

1 [Board Response - Civil Grand Jury Report - Better MUNI Service Needed, Without
2 Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2011-2012 Civil Grand Jury report entitled**
5 **"Better MUNI Service Needed, Without Switchbacks: An Investigation into the San**
6 **Francisco Municipal Transportation Agency" and urging the Mayor to cause the**
7 **implementation of accepted findings and recommendations through his/her**
8 **department heads and through the development of the annual budget.**

9
10 WHEREAS, Under California Penal Code Section 933 et seq., the Board of
11 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
12 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

13 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or
14 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
15 county agency or a department headed by an elected officer, the agency or department head
16 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
17 response of the Board of Supervisors shall address only budgetary or personnel matters over
18 which it has some decision making authority; and

19 WHEREAS, The 2011-2012 Civil Grand Jury Report entitled "Better MUNI Service
20 Needed, Without Switchbacks: An Investigation into the San Francisco Municipal
21 Transportation Agency" is on file with the Clerk of the Board of Supervisors in File No.
22 120842, which is hereby declared to be a part of this resolution as if set forth fully herein; and

23 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
24 to Finding Nos. 1, 2, 3, 4, 6, 7, 8, and 9 as well as Recommendations 1, 2, 3, and 5 contained
25 in the subject Civil Grand Jury report; and

1 WHEREAS, Finding No. 1 states: “Muni switchbacks violate the spirit of the San
2 Francisco Charter;” and

3 WHEREAS, Finding No. 2 states: “Muni management has expressed very little interest
4 in finding alternatives to switchbacks;” and

5 WHEREAS, Finding No. 3 states: “There is not statistical or other evidence that
6 switchbacks alleviate delays or improve scheduling;” and

7 WHEREAS, Finding No. 4 states: “Muni officials show a callous disregard for the
8 welfare of riders overall in their use of switchbacks;” and

9 WHEREAS, Finding No. 6 states: “Other comparable transit systems refuse to subject
10 passengers to switchbacks for any reasons other than equipment breakdowns, accidents, or
11 unavoidable emergencies;” and

12 WHEREAS, Finding No. 7 states: “Muni has failed to fully implement basic
13 technological improvements in the system;” and

14 WHEREAS, Finding No. 8 states: “Muni's newest and most advanced control centers
15 lack adequate operating personnel and cannot communicate directly with Muni drivers;” and

16 WHEREAS, Finding No. 9 states: “Muni has failed to conduct and publish monthly rider
17 surveys as recommended in the FY 2008 and 2010 quality review;” and

18 WHEREAS, the Recommendation No. 1 states: " Eliminate switchbacks except for
19 equipment breakdowns, accidents, or unavoidable emergencies;” and

20 WHEREAS, the Recommendation No. 2 states: " Contact and learn from comparable
21 transit systems that do not resort to switchbacks as a regular solution to their problems;” and

22 WHEREAS, the Recommendation No. 3 states: " The Controller audit Muni funds to
23 determine if there are additional resources that may be available to rectify delays and
24 scheduling problems;” and

25

1 WHEREAS, the Recommendation No. 5 states: " Conduct and publish monthly rider
2 satisfaction surveys in accordance with the FY 2008 and 2010 quality review
3 recommendations;" and

4 WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of
5 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
6 Court on Finding Nos. 1, 2, 3, 4, 6, 7, 8, and 9 as well as Recommendations 1, 2, 3, and 5
7 contained in the subject Civil Grand Jury report; now, therefore, be it

8 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
9 Superior Court that it partially disagrees with Finding 1 for reasons as follows: The goal of
10 being reliable, timely, and frequent can cut both ways, the Board wants the majority of people
11 to have reliable service, but the Board acknowledges the frustration involved when riders are
12 subjected to switchbacks; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
14 Finding 2 for reasons as follows: The Board understands that switchbacks are not something
15 that Muni wants to do, but that it is a tool in Muni's arsenal, and Muni understands that there is
16 pushback on switchbacks from riders; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
18 Finding 3; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
20 Finding 4 for reasons as follows: The Board finds that "callous disregard" is inflammatory
21 language, the use of which the Board does do not agree with; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors reports that it partially
23 disagrees with Finding 6 for reasons as follows: While the Civil Grand Jury found a number of
24 jurisdictions that do not use switchbacks, Muni provided a list of jurisdictions that do use
25 switchbacks; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors reports that it partially
2 disagrees with Finding 7 for reasons as follows: Muni has worked hard to do this, but Muni,
3 like many City departments, is fiscally constrained; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
5 Finding 8; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
7 Finding 9; and, be it

8 FURTHER RESOLVED, That the Board of Supervisors reports that it will not
9 implement Recommendation 1 for reasons as follows: It falls outside of the Board's purview;
10 and, be it

11 FURTHER RESOLVED, That the Board of Supervisors reports that it will implement
12 Recommendation 2 for reasons as follows: Muni will implement this in the future and the
13 Controller's Office is engaged in a multi-year effort with Muni to improve Muni services;
14 including the reconstitution of the Transportation Effectiveness Project (TEP); and, be it

15 FURTHER RESOLVED, That the Board of Supervisors reports that it has implemented
16 Recommendation 3; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors reports that it will not
18 implement Recommendation 5 for reasons as follows: It falls outside of the Board's purview;
19 and, be it

20 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
21 implementation of accepted findings and the recommendation through his/her department
22 heads and through the development of the annual budget.

23
24
25