



SHARED SPACES PROGRAM REGULATIONS AND PROCEDURES version 20200827

- I. PURPOSE: In response to the COVID-19 crisis, the City has taken numerous steps to reduce the impact of the virus. To mitigate the harm from the pandemic, the City issued a shelter-in-place order on March 16, 2020. The collective efforts of the City and surrounding counties in the State have had a positive impact on limiting the spread of the virus. As the City enters the next phase of recovery, consistent with the Public Health Orders and Directives, this San Francisco Municipal Transportation Agency (SFMTA) Order, as authorized by the Twenty-Sixth Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency dated August 26, 2020, issued by the Director of Transportation provides rules and regulations for temporary closure of travel lanes to vehicular traffic within the City’s public right-of-way, and under the jurisdiction of the SFMTA, as part of the San Francisco COVID-19 Economic Recovery Task Force’s “Shared Spaces” Program.

- II. PERMIT APPLICATION PROCESS – TEMPORARY USE OF TRAVEL LANE
 - a. To apply to temporarily close a travel lane to vehicular traffic under the “Shared Spaces” program, applicants shall use an online portal created by the City’s Digital Services and provide all required application information to obtain a temporary street closure permit. This information shall include the following:
 - i. Applicant contact information
 - ii. Name of the business using the travel lane space
 - iii. The location of the applicant and general information about the business
 - iv. The proposed location (street and cross street(s) and the travel lane(s) proposed to be closed
 - v. The proposed use of the travel lane space
 - vi. The proposed day(s) and hours for the temporary street closure
 - vii. Consent to all terms and conditions of the permit, including that the Permittee
 1. Shall maintain general liability insurance throughout the term of the permit in the amount of at least \$1,000,000 per occurrence/\$2,000,000 in the aggregate to respond to claims made against the City and County of San Francisco (e.g. an additional insured endorsement in favor of the City).
 2. Agrees to indemnify, hold harmless and assume the defense of the City and County of San Francisco as provided in Section VII of this Order.



3. Self-certifies that they meet the requirements outlined in this Order, standing Public Health orders, and the requirements listed on the Digital Services online portal.
 - b. Consistent with other uses of rights-of-way and public property, the City shall not charge any fees associate with Shared Spaces permit applications.
- III. PERMIT APPLICATION REVIEW PROCESS – TEMPORARY USE OF TRAVEL LANE
 - a. The Director of Sustainable Street or their designee shall take action to approve or deny any permit application within 14 days of receipt of a completed application.
 - b. After a completed application is submitted, the Director of Sustainable Streets or their designee will review the application to verify compliance with the requirements set forth in this Order.
 - c. SFMTA will consult with San Francisco Fire Department (SFFD) to determine the necessity for, and dimensions of, an emergency access lane through the proposed site. The SFFD can impose any additional conditions as necessary by that department.
 - d. SFMTA will immediately send notice of the application to Chief of Police; the Fire Chief; the Director of Public Health; the Director of Public Works; and the Executive Director of the Entertainment Commission, the District Supervisor, and the Program Manager for Shared Spaces. These entities will notify SFMTA within two (2) business days if they have an interest in or comment on the application.
 - e. SFMTA will respond to the applicant within three (3) business days. The response will include
 - i. List of additional materials or information required
 - ii. Initial emergency access lane dimensions
 - iii. Public Notice pdf and instructions for posting
 - iv. Blank Declaration of Posting
 - f. , The Director of Sustainable Streets or their designee will review the application to verify compliance with the requirements set forth in this Order.
 - i. If the requirements are fully met, SFMTA will notify the applicant that approval for use of the travel lane has been granted and a permit will be issued.
 - ii. If the requirements are not fully met, SFMTA will notify the applicant that the permit is denied, including the reasons for denial. The applicant may resubmit their application at their discretion with additional information that responds to the reasons for denial or submit an appeal as specified below.
 - iii. Notice of the SFMTA action of approval or disapproval shall be submitted to the Chief of Police; the Fire Chief; the Director of Public Health; the Director of Public Works; and the Executive Director of the Entertainment



Commission, the District Supervisor, and the Program Manager for Shared Spaces; and be maintained as a matter of record.

- g. The Applicant must post the Public Notice immediately upon issuance by the SFMTA, and provide to the SFMTA
 - i. A Declaration of Posting
 - ii. photographic documentation of the postings
 - iii. After seventy-two hours, the Applicant may remove the postings.
- h. SFMTA will initiate a Task Order for Temporary No Parking Signs, to be posted at least seventy-two hours (for non-metered) or twenty-four hours (for metered) spaces before the proposed temporary closure of the traffic lane commences.

IV. GUIDELINES FOR OCCUPATION OF TRAVEL LANES:

- a. Permittees may utilize the travel lane space for operational purposes while the business is open, such as physically-distanced seating, dining, or retail use. The permittee shall display a copy of the permit during business hours.
- b. Permittee's travel lane occupancy must abide by the following conditions:
 - i. Standing Public Health Orders.
 - ii. At no time can travel lane occupancy obstruct emergency facilities (including, but not limited to: fire hydrants, red zones, alarms, fire escapes, etc.) SFFD shall provide case-by-case guidance regarding clearance for these facilities.
 - iii. Any use of a portable heater, portable generator, candles, open flame or any activity regulated by Fire Code must be approved by the San Francisco Fire Department separately from this permit.
 - iv. Any overhead canopy exceeding 400 square feet, or 700 feet if open on all sides, in area must be approved by the San Francisco Fire Department.
 - v. Hanging or overhead objects, including umbrellas or canopies, must have a clearance of at least 7 feet (or 84 inches) from the ground.
 - vi. No permanent fixtures may be placed within the public right-of-way. Approved traffic barriers or barricades shall remain out continuously during the days and hours for which the permit issued. Barriers or barricades and furniture must be brought inside daily at the close of business.
 - 1. At no time may fixtures be bolted or affixed in any way to the roadway or any structure (including but not limited to: buildings, fire hydrants, street trees, streetlight or traffic poles, etc.)
 - vii. Trash, recycling, and compost bins should be provided within the approved area, if space allows. These bins can be kept inside the restaurant.



- c. Traffic diverters and other vehicular barricades must be deployed during operating hours as specified in the permit and guidance issued by the SFMTA to the applicant.
 - d. No alterations may be made to the public roadway, including stickers or spray paint, other than social distancing markings. Any markings must be in accordance with Public Works regulations.
 - e. Businesses must maintain the quiet, safety, and cleanliness of the parking lane space and its adjacent area, in accordance with standards set forth in the [Public Works Good Neighbor Policy](#)
- V. Permit Expiration, Revocability, and Appeals
- a. The temporary permits for travel lane space shall expire on December 31st, 2020 unless extended by the City & County of San Francisco, or if the City suspends this program.
 - b. The temporary permit shall be revocable at the discretion of the Director of Sustainable Streets for failure to meet permit conditions. Any such revocation may be appealed to the Director of Transportation through the procedures described below.
 - c. The applicant may appeal a permit denial or decision to revoke a permit by the Director of Sustainable Streets or their Designee, to the Director of Transportation within 15 calendar days of the decision.
 - i. Such appeal shall be made by filing the appeal with the Director of Transportation on a form provided by the Municipal Transportation Agency within five working days of disapproval.
 - ii. Upon receipt, the Director of Transportation shall set a time and place for hearing such appeal, which may include a virtual hearing.
 - iii. In considering the appeal, the Director of Transportation shall conduct a public hearing for which notice shall be posted at least 72 hours in advance of the hearing on the SFMTA's website and provided by e-mail to the Applicant. If possible, the SFMTA will provide notice to other interested parties who may have commented on the application.
 - iv. At the appeal hearing, the appellant and SFMTA staff or any relevant City department staff shall have an opportunity to present oral testimony and written materials in support of their positions.
 - v. Upon hearing the appeal, and after any further investigation by the Director of Transportation, the Director of Transportation may affirm, reverse, or modify the permit denial or revocation.
 - vi. Notice of the Director of Transportation's action of approval or disapproval shall be submitted to the Chief of Police; the Fire Chief; the Director of Public Health; the Director of Public Works; and the Executive



Director of the Entertainment Commission, the District Supervisor, and the Program Manager for Shared Spaces; and be maintained as a matter of record.

- vii. If the Director of Transportation affirms the permit denial or revocation, the applicant may file an appeal to the SFMTA's Hearing Division. The Director of Transportation shall publish procedures for the handling of such appeals.

VI. Hold Harmless Clause:

- a. In consideration of the business taking advantage of sidewalk, parking lane, and/or travel lane space, the business owner promises and agrees to comply with all applicable regulations.
- b. In addition, the permittee agrees on its behalf and that of any successor or assignee to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (collectively referred to as the "City") from and against and all losses, liabilities, expenses, actions, claims, demands, injuries, damages, fines, penalties, suits, costs or judgements including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from
 - i. (i) any act by, omission by, or negligence of, Assignee or its subcontractors, or the officers, agents or employees of either, while engaged in the practices authorized by this Order,
 - ii. (ii) any accident, damage, death, or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the practices authorized by this Order,
 - iii. (iii) any accident, injuries or damages to any person(s) or accident, damage or injury to any real or personal property, good will, in, upon or in any way allegedly connected with the practices authorized by this Order from any cause or claims arising at any time, and potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligations arises at the time such claim is tendered to business operator by the City and continues at all times thereafter.
- c. The permittee agrees that the indemnification obligations assumed under this Order shall survive expiration of the Order or completion of practices authorized by this order. The business operator shall assume all maintenance and liability associated with the items allowed to be placed in the public right-of-way under this Order.



A handwritten signature in blue ink, appearing to read 'Jeffrey Tumlin'.

Jeffrey Tumlin
Director of Transportation

cc: Andres Power, Nicole Lindler (Office of the Mayor)
Robin Abad, Shared Spaces Program Manager
Tom Maguire, Ricardo Olea, Monica Munowitch, Nick Chapman (SFMTA)