or below 200% of the federal poverty guidelines, which is subject to annual renewal.

(M) A multilingual website with languages determined by the SFMTA, call center, and mobile application customer interface that is available ~~24~~twenty-four hours a day, seven days a week. 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 as determined by the SFMTA.

(N) A Privacy Policy consistent with state and local law and any guidelines issued by the Director of Transportation that safeguards user~~customers~~' personal, financial, and travel information and usage including, but not limited to, trip origination and destination data.

(O) Aggregate customer demographic data, that does not identify individual customers, payment methods, or their individual trip history, gathered by the system application shall be provided to the SFMTA on at least a monthly basis using anonymized keys.

(P) An electronic payment system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS). Each transaction shall include the bicycle identification number corresponding to the make and model of the bicycle registered with the SFMTA.

(Q) During each calendar year of business operations, the Stationless Bicycle Share Operator shall offer to its customers not less than one safety training class every other quarter.

(R) Stationless Bicycle Share Operator shall provide a proposed service area and furnish a map to the SFMTA ~~in ESRI shapefile format.~~

(S) 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 ~~conflict with existing contractual agreements or permits issued to other bicycle share operators,~~ lead to an over-concentration of bicycle share bicycles in the public right-of-way, cause an imbalance in the geographical distribution of bicycles which are part of a bicycle share program, or otherwise not be in the public interest ~~adversely impact an existing or proposed bicycle share network.~~

(T) The Director of Transportation may impose permit conditions the Director determines are necessary to protect the public convenience and safety including, but not limited to, approving the transfer of permits.

(U) Provide a labor harmony plan. Labor harmony is critical for the provision of stationless bikeshare services in the context of safety and maintenance, as well as

equitable geographic device distribution. The permittee shall include a description of the means by which Permittee 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. Permittee shall provide in its Plan any agreements or documents evidencing such steps, as well as information regarding employee work hours, working conditions, and wages.

(V) Compliance with the City's Zero Waste Policy with regard to disposal of bicycles and bicycle parts.

(W) 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 the operator's compliance with applicable laws and its efforts to ensure compliance by its users with applicable laws.

(g) **Stationless Bicycle Share Program Permit Issuance.** After evaluating an applicant's permit application, the Director of Transportation shall grant the Permit as requested, or 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 or administrative law judge of the Director of Transportation's decision to deny a permit or grant a permit with modifications. The Director shall issue procedures governing review of these decisions.

(h) **Permit Revocation.**

(1) For good cause, the Director of Transportation may revoke any permit issued under this Section 909. "Good cause" hereunder shall include, but shall not be limited to, the following:

(A) The 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 909;

(B) The 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 Stationless Bicycles 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 or administrative law judge of the Director of Transportation's decision to revoke a permit. The Director shall issue procedures governing review of these decisions.

(hi) Administrative Penalties Applicable to Stationless Bicycle Share Operators.

(1) Any person or Stationless Bicycle Share Operator who violates Division I, Section 7.2.110 of this Code may be subject to the issuance of a citation and imposition of an administrative penalty.

(2) Administrative penalties may not exceed \$500 for each offense.

(3) In addition to other authorized employees, the Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to enforce Division I, Section 7.2.110 of this Code. Any officer or employee so designated is hereby authorized to issue citations imposing administrative penalties for violations of Division I, Section 7.2.110.

(ij) Procedure for Assessment and Collection of Administrative Penalties.

(1) This subsection (~~h~~i) shall govern the imposition, assessment, and collection of administrative penalties imposed pursuant to subsection (~~h~~i).

(2) The SFMTA finds:

(A) That it is in the best interest of the City, its residents, visitors, and those who park on City streets to provide an alternative, administrative penalty mechanism for enforcement of violations of the Stationless Bicycle Share Program Permit requirements authorized under the Transportation Code; and

(B) That the administrative penalty scheme established by this Section 909 is intended to compensate the public for the injury or damage caused by any person or Stationless Bicycle Share Operator who parks or leaves standing or unattended any bicycle, that is part of a Stationless Bicycle Share Program, on any sidewalk, Street, or public right-of-way under the jurisdiction of the Municipal Transportation Agency or Public Works without a permit issued by the Municipal Transportation Agency authorizing the bicycle to be parked, left standing, or left unattended at that location. The administrative penalties authorized under this ~~Section~~subsection (j) are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(3) **Administrative Citation.** Where a designated officer or employee determines that there has been a violation of Division I, Section 7.2.110 of this Code, the officer or employee may issue an administrative citation to the person and/or entity responsible for the violation. The citation may be personally served on the applicant or by certified U.S. mail to the ~~best~~last known address for the bicycle owner. The citation shall inform the person or entity responsible of the date and nature of the violation and the amount of the administrative penalty, and shall state that the penalty is due and payable to the SFMTA within 15 business days from the date of the notice, if not

contested within the time period specified. The citation shall also state that the person or entity responsible has the right, pursuant to subsection (j)(4), to request an administrative hearing of the citing officer or employee's determination as to the violation and assessment of penalties, and shall set forth the procedure for requesting an administrative hearing. The designated officer or employee shall mail the administrative citation and evidence supporting the determination of a violation of Division I, Section 7.2.110 to the ~~best~~last known address for the bicycle owner.

(4) Request for Hearing; Hearing.

(A) A person or entity that has been issued an administrative citation may request an administrative hearing in person, by telephone, or by email in order to contest the citation issued in accordance with this Section 909. The administrative hearing shall be initiated by filing a request for an administrative hearing with the SFMTA Hearing Division within 15 business days from the date of the citation. Failure to request a hearing in a timely manner or to attend a scheduled hearing shall satisfy the hearing requirement.

(B) Whenever an administrative hearing is requested pursuant to this subsection (j)(4), the SFMTA Hearing Section shall, within 15 business days of receipt of the request, notify the requestor of the date, time, and place of the administrative hearing by certified mail. Such hearing shall be held no later than 30 calendar days after the SFMTA Hearing Section receives the request, unless time is extended by mutual agreement of the affected parties.

(C) The administrative hearing shall be conducted by a neutral Hearing Officer assigned by the SFMTA Hearing Section. The SFMTA Hearing Section may issue rules as needed to implement this requirement. The parties may present evidence and testimony to the Hearing Officer. All testimony shall be under oath. The

Hearing Officer shall ensure that a record of the proceedings is maintained. The burden of proof to uphold the violation shall be on the City, but the administrative citation shall be prima facie evidence of the violation.

(D) The Hearing Officer shall issue a written decision including a summary of the issues and the evidence presented, and findings and conclusions, within 15 business days of the conclusion of the hearing. The Hearing Officer may uphold the penalty imposed by the citation or dismiss the citation. A copy of the decision may be personally delivered to the person contesting the violation or sent by first class mail. The decision shall be a final administrative determination. An aggrieved party may seek judicial review of the decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6.

(5) **Payment and Collection of Penalty.**

(A) Where a person or entity has not made a timely request for administrative hearing, the penalty shall be due and payable to the SFMTA on or before 15 business days from the date of issuance of an administrative citation.

(B) Where a person or entity has made a timely request for administrative hearing, and the violation and penalty have been upheld upon review, the administrative penalty shall be due and payable not later than 10 business days from the date of the notice of decision issued under subsection (ij)(4)(D).

(C) If a penalty due and payable under subsections (ij)(5)(A) or (B) remains unpaid after the specified due date, the SFMTA shall send the violator written notice that the penalty is overdue. Penalties that remain unpaid 30 calendar days after the due date shall be subject to a late payment penalty of \$50. Persons and entities against whom administrative penalties are imposed shall also be liable for the costs and attorney's fees incurred by the SFMTA in bringing any civil action to enforce

the provisions of this Section 909, including obtaining a judgment for the amount of the administrative penalty and other costs and charges.

(D) Where there is a nexus between the violation and property in the City owned by the violator, the SFMTA shall further inform the violator that if the amount due is not paid within 30 calendar days from the date of the notice, the SFMTA may initiate proceedings to make the amount due and all additional authorized costs and charges, including attorney's fees, a lien on the property. Such liens shall be imposed in accordance with Chapter 10, Article XX of the Administrative Code.

(6) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

(j) Department of Public Works – Coordination.

(1) Bicycle sharing stations shall not be installed on any sidewalk of the City until the Department of Public Works is notified in writing of the site of the proposed bicycle sharing station installation and the proposed date of installation, and has issued any other required permit(s). Such notice shall be provided to the Department of Public Works for review by the Department of the proposed installation at least 30 days before the date of installation. In the event that a temporary relocation of a bicycle sharing station for less than ~~ninety~~90 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 Works of the temporary relocation.

(2) A Stationless Bicycle Sharing Program Permit shall not be issued by the Director of Transportation until the Department of Public Works is notified in writing of the permit application and has issued any other required permit(s). Such

notice shall be provided to the Department of Public Works at least 30 days prior to the date a permit will be issued.

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.

Section 4. 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.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco
Municipal Transportation Agency Board of Directors at its meeting of April 16, 2018.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency