

BOARD of SUPERVISORS



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MEMORANDUM

TO: Mawuli Tugbenyoh, Liaison to the Board of Supervisors, Mayor's Office
Jon Givner, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Naomi Kelly, City Administrator, Office of the City Administrator
Ed Reiskin, Executive Director, Municipal Transportation Agency
Mohammed Nuru, Director, Public Works
William Scott, Police Chief, Police Department
Vicki Hennessy, Sheriff, Sheriff's Department

FROM: *ll* Alisa Somera, Legislative Deputy Director, Rules Committee
for Board of Supervisors

DATE: December 20, 2017

SUBJECT: CHARTER AMENDMENT INTRODUCED
June 5, 2018 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the June 5, 2018, Election, introduced by Supervisor Safai on December 12, 2017. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 171309 Charter Amendment - Jurisdiction Within City Government Over Parking and Traffic Matters

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to eliminate the San Francisco Municipal Transportation Agency's jurisdiction over parking and traffic regulations; to grant the legislative authority over parking and traffic to the Board of Supervisors; to create a new Livable Streets Commission and Department to manage parking and traffic; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on June 5, 2018.

Please review and submit any reports or comments you wish to be included with the legislative file.

If you have any questions or concerns, please call me at (415) 554-7711 or email: alisa.somera@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Shahde Tavakoli, Mayor's Office
Kyle Kundert, Ethics Commission
Lynn Khaw, Office of the City Administrator
Lihmeei Leu, Office of the City Administrator
Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Viktoriya Wise, Municipal Transportation Agency
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Rowena Carr, Police Department
Kristine Demafeliz, Police Department
Theodore Toet, Sheriff's Department
Katherine Gorwood, Sheriff's Department
Eileen Hirst, Sheriff's Department

1 [Charter Amendment - Jurisdiction Within City Government Over Parking and Traffic Matters]

2
3 **Describing and setting forth a proposal to the voters at an election to be held on June 5,**
4 **2018, to amend the Charter of the City and County of San Francisco to eliminate the San**
5 **Francisco Municipal Transportation Agency’s jurisdiction over parking and traffic**
6 **regulations; to grant the legislative authority over parking and traffic to the Board of**
7 **Supervisors; to create a new Livable Streets Commission and Department to manage**
8 **parking and traffic; and affirming the Planning Department’s determination under the**
9 **California Environmental Quality Act.**

10
11 Section 1. The Planning Department has determined that the actions contemplated in this
12 proposed Charter Amendment comply with the California Environmental Quality Act (California
13 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of
14 the Board of Supervisors in File No. ___ and is incorporated herein by reference. The Board
15 affirms this determination.

16 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
17 and County, at an election to be held on June 5, 2018, a proposal to amend the Charter of the
18 City and County revising Article VIIIA (Public Transportation and Livable Streets), deleting
19 existing Sections 8A.112 and 8A.113; renumbering existing Section 8A.114 as Section 8A.112
20 and existing Section 8A.115 as Section 8A.113; revising Sections 8A.100, 8A.101, 8A.102, and
21 newly-numbered Section 8A.113; and adding Sections 8A.114, 8A.115, 8A.116, and 8A.117, to
22 read as follows:

23 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
24 **Additions** are *single-underline italics Times New Roman font*.
25 **Deletions** are *strike-through italics Times New Roman font*.
Asterisks (* * * *) indicate the omission of unchanged Charter subsections.

ARTICLE VIII:

~~THE MUNICIPAL PUBLIC TRANSPORTATION AND LIVABLE STREETS AGENCY~~

SEC. 8A.100. PREAMBLE.

(a) San Francisco's transit system should be comparable to the best urban transit systems in the world's major cities. An effective, efficient, and safe transportation system is vital for San Francisco to achieve its goals for quality of life, environmental sustainability, public health, social justice, and economic growth. ~~The Municipal Transportation Agency must manage San Francisco's transportation system which includes automobile, freight, transit, bicycle, and pedestrian networks to help the City meet those goals. Through this measure, the voters seek to provide the Municipal Transportation Agency with improved resources and expanded independence and authority in order to create a transportation system that is among the best in the world.~~

(b) This ~~a~~Article VIIIA requires the Municipal Transportation Agency ("Agency") to develop clear, meaningful, and quantifiable measures of its performance and goals and to regularly publicize those standards. This ~~a~~Article also recognizes that the workers of the Municipal Transportation Agency are vital to the success of the Agency and to achieving the improvements voters seek. Therefore, it authorizes incentives for excellence and requires accountability for both managers and employees.

(c) Specifically, San Francisco residents require:

1. Reliable, safe, timely, frequent, and convenient transit service to all neighborhoods;
2. A reduction in breakdowns, delays, over-crowding, and preventable accidents;

- 1 3. Clean and comfortable transit vehicles and stations, operated by
2 competent, courteous, and well-trained employees;
- 3 4. Support and accommodation of the special transportation needs of
4 the elderly and the disabled;
- 5 5. Protection from crime and inappropriate passenger behavior on the
6 Municipal Railway;
- 7 6. Responsive, efficient, and accountable management;
- 8 7. Roads that are not gridlocked with congestion;
- 9 8. A safe and comprehensive network of bicycle lanes;
- 10 9. A safe and inviting environment for pedestrians;
- 11 10. Efficient movement of goods and deliveries;
- 12 11. A transportation sector that promotes environmental sustainability
13 and does not contribute to global warming; and
- 14 12. A well-managed and well-coordinated transportation system that
15 contributes to a livable urban environment.

16 Through this ~~measure~~ Article VIII A, the voters seek to provide the transportation
17 system with the resources, independence, and focus necessary to achieve these goals.
18 At the same time, the voters seek to provide accountability and oversight by the elected Board of
19 Supervisors, especially over matters impacting parking and traffic.

20 (d) The voters find that one of the impediments to achieving these goals in the
21 past has been that responsibility for transportation has been diffused throughout City
22 government. Accordingly, this Article VIII A places within the Municipal Transportation
23 Agency the powers and duties relating to transit ~~now~~ that in the past have been vested in
24 other departments, boards, and commissions of the City and County. This Article
25 further requires that, to the extent other City and County agencies provide services to

1 the Municipal Transportation Agency, those departments must give the highest priority
2 to the delivery of such services. This Article VIII places legislative authority over parking
3 and traffic, as described in Section 8A.114, with the Board of Supervisors and places within the
4 Livable Streets Commission the management of parking and traffic.

5 (e) At the same time, this Article VIIIA is intended to ensure sufficient
6 oversight of the Municipal Transportation Agency and the Livable Streets Commission by,
7 among other things, preserving the role of the City's Controller as to financial matters,
8 the City Attorney as to legal matters, and the Civil Service Commission, as to merit
9 system issues. In addition, this Article requires that outside audits be performed to
10 ensure that required service levels are obtained with a minimum of waste.

11 (f) ~~Finally,~~ This Article VIIIA is intended to strengthen the Municipal
12 Transportation Agency's authority to: 1) manage its employees; 2) establish efficient
13 and economical work rules and work practices that maximize the Agency's
14 responsiveness to public needs; and 3) protect the Agency's right to select, train,
15 promote, demote, discipline, lay off and terminate employees, managers, and
16 supervisors based upon the highest standards of customer service, efficiency and
17 competency.

18 (g) The effective management of traffic flow and parking are vital to the
19 operation of the Municipal Railway. Congestion on city streets causes delays in transit
20 operations. Therefore, the Municipal Transportation Agency shall coordinate with the
21 Livable Streets Commission to assist the Commission in managing ~~must manage~~ parking and
22 traffic flow to ensure that transit vehicles move through City streets safely and
23 efficiently.

24 (h) In addition, the residents of San Francisco require that the Agency and the
25 Livable Streets Commission coordinate to: 1) value and protect the safety of pedestrians

1 and bicyclists; 2) reduce congestion and air pollution through efficient use of the streets;
2 and 3) protect the City's economic health by giving priority to commercial deliveries and
3 access to local businesses.

4 (i) The voters find that reducing the carbon emissions from San Francisco's
5 transit sector is fundamental to the City's health and wellbeing and shall be among the
6 Agency's policy priorities. Because the Livable Streets Commission Agency has significant
7 influence on San Francisco's transportation sector, which is responsible for fully half of
8 the carbon emissions produced within the City, the voters direct the Livable Streets
9 Commission Agency to develop and implement strategies for substantially reducing those
10 emissions. The voters further affirm the goals of the City's Climate Action Plan.

11 (j) This Article VIIIA shall be interpreted and applied in conformance with the
12 above goals.

14 **SEC. 8A.101. MUNICIPAL TRANSPORTATION AGENCY.**

15 (a) There shall be a Municipal Transportation Agency. The Agency shall
16 include a Board of Directors and a Director of Transportation. The Agency shall include
17 the Municipal Railway ~~and the former Department of Parking and Traffic~~, as well as any
18 other departments, bureaus, or operating divisions hereafter created or placed under
19 the Agency. There shall also be a Citizens Advisory Committee to assist the Agency.

20 (b) Effective July 1, 2019 under the provisions of Sections 8A.113, 8A.114, and
21 8A.116, the Department of Livable Streets, currently known as the Sustainable Streets Division
22 of the Agency, shall be a separate Department under the Livable Streets Commission.

23 ~~(b) The Board of Supervisors shall have the power, by ordinance, to abolish the Taxi~~
24 ~~Commission created in Section 4.133, and to transfer the powers and duties of that commission~~
25 ~~to the Agency under the direction of the Director of Transportation or his or her designee. In~~

1 ~~order to fully integrate taxi-related functions into the Agency should such a transfer occur, the~~
2 ~~Agency shall have the same exclusive authority over taxi-related functions and taxi-related fares,~~
3 ~~fees, charges, budgets, and personnel that it has over the Municipal Railway and parking and~~
4 ~~traffic fares, fees, charges, budgets, and personnel. Once adopted, Agency regulations shall~~
5 ~~thereafter supercede all previously adopted ordinances governing motor vehicles for hire that~~
6 ~~conflict with or duplicate such regulations.~~

7 (c) Any transfer of functions occurring as a result of the above provisions shall
8 not adversely affect the status, position, compensation, or pension or retirement rights
9 and privileges of any civil service employees who engaged in the performance of a
10 function or duty transferred to another office, agency, or department pursuant to this
11 measure.

12 (d) Except as expressly provided in this Article VIII A, the Agency shall comply
13 with all of the restrictions and requirements imposed by ~~the~~ ordinances of general
14 application of the City and County, including ordinances prohibiting discrimination of any
15 kind in employment and contracting, such as Administrative Code Chapters 12B et seq.,
16 as amended from time to time. The Agency shall be solely responsible for the
17 administration and enforcement of such requirements.

18 (e) The Agency may ~~contract~~ enter into agreements with existing City and
19 County departments to carry out any of its powers and duties. Any such ~~contract~~
20 agreement shall establish performance standards for the department providing the
21 services to the Agency, including measurable standards for the quality, timeliness, and
22 cost of the services provided. All City and County departments must give the highest
23 priority to the delivery of such services to the Agency.

1 (f) The Agency may not exercise any powers and duties of the Controller or
2 the City Attorney and shall ~~contract~~ enter into agreements with the Controller and the City
3 Attorney for the exercise of such powers and duties.
4

5 **SEC. 8A.102. GOVERNANCE AND DUTIES.**

6 (a) The Agency shall be governed by a board of seven directors appointed by
7 the Mayor and confirmed after public hearing by the Board of Supervisors. ~~All initial~~
8 ~~appointments must be made by the Mayor and submitted to the Board of Supervisors for~~
9 ~~confirmation no later than February 1, 2000. The Board of Supervisors shall act on those initial~~
10 ~~appointments no later than March 1, 2000 or those appointments shall be deemed confirmed.~~

11 At least four of the directors must be regular riders of the Municipal Railway, and
12 must continue to be regular riders during their terms. The directors must possess
13 significant knowledge of, or professional experience in, one or more of the fields of
14 government, finance, or labor relations. At least two of the directors must possess
15 significant knowledge of, or professional experience in, the field of public transportation.
16 During their terms, all directors shall be required to ride the Municipal Railway on the
17 average once a week.

18 Directors shall serve four-year terms, ~~provided, however, that two of the initial~~
19 ~~appointees shall serve for terms ending March 1, 2004, two for terms ending March 1, 2003, two~~
20 ~~for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be~~
21 ~~designated by the Mayor.~~ No person may serve more than three terms as a director. A
22 director may be removed only for cause pursuant to Article XV. The directors shall
23 annually elect a chair. The chair shall serve as chair at the pleasure of the directors.
24 Directors shall receive reasonable compensation for attending meetings of the Agency
25 which shall not exceed the average of the two highest compensations paid to the

1 members of any board or commission with authority over a transit system in the nine
2 Bay Area counties.

3 (b) The Agency shall:

4 1. Have exclusive authority over the acquisition, construction,
5 management, supervision, maintenance, extension, operation, use, and control of all
6 property, as well as the real, personal, and financial assets of the Agency; and have
7 exclusive authority over contracting, leasing, and purchasing by the Agency, provided
8 that any Agency contract for outside services shall be subject to Charter Sections
9 10.104(12) and 10.104(15) and that the Agency may not transfer ownership of any of
10 the real property of the City and County without approval from the Board of Directors
11 and the Board of Supervisors;

12 2. Have exclusive authority to enter into such arrangements and agreements
13 for the joint, coordinated, or common use with any other public entity owning or having
14 jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals,
15 depots, maintenance facilities, and transit electrical power facilities;

16 3. Have exclusive authority to make such arrangements as it deems proper
17 to provide for the exchange of transfer privileges, and through-ticketing arrangements,
18 and such arrangements shall not constitute a fare change subject to the requirements of
19 Sections 8A.106 and 8A.108;

20 4. Notwithstanding any restrictions on contracting authority set forth in the
21 Administrative Code, have exclusive authority to enter into agreements for the
22 distribution of transit fare media *and media for the use of parking meters or other individual*
23 *parking services*;

24 5. Have exclusive authority to arrange with other transit agencies for bulk
25 fare purchases, provided that if passenger fares increase as a result of such purchases,

1 the increase shall be subject to review by the Board of Supervisors pursuant to Sections
2 8A.106 and 8A.108;

3 6. Notwithstanding Section 2.109, and except as provided in Sections
4 8A.106 and 8A.108, have exclusive authority to fix the fares charged by the Municipal
5 Railway, ~~rates for off-street and on-street parking,~~ and all other, rates, fees, fines, penalties
6 and charges for services provided or functions performed by the Agency;

7 ~~7. Notwithstanding any provision of the San Francisco Municipal Code (except~~
8 ~~requirements administered by the Department of Public Works governing excavation, street~~
9 ~~design and official grade) have exclusive authority to adopt regulations that control the flow and~~
10 ~~direction of motor vehicle, bicycle and pedestrian traffic, including regulations that limit the use~~
11 ~~of certain streets or traffic lanes to categories of vehicles and that limit the speed of traffic; and~~
12 ~~to design, select, locate, install, operate, maintain and remove all official traffic control devices,~~
13 ~~signs, roadway features and pavement markings that control the flow of traffic with respect to~~
14 ~~streets and highways within City jurisdiction, provided that:~~

15 ~~—— (i) Notwithstanding the authority established in subsection 7, the Board of~~
16 ~~Supervisors may by ordinance establish procedures by which the public may seek Board of~~
17 ~~Supervisors review of any Agency decision with regard to the installation or removal of a stop~~
18 ~~sign or the creation or elimination of a bicycle lane. In any such review, the Agency's decision~~
19 ~~shall stand unless the Board of Supervisors reverses the decision of the Agency not later than 60~~
20 ~~days after submission of a request to the Board of Supervisors.~~

21 ~~—— (ii) Nothing in this subsection 7 shall modify the authority of ISCOTT, or any~~
22 ~~successor body, over the temporary use or occupancy of public streets, or the authority of the~~
23 ~~Board of Supervisors to hear appeals regarding the temporary use or occupancy of public~~
24 ~~streets.~~

1 ~~——(iii) Nothing in subsection 7 shall modify the power of the Board of Supervisors to~~
2 ~~establish civil offenses, infractions and misdemeanors.~~

3 ~~——(iv) Notwithstanding the authority established in subsection 7, to the extent state~~
4 ~~law contemplates that Agency action authorized by subsection 7 be effectuated by ordinance,~~
5 ~~such action shall be effectuated by resolution of the Board of Directors and shall be subject to~~
6 ~~referendum in accordance with Article 14, and, if a referendum petition contains the requisite~~
7 ~~number of signatures, the Board of Supervisors shall have the power to reconsider or repeal the~~
8 ~~action as provided in Article 14.~~

9 ~~——8. Have exclusive authority to adopt regulations limiting parking, stopping, standing~~
10 ~~or loading as provided by state law and to establish parking privileges and locations subject to~~
11 ~~such privileges for categories of people or vehicles as provided by state law; to establish parking~~
12 ~~meter zones, to set parking rates, and to select, install, locate and maintain systems and~~
13 ~~equipment for payment of parking fees, provided that:~~

14 ~~——(i) Notwithstanding the authority established in subsection 8, the Board of~~
15 ~~Supervisors may by ordinance establish procedures by which the public may seek Board of~~
16 ~~Supervisors review of any Agency decision with regard to the creation or elimination of any~~
17 ~~preferential parking zone, the creation or elimination of any parking meter zone, the adoption of~~
18 ~~any limitation on the time period for which a vehicle may be parked, or reservation of any~~
19 ~~parking space for persons with a disability that qualifies for parking privileges under state law.~~
20 ~~In any review of a decision of the Agency pursuant to this section, the Agency's decision shall~~
21 ~~stand unless the Board of Supervisors reverses the decision of the Agency not later than 60 days~~
22 ~~after submission of a request to the Board of Supervisors.~~

23 ~~——(ii) Nothing in subsection 8 shall modify the power of the Board of Supervisors to~~
24 ~~establish civil offenses, infractions and misdemeanors.~~

1 ~~—(iii) Notwithstanding the authority established in subsection 8, to the extent state~~
2 ~~law contemplates that any Agency action authorized by subsection 8 be effectuated by ordinance,~~
3 ~~such action shall be effectuated by resolution of the Board of Directors and, if a referendum~~
4 ~~petition contains the requisite number of signatures, shall be subject to referendum in~~
5 ~~accordance with Article 14, and the Board of Supervisors shall have the power to reconsider or~~
6 ~~repeal the action as provided in Article 14.~~

7 ~~—9. Have exclusive authority to establish policies regarding and procure goods and~~
8 ~~services for the enforcement of regulations limiting parking, stopping, standing or loading and~~
9 ~~the collection of parking related revenues and, along with the Police Department, have authority~~
10 ~~to enforce parking, stopping, standing or loading regulations;~~

11 ~~—10. Be responsible for chairing the Interdepartmental Staff Committee on Traffic~~
12 ~~and Transportation (ISCOTT) or any successor body;~~

13 ~~—11. Be responsible for cooperating with and assisting the Police Department in the~~
14 ~~promotion of traffic safety; studying and responding to complaints related to street design, traffic~~
15 ~~control devices, roadway features and pavement markings; collecting compiling and analyzing~~
16 ~~traffic data and traffic accident data and planning improvements to improve the safety of the~~
17 ~~City's roadways; and conducting traffic research and planning;~~

18 ~~—12.7. Have exclusive authority to accept gifts and apply for, accept, and~~
19 ~~expend state, federal, or other public or private grant funds for Agency purposes;~~

20 ~~—13.7. To the maximum extent permitted by law, with the concurrence of~~
21 ~~the Board of Supervisors, and notwithstanding the requirements and limitations of~~
22 ~~Sections 9.107, 9.108, and 9.109, have authority without further voter approval to incur~~
23 ~~debt for Agency purposes and to issue or cause to be issued bonds, notes, certificates~~
24 ~~of indebtedness, commercial paper, financing leases, certificates of participation or any~~
25 ~~other debt instruments. Upon recommendation from the Board of Directors, the Board of~~

1 Supervisors may authorize the Agency to incur on behalf of the City such debt or other
2 obligations provided: 1) the Controller first certifies that sufficient unencumbered
3 balances are expected to be available in the proper fund to meet all payments under
4 such obligations as they become due; and 2) any debt obligation, if secured, is secured
5 by revenues or assets under the jurisdiction of the Agency.

6 ~~148.~~ Have the authority to conduct investigations into any matter within
7 its jurisdiction through the power of inquiry, including the power to hold public hearings
8 and take testimony, and to take such action as may be necessary to act upon its
9 findings; and

10 ~~159.~~ Exercise such other powers and duties as shall be prescribed by
11 ordinance of the Board of Supervisors.

12 (c) The Agency's Board of Directors shall:

13 1. Appoint a Director of Transportation, who shall serve at the
14 pleasure of the Board. The Director of Transportation shall be employed pursuant to an
15 individual contract. His or her compensation shall be comparable to the compensation
16 of the chief executive officers of the public transportation systems in the United States
17 which the Board of Directors, after an independent survey, determine most closely
18 resemble the Agency in size, mission, and complexity. In addition, the Board of
19 Directors shall provide an incentive compensation plan consistent with the requirements
20 of Section 8A.104(k) under which a portion of the Director's compensation is based on
21 achievement of service standards adopted by the Board of Directors.

22 2. Appoint an executive secretary who shall be responsible for
23 administering the affairs of the Board of Directors and who shall serve at the pleasure of
24 the Board.

1 3. In addition to any training that may be required by City, State or
2 federal law, attend a minimum of four hours of training in each calendar year, provided
3 by the City Attorney and the Controller regarding the legal and financial responsibilities
4 of the Board and the Agency.

5 (d) The Director of Transportation shall appoint all subordinate personnel of
6 the Agency, including deputy directors. The deputy directors shall serve at the pleasure
7 of the Director of Transportation.

8 (e) Upon recommendation of the City Attorney and the approval of the Board
9 of Directors, the City Attorney may compromise, settle, or dismiss any litigation, legal
10 proceedings, claims, demands or grievances which may be pending for or on behalf of,
11 or against the Agency relative to any matter or property solely under the Agency's
12 jurisdiction. ~~Unlitigated claims or demands against the Agency shall be handled as set forth in~~
13 ~~Charter Section 6.102.~~ Any payment pursuant to the compromise, settlement, or dismissal
14 of such litigation, legal proceedings, claims, demands, or grievances, unless otherwise
15 specified by the Board of Supervisors, shall be made from the Municipal Transportation
16 Fund.

17 (f) The Agency's Board of Directors, and its individual members, shall deal
18 with administrative matters solely through the Director of Transportation or his or her
19 designees. Any dictation, suggestion, or interference by a director in the administrative
20 affairs of the Agency, other than through the Director of Transportation or his or her
21 designees, shall constitute official misconduct; provided, however, that nothing herein
22 contained shall restrict the Board of Directors' powers of hearing and inquiry as provided
23 in this Section.

24 (g) Notwithstanding any provision of Chapter 6 or 21 of the Administrative
25 Code establishing any threshold amount for exercise of executive authority to execute

1 contracts, or any successor provision of the San Francisco Municipal Code, the
2 Agency's Board of Directors may adopt threshold amounts under which the Director of
3 Transportation and his or her designees may approve contracts.

4 (h) Except as provided in this Article VIIIA, the Agency shall be subject to the
5 provisions of this Charter applicable to boards, commissions, and departments of the
6 City and County, including but not limited to Sections 2.114, 3.105, 4.101, 4.101.5, 4.103,
7 4.104, 4.113, 6.102, 9.118, ~~16.100~~, and A8.346. Sections 4.102, 4.126, and 4.132 shall
8 not be applicable to the Agency.

9
10 ~~**SEC. 8A.112. PARKING AND TRAFFIC.**~~

11 ~~*—(a) The Municipal Transportation Agency Board of Directors shall succeed to all*~~
12 ~~*powers and duties of the former Parking and Traffic Commission, including the power of*~~
13 ~~*members to serve ex officio as members of the Parking Authority Commission under Section*~~
14 ~~*32657 of the Streets and Highways Code. The chair of the Agency's board of directors shall*~~
15 ~~*designate annually the directors to serve as members of the Parking Authority Commission. Any*~~
16 ~~*person may serve concurrently as a member of the Agency's board of directors and as a member*~~
17 ~~*of the Parking Authority Commission. It is the policy of the City and County that the Agency*~~
18 ~~*exercise all powers vested by State law in the Parking Authority.*~~

19 ~~*—(b) It shall be City policy that the offices of Director of Transportation and Parking*~~
20 ~~*Authority Executive Director are not incompatible offices, and the Director of Transportation*~~
21 ~~*may serve ex officio as Parking Authority Executive Director, but shall not receive any*~~
22 ~~*additional compensation for that service.*~~

23
24 ~~**SEC. 8A.113. PARKING AND TRAFFIC; GOVERNANCE.**~~
25

1 ~~—(a) The Agency shall be responsible for management of parking and traffic functions~~
2 ~~within the City, so as to:~~

3 ~~—1. Provide priority to transit services in the utilization of streets, particularly during~~
4 ~~commute hours while maintaining the safety of passengers, pedestrians, cyclists and motorists;~~

5 ~~—2. Facilitate the design and operation of City streets to enhance alternative forms of~~
6 ~~transit, such as pedestrian, bicycle, and pooled or group transit (including taxis);~~

7 ~~—3. Propose and implement street and traffic changes that gives the highest priority to~~
8 ~~public safety and to impacts on public transit, pedestrians, commercial delivery vehicles, and~~
9 ~~bicycles;~~

10 ~~—4. Integrate modern information and traffic-calming techniques to promote safer~~
11 ~~streets and promote usage of public transit;~~

12 ~~—5. Develop a safe, interconnected bicycle circulation network; and~~

13 ~~—6. Ensure that parking policies and facilities contribute to the long term financial~~
14 ~~health of the Agency.~~

15 ~~—(b) It shall be City policy that the Agency manage the Parking Authority so that it does~~
16 ~~not acquire or construct new or expanded parking facilities unless the Agency finds that the costs~~
17 ~~resulting from such acquisition, construction, or expansion and the operation of such facilities~~
18 ~~will not reduce the level of funding to the Municipal Railway from parking and garage revenues~~
19 ~~under Section 16.110 to an amount less than that provided for fiscal year 1999-2000, as adjusted~~
20 ~~by the Controller for inflation; further provided that it shall be City policy that before approving~~
21 ~~the acquisition, construction or expansion of a parking garage, the Agency's Board of Directors~~
22 ~~shall make a finding that the operation of the garage will advance or be consistent with the~~
23 ~~City's Transit First Policy.~~

24
25 **SEC. 8A.113115. TRANSIT-FIRST POLICY.**

1 (a) The following principles shall constitute the City and County's transit-first
2 policy and shall be incorporated into the General Plan of the City and County. All
3 officers, boards, commissions, and departments shall implement these principles in
4 conducting the City and County's affairs:

5 1. To ensure quality of life and economic health in San Francisco, the
6 primary objective of the transportation system must be the safe and efficient movement
7 of people and goods.

8 2. Public transit, including taxis and vanpools, is an economically and
9 environmentally sound alternative to transportation by individual automobiles. Within
10 San Francisco, travel by public transit, by bicycle, and on foot must be an attractive
11 alternative to travel by private automobile.

12 3. Decisions regarding the use of limited public street and sidewalk space
13 shall encourage the use of public rights of way by pedestrians, bicyclists, and public
14 transit, and shall strive to reduce traffic and improve public health and safety.

15 4. Transit priority improvements, such as designated transit lanes and
16 streets and improved signalization, shall be made to expedite the movement of public
17 transit vehicles (including taxis and vanpools) and to improve pedestrian safety.

18 5. Pedestrian areas shall be enhanced wherever possible to improve the
19 safety and comfort of pedestrians and to encourage travel by foot.

20 6. Bicycling shall be promoted by encouraging safe streets for riding,
21 convenient access to transit, bicycle lanes, and secure bicycle parking.

22 7. Parking policies for areas well served by public transit shall be designed
23 to encourage travel by public transit and alternative transportation.
24
25

1 8. New transportation investment should be allocated to meet the demand
2 for public transit generated by new public and private commercial and residential
3 developments.

4 9. The ability of the City and County to reduce traffic congestion depends on
5 the adequacy of regional public transportation. The City and County shall promote the
6 use of regional mass transit and the continued development of an integrated, reliable,
7 regional public transportation system.

8 10. The City and County shall encourage innovative solutions to meet public
9 transportation needs wherever possible and where the provision of such service will not
10 adversely affect the service provided by the Municipal Railway.

11 (b) The Municipal Transportation Agency and the Livable Streets Commission shall
12 cooperate with the Board of Supervisors and other City departments to put this Policy into
13 effect. ~~The City may not require or permit off-street parking spaces for any privately-owned~~
14 ~~structure or use in excess of the number that City law would have allowed for the structure or~~
15 ~~use on July 1, 2007 unless the additional spaces are approved by a four-fifths vote of the Board~~
16 ~~of Supervisors. The Board of Supervisors may reduce the maximum parking required or~~
17 ~~permitted by this section.~~

18 **SEC.8A.114. LIVABLE STREETS COMMISSION.**

19 (a) There shall be a Livable Streets Commission comprised of the members of the
20 Municipal Transportation Agency Board of Directors. It shall manage and control the
21 Department of Livable Streets in accordance with provisions in this Charter governing boards
22 and commissions.

23 (b) The Livable Streets Commission shall be responsible for management of parking
24 and traffic functions within the City, consistent with the following goals :
25

1 1. Provide priority to transit services in the utilization of streets, particularly
2 during commute hours including through integration of modern information and traffic-calming
3 techniques;

4 2. Advance the City's Vision Zero objectives through implementation of
5 neighborhood traffic calming and pedestrian and bicycle safety improvements, including by
6 developing a safe, interconnected bicycle circulation network;

7 3. Facilitate the design and operation of City streets to support alternative
8 forms of transit, including taxis, private transit vehicles, autonomous vehicles, pooled or group
9 transit, pedestrian and bicycle transit;

10 4. Ensure that parking policies and facilities contribute to the long-term
11 financial health of the Agency; and

12 5. Encourage a transportation sector that promotes environmental
13 sustainability and does not contribute to global warming.

14 (c) Any legislation required to effect the provisions of subsection (d) or to otherwise
15 carry out the duties of the Department of Livable Streets shall be under the authority of the
16 Board of Supervisors. An ordinance at the Board of Supervisors concerning parking and traffic
17 functions shall be reviewed by the Commission before it may be acted upon by the Board of
18 Supervisors. Notwithstanding the Commission's disapproval or recommended amendment of
19 such an ordinance, the Board of Supervisors may adopt the ordinance as proposed, or as the
20 Board in its sole discretion determines should be amended.

21 (d) Except where the authority or duty to discharge those functions and duties is
22 placed in another official or agency by this Charter or by State law, and except as otherwise
23 provided by ordinance, the Livable Streets Commission shall have responsibility for parking and
24 traffic functions of the City and County of San Francisco. Such parking and traffic related
25 functions shall include:

1 1. Setting rates for off-street and on-street parking, and all other, rates, fees,
2 fines, penalties and charges for services provided or functions performed by the Department;

3 2. Controlling the flow and direction of motor vehicle, bicycle and
4 pedestrian traffic, including limiting the use of certain streets or traffic lanes to categories of
5 vehicles and that limit the speed of traffic, except for requirements administered by the
6 Department of Public Works governing excavation, street design and official grade;

7 3. Designing, selecting, locating, installing, operating, maintaining and
8 removing all official traffic control devices, signs, roadway features and pavement markings that
9 control the flow of traffic with respect to streets and highways within City jurisdiction;

10 4. Limiting parking, stopping, standing or loading as provided by state law
11 and establishing parking privileges and locations subject to such privileges for categories of
12 people or vehicles as provided by state law;

13 5. Establishing parking meter zones, setting parking rates, and selecting,
14 installing, locating and maintaining systems and equipment for payment of parking fees;

15 6. Establishing policies for the enforcement of regulations limiting parking,
16 stopping, standing or loading and the collection of parking-related revenues and, along with the
17 Police Department, have authority to enforce parking, stopping, standing or loading regulations;

18 7. Cooperating with and assisting the Police Department in the promotion of
19 traffic safety; studying and responding to complaints related to street design, traffic control
20 devices, roadway features and pavement markings; collecting compiling and analyzing traffic
21 data and traffic accident data and planning improvements to improve the safety of the City's
22 roadways; and conducting traffic research and planning;

23 8. Having authority over taxi-related functions and taxi-related fares, fees,
24 charges, budgets, and personnel;

1 9. Coordinating the City's efforts to address emerging mobility services such
2 as commuter shuttle services, private transit vehicles and other non-standard vehicles, private
3 buses, autonomous vehicles, and Transportation Network Companies; and

4 10. Exercising such other powers and duties as shall be prescribed by
5 ordinance of the Board of Supervisors.

6 (e) The City may not require or permit off-street parking spaces for any privately-
7 owned structure or use in excess of the number that City law would have allowed for the
8 structure or use on July 1, 2007, unless the additional spaces are approved by a four-fifths vote
9 of the Board of Supervisors. The Board of Supervisors may reduce the maximum parking
10 required or permitted by this section.

11
12 **SEC. 8A.115. DEPARTMENT OF LIVABLE STREETS.**

13 (a) The Department of Livable Streets shall be administered by a Director, subject to
14 appointment and the other provisions of Charter Section 4.102.

15 (b) The Department of Livable Streets shall be responsible for the day-to-day
16 operation of the affairs placed under the jurisdiction of the Livable Streets Commission.

17 (c) The Department of Livable Streets shall be responsible for chairing the
18 Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) or any successor
19 body.

20
21 **SEC. 8A.116. TRANSITION OF MUNICIPAL TRANSPORTATION AUTHORITY**
22 **TO LIVABLE STREETS COMMISSION.**

23 (a) Operative Date: The amendments to Article VIIIA adopted at the election held on
24 June 5, 2018, shall become operative on July 1, 2019. Until that date, all the provisions of
25 Article VIII existing on June 5, 2018, shall remain in effect. The Municipal Transportation

1 Agency shall use all best efforts to effectively and efficiently work to establish the Department of
2 Livable Streets such that the Agency is able to transfer all authority set forth in Section 8A.114.
3 to the Commission of Livable Streets on July 1, 2019 and such that the Department of Livable
4 Streets will start to implement that authority beginning July 1, 2019. Notwithstanding subsection
5 8.104(a), the Board of Supervisors may enact ordinances requiring the Municipal
6 Transportation Agency and the Commission to share administrative staff and functions with the
7 goal of maintaining the same level of, or reducing, administrative overhead compared to the
8 Agency prior to the creation of the Commission and the Department.

9 (b) Transportation Code. No later than July 1, 2019, the Municipal Transportation
10 Agency Board of Directors and Board of Supervisors shall adopt legislation amending or
11 deleting all provisions of the Transportation Code and Administrative Code that are not
12 consistent with this Charter Amendment.

13
14 **SEC. 8A.117. PUBLIC PARKING FACILITIES.**

15 (a) The Livable Streets Commission shall have authority over City-owned off-street
16 public parking facilities except those owned by the Port, the Airport, surface parking lots on
17 Recreation and Park Department property, and parking lots used solely to provide access to an
18 adjacent City office or facility.

19 (b) The Livable Streets Commission shall have authority over the garages and lots
20 under the jurisdiction of the Agency as July 1, 2019.

21 (c) The Livable Streets Commission shall serve ex officio as members of the Parking
22 Authority Commission under Section 32657 of the Streets and Highways Code. The chair of the
23 Livable Streets Commission shall designate annually the members of that body to serve as
24 members of the Parking Authority Commission. Any person may serve concurrently as a member
25 of the Livable Streets Commission and as a member of the Parking Authority Commission. It is

1 the policy of the City and County that the Livable Streets Commission exercise all powers vested
2 by State law in the Parking Authority.

3 (d) It shall be City policy that the offices of the Director of the Livable Streets
4 Department and Parking Authority Executive Director are not incompatible offices, and the
5 Director of the Department may serve ex officio as Parking Authority Executive Director, but
6 shall not receive any additional compensation for that service.

7 (e) It shall be City policy that the revenues of off-street parking facilities under the
8 authority of the Commission, including those of the Parking Authority, and funds generated by
9 the development of those facilities for appropriate non-parking uses, be used to support public
10 transportation and ensure the long term financial health of the Municipal Transportation
11 Agency.

12 (f) It shall be City policy that the Department manage the Parking Authority so that
13 it does not acquire or construct new or expanded parking facilities unless the Agency finds that
14 the costs resulting from such acquisition, construction, or expansion and the operation of such
15 facilities will not reduce the level of funding to the Municipal Transportation Agency from
16 parking and garage revenues to an amount less than that provided for fiscal year 2016-17, as
17 adjusted by the Controller for inflation; further provided that it shall be City policy that before
18 approving the acquisition, construction or expansion of a parking garage, the Livable Streets
19 Commission shall make a finding that such action will advance or be consistent with the City's
20 Transit First Policy.

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

23 By: _____

24 
25 John Givner
Deputy City Attorney

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LEGISLATIVE DIGEST

(First Draft, 12/12/2017)

[Charter Amendment - Jurisdiction Within City Government Over Parking and Traffic Matters]

Describing and setting forth a proposal to the voters at an election to be held on June 5, 2018, to amend the Charter of the City and County of San Francisco to eliminate the San Francisco Municipal Transportation Agency's jurisdiction over parking and traffic regulations; to grant the legislative authority over parking and traffic to the Board of Supervisors; to create a new Livable Streets Commission and Department to manage parking and traffic; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Currently the Charter grants the San Francisco Municipal Transportation Agency (SFMTA) exclusive jurisdiction over local public transportation, taxis, and a variety of parking and traffic related functions. The SFMTA Board has legislative authority to adopt regulations related to parking and traffic. The SFMTA Board also serves as the Parking Authority Board with responsibility over a number of garages.

Amendments to Current Law

The proposed Charter Amendment would eliminate the SFMTA's exclusive jurisdiction over parking and traffic issues, and taxis. It would create a new Livable Streets Commission and Department that would have authority over parking and traffic functions and taxis. The Livable Streets Commission would be comprised of the members of the Municipal Transportation Agency Board of Directors. The Board of Supervisors would have legislative authority over parking and traffic. Under the amendment parking and traffic functions under the responsibility of the Livable Streets Commission include:

- Setting rates for off-street and on-street parking, and all other, rates, fees, fines, penalties and charges for services provided or functions performed by the Department;
- Controlling the flow and direction of motor vehicle, bicycle and pedestrian traffic;
- Designing, selecting, locating, installing, operating, maintaining and removing all official traffic control devices, signs, roadway features and pavement markings;
- Limiting parking, stopping, standing or loading as provided by state law and establishing parking privileges and locations subject to such privileges for categories of people or vehicles as provided by state law;
- Establishing parking meter zones, setting parking rates, and selecting, installing, locating and maintaining systems and equipment for payment of parking fees;

- Establishing policies for the enforcement of regulations limiting parking, stopping, standing or loading and the collection of parking-related revenues and, along with the Police Department, have authority to enforce parking, stopping, standing or loading regulations;
- Cooperating with and assisting the Police Department in the promotion of traffic safety, among other things;
- Having authority over taxi-related functions and taxi-related fares, fees, charges, budgets, and personnel; and
- Coordinating the City's efforts to address emerging mobility services.

The proposed Charter Amendment also provides that the Livable Streets Commission would serve as the members of the the Parking Authority Commission. The Livable Streets Commission would have authority over City-owned off-stree public parking facilities, except those specified as under the jurisdiction of other City departments.

The proposed Charter Amendment provides for an operative date for the transfer of jurisdiction and the creation of the Livable Streets Commission of July 1, 2019.

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