

1 preserve the status quo until judgment on the merits. Therefore, the Court grants the Petitioners'
2 request for a preliminary injunction.

3 At the hearing on June 6, 2006, the Court ordered the parties to either submit a stipulated
4 preliminary injunction order for the Court's approval, or to submit individual orders for a
5 preliminary injunction by 2:00 p.m. on Monday July 12, 2006. The Court, having received no
6 stipulated order, orders the following.

7
8 **ORDER**

9 Satisfactory proof having been made, and good cause appearing, IT IS ORDERED that,

10 A. Respondent, City and County of San Francisco, and all its agents, officers, employees,
11 and representatives are hereby enjoined, pending the trial of this matter, from:

- 12 1. Eliminating traffic lanes and/or parking on any street named or described in any part of the
13 Bicycle Plan (consisting, for the purposes of this injunction, of the "Framework Document" and
14 "Network Improvement Document"), installing any signs, pavement markings, or making any
15 other change to any street, traffic signal, building, sidewalk, or other land use or physical feature
16 in San Francisco to implement the Plan or any part of it, including its maps;
- 17 2. Eliminating and/or restricting or limiting parking by changing signs, meters and pavement from
18 public unmetered to metered parking, loading, or from public parking (uncolored) pavement, to
19 red, yellow, blue, green, white, or to any other curb colors limiting times allowed for parking, or
20 any other restrictions on parking made to implement the Plan or any part of it;
- 21 3. Installing bicycle lanes on any street in San Francisco named or described in any part of the Plan
22 and its maps;
- 23 4. Undertaking any other changes to any street in San Francisco or its hardscape, or to traffic
24 signals, signs, pavement markings, buildings, sidewalks, or to land use in San Francisco to
25 implement the Plan or any part of it; and
- 26 5. Allowing bicycles inside Muni buses and other public transit under control of the City where
27 they were not allowed before June 7, 2005.

28 ///

1 B. Notwithstanding but subject to the foregoing provision of Section A, Respondents City
2 and County of San Francisco, and all its agents, officers, employees and representatives are not
3 enjoined from the following activities:

- 4 1. Installing bicycle-related signage with bicycle route guidance, warning or regulatory messages,
5 including standard signs in the Manual on Uniform Traffic Control Devices ("MUTCD") or the
6 MUTCD California Supplement, except to the extent prohibited pursuant to Section A above;
- 7 2. Adopting any ordinance or resolution amending the San Francisco Planning Code or any other
8 San Francisco Code regarding any requirement for the provision of spaces for bicycle parking,
9 provided that the adoption of such ordinance or resolution complies fully with all applicable
10 laws, including environmental statutes;
- 11 3. Approving any ordinance, resolution, motion, variance or condition of approval on any permit
12 for any project in which bicycle parking or a bicycle lane is required by Code provision or either
13 as mitigation of a significant environmental impact or as an improvement measure for an
14 environmental impact that is found less-than-significant as those terms are defined in CEQA.
15 However, the physical implementation of any bicycle lane or route improvement identified or
16 approved as part of such project, mitigation measure or improvement measure is enjoined
17 pursuant to the provisions of Section A, above;
- 18 4. Approving, funding or continuing with any studies, engineering, planning or other
19 administrative work on any item in the 2005 San Francisco Bike Plan or any proposed
20 improvement to any bicycle route, including work up to and including adoption or any motion
21 or resolution or ordinance by the appropriate public agency body;
- 22 5. Approving, implementing or continuing with any on-going maintenance activities of any
23 existing bicycle facility, including repainting faded pavement markings or replacing broken or
24 missing bicycle route signage; and
- 25 6. Implementing any educational or training program, enforcement activities or promotional
26 activities as outlined in Chapters 5, 6 and 7 of the 2005 San Francisco Bicycle Plan as adopted
27 by the Board of Supervisors on June 7, 2005.


28 ///

1 No bond will be required. This Preliminary Injunction shall remain in effect until the Court
2 rules on the merits of the case.

3 The hearing date is set for September 13, 2006, at 9:30 a.m., or as soon thereafter as the
4 matter may be heard, with briefing as follows: Petitioners' Brief: July 21, 2006; Respondent's
5 Brief: August 21, 2006; Petitioners' Reply Brief: September 8, 2006.

6
7 IT IS SO ORDERED.

8
9 Date: 6/16/06



Hon. James L. Warren
Judge of the Superior Court

LS