

1 [Reversing the Exemption Determination - San Francisco Municipal Transportation Agency's
2 Commuter Shuttle Policy and Pilot Program]

3 **Motion reversing the determination by the Planning Department that the San Francisco**
4 **Municipal Transportation Agency's Commuter Shuttle Policy and Pilot Program is**
5 **exempt from environmental review.**

6
7 WHEREAS, WHEREAS, On January 10, 2014, the Planning Department determined
8 that the San Francisco Municipal Transportation Agency's ("SFMTA") Commuter Shuttle
9 Policy and Pilot Program ("Project") is exempt from environmental review under the California
10 Environmental Quality Act ("CEQA"), the CEQA Guidelines, and San Francisco Administrative
11 Code Chapter 31. The proposed project initiation of an 18-month pilot program in which
12 SFMTA would gather data about commuter shuttle activities that would inform any future
13 proposed program intended to regulate commuter shuttles. Under the proposed Project, the
14 SFMTA would solicit permit applications from shuttle providers and would select
15 approximately 200 Muni stops for shared use with commuter shuttles. The Project would also
16 establish fees for such permits and penalties for permit violations. The Project would operate
17 over a limited time period (18 months), at which time the MTA would decide whether to
18 implement a permanent program for commuter shuttles and would determine what form that
19 program would take; and

20 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on
21 February 19, 2014, Richard T. Drury and Christina M. Caro, of Lozeau Drury LLP, on behalf of
22 Sara Shortt, the Harvey Milk Lesbian, Gay, Bisexual, Transgender Democratic Club, Service
23 Employees International Union Local Union 1021, and the San Francisco League of Pissed
24 Off Voters (Appellants), appealed the exemption determination. The Appellants provided a
25 copy of the SFMTA Board of Directors' Resolution No. 14-023, dated January 21, 2014,

1 approving a the proposed Project, which motion noted that the proposed project was exempt
2 under Class 6 of the CEQA Guidelines as an information gathering and data collection project
3 (14 Cal. Code Reg. §15306); and

4 WHEREAS, On April 1, 2014, this Board held a duly noticed public hearing to consider
5 the appeal of the exemption determination filed by Appellants and, following the public
6 hearing, reversed the exemption determination; and

7 WHEREAS, In reviewing the appeal of the exemption determination, this Board
8 reviewed and considered the exemption determination, the appeal letter, the responses to the
9 appeal documents that the Planning Department and SFMTA prepared, the other written
10 records before the Board of Supervisors and all of the public testimony made in support of
11 and opposed to the exemption determination appeal. Following the conclusion of the public
12 hearing, the Board of Supervisors reversed the exemption determination for the project based
13 on the written record before the Board of Supervisors as well as all of the testimony at the
14 public hearing in support of and opposed to the appeal. The written record and oral testimony
15 in support of and opposed to the appeal and deliberation of the oral and written testimony at
16 the public hearing before the Board of Supervisors by all parties and the public in support of
17 and opposed to the appeal of the exemption determination is in the Clerk of the Board of
18 Supervisors File No. 140143 and is incorporated in this motion as though set forth in its
19 entirety; now therefore be it

20 MOVED, That this Board of Supervisors reverses the determination by the Planning
21 Department that the project is exempt from environmental review.

22
23 n:\landuse\mbyrne\bos ceqa appeals\sfmta commuter shuttle catex rev.docx
24
25