

FILE NO. 140335

Petitions and Communications received from March 31, 2014, through April 7, 2014, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on April 15, 2014.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From concerned citizens, regarding seismic evaluation of private schools. File No. 140120. 62 letters. Copy: Each Supervisor. (1)

From Will Lee, regarding Sharp Park. File No. 140174. Copy: Each Supervisor. (2)

From Arlene Helfand and Leon Blum, regarding 1410 Stanyan Street Encroachment. File No. 140148. Copy: Each Supervisor. (3)

From Charles Grisham, regarding PG&E jobsites. Copy: Each Supervisor. (4)

From concerned citizens, regarding electronic cigarettes. File No. 131208. 4 Letters. (5)

From Diana Scott, regarding Rules Committee recommendation of Ronald Gerhard for Treasury Oversight Committee. File No. 140227. Copy: Each Supervisor. (6)

From Yulanda Williams, regarding reappointment of Angela Chan to the Police Commission. Copy: Each Supervisor. (7)

From Richard Hack, regarding smaller writing on street signs. Copy: Each Supervisor. (8)

From Margo Bradish, submitting response to appeal letter. File No. 140255. Copy: Each Supervisor, Clerk of the Board, City Attorney. (9)

From California Secretary of State, submitting copies of the California Voter Information Guide for June 3, 2014. (10)

From Office of Civic Engagement & Immigrant Affairs, submitting memo on the certification of Filipino (Tagalog) under the Language Access Ordinance. (11)

From Mayor's Office on Economic and Work Development, submitting the Local Hiring Policy for Construction Annual Report for 2013-2014. Copy: Each Supervisor. (12)

From Clerk of the Board, submitting real property memo to City Administrator. (13)

From Youth Commission, submitting memo on Youth Commission application and appointment process for FY2014-2015. Copy: Each Supervisor. (14)

From Department on the Status of Women, submitting memo and resolution on gender equity and the Children's Amendment. Copy: Each Supervisor. (15)

From Budget & Legislative Analyst's Office, submitting report on impact of private shuttles. Copy: Each Supervisor. (16)

From Lozeau Drury LLP, regarding appeal of SFMTA Resolution No. 14-023. File No. 140143. Copy: Each Supervisor. (17)

From Office of Community Investment and Infrastructure, regarding Tentative Parcel Map Appeal of 738 Mission Street. File No. 140255. Copy: Each Supervisor. (18)

From concerned citizens, regarding commuter shuttle pilot program appeal. File No. 140143. 2 Letters. (19)

From Clerk of the Board, reporting the following individuals have submitted Form 700 Statements: (20)

- Peter Lauterborn - Legislative Aide - Annual
- Hillary Ronen - Legislative Aide - Annual
- Rachel Redondiez - Legislative Aide - Annual
- Nathan Albee - Legislative Aide - Annual
- April Veneracion - Legislative Aide - Annual
- Nickolas Pagoulatos - Legislative Aide - Annual
- Olivia Scanlon - Legislative Aide - Annual
- Jeremy Pollock - Legislative Aide - Annual
- Dyanna Quizon - Legislative Aide - Annual
- Adam Taylor - Legislative Aide - Annual
- Jeffrey Cretan - Legislative Aide - Annual
- Ashley Summers - Legislative Aide - Annual
- Sunny Angulo - Legislative Aide - Annual
- Victor Lim - Legislative Aide - Annual
- Catherine Rauschuber - Legislative Aide - Annual

File 140120

From: sheblinatasha@sbcglobal.net
Sent: Tuesday, April 01, 2014 7:28 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Natasha Massarweh
929 Taraval Street, Apt. 1
San Francisco, CA 94116-2422

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

Fully 30 percent of all San Francisco students attend private schools. Catholic schools disproportionately serve working class and inner-city families and are largely supported by local parishes, not the Archdiocese.

The proposed ordinance for seismic evaluation of private school buildings (file no. 140152), is being pushed too fast, and is problematic and punitive to private schools, as well as to the thousands of families with kids in San Francisco that they serve.

This ordinance needs to be revised to:

- Limit the study evaluation levels to the standard of life-safety;
- Limit the ordinance to school buildings;
- Encourage, rather than discourage, the seismic safety work by not triggering the catastrophic expense of unrelated code requirements.

This ordinance is being rushed for no reason, when instead it should be carefully crafted to limit its drastic impact on our schools, especially those that serve inner city students. Input from the private school community has been limited. We have a great deal of knowledge and expertise to contribute to this debate.

The working families and kids we serve are becoming an endangered species in San Francisco. So, please allow a diverse set of views to be part of process on this proposed ordinance so that affected communities in San Francisco can be heard

Please work with us to amend the legislation to incorporate the life-safety standard, limit the ordinance to school buildings, and grant relief from unrelated code requirements.

Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Natasha Massarweh

From: cmazer@att.net
Sent: Tuesday, April 01, 2014 8:43 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Catherine Mazer
55 Marin Ave.
Sausalito, CA 94965-1774

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Catherine Mazer
415-324-7008

Catholic Legislative Network, A Voice for Life & Dignity in California

From: alexshotkoski@gmail.com
Sent: Tuesday, April 01, 2014 9:18 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Alex Shotkoski
12205 Providence Place
Chino, CA 91710-2851

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

Alex Shotkoski
909-460-1628

From: upkerryupcork@yahoo.com
Sent: Tuesday, April 01, 2014 9:48 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

John Harrington
2529-18th Ave
San Francisco, CA 94116-3006

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Mr. & Mrs. John F. Harrington

From: jkamcpa@yahoo.com
Sent: Wednesday, April 02, 2014 9:03 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Janice Kam
5515 Anza Street
San Francisco, CA 94121-2430

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Janice Kam
4153108644

From: justineandrews@att.net
Sent: Wednesday, April 02, 2014 9:18 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Justine Andrews
1520 Sacramento st.
San Francisco, CA 94109-3867

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely, Justine Andrews

Justine Andrews

From: eng_david@hotmail.com
Sent: Wednesday, April 02, 2014 9:48 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

David Eng
229 Bay Ridge Dr
Daly City, CA 94014-1570

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

David Eng

From: faneball@gmail.com
Sent: Wednesday, April 02, 2014 9:48 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

GERARD FANE
25 morningside drive
san francisco, CA 94132-1236

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

Fully 30 percent of all San Francisco students attend private schools. Catholic schools disproportionately serve working class and inner-city families and are largely supported by local parishes, not the Archdiocese.

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Sincerely,

Gerard J. Fane

From: faneball@gmail.com
Sent: Wednesday, April 02, 2014 9:53 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Eamonn Fane
25 morningside drive
san francisco, CA 94132-1236

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Eamonn Fane

File 140120

From: janengland7@gmail.com
Sent: Wednesday, April 02, 2014 11:23 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Jan England
8020 Walerga road Unit 1021
Antelope, CA 95843-5761

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

Jan England
916-749-6719

Catholic Legislative Network, A Voice for Life & Dignity in California

From: mrgyorke@yahoo.com
Sent: Wednesday, April 02, 2014 11:53 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Mary Gyorke
334 24th Avenue Apt 2
San Francisco, CA 94121-2027

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

Fully 30 percent of all San Francisco students attend private schools. Catholic schools disproportionately serve working class and inner-city families and are largely supported by local parishes, not the Archdiocese.

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Mary R. Gyorke
916-600-7061

From: mmartinez@saicsf.org
Sent: Wednesday, April 02, 2014 11:58 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Miguel Martinez
299 Precita Avenue
San Francisco, CA 94110-4627

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Miguel Martinez
415-648-2008

From: vflaviani@holynamesf.com
Sent: Wednesday, April 02, 2014 12:58 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Victor Flaviani
846 33rd Avenue
San Francisco, CA 94121-3430

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Victor Flaviani
415.386.2722

From: clonga02@gmail.com
Sent: Wednesday, April 02, 2014 1:18 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Carlos Longa
127 Del Vale. Ave.
San Francisco, CA 94127-1834

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Carlos Longa
4155842038

From: wintmobile@aol.com
Sent: Wednesday, April 02, 2014 2:38 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Jerry Winters
224 Arguello Blvd
San Francisco, CA 94118-1407

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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- Limit the ordinance to school buildings, (not convents or parish halls, etc);;
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Sincerely,

Jerry Winters

From: rich2raul@yahoo.com
Sent: Wednesday, April 02, 2014 2:43 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Alexandrine Raul
1906 Great Highway
San Francisco, CA 94116-1053

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Alexandrine Raul

From: bobfoutssf@aol.com
Sent: Wednesday, April 02, 2014 3:33 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Robert Fouts
3224 Baker St.
San Francisco, CA, CA 94123-1807

April 2, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

Fully 30 percent of all San Francisco students attend private schools. Catholic schools disproportionately serve working class and inner-city families and are largely supported by local parishes, not the Archdiocese.

The proposed ordinance for seismic evaluation of private school buildings (file no. 140152), is being pushed too fast, and is problematic and punitive to private schools, as well as to the thousands of families with kids in San Francisco that they serve.

This ordinance needs to be revised to:

- Limit the study evaluation levels to the standard of life-safety;
- Limit the ordinance to school buildings;
- Encourage, rather than discourage, the seismic safety work by not triggering the catastrophic expense of unrelated code requirements.

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The working families and kids we serve are becoming an endangered species in San Francisco. So, please allow a diverse set of views to be part of process on this proposed ordinance so that affected communities in San Francisco can be heard

Please work with us to amend the legislation to incorporate the life-safety standard, limit the ordinance to school buildings, and grant relief from unrelated code requirements.

Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Robert O. Fouts
415-563-8388

File 140120

From: jilly_bean_400@hotmail.com
Sent: Wednesday, April 02, 2014 11:13 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Jill McCarden
1721 Chestnut St., Apt. 101
San Francisco, CA 94123-2943

April 3, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Jill McCarden
4156719100

Catholic Legislative Network, A Voice for Life & Dignity in California

From: irishden@prodigy.net
Sent: Thursday, April 03, 2014 8:13 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Margaret O'Donnell
2566 - 27th Ave.
San Francisco, CA 94116-2908

April 3, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Margaret O'Donnell
415 661-8945

From: irishden@prodigy.net
Sent: Thursday, April 03, 2014 8:18 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Dennis O'Donnell
2566 - 27th Ave.
San Francisco, CA 94116-2908

April 3, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Dennis O'Donnell
415-661-8945

Catholic Legislative Network, A Voice for Life & Dignity in California

Sedgwick_{LLP}

April 2, 2014

San Francisco Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

File 140120
Bos-U
Opague
2014 APR -4 PM 3:38
RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

Dear Board of Supervisors:

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Board of Supervisors
City and County of San Francisco
April 2, 2014
Page 2

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Thank you...for giving our religious, independent, and community schools a chance.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Paul Riehle".

Paul Riehle

File 140120

From: jamurphy@pacbell.net
Sent: Thursday, April 03, 2014 12:08 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Marjorie Murphy
2491 32nd Avenue
San Francisco, CA 94116-2238

April 3, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Marjorie Murphy

From: charleneyee@gmail.com
Sent: Thursday, April 03, 2014 12:18 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Charlene Yee
622 30th Avenue
San Francisco, CA 94121-2823

April 3, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Charlene
4152607386

Catholic Legislative Network, A Voice for Life & Dignity in California

From: leslieweber2524@comcast.net
Sent: Thursday, April 03, 2014 12:18 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Leslie Weber
225-12th Avenue
San Francisco, CA 94118-2103

April 3, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance.

Sincerely,

Leslie Weber

From: murphy95@sbcglobal.net
Sent: Thursday, April 03, 2014 8:28 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Elizabeth Murphy
2175 35th Avenue
San Francisco, CA 94116-1612

April 3, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Elizabeth Murphy

From: triciasf@hotmail.com
Sent: Thursday, April 03, 2014 9:08 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Tricia Lawrence
740 Rhode Island St.
San Francisco, CA 94107-2658

April 4, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

Tricia Lawrence

From: elviebp@yahoo.com
Sent: Thursday, April 03, 2014 11:33 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Elvie Bast
16 Huckleberry Court
Brisbane, CA 94005-1264

April 4, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Elvie Bast
415-467-5657

Catholic Legislative Network, A Voice for Life & Dignity in California

From: mrsnicolson@gmail.com
Sent: Friday, April 04, 2014 10:48 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Valerie Nicolson
2507 23rd Ave.
San Francisco, CA 94116-3033

April 4, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Valerie A. Nicolson
415-731-2807

Catholic Legislative Network, A Voice for Life & Dignity in California

From: suzannemarie@msjdominicans.org
Sent: Friday, April 04, 2014 11:03 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Suzanne Marie Prows
1212 Guerrero St.
San Francisco, CA 94110-3621

April 4, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Suzanne Marie Prows
510-589-6731

From: luna8sf@gmail.com
Sent: Friday, April 04, 2014 12:48 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Hernan Luna
520 Geary #207
San Francisco, CA 94102-1620

April 4, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Hernan A. Luna
415-567-3737

File 140120

Nevin, Peggy

From: pbelard25@yahoo.com
Sent: Friday, April 04, 2014 2:33 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Peter Belardinelli
52 Cervantes Boulevard
San Francisco, CA 94123-1606

April 4, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Peter Belardinelli
415-409-1963

Catholic Legislative Network, A Voice for Life & Dignity in California

From: jyp1@comcast.net
Sent: Saturday, April 05, 2014 2:33 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

June Park
289 29th ave
San Francisco, CA 94121-1003

April 5, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

June Park
415-668-5409

From: brianzarka@yahoo.com
Sent: Saturday, April 05, 2014 7:53 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Brian Zarka
1697 Rancho Drive
Ceres, CA 95307-4598

April 5, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Brian Zarka
2095382042

Catholic Legislative Network, A Voice for Life & Dignity in California

From: lupeu2004@yahoo.com
Sent: Sunday, April 06, 2014 11:53 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Guadalupe Umanzor
1358 Revere Ave.
San Francisco, CA 94124-3341

April 6, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Guadalupe Umanzor
415-333-1800

From: lupeu2004@yahoo.com
Sent: Sunday, April 06, 2014 11:58 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Bessy Umanzor
1358 Revere Ave
San Francisco, CA 94124-3341

April 6, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

Fully 30 percent of all San Francisco students attend private schools. Catholic schools disproportionately serve working class and inner-city families and are largely supported by local parishes, not the Archdiocese.

The proposed ordinance for seismic evaluation of private school buildings (file no. 140152), is being pushed too fast, and is problematic and punitive to private schools, as well as to the thousands of families with kids in San Francisco that they serve.

This ordinance needs to be revised to:

- Limit the study evaluation levels to the standard of life-safety;
- Limit the ordinance to school buildings;
- Encourage, rather than discourage, the seismic safety work by not triggering the catastrophic expense of unrelated code requirements.

This ordinance is being rushed for no reason, when instead it should be carefully crafted to limit its drastic impact on our schools, especially those that serve inner city students. Input from the private school community has been limited. We have a great deal of knowledge and expertise to contribute to this debate.

The working families and kids we serve are becoming an endangered species in San Francisco. So, please allow a diverse set of views to be part of process on this proposed ordinance so that affected communities in San Francisco can be heard

Please work with us to amend the legislation to incorporate the life-safety standard, limit the ordinance to school buildings, and grant relief from unrelated code requirements.

Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Bessy Umanzor
415-333-1800

From: bpistillo@mofo.com
Sent: Sunday, April 06, 2014 1:58 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Bernadino J. Pistillo, Jr.
425 Market St. Flr 32
San Francisco, CA 94105-2467

April 6, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Bernadino J. Pistillo, Jr.
4153703605

Catholic Legislative Network, A Voice for Life & Dignity in California

From: josephine.chew@gmail.com
Sent: Sunday, April 06, 2014 4:28 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

IiChoo Chew
2535 45th Avenue
san francisco, CA 94116-2644

April 6, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

IiChoo Chew
4156828870

From: sharanjot.saini@gmail.com
Sent: Sunday, April 06, 2014 5:33 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Sharanjot Saini
65 Poncetta drive
Daly City, CA 94015-1178

April 6, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Sharanjot Saini

From: tjbauer8546@att.net
Sent: Sunday, April 06, 2014 5:53 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Thomas Bauer
2201 Pacific Ave
San Francisco, CA 94115-1445

April 6, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Thomas Bauer
415-346-5568

From: leonel.nascimento7@gmail.com
Sent: Sunday, April 06, 2014 9:43 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Leonel Nascimento
2215 45th Avenue
San Francisco, CA 94116-1504

April 7, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Leonel Nascimento

From: tom@biritemarket.com
Sent: Monday, April 07, 2014 7:59 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Thomas McGuigan
1200 - 39th Avenue
San Francisco, CA 94122-1339

April 7, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

Thomas McGuigan
415-731-1866

From: jknietes@comcast.net
Sent: Monday, April 07, 2014 10:29 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Janice Nietes
370 Michelle Lane
Daly City, CA 94015-2886

April 7, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Janice Nietes

From: tom.leach@yahoo.com
Sent: Monday, April 07, 2014 11:14 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Tom Leach
1571 Funston Ave,
San Francisco, CA 94122-3530

April 7, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Tom Leach

File 140120

From: baltman@gmail.com
Sent: Tuesday, April 01, 2014 2:13 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Brian Altman
630 Lyon Street
San Francisco, CA 94117-1333

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

Fully 30 percent of all San Francisco students attend private schools. Catholic schools disproportionately serve working class and inner-city families and are largely supported by local parishes, not the Archdiocese.

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Brian Altman
9175547498

Catholic Legislative Network, A Voice for Life & Dignity in California

From: jmtornese@aol.com
Sent: Monday, March 31, 2014 5:52 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Judith Tornese
224 Argue
San Francisco, CA 94118-1407

March 31, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

Fully 30 percent of all San Francisco students attend private schools. Catholic schools disproportionately serve working class and inner-city families and are largely supported by local parishes, not the Archdiocese.

The proposed ordinance for seismic evaluation of private school buildings (file no. 140152), is being pushed too fast, and is problematic and punitive to private schools, as well as to the thousands of families with kids in San Francisco that they serve.

This ordinance needs to be revised to:

- Limit the study evaluation levels to the standard of life-safety;
- Limit the ordinance to school buildings only (not convents or parish halls, etc); - Encourage, rather than discourage, the seismic safety work by not triggering the catastrophic expense of other code requirements which are non-earthquake related.

This ordinance is being rushed for no reason, when instead it should be carefully crafted to limit its drastic impact on our schools, especially those that serve inner city students. Input from the private school community has been limited. We have a great deal of knowledge and expertise to contribute to this debate.

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Judith Tornese
415-668-7125

From: frdan@stbrendanparish.org
Sent: Monday, March 31, 2014 5:57 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Daniel Nascimento
29 Rockaway Avenue
San Francisco, CA 94127-1029

March 31, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Rev. Daniel Nascimento

From: aurenab1@yahoo.com
Sent: Monday, March 31, 2014 9:07 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Aurelia Nabor
1735 Oakdale ave
San Francisco, CA 94124-2326

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

Aurelia
4157562686

From: sfbuf@aol.com
Sent: Monday, March 31, 2014 9:52 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Connie Buford
1818 Broadway #304
San Francisco, CA 94109-2224

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Connie Buford

Catholic Legislative Network, A Voice for Life & Dignity in California

From: thaihoatran@gmail.com
Sent: Monday, March 31, 2014 10:22 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Thaihoa Tran
451 7th Ave #3
San Francisco, Ca, CA 94118-3072

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

Thaihoa Tran
415-831-4681

From: slope3@yahoo.com
Sent: Tuesday, April 01, 2014 7:02 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

silvia lopez
slope3@yahoo.com
san francisco, CA 94134

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

silvia lopez
4156990582

From: lcar28@yahoo.com
Sent: Tuesday, April 01, 2014 8:17 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Laura Cardarelli
PO Box 744
Clayton, CA 94517-0744

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Laura Cardarelli
415 420-2580

From: ctperez2000@yahoo.com
Sent: Tuesday, April 01, 2014 11:03 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Carol Perez
1174 Burrows St
San Francisco, CA 94134-1363

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Carol Perez

From: ctperez2000@yahoo.com
Sent: Tuesday, April 01, 2014 11:07 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Carol Perez
1174 Burrows St
San Francisco, CA 94134-1363

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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The proposed ordinance for seismic evaluation of private school buildings (file no. 140152), is being pushed too fast, and is problematic and punitive to private schools, as well as to the thousands of families with kids in San Francisco that they serve.

This ordinance needs to be revised to:

- Limit the study evaluation levels to the standard of life-safety;
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- Encourage, rather than discourage, the seismic safety work by not triggering the catastrophic expense of unrelated code requirements.

This ordinance is being rushed for no reason, when instead it should be carefully crafted to limit its drastic impact on our schools, especially those that serve inner city students. Input from the private school community has been limited. We have a great deal of knowledge and expertise to contribute to this debate.

The working families and kids we serve are becoming an endangered species in San Francisco. So, please allow a diverse set of views to be part of process on this proposed ordinance so that affected communities in San Francisco can be heard

Please work with us to amend the legislation to incorporate the life-safety standard, limit the ordinance to school buildings, and grant relief from unrelated code requirements.

Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Carol Perez

From: ctperez2000@yahoo.com
Sent: Tuesday, April 01, 2014 11:13 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Thomas Perez
1174 Burrows St.
San Francisco, CA 94134-1363

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

Dear City and County of San Francisco:

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Sincerely,

Thomas Perez

Catholic Legislative Network, A Voice for Life & Dignity in California

From: ankica74@comcast.net
Sent: Tuesday, April 01, 2014 11:48 AM
To: Board of Supervisors
Subject: Help Save Our Schools!

Ankica Radalj
2503 Cabrillo Street
San Francisco, CA 94121-3623

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Maurice & Ankica Radalj
4152980092

Catholic Legislative Network, A Voice for Life & Dignity in California

From: kelliemfoy@gmail.com
Sent: Tuesday, April 01, 2014 1:23 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Kellie Foy
1594 19th Ave.
San Francisco, CA 94122-3417

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Kellie Foy
415-661-6153

Catholic Legislative Network, A Voice for Life & Dignity in California

From: murrayassoc@aol.com
Sent: Tuesday, April 01, 2014 3:53 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Maryanne Murray
1488 36th Avenue
San Francisco, CA 94122-3122

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you for giving our religious, independent, and community schools a chance

Sincerely,

Maryanne Murray

Catholic Legislative Network, A Voice for Life & Dignity in California

From: fatima.94gon@gmail.com
Sent: Tuesday, April 01, 2014 4:18 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Fatima Gonzalez
216 Sawyer St.
San Francisco, CA 94134-2336

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Fatima Gonzalez
4153854293

Catholic Legislative Network, A Voice for Life & Dignity in California

From: socorrogomez1975@hotmail.com
Sent: Tuesday, April 01, 2014 4:23 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Socorro Gomez
216 Sawyer St.
San Francisco, CA 94134-2336

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Socorro Gomez
4153023336

Catholic Legislative Network, A Voice for Life & Dignity in California

From: oscargonzalez783@gmail.com
Sent: Tuesday, April 01, 2014 4:28 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Oscar Gonzalez Gomez
216 sawyer st
san francisco, CA 94134-2336

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Oscar Gonzalez Gomez
4152716475

Catholic Legislative Network, A Voice for Life & Dignity in California

From: mattyjoshelley@gmail.com
Sent: Tuesday, April 01, 2014 5:18 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Matt Shelley
533 5th Ave #1
San Francisco, CA 94118-3928

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Thank you...for giving our religious, independent, and community schools a chance

Sincerely,

Matt Shelley

Catholic Legislative Network, A Voice for Life & Dignity in California

From: patrolwing@yahoo.com
Sent: Tuesday, April 01, 2014 5:23 PM
To: Board of Supervisors
Subject: Help Save Our Schools!

Sue Gaylord
39 Eaton Ave.
Daly City, CA 94015-4617

April 1, 2014

City and County of San Francisco
1 Drive Carlton B. Goodlett Place
San Francisco, CA 94102-4603

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Sincerely,

Sue Gaylord
415 999-9999

Catholic Legislative Network, A Voice for Life & Dignity in California

140174

From: blcsfo [blcsfo@yahoo.com]
Sent: Thursday, April 03, 2014 5:58 PM
To: Board of Supervisors; Chiu, David (BOS); Mar, Eric (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)
Cc: Richard
Subject: Thank you for your support of Sharp Park Golf Course

Thanks to all of the Supervisors that voted to support Sharp Park. As a long time resident of San Francisco, and a voter, I shall remember that you supported Sharp Park.

To those Supervisors that supported the special interest group, I shall also remember you and will never vote for you, should you seek higher office in San Francisco or the State of California.

I'm sure that many others within the SF Golf Alliance will also remember which Supervisors supporter San Francisco golfers, and which did not.

Will Lee
District 1,

On Tuesday, March 25, 2014 2:12 PM, blcsfo <blcsfo@yahoo.com> wrote:
Will Lee 李华立
San Francisco District 1 Resident

March 25, 2014

Dear SF City Supervisors:

I urge you to support and Save Sharp Park Golf Course for San Franciscans to use. Please save Sharp Park Golf Course 为了旧金山人民，请保存Sharp Park高尔夫球场。

This is my third appearance in your chambers in the past 7 years. Once again, we continue to face roadblocks by special interest groups that seek to deprive us from playing golf at Sharp Park. If it's not an eccentric Neighborhood Parks, or Habitant for Humanity, or the Sierra Club, or As City Supervisors, I ask you, "Do you represent San Franciscans, or special political interest groups? "

Have any of you ever gone out there and taken a look at the golf course, and looked at how many of us go there and play? If you haven't gone to Sharp Park, please go and stay for a few hours to look at the diversity of the players.

People from all walks of life play at Sharp Park, young old, Asian, Black, White, Hispanic, etc.

The golf course was there well before frogs and garter snakes invaded the area. It's a historical landmark in such that Alister MacKenzie created and designed the golf course.

This is working mans' Pebble Beach golf course, and it should remain as a golf course for future generations of golf to use.

When Alister MacKenzie designed the golf course, he constructed an ocean wall to protect the golf course from the ocean salt water, there were neither frogs nor garter snakes there on the property. These frogs and snakes came long afterwards. So, the golf course precedes the small animals.

The fact that the frogs & snakes are there now, means that golfers have done nothing to prevent their continual survival in the wet marshlands. In all the years that I've play on the Sharp Park Golf Course, I've never even seen a frog, or a snake on the course. But, I've seen several foxes by the 15th Hole. And if I did see frogs or snakes, I'd respect their right to be there. We can co-exist together.

Environmental organizations including the Sierra Club, the Center for Biological Diversity and the Wild Equity Institute sued the city in March 2011, alleging course maintenance and golf carts were putting the animals in harm's way.

U.S. District Judge Susan Illston dismissed the case Thursday following a ruling by the U.S. Fish and Wildlife Service that determined that golf wouldn't jeopardize the endangered animals.

The city will be subject to mandatory restrictions on pesticides, golf cart use, water pumping and other practices to limit the impact on the frogs and snakes.

The city plans to reconfigure the park, including moving some holes, improving drainage and linking two ponds that serve as red-legged frog habitat.

1. 12 of the original Alister MacKenzie holes are still there.
2. Alister MacKenzie is the preeminent golf architect in history.
3. Sharp Park is a seaside links--a very rare golf course, similar to the courses in the home of golf, Scotland.
4. The golf course is central to the history of the Sharp Park District of Pacifica: that district got its name from the golf course.
5. The golf course is loved and well-used by the public course golfers of Pacifica, the North Peninsula, and San Francisco.
6. The 'Have's' are trying to take golf away from the common folk. Sharp Park is the poor man's / Working Man's Pebble Beach.

Therefore, I strongly urge to reject this latest obstruction and to move forward to protect the Sharp Park Golf Course and continue to allow golfers of all diversities and ethnic groups to continue to play golf on the course.

Please save Sharp Park Golf Course 请保存Sharp Park高尔夫球场.

Will Lee 李华立

District 1, San Francisco VOTER, and Rec & Park Golf Permit Holder

board.of.supervisors@sfgov.org; david.chiu@sfgov.org; eric.l.mar@sfgov.org; katy.tang@sfgov.org;
london.breed@sfgov.org; jane.kim@sfgov.org; norman.yee@sfgov.org; scott.wiener@sfgov.org;
david.campos@sfgov.org; malia.cohen@sfgov.org; john.avalos@sfgov.org

File 140148

From: Board of Supervisors
To: BOS-Supervisors; Ausberry, Andrea
Subject: File 140148 , April 8, 2014 Board of Supervisors Meeting; Item #12(1410 Stanyan Street encroachment)

-----Original Message-----

From: Arlene Helfand [<mailto:arlenehelfand@yahoo.com>]
Sent: Saturday, April 05, 2014 2:35 PM
To: Board of Supervisors
Subject: Tuesday , April 8, 2014 Board of Supervisors Meeting; Item #12(1410 Stanyan Street encroachment)

Dear SF Board of Supervisors,

My husband and I live in Noe Valley at 3968 26th Street. This past week we were watching the hearing of the Land Use Committee on TV. We were so appalled at what we saw and heard that we felt compelled to write, to keep the open space open. To have a developer who purchased a property, several years ago, knowing that there wasn't any driveway on the land of the property when he purchased it, wants to privatize rare public open space so that he can build his own personal driveway. We believe that to be outrageous. Not only that, he went before the Board several years ago with the same request and his request was denied then. How many times do those people who live in that neighborhood, have to endure this issue. Please vote against the developer's request and leave the City's open space completely open as it presently is. There should also be some mechanism so that the developer can't periodically return to the Board with the same request. There should be a way to finalize this issue and put an end to his nonsense.

Sincerely,
Arlene Helfand
Leon Blum

Nevin, Peggy

From: Board of Supervisors
To: BOS-Supervisors
Subject: FW: My neighborhood (Mira Loma Park) today

From: CC Grisham [<mailto:grish@me.com>]
Sent: Saturday, April 05, 2014 7:59 PM
To: Sanguinetti, Jerry (DPW)
Cc: Charles Curtis Grisham Jr.; Board of Supervisors
Subject: My neighborhood (Mira Loma Park) today

Mr. Sanguinetti,

I feel PG&E is one of the most careless and disruptive entities carrying out construction in our City today.

They simply move in and take over streets and sidewalks whenever and wherever they choose.

PG&E contractors seem to share this culture in the jobs they do for PG&E.

The attached photos are typical of the streetscape in my neighborhood for months.

This stretch of Teresita was taken over with PG&E A-frames weeks before work started.

Digging these trenches next to the sidewalk with no protection is dangerous.

You can see little provision was made for traffic when taking over one lane.

Our shopping center has been used as a staging area, disrupting business and provisioning.

Heavy machinery, such as the pictured John Deere 310J backhoe/ front-end loader, is operated in regular traffic flow with disregard for civilian automobiles, creating an unsafe environment.

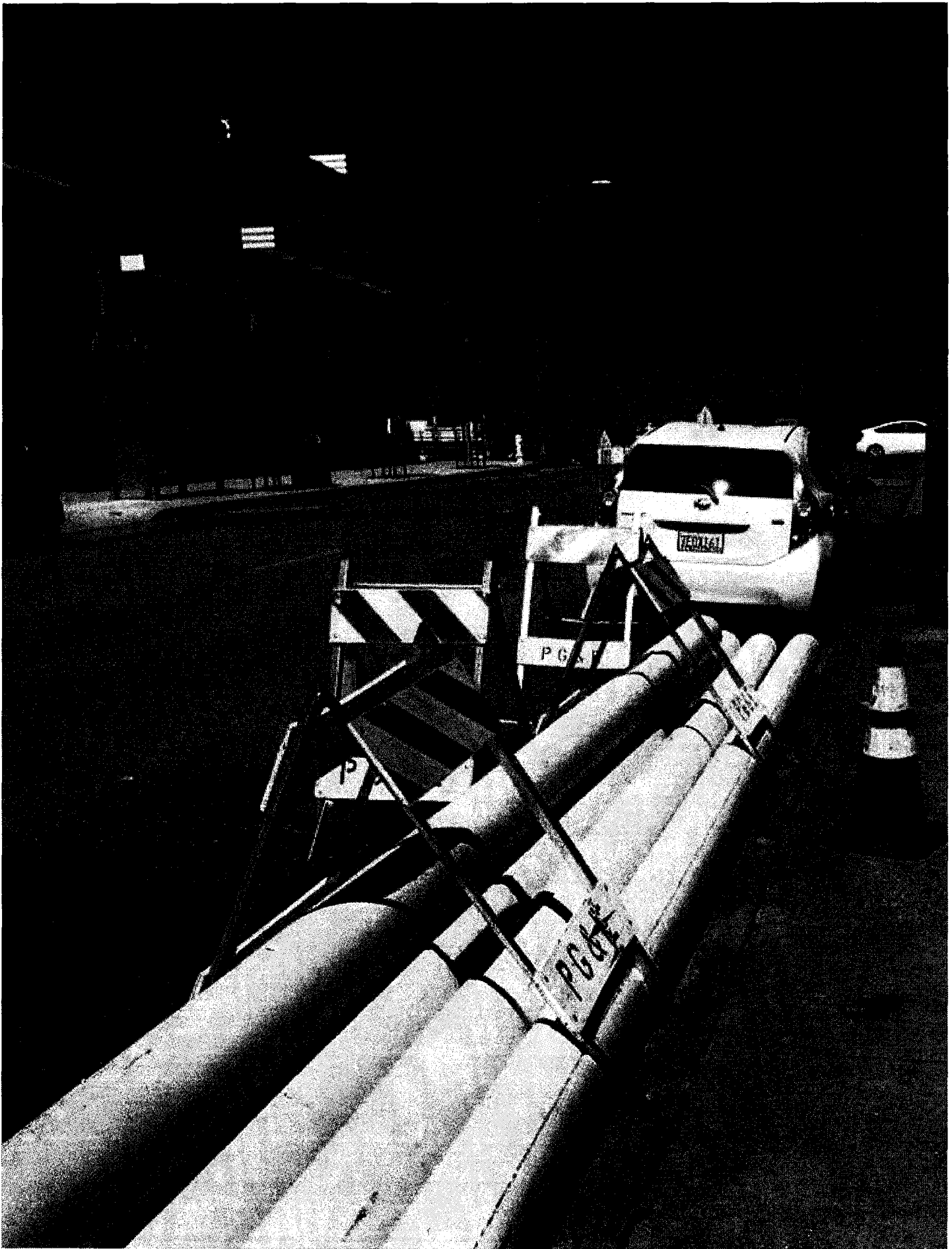
Traffic jams caused by PG&E and its contractors in my neighborhood have been intolerable.

After PG&E is done with their work, they leave behind poorly-patched and damaged streets in their wake.

PG&E jobsites are dangerous eyesores.

Thank you for your attention.

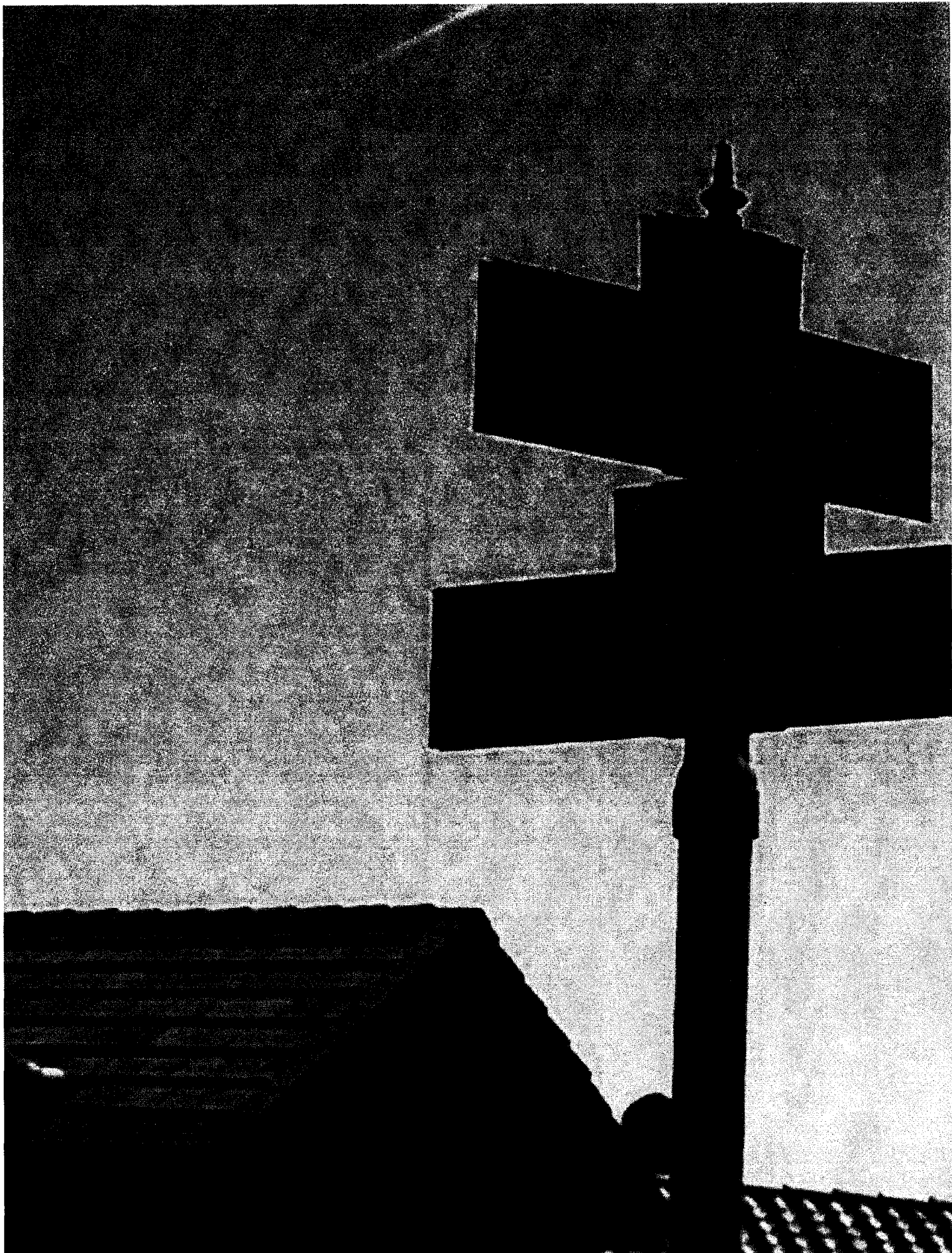
Charles Grisham

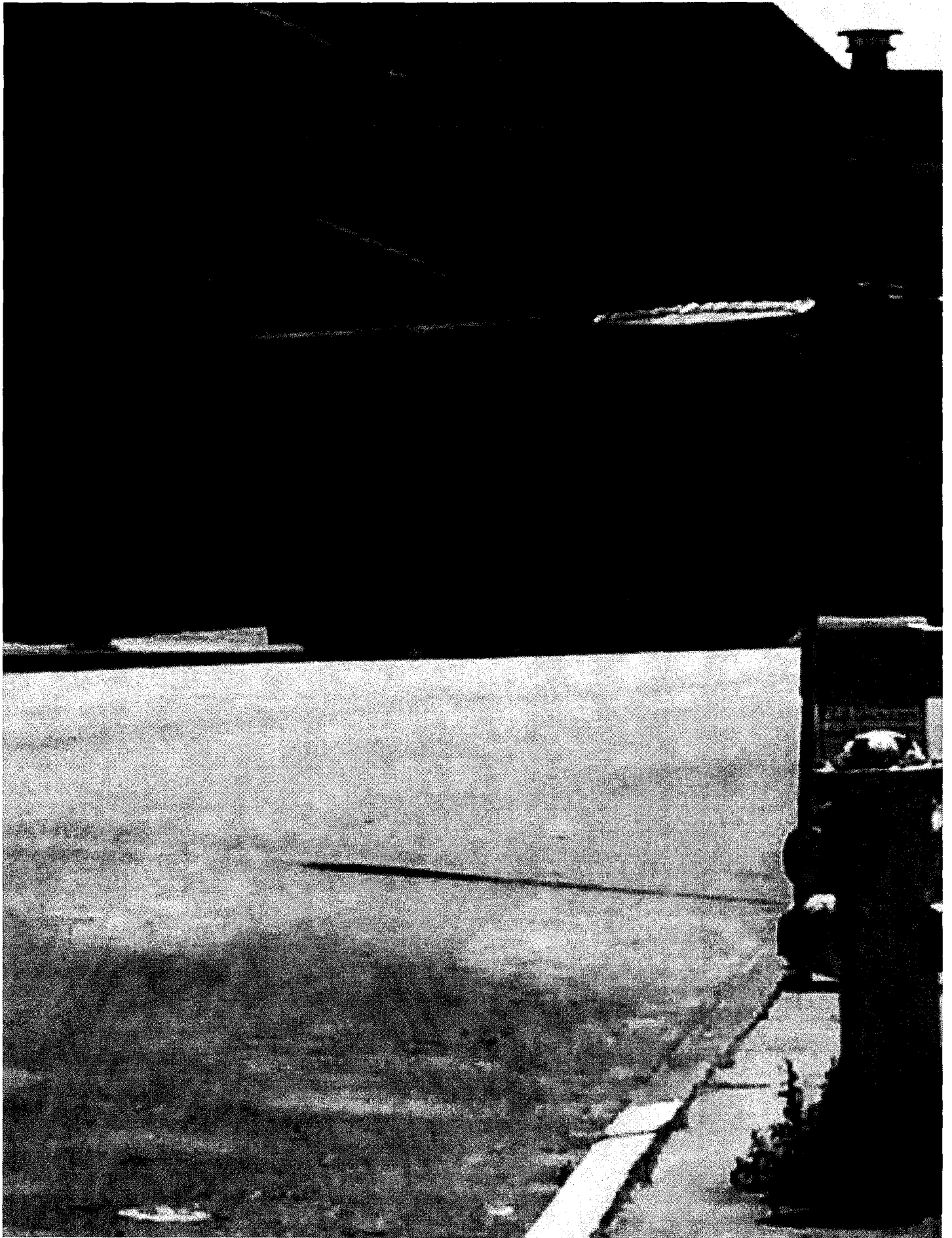


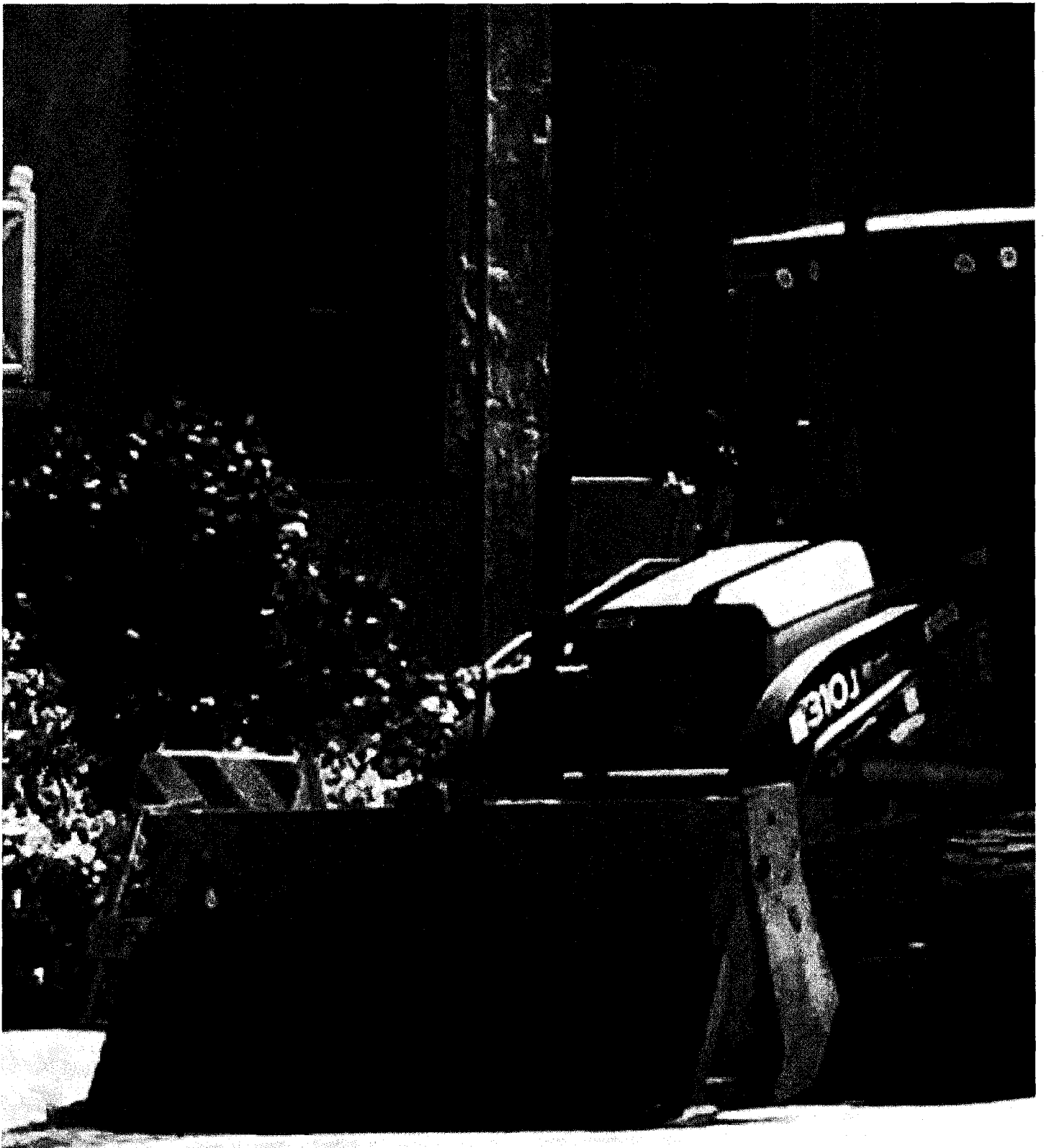


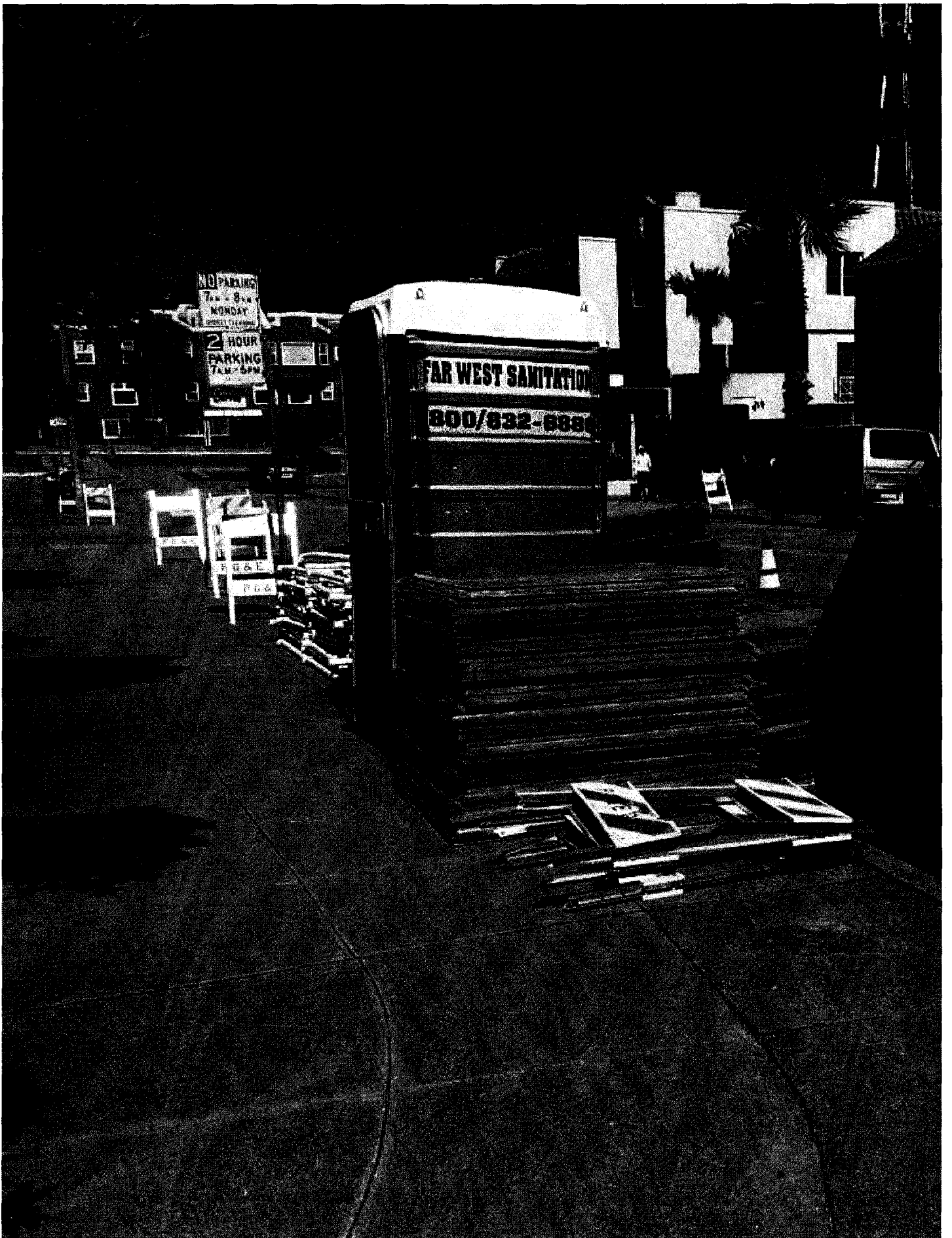




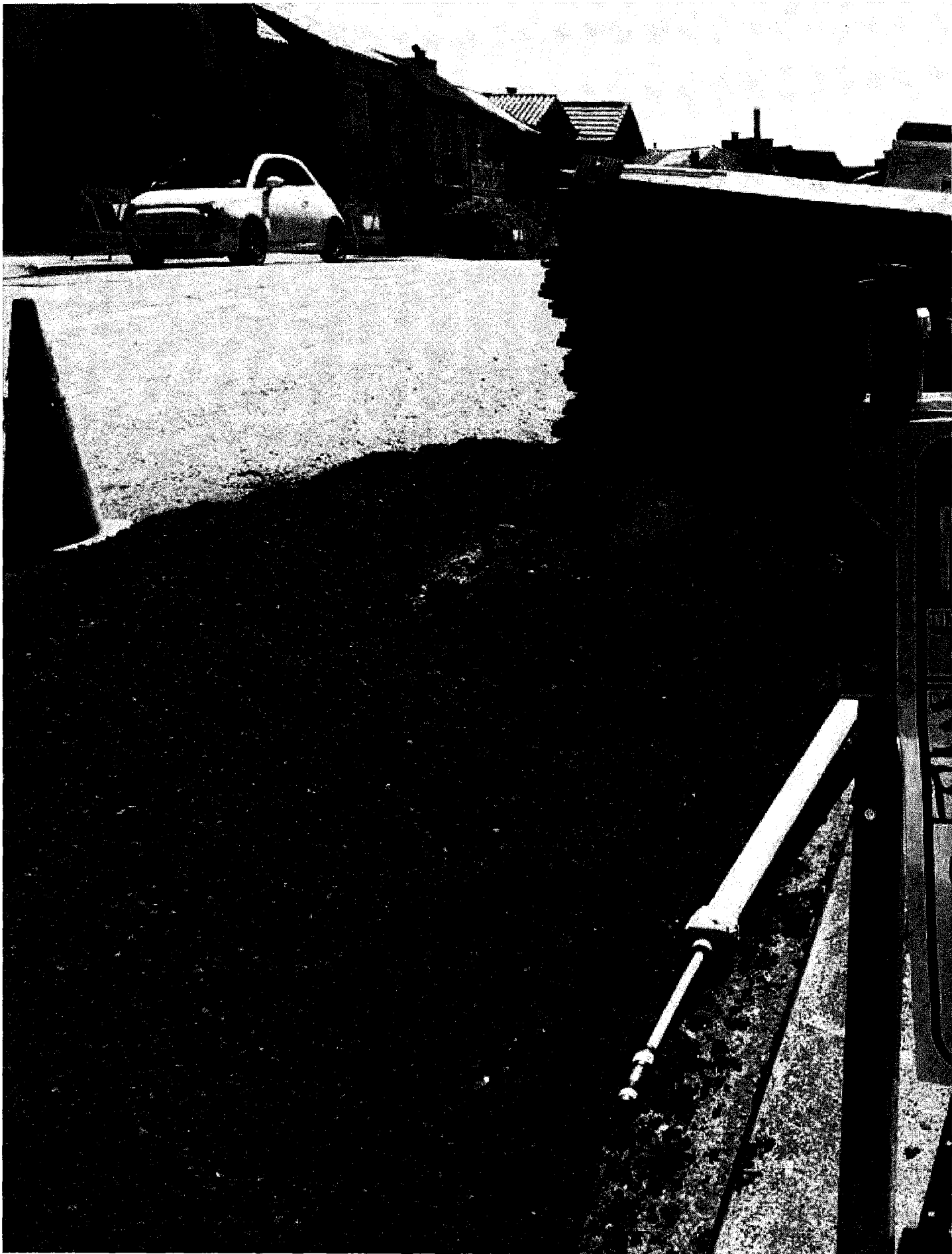


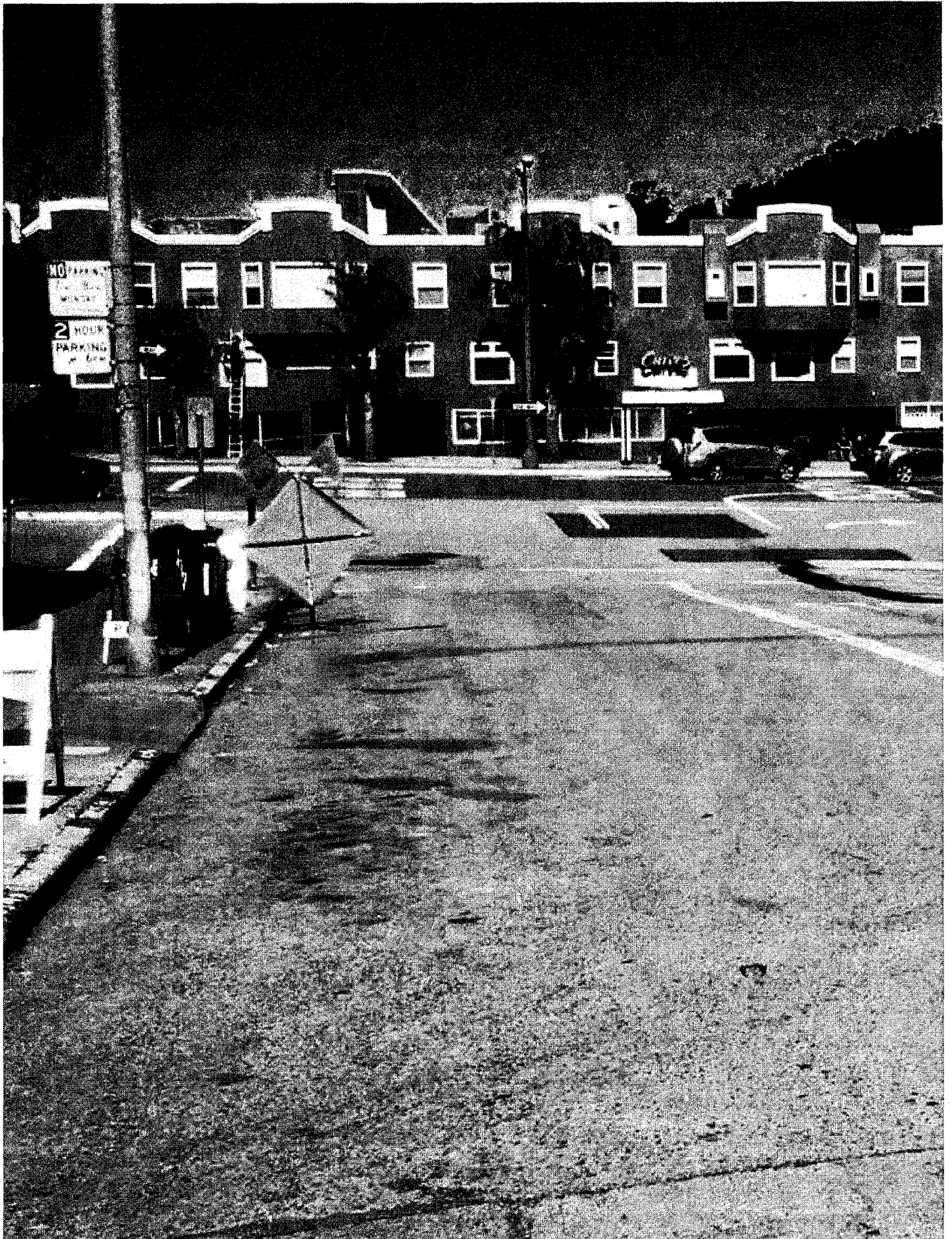






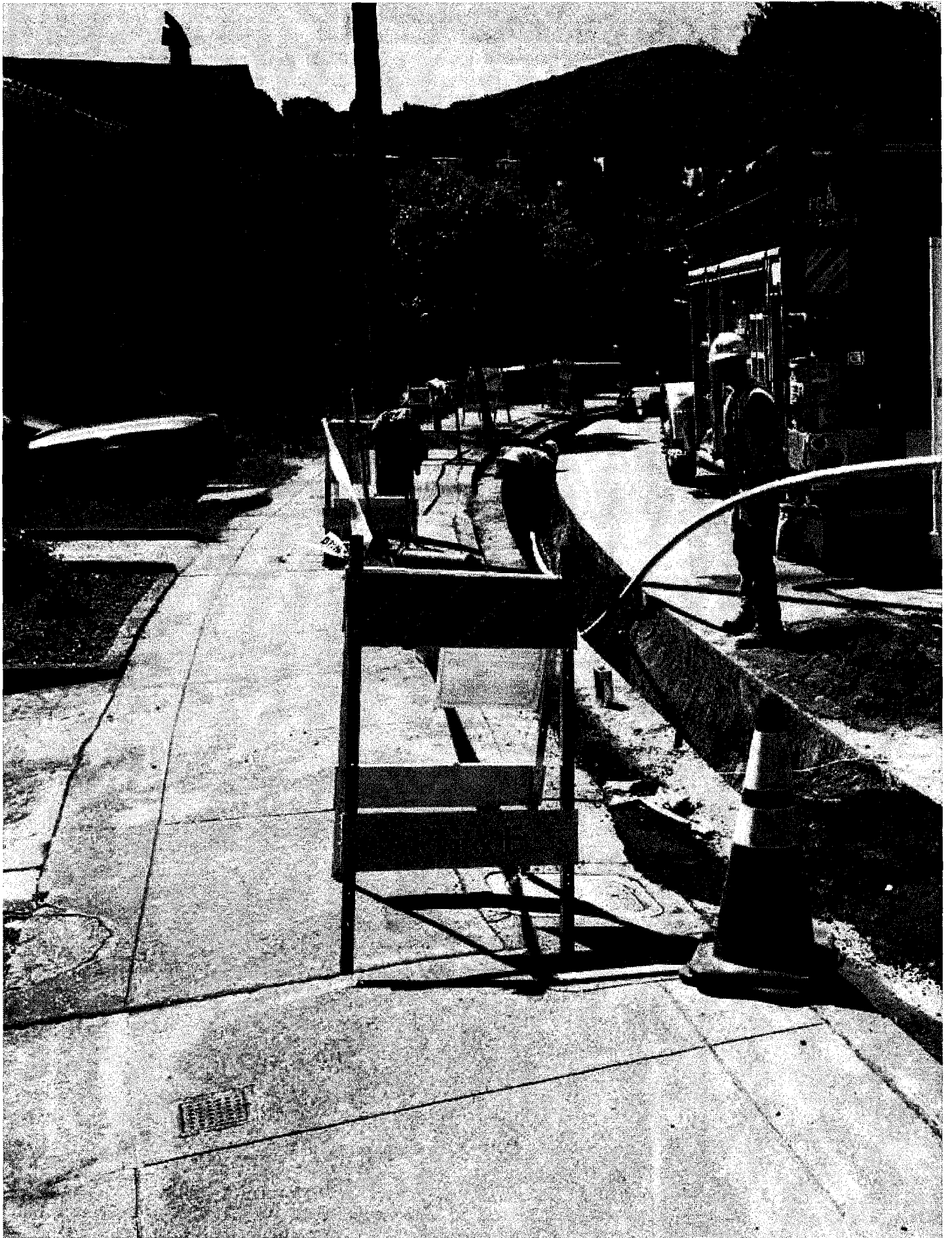


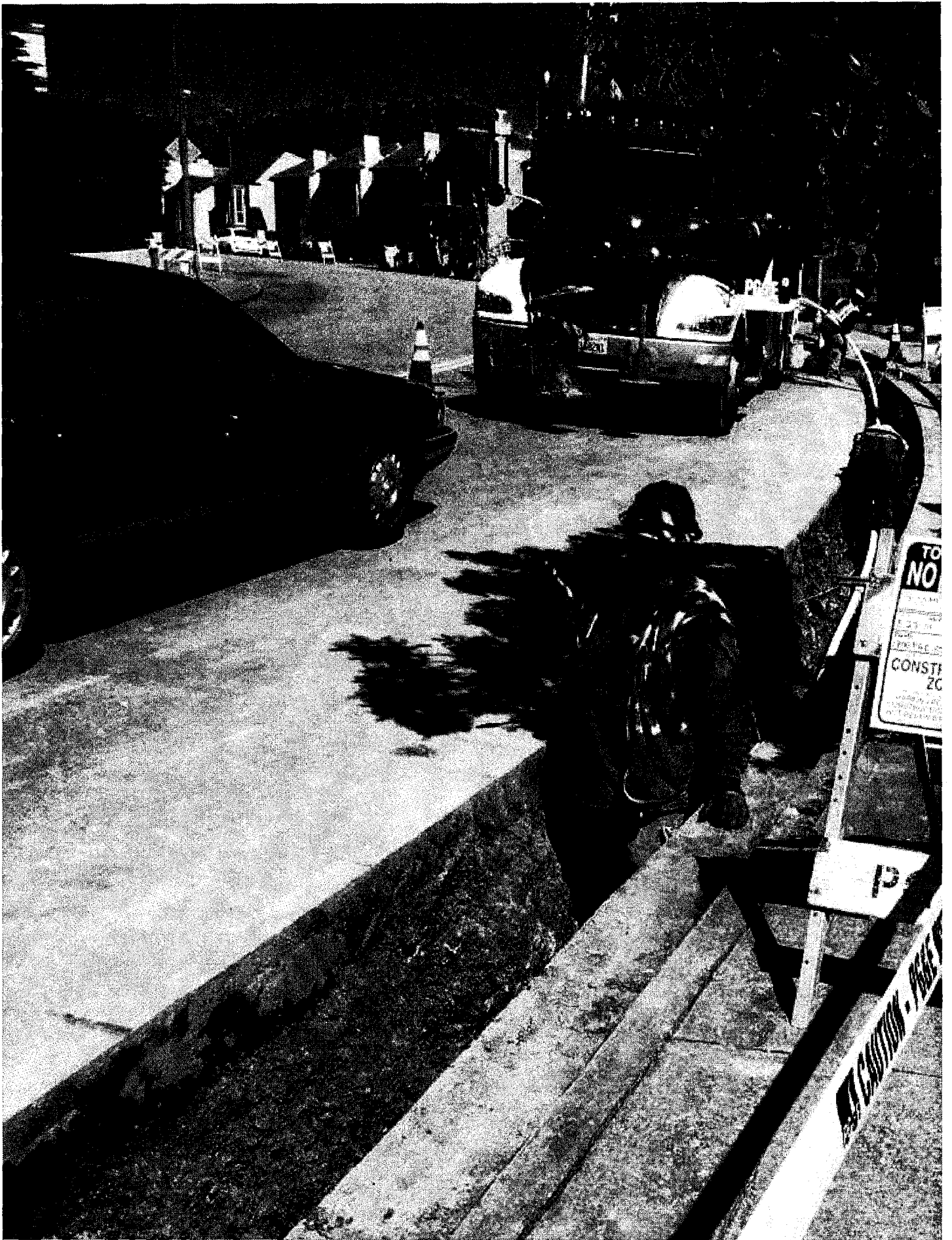


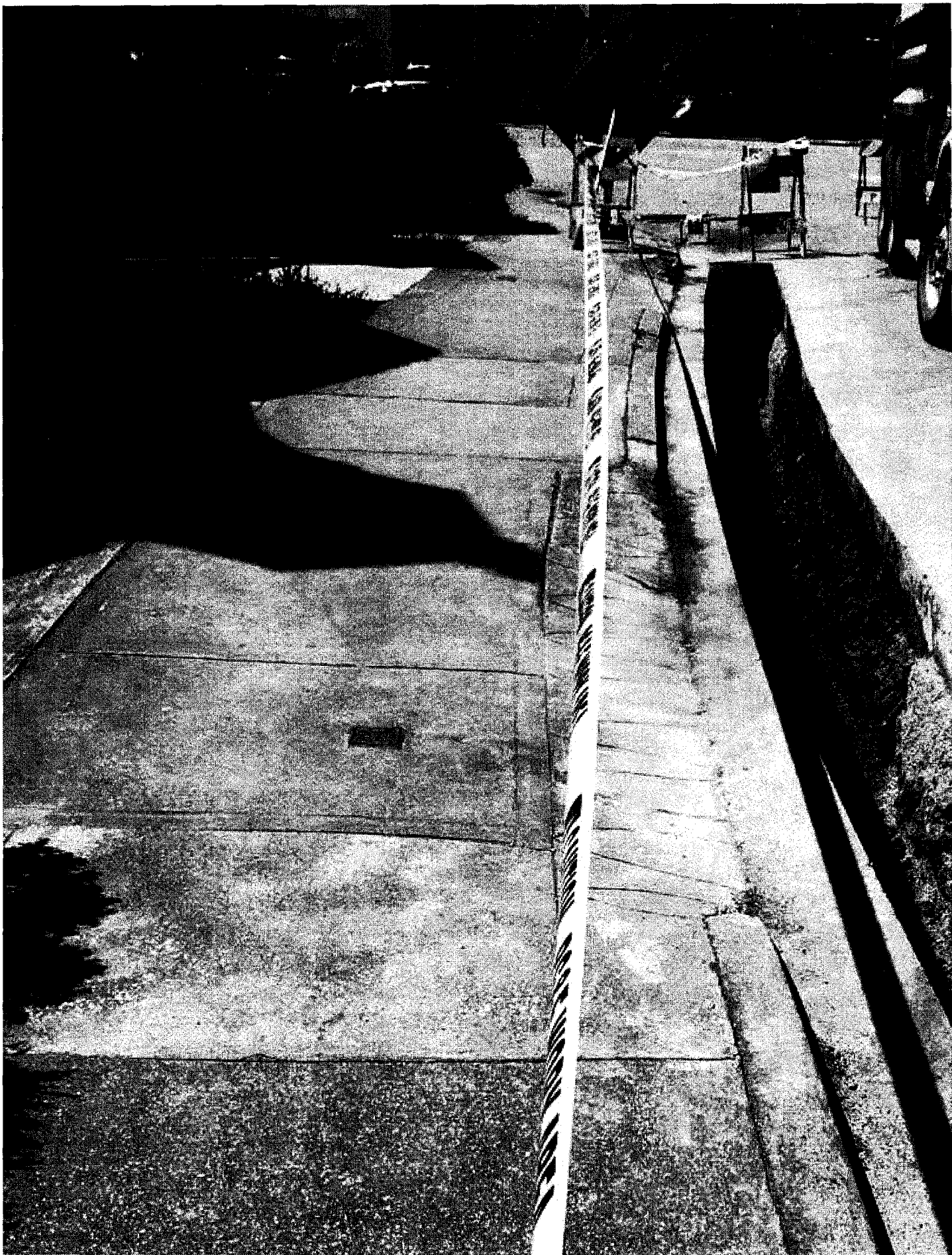


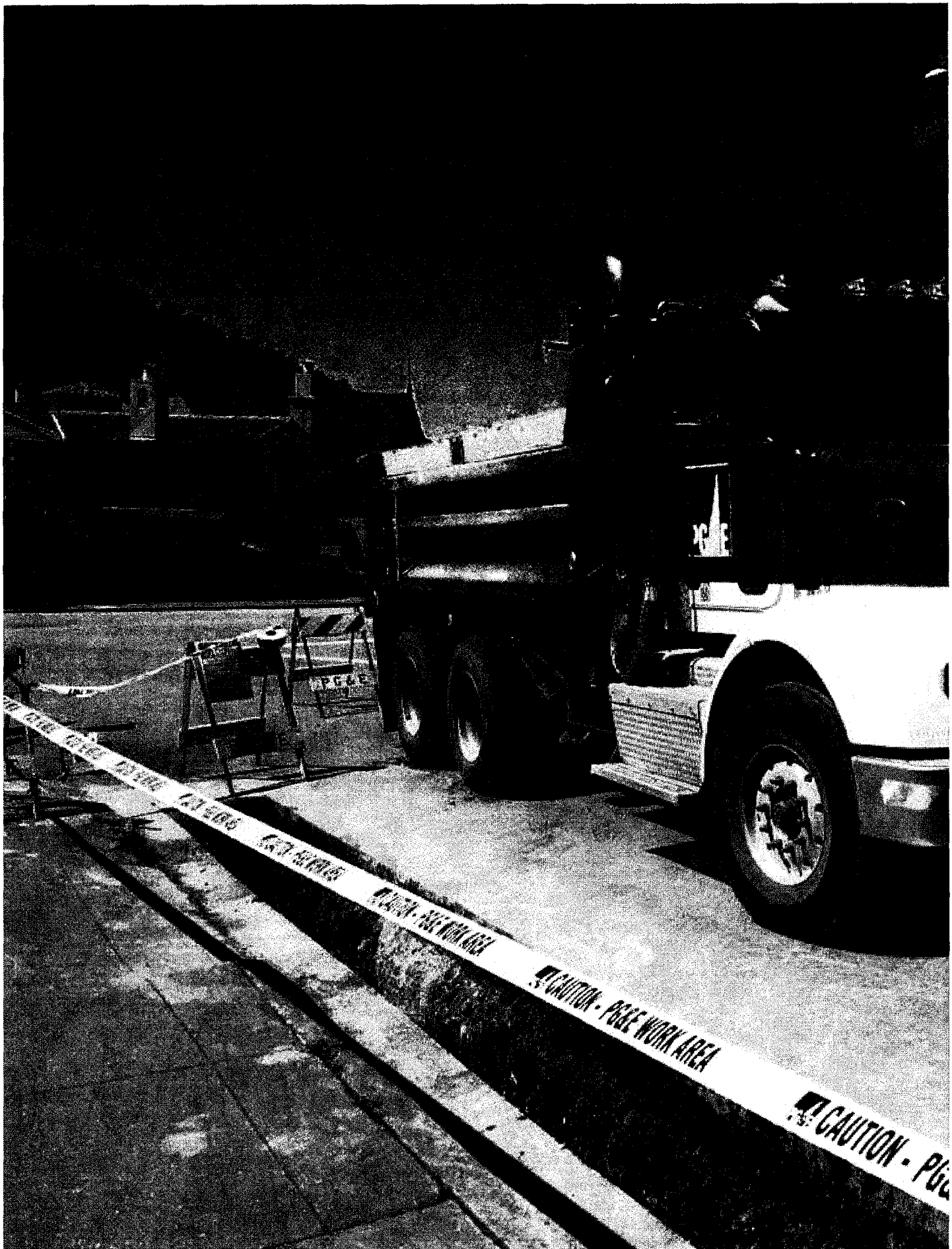


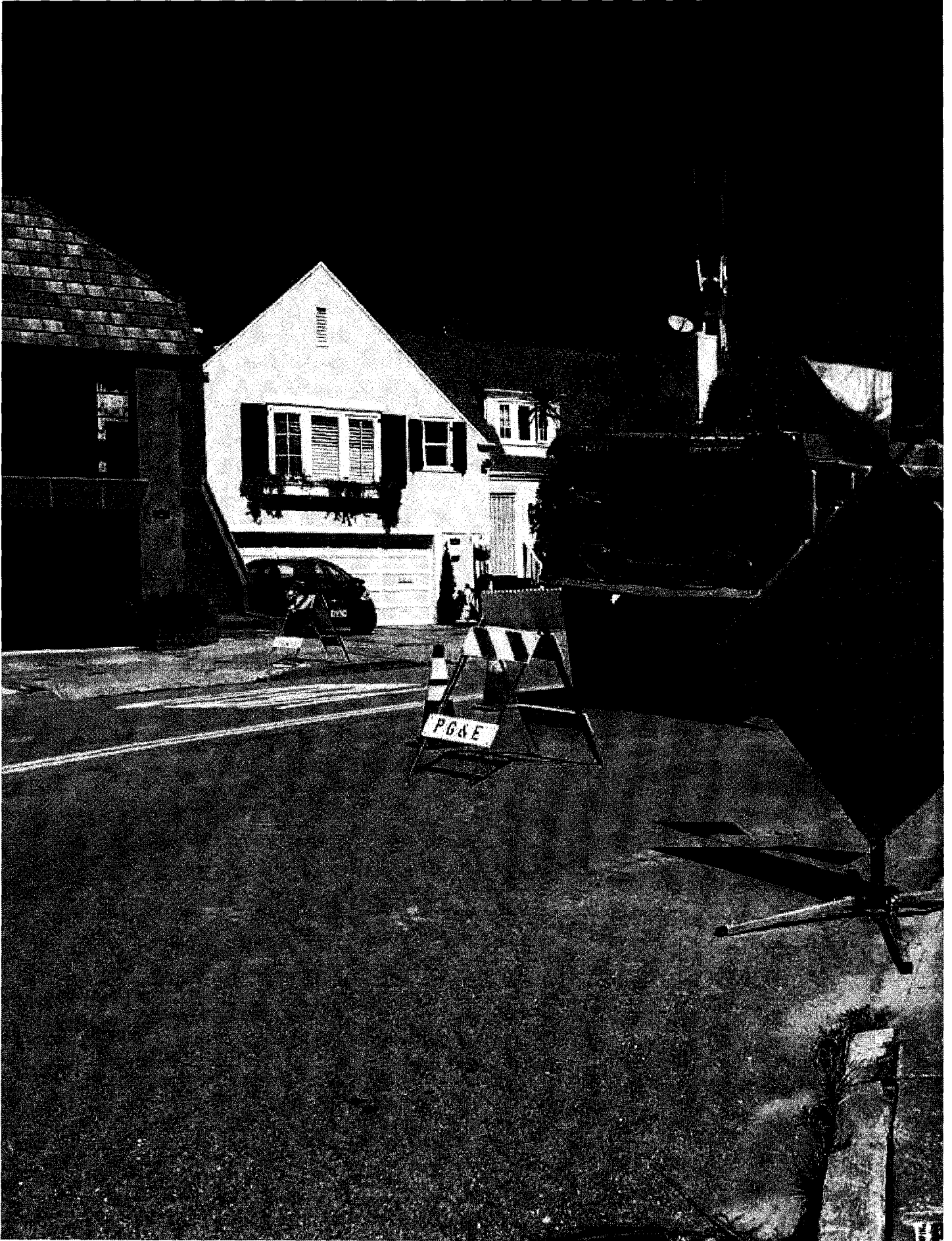


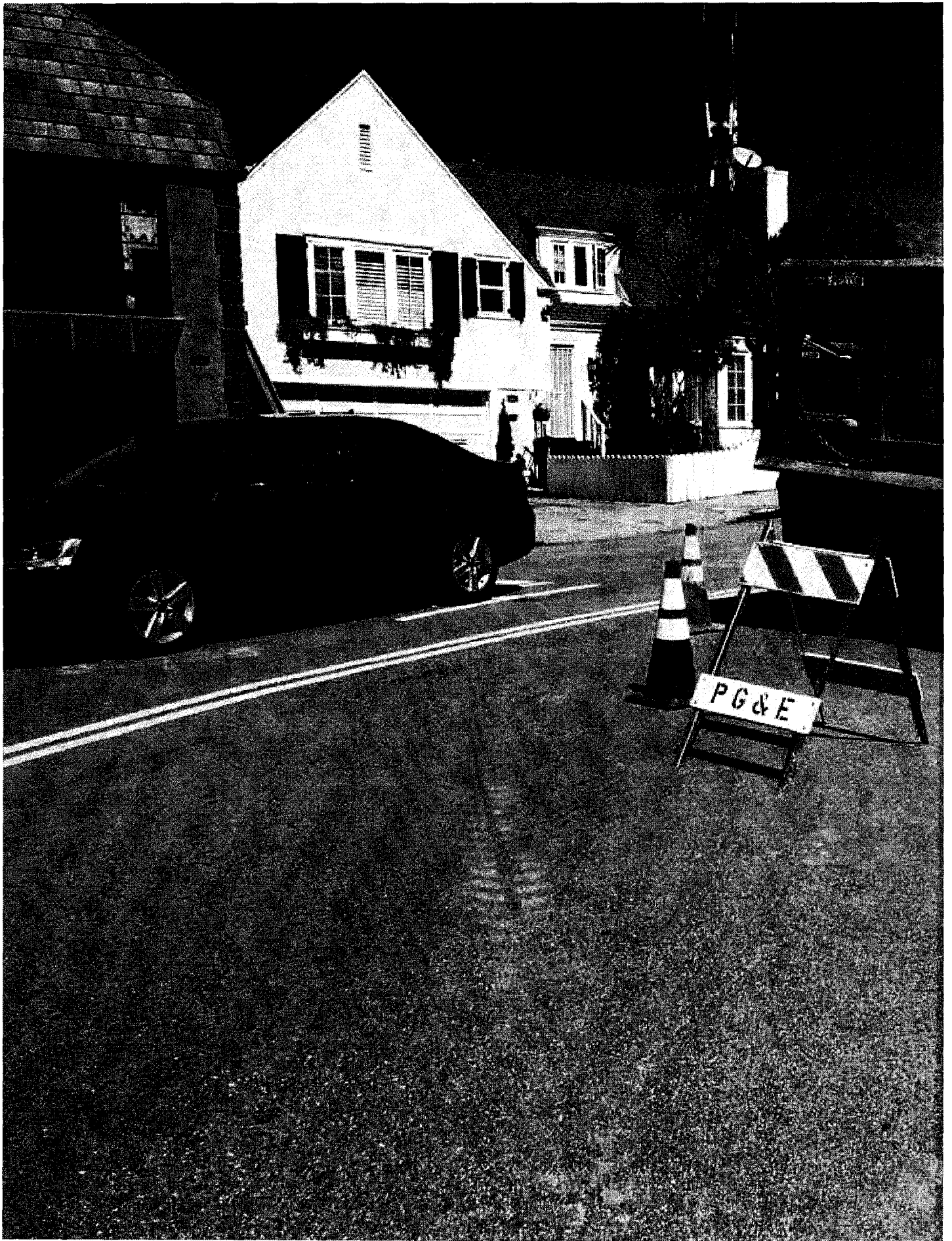


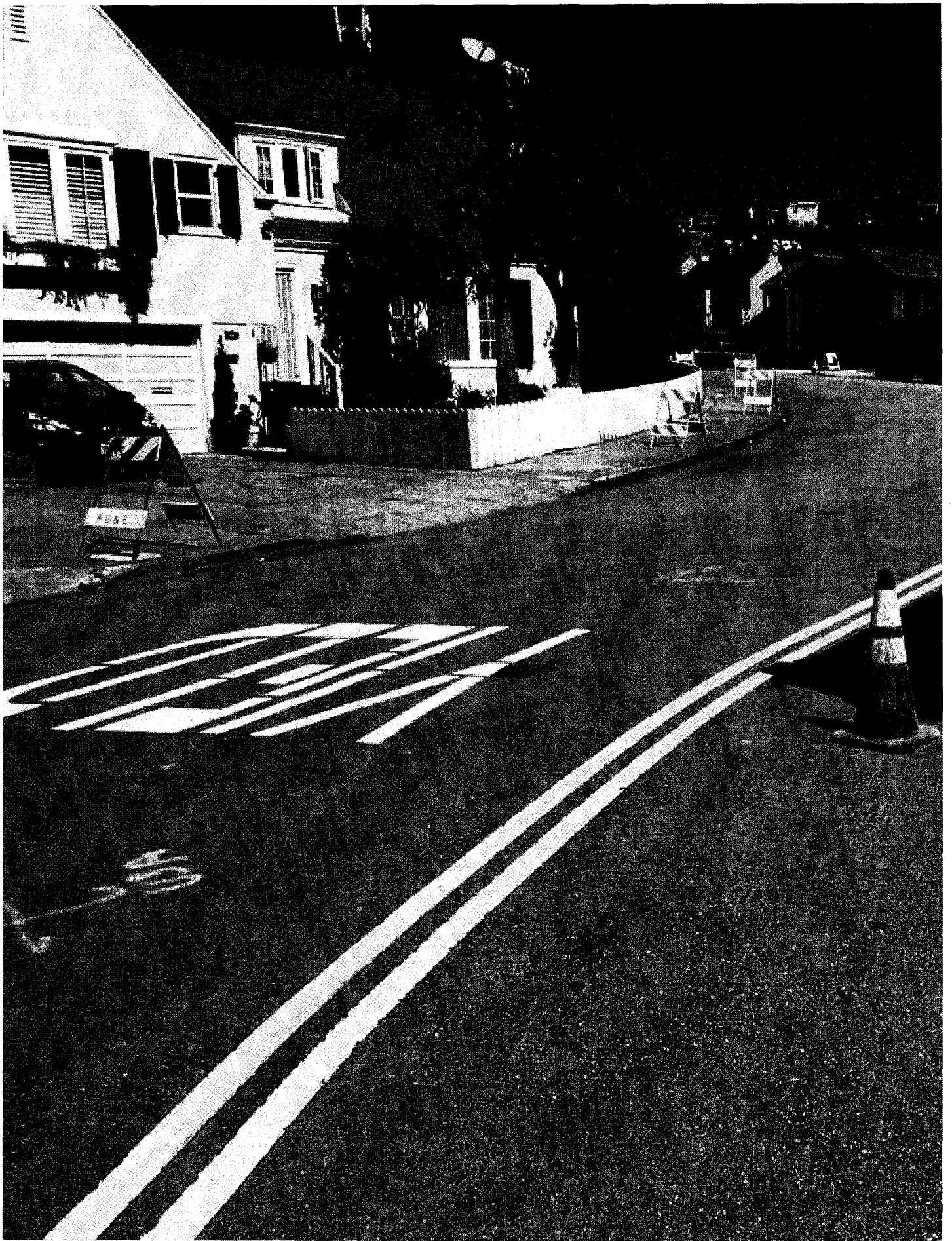












GAS PIPELINE

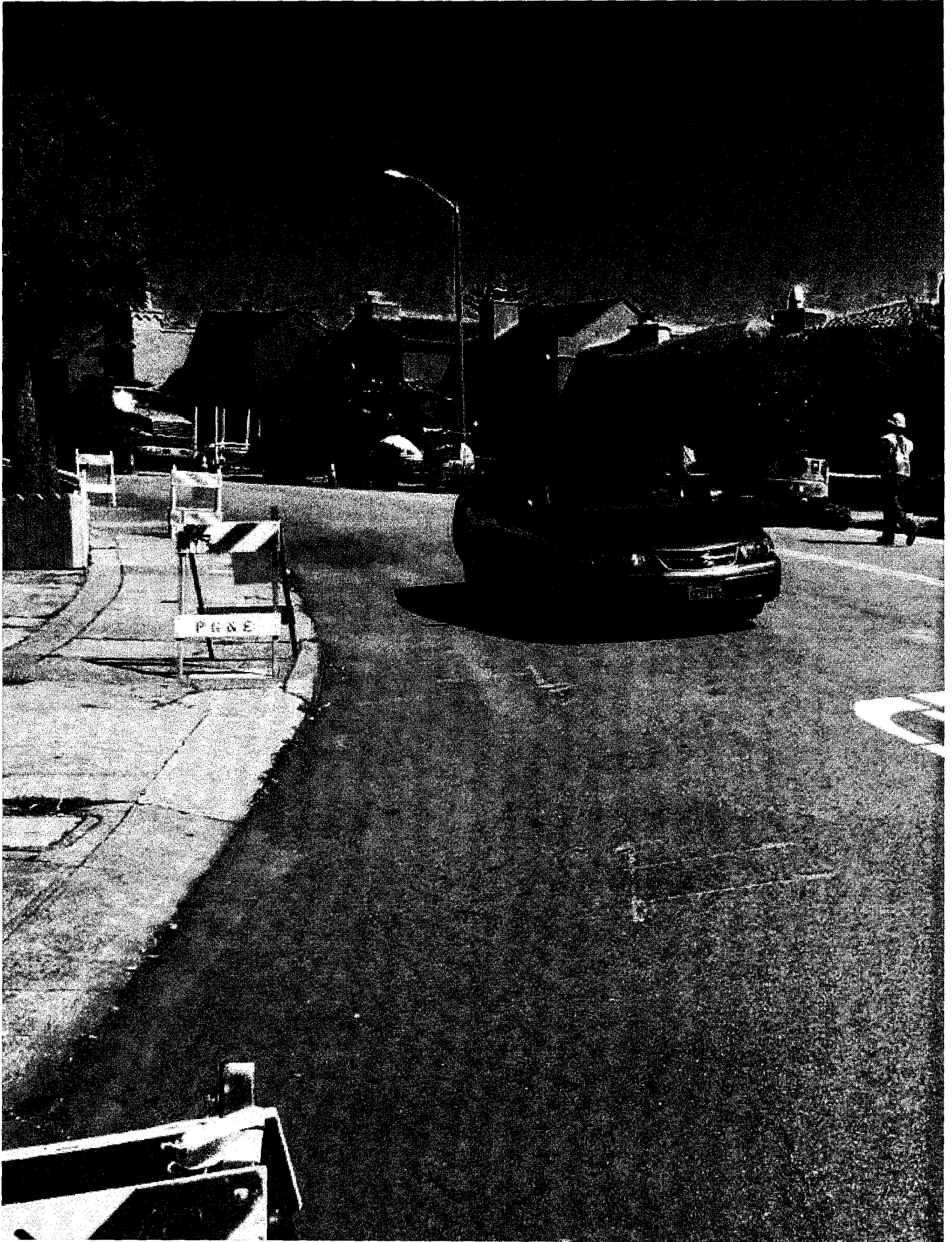
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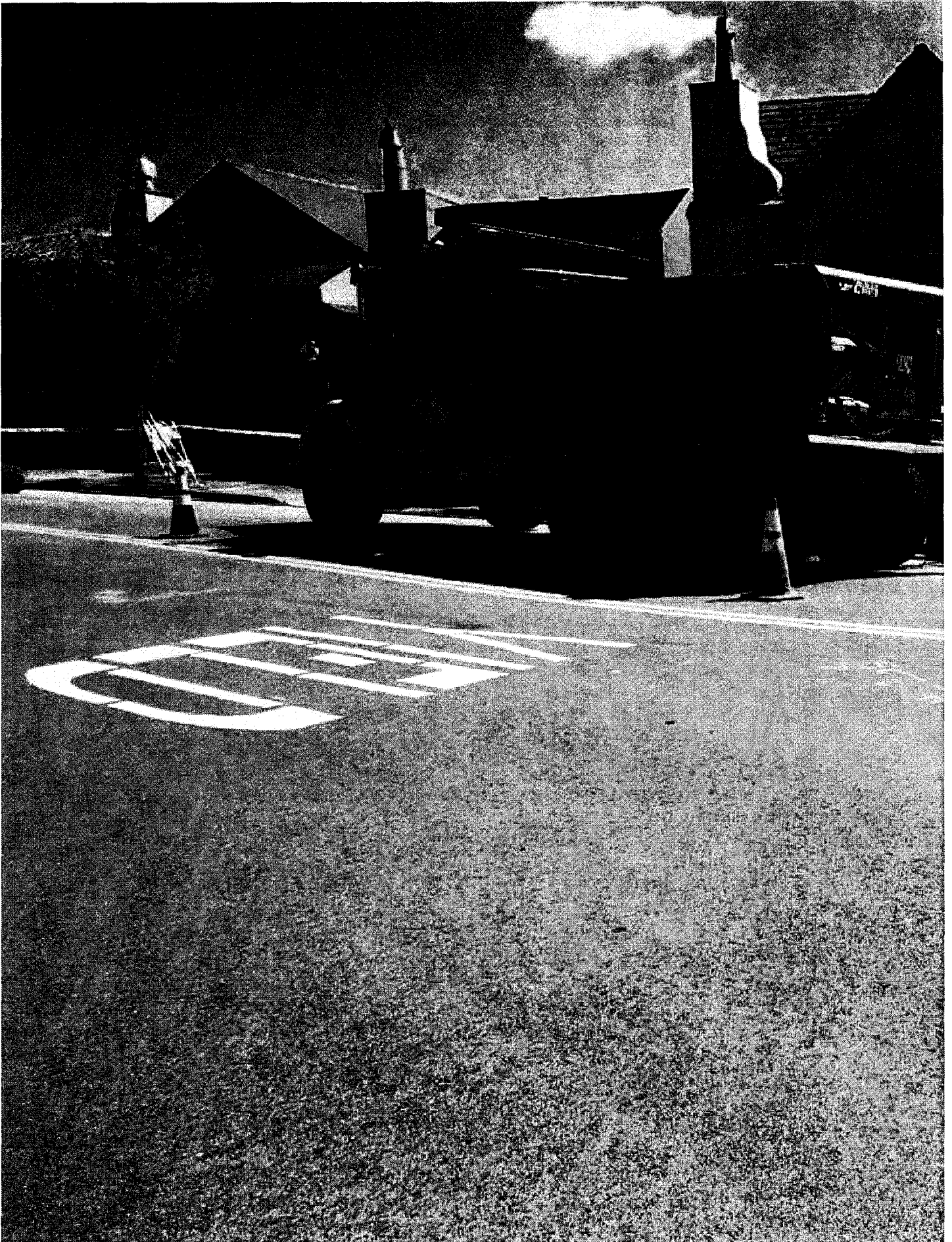
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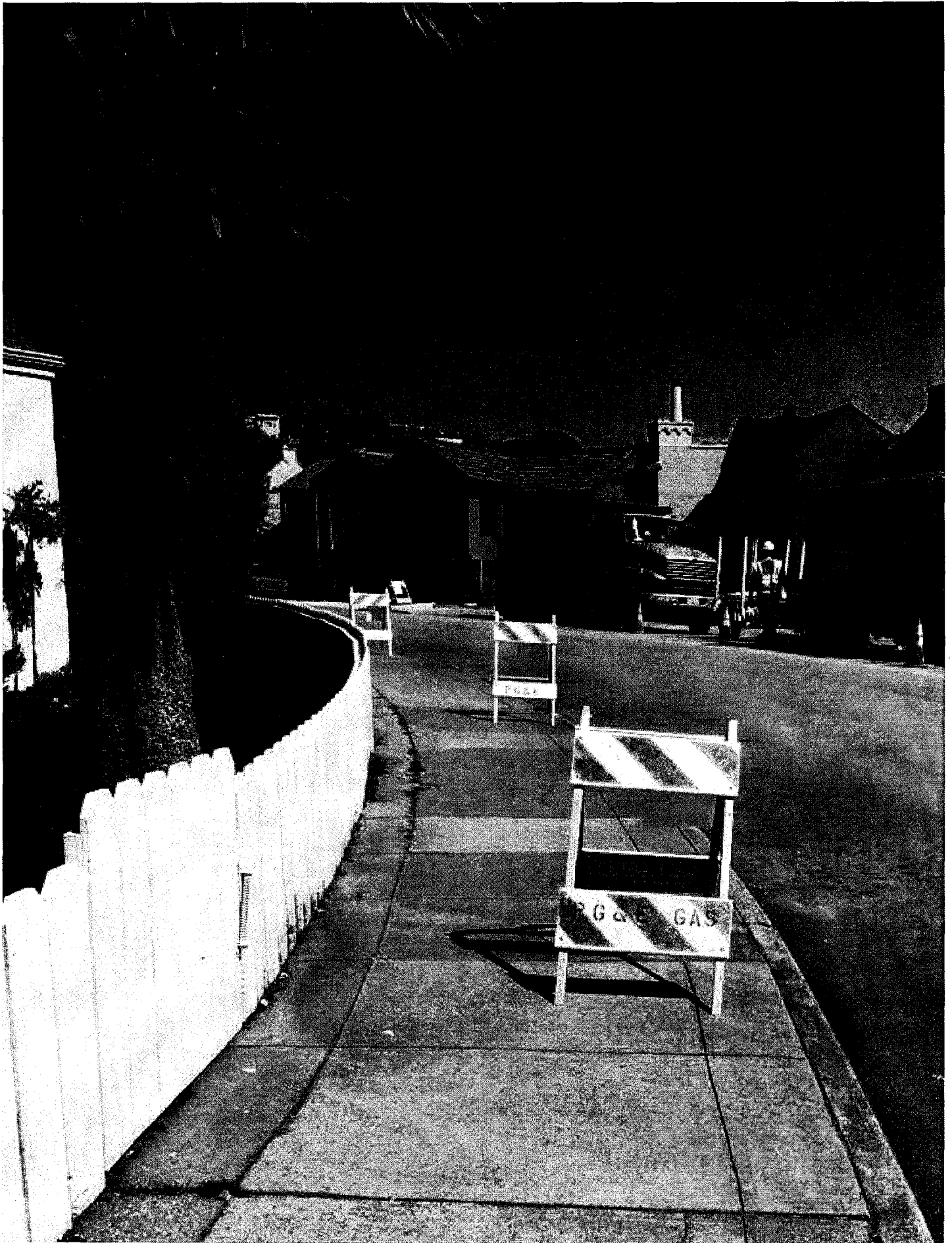
Targ

Mo









F/e 13120f

From: Betty Boyd [mailto:changemail.org]
Sent: Thursday, April 03, 2014 6:35 AM
To: Board of Supervisors
Subject: Don't ban eCigs in San Francisco

Dear SF Board of Supervisors,

I just signed Jared Grippe's petition "Edwin M. Lee: Don't ban eCigs in San Francisco" on Change.org.

I urge all of you to vote NO on Ordinance No. 131208 I'm a San Francisco resident, and I support banning sales of e-cigarettes to minors, but I OPPOSE banning e-cigarette use where smoking is banned. The content of e-cigarette vapor is identical to the haze from nightclub smoke machines! • Smoking bans are enacted to protect the public from the harm of secondhand smoke, but e-cigarettes have not been shown to cause harm to bystanders. In fact, all evidence to date shows that the low health risks associated with e-cigarettes are comparable to other smokeless nicotine products. • The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor. • A comprehensive review conducted by Dr. Igor Burstyn of Drexel University School of Public Health based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure. • Electronic cigarette use is easy to distinguish from actual smoking. Although some e-cigarettes resemble real cigarettes, many do not. It is easy to tell when someone lights a cigarette from the smell of smoke. E-cigarette vapor is practically odorless, and generally any detectable odor is not unpleasant and smells nothing like smoke. Additionally, e-cigarette users can decide whether to release any vapor ("discreet vaping"). With so little evidence of use, enforcing use bans on electronic cigarettes would be nearly impossible. • The ability to use electronic cigarettes in public spaces will actually improve public health by inspiring other smokers to switch. Surveys of thousands of users indicate that the majority of those who switch completely replace tobacco cigarettes with the electronic cigarettes, reducing their health risks by an estimated 99%. By switching to a smokeless product, you have greatly reduced your health risks. • Many people are steadily switched from toxic and terrible traditional cigarettes to vapor-based e-cigarettes. Please don't put obstacles in the way of our friends' and family's health! For more information: <http://blog.casaa.org/2014/02/call-to-action-san-francisco-california.html>

Sincerely,
Betty Boyd Ingleside, Illinois

There are now 46 signatures on this petition. Read reasons why people are signing, and respond to Jared Grippe by clicking here:

<http://www.change.org/petitions/edwin-m-lee-don-t-ban-ecigs-in-san-francisco/responses/new?response=d25e3858801f>

5

From: Donald Spike [mailto:changemail.org]
Sent: Thursday, April 03, 2014 6:46 AM
To: Board of Supervisors
Subject: Don't ban eCigs in San Francisco

Dear SF Board of Supervisors,

I just signed Jared Grippe's petition "[Edwin M. Lee: Don't ban eCigs in San Francisco](#)" on Change.org.

I urge all of you to vote NO on Ordinance No. 131208 I'm a San Francisco resident, and I support banning sales of e-cigarettes to minors, but I OPPOSE banning e-cigarette use where smoking is banned. The content of e-cigarette vapor is identical to the haze from nightclub smoke machines! • Smoking bans are enacted to protect the public from the harm of secondhand smoke, but e-cigarettes have not been shown to cause harm to bystanders. In fact, all evidence to date shows that the low health risks associated with e-cigarettes are comparable to other smokeless nicotine products. • The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor. • A comprehensive review conducted by Dr. Igor Burstyn of Drexel University School of Public Health based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure. • Electronic cigarette use is easy to distinguish from actual smoking. Although some e-cigarettes resemble real cigarettes, many do not. It is easy to tell when someone lights a cigarette from the smell of smoke. E-cigarette vapor is practically odorless, and generally any detectable odor is not unpleasant and smells nothing like smoke. Additionally, e-cigarette users can decide whether to release any vapor ("discreet vaping"). With so little evidence of use, enforcing use bans on electronic cigarettes would be nearly impossible. • The ability to use electronic cigarettes in public spaces will actually improve public health by inspiring other smokers to switch. Surveys of thousands of users indicate that the majority of those who switch completely replace tobacco cigarettes with the electronic cigarettes, reducing their health risks by an estimated 99%. By switching to a smokeless product, you have greatly reduced your health risks. • Many people are steadily switched from toxic and terrible traditional cigarettes to vapor-based e-cigarettes. Please don't put obstacles in the way of our friends' and family's health! For more information: <http://blog.casaa.org/2014/02/call-to-action-san-francisco-california.html>

Sincerely,
Donald Spike Beach Park, Illinois

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<http://www.change.org/petitions/edwin-m-lee-don-t-ban-ecigs-in-san-francisco/responses/new?response=d25e3858801f>

From: Edna Spike [mailto:changemail.org]
Sent: Thursday, April 03, 2014 6:50 AM
To: Board of Supervisors
Subject: Don't ban eCigs in San Francisco

Dear SF Board of Supervisors,

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I urge all of you to vote NO on Ordinance No. 131208 I'm a San Francisco resident, and I support banning sales of e-cigarettes to minors, but I OPPOSE banning e-cigarette use where smoking is banned. The content of e-cigarette vapor is identical to the haze from nightclub smoke machines! • Smoking bans are enacted to protect the public from the harm of secondhand smoke, but e-cigarettes have not been shown to cause harm to bystanders. In fact, all evidence to date shows that the low health risks associated with e-cigarettes are comparable to other smokeless nicotine products. • The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor. • A comprehensive review conducted by Dr. Igor Burstyn of Drexel University School of Public Health based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure. • Electronic cigarette use is easy to distinguish from actual smoking. Although some e-cigarettes resemble real cigarettes, many do not. It is easy to tell when someone lights a cigarette from the smell of smoke. E-cigarette vapor is practically odorless, and generally any detectable odor is not unpleasant and smells nothing like smoke. Additionally, e-cigarette users can decide whether to release any vapor ("discreet vaping"). With so little evidence of use, enforcing use bans on electronic cigarettes would be nearly impossible. • The ability to use electronic cigarettes in public spaces will actually improve public health by inspiring other smokers to switch. Surveys of thousands of users indicate that the majority of those who switch completely replace tobacco cigarettes with the electronic cigarettes, reducing their health risks by an estimated 99%. By switching to a smokeless product, you have greatly reduced your health risks. • Many people are steadily switched from toxic and terrible traditional cigarettes to vapor-based e-cigarettes. Please don't put obstacles in the way of our friends' and family's health! For more information: <http://blog.casaa.org/2014/02/call-to-action-san-francisco-california.html>

Sincerely,
Edna Spike Beach Park, Illinois

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<http://www.change.org/petitions/edwin-m-lee-don-t-ban-ecigs-in-san-francisco/responses/new?response=d25e3858801f>

From: brandon levesque [mailto:changemail.org]
Sent: Thursday, April 03, 2014 8:58 AM
To: Board of Supervisors
Subject: Don't ban eCigs in San Francisco

Dear SF Board of Supervisors,

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I urge all of you to vote NO on Ordinance No. 131208 I'm a San Francisco resident, and I support banning sales of e-cigarettes to minors, but I OPPOSE banning e-cigarette use where smoking is banned. The content of e-cigarette vapor is identical to the haze from nightclub smoke machines! • Smoking bans are enacted to protect the public from the harm of secondhand smoke, but e-cigarettes have not been shown to cause harm to bystanders. In fact, all evidence to date shows that the low health risks associated with e-cigarettes are comparable to other smokeless nicotine products. • The low risks of e-cigarettes is supported by research done by Dr. Siegel of Boston University, Dr. Eissenberg of Virginia Commonwealth, Dr Maciej L Goniewicz of the Roswell Park Cancer Institute, Dr. Laugesen of Health New Zealand, Dr. Igor Burstyn of Drexel University, and by the fact that the FDA testing, in spite of its press statement, failed to find harmful levels of carcinogens or toxic levels of any chemical in the vapor. • A comprehensive review conducted by Dr. Igor Burstyn of Drexel University School of Public Health based on over 9,000 observations of e-cigarette liquid and vapor found "no apparent concern" for bystanders exposed to e-cigarette vapor, even under "worst case" assumptions about exposure. • Electronic cigarette use is easy to distinguish from actual smoking. Although some e-cigarettes resemble real cigarettes, many do not. It is easy to tell when someone lights a cigarette from the smell of smoke. E-cigarette vapor is practically odorless, and generally any detectable odor is not unpleasant and smells nothing like smoke. Additionally, e-cigarette users can decide whether to release any vapor ("discreet vaping"). With so little evidence of use, enforcing use bans on electronic cigarettes would be nearly impossible. • The ability to use electronic cigarettes in public spaces will actually improve public health by inspiring other smokers to switch. Surveys of thousands of users indicate that the majority of those who switch completely replace tobacco cigarettes with the electronic cigarettes, reducing their health risks by an estimated 99%. By switching to a smokeless product, you have greatly reduced your health risks. • Many people are steadily switched from toxic and terrible traditional cigarettes to vapor-based e-cigarettes. Please don't put obstacles in the way of our friends' and family's health! For more information: <http://blog.casaa.org/2014/02/call-to-action-san-francisco-california.html>

Sincerely,
brandon levesque mchenry , Illinois

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<http://www.change.org/petitions/edwin-m-lee-don-t-ban-ecigs-in-san-francisco/responses/new?response=d25e3858801f>

From: Board of Supervisors
To: Miller, Alisa
Subject: ~~File 140227~~ Urgent: Board vote April 1 on Rules Committee recommendation of Ronald Gerhard for Treasury Oversight Committee

From: Diana Scott [mailto:dmscott01@yahoo.com]
Sent: Monday, March 31, 2014 9:05 PM
To: Mar, Eric (BOS); Farrell, Mark (BOS); Chiu, David (BOS); Kim, Jane (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS); Breed, London (BOS); Yee, Norman (BOS); Tang, Katy (BOS)
Cc: Goossen, Carolyn; Board of Supervisors
Subject: Urgent: Board vote April 1 on Rules Committee recommendation of Ronald Gerhard for Treasury Oversight Committee

Dear Supervisors:

At their meeting March 20th, the S.F. Board of Supervisor's Rules Committee approved (2-1) the nomination of Ronald Gerhard, Vice Chancellor of Finance and Administration at CCSF, to fill the seat traditionally reserved for CCSF on the city's Treasury Oversight Committee.

Although his nomination is routine, and Mr. Gerhard has good fiscal credentials, the approving vote was not unanimous: Supervisor Campos wasn't comfortable with appointing the CCSF Vice Chancellor to this position, given the absence of an elected Board of Trustees at CCSF, and voted "NO."

What concerns me about this nomination, to be voted on at the full Board meeting April 1 (today, by the time you read this), is a question that no one I've contacted at City Hall has so far has been able to answer (including but not limited to the supervisor's legislative aide a little while ago, i.e., on Monday afternoon):

****Who is responsible for fiscal and performance oversight of the Parcel Tax (Prop. A) bond monies earmarked for CCSF?***

The Special Trustee at CCSF has stated he doesn't feel bound by the stated spending priorities of the Parcel Tax bond; the committee that was to guide the now-suspended Board of Trustees' decisions on use of these monies has not been appointed, nor met timely, as the legislation required; and if appointed by the STWEP and/or Chancellor Tyler, Mr. Gerhard will be the fiscal person implementing *their* spending priorities.

In the absence of independent oversight by the City, your approving this appointment could lead to a conflict of interests -- between voters, who approved Prop. A for specific purposes, and the current administration of CCSF, including Mr. Gerhard, who remain unaccountable, lacking a democratically-elected Board of Trustees.

While I'm not well-versed about the responsibilities and activities of the Board of Supervisors' Treasury Oversight Committee, I believe its members advise the city on investments. And while it's unclear to me whether/how Prop. A monies may enter into their deliberations, I'd feel more comfortable knowing that Parcel Tax spending and performance will be monitored independently at City Hall (perhaps through Harvey Rose's and/or Dennis Herrera's office).

In keeping with the resolution calling for restoration of an elected CCSF Board of Trustees, sponsored by Supervisor Campos which you approved unanimously last week, I therefore request that fiscal oversight be made democratically accountable as well, and that Mr. Gerhard's appointment to the Treasury Oversight Committee be postponed until such time as this is so.

Thank you for responding to this request.

Sincerely,

Diana Scott

3657 Wawona
San Francisco, CA 94116
(415) 566-7235

Yulanda Williams

858 Arkansas Street
San Francisco, CA 94107
Phone: (415) 254-9846

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 APR -3 PM 3:21

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BOS-11
page



March 28, 2014

San Francisco Board of Supervisor
Clerk of the Board
City Hall
1 Carlton Goodlet, Room 244
San Francisco, CA 94102-4689

Honorable Supervisor,

I am a native San Franciscan and a member of the San Francisco Police Department and President of the Officers For Justice, I am writing this letter supporting the reappointment of Angela Chan to the San Francisco Police Commission. I am writing to express my personal and professional belief that Angela Chan has proven herself to be devoted to her position. Over the past four years on the commission, she has dedicated herself to strengthening language access, juvenile justice, mental health services, and immigrant rights with the San Francisco Police Department. In particular, she has been a key person to the San Francisco Police Department collaborating with the community to develop trainings for officers on language access. In addition, Angela Chan has supported the youth service provider community partnering with SFPD to issue know your rights guides to youth on the department's juvenile policies. These guides have been translated into a number of languages so they are accessible to limited English proficient members of the community.

Angela also has been instrumental in passing a resolution to launch a Crisis Intervention Team (CIT) model where officers are trained in de-escalation skills, understanding different mental health needs, and on referrals to mental health services. She has been involved in and supported the CIT working group every step of the way. This training has enabled and allowed many of our police personnel to be more readily prepared to deal with those we encounter experiencing crises.

As a progressive woman of color who is a civil rights attorney in San Francisco, Angela plays an important role on the commission in giving voice to the concerns and needs of underrepresented communities, including immigrants, women, and people of color. She also works hard and truly cares about representing the interests of San Francisco residents in having a fair and transparent police department that prioritizes community policing. For these reasons, I urge you to reappoint Angela Chan to the police commission.

Thank you for your consideration. Please feel free to contact me with any questions.

Sincerely,


Yulanda Williams
/file

7



535 Geary St., #1010
San Francisco, CA 94102
March 31, 2014

BOS-11
Cpage

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2014 APR -3 PM 3:21

Board of Supervisors
400 Van Ness Avenue, Room 244
San Francisco, Calif. 94102

RE: Smaller Writing on Street Signs

Dear Supervisor:

No one I've talked to, friend or stranger, likes replacing all-cap street signs with lowercase lettering. It should be obvious to anyone that making the letters smaller makes the street name less readable. Thus, these new signs make traffic less safe by making the street names harder for drivers to read.

The Federal Highway Administration has forced every community in the country to waste money on making street names smaller and harder to read. Their excuse for dictating this diversion of public funds was that it would make traffic safer by making the street signs more readable. They claim that a word in all capital letters is harder to read than a word starting with a capital and followed by all lowercase letters. With a full page of dense type in all caps, this may sometimes be true, but with one or two words on the slab of a street sign, it obviously is not.

The FHA's other condition for change was to make the signs reflective. SFMTA did well to put up new signs that are reflective but written in all caps as before. But I challenge anyone to assert that the street signs currently at Sutter and Scott, for example, are more readable than the all-cap signs at Sutter and Pierce or Sutter and Fillmore.

FHA spokespersons like Victor Mendez claimed the aging of the Baby Boomers made this change necessary. Everybody likes to blame that generation for a lot of things. Like many people I would think it more likely that some personal connections to street-sign manufacturing made all this happen—but since I don't know the inside story, I can't speak to how much corruption may have been involved in this expensive abuse of common sense. We have influence in Washington. Let's use it to get rid of this expensive policy and maybe do the whole country a favor.

Sincerely yours,

Richard Hack

Richard Hack
Editor and CEO
Oxygen Editions

8

From: Lamug, Joy [joy.lamug@sfgov.org]
Sent: Tuesday, April 01, 2014 9:41 AM
To: BOS-Supervisors; BOS-Legislative Aides; Nuru, Mohammed (DPW); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlana (CAT); Malamut, John (CAT); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Rodgers, AnMarie (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Navarrete, Joy (CPC); Tam, Tina (CPC); Frye, Tim (CPC); Dwyer, Debra (CPC); Ionin, Jonas (CPC); Storrs, Bruce (DPW); Maher, Christine (OCII) (RED); Lippelaw@sonic.net; Chan, Cheryl (DPW)
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS)
Subject: FW: 738 Mission Street Tentative Parcel Map Appeal
Attachments: Response letter.pdf

Good Morning,

Please find the attached document from the Project Sponsor Margo Bradish of Cox Castle Nicholson in relation to the April 8, 2014, hearing on the Tentative Parcel Map Appeal of the 738 Mission Street. Hard copies to Supervisors and City Attorney were placed in the mailboxes yesterday, March 31st.

Thank you.

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking [here](#).

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

***Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.*



File #140255
B25-11
CJB
City Attorney
ipage

Cox, Castle & Nicholson LLP
555 California Street, 10th Floor
San Francisco, California 94104-1513
P: 415.262.5100 F: 415.262.5199

Margo N. Bradish
415.262-5101
mbradish@coxcastle.com

March 31, 2014

Board President David Chiu and Members of the Board of Supervisors
c/o Ms. Angela Calvillo
Clerk of the Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4689

Re: Response Letter to Mr. Thomas Lippe’s Appeal of Subdivision Map

Dear President Chiu and Supervisors:

We write on behalf of 706 Mission Street Co LLC (“Millennium Partners”) in response to the appeal letter submitted by Mr. Thomas Lippe on behalf of the 765 Market Street Residential Owner’s Association, Friends of Yerba Buena, Paul Sedway, Ron Wornick, Matthew Schoenberg, Joe Fang, and Margaret Collins (collectively, the “Appellants”) dated March 14, 2014, appealing the Department of Public Work’s approval of a Subdivision Map for Project 7970. For the reasons set forth below, we respectfully request that you reject the Appellants’ appeal.

I. EXECUTIVE SUMMARY

Appellants state that they appeal the approval of subdivision map for Project 7970 relating to Block 3706, Lots 275, 277, 093 and 706 Mission Street – Residential Tower and Mexican Museum Project. The subdivision map for Project 7970, however, has not yet been approved, conditionally approved, or disapproved by the Department of Public Works. Any appeal of the subdivision map for Project 7970 is therefore premature and should be rejected because the Department of Public Works has not yet taken final action on Project 7970. To the extent that Appellants intended to appeal the approval of the subdivision map for Project 7969, which is the subdivision map that the Department of Public Works approved on March 4, 2014, the ten day period in which to appeal that approval has passed. Any purported appeal of approval of the subdivision map for Project 7969 by Appellants should be rejected as untimely given that Appellants failed to appeal Project 7969 during the ten day appeal period, and it is now too late for Appellants to file a timely appeal.

Even if the Board of Supervisors were to allow the Appellants to proceed with an appeal of the subdivision map for Project 7969, their appeal is meritless. All of the arguments that

Appellants raise in their appeal relate to development of the Project, and none of their arguments relate to the subdivision map for Project 7969, which is the proper subject of an appeal of Project 7969. Appellants' arguments relating to the development of the Project are immaterial and irrelevant to this appeal given that the subdivision map for Project 7969 does not authorize any development of any kind. Furthermore, the Board of Supervisors and other City agencies and commissions have already considered and rejected all of arguments that Appellants now raise. Appellants' appeal simply rehashes the same broken arguments that the City previously rejected. The appeal should therefore be rejected and the approval of the subdivision map for Project 7969 affirmed.

II. FACTUAL BACKGROUND

On March 4, 2014, the Department of Public Works released its decision approving a proposed four lot subdivision of Block 3706, Lot 277 (the "Subdivison"). The street address of the proposed Subdivision is 738 Mission Street, and the Department of Public Works assigned a project identification number to the Subdivision of "Project 7969." Block 3706, Lot 277 is owned by the Successor Agency to the Redevelopment Agency of the City and County of San Francisco (the "Successor Agency"). The Successor Agency acquired Block 3706, Lot 277 after the Redevelopment Agency of the City and County of San Francisco ("Former Redevelopment Agency") dissolved and transferred all of its non-housing assets, including all real property, to the Successor Agency for the purpose of winding down the Former Redevelopment Agency's affairs, as required by the California Assembly Bill known as "AB 26" and the California Supreme Court's decision and order in *California Redevelopment Association v. Matosantos*.

The Successor Agency proposed the Subdivision in order to facilitate the disposal of the Former Redevelopment Agency's real property assets, by subdividing Block 3706, Lot 277 into four new legal lots that the Successor Agency could then convey to third parties. More specifically, the proposed Subdivision would divide Block 3706, Lot 277 into the following new lots:

- A lot that includes the Jessie Square Garage and the land that is contemplated as the future permanent home of The Mexican Museum (the "Garage/Museum Lot");
- A lot that includes Jessie Square Plaza (the "Jessie Square Plaza Lot"), which the Successor Agency intends to convey to an appropriate entity for the long term operation and maintenance of Jessie Square Plaza as public open space;
- An airspace lot above the Contemporary Jewish Museum, which the Successor Agency intends to convey to the Contemporary Jewish Museum ("CJM Lot 1"); and
- An airspace lot below the Contemporary Jewish Museum, which the Successor Agency intends to convey to the Contemporary Jewish Museum ("CJM Lot 2").

Following recordation of the map creating the Subdivision, the Successor Agency will convey the Garage/Museum Lot and Lot 275, which is a portion of the Stevenson Street ramp entrance to the Jessie Square Garage, (but none of the other newly created lots) to Millennium Partners

pursuant to the terms and conditions of a Purchase and Sale Agreement between the Successor Agency and Millennium Partners (“Purchase and Sale Agreement”). Millennium Partners would then develop the 706 Mission Street – The Mexican Museum and Residential Tower Project (the “Project”) on the Garage/Museum Lot, Lot 275 and on neighboring property (Block 3706, Lot 093, the “Aronson Building Lot”) that is owned by Millennium Partners.

The City and County of San Francisco, acting through its various commissions and boards – including the Board of Supervisors – approved the entitlements for the Project in 2013. The Successor Agency Commission and the Oversight Board to the Successor Agency (“Oversight Board”) approved the Purchase and Sale Agreement in 2013, as well as Part 1 of the Long Range Property Management Plan for the conveyance of the Garage/Museum Lot to Millennium Partners, adopted pursuant to Section 34191.5 of the California Health and Safety Code. The Success Agency Commission and Oversight Board more recently approved Part 2 of the Long Range Property Management Plan (“LRPMP Part 2”), which covers the Former Redevelopment Agency’s other non-housing assets, including the Jessie Square Plaza Lot, CJM Lot 1, and CJM Lot 2. LRPMP Part 2 is currently under review by the California Department of Finance.

The subdivision map for Project 7969 that the Department of Public Works approved on March 4, 2014 does not authorize any development on any of the four new lots that would be created by the Subdivision. Project 7969 merely subdivides Block 3706, Lot 277 into the Garage/Museum Lot, the Jessie Square Plaza Lot, CJM Lot 1, and CJM Lot 2. A separate subdivision map – assigned identification number “Project 7970” – would merge the newly created Garage/Museum Lot and Lot 275 with the Aronson Building Lot and re-subdivide those lots to facilitate the development of the Project. The proposed subdivision map for Project 7070 is still under review by the Department of Public Works, and no final action has yet been taken. When the Director of Public Works does take final action on the proposed subdivision map for Project 7070, that approval will be separately appealable by interested parties in accordance with the appeal procedures set forth in the City’s Subdivision Code.

III. ARGUMENT

Appellants’ appeal of the Department of Public Work’s approval of the subdivision map should be rejected for the following reasons.

A. Appellants Appeal of the Subdivision Map for Project 7970 is Premature Because the Department of Public Works Has Not Yet Taken Final Action on Project 7970.

In their appeal letter, Appellants state that they appeal the approval of a “Subdivision Map for Project 7970 relating to Block 3706, Lots 275, 277, 093 and 706 Mission Street – Residential Tower and Mexican Museum Project.” The subdivision map for Project 7970, however, has not yet been approved, conditionally approved, or disapproved by the Department of Public Works. Section 1314 of the City’s Subdivision Code states that appeals of subdivision maps may only be taken “from a final decision of the Director approving, conditionally approving, or disapproving” a subdivision. Because there is not yet a “final decision” on the subdivision map for Project 7970, the Appellants appeal of Project 7970 should be rejected as

premature and unripe. Appellants will have the opportunity to appeal the Department of Public Work's final action on the subdivision map for Project 7970 at such time as the Director of Public Works takes final action with respect that subdivision map application.

B. The Time for Appellants to Appeal Project 7969 Has Passed.

Section 1314 of the City's Subdivision Code provides that any appeal of the approval of a subdivision map must be filed with the Clerk of the Board "within 10 days of release of the decision appealed." The Department of Public Works released its decision on the subdivision map for Project 7969 on March 4, 2014. The last day to appeal the Department of Public Works' decision on Project 7969 was March 14, 2014. While Appellants filed an appeal of the subdivision map for Project 7970 on March 14, 2014, they failed to file an appeal of the subdivision map for Project 7969 by the March 14, 2014 deadline. Therefore, to the extent that Appellants intend to appeal the approval of the subdivision map for Project 7969, the period in which to appeal Project 7969 has passed. Any purported appeal of the subdivision map for Project 7969 by Appellants should be rejected as untimely given that Appellants failed to appeal Project 7969 during the appeal period, and it is now too late for Appellants to file a timely appeal.

C. The Appeal Lacks Merit; All Issues Raised by Appellants in the Appeal Letter Have Previously Been Considered and Rejected by the Board of Supervisors and Other City Agencies and Commissions.

Even if the Board of Supervisors were to allow the Appellants to proceed with an appeal of the subdivision map for Project 7969, the appeal lacks merit. Appellants state that their appeal is based on the fact that the subdivision does not comply with the following provisions of the Planning Code:

- Article 11 §1111.6(c)(6) because the Project will increase the height of the Aronson Building by more than one story, and because the tower is not compatible in scale with the Aronson Building;
- Article 11, § 1113(a) because the Project tower is not compatible in scale with the new Montgomery-Mission-Second Conservation District; and
- Sections 295 (Prop K) and Section 309 (Downtown Project Authorization).

Appellants also argue that the subdivision map does not comply with California Environmental Quality Act ("CEQA") for all the reasons described in the Appellants previous appeal of the Environmental Impact Report for the Project, Board of Supervisors File No. 130308. Appellants fail to note, however, that the Board of Supervisors and other City agencies and commissions have previously considered and rejected all of these arguments.

1. Subdivision Map for Project 7969 Does Not Authorize Any Development.

As an initial matter, all of Appellants' arguments in support of the appeal relate to development of the Project. None of the arguments relate the subdivision of Block 3706, Lot 277 into the Garage/Museum Lot, the Jessie Square Plaza Lot, CJM Lot 1, and CJM Lot 2. As previously discussed, the subdivision map for Project 7969 does not authorize any development, including but not limited to the development of the Project. The purpose of the subdivision map for Project 7969 is to facilitate the disposal of the Former Redevelopment Agency real estate assets, as required by state law. Because the subdivision map for Project 7969 does not authorize any development, Appellants' rehashing of arguments that they previously made challenging development of the Project are misplaced and irrelevant.

2. The City Has Previously Considered and Rejected All of the Arguments That Appellants Raise in Their Appeal.

More importantly, the City has previously considered and rejected all of the arguments raised by Appellants in their appeal.

a. The City Has Rejected Appellants' Arguments Alleging That the Project Fails to Comply with Article 11 of the Planning Code.

Appellants previously raised arguments alleging the Project's non-compliance with Article 11 of the Planning Code as part of Appellants' appeal of the approval of a Major Permit to Alter for the Project. On July 23, 2013, the Board of Supervisors heard the Major Permit to Alter appeal, rejected all of Appellants arguments regarding the Project's alleged non-compliance with Article 11, and affirmed the Historic Preservation Commission's approval of the Major Permit to Alter for the Project pursuant to Motion No. M13-096. All of the documents, comments, and arguments that Millennium Partners submitted to the City in connection with the Major Permit to Alter are herein incorporated by reference.

b. The City Has Rejected Appellants' Arguments Alleging That the Project Fails to Comply with Section 309 and Other Planning Code Provisions.

Appellants also previously raised arguments alleging the Project's non-compliance with Section 309 and other Planning Code provisions as part of Appellants' appeal of the approval of a Section 309 Downtown Project Authorization for the Project ("Section 309 Authorization"). On July 31, 2013 the Board of Appeals heard Appellants' appeal of the Section 309 Authorization, and on August 13, 2013 the Board of Appeals rejected all of Appellants arguments regarding the Project's alleged non-compliance with Section 309 and other Planning Code provisions, and upheld the Planning Commission's approval of the Section 309 Authorization. All of the documents, comments, and arguments that Millennium Partners submitted to the City in connection with the Section 309 Authorization are herein incorporated by reference.

c. The City Has Rejected Appellants' Arguments Alleging Violations of Section 295 of the Planning Code.

Appellants also previously raised arguments alleging violations of Section 295 of the Planning Code in connection with the Project, and both the Planning Commission and the Recreation and Park Commission, in acting on the Section 295 approvals for the Project, rejected Appellant's arguments. While Appellants attempted to appeal the Planning Commission and Recreation and Park Commission's approval of the Section 295 actions for the Project, the Board of Appeals determined that it did not have subject matter jurisdiction over the approval or an appeal. All of the documents, comments, and arguments that Millennium Partners submitted to the City in connection with the Section 295 actions for the Project are herein incorporated by reference.

d. The City Has Rejected Appellants' Arguments Alleging Violations of The California Environmental Quality Act.

Appellants also previously raised arguments alleging the Project's non-compliance with CEQA, and Appellants appealed the Planning Commission's March 21, 2013 certification the Final Environmental Impact Report for the Project (Case No. 2008.1084E) (the "FEIR"). The Board of Supervisors heard the FEIR appeal on May 7, 2013, rejected all of the arguments raised by Appellants, and affirmed certification of the FEIR for the Project on May 7, 2013 with Motion No. M13-062. While Appellants claim that the approval of the subdivision map does not comply with CEQA, they do not offer a single statement or fact in support of that claim. The Department of Public Works complied with CEQA in approving the subdivision map. Attached as Exhibit A to this letter is the Department of Public Works' CEQA findings for the approval of a subdivision map for Project 7969. All of the documents, comments, and arguments that Millennium Partners submitted to the City in connection with the CEQA review for the Project are herein incorporated by reference.

In summary, Appellants appeal is devoid of merit, and the Board of Supervisors and other City agencies and commissions have already considered all of Appellants' arguments and have rejected them and found them to be without merit in each case.

IV. CONCLUSION

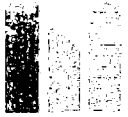
For the foregoing reasons, we respectfully request that the Board of Supervisors reject the Appellants' appeal.

Sincerely,



Margo N. Bradish

Exhibit A



COX CASTLE
NICHOLSON

Cox, Castle & Nicholson LLP
555 California Street, 10th Floor
San Francisco, California 94104-1513
P: 415.262.5100 F: 415.262-5199

Margo N. Bradish
415.262.5101
mbradish@coxcastle.com

File No. 56238

February 26, 2014

VIA E-MAIL

Mr. Robert Hanley
Department of Public Works
Office of the City and County Surveyor
1155 Market Street, 3rd Floor
San Francisco, California 94103

Re: Project ID: 7969
Project Name: 3706/277 (4AS)

Dear Mr. Hanley:

Pursuant to your request, below please find draft CEQA compliance and findings language to be considered in connection with the Department of Public Work's action on the vesting tentative parcel map application for Project ID 7969:

"On March 21, 2013, the San Francisco Planning Commission certified that the Final Environmental Impact Report ("Final EIR") for the 706 Mission Street – The Mexican Museum and Residential Tower Project ("Project") was in compliance with the California Environmental Quality Act, (California Public Resources Code section 21000, et seq) ("CEQA"), the CEQA Guidelines, and Administrative Code Chapter 31 in Planning Commission Motion No. 18829. On May 7, 2013, the Board of Supervisors rejected three separate appeals of the Planning Commission's certification of the Final EIR and by Board Motion No. M13-062 affirmed the Planning Commission's certification of the Final EIR.

Since the Planning Commission approved the Project and made CEQA findings, the Department of Public Works finds that there have been no substantial changes to the Project that would require major revisions to the Final EIR or result in new or substantially more severe significant environmental impacts that were not evaluated in the Final EIR; no substantial changes in circumstances have occurred that would require major revisions to the Final EIR or result in new or substantially more severe significant environmental impacts that were not evaluated in the Final EIR; and no new information has become available that was not known and could not have been known at the time the Final EIR was certified as complete and that would result in new or substantially more severe significant environmental impacts not evaluated in the Final EIR; and no mitigation measures or alternatives previously found infeasible would be feasible or

Mr. Robert Hanley
February 26, 2014
Page 2

mitigation measures or alternatives considerably different than those analyzed in the Final EIR would substantially reduce significant environmental impacts, but the project proponent declines to adopt them.

The Department of Public Works has reviewed the Final EIR and adopts and incorporates by reference as though fully set forth herein the findings, including the mitigation monitoring and reporting program, adopted by the Planning Commission on May 23, 2013 in Motion No 18875. The Department of Public Works finds that there is no need for further environmental review or subsequent environmental impact report under CEQA Guidelines Section 15162 for the actions contemplated herein.”

Please let me know if you have any comments or questions about the proposed CEQA compliance and findings language for Project ID 7969.

Sincerely yours,

A handwritten signature in cursive script that reads "Margo N. Bradish".

Margo N. Bradish

MNB/pml



DEBRA BOWEN | SECRETARY OF STATE
STATE OF CALIFORNIA | ELECTIONS

1500 11th Street, 5th Floor | Sacramento, CA 95814 | Tel (916) 657-2166 | Fax (916) 653-3214 | www.sos.ca.gov

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To Whom It May Concern:

We are pleased to provide the California Voter Information Guide for the June 3, 2014, Statewide Direct Primary Election, which has been prepared by this office to assist California voters in determining how to cast their votes on statewide ballot measures and candidates on Election Day. These guides are being distributed to you as required by section 9096 of the California Elections Code.

If you would like additional copies of the guide, please contact the Secretary of State's Elections Division at (916) 657-2166.

10

CALIFORNIA STATEWIDE DIRECT PRIMARY ELECTION TUESDAY, JUNE 3, 2014

★ OFFICIAL VOTER INFORMATION GUIDE ★

Certificate of Correctness

I, Debra Bowen, Secretary of State of the State of California,
hereby certify that this guide has been prepared in accordance with the law.

Witness my hand and the Great Seal of the State in Sacramento, California, this 10th day of March, 2014.

Polls are
open from
7:00 a.m. to 8:00 p.m.
on Election Day

Debra Bowen



Debra Bowen
Secretary of State



Secretary of State

Dear Fellow Voter:

By registering to vote, you have taken the first step in playing an active role in deciding California's future. Now, to help you make your decisions, my office has created this Official Voter Information Guide—just one of the useful tools for learning more about what will be on your ballot and how this election works.

Information about candidates and measures unique to your region is available in your county sample ballot booklet. And for even more details about the electoral process—including how to check your voter registration status, where to vote, or whether your vote-by-mail ballot was received—visit www.sos.ca.gov/elections or call my toll-free voter hotline at (800) 345-VOTE.

Voting is easy, and every registered voter has a choice of voting by mail or in a local polling place. The last day to request a vote-by-mail ballot from your county elections office is May 27. On Election Day, polls will be open from 7:00 a.m. to 8:00 p.m.

There are more ways to participate in the electoral process.

- Be a poll worker on Election Day, helping to make voting easier for all eligible voters and protecting ballots until they are counted by elections officials.
- Spread the word about voter registration deadlines and voting rights through emails, phone calls, brochures, and posters.
- Help educate other voters about the candidates and issues by organizing discussion groups or participating in debates with friends, family, and community leaders.

This guide contains titles and summaries of state ballot measures prepared by Attorney General Kamala D. Harris; impartial analyses of the ballot measures and potential costs to taxpayers prepared by Legislative Analyst Mac Taylor; arguments in favor of and against ballot measures prepared by proponents and opponents; text of the proposed laws prepared and proofed by Legislative Counsel Diane F. Boyer-Vine; and other useful information. The printing of the guide was done under the supervision of State Printer David Gerald "Jerry" Hill.

It is a wonderful privilege in a democracy to have a choice and the right to voice your opinion. As you know, some contests really do come down to a narrow margin of just a few votes. I encourage you to take the time to carefully read about each candidate and ballot measure—and to know your voting rights.

Thank you for taking your civic responsibility seriously and making your voice heard!

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For more information about your voting rights, see page 47 of this guide.

How to Vote

You have two choices when voting. You may vote in person at a polling place in your county or you may vote by mail.

You do not have to vote in every contest on your ballot. Your vote will be counted for each contest you vote in.

For more information about your voting rights, see page 47 of this guide.

Voting at the Polling Place on Election Day

Polls are open from 7:00 a.m. to 8:00 p.m. on Election Day. Some counties also offer early voting at a few polling places before Election Day.

When you arrive at your polling place, a poll worker will ask for your name and check an official list of registered voters for that polling place. After you sign next to your name on the list, the poll worker will give you a paper ballot, unique passcode, or computer memory card, depending on the voting system your county uses. Go to a private booth and begin voting.

Poll workers are there to assist voters with the voting process. If you are not familiar with how to cast a ballot, ask a poll worker for instructions on how to use the voting system. If you make a mistake in marking the ballot, ask a poll worker for instructions on how to correct a mistake on the ballot. If you need to, you can ask for a new ballot and start over.

State and federal laws require that all voters be able to cast their ballots privately and independently. Some voting systems have been specifically designed to assist voters with disabilities. Each polling place is required to have at least one voting machine that permits voters, including those who are blind or visually impaired, to cast a ballot without assistance. The voting machine also must permit you to verify your vote choices and, if there is an error, permit you to correct those choices.

Voting by Mail

If you are not a permanent vote-by-mail voter (formerly known as an absentee voter), you still may choose to vote by mail in this election. Your county sample ballot booklet contains an application for a vote-by-mail ballot. The last day to request a vote-by-mail ballot from your county elections office is May 27.

After you mark your choices on your vote-by-mail ballot, put it in the official envelope provided by your county elections office and seal it. Sign the outside of the envelope where directed. You may return your voted vote-by-mail ballot by:

- Mailing it to your county elections office;
- Returning it in person to any polling place or elections office within your county on Election Day; or
- Authorizing a legally allowable third party (spouse, child, parent, grandparent, grandchild, brother, sister, or a person residing in the same household as you) to return the ballot on your behalf to any polling place or elections office within your county on Election Day.

Vote-by-mail ballots must be received by county elections offices no later than 8:00 p.m. on Election Day, so be sure to mail your vote-by-mail ballot well before Election Day.

Even if you receive your vote-by-mail ballot, you can change your mind and vote at your polling place on Election Day. Bring your vote-by-mail ballot to the polling place and give it to a poll worker to exchange for a polling place ballot. If you do not have your vote-by-mail ballot, you will be allowed to vote on a provisional ballot.

Elections in California

The Top Two Candidates Open Primary Act requires that all candidates for a voter-nominated office be listed on the same ballot. Previously known as partisan offices, voter-nominated offices are state legislative offices, U.S. congressional offices, and state constitutional offices.

In both the open primary and general elections, you can vote for any candidate regardless of what party preference you indicated on your voter registration form. In the primary election, the two candidates receiving the most votes—regardless of party preference—move on to the general election. If a candidate receives a majority of the vote (50 percent + 1), a general election still must be held.

California's open primary system does not apply to candidates running for U.S. President, county central committee, or local offices.

California law requires the following information to be printed in this notice.

Voter-Nominated Offices

Political parties are not entitled to formally nominate candidates for voter-nominated offices at the primary election. A candidate nominated for a voter-nominated office at the primary election is the nominee of the people and not the official nominee of any party at the general election. A candidate for nomination to a voter-nominated office shall have his or her party preference, or lack of party preference, stated on the ballot, but the party preference designation is selected solely by the candidate and is shown for the information of the voters only. It does not mean the candidate is nominated or endorsed by the party designated, or that there is an affiliation between the party and candidate, and no candidate nominated by the voters shall be deemed to be the officially nominated candidate of any political party. In the county sample ballot booklet, parties may list the candidates for voter-nominated offices who have received the party's official endorsement.

Any voter may vote for any candidate for a voter-nominated office, if they meet the other qualifications required to vote for that office. The top two vote-getters at the primary election move on to the general election for the voter-nominated office even if both candidates have specified the same party preference designation. No party is entitled to have a candidate with its party preference designation move on to the general election, unless the candidate is one of the two highest vote-getters at the primary election.

Nonpartisan Offices

Political parties are not entitled to nominate candidates for nonpartisan offices at the primary election, and a candidate at the primary election is not the official nominee of any party for the specific office at the general election. A candidate for nomination to a nonpartisan office may not designate his or her party preference, or lack of party preference, on the ballot. The top two vote-getters at the primary election move on to the general election for the nonpartisan office.

Find Your Polling Place

Polling places are established by county elections officials.

When you receive your county sample ballot booklet in the mail a few weeks before Election Day, look for your polling place on the back cover of the booklet.

Many county elections offices offer polling place look-up assistance via websites or toll-free phone numbers. For more information, visit the Secretary of State's website at www.sos.ca.gov/elections/find-polling-place.htm or call the toll-free Voter Hotline at (800) 345-VOTE (8683).

On Election Day, polls will be open from 7:00 a.m. to 8:00 p.m. If you are in line at your polling place before 8:00 p.m., you will be able to vote.

If your name does not appear on the voter list at your polling place, you have the right to cast a provisional ballot at any polling place in the county in which you are registered to vote.

If you moved to your new address after May 19, 2014, you may vote at your former polling place.

State and Federal Voter Identification Requirements

In most cases, California voters are not required to show identification before casting ballots. If you are voting for the first time after registering by mail and did not provide your driver license number, California identification number, or the last four digits of your social security number on the registration card, you may be asked to show a form of identification when you go to the polls.

Following is a partial list of the more than 30 acceptable forms of identification. You can also visit the Secretary of State's website and look for "Help America Vote Act Identification Standards" at www.sos.ca.gov/elections/elections_regs.htm.

- Driver license or state-issued ID card
- Military ID
- Passport
- Student ID
- Employee ID card
- Health club ID
- Credit or debit card
- Insurance plan ID card

Voter Registration

You are responsible for updating your voter registration if you change your home address, change your mailing address, change your name, or want to change or select a political party preference.

Registering to vote is easier than ever with the online form at <http://registertovote.ca.gov>. Registration forms are also available at most post offices, libraries, city and county government offices, and the California Secretary of State's office.

Assistance for Voters with Disabilities

Your county sample ballot booklet includes instructions on how voters with disabilities are able to vote privately and independently, and it will display the International Symbol of Accessibility if your polling place is accessible to voters with disabilities.

If you need help marking your ballot, you may choose up to two people to help you cast your vote as long as neither is your employer, your employer's agent, your labor union leader, or your labor union's agent.

If curbside voting is available at your polling place, you may get as close as possible to the voting area and elections officials will bring you a roster to sign, a ballot, and any other voting materials you may need, whether you are actually at a curb, in a car, or otherwise. Contact your county elections office to determine if curbside voting is available at your polling place.

The Secretary of State produces audio and large-print versions of the Official Voter Information Guide to ensure voters who are blind or visually impaired have access to statewide ballot information. Guides are produced in English, Chinese, Hindi, Japanese, Khmer, Korean, Spanish, Tagalog, Thai, and Vietnamese. To order any version of these guides at no cost, call the Secretary of State's toll-free voter hotline at (800) 345-VOTE or visit www.sos.ca.gov.

You may also access a downloadable audio MP3 version of the Official Voter Information Guide at www.voterguide.sos.ca.gov/audio.

About Ballot Arguments

The Secretary of State's office does not write ballot arguments. Arguments in favor of and against ballot measures are provided by the proponents and opponents of the ballot measures.

Special Arrangements for California's Military and Overseas Voters

As a military and overseas voter, you can fax or mail your ballot to your county elections office. If you fax your voted ballot, you must also include a signed Oath of Voter form that waives your right to cast a confidential vote. All ballots must be received by the county elections office before the polls close at 8:00 p.m. (PST) on Election Day. Postmarks do not count.

You can register to vote and complete a special absentee ballot application at www.fvap.gov.

For more information about registering to vote as a military and overseas voter, go to www.sos.ca.gov/elections/elections_mov.htm.

Earn Money and Make a Difference

Serve as a Poll Worker on Election Day!

In addition to gaining first-hand experience with the tools of our democracy, poll workers can earn extra money for their valuable service on Election Day.

Contact your county elections office, or call (800) 345-VOTE (8683), for more information on becoming a poll worker.

QUICK-REFERENCE GUIDE

PROP 41 VETERANS HOUSING AND HOMELESS PREVENTION BOND ACT OF 2014.

SUMMARY

Put on the Ballot by the Legislature

Authorizes \$600 million in general obligation bonds for affordable multifamily supportive housing to relieve homelessness, affordable transitional housing, affordable rental housing, or related facilities for veterans and their families. Fiscal Impact: Increased state bond costs averaging about \$50 million annually over 15 years.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: The state would sell \$600 million in general obligation bonds to fund affordable multifamily housing for low-income and homeless veterans.

NO A NO vote on this measure means: The state would not sell \$600 million in general obligation bonds to fund affordable multifamily housing for low-income and homeless veterans.

ARGUMENTS

PRO Prop. 41, the Veterans Housing and Homeless Prevention Act of 2014, redirects \$600 million of previously approved, unspent bond funds to construct and rehabilitate housing for California's large population of homeless veterans. This Act will construct affordable, supportive, and transitional housing for homeless and near homeless veterans without raising taxes.

CON Proposition 41 would authorize the State to borrow (by selling bonds) \$600 million out of \$900 million in bonds previously approved by voters in 2008 for use by the CalVet Home and Farm Loan Program. The issue is whether such a diversion of funds is wise.

FOR ADDITIONAL INFORMATION

FOR
Coalition for Veterans Housing
777 S. Figueroa St., Suite 4050
Los Angeles, CA 90017
(213) 346-0400
info@yesonprop41forvets.org
www.yesonprop41forvets.org

AGAINST
Gary Wesley
gary.wesley@yahoo.com

PROP 42 PUBLIC RECORDS. OPEN MEETINGS. STATE REIMBURSEMENT TO LOCAL AGENCIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY

Put on the Ballot by the Legislature

Requires local government compliance with laws providing for public access to local government body meetings and records of government officials. Eliminates reimbursement for costs of compliance. Fiscal Impact: Reductions in state payments to local governments in the tens of millions of dollars annually. Potential future costs on local governments in the tens of millions of dollars annually.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: The state would not be required to pay local governments for costs to follow state laws that give the public access to local government information.

NO A NO vote on this measure means: The state would still be required to pay local governments for certain costs of providing public access to local government information.

ARGUMENTS

PRO Proposition 42 will cement in the Constitution the public's right to know what the government is doing and how it is doing it. Local agencies shouldn't be allowed to deny a request for public information or slam a meeting door shut based on cost. Vote YES on Proposition 42.

CON Proposition 42 would amend the California Constitution to impose the cost of complying with the California Public Records Act and local open meeting laws upon the local governments involved. An alternative, not offered by this proposition, would be to impose the cost upon the state government.

FOR ADDITIONAL INFORMATION

FOR
Peter Scheer
First Amendment Coalition
534 Fourth St. #B
San Rafael, CA 94901
(415) 460-5060
pscheer@firstamendmentcoalition.org
www.cnpa.com/prop42

AGAINST
Gary Wesley
gary.wesley@yahoo.com

VETERANS HOUSING AND HOMELESS PREVENTION BOND ACT OF 2014.

- Authorizes \$600 million in general obligation bonds for affordable multifamily supportive housing to relieve homelessness, affordable transitional housing, affordable rental housing, or related facilities for veterans and their families.
- Provides funding for programs to address homeless veterans and those at risk of becoming homeless and annual evaluations of the effectiveness of housing programs funded by the bonds.
- Appropriates money from General Fund to pay off bonds.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- Increased state bond repayment costs averaging about \$50 million annually over 15 years.

State Bond Cost Estimates	
Authorized borrowing	\$600 million
Average annual cost to pay off bonds	\$50 million
Likely repayment period	15 years
Source of repayment	General tax revenues

**FINAL VOTES CAST BY THE LEGISLATURE ON AB 639 (PROPOSITION 41)
(Chapter 727, Statutes of 2013)**

Senate:	Ayes 36	Noes 0
Assembly:	Ayes 78	Noes 0

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

State Housing Programs. In most years, about 150,000 houses and apartments are built in California. Most of these housing units are built entirely with private dollars. Some, however, receive financial help from federal, state, or local governments. For example, the state provides local governments, nonprofits, and private developers with low-cost loans to fund a portion of the housing units’ construction costs. Typically, housing built with these funds must be sold or rented to Californians with low incomes.

A portion of housing units built with state funds is set aside for homeless Californians. These include homeless shelters, short-term housing, and supportive housing. Supportive housing combines housing with certain services, including mental

and physical health care, drug and alcohol abuse counseling, and job training programs. A January 2013 federal government survey identified 137,000 homeless Californians, including about 15,000 veterans. California veterans are more than twice as likely to be homeless than non-veterans.

Veterans’ Home Loan Program. The state and federal governments provide home loan assistance to some of the 1.9 million veterans living in California. Under the *state* program, the state sells general obligation bonds to investors and uses the funds to buy homes on behalf of eligible veterans. Each participating veteran then makes monthly payments to the state, which allows the state to repay the investors. These payments have always covered the amount owed on the bonds, meaning the program has operated at no direct cost to

taxpayers. Since 2000, the number of veterans receiving new home loans under this program each year has declined significantly. Many factors have contributed to this decline, including:

(1) historically low mortgage interest rates, (2) the availability of federal home loan assistance, and (3) the recent housing crisis. When the Legislature placed this measure on the ballot, it also reduced the amount of bonds that could be used for the veterans' home loan program by \$600 million. As a result, about \$500 million of state bonds remain available for veterans home loans.

PROPOSAL

New General Obligation Bonds for Veterans' Housing. This measure allows the state to sell \$600 million in new general obligation bonds to fund affordable multifamily housing for low-income veterans. The general obligation bonds authorized by this measure would be repaid using state tax revenue, meaning that taxpayers would pay for the new program. (For more information on the state's use of bonds, see "Overview of State Bond Debt" later in this guide.)

Housing for Low-Income Veterans. This measure funds construction, renovation, and acquisition of affordable multifamily housing, such as apartment complexes. The state would do this by providing local governments, nonprofit organizations, and private developers with financial assistance, such as low-interest loans, to fund part of a project's costs. Housing built with these funds would be rented to low-income veterans (and their families)—that is, those who earn less than 80 percent of average family income, as adjusted by family size and county. For example, the average statewide amount for a single person to be considered low-income for this program is about \$38,000. State law requires these units to be affordable, meaning rent payments made by veterans cannot exceed 30 percent of the income limit for the program.

Housing for Homeless Veterans. State law gives funding priority in this program to projects that would house homeless veterans and veterans who are at risk of becoming homeless. In particular, at least one-half of the funds would be used to construct housing for extremely low-income veterans. These veterans earn less than 30 percent of the amount earned by the average family in the county where they live. (The average statewide amount for a single person to be considered extremely low-income is about \$14,000.) A portion of the funding for extremely low-income veterans would be used to build supportive housing for homeless veterans.

Other Provisions. Under this measure, the Legislature could make changes in the future to improve the program and the state could use up to \$30 million of the bond funds to cover the costs of administering the program. In addition, the state would be required to publish an annual evaluation of the program.

FISCAL EFFECTS

Bond Costs. This measure would allow the state to borrow up to \$600 million by selling general obligation bonds to investors, who would be repaid using general tax revenues. The cost of these bonds would depend on their interest rates and the time period over which they are repaid. We assume that (1) the interest rate for these bonds would average 5 percent, (2) they would be sold over the course of five years, and (3) they would be repaid over a ten-year period. Based on these assumptions, the cost to taxpayers to repay the bonds would **average about \$50 million annually for 15 years**. This amount is less than one-tenth of 1 percent of the state budget.

Visit <http://cal-access.sos.ca.gov> for details about financial contributions for this proposition.

★ ARGUMENT IN FAVOR OF PROPOSITION 41 ★

Vote YES on Proposition 41, the Veterans Housing and Homeless Prevention Bond Act of 2014 to build affordable housing for California’s veterans without raising taxes or adding to California’s debt by redirecting \$600 million of existing, unspent funds.

This is a fiscally responsible ballot measure that will help thousands of homeless veterans get a roof over their heads. This act doesn’t create new taxes or add new debt to California. In fact, this act will save taxpayer dollars in healthcare and public safety by getting veterans off the streets and into safe, affordable housing.

California is home to more than one-quarter of all homeless veterans in the United States. We must take action to address this shocking situation, but we also know that California has had significant budget troubles over the past several years. That’s why this measure *doesn’t add to California’s debt*; instead, it takes previously approved but unspent bond funds and uses them to construct affordable housing for homeless and near-homeless veterans. *We know we need to do more for our veterans, and we can take action without raising a dime in new taxes or adding a nickel to California’s debt.*

Every veteran has unique needs, and this act will help ensure that we approach homelessness among veterans comprehensively. This act will help build transitional housing for veterans who are trying to escape homelessness, while also constructing supportive housing for veterans who are dealing with physical injuries, mental health issues, or Post Traumatic Stress stemming from their service. Priority will go to nonprofits and local governments to construct new housing or renovate existing facilities to meet the needs of veterans locally.

By voting YES on Proposition 41, we can act to make sure homeless veterans have access to quality, affordable housing and give at-risk veterans the opportunity to find the job training, counseling, and rehabilitation services they need—and since this act uses money that has already been approved, but not spent, we can honor their service without adding to the debt or raising taxes.

As our conflicts overseas draw to a close, up to 45,000 young veterans will be returning home to California. They have sacrificed so much for our country, and some will be coming home with no jobs or homes waiting for them. *We cannot allow these men and women who have served our country to be left on their own.*

That is why organizations like the American Legion, Vietnam Veterans of California, Veterans Village of San Diego, U.S. VETS, and Swords to Plowshares support this act. They know that we must do right by our veterans and taxpayers alike.

Vote YES on Proposition 41 to build \$600 million in quality affordable housing for California’s veterans, without raising taxes or adding to California’s debt. Honoring the sacrifices California’s veterans have made isn’t just our duty as voters—it’s our basic obligation as citizens. For more information, please visit www.yesonprop41forvets.org.

Let’s support our veterans for all their sacrifices—by voting YES!

JOHN A. PÉREZ, Speaker of the California Assembly
LEON E. PANETTA, Former United States Secretary of Defense
STEPHEN PECK, President
 U.S. VETS

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 41 ★

In general, it is the responsibility of the federal government to care for military veterans; however, when the federal government falls short and no one else picks up the slack, it is appropriate for state governments to lend a hand to persons who have served—even if voluntarily—in the military.

Credit the California Legislature for proposing in Proposition 41 to shift \$600 million in voter-authorized borrowing to programs that may better help veterans in need.

Keep in mind, though, that all money borrowed (by selling bonds) must be repaid with interest.

In the case of CalVet loans for the purchase of homes (and farms), the recipients have been required to pay

back the loans with interest. In contrast, the programs proposed for homeless veterans would not be paid for by the veterans (as they cannot afford to pay).

Also, keep in mind that any program which involves expenditures not given directly to the intended beneficiaries is subject to possible mismanagement and waste.

In the future, the best way to avoid homelessness among veterans is to avoid the unnecessary commitment of ground troops into combat around the globe. Putting “boots on the ground” in foreign lands should be a last resort.

GARY WESLEY

★ ARGUMENT AGAINST PROPOSITION 41 ★

In 2008, California voters approved a \$900 million bond measure to further fund the CalVet Farm and Home Loan Program. The Program began in 1921. It has helped more than 400,000 California military veterans buy homes (and farms).

In this proposition, the State Legislature is proposing to authorize use of \$600 million of the prior \$900 million bond measure (two-thirds) for another program aimed at helping homeless veterans. According to the Legislature, there are approximately 19,000 homeless veterans in California—with more coming.

If approved by voters, this proposition would allow a new "Housing for Veterans Finance Committee" to borrow money by selling up to \$600 million in general obligation bonds "to provide the acquisition, construction, rehabilitation, and preservation of affordable multi-family supportive housing, affordable transitional housing, affordable

rental housing, or related facilities for veterans and their families to access and maintain housing stability."

According to the State Legislature, the \$900 million in borrowing (by selling bonds) authorized by voters for the CalVet Loan Program in 2008 is not being fully used by veterans to buy homes or farms. Indeed, the Legislature reports that borrowing authority under the prior \$500 million bond measure for the Loan Program has not been exhausted.

The chief questions raised by this proposition are:

- (1) Should \$600 million in borrowing capacity be taken from the CalVet Farm and Home Loan Program?
- (2) Should \$600 million be borrowed (by selling bonds) to support a new California veterans' program?

GARY WESLEY

★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 41 ★

Prop. 41, the Veterans Housing and Homeless Prevention Act of 2014 redirects existing, unspent bond funds that were previously approved by voters but that have not been used. Prop. 41 does not raise taxes or add to the overall state debt. Prop. 41 authorizes \$600 million to be dedicated to constructing and renovating affordable housing for homeless and near-homeless veterans.

The existing program that these funds come from is badly underused. In fact, a *Los Angeles Times* editorial said that the original ballot measure that authorized this funding "missed the mark in terms of meeting the needs of the state's veterans." That's why Prop. 41 is essential to veterans—it builds the kinds of housing California's veteran population needs, without raising taxes.

This act redirects previously approved, but unused bonds. That means that it doesn't add to California's overall authorized debt. Using these bonds will produce minor financing costs to the state, while leading to savings

in social services and healthcare. As the *L.A. Times* noted, "By reducing the number of homeless veterans and connecting more of them to the rehabilitation and mental health services they need, the bonds could help the state avoid some of the healthcare and social service costs it faces today." The *Times* also notes these bonds could assist more homeless veterans to rejoin the workforce.

This is the fiscally responsible way to do right by California's veterans. Vote YES on Prop. 41 to help California's veterans get the housing they need.

ED FORD, State Commander
 Veterans of Foreign Wars, California Department
 PETER CAMERON, Executive Director
 Veterans Resource Center of America
 JOSEPH GARCIA, State Commander
 American Legion, Department of California

42

PUBLIC RECORDS. OPEN MEETINGS. STATE REIMBURSEMENT TO LOCAL AGENCIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.

- Requires local government agencies, including cities, counties, and school districts, to comply with specified state laws providing for public access to meetings of local government bodies and records of government officials.
- Eliminates requirement that the State reimburse local government agencies for compliance with these specified laws.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- Reduced state payments to local governments in the tens of millions of dollars annually.
- Potential increased local government costs of tens of millions of dollars annually from possible additional state requirements on local governments to make information available to the public.

**FINAL VOTES CAST BY THE LEGISLATURE ON SCA 3 (PROPOSITION 42)
(Resolution Chapter 123, Statutes of 2013)**

Senate:	Ayes 37	Noes 0
Assembly:	Ayes 78	Noes 0

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

California Has Thousands of Local Governments. Californians receive services from thousands of local governments—counties, cities, school and community college districts, and special districts (such as fire districts, flood control districts, and water districts). Each local government has a local governing body (such as a city council or county board of supervisors) that makes decisions about its programs, services, and operations.

Public Access to Local Government Information. The State Constitution requires that meetings of governing bodies and writings of public officials and agencies be open to public scrutiny. Two state laws establish rules local

governments must follow to provide public access to local government information and meetings.

- **California Public Records Act.** This law allows every person to inspect and obtain copies of state and local government documents. It requires state agencies and local governments to establish written guidelines for public access to documents and to post these guidelines at their offices.
- **Ralph M. Brown Act.** This law governs meetings of the governing bodies of local governments. It requires local governing bodies to provide public notice of agenda items and to hold meetings in an open forum.

State Payments for Public Records and Brown Act Costs. Over the years, the Legislature has modified the Public Records Act and Brown Act from time to time. Some of these changes have increased local government responsibilities and costs. The state generally must pay local governments for their costs when it increases their responsibilities—a requirement that state officials consider when reviewing proposals that increase local government costs. Under current law, the state must pay local governments for their costs to implement certain parts of the Public Records Act (such as the requirement to assist members of the public seeking records and to tell individuals seeking records whether the records can be provided). The amount of money the state owes local governments for their Public Records Act costs is not known yet, but is estimated to be in the tens of millions of dollars annually. In addition, the state previously has paid local governments for their costs resulting from certain parts of the Brown Act. However, California voters amended the State Constitution in 2012 to eliminate the state's responsibility to pay local governments for these Brown Act costs.

PROPOSAL

This measure:

- Adds to the State Constitution the requirement that local governments follow the Public Records Act and the Brown Act.

- Eliminates the state's responsibility to pay local governments for their costs related to these laws. (As noted above, state responsibility to pay for local Brown Act costs was eliminated in 2012.)

The measure applies to the current requirements of these laws, as well as any future changes to either law that are made to improve public access to government information or meetings.

FISCAL EFFECTS

Effect on State Costs and Local Revenues. By eliminating the state's responsibility for paying local government costs to follow the Public Records Act, the measure would result in savings to the state and comparable revenue reductions to local governments. The impact is likely in the tens of millions of dollars a year.

Potential Effect on Local Costs. The measure could also change the future behavior of state officials. This is because under Proposition 42, the state could make changes to the Public Records Act and it would not have to pay local governments for their costs. Thus, state officials might make *more* changes to this law than they would have otherwise. In this case, local governments could incur **additional costs—potentially in the tens of millions of dollars annually in the future.**

Visit <http://cal-access.sos.ca.gov> for details about financial contributions for this proposition.

★ ARGUMENT IN FAVOR OF PROPOSITION 42 ★

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Everyone has heard the old saw “you can’t fight city hall.” It turns out it is flatly untrue. Millions of Californians seek answers from public officials and bureaucrats in cities, counties, school districts, water agencies, and every type of government agency, using the information they gain to enter the political process and positively affect public policy.

Powerful tools like the California Public Records Act give citizens and businesses the ability to obtain the records they need to be effective advocates and protect the interests of the community. The Ralph M. Brown Open Meeting Law gives us the right to be in the room and heard as policy is developed during city council, board of supervisor, school board, and special district meetings.

In 2004, these laws giving Californians the right to access public records and attend meetings of local public bodies were made even more powerful when over 82 percent of the voters approved an amendment to the state constitution that says, in part: “The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”

In the past few years, though, key provisions of these great laws have been threatened when the state suffers fiscal crisis. In short, the state and local governments have been in long disagreement about the amount and level of state financial support for the local costs of complying with the public’s civil right of access to government. At times key provisions of these laws have become optional for local government agencies by virtue of tough decisions made in the state budget process. While most governments

continued to comply during these short periods of fiscal stress, the public’s fundamental rights should not depend on the good graces of local officials.

Proposition 42 will clarify that local government agencies and not the state are responsible for the costs associated with their compliance with our access laws. It will ensure access to public records and meetings that are essential to expose and fight public corruption, like that experienced by the citizens of the City of Bell when public officials engaged in criminal acts and sacked the city’s coffers.

Proposition 42 will cement in the Constitution the public’s civil right to know what the government is doing and how it is doing it. It will add independent force to the state’s laws that require local governments to comply with open meeting and public record laws and future changes to those laws made by the Legislature.

Proposition 42 will eliminate the possibility that local agencies can deny a request for public information or slam a meeting door shut based on cost. As Thomas Jefferson said, “Information is the currency of democracy.” Tell the bureaucrats that the people—not the government—ought to decide what we need to know. Vote yes on Proposition 42.

MARK LENO, Member
California State Senate

THOMAS W. NEWTON, Executive Director
California Newspaper Publishers Association

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 42 ★

The proponents are basically right that “*Proposition 42 will eliminate the possibility that local agencies can [lawfully] deny a request for public information or slam a meeting door based on [the] cost*” of complying with these state laws. It would do so by imposing the cost of complying upon local governments. An alternative would be to require that the state government pay.

Over many years, I have provided arguments against state and local ballot measures so that voters will receive more information about the measures before voting.

I have also used the California Public Records Act and open meeting laws to attempt to positively influence decision-making at the local level. When those laws are violated, a civil lawsuit may be filed, and the official misconduct involved may be reported to the civil grand jury in the county.

However, the ability of individuals to make a difference—even at the local level—has been undermined in

recent years by the influence of *big money* and by the empowerment of various *regional agencies* throughout California headed by board members *never elected* to those regional positions.

For example, in the San Francisco Bay Area, regional agencies just adopted plans that will cram millions of new residents from around the world into existing metropolitan transportation corridors. Bus-only lanes are being created. HOV (high occupancy vehicle) lanes are being converted into “Express Lanes” that also allow toll-payers.

All lanes on freeways may become *toll lanes* in the years ahead. It is happening across the country.

GARY WESLEY

★ ARGUMENT AGAINST PROPOSITION 42 ★

Local governments are run by employees and politicians who may or may NOT want to share information or receive public input before making decisions.

In 2004, California voters approved an initiative state constitutional amendment designed to halt the rolling back of state laws that *guaranteed* access to many public records and *mandated* that meetings of local government legislative bodies usually be held in public and that decisions of local legislative bodies could be made only after an opportunity for public input (*California Constitution, article I, section 3(b)*).

Some local governments responded by objecting that the new constitutional provision did not supersede another provision of the State Constitution (*article XIII B, section 6*) which requires that the State pay to local governments the cost of implementing any new State mandates.

Proposition 42 would amend the California Constitution to clarify that the State need not pay a local government for the cost of complying with the open meeting law applicable to local governments (the *Brown Act*—Government Code sections 54950–54963) or with the *Public Records Act* (Government Code sections 6250–6270) as written or later changed—as long as any change “contains findings demonstrating that the statutory enactment further the purposes of” the constitutional guarantee of public access and input.

The main issue presented by this proposition is whether voters believe that the cost of complying with these important state laws should be borne by local governments or by the state government.

GARY WESLEY

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★ REBUTTAL TO ARGUMENT AGAINST PROPOSITION 42 ★

Our democracy depends upon informed and active participation in government. Proposition 42 is a simple measure that protects the basic right to know how government conducts our business.

Mr. Wesley’s primary argument against Proposition 42 recites a lot of facts—most of which we agree with—but doesn’t make much of an argument about why local government agencies should look to the state to pay their costs associated with compliance with your freedom of information laws like the California Public Records Act and Ralph M. Brown Open Meeting Law.

Compliance with our state and local laws requiring open meetings and access to public records is a matter of constitutional principle.

The fact is every state agency pays its own costs of compliance with the public records act and the Bagley-Keene Act, which is similar to the Brown Act and requires state boards and commissions to meet in open and public sessions.

When agencies pay their own costs of compliance, there is a built-in incentive to innovate to keep those costs down, like streamlining record request processes and putting commonly requested records online for easy public access. If the state pays local agencies for the purely local obligation of complying with these fundamentally important laws, though, there is no incentive to improve.

It’s simple; the state pays its own costs and local agencies should pay theirs.

Protect your civil right to know and vote YES on Proposition 42.

JAMES W. EWERT, General Counsel
California Newspaper Publishers Association

DONNA FRYE, President
Californians Aware

JENNIFER A. WAGGONER, President
League of Women Voters of California

This section describes the state's bond debt. It also discusses how Proposition 41—the \$600 million veterans housing bond proposal—would affect state bond costs.

Background

What Are Bonds? Bonds are a way that governments and companies borrow money. The state government, for example, uses bonds primarily to pay for the planning, construction, and renovation of infrastructure projects. The state sells bonds to investors to provide “up-front” funding for these projects and then commits to repay the investors, with interest, over a period of time.

What Do Bonds Fund and Why Are They Used? The state typically uses bonds to fund public infrastructure projects such as roads, educational facilities, prisons, parks, water projects, and office buildings. Bonds have also been used to help finance certain private infrastructure, such as hospitals and housing for veterans. A main reason for issuing bonds is that infrastructure typically provides services over many years. Thus, it is reasonable for current, as well as future, taxpayers to help pay for them. Additionally, the large costs of these projects can be difficult to pay for all at once.

What Types of Bonds Does the State Sell? The state sells several major types of bonds. These are:

- **General Obligation Bonds.** Most of these bonds are paid off directly from the state's General Fund. The General Fund is the state's main operating account, which it uses to pay for public schools, higher education, prisons, health care, and other services. An example of general obligation bonds would be the statewide bonds for local school district facilities. Some general obligation bonds, however, are paid from designated revenue sources, with the General Fund only providing back-up support in the event the designated revenues fall short. For example, the state repays some past water bonds using funds from agencies that receive water from the bond-funded projects. General obligation bonds must be approved by the voters and their repayment is guaranteed by the state's general taxing power.

- **Lease-Revenue Bonds.** These bonds are paid off from lease payments (primarily from the General Fund) by state agencies using the facilities the bonds finance. These bonds do not require voter approval and are not guaranteed by the state's general taxing power. As a result, they have somewhat higher interest costs than general obligation bonds.
- **Traditional Revenue Bonds.** These bonds also finance infrastructure projects but are not supported by the General Fund. Rather, they are paid off from a designated revenue stream generated by the projects they finance—such as bridge tolls. These bonds also are not guaranteed by the state's general taxing power and do not require voter approval.

After selling bonds, the state makes annual principal and interest payments until the bonds are paid off. Generally, investors do not pay state and federal income taxes on bonds issued by the state. This allows the state to sell bonds at lower interest rates, which results in lower state debt payments. However, in some cases, the state sells bonds that do not qualify for the federal tax exemption. For example, historically, many housing-related bonds have not received a federal tax exemption.

What Are the Costs of Bond Financing? The annual cost of repaying bonds depends primarily on the interest rate and the time period over which the bonds have to be repaid. The state usually makes bond payments over a 30-year period (similar to payments homeowners would make on most 30-year fixed-rate mortgages). Assuming an interest rate of 5 percent, for each \$1 borrowed, the state would pay close to \$2 over a typical 30-year repayment period. Of that \$2, roughly \$1 would go toward repaying the amount borrowed and close to \$1 for interest. However, because the repayment for each bond is spread over the entire 30-year period, the cost after adjusting for inflation is less—about \$1.30 for each \$1 borrowed. When the state issues taxable bonds, it often issues them with a shorter repayment period—for example, ten years. A shorter repayment period results in higher annual payments, but lower overall interest costs and thus lower total repayment costs.

Infrastructure Bonds and the State Budget

Amount of General Fund Debt. The state has about \$85 billion of General Fund-supported infrastructure bonds outstanding—that is, bonds on which it is making principal and interest payments. This consists of about \$75 billion of general obligation bonds and \$10 billion of lease-revenue bonds. In addition, the voters and the Legislature have approved about \$33 billion of authorized general obligation and lease-revenue infrastructure bonds that have not yet been sold. Most of these bonds are expected to be sold in the coming years as additional projects need funding.

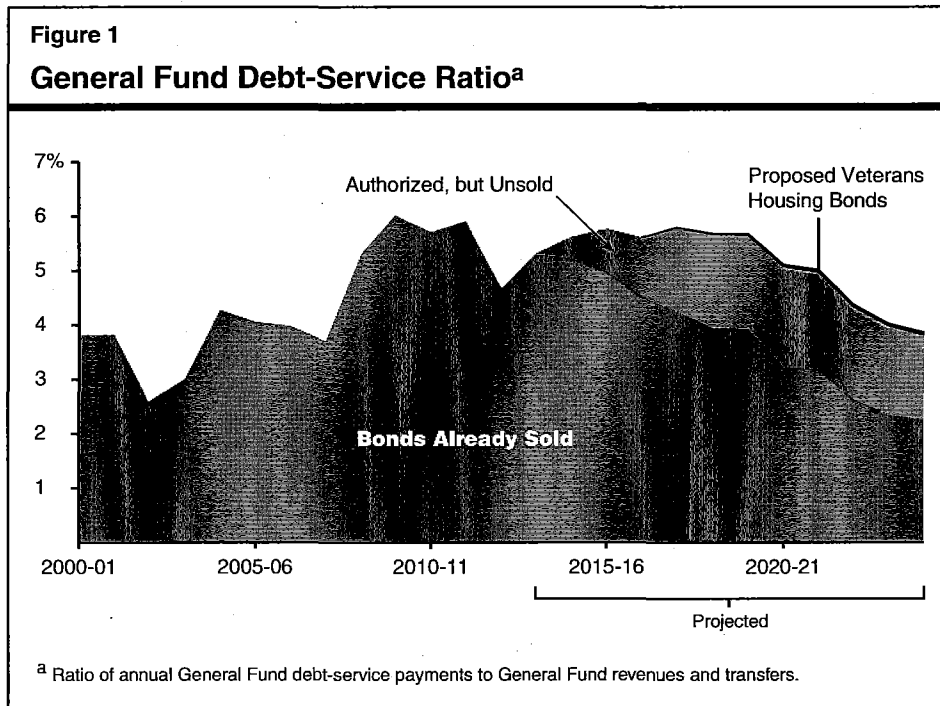
General Fund Debt Payments. In 2013–14, the General Fund’s infrastructure bond repayments are expected to total over \$5 billion. As previously authorized but currently unsold bonds are marketed, outstanding bond debt costs will rise, likely peaking at over \$7 billion in 2019–20.

This Election’s Impact on Debt Payments. The veterans housing bond proposal on this ballot (Proposition 41) would allow the state to borrow up to \$600 million by selling general obligation bonds to investors. The average annual debt service on the bond would depend on the timing and conditions of its sales. However, assuming an interest rate of 5 percent, that the bonds would be issued over a five-year period, and that each bond would be

repaid over ten years, the estimated annual General Fund cost would be about \$50 million. In total, we estimate that the measure would require total debt-service payments of about \$750 million over the 15-year period during which the bonds would be paid off.

This Election’s Impact on the Debt-Service Ratio. One indicator of the state’s debt situation is its debt-service ratio (DSR). This ratio indicates the portion of the state’s annual General Fund revenues that must be set aside for debt-service payments on infrastructure bonds and, therefore, are not available for other state programs. As shown in Figure 1, the DSR is now approaching 6 percent of annual General Fund revenues. If no additional bonds are approved by voters or the Legislature, the state’s debt service on already authorized bonds is projected to peak at just under 6 percent of General Fund revenues in 2017–18, and decline thereafter.

If voters approve the proposed veterans housing bond on this ballot, it would increase the DSR by less than one-tenth of a percentage point. However, if voters approve additional bonds in elections after June 2014, future debt-service costs shown in Figure 1 would be higher. For example, at the time this analysis was prepared, a water bond was scheduled to be on the November 2014 ballot.



POLITICAL PARTY STATEMENTS OF PURPOSE

★ GREEN PARTY ★

The Green Party supports viable solutions to our planet's toughest problems, from climate change to historic income inequality. We put people and planet first.

Currently 55 California Greens hold elected office. Voting Green means rejection of austerity against the poor, and support for equity and sustainability. A Green Party government will mean:

ECONOMIC JUSTICE

- Ending poverty through green living wage jobs, affordable housing, single-payer health care, workers' rights, and food security for all
- A publicly-owned state bank to invest in California instead of Wall Street
- Education instead of incarceration, and free public college/university tuition, by reforming Proposition 13 and progressive taxation

ELECTORAL REFORM

- Eliminating corporate money through publicly-financed elections

Green Party of California
P.O. Box 160, Station A
Richmond, CA 94808

- More democracy and fuller representation through proportional representation for state legislature and Congress, and ranked choice voting for statewide executive office

- Overturning Top Two

JUSTICE SYSTEM REFORM

- Abolishing the death penalty
- A moratorium on prison construction and an end to private prisons
- Legalizing marijuana

GREEN ENERGY FUTURE

- Closing Diablo Canyon nuclear power plant
- A Solar California, with energy efficiency, conservation and publicly-owned safe, clean renewable energy.
- Fossil fuel taxes, public transit, eco-cities

Register Green. Vote Green.

(916) 448-3437
E-mail: gpcac@greens.org
Website: www.cagreens.org

★ AMERICAN INDEPENDENT PARTY ★

The American Independent Party is the party of ordered liberty in a nation under God. We believe in strict adherence to written law. We believe the Constitution is the contract America has with itself. Its willful distortion has led to the violation of our Tenth Amendment guaranteed right to limited government—which inevitably requires oppressive taxation. Its faithful application will lift that burden.

Freed from the lawless oppression of Liberal rule, we may then compassionately and justly use our energy and ingenuity to provide for ourselves and our families. We will then establish truly free and responsible enterprise and reassert the basic human right to property.

American Independent Party of California
476 Deodara St.
Vacaville, CA 95688-2637

We believe in protecting all human life however weak, defenseless, or disheartened; endorse the family as the essential bulwark of liberty, compassion, responsibility, and industry; and declare the family's right and responsibility to nurture, discipline, and educate their children.

We assert the absolute, concurrent Second Amendment guaranteed individual right to self defense coupled with a strong common defense, a common defense which requires a national sovereignty not damaged by imprudent treaties. We oppose all illegal immigration.

We support secure borders and immigration policies inviting the best of the world to join us in freedom.

(707) 359-4884
E-mail: mark@masterplanner.com
Website: www.aipca.org

★ PEACE AND FREEDOM PARTY ★

The Peace and Freedom Party is a working-class party in a country run by and for the wealthy and their corporations. We should not have to sacrifice our health, our livelihoods and our planet for our bosses' profits. We can tax the rich, whose wealth is created by workers, to pay for society's needs. We favor:

- Decent jobs and labor rights for all.
- Free education for all from preschool through university.
- Free health care for everyone.
- Comprehensive services for disabled people.
- Bringing all troops home now.
- Ending all discrimination. Marriage equality.
- Full rights for immigrants.

Peace and Freedom Party
P.O. Box 24764
Oakland, CA 94623

- Real democracy and fair political representation.
- Restoring and protecting the environment.

As long as our system puts the wealthy first, we will suffer war, police brutality, low wages, unsafe workplaces and pollution. We advocate socialism, the ownership and democratic control of the economy by working people. If we join together to take back our industries and natural resources, we can work together democratically and cooperatively for the common good, rather than being slaves to the rich and their corporations.

Register Peace and Freedom Party, and vote for our candidates, who will fight for what you need.

(510) 465-9414
E-mail: info@peaceandfreedom.org

The order of the statements was determined by lot. Statements on this page were supplied by political parties and have not been checked for accuracy by any official agency.

POLITICAL PARTY STATEMENTS OF PURPOSE

★ LIBERTARIAN PARTY ★

If you are socially tolerant and fiscally responsible, then you're a libertarian.

Libertarian solutions are the most practical, workable, and fair for strengthening our economy and governing our state. If they had been implemented during the last ten years, California would have a robust economy and desirable living conditions based on:

- Thriving private enterprises
- Parental choice in educating their children
- Competitive private healthcare insurance
- Public pensions that don't bankrupt local and district governments
- Laws that apply to all Californians equally, including California's elected officials

Libertarians work to:

- Shrink government operations, thus reducing government expenses and lowering taxes (there are over 300

tax-supported government agencies that can be closed without endangering government operation, public safety, education, healthcare, and retirement)

- Reform public employee pensions that are bankrupting cities, counties and the state
- Privatize government services that are best delivered by cost-effective providers
- Promote private business development that creates jobs
- Guarantee equal treatment under the law for all Californians
- Regulate marijuana like wine for adults, making it less available to minors
- Adopt a part-time Legislature

Libertarian Party candidates will make these reforms if you support and elect them.

Libertarian Party of California
Kevin Takenaga, Chairman
770 L Street, Suite 950
Sacramento, CA 95814-3361

(916) 446-1776
E-mail: office@ca.lp.org
Website: www.ca.lp.org

★ AMERICANS ELECT PARTY ★

No statement provided.

★ REPUBLICAN PARTY ★

The California Republican Party seeks to end the status quo in Sacramento and restore our state as the nation's leader in economic growth and innovation by cutting taxes, eliminating red tape, and bringing business back to California.

We want to help build a California where people are once again secure because a vibrant economy is creating jobs and opportunities for everyone who is willing and able to work.

Republicans support reforming our bloated and wasteful government, protecting property rights, providing educational choices for every family, and reducing the burden on taxpayers to grow our economy and generate the jobs and opportunities families need.

California Republican Party
Jim Brulte, Chairman
1121 L Street, Suite 207
Sacramento, CA 95814

The Republican Party is the advocate for everyday Californians—not the special interests or big government. We are fighting to protect personal freedom, to provide equality of opportunity, and to ensure that all Californians can work, save, and invest in their future.

Our democracy only works if good people decide to step up and get involved. Our doors are open to you and we hope you will make the personal decision today to protect, improve and build California by joining the California Republican Party. You can learn more by visiting our website at cagop.org today.

(916) 448-9496
Website: www.cagop.org

★ DEMOCRATIC PARTY ★

Democrats believe the success of California's economy is rooted in the well-being of working families, not with Wall Street banks.

In California, under the leadership of Governor Jerry Brown, Democratic policy solutions have delivered a balanced budget, stopped the cuts to education and expanded access to affordable health care for families.

Democrats are working to increase investment in renewable energy sources and are fighting to keep college affordable for the middle class.

California Democratic Party
John L. Burton, Chairman
1401 21st Street, #200
Sacramento, CA 95811

We believe that schools and local public safety are important priorities that must be protected.

Democrats know that our state works best when all Californians are given the same opportunity to succeed, no matter their race, religion, ethnicity or sexual orientation.

With your help, Democrats will continue to develop bold, innovative solutions to meet both our state and our nation's challenges.

Please visit us at www.cadem.org to learn more.

E-mail: info@cadem.org
Website: www.cadem.org
Facebook: [facebook.com/cadems](https://www.facebook.com/cadems)
Twitter: [@CA_Dem](https://twitter.com/CA_Dem)

VOLUNTARY CAMPAIGN SPENDING LIMITS FOR CANDIDATES FOR STATEWIDE ELECTIVE OFFICE

California law includes voluntary spending limits for candidates running for statewide office (not federal office). Candidates for Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, Superintendent of Public Instruction, and Board of Equalization who choose to keep their campaign expenses under specified dollar amounts may purchase space in the statewide voter information guide for a candidate statement of up to 250 words.

In the list below, an asterisk (*) designates a candidate who has accepted California’s voluntary campaign spending limits and, therefore, has *the option* to purchase space for a candidate statement in this voter guide. Some eligible candidates choose not to purchase space for a candidate statement. Candidate statements are on pages 24–39.

The expenditure limit for candidates running for Governor in the June 3, 2014, Statewide Direct Primary Election is \$8,166,000.

The expenditure limit for candidates running for Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Insurance Commissioner, and Superintendent of Public Instruction in the June 3, 2014, Statewide Direct Primary Election is \$5,444,000.

The expenditure limit for candidates running for the Board of Equalization in the June 3, 2014, Statewide Direct Primary Election is \$1,361,000.

Visit <http://cal-access.sos.ca.gov> for details about financial contributions in these contests.

The following list of candidates for statewide elective office is current through March 10, 2014—the end of the public display period required for the Official Voter Information Guide. For the final list of candidates, go to www.sos.ca.gov/elections/elections_cand.htm.

Governor

* Akinyemi Agbede	Democratic
* Richard William Aguirre	Republican
* “Bo” Bogdan Ambrozewicz	No Party Preference
* Andrew Blount	Republican
Edmund G. “Jerry” Brown	Democratic
* Janel Hyeshia Buycks	No Party Preference
* Glenn Champ	Republican
Rakesh Kumar Christian	No Party Preference
* Tim Donnelly	Republican
Neel Kashkari	Republican
* Joe Leicht	No Party Preference
* Robert Newman	No Party Preference
* Luis J. Rodriguez	Green
* Cindy L. Sheehan	Peace and Freedom
Alma Marie Winston	Republican

Lieutenant Governor

David Fennell	Republican
* Jena F. Goodman	Green
Amos Johnson	Peace and Freedom
* Eric Korevaar	Democratic
* Ron Nehring	Republican
Gavin Newsom	Democratic
* Alan Reynolds	Americans Elect
George Yang	Republican

VOLUNTARY CAMPAIGN SPENDING LIMITS FOR CANDIDATES FOR STATEWIDE ELECTIVE OFFICE

Secretary of State

* Roy Allmond	Republican
* Derek Cressman	Democratic
* David Curtis	Green
* Jeffrey H. Drobman	Democratic
* Alex Padilla	Democratic
* Pete Peterson	Republican
* Dan Schnur	No Party Preference
* Leland Yee	Democratic

Controller

* Tammy D. Blair	Democratic
* David Evans	Republican
John A. Pérez	Democratic
Ashley Swearingin	Republican
* Laura Wells	Green
* Betty T. Yee	Democratic

Treasurer

* Ellen H. Brown	Green
* John Chiang	Democratic
Greg Conlon	Republican

Attorney General

* Ronald Gold	Republican
* John Haggerty	Republican
Kamala D. Harris	Democratic
* Jonathan Jaech	Libertarian
David King	Republican
* Orly Taitz	No Party Preference
Phil Wyman	Republican

Insurance Commissioner

* Ted Gaines	Republican
* Nathalie Hrizi	Peace and Freedom
* Dave Jones	Democratic

Board of Equalization

District 1

* Chris Parker	Democratic
* George Runner	Republican

Board of Equalization

District 2

* Fiona Ma	Democratic
* James E. Theis	Republican

Board of Equalization

District 3

* Jerome E. Horton	Democratic
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Board of Equalization

District 4

* Lewis Da Silva	Republican
* Diane L. Harkey	Republican
* Shirley Horton	Republican
* John F. Kelly	Republican
* Nader Shahatit	Democratic
Van Tran	Republican

Superintendent of Public Instruction

* Lydia A. Gutiérrez	Nonpartisan
* Tom Torlakson	Nonpartisan
* Marshall Tuck	Nonpartisan

CANDIDATE STATEMENTS BY OFFICE

★ GOVERNOR ★

- As the state's chief executive officer, oversees most state departments and agencies and appoints judges.
 - Proposes new laws and approves or vetoes legislation.
 - Prepares and submits the annual state budget.
 - Mobilizes and directs state resources during emergencies.
-

ROBERT NEWMAN
No Party Preference

P.O. Box 8446
Redlands, CA 92375

(909) 798-1101
newmannotes@roadrunner.com
newman4governor.org

I'm running for governor. I'm disgusted with corrupt, incompetent government's stealing and abuse; and with political parties that support it. California has the highest percentage of people living in poverty. Our unemployment and violent crime rates are above the national average; our tax rates among the highest in the nation; our schools among the worst. Furthermore, a crippling regulatory environment is eliminating businesses, thereby guaranteeing a dismal future. We deserve better. My platform—the California Revolution—protects state sovereignty, increases take home pay, saves pensions, returns schools to local control, gives farmers more water, cuts taxes, reduces regulations, restores constitutional rights—including gun rights—and makes government smaller, efficient, and less costly. I'm pro-God, pro-life, pro-family.

TIM DONNELLY
Republican

5850 Oberlin Dr., Suite 240
San Diego, CA 92121

(760) 933-8460
tim@electtimdonnelly.com
www.electtimdonnelly.com

I'm a Patriot not a Politician. At 19 when I came to California with \$300 in my pocket, California was the land of opportunity. The only limitation on your dreams was what you could imagine and how hard you were willing to work. Within a decade I married an amazing California girl, a widow with two young boys; together we raised 5 sons and started a successful manufacturing business. I served the community by conducting a Bible study and life skills course in a prison camp for 8 years. I was living the California dream until oppressive regulations drove my customers out of the state and regulated me out of business. An ever-increasing government has become the greatest threat to our future. I want my state back; I want my freedom back. I want a government that will control itself rather than try to control me. Here is the recipe for restoring opportunity for all Californians. As Governor, I will: *Veto* all new restrictions on your business, your freedom, and your constitutional civil rights. Never submit a budget that spends more than we take in. Treat jobs like we treat endangered species—protect them by any means necessary. Fight to lower tax rates for all hard-working Californians. End early prisoner release and protect the public from violent predators. Reform education by putting our kids first. When government increases, liberty contracts. When government grows, opportunity shrinks. Take a stand for California! Let's bring pride back to the state we love.

LUIS J. RODRIGUEZ
Green

P.O. Box 328
San Fernando, CA 91341

(818) 898-0013
info@rodriguezforgovernor.org
<http://rodriguezforgovernor.org/>

Imagine a new California. As governor I would curb corporate domination and align resources to end poverty; overhaul the costly and ineffective prison system with evidence-based healing, treatment, jobs training, and restorative justice practices; provide clean and green environment for everyone; free quality education and healthcare; and access to arts and culture in every neighborhood. It's possible: Healthy and thriving communities for all. www.rodriguezforgovernor.org

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“BO” BOGDAN AMBROZEWICZ
No Party Preference

(530) 575-7454
 bogdan1017@yahoo.com
 www.boambroz.com

Independent: Non partisan, Uniting Californians. “Bo,” Designer, builder, 35 years experience. Immigrated to California at age 10. Women’s and minority rights. No fees for new businesses for first year. 25% fee reduction for existing businesses. Accelerate business investment depreciation by 50%. Reduce property tax 50%. Reduce building permits 50%. Repeal fire tax. Reduce college tuition 25%. Senior discount plan. Immigration Reform. Repeal train and water tunnel to solve water issue. *More proposals: www.boambroz.com.*

RICHARD WILLIAM AGUIRRE
Republican

(619) 961-8676
 richard@aguirreforgovernor.com
 aguirreforgovernor.com

aguirreforgovernor.com

ANDREW BLOUNT
Republican

25473 Nellie Gail Road
 Laguna Hills, CA 92653

(949) 342-6398
 andrew@andrewblount.com
 www.andrewblount.com

I love California! Twenty years ago I moved to California with \$17 and hope for a better life. California offered me the freedom to build a software business, raise a family, and serve as Mayor of the City of Laguna Hills. Each year, my wife Michelle and I put on the Blount Family Christmas Lights Show and tour thousands through our home, sharing stories of families, dreams, lives, and struggles. From agriculture to technology, much of what America holds dear begins here. California is different than other states. We dream it bigger, we grow it bigger, and we build it bigger. What I ask from you is no less. In that spirit, I have taken a different path . . . a Californian path. Throughout this election, I have not asked for your hard earned money, but only for your vote to elect me Governor. California is not for sale and neither is this election. If you believe that your income should grow faster than your expenses, then vote for me. If you believe that schools should teach employable skills, then vote for me. If you believe that college is too expensive, then vote for me. If you believe that all hard working women and men should have an equal opportunity to provide for their families and save enough for retirement, then vote for me. Be excited! All Californians have what it takes to realize the greatness inherent in each of us. Let’s make prosperity today’s reality. *www.andrewblount.com.*

JOE LEICHT
No Party Preference

316 Encino Lane, Unit A
 San Clemente, CA 92672

jedleicht@aol.com
 www.joeforgov.org

As an independent, I am uniquely situated to work with leaders of both parties to put California back on the right track. By voting for me, you will send a strong message to both parties that you expect, nay, demand results. Together we can build the California we desire. To learn more, visit *www.joeforgov.org*

CINDY L. SHEEHAN
Peace and Freedom

2124 Kittredge St. #104
 Berkeley, CA 94704

(916) 905-5167
 cindy@cindy2014.org
 http://www.cindy2014.org

I am committed to all the people of California. Let’s work together to create a peaceful, prosperous, and environmentally clean and sustainable State with high quality education and health care for all, living wages, and community control of abusive police and prisons. I vow to tax the super-rich more to end poverty. Register Peace and Freedom Party.

GLENN CHAMP
Republican

P.O. Box 310
 Tollhouse, CA 93667

(559) 855-2817
 bjhancock@netptc.net
 www.champforgovernor.com

I’m the only candidate that will clean up the mess by holding elected officials accountable to the Constitution that will improve our economy. *www.champforgovernor.com*

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★ LIEUTENANT GOVERNOR ★

- Assumes the office and duties of Governor in the case of impeachment, death, resignation, removal from office, or absence from the state.
- Serves as president of the State Senate and has a tie-breaking vote.
- Chairs the Economic Development Commission, is a member of the State Lands Commission, and sits on the boards of the California university systems.

RON NEHRING
Republican

ron@ronnehring.com
www.ronnehring.com

California is home to the world's most innovative and hard-working people, yet we're crushed by high taxes and unemployment, plus the nation's worst business climate for jobs. Let's put Republican ideas into action and set clear priorities: Reform taxes to make them lower, simple and fair; Limit government spending; Set high standards and move control over education back to our local schools; Protect homeowners and seniors by safeguarding Proposition 13 and keep property taxes down; Protect our neighborhoods by stopping the early release of dangerous criminals; Scrap the wasteful "high speed rail" boondoggle and build infrastructure improving roads to reduce commuting times, and get water to the people and farms needing it. Working together, *we can do it.*

ALAN REYNOLDS
Americans Elect

www.facebook.com/reynolds4california reynolds4california@gmail.com
Twitter: @alansreynolds www.alansreynolds.com

"We the People." Not: Partisanship, Corporations, Special interests. Fiscal Responsibility, Social Fairness, Government Accountability. Family/Community focused, been unemployed, I feel your pain. Pragmatism, Integrity, Straightforwardness, "UnPolitician." Not Republican/Democrat, like most, bit of both, lots between. 1.3 Million Californians signed petitions (candidate not party) for political Innovation. California's Expertise? Innovation. Lt. Governor doesn't change party caucuses. Top 2 Primary. *Worth Innovating?* Supporters: www.modernwhig.org, www.reformparty.org, www.alansreynolds.com

ERIC KOREVAAR
Democratic

1720 Torrey Pines Rd.
La Jolla, CA 92037

(858) 692-0459
electamoderate@voteforeric.com
www.voteforeric.com

As a Ph.D. scientist rather than a career politician, I will bring needed analytical capabilities and innovative thinking to Sacramento. While simultaneously being the father of young children and a successful entrepreneur relying on good money management skills, I believe strongly that funding for schoolteachers and higher education should take precedence over spending on government overhead. Therefore, to set an example of fiscal restraint for other state officials, I will cut the Lieutenant Governor's staff and budget by 50% and accept no pension. As Lieutenant Governor, most of my energy will be devoted to fighting for your rights to efficient and cost effective government. I sincerely request your vote and look forward to hearing your ideas.

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★ SECRETARY OF STATE ★

- As the state's chief elections officer, oversees statewide elections and provides public access to campaign and lobbying financial information.
- Supports California business by registering and authenticating certain types of businesses and trademarks, regulating notaries public, and enabling secured creditors to protect their financial interests.
- Preserves California's history by acquiring, safeguarding, and sharing the state's historical treasures.
- Registers domestic partnerships and advance health care directives, and protects the addresses of domestic violence victims and certain others entitled to confidential addresses.

JEFFREY H. DROBMAN
Democratic

2586 Northlake Circle
Westlake Village, CA 91361

(818) 590-1603
jhdphd@alumni.ucla.edu
<http://drjeffsoftware.com/candidates/drobman>

Make Voting more . . . Accessible, Convenient, Secure with Secure Online Internet Voting. *Vote Anywhere, Anytime, on Any Device.* <https://www.facebook.com/drobman.candidate.calsos>

ROY ALLMOND
Republican

915 L Street #C234
Sacramento, CA 95814

(916) 761-2568
2014election@runroyrun.org
runroyrun.org

I ask you to vote for me, and I will make you proud. . . . with a firm reliance on the protection of divine Providence, I pledge to you my Life, my Fortune, and my sacred Honor! Sincerely, Roy Allmond. royallmond@reagan.com, royallmond@1791.com. #Article5

ALEX PADILLA
Democratic

969 Colorado Blvd., Suite 104
Los Angeles, CA 90041

(818) 253-9140
ideas@alex-padilla.com
www.alex-padilla.com

Alex Padilla knows how to *reach across party lines* to get things done, working with both parties to *pass more than 80 laws* from improving education to protecting patients. He *championed renewable energy*, so by 2020, one-third of California's electricity will come from renewables. *Firefighters, police officers, and nurses support Padilla* because he's dedicated to keeping our communities safe, passing a law to prohibit felons from buying body armor. As Secretary of State, Alex Padilla will be just as effective. *He'll help businesses create jobs.* Businesses have waited months for approval from the Secretary of State to begin operations. Padilla will ensure new businesses can file online and begin operating within 5 business days. He'll *modernize voting* so we can vote when and where it's convenient. Padilla will *inspire young people*, visiting high schools throughout California to encourage 18-year-olds to register and vote. Padilla supports *weekly reporting of campaign contributions*, so voters know who is funding campaigns. Padilla will *audit the Secretary of State's office* to ensure taxpayer money is being spent wisely, efficiently, and getting results. He'll work to *restore the Voting Rights Act* so every citizen can vote without intimidation. The son of immigrants, Alex Padilla earned a scholarship to the Massachusetts Institute of Technology, graduating with an engineering degree. And Alex Padilla knows government doesn't have all the answers. That's why he is *visiting all 58 California counties* to meet with voters, local officials, and community leaders. Alex wants to hear from you: ideas@alex-padilla.com.

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PETE PETERSON
Republican

19528 Ventura Blvd., Suite 507
Los Angeles, CA 91356

(323) 450-7536
campaign@petesos.com
www.petesos.com

I am running for Secretary of State to provide Californians with our first “Chief Engagement Officer,” leading the fight to make California’s government more responsive, more transparent, and more accountable to voters and small businesses. *Experienced Leader*: As the Executive Director of the Davenport Institute for Public Policy at Pepperdine University, I have travelled across this state training and consulting with local governments on using better processes and technology to improve California’s civic engagement. *Make Politicians Accountable*: Sacramento has become a breeding ground for politicians who use their power to move up the political ladder instead of to solve problems. While I am not a politician, my unique résumé prepares me for this particular office. I will bring my background in civic engagement and private sector career in direct marketing to Sacramento to increase informed participation, while protecting the integrity of our ballot box. *Get Jobs and Businesses Back*: California has lost more jobs than any other state since the beginning of the recession. This is one of the toughest states to start or grow a small business. I will use my experience with technology to enable online business filing, implement a 48-hour max turnaround for business registration, and fight to reduce the outrageous Business Franchise Tax (“LLC Fee”). I will also survey businesses that leave the state annually and make that information public. Government works when it is accountable to its citizens. I humbly ask for your vote so I can deliver this change.

DAN SCHNUR
No Party Preference

P.O. Box 984
Willows, CA 95988

(424) 209-2936
info@4schnur.com
<http://www.4schnur.com>

When I arrived in Sacramento four years ago to serve as Chairman of California’s Fair Political Practices Commission, I was appalled by what I saw there. Campaign fundraising was out of control. Legislators would shake down special interest donors for campaign contributions and then race back to the Capitol to vote on legislation benefiting those same interests. Sacramento has become a corrupt political culture in which one state senator is under FBI investigation for bribery and another stands convicted on eight felony counts of voter fraud and perjury. Both Democrats and Republicans refuse to clean up this mess. As your nonpartisan Secretary of State, I will stand up to both parties and fight to ban all fundraising by politicians during legislative session while voting on bills that affect you and your families. I’ll force lawmakers to do the job they were elected to do—representing your interests—before they can raise money for their next campaigns. The umpire shouldn’t wear a Dodgers or a Giants jersey, and our chief elections officer shouldn’t belong to either political party. That’s why I’m running as an independent nonpartisan candidate for Secretary of State—because politics is too important to be left to the politicians. Join me in the fight to pass tough new anti-corruption laws, require stronger rules for campaign fundraising disclosure and transparency, increase civics education in our schools, and make it easier for hardworking Californians to open small businesses and create jobs. Together, we can make politics work again.

DAVID CURTIS
Green

www.votedavidcurtis.org

Get money out of politics with public campaign financing. Political debates must include all candidates. End the top-two primary. Establish proportional representation within multi-seat districts. Restore our civil liberties. End surveillance and data mining. Businesses must improve our environment and pay living wages. Label GMOs, legalize cannabis, close nuclear plants, ban fracking, and divest from fossil fuels. Vote David Curtis.

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DEREK CRESSMAN
Democratic

1787 Tribute Rd., Suite K
Sacramento, CA 95815

(916) 538-4564
info@derekcressman.com
www.derekcressman.com

I'm running for Secretary of State to make sure your vote counts for California. The voices of the people should not be drowned out by corporations or billionaires. When secretive, out-of-state groups funneled \$11 million into California's 2012 elections, I blew the whistle and got record fines for two front groups in the Koch Brothers' big money political network. We've got to *get corporate money out of politics*, not just reschedule fundraisers. After 19 years working professionally at nonpartisan good government organizations like Common Cause, I have more management and election policy experience than any other candidate. I'll push to overturn Supreme Court rulings saying that money is free speech and that corporations have constitutional rights. Corporations aren't people. They don't breathe our air or send kids to school—and I'll keep them from meddling in our elections. As a national reform leader at Common Cause, I crafted ballot measures passed by over 3 out of 4 voters in Los Angeles and San Francisco calling for Congress to *reverse Citizens United* and ban corporate campaign spending. I've been the tough watchdog California voters need to stand up to special interests, expose SuperPACs, and protect the integrity of our elections. As Secretary, I'll upgrade this Voter Information Guide to a digital format with online videos from every candidate and rapid disclosure of campaign contributions. I'll complete Secretary Bowen's work to modernize our voter registration and business registration systems. Please vote Derek Cressman for Secretary of State.

LELAND YEE
Democratic

P.O. Box 22607
San Francisco, CA 94122

info@lelandyee.com
itsyourcalifornia.org

There are states passing laws today to make it harder to vote. California was once a place like that. But Californians moved our state from a place of exclusion to one of inclusion. I wrote the law that gave 911,145 more Californians access to our democracy by registering to vote online. It's your California. *Itsyourcalifornia.org* is our movement to register a million more Californians. The *itsyourcalifornia.org* app turns your smartphone into a voter registration site to empower your friends, classmates, and families. You can download the app by visiting *itsyourcalifornia.org*. By taking personal responsibility and doing our part, we are making California a better place. When Sarah Palin was paid to speak at California State University, I uncovered where the money came from and authored a law to stop government agencies from hiding how they spend your tax dollars. It's your California. I fought to end tuition discrimination against immigrant college students so these DREAMers can pursue the American Dream. It's your California. Together we won the struggle for marriage equality. It's your California. I'm proud of my 100% Planned Parenthood record; my pro-environment record; and my common sense law enforcement record. And we succeeded in finally raising the disgracefully low minimum wage. We have much more to do. Under the Constitution, the Secretary of State's job is to empower Californians to govern California, to guarantee fair elections, expose special interests, and prevent corruption. I am the Democrat who will represent everyone. I hope to be your Secretary of State.

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★ CONTROLLER ★

- As the state's chief fiscal officer, serves as the state's accountant and bookkeeper of all public funds.
- Administers the state payroll system and unclaimed property laws.
- Serves on numerous boards and commissions including the Board of Equalization and the Board of Control.
- Conducts audits and reviews of state operations.

LAURA WELLS
Green

P.O. Box 10181
Oakland, CA 94610

(510) 225-4005
info@laurawells.org
www.laurawells.org

State Bank. Tax the super rich not the 99%. There are solutions for great education, economy, healthcare, environment, but they won't be implemented by corporate-financed politicians. *If they win, you don't.* I'm a political activist with over 20 years in IT/Information Technology in the financial world. Vote for No Corporate Money candidates, including Laura Wells for Controller and Ellen Brown for Treasurer.

DAVID EVANS
Republican

P.O. Box 2227
California City, CA 93504

(760) 382-8031
devans@evansbusiness.com
www.evans4controller2014.com

Most qualified for Controller.

BETTY T. YEE
Democratic

381 Bush Street, Suite 300
San Francisco, CA 94104

(415) 692-3556
info@bettyyee.com
www.bettyyee.com

We need a Controller who will fight to close special interest tax loopholes and make big corporations pay their fair share. We need Betty Yee. We need a Controller who will bring tough-minded fiscal discipline to state government, serving as a fiscal watchdog over misspending and waste. We need Betty Yee. As a member of the Board of Equalization, Betty Yee safeguarded our tax dollars by calling out wasteful spending, identifying tax cheats who evade their obligations, and coming clean about unfunded liabilities. Betty Yee led efforts to crack down on the underground economy where unscrupulous businesses harm law-abiding taxpayers. She brought greater transparency and accountability to the Board, making it more responsive to taxpayers and constituents. She worked to make online retailers pay taxes on sales in California, just like merchants on Main Street do; to provide greater tax equity for same-sex couples; and to update tax rules to promote good jobs in a green economy. Betty Yee is extraordinarily well qualified and a recognized expert in state budgets and fiscal policy. She holds a Master's Degree in Public Administration and served as Chief Deputy Director for the Budget in the California Department of Finance. Betty Yee is proudly endorsed for Controller by the California Federation of Teachers, California Nurses Association, California National Organization for Women (NOW), and by Dolores Huerta, co-founder of the United Farm Workers of America. Betty Yee will be a State Controller who will fight for California's families. For more information: www.bettyyee.com.

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★ TREASURER ★

- As the state's banker, manages the state's investments.
- Administers the sale of state bonds and notes, and is the investment officer for most state funds.
- Serves or chairs on several commissions, most of which are related to the marketing of bonds.
- Pays out state funds when spent by the Controller and other state agencies.

ELLEN H. BROWN
Green

26375B Oak Highland Dr.
Newhall, CA 91321

(661) 252-8773
ellenbrown@gmail.com
ellenbrown4treasurer.org

I'm an author, attorney, president of the Public Banking Institute, and a candidate with a proven plan to restore California to solvency and prosperity. Abundance through publicly-owned banks has been demonstrated globally for centuries. North Dakota, the only U.S. state with its own bank, has the least state debt and the nation's fewest foreclosures and unemployed. As treasurer, I would work to revive California's public banking bill passed by both houses in 2011. A publicly-owned bank could cut state financing costs by 30%+, reclaiming huge sums now paid in interest for job-producing infrastructure projects and public services. It's time to break free from the Wall Street casino and create our own bank—with profits to the people! See www.publicbanksolution.com.

JOHN CHIANG
Democratic

electjohnchiang@gmail.com
electjohnchiang.com

State Controller John Chiang has been California's independent watchdog safeguarding our tax dollars. As our next State Treasurer, John Chiang will continue his work to make government spending more transparent and accountable. John Chiang has saved state taxpayers billions of dollars by weeding out waste, fraud, and abuse. John Chiang used his auditing authority to identify nearly \$7 billion in taxpayer dollars that were being wasted or mismanaged. After the scandals in the City of Bell, John Chiang placed salaries online, to help residents identify abuses. John Chiang has returned \$2.7 billion in cash and \$181 million shares of stock to millions of residents owed money by banks and corporations. John Chiang initiated audits on 40 life insurance companies and is leading the charge to end the industry-wide practice of failing to pay death benefits to policy holders and beneficiaries. His settlement with 18 insurance companies requires that they return \$267 million in unpaid benefits to Californians and \$2.4 billion nationwide. John Chiang is a leader on pension and ethics reform. He rooted out pension spiking and is working to solve the state's looming crisis with unfunded medical expenses for state retirees. John Chiang's office provides free tax assistance to seniors and working families, saving them millions in tax refunds and credits. He hosts free seminars to help small businesses and non-profits navigate complex tax regulations. John Chiang has been our champion in state government. Keep John Chiang fighting for us, as California's next State Treasurer. www.electjohnchiang.com.

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★ ATTORNEY GENERAL ★

- As the state's chief law officer, ensures that the laws of the state are uniformly and adequately enforced.
- Heads the Department of Justice, which is responsible for providing state legal services and support for local law enforcement.
- Acts as the chief legal counsel in state litigation.
- Oversees law enforcement agencies, including county district attorneys and sheriffs.

ORLY TAITZ <i>No Party Preference</i>	29839 Santa Margarita, Ste. 100 Rancho Santa Margarita, CA 92688	(949) 683-5411 orly.taitz@hushmail.com runorlyrun.com
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Dr. Orly Taitz, Esq. is both a licensed attorney and a licensed doctor in CA, a businesswoman, a wife of 27 years, and a mother of 3 sons. Taitz is seeking to uphold constitutional and civil rights of Californians. As an AG, Taitz will do the following: nullification of unconstitutional NSA spying on law abiding citizens of CA; nullification of use by NSA of Google, Facebook, Yahoo, and others as a tool in unconstitutional data gathering on citizens of CA, as well as candidates for office, elected officials, and judges; nullification of an unconstitutional discriminatory Obamacare tax levied on some of the citizens of CA and waived for corporations; homeowner and creditor assistance from recovered mortgage proceeds instead of funneling funds to cronies, targeted extortion, and shake downs; nullification of EPA mandates which destroy businesses and agriculture in CA and deprive the state of water badly needed for farming; nullification in CA provisions of trade agreements, such as TPP, TAFTA, NAFTA, WTO-GATT, which deprive citizens of work and environmental protection, as well as jobs, wages, and benefits; nullification of NDAA provisions which allow indefinite incarceration without trial; nullification of unfunded federal mandates which bankrupt businesses and state; end elections fraud; remove invalid voter registrations from databases; seek legitimacy of candidates; prosecute state officials who ignored all evidence brought by law enforcement and experts, showing Obama to possess citizenship of Indonesia, fabricated Selective Service certificate, fabricated birth certificate and a CT Social Security number, which failed both E-verify and SSNVS.

JONATHAN JAECH <i>Libertarian</i>	3200 E. 3rd St. Los Angeles, CA 90063	jonathan@jaech.net www.jaech.info
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Uphold the Bill of Rights, including 2nd Amendment. Protect our privacy. End marijuana prohibition. No death penalty. Prosecute police misconduct. End civil asset forfeiture.

JOHN HAGGERTY <i>Republican</i>	1400 Coleman Ave., Suite C-21 Santa Clara, CA 95050	(408) 988-2019 johnkhaggerty@yahoo.com www.electjohnhaggertyattorneygeneral.com
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Greetings! As you know, we need an Attorney General who will actively protect us against crime and defend our state's Constitution. *California law requires its Attorney General to do these things.* As Attorney General, John Haggerty will energetically: 1) fight any further delays in the use of our state's death penalty; 2) combat the current, unacceptable levels of violence and theft in our state, focusing on results, not excuses; 3) defend California's democratically enacted laws, including Propositions 8, 13, and 209, against all lawsuits; 4) oppose illegal immigration; 5) spearhead effective, statewide campaigns against shoplifting and aggressive vagrancy; 6) work closely with each government agency, *and the public as a whole*, to improve the administration of justice throughout our state; and 7) support the right of the people of California to form two new states—Northern California and Southern California—if they so choose. As a California attorney since 1987, *and as a citizen*, John Haggerty has worked hard to: preserve our state's death penalty as an effective deterrent against vicious killers; end reverse discrimination in our government; limit the terms of politicians; improve California's jury instructions; advance veterans' rights; expand parental choices in education; protect unborn children; and uphold marriage as the best means of providing children with the irreplaceable support of their father and mother. John Haggerty would be honored to further serve California. On June 3, 2014, please vote to elect John Haggerty Attorney General.

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★ INSURANCE COMMISSIONER ★

- Oversees and directs all functions of the Department of Insurance.
 - Licenses, regulates, and examines insurance companies.
 - Answers public questions and complaints regarding the insurance industry.
 - Enforces California insurance laws and adopts regulations to implement the laws.
-

TED GAINES
Republican

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www.tedgaines.com

As a family insurance agent for the past 30 years, I've had to fight insurance companies on behalf of my clients. And as an elected official, I've had to fight government bureaucracy on behalf of my constituents. As your Insurance Commissioner, I'll fight to protect consumers while bringing competition and economic growth to California's insurance marketplace. More competition means more choices and better rates for consumers, but under its current leadership, the California Department of Insurance has become a hostile bureaucracy that is driving companies out of our state. At the same time, there is too much fraud and abuse in our insurance marketplace. As Insurance Commissioner, I will work to increase criminal penalties for fraud and will aggressively prosecute those who prey on seniors and our most vulnerable citizens. But there is also tremendous abuse in the insurance system—abuse that may not be criminal but that nonetheless costs consumers millions of dollars. The cost of insurance in our state is too high, and frivolous lawsuits are a big part of the reason. As Insurance Commissioner, I will clamp down on lawsuit abuse and fight the trial lawyers and their lobbyists in Sacramento. The Insurance Commissioner has a duty to protect consumers and foster a business climate that will improve our state's economy and create more jobs. We can do better. I respectfully ask for your vote on June 3rd. Please visit tedgaines.com for more information.

DAVE JONES
Democratic

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www.davejones2014.com

Four years ago, Californians elected Dave Jones as Insurance Commissioner to fight for consumers and hold insurance companies accountable. *Dave Jones has saved consumers \$1.4 billion by ratcheting down excessive auto and homeowners insurance rates.* We need an Insurance Commissioner with the courage, integrity, and independence to fight to protect consumers. We need Dave Jones. *Dave Jones refuses to accept contributions or gifts from insurance companies.* He worked to provide health insurance to millions of uninsured Californians. He issued regulations to stop health insurers from discriminating against people with pre-existing conditions. He required health insurers to cover autistic children. Jones is leading the fight to regulate health insurance premium increases. When life insurance companies failed to pay the beneficiaries of policyholders who had died, Jones led a national investigation and recovered hundreds of millions. Californians pay more when fraudsters scam insurance companies. Since Jones took office, his department has made over 2,000 arrests for fraud. Jones has enacted regulations to protect seniors from scams. And he has investigated and helped prosecute criminals who prey on elders. Jones insists that insurers buy goods and services from California's diverse businesses and disabled veterans. Insurers must also now consider climate change impacts, thanks to Dave Jones. Jones has helped over 100,000 consumers with complaints about their insurance companies. He has recovered \$182 million for consumers. *The Consumer Federation of California named Dave Jones a "Consumer Champion."* Insurance Commissioner Dave Jones fights for us. Vote for Democrat Dave Jones for Insurance Commissioner. Visit www.davejones2014.com.

NATHALIE HRIZI
Peace and Freedom

2969 Mission St.
San Francisco, CA 94110

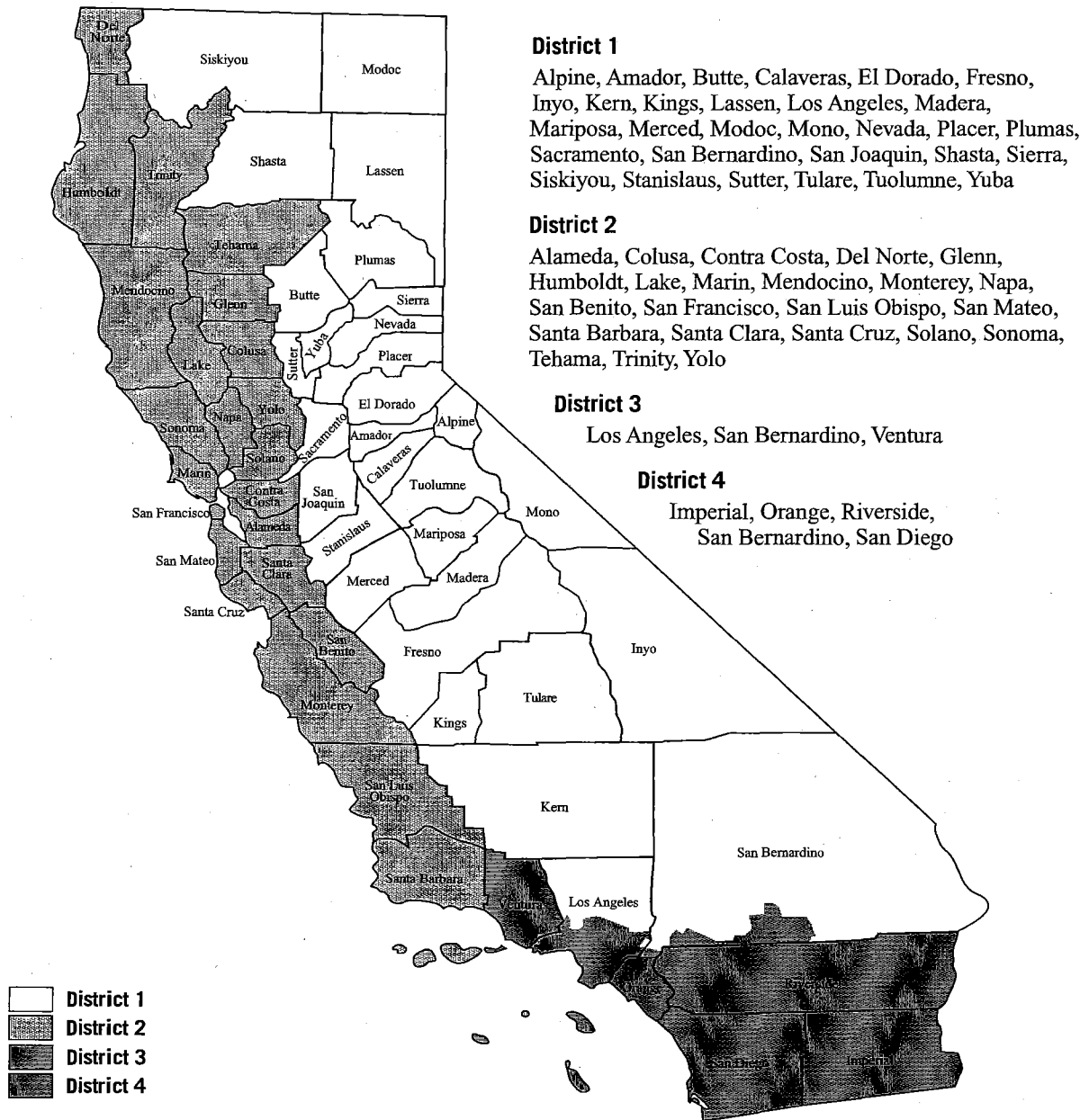
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Quality healthcare should be a universal right! Abolish the insurance companies! Register Peace and Freedom Party.

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California Board of Equalization Districts

Counties in Each Board of Equalization District



★ BOARD OF EQUALIZATION ★

Serves on the Board of Equalization, the state's elected tax commission, which:

- Oversees the administration of over two dozen tax and fee programs including those for sales and use, cigarette and tobacco, alcohol and fuels.
 - Serves as the appellate body for California income and franchise tax cases.
 - Oversees the administration of property tax statewide.
-

DISTRICT 1

GEORGE RUNNER
Republican

43759 15th Street, West, PMB25
Lancaster, CA 93534

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info@georgerunner.com
www.georgerunner.com

As your elected taxpayer advocate, I am working each and every day to protect the interests of you, the taxpayer. From defending Proposition 13 to fighting against tax increases on California families and businesses, I've stood firm against the special interests who want to take more of your money. That's why tax fighters like the *Howard Jarvis Taxpayers Association* support my re-election. As a businessman, I know firsthand it's not easy doing business in this state. California's tax policies should create more private sector jobs in our state, not discourage entrepreneurship. We're making progress. Working with my colleagues, we ended the government's requirement for a security deposit from new businesses, returning hundreds of millions of dollars back to their rightful owners rather than having the funds tied up in a government account. Together with other taxpayer advocates, we're fighting the unfair and illegal "Fire Fee" tax targeting homeowners and senior citizens across California. We're going to win that fight in court and return millions of dollars back to taxpayers. While in the Legislature, my accomplishments include Jessica's Law, which created the toughest sexual predator laws in the nation. I also authored California's Amber Alert, which has aided in more than 200 reunions of abducted children with their parents. I would be honored to earn your support. Visit www.georgerunner.com to learn more about my mission to protect taxpayer rights and make California government more responsive and accountable to you.

CHRIS PARKER
Democratic

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A tax guy for California's tax board, it just makes sense.

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DISTRICT 2

FIONA MA
Democratic

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www.fionama.com

As your Board of Equalization Member, I will work to create jobs and invigorate our economy. I first became interested in public service as a small business owner and a Certified Public Accountant advocating on behalf of local businesses. More than 20 years later, I am taking my work ethic and practical, proven track record to the Board of Equalization to fight for California taxpayers. Each year, California fails to collect eight billion dollars from the underground economy. This lack of revenue hurts hard-working Californians by shortchanging vital public service programs and hindering our economic recovery. I will put to use my years of auditing companies and my understanding of how to read and interpret financial statements to knock out fraud and the under reporting of taxes that costs California billions. I served as a Commissioner on our local Assessment Appeals Board and heard property tax appeals, got elected as a San Francisco Supervisor, and, as a member of the California State Assembly, I authored many tax related bills to help businesses thrive and keep California competitive with other states. I earned a B.S. in Accounting, M.S. in Taxation, and an MBA and have been licensed in California as a Certified Public Accountant (CPA) since 1992. My goal is to help working families thrive in our golden state by ensuring that California has a fair and efficient tax collection system. I would be honored to have your vote on June 3, 2014. Thank you.

DISTRICT 3

JEROME E. HORTON
Democratic

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Los Angeles, CA 90043

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During these challenging times, it has been an incredible privilege to serve you as Chair of the Board of Equalization (BOE), and in position to use my 36 years of BOE, legislative, and financial experience—including 26 years with the *Board of Equalization*, to protect and serve Californians. I started with the Board as an 18-year-old intern and rapidly progressed to become an Executive Business Tax Law counselor, before joining the California State Legislature. I later served on the California Medical Assistance Commission and California Workforce Investment Board, fighting to improve access to health care, quality jobs, and educational opportunities. Elected to the BOE in 2010, as an architect of the Taxpayer's Bill of Rights, during my tenure we have helped 1.3 million entrepreneurs open, maintain, and grow their businesses and administered upwards of \$138 billion in revenue for state and local services. My anti-criminal business initiatives have helped to combat Human Trafficking, arrest 128 criminals operating illegally, and remove tons of illegal and unhealthy products off our streets. My Campaign Against Poverty has assisted thousands of California taxpayers recapture millions in tax refunds and credits and empowered nonprofits to help fight poverty. I am equally proud of my internship programs designed to provide our young people with training and employment opportunities. To learn about 32 additional Horton initiatives and other resources, please visit <http://boardofequalizationjehorton.com>. In closing, please join California Teachers, Firefighters, Nurses, Police, Taxpayers, and Small Businesses in supporting my re-election.

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DISTRICT 4

NADER SHAHATIT
Democratic

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Highland, CA 92346

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electnadersshahatit.com

“I will Vote for you.” This pledge I am hearing from Voters and co-workers. It is my honor to be your representative.

DIANE L. HARKEY
Republican

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San Juan Capistrano, CA 92675

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www.dianeharkey.com

Why have I consistently received highest ratings by Howard Jarvis Taxpayers Association, California Chamber of Commerce, and other pro-businesses, taxpayer, and public safety groups? Because, I have successfully exposed waste, opposed raising taxes, and won more oversight and efficiencies in state government. Board of Equalization plays a vital role clarifying tax policy, settling disputes, and interpreting regulations. I will work for you, individuals, and businesses, hamstrung by overreaching and inefficient government. My goal is simple: help people and communities prosper and create jobs by preventing hidden tax increases, excessive auditing, litigation, and job-killing mandates. Focusing on policies that help not hinder the people served, employment and revenue increase, government waste and debt decrease. In the State Assembly, I exposed the faulty High Speed Rail plan, hidden costs with Cap and Trade programs, won oversight, major program changes, and funding for critical needs like public safety, education, transportation, while promoting water storage to protect against drought. I built my professional career in finance, helping individuals and businesses cut through red tape, creating jobs through good and bad economic cycles. Californians want opportunities to expand businesses, access good paying jobs, educate and raise families safely, and realize a bright, secure future for seniors, children, and grandchildren. California is rich in natural and human resources. My husband of 30 years and I raised our daughter here and know, working together, our Golden State can again lead the nation in prosperity, opportunity, and quality of life. I respectfully ask for your vote.

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★ SUPERINTENDENT OF PUBLIC INSTRUCTION (NONPARTISAN OFFICE) ★

- As the state's chief public schools official, provides education policy and direction to local school districts.
- Directs all functions of the Department of Education and executes policies set by the State Board of Education.
- Serves as an ex-officio member of governing boards of the state's higher education system.
- Works with the educational community to improve academic performance.

MARSHALL TUCK

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Los Angeles, CA 90034

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marshalltuck.com

California public schools need big changes to prepare students to compete in a global economy. Our schools rank 45th in the nation in reading and math—but Sacramento politicians have failed to make changes that will help students succeed. In California, *politicians make too many education decisions*, and the education bureaucracy has too much control over local schools. *I'm the only candidate with a proven record of turning around failing schools*. When I led a group of 17 public schools serving 15,000 students in Los Angeles, we increased graduation rates by 60%. Our innovative "Parent College" became a national model for getting parents involved in schools. And, over the last 5 years, *our schools ranked #1 in academic improvement* among California's large school systems. Previously, I led efforts to establish *9 new charter schools*—giving parents high-quality alternatives to failing schools. We know how to educate kids. But we need to get the politicians out of the way. I'll be an *independent advocate for parents and students*—not political insiders. First, I'll *cut the education bureaucracy* and wasteful programs to put more money into classrooms. Second, I'll help give parents more control over their local schools—and a bigger role in their kids' education. Third, I'll work everyday to make sure all students can benefit from effective teachers and principals and a college-ready curriculum. Please read my plan at www.marshalltuck.com. Our schools need major changes now. That's why I'm running for State Superintendent. Let's do better for California's children.

TOM TORLAKSON

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What I learned as a classroom teacher still guides me today as your superintendent: *Decisions about our education tax dollars should be made by parents, teachers, and schools themselves, not by politicians in Washington or Sacramento*. As a teacher, I am driven by different values than those who see public schools as a place for private gain. That's why, while managing the complex financial issues facing our schools, I fought against education cuts and for *reforms putting more control back in the hands of local communities and schools*. Teachers know *students need skills they can apply in the real world of careers and college*. That's why we are expanding career and technical training for high school students. Teachers also know a lot happens after the school day ends. That's why I helped create *the largest system of after-school programs in the nation*. And we all know that nothing matters more than the safety of our children. That's why *I wrote laws to make schools safer, including preventing child sexual abuse*. And I will keep working to keep drugs, gangs, and guns out of our schools. Education takes teamwork. I am proud to be supported by respected law enforcement advocates like the California Association of Highway Patrolmen, along with nurses, firefighters, and California's classroom teachers. *There's more to do to help all children get the education they deserve*. With respect, I ask for your support and your vote so I can keep working for our students and their future.

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LYDIA A. GUTIÉRREZ

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www.lydia4schools.com

Putting children first is the driving force of my life—and my passion. I believe parents, teachers, and local school boards know what is best for the academic success of our children. My 25 years experience as a teacher, 6 years on the Neighborhood Council, and former aerospace administrator gives me a unique perspective and understanding of the educational demands for the 21st Century. My pledge: I will put an end to the federal government’s mandated testing that has caused liberal arts to be cast aside and still have academic accountability. I will introduce “scientifically proven” standards that are developmental and age appropriate, including for special needs children. I will push for legislation protecting children from sexual predators and create healthy alternatives to gang life. I will guarantee our tax dollars are used to educate our children, like after school tutoring, by making expenditures of public and charter schools transparent. I will make certain “College and Career Readiness” includes a balance of art, music, and literature with core academics, creating a foundation for innovative thinking; therefore, every school would offer life and vocational trade skills to prepare students for independence the day after graduation. Finally, I will affirm accuracy in textbooks in all content areas including our Founding Fathers, the Constitution, and the sovereignty of the United States of America. I am proud to have the support of parents and local classroom teachers throughout California. Let us together, *put children first!* I would be honored to earn your trust.

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PROPOSITION 41

41

This law proposed by Assembly Bill 639 of the 2013–2014 Regular Session (Chapter 727, Statutes of 2013) is submitted to the people in accordance with the provisions of Article XVI of the California Constitution.

This proposed law adds sections to the Military and Veterans Code; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Article 5y (commencing with Section 998.540) is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5y. The Veterans Housing and Homeless Prevention Bond Act of 2014

998.540. *This article shall be known and may be cited as the Veterans Housing and Homeless Prevention Bond Act of 2014.*

998.541. (a) *California is home to almost two million veterans, more than any other state in the nation, and with the winding down of the wars in Iraq and Afghanistan, an unprecedented number of California veterans will return to our communities, many in need of housing, employment, mental health and drug treatment, and physical rehabilitation.*

(b) *Unfortunately, California also leads the nation in the number of homeless veterans, roughly 25 percent of the nation’s homeless veterans live in California, approximately 19,000 veterans. According to the California Research Bureau, Los Angeles is number one in terms of the number of homeless veterans followed by the San Diego region at number three, and the San Francisco Bay Area at number nine.*

(c) *Moreover, the face of the nation’s homeless veterans’ population is changing as more OIF/OEF veterans find themselves in a downward spiral towards homelessness and, increasingly, female veterans and their children comprise more and more of the homeless veteran demographic.*

(d) *With their higher rates of post-traumatic stress disorder, substance abuse, and unemployment, as well as the higher incidence of sexual trauma experienced by our female veterans, current homeless veterans, all too often, cycle in and out of our jails, hospitals, and treatment programs, disproportionately drawing down services without receiving the proper services to stabilize their lives.*

(e) *The Legislature must advance a comprehensive, coordinated, and cost-effective approach to respond to the housing needs of our veterans. Such an approach should leverage public and private resources as well as*

align housing and services.

(f) *Five years ago, Californians overwhelmingly affirmed their gratitude to our veterans by approving Proposition 12, a nine hundred million dollars (\$900,000,000) general obligation bond intended to help veterans specifically purchase single family homes, farms, and mobilehomes through the CalVet Home Loan Program.*

(g) *As a result of the nation’s economic crisis and state’s housing downturn coupled with the changing demographics of our veterans, the Farm and Home Loan Program, as approved by Proposition 12, has been significantly undersubscribed. Five years since its passage, the full nine hundred million dollars (\$900,000,000) remains unspent as does a portion of the five hundred million dollars (\$500,000,000) from Proposition 32, which was approved by the voters in 2000.*

(h) *Meanwhile, the need of veterans for multifamily housing that is affordable, supportive, and transitional remains unmet and public and private resources available for these purposes remain underutilized.*

(i) *California voters should be granted the opportunity to restructure the Proposition 12 veterans’ bond program to better respond to the housing needs as well as the changing demographics of the current veteran population.*

(j) *The Veterans Housing and Homeless Prevention Bond Act of 2014 will restructure six hundred million dollars (\$600,000,000) of the existing Proposition 12 bond moneys to allow for the construction and rehabilitation of multifamily housing for veterans and prioritize projects that align housing with services. Even with this restructuring of bond moneys, the act still preserves over half a billion dollars for the existing CalVet Farm and Home Loan Program.*

(k) *The Veterans Housing and Homeless Prevention Bond Act of 2014 will expand housing and service options for veterans, cost-effectively leverage public dollars, reduce the number of homeless veterans and its attendant public costs, and place California at the forefront of our nation’s efforts to end veterans’ homelessness by 2015.*

998.542. (a) *The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, except as otherwise provided herein, is adopted for the purpose of the issuance, sale, and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this article, and the provisions of that law are included in this article as though set out in full in this article. All references in this article to “herein” refer both to this article and that law.*

(b) For purposes of the State General Obligation Bond Law, the Department of Veterans Affairs is designated the board. The Department of Veterans Affairs shall carry out the board duties in consultation with the California Housing Finance Agency and the Department of Housing and Community Development.

998.543. As used herein, the following terms have the following meanings:

(a) "Board" means the Department of Veterans Affairs.

(b) "Bond" means a veterans' bond, a state general obligation bond, issued pursuant to this article adopting the provisions of the State General Obligation Bond Law.

(c) "Bond act" means this article authorizing the issuance of state general obligation bonds and adopting the State General Obligation Bond Law by reference.

(d) "Committee" means the Housing for Veterans Finance Committee, established pursuant to Section 998.547.

(e) "Fund" means the Housing for Veterans Fund, established pursuant to Section 998.544.

998.544. (a) Bonds in the total amount of six hundred million dollars (\$600,000,000), or so much thereof as is necessary, not including the amount of any refunding bonds, or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in subdivision (b) and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The proceeds of bonds issued and sold pursuant to this section shall be made available to the board for the purposes of creating a fund to provide multifamily housing to veterans and their families pursuant to the Veterans Housing and Homeless Prevention Act of 2014 (Article 3.2 (commencing with Section 987.001)), and any subsequent statutory enactment that amends that act or enacts or amends any successor act for the purpose of providing housing to veterans and their families.

(c) The Legislature may, from time to time, by majority vote, amend the provisions of this act for the purpose of improving program efficiency, effectiveness, and accountability, or for the purpose of furthering overall program goals.

(d) The proceeds of bonds issued and sold pursuant to this article shall be deposited in the Housing for Veterans Fund, which is hereby created.

998.546. The bonds authorized by this article shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law, except subdivisions (a) and (b) of Section 16727 of the Government Code, shall apply to the bonds and to this article and are hereby incorporated in this article as though set forth in full in this article.

998.547. Solely for the purpose of authorizing the issuance and sale pursuant to the State General Obligation Bond Law of the bonds authorized by this article, the Housing for Veterans Finance Committee is hereby created. For purposes of this article, the Housing for Veterans Finance Committee is "the committee" as that term is used in the State General Obligation Bond Law. The committee consists of the Controller, Treasurer, Director of Finance, Secretary of Business, Consumer Services, and Housing, and Secretary of Veterans Affairs, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

998.548. The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this article in order to carry out the actions specified in Section 998.544 and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

998.549. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

998.550. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this article, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this article, as the principal and interest become due and payable.

(b) The sum necessary to carry out Section 998.551, appropriated without regard to fiscal years.

998.551. For the purposes of carrying out this article, the Director of Finance may authorize the

41 withdrawal from the General Fund of an amount not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this article. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund

42 from proceeds received from the sale of bonds for the purpose of carrying out this article.

998.552. All money deposited in the fund that is derived from premium and accrued interest on bonds sold, in excess of any amount of premium used to pay costs of issuing the bonds, shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

998.553. Pursuant to Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code, all or a portion of the cost of bond issuance may be paid out of the bond proceeds, including any premium derived from the sale of the bonds. These costs shall be shared proportionally by each program funded through this bond act.

998.554. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, including other authorized forms of interim financing that include, but are not limited to, commercial paper, in accordance with Section 16312 of the Government Code, for purposes of carrying out this article. The amount of the request shall not exceed the amount of the unsold bonds that the committee, by resolution, has authorized to be sold for the purpose of carrying out this article. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this article.

998.555. The bonds may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds described in this article includes the approval of the issuance of any bonds issued to refund any bonds originally issued under this article or any previously issued refunding bonds.

998.556. Notwithstanding any other provision of this article, or of the State General Obligation Bond Law, the Treasurer may maintain separate accounts for the investment of bond proceeds and for the investment of earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds required or

desirable under federal tax law or to obtain any other advantage under federal law on behalf of the funds of this state.

998.557. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this article are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

PROPOSITION 42

This amendment proposed by Senate Constitutional Amendment 3 of the 2013–2014 Regular Session (Resolution Chapter 123, Statutes of 2013) expressly amends the California Constitution by amending sections thereof; therefore, new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO SECTION 3 OF ARTICLE I AND SECTION 6 OF ARTICLE XIII B

First—That Section 3 of Article I thereof is amended to read:

SEC. 3. (a) The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

(b) (1) The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.

(2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision, shall be broadly construed if it furthers the people’s right of access, and narrowly construed if it limits the right of access. A statute, court rule, or other authority adopted after the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

(3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.

(4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that a person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided in Section 7.

(5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings of public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.

(6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions; nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

(7) *In order to ensure public access to the meetings of public bodies and the writings of public officials and agencies, as specified in paragraph (1), each local agency is hereby required to comply with the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), and with any subsequent statutory enactment amending either act, enacting a successor act, or amending any successor act that contains findings demonstrating that the statutory enactment furthers the purposes of this section.*

Second—That Section 6 of Article XIII B thereof is amended to read:

SEC. 6. (a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service, except that the Legislature may, but need not, provide a subvention of funds for the following mandates:

(1) Legislative mandates requested by the local agency affected.

(2) Legislation defining a new crime or changing an existing definition of a crime.

(3) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975.

(4) *Legislative mandates contained in statutes within the scope of paragraph (7) of subdivision (b) of Section 3 of Article I.*

(b) (1) Except as provided in paragraph (2), for the 2005–06 fiscal year and every subsequent fiscal year, for a mandate for which the costs of a local government claimant have been determined in a preceding fiscal year to be payable by the State pursuant to law, the Legislature shall either appropriate, in the annual Budget Act, the full payable amount that has not been previously paid, or suspend the operation of the mandate for the fiscal year for which the annual Budget Act is applicable in a manner prescribed by law.

(2) Payable claims for costs incurred prior to the 2004–05 fiscal year that have not been paid prior to the 2005–06 fiscal year may be paid over a term of years, as prescribed by law.

(3) Ad valorem property tax revenues shall not be used to reimburse a local government for the costs of a new program or higher level of service.

(4) This subdivision applies to a mandate only as it affects a city, county, city and county, or special district.

(5) This subdivision shall not apply to a requirement to provide or recognize any procedural or substantive protection, right, benefit, or employment status of any local government employee or retiree, or of any local government employee organization, that arises from, affects, or directly relates to future, current, or past local government employment and that constitutes a mandate subject to this section.

(c) A mandated new program or higher level of service includes a transfer by the Legislature from the State to cities, counties, cities and counties, or special districts of complete or partial financial responsibility for a required program for which the State previously had complete or partial financial responsibility.

COUNTY ELECTIONS OFFICES

ALAMEDA COUNTY

1225 Fallon Street, Room G-1
Oakland, CA 94612
(510) 272-6933 or (510) 272-6973
www.acgov.org/rov

ALPINE COUNTY

50 Diamond Valley Road
Woodfords, CA 96120
P.O. Box 158
Markleeville, CA 96120
(530) 694-2281
www.alpinecountyca.gov

AMADOR COUNTY

810 Court Street
Jackson, CA 95642
(209) 223-6465
www.amadorgov.org

BUTTE COUNTY

25 County Center Drive, Suite 110
Oroville, CA 95965-3361
(530) 538-7761 or
(800) 894-7761 (Butte County only)
<http://buttevotes.net>

CALAVERAS COUNTY

891 Mountain Ranch Road
San Andreas, CA 95249
(209) 754-6376
www.elections.calaverasgov.us

COLUSA COUNTY

546 Jay Street, Suite 200
Colusa, CA 95932
(530) 458-0500 or (877) 458-0501
www.countyofcolusa.org/elections

CONTRA COSTA COUNTY

555 Escobar Street
P.O. Box 271
Martinez, CA 94553
(925) 335-7800 or (925) 335-7874
www.cocovote.us

DEL NORTE COUNTY

981 H Street, Suite 160
Crescent City, CA 95531
(707) 464-7216
www.co.del-norte.ca.us

EL DORADO COUNTY

2850 Fairlane Court
P.O. Box 678001
Placerville, CA 95667
(530) 621-7480 or (800) 730-4322
www.edcgov.us/elections

FRESNO COUNTY

2221 Kern Street
Fresno, CA 93721
(559) 600-VOTE (8683)
www.co.fresno.ca.us/elections

GLENN COUNTY

516 W. Sycamore Street, 2nd Floor
Willows, CA 95988
(530) 934-6414
www.countyofglenn.net/govt/departments/elections

HUMBOLDT COUNTY

3033 H Street, Room 20
Eureka, CA 95501
(707) 445-7481
www.co.humboldt.ca.us/election

IMPERIAL COUNTY

940 W. Main Street, Suite 206
El Centro, CA 92243
(760) 482-4226 or (760) 482-4285
www.co.imperial.ca.us/elections

INYO COUNTY

168 N. Edwards Street
P.O. Drawer F
Independence, CA 93526
(760) 878-0224 or (760) 878-0410
www.inyocounty.us/Recorder/Clerk-Recorder.html

KERN COUNTY

1115 Truxtun Avenue, 1st Floor
Bakersfield, CA 93301
(661) 868-3590
www.co.kern.ca.us/elections

KINGS COUNTY

1400 W. Lacey Boulevard
Hanford, CA 93230
(559) 852-4401
www.countyofkings.com

LAKE COUNTY

255 N. Forbes Street, Room 209
Lakeport, CA 95453
(707) 263-2372
www.co.lake.ca.us/Government/Directory/ROV.htm

LASSEN COUNTY

220 S. Lassen Street, Suite 5
Susanville, CA 96130
(530) 251-8217 or (530) 251-8352
www.lassencounty.org

LOS ANGELES COUNTY

12400 Imperial Highway
Norwalk, CA 90650
P.O. Box 54187
Los Angeles, CA 90099-4684
(800) 815-2666
voterinfo@rrcc.lacounty.gov
www.lavote.net

MADERA COUNTY

200 W. 4th Street
Madera, CA 93637
(559) 675-7720 or (800) 435-0509
www.madera-county.com

MARIN COUNTY

3501 Civic Center Drive, Room 121
San Rafael, CA 94903
P.O. Box E
San Rafael, CA 94913-3904
(415) 473-6456
www.marinvotes.org

MARIPOSA COUNTY

4982 10th Street
P.O. Box 247
Mariposa, CA 95338
(209) 966-2007
www.mariposacounty.org

MENDOCINO COUNTY

501 Low Gap Road, Room 1020
Ukiah, CA 95482
(707) 234-6827
www.co.mendocino.ca.us/acr

MERCED COUNTY

2222 M Street, Room 14
Merced, CA 95340
(209) 385-7541 or (800) 561-0619
www.mercedelections.org

MODOC COUNTY

108 E. Modoc Street
Alturas, CA 96101
(530) 233-6205
www.co.modoc.ca.us

MONO COUNTY

74 N. School Street
P.O. Box 237
Bridgeport, CA 93517
(760) 932-5537 or (760) 932-5534
www.monocounty.ca.gov

MONTEREY COUNTY

1370-B S. Main Street
Salinas, CA 93901
P.O. Box 4400
Salinas, CA 93912
(831) 796-1499 or (866) 887-9274
www.montereycountyelections.us

NAPA COUNTY

900 Coombs Street, Suite 256
Napa, CA 94559
(707) 253-4321 or (707) 253-4374
www.countyofnapa.org

NEVADA COUNTY

950 Maidu Avenue, Suite 250
Nevada City, CA 95959
(530) 265-1298
www.mynevadacounty.com/nc/elections

ORANGE COUNTY

1300 S. Grand Avenue, Building C
Santa Ana, CA 92705
P.O. Box 11298
Santa Ana, CA 92711
(714) 567-7600
www.ocvote.com

PLACER COUNTY

2956 Richardson Drive
 Auburn, CA 95603
 (530) 886-5650 or (800) 824-8683
www.placerelections.com

PLUMAS COUNTY

520 Main Street, Room 102
 Quincy, CA 95971
 (530) 283-6256
www.countyofplumas.com

RIVERSIDE COUNTY

2724 Gateway Drive
 Riverside, CA 92507
 (951) 486-7200
www.voteinfo.net

SACRAMENTO COUNTY

7000 65th Street, Suite A
 Sacramento, CA 95823
 (916) 875-6451
www.elections.saccounty.net

SAN BENITO COUNTY

440 5th Street, Room 206
 Hollister, CA 95023
 (831) 636-4016 or (877) 777-4017
www.sbcvotestate.com

SAN BERNARDINO COUNTY

777 E. Rialto Avenue
 San Bernardino, CA 92415
 (909) 387-8300
www.sbcountyelections.com

SAN DIEGO COUNTY

5600 Overland Avenue
 San Diego, CA 92123
 (858) 565-5800 or (800) 696-0136
www.sdvote.com

SAN FRANCISCO COUNTY

1 Dr. Carlton B. Goodlett Place,
 Room 48
 San Francisco, CA 94102
 (415) 554-4375
www.sfelections.org

SAN JOAQUIN COUNTY

44 N. San Joaquin Street, Suite 350
 Stockton, CA 95202
 P.O. Box 810
 Stockton, CA 95201
 (209) 468-2885
www.sjcrov.org

SAN LUIS OBISPO COUNTY

1055 Monterey Street, D120
 San Luis Obispo, CA 93408
 (805) 781-5228 or (805) 781-5080
www.slovotestate.com

SAN MATEO COUNTY

40 Tower Road
 San Mateo, CA 94402
 (650) 312-5222
www.shapethefuture.org

SANTA BARBARA COUNTY

4440-A Calle Real
 Santa Barbara, CA 93110
 P.O. Box 61510
 Santa Barbara, CA 93160-1510
 (800) SBC-VOTE or (805) 568-2200
www.sbcvotestate.com

SANTA CLARA COUNTY

1555 Berger Drive
 San Jose, CA 95112
 P.O. Box 611360
 San Jose, CA 95161
 (408) 299-VOTE (8683)
www.sccvotestate.com

SANTA CRUZ COUNTY

701 Ocean Street, Room 210
 Santa Cruz, CA 95060
 (831) 454-2060 or (866) 282-5900
www.votescount.com

SHASTA COUNTY

1643 Market Street
 Redding, CA 96001
 P.O. Box 990880
 Redding, CA 96099-0880
 (530) 225-5730
www.elections.co.shasta.ca.us

SIERRA COUNTY

100 Courthouse Square, Room 11
 P.O. Drawer D
 Downieville, CA 95936
 (530) 289-3295
www.sierracounty.ca.gov

SISKIYOU COUNTY

510 N. Main Street
 Yreka, CA 96097
 (530) 842-8084 or
 (888) 854-2000 EXT. 8084
www.sisqvotestate.com

SOLANO COUNTY

675 Texas Street, Suite 2600
 Fairfield, CA 94533
 (707) 784-6675
www.solanocounty.com/elections

SONOMA COUNTY

435 Fiscal Drive
 Santa Rosa, CA 95403
 P.O. Box 11485
 Santa Rosa, CA 95406-1485
 (707) 565-6800 or
 (800) 750-VOTE (8683)
vote.sonoma-county.org

STANISLAUS COUNTY

1021 I Street, Suite 101
 Modesto, CA 95354
 (209) 525-5200
www.stanvotestate.com

SUTTER COUNTY

1435 Veterans Memorial Circle
 Yuba City, CA 95993
 (530) 822-7122
www.suttercounty.org/elections

TEHAMA COUNTY

444 Oak Street, Room C
 P.O. Box 250
 Red Bluff, CA 96080
 (530) 527-8190 or (530) 527-0454
www.co.tehama.ca.us

TRINITY COUNTY

11 Court Street
 P.O. Box 1215
 Weaverville, CA 96093
 (530) 623-1220
www.trinitycounty.org

TULARE COUNTY

5951 S. Mooney Boulevard
 Visalia, CA 93277
 (559) 624-7300 or (559) 624-7302
www.tularecounty.ca.gov/registrarofvoters

TUOLUMNE COUNTY

2 S. Green Street
 Sonora, CA 95370
 (209) 533-5570
www.tuolumnecounty.ca.gov

VENTURA COUNTY

800 S. Victoria Avenue
 Ventura, CA 93009
 (805) 654-2664
venturavotestate.com

YOLO COUNTY

625 Court Street, Room B05
 Woodland, CA 95695
 P.O. Box 1820
 Woodland, CA 95776
 (530) 666-8133 or (800) 649-9943
www.yoloelections.org

YUBA COUNTY

915 8th Street, Suite 107
 Marysville, CA 95901
 (530) 749-7855
www.yubaelections.org

Visit the Secretary of State's Website to:

- Research campaign contributions and lobbying activity
<http://cal-access.sos.ca.gov>
- View voter guides in other languages
www.voterguide.sos.ca.gov
- Find your polling place on Election Day
www.sos.ca.gov/elections/find-polling-place.htm
- Obtain vote-by-mail ballot information
www.sos.ca.gov/elections/elections_m.htm
- Get helpful information for first-time voters
www.sos.ca.gov/elections/new-voter
- Watch live election results after polls close on Election Day
<http://vote.sos.ca.gov>

Have You Moved Since You Last Voted?

It is important to update your voter registration when you move. This will ensure you are able to vote for all of the appropriate candidates and measures, and that you receive vital election information in the mail.

The last day to register to vote in the June 3, 2014, Statewide Direct Primary Election is Monday, May 19, 2014.

If you moved to your new address after May 19, 2014, you may vote at your old polling place.

For more information regarding voter registration, please contact the Secretary of State's office at (800) 345-VOTE (8683) or visit *www.sos.ca.gov*.

VOTER BILL OF RIGHTS

1. You have the right to cast a ballot if you are a valid registered voter.

A valid registered voter means a United States citizen who is a resident in this state, who is at least 18 years of age and not in prison or on parole for conviction of a felony, and who is registered to vote at his or her current residence address.

2. You have the right to cast a provisional ballot if your name is not listed on the voting rolls.
3. You have the right to cast a ballot if you are present and in line at the polling place prior to the close of the polls.
4. You have the right to cast a secret ballot free from intimidation.
5. You have the right to receive a new ballot if, prior to casting your ballot, you believe you made a mistake.

If at any time before you finally cast your ballot, you feel you have made a mistake, you have the right to exchange the spoiled ballot for a new ballot. Vote-by-mail voters may also request and receive a new ballot if they return their spoiled ballot to an elections official prior to the closing of the polls on election day.

6. You have the right to receive assistance in casting your ballot, if you are unable to vote without assistance.
7. You have the right to return a completed vote-by-mail ballot to any precinct in the county.
8. You have the right to election materials in another language, if there are sufficient residents in your precinct to warrant production.
9. You have the right to ask questions about election procedures and observe the election process.
You have the right to ask questions of the precinct board and elections officials regarding election procedures and to receive an answer or be directed to the appropriate official for an answer. However, if persistent questioning disrupts the execution of their duties, the board or election officials may discontinue responding to questions.
10. You have the right to report any illegal or fraudulent activity to a local elections official or to the Secretary of State's Office.

**If you believe you have been denied any of these rights,
or you are aware of any election fraud or misconduct, please call the
Secretary of State's confidential toll-free Voter Hotline at (800) 345-VOTE (8683).**

Information on your voter registration affidavit will be used by elections officials to send you official information on the voting process, such as the location of your polling place and the issues and candidates that will appear on the ballot. Commercial use of voter registration information is prohibited by law and is a misdemeanor. Voter information may be provided to a candidate for office, a ballot measure committee, or other person for election, scholarly, journalistic, political, or governmental purposes, as determined by the Secretary of State. Driver license and social security numbers, or your signature as shown on your voter registration card, cannot be released for these purposes. If you have any questions about the use of voter information or wish to report suspected misuse of such information, please call the Secretary of State's Voter Hotline at (800) 345-VOTE (8683).

Certain voters facing life-threatening situations may qualify for confidential voter status. For more information, contact the Secretary of State's Safe at Home program toll-free at (877) 322-5227 or visit www.sos.ca.gov.

California Secretary of State
Elections Division
1500 11th Street
Sacramento, CA 95814

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CALIFORNIA STATEWIDE DIRECT
**PRIMARY
ELECTION**
www.voterguide.sos.ca.gov

For additional copies of the Voter Information Guide in English, please contact your county elections office or call (800) 345-VOTE (8683). For TTY/TDD, call (800) 833-8683.

Para obtener copias adicionales de la Guía de Información para el Votante en español, póngase en contacto con la oficina electoral de su condado o llame al (800) 232-VOTA (8682).

如需索取額外的中文選民資訊指南，請與您的縣立選舉辦事處聯繫或致電(800) 339-2857。

हिन्दी में मतदाता जानकारी मार्गदर्शिका की अतिरिक्त प्रतियां प्राप्त करने के लिए, कृपया अपने काउंटी चुनाव कार्यालय से संपर्क करें या इस नंबर पर फ़ोन करें (888) 345-2692।

投票情報ガイドの日本語版をご希望の場合は、最寄の郡選挙事務所にお問い合わせになるか(800) 339-2865にお電話ください。

OFFICIAL VOTER INFORMATION GUIDE

Last day to register to vote
Monday, May 19, 2014

Remember to vote!
Tuesday, June 3, 2014

Polls are open from 7:00 a.m. to 8:00 p.m.

សំរាប់សំណេរខ្មែរ រំលឹកថាថ្ងៃចុះឈ្មោះបោះឆ្នោត ជាភាសាខ្មែរ សូមទាក់ទងការិយាល័យបោះឆ្នោត ខេត្តឆ្នាំងស្រី ឬទូរស័ព្ទ (888) 345-4917។

한국어로 된 유권자 정보 지침의 사본이 추가로 필요할 경우 해당 카운티 선거관리 사무실로 연락하거나 다음 번호로 전화하십시오: (866) 575-1558

Para sa mga karagdagang kopya ng Patnubay na Impormasyon Para sa Botante sa Tagalog, mangyaring makipag-ugnayan sa opisina sa mga halalan ng inyong county o tumawag sa (800) 339-2957.

สำหรับสำเนาเพิ่มเติมของคู่มือสำหรับผู้ออกเสียงเลือกตั้ง เป็นภาษาไทย กรุณาติดต่อสำนักงานการเลือกตั้ง ประจำเขตมณฑลของคุณ หรือโทรศัพท์ถึง (855) 345-3933

Muốn có thêm Tập Hướng Dẫn Cử Tri bằng Việt Ngữ, xin liên lạc với văn phòng bầu cử quận của quý vị hoặc gọi số (800) 339-8163.

To reduce election costs, the State mails only one guide to each voting household.

OSP 14 132802



From: Board of Supervisors
To: BOS-Supervisors; BOS-Legislative Aides
Subject: Certification of Filipino Language for Language Access Ordinance
Attachments: Filipino Cert Ltr_final.4.2.2014.pdf

From: Pon, Adrienne (ADM)
Sent: Wednesday, April 02, 2014 12:50 PM
To: Board of Supervisors
Subject: Fw: Certification of Filipino Language for Language Access Ordinance

Dear Supervisors,

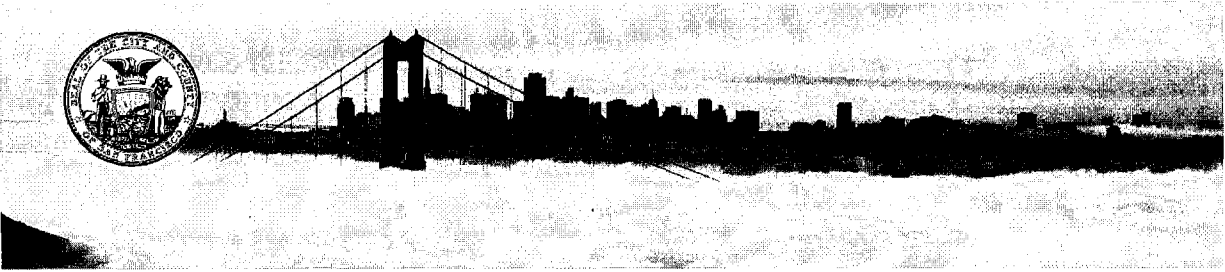
Mayor Lee and the Board just announced the certification of Filipino (Tagalog) as a third language covered by the Language Access Ordinance, in addition to Chinese and Spanish. Attached for your information is the background memo - the Mayor's Office will be issuing a press release shortly.

The City has made tremendous progress thanks to your leadership, vision and commitment to language access. Please feel free to contact OCEIA if you have questions or need assistance.

Adrienne

ADRIENNE PON

Executive Director | OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 368 | San Francisco, CA 94102
Telephone: (415) 581.2357 (ask for Danielle Lam, Executive Coordinator)
| (415) 554.7028 (direct) | (415) 581.2360(main)| Website: www.sfgov.org/oce



CITY AND COUNTY OF SAN FRANCISCO

OFFICE OF CIVIC ENGAGEMENT & IMMIGRANT AFFAIRS

Edwin M. Lee, Mayor
Naomi Kelly, City Administrator

Adrienne Pon, Executive Director

April 2, 2014

Honorable Edwin M. Lee
Mayor
City Hall, Room 200

Honorable David Chiu
President, Board of Supervisors City
Hall, Room 279

Board of Supervisors
City Hall, Room 244

Dear Mayor Lee, President Chiu, and Supervisors,

This is to inform you that the Office of Civic Engagement & Immigrant Affairs (OCEIA) will be certifying Filipino today as a third language required under the San Francisco Language Access Ordinance (LAO). The certification includes Tagalog, which is the most commonly spoken Filipino language in the Bay Area and the official language of the Philippines.

As you know, the LAO as amended by the Board of Supervisors in 2009 mandates that OCEIA determine which languages meet the thresholds for Limited English Speaking Persons (LESP) who speak a shared language other than English. The LAO specifies that this determination be made by "referring to the best available data from the United States Census Bureau or other reliable source" and that this determination be certified by OCEIA to all City Departments and the Immigrant Rights Commission.

The LAO does not specify the length of time or terms for certification. There are three steps in the process: 1) Determination - evidence that indicates a language has reached the threshold: 2) Certification - notification to City Departments and the Immigrant Rights Commission after confirming the evidence or determining that the evidence is valid and from a reliable source, and 3) Implementation - since there are no existing Rules & Regulations, these have to be established first and adopted by the Commission before implementation can begin (Section 91.15).

In 2001 when San Francisco's first language access law (Equal Access to Services) was established, the Board of Supervisors determined that Chinese and Spanish would be the required languages based on their high numbers from 2000 decennial Census results. At that time, the U.S. Census Bureau collected more detailed socioeconomic data through the Census long form. In 2010, the decennial Census Survey was radically changed, asking only 10 limited questions that did not include language specific information. The more detailed socioeconomic information is now collected through the American Community Survey (ACS) which is a survey of a small percentage of the population on a rotating basis throughout the decade.

The sampling error associated with the 2000 and earlier decennial census long form data is much lower in general than that of the ACS (the Census Bureau can suppress data tables from the ACS that it deems statistically unreliable). According to the University of Michigan's Population Studies Center, ACS data metrics must be carefully examined before drawing conclusions. There are limitations with the ACS, but it is the only available data that gives information on languages spoken and the Census Bureau is considered a reliable source.

Based on the American Community Survey (ACS) Five-Year Report (2008-12) released by the Census Bureau on December 17, 2013 and analyzed by the San Francisco Planning Department in January 2014, 45 percent of the total San Francisco population over age five speak a language other than English at home. Three languages have at least 10,000 or more speakers of the language who are LESP: Chinese, Spanish and Filipino.

LANGUAGE	TOTAL NUMBER OF SPEAKERS OF LANGUAGE	TOTAL LIMITED ENGLISH SPEAKING	MARGIN OF ERROR
Chinese (Cantonese & Mandarin)	144,602	94,294	+/-2,557
Spanish	89,231	39,353	+/-1,868
Filipino	24,128	10,177	+/-930
Russian	13,820	8,344	+/-872
Vietnamese	10,551	6,368	+/-987

Filipino (Tagalog) now meets the certification threshold outlined in the LAO (Administrative Code, Chapter 91.2).

OCEIA has consulted with community experts and organizations, universities and other sources for detailed information on the Tagalog-speaking population in San Francisco, however little specific information is available. Since the ACS is only a small statistical sampling with a higher margin of error, and no other reliable source of data is currently available, OCEIA is also conducting a short-term community needs assessment to assist City Departments. The study will be completed by mid-May 2014 and will include interviews with experts, a survey of community-based organizations serving the target population, and focus groups with front-line city and community providers and Tagalog-speaking community members.

This is the first time that an additional language is being certified and OCEIA is building the process by which future emerging language certifications may be determined per the LAO. Adequate time and resources will be required for OCEIA and City Departments to prepare for, implement and meet these new needs. As in 2009, implementation will be phased in over an 18 - month period, with the focus first on the most urgent needs.

Thank you for your leadership and commitment to language access in San Francisco.

Always,



Adrienne Pon
Executive Director

cc: Steve Kawa- Chief of Staff, Naomi Kelly- City Administrator

To: BOS-Supervisors; BOS-Legislative Aides
Subject: Local Hire Annual Report to the Board
Attachments: Full Report Draft Graphics 3 31 2014 single.pdf

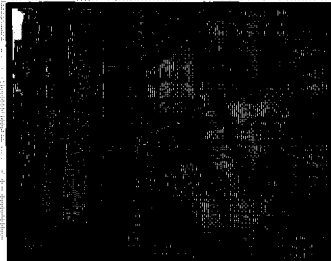
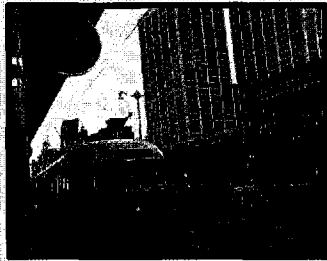
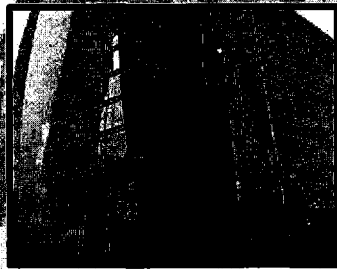
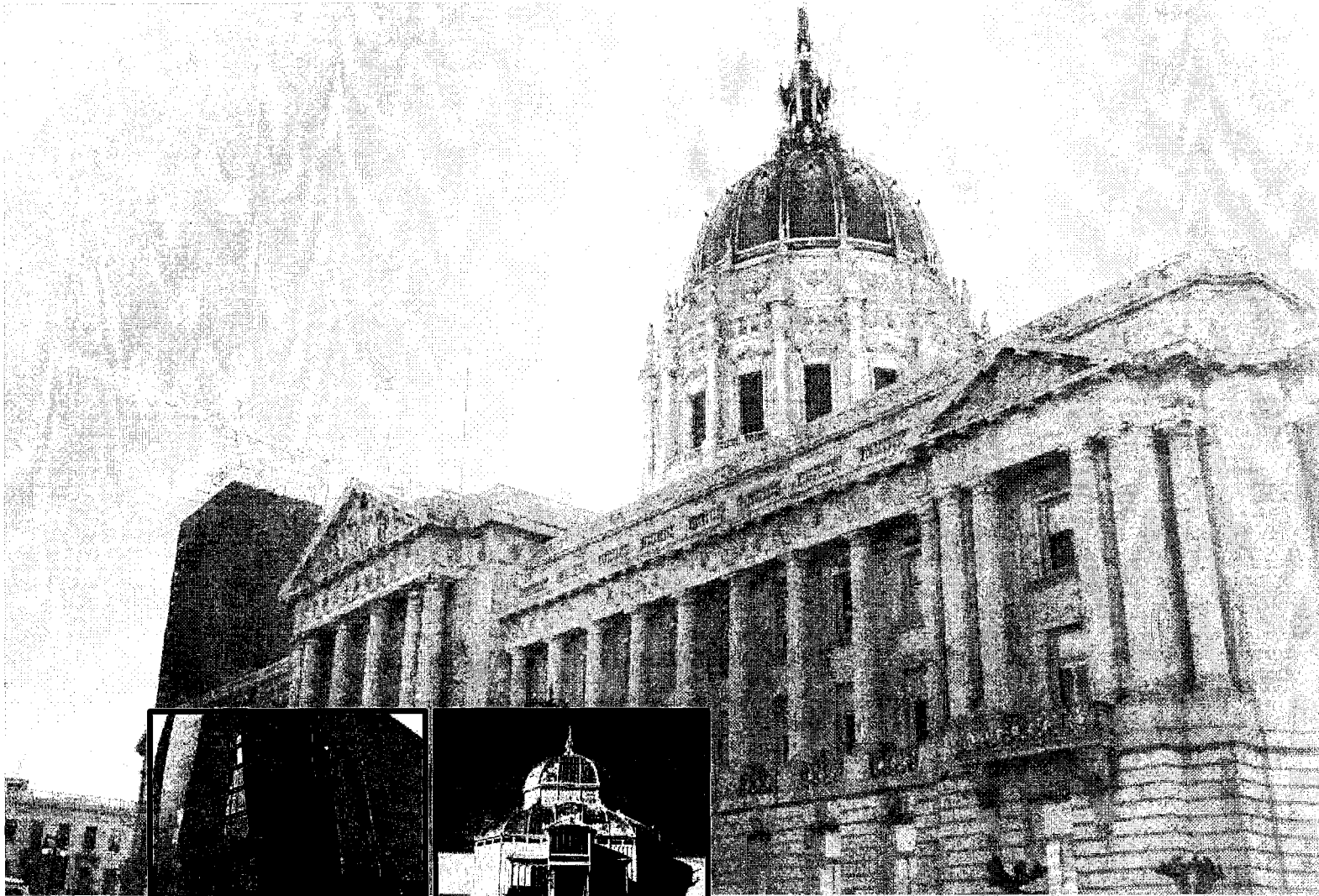
From: Mulligan, Pat (MYR)
Sent: Monday, March 31, 2014 4:38 PM
To: Calvillo, Angela (BOS)
Cc: Nim, Ken
Subject: Local Hire Annual Report to the Board

Ms. Calvillo,

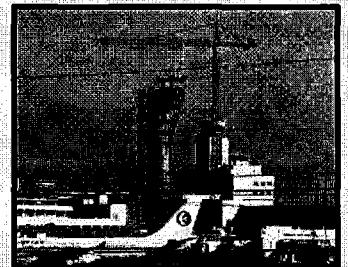
Attached is the Local Hiring Policy for Construction Annual Report for 2013-2014. We are in the process of printing and will deliver a hard copy to your office as soon as it is printed. Please let me know if you have any further question. Thank you.

-Pat Mulligan

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**SAN FRANCISCO LOCAL HIRING POLICY
FOR CONSTRUCTION
2013 – 2014 ANNUAL REPORT
TO THE SAN FRANCISCO BOARD OF SUPERVISORS**





GREETINGS FROM THE MAYOR

On behalf of the City and County of San Francisco, I am pleased to present the third Annual Report on the San Francisco Local Hiring Policy for Construction.

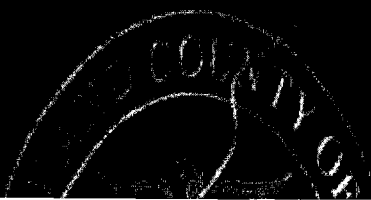
Supporting the local economy and putting San Franciscans to work has been at the forefront of my administration's initiatives. I am encouraged by the results from the Policy's first three years and optimistic about its positive impact on San Francisco construction workers. I will always prioritize the creation and maintenance of good paying jobs in our City.

Last year, San Francisco led the nation in job growth, providing opportunities in every sector including construction. By the end of 2013, our City had the third lowest unemployment rate among California's 58 counties. With a projected increase in both public and private construction work, we anticipate a growing demand for skilled construction workers as we enter the fourth year of the Policy.

The cranes that populate the City's skyline are a sign of continued economic recovery and an indication that construction jobs in San Francisco will continue to provide opportunities for residents and local businesses.

Edwin M. Lee

Edwin M. Lee



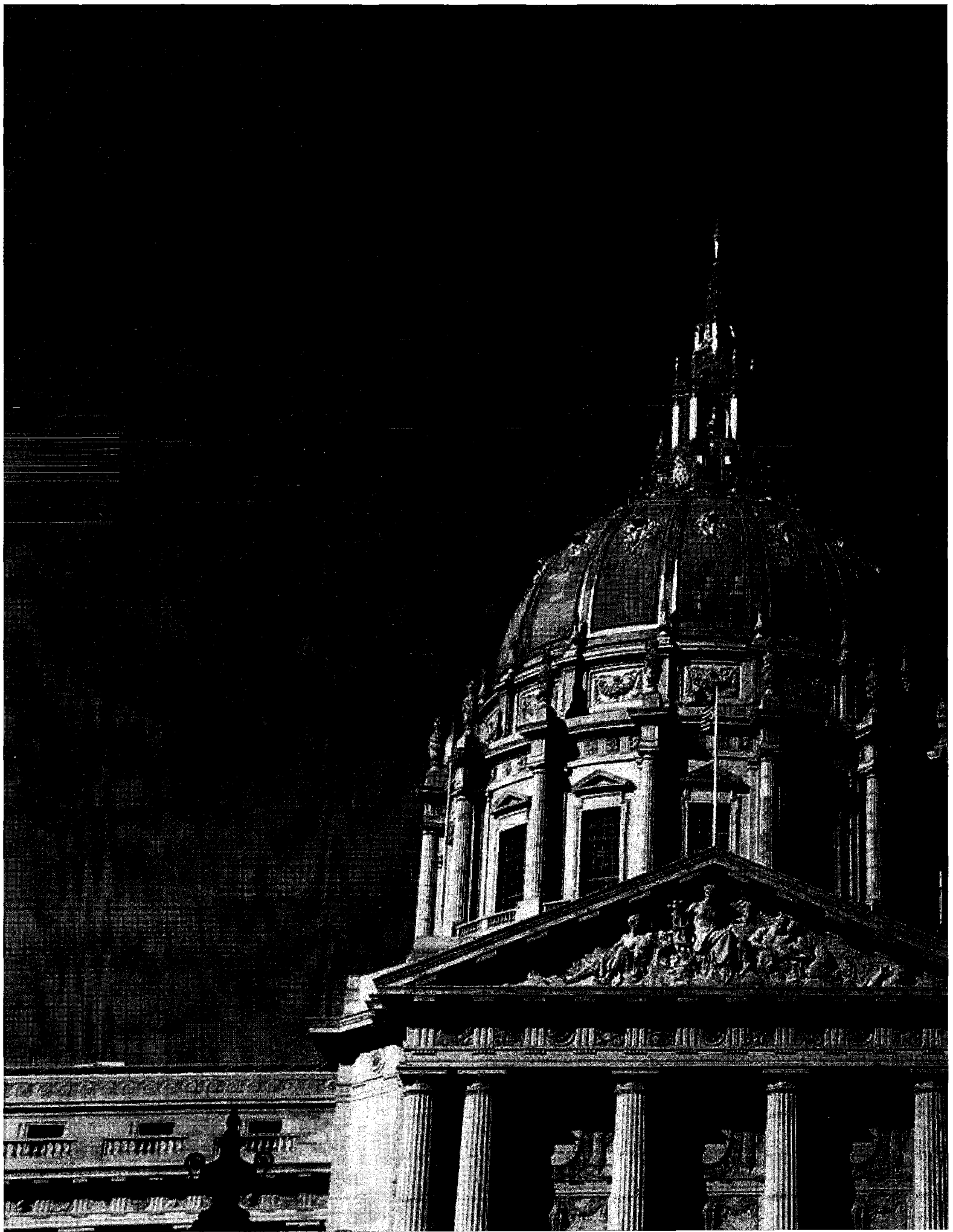


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ABOUT THE SAN FRANCISCO LOCAL HIRING POLICY FOR CONSTRUCTION

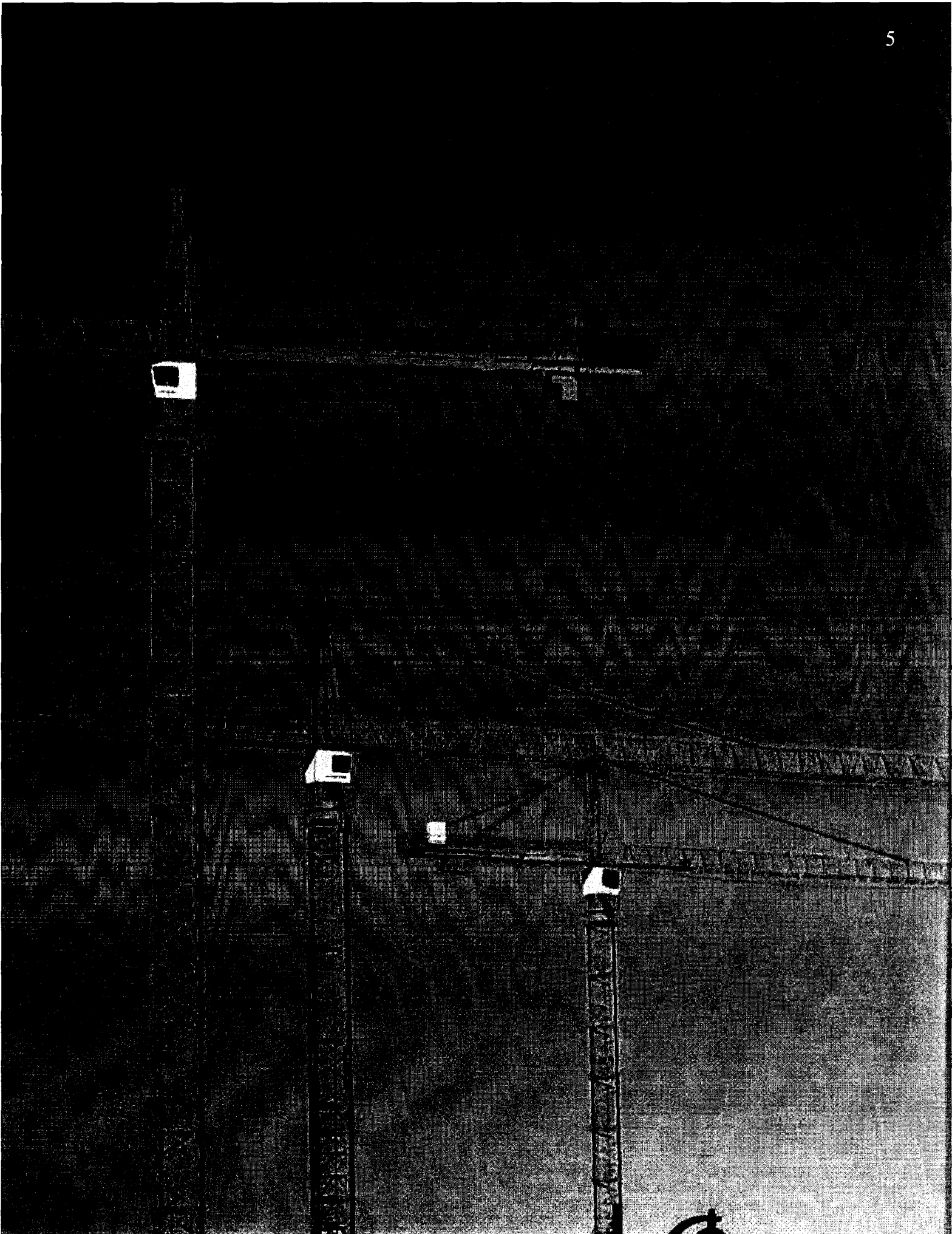
In 1987, the City of San Francisco adopted a local hiring policy for construction jobs. The policy was designed to ensure that the City's construction workforce was diverse and that the City was able to hire the best qualified candidates for its construction jobs. The policy was based on the following principles:

In 1987, the City of San Francisco adopted a local hiring policy for construction jobs. The policy was designed to ensure that the City's construction workforce was diverse and that the City was able to hire the best qualified candidates for its construction jobs. The policy was based on the following principles:

- 20% minority goal: The local hiring requirement for construction jobs was set at 20% for minority candidates.
- 5% goal: The local hiring requirement for construction jobs was set at 5% for women candidates.
- 25% goal: The local hiring requirement for construction jobs was set at 25% for disabled candidates.

The policy was subject to a 12-month legislative review period. The policy's effectiveness was evaluated, and policy recommendations for legislative consideration were adopted by the San Francisco Board of Supervisors.

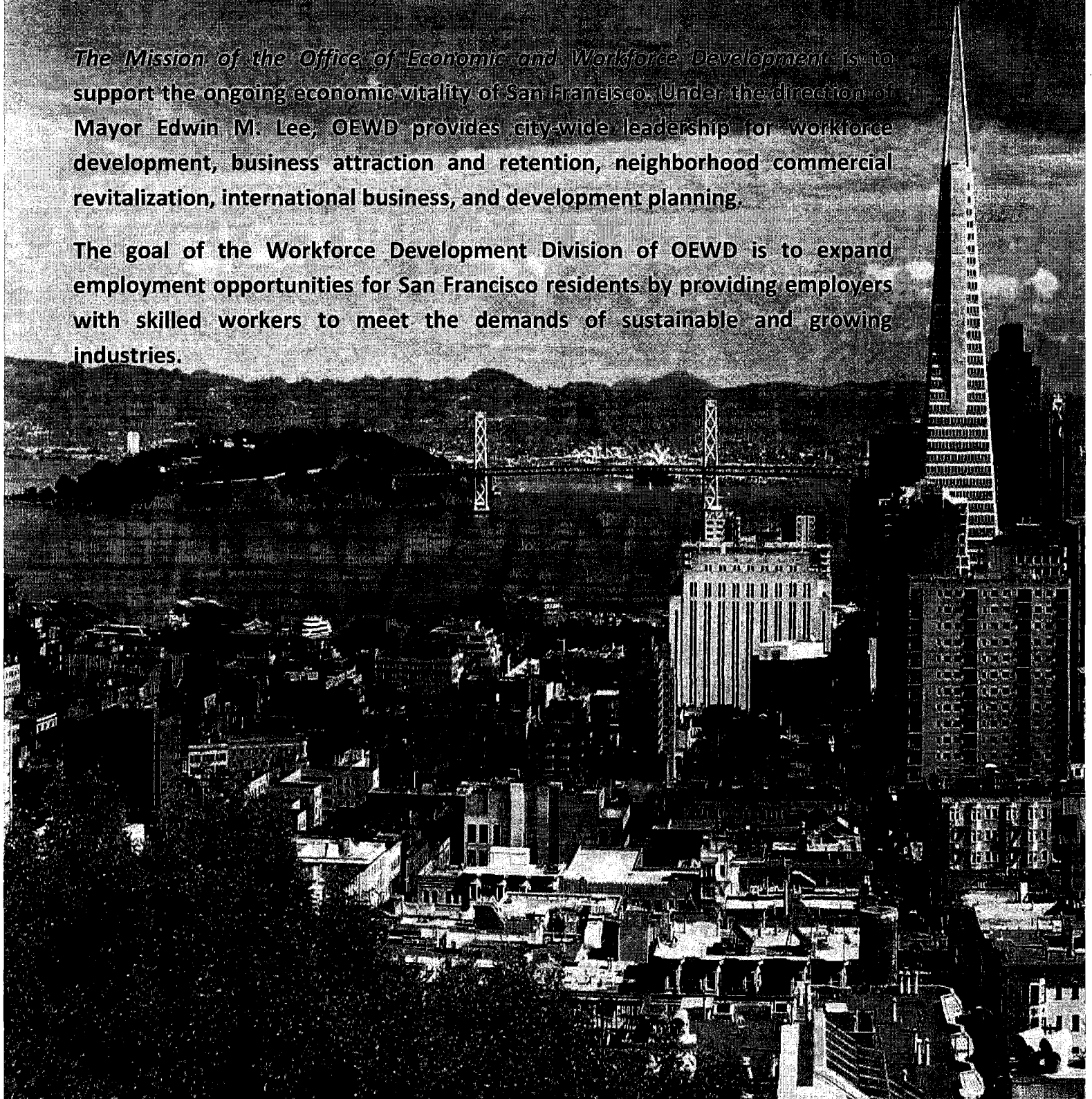
The Office of Economic and Workforce Development (OEWD) is charged with the administration of this Policy and is responsible for producing this Annual Report to the Board of Supervisors.



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OEWD's programs are responsible for strengthening San Francisco's many diverse neighborhoods and commercial corridors. These programs create a business climate where companies can grow and prosper and ensure a high quality of life for all San Franciscans.

The Mission of the Office of Economic and Workforce Development is to support the ongoing economic vitality of San Francisco. Under the direction of Mayor Edwin M. Lee, OEWD provides city-wide leadership for workforce development, business attraction and retention, neighborhood commercial revitalization, international business, and development planning.

The goal of the Workforce Development Division of OEWD is to expand employment opportunities for San Francisco residents by providing employers with skilled workers to meet the demands of sustainable and growing industries.



EXECUTIVE SUMMARY

PURPOSE

The third Annual Report on the Local Hiring Policy for Construction was produced to inform the Board of Supervisors of the progress achieved during the first three years administering the Policy. The report highlights department and trade performance data, discusses workforce demographics, and identifies priorities for the coming year.

METHODS OF ANALYSIS

OEWD utilizes certified payroll records from the City's Project Reporting System (PRS)¹ to verify hours worked by San Francisco residents on projects covered by the Policy. Payroll data entered into the City's PRS between March 25, 2011 and March 1, 2014 was used to produce this report. The data in this report does not include hours that were credited toward local hiring deficiencies through Policy off-ramps.

REPORT OVERVIEW

Between March 25, 2011 and March 1, 2014, a total of 182 projects were subject to the Local Hiring Policy for Construction. Of these projects, 80 were subject to the 20% requirement, 80 to the 25% requirement, and 22 projects were subject to the 30% requirement. Projects included in this report have been awarded and are managed by six departments within the City and County of San Francisco: Department of Public Works, Municipal Transportation Agency, Port of San Francisco, Public Utilities Commission, Recreation and Parks Department, and San Francisco International Airport. Projects subject to the 20% local hiring requirement reported an overall local hiring performance of 34%. Projects subject to the 25% local hiring requirement reported an overall local hiring performance of 39%. For projects subject to the 30% local hiring requirement an overall local hiring performance of 42% was reported. As limited hours had been reported into the PRS for projects subject to the 30% requirement at time of reporting, data on these projects should be considered preliminary.

THE MAYOR'S CONSTRUCTION WORKFORCE ADVISORY COMMITTEE

The Mayor's Construction Workforce Advisory Committee was first convened in July 2012 to evaluate the performance of the Policy and to develop recommendations during the Policy's legislative review period. The Committee's recommendations were adopted by the Board of Supervisors in March of 2014 and are outlined in this report.

PRIORITIES FOR YEAR FOUR

OEWD's goal is to ensure that the Local Hiring Policy for Construction remains beneficial to local workers and the San Francisco economy. Further analysis of the Policy's impact, and assessment of the availability of qualified workers, will be conducted as additional data becomes available. OEWD will continue to strengthen partnerships with local educational institutions and new partnerships will be formed to address the changing needs of the construction industry.

¹ Elation Systems

20% OVERVIEW

OVERVIEW OF PROJECTS

A total of 80 active projects subject to the 20% hiring requirement were advertised, awarded, and tracked across six departments. The total value of these projects was \$382 million. Table 1 distinguishes the number of projects and award amount by department.

TABLE 1: PROJECTS SUBJECT TO 20% LOCAL HIRING REQUIREMENT

Department	DPW	MTA	PORT	PUC	RPD	SFO	Total
Number of Active Projects	26	1	9	26	8	10	80
Total Award Amount	\$37M	\$1M	\$76M	\$81M	\$30M	\$157M	\$382M

LOCAL HIRING PERFORMANCE

As shown in Table 2, a total of 1,473,118 work hours were reported for projects subject to the 20% local hiring requirement. Of this total, 506,564 hours (34%) were performed by San Francisco residents. Inclusive of these hours are 181,604 apprentice hours, of which 111,400 (61%) were performed by San Francisco residents.

TABLE 2: WORK HOURS BY DEPARTMENT REPORTED ON PROJECTS SUBJECT TO 20% LOCAL HIRING REQUIREMENT

Department	Total Hours			Apprentice Hours		
	Total	Local	Local %	Total	Local	Local %
DPW	211,593	88,274	42%	16,833	12,252	73%
MTA	6,813	2,940	43%	1,112	818	74%
PORT	284,801	73,585	26%	41,501	16,491	40%
PUC	345,860	126,259	37%	32,516	26,062	80%
RPD	192,143	63,195	33%	20,745	13,417	65%
SFO	431,909	152,312	35%	68,899	42,361	61%
Total	1,473,118	506,564	34%	181,604	111,400	61%

20% OVERVIEW BY TRADE

Work hours reported by trade on the 80 projects subject to the 20% local hiring requirement are listed in Table 3. Most trades met or exceeded the hiring requirement for local overall work hours and local apprentice hours. On a project-by-project basis, trades that represent less than 5% of overall work hours are exempted from the requirement.

TABLE 3: WORK HOURS BY TRADE REPORTED ON PROJECTS SUBJECT TO 20% HIRING REQUIREMENT

Trade	Total Hours			Apprentice Hours		
	Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	108,057	45,096	42%	15,578	8,025	52%
Carpet, Linoleum, Soft Floor Layer	9,815	1,577	16%	1,615	670	41%
Cement Mason	50,935	13,044	26%	5,600	4,912	88%
Drywall Installer/Lather	61,033	8,944	15%	7,670	3,454	45%
Electrician	192,138	97,680	51%	33,144	23,280	70%
Glazier	12,241	2,014	16%	1,921	641	33%
Iron Worker	72,233	20,015	28%	13,007	6,212	48%
Laborer And Related Classifications	567,937	204,892	36%	55,231	41,014	74%
Operating Engineer	115,829	40,497	35%	5,077	4,006	79%
Painter	23,474	6,799	29%	1,735	810	47%
Pile Driver	38,204	5,036	13%	9,076	1,766	19%
Plaster Tender	12,125	1,571	13%	0	0	0%
Plasterer	11,622	2,496	21%	2,940	1,454	49%
Plumber	55,932	22,117	40%	15,478	8,464	55%
Roofer	12,462	1,589	13%	2,305	1,145	50%
Sheet Metal Worker	34,330	9,697	28%	5,752	2,936	51%
Tile Finisher	4,037	1,606	40%	1,817	1,206	66%
Other Trades*	90,716	21,899	24%	3,661	1,409	38%
Total	1,473,118	506,564	34%	181,604	111,400	61%

*Other Trades; Asbestos Removal Worker, Asbestos Worker - Heat and Frost Insulator, Boilermaker, Brick Tender, Bricklayer/Blocklayer, Building/Construction Inspector And Field Soils And Material Tester, Dredger Operating Engineer, Driver, Electrical Utility Lineman, Elevator Constructor, Field Surveyor, Landscape Laborer, Landscape Maintenance Laborer, Metal Roofing Systems Installer, Modular Furniture Installer, Parking And Highway Improvement, Parking And Highway Improvement Painter, Slurry Seal Worker, Teamster, Terrazzo Finisher, Terrazzo Worker, Tile Setter, and Traffic Control/Lane Closure.

25% OVERVIEW

OVERVIEW OF PROJECTS

A total of 80 active projects subject to the 25% hiring requirement were advertised, awarded and tracked across six departments. The total value of these projects was \$587 million. Table 4 shows the number of projects and award amount by department.

TABLE 4: PROJECTS SUBJECT TO 25% LOCAL HIRING REQUIREMENT

Department	DPW	MTA	PORT	PUC	RPD	SFO	Total
Number of Active Projects	30	1	1	33	7	8	80
Total Award Amount	\$176M	\$4M	\$2M	\$144M	\$18M	\$243M	\$587M

LOCAL HIRING PERFORMANCE

As shown in Table 5, a total of 995,286 work hours were reported for projects subject to the 25% local hiring requirement. Of this total, 388,616 hours (39%) were performed by San Francisco residents. Inclusive of these hours are 111,465 apprentice hours, of which 65,891 (59%) were performed by San Francisco residents.

TABLE 5: WORK HOURS BY DEPARTMENT REPORTED ON PROJECTS SUBJECT TO 25% LOCAL HIRING REQUIREMENT

Department	Total Hours			Apprentice Hours		
	Total	Local	Local %	Total	Local	Local %
DPW	357,416	132,091	37%	36,562	19,965	55%
MTA	18,323	6,177	34%	6,900	2,861	41%
PORT	1,370	903	66%	215	0	0%
PUC	374,075	145,071	39%	38,173	25,992	68%
RPD	54,543	24,096	44%	4,370	2,512	57%
SFO	189,559	80,278	42%	25,246	14,562	58%
Total	995,286	388,616	39%	111,465	65,891	59%

25% OVERVIEW BY TRADE

Work hours reported by trade on the 80 projects subject to the 25% local hiring requirement are listed in Table 6. Most trades met or exceeded the hiring requirement for local overall work hours and local apprentice hours. On a project-by-project basis, trades that represent less than 5% of overall work hours are exempted from the requirement.

TABLE 6: WORK HOURS BY TRADE REPORTED ON PROJECTS SUBJECT TO 25% HIRING REQUIREMENT

Trade	Total Hours			Apprentice Hours		
	Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	76,911	38,641	50%	10,258	5,113	50%
Carpet, Linoleum, Soft Floor Layer	1,049	305	29%	24	0	0%
Cement Mason	30,442	6,818	22%	3,131	2,851	91%
Drywall Installer/Lather	22,543	8,478	38%	958	627	65%
Electrician	82,991	53,794	65%	18,241	12,170	67%
Glazier	8,267	1,472	18%	1,990	821	41%
Iron Worker	30,039	10,897	36%	6,442	3,728	58%
Laborer And Related Classifications	430,087	166,077	39%	38,052	26,087	69%
Operating Engineer	110,536	40,713	37%	3,018	1,703	56%
Painter	19,926	6,595	33%	2,212	1,010	46%
Pile Driver	9,121	2,912	32%	1,361	907	67%
Plasterer	1,780	557	31%	6	0	0%
Plumber	22,228	11,017	50%	6,613	4,441	67%
Roofer	32,255	8,108	25%	13,289	4,809	36%
Sheet Metal Worker	14,703	7,221	49%	2,882	1,030	36%
Tile Finisher	4,843	2,055	42%	1,270	548	43%
Tile Setter	3,001	1,818	61%	8	0	0%
Other Trades*	94,568	21,140	22%	1,713	49	3%
Total	995,286	388,616	39%	111,465	65,891	59%

*Other Trades: Asbestos Removal Worker, Asbestos Worker - Heat and Frost Insulator, Boilermaker, Brick Tender, Bricklayer/Blocklayer, Building/Construction Inspector And Field Soils And Material Tester, Driver, Electrical Utility Lineman, Elevator Constructor, Field Surveyor, Landscape Maintenance Laborer, Marble Mason, Modular Furniture Installer, Mover, Parking And Highway Improvement Painter, Plaster Tender, Slurry Seal Worker, Teamster, Telecommunications Technician, Terrazzo Finisher, Terrazzo Worker, Traffic Control/Lane Closure, Tree Trimmer and Water Well Driller.

30% OVERVIEW

OVERVIEW OF PROJECTS

A total of 22 active projects subject to the 30% hiring requirement were advertised, awarded and tracked across four departments. The total value of these projects was \$67 million. Table 7 shows the number of projects and award amount by department.

TABLE 7: PROJECTS SUBJECT TO 30% LOCAL HIRING REQUIREMENT

Department	DPW	MTA	PORT	PUC	RPD	SFO	Total
Number of Active Projects	9	0	0	5	6	2	22
Total Award Amount	\$18M	-	-	\$22M	\$5M	\$22M	\$67M

LOCAL HIRING PERFORMANCE

As shown in Table 8, a total of 80,779 work hours were reported for projects subject to the 30% local hiring requirement. Of this total, 33,907 hours (or 42%) were performed by San Francisco residents. Inclusive of these hours are 6,391 apprentice hours, of which 5,006 (or 78%) were performed by San Francisco residents.

TABLE 8: WORK HOURS BY DEPARTMENT REPORTED ON PROJECTS SUBJECT TO 30% LOCAL HIRING REQUIREMENT

Department	Total Hours			Apprentice Hours		
	Total	Local	Local %	Total	Local	Local %
DPW	39,662	20,086	51%	3,462	3,050	88%
MTA	0	0	0%	0	0	0%
PORT	0	0	0%	0	0	0%
PUC	23,039	6,552	28%	511	341	67%
RPD	13,411	4,298	32%	1,192	545	46%
SFO	4,667	2,971	64%	1,227	1,071	87%
Total	80,779	33,907	42%	6,391	5,006	78%

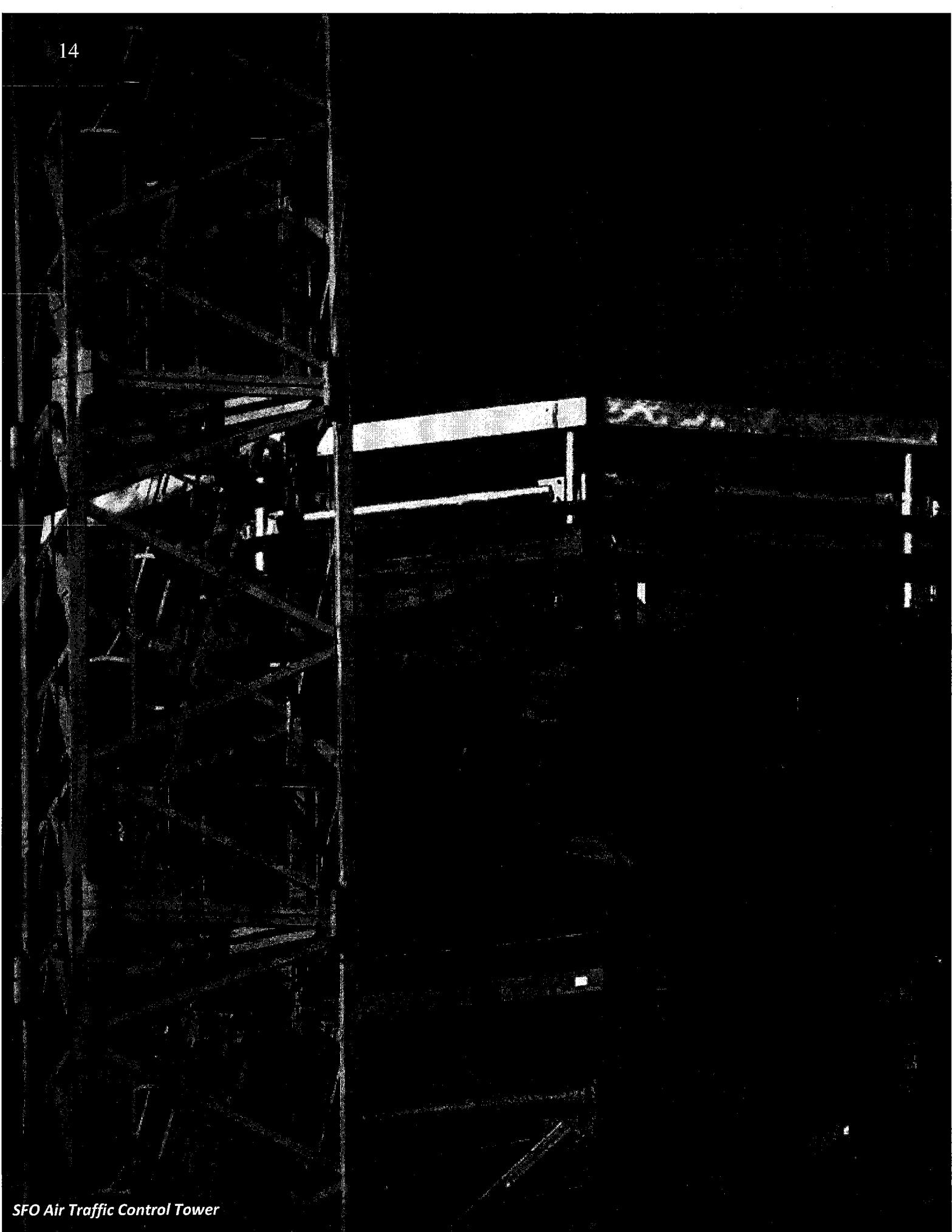
30% OVERVIEW BY TRADE

Work hours reported by trade on the 22 projects subject to the 30% local hiring requirement are listed in Table 9. Trades that have reported hours exceeding 5% of the total work hours have met the 30% requirement. However, as few projects subject to the 30% requirement have reported work hours, the information provided in Table 9 is not indicative of the local hiring trajectory for this requirement.

TABLE 9: WORK HOURS BY TRADE REPORTED ON PROJECTS SUBJECT TO 30% HIRING REQUIREMENT

Trade	Total Hours			Apprentice Hours		
	Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	5,261	3,743	71%	952	453	48%
Carpet, Linoleum, Soft Floor Layer	73	0	0%	0	0	0%
Cement Mason	6,033	4,286	71%	1,109	1,109	100%
Drywall Installer/Lather	1,095	170	16%	252	138	55%
Electrician	4,611	2,846	62%	1,334	1,286	96%
Glazier	111	95	86%	11	11	100%
Iron Worker	481	116	24%	0	0	0%
Laborer And Related Classifications	31,147	15,839	51%	2,102	1,695	81%
Operating Engineer	10,364	3,707	36%	56	56	100%
Painter	2,050	740	36%	26	0	0%
Plasterer	72	48	67%	0	0	0%
Plumber	489	413	84%	17	0	0%
Roofer	1,316	511	39%	398	136	34%
Sheet Metal Worker	424	384	91%	135	123	91%
Other Trades*	17,254	1,012	6%	0	0	0%
Total	80,779	33,907	42%	6,391	5,006	78%

*Other Trades: Asbestos Removal Worker, Brick Tender, Bricklayer/Blocklayer, Driver, Electrical Utility Lineman, Landscape Maintenance Laborer, Modular Furniture Installer and Teamster.



SFO Air Traffic Control Tower

LOCAL HIRING BY DEPARTMENT

Department of Public Works

Municipal Transportation Agency

Port of San Francisco

Public Utilities Commission

Recreation and Parks Department

San Francisco International Airport

LOCAL HIRING BY DEPARTMENT: Department of Public Works



ABOUT DPW PROJECTS

Department of Public Works (DPW) projects include street improvements as well as the renovation and new construction of public facilities. Table 10 displays the total work hours for DPW projects by local hiring requirement, while Table 11 displays work hours by trade and local hiring requirement.

TABLE 10: TOTAL WORK HOURS REPORTED ON DPW PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Requirement	Number of Projects	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
20%	26	211,593	88,274	42%	16,833	12,252	73%
25%	30	357,416	132,091	37%	36,562	19,965	55%
30%	9	39,662	20,086	51%	3,462	3,050	88%
Total	65	608,671	240,450	40%	56,857	35,266	62%

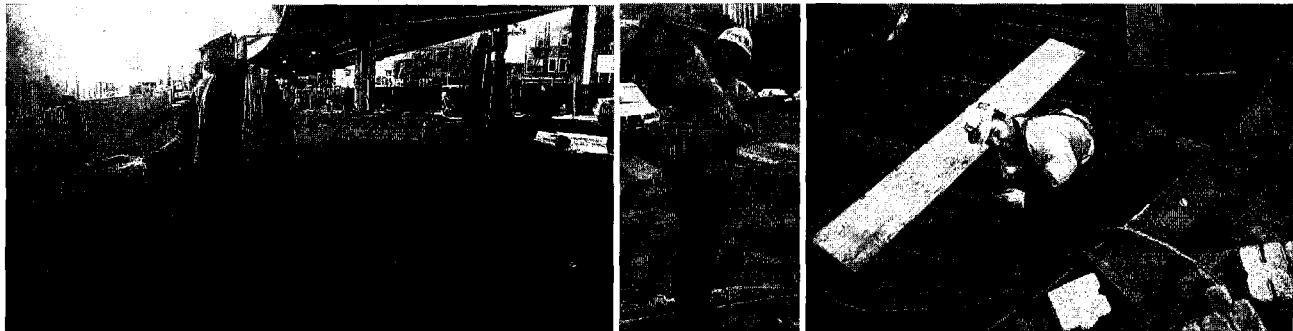


TABLE 11: WORK HOURS BY TRADE REPORTED ON DPW PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	20%	5,915	3,753	63%	120	120	100%
	25%	24,286	15,494	64%	4,552	2,609	57%
	30%	1,660	1,249	75%	202	202	100%
Carpet, Linoleum, Soft Floor Layer	20%	64	32	50%	0	0	0%
	25%	0	0	0%	0	0	0%
	30%	0	0	0%	0	0	0%
Cement Mason	20%	15,035	7,733	51%	3,242	3,238	99%
	25%	18,175	4,003	22%	2,107	1,945	92%
	30%	5,951	4,204	71%	1,109	1,109	100%
Drywall Installer/Lather	20%	535	0	0%	0	0	0%
	25%	896	208	23%	207	0	0%
	30%	728	138	19%	138	138	100%

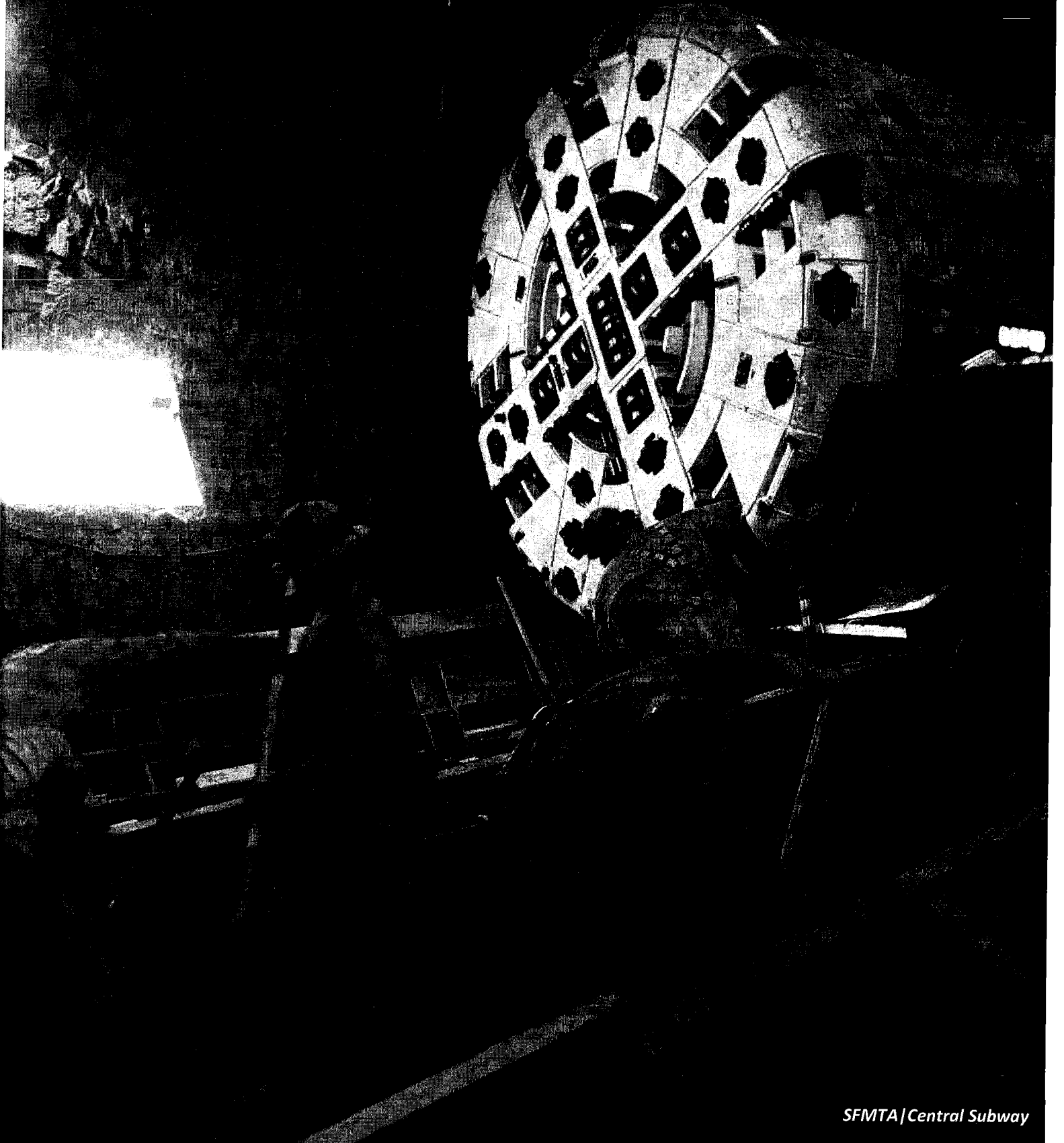
TABLE 11 CONTINUED: WORK HOURS BY TRADE REPORTED ON DPW PROJECTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Electrician	20%	7,198	3,773	52%	887	842	95%
	25%	8,019	2,822	35%	1,448	243	17%
	30%	629	475	75%	263	215	82%
Glazier	20%	108	0	0%	15	0	0%
	25%	2,277	293	13%	476	274	58%
	30%	0	0	0%	0	0	0%
Iron Worker	20%	378	104	28%	99	28	28%
	25%	5,086	3,074	60%	1,510	1,280	85%
	30%	348	19	5%	0	0	0%
Laborer And Related Classifications	20%	133,477	57,944	43%	11,423	7,579	66%
	25%	184,199	71,944	0%	14,690	9,163	62%
	30%	21,664	11,264	52%	1,341	1,250	93%
Operating Engineer	20%	13,017	5,448	42%	212	180	85%
	25%	40,505	15,366	0%	1,746	1,017	58%
	30%	5,022	1,590	32%	0	0	0%
Painter	20%	693	336	48%	8	8	100%
	25%	521	163	31%	0	0	0%
	30%	0	0	0%	0	0	0%
Pile Driver	20%	567	74	13%	74	74	100%
	25%	32	0	0%	0	0	0%
	30%	0	0	0%	0	0	0%
Plumber	20%	2,774	662	24%	399	16	4%
	25%	4,496	2,358	52%	2,840	1,504	53%
	30%	265	265	100%	0	0	0%
Roofer	20%	2,515	158	6%	243	158	65%
	25%	12,891	3,389	26%	4,764	1,868	39%
	30%	1,248	481	39%	398	136	34%
Sheet Metal Worker	20%	1,975	634	32%	84	0	0%
	25%	2,925	1,218	42%	399	24	6%
	30%	44	18	40%	12	0	0%
Other Trades*	20%	27,345	7,624	28%	28	10	36%
	25%	53,111	11,761	22%	1,826	39	2%
	30%	2,106	386	18%	0	0	0%
Total 20%		211,593	88,274	42%	16,833	12,252	73%
Total 25%		357,416	132,091	37%	36,562	19,965	55%
Total 30%		39,662	20,086	51%	3,462	3,050	88%
Grand Total		608,671	240,450	40%	56,857	35,266	62%

*20%: Other Trades: Asbestos Removal Worker, Driver, Landscape Laborer, Landscape Maintenance Laborer, Modular Furniture Installer, Parking and Highway Improvement, Parking and Highway Improvement Painter, Plasterer, Slurry Seal Worker, Teamster, Terrazzo Worker, Tile Finisher, Tile Setter and Traffic Control/Lane Closure.

*25%: Other Trades: Asbestos Removal Worker, Bricklayer/Blocklayer, Building/Construction Inspector and Field Soils and Material Tester, Driver, Electrical Utility Lineman, Elevator Constructor, Field Surveyor, Landscape Maintenance Laborer, Plasterer, Slurry Seal Worker, Teamster, Tile Finisher, Tile Setter and Traffic Control/Lane Closure.

*30%: Other Trades: Asbestos Removal Worker, Brick Tender, Bricklayer/Blocklayer, Driver and Teamster.



LOCAL HIRING BY DEPARTMENT: Municipal Transportation Agency



ABOUT MTA PROJECTS

San Francisco Municipal Transportation Agency (MTA) projects focus on the improvement of San Francisco's street landscapes and traffic conditions. Table 12 displays the total work hours for MTA projects by local hiring requirement, while Table 13 displays work hours by trade and local hiring requirement. At the time of reporting, no 30% requirement MTA projects had been advertised.

TABLE 12: TOTAL WORK HOURS REPORTED ON MTA PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Requirement	Number of Projects	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
20%	1	6,813	2,940	43%	1,112	818	74%
25%	1	18,323	6,177	34%	6,900	2,861	41%
30%	0	0	0	0%	0	0	0%
Total	2	25,136	9,117	36%	8,012	3,678	46%

TABLE 13: WORK HOURS BY TRADE REPORTED ON MTA PROJECTS SUBJECT TO 20% and 25% REQUIREMENTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Cement Mason	20%	785	182	23%	9	9	100%
	25%	0	0	0%	0	0	0%
Electrician	20%	1,132	860	76%	476	215	45%
	25%	1,472	773	53%	157	157	100%
Iron Worker	20%	0	0	0%	0	0	0%
	25%	231	112	48%	0	0	0%
Laborer and Related Classifications	20%	4,471	1,705	38%	627	594	95%
	25%	0	0	0%	0	0	0%
Operating Engineer	20%	401	171	43%	0	0	0%
	25%	241	0	0%	0	0	0%
Roofer	20%	0	0	0%	0	0	0%
	25%	12,966	3,884	30%	6,292	2,704	43%
Sheet Metal Worker	20%	0	0	0%	0	0	0%
	25%	3,415	1,409	41%	452	0	0%
Other Trades*	20%	25	22	88%	0	0	0%
	25%	0	0	0%	0	0	0%
Total 20%		6,813	2,940	43%	1,112	818	74%
Total 25%		18,323	6,177	34%	6,900	2,861	41%
Grand Total		25,136	9,117	36%	8,012	3,678	46%

LOCAL HIRING BY DEPARTMENT: Port of San Francisco



ABOUT PORT PROJECTS

Port of San Francisco projects support maritime operations, environmental and historic preservation, and public recreation. At the time of reporting, no 30% requirement Port of San Francisco projects had reported work hours. Table 14 displays the total work hours for Port projects by local hiring requirement, while Table 15 displays work hours by trade and local hiring requirement.

TABLE 14: TOTAL WORK HOURS REPORTED ON PORT PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Requirement	Number of Projects	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
20%	9	284,801	73,585	26%	41,501	16,491	40%
25%	1	1,370	903	66%	215	0	0%
30%	0	0	0	0%	0	0	0%
Total	10	286,170	74,488	26%	41,716	16,491	40%



TABLE 15: WORK HOURS BY TRADE REPORTED ON PORT PROJECTS SUBJECT TO 20% AND 25% REQUIREMENTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	20%	26,408	10,551	40%	3,060	1,039	34%
	25%	0	0	0%	0	0	0%
Carpet, Linoleum, Soft Floor Layer	20%	437	80	18%	126	50	40%
	25%	0	0	0%	0	0	0%
Cement Mason	20%	7,932	855	11%	532	4	1%
	25%	0	0	0%	0	0	0%
Drywall Installer/Lather	20%	15,651	2,882	18%	637	629	99%
	25%	0	0	0%	0	0	0%
Electrician	20%	45,293	10,432	23%	7,475	3,153	42%
	25%	927	648	70%	215	0	0%
Glazier	20%	3,476	1,111	32%	450	148	33%
	25%	0	0	0%	0	0	0%
Iron Worker	20%	28,323	6,517	23%	5,070	2,731	54%
	25%	0	0	0%	0	0	0%
Laborer And Related Classifications	20%	47,776	17,767	37%	1,676	1,170	70%
	25%	339	256	75%	0	0	0%
Operating Engineer	20%	19,156	3,608	19%	1,134	1,089	96%
	25%	104	0	0%	0	0	0%
Painter	20%	7,739	2,602	34%	776	353	46%
	25%	0	0	0%	0	0	0%
Pile Driver	20%	36,782	4,718	13%	8,548	1,692	20%
	25%	0	0	0%	0	0	0%
Plumber	20%	22,889	7,726	34%	8,766	4,255	49%
	25%	0	0	0%	0	0	0%
Roofer	20%	1,292	42	3%	207	40	19%
	25%	0	0	0%	0	0	0%
Sheet Metal Worker	20%	11,131	2,509	23%	2,028	0	0%
	25%	0	0	0%	0	0	0%
Other Trades*	20%	10,518	2,188	21%	1,019	141	14%
	25%	0	0	0%	0	0	0%
Total 20%		284,801	73,585	26%	41,501	16,491	40%
Total 25%		1,370	903	66%	215	0	0%
Grand Total		286,170	74,488	26%	41,716	16,491	40%

*20% Other Trades: Asbestos Removal Worker, Asbestos Worker - Heat And Frost Insulator, Boilermaker, Brick Tender, Bricklayer, Blocklayer, Building/Construction Inspector and Field Soils And Material Tester, Dredger Operating Engineer, Driver, Electrical Utility Lineman, Elevator Constructor, Field Surveyor, Landscape Maintenance Laborer, Metal Roofing Systems Installer, Modular Furniture Installer, Parking And Highway Improvement , Parking And Highway Improvement Painter, Plasterer, Teamster, Tile Finisher and Tile Setter.

LOCAL HIRING BY DEPARTMENT:

Public Utilities Commission



ABOUT PUC PROJECTS

San Francisco Public Utilities Commission (PUC) projects include infrastructure upgrades and repairs that maintain sustainable operations of the City's wastewater and clean water delivery systems. Table 16 displays the total work hours for PUC projects by local hiring requirement, while Table 17 displays work hours by trade and local hiring requirement.

TABLE 16: TOTAL WORK HOURS REPORTED ON PUC PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Requirement	Number of Projects	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
20%	26	345,860	126,260	37%	32,516	26,062	80%
25%	33	374,075	145,072	39%	38,173	25,992	68%
30%	5	23,039	6,552	28%	511	341	67%
Total	64	742,974	277,884	37%	71,199	52,395	74%

TABLE 17: WORK HOURS BY TRADE REPORTED ON PUC PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	20%	3,824	2,378	62%	424	424	100%
	25%	22,071	6,416	29%	3,248	1,201	37%
	30%	1,003	1,003	100%	0	0	0%
Carpet, Linoleum, Soft Floor Layer	20%	0	0	0%	0	0	0%
	25%	341	77	23%	7	0	0%
	30%	0	0	0%	0	0	0%
Cement Mason	20%	7,732	2,208	29%	1,495	1,495	100%
	25%	5,806	1,234	21%	825	728	88%
	30%	0	0	0%	0	0	0%
Drywall Installer/Lather	20%	0	0	0%	0	0	0%
	25%	1,348	228	17%	0	0	0%
	30%	0	0	0%	0	0	0%
Electrician	20%	20,244	4,994	25%	1,551	573	37%
	25%	25,231	16,331	65%	5,021	4,217	84%
	30%	1,321	0	0%	0	0	0%
Glazier	20%	0	0	0%	0	0	0%
	25%	295	177	60%	0	0	0%
	30%	0	0	0%	0	0	0%
Iron Worker	20%	1,037	230	22%	163	0	0%
	25%	5,929	2,165	37%	1,791	753	42%
	30%	0	0	0%	0	0	0%

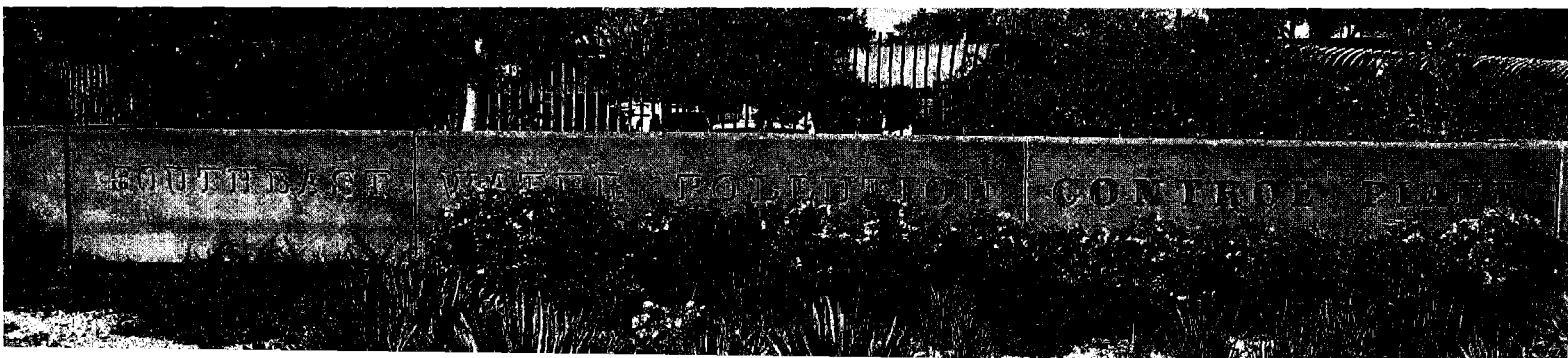
TABLE 17 CONTINUED: WORK HOURS BY TRADE REPORTED ON PUC PROJECTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Laborer And Related Classifications	20%	227,082	85,325	38%	25,859	21,151	82%
	25%	197,825	79,788	40%	20,602	15,475	75%
	30%	5,212	3,585	69%	511	341	67%
Operating Engineer	20%	55,894	23,855	43%	1,616	1,572	97%
	25%	60,236	23,409	39%	935	609	65%
	30%	3,121	1,895	61%	0	0	0%
Painter	20%	335	0	0%	41	0	0%
	25%	11,965	1,981	17%	1,914	847	44%
	30%	0	0	0%	0	0	0%
Pile Driver	20%	135	64	47%	63	0	0%
	25%	7,548	2,741	36%	1,098	835	76%
	30%	0	0	0%	0	0	0%
Plumber	20%	3,804	838	22%	381	271	71%
	25%	5,994	2,088	35%	1,248	1,183	95%
	30%	0	0	0%	0	0	0%
Roofer	20%	76	6	8%	31	6	19%
	25%	2,839	523	18%	1,232	12	1%
	30%	68	30	44%	0	0	0%
Sheet Metal Worker	20%	4,621	203	4%	279	0	0%
	25%	1,609	828	51%	184	134	73%
	30%	0	0	0%	0	0	0%
Other Trades*	20%	21,075	6,160	29%	615	571	93%
	25%	25,040	7,088	25%	70	0	0%
	30%	12,315	40	0%	0	0	0%
Total 20%		345,860	126,260	37%	32,516	26,062	80%
Total 25%		374,075	145,072	39%	38,173	25,992	68%
Total 30%		23,039	6,552	28%	511	341	67%
Grand Total		742,974	277,884	37%	71,199	52,395	74%

*20% Other Trades: Asbestos Removal Worker, Asbestos Worker - Heat and Frost Insulator, Boilermaker, Brick Tender, Bricklayer/Blocklayer, Building/Construction Inspection and Field Soils and Material Tester, Field Surveyor, Landscape Maintenance Laborer, Modular Furniture Installer, Slurry Seal Worker, Teamster and Tile Setter.

*25% Other Trades: Asbestos Removal Worker, Boilermaker, Brick Tender, Bricklayer/Blocklayer, Building/Construction Inspection and Field Soils and Materials Tester, Electrical Utility Lineman, Field Surveyor, Mover, Teamster, Tile Finisher, Tile Setter and Water Well Driller.

*30% Other Trades: Electrical Utility Lineman.



LOCAL HIRING BY DEPARTMENT: Recreation and Parks Department



ABOUT RPD PROJECTS

Recreation and Parks Department (RPD) projects include improvements to and new construction of recreation and park facilities. Table 18 displays the total work hours for RPD projects by local hiring requirement, while Table 19 displays work hours by trade and local hiring requirement.

TABLE 18: TOTAL WORK HOURS REPORTED ON RPD PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Requirement	Number of Projects	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
20%	8	192,143	63,195	33%	20,745	13,417	65%
25%	7	54,543	24,096	44%	4,370	2,512	57%
30%	6	13,411	4,298	32%	1,192	545	46%
TOTAL	21	260,097	91,588	35%	26,306	16,473	63%



TABLE 19: WORK HOURS BY TRADE REPORTED ON RPD PROJECTS SUBJECT TO 20%, 25% and 30% REQUIREMENTS

Trade	Requirement	Total Hours			Total Hours		
		Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	20%	31,700	16,821	53%	6,748	3,210	48%
	25%	16,032	11,009	69%	1,602	724	45%
	30%	2,064	1,217	59%	750	251	33%
Carpet, Linoleum, Soft Floor Layer	20%	1,557	158	10%	72	40	56%
	25%	138	0	0%	0	0	0%
	30%	0	0	0%	0	0	0%
Cement Mason	20%	10,034	1,624	16%	12	0	0%
	25%	4,791	1,491	31%	96	96	100%
	30%	82	82	100%	0	0	0%
Drywall Installèr/Lather	20%	2,050	291	14%	509	147	29%
	25%	359	192	53%	0	0	0%
	30%	127	32	25%	0	0	0%

TABLE 19 CONTINUED: WORK HOURS BY TRADE REPORTED ON RPD PROJECTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Electrician	20%	8,956	4,746	53%	1,045	501	48%
	25%	1,651	871	53%	282	225	80%
	30%	366	329	90%	134	134	100%
Glazier	20%	2,736	257	9%	308	0	0%
	25%	0	0	0%	0	0	0%
	30%	0	0	0%	0	0	0%
Iron Worker	20%	8,703	3,224	37%	429	125	29%
	25%	1,435	591	41%	72	40	56%
	30%	133	97	73%	0	0	0%
Laborer And Related Classifications	20%	84,684	24,970	29%	7,832	7,156	91%
	25%	19,244	6,980	36%	1,503	1,185	79%
	30%	3,771	883	23%	251	104	41%
Operating Engineer	20%	13,713	4,247	31%	1,623	673	41%
	25%	4,682	1,526	33%	224	77	34%
	30%	2,222	222	10%	56	56	100%
Painter	20%	4,868	1,889	39%	480	325	68%
	25%	398	270	68%	0	0	0%
	30%	1,612	678	42%	0	0	0%
Plumber	20%	4,965	2,185	44%	880	880	100%
	25%	354	195	55%	45	45	100%
	30%	136	129	95%	1	0	0%
Roofer	20%	2,479	427	17%	667	276	41%
	25%	1,899	112	6%	435	24	6%
	30%	0	0	0%	0	0	0%
Sheet Metal Worker	20%	2,028	436	21%	58	19	32%
	25%	67	53	79%	14	0	0%
	30%	13	0	0%	0	0	0%
Other Trades*	20%	13,671	1,923	14%	85	68	80%
	25%	3,495	809	23%	97	97	100%
	30%	2,886	630	22%	0	0	0%
Total 20%		192,143	63,195	33%	20,745	13,417	65%
Total 25%		54,543	24,096	44%	4,370	2,512	57%
Total 30%		13,411	4,298	32%	1,192	545	46%
Grand Total		260,097	91,588	35%	26,306	16,473	63%

*20% Other Trades: Asbestos Removal Worker, Brick Tender, Bricklayer/Blocklayer, Driver, Field Surveyor, Modular Furniture Installer, Parking And Highway Improvement Painter, Plaster Tender, Plasterer, Slurry Seal Worker, Teamster, Terrazzo Finisher, Terrazzo Worker, Tile Finisher and Tile Setter.

*25% Other Trades: Asbestos Removal Worker, Brick Tender, Driver, Elevator Constructor, Field Surveyor, Parking and Highway Improvement Painter, Plasterer, Teamster, Tile Finisher, Tile Setter, Tree Trimmer and Water Well Driller.

*30% Other Trades: Asbestos Removal Worker, Bricklayer/Blocklayer, Landscape Maintenance Laborer, Modular Furniture Installer, Plasterer and Teamster.

LOCAL HIRING BY DEPARTMENT:

San Francisco Airport



ABOUT SFO PROJECTS

San Francisco International Airport (SFO) projects covered by the Policy include the ongoing improvements to Terminal 3. In accordance with a reciprocity agreement between the City and County of San Francisco and San Mateo County, both San Francisco and San Mateo County residents working on public works projects at SFO are considered local workers. The local hiring requirement for SFO projects was 7% overall in the first year of the Policy, 8% overall in the second year, and 11% overall in the third. The local hiring requirement for SFO is calculated annually based upon the amount of revenue generated by San Francisco and San Mateo County resident passengers.

Table 20 displays the total work hours for SFO projects by local hiring requirement, while Table 21 displays work hours by trade and local hiring requirement.

TABLE 20: TOTAL WORK HOURS REPORTED ON SFO PROJECTS SUBJECT TO 7%, 8% and 11% REQUIREMENTS

Requirement	Number of Projects	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
7%	10	431,909	152,312	35%	68,899	42,361	61%
8%	8	189,559	80,278	42%	25,246	14,562	58%
11%	2	4,667	2,971	64%	1,227	1,071	87%
TOTAL	20	626,135	235,561	38%	95,371	57,994	61%

TABLE 21: WORK HOURS BY TRADE REPORTED ON SFO PROJECTS SUBJECT TO 7%, 8% and 11% REQUIREMENTS

Trade	Requirement	Total Hours			Apprentice Hours		
		Total	Local	Local %	Total	Local	Local %
Carpenter And Related Trades	7%	40,210	11,593	29%	5,227	3,233	62%
	8%	14,522	5,723	39%	857	581	68%
	11%	534	274	51%	0	0	0%
Carpet, Linoleum, Soft Floor Layer	7%	7,757	1,307	17%	1,417	580	41%
	8%	570	228	40%	17	0	0%
	11%	73	0	0%	0	0	0%
Cement Mason	7%	9,418	442	5%	311	167	54%
	8%	1,670	90	5%	103	82	80%
	11%	0	0	0%	0	0	0%
Drywall Installer/Lather	7%	42,797	5,771	13%	6,524	2,678	41%
	8%	19,940	7,851	39%	751	627	83%
	11%	240	0	0%	114	0	0%
Electrician	7%	109,315	72,877	67%	21,710	17,997	83%
	8%	45,694	32,351	71%	11,120	7,329	66%
	11%	2,295	2,042	89%	937	937	100%

TABLE 21 CONTINUED: WORK HOURS BY TRADE REPORTED ON SFO PROJECTS

TRADE	Requirement	TOTAL HOURS			APPRENTICE HOURS		
		Total	Local	Local %	Total	Local	Local %
Glazier	7%	5,923	646	11%	1,148	493	43%
	8%	5,696	1,002	18%	1,514	547	36%
	11%	111	95	86%	11	11	100%
Iron Worker	7%	33,792	9,940	29%	7,247	3,329	46%
	8%	17,359	4,956	29%	3,069	1,656	54%
	11%	0	0	0%	0	0	0%
Laborer And Related Classifications	7%	70,447	17,181	24%	7,815	3,365	43%
	8%	28,480	7,110	25%	1,258	265	21%
	11%	502	108	21%	0	0	0%
Operating Engineer	7%	13,649	3,170	23%	493	493	100%
	8%	4,769	413	9%	114	0	0%
	11%	0	0	0%	0	0	0%
Painter	7%	9,839	1,973	20%	430	124	29%
	8%	7,043	4,182	59%	298	163	55%
	11%	439	62	14%	26	0	0%
Pile Driver	7%	721	181	25%	392	0	0%
	8%	1,541	171	11%	264	72	27%
	11%	0	0	0%	0	0	0%
Plumber	7%	21,501	10,707	50%	5,053	3,043	60%
	8%	11,385	6,376	56%	2,480	1,709	69%
	11%	89	20	22%	16	0	0%
Roofer	7%	6,100	956	16%	1,158	665	57%
	8%	1,661	201	12%	567	201	35%
	11%	0	0	0%	0	0	0%
Sheet Metal Worker	7%	14,575	5,916	41%	3,304	2,917	88%
	8%	6,688	3,714	56%	1,835	873	48%
	11%	367	367	100%	123	123	100%
Other Trades	7%	45,865	9,654	21%	6,672	3,280	49%
	8%	22,544	5,912	26%	1,004	461	46%
	11%	20	5	25%	0	0	0%
Total 7%		431,909	152,312	35%	68,899	42,361	61%
Total 8%		189,559	80,278	42%	25,246	14,562	58%
Total 11%		4,667	2,971	64%	1,227	1,071	87%
Grand Total		626,135	235,561	38%	95,371	57,994	61%

*7% Other Trades: Asbestos Removal Worker, Asbestos Worker - Heat and Frost Insulator, Brick Tender, Bricklayer/Blocklayer, Driver, Elevator Constructor, Field Surveyor, Parking and Highway Improvement, Parking and Highway Improvement Painter, Plaster Tender, Plasterer, Teamster, Terrazzo Finisher, Terrazzo Worker, Tile Finisher and Tile Setter.

*8% Other Trades: Asbestos Removal Worker, Asbestos Worker - Heat and Frost Insulator, Driver, Elevator Constructor, Field Surveyor, Marble Mason, Modular Furniture Installer, Parking and Highway Improvement Painter, Plaster Tender, Plasterer, Teamster, Telecommunications Technician, Terrazzo Finisher, Terrazzo Worker, Tile Finisher, Tile Setter and Water Well Driller.

*11% Other Trades: Modular Furniture Installer.

WORKER DEMOGRAPHICS

The following charts illustrate residency, race and ethnicity, and gender data for all workers on all active covered projects between March 25, 2011 and March 1, 2014. Demographic data is quantified in total workers, rather than in hours, and is self-reported by workers through the City's PRS.

FIGURE 1: WORKERS BY COUNTY OF RESIDENCE

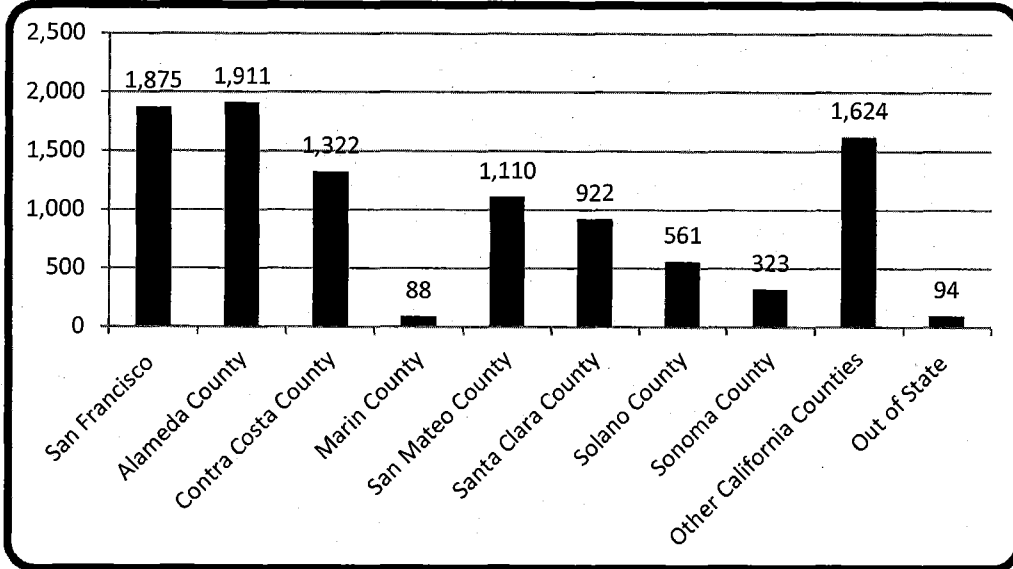


Figure 1 shows the county of residence for all workers on all covered projects. Approximately 19% of workers on covered projects are San Francisco residents.

Figure 2 displays San Francisco resident worker residency by zip code, and demonstrates that workers from most San Francisco zip codes are represented on covered projects.

FIGURE 2: SAN FRANCISCO WORKERS BY ZIP CODE

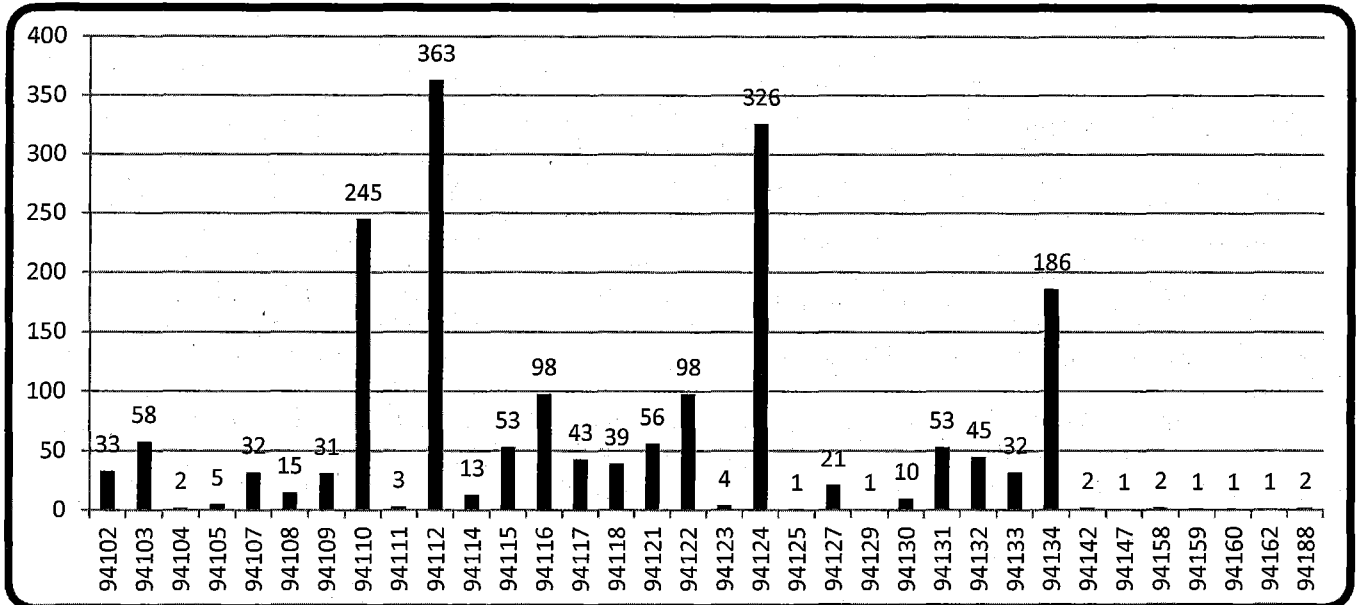


FIGURE 3: ALL WORKERS BY RACE AND ETHNICITY

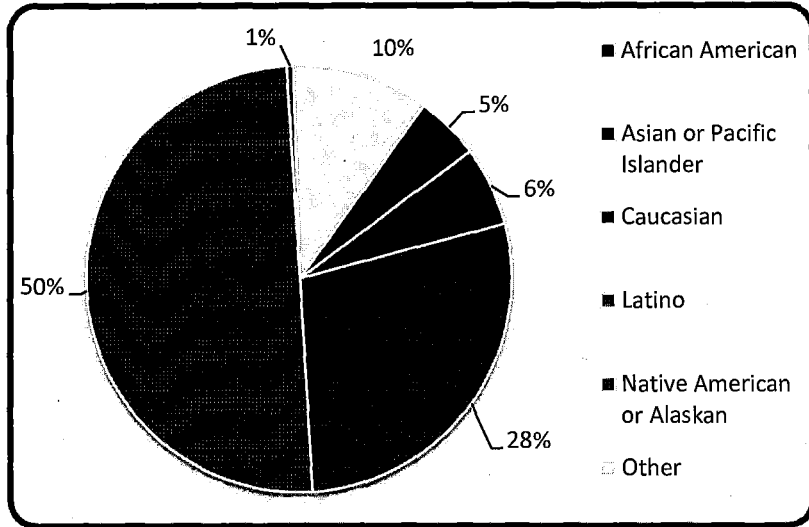


Figure 3 illustrates the race and ethnicity of all workers on all covered projects. Latino workers represent the largest percentage of the total workforce, followed by Caucasian and Asian or Pacific Islander workers.

As Figure 4 demonstrates, when race and ethnicity data for San Francisco resident workers alone is examined, worker diversity increases significantly. While Latino workers continue to represent the largest share of workers, the percentage of Asian or Pacific Islander and African American workers is greater.

FIGURE 4: SAN FRANCISCO WORKERS BY RACE AND ETHNICITY

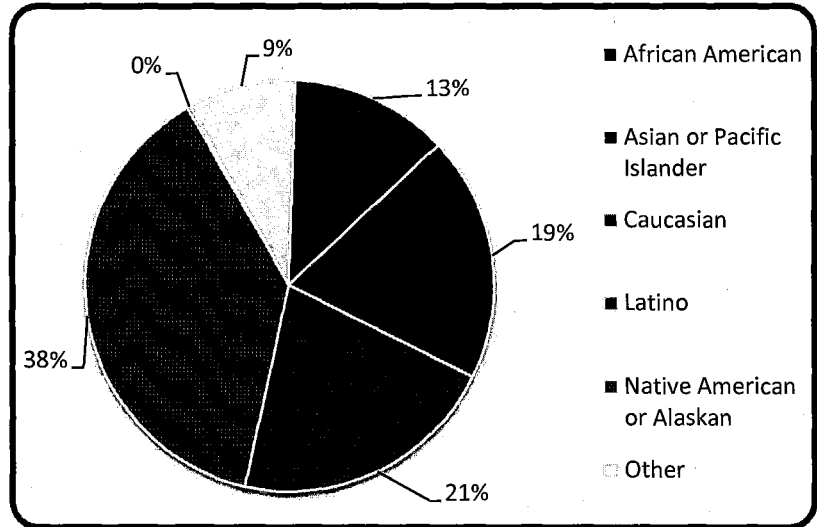


TABLE 22: WORKERS BY GENDER, OVERALL AND SAN FRANCISCO WORKERS

	All Workers	San Francisco Workers
Male	9643	1795
Female	157	73
Data Not Available	30	7
Female Percentage	1.6%	4.1%

Table 22 provides gender information for workers on covered projects. Female workers comprise 4.1% of San Francisco residents on covered projects as compared to 1.6% of all workers.

A LOOK AHEAD



CHALLENGES AND RECOMMENDATIONS

In its third year, the Policy entered a 12-month legislative review period. In anticipation of this review, Mayor Lee appointed a Construction Workforce Advisory Committee ("Committee") whose principle role was to evaluate workforce data from the Policy's first three years and to make policy recommendations for legislative consideration.

Over a period of several months, the Committee participated in an extensive construction market analysis and made a thorough review of public project payroll records. Through this process, concerns arose regarding the possible impact of the rapidly expanding construction market and the growing demand for skilled construction workers on San Francisco's private developments. Coupled with the increasing number of projects covered by the Local Hiring Policy, the Committee acknowledged the possible shortage of skilled workers in the coming years.

The Committee was unable to study the full impact of the Policy due to the inherent delay between public project advertisement, contract award, and availability of payroll data. Projects that were subject to the 30% requirement have only reported a fraction of anticipated total work hours. This limited the ability to provide a comprehensive analysis of the Policy at the 30% requirement. In an effort to ensure the continued success of this Policy, the Committee recommended that the legislative review period be extended by 12 months while maintaining the local hire requirement at 30%. The Board of Supervisors adopted this recommendation.

Moving forward, the Committee will remain diligent in reviewing the full impact of the 30% requirement as payroll data continues to become available.



PRIORITIES FOR YEAR FOUR

IMPACT ANALYSIS

Over the next 12 months OEWD will provide further analysis of labor demands within the construction industry and will continue to gauge the impact of the Local Hiring Policy. OEWD will continue to build strong partnerships with contractors, unions and communities to preserve the integrity of the Policy and ensure that it remains beneficial to San Francisco workers and the local economy.

PIPELINE OF LOCAL WORKERS

While contractors continue to meet the requirements of the Policy, the increase in public and private construction activity may leave the industry with a shortage of qualified resident workers. Appropriate investments in training by the San Francisco Unified School District and City College of San Francisco are necessary to ensure the future availability of experienced construction workers and to maximize employment opportunities for San Francisco residents.



MAYOR'S CONSTRUCTION WORKFORCE ADVISORY COMMITTEE

ABOUT THE ADVISORY COMMITTEE

In July 2012, Mayor Lee established the Mayor's Construction Workforce Advisory Committee to evaluate the impact of and guide the San Francisco Local Hiring Policy for Construction. Stakeholders in the local construction industry are represented by twelve committee members from local construction companies, trade unions, community organizations, and City departments.

Chair

Naomi Kelly, City Administrator, City and County of San Francisco

Committee Members

Bob Alvarado, Executive Officer, Northern California Carpenters Regional Council

Josh Arce, Executive Director, Brightline Defense Project

James Bryant, Western Region Director, A. Philip Randolph Institute

Oscar De La Torre, Business Manager, Northern California District Council of Laborers

Tim Donovan, Business Manager, IBEW Local 6

Harlan Kelly, General Manager, San Francisco Public Utilities Commission

Florence Kong, President, Build Bayview

Kent M. Lim, President, Kent M. Lim & Company, Inc.

Bob Nibbi, President, Nibbi Brothers General Contractors

Mohammed Nuru, Director, Department of Public Works

Jes Pedersen, Chief Executive Officer, Webcor Builders

Ed Reiskin, Director, San Francisco Municipal Transportation Agency



CITYBUILD ACADEMY

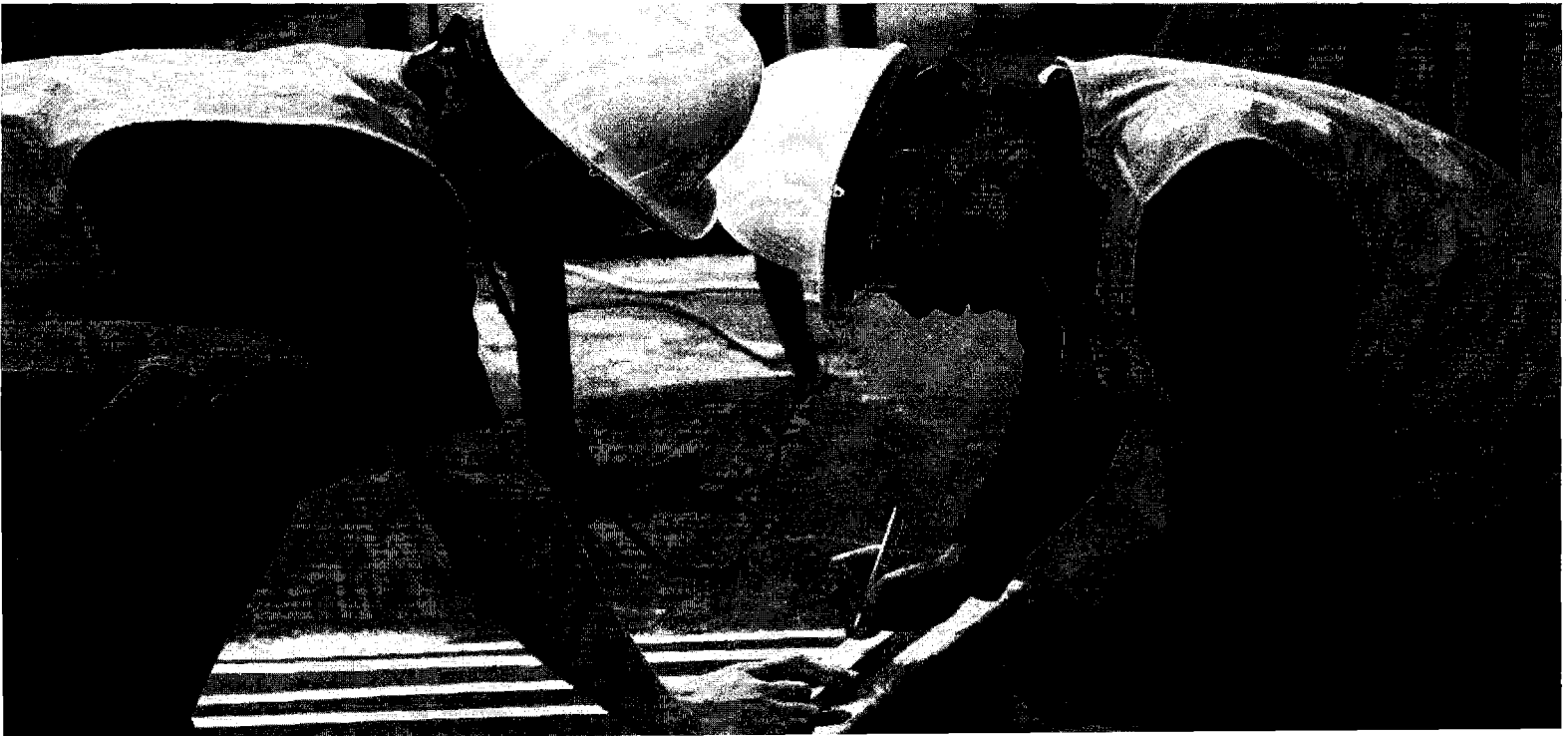
CityBuild Academy aims to meet the demands of the construction industry by providing comprehensive pre-apprenticeship and construction administration training to San Francisco residents. CityBuild began in 2006 as an effort to coordinate City-wide construction training and employment programs. CityBuild Academy is administered by OEWD in partnership with City College of San Francisco, various community non-profit organizations, labor unions, and industry employers.

CityBuild Academy

CityBuild Academy offers an 18-week pre-apprenticeship and construction skills training program offered at the City College of San Francisco, Evans Campus. Trainees can earn up to 15 college credits while learning foundational skills and knowledge to enter the construction trades and succeed as new apprentices. Trainees are given the opportunity to obtain construction-related certifications such as OSHA 10, Forklift, Skid Steer, CPR and First Aid. Several program instructors are construction industry specialists with years of field experience. Over 670 San Francisco residents have graduated from CityBuild Academy and 570 graduates have entered union apprenticeship programs in various construction trades.

Construction Administration Training Program (CATP)

The CATP is a semester long offered at the City College of San Francisco, Mission Campus. The program prepares San Francisco residents for entry-level careers as professional construction office administrators. The bi-annual training is intensive and participants graduate with knowledge of the construction sequence of work, construction office accounting cycle, role of the Construction Project Coordinator and other professional skills. Since 2010, 136 San Francisco residents have completed the program and 91 graduates have been placed in administrative positions.



CITYBUILD ACADEMY



PARTNERSHIPS

In an ongoing effort to strengthen and expand the training's curriculum, the Academy partners with various union apprenticeship programs:

Carpenters' Training Committee of Northern California

- Curriculum incorporated into Academy training
- Opportunity to enter Carpenters' apprenticeship program through a direct entry agreement

Northern California Laborers' Training Center (NCLTC)

- NCLTC apprenticeship instructor on CityBuild Academy staff
- Additional 2-week certification training in Confined Space, Scaffold Safety and Trench and Excavation Safety for graduates entering the Laborers' apprenticeship program
- Opportunity for direct entry into the Laborers' apprenticeship program as a 2nd period apprentice upon completion of training

Cement Mason Pre-Apprenticeship Training Program

- Concurrent 10-week intensive hands-on masonry training offered on Saturdays throughout Academy program
- Opportunity for direct entry into the Cement Mason apprenticeship program upon completion of training

Bay Area Plastering Industry Joint Apprenticeship Training Committee

- Concurrent 9-week intensive hands-on training specific to the plastering industry offered weeknights throughout Academy program
- Opportunity for direct entry into the Plasterers' apprenticeship program as a 2nd period apprentice upon completion of training

Ironworkers Apprenticeship Training

- Concurrent 10-week Welding Plug Certification class offered on Saturdays throughout Academy program
- "Gladiators Training" program prepares participants to work with reinforced concrete and rebar
- "Women in Welding" program provides women in the trades with specialized skills to be competitive in the field
- Opportunity to enter the Ironworkers' apprenticeship program upon completion of training

San Francisco Fire Department's Neighborhood Emergency Response Team Training (NERT)

- Concurrent 6-week hands-on disaster response skills training that prepares San Francisco residents to assist first responders in an emergency situation

CONCLUSION

The third year of the Local Hiring Policy was marked by a very robust construction economy. There were twice the amount of reported work hours than the two previous years combined. In spite of this rapid expansion, information indicates that requirements are being met across all departments and trades. Payroll data from projects subject to the Policy continues to become available for analysis and will be reviewed during the extended legislative review period.

During the past year OEWD worked closely with the Controller's Office, the Mayor's Construction Workforce Advisory Committee, the City Administrator, and Supervisor John Avalos to develop Policy recommendations for legislative consideration. The San Francisco Board of Supervisors adopted the recommendation for a 12-month extended legislative review period for further analysis of the Policy's impact. The local hiring requirement will remain at 30% during this extended legislative review period.

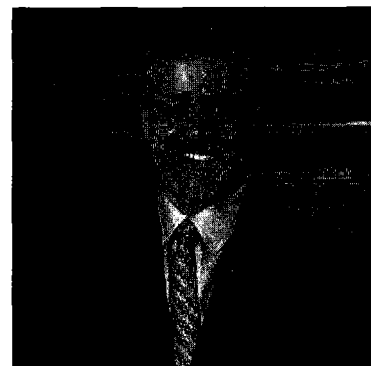
OEWD will continue to partner with industry stakeholders to ensure that the Policy is an effective workforce tool for local businesses, communities and residents.



Supervisor John Avalos with CityBuild Academy Cycle 17

"In its third year, the Local Hiring Policy for Construction continued to provide quality jobs for San Francisco residents in the construction industry. Thanks to the leadership of our Mayor and the successful partnership between City departments, community and labor organizations, area builders and other stakeholders, the Policy remains a critical job creation tool and keeps local dollars moving through our economy."

Supervisor John Avalos, District 11



**THE OFFICE OF ECONOMIC AND WORKFORCE DEVELOPMENT
WOULD LIKE TO THANK OUR PARTNERS IN THIS EFFORT**

San Francisco Board of Supervisors

Office of Mayor Edwin M. Lee

Office of the City Administrator

Office of the City Attorney

Office of the Controller

Port of San Francisco

San Francisco Department of Public Works

San Francisco International Airport

San Francisco Municipal Transportation Agency

San Francisco Public Utilities Commission

San Francisco Recreation & Parks Department

Community Organizations

A. Philip Randolph Institute
Anders and Anders Foundation
Asian Neighborhood Design
Brightline Defense Project
Charity Cultural Services Center
Chinese for Affirmative Action
Mission Hiring Hall
Young Community Developers, Inc.

Contractor Associations

Associated General Contractors
Construction Employers' Association
United Contractors
Wall and Ceiling Alliance

Labor Organizations

Carpenters Local 22
Cement Masons Local 300
International Brotherhood of Electrical Workers Local 6
Ironworkers Local 377
Laborers' Local 261
Northern California Carpenters Regional Council (NCCRC)
Northern California District Council of Laborers (NCDCL)
Operating Engineers Local 3
Pile Drivers Local 34
Plasterers and Shophands Union Local 66
Roofers and Waterproofers Local 40
Sheet Metal Workers' Local 104



**2013 – 2014 SAN FRANCISCO LOCAL HIRING POLICY FOR CONSTRUCTION ANNUAL REPORT
TO THE SAN FRANCISCO BOARD OF SUPERVISORS**

OEWD Workforce Division
1 South Van Ness Avenue, Fifth Floor
San Francisco, CA 94103
(415) 701-4848
local.hire.ordinance@sfgov.org
www.workforcedevelopmentsf.org



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. 544-5227

MEMORANDUM

Date: April 1, 2014
To: Naomi M. Kelly, City Administrator
From: *AC* Angela Calvillo, Clerk of The Board
Subject: Surplus City Property

Section 23A.5 of the Administrative Code requires departments to compile and deliver by April 1 of each year to the City Administrator a list of all real property that it occupies or is otherwise under its control.

The Board of Supervisors/Clerk of the Board's Office does not have any real City property under its jurisdiction and/or control.

From: Truong, Phimy (BOS) [phimy.truong@sfgov.org]
Sent: Wednesday, April 02, 2014 11:30 AM
To: BOS-Supervisors; Mayor
Cc: Calvillo, Angela (BOS); Wheaton, Nicole (MYR); BOS-Legislative Aides; Carpenter, Adele; Lu, Allen
Subject: Youth Commission Application + Appointment Process + Timeline FY 14-15
Attachments: FINAL 2014-15 YC Application.pdf; YC Application and Appointment Process 14-15.pdf

**YOUTH COMMISSION
MEMORANDUM**

TO: Honorable Mayor Edwin M. Lee
Honorable Members, Board of Supervisors

CC: Angela Calvillo, Clerk of the Board
Nicole Wheaton, Director of Appointments, Mayor's Office
Legislative Aides, Board of Supervisors

FROM: Phimy Truong, Youth Commission Director
Adele Carpenter, Coordinator of Youth Development & Administration
Allen Lu, Coordinator of Civic Engagement & Community Outreach

DATE: Wednesday, April 2, 2014

RE: Youth Commission Application & Appointment Process & Timeline for FY 14-15

Spring has sprung and that means the Youth Commission application season is upon us! This memo is to inform your offices about the application process, your appointing prerogative under the Charter, and request that you make a tentative commitment by June 6 (or soon thereafter) about whom you will appoint to the Youth Commission for next year.

Please note that your current Youth Commissioners will continue on with their term until this Summer. We have just finalized our application for next year and are starting our intake process now.

Attached to this email are the following items:

- Youth Commission application for 2014-2015 (please help to post on your newsletters and web presences)
- Memo re: YC application and appointment process and timeline for FY 2014-2015

Application & Interview Process

Each year, in an effort to increase our reach, Youth Commissioners and staff conduct outreach to solicit applicants to the Youth Commission. Now that the Youth Commission application season is upon us, we have begun our rigorous outreach. If you are interested in perusing this year's application, please find it on our website here: www.sfgov.org/yc ; the application is also attached to this memo.

Over the course of the next month we will begin accepting applications; and setting up and conducting

interviews with all applicants in the weeks following our **April 18 application deadline**. We hope to make our recommendations to your offices about whom to appoint by the end of May. Some of your offices may wish to set up your own interviews with applicants; please feel free to contact Youth Commission staff if we can help your office set these up.

Interested applicants may also be reaching out to your offices in the next 2 months to express their intended interest in applying to be your appointee! Of course, as we explain below, your appointee to the Youth Commission is not required to go through our application process.

Appointing Prerogative: Between 12 and 23 years old and a San Francisco resident

Pursuant to Charter Sec. 4.123, "The [Youth] Commission shall consist of seventeen (17) voting members, each of whom shall be between the ages of 12 and 23 years at the time of appointment. Each member of the Board of Supervisors and the Mayor shall appoint one member to the Commission. The Mayor shall also appoint five (5) members from underrepresented communities to ensure that the Commission represents the diversity of the City." Appointments to the Youth Commission are not subject to approval by the Rules Commission or the full Board of Supervisors.

The Charter goes on to provide the following description of the Youth Commission, which might help your offices to select an appointee: "The [Youth] Commission shall consist of individuals who have an understanding of the needs of young people in San Francisco, or experience with children and youth programs or youth organizations, or involvement with school or community activities. The members shall represent the diversity of ethnicity, race, gender and sexual orientation of the people of the City and County, and shall be residents of the City and County."

To reiterate, Youth Commissioners must meet only 2 requirements to be appointed: that they be between 12 and 23 years of age at the time of appointment and live in San Francisco. (Moreover, there is no ban on multiple reappointments.)

Timeline: We request tentative appointment by June 6 (or soon thereafter)

By Charter, Youth Commissioners serve year long terms that begin in August of each year. However, despite the fact that next year's Youth Commissioners won't begin their service until this summer, we ask that your offices consider making tentative commitments by **June 6** (or shortly thereafter) as to whom you will appoint for next year, such that incoming Youth Commissioners can plan their schedules and prepare for their service next year, as well as have the opportunity to shadow current commissioners as they continue their work until the end of their term.

Please do not hesitate to call Youth Commission Director Phimy Truong with any questions at (415) 554-7112. Thank you very much.

Respectfully,

Phimy Truong

Director

San Francisco Youth Commission

City Hall, Room 345 San Francisco, CA 94102

Office: (415) 554-7112 | Fax: (415) 554-6140

<http://www.sfbos.org/index.aspx?page=5585>

[Sign up for our newsletter](#)

[Tell us what you think are important issues affecting youth in SF!](#)

Complete a Board of Supervisors Customer Satisfaction form by clicking the link below:

<http://www.sfbos.org/index.aspx?page=104>

From: Vasquez, Cynthia (WOM) [cynthia.vasquez@sfgov.org]
Sent: Wednesday, April 02, 2014 3:23 PM
To: Board of Supervisors
Cc: BOS-Committee Clerks; BOS-Legislative Aides; Murase, Emily (WOM); Laferriere, Elizabeth
Subject: COSW: Children's Amendment Resolution
Attachments: gender equity for childrens amendment 03.26.14.pdf; bofs_memo_childrens fund_04.01.14.docx

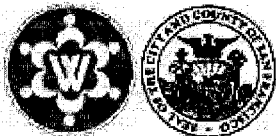
Importance: High

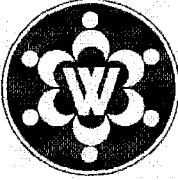
Good Afternoon Supervisors,

Attached you will find a memo and resolution on behalf of the Commission on the Status of Women. We look forward to continuing to partner to make San Francisco a safer place for women and girls.

Cynthia Vasquez

Executive Coordinator
Department on the Status of Women
25 Van Ness Avenue, Suite 240
San Francisco, Ca 94102
t (415) 252-3206
f(415) 252-2575
e: cynthia.vasquez@sfgov.org





**SAN FRANCISCO
DEPARTMENT ON THE
STATUS OF WOMEN**

*Mayor Edwin M. Lee
Emily M. Murase, PhD, Executive Director*

DATE: April 1, 2014
TO: Board of Supervisors
Clerk of the Board of Supervisors
FROM: Cynthia Vasquez, Commission Secretary
THROUGH: Emily M. Murase, PhD
RE: Children's Amendment

I would like to present you resolution that was adopted by the Commission on the Status of Women a the March 26, 2014 meeting, supporting Gender Equity as a guiding principle of the Children's Amendment.

Staff will follow up with any questions and concerns you may have. Please feel free to contact us with any questions or concerns you may have.



*San Francisco Commission on the Status of Women
Resolution in Support of Incorporating Gender Equity as a Guiding Principle of the
Children's Amendment*

BE IT KNOWN That the Commission on the Status of Women of the City and County of San Francisco hereby issues and authorizes the execution, by the subscribing Commissioners, of the following recommendations:

WHEREAS, The Children's Fund was created in 1991, and reauthorized in 2000, to improve the well-being of San Francisco's children, youth and families by strengthening the community-based service delivery system and guaranteeing funding for children each year in the city budget; and,

WHEREAS, San Francisco has been at the forefront of seeking true equity for girls and women since the 1998 adoption of the City Ordinance implementing the UN Convention of the Elimination of All forms of Discrimination Against Women (CEDAW); and

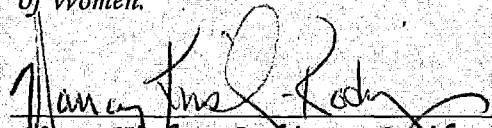
WHEREAS, Since 2012, when the reauthorization process began for the Children's Amendment, community stakeholders have convened as the Children's Funding Community Coalition to offer recommendations for changes to the amendment, delivering a comprehensive assessment that highlights, among other items, the significance of incorporating equity into the funding process as a guiding principle; and,

WHEREAS, Gender equity must serve as a guiding principle since the unique concerns and needs of girls have too often not received due attention, funding, and data analysis; and, as highlighted in the Department on the Status of Women's 2003 and 2012 reports on the status of girls, very few programs in San Francisco respond specifically to the needs of girls and young women; and

WHEREAS, Under the current language of Charter section 16.108, sex-segregated data is not required to be collected for the purposes of developing the Community Needs Assessment and the Children's Services and Allocation Plan; as a result, the City has not adequately accounted for the conditions, needs, and desires of girls and young women and has not sufficiently considered their distinct needs when making funding decisions;

NOW THEREFORE BE IT RESOLVED That the San Francisco Commission on the Status of Women urges that the 2014 Children's Fund Charter amendment reaffirm our City's commitment to the health and well-being of girls by: by providing that:

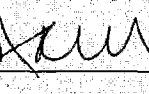
- (1) Upon the creation of a Commission on Children, Youth and Their Families with at least three Commissioners have expertise in the distinct needs of girls and young women;*
- (2) The operation and disbursement of the Children's Fund be conducted in a gender equitable way, by applying a gender lens to the data collection, the Community Needs Assessment, Community Plan Allocation, and disbursement of the Children's Fund; and*
- (3) The Community Needs Assessment and Allocation Plan be heard before the Commission on the Status of Women.*


Nancy Krashner-Rodriguez, President


Andrea Shorter, Vice President


Amy Ackerman


Alicia Gamez


Mary Jung


Julie D. Soo

*San Francisco Commission on the Status of Women
March 26, 2014*

BOS-11 directly
BA

From: Loeza, Gabriela
Sent: Monday, March 31, 2014 4:59 PM
To: Caldeira, Rick (BOS); Calvillo, Angela (BOS); BOS Legislation; Nevin, Peggy; Wong, Linda (BOS); Young, Victor
Cc: Brousseau, Fred (BUD); Campbell, Severin; Rose, Harvey
Subject: March 31, 2014 - Impact of Private Shuttles
Attachments: BLA.RegionalShuttles.033114.pdf

Attached please find a copy of the Budget and Legislative Analyst's report, *Impact of Private Shuttles*, prepared for Supervisor Mar. For further information about this report, please contact Fred Brousseau at the Budget and Legislative Analyst's Office: 553-4627 or fred.brousseau@sfgov.org.

Gabriela Loeza
Budget & Legislative Analyst's Office
1390 Market Street, Suite 1150
San Francisco, CA 94102
(415) 553-4622 direct
(415) 552-9292 main
(415) 252-0461 fax

16

**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS**

BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102
(415) 552-9292 FAX (415) 252-0461

POLICY ANALYSIS REPORT

To: Supervisor Mar
From: Budget and Legislative Analyst
Date: March 31, 2014
Re: Impact of Private Shuttles



SUMMARY OF REQUESTED ACTION

Pursuant to your request, the Budget and Legislative Analyst has analyzed the impact of private shuttles on the City and County of San Francisco's infrastructure costs, traffic and traffic delays in San Francisco, pedestrian safety, and housing costs along the shuttles' routes.

EXECUTIVE SUMMARY

- Private shuttle buses have been operating in San Francisco for approximately 30 years providing intra-city transportation services for hospitals, academic institutions, service organizations and private employers. These type shuttles tend to be smaller vans.
- Starting in 2004, private employers began offering regional commuter shuttle services to their employees who live in San Francisco and work in locations outside San Francisco, particularly in Silicon Valley. In 2004, one employer transported 155 passengers on shuttle buses; as of August 2012, a Metropolitan Transportation Commission study identified at least seven employers sponsoring 131 regional shuttle buses and transporting an estimated 4,015 passengers to job sites outside the City each work day. These regional shuttles tend to be larger 45-foot long buses.
- No comprehensive assessment has been completed by San Francisco Municipal Transportation Agency (SFMTA) or other City or other public agencies on the full impacts of private shuttles on City infrastructure costs, traffic and traffic delays, pedestrian and bicyclist safety or housing costs along the shuttles' routes. The Budget and Legislative Analyst has reviewed a number of surveys, studies and estimates prepared by or for SFMTA, the San Francisco County Transportation Authority, the Metropolitan Transportation Commission and graduate students and worked with the Department of Public Works to collect and prepare some initial estimates of impacts, including the following:
 - The Department of Public Works and a Metropolitan Transportation Commission study both show that the large regional shuttle vehicles have significantly more impact on street repair costs than regular passenger vehicles, smaller shuttles such as vans and semi-trailer trucks ("big rigs").
 - Observations by a Metropolitan Transportation Commission (MTC) consultant at 15 bus zones used by shuttles and Muni vehicles found an average of .48

conflicts that occurred every hour in which either a Muni vehicle or a shuttle couldn't access a bus zone because they were blocked by the other. This average rate of conflict was spread over six hours of observed commute hours so the conflicts may be occurring more frequently during peak periods such as between 7:45 a.m. and 8 a.m. and less frequently than the average at the tail ends of the commute hours.

- The consultant also observed shuttles blocking traffic by loading and unloading passengers from traffic lanes, or blocking traffic lanes by not pulling fully into a bus zone. The greatest number of observations of a shuttle not pulling fully into a bus zone was six times per hour at Lombard and Fillmore Streets; the greatest number of observations of a shuttle loading or unloading passengers in a traffic lane was three and one-half times per hour at Glen Park BART.
- Safety impacts on pedestrians, bicyclists and disabled passengers have not been comprehensively assessed by any City agency but members of the public have submitted observations to SFMTA including: shuttles blocking Muni buses and causing passengers to board in the traffic lane; shuttles not yielding to pedestrians; shuttles turning into multiple lanes of traffic to make a turn; shuttles speeding; shuttles making noise in quiet neighborhoods; shuttles blocking bicycle lanes, and others.
- The MTC study cited above reported that 23 percent of observed shuttle stops at 4th and Townsend Streets blocked the bike lane at that location; no bike lane blockings were observed during observations of shuttle stops at 8th and Market Streets. Correlations between higher rents and higher property appreciation rates in areas adjacent to regional shuttle stops have been found in two recent studies.

Neither study proved that shuttle stops were the sole cause of these cost differentials as the studies did not control for other amenities that may make the neighborhoods more desirable. Despite the studies' limitations, it appears that neighborhoods and areas with shuttle stops are in demand, are commanding higher rents than adjacent areas, and that at least some shuttle passengers are living in those areas. In fact, 57 percent of respondents to a survey of shuttle riders reported living less than a 10-minute walk from their shuttle stop.

- The City and County of San Francisco ("the City") has limited legal authority over shuttles. Shuttles are regulated and licensed by the California Public Utilities Commission (CPUC). Neither the CPUC nor any City agencies require shuttle providers to report the number of buses they operate, the number of stops they make or the number of passengers they transport.
- To pick up and drop off their passengers, intra-city and regional shuttles typically use a combination of white-curbed passenger loading zones and red-curbed bus zones operated by the San Francisco Municipal Transportation Agency primarily for Muni buses and trolleys.

Statistics for Shuttle Operations:	
# Years Intra-City Shuttles Operating in SF	30 years
# Years <i>Regional Commuter</i> Shuttles Operating in SF	10 years
# Companies Sponsoring Regional Shuttles	17+
# Regional Shuttle Vehicles Operating in SF	131+
Estimated # Weekday Passengers Using Regional Shuttles	4,015+
Street Maintenance Impacts: Pavement Stress Index per Trip Caused by...	
Sport Utility Vehicle	1
Delivery Truck	442
Bus or Regional Shuttle	7,774
Shuttle Operations Observed by Consultant at 15 bus zones:	
Average # Conflicts between Muni & Shuttles Accessing Bus Zones	.48/hour
Highest Observed Rate of Shuttles not Fully Pulling in to Bus Zone	6/hour
% Shuttles Observed Blocking Bike Lanes @ 4 th & Townsend	23%
% Shuttles Observed Blocking Bike Lanes @ 8 th & Market	0%
Housing Impacts	
Frequency of higher rents within ½ mile of shuttle stops	70% areas surveyed
% surveyed shuttle riders who would move closer to workplace if no regional shuttles	40%
Regional Shuttle Benefits:	
Reduction: Vehicle Miles Travelled	43 million/year
Reduction: Greenhouse Gas Emissions	8,500 metric tons/year

Sources: San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, Metropolitan Transportation Commission, UC Berkeley City and Regional Planning Department Graduate Students, Budget and Legislative Analyst.

- Use of white-curbed zones for passenger loading and unloading by private shuttles is legal; use of red-curbed bus zones for that purpose is not. The practice has been allowed for many years with only a small number of citations issued by SFMTA and the Police Department for these infractions. SFMTA policy has been to monitor bus zones as resources allow and issue citations if a shuttle is causing particular problems such as blocking a Muni bus.
- To address coordination of Muni vehicles and shuttles using City bus zones, SFMTA is initiating a Commuter Shuttle Policy and Pilot Program in 2014. The program will allow shuttle providers that provide certain services such as transport from home to work to share 200 bus zones under specific conditions. The Program will be in effect for 18-months during which time shuttle providers will need to receive a permit from SFMTA

**Memo to Supervisor Mar
March 31, 2014**

and agree to certain conditions to use the stops including reporting the number of shuttle vehicles they will be using and number of stops anticipated. Results will be monitored by SFMTA to determine if all shuttle providers are complying with the terms of the permits and if the program is having negative effects on Muni operations and traffic flow.

POLICY OPTIONS

- The Budget and Legislative Analyst has prepared a number of policy options for consideration by the Board of Supervisors regarding shuttle operations and the Pilot Program. Detailed at the end of this report, they include the following potential actions for the Board of Supervisors:
 - Provide input on additions or deletions to SFMTA's proposed performance metrics for the Pilot Program to address issues such as: impact on Muni bus operations and traffic flow; shuttle impact on bike lanes; shuttle impacts on disabled passengers and pedestrians; and collisions involving shuttles.
 - Prior to commencement of the Pilot Program, provide input to SFMTA on acceptable threshold amounts for each Pilot Program performance metric such as what rate of shuttle-Muni bus conflict is acceptable.
 - Request that SFMTA consider alternative approaches to shuttle operations if the Pilot Program does not result in successful coordination with Muni operations including:
 - Prohibiting shuttles from using City bus zones by allowing them to only use white-curbed loading zones.
 - Requiring or encouraging shuttle providers to only use a limited number of centralized locations in the City for passenger loading and unloading, with passengers getting to those locations by means other than shuttles.
- 4. Request that SFMTA incorporate size, weight, safety feature and vehicle design requirements into the Pilot Program, either before the Program commences or after it commences and performance metric data is collected and reported that documents the need for such restrictions.
- 5. Request that SFMTA limit Pilot Program shared bus zones only to those on streets without bike lanes.
- 6. Request that SFMTA require that all shuttle providers that participate in the Pilot Program receive specific training on bicyclist and pedestrian safety issues.
- 7. Request that SFMTA require shuttle providers to enter into Community Benefits Agreements with the City to mitigate adverse impacts of the shuttles if there is evidence of such demonstrated during the Pilot Program.
- 8. Consider submitting to the voters a ballot measure to impose a special tax on some or all shuttle providers to raise funds to improve local public transportation, street repair, affordable housing or other impacts of the shuttles.

For further information about this report, contact Fred Brousseau at the Budget and Legislative Analyst's Office.

BACKGROUND

Private shuttles have been operating in the City and County of San Francisco (“the City”) for at least 30 years. One of the oldest running private shuttle fleets is operated by the University of California, San Francisco which transports students and faculty to, from and between its multiple campuses.

There are four major types of privately provided shuttles that operate in the City:¹

1. Local employer shuttles that provide circulation services between transit hubs and employer locations in San Francisco;
2. Institutional shuttles provided by hospitals, academic institutions, parks, and retail associations that provide transportation to and from transit hubs or within their own campuses;
3. Community based organization shuttles, which offer services that pick up their clients at or close to their homes and take them directly to a service location; and
4. Employer-provided regional shuttles which travel longer distances between San Francisco and locations outside the City, mostly for daily commutes.

The private shuttles referred to in this report are shuttles that are privately operated, hired by an employer or institution, and offer restricted access; they do not offer service to the public. The first three shuttle types are intra-city shuttles, meaning they transport people within the borders of the City while the fourth type of shuttle listed, the regional shuttle, transports people between San Francisco and various other cities, mostly in Silicon Valley. The size of private shuttles vary depending on the service being provided and range from smaller mini-vans to 45-foot, double-decker motor coaches. The shuttles used for regional commuting are typically larger motor-coaches that seat 52 to 81 passengers.

Employers and other organizations provide shuttles for a variety of reasons which include: discouraging driving due to a lack of on-site parking capacity, providing an additional benefit to their employees, filling service gaps in local or regional transportation systems, reducing employee commute times, helping recruit and retain skilled workers who live in cities that are relatively far from their job sites, complying with the City’s Commuter Benefits Ordinance, or complying with mandatory planning stipulations as a condition of their original site development approval as required by the city in which the company is located.²

¹ The San Francisco County Transportation Authority’s (SFCTA), *Strategic Analysis Report: The Role of Shuttle Services in San Francisco’s Transportation System*, Final SAR 08/09-2, Approved June 28, 2011.

² *Ibid.*

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Currently, centralized regulation or reporting requirements for shuttles are not in place in the City so San Francisco Municipal Transportation Agency (SFMTA) staff does not have a precise count of the number of shuttles in operation, number of employers offering shuttles, number of stops used, number of runs per shuttle, or number of daily passenger boardings onto shuttles. However, SFMTA staff report that they know of 17 employers or institutions that sponsor regional shuttle service and 20 employers or institutions that sponsor intra-city shuttle service. However, there are likely more as shuttle service providers are not required to register or report their activities with SFMTA. Some shuttle providers have confidentiality agreements with certain clients that prohibit them from sharing their clients' identity.

In most cases, employers or institutions sponsoring transportation services contract with a transportation company that owns and operates the bus or other vehicle used for the service. However, at least one employer, Google, owns their own shuttle buses.

Combined information from a 2012 survey conducted by ICF International for the Metropolitan Transportation Commission (MTC) and information collected from certain employers by the Budget and Legislative Analyst in March 2014 found that seven of the companies that provide regional shuttles for their employees, shown in Exhibit 1 below, are responsible for approximately 131 regional shuttles in the City each weekday. These shuttles make at least 273 runs and account for approximately 8,030 passenger boardings each weekday, or an estimated 4,105 individuals, assuming each boarding is for a round trip commute.³ The actual number of shuttles and boardings is probably higher since not all shuttle providers have been willing to provide this information to public agencies.

³ ICF International is the Metropolitan Transportation Commission's (MTC) consultant that developed, conducted and analyzed a shuttle rider survey in 2012 and collected information from shuttle service providers.

Exhibit 1: Number of Vehicles, Boardings and Runs on Select Regional Shuttles per Weekday in San Francisco

Company Name	Number of Shuttle Vehicles	Total Number of Boardings ¹	Shuttle Runs ⁴
Google	57	4,400	180
Apple	15	1,568 ⁵	57
Genentech	40	1,332	n/a
Facebook	9	400	12
Yahoo!	5	200	14
Netflix	3	130	6
Electronic Arts	2	n/a	4
Total	131	8,030	273

Source: ICF International Survey on Commuter Shuttle Services in San Francisco, 2012, and data collected by the Budget & Legislative Analyst's Office in March of 2014 from Netflix and Electronic Arts.

¹ Boardings are one-way trips that either begin or end in San Francisco. If each boarding is by commuters making a daily round trip from San Francisco to their place of employment, the 8,030 boardings would represent approximately 4,015 individuals.

Current SFMTA data about all known shuttle service, including both regional and intra-city shuttles, shows that there are about 35,000 passenger boardings on shuttles on an average weekday.

Private shuttle service in San Francisco has grown quickly in recent years according to SFMTA. In 2004, Google was the first company to provide a regional, private shuttle service to its employees that made two stops in San Francisco and transported 155 passengers each day to work sites outside the City.⁶ Today, Google operates approximately 57 buses, makes 180 runs and stops in multiple locations in the City each day.⁷ ⁸ Shortly thereafter, Yahoo! began shuttle service in 2005, Genentech in 2006, Apple in 2007, Facebook in 2009, and Netflix in 2012. Electronic Arts, eBay and LinkedIn began sponsoring shuttle service from the City to their Silicon Valley locations in the last decade as well. Several of these employers also sponsor shuttles to provide services to Peninsula and South Bay locations for employees from the East Bay, Santa Clara County, the Peninsula and from Caltrain stations.

Though precise shuttle routes, timing and stops are not recorded or known by SFMTA, Stamen, a San Francisco based technology and design firm, developed the map in Exhibit 2 which graphically shows routes and trip volumes for a sample of runs made by

⁴ This includes both morning and evening shuttle runs.

⁵ ICF International estimated this amount based on the number of seats per shuttle as Apple would not provide boarding information, stating it was confidential.

⁶ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

⁷ A run is the completion of one trip, with a beginning and end point along a pre-defined route.

⁸ ICF International Survey on Commute Shuttle Service in San Francisco, 2012.

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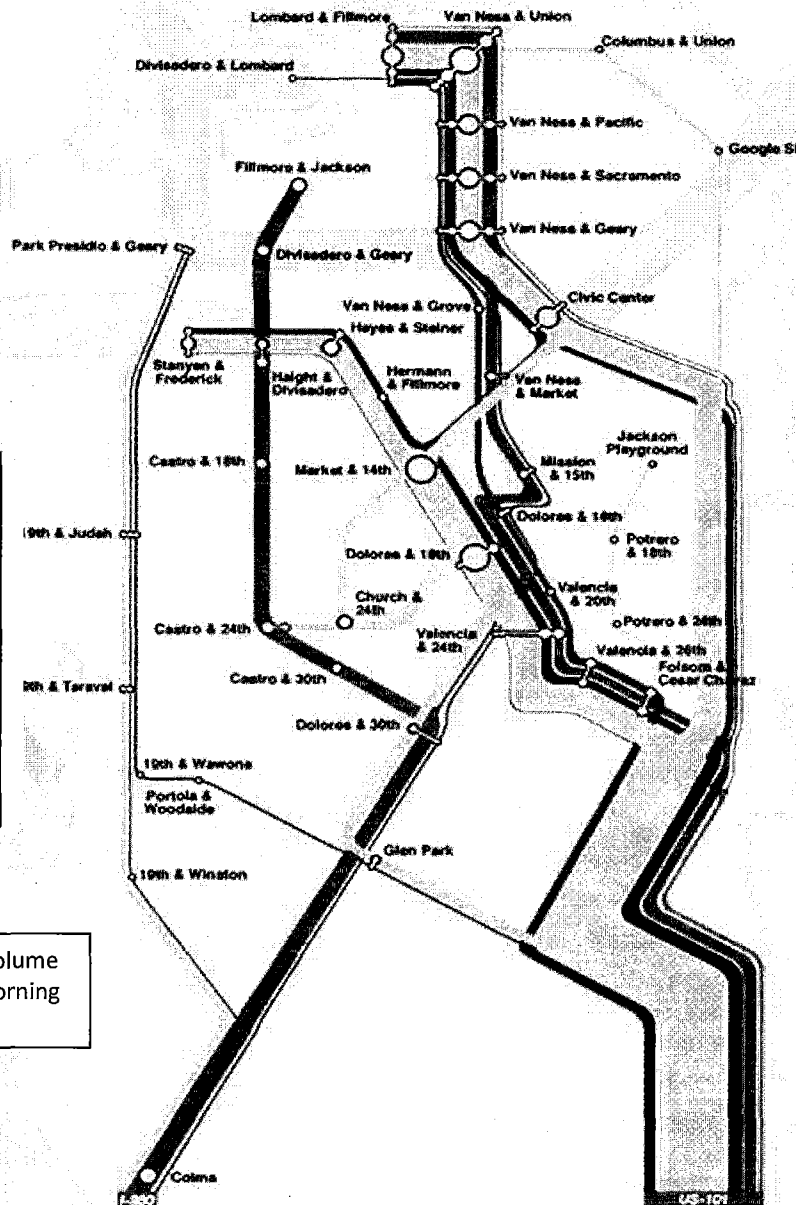
shuttles transporting employees of Apple, eBay, Electronic Arts, Facebook, Google, and Yahoo!'s. Stamen staff collected information about private regional shuttle operations at various stops and followed shuttles on bicycles to determine specific shuttle routes to create the map.

Exhibit 2: Map of Employer Provided Private Shuttle Stops, Volume and Estimated Route

PRIVATE BUS LINES IN SAN FRANCISCO TO SILICON VALLEY
 AS SURVEYED BY STAMEN DESIGN
 31 AUGUST 2012

- Apple
- eBay
- Electronic Arts
- Facebook
- Google
- Yahoo

bus stop thicker lines = more trips per day

Note: Line thicknesses represent volume of regional shuttle traffic during morning and afternoon commute hours

Source: Stamen, *The City from the Valley*, 2012

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Stamen staff cautions that the map in Exhibit 2 is not a literal representation. Though, Stamen observed 91 stop events made by the private regional shuttles at various stop locations throughout the City, which can be seen in Exhibit 3 below, the map in Exhibit 2 only shows a portion of the stops to make the map more visually understandable. Stamen staff noted that some of the locations where they observed private shuttles stop to load or unload passengers were in bus zones and some were not.

Exhibit 3: 91 Stop Events Observed by Stamen, 2012



Source: Stamen, *The City from the Valley*, 2012.

Two graduate students from the University of California, Berkeley, collected data on shuttle volume along the Van Ness Avenue corridor as part of their graduate research at the Department of City and Regional Planning.⁹ The graduate students report that there are approximately 26 shuttles per weekday morning (defined as the period between 7:00 a.m. and 9:00 a.m.) making stops along Van Ness Avenue between Union and Market Streets (shown in Exhibit 2 as separately captured by Stamen based on their observations). The graduate students noted that the distribution of arrival times tends to have a strong peak between 7:45 a.m. and 8:00 a.m., with a shuttle arriving about once every one to two minutes during that time period.

PRIVATE SHUTTLE SECTOR REGULATION

The California Public Utilities Commission (CPUC) Regulations

The City has limited authority over private shuttle operations as charter-party carriers are regulated and licensed to operate by the California Public Utilities Commission (CPUC).¹⁰ The CPUC grants shuttle providers the authority to operate within the State of California and requires that shuttle providers comply with certain safety, training and vehicle inspection regulations. All of the private shuttle companies discussed in this report should be licensed by the CPUC. The CPUC does not require, and the City does not have the authority to require, that shuttle providers report to them how many buses they operate in San Francisco, their number of passengers, how many stops they are making or the locations of those stops. As a result, comprehensive data about all shuttle operations in San Francisco is not collected or available from either the CPUC or SFMTA.

SFMTA Regulation

Although the CPUC rather than the City has regulatory authority over private shuttle operations, the City Attorney reports that the SFMTA has authority to regulate the use City bus zones and what buses can stop in them. The authority for permitted shuttle buses to utilize City bus zones was exercised through amendments to the City's Transportation Code in January 2014 establishing the Commuter Shuttle Pilot Program, discussed further below. Prior to that, private shuttles were prohibited by State law from using City bus zones. The City also has authority to regulate the types of vehicles allowed on individual City streets.

⁹ Dan Howard and Mark Dreger.

¹⁰ A charter-party carrier (TCP) charters a vehicle, on a prearranged basis, for the exclusive use of an individual or group. Charges are based on mileage or time of use, or a combination of both. Also falling under the TCP category are round-trip sightseeing services, and certain specialized services not offered to the general public, such as transportation incidental to another business and transportation under contract to a governmental agency, an industrial or business firm, or a private school.

On January 21, 2014, the SFMTA Board of Directors approved the Commuter Shuttle Policy and Pilot Program (Pilot Program) which authorizes permitted private shuttles to share bus zones with Muni buses and provides operating guidelines to minimize impacts on Muni and other transportation modes. Prior to this Pilot Program, the use of bus zones by private shuttles was unregulated by the City. SFMTA staff report that issues with commuter shuttles to date have been addressed on an ad-hoc basis instead of according to a City-wide policy. Despite the lack of City regulations specific to private shuttles, there are several policies currently in place that apply to private shuttles. These policies, as well as the City's enforcement practices, are discussed below.

The California Vehicle Code

Private intra-city and regional shuttles typically load or unload passengers at white curbed zones or red curbed bus zones. Section 7.2.27 of the San Francisco Transportation Code authorizes all types of vehicles to stop in white zones to load or unload passengers for a period not to exceed five-minutes. Until Pilot Program permits are issued to shuttle providers, stopping and loading or unloading passengers in a bus zone is illegal for any buses other than those operated by Muni or other transit systems so authorized by SFMTA, according to Deputy City Attorney Mr. David Greenburg. The Pilot Program will authorize permitted shuttles to use certain City bus zones.

The prohibition against private shuttles and vehicles stopping in bus zones is codified in Division 11, Chapter 9, Section 22500(i) of the California Vehicle Code:

“No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

- (i) *Except as provided under Section 22500.5,¹¹ alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.*

“Common carriers in local transportation”, as cited in the California Vehicle Code section above, are not defined in the California Vehicle Code. However, the Public Utilities Code defines “common carriers” as entities that provide transportation to the public or any

¹¹ 22500.5. Upon agreement between a transit system operating buses engaged as common carriers in local transportation and a public school district or private school, local authorities may, by ordinance, permit school buses owned by, or operated under contract for, that public school district or private school to stop for the loading or unloading of passengers alongside any or all curb spaces designated for the loading or unloading of passengers of the transit system buses.

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portion thereof for compensation".¹² This definition appears to exclude private shuttles as they are not available to the public for compensation but are restricted to private groups such as a company's employees in the case of regional and intra-city commuter shuttles.

Mr. Greenburg noted that SFMTA currently allows other carriers such as SamTrans, Golden Gate Transit and AC Transit to use certain bus zones. The Budget and Legislative Analyst concludes that this is consistent with the California Vehicle Code as these other transit agencies appear to meet the definition of "common carriers in local transportation".

As stated above, Mr. Greenburg of the City Attorney's Office advises that prior to adoption of SFMTA's Commuter Shuttle Policy and Pilot Program in January 2014, there was no explicit legislative authorization for shuttles to use City bus zones. In other words, all use of City bus zones by private shuttles to date has been in violation of the California Vehicle Code.

The penalty for violating the California Vehicle Code section cited above is an infraction and a \$271 fine according to Section 303 of the San Francisco Transportation Code. Citations can be issued by San Francisco Police Department (SFPD) police officers, SFMTA Parking Control Officers, Transit Supervisors and Taxi Inspectors, California Highway Patrol officers, City College, University of California and Recreation and Park Department enforcement agents.¹³

Despite the fact that shuttles have not been given authorization by ordinance to stop in bus zones, SFMTA staff report that regional and intra-city private shuttles make an estimated 4,121 stops in over 200 bus zones each weekday. If Section 22500(i) of the California Vehicle Code was enforced for every single private shuttle stop that occurs each day, it would amount to \$1,116,791 in fine revenue each day (4,121 stops x \$271). This assumes that there would be enough authorized agents to issue all of these citations and that the behavior of shuttle bus drivers would not change after receiving their first citation.

Based on data provided by SFMTA staff, from January 1, 2011 to February 25, 2014 there were 13,385 citations issued for illegally stopping in a bus zone. An estimated 45, or 0.3 percent, were issued to shuttle bus providers or companies that owned their own shuttle fleet and provide either intra-city or regional transportation service. Two of the 45 citations were issued by the SFPD, 38 were issued by SFMTA enforcement agents and five by video enforcement.

¹² California Public Utilities Code Sect. 211.

¹³ City College, University of California and Recreation and Park Department enforcement agents can only issue citations in City parks, University of California and City College campuses.

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SFMTA staff report that Agency management has never directed its Parking Control Officer staff not to cite shuttles that illegally stop in bus zones. However, according to SFMTA's Enforcement Manager, it is the Enforcement division's practice to *not* cite shuttles stopped in bus zones if they are actively loading or unloading passengers. The Enforcement Manager noted that if a shuttle is stopped in a bus zone and is not actively loading or unloading passengers and is interfering with a Muni bus attempting to use the zone, impeding the flow of traffic and creating a safety hazard for other vehicles, pedestrians and bicyclists, they risk receiving a citation. The Enforcement Manager advises that due to limited enforcement resources to monitor every bus zone and other responsibilities such as on-street parking enforcement, SFMTA Parking Control Officers use their discretion to determine whether to cite for bus zone violations, based on the criteria outlined above.

SFPD representatives also state that there has been no specific direction from management to officers regarding citing shuttles that stop in bus zones. An officer has the discretion to cite for any violation which is personally witnessed taking into consideration the totality of the situation. As such, if an officer on duty views a shuttle bus, limousine, or private vehicle stopped in a bus zone in violation of the Section 22500(i) of the California Vehicle Code, officers have the discretion to cite or admonish the violation. That said, the SFPD representatives noted that bus zone violations have to be placed in priority order. SFPD has a Traffic Unit with officers that focus more on traffic enforcement; however, these officers also respond to other types of calls for service.

The San Francisco Transportation Code

Another way that the City has authority over private shuttle operations is through Section 501 of the San Francisco Transportation Code, which can be amended to restrict certain types of vehicles on City streets. Currently, the Transportation Code restricts vehicles that weigh over 6,000 pounds (three tons) and vehicles that weigh over 18,000 pounds (nine tons) from driving on certain streets in the City with the exception of emergency vehicles and some other vehicles. Section 503 of the San Francisco Transportation Code restricts commercial passenger vehicles that seat more than nine persons (including the driver) used for the transportation of people for profit upon certain streets as well. Regional shuttles currently in operation typically weigh anywhere from 54,000 pounds (27 tons) to 62,000 pounds (31 tons) when fully loaded with passengers and have 52 to 81 seats so they are currently precluded from use of certain streets identified in the City's Transportation Code.

According to SFMTA staff, the purpose of the three ton restriction is to prohibit trucks and buses from driving on quiet, low-volume streets while the nine ton restriction allows smaller trucks and buses to use certain streets, but not large trucks. The nine person commercial vehicle restriction allows trucks on certain streets but does not allow tourist

oriented buses and vans. Typically, these types of restrictions are imposed after a request is made to SFMTA by local residents. SFMTA staff will review the request and recommend amendments to the Transportation Code to impose such restrictions when they find that certain vehicle types are creating disturbances such as noise on certain streets.

Seven City residents voluntarily submitted complaints to SFMTA between FY 2011-12 and March 2014 reporting that private shuttles were driving on restricted streets. The San Francisco County Transportation Authority (SFCTA) reported in a 2011 study that there were six weight-restricted streets that large shuttles may have been traversing.¹⁴ Though this information suggests that some private shuttle buses have been unlawfully driving on restricted streets, there is no comprehensive data available from City agencies on the frequency of such occurrences Citywide. SFMTA staff report that incidents of using restricted streets has decreased since FY 2010-11 as staff has been working with private shuttle providers to make them aware of the street restrictions and with SFPD's Commercial Vehicle Unit to enforce compliance with restricted streets.

The San Francisco Planning Department and the Department of the Environment

Another form of City regulation over private shuttles is through the San Francisco Planning Department, which may require developers to provide shuttle service as a condition of approval for a development project. Depending on the development, the developer may be required to provide shuttle service during specific times to supplement existing transit services.¹⁵ Other cities' planning departments, such as those in the cities in which companies who provide private shuttle service are located, may also have these type of requirements. However, the requirements of other cities for companies in their jurisdictions to reduce the number of trips generated by their employees may not consider any negative impacts of their requirements on other jurisdictions such as the City and County of San Francisco.

The San Francisco Department of the Environment enforces the Commuter Benefits Ordinance which requires employers with more than 20 employees in San Francisco to offer their employees commuter benefits which could include providing transportation to employees such as a company-funded bus or van service.

¹⁴ The San Francisco County Transportation Authority's (SFCTA), *Strategic Analysis Report: The Role of Shuttle Services in San Francisco's Transportation System*, Final SAR 08/09-2, Approved June 28, 2011.

¹⁵ *Ibid.*

IMPACTS OF PRIVATE SHUTTLES

Although there may be multiple positive and negative impacts caused by private shuttles operating in the City, this analysis focuses on the private shuttles' impacts on the following: (1) City infrastructure, (2) traffic congestion, (3) pedestrian and bicyclist safety, (4) neighborhood quality of life conditions, and (5) housing costs.

City Infrastructure

Street Damage

According to a report conducted by the Metropolitan Transportation Commission (MTC) on the condition of streets and roads in the Bay Area, heavier vehicles such as buses and trucks put significantly more stress on pavement than regular vehicles.¹⁶ The larger 45-foot shuttles that are typically used for regional commuting weigh anywhere from 54,000 pounds (27 tons) to 62,000 pounds (31 tons) when fully loaded with passengers,¹⁷ while smaller shuttles typically used for intra-city trips weigh about 14,000 (7 tons) to 20,000 pounds (10 tons) when fully loaded with passengers. According to SFMTA, fully loaded Muni buses and trolleys range from 40,000 pounds (20 tons) to 63,000 pounds (31.5 tons).

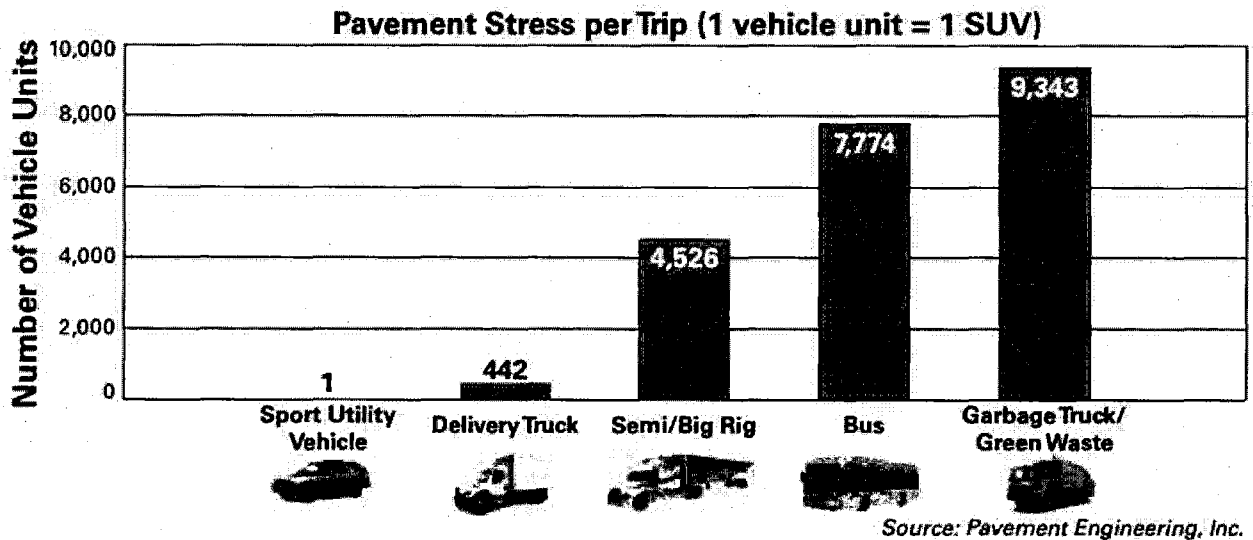
The MTC compared the relative stress caused by different sized vehicles on streets using a sport utility vehicle (SUV) as the baseline. The MTC found that a semi-trailer truck (big rig) exerts 4,526 times more stress on pavement than an SUV, while a bus such as a Muni bus or large shuttle bus exerts 7,774 times more stress on pavement than a SUV, as shown in Exhibit 4 below.¹⁸

¹⁶ Metropolitan Transportation Commission. The Pothole Report: Can the Bay Area Have Better Roads? June 2011.

¹⁷ Apple charters 45 foot MCI-E series shuttles that weigh 54,000 pounds fully loaded. Facebook currently charters at least one double-decker bus. The VanHool TD925 double decker bus weighs 62,000 pounds fully loaded.

¹⁸ Metropolitan Transportation Commission. The Pothole Report: Can the Bay Area Have Better Roads? June 2011.

Exhibit 4: Relative Impact of Vehicle Types on Pavement Conditions



Source: Metropolitan Transportation Commission. The Pothole Report: Can the Bay Area Have Better Roads? June 2011, prepared by Pavement Engineering, Inc.

The Department of Public Works (DPW) staff concur that heavier vehicles contribute to faster roadway deterioration and explain that the lifetime of a roadway is influenced by several factors which include:

- The size and weight of the vehicle;
- The repetition of the vehicle using the roadway;
- The structure of the roadway; and
- The soil condition under the roadway.

According to a theoretical analysis conducted by DPW's Infrastructure Design & Construction Division, the cost impact that one, large shuttle bus has on the lifetime of a one-mile long, 11 foot-wide segment of pavement is \$1.08 per lane mile in FY 2013-14 dollars (analysis can be found in Appendix A). This assumes that it costs \$1,045,000 to reconstruct a one-mile long, 11 foot-wide lane.¹⁹ In other words, every time a large shuttle bus drives over this hypothetical lane mile, the impact on the pavement accounts for \$1.08 out of the \$1,045,000 it will ultimately cost to reconstruct the lane. In comparison, the cost impact that a typical passenger vehicle has on the lifetime of pavement is \$0.00023 every time it drives on the same hypothetical one-mile long lane mile. This means that the damage caused by one, large shuttle bus driving over the hypothetical one-mile long lane is equivalent to 4,700 passenger vehicles driving over

¹⁹ Reconstructing means to demolish the 8 inch concrete base of the road and the 2 inches of asphalt topping and replace it with new concrete base and new asphalt as opposed to repaving which is grinding off the asphalt concrete and replacing it with new asphalt concrete.

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the same lane. Of course, adding more vehicles to the streets in lieu of shuttle buses would have negative impacts on traffic flow and emissions.

The implication of the DPW analysis are that streets on which the larger private shuttle buses repeatedly drive on, such as the regional shuttles, will deteriorate faster than similar streets with the same traffic mix and volume that are not used by regional shuttles. The frequencies with which streets need to be reconstructed are also affected by the City's standards for street condition and the use by other buses and trucks.

It should be noted that full reconstruction of a street is not a frequent occurrence as it is very costly and time consuming. Instead, less costly preventive maintenance resurfacing such as pothole repairs and crack sealing occur more regularly to defer the need for full reconstruction. As with reconstruction, more frequent resurfacing will be needed on streets used by regional shuttles compared to the same streets without regional shuttle use.

Although large, private shuttles impose significantly more damage to the roads than passenger vehicles, SFMTA is precluded from charging a fee for the proportional cost of such damage pursuant to Section 9400.8 of the California Vehicle Code, which restricts the ability of a local jurisdiction to impose a tax, permit or fee for use of City streets.

Bus Zones

SFMTA staff report that in FY 2013-14, the cost to paint a bus box and red zone is \$300 which must be completed about every two years. When asked if large shuttles increase SFMTA's maintenance costs due to more frequent use, SFMTA staff advised that the amount of wear on a bus zone is based more on its location (commercial, sunlight, sidewalk soiling) than on the number or weight of vehicles that pull into it. SFMTA staff could not quantify the additional damage caused to bus zones by shuttles but suggest that it is minimal, if any.

Conflicts with Muni and Localized Traffic Congestion

SFMTA reports that about half of the known stops for all types of private shuttles take place in bus zones; the other half take place at white zones or in off-street parking lots. SFMTA advises that there are approximately 200 Muni bus zones that are used for private shuttle loading and unloading.²⁰ This practice can lead to conflicts between shuttles and Muni buses including: Muni delay caused by a Muni bus not being able to pull into a bus zone because a shuttle is stopping there.

In 2012, the San Francisco County Transportation Authority (SFCTA) contracted with Nelson/Nygaard Consulting Associates Inc., a transportation planning consulting firm, to

²⁰SFMTA, Private Commuter Shuttles Policy Draft Proposal, Presentation to SFMTA Board of Directors, January 21, 2014.

conduct a field investigation assessing the impacts of private shuttle operations in a variety of locations where shuttles were known to be stopping at bus zones.

The assessment study found that at 15 bus zones observed, there was an average of 0.48 conflicts per hour of instances when either a Muni bus could not access the bus zone or when a shuttle could not access the zone, as shown in Exhibit 5. The bus zone at 4th and Townsend Streets had the most conflicts with an average of one conflict per hour.

Since the study reports averages spread over six hours (three hours for the morning commute and three hours for the evening), it is possible that more conflicts are occurring during certain periods of the commute hours. For example, the University of California, Berkeley graduate students observing shuttle buses on Van Ness Avenue during the morning commute, and cited above, reported that shuttles arrived every one to two minutes between 7:45 and 8:00 a.m. Likewise, it would stand to reason that fewer conflicts may be occurring during the commute hours when fewer shuttles are arriving.

Exhibit 5: Muni Bus and Shuttle Conflict Rates, 2012 Study

	Average Hourly Muni Frequency	Average Hourly Shuttle Frequency	Average Hourly Instances of "Muni Can't Access Stop"	Average Hourly Instances of "Shuttle Can't Access Stop"	Total Conflicts Per Hour
All Site Locations	10.6 vehicles per hour	4.7 vehicles per hour	0.31 conflicts per hour	0.17 conflicts per hour	0.48 conflicts per hour
Sites with Most Conflicts- 4th & Townsend	13.6 vehicles per hour	12.3 vehicles per hour	1.0 conflict per hour	0.67 conflicts per hour	1.67 conflicts per hour

Source: Nelson/Nygaard Consulting Associates Inc., Muni Partner-Shuttle Field Data Collection. July 2012.

There is a greater chance of conflict if a shuttle dwells in a bus zone for an extended period of time. SFCTA reports that the amount of time that shuttles dwell at bus zones can be longer compared to Muni dwell times because it takes longer for passengers to board and alight a shuttle bus due to the size of the motor coach, their high floor configuration and the use of a single door.²¹ The Nelson/Nygaard study found that at the 15 observed bus zones, the average dwell time was 1.1 minutes for the shuttles.

The Nelson/Nygaard study observed two types of shuttle activities that caused localized congestion: 1) shuttles blocking traffic by boarding and alighting in a travel lane; and 2)

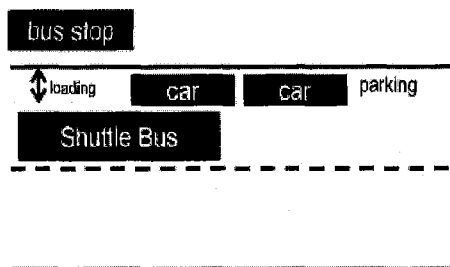
²¹ The San Francisco County Transportation Authority's (SFCTA), *Strategic Analysis Report: The Role of Shuttle Services in San Francisco's Transportation System*, Final SAR 08/09-2, Approved June 28, 2011.

not pulling all the way into a bus zone, which also blocks a travel lane. Both scenarios are shown in Exhibit 6.

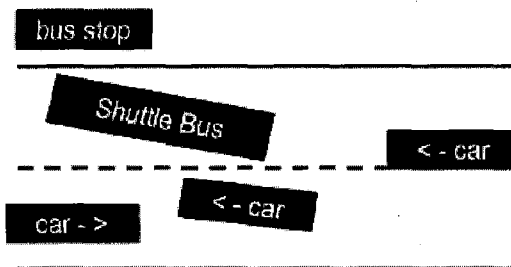
The greatest number of observations of a shuttle not pulling all the way into a bus zone was six times per hour at Lombard and Fillmore Streets and the greatest number of observations for a shuttle either boarding or alighting passengers in the street was 3.5 times per hour at Glen Park BART, according to the study. The study also found that Muni buses pick up and drop off passengers in the travel lane at about the same rate as shuttles with the exception of at Glen Park BART and 4th and Townsend Streets, where shuttles picked up and dropped off passengers in the travel lane seven times more often and a little more than five times more often than Muni buses, respectively. The study did not record data on whether Muni buses partially pulled into bus zones.

Exhibit 6: Shuttle Activities that Cause Localized Traffic Congestion

Example: Boarding/Alighting in Street



Example: Blocked Travel Lane



Source: Nelson/Nygaard Consulting Associates Inc., Muni Partner- Shuttle Field Data Collection. July 2012.

Though existing data shows that shuttle buses are causing some delays in Muni operations, as of the writing of this report, there is no data that demonstrates what proportion of Muni delays overall can be attributed to shuttles using bus zones. However, two graduate students from the University of California, Berkeley are currently collecting data at multiple shuttle stops in the City and using statistical methods to estimate the delay caused to Muni buses by shuttle operations. This research is anticipated to be completed in May of 2014.

Pedestrian and Bicycle Safety and Neighborhood Disruption

Practices such as partially pulling into a bus zone or loading and unloading passengers in a travel lane not only contributes to localized traffic congestion but also creates dangerous conditions for pedestrians, bicyclists and passengers with disabilities. In the last four years, one pedestrian has been hit and killed by a private shuttle.²² Moreover, SFMTA received over 40 unsolicited comments from community members who

²² Danielle Magee. The Private Bus Problem, *San Francisco Bay Guardian Online*, Available at: <http://www.sfbg.com/2012/04/18/private-bus-problem?page=0,1>. [Accessed March 3, 2014]

witnessed various unsafe pedestrian and bicycling conditions caused by shuttle buses. These actions include:

- Blocking Muni buses causing Muni bus passengers to board in the traffic lane;
- Shuttles parking in a bike lane;
- Rounding tight corners on narrow streets, crossing into multiple lanes of traffic to make a turn;
- Not yielding to pedestrians;
- Speeding;
- Blocking street views for residents backing out of driveways; and
- Blocking traffic lanes for ambulance vehicles.

No comprehensive formal study has been performed on the impact of shuttles on pedestrian and bicyclist safety or Muni or shuttle passengers with disabilities. However, the Nelson/Nygaard study did observe two bus zones with bicycle lanes in the bus zone path, one at 4th and Townsend Streets and the other at 8th and Market Streets, to determine whether there were conflicts between shuttles and bicyclists. The report found that 23 percent of all the shuttle observations at 4th and Townsend Streets had instances of a shuttle blocking the bicycle lane leading up to the intersection. There were no reported instances of shuttles blocking the bicycle lane at 8th and Market Streets.

Representatives from the San Francisco Bicycle Coalition and Walk San Francisco provided a number of suggestions that SFMTA could incorporate into the shuttle Pilot Program to improve safety for bicyclists and pedestrians, including:²³

- Discourage shuttles from using bicycle network streets;
- Require shuttles to have enhanced vehicle safety features similar to new Muni buses, such as tire guards and larger, more optimally placed mirrors for better views alongside the side of the bus;²⁴
- Require clear, printed contact information on each vehicle for members of the public to submit shuttle complaints that are easily accessible through City or company channels and consider incentives for or penalties to companies to reduce complaints;
- Increase the amount of protected bikeways, especially on streets that are known to have bicycle-shuttle conflicts (this would be a recommendation for SFMTA in general, and not specific to the Pilot Program); and

²³ San Francisco's non-profit pedestrian advocacy group.

²⁴ A tire guard is a flexible plastic shield placed at the rear duals to deflect a person away from the path of the right rear dual to reduce the severity of injuries resulting from accidents involving a pedestrian coming in contact with the rear right wheels of transit buses.

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- Impose a mandatory, uniform and transparent shuttle driver-training program that focuses on pedestrian and cyclist safety.

The California Public Utilities Code requires shuttle providers to have a safety education and training program for their employees and must provide training at least twice a year (California Public Utilities Code Section 5374 (e)). If shuttle providers develop their own training program, they must cover all the topics set forth in the Department of Motor Vehicle's California Commercial Driver Handbook which includes some materials on bicycle and pedestrian awareness.

Bauer's IT, a regional shuttle provider, reported to the Budget and Legislative Analyst that their training program requires a minimum of 80 hours of classroom exercises, 20 hours of behind-the-wheel education and 6 hours of refresher courses each quarter.²⁵ Classroom exercises include a 22 hour course on *Basic Driver Education* which incorporates materials on accident prevention, current laws and regulations, and mirrors and blind spots among 26 other topics in the course. This curriculum is not publically available nor is it the same across all shuttle companies.

SFMTA staff note that they have initiated a "Large Vehicle and Safe Streets Working Group" as part of the City's Vision Zero goal of eliminating traffic fatalities within 10 years. The working group includes stakeholders representing large vehicle drivers, trainers, and fleet operators, including private shuttles. They will be meeting in April 2014 to agree on short- and long-term recommendations for increasing safety for people who walk and bicycle around large vehicles. There is broad support within this working group for developing and implementing driver safety curriculum for large vehicle drivers according to SFMTA staff. Once the curriculum is completed, SFMTA staff advises it will become part of the required training for all commuter shuttles operating with permits.

The SFMTA will be requiring that shuttle providers display an identification placard in visible locations in the front and rear window of their vehicle as part of the Commuter Shuttle Policy and Pilot Program.

With regard to neighborhood disruptions and impacts, from FY 2011-12 to March 2014 SFMTA staff recorded 30 unsolicited complaints received from residents who were concerned with the size and noise of the large shuttles. Based on the comments, it appears that at least some residents have concerns when large shuttles drive down and turn onto narrow, neighborhood streets due to their large size and/or are disrupted by the noise that the shuttles make when driving late at night or when idling. These complaints received are similar to those that in the past have triggered imposition of

²⁵ Training materials provided to Budget and Legislative Analyst by Mike Watson, Vice Presidents of Sales and Marketing, Bauer's Intelligent Transportation.

restrictions of certain types of vehicles on certain streets, as codified in the City's Transportation Code.

Housing Impacts

San Francisco's population has grown significantly in recent years largely due to the high job growth rate in the City and the Bay Area region as a whole.²⁶ From just 2010 to 2012, San Francisco's population increased by approximately 20,600 residents, which is 72.3 percent of the total population growth for the ten years between 2000 and 2010 (28,500 new residents from 2000 to 2010).²⁷ In turn, the demand for housing has increased. The City has only produced approximately 1,500 housing units a year over this same time period (2000-2010).²⁸ As a result of this imbalance, housing costs have been significantly increasing.

Twenty percent of all private shuttle service in San Francisco serves to connect San Francisco residents with jobs that are outside of the City, mostly on the Peninsula or in Santa Clara County. Free, private, regional shuttles enable some individuals who work in Silicon Valley to live in San Francisco by making it more convenient and affordable to commute and thus contributing to the demand on housing. Private shuttles also provide access to jobs that otherwise might be unreachable or reachable only by car for some San Franciscans.

60 percent of surveyed regional shuttle riders stated that the absence of shuttles would not change their residential decision to live in San Francisco and commute to Silicon Valley, according to a survey of 130 shuttle riders conducted in the Spring of 2013 conducted by graduate students from the University of California, Berkeley.²⁹ ³⁰ However, 40 percent of surveyed shuttle riders reported that they would move somewhere closer to their job if shuttle service were discontinued. This suggests that the shuttles have some implications on the decision to live in San Francisco and on the demand for San Francisco's housing stock. The survey did not ask if "move closer to their job" included closer to regional transit within San Francisco, and/or to another city closer to where the job is located. The Budget and Legislative Analyst assumes that both scenarios are covered by the responses and that at least a portion of the respondents would choose to leave San Francisco if the shuttles were not available.

²⁶ Gabe Metcalf. Housing for All: A Pragmatist's Manifesto, *SPUR's The Urbanist*, Issue 530. February 2014.

²⁷ United States Census Bureau, 2000 and 2010 San Francisco County Total Population; State & County QuickFacts 2012 estimate.

²⁸ Gabe Metcalf, Sarah Karlinsky, and Jennifer Warburg. How to Make San Francisco Affordable Again. *SPUR's The Urbanist*, Issue 530. February 2014.

²⁹ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

³⁰ The survey question was whether shuttle users would change their residential location if service was discontinued.

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ICF International also conducted a survey of shuttle riders in 2012 that asked how a shuttle rider would typically travel to work if there were no shuttle. This survey conducted by ICF International found that 31 percent (123 responses) of the 396 shuttle riders surveyed would either not be able to or would choose not to have their job in Silicon Valley if there were no shuttle, suggesting that these passengers would remain in the City and find alternate jobs. Four percent of shuttle riders surveyed choose "Other" and wrote in that they would move out of San Francisco if the shuttle was not provided (15 responses). Although 4 percent wrote in that they would relocate out of San Francisco or closer to their job, the ICF International survey did not provide "relocate closer to work" as an answer option nor did this survey specifically ask about residential choice like the University of California, Berkeley survey cited above.

A graduate student from the University of California, Berkeley's City and Regional Planning Department collected and analyzed rental values near Google shuttle stops to see if there was an association between Google shuttle stops and increasing rental rates.³¹ The researcher focused the analysis on five Google shuttle stops located in neighborhoods with high percentages of renter-occupied units. The study identified the average rent between 2010 to 2012 for one-bedroom and two-bedroom units within a half-mile radius of the shuttle stops, a distance deemed walkable, and the average rent for the same size units between a half-mile and one-mile radius of the shuttle stops.³²

As shown in Exhibit 7, in most instances (7 out of 10), rental prices within a half-mile radius of Google shuttle stops, represented by the purple circle (the darker circle), increased at a faster rate than rental prices outside of a half-mile radius but within a one-mile radius, represented by the blue ring (the lighter circle), suggesting that Google shuttles are having an effect on rental prices nearby the shuttle stops. The study notes, however, that housing values increased similarly in neighborhoods well-served by transit, or in other areas with "transit oriented development," regardless of the presence of the shuttles.

This study had several limitations; one was that different properties listed for rent within a half-mile radius of the shuttle stops were compared in the two years reviewed. Differences in the amenities of these properties were not accounted for in the study. The study also did not control for confounding variables such as variations in neighborhoods.³³ Finally, the study did not assess changes in rental prices in other popular neighborhoods that are not served by shuttles to consider whether the increasing rents were specific to shuttle-served neighborhoods or comparable to all popular neighborhoods within the City.

³¹ Ms. Alexandra Goldman

³² Alexandra Goldman, MCP. The "Google Shuttle Effect:" Gentrification and San Francisco's Dot Com Boom 2.0, *Professional Report*, University of California, Berkeley Department of City & Regional Planning, Spring 2013.

³³ Alexandra Goldman, MCP. The "Google Shuttle Effect:" Gentrification and San Francisco's Dot Com Boom 2.0, *Professional Report*, University of California, Berkeley Department of City & Regional Planning, Spring 2013.

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While the study identified correlation, it did not establish causation that increasing rental rates are unique to neighborhoods with shuttle service. Even with these limitations, assuming that the shuttles are selecting stops for proximity to their passengers, it appears that neighborhoods and areas with shuttle stops are in demand, are now commanding higher rents than adjacent areas, and that some shuttle passengers are living in those areas. In fact, 57 percent of respondents to the survey of 130 shuttle riders cited above reported that they live less than a 10-minute walk from their shuttle stop and 76 percent of shuttle riders said they live within a 15-minute walk.³⁴

³⁴ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

Exhibit 7: Maps of Percent Change in Rental Prices for One and Two Bedroom Units,
Calendar Years 2010-2012

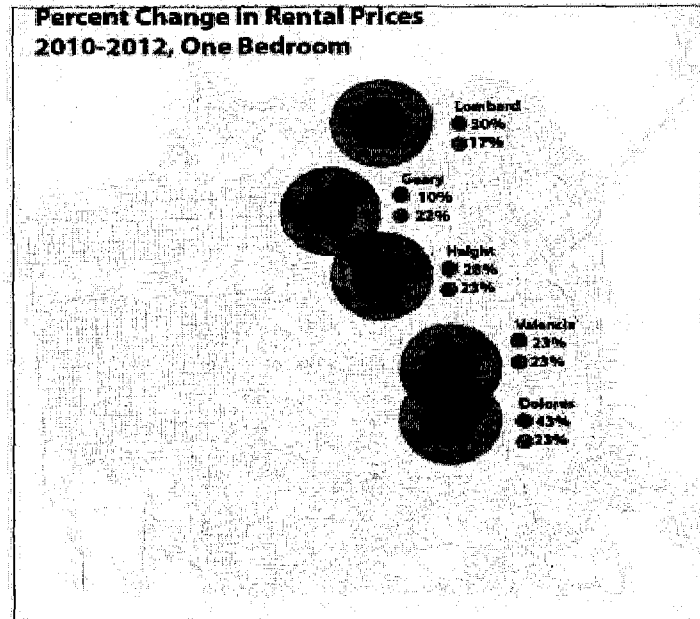


Figure 4

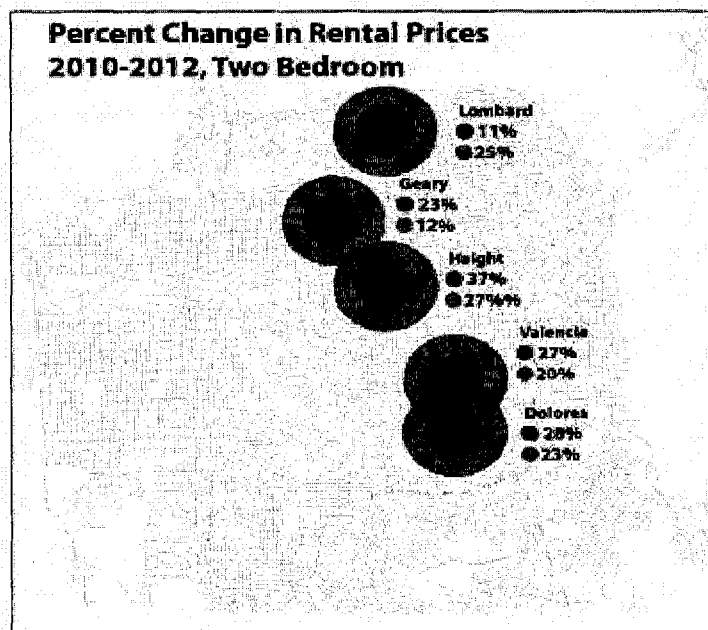


Figure 5

Source: Alexandra Goldman, MCP. The "Google Shuttle Effect:" Gentrification and San Francisco's Dot Com Boom 2.0. Spring 2013.

Another study analyzing how properties near shuttle stops have appreciated relative to other properties in the City was conducted by a data journalist who obtained the assessed values of residential properties for 2011 and 2013 in San Francisco from the San Francisco Office of the Assessor-Recorder. The journalist determined which properties appreciated by at least 70 percent from 2011 to 2013 and mapped them along with known regional shuttle locations. The map showed that there is a higher concentration of properties that appreciated by at least 70 percent in neighborhoods with multiple regional shuttle stops.³⁵

Similar to the University of California Berkeley study cited above, while the data in the data journalist's study shows a correlation between private regional shuttle stop locations and a higher concentration of properties that experienced significant appreciation over the last two years, it does not show causation. Many of the regional shuttle stops are located in neighborhoods that are desirable places to live regardless of the location of private shuttle stops. These neighborhoods may have parks, restaurants, Muni transit stops or other amenities that increase demand for housing in that area; and as previously noted, there is a strong demand for housing overall in San Francisco.

Shuttle riders that were surveyed reported that when determining where to live in the City, their decision is influenced more by factors such as the ease of walking in their neighborhood, proximity to entertainment, culture, amenities, transit and living in an urban neighborhood than on living near a shuttle stop.³⁶

SFMTA'S COMMUTER SHUTTLE POLICY AND PILOT PROGRAM

SFMTA's Commuter Shuttle Policy and Pilot Program (Pilot Program) was developed in response to the growth of unregulated private shuttles. Initial research by the San Francisco County Transportation Authority on shuttles began in 2009 and the final Pilot Program was approved approximately five-years later by the SFMTA Board of Directors on January 21, 2014. The Pilot Program will last 18-months and will authorize permitted shuttle providers, both intra-City and regional, to share approximately 200 bus zones with Muni buses under specific conditions. SFMTA staff estimate that private shuttles are currently stopping at approximately 200 bus zones based on voluntary information provided by private shuttle providers.

Eligible Pilot Program participants include privately operated transportation services arranged by an employer, building or institution that provides transportation for commuters to, from and within San Francisco, specifically from home to work, work to

³⁵ Chris Walker, Clusters of Affluence in San Francisco, January 27, 2014. Available at:

http://www.datawovn.com/#!San_Francisco_Private_Shuttles. [Accessed on January 30, 2014]

³⁶ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

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home, last-mile to work³⁷ or work site to work site are eligible to participate in the Pilot Program. The Pilot Program excludes tour buses, party buses, limousines, airport shuttles, transportation network companies, vanpools, and services that duplicate Muni service.³⁸

SFMTA is currently in the process of determining which 200 bus zones will be used for the program.³⁹ SFMTA notes that as part of this process, lengthening existing bus zones may be considered as well as creating an adjacent shuttle zone or separate white zones in areas where sharing is not practical, which would likely remove some on-street parking. The network of shared zones will be approved at an SFMTA public hearing. SFMTA expects the bus zone selection process to be completed by May 2014.

After the network is approved, private shuttle service providers may apply for a permit to use the shared bus zones and will be required to pay a permit and use fee. The permit and use fee will recover SFMTA's estimated \$1.7 million of program costs. The fee will be assessed based on the number of stop events⁴⁰ shuttle service providers report that they make during the term of the permit. Each permittee will pay \$1 per stop event multiplied by the number of stop events they are making during the course of the permit term.

SFMTA reports that pursuant to California Proposition 218, the cost of the permit fee may not be higher than the cost to provide the permit program service.⁴¹ SFMTA estimates that the cost of the Pilot Program will be approximately \$1,725,688 which includes six-months of preparation work to develop the permits, business processes, data management, and establish the shared bus zone network in advance of the 18-month Pilot Program. The breakdown of costs is shown in Exhibit 8.

³⁷ Last mile refers to getting people from a transport hub to their final destination.

³⁸ SFMTA. Commuter Shuttle Policy and Pilot Program. January 2014.

³⁹ This process has entailed requesting input from shuttle providers, residents and Muni operations staff on preferred zones and then evaluating the proposed zones based on preferences and actual traffic conditions.

⁴⁰ A stop event is defined as an individual instance of stopping at a shared Muni bus zone.

⁴¹ Cal. Const. art. XIII C, § 1, cl. 1

Exhibit 8: Estimated SFMTA Costs of 18-Month Commuter Shuttle Policy Pilot Program

Unit	FY 2014-15	FY 2015-16	Total
Labor*	\$ 496,550	\$265,895	\$762,445
Overhead	244,799	131,086	375,885
City Attorney	4,910	2,455	7,365
Placard & Shuttle Signs (500 pieces at \$630 per vendor)	840	420	1,260
Muni Zone Signs & Materials	53,333	26,666	79,999
Professional Services (IT and Communications consultant)	59,333	29,666	88,999
Data Collection Devices & Transmission	270,000	135,000	405,000
Zone & Sign Maintenance	3,134	1,600	4,734
Total	\$ 1,132,899	\$592,789	\$1,725,688

Source: SFMTA Controller

*This includes enforcement, planning, evaluation, administration, and signage installation.

Ms. Carli Paine, SFMTA's Pilot Program's Project Manager, stated that the SFMTA used estimates of existing stop events to derive the per-stop event cost. Existing estimates are that regional and intra-city shuttles make 4,121 stop events at Muni bus zones daily. This assumption was built into SFMTA's fee calculation and revenue projections shown in Exhibit 9 below. According to Ms. Tess Navarro, SFMTA's Controller, the approximately \$1 permit fee amount, which was approved by the SFMTA Board of Directors in January 2014, was a placeholder amount until more information about the cost of the Pilot Program was collected. Based on current cost estimates, the permit fee for FY 2014-15 will be \$1.06 and will increase to \$1.10 in FY 2015-16. These fees will be approved by the Board of Directors during the annual budget process.

Exhibit 9: Revenue Projections for 18-month Commuter Shuttle Policy and Pilot Program

Projected Revenue	Fee	Stops per day	Weekdays per year	Total Stop Events per Year	Revenue
FY 2014-15	\$1.06	4,121	260	1,071,460	\$ 1,135,748
FY 2015- 2016 (6-months)	\$1.10	4,121	130	535,730	\$ 589,303
Total					1,725,051

Source: SFMTA Controller

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The cost of the program is \$637 less than projected revenues. According to Ms. Navarro and as previously noted, the Pilot Program is a cost recovery program; therefore, SFMTA must be careful to not collect more revenue than what it costs to administer and enforce the Pilot Program. The current fee structure will under-recover program costs to be conservative; however, Ms. Paine notes that fees may be increased with approval by the SFMTA Board of Directors, as long as they comply with State cost recovery restrictions.

As part of the Pilot Program permit application, shuttle providers must provide SFMTA with their company information, the number of the stops and shuttles anticipated, their CPUC registration status and they must agree to comply with all the terms to get a permit.⁴² If any of these terms are violated during the Pilot Program, an administrative penalty may be issued or the permit may be revoked. SFMTA staff noted that once the Pilot Program begins, there will be a heightened level of enforcement to ensure that only shuttles with permits use the shared bus zones in the defined network. The cost of this enforcement is included in the program costs that will be recovered through the fee.

Pilot Program Evaluation

To measure the effectiveness of the Pilot Program, SFMTA will: (1) observe shared bus zones *before and during* the 18-month Pilot Program to determine whether the controlled sharing of designated bus zones with private shuttles reduces conflicts for Muni buses and other users; (2) audit GPS data of shuttle operations to evaluate compliance with the terms of the permit by assessing to what extent permittees are only stopping in bus zones that are within the designated network and are making the number of stops they received permit approval to make; (3) conduct a survey of shuttle and Muni bus drivers to gain feedback on the Pilot Program and determine what level of enforcement is needed to regulate shuttles; and (4) develop a cost report to track actual Pilot Program costs and identify what capital improvements may be needed to accommodate the shuttle buses.⁴³

SFMTA's proposed performance metrics for the Pilot Program include observations of the following: (1) double parking to load and unload passengers; (2) Muni buses having delayed access to the curb because of shuttle use; (3) shuttle loading and unloading that blocks crosswalks; (4) shuttle loading that blocks bike lanes; and (5) Muni buses not

⁴² The terms of the agreement which includes are as follows: 1) Indemnify the SFMTA for use of stops. 2) Display the Pilot Program placard on the front and rear of the vehicle which authorizes the use of the shared stop and has a unique identification number so SFMTA can contact the provider. 3) Comply with all operating guidelines which include giving Muni priority, staying within the network of approved stops, actively loading and unloading passengers, pulling forward into bus stops, complying with state and local traffic laws, complying with street and lane restrictions and staying on arterial streets, ensuring that driver training includes these guidelines and following instructions from officials and traffic control devices. 4) Provide data fees per SFMTA's specifications. 5) Pay permit fee and traffic citations. 6) Comply with CPUC regulatory requirements.

⁴³ SFMTA's Memorandum to the Board of Supervisors Re: Appeal of CEQA Determination- SFMTA Commuter Shuttle Pilot. March 21, 2014.

having access to the curb because of shuttles, thus preventing people in wheelchairs or with strollers from boarding or alighting Muni vehicles. SFMTA will also track data on collisions involving shuttle buses and compliance with the permit terms.⁴⁴

SFMTA staff report that other alternatives to the Pilot Program were considered such as prohibiting shuttles from all bus zones and requiring them to apply for new white zones or using only existing white zones. SFMTA staff noted that a formal policy analysis was not conducted on this alternative but there were internal conversations where SFMTA staff discussed that creating a network of white zones would require removal or restriction of on-street parking. SFMTA staff further noted that, at the time, SFMTA's data indicated that sharing bus zones could work, if limited to certain kinds of bus zones, and determined to pursue testing the sharing of bus zones as a first step, knowing that if it does not work, a network of white zones could be created through on-street parking removal or restrictions.

Appeal of the California Environmental Quality Act (CEQA) Pilot Program Exemption

The SFMTA determined that the Pilot Program was categorically exempt from CEQA's environmental review requirements because it consists of information collection, research, experimental management and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.⁴⁵ The City Planning Department concurred with this determination.

At the time of writing this report, an appeal of the categorical exemption was filed on the grounds that the Pilot Program is not exempt from the requirements of CEQA because there is a reasonable possibility that the Pilot Program will have significant environmental impacts.⁴⁶

The Board of Supervisors will vote on whether to uphold the appeal. If upheld, the Pilot Program will not be implemented until additional environmental review is conducted.

POLICY DISCUSSION

This analysis discussed some of the ways in which private shuttles are affecting the City's infrastructure, Muni operations, traffic, the safety of pedestrians and cyclists, neighborhood quality of life conditions, and the potential effects that shuttles may have on housing prices. As part of the assessment of the City's policy towards private shuttles, the benefits associated with intra-city and regional shuttles should also be considered.

⁴⁴ Ibid.

⁴⁵ SFMTA. Commuter Shuttle Policy and Pilot Program. January 2014.

⁴⁶ Richard Drury. Letter to President David Chiu and the San Francisco Board of Supervisors, Re: Appeal to SFMTA Resolution No.14-023. February 19, 2014.

Shuttle programs have proven to be an effective way to reduce vehicle miles traveled and vehicle ownership and use which, in turn, reduces greenhouse gas emissions, overall congestion and demand for scarce parking spots.⁴⁷ Survey results found that when shuttle riders were asked how they would commute to work if the shuttle were not provided, 48 percent of respondents reported that they would drive alone.⁴⁸ Based on survey results, ICF International reports that shuttles are responsible for a reduction of over 43 million vehicle miles traveled and 8,500 metric tons of greenhouse gas emissions per year.⁴⁹

Caltrain staff report that their system cannot meet existing ridership demand, which has steadily increased over the last five years. The system is currently operating over capacity during peak commute hours and if the regional private shuttles did not exist, it is unlikely that Caltrain would be able to absorb the additional ridership demand, given its current resources and level of service provided. Caltrain staff note that they are the only transit system in the region without a dedicated funding source and were operating in a deficit for the past several years. They do, however; have enough funding to purchase several used railcars which they will be adding to the system in a little over a year.⁵⁰

POLICY OPTIONS

As a result of this analysis, the Budget and Legislative Analyst has developed policy options for the Board of Supervisors to consider to address some of the potential negative impacts of the shuttles, as discussed above. With the exception of Policy Options 2 and 3, implementation of these options could occur in concert with SFMTA's Pilot Program.

To have a better understanding of the results and effectiveness of the Pilot Program, the Board of Supervisors should consider the following options:

- 1) a. Prior to commencement of the Pilot Program, provide SFMTA staff with input on possible additions or deletions to the performance metrics that will be used for SFMTA's shuttle observations.**

⁴⁷ SFMTA. Commuter Shuttle Policy and Pilot Program. January 2014.

⁴⁸ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley-Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

⁴⁹ Figures based on ICF International's Draft Assessment of GHG Emissions Impacts for the Commuter Shuttle Pilot Program provided to the Budget & Legislative Analyst's Office.

⁵⁰ Additionally, Caltrain is implementing the Caltrain Modernization Program, which will electrify and upgrade the performance, operating efficiency, capacity, safety and reliability of Caltrain's commuter rail service.

b. Following SFMTA's reporting back on baseline data and initial observations of shuttle operations prior to commencement of the Pilot Program, the Board of Supervisors should provide input on acceptable threshold amounts for each performance metric that would be used to determine the success of the Pilot Program, whether certain conditions should be imposed on the shuttles or whether another program or policy should be implemented. Include thresholds for the shuttles' use of restricted streets as GPS data to assess restricted road use will not be collected until after the Pilot Program commences.

c. Request that SFMTA regularly report back to the Board of Supervisors on the performance metrics throughout the 18-month program as well as compliance with permit terms, enforcement results and comments collected from community members.

The Board of Supervisors should consider recommending the following options to SFMTA if the Pilot Program is not deemed successful based on the performance metrics used and reported to the Board of Supervisors throughout the program to measure results:

- 2) **Prohibit the use of Muni bus zones, providing instead existing and/or newly created white curb zones specifically for intra-city and regional shuttles.**

SFMTA has already suggested that if Muni buses and private shuttles are not compatible at any shared bus zones, then they would consider this option. This option will likely require removing parking spaces during certain peak commute periods.

- 3) **Prohibit or limit the use of bus zones and encourage shuttle providers to utilize a limited number of centralized locations in the City where passengers would board and alight from their shuttles.**

This may entail one or more shuttle providers' sponsoring companies leasing or purchasing several parking lots in the City that could be used for loading and unloading passengers. Transportation experts advise that adding trips to an individual's commute could discourage use of the shuttles by some.

To address the potential negative impacts of the private shuttles on the City's streets, bicyclist pedestrian safety, disabled passengers, and neighborhood impacts, the Board of Supervisors should consider requesting that SFMTA incorporate the following into the Pilot Program either prior to its commencement or during the Pilot Program based on reported results:

- 4) **Establish shuttle vehicle size, weight, safety features and other design criteria based on bus zones, streets and/or neighborhoods affected by the Pilot Program and/or establish a cap on the number of shuttles that can access bus zones.**

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SFMTA could establish weight limits that could reduce the impact on some or all City streets; or height and length limits to help ensure that shuttles can safely turn corners on all streets being used and reduce visual and other neighborhood impacts; or require two doors on all shuttles to reduce idling time at the bus zones. Requiring that shuttle providers load passengers using two doors may pose security concerns as well as increased costs to shuttle providers that may not have shuttle vehicles with doors in their fleets.

Currently, shuttles' rear views mirrors must meet certain specifications as required by the Federal Motor Vehicle Safety Standards (FMVSS). The FMVSS does not require tire guards. SFMTA System Safety staff cannot comment as of the writing of this report on what safety enhancements should be required on shuttles because they do not know what safety features on various shuttle models already exist or the types of pedestrian or bicycle accidents they may have been involved in.

SFMTA could determine whether there should be a cap on the number of stop events that occur at each bus zone to prevent conflicts with Muni buses and traffic flow while allowing new shuttle providers to participate in the program.

- 5) Authorize shared bus zones only on streets without bike lanes.**
- 6) Require that shuttle providers provide specific training to all drivers on bicyclist, pedestrian and disabled passenger safety as a condition of being permitted to use City bus zones.**

SFMTA staff reports that as part of the Pilot Program, shuttle providers must incorporate certain slides into their training program that explain the permit terms. A driver training program that focuses on bicycle and pedestrian safety is being developed out of the SFMTA's Large Vehicles and Safer Streets Working Group. SFMTA Staff report that shuttle service providers that are granted permits will be required to have their operators trained using this curriculum.

As a means of enhancing City services in consideration of private shuttles' use of City bus zones, the Board of Supervisors should consider the following:

- 7) As the Pilot Program rolls outs and performance metric data is gathered, if there is clear evidence of negative impacts, the Board of Supervisors should work with SFMTA and the City Attorney's Office to explore a requirement that shuttle providers who participate in the Pilot Program and utilize City bus zones enter into a Community Benefits Agreement (CBA) with the City.**

Community Benefit Agreements (CBAs) are project-specific agreements generally between a developer or private enterprise and the City in which the developer makes certain contributions to the community in exchange for support for their development project.⁵¹ Six companies in San Francisco entered into CBAs in 2013 with the City including Twitter, Yammer and One Kings Lanes in order to be eligible for the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion. Terms of the agreements include seeking to establish a local non-profit grants program, to improve education outcomes for youth, to provide pro-bono legal assistance, to preserve affordable housing and tackle homelessness, to commit to local purchasing, and to support physical neighborhood improvements.

Although, the Pilot Program is not a development project, the CBA framework could potentially be applied to companies who hire or own shuttles for their employees and use City bus zones under authorization by SFMTA. Terms of the agreement could include providing monetary assistance to improve existing local and regional public transportation services, for road repavement, to fund Free Muni-for Youth after Fiscal Year 2015-16,⁵² or to fund affordable housing development.

- 8) Submit to the voters a ballot measure to impose a special tax that could be levied on shuttle bus providers to raise funds to improve existing local and regional public transportation services, for road repavement, to fund Free Muni-for-Youth after Fiscal Year 2015-16, or to fund affordable housing development.**

A special tax would require approval by a two-thirds majority of voters and would require additional research on would be taxed and how.

Exhibit 10 shows which policy option would satisfy various policy goal(s). Policy Option 1 (a) (b) and (c) are not included as those options would assist with measuring the overall effectiveness of the Pilot Program as opposed to a specific policy goal.

⁵¹ <http://www.forworkingfamilies.org/resources/policy-tools-community-benefits-agreements-and-policies>

⁵² Google has donated \$6.8 million to fund Free Muni-For-Youth for the next two-years.

Exhibit 10: Policy Options and Policy Goals

Policy Options	Objective				
	Reduce Impact on MUNI	Reduce Impact on the Pavement	Reduce Impact on Bicyclists & Pedestrians	Reduce Neighborhood Impacts	Enhance City Services
2. Prohibit use of bus zone, white zone program	◆				
3. Prohibit use of bus zone, utilize several locations	◆		◆	◆	
4. Establish Shuttle Design Criteria & Shuttle Caps	◆	◆	◆	◆	
5. Authorize Shared Bus Zones on Streets Without Bike Lanes			◆		
6. Require Safety Training			◆		
7. Enter into CBA's					◆
8. Special Tax					◆

Appendix A

Cost and wear impacts of large shuttle buses on San Francisco roadway pavement

The theoretical life of roadway pavement depends on pavement structure; soil condition; size and weight of vehicle; and vehicle repetition.

San Francisco's current roadway infrastructure is primarily comprised of composite pavements consisting of Asphalt Concrete (AC) overlaying Portland Cement Concrete (PCC). Our general guideline for pavement design is 2 inches of AC over 8 inches of 3,000 psi PCC, but may vary dependent on site-specific conditions.

Contributing factors to the pavement life are the traffic characteristics; the vehicle types and weights using the street; and the number of vehicle repetitions the street experiences. The traffic loading on the pavement by a vehicle is measured by the American Association of State Highway and Transportation Officials' *Guide for Design of Pavement Structures* in Equivalent Single Axle Loads (ESALs). An ESAL is defined as the equivalent of a single 18,000-pound axle.

Residential streets experience traffic comprised primarily of passenger vehicles with an ESAL of 0.0004 each, with minimal vehicle repetition. Major arterial streets experience traffic comprised of a variety of vehicles (i.e. passenger vehicles, busses, delivery trucks) and a high number of vehicle repetitions. For a given pavement section, residential streets have a longer pavement life than a major arterial street.

The pavement life of streets can be measured by the number of ESALs that travel over the pavement. Assuming the City's standard roadway pavement structure, and median soil condition, the ESAL pavement life of a street would be 1,800,000 ESALs. A large shuttle bus has an ESAL of 1.86, compared to a passenger vehicle with an ESAL of 0.0004. A large shuttle bus contributes 1.86/1,800,000 to the deterioration of the pavement structure.

The cost impact a large shuttle bus has on the pavement life can be calculated based on the cost to reconstruct the roadway pavement structure. Assuming an 11-foot-wide lane one mile long, the reconstruction cost would be \$1,045,000. The cost impact per ESAL lane-mile that a large shuttle bus would have on the pavement life would be:

$$(1.86 \text{ ESAL}/1,800,000 \text{ ESAL}) \times (\$1,045,000/\text{lane mile}) = \$1.08/\text{lane mile}$$

In December 2003, the United States Department of Transportation Federal Transit Administration published a report titled, "*Study & Report to Congress: Applicability of Maximum Axle Weight Limitation to Over-the-Road and Public Transit Buses*"

(<http://caltransit.org/cta/assets/File/FTA%20Study%20on%20Axle%20Weights.pdf>) to "...study the applicability of federal maximum weight limitations to over-the-road buses and public transit vehicles."

Our analysis uses the same methodology to estimate pavement damage. Reference the executive summary section titled Pavement Damage, page ES-2.

Prepared by: Department of Public Works, Infrastructure Design & Construction, March 13, 2014

File 140143

Nevin, Peggy

From: Board of Supervisors
To: Lamug, Joy; Carroll, John
Subject: File 140143: Appeal of SFMTA Resolution No. 14-023: Commuter Shuttle Policy
Attachments: 2014.04.01 CEQA Comm Ltr Google Bus to BOS w Exhs.pdf

From: Christina Caro [<mailto:christina@lozeaudrury.com>]

Sent: Tuesday, April 01, 2014 11:59 AM

To: Board of Supervisors; BOS Legislation; john.carol@sfgov.org; boslegislativeaids@sfgov.org; Calvillo, Angela (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Chiu, David (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)

Cc: Richard Drury; Toyer Grear; Poling, Jeanie (CPC); Boomer, Roberta (MTA); sara.b.jones@sfgov.org; Robbins, Jerry (MTA); D.Engler@coxcastle.com; M.brandish@coxcastle.com; Maher, Christine (OCII) (RED)

Subject: Appeal of SFMTA Resolution No. 14-023: Commuter Shuttle Policy

Dear President Chiu, Honorable Members of the Board of Supervisors, et al:

Attached please find the comments of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club ("Milk Club"), Service Employees International Union Local Union 1021 ("SEIU Local 1021"), and the San Francisco League of Pissed Off Voters (collectively, "Appellants") regarding concerning the San Francisco Municipal Transportation Authority Commuter Shuttle Policy and Pilot Program and proposed amendments to Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations ("Project").

Please include these comments into the record of proceedings for the Project. Hard copies will be distributed for consideration at today's Board hearing.

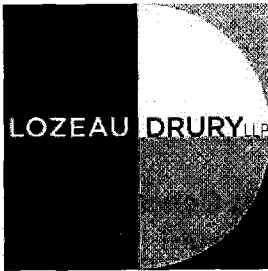
This electronic copy of the Appeal Letter satisfies the electronic submission requirements of San Francisco Administrative Code Section 31.16, and satisfies service on the Environmental Review Officer.

Thank you.

Christina M. Caro
Associate Attorney
Lozeau | Drury LLP
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Via Electronic Mail and Hand Delivery

April 1, 2014

President David Chiu
c/o Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors of the City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689
Email: Board.of.Supervisors@sfgov.org

Re: Appeal of SFMTA Resolution No. 14-023, CEQA Categorical Exemption Determinations for Commuter Shuttle Policy and Pilot Program and amending Transportation Code, Division II, and Approval of Motion to Suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order Regarding Published Notice (January 21, 2014) – SUPPLEMENTAL COMMENTS

Dear President Chiu and Honorable Members of the Board of Supervisors:

I am writing on behalf of Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club ("Milk Club"), Service Employees International Union Local Union 1021 ("SEIU Local 1021"), and the San Francisco League of Pissed Off Voters (collectively, "Appellants"), concerning the San Francisco Municipal Transportation Authority ("SFMTA") Commuter Shuttle Policy and Pilot Program and proposed amendments to Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations (collectively, "Project" or "Shuttle Project").

These comments supplement our earlier comments on this matter, and respond to a new report issued by the San Francisco Budget and Legislative

Analyst on March 31, 2014 (Exhibit A), and a supplemental response letter issued by the Planning Department on March 31, 2014.

A. The San Francisco Budget and Legislative Analyst Concludes that the Shuttle Program will Have Adverse Impacts on Displacement of Low-Income Communities, City Roadways, Noise, Pedestrian Safety, Bicycle Safety, and Other Impacts. CEQA Review is Required to Analyze and Mitigate these Impacts.

On March 31, 2014, the San Francisco Budget and Legislative Analyst (“BLA”) released a detailed report identifying highly significant adverse impacts of the Commuter Shuttle Project. (Exhibit A) The BLA report confirms almost all of the points made in our letter of March 21, 2014. In particular, the BLA Report concludes:

No comprehensive assessment has been completed by San Francisco Municipal Transportation Agency (SFMTA) or other City agencies on the full impacts of the regional shuttles on City infrastructure costs, traffic and traffic delays, pedestrian and bicyclist safety or housing costs along the shuttles’ routes. The Budget and Legislative Analyst has reviewed a number of surveys and estimates prepared by SFMTA and academics and worked with the Department of Public Works to collect and prepare some initial estimates of impacts, including the following:

- The Department of Public Works and a Metropolitan Transportation Commission study both show that the large regional shuttle vehicles have significantly more impact on street repair costs than regular passenger vehicles, smaller shuttles such as vans and semi-trailer trucks (“big rigs”).¹
- Observations by a San Francisco County Transportation Authority consultant at 15 bus zones used by shuttles and Muni vehicles found an average of .48 conflicts occurred every hour in which either a Muni vehicle or a shuttle couldn’t access the bus zone because they were blocked by the other. This average rate of conflict was spread over six hours of observations so the conflicts may be occurring more frequently during peak periods such as between 7:45 a.m. and 8 a.m. and less frequently than the average at the tail ends of the commute hours.

¹ The report concludes that the large shuttles used for inter-city transportation weigh over 60,000 pounds, and cause over one dollar of damage for each mile of city street used, compared to \$0.00023 for an SUV.

- The consultant also observed shuttles blocking traffic by loading and unloading passengers from traffic lanes, or blocking traffic lanes by not pulling fully in to a bus zone. The greatest number of observations of a shuttle not pulling fully in to a bus zone was six times per hour at Lombard and Fillmore Streets; the greatest number of observations of a shuttle loading or unloading passengers in a traffic lane was three and one-half times per hour at Glen Park BART.
- Safety impacts on pedestrians, bicyclists and disabled passengers have not been comprehensively assessed by any City agency but members of the public have submitted observations to SFMTA including: shuttles blocking Muni buses and causing passengers to board in the traffic lane; shuttles not yielding to passengers; shuttles turning in to multiple lanes of traffic to make a turn; shuttles speeding; shuttles making noise in quiet neighborhoods; shuttles blocking bicycle lanes, and others.
- The SFCTA study cited above reported that 23 percent of observed shuttle stops at 4th and Townsend Streets blocked the bike lane at that location; no bike lane blockings were observed during shuttle stops at 8th and Market Streets.
- Correlations between higher rents and higher property appreciation rates in areas adjacent to regional shuttle stops have been found in two recent studies. Neither study proved that shuttle stops were the cause of these cost differentials as the studies did not control for other amenities that may make the neighborhoods more desirable. However, assuming that shuttle operators select bus zones to be as close to their passenger as possible, and since the shuttles have been able to establish their stops anywhere they like, the study results suggest that at least some shuttle passengers have chosen to live in neighborhoods that now have more costly rents and real estate prices.

Since the City's own BLA concludes that the Shuttle Project will have significant adverse environmental impacts on displacement, pedestrian and bicycle safety, noise, and roadway damage, the City may not exempt the Project from CEQA review. "An activity that may have a significant effect on the environment cannot be categorically exempt." *Salmon Protectors v. County of Marin* (2004) 125 Cal.App.4th 1098, 1107.

CEQA review is necessary to analyze the impacts of the Shuttle Project and to propose mitigation measures and alternatives to reduce the impacts.

Feasible mitigation measures may include relocating stops to locations that interfere less with MUNI buses, relocating stops to areas that will interfere less with pedestrians and bicycles, requiring funding for low and moderate income housing, requiring funding to repair damage to roadways, requiring clean fuel vehicles and lighter vehicles, etc. CEQA review would analyze these and other feasible mitigation measures.

**B. The Budget and Legislative Analyst and the City Attorney
Conclude that the Shuttle Project Violates State Law.**

The BLA Report states that under the State Vehicle Code, “stopping and loading or unloading passengers in a bus zone is illegal for any buses other than those operated by Muni or other transit systems so authorized by SFMTA, according to Deputy City Attorney Mr. David Greenburg.” “As stated above, Mr. Greenburg of the City Attorney’s Office advises that prior to adoption of SFMTA’s Commuter Shuttle Policy and Pilot Program in January 2014, there was no explicit legislative authorization for shuttles to use City bus zones. In other words, all use of City bus zones by private shuttles to date has been in violation of the California Vehicle Code.” The BLA Report states,

The prohibition against private shuttles and vehicles stopping in bus zones is codified in Division 11, Chapter 9, Section 22500(i) of the California Vehicle Code:

“No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:
(i) Except as provided under Section 22500.5, 12 alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.

“Common carriers in local transportation”, as cited in the Vehicle Code section above, are not defined in the Vehicle Code. However, the Public Utilities Code defines “common carriers” as entities that provide transportation to the public or any portion thereof for compensation.¹³ This definition appears to exclude shuttles as they are not available to the public for compensation but are restricted to private groups such as a company’s employees in the case of regional commuter shuttles.

Since the Shuttle Project is illegal under State law, the City is without power to authorize the program. Any such action would be null and void *ab initio*

and would therefore be *ultra vires*. The California Supreme Court has held that cities (including charter cities) may not enact ordinances that violate the State Vehicle code. *O'Connell v. City of Stockton* (2007) 41 Cal. 4th 1061, 1074. The Supreme Court noted that Vehicle Code section 21 states: "Except as otherwise expressly provided, the provisions of this code are applicable and uniform throughout the State and in all counties and municipalities therein, and no local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized herein." Thus, by amending the City's Transportation Ordinance, the City cannot make legal activities that are illegal under State law.

C. Since the Shuttle Project is Illegal, the Illegal Operation Cannot Constitute the CEQA Baseline.

1. Planning Department Report of March 31, 2014 is Self-Contradictory.

The Planning Department staff report issued on March 31, 2014 argues that since the shuttles are already operating, the CEQA "baseline" is the level of current operations. This argument is fatally flawed, however, since the existing shuttle operations are illegal and therefore cannot constitute the CEQA baseline.

The March 31, 2014 Planning Staff Report is self-contradictory. On the one hand, it argues that there will be no change in shuttle operations from the "baseline" since the shuttles are already operating (albeit illegally). On the other hand, the Planning Staff Report argues that to the extent experts have proven that the Shuttles have a significant impacts above CEQA significance thresholds for cancer from diesel emissions, noise, pedestrian safety, and bicycle safety, the Report contends that these conclusions are "speculative" because SFMTA will be changing the locations of the shuttle stops. In other words, the Planning Staff admits that the Shuttle Project will change the status quo by changing stop locations. The City cannot have it both ways.

2. CEQA Baseline Legal Standard.

Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Environment v. So Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

"...must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time [environmental analysis]

is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.”

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125 (“*Save Our Peninsula*.”) Using a skewed baseline “mislead(s) the public” and “draws a red herring across the path of public input.” (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656; *Woodward Park Homeowners v. City of Fresno* (2007) 150 Cal.App.4th 683, 708-711.)

3. Since the Existing Shuttle Operations Involves Illegal “Pirate Shuttles” Which are Violating State Law, Existing Illegal Operations Cannot form the CEQA Baseline.

An illegal condition cannot form the CEQA baseline. *League to Save Lake Tahoe v. Tahoe Reg’l Planning Agency* (E.D. Cal. 2010) 739 F. Supp. 2d 1260. An agency may not fail to enforce the law, and then use that lack of enforcement to form the CEQA baseline. *Id.*

The San Francisco Superior Court has held that illegal operations resulting from a failure to enforce the law cannot form the CEQA baseline. The court found that:

“When a lead agency issues an EIR, it cannot include activities allowed by the agency’s complete non-enforcement into the baseline

“Neither the Guidelines nor case law allows an EIR to set an illusory no-enforcement baseline that absorbs all ongoing illegal actions and ignores the stricter limitations imposed by a new statutory landscape. Although generally the baseline must include the effects of prior illegal activity, the situation is different when an agency has a concurrent, present responsibility to remedy that prior illegality.”

Klamath Riverkeeper v. Cal. Dept. of Fish & Game, San Francisco Superior Court No. CPF-09-509915 (Apr. 20, 2011, Goldsmith, J.) (Exhibit B).

Therefore, the existing illegal operation of “pirate shuttles” cannot form the baseline for CEQA review.

4. The Shuttle Project Changes the Baseline Condition Even Compared to the Illegal Pirate Shuttle Operation.

The Planning Staff Report is wrong as a matter of law because the Shuttle Project will change the environment even compared to the illegal pirate shuttle operations on the ground. First, the City admits in its March 31, 2014 Planning Staff Report that it intends to move the locations of shuttle stops. This in itself is a significant change from the illegal baseline. The City clearly is not simply continuing the status quo without change.

Second, the City will be changing the legal status of the pirate shuttles. The City is amending the Transportation Code to authorize the private buses to use public bus stops. As the City Attorney explains in the Budget and Legislative Analyst Report, it is illegal under the California Vehicle Code section 22500 for private buses to stop in public bus stops. By amending the City Transportation Code to render this illegal activity authorized under local ordinance, the City is taking action to change the status quo.

For these reasons, the Class 6 Information Collection Exemption does not apply as a matter of law. "Court must narrowly construe CEQA exemptions so they are not 'unreasonably expanded beyond the reasonable scope of their statutory language.'" (Mountain Lion Found. v. Fish and Game Comm. (1997) 16 Cal.4th 105, 124.) *Castaic Lake v. Santa Clarita* 41 Cal.App.4th 1257.

The Information Collection exemption is limited to information collection only. Since the Shuttle Project involves governmental actions beyond information collection, including changing the location of shuttle stops and authorizing activities that are currently illegal under state law, the Class 6 Exemption does not apply at all. For example in the *Castaic Lake* case, the city attempted to invoke the CEQA exemption for earthquake reconstruction. However, since the city added additional elements beyond just earthquake reconstruction, and did not propose the rebuild the city exactly as it existed before the earthquake, the court held that the exemption did not apply. The Shuttle Project is no different. Since it goes beyond the narrow definition of the limited Class 6 Information Collection exemption, the exemption does not apply at all.

Certified traffic engineer Tom Brohard, PE, has concluded that by authorizing currently illegal activity, the Shuttle Project will increase the number of shuttles operating in the City, thereby resulting in significant impacts. (Exhibit C). He concludes that even though some companies are currently operating illegal "pirate shuttles," there are many companies that are unwilling to violate the law or risk substantial penalties. The Shuttle Project will authorize activity that

was previously illegal. It is almost certain that additional companies will enter the shuttle market once it is legal. Mr. Brohard states:

SFMTA claims that the Commuter Shuttle Policy and Pilot Program will not increase impacts since the shuttles are already operating illegally. However, the program makes legal what has been illegal. It also allows any shuttle operator to apply for a permit to participate. At least some shuttle companies would not want to operate a pirate shuttle program at risk of significant penalties. Since SFMTA's Commuter Shuttle Policy and Pilot Program makes it legal for private shuttles to use public bus stops, more companies with even more private shuttles are likely to participate. This will create significant traffic impacts by increasing congestion at Muni bus stops, an extremely likely consequence that has not been envisioned, evaluated or analyzed by SFMTA.

Traffic Engineer Brohard also concludes that the Shuttle Project is likely to increase idle times. Currently, shuttle operators often attempt to clear MUNI red zones quickly to avoid substantial tickets. Since the Shuttle Project will make it legal for private shuttles to block public bus stops, the shuttles are likely to stop and idle at the bus stops for longer periods of time. Mr. Brohard states:

Program May Increase Idle Times At Muni Stops - When shuttle stops at Muni bus stops were illegal, private shuttles often tried to get in and out of the public bus stops as quickly as possible to avoid being cited. According to SFMTA, the average dwell time for a private shuttle is up to 60 seconds whereas the average dwell time for a Muni bus is about 20 seconds. Now that the Program is legal, private shuttles may idle even longer to pick up passengers, particularly without risking being cited. While the Program suggests that private shuttles move forward to the front of the Muni bus stop, this will not occur when shuttles are already actively loading or unloading.

If more shuttles are already loading or unloading passengers when the Muni bus arrives, then the already identified conflicts with Muni busses, general traffic, pedestrians, and cyclists will be compounded by additional double parking and idling. Additional shuttles could also easily exceed the capacity of the Muni bus stop locations, creating additional impacts. Each of these occurrences would increase diesel emissions at the Muni bus stop locations and would also create pedestrian impacts related to blocking public bus access to the stops as well as additional safety issues.

Thus, the Shuttle Project will have a cumulative impact² of exacerbating already significant adverse impacts of the illegal “pirate shuttles” currently operating in the City. This will increase impacts on pedestrian and bicycle safety, interference with MUNI buses, traffic obstruction, air pollution from shuttle buses and other impacts of the shuttles.

By authorizing activity that is currently illegal, the Shuttle Project will increase adverse impacts above the level of current illegal pirate shuttle operations. This situation is very similar to the case of *Lighthouse Field Beach Rescue v. City of Santa Cruz*, 131 Cal. App. 4th 1170, 1197 (2005). In that case the City of Santa Cruz proposed to legalize off-leash dog use at a local beach. The City argued that although off-leash dog use was currently illegal, such use was common. Therefore the City argued that the legalization of off-leash dog use would have no significant impact compared to the baseline of illegal dog use. The Court of Appeal rejected this argument. The Court of Appeal held that by legalizing off-leash dog use, the City’s action was likely to increase the “intensity or rate of use” of the beaches by off-leash dog walkers. The City’s Shuttle Project is no different. By legalizing what was previously illegal, the City’s Project is likely to increase the “intensity or rate of use” of commuter shuttles in the City. CEQA review is necessary to analyze this impact and to propose feasible mitigation measures.

² CEQA requires the lead agency to analyze cumulative impacts of a Project together with past, present and reasonably foreseeable future projects. Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the “cumulative impacts” of a project along with other projects in the area. (Pub. Resources Code §21083(b); CEQA Guidelines §15355(b). If a project may have cumulative impacts, the agency must prepare an EIR, since “a project may have a significant effect on the environment if “[t]he possible effects of a project are individually limited but cumulatively considerable.” “One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources.” (*Communities for a Better Environment v. Cal. Res. Agency*, 103 Cal.App.4th at 98, 114; *Kings County Farm Bur. v. City of Hanford* (1990) 221 Cal.App.3d 692, 721). It is vital that an agency assess “the environmental damage [that] often occurs incrementally from a variety of small sources . . .” (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214; *Friends of Oroville, et al. v. City of Oroville* (2013) 218 Cal. App. 4th 1352). The Shuttle Project will have significant cumulative impacts when combined with impacts of the illegal pirate shuttles.

D. The Shuttle Project Causes Displacement of Low and Moderate Income Communities, Requiring CEQA Review.

As discussed in our letter of March 21, 2014, a project has significant impacts requiring CEQA review if it will “displace substantial numbers of people.” (CEQA Guidelines Appendix G, Section XII). In addition to the substantial evidence already presented, attached hereto as Exhibit D, are housing displacement maps. The maps were prepared by the Anti-Eviction Mapping Project using data from the San Francisco Rent Board and data.sfgov.org.

The attached maps show that from 2011 through 2013, **69% of no-fault evictions in San Francisco occurred within 4 blocks of a known shuttle stop.** The maps provide additional substantial evidence showing that the Shuttle Project is having substantial adverse impacts on the displacement of low and moderate income communities. This impact must be analyzed in a CEQA document and mitigation measures must be imposed to reduce the severity of this impact.

At the very least, it is clear that the Shuttle Project has generated significant public controversy related to the environmental impacts of the Project. This alone is sufficient to trigger the need for CEQA review. California Code of Regulations, title 14, section 15064, subdivision (h) directs:

"In marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment [it] . . . shall be guided by the following factors:

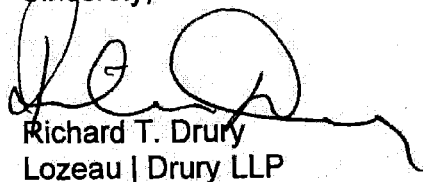
"(1) If there is a serious public controversy over the environmental effects of a project [it] . . . shall consider the effect or effects subject to the controversy to be significant and shall provide an EIR. . . .

Security Environmental Systems, Inc. v. South Coast Air Quality Management Dist., 229 Cal. App. 3d 110, 130 (1991) .

There can be no question that there is “serious public controversy” concerning the environmental impacts of the Shuttle Project. Therefore, CEQA review is required.

Thank you for consideration of this Appeal. We ask that this Appeal Letter be placed in the Administrative Record for the Commuter Shuttle Project.

Sincerely,



Richard T. Drury
Lozeau | Drury LLP

Enclosures

- cc. Environmental Review Officer
(pursuant to SF Administrative Code § 31.16(b)(1))
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EXHIBIT A

**CITY AND COUNTY OF SAN FRANCISCO
BOARD OF SUPERVISORS**

BUDGET AND LEGISLATIVE ANALYST

1390 Market Street, Suite 1150, San Francisco, CA 94102

(415) 552-9292 FAX (415) 252-0461

POLICY ANALYSIS REPORT

To: Supervisor Mar
From: Budget and Legislative Analyst
Date: March 31, 2014
Re: Impact of Private Shuttles



SUMMARY OF REQUESTED ACTION

Pursuant to your request, the Budget and Legislative Analyst has analyzed the impact of private shuttles on the City and County of San Francisco's infrastructure costs, traffic and traffic delays in San Francisco, pedestrian safety, and housing costs along the shuttles' routes.

EXECUTIVE SUMMARY

- Private shuttle buses have been operating in San Francisco for approximately 30 years providing intra-city transportation services for hospitals, academic institutions, service organizations and private employers. These type shuttles tend to be smaller vans.
- Starting in 2004, private employers began offering regional commuter shuttle services to their employees who live in San Francisco and work in locations outside San Francisco, particularly in Silicon Valley. In 2004, one employer transported 155 passengers on shuttle buses; as of August 2012, a Metropolitan Transportation Commission study identified at least seven employers sponsoring 131 regional shuttle buses and transporting an estimated 4,015 passengers to job sites outside the City each work day. These regional shuttles tend to be larger 45-foot long buses.
- No comprehensive assessment has been completed by San Francisco Municipal Transportation Agency (SFMTA) or other City or other public agencies on the full impacts of private shuttles on City infrastructure costs, traffic and traffic delays, pedestrian and bicyclist safety or housing costs along the shuttles' routes. The Budget and Legislative Analyst has reviewed a number of surveys, studies and estimates prepared by or for SFMTA, the San Francisco County Transportation Authority, the Metropolitan Transportation Commission and graduate students and worked with the Department of Public Works to collect and prepare some initial estimates of impacts, including the following:
 - The Department of Public Works and a Metropolitan Transportation Commission study both show that the large regional shuttle vehicles have significantly more impact on street repair costs than regular passenger vehicles, smaller shuttles such as vans and semi-trailer trucks ("big rigs").
 - Observations by a Metropolitan Transportation Commission (MTC) consultant at 15 bus zones used by shuttles and Muni vehicles found an average of .48

conflicts that occurred every hour in which either a Muni vehicle or a shuttle couldn't access a bus zone because they were blocked by the other. This average rate of conflict was spread over six hours of observed commute hours so the conflicts may be occurring more frequently during peak periods such as between 7:45 a.m. and 8 a.m. and less frequently than the average at the tail ends of the commute hours.

- The consultant also observed shuttles blocking traffic by loading and unloading passengers from traffic lanes, or blocking traffic lanes by not pulling fully into a bus zone. The greatest number of observations of a shuttle not pulling fully into a bus zone was six times per hour at Lombard and Fillmore Streets; the greatest number of observations of a shuttle loading or unloading passengers in a traffic lane was three and one-half times per hour at Glen Park BART.
- Safety impacts on pedestrians, bicyclists and disabled passengers have not been comprehensively assessed by any City agency but members of the public have submitted observations to SFMTA including: shuttles blocking Muni buses and causing passengers to board in the traffic lane; shuttles not yielding to pedestrians; shuttles turning into multiple lanes of traffic to make a turn; shuttles speeding; shuttles making noise in quiet neighborhoods; shuttles blocking bicycle lanes, and others.
- The MTC study cited above reported that 23 percent of observed shuttle stops at 4th and Townsend Streets blocked the bike lane at that location; no bike lane blockings were observed during observations of shuttle stops at 8th and Market Streets. Correlations between higher rents and higher property appreciation rates in areas adjacent to regional shuttle stops have been found in two recent studies.

Neither study proved that shuttle stops were the sole cause of these cost differentials as the studies did not control for other amenities that may make the neighborhoods more desirable. Despite the studies' limitations, it appears that neighborhoods and areas with shuttle stops are in demand, are commanding higher rents than adjacent areas, and that at least some shuttle passengers are living in those areas. In fact, 57 percent of respondents to a survey of shuttle riders reported living less than a 10-minute walk from their shuttle stop.

- The City and County of San Francisco ("the City") has limited legal authority over shuttles. Shuttles are regulated and licensed by the California Public Utilities Commission (CPUC). Neither the CPUC nor any City agencies require shuttle providers to report the number of buses they operate, the number of stops they make or the number of passengers they transport.
- To pick up and drop off their passengers, intra-city and regional shuttles typically use a combination of white-curbed passenger loading zones and red-curbed bus zones operated by the San Francisco Municipal Transportation Agency primarily for Muni buses and trolleys.

Statistics for Shuttle Operations:	
# Years Intra-City Shuttles Operating in SF	30 years
# Years <i>Regional Commuter</i> Shuttles Operating in SF	10 years
# Companies Sponsoring Regional Shuttles	17+
# Regional Shuttle Vehicles Operating in SF	131+
Estimated # Weekday Passengers Using Regional Shuttles	4,015+
Street Maintenance Impacts: Pavement Stress Index per Trip Caused by...	
Sport Utility Vehicle	1
Delivery Truck	442
Bus or Regional Shuttle	7,774
Shuttle Operations Observed by Consultant at 15 bus zones:	
Average # Conflicts between Muni & Shuttles Accessing Bus Zones	.48/hour
Highest Observed Rate of Shuttles not Fully Pulling in to Bus Zone	6/hour
% Shuttles Observed Blocking Bike Lanes @ 4 th & Townsend	23%
% Shuttles Observed Blocking Bike Lanes @ 8 th & Market	0%
Housing Impacts	
Frequency of higher rents within ½ mile of shuttle stops	70% areas surveyed
% surveyed shuttle riders who would move closer to workplace if no regional shuttles	40%
Regional Shuttle Benefits:	
Reduction: Vehicle Miles Travelled	43 million/year
Reduction: Greenhouse Gas Emissions	8,500 metric tons/year

Sources: San Francisco Municipal Transportation Agency, San Francisco County Transportation Authority, Metropolitan Transportation Commission, UC Berkeley City and Regional Planning Department Graduate Students, Budget and Legislative Analyst.

- Use of white-curbed zones for passenger loading and unloading by private shuttles is legal; use of red-curbed bus zones for that purpose is not. The practice has been allowed for many years with only a small number of citations issued by SFMTA and the Police Department for these infractions. SFMTA policy has been to monitor bus zones as resources allow and issue citations if a shuttle is causing particular problems such as blocking a Muni bus.
- To address coordination of Muni vehicles and shuttles using City bus zones, SFMTA is initiating a Commuter Shuttle Policy and Pilot Program in 2014. The program will allow shuttle providers that provide certain services such as transport from home to work to share 200 bus zones under specific conditions. The Program will be in effect for 18-months during which time shuttle providers will need to receive a permit from SFMTA

and agree to certain conditions to use the stops including reporting the number of shuttle vehicles they will be using and number of stops anticipated. Results will be monitored by SFMTA to determine if all shuttle providers are complying with the terms of the permits and if the program is having negative effects on Muni operations and traffic flow.

POLICY OPTIONS

- The Budget and Legislative Analyst has prepared a number of policy options for consideration by the Board of Supervisors regarding shuttle operations and the Pilot Program. Detailed at the end of this report, they include the following potential actions for the Board of Supervisors:
 - Provide input on additions or deletions to SFMTA's proposed performance metrics for the Pilot Program to address issues such as: impact on Muni bus operations and traffic flow; shuttle impact on bike lanes; shuttle impacts on disabled passengers and pedestrians; and collisions involving shuttles.
 - Prior to commencement of the Pilot Program, provide input to SFMTA on acceptable threshold amounts for each Pilot Program performance metric such as what rate of shuttle-Muni bus conflict is acceptable.
 - Request that SFMTA consider alternative approaches to shuttle operations if the Pilot Program does not result in successful coordination with Muni operations including:
 - Prohibiting shuttles from using City bus zones by allowing them to only use white-curbed loading zones.
 - Requiring or encouraging shuttle providers to only use a limited number of centralized locations in the City for passenger loading and unloading, with passengers getting to those locations by means other than shuttles.
- 4. Request that SFMTA incorporate size, weight, safety feature and vehicle design requirements into the Pilot Program, either before the Program commences or after it commences and performance metric data is collected and reported that documents the need for such restrictions.
- 5. Request that SFMTA limit Pilot Program shared bus zones only to those on streets without bike lanes.
- 6. Request that SFMTA require that all shuttle providers that participate in the Pilot Program receive specific training on bicyclist and pedestrian safety issues.
- 7. Request that SFMTA require shuttle providers to enter into Community Benefits Agreements with the City to mitigate adverse impacts of the shuttles if there is evidence of such demonstrated during the Pilot Program.
- 8. Consider submitting to the voters a ballot measure to impose a special tax on some or all shuttle providers to raise funds to improve local public transportation, street repair, affordable housing or other impacts of the shuttles.

For further information about this report, contact Fred Brousseau at the Budget and Legislative Analyst's Office.

BACKGROUND

Private shuttles have been operating in the City and County of San Francisco (“the City”) for at least 30 years. One of the oldest running private shuttle fleets is operated by the University of California, San Francisco which transports students and faculty to, from and between its multiple campuses.

There are four major types of privately provided shuttles that operate in the City:¹

1. Local employer shuttles that provide circulation services between transit hubs and employer locations in San Francisco;
2. Institutional shuttles provided by hospitals, academic institutions, parks, and retail associations that provide transportation to and from transit hubs or within their own campuses;
3. Community based organization shuttles, which offer services that pick up their clients at or close to their homes and take them directly to a service location; and
4. Employer-provided regional shuttles which travel longer distances between San Francisco and locations outside the City, mostly for daily commutes.

The private shuttles referred to in this report are shuttles that are privately operated, hired by an employer or institution, and offer restricted access; they do not offer service to the public. The first three shuttle types are intra-city shuttles, meaning they transport people within the borders of the City while the fourth type of shuttle listed, the regional shuttle, transports people between San Francisco and various other cities, mostly in Silicon Valley. The size of private shuttles vary depending on the service being provided and range from smaller mini-vans to 45-foot, double-decker motor coaches. The shuttles used for regional commuting are typically larger motor-coaches that seat 52 to 81 passengers.

Employers and other organizations provide shuttles for a variety of reasons which include: discouraging driving due to a lack of on-site parking capacity, providing an additional benefit to their employees, filling service gaps in local or regional transportation systems, reducing employee commute times, helping recruit and retain skilled workers who live in cities that are relatively far from their job sites, complying with the City’s Commuter Benefits Ordinance, or complying with mandatory planning stipulations as a condition of their original site development approval as required by the city in which the company is located.²

¹ The San Francisco County Transportation Authority’s (SFCTA), *Strategic Analysis Report: The Role of Shuttle Services in San Francisco’s Transportation System*, Final SAR 08/09-2, Approved June 28, 2011.

² Ibid.

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Currently, centralized regulation or reporting requirements for shuttles are not in place in the City so San Francisco Municipal Transportation Agency (SFMTA) staff does not have a precise count of the number of shuttles in operation, number of employers offering shuttles, number of stops used, number of runs per shuttle, or number of daily passenger boardings onto shuttles. However, SFMTA staff report that they know of 17 employers or institutions that sponsor regional shuttle service and 20 employers or institutions that sponsor intra-city shuttle service. However, there are likely more as shuttle service providers are not required to register or report their activities with SFMTA. Some shuttle providers have confidentiality agreements with certain clients that prohibit them from sharing their clients' identity.

In most cases, employers or institutions sponsoring transportation services contract with a transportation company that owns and operates the bus or other vehicle used for the service. However, at least one employer, Google, owns their own shuttle buses.

Combined information from a 2012 survey conducted by ICF International for the Metropolitan Transportation Commission (MTC) and information collected from certain employers by the Budget and Legislative Analyst in March 2014 found that seven of the companies that provide regional shuttles for their employees, shown in Exhibit 1 below, are responsible for approximately 131 regional shuttles in the City each weekday. These shuttles make at least 273 runs and account for approximately 8,030 passenger boardings each weekday, or an estimated 4,105 individuals, assuming each boarding is for a round trip commute.³ The actual number of shuttles and boardings is probably higher since not all shuttle providers have been willing to provide this information to public agencies.

³ ICF International is the Metropolitan Transportation Commission's (MTC) consultant that developed, conducted and analyzed a shuttle rider survey in 2012 and collected information from shuttle service providers.

Exhibit 1: Number of Vehicles, Boardings and Runs on Select Regional Shuttles per Weekday in San Francisco

Company Name	Number of Shuttle Vehicles	Total Number of Boardings ¹	Shuttle Runs ⁴
Google	57	4,400	180
Apple	15	1,568 ⁵	57
Genentech	40	1,332	n/a
Facebook	9	400	12
Yahoo!	5	200	14
Netflix	3	130	6
Electronic Arts	2	n/a	4
Total	131	8,030	273

Source: ICF International Survey on Commuter Shuttle Services in San Francisco, 2012, and data collected by the Budget & Legislative Analyst's Office in March of 2014 from Netflix and Electronic Arts.

¹ Boardings are one-way trips that either begin or end in San Francisco. If each boarding is by commuters making a daily round trip from San Francisco to their place of employment, the 8,030 boardings would represent approximately 4,015 individuals.

Current SFMTA data about all known shuttle service, including both regional and intra-city shuttles, shows that there are about 35,000 passenger boardings on shuttles on an average weekday.

Private shuttle service in San Francisco has grown quickly in recent years according to SFMTA. In 2004, Google was the first company to provide a regional, private shuttle service to its employees that made two stops in San Francisco and transported 155 passengers each day to work sites outside the City.⁶ Today, Google operates approximately 57 buses, makes 180 runs and stops in multiple locations in the City each day.⁷ ⁸ Shortly thereafter, Yahoo! began shuttle service in 2005, Genentech in 2006, Apple in 2007, Facebook in 2009, and Netflix in 2012. Electronic Arts, eBay and LinkedIn began sponsoring shuttle service from the City to their Silicon Valley locations in the last decade as well. Several of these employers also sponsor shuttles to provide services to Peninsula and South Bay locations for employees from the East Bay, Santa Clara County, the Peninsula and from Caltrain stations.

Though precise shuttle routes, timing and stops are not recorded or known by SFMTA, Stamen, a San Francisco based technology and design firm, developed the map in Exhibit 2 which graphically shows routes and trip volumes for a sample of runs made by

⁴ This includes both morning and evening shuttle runs.

⁵ ICF International estimated this amount based on the number of seats per shuttle as Apple would not provide boarding information, stating it was confidential.

⁶ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

⁷ A run is the completion of one trip, with a beginning and end point along a pre-defined route.







⁸ ICF International Survey on Commute Shuttle Service in San Francisco, 2012.

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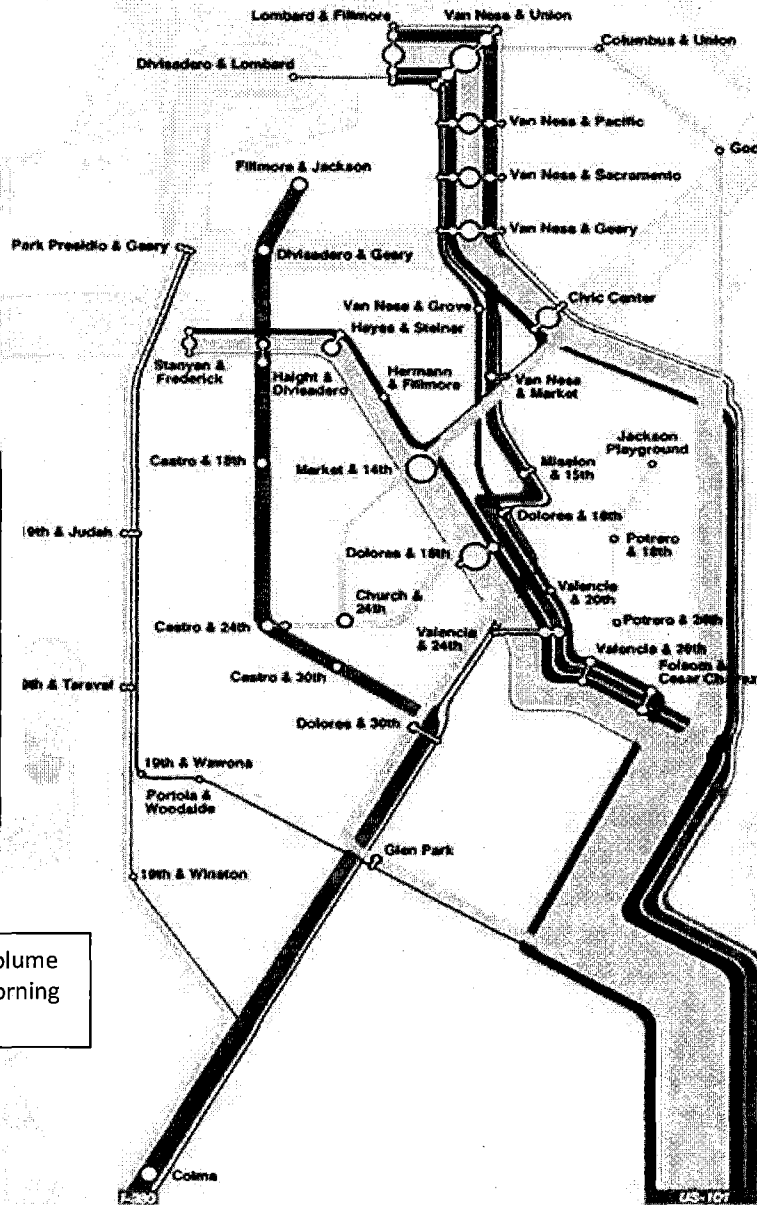
shuttles transporting employees of Apple, eBay, Electronic Arts, Facebook, Google, and Yahoo!'s. Stamen staff collected information about private regional shuttle operations at various stops and followed shuttles on bicycles to determine specific shuttle routes to create the map.

Exhibit 2: Map of Employer Provided Private Shuttle Stops, Volume and Estimated Route

PRIVATE BUS LINES IN SAN FRANCISCO TO SILICON VALLEY
 AS SURVEYED BY STAMEN DESIGN
 31 AUGUST 2012

-  Apple
-  eBay
-  Electronic Arts
-  Facebook
-  Google
-  Yahoo

bus stop
thicker lines = more trips per day

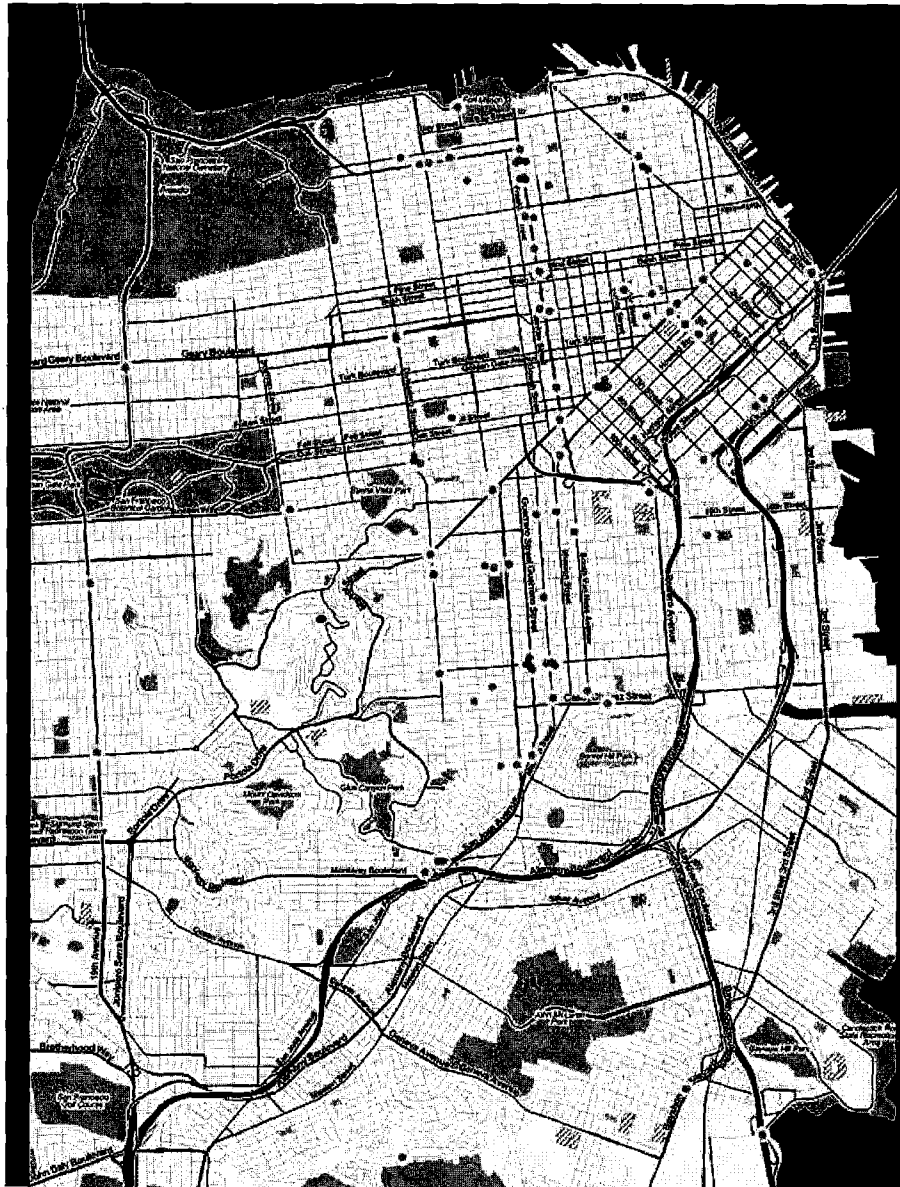
Note: Line thicknesses represent volume of regional shuttle traffic during morning and afternoon commute hours

Source: Stamen, *The City from the Valley*, 2012

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Stamen staff cautions that the map in Exhibit 2 is not a literal representation. Though, Stamen observed 91 stop events made by the private regional shuttles at various stop locations throughout the City, which can be seen in Exhibit 3 below, the map in Exhibit 2 only shows a portion of the stops to make the map more visually understandable. Stamen staff noted that some of the locations where they observed private shuttles stop to load or unload passengers were in bus zones and some were not.

Exhibit 3: 91 Stop Events Observed by Stamen, 2012



Source: Stamen, *The City from the Valley*, 2012.

Two graduate students from the University of California, Berkeley, collected data on shuttle volume along the Van Ness Avenue corridor as part of their graduate research at the Department of City and Regional Planning.⁹ The graduate students report that there are approximately 26 shuttles per weekday morning (defined as the period between 7:00 a.m. and 9:00 a.m.) making stops along Van Ness Avenue between Union and Market Streets (shown in Exhibit 2 as separately captured by Stamen based on their observations). The graduate students noted that the distribution of arrival times tends to have a strong peak between 7:45 a.m. and 8:00 a.m., with a shuttle arriving about once every one to two minutes during that time period.

PRIVATE SHUTTLE SECTOR REGULATION

The California Public Utilities Commission (CPUC) Regulations

The City has limited authority over private shuttle operations as charter-party carriers are regulated and licensed to operate by the California Public Utilities Commission (CPUC).¹⁰ The CPUC grants shuttle providers the authority to operate within the State of California and requires that shuttle providers comply with certain safety, training and vehicle inspection regulations. All of the private shuttle companies discussed in this report should be licensed by the CPUC. The CPUC does not require, and the City does not have the authority to require, that shuttle providers report to them how many buses they operate in San Francisco, their number of passengers, how many stops they are making or the locations of those stops. As a result, comprehensive data about all shuttle operations in San Francisco is not collected or available from either the CPUC or SFMTA.

SFMTA Regulation

Although the CPUC rather than the City has regulatory authority over private shuttle operations, the City Attorney reports that the SFMTA has authority to regulate the use City bus zones and what buses can stop in them. The authority for permitted shuttle buses to utilize City bus zones was exercised through amendments to the City's Transportation Code in January 2014 establishing the Commuter Shuttle Pilot Program, discussed further below. Prior to that, private shuttles were prohibited by State law from using City bus zones. The City also has authority to regulate the types of vehicles allowed on individual City streets.

⁹ Dan Howard and Mark Dreger.

¹⁰ A charter-party carrier (TCP) charters a vehicle, on a prearranged basis, for the exclusive use of an individual or group. Charges are based on mileage or time of use, or a combination of both. Also falling under the TCP category are round-trip sightseeing services, and certain specialized services not offered to the general public, such as transportation incidental to another business and transportation under contract to a governmental agency, an industrial or business firm, or a private school.

On January 21, 2014, the SFMTA Board of Directors approved the Commuter Shuttle Policy and Pilot Program (Pilot Program) which authorizes permitted private shuttles to share bus zones with Muni buses and provides operating guidelines to minimize impacts on Muni and other transportation modes. Prior to this Pilot Program, the use of bus zones by private shuttles was unregulated by the City. SFMTA staff report that issues with commuter shuttles to date have been addressed on an ad-hoc basis instead of according to a City-wide policy. Despite the lack of City regulations specific to private shuttles, there are several policies currently in place that apply to private shuttles. These policies, as well as the City's enforcement practices, are discussed below.

The California Vehicle Code

Private intra-city and regional shuttles typically load or unload passengers at white curbed zones or red curbed bus zones. Section 7.2.27 of the San Francisco Transportation Code authorizes all types of vehicles to stop in white zones to load or unload passengers for a period not to exceed five-minutes. Until Pilot Program permits are issued to shuttle providers, stopping and loading or unloading passengers in a bus zone is illegal for any buses other than those operated by Muni or other transit systems so authorized by SFMTA, according to Deputy City Attorney Mr. David Greenburg. The Pilot Program will authorize permitted shuttles to use certain City bus zones.

The prohibition against private shuttles and vehicles stopping in bus zones is codified in Division 11, Chapter 9, Section 22500(i) of the California Vehicle Code:

“No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

- (i) *Except as provided under Section 22500.5,¹¹ alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.*

“Common carriers in local transportation”, as cited in the California Vehicle Code section above, are not defined in the California Vehicle Code. However, the Public Utilities Code defines “common carriers” as entities that provide transportation to the public or any

¹¹ 22500.5. Upon agreement between a transit system operating buses engaged as common carriers in local transportation and a public school district or private school, local authorities may, by ordinance, permit school buses owned by, or operated under contract for, that public school district or private school to stop for the loading or unloading of passengers alongside any or all curb spaces designated for the loading or unloading of passengers of the transit system buses.

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portion thereof for compensation".¹² This definition appears to exclude private shuttles as they are not available to the public for compensation but are restricted to private groups such as a company's employees in the case of regional and intra-city commuter shuttles.

Mr. Greenburg noted that SFMTA currently allows other carriers such as SamTrans, Golden Gate Transit and AC Transit to use certain bus zones. The Budget and Legislative Analyst concludes that this is consistent with the California Vehicle Code as these other transit agencies appear to meet the definition of "common carriers in local transportation".

As stated above, Mr. Greenburg of the City Attorney's Office advises that prior to adoption of SFMTA's Commuter Shuttle Policy and Pilot Program in January 2014, there was no explicit legislative authorization for shuttles to use City bus zones. In other words, all use of City bus zones by private shuttles to date has been in violation of the California Vehicle Code.

The penalty for violating the California Vehicle Code section cited above is an infraction and a \$271 fine according to Section 303 of the San Francisco Transportation Code. Citations can be issued by San Francisco Police Department (SFPD) police officers, SFMTA Parking Control Officers, Transit Supervisors and Taxi Inspectors, California Highway Patrol officers, City College, University of California and Recreation and Park Department enforcement agents.¹³

Despite the fact that shuttles have not been given authorization by ordinance to stop in bus zones, SFMTA staff report that regional and intra-city private shuttles make an estimated 4,121 stops in over 200 bus zones each weekday. If Section 22500(i) of the California Vehicle Code was enforced for every single private shuttle stop that occurs each day, it would amount to \$1,116,791 in fine revenue each day (4,121 stops x \$271). This assumes that there would be enough authorized agents to issue all of these citations and that the behavior of shuttle bus drivers would not change after receiving their first citation.

Based on data provided by SFMTA staff, from January 1, 2011 to February 25, 2014 there were 13,385 citations issued for illegally stopping in a bus zone. An estimated 45, or 0.3 percent, were issued to shuttle bus providers or companies that owned their own shuttle fleet and provide either intra-city or regional transportation service. Two of the 45 citations were issued by the SFPD, 38 were issued by SFMTA enforcement agents and five by video enforcement.

¹² California Public Utilities Code Sect. 211.

¹³ City College, University of California and Recreation and Park Department enforcement agents can only issue citations in City parks, University of California and City College campuses.

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SFMTA staff report that Agency management has never directed its Parking Control Officer staff not to cite shuttles that illegally stop in bus zones. However, according to SFMTA's Enforcement Manager, it is the Enforcement division's practice to *not* cite shuttles stopped in bus zones if they are actively loading or unloading passengers. The Enforcement Manager noted that if a shuttle is stopped in a bus zone and is not actively loading or unloading passengers and is interfering with a Muni bus attempting to use the zone, impeding the flow of traffic and creating a safety hazard for other vehicles, pedestrians and bicyclists, they risk receiving a citation. The Enforcement Manager advises that due to limited enforcement resources to monitor every bus zone and other responsibilities such as on-street parking enforcement, SFMTA Parking Control Officers use their discretion to determine whether to cite for bus zone violations, based on the criteria outlined above.

SFPD representatives also state that there has been no specific direction from management to officers regarding citing shuttles that stop in bus zones. An officer has the discretion to cite for any violation which is personally witnessed taking into consideration the totality of the situation. As such, if an officer on duty views a shuttle bus, limousine, or private vehicle stopped in a bus zone in violation of the Section 22500(i) of the California Vehicle Code, officers have the discretion to cite or admonish the violation. That said, the SFPD representatives noted that bus zone violations have to be placed in priority order. SFPD has a Traffic Unit with officers that focus more on traffic enforcement; however, these officers also respond to other types of calls for service.

The San Francisco Transportation Code

Another way that the City has authority over private shuttle operations is through Section 501 of the San Francisco Transportation Code, which can be amended to restrict certain types of vehicles on City streets. Currently, the Transportation Code restricts vehicles that weigh over 6,000 pounds (three tons) and vehicles that weigh over 18,000 pounds (nine tons) from driving on certain streets in the City with the exception of emergency vehicles and some other vehicles. Section 503 of the San Francisco Transportation Code restricts commercial passenger vehicles that seat more than nine persons (including the driver) used for the transportation of people for profit upon certain streets as well. Regional shuttles currently in operation typically weigh anywhere from 54,000 pounds (27 tons) to 62,000 pounds (31 tons) when fully loaded with passengers and have 52 to 81 seats so they are currently precluded from use of certain streets identified in the City's Transportation Code.

According to SFMTA staff, the purpose of the three ton restriction is to prohibit trucks and buses from driving on quiet, low-volume streets while the nine on restriction allows smaller trucks and buses to use certain streets, but not large trucks. The nine person commercial vehicle restriction allows trucks on certain streets but does not allow tourist

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oriented buses and vans. Typically, these types of restrictions are imposed after a request is made to SFMTA by local residents. SFMTA staff will review the request and recommend amendments to the Transportation Code to impose such restrictions when they find that certain vehicle types are creating disturbances such as noise on certain streets.

Seven City residents voluntarily submitted complaints to SFMTA between FY 2011-12 and March 2014 reporting that private shuttles were driving on restricted streets. The San Francisco County Transportation Authority (SFCTA) reported in a 2011 study that there were six weight-restricted streets that large shuttles may have been traversing.¹⁴ Though this information suggests that some private shuttle buses have been unlawfully driving on restricted streets, there is no comprehensive data available from City agencies on the frequency of such occurrences Citywide. SFMTA staff report that incidents of using restricted streets has decreased since FY 2010-11 as staff has been working with private shuttle providers to make them aware of the street restrictions and with SFPD's Commercial Vehicle Unit to enforce compliance with restricted streets.

The San Francisco Planning Department and the Department of the Environment

Another form of City regulation over private shuttles is through the San Francisco Planning Department, which may require developers to provide shuttle service as a condition of approval for a development project. Depending on the development, the developer may be required to provide shuttle service during specific times to supplement existing transit services.¹⁵ Other cities' planning departments, such as those in the cities in which companies who provide private shuttle service are located, may also have these type of requirements. However, the requirements of other cities for companies in their jurisdictions to reduce the number of trips generated by their employees may not consider any negative impacts of their requirements on other jurisdictions such as the City and County of San Francisco.

The San Francisco Department of the Environment enforces the Commuter Benefits Ordinance which requires employers with more than 20 employees in San Francisco to offer their employees commuter benefits which could include providing transportation to employees such as a company-funded bus or van service.

¹⁴ The San Francisco County Transportation Authority's (SFCTA), *Strategic Analysis Report: The Role of Shuttle Services in San Francisco's Transportation System*, Final SAR 08/09-2, Approved June 28, 2011.

¹⁵ *Ibid.*

IMPACTS OF PRIVATE SHUTTLES

Although there may be multiple positive and negative impacts caused by private shuttles operating in the City, this analysis focuses on the private shuttles' impacts on the following: (1) City infrastructure, (2) traffic congestion, (3) pedestrian and bicyclist safety, (4) neighborhood quality of life conditions, and (5) housing costs.

City Infrastructure

Street Damage

According to a report conducted by the Metropolitan Transportation Commission (MTC) on the condition of streets and roads in the Bay Area, heavier vehicles such as buses and trucks put significantly more stress on pavement than regular vehicles.¹⁶ The larger 45-foot shuttles that are typically used for regional commuting weigh anywhere from 54,000 pounds (27 tons) to 62,000 pounds (31 tons) when fully loaded with passengers,¹⁷ while smaller shuttles typically used for intra-city trips weigh about 14,000 (7 tons) to 20,000 pounds (10 tons) when fully loaded with passengers. According to SFMTA, fully loaded Muni buses and trolleys range from 40,000 pounds (20 tons) to 63,000 pounds (31.5 tons).

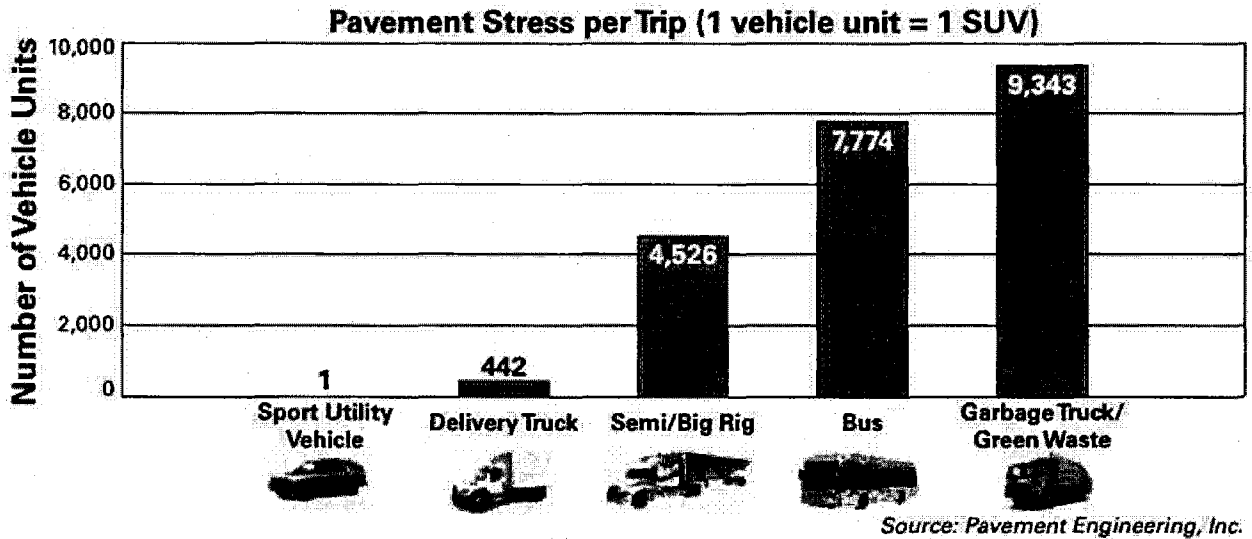
The MTC compared the relative stress caused by different sized vehicles on streets using a sport utility vehicle (SUV) as the baseline. The MTC found that a semi-trailer truck (big rig) exerts 4,526 times more stress on pavement than an SUV, while a bus such as a Muni bus or large shuttle bus exerts 7,774 times more stress on pavement than a SUV, as shown in Exhibit 4 below.¹⁸

¹⁶ Metropolitan Transportation Commission. The Pothole Report: Can the Bay Area Have Better Roads? June 2011.

¹⁷ Apple charters 45 foot MCI-E series shuttles that weigh 54,000 pounds fully loaded. Facebook currently charters at least one double-decker bus. The VanHool TD925 double decker bus weighs 62,000 pounds fully loaded.

¹⁸ Metropolitan Transportation Commission. The Pothole Report: Can the Bay Area Have Better Roads? June 2011.

Exhibit 4: Relative Impact of Vehicle Types on Pavement Conditions



Source: Metropolitan Transportation Commission. The Pothole Report: Can the Bay Area Have Better Roads? June 2011, prepared by Pavement Engineering, Inc.

The Department of Public Works (DPW) staff concur that heavier vehicles contribute to faster roadway deterioration and explain that the lifetime of a roadway is influenced by several factors which include:

- The size and weight of the vehicle;
- The repetition of the vehicle using the roadway;
- The structure of the roadway; and
- The soil condition under the roadway.

According to a theoretical analysis conducted by DPW's Infrastructure Design & Construction Division, the cost impact that one, large shuttle bus has on the lifetime of a one-mile long, 11 foot-wide segment of pavement is \$1.08 per lane mile in FY 2013-14 dollars (analysis can be found in Appendix A). This assumes that it costs \$1,045,000 to reconstruct a one-mile long, 11 foot-wide lane.¹⁹ In other words, every time a large shuttle bus drives over this hypothetical lane mile, the impact on the pavement accounts for \$1.08 out of the \$1,045,000 it will ultimately cost to reconstruct the lane. In comparison, the cost impact that a typical passenger vehicle has on the lifetime of pavement is \$0.00023 every time it drives on the same hypothetical one-mile long lane mile. This means that the damage caused by one, large shuttle bus driving over the hypothetical one-mile long lane is equivalent to 4,700 passenger vehicles driving over

¹⁹ Reconstructing means to demolish the 8 inch concrete base of the road and the 2 inches of asphalt topping and replace it with new concrete base and new asphalt as opposed to repaving which is grinding off the asphalt concrete and replacing it with new asphalt concrete.

the same lane. Of course, adding more vehicles to the streets in lieu of shuttle buses would have negative impacts on traffic flow and emissions.

The implication of the DPW analysis are that streets on which the larger private shuttle buses repeatedly drive on, such as the regional shuttles, will deteriorate faster than similar streets with the same traffic mix and volume that are not used by regional shuttles. The frequencies with which streets need to be reconstructed are also affected by the City's standards for street condition and the use by other buses and trucks.

It should be noted that full reconstruction of a street is not a frequent occurrence as it is very costly and time consuming. Instead, less costly preventive maintenance resurfacing such as pothole repairs and crack sealing occur more regularly to defer the need for full reconstruction. As with reconstruction, more frequent resurfacing will be needed on streets used by regional shuttles compared to the same streets without regional shuttle use.

Although large, private shuttles impose significantly more damage to the roads than passenger vehicles, SFMTA is precluded from charging a fee for the proportional cost of such damage pursuant to Section 9400.8 of the California Vehicle Code, which restricts the ability of a local jurisdiction to impose a tax, permit or fee for use of City streets.

Bus Zones

SFMTA staff report that in FY 2013-14, the cost to paint a bus box and red zone is \$300 which must be completed about every two years. When asked if large shuttles increase SFMTA's maintenance costs due to more frequent use, SFMTA staff advised that the amount of wear on a bus zone is based more on its location (commercial, sunlight, sidewalk soiling) than on the number or weight of vehicles that pull into it. SFMTA staff could not quantify the additional damage caused to bus zones by shuttles but suggest that it is minimal, if any.

Conflicts with Muni and Localized Traffic Congestion

SFMTA reports that about half of the known stops for all types of private shuttles take place in bus zones; the other half take place at white zones or in off-street parking lots. SFMTA advises that there are approximately 200 Muni bus zones that are used for private shuttle loading and unloading.²⁰ This practice can lead to conflicts between shuttles and Muni buses including: Muni delay caused by a Muni bus not being able to pull into a bus zone because a shuttle is stopping there.

In 2012, the San Francisco County Transportation Authority (SFCTA) contracted with Nelson/Nygaard Consulting Associates Inc., a transportation planning consulting firm, to

²⁰SFMTA, Private Commuter Shuttles Policy Draft Proposal, Presentation to SFMTA Board of Directors, January 21, 2014.

conduct a field investigation assessing the impacts of private shuttle operations in a variety of locations where shuttles were known to be stopping at bus zones.

The assessment study found that at 15 bus zones observed, there was an average of 0.48 conflicts per hour of instances when either a Muni bus could not access the bus zone or when a shuttle could not access the zone, as shown in Exhibit 5. The bus zone at 4th and Townsend Streets had the most conflicts with an average of one conflict per hour.

Since the study reports averages spread over six hours (three hours for the morning commute and three hours for the evening), it is possible that more conflicts are occurring during certain periods of the commute hours. For example, the University of California, Berkeley graduate students observing shuttle buses on Van Ness Avenue during the morning commute, and cited above, reported that shuttles arrived every one to two minutes between 7:45 and 8:00 a.m. Likewise, it would stand to reason that fewer conflicts may be occurring during the commute hours when fewer shuttles are arriving.

Exhibit 5: Muni Bus and Shuttle Conflict Rates, 2012 Study

	Average Hourly Muni Frequency	Average Hourly Shuttle Frequency	Average Hourly Instances of "Muni Can't Access Stop"	Average Hourly Instances of "Shuttle Can't Access Stop"	Total Conflicts Per Hour
All Site Locations	10.6 vehicles per hour	4.7 vehicles per hour	0.31 conflicts per hour	0.17 conflicts per hour	0.48 conflicts per hour
Sites with Most Conflicts- 4th & Townsend	13.6 vehicles per hour	12.3 vehicles per hour	1.0 conflict per hour	0.67 conflicts per hour	1.67 conflicts per hour

Source: Nelson/Nygaard Consulting Associates Inc., Muni Partner-Shuttle Field Data Collection. July 2012.

There is a greater chance of conflict if a shuttle dwells in a bus zone for an extended period of time. SFCTA reports that the amount of time that shuttles dwell at bus zones can be longer compared to Muni dwell times because it takes longer for passengers to board and alight a shuttle bus due to the size of the motor coach, their high floor configuration and the use of a single door.²¹ The Nelson/Nygaard study found that at the 15 observed bus zones, the average dwell time was 1.1 minutes for the shuttles.

The Nelson/Nygaard study observed two types of shuttle activities that caused localized congestion: 1) shuttles blocking traffic by boarding and alighting in a travel lane; and 2)

²¹ The San Francisco County Transportation Authority's (SFCTA), *Strategic Analysis Report: The Role of Shuttle Services in San Francisco's Transportation System*, Final SAR 08/09-2, Approved June 28, 2011.

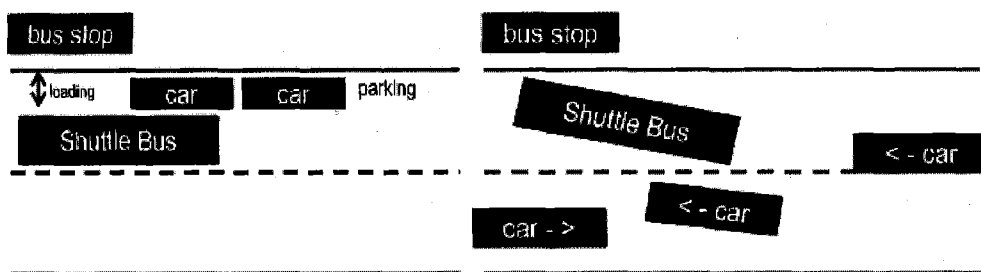
not pulling all the way into a bus zone, which also blocks a travel lane. Both scenarios are shown in Exhibit 6.

The greatest number of observations of a shuttle not pulling all the way into a bus zone was six times per hour at Lombard and Fillmore Streets and the greatest number of observations for a shuttle either boarding or alighting passengers in the street was 3.5 times per hour at Glen Park BART, according to the study. The study also found that Muni buses pick up and drop off passengers in the travel lane at about the same rate as shuttles with the exception of at Glen Park BART and 4th and Townsend Streets, where shuttles picked up and dropped off passengers in the travel lane seven times more often and a little more than five times more often than Muni buses, respectively. The study did not record data on whether Muni buses partially pulled into bus zones.

Exhibit 6: Shuttle Activities that Cause Localized Traffic Congestion

Example: Boarding/Alighting in Street

Example: Blocked Travel Lane



Source: Nelson/Nygaard Consulting Associates Inc., Muni Partner- Shuttle Field Data Collection. July 2012.

Though existing data shows that shuttle buses are causing some delays in Muni operations, as of the writing of this report, there is no data that demonstrates what proportion of Muni delays overall can be attributed to shuttles using bus zones. However, two graduate students from the University of California, Berkeley are currently collecting data at multiple shuttle stops in the City and using statistical methods to estimate the delay caused to Muni buses by shuttle operations. This research is anticipated to be completed in May of 2014.

Pedestrian and Bicycle Safety and Neighborhood Disruption

Practices such as partially pulling into a bus zone or loading and unloading passengers in a travel lane not only contributes to localized traffic congestion but also creates dangerous conditions for pedestrians, bicyclists and passengers with disabilities. In the last four years, one pedestrian has been hit and killed by a private shuttle.²² Moreover, SFMTA received over 40 unsolicited comments from community members who

²² Danielle Magee. The Private Bus Problem, *San Francisco Bay Guardian Online*, Available at: <http://www.sfbg.com/2012/04/18/private-bus-problem?page=0,1>. [Accessed March 3, 2014]

witnessed various unsafe pedestrian and bicycling conditions caused by shuttle buses. These actions include:

- Blocking Muni buses causing Muni bus passengers to board in the traffic lane;
- Shuttles parking in a bike lane;
- Rounding tight corners on narrow streets, crossing into multiple lanes of traffic to make a turn;
- Not yielding to pedestrians;
- Speeding;
- Blocking street views for residents backing out of driveways; and
- Blocking traffic lanes for ambulance vehicles.

No comprehensive formal study has been performed on the impact of shuttles on pedestrian and bicyclist safety or Muni or shuttle passengers with disabilities. However, the Nelson/Nygaard study did observe two bus zones with bicycle lanes in the bus zone path, one at 4th and Townsend Streets and the other at 8th and Market Streets, to determine whether there were conflicts between shuttles and bicyclists. The report found that 23 percent of all the shuttle observations at 4th and Townsend Streets had instances of a shuttle blocking the bicycle lane leading up to the intersection. There were no reported instances of shuttles blocking the bicycle lane at 8th and Market Streets.

Representatives from the San Francisco Bicycle Coalition and Walk San Francisco provided a number of suggestions that SFMTA could incorporate into the shuttle Pilot Program to improve safety for bicyclists and pedestrians, including:²³

- Discourage shuttles from using bicycle network streets;
- Require shuttles to have enhanced vehicle safety features similar to new Muni buses, such as tire guards and larger, more optimally placed mirrors for better views alongside the side of the bus;²⁴
- Require clear, printed contact information on each vehicle for members of the public to submit shuttle complaints that are easily accessible through City or company channels and consider incentives for or penalties to companies to reduce complaints;
- Increase the amount of protected bikeways, especially on streets that are known to have bicycle-shuttle conflicts (this would be a recommendation for SFMTA in general, and not specific to the Pilot Program); and

²³ San Francisco's non-profit pedestrian advocacy group.

²⁴ A tire guard is a flexible plastic shield placed at the rear duals to deflect a person away from the path of the right rear dual to reduce the severity of injuries resulting from accidents involving a pedestrian coming in contact with the rear right wheels of transit buses.

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- Impose a mandatory, uniform and transparent shuttle driver-training program that focuses on pedestrian and cyclist safety.

The California Public Utilities Code requires shuttle providers to have a safety education and training program for their employees and must provide training at least twice a year (California Public Utilities Code Section 5374 (e)). If shuttle providers develop their own training program, they must cover all the topics set forth in the Department of Motor Vehicle's California Commercial Driver Handbook which includes some materials on bicycle and pedestrian awareness.

Bauer's IT, a regional shuttle provider, reported to the Budget and Legislative Analyst that their training program requires a minimum of 80 hours of classroom exercises, 20 hours of behind-the-wheel education and 6 hours of refresher courses each quarter.²⁵ Classroom exercises include a 22 hour course on *Basic Driver Education* which incorporates materials on accident prevention, current laws and regulations, and mirrors and blind spots among 26 other topics in the course. This curriculum is not publically available nor is it the same across all shuttle companies.

SFMTA staff note that they have initiated a "Large Vehicle and Safe Streets Working Group" as part of the City's Vision Zero goal of eliminating traffic fatalities within 10 years. The working group includes stakeholders representing large vehicle drivers, trainers, and fleet operators, including private shuttles. They will be meeting in April 2014 to agree on short- and long-term recommendations for increasing safety for people who walk and bicycle around large vehicles. There is broad support within this working group for developing and implementing driver safety curriculum for large vehicle drivers according to SFMTA staff. Once the curriculum is completed, SFMTA staff advises it will become part of the required training for all commuter shuttles operating with permits.

The SFMTA will be requiring that shuttle providers display an identification placard in visible locations in the front and rear window of their vehicle as part of the Commuter Shuttle Policy and Pilot Program.

With regard to neighborhood disruptions and impacts, from FY 2011-12 to March 2014 SFMTA staff recorded 30 unsolicited complaints received from residents who were concerned with the size and noise of the large shuttles. Based on the comments, it appears that at least some residents have concerns when large shuttles drive down and turn onto narrow, neighborhood streets due to their large size and/or are disrupted by the noise that the shuttles make when driving late at night or when idling. These complaints received are similar to those that in the past have triggered imposition of

²⁵ Training materials provided to Budget and Legislative Analyst by Mike Watson, Vice Presidents of Sales and Marketing, Bauer's Intelligent Transportation.

restrictions of certain types of vehicles on certain streets, as codified in the City's Transportation Code.

Housing Impacts

San Francisco's population has grown significantly in recent years largely due to the high job growth rate in the City and the Bay Area region as a whole.²⁶ From just 2010 to 2012, San Francisco's population increased by approximately 20,600 residents, which is 72.3 percent of the total population growth for the ten years between 2000 and 2010 (28,500 new residents from 2000 to 2010).²⁷ In turn, the demand for housing has increased. The City has only produced approximately 1,500 housing units a year over this same time period (2000-2010).²⁸ As a result of this imbalance, housing costs have been significantly increasing.

Twenty percent of all private shuttle service in San Francisco serves to connect San Francisco residents with jobs that are outside of the City, mostly on the Peninsula or in Santa Clara County. Free, private, regional shuttles enable some individuals who work in Silicon Valley to live in San Francisco by making it more convenient and affordable to commute and thus contributing to the demand on housing. Private shuttles also provide access to jobs that otherwise might be unreachable or reachable only by car for some San Franciscans.

60 percent of surveyed regional shuttle riders stated that the absence of shuttles would not change their residential decision to live in San Francisco and commute to Silicon Valley, according to a survey of 130 shuttle riders conducted in the Spring of 2013 conducted by graduate students from the University of California, Berkeley.²⁹ ³⁰ However, 40 percent of surveyed shuttle riders reported that they would move somewhere closer to their job if shuttle service were discontinued. This suggests that the shuttles have some implications on the decision to live in San Francisco and on the demand for San Francisco's housing stock. The survey did not ask if "move closer to their job" included closer to regional transit within San Francisco, and/or to another city closer to where the job is located. The Budget and Legislative Analyst assumes that both scenarios are covered by the responses and that at least a portion of the respondents would choose to leave San Francisco if the shuttles were not available.

²⁶ Gabe Metcalf. Housing for All: A Pragmatist's Manifesto, *SPUR's The Urbanist*, Issue 530. February 2014.

²⁷ United States Census Bureau, 2000 and 2010 San Francisco County Total Population; State & County QuickFacts 2012 estimate.

²⁸ Gabe Metcalf, Sarah Karlinsky, and Jennifer Warburg. How to Make San Francisco Affordable Again. *SPUR's The Urbanist*, Issue 530. February 2014.

²⁹ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

³⁰ The survey question was whether shuttle users would change their residential location if service was discontinued.

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ICF International also conducted a survey of shuttle riders in 2012 that asked how a shuttle rider would typically travel to work if there were no shuttle. This survey conducted by ICF International found that 31 percent (123 responses) of the 396 shuttle riders surveyed would either not be able to or would choose not to have their job in Silicon Valley if there were no shuttle, suggesting that these passengers would remain in the City and find alternate jobs. Four percent of shuttle riders surveyed choose "Other" and wrote in that they would move out of San Francisco if the shuttle was not provided (15 responses). Although 4 percent wrote in that they would relocate out of San Francisco or closer to their job, the ICF International survey did not provide "relocate closer to work" as an answer option nor did this survey specifically ask about residential choice like the University of California, Berkeley survey cited above.

A graduate student from the University of California, Berkeley's City and Regional Planning Department collected and analyzed rental values near Google shuttle stops to see if there was an association between Google shuttle stops and increasing rental rates.³¹ The researcher focused the analysis on five Google shuttle stops located in neighborhoods with high percentages of renter-occupied units. The study identified the average rent between 2010 to 2012 for one-bedroom and two-bedroom units within a half-mile radius of the shuttle stops, a distance deemed walkable, and the average rent for the same size units between a half-mile and one-mile radius of the shuttle stops.³²

As shown in Exhibit 7, in most instances (7 out of 10), rental prices within a half-mile radius of Google shuttle stops, represented by the purple circle (the darker circle), increased at a faster rate than rental prices outside of a half-mile radius but within a one-mile radius, represented by the blue ring (the lighter circle), suggesting that Google shuttles are having an effect on rental prices nearby the shuttle stops. The study notes, however, that housing values increased similarly in neighborhoods well-served by transit, or in other areas with "transit oriented development," regardless of the presence of the shuttles.

This study had several limitations; one was that different properties listed for rent within a half-mile radius of the shuttle stops were compared in the two years reviewed. Differences in the amenities of these properties were not accounted for in the study. The study also did not control for confounding variables such as variations in neighborhoods.³³ Finally, the study did not assess changes in rental prices in other popular neighborhoods that are not served by shuttles to consider whether the increasing rents were specific to shuttle-served neighborhoods or comparable to all popular neighborhoods within the City.

³¹ Ms. Alexandra Goldman

³² Alexandra Goldman, MCP. The "Google Shuttle Effect:" Gentrification and San Francisco's Dot Com Boom 2.0, *Professional Report*, University of California, Berkeley Department of City & Regional Planning, Spring 2013.

³³ Alexandra Goldman, MCP. The "Google Shuttle Effect:" Gentrification and San Francisco's Dot Com Boom 2.0, *Professional Report*, University of California, Berkeley Department of City & Regional Planning, Spring 2013.

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While the study identified correlation, it did not establish causation that increasing rental rates are unique to neighborhoods with shuttle service. Even with these limitations, assuming that the shuttles are selecting stops for proximity to their passengers, it appears that neighborhoods and areas with shuttle stops are in demand, are now commanding higher rents than adjacent areas, and that some shuttle passengers are living in those areas. In fact, 57 percent of respondents to the survey of 130 shuttle riders cited above reported that they live less than a 10-minute walk from their shuttle stop and 76 percent of shuttle riders said they live within a 15-minute walk.³⁴

³⁴ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

Exhibit 7: Maps of Percent Change in Rental Prices for One and Two Bedroom Units,
Calendar Years 2010-2012

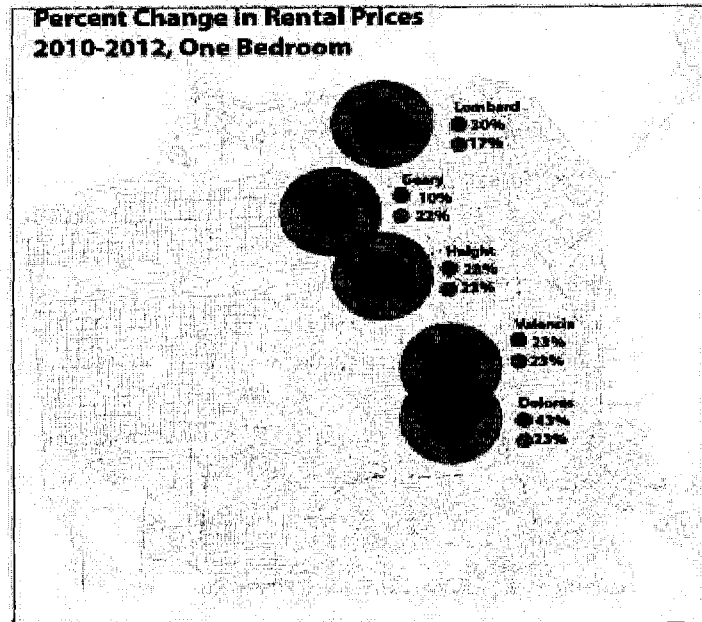


Figure 4

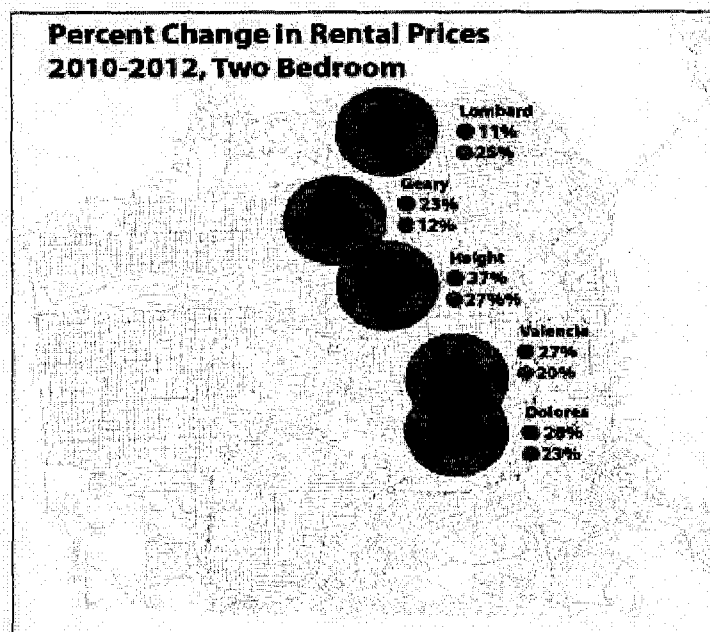


Figure 5

Source: Alexandra Goldman, MCP. The "Google Shuttle Effect:" Gentrification and San Francisco's Dot Com Boom 2.0. Spring 2013.

Another study analyzing how properties near shuttle stops have appreciated relative to other properties in the City was conducted by a data journalist who obtained the assessed values of residential properties for 2011 and 2013 in San Francisco from the San Francisco Office of the Assessor-Recorder. The journalist determined which properties appreciated by at least 70 percent from 2011 to 2013 and mapped them along with known regional shuttle locations. The map showed that there is a higher concentration of properties that appreciated by at least 70 percent in neighborhoods with multiple regional shuttle stops.³⁵

Similar to the University of California Berkeley study cited above, while the data in the data journalist's study shows a correlation between private regional shuttle stop locations and a higher concentration of properties that experienced significant appreciation over the last two years, it does not show causation. Many of the regional shuttle stops are located in neighborhoods that are desirable places to live regardless of the location of private shuttle stops. These neighborhoods may have parks, restaurants, Muni transit stops or other amenities that increase demand for housing in that area; and as previously noted, there is a strong demand for housing overall in San Francisco.

Shuttle riders that were surveyed reported that when determining where to live in the City, their decision is influenced more by factors such as the ease of walking in their neighborhood, proximity to entertainment, culture, amenities, transit and living in an urban neighborhood than on living near a shuttle stop.³⁶

SFMTA'S COMMUTER SHUTTLE POLICY AND PILOT PROGRAM

SFMTA's Commuter Shuttle Policy and Pilot Program (Pilot Program) was developed in response to the growth of unregulated private shuttles. Initial research by the San Francisco County Transportation Authority on shuttles began in 2009 and the final Pilot Program was approved approximately five-years later by the SFMTA Board of Directors on January 21, 2014. The Pilot Program will last 18-months and will authorize permitted shuttle providers, both intra-City and regional, to share approximately 200 bus zones with Muni buses under specific conditions. SFMTA staff estimate that private shuttles are currently stopping at approximately 200 bus zones based on voluntary information provided by private shuttle providers.

Eligible Pilot Program participants include privately operated transportation services arranged by an employer, building or institution that provides transportation for commuters to, from and within San Francisco, specifically from home to work, work to

³⁵ Chris Walker, Clusters of Affluence in San Francisco, January 27, 2014. Available at: http://www.datawovn.com/#!San_Francisco_Private_Shuttles. [Accessed on January 30, 2014]

³⁶ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley- Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

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home, last-mile to work³⁷ or work site to work site are eligible to participate in the Pilot Program. The Pilot Program excludes tour buses, party buses, limousines, airport shuttles, transportation network companies, vanpools, and services that duplicate Muni service.³⁸

SFMTA is currently in the process of determining which 200 bus zones will be used for the program.³⁹ SFMTA notes that as part of this process, lengthening existing bus zones may be considered as well as creating an adjacent shuttle zone or separate white zones in areas where sharing is not practical, which would likely remove some on-street parking. The network of shared zones will be approved at an SFMTA public hearing. SFMTA expects the bus zone selection process to be completed by May 2014.

After the network is approved, private shuttle service providers may apply for a permit to use the shared bus zones and will be required to pay a permit and use fee. The permit and use fee will recover SFMTA's estimated \$1.7 million of program costs. The fee will be assessed based on the number of stop events⁴⁰ shuttle service providers report that they make during the term of the permit. Each permittee will pay \$1 per stop event multiplied by the number of stop events they are making during the course of the permit term.

SFMTA reports that pursuant to California Proposition 218, the cost of the permit fee may not be higher than the cost to provide the permit program service.⁴¹ SFMTA estimates that the cost of the Pilot Program will be approximately \$1,725,688 which includes six-months of preparation work to develop the permits, business processes, data management, and establish the shared bus zone network in advance of the 18-month Pilot Program. The breakdown of costs is shown in Exhibit 8.

³⁷ Last mile refers to getting people from a transport hub to their final destination.

³⁸ SFMTA. Commuter Shuttle Policy and Pilot Program. January 2014.

³⁹ This process has entailed requesting input from shuttle providers, residents and Muni operations staff on preferred zones and then evaluating the proposed zones based on preferences and actual traffic conditions.

⁴⁰ A stop event is defined as an individual instance of stopping at a shared Muni bus zone.

⁴¹ Cal. Const. art. XIII C, § 1, cl. 1

Exhibit 8: Estimated SFMTA Costs of 18-Month Commuter Shuttle Policy Pilot Program

Unit	FY 2014-15	FY 2015-16	Total
Labor*	\$ 496,550	\$265,895	\$762,445
Overhead	244,799	131,086	375,885
City Attorney	4,910	2,455	7,365
Placard & Shuttle Signs (500 pieces at \$630 per vendor)	840	420	1,260
Muni Zone Signs & Materials	53,333	26,666	79,999
Professional Services (IT and Communications consultant)	59,333	29,666	88,999
Data Collection Devices & Transmission	270,000	135,000	405,000
Zone & Sign Maintenance	3,134	1,600	4,734
Total	\$ 1,132,899	\$592,789	\$1,725,688

Source: SFMTA Controller

*This includes enforcement, planning, evaluation, administration, and signage installation.

Ms. Carli Paine, SFMTA's Pilot Program's Project Manager, stated that the SFMTA used estimates of existing stop events to derive the per-stop event cost. Existing estimates are that regional and intra-city shuttles make 4,121 stop events at Muni bus zones daily. This assumption was built into SFMTA's fee calculation and revenue projections shown in Exhibit 9 below. According to Ms. Tess Navarro, SFMTA's Controller, the approximately \$1 permit fee amount, which was approved by the SFMTA Board of Directors in January 2014, was a placeholder amount until more information about the cost of the Pilot Program was collected. Based on current cost estimates, the permit fee for FY 2014-15 will be \$1.06 and will increase to \$1.10 in FY 2015-16. These fees will be approved by the Board of Directors during the annual budget process.

Exhibit 9: Revenue Projections for 18-month Commuter Shuttle Policy and Pilot Program

Projected Revenue	Fee	Stops per day	Weekdays per year	Total Stop Events per Year	Revenue
FY 2014-15	\$1.06	4,121	260	1,071,460	\$ 1,135,748
FY 2015- 2016 (6-months)	\$1.10	4,121	130	535,730	\$ 589,303
Total					1,725,051

Source: SFMTA Controller

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The cost of the program is \$637 less than projected revenues. According to Ms. Navarro and as previously noted, the Pilot Program is a cost recovery program; therefore, SFMTA must be careful to not collect more revenue than what it costs to administer and enforce the Pilot Program. The current fee structure will under-recover program costs to be conservative; however, Ms. Paine notes that fees may be increased with approval by the SFMTA Board of Directors, as long as they comply with State cost recovery restrictions.

As part of the Pilot Program permit application, shuttle providers must provide SFMTA with their company information, the number of the stops and shuttles anticipated, their CPUC registration status and they must agree to comply with all the terms to get a permit.⁴² If any of these terms are violated during the Pilot Program, an administrative penalty may be issued or the permit may be revoked. SFMTA staff noted that once the Pilot Program begins, there will be a heightened level of enforcement to ensure that only shuttles with permits use the shared bus zones in the defined network. The cost of this enforcement is included in the program costs that will be recovered through the fee.

Pilot Program Evaluation

To measure the effectiveness of the Pilot Program, SFMTA will: (1) observe shared bus zones *before and during* the 18-month Pilot Program to determine whether the controlled sharing of designated bus zones with private shuttles reduces conflicts for Muni buses and other users; (2) audit GPS data of shuttle operations to evaluate compliance with the terms of the permit by assessing to what extent permittees are only stopping in bus zones that are within the designated network and are making the number of stops they received permit approval to make; (3) conduct a survey of shuttle and Muni bus drivers to gain feedback on the Pilot Program and determine what level of enforcement is needed to regulate shuttles; and (4) develop a cost report to track actual Pilot Program costs and identify what capital improvements may be needed to accommodate the shuttle buses.⁴³

SFMTA's proposed performance metrics for the Pilot Program include observations of the following: (1) double parking to load and unload passengers; (2) Muni buses having delayed access to the curb because of shuttle use; (3) shuttle loading and unloading that blocks crosswalks; (4) shuttle loading that blocks bike lanes; and (5) Muni buses not

⁴² The terms of the agreement which includes are as follows: 1) Indemnify the SFMTA for use of stops. 2) Display the Pilot Program placard on the front and rear of the vehicle which authorizes the use of the shared stop and has a unique identification number so SFMTA can contact the provider. 3) Comply with all operating guidelines which include giving Muni priority, staying within the network of approved stops, actively loading and unloading passengers, pulling forward into bus stops, complying with state and local traffic laws, complying with street and lane restrictions and staying on arterial streets, ensuring that driver training includes these guidelines and following instructions from officials and traffic control devices. 4) Provide data fees per SFMTA's specifications. 5) Pay permit fee and traffic citations. 6) Comply with CPUC regulatory requirements.

⁴³ SFMTA's Memorandum to the Board of Supervisors Re: Appeal of CEQA Determination- SFMTA Commuter Shuttle Pilot. March 21, 2014.

having access to the curb because of shuttles, thus preventing people in wheelchairs or with strollers from boarding or alighting Muni vehicles. SFMTA will also track data on collisions involving shuttle buses and compliance with the permit terms.⁴⁴

SFMTA staff report that other alternatives to the Pilot Program were considered such as prohibiting shuttles from all bus zones and requiring them to apply for new white zones or using only existing white zones. SFMTA staff noted that a formal policy analysis was not conducted on this alternative but there were internal conversations where SFMTA staff discussed that creating a network of white zones would require removal or restriction of on-street parking. SFMTA staff further noted that, at the time, SFMTA's data indicated that sharing bus zones could work, if limited to certain kinds of bus zones, and determined to pursue testing the sharing of bus zones as a first step, knowing that if it does not work, a network of white zones could be created through on-street parking removal or restrictions.

Appeal of the California Environmental Quality Act (CEQA) Pilot Program Exemption

The SFMTA determined that the Pilot Program was categorically exempt from CEQA's environmental review requirements because it consists of information collection, research, experimental management and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource.⁴⁵ The City Planning Department concurred with this determination.

At the time of writing this report, an appeal of the categorical exemption was filed on the grounds that the Pilot Program is not exempt from the requirements of CEQA because there is a reasonable possibility that the Pilot Program will have significant environmental impacts.⁴⁶

The Board of Supervisors will vote on whether to uphold the appeal. If upheld, the Pilot Program will not be implemented until additional environmental review is conducted.

POLICY DISCUSSION

This analysis discussed some of the ways in which private shuttles are affecting the City's infrastructure, Muni operations, traffic, the safety of pedestrians and cyclists, neighborhood quality of life conditions, and the potential effects that shuttles may have on housing prices. As part of the assessment of the City's policy towards private shuttles, the benefits associated with intra-city and regional shuttles should also be considered.

⁴⁴ Ibid.

⁴⁵ SFMTA. Commuter Shuttle Policy and Pilot Program. January 2014.

⁴⁶ Richard Drury. Letter to President David Chiu and the San Francisco Board of Supervisors, Re: Appeal to SFMTA Resolution No.14-023. February 19, 2014.

Shuttle programs have proven to be an effective way to reduce vehicle miles traveled and vehicle ownership and use which, in turn, reduces greenhouse gas emissions, overall congestion and demand for scarce parking spots.⁴⁷ Survey results found that when shuttle riders were asked how they would commute to work if the shuttle were not provided, 48 percent of respondents reported that they would drive alone.⁴⁸ Based on survey results, ICF International reports that shuttles are responsible for a reduction of over 43 million vehicle miles traveled and 8,500 metric tons of greenhouse gas emissions per year.⁴⁹

Caltrain staff report that their system cannot meet existing ridership demand, which has steadily increased over the last five years. The system is currently operating over capacity during peak commute hours and if the regional private shuttles did not exist, it is unlikely that Caltrain would be able to absorb the additional ridership demand, given its current resources and level of service provided. Caltrain staff note that they are the only transit system in the region without a dedicated funding source and were operating in a deficit for the past several years. They do, however; have enough funding to purchase several used railcars which they will be adding to the system in a little over a year.⁵⁰

POLICY OPTIONS

As a result of this analysis, the Budget and Legislative Analyst has developed policy options for the Board of Supervisors to consider to address some of the potential negative impacts of the shuttles, as discussed above. With the exception of Policy Options 2 and 3, implementation of these options could occur in concert with SFMTA's Pilot Program.

To have a better understanding of the results and effectiveness of the Pilot Program, the Board of Supervisors should consider the following options:

1) a. Prior to commencement of the Pilot Program, provide SFMTA staff with input on possible additions or deletions to the performance metrics that will be used for SFMTA's shuttle observations.

⁴⁷ SFMTA. Commuter Shuttle Policy and Pilot Program. January 2014.

⁴⁸ Danielle Dai and David Weinzimmer. Riding First Class: Impacts of Silicon Valley Shuttles on Commute & Residential Location Choice. University of California, Berkeley-Department of City and Regional Planning. Working Paper UCB-IT-WP-2014-01, Last updated February 2014.

⁴⁹ Figures based on ICF International's Draft Assessment of GHG Emissions Impacts for the Commuter Shuttle Pilot Program provided to the Budget & Legislative Analyst's Office.

⁵⁰ Additionally, Caltrain is implementing the Caltrain Modernization Program, which will electrify and upgrade the performance, operating efficiency, capacity, safety and reliability of Caltrain's commuter rail service.

b. Following SFMTA's reporting back on baseline data and initial observations of shuttle operations prior to commencement of the Pilot Program, the Board of Supervisors should provide input on acceptable threshold amounts for each performance metric that would be used to determine the success of the Pilot Program, whether certain conditions should be imposed on the shuttles or whether another program or policy should be implemented. Include thresholds for the shuttles' use of restricted streets as GPS data to assess restricted road use will not be collected until after the Pilot Program commences.

c. Request that SFMTA regularly report back to the Board of Supervisors on the performance metrics throughout the 18-month program as well as compliance with permit terms, enforcement results and comments collected from community members.

The Board of Supervisors should consider recommending the following options to SFMTA if the Pilot Program is not deemed successful based on the performance metrics used and reported to the Board of Supervisors throughout the program to measure results:

- 2) **Prohibit the use of Muni bus zones, providing instead existing and/or newly created white curb zones specifically for intra-city and regional shuttles.**

SFMTA has already suggested that if Muni buses and private shuttles are not compatible at any shared bus zones, then they would consider this option. This option will likely require removing parking spaces during certain peak commute periods.

- 3) **Prohibit or limit the use of bus zones and encourage shuttle providers to utilize a limited number of centralized locations in the City where passengers would board and alight from their shuttles.**

This may entail one or more shuttle providers' sponsoring companies leasing or purchasing several parking lots in the City that could be used for loading and unloading passengers. Transportation experts advise that adding trips to an individual's commute could discourage use of the shuttles by some.

To address the potential negative impacts of the private shuttles on the City's streets, bicyclist pedestrian safety, disabled passengers, and neighborhood impacts, the Board of Supervisors should consider requesting that SFMTA incorporate the following into the Pilot Program either prior to its commencement or during the Pilot Program based on reported results:

- 4) **Establish shuttle vehicle size, weight, safety features and other design criteria based on bus zones, streets and/or neighborhoods affected by the Pilot Program and/or establish a cap on the number of shuttles that can access bus zones.**

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SFMTA could establish weight limits that could reduce the impact on some or all City streets; or height and length limits to help ensure that shuttles can safely turn corners on all streets being used and reduce visual and other neighborhood impacts; or require two doors on all shuttles to reduce idling time at the bus zones. Requiring that shuttle providers load passengers using two doors may pose security concerns as well as increased costs to shuttle providers that may not have shuttle vehicles with doors in their fleets.

Currently, shuttles' rear views mirrors must meet certain specifications as required by the Federal Motor Vehicle Safety Standards (FMVSS). The FMVSS does not require tire guards. SFMTA System Safety staff cannot comment as of the writing of this report on what safety enhancements should be required on shuttles because they do not know what safety features on various shuttle models already exist or the types of pedestrian or bicycle accidents they may have been involved in.

SFMTA could determine whether there should be a cap on the number of stop events that occur at each bus zone to prevent conflicts with Muni buses and traffic flow while allowing new shuttle providers to participate in the program.

- 5) Authorize shared bus zones only on streets without bike lanes.**
- 6) Require that shuttle providers provide specific training to all drivers on bicyclist, pedestrian and disabled passenger safety as a condition of being permitted to use City bus zones.**

SFMTA staff reports that as part of the Pilot Program, shuttle providers must incorporate certain slides into their training program that explain the permit terms. A driver training program that focuses on bicycle and pedestrian safety is being developed out of the SFMTA's Large Vehicles and Safer Streets Working Group. SFMTA Staff report that shuttle service providers that are granted permits will be required to have their operators trained using this curriculum.

As a means of enhancing City services in consideration of private shuttles' use of City bus zones, the Board of Supervisors should consider the following:

- 7) As the Pilot Program rolls out and performance metric data is gathered, if there is clear evidence of negative impacts, the Board of Supervisors should work with SFMTA and the City Attorney's Office to explore a requirement that shuttle providers who participate in the Pilot Program and utilize City bus zones enter into a Community Benefits Agreement (CBA) with the City.**

Community Benefit Agreements (CBAs) are project-specific agreements generally between a developer or private enterprise and the City in which the developer makes certain contributions to the community in exchange for support for their development project.⁵¹ Six companies in San Francisco entered into CBAs in 2013 with the City including Twitter, Yammer and One Kings Lanes in order to be eligible for the Central Market Street and Tenderloin Area Payroll Expense Tax Exclusion. Terms of the agreements include seeking to establish a local non-profit grants program, to improve education outcomes for youth, to provide pro-bono legal assistance, to preserve affordable housing and tackle homelessness, to commit to local purchasing, and to support physical neighborhood improvements.

Although, the Pilot Program is not a development project, the CBA framework could potentially be applied to companies who hire or own shuttles for their employees and use City bus zones under authorization by SFMTA. Terms of the agreement could include providing monetary assistance to improve existing local and regional public transportation services, for road repavement, to fund Free Muni-for Youth after Fiscal Year 2015-16,⁵² or to fund affordable housing development.

- 8) Submit to the voters a ballot measure to impose a special tax that could be levied on shuttle bus providers to raise funds to improve existing local and regional public transportation services, for road repavement, to fund Free Muni-for-Youth after Fiscal Year 2015-16, or to fund affordable housing development.**

A special tax would require approval by a two-thirds majority of voters and would require additional research on would be taxed and how.

Exhibit 10 shows which policy option would satisfy various policy goal(s). Policy Option 1 (a) (b) and (c) are not included as those options would assist with measuring the overall effectiveness of the Pilot Program as opposed to a specific policy goal.

⁵¹ <http://www.forworkingfamilies.org/resources/policy-tools-community-benefits-agreements-and-policies>

⁵² Google has donated \$6.8 million to fund Free Muni-For-Youth for the next two-years.

Exhibit 10: Policy Options and Policy Goals

Policy Options	Objective				
	Reduce Impact on Muni	Reduce Impact on the Pavement	Reduce Impact on Bicyclists & Pedestrians	Reduce Neighborhood Impacts	Enhance City Services
2. Prohibit use of bus zone, white zone program	◆				
3. Prohibit use of bus zone, utilize several locations	◆		◆	◆	
4. Establish Shuttle Design Criteria & Shuttle Caps	◆	◆	◆	◆	
5. Authorize Shared Bus Zones on Streets Without Bike Lanes			◆		
6. Require Safety Training			◆		
7. Enter into CBA's					◆
8. Special Tax					◆

Appendix A

Cost and wear impacts of large shuttle buses on San Francisco roadway pavement

The theoretical life of roadway pavement depends on pavement structure; soil condition; size and weight of vehicle; and vehicle repetition.

San Francisco's current roadway infrastructure is primarily comprised of composite pavements consisting of Asphalt Concrete (AC) overlaying Portland Cement Concrete (PCC). Our general guideline for pavement design is 2 inches of AC over 8 inches of 3,000 psi PCC, but may vary dependent on site-specific conditions.

Contributing factors to the pavement life are the traffic characteristics; the vehicle types and weights using the street; and the number of vehicle repetitions the street experiences. The traffic loading on the pavement by a vehicle is measured by the American Association of State Highway and Transportation Officials' *Guide for Design of Pavement Structures* in Equivalent Single Axle Loads (ESALs). An ESAL is defined as the equivalent of a single 18,000-pound axle.

Residential streets experience traffic comprised primarily of passenger vehicles with an ESAL of 0.0004 each, with minimal vehicle repetition. Major arterial streets experience traffic comprised of a variety of vehicles (i.e. passenger vehicles, busses, delivery trucks) and a high number of vehicle repetitions. For a given pavement section, residential streets have a longer pavement life than a major arterial street.

The pavement life of streets can be measured by the number of ESALs that travel over the pavement. Assuming the City's standard roadway pavement structure, and median soil condition, the ESAL pavement life of a street would be 1,800,000 ESALs. A large shuttle bus has an ESAL of 1.86, compared to a passenger vehicle with an ESAL of 0.0004. A large shuttle bus contributes 1.86/1,800,000 to the deterioration of the pavement structure.

The cost impact a large shuttle bus has on the pavement life can be calculated based on the cost to reconstruct the roadway pavement structure. Assuming an 11-foot-wide lane one mile long, the reconstruction cost would be \$1,045,000. The cost impact per ESAL lane-mile that a large shuttle bus would have on the pavement life would be:

$$(1.86 \text{ ESAL}/1,800,000 \text{ ESAL}) \times (\$1,045,000/\text{lane mile}) = \$1.08/\text{lane mile}$$

In December 2003, the United States Department of Transportation Federal Transit Administration published a report titled, "*Study & Report to Congress: Applicability of Maximum Axle Weight Limitation to Over-the-Road and Public Transit Buses*"

(<http://caltransit.org/cta/assets/File/FTA%20Study%20on%20Axle%20Weights.pdf>) to "...study the applicability of federal maximum weight limitations to over-the-road buses and public transit vehicles."

Our analysis uses the same methodology to estimate pavement damage. Reference the executive summary section titled Pavement Damage, page ES-2.

Prepared by: Department of Public Works, Infrastructure Design & Construction, March 13, 2014

EXHIBIT B

ENDORSED
FILED
Superior Court of California
County of San Francisco

APR 20 2011

CLERK OF THE COURT

BY: LINDA FONG
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

11 KLAMATH RIVERKEEPER, QUARTZ VALLEY)
12 INDIAN RESERVATION, PACIFIC COAST)
13 FEDERATION OF FISHERMEN'S)
14 ASSOCIATIONS, ENVIRONMENTAL)
15 PROTECTION INFORMATION CENTER,)
16 SIERRA CLUB, NORTHCOAST)
17 ENVIRONMENTAL CENTER, and INSTITUTE)
18 FOR FISHERIES RESOURCES,)

17 Petitioners,)

18 vs.)

19 CALIFORNIA DEPARTMENT OF FISH)
20 AND GAME,)

21 Respondent,)

22 and)

23 SHASTA VALLEY RESOURCE)
24 CONSERVATION DISTRICT and SISKIYOU)
25 RESOURCE CONSERVATION DISTRICT,)

26 Real Parties in Interest.)

Case No. CPF-09-509915

STATEMENT OF
DECISION GRANTING WRIT
OF MANDATE

Hon. Ernest H. Goldsmith
Department 613

1 On December 1, 2010, this Petition for Writ of Mandate came on regularly for hearing in
2 Department 613 of the Superior Court of the City and County of San Francisco, the Honorable
3 Ernest H. Goldsmith presiding. Anita E. Ruud of the Office of the Attorney General, appeared on
4 behalf of Respondent California Department of Fish and Game (DFG). Daniel J. O'Hanlon of
5 Kronick, Moskovitz, Tiedemann & Girard appeared on behalf of Real Party in Interest Siskiyou
6 Resource Conservation District. Wendy S. Park and Gregory C. Loarie of Earthjustice appeared
7 on behalf of Petitioner Klamath Riverkeeper. Remaining Petitioners include the Quartz Valley
8 Indian Reservation, the Pacific Coast Federation of Fishermen's Associations, the Environmental
9 Protection Information Center, the Sierra Club, the Northcoast Environmental Center, and the
10 Institute for Fisheries Resources. The Court issued a Tentative Statement of Decision Granting
11 Writ of Mandate on February 25, 2011, to which Respondent had submitted objections.

12 Having considered all of the pleadings, supporting evidence, argument by counsel,
13 objections, and good cause appearing therefore, the Court hereby GRANTS the Petition for Writ
14 of Mandate.

15 **BACKGROUND**

16 **A. The Scott and Shasta River Watershed-wide Permitting Programs**

17 In 2002, the Klamath Basin coho salmon (Coho) was recommended to be listed as
18 threatened under the California Endangered Species Act (CESA). In 2004, the California Fish and
19 Game Commission directed DFG to develop a Recovery Strategy for California Coho Salmon by
20 working with various affected environmental, agricultural, federal, and Native American parties
21 (i.e. stakeholders) in the Scott and Shasta Valley Watershed (the Watershed). On March 30, 2005,
22 the Coho was officially listed as threatened under CESA, thereby prohibiting any take (i.e. killing)
23 of Coho without an Incidental Take Permit (ITP). The Recovery Program then sought to
24 implement a pilot program in the Shasta and Scott River Valleys to facilitate salmon recovery tasks
25 and to assist in bringing agricultural operators in compliance with Fish and Game Code section
26 1602 (Section 1602) and CESA. This pilot program became the Shasta Valley and Scott River
27 Watershed-Wide Permitting Programs (the Programs), which are the subjects of this litigation.

1 As with many environmental conflicts in the Western United States, the use of water
2 resources is central to Coho recovery. Coho spawning habitat requires a sufficient volume of low
3 temperature water coursing downstream over an undisturbed streambed. Diversion of this water
4 by agricultural users throughout the Watershed has reduced water volume, thereby reducing the
5 depth and volume of flow, raising water temperature, and disturbing the streambed in many places.
6 This has resulted in insufficient stream flow for Coho to make the upstream migration to spawn.
7 Coho are genetically programmed to swim upstream to their place of origin against a downstream
8 flow of sufficient velocity, volume, and low temperature. Accordingly, diversion of water gives
9 rise to permitting to regulate this diversion of water and the "take" or fish kill that may occur
10 incidental to that diversion.

11 The Programs are directed primarily at water diversions by agricultural water users who
12 have "water rights", i.e., riparian or appropriative rights, to the rivers and streams coursing
13 through or adjacent to their land. The water is accessed by diversion ditches or channels running
14 to their land. All substantial water diversions are subject to Section 1602, which prohibits
15 diverting, obstructing, or substantially changing water flow unless certain procedures are followed,
16 including a DFG determination that the activity "will not substantially adversely affect an existing
17 fish or wildlife resource" or if it does, ensure that "reasonable measures necessary to protect the
18 resource" are taken. Prior to the listing of Coho as threatened under CESA and the attendant ITP
19 requirements, the main limitation on water diversions was Section 1602, which enforcement alone
20 was insufficient to prevent the decline in Coho population. The Programs ultimately seek to effect
21 Coho recovery by facilitating compliance with Section 1602 through their Streambed Alteration
22 Agreement (SAA) component, and with the strict requirements of CESA through their ITP and
23 monitoring components.

24 Besides adequate stream flow, Coho spawning also requires streambed spawning gravels
25 with low sediment levels and instream shelters and pools. Agricultural activities such as water
26 diversions and livestock crossings may alter the streambed. Since the regulation of streambed
27 alteration is essential to Coho survival, an important part of the Programs is the SAA system.

1 Also, the freshwater stage of the Coho life cycle from fertilization to emergence into the ocean
2 saltwater requires a delicate and precise hydrological environment.

3 Resource Conservation Districts (RCDs) are non-profit public agencies assisting
4 agricultural water users and other members of the public in the Watershed to conserve and restore
5 natural resources. The Programs designate the RCDs to perform overarching mitigation measures
6 for all participants and assist agricultural operators in applying for ITPs and SAAs. Moreover, the
7 RCDs themselves are Program participants who must obtain ITPs and SAAs under which DFG
8 will grant sub-permits.

9 Pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000 *et*
10 *seq*), DFG prepared watershed-wide Environmental Impact Reports (EIRs) for the Programs,
11 which contained three components: 1) the SAA permit approval process; 2) the ITP permit
12 approval process; and 3) overall monitoring and mitigation measures. The EIRs analyzed the
13 effects of the watershed-wide ITP and SAA, under which sub-permits would be issued to
14 individual agricultural and regulatory stakeholders in the region. On October 10, 2008, DFG
15 circulated for public comment the draft EIRs for the Programs, including drafts of the proposed
16 watershed-wide ITP, the SAA Master List of Terms and Conditions, and the Monitoring Program.
17 On September 22, 2009, DFG issued a Notice of Determination certifying the EIRs.

18 **B. Procedural History**

19 On October 22, 2009, Petitioners filed their original petition challenging the Programs
20 under CEQA with nine causes of action and naming DFG as respondent. Petitioners include: two
21 fishing interest organizations, the Pacific Coast Federation of Fishermen's Associations and the
22 Institute for Fisheries Resources; a Native American tribal group from the subject watershed area,
23 the Quartz Valley Indian Reservation; and four environmental organizations, Klamath Riverkeeper,
24 the Environmental Protection Information Center, the Sierra Club, and the Northcoast
25 Environmental Center. On May 26, 2010, Petitioners filed their first amended petition (Petition)
26 adding one CEQA and two CESA causes of action, and adding the Shasta Valley RCD and
27 Siskiyou RCD as real parties in interest. On September 15, 2010, the Court approved the parties'

1 stipulation that the Shasta Valley RCD will not be required to participate in the litigation due to its
2 financial constraints. On December 1, 2010, the Court denied Respondent's motion to dismiss.
3 On February 25, 2011, the Court issued a Tentative Statement of Decision to which Respondent
4 had submitted objections on March 17, 2011 (Objections).

5 Of the twelve causes of action contained in the Petition, Petitioners have declined to
6 address the First (project description), Fourth (CEQA mitigation), Fifth¹ (reasonable alternatives),
7 Sixth (cumulative impacts), Seventh (basis of conclusions), and Ninth (substantial changes in
8 condition) causes of action. Accordingly, these six causes of action are waived. Of the five
9 remaining substantive causes of action (not counting the Twelfth (declaratory relief)), the Court
10 finds that the main issues revolve around three causes of action, on which the other two depend:

- 11 ▪ Second (environmental setting / baseline), which will determine the Third (significant
12 environmental effects);
- 13 ▪ Tenth (CESA mitigation); and
- 14 ▪ Eighth (failure to respond to comments / circulate jeopardy analysis for comment), which
15 will determine the Eleventh ('no jeopardy' determination).

16 DISCUSSION

17 A. Standard of Review

18 Challenges to an agency's actions under CEQA are reviewed for a prejudicial abuse of
19 discretion, which requires the court to review the record under a two-prong inquiry: 1) whether
20 substantial evidence supports the agency's decision; and 2) whether the agency failed to proceed in
21 a manner required by law. (Pub. Res. Code §§ 21168, 21168.5.)

22 An agency's factual determinations are reviewed under the first prong, i.e., whether
23 substantial evidence supports the factual findings. (*Western States Petroleum Assn. v. Superior*
24 *Court* (1995) 9 Cal.4th 559, 571.) Substantial evidence means "enough relevant information and
25 reasonable inferences from this information that a fair argument can be made to support a
26

27 ¹ The Amended Petition erroneously contains two "Fourth" causes of action. The Court will refer to the causes of
28 action sequentially, regardless of the mislabeling starting with the second "Fourth" cause of action.
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DECISION GRANTING WRIT OF MANDATE

1 conclusion, even though other conclusions might also be reached” but does not include, for
2 example, mere “[a]rgument, speculation, unsubstantiated opinion or narrative[.]” (Guidelines, §
3 15384, subd. (a).)² During this inquiry, the court must give substantial deference to the agency’s
4 determinations by not reweighing the evidence, but rather resolving all reasonable doubts in the
5 agency’s favor. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988)
6 47 Cal.3d 376, 393.) Accordingly, challengers bear the burden of proving that the agency’s factual
7 determinations are legally inadequate and “must lay out evidence favorable to the other side and
8 show why it is lacking. [citation].” (*Defend the Bay v. City of Irvine* (2004) Cal. App. 4th 1261,
9 1266.) Ultimately, the reviewing court must consider the evidence *as a whole*” even if the
10 evidence is “imperfect in various particulars.” (*Laurel Heights*, 47 Cal.3d at 408 (emphasis in
11 original).)

12 In contrast, an agency’s compliance with CEQA’s legal requirements is reviewed under the
13 second prong of the abuse of discretion analysis, i.e., whether the agency proceeded in a manner
14 required by law. (*Save Our Peninsula Com. v. Bd. of Supervisors* (2001) 87 Cal. App. 4th 99,
15 118 (citations omitted).) With respect to an EIR, an agency must strictly comply with CEQA’s
16 informational requirements in order to proceed in a manner required by law. (*Ibid.*) Nevertheless,
17 an agency’s certification of an EIR is presumed correct and challengers bear the burden of proving
18 otherwise. (*Sierra Club v. County of Orange* (2008) 163 Cal. App. 4th 523, 530 (citations
19 omitted).) Moreover, even if portions of the record contain procedural failings, the court must
20 look to the whole record to determine whether the agency substantially complied with CEQA’s
21 legal requirements. (See, e.g., *Ebbetts Pass Forest Watch v. California Dept. of Forestry and*
22 *Fire Protection* (2008) 43 Cal.4th 936, 945-50 (agency’s overall analysis of cumulative impacts
23 was proper despite a procedural failure.)

24 As applied to an EIR, the overall result of this two-prong inquiry should be to test the
25 EIR’s “sufficiency as an informative document.” (*Laurel Heights*, 47 Cal.3d at 392 (citation
26
27

28 ² All references to the “Guidelines” are to the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.)
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1 omitted.) The EIR is “the primary means” of achieving CEQA’s substantive environmental
2 protection goals by ensuring informed decisionmaking and informed public participation. (*Id.* at
3 392, 404.)

4 Challenges to certified regulatory programs (Pub. Res. Code § 21080.5) are subject to the
5 same standard of review as CEQA’s. (See, e.g., *Ebbetts Pass*, 43 Cal.4th at 944.) Accordingly,
6 this Court will apply the same two-prong inquiry to Petitioners’ CESA challenges.

7 **B. Environmental Setting / Baseline**

8 In an EIR, “the physical environmental conditions in the vicinity of the project, as they exist
9 at the time the notice of preparation is published . . . will normally constitute the baseline physical
10 conditions by which a lead agency determines whether an impact is significant.” (Guidelines, §
11 15125(a).) The baseline is not the same as, but is often described synonymously with a “no
12 action” alternative, since the EIR should “compare what will happen if the project is built with
13 what will happen if the site is left alone.” (*Woodward Park Homeowners Assn. v. City of Fresno*
14 (2007) 150 Cal. App. 4th 683, 707.)

15 Petitioners argue that the EIRs’ baseline improperly included future take authorized by the
16 ITPs, thereby precluding analysis of that take. Petitioners highlight the fact that the Coho were
17 listed as threatened under CESA on March 30, 2005 and that the ITPs would authorize take that
18 otherwise should be prohibited. Thus, they argue, the EIRs fail to consider how this future take
19 will diminish Coho populations beyond the current, already-depleted baseline. Respondent
20 counters by focusing on take by agricultural operators, which were properly included in the
21 baseline. Respondent argues that agricultural operations in the Scott and Shasta Valleys are
22 generally legal and historic activities that have occurred and will continue to occur regardless of
23 the Programs. Thus, Respondent argues, the baseline properly included the effects of agricultural
24 operations, including future take, since there is no indication such operations would suddenly cease
25 apart from the Programs. Against this backdrop of ongoing agricultural operations, Respondent
26 argues, the Programs’ sole effects are to streamline the SAA and ITP permitting processes for the
27 RCDs and agricultural operators.

1 Both parties agree the baseline should reflect the physical conditions as they existed when
2 the EIRs' environmental analysis commenced. (See Guidelines, § 15125(a).) Here, the EIRs
3 established a baseline date of April 28, 2005, when the RCDs' ITP applications were complete,
4 during which time agricultural operations and their attendant take, whether legal or illegal, were
5 ongoing. (AR D76.)³ While normally these conditions would constitute the baseline and that
6 would be the end of the matter, the situation is different when the occurrence of these activities
7 depends on an agency's responsibility to enforce the law. As discussed below, when a lead agency
8 issues an EIR, it cannot include activities allowed by the agency's complete non-enforcement into
9 the baseline. In the instant case, take of a species listed under CESA is illegal unless allowed by a
10 valid ITP. (Fish & G. Code § 2081.) DFG has a responsibility to enforce CESA regardless of the
11 Programs. Thus, while the baseline may include legal take caused by historic agricultural
12 activities, it should not include illegal take (e.g. take by agricultural operators without an ITP) by
13 assuming DFG's complete non-enforcement.

14 With respect to prior illegality, regardless of an agency's enforcement duties, the law is
15 unequivocally clear that the baseline include the present effects of this illegality. In *Fat v. County*
16 *of Sacramento* (2002) 97 Cal. App. 4th 1270, cited by Petitioners and Respondent, an airport had
17 illegally operated without a permit for decades. (*Fat*, 97 Cal. App. 4th at 1274.) When the airport
18 eventually applied for a permit, the County adopted the present condition of the airport, which had
19 since expanded without a permit, as the baseline and declined to prepare an EIR. (*Id.* at 1275.)
20 The Court of Appeal upheld this baseline as complying with the Guidelines, which require that the
21 baseline only consider existing physical conditions at the time of analysis, regardless of their
22 source. (*Id.* at 1277-78.)

23 However, neither the Guidelines nor case law allows an EIR to set an illusory no-
24 enforcement baseline that absorbs all ongoing illegal actions and ignores the stricter limitations
25 imposed by a new statutory landscape. Although generally the baseline must include the effects of
26

27 ³ For ease of reference, citations to the EIR portions of the Administrative Record (AR) will refer only to the Scott
28 River EIR, which is substantially similar to the Shasta River EIR.

1 prior illegal activity, the situation is different when an agency has a concurrent, present
2 responsibility to remedy that prior illegality. The Court finds the rationale in *League to Save Lake*
3 *Tahoe v. Tahoe Reg'l Planning Agency* (E.D. Cal. 2010) 739 F. Supp. 2d 1260 (*LSLT*), cited by
4 Petitioners, to be applicable to the instant case by illustrating how an agency may not evade
5 enforcement responsibilities by absorbing the effects of its failure to enforce into the baseline.

6 In *LSLT*, the agency sought to regulate, *inter alia*, the number of authorized buoys on
7 Lake Tahoe in order to improve water quality. (*LSLT*, 739 F. Supp. 2d at 1266.) The EIR's
8 baseline incorporated all existing buoys, including unpermitted ones, which were to either be
9 granted permits or replaced with permitted buoys. (*Id.* at 1273.) However, under its governing
10 statute, the agency was explicitly required to improve environmental quality, which included
11 removing unauthorized buoys. (*Id.* at 1276.) Distinguishing *Fat*, the District Court held the
12 agency's failure to remove the unauthorized buoys was "an action, rather than a perpetuation of
13 the status quo. Put differently, an agency may not escape its duty by ignoring that duty and then
14 presenting the result as a *fait accompli* incorporated into an environmental baseline." (*Ibid.*,
15 citations omitted.)

16 Although *LSLT* involved an Environmental Impact Statement (EIS) under the National
17 Environmental Policy Act (42 U.S.C. § 4321 *et seq.*), its rationale with respect to determining a
18 project's baseline is persuasive when discussing analogous provisions in CEQA. (See *Del Mar*
19 *Terrace Conservancy, Inc. v. City Council* (1992) 10 Cal. App. 4th 712, 732, disapproved on
20 other grounds in *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 576,
21 fn.6; see also *LSLT*, 739 F. Supp. 2d at 1273-77 (relying in part on CEQA cases).) Despite
22 *LSLT*'s extensive discussion of CEQA cases and their rationale, Respondent argues *LSLT*
23 "expressly rejected any analysis predicated on CEQA's baseline definition, because [*LSLT*] was
24 about the Regional Compact, not CEQA." (Objections, 8:3-4.) However, the District Court in
25 *LSLT* expressly considered CEQA cases because both the Compact (in its EIS requirements) and
26 CEQA (in its EIR requirements) required a baseline analysis, thereby allowing analogous
27 interpretation and application. (*LSLT*, 739 F. Supp. 2d at 1274.)

1 Respondent cites to cases upholding baselines as long as they reflect actual, present
2 circumstances. However, none of these cases discuss whether a baseline may assume non-
3 enforcement of a newly established regulatory scheme, such as the heightened protection afforded
4 the Coho after it was listed under CESA in 2005. To the extent these cases and Respondent
5 reaffirm that the baseline should reflect present circumstances by simply resting on the text of
6 Section 15125(a) of the Guidelines, which is already indisputably clear, they are unhelpful in
7 determining the more complex question of whether a baseline may assume future non-enforcement.
8 (See, e.g., *id.* at 1275 (“[i]nsofar as *Fat* simply rested on the text of the [CEQA] guideline, *Fat*
9 carries little weight here.”).) Thus, the cases cited by Respondent below can be distinguished
10 because the agency’s enforcement duties were moot or not at issue.

11 For example, the Court of Appeal in *Fat* allowed the baseline to include past illegality
12 because the violations not only had a minimal effect on the sparsely populated surroundings, but
13 also because there had been enforcement actions in the past, although parties had disagreed
14 whether such enforcement was proper. (*Fat*, 97 Cal. App. 4th at 1281.) Furthermore, in
15 *Riverwatch v. County of San Diego* (1999) 76 Cal. App. 4th 1428, the Court of Appeal allowed
16 the baseline to include effects of past illegal land disturbances and declined to judge their legality
17 so as not to interfere with enforcement actions currently undertaken by another agency.
18 (*Riverwatch*, 76 Cal. App. 4th at 1452-53.) The rationale of *Riverwatch* does not apply to
19 allegedly illegal take in the Shasta and Scott Valley watersheds, which are not enforced by another
20 agency besides DFG. Another case cited by Respondent, *Eureka Citizens for Responsible Govt. v.*
21 *City of Eureka* (2007) 147 Cal. App. 4th 357, is also inapposite. In *Eureka Citizens*,
22 neighborhood residents challenged an EIR for a nearby playground for including allegedly “illegal”
23 municipal code and zoning violations into its baseline while the city disagreed and argued
24 construction was not illegal. (*Eureka Citizens*, 147 Cal. App. 4th at 370.) The Court of Appeal
25 declined to use the EIR as a forum to adjudicate whether the prior construction was indeed illegal,
26 which was a decision to be made by the enforcing agency. (*Id.* at 370-71.) (See also,
27 *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48

1 Cal.4th 310, 321-22 (parties only disputing whether baseline should reflect actual or potential
2 operation of boilers, but no discussion of illegality or enforcement issues); *Lighthouse Field Beach*
3 *Rescue v. City of Santa Cruz* (2005) 131 Cal. App. 4th 1170, 1194 (parties only disputing whether
4 the baseline should include a description of past harm).)

5 In the instant case, it appears to the Court that the baseline impermissibly includes take that
6 was illegal after the Coho's listing as a threatened species under CESA on March 30, 2005.⁴ The
7 baseline includes this take because they are an effect of the ongoing diversions that are "expected
8 to continue regardless of the Program[s]; that is, they will not be caused by the Program[s]." (AR
9 D1452.) However, this illegal take would be due to presuming DFG's non-enforcement, which
10 constitutes agency "action" that should not be included in the baseline. (See *LSLT*, 739 F. Supp.
11 2d at 1275 ("What *Fat* did not discuss was the fact that *sub silentio* approval of existing
12 unauthorized activity is in an important sense an agency action.").)

13 Nevertheless, inclusion of illegal activity into a baseline due to a lack of enforcement is not
14 improper *per se*, as long as other considerations illustrate the agency did not abuse its discretion.
15 (See *Heckler v. Chaney* (1985) 470 U.S. 821, 831 ("an agency's decision not to prosecute or
16 enforce . . . is a decision generally committed to an agency's absolute discretion." (citations
17 omitted).) For example, in *Fat*, the court noted that the agency's "objective, good faith effort to
18 comply with CEQA" and the fact that granting the permit could be "an opportunity to bring the
19 Airport development under some level of County supervision for the first time" after years of
20 dispute militated in favor of moving the permit process forward by allowing a baseline that
21 included prior illegal activity (*Fat*, 97 Cal. App. 4th at 1280-81.) Moreover, the *LSLT* court
22 suggested that "a baseline may reflect damage that has already occurred as a result of illegal
23 activity as well as the agency's present ability and responsibility to limit perpetuation of that harm
24 through enforcement." (*LSLT*, 739 F. Supp. 2d at 1276.)

25
26
27 ⁴ This illegal take includes those that occurred both *before* the baseline (i.e. the one month period between March
28 30, 2005, the Coho's listing date, and April 28, 2005, the baseline date) and *after* the baseline. However, this
technical distinction does not substantively affect the Court's analysis.
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DECISION GRANTING WRIT OF MANDATE

1 With respect to DFG's enforcement discretion, the Court agrees with Respondent, who
2 emphasizes that DFG is not required to automatically pursue enforcement for all illegalities that
3 occur in its jurisdiction, but has discretion in how it will ultimately fulfill its responsibility to uphold
4 the Fish and Game Code. (See Fish & G. Code § 2055, 2081 subd. (d).) Respondent points out
5 DFG is neither required to nor able to prosecute all illegal take, and has the discretion to pursue
6 both coercive and cooperative enforcement of the Fish and Game Code, which was also
7 recommended by the Coho Recovery Strategy. (Objections, 5:5-7:15.)

8 The Court recognizes DFG's substantial enforcement discretion and passes no judgment on
9 how DFG must seek to fulfill its statutory responsibilities in the Watershed. However, the Court
10 can and must determine whether the Programs' baseline complies with CEQA and relevant case
11 law. As with most important issues, context is everything. Here, the circumstances that led to the
12 development of the Programs suggest DFG abused its discretion in setting the baseline.

13 The Court does not dispute the fact that DFG has absolute discretion as to how it will
14 enforce the Fish and Game Code, with or without the Programs. However, the strict informational
15 requirements of CEQA require an accurate baseline from which to conduct a meaningful analysis
16 of significant impacts. Here, the Coho's listing under CESA in 2005 imposed stricter take
17 requirements on stakeholders in the Watershed, and consequently, required DFG to alter its
18 enforcement efforts to meet this stricter standard. For example, in *Fat*, each time the land use plan
19 was amended, the relevant agency acted to bring the airport in compliance. (*Fat*, 97 Cal. App. 4th
20 at 1273-75.) Similarly, in the instant case, a change in the regulatory backdrop (i.e. listing of Coho
21 as threatened) triggered an agency's response (i.e. development of the Programs,) which
22 Respondent argues is DFG's means for bringing agricultural operators and the RCDs into
23 compliance with CEQA and CESA. Unlike the measures to *ensure* legal compliance in *Fat*,
24 however, the Programs essentially *exempt* legal compliance with new prohibitions of illegal take
25 under CESA by setting a baseline that assumes all take that was already illegal prior to CESA's
26 strict prohibitions will continue in its entirety, unaffected by any change in enforcement efforts.
27 While DFG may reserve discretion when and how to enforce CESA, it may not issue EIRs that

1 adopt baselines assuming DFG will not enforce CESA whatsoever. The fact that the Programs
2 themselves constitute DFG's efforts to bring stakeholders into compliance with CESA does not
3 cure the baselines' assumption that CESA will not be enforced against ongoing illegal diversions
4 outside of the Programs. In reality, the record reflects DFG *will* enforce CESA to some extent by
5 being more likely to bring enforcement actions against agricultural operators who fail to participate
6 in the ostensibly "voluntary" Programs. (AR H1063-67.) Nevertheless, for the purposes of
7 determining adequacy under CEQA, the baselines improperly assume DFG's non-enforcement
8 towards historic, illegal diversions despite the stricter statutory scheme triggered by the Coho's
9 listing in 2005.

10 As a result, Program participants start with an inadequately scrutinized clean slate that is
11 purged of past illegal take and is more permissive towards future take of a population already
12 depleted by illegal take. Respondent informed the Court that outside of the Programs, DFG would
13 have to regulate agricultural operators under CESA on an "enforcement basis," which would be
14 difficult, if not practically impossible, to substantiate with evidence of an illegal take.
15 Nevertheless, it appears to the Court that Respondent may not only be ignoring its enforcement
16 responsibilities by setting a baseline that accepts illegal take as an inevitable reality, but also set a
17 misleadingly low baseline against which any of the Programs' mitigation efforts would appear
18 favorable.

19 Accordingly, the Court finds DFG abused its discretion by not analyzing why it included
20 illegal take of Coho since its listing on March 30, 2005 into the EIRs' baseline in contravention of
21 the Guidelines and relevant case law.

22 **C. Significant Environmental Effects**

23 An EIR must identify and study significant environmental effects of a proposed project,
24 including a project's potential to "substantially reduce the number or restrict the range of an
25 endangered, rare or threatened species." (See generally, Pub. Res. Code §§ 21060.5, 21100,
26 21002.1; Guidelines, §§ 15065(a), (c), 15126.2.) In the instant case, while both parties agree a
27 straightforward take of Coho or destruction of their habitat would constitute a significant

1 environmental effect, they disagree as to whether the Programs themselves would adversely affect
2 the Coho. Petitioners contend the Programs authorize past and ongoing illegal take and ignore
3 how future take will further jeopardize the Coho's existence. Respondent argues the Programs
4 will bring agricultural operators into compliance with CESA and Section 1602 while implementing
5 recovery tasks that will clearly benefit the Coho, in contrast to the illegal take that has occurred
6 and will continue to occur regardless of the Programs.

7 The resolution of this cause of action depends on the resolution of the environmental
8 setting issue discussed above. If the baseline improperly includes illegal take, as Petitioners claim,
9 the Programs appear to authorize more take than should normally be allowed by DFG and thus
10 must study in depth whether incidental reduction of Coho would be "substantial" under Section
11 15065(a), (c) of the Guidelines. However, if the baseline properly includes allegedly illegal take
12 that has been historic, ongoing activities apart from the Programs, as Respondent claims, the
13 Programs would not have any significant effects besides streamlining the SAA and ITP permit
14 approval processes for the RCDs and agricultural operators.

15 Significant effects would include "take" of Coho, which means to "hunt, pursue, catch,
16 capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code § 86.) In the
17 instant case, there must be a causal connection between water diversions, which may or may not
18 kill Coho, and take, which involves the killing or attempted killing of Coho. However, this
19 causation need only be proximate, not actual, under the CEQA Guidelines, which clarify that
20 "significant effects" not only include direct physical changes, but also "reasonably foreseeable
21 indirect physical changes in the environment which may be caused by the project." (Guidelines, §
22 15064(d); see also Guidelines, § 15378(a) (defining "project" to include actions that lead to a
23 "reasonably foreseeable indirect physical change.")) As discussed above, the Programs adopt a
24 baseline that includes historic water diversions by agricultural operators, some of which are illegal.
25 While water diversions themselves do not constitute "take" of a species, in the case of Coho that
26 need adequate flow volume to survive, the EIRs recognize the causal link between water

1 diversions and take. For example, the EIRs highlight the impact of agricultural water diversions,
2 which

3 [H]ave led to decreased surface flows in the spring and summer months, thereby
4 reducing the amount of instream habitat and locally increasing ambient surface
5 water temperatures. . . . Over time, the persistence of low baseflow volumes can
6 exert an effect over an increasingly larger area, such as adversely affecting the
condition of the riparian corridor[.] . . . These effects can be further exacerbated by
an increase in the rate of water diversion or extraction. (AR D144.)

7 As a result, the EIRs acknowledge that “[a]gricultural activities have had effects (direct and
8 indirect) on the geomorphology and water quality of the stream system and contributed to the
9 decrease in the productivity of the Scott River’s anadromous fisheries.” (AR D126.) Thus, the
10 EIRs show that take of Coho are a foreseeable consequence of water diversions, which is why
11 diversions trigger the need for a permit to cover incidental take (i.e. an ITP) in the first place.
12 However, the EIRs do not analyze the potential for increased take because they set a baseline that
13 includes ongoing legal and illegal agricultural water diversions. As discussed above, DFG abused
14 its discretion in adopting this baseline and precluding meaningful analysis of increased take, which
15 was a foreseeable result of increased water diversions. Accordingly, the Court finds DFG abused
16 its discretion by failing to adequately consider the Programs’ significant environmental effects, as
17 required by CEQA.

18 **D. Mitigation Under CESA**

19 Mitigation measures must be feasible and adequately funded. (Fish & G. Code § 2081,
20 subd. (b)(4).) Most importantly, an ITP may not issue unless DFG makes two complementary
21 demonstrations that: 1) “[t]he *impacts* of the authorized take shall be minimized and *fully*
22 *mitigated*”, and 2) “[t]he *measures* required to meet this obligation shall be *roughly proportional*
23 in extent to the impact of the authorized taking on the species.” (Fish & G. Code § 2081, subd.
24 (b)(2) (emphases added); see also CESA Guidelines⁵, § 783.4, subd. (a).)

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28 ⁵ All references to the “CESA Guidelines” are to the CESA Guidelines (Cal. Code Regs., tit. 14, § 783.0-787.9.)
KLAMATH RIVERKEEPER, ET AL. v. CALIFORNIA DEPARTMENT OF FISH AND GAME – CPF-09-509915 – STATEMENT OF
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1 Petitioners' main challenge to the EIRs' mitigation measures centers on the ITPs' failure to
2 adequately study the level of take caused by the Programs. Without estimating the level of take,
3 they argue, there is no way to determine whether the proposed mitigation measures will be roughly
4 proportional to or fully mitigate this unspecified take. Respondent points to *Environmental*
5 *Council of Sacramento v. City of Sacramento* (2006) 142 Cal. App. 4th 1018 (*ECOS*), in which
6 the Court of Appeal concluded a general mitigation ratio between developed and reserved land
7 was proper under CESA because it was difficult to forecast precisely how many animals would be
8 killed by future development. (*ECOS*, 142 Cal. App. 4th at 1040-41.) Similarly, in the instant
9 case, Respondent argues that precise estimations of take are not required, especially when it
10 depends on future participation in a voluntary program and unspecified take of migratory Coho,
11 and that DFG satisfied CESA by determining that the ITPs' mitigation measures would offset any
12 potential take. DFG argues these mitigation measures are qualitatively beneficial, as established by
13 sources such as the Coho Recovery Strategy. (AR H32337-32930.)⁶

14 The Court finds that the record does not show that the ITPs' mitigation measures are
15 "roughly proportional" to potential take. The Court does not dismiss the qualitative merits of the
16 proposed mitigation measures, but rather questions the sufficiency of these measures relative to
17 take. For example, many of the mitigation measures derive from the Coho Recovery Strategy,
18 which has been found to benefit Coho over time. (See, e.g., AR H36205-36562.) However, while
19 these measures may be qualitatively beneficial, the ITP must ensure they are *sufficiently* beneficial
20 under CESA by being roughly proportional to potential take.

21 Respondent's reliance on *ECOS* is misplaced. While mitigation measures in *ECOS* did not
22 correlate with a specific number of take, they involved a mitigation ratio between acres of
23 developed land and acres of habitat reserve, which the court held was sufficiently "roughly
24 proportional" to satisfy CESA. (*ECOS*, 142 Cal. App. 4th at 1038-41.) In other words, the
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26
27
28 ⁶ For example, the Coho Recovery Strategy provides many "Range-wide Recommendations" for restoring Coho
populations through such measures as acquiring or leasing water for Coho recovery purposes, eliminating fish
passage barriers, restoring riparian vegetation, maintaining the quality of spawning gravel, and using off-channel
water storage for use during dry periods. (AR H32517-32534.)
KLAMATH RIVERKEEPER, ET AL. v. CALIFORNIA DEPARTMENT OF FISH AND GAME – CPF-09-509915 – STATEMENT OF
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1 mitigation ratio in *ECOS* had a quantitative aspect that allowed the court to determine
2 proportionality. Ultimately, “rough proportionality” requires that both the ‘nature’ and ‘extent’ of
3 mitigation adequately correlate to the impacts. (*Dolan v. City of Tigard* (1994) 512 U.S. 374, 391
4 (interpreting “roughly proportional” in Fifth Amendment Takings context); accord *Envil.*
5 *Protection Info. Ctr. v. Cal. Dept. of Forestry and Fire* (2008) 44 Cal.4th 459, 510-11 (applying
6 *Dolan* to CESA mitigation); see also Guidelines, § 15126.4, subd. (a)(4)(B) (applying *Dolan* to
7 CEQA mitigation).) Here, while the mitigation measures may be proportional in ‘nature’ (e.g.
8 both parties agree fish screens could mitigate take) they are not proportional in ‘extent’ because
9 they may not necessarily correlate with the level of actual take. Respondent argues the mitigation
10 measures are clearly identified and have specific implementation dates. However, these details
11 only describe the ‘nature’ of the mitigation effects and not whether they sufficiently mitigate take
12 in ‘extent.’ The Court cannot identify in the record any meaningful indicia in the mitigation
13 measures illustrating their proportionality with take, as required by CESA.

14 Despite this lack of proportionality, an agency may defer formulation of specific mitigation
15 measures if it is impractical or impossible to do so at the time the EIR is prepared. (*Sacramento*
16 *Old City Assn. v. City Council* (1991) 229 Cal. App. 3d 1011, 1028-29.) However, the EIR must
17 identify performance criteria against which to evaluate specific mitigation measures in the future.
18 (*Ibid.*; Guidelines, § 15126.4, subd.(a)(1)(B).) Petitioners cite various mitigation measures that
19 are inadequately defined, uncertain future best management practices, and a lack of performance
20 measures for the Monitoring and Adaptive Management Plan (MAMP). Meanwhile, Respondent
21 argues the ITPs mitigation measures identify implementation timelines and other specific
22 limitations, and that the MAMP will ensure the Programs adapt to uncertain future conditions,
23 including the actual level of future take.

24 However, the Court is not persuaded that estimating future take was infeasible. Even after
25 resolving all reasonable doubts in DFG’s favor, the Court finds there is not enough relevant
26 information in the record to make a fair argument that quantifying take was impossible. Petitioners
27 suggested DFG could have estimated future take through various methods. The Court notes DFG

1 could have ensured that mitigation would correlate with actual take by setting a benchmark with a
2 quantitative aspect, such as the mitigation ratio in *ECOS*. Regardless of the methods DFG
3 chooses to employ within its discretion, Respondent's bare assertion about the uncertainty of the
4 level of participation in the "voluntary" Programs is unsupported. Respondent represented that
5 nearly 90% of the agricultural operators in Shasta Valley have already signed up for the Programs
6 and that failure to join may trigger DFG enforcement actions against some of their existing
7 activities. (See AR H1063-67.) In other words, agricultural operators are free to opt out of the
8 Programs to the extent they are also free to violate existing regulations and incur agency
9 enforcement. Thus, based on Respondent's argument, it appears to the Court that these Programs
10 would essentially establish a new norm for all agricultural operators to follow.

11 Even assuming it was impractical to determine specific mitigation measures at the time the
12 EIRs were prepared because of unspecified take, the Programs' current measures do not articulate
13 adequate performance criteria for future mitigation activities. The Programs rely on the RCDs'
14 mitigation obligations in order to fully mitigate take incidental to the agricultural operator's and
15 the RCDs' own Covered Activities. (AR D393-405.) As Respondent points out, virtually all of
16 these mitigation activities must be implemented within specific timeframes. (See generally, AR
17 H1579-1587, D385-393.) Notably, however, none of the "Goal and Objectives" of the RCDs'
18 mitigation obligations include fully mitigating take caused by the Programs, but rather refer to
19 improving various Coho habitat conditions in general without establishing any benchmarks for
20 improvement. (See, e.g., AR D382.) The Court finds no connection among these general
21 mitigation measures, the MAMP, and the EIRs' purported overall goal of fully mitigating take.

22 The Court finds *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 Cal.
23 App. 4th 645, cited by Petitioners, to be analogous and applicable to the instant case. In *San*
24 *Joaquin Raptor*, the EIR sought to mitigate impacts to special-status species in vernal pools
25 through measures that only stated a "generalized goal of maintaining the integrity of vernal pool
26 habitats...[while] no specific criteria or standard of performance [was] committed to." (*San*
27 *Joaquin Raptor*, 149 Cal. App. 4th at 670.) The Court of Appeal held the EIR presumed special-

1 status species would be in or near the vernal pools, proffered mitigation measures and management
2 plans, and yet did not define performance standards. (*Ibid.*) Similarly, in the instant case, the
3 EIRs predict some level of take under the Programs and propose an array of mitigation measures
4 that may be beneficial in improving Coho habitat, such as installation of fish screens and
5 restoration of riparian vegetation that may have some value, yet fail to establish a logical link
6 between these measures and how they will *fully* mitigate take inasmuch as water volume is a
7 critical element of Coho preservation.

8 Accordingly, the Court finds that DFG abused its discretion in improperly deferring
9 formulation of specific mitigation measures that would fully mitigate take, as required by CESA.

10 **E. Failure to Respond to Comments on Jeopardy Analysis**

11 As part of a certified regulatory program, CESA ITPs are exempt from traditional EIR
12 requirements. (Pub. Res. Code §§ 21080.5; Guidelines, § 15251, subd. (o).) This “exemption”,
13 however, does not mean ITPs are wholly separate from the CEQA universe, but rather that they
14 comply with CEQA through alternate means. The certified regulatory program exemption
15 assumes the public agency will undertake an environmental review process equivalent to CEQA’s,
16 which should ultimately achieve CEQA’s broad policy goals and substantive standards. (See *City*
17 *of Arcadia v. State Water Resources Control Bd.* (2006) 135 Cal. App. 4th 1392, 1421-22; see
18 also CESA Guidelines, § 783.3 (indicating that the CESA regulations themselves are intended to
19 comply with CEQA).) In essence, an agency must comply with CESA, and in so doing will
20 comply with CEQA, as compliance with the two statutes must be in alignment.

21 Accordingly, in order to claim this EIR exemption, an agency must “demonstrate strict
22 compliance with its certified regulatory program.” (*La Costa Beach Homeowners’ Assn. v. Cal.*
23 *Coastal Com.* (2002) 101 Cal. App. 4th 804, 820 (citation omitted).) Moreover, an agency may
24 not opt out of its own regulatory procedures by preparing an EIR. (*Santa Barbara County Flower*
25 *and Nursery Growers Assn., Inc. v. County of Santa Barbara* (2004) 121 Cal. App. 4th 864, 874.)

26 As a threshold matter, the Court recognizes that the jeopardy “analysis” at issue only refers
27 to the analysis that is part of an existing ITP application. (CESA Guidelines, § 783.2, subd. (a)(6)-

1 (7.) As Respondent points out, “the regulations do provide for circulation for comment of a
2 jeopardy analysis as part of the ITP application submitted by the applicant, but only at that point.”
3 (Objections, 11:15-17.) The RCDs submitted their Watershed-wide ITP applications on March
4 29, 2005. (AR D21.) Thus, ‘at this point,’ Section 783.2(a)(7) of the CESA Guidelines requires
5 that the application include “[a]n analysis of whether issuance of the incidental take permit would
6 jeopardize the continued existence of a species.” While this analysis may be the applicant’s solitary
7 endeavor, the CESA Guidelines provide for more flexible and collaborative means to gather
8 information needed for the analysis in an ITP. For example, DFG may consult with the applicant
9 in preparing a permit application to ensure statutory compliance and may meet CESA’s
10 informational requirements through analyses “prepared pursuant to state or federal laws other than
11 CESA,” such as CEQA. (CESA Guidelines, § 783.2 subd. (b)(i).)

12 In the instant case, the Programs seek to meet the ITP analysis requirements through the
13 EIRs. (AR D55-56.) Thus, assuming the final EIRs are properly approved, the Programs provide
14 that the “[RCDs] (through the ITP) and Agricultural Operators and DWR (through their sub-
15 permits) *will be authorized* to take coho salmon if such take occurs incidental to conducting a
16 Covered Activity.” (AR D53 (emphasis added).) In other words, the time to conduct the jeopardy
17 analysis was during the EIR process, after which the Programs would definitively approve the
18 RCDs’ ITP applications, and not at a future date. Notably, the approval process for sub-permits
19 solely entails compliance with conditions already analyzed in the EIRs, under which the master
20 ITPs were issued, and contains no new environmental review. (AR D457.005-009.)

21 The ITP procedures described in the Programs are found in Section 783.5 of the CESA
22 Guidelines, which requires public review of all ITP applications. Petitioners argue DFG’s spring
23 2009 jeopardy analyses should have been circulated for public comment while Respondent
24 contends CEQA does not require public comment on these analyses, which were draft CESA
25 documents prepared by an outside consultant for DFG’s internal consideration. While Respondent
26 is correct in that jeopardy analyses are technically CESA documents not subject to EIR public
27 comment, the alternate procedures for certified regulatory programs require DFG to solicit and

1 respond to comments on the ITPs' "application *and analysis*." (CESA Guidelines, § 783.5, subds.
2 (d)(2), (4) (emphasis added).) These procedures are intended to determine whether "issuance of
3 the permit would jeopardize the continued existence of the species." (Fish & G. Code § 2081,
4 subd. (c).) In other words, any "analysis" of an ITP application should consider jeopardy to the
5 listed species that triggered the need for an ITP in the first place. Regardless of whether DFG's
6 spring 2009 jeopardy analysis qualifies as the "analysis" mentioned in Section 783.2(a)(7) of the
7 CESA Guidelines, DFG failed to field comments for *any* analysis of whether the ITPs would
8 jeopardize the continued existence of Coho. Thus, DFG failed to comply with its own procedures
9 in Section 783.5 of the CESA Guidelines, consequently failing to comply with CEQA's substantive
10 mandates.

11 Accordingly, the Court finds DFG abused its discretion by failing to field comments on any
12 analysis of the jeopardy issue, as required by CESA.

13 **F. "No Jeopardy" Determination**

14 CESA articulates several requirements an agency must fulfill before issuing an ITP,
15 including a determination that the permit will not "jeopardize the continued existence of the
16 species." (Fish & G. Code § 2081, subd. (c).) This 'no jeopardy' determination is to be

17 [B]ased on the best scientific and other information that is reasonably available, and
18 shall include consideration of the species' capability to survive and reproduce, and
19 any adverse impacts of the taking on those abilities in light of (1) known population
20 trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on
the species from other related projects and activities. (*Ibid.*; CESA Guidelines, §
783.4, subd. (b).)

21 In the instant case, the level of potential take and the information that could be generated from
22 circulating a jeopardy analysis for comment are crucial in assessing the threats to and the
23 reasonably foreseeable impacts on a listed species, which are criteria of the jeopardy determination.
24 Thus, the propriety of the 'no jeopardy' determination depends on the resolution of the Tenth
25 (CESA mitigation) and Eighth (failure to respond to comments on jeopardy analysis) causes of
26 action, discussed above.

1 Since DFG failed to demonstrate proportional mitigation under CESA by not estimating
2 take and failed to circulate any analysis of the jeopardy issue for comment, the Court finds there is
3 not substantial evidence to support a "no jeopardy" determination. Thus, DFG abused its
4 discretion by issuing the ITPs.

5 CONCLUSION

6 A. Overview

7 The Court notes the record reflects DFG's good faith effort to enforce environmental
8 regulations while accounting for economic realities through the Programs. Pursuant to its
9 manifold mandate, DFG endeavored to manage the expectations of multiple stakeholders in the
10 Klamath Basin while grappling with the harsh truth that water is a widely shared yet severely
11 limited resource in the West. All stakeholders involved here at some point encounter Coho, which
12 course through this shared resource. Consequently, the Coho's listing under CESA will impose
13 hardship on water users, especially agricultural operators, some of whom have been diverting
14 water independent of DFG oversight before and after Coho were listed as endangered. In effect,
15 water users have to adjust from an irregularly enforced ITP and SAA setting to a much higher and
16 stricter plateau set by CESA. Understandably, the Programs seek to lessen the shock of this
17 adjustment and make compliance more economically feasible by lowering permitting costs.

18 However, while DFG may pursue streamlined permitting processes, it may not do so by
19 attenuating the strict directives of CESA. Given that the legislative mandate is to preserve listed
20 species, the environmental analysis should consider all factors that may jeopardize their existence,
21 including their presently reduced population. Water management is the central element of DFG's
22 efforts to effect the survival of the Coho through the Programs. Water management inevitably has
23 an economic component and water usage will increase or decrease in relation to cost. In the case
24 of Coho survival versus agricultural use, no analysis has considered the economic value of the
25 water and the economic value of Coho because there is a legislative mandate to preserve the Coho
26 as a listed endangered species. However, the Programs have a significant fiscal component by
27 offering the incentive of reduced permitting costs while threatening water users with high fees

1 under the old permitting system or the potential of even higher costs and penalties involved in the
2 enforcement process. As most or all agricultural operators inevitably participate in the Programs,
3 more permits will issue, and Coho are at greater risk. CEQA requires analysis of this foreseeable
4 increase of ITPs while CESA requires full mitigation of the increased take that naturally follows an
5 ITP.

6 Overall, the more lenient effect of the Programs relates back to DFG's enforcement
7 responsibilities. DFG has pointed out the logistical and practical difficulties in fully enforcing
8 illegal take under CESA. This explains DFG's emphasis in creating a more liberal permitting
9 system even though it will result in higher take of Coho under the rationale that an imperfect
10 regulatory program is preferable to the alternative of not fully enforcing against agricultural
11 operators. Respondent argues as justification for increased take under the Programs, its absolute
12 discretion in enforcing CESA, the difficulty of detecting violations over a large geographical area,
13 and the uncertainty of follow through of prosecution. Nevertheless, the Programs must comply
14 with the mandates of CESA and CEQA, which do not make exceptions for difficulties of
15 enforcement, nor can the Programs wholly relieve Respondent from its statutory enforcement
16 responsibilities.

17 In adjudicating the instant case, the Court does not and should not seek a particular result.
18 Rather, the Court's primary goal is to protect the public and ensure all legal and legislative
19 mandates are followed by informed public policy makers. The Court may not "substitute [its]
20 judgment for that of the people and their local representatives. [It] can and must, however,
21 scrupulously enforce all legislatively mandated CEQA requirements." (*Citizens of Goleta Valley*
22 *v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564.) In enforcing these legislative mandates, the
23 Court must bear in mind that "the Legislature intended [CEQA] to be interpreted in such manner
24 as to afford the fullest possible protection to the environment within the reasonable scope of the
25 statutory language." (*Laurel Heights*, *supra*, 47 Cal.3d at 390 (citation omitted).)

1 CEQA's most meaningful impact, however, is as an accountability mechanism to ensure
2 informed decisionmaking and informed public participation. The EIR, such as the ones at issue in
3 the instant case, is

4 [A]n environmental 'alarm bell' whose purpose it is to alert the public and its
5 responsible officials to environmental changes before they have reached ecological
6 points of no return. The EIR is also intended to demonstrate to an apprehensive
7 citizenry that the agency has, in fact, analyzed and considered the ecological
8 implications of its action. Because the EIR must be certified or rejected by public
9 officials, it is a document of accountability. (*Laurel Heights*, 47 Cal.3d at 392
10 (citations omitted).)

11 In the midst of conflicting opinions as to whether the Programs are proper, "[t]he ultimate decision
12 of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR
13 that does not provide the decision-makers, and the public, with the information about the project
14 that is required by CEQA." (*San Joaquin Raptor*, supra, 149 Cal. App. 4th at 721-22.)

15 Ultimately, the Court must protect the public interest by upholding CEQA, which "protects not
16 only the environment but also informed self-government." (*Laurel Heights*, 47 Cal.3d at 392.)

17 Despite DFG's good faith efforts and potential hardship to water users, the Court must
18 uphold the legislature's mandate to preserve listed species and conduct environmental review of all
19 foreseeable consequences under CEQA and CESA.

20 **B. Findings**

21 For the foregoing reasons, the Court GRANTS the Petition for Writ of Mandate as to the
22 Second (Failure to Describe the Environmental Setting Properly), Third (Failure to Evaluate
23 Significant Environmental Effects), Eighth (Failure to Respond to Comments), Tenth (Failure to
24 Fully Mitigate Take), and Eleventh (Failure to Ensure that Issuance of the ITP and Sub-permits
25 Will Not Jeopardize the Continued Existence of Coho Salmon) causes of action.

26 Therefore, let a peremptory writ of mandate issue commanding Respondent to set aside its
27 certification of the Programs' EIRs and any permits issued under the Programs. Respondent is
28 enjoined from implementing the Programs until it has conducted further review, circulation, and
29 certification of an EIR for each project consistent with its obligations under CEQA and CESA.

1 Petitioners' Twelfth cause of action (Declaratory Relief) is DENIED as duplicative of the
2 relief granted herein. (See *State of California v. Superior Court* (1974) 12 Cal.3d 237, 248-49.)

3 Petitioner is ORDERED to prepare a Writ of Mandate consistent with the Court's ruling in
4 this case.

5 IT IS SO ORDERED.

6
7 DATED: April 20, 2011

ERNEST H GOLDSMITH

HON. ERNEST H. GOLDSMITH
Judge of the Superior Court

Superior Court of California
County of San Francisco

KLAMATH RIVERKEEPER, et al.,

Petitioners,

vs.

CALIFORNIA DEPARTMENT OF FISH AND
GAME,

Respondent.

and

SHASTA VALLEY RESOURCE CONSERVATION
DISTRICT, et al.

Real Parties in Interest.

Case No.: CPF-09-509915

CERTIFICATE OF MAILING
(CCP 1013a (4))

I, Linda Fong, a deputy clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On April 20, 2011, I served the attached **STATEMENT OF DECISION GRANTING WRIT OF MANDATE** by placing a copy thereof in a sealed envelope, addressed as follows:

Trent W. Orr, Esq.
Wendy Park, Esq.
EARTHJUSTICE
426 17th Street, 5th Floor
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Anita E. Ruud
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and, I then placed the sealed envelopes in the outgoing mail at 400 McAllister Street, San Francisco, CA. 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practices.

Dated: April 20, 2011

T. MICHAEL YUEN, Clerk

By: **LINDA FONG**
Linda Fong, Deputy Clerk

EXHIBIT C

Tom Brohard and Associates

March 29, 2014

Mr. Richard Drury, Attorney at Law
Lozeau Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607

**SUBJECT: San Francisco Municipal Transportation Agency (SFMTA)
Commuter Shuttle Policy and Pilot Program – Traffic Issues and Concerns**

Dear Mr. Drury:

Tom Brohard, P.E., has reviewed the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors Resolution No. 14-023 which proposes an 18 month pilot, permit program allowing private shuttle busses to use up to 200 Muni bus stops to pick up and discharge over 35,000 passengers each day. I have also reviewed other background material including the San Francisco County Transportation Authority's June 28, 2011 Strategic Analysis Report entitled "The Role of Shuttle Services in San Francisco's Transportation System" and the July 19, 2013 presentation to SFMTA entitled "Private Commuter Shuttle Policy Draft Proposal".

Further study must be undertaken to properly identify the traffic impacts of the SFMTA's Commuter Shuttle Policy and Pilot Program. Until the issues and concerns raised in this letter are addressed, there is at least a "fair argument" that the Commuter Shuttle Policy and Pilot Program proposed by SFMTA in the City of San Francisco may have adverse and significant environmental impacts that have not been properly disclosed, analyzed, and mitigated.

Education and Experience

Since receiving a Bachelor of Science in Engineering from Duke University in Durham, North Carolina in 1969, I have gained over 40 years of professional engineering experience. I am licensed as a Professional Civil Engineer both in California and Hawaii and as a Professional Traffic Engineer in California. I formed Tom Brohard and Associates in 2000 and now serve as the City Traffic Engineer for the City of Indio and as Consulting Transportation Engineer for the Cities of Big Bear Lake and San Fernando. I have extensive experience in traffic engineering and transportation planning. During my career in both the public and private sectors, I have reviewed many environmental documents and traffic studies, with only a few of these shown on the enclosed resume.

Mr. Richard Drury
SFMTA Commuter Shuttle Policy and Pilot Program – Traffic Issues
March 29, 2014

Traffic Issues

Based on my review, there is at least a “fair argument” that the SFMTA’s Commuter Shuttle Policy and Pilot Program (Program) in the City of San Francisco will have significant traffic and other environmental impacts as follows:

- 1) Program Will Likely Increase the Number of Shuttles - With the single exception of school busses identified in CVC Section 22500.5, CVC Section 22500 states that “No person shall stop, park, or leave standing any vehicle whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places...(i) alongside curb space authorized for the loading and unloading of passengers of a bus engaged as a common carrier in local transportation when indicated by a sign or red paint on the curb erected or painted by local authorities pursuant to an ordinance.”

CVC Section 42001.5 imposes a minimum \$250 fine on a person “convicted” of violating CVC Section 22500. CVC Section 42001.5(b) provides that the fine cannot be suspended, except that the court can waive anything above \$100. In other words the minimum fine allowed under state law is \$100. This financial penalty is significant and it is likely that it currently deters other law-abiding shuttle operators from using Muni bus stops.

SFMTA claims that the Commuter Shuttle Policy and Pilot Program will not increase impacts since the shuttles are already operating illegally. However, the program makes legal what has been illegal. It also allows any shuttle operator to apply for a permit to participate. At least some shuttle companies would not want to operate a pirate shuttle program at risk of significant penalties. Since SFMTA’s Commuter Shuttle Policy and Pilot Program makes it legal for private shuttles to use public bus stops, more companies with even more private shuttles are likely to participate. This will create significant traffic impacts by increasing congestion at Muni bus stops, an extremely likely consequence that has not be envisioned, evaluated or analyzed by SFMTA.

- 2) Program May Increase Idle Times At Muni Stops - When shuttle stops at Muni bus stops were illegal, private shuttles often tried to get in and out of the public bus stops as quickly as possible to avoid being cited. According to SFMTA, the average dwell time for a private shuttle is up to 60 seconds whereas the average dwell time for a Muni bus is about 20 seconds. Now that the Program is legal, private shuttles may idle even longer to pick up passengers, particularly without risking being cited. While the Program suggests that private shuttles move forward to the front of the Muni bus stop, this will not occur when shuttles are already actively loading or unloading.

Mr. Richard Drury
SFMTA Commuter Shuttle Policy and Pilot Program – Traffic Issues
March 29, 2014

If more shuttles are already loading or unloading passengers when the Muni bus arrives, then the already identified conflicts with Muni busses, general traffic, pedestrians, and cyclists will be compounded by additional double parking and idling. Additional shuttles could also easily exceed the capacity of the Muni bus stop locations, creating additional impacts. Each of these occurrences would increase diesel emissions at the Muni bus stop locations and would also create pedestrian impacts related to blocking public bus access to the stops as well as additional safety issues.

In summary, further study must be undertaken to properly identify the traffic impacts of the SFMTA's Commuter Shuttle Policy and Pilot Program. As discussed in this letter, there is at least a "fair argument" that this will have adverse environmental impacts that have not been properly disclosed, analyzed, or mitigated. Each of these significant impacts must be addressed by proposing feasible and effective mitigation measures. If you have questions regarding these comments, please call me at your convenience.

Respectfully submitted,

Tom Brohard and Associates

Tom Brohard

Tom Brohard, PE
Principal

Enclosure
Resume



Tom Brohard, PE

Licenses: 1975 / Professional Engineer / California – Civil, No. 24577
1977 / Professional Engineer / California – Traffic, No. 724
2006 / Professional Engineer / Hawaii – Civil, No. 12321

Education: 1969 / BSE / Civil Engineering / Duke University

Experience: 40+ Years

Memberships: 1977 / Institute of Transportation Engineers – Fellow, Life
1978 / Orange County Traffic Engineers Council - Chair 1982-1983
1981 / American Public Works Association – Life Member

Tom is a recognized expert in the field of traffic engineering and transportation planning. His background also includes responsibility for leading and managing the delivery of various contract services to numerous cities in Southern California.

Tom has extensive experience in providing transportation planning and traffic engineering services to public agencies. Since May 2005, he has served as Consulting City Traffic Engineer for the City of Indio. He also currently provides “on call” Traffic and Transportation Engineer services to the Cities of Big Bear Lake, Mission Viejo, and San Fernando. In addition to conducting traffic engineering investigations for Los Angeles County from 1972 to 1978, he has previously served as City Traffic Engineer in the following communities:

- Bellflower..... 1997 - 1998
- Bell Gardens..... 1982 - 1995
- Huntington Beach..... 1998 - 2004
- Lawndale..... 1973 - 1978
- Los Alamitos..... 1981 - 1982
- Oceanside..... 1981 - 1982
- Paramount..... 1982 - 1988
- Rancho Palos Verdes..... 1973 - 1978
- Rolling Hills..... 1973 - 1978, 1985 - 1993
- Rolling Hills Estates..... 1973 - 1978, 1984 - 1991
- San Marcos..... 1981
- Santa Ana..... 1978 - 1981
- Westlake Village..... 1983 - 1994

During these assignments, Tom has supervised City staff and directed other consultants including traffic engineers and transportation planners, traffic signal and street lighting personnel, and signing, striping, and marking crews. He has secured over \$5 million in grant funding for various improvements. He has managed and directed many traffic and transportation studies and projects. While serving these communities, he has personally conducted investigations of hundreds of citizen requests for various traffic control devices. Tom has also successfully presented numerous engineering reports at City Council, Planning Commission, and Traffic Commission meetings in these and other municipalities.

Tom Brohard and Associates

In his service to the City of Indio since May 2005, Tom has accomplished the following:

- ❖ Oversaw preparation and adoption of the Circulation Element Update of the General Plan including development of Year 2035 buildout traffic volumes, revised and simplified arterial roadway cross sections, and reduction in acceptable Level of Service criteria under certain constraints. Reviewed Riverside County's updated traffic model for consistency with the adopted City of Indio Circulation Plan.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Jackson Street over I-10 as well as justifications for protected-permissive left turn phasing at I-10 on-ramps, the first such installation in Caltrans District 8 in Riverside County; reviewed plans and provided assistance during construction of a \$1.5 million project to install traffic signals and widen three of four ramps at the I-10/Jackson Street Interchange under a Caltrans encroachment permit.
- ❖ Oversaw preparation of fact sheets/design exceptions to reduce shoulder widths on Monroe Street over I-10 as well as striping plans to install left turn lanes on Monroe Street at the I-10 Interchange under a Caltrans encroachment permit; reviewed plans to install traffic signals and widen three of four ramps at the I-10/Monroe Street Interchange.
- ❖ Reviewed traffic impact analyses for Project Study Reports evaluating different alternatives for buildout improvement of the I-10 Interchanges at Jefferson Street, Monroe Street, Jackson Street and Golf Center Parkway.
- ❖ Oversaw preparation of plans, specifications, and contract documents and provided construction assistance for over 40 traffic signal installations and modifications.
- ❖ Reviewed and approved over 600 work area traffic control plans as well as signing and striping plans for all City and developer funded roadway improvement projects.
- ❖ Oversaw preparation of a City wide traffic safety study of conditions at all schools.
- ❖ Prepared over 500 work orders directing City forces to install, modify, and/or remove traffic signs, pavement and curb markings, and roadway striping.
- ❖ Oversaw preparation of engineering and traffic surveys to establish enforceable speed limits on over 200 street segments.
- ❖ Reviewed and approved traffic impact studies for more than 25 major developments.
- ❖ Developed the Golf Cart Transportation Program and administrative procedures; implemented routes forming the initial baseline system.

Since forming Tom Brohard and Associates in 2000, Tom has reviewed many traffic impact reports and environmental documents for various development projects. He has provided expert witness services and also prepared traffic studies for public agencies and private sector clients.

EXHIBIT D

Evictions Near Shuttle Stops 2013



Overall:

No-Fault Evictions increased 42% between 2011 and 2012.
No-Fault Evictions increased 57% between 2012 and 2013.

69% of No-Fault Evictions each year occurred within four blocks of known shuttle stops.

Evictions Near Shuttle Stops 2012



Overall:

No-Fault Evictions increased 42% between 2011 and 2012.
No-Fault Evictions increased 57% between 2012 and 2013.

69% of No-Fault Evictions each year occurred within four blocks of known shuttle stops.

Evictions Near Shuttle Stops 2011

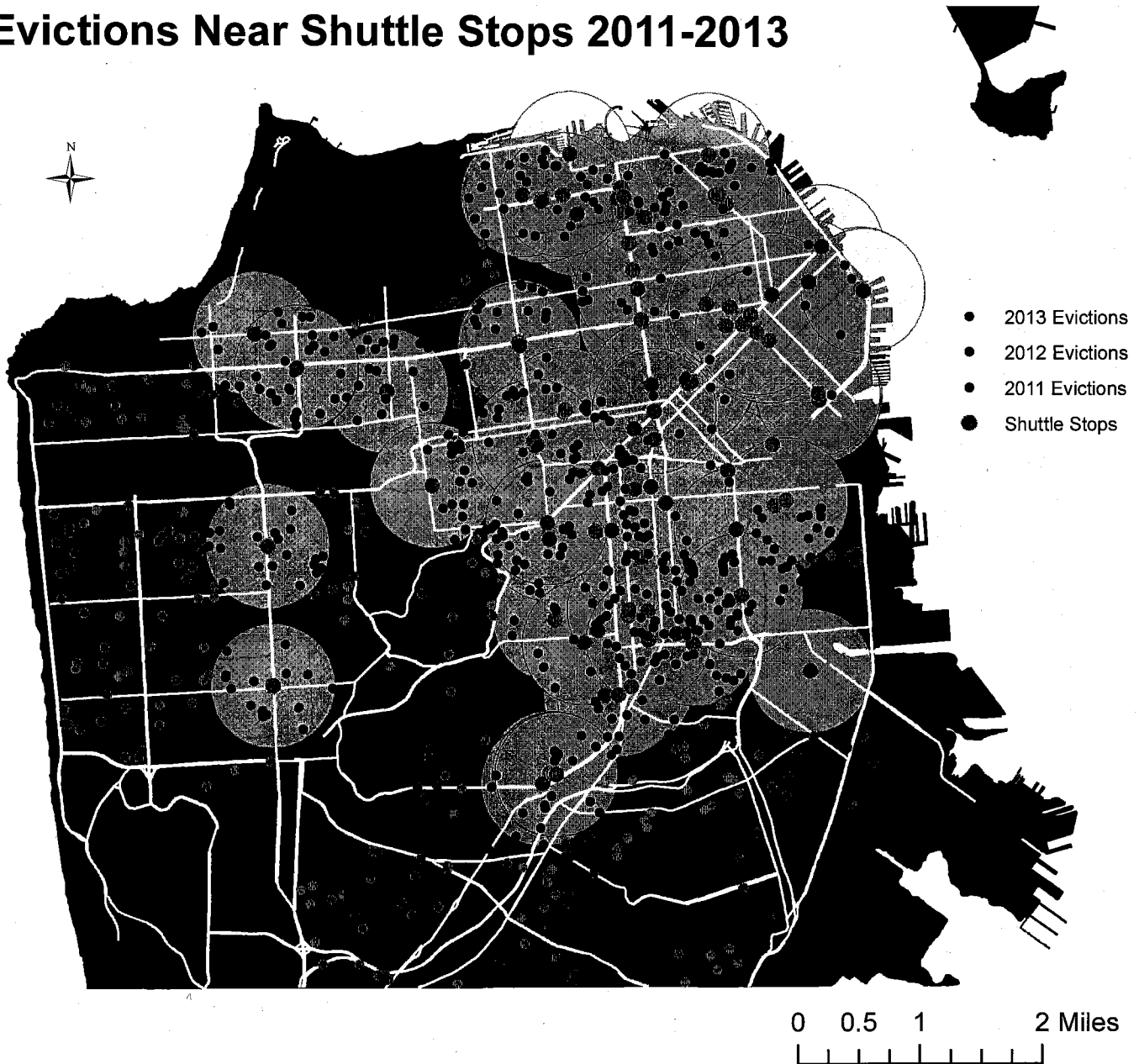


Overall:

No-Fault Evictions increased 42% between 2011 and 2012.
No-Fault Evictions increased 57% between 2012 and 2013.

69% of No-Fault Evictions each year occurred
within four blocks of known shuttle stops.

Evictions Near Shuttle Stops 2011-2013



Overall:

No-Fault Evictions increased 42% between 2011 and 2012.
No-Fault Evictions increased 57% between 2012 and 2013.

69% of No-Fault Evictions each year occurred within four blocks of known shuttle stops.

file 140255

From: Lamug, Joy [joy.lamug@sfgov.org]
Sent: Tuesday, April 01, 2014 10:00 AM
To: BOS-Supervisors; BOS-Legislative Aides; Nuru, Mohammed (DPW); Givner, Jon (CAT); Stacy, Kate (CAT); Byrne, Marlena (CAT); Malamut, John (CAT); Sanguinetti, Jerry (DPW); Sweiss, Fuad (DPW); Rodgers, AnMarie (CPC); Sanchez, Scott (CPC); Jones, Sarah (CPC); Navarrete, Joy (CPC); Tam, Tina (CPC); Frye, Tim (CPC); Dwyer, Debra (CPC); Ionin, Jonas (CPC); Storrs, Bruce (DPW); Lippelaw@sonic.net; Chan, Cheryl (DPW); dengler@coxcastle.com; mbradish@coxcastle.com
Cc: Calvillo, Angela (BOS); Caldeira, Rick (BOS); Carroll, John (BOS)
Subject: FW: Emailing: OCII Response Letter.pdf
Attachments: OCII Response Letter.pdf

Good Morning,

Please see the attached document submitted by Christine Maher of Office of Community Investment and Infrastructure Successor Agency, in relation to the April 8, 2014, hearing on the Tentative Parcel Map Appeal of the 738 Mission Street. Hard copies to Supervisors and City Attorney were placed in the mailboxes yesterday, March 31st.

Thank you.

Joy Lamug
Legislative Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102
Direct: (415) 554-7712 | Fax: (415) 554-5163
Email: joy.lamug@sfgov.org
Web: www.sfbos.org

Please complete a Board of Supervisors Customer Service Satisfaction form by clicking here.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information-including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees-may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy.

-----Original Message-----

From: Maher, Christine (OCII)
Sent: Monday, March 31, 2014 12:03 PM
To: BOS Legislation
Cc: Lamug, Joy; Caldeira, Rick (BOS); Morales, James (OCII)
Subject: Emailing: OCII Response Letter.pdf

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Please see the attached letter submitted in connection with the 738 Mission Street Tentative Parcel Map Appeal, scheduled to be heard by the Board of Supervisors on April 8, 2014, at 3:00 p.m.

Christine Maher
Development Specialist
Office of Community Investment and Infrastructure Successor Agency to the San Francisco
Redevelopment Agency One South Van Ness Avenue, Fifth Floor San Francisco, CA 94103

(415) 749-2481 phone
(415) 749-2526 fax
christine.maher@sfgov.org

**Office of Community
Investment and Infrastructure**
(Successor to the San Francisco
Redevelopment Agency)

One South Van Ness Avenue
San Francisco, CA 94103
415.749.2400



EDWIN M. LEE, Mayor

Christine Johnson, Chair
Mara Rosales, Vice-Chair
Theodore Ellington
Marily Mondejar
Darshan Singh
Tiffany Bohee, Executive Director

March 31, 2014

108-013.14-146

Board President David Chiu and Members of the Board of Supervisors
c/o Ms. Angela Calvillo
Clerk of the Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

**Re: Response Letter to Notice of Appeal of Approval of Subdivision Map
for Project 7970 relating to Block 3706, Lots 275, 277, 093 and 706
Mission Street**

Dear President Chiu and Supervisors:

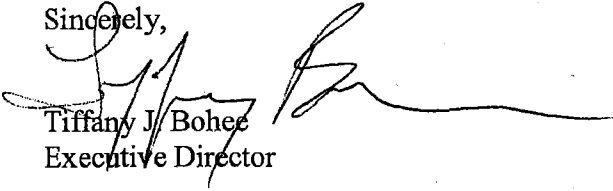
On March 4, 2014, the Department of Public Works, through the City and County Surveyor, ("DPW") approved Tentative Parcel Map 7969 for a proposed subdivision at 738 Mission Street, Block 3706, 277 ("Approved Map"). The Successor Agency to the former Redevelopment Agency of the City and County of San Francisco, also known as the Office of Community Investment and Infrastructure, ("Agency") owns the property that is the subject of the Approved Map, which would provide for a four lot subdivision. The Agency proposed the subdivision as a preliminary step to comply with the state law requiring the Agency to dispose of the Former Redevelopment Agency assets. Cal. Health & Safety Code § 34191.4 (a). The proposed subdivision, however, does not authorize any conveyance of the property or development at the site, which has been, or will be, the subject of separate actions.

Significantly, the Notice of Appeal filed on March 14, 2014, by Mr. Thomas Lippe, Esq. on behalf of the 765 Market Street Residential Owner's Association, Friends of Yerba Buena, Paul Sedway, Ron Wormick, Matthew Schoenberg, Joe Fang, and Margaret Collins (the "Appellants") does not directly challenge the above-described map approval ("Appeal"). Instead the Appeal refers to a map application that is still under review by the Department of Public Works and that relates to a development project at 706 Mission Street. The Board of Supervisors, the Agency, its Oversight Board, and the state Department of Finance have all previously approved the 706 Mission Street Project about which the appellants complain.

The Agency opposes the Appeal because it relates to a different and future map application and thus does not raise any deficiencies with DPW's approval of Tentative Parcel Map No. 7969. Moreover, the Appeal raises issues that have already been addressed and

rejected in numerous public hearings before the Board of Supervisors, the Planning Commission, the Board of Appeal, the Recreation and Park Commission, the Agency, and the Oversight Board. For these reasons, the Agency requests that the Board of Supervisors deny the Appeal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tiffany J. Bohee', with a long horizontal flourish extending to the right.

Tiffany J. Bohee
Executive Director

cc: James B. Morales
Interim General Counsel, OCII

Nevin, Peggy

From: Board of Supervisors
To: BOS Supervisors; Carroll, John
Subject: File 140143; Commuter Shuttle Pilot Program Appeal

-----Original Message-----

From: Jonathan Bonato [<mailto:jonathanbonato@att.net>]
Sent: Tuesday, April 01, 2014 6:51 AM
To: Board of Supervisors; Caldeira, Rick (BOS); Chiu, David (BOS); Campos, David (BOS)
Subject: Commuter Shuttle Pilot Program Appeal

Dear Supervisors,

The illegal use of Muni bus stops by free tech buses with impunity stands in stark contrast to the way SFMTA and SFPD treat low income, minorities, disabled, and homeless trying to ride Muni buses or trains. While tech buses pull into Muni bus stops, blocking public transit, blocking crosswalks, and blocking bicycle lanes with impunity, I have watched SFMTA swarm buses and trains to ticket minorities, homeless, disabled and low income people, with the support of San Francisco Police Department, especially near Twitter. Its unbelievable to watch the double standard being applied at the same intersection, at the same time (8th and Market). A few years ago, SFPD shot and killed a young fare evader in the Bayview.

He who works in the City should get to live in the City. The Mayor's Office of Housing also gives preference to those who live and work in San Francisco. It doesn't give preference to those who come from across the country to work in Silicon Valley. But SFMTA is doing what the San Francisco Redevelopment Agency was blocked from doing forty years ago, by organizations like the Mission Coalition, which gave birth to Mission Housing Development Corporation....SFMTA and the Google bus are driving redevelopment and displacement of existing brown and black skinned residents. It makes no sense to displace our working class and middle class citizens from San Francisco, our teachers, our police officers, our firefighters, making them drive hours from the Valley to San Francisco, so that young, single tech workers, who don't work in San Francisco, can take our homes, then turn around and commute an hour south by luxury tinted window double decker buses. This policy of forcing people to live an hour or more away from their jobs is bad for the environment, its bad for the stability of our neighborhoods and communities, its bad for public safety.

Painfully, I know what it is like to lose my home during the first dot com boom, being unable to find any place affordable to live. At the time, I worked for as an Office Assistant for the California Highway Patrol. Within months, struggling to keep a job while homeless, I lost my car, and had to give up my job. Today, its even worse, as thousands of people are displaced, evicted, and more recently, in case of my fellow Buddhist friend, Alex Nieto, shot and killed by SFPD for being an hispanic male in a red jacket, with his security guard taser, eating a burrito on rapidly gentrifying Bernal Hill.

I work in affordable housing, in the Mission District. I see the panicked faces of tenants soon to be Ellis Act evicted so young tech workers can take their homes, and there simply isn't any place for them to go, there are no vacancies, except for obscenely over priced condos and apartments like the \$8,000 per month, two bedroom unit above

the new whole foods on Market, or the \$11,500 two bedroom apartment which was just built on Valencia and 19th.

I deeply appreciate the efforts of former SEIU, Sara Shortt and others to stop the tech buses from rolling through our neighborhoods, and I plead with the Supervisors to listen to them. These buses are symbolic

rolling waves of displacement and skyrocketing real estate prices.

Without the courage of people like Chris Daly from SEIU, Sara Shortt & Tommi Avicola Mecca from Housing Rights Committee, from Brian Basinger from AIDS Housing Alliance, many more people will be made homeless.

Please stop the the SFMTA and Google from pushing us out of the City so their workers can take our homes.

Jonathan Bonato
53 Columbus Avenue

Occupancy & Compliance Specialist for affordable housing.

To: BOS-Supervisors; Carroll, John
Subject: File 140143: Written Testimony for the Shuttle Bus Pilot Program's EIR hearing

From: wendolyn aragon [mailto:wendolyn.aragon@gmail.com]
Sent: Tuesday, April 01, 2014 1:24 PM
To: Calvillo, Angela (BOS)
Subject: Written Testimony for the Shuttle Bus Pilot Program's EIR hearing

Hi Angela,

Sue Vaughn from the Sierra Club asked me to send this to you since I cannot be there today due to meeting conflicts. She also mentioned that it could be sent to the Supervisors:

My name is Wendy Aragon and I am the Vice President of the Richmond District Democratic Club. Our club has spent over 26 years advocating for the rights of our neighbors and community. Our meetings are often forums for public policy, local and statewide legislation, and we endorse candidates for public office and our State Senate and Assembly. We also register more voters than any other chartered Democratic Club in San Francisco. I am proud to say our club has endorsed this appeal because of the direct impact that shuttle buses coming through our neighborhood has on the people of the Richmond District.

In addition to the impacts that it will have on my community, I can also speak to this as the Chair of the Citizens Advisory Committee for the San Francisco Public Utilities Commission which represents all 11 Supervisor Districts, small business, regional water customers, large capacity water customers, and environmental organizations or endeavors.

Many San Franciscans know that we get our water from the Hetch Hetchy water system. But what some may not know is that our system also creates hydro-electricity, which provides power to all of our city services, including our many hydro-electric, zero emissions Muni buses. These buses serve thousands more people and get more cars off the road every day, here in San Francisco, than the all of the diesel-powered shuttles that take people to work in the peninsula.

When shuttle buses are idling at each stop for 1-2 minutes every day, they are emitting exhaust into the air which is not healthy for our environment or those waiting at shared Muni stops who are ingesting those fumes. This contradicts our commitment to using sustainable energy and moving towards becoming a transit-first city. One dollar per stop, per day is unfair to our citizens who are equally committed to using transit and yet, are paying higher fares. That is why I am asking our Board of Supervisors to please consider this appeal so that tech companies using commuter shuttles are paying their fair share.

Sincerely,

Wendy Aragon,
San Francisco Resident,
Richmond District Democratic Club Vice President,
SFPUCC Citizen's Advisory Committee Chair and District 1 Appointee

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Date: April 7, 2014
To: Honorable Members, Board of Supervisors
From: Angela Calvillo, Clerk of the Board
Subject: Form 700

This is to inform you that the following individuals have submitted a Form 700 Statement:

Peter Lauterborn - Legislative Aide – Annual
Hillary Ronen - Legislative Aide – Annual
Rachel Redondiez - Legislative Aide – Annual
Nathan Albee - Legislative Aide – Annual
April Veneracion - Legislative Aide – Annual
Nickolas Pagoulatos - Legislative Aide – Annual
Olivia Scanlon - Legislative Aide – Annual
Jeremy Pollock – Legislative Aide – Annual
Dyanna Quizon – Legislative Aide – Annual
Adam Taylor - Legislative Aide - Annual
Jeffrey Cretan - Legislative Aide – Annual
Ashley Summers - Legislative Aide – Annual
Sunny Angulo - Legislative Aide - Annual
Victor Lim - Legislative Aide – Annual
Catherine Rauschuber - Legislative Aide - Annual