

1 [Preparation of Findings to Reverse the Exemption Determination - San Francisco Municipal
2 Transportation Agency's Commuter Shuttle Policy and Pilot Program]

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

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

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

1 under Class 6 of the CEQA Guidelines as an information gathering and data collection project
2 (14 Cal. Code Reg. §15306); and

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

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

19 MOVED, That this Board of Supervisors directs the Clerk of the Board to prepare the
20 findings specifying the basis for its decision on the appeal of the exemption determination
21 issued by the Planning Department for the project.

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