

1 [Establishing a Procedure for Board of Supervisors Review of Specified SFMTA Decisions.]
2 **Ordinance amending Division I of the San Francisco Transportation Code to establish a**
3 **procedure for Board of Supervisors review of specified SFMTA decisions.**

4 Note: Additions are *single-underline italics Times New Roman*;
5 deletions are ~~*strikethrough italics Times New Roman*~~.
6 Board amendment additions are double underlined.
7 Board amendment deletions are ~~strikethrough normal~~.

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

9 Section 1. Division I of the San Francisco Transportation Code is hereby amended by
10 adding Article 12, to read as follows:

11 **ARTICLE 12: BOARD OF SUPERVISORS REVIEW PROCEDURES**

12 **Sec. 12.1. REVIEW OF MUNICIPAL TRANSPORTATION AGENCY DECISIONS.**

13 (a) Within fifteen (15) business days after a Final SFMTA Decision to install, not
14 install, or remove a stop sign or bicycle lane, to limit parking to a short-term duration (e.g.,
15 under two hours), to designate a blue zone or other parking space for disabled persons, to
16 create or eliminate a residential parking permit area, or to create a Parking Meter Zone is
17 posted on the SFMTA website, any person who is a City resident or who is the owner of real
18 property or a business located in the City may submit a Request for Review, on a form
19 provided by the Clerk, specifying the grounds for review of the Final SFMTA Decision. The
20 Request for Review shall be accompanied by a filing fee of \$100 payable to the Clerk of the
21 Board of Supervisors.

22 (b) Notwithstanding the filing of a Request for Review, the Final SFMTA Decision
23 shall be deemed approved fifteen business days later unless:

24 (1) A member of the Board of Supervisors requests the Clerk to schedule a hearing
25 before the full Board of Supervisors; or

1 (2) A City resident or owner of real property or business located in the City submits
2 a petition, on a form provided by the Clerk, signed by the required number of City residents, or
3 owners of real property, or owners of businesses located in the City, as specified below, to the
4 Clerk within fifteen business days after submission of a Request for Review. Adequate proof
5 of residency or real property or business ownership shall be submitted with the petition as
6 required by the Clerk. The required number of petition signatures shall be as follows:

- 7 (i) Stop Signs – Twenty-five adults;
- 8 (ii) Bicycle Lanes -- Two hundred and fifty adults;
- 9 (iii) Parking for a Short-Term Duration – Fifty adults;
- 10 (iv) Blue Zones or Other Disabled Parking Spaces – Twenty-five adults;
- 11 (v) Residential Parking Permit Areas – One hundred adults; and
- 12 (vi) Parking Meter Zones – Fifty adults.

13 (c) The Clerk shall determine whether the requirements set forth in subsection (b)
14 have been met prior to scheduling a review hearing. If neither of the prerequisites for hearing
15 required by subsection (b) are timely fulfilled, the Final SFMTA Decision shall stand and the
16 filing fee shall be returned to the requester. If one of the prerequisites is fulfilled, the Clerk
17 shall set a time and place for a review hearing within thirty days. The Clerk shall send a copy
18 of the Request for Review, notice of the review hearing, and any supporting documents to the
19 SFMTA. The SFMTA shall either (1) submit an explanation of the criteria guiding the Final
20 SFMTA Decision and the basis for its decision prior to the review hearing, or (2) make a
21 presentation at the review hearing regarding the basis for the Final SFMTA Decision. While a
22 review request is pending before the Board of Supervisors, the SFMTA shall not implement
23 any action that is the subject of the review request.

1 (d) Notice of the review hearing shall be posted in the Clerk's Office and mailed to
2 any person who filed a Request for Review. If more than one Request for Review is filed with
3 the Clerk, the Clerk shall consolidate all such requests so that only one hearing is held.

4 (e) After the review hearing, the Board of Supervisors may, by motion, affirm or
5 reverse the Final MTA Decision based on the same criteria for decision set forth in Division II.
6 Any Board of Supervisors decision to reverse the SFMTA shall be binding on the SFMTA for a
7 one-year period but shall not preclude the SFMTA from taking action on a proposal that
8 substantially modifies the original Final MTA Decision.

9 (f) If the Board of Supervisors fails to approve or reverse the Final MTA Decision within
10 sixty days of the date of the filing of the Request for Review, the Final MTA Decision shall
11 stand.

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

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

By: _____
JOHN I. KENNEDY
Deputy City Attorney