

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 25, 2019

File No. 190948

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 17, 2019, Supervisor Stefani submitted the proposed legislation:

File No. 190948

Ordinance amending Division I of the Transportation Code to adopt rules and regulations for vehicular access and congestion management for Lombard Street between Leavenworth and Hyde Streets including a reservation and pricing pilot program and associated fee; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Transportation Code - Lombard Street Reservation and Pricing Pilot Program]

2
3 **Ordinance amending Division I of the Transportation Code to adopt rules and**
4 **regulations for vehicular access and congestion management for Lombard Street**
5 **between Leavenworth and Hyde Streets including a reservation and pricing pilot**
6 **program and associated fee; and affirming the Planning Department's determination**
7 **under the California Environmental Quality Act.**

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

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

16 Section 1. The Planning Department has determined that the actions contemplated in
17 this ordinance comply with the California Environmental Quality Act (California Public
18 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
19 Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board
20 affirms this determination.

21 Section 2. Division 1 of the Transportation Code is hereby amended by adding Article
22 11, consisting of Sections 11.1 through 11.5, to read as follows:

23 **ARTICLE 11: LOMBARD CROOKED STREET RESERVATION AND PRICING PILOT**

24 **PROGRAM**

25 **SEC. 11.1. ESTABLISHMENT OF PILOT PROGRAM.**

1 The Crooked Street Pilot Program (the “Pilot Program”), applicable to the 1000 block of
2 Lombard Street between Leavenworth and Hyde Streets (the “Crooked Street”), is established pursuant
3 to Article 3.5 of Chapter 1 of Division 11 of the California Vehicle Code.

4 **SEC. 11.2. FINDINGS (RESERVED).**

5 **SEC. 11.3. PROGRAM ADMINISTRATOR.**

6 The San Francisco County Transportation Authority (the “Transportation Authority”) is
7 designated as the Program Administrator for the Pilot Program.

8 (a) The powers and duties of the Program Administrator include:

9 (1) the authority to administer and implement the Pilot Program. To that end, the
10 Transportation Authority shall adopt an annual budget for the Pilot Program which, based on
11 program costs and revenues, will set reservation fees that are projected to recover the costs of
12 administering and implementing the program, which includes but is not limited to the collection of
13 reservation fees. Each annual budget shall carry over from one year to the next any excess fee revenue
14 and also consider the cost and revenue experience of the prior year in setting reservation fees for the
15 upcoming year to ensure that over time these fees recover no more than the actual costs of
16 administering and implementing the program;

17 (2) the collection and use of revenues generated from the program to build, operate,
18 maintain, finance, and administer the program;

19 (3) the regular monitoring and reporting to the Board of Supervisors, if requested, and
20 the Legislature as required by state law;

21 (4) all the powers incidental to exercising the foregoing powers and fulfilling the
22 foregoing duties, including but not limited to overseeing the delivery of capital improvements,
23 maintenance, and traffic and program enforcement in compliance with state and City law;

1 (5) evaluating the feasibility of an accessibility program to provide vehicular access to
2 the Crooked Street for the elderly, persons with physical limitations, or low- or limited-income
3 individuals who cannot afford the reservation fee;

4 (6) monitoring the performance of the pilot program regarding congestion reduction
5 and program revenue goals listed in Section 11.4, subsection (a); and

6 (7) holding public meetings six months and one year after the beginning of the Pilot
7 Program for the purpose of soliciting public input regarding the effectiveness of the Pilot Program.

8 (b) The Board of Supervisors' establishment of the Pilot Program under Section 11.1 and
9 designation of the Program Administrator under this Section 11.3 are subject to the approval by the
10 San Francisco Municipal Transportation Agency (the "SFMTA") Board of Directors prior to
11 implementation by the Program Administrator of any of the powers and duties set forth in subsection
12 (a) of this Section.

13 (c) The Program Administrator shall consult with the SFMTA in developing the Pilot Program,
14 and provide a report to the Transportation Authority Board of these efforts prior to implementation of
15 that Pilot Program.

16 **SEC. 11.4. PROGRAM GOALS, OBJECTIVES, AND REQUIREMENTS.**

17 (a) The Pilot Program shall prioritize the following congestion reduction objectives and goals:

18 (1) significantly reducing congestion on streets near the Crooked Street

19 (2) reducing the length of the queue of vehicles seeking to travel down the Crooked
20 Street one block or less; and

21 (3) ensuring that Pilot Program revenues are sufficient to implement the reservation and
22 pricing system and to support traffic management activities in the area of the Pilot Program.

23 (b) The Pilot Program will include a process for public involvement and consultation, which at
24 minimum will include the Program Administrator holding public meetings six months and one year
25

1 after the beginning of the Pilot Program for the purpose of soliciting public input regarding the
2 effectiveness of the Pilot Program.

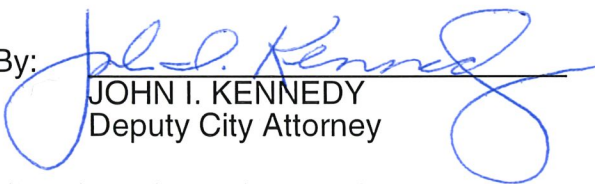
3 (c) The Pilot Program will include performance monitoring, performed by the Program
4 Administrator, including monitoring the vehicle queue length of people waiting to drive down the
5 Crooked Street.

6 **SEC. 11.5. SUNSET DATE.**

7 This Article 11 shall expire by operation of law on April 1, 2027. Upon expiration of this
8 Article, the City Attorney shall cause it to be removed from the Transportation Code.

9 Section 3. Effective Date. This ordinance shall become effective 30 days after
10 enactment, or January 1, 2020, whichever is later. Enactment occurs when the Mayor signs
11 the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance
12 within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the
13 ordinance.

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

17 By: 
18 JOHN I. KENNEDY
19 Deputy City Attorney

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LEGISLATIVE DIGEST

[Transportation Code - Lombard Street Reservation and Pricing Pilot Program]

Ordinance amending Division I of the Transportation Code to adopt rules and regulations for vehicular access and congestion management for Lombard Street between Leavenworth and Hyde Streets including a reservation and pricing pilot program and associated fee; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

State law currently does not authorize the City to operate a reservation and pricing program for Lombard Street between Leavenworth and Hyde Streets.

Amendments to Current Law

This ordinance would amend the Transportation Code to adopt rules and regulations for vehicular access and congestion management for Lombard Street between Leavenworth and Hyde Streets including a reservation and pricing pilot program and associated fee. The San Francisco County Transportation Authority would be designated as the Program Administrator for the pilot program. The powers and duties of the Program Administrator include, but are not limited to: (1) administering and implementing the pilot program; (2) collecting and using revenues generated from the program to build, operate, maintain, finance, and administer the program; and (3) regular monitoring and reporting to the Board of Supervisors, if requested, and the State Legislature as required by state law. The ordinance requires that the SFMTA approve the designation of the Program Administrator prior to implementation, and that the Program Administrator consult with the SFMTA in developing the pilot program. The pilot program must prioritize the congestion reduction objectives and goals listed in the ordinance, and include a process for public involvement and consultation. The ordinance expires by operation of law on April 1, 2027, and provides for an effective date 30 days after enactment, or January 1, 2020, whichever is later.

Background Information

AB 1605, sponsored by Assembly members Ting and Bloom, was approved by the State Legislature and, if signed by Governor Newsom, goes into effect on January 1, 2020. The state legislation authorizes the San Francisco Board of Supervisors, by ordinance, to conduct a reservation and pricing pilot program for vehicles that use Lombard Street between Leavenworth and Hyde Streets. Before the Board of Supervisors can adopt such an

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ordinance, certain findings and at least two public outreach meetings or hearings must be held.

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