

1 [Approving Submission of Sales Tax to Support Caltrain Service - November 3, 2020,
2 Election]

3 **Resolution approving the Peninsula Corridor Joint Powers Board’s placement of a**
4 **three-county measure to impose a one-eighth of one percent (0.125%) retail**
5 **transactions and use tax to be used for operating and capital purposes of the Caltrain**
6 **rail service at an election to be held on November 3, 2020; rescinding and replacing**
7 **Resolution No. 334-20, which conditionally approved submission of the same measure;**
8 **and affirming the San Francisco Municipal Transportation Agency’s determination**
9 **under the California Environmental Quality Act.**

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11 WHEREAS, The Peninsula Corridor Joint Powers Board (JPB) is a joint exercise of
12 powers authority duly formed pursuant to the October 3, 1996 joint powers agreement
13 between the City and County of San Francisco (CCSF), the San Mateo County Transit District
14 (SMCTD), and the Santa Clara Valley Transportation Authority (VTA) (together, the "Member
15 Agencies"); and

16 WHEREAS, The JPB operates the Caltrain passenger rail service between San
17 Francisco, California and Gilroy, California, currently serving 32 stations along the 77-mile
18 corridor; and

19 WHEREAS, Since its inception, the JPB has had no dedicated source of funding other
20 than passenger fares and, instead, relies on contributions from its Member Agencies to fill
21 minimum financial requirements in its operating and capital budgets under two different
22 funding formulas; and

23 WHEREAS, For capital costs, each of the Member Agencies (a) contributes an equal
24 amount of capital funding each year and (b) supplements operating funding based on the
25 percentage of system ridership originating in each County; and

1 WHEREAS, The levels of both capital and operating funding are determined by the
2 funding capacity of the Member Agency with the least ability to provide its share of funding in
3 any given year, and the amount that Member Agency can make available then becomes the
4 standard against which the contributions of the other Member Agencies are calculated; and

5 WHEREAS, This approach fosters an uncertain financial and planning environment for
6 the JPB, which is exacerbated by continually-escalating operating, maintenance and repair
7 costs, thereby keeping the JPB from operating at service levels that meet the rising passenger
8 demands for Caltrain service; and

9 WHEREAS, Caltrain, the seventh largest commuter rail service in the nation, operates
10 the most efficient such service based on costs per passenger mile, and has the highest
11 farebox recovery rate of all the commuter rail services nationwide at 70%, which reflects the
12 proportion of operating costs funded by passenger fares; and

13 WHEREAS, The JPB is facing significant and ever-increasing structural funding
14 shortfalls, which impact its ability to meet its operational needs, address its state of good
15 repair requirements and undertake necessary capital improvements to sustain the Caltrain
16 service; and

17 WHEREAS, The JPB has embarked upon a project to electrify its right of way between
18 San Francisco and San Jose, which will transform the Caltrain service into a more
19 environmentally sustainable, quiet and nimble operation commencing in 2022; and

20 WHEREAS, Although the electrified Caltrain service will eliminate the costs of diesel
21 fuel, Caltrain will confront new system and technological costs for operation and maintenance
22 of the electrified system, the electrical multiple unit rail cars, and the positive train control
23 system; and

24 WHEREAS, To provide a means to address the JPB's financial challenges, in 2017 the
25 Governor signed Senate Bill No. 797, introduced by Senator Jerry Hill, authorizing the JPB to

1 implement a new retail transactions and use tax of up to 0.125 percent in the three Counties
2 served by Caltrain if (i) the Board of Directors of the JPB adopts a resolution submitting the
3 measure to the voters, (ii) the measure is approved by the Boards of Supervisors in the
4 Counties of Santa Clara, San Mateo and San Francisco, (iii) the measure is approved by a
5 majority vote of the governing boards of the San Francisco Municipal Transportation Agency
6 (SFMTA), the SMCTD, and VTA, and (iv) the tax is adopted by a two-thirds vote of the three
7 Counties' voters; and

8 WHEREAS, The revenues derived from the one-eighth cent sales tax will provide a
9 dedicated funding source to support the operational and capital cost of the service; and

10 WHEREAS, More specifically, the tax revenues from this measure will be prioritized:

- 11 • To support the operation of Caltrain service levels throughout the corridor from San
12 Francisco to Gilroy, including, but not limited to, expanded service and increased
13 capacity realized through the operation of an electrified system; the required
14 support includes the maintenance of equipment, infrastructure and systems
15 necessary to sustain and expand the service;
- 16 • To support the infrastructure, rolling stock, and capital projects necessary to
17 advance the expansion of the Caltrain peak hour service from six trains per hour
18 per direction to eight trains per hour per direction, as well as the expansion of the
19 Gilroy service to a minimum of five morning and five afternoon trains;
- 20 • To develop and implement programs to expand access to the Caltrain service and
21 facilitate use of the system by passengers of all income levels, including
22 establishing an affordability program with consideration of discounted passes and/or
23 additional means-based fare discounts informed by Caltrain's Means Based Fare
24 Pilot Program; and

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1 WHEREAS, Revenues will also be available to help leverage other local, regional, state
2 and federal investments to advance capital projects necessary to implement the Caltrain
3 Business Plan’s 2040 Service Vision, adopted by the Peninsula Corridor Joint Powers Board
4 on October 3, 2019; these projects include, but are not limited to: the San Francisco
5 Downtown Extension project including the Pennsylvania Avenue alignment, the extension of
6 electrified train service to Gilroy, and grade separations throughout the corridor; and

7 WHEREAS, On March 10, 2020, the SFMTA, under authority delegated by the
8 Planning Department, determined that the approval of the JPB’s placement of a tax on the
9 ballot is not a “project” under the California Environmental Quality Act (CEQA) pursuant Title
10 14 of the California Code of Regulations, Sections 15060(c) and 15378(b); and

11 WHEREAS, A copy of the CEQA determination is on file with the Clerk of the Board of
12 Supervisors in File No. 200881, and is incorporated herein by reference; and

13 WHEREAS, This tax measure is a district measure governed by the California
14 Elections Code, Division 9, Chapter 4, Section 9300, et seq.; and

15 WHEREAS, Under California Elections Code, Section 9313, the Santa Clara County
16 Counsel’s Office shall prepare the impartial analysis of this tax measure for inclusion in San
17 Francisco’s Voter Information Pamphlet, shall make the impartial analysis available for public
18 review for ten days, and shall submit the impartial analysis and available translations of that
19 impartial analysis to the San Francisco Department of Elections; and

20 WHEREAS, The San Mateo County Registrar of Voters shall serve as the district
21 elections official for this tax measure, shall make the tax measure’s legal text and arguments
22 available for public examination for ten days, and shall submit the final materials to the San
23 Francisco Department of Elections; and

24 WHEREAS, As required by California Revenue and Taxation Code section 7286.65
25 (b), this Resolution evidences the San Francisco Board of Supervisors’ approval for the JPB

1 to place a sales tax measure before the voters of the three Counties to provide the JPB with a
2 steady stream of funding to support the annual operating, maintenance and capital needs of
3 an electrified Caltrain service with increased frequency and capacity, which in turn will reduce
4 traffic congestion and air pollution in the three Counties; and

5 WHEREAS, On August 6, 2020, the JPB adopted two resolutions including a) a
6 Rules/ByLaws Resolution setting out JPB commitments for processes and timelines related to
7 resolving the governance issues at Caltrain, and 2) a ballot measure, providing for the
8 imposition of a one eighth of one percent (0.125%) retail transactions and use tax for a period
9 of thirty (30) years, throughout the three Counties, to fund operating and capital expenses of
10 the Caltrain rail service, and to support the operating and capital needs required to implement
11 the Service Vision adopted by the JPB on October 3, 2019 as part of the Caltrain Business
12 Plan; and

13 WHEREAS, At its meeting on July 28, 2020, the Board of Supervisors approved
14 Resolution No. 334-20 conditionally approving submission of the tax measure subject to
15 specified conditions, and the Mayor approved that resolution on July 30, 2020; now, therefore,
16 be it

17 RESOLVED, That the San Francisco Board of Supervisors approves placement by the
18 Peninsula Corridor Joint Powers Board of a measure on the November 3, 2020 ballot in Santa
19 Clara, San Mateo and San Francisco Counties to authorize the JPB to impose a one-eighth of
20 one percent (0.125%) retail transactions and use tax for a period of thirty (30) years,
21 throughout the three Counties, to fund operating and capital expenses of the Caltrain rail
22 service, and support the operating and capital needs required to implement the Service Vision
23 adopted by the Peninsula Corridor Joint Powers Board on October 3, 2019 as part of the
24 Caltrain Business Plan; and, be it

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1 FURTHER RESOLVED, That this Resolution rescinds and replaces Resolution No.
2 334-20, which conditionally approved submission of the tax measure.
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