

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency

FROM: *ll*  
*for* Alisa Somera, Legislative Deputy Director  
Land Use and Transportation Committee

DATE: February 6, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Safai on January 23, 2018:

**File No. 180089**

**Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency Decisions.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Janet Martinsen, Municipal Transportation Agency  
Kate Breen, Municipal Transportation Agency  
Dillon Auyoung, Municipal Transportation Agency  
Viktoriya Wise, Municipal Transportation Agency

1 [Transportation Code - Board of Supervisors Review of Certain Municipal Transportation  
2 Agency Decisions]

3 **Ordinance amending Division I of the Transportation Code to establish a procedure for**  
4 **Board of Supervisors review of certain Municipal Transportation Agency Decisions.**

5 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
6 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
7 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
8 **Board amendment additions** are in double-underlined Arial font.  
9 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
10 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
11 subsections or parts of tables.

12 Be it ordained by the People of the City and County of San Francisco:

13 Section 1. Division 1 of the Transportation Code is hereby amended by adding Article  
14 10, consisting of Section 10.1, to read as follows:

15 **ARTICLE 10: BOARD OF SUPERVISORS REVIEW PROCEDURES**

16 **SEC. 10.1. REVIEW OF MUNICIPAL TRANSPORTATION AGENCY DECISIONS.**

17 (a) *Definitions. As used in this Section 10.1, the following words and phrases shall have*  
18 *the following meaning:*

19 *Final SFMTA Decision. A decision by the Municipal Transportation Agency (SFMTA)*  
20 *to (1) create or eliminate a preferential parking zone pursuant to Vehicle Code sections 22507 or*  
21 *22507.1; (2) create or eliminate a parking meter zone; (3) adopt a limitation on the time period for*  
22 *which a vehicle may be parked; (4) reserve any parking space for persons with a disability; (5) create a*  
23 *pilot or temporary program involving (1) through (4) above, or continue a pilot or temporary program*  
24 *involving (1) through (4) above on a permanent basis; or (6) create a Private Transportation Program*  
25 *that may create or eliminate a preferential parking zone, including providing access to the curb,*  
*pursuant to Vehicle Code sections 22507 or 22507.1, or that may limit the time period for which a*

1 vehicle may be parked, including providing access to the curb, in order to regulate or accommodate a  
2 private transportation service or services. “Final SFMTA Decision” shall not include a decision by  
3 the SFMTA that could have been contemplated as part of the implementation of a prior Final SFMTA  
4 Decision and is directly related to the implementation of a bicycle lane, Bus Rapid Transit project, or  
5 other large infrastructure project.

6 **Private Transportation Program.** A framework or program developed by the SFMTA to  
7 regulate or manage any transportation-related service provided by a private or for-profit entity to  
8 customers, except for taxis or paratransit service, including SFMTA’s entering into a contract, issuing  
9 a permit, adopting new legislation or amending existing legislation, or approving a request by the City  
10 Traffic Engineer or Director of Transportation.

11 **Proximity to Final SFMTA Decision.** A 500-foot radius of the subject matter to the  
12 Final SFMTA Decision; provided, that if the subject of review involves curb parking or stopping, the  
13 location for purposes of calculating the radius shall be determined as the fixed point at the center of the  
14 length of curb set forth in the Final SFMTA Decision.

15 **(b) Request for Review.**

16 (1) A Final SFMTA Decision may be reviewed by the Board of Supervisors as set  
17 forth in this Section 10.1.

18 (2) Within 30 days from the date that a Final SFMTA Decision is made by the  
19 SFMTA Board of Directors or is made in writing by the City Traffic Engineer or the Director of  
20 Transportation pursuant to Section 203 of this Code, a Request for Review may be submitted to the  
21 Board of Supervisors, on a form provided by the Clerk, indicating the Final SFMTA Decision for which  
22 review is being requested and the specific basis for requesting review. The request shall include a copy  
23 of the Final SFMTA Decision, or sufficiently describe the action taken by the SFMTA, and provide the  
24 date of the Final SFMTA Decision.

25 (3) A Request for Review may only be filed as follows:

1                    (A) By a City resident or owner of real property or of a business located in  
2 the City which is signed by 50 other City residents, owners of real property, or owners of businesses  
3 located within Proximity to the Final SFMTA Decision, on a form provided by the Clerk. Adequate  
4 proof of residency or real property or business ownership shall be submitted with the petition as  
5 required by the Clerk, and accompanied by a filing fee in the amount of \$597 payable to the Clerk of  
6 the Board of Supervisors; or

7                    (B) By a member of the public, with the concurrence of four members of the  
8 Board of Supervisors, on a form provided by the Clerk requesting the Clerk to schedule a hearing  
9 before the Board of Supervisors.

10                    **(c) Scheduling of Review Hearing.**

11                    (1) Within three business days after receiving a Request for Review, and prior to  
12 scheduling a review hearing, the Clerk shall determine whether the requirements set forth in subsection  
13 (b) have been met. If the prerequisites for hearing required by subsection (b) are not timely fulfilled,  
14 the Final SFMTA Decision shall stand and any filing fee paid shall be returned to the requester. If the  
15 prerequisites are fulfilled, the Clerk shall set a time and place for a review hearing not less than 15  
16 days after the filing of the Request for Review. The Clerk shall send a copy of the Request for Review,  
17 including supporting documents, and notice of the review hearing, to the SFMTA.

18                    (2) The SFMTA shall (A) prior to the review hearing, submit an explanation of the  
19 criteria guiding the Final SFMTA Decision and the basis for that decision, and/or (B) at the review  
20 hearing, make a presentation regarding the basis for the Final SFMTA Decision. While a review  
21 request is pending before the Board of Supervisors, the SFMTA shall not implement any action that is  
22 the subject of the Request for Review.

23                    **(d) Notice of Review Hearing.** Notice of the review hearing shall be posted in the Clerk's  
24 Office and mailed to any person who filed a Request for Review. If more than one Request for Review  
25 is filed with the Clerk regarding the same Final SFMTA Decision, the Clerk shall consolidate all

1 requests so that only one hearing is held, provided that the period of not less than 15 days for the Clerk  
2 to schedule a review hearing shall be triggered by the earliest filed Request for Review.

3 (e) **Decision After Review Hearing.** After the review hearing, the Board of Supervisors  
4 may, by motion, affirm or reverse the Final SFMTA Decision. Any decision to reverse the Final  
5 SFMTA Decision shall include written findings setting forth the basis for the reversal and shall be  
6 binding on the SFMTA for a two-year period but shall not preclude the SFMTA from issuing a Final  
7 SFMTA Decision that modifies the original Final SFMTA Decision, provided that the modified Final  
8 SFMTA Decision shall be subject to further review by the Board of Supervisors as set forth in this  
9 Section 10.1.

10 (f) **Status of Final SFMTA Decision.** If the Board of Supervisors fails to approve or  
11 reverse the Final SFMTA Decision within 60 days of the date of the filing of the Request for Review, the  
12 Final SFMTA Decision shall be deemed approved.

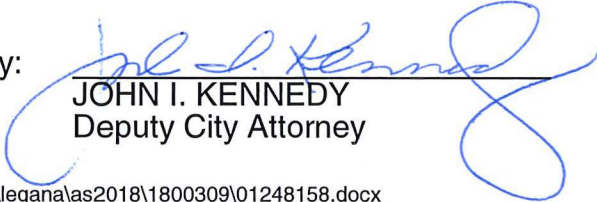
13 (g) **CEQA.** Nothing in this Section 10.1 shall be construed as providing an alternative  
14 procedure for appealing an environmental review determination under either the California  
15 Environmental Quality Act ("CEQA") or the National Environmental Policy Act ("NEPA").

16  
17 Section 2. Effective Date. This ordinance shall become effective 30 days after  
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
20 of Supervisors overrides the Mayor's veto of the ordinance.

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

By:



JOHN I. KENNEDY  
Deputy City Attorney

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## LEGISLATIVE DIGEST

[Establishing a Procedure for Board of Supervisors Review of SFMTA Decisions.]

**Ordinance amending Division I of the San Francisco Transportation Code to establish a procedure for Board of Supervisors review of Final SFMTA Decisions.**

### Existing Law

Notwithstanding the SFMTA's exclusive authority to adopt various parking and traffic regulations, Charter section 8A.102(b)(8) permits the Board of Supervisors to establish procedures by which the public may seek Board of Supervisors review of certain SFMTA decisions; however, the Board of Supervisors have not yet adopt procedures to provide for such review.

### Amendments to Current Law

This ordinance amends Division I of the San Francisco Transportation Code to establish procedures for review of certain SFMTA decisions by the Board of Supervisors. The ordinance: (1) creates definitions for "Final SFMTA Decision," "Private Transportation Program," and "Proximity to Final SFMTA Decision"; (2) establishes a procedure for the public to request review of a Final SFMTA Decision by the Board of Supervisors; (3) requires that notice of the review hearing be posted in the Clerk's Office; and (4) provides a procedure for the Board of Superiors to affirm or reverse a Final SFMTA Decision following the review hearing.

### Background Information

Supervisors Safai and Peskin requested legislation to establish a procedure for Board of Supervisors review of certain SFMTA decisions.

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