

1 [Charter Amendment - Municipal Railway Fare Changes]

2  
3 **Describing and setting forth a proposal to the voters at an election to be held on November**  
4 **3, 2020, to amend the Charter of the City and County of San Francisco to eliminate the San**  
5 **Francisco Municipal Transportation Agency’s exclusive authority to fix fares by providing**  
6 **for separate Board of Supervisors authority to reject by majority vote Municipal Railway**  
7 **fare changes; to establish a policy for Municipal Railway fare increases; to require the**  
8 **Agency to submit various strategies in relation to key performance indicators and goals to**  
9 **the Mayor and Board of Supervisors every two years; to require the Municipal Railway to**  
10 **provide a level of service not less than service hours provided in April 1996; to revise**  
11 **minimum standards for on-time performance and service delivery for Municipal Railway**  
12 **rail routes, rapid routes, and frequent local and express routes; to require the Controller to**  
13 **conduct an independent Municipal Transportation Quality Review or contract with a**  
14 **nationally recognized consulting firm; and affirming the Planning Department’s**  
15 **determination under the California Environmental Quality Act.**

16  
17 Section 1. The Planning Department has determined that the actions contemplated in this  
18 proposed Charter Amendment comply with the California Environmental Quality Act (California  
19 Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of  
20 the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board  
21 affirms this determination.

22 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City  
23 and County, at an election to be held on November 3, 2020, a proposal to amend the Charter of  
24 the City and County by revising Sections 8A.102, 8A.103, 8A.104, 8A.106, 8A.107, and 8.108,  
25 to read as follows:

1           NOTE:           **Unchanged Charter text and uncodified text** are in plain font.  
2                           **Additions** are single-underline italics Times New Roman font.  
3                           **Deletions** are ~~strike-through italics Times New Roman font~~.  
4                           **Asterisks** (\* \* \* \*) indicate the omission of unchanged Charter  
5                           subsections.

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

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

12                       At least four of the directors must be regular riders of the Municipal Railway, and  
13           must continue to be regular riders during their terms. The directors must possess significant  
14           knowledge of, or professional experience in, one or more of the fields of government, finance, or  
15           labor relations. At least two of the directors must possess significant knowledge of, or  
16           professional experience in, the field of public transportation. During their terms, all directors  
17           shall be required to ride the Municipal Railway on the 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 director  
22           may be removed only for cause pursuant to Article XV. The directors shall annually elect a chair.  
23           The chair shall serve as chair at the pleasure of the directors. Directors shall receive reasonable  
24           compensation for attending meetings of the Agency which shall not exceed the average of the  
25           two highest compensations paid to the members of any board or commission with authority over  
                a transit system in the nine Bay Area counties.

1 (b) The Agency shall:

2 \* \* \* \*

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

8 \* \* \* \*

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

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

19 \* \* \* \*

20 (e) Upon recommendation of the City Attorney and the approval of the Board of  
21 Directors, the City Attorney may compromise, settle, or dismiss any litigation, legal proceedings,  
22 claims, demands or grievances which may be pending for or on behalf of, or against the Agency  
23 relative to any matter or property solely under the Agency's jurisdiction. ~~Unlitigated claims or~~  
24 ~~demands against the Agency shall be handled as set forth in Charter Section 6.102.~~ Any  
25 payment pursuant to the compromise, settlement, or dismissal of such litigation, legal

1 proceedings, claims, demands, or grievances, unless otherwise specified by the Board of  
2 Supervisors, shall be made from the Municipal Transportation Fund.

3 \* \* \* \*

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 City and  
6 County, including but not limited to Sections 2.114, 3.105, 4.101, 4.101.5,  
7 4.103, 4.104, 4.113, 6.102, 9.118, ~~16.100~~, and A8.346. Sections 4.102, 4.126, and 4.132 shall not  
8 be applicable to the Agency.

9 **SEC. 8A.103. SERVICE STANDARDS AND ACCOUNTABILITY.**

10 (a) No later than February 1 of each odd-numbered year, the Agency shall submit to  
11 the Mayor and the Board of Supervisors a Climate Action Strategy, a Street Safety Action  
12 Strategy, a Service Equity Action Strategy, and a Transportation Quality Action Strategy, as  
13 more fully described in subsections 1-4 below. In each Strategy, the Agency shall describe past  
14 activities and performance in relation to key performance indicators and goals and shall outline  
15 future actions in relation to those indicators and goals for the two-year period commencing July  
16 1 of the odd-numbered year. In each Strategy, the Agency shall include any identified budget  
17 contingencies that may affect implementation of the Strategy. Before submission to the Mayor  
18 and Board of Supervisors, the Agency shall submit each Strategy to the Citizens' Advisory  
19 Council by January 1st. Upon submission to the Board of Supervisors, the Board shall promptly  
20 hold a public hearing on each Strategy and provide feedback to the Agency.

21 1. The Agency shall propose a Climate Action Strategy that describes measures  
22 taken and progress toward meeting City goals adopted by the Board of Supervisors for reducing  
23 greenhouse gas emissions from the transportation sector, as well as future plans to meet these  
24 goals. The Strategy shall address sustainable mode share, transit service, transit fleet, non-  
25 transit vehicles, Agency maintenance and operations, regional initiatives, and other subjects

1 that may be identified by the Agency.

2 2. The Agency, with active collaboration from the Police Department and the  
3 Department of Public Health, shall propose a Street Safety Action Strategy that addresses  
4 measures taken and progress towards meeting City goals to end traffic injuries and fatalities,  
5 including goals related to safe streets, safe vehicles, and safe people.

6 3. The Agency shall propose a Transportation Equity Action Strategy to identify  
7 and correct transportation disparities throughout the City, identify major transportation related  
8 challenges, and develop methods to address them.

9 4. The Agency shall propose a Transportation Quality Action Strategy to  
10 respond to the recommendations from the Municipal Transportation Quality Review conducted  
11 as required in Section 8A.107, as well as a discussion of any additional initiatives by the  
12 Agency to improve the overall effectiveness of the City's transportation system and state of good  
13 repair that are not already addressed in the Climate Action Strategy, the Street Safety Action  
14 Strategy, or the Service Equity Action Strategy.

15 (ab) The Municipal Railway shall provide a level of service measured in service hours  
16 which is not less than that ~~provided under the schedule of service published in the~~ April 1996  
17 ~~timetable~~, although not necessarily in that configuration.

18 (bc) By July 1 of each year, the Agency shall adopt milestones toward achievement of  
19 the goals specified in subsections (ed) and (de). Milestones shall be adopted for each mode of  
20 transportation of the Municipal Railway, and for the Municipal Railway as a whole, with the  
21 goal of full achievement of the standards set in subsection (ed).

22 (ed) The standards for the Agency with respect to the services provided by the  
23 Municipal Railway on rail routes, rapid routes, and frequent local and express routes shall  
24 include the following minimum standards for on-time performance and service delivery:

25 ///

1           1. On-time performance: at least 85% percent of vehicles must run on-time,  
2 where a vehicle is considered on-time if it is no more than ~~one minute early or four~~five minutes  
3 late as measured against ~~a~~ published headways~~schedule that includes time points~~; and

4           2. Service delivery: 98.5% percent of ~~scheduled~~planned service hours must be  
5 delivered, and at least 98.5% percent of ~~scheduled~~-vehicles must begin service ~~at the~~  
6 ~~scheduled~~on time.

7           ~~(de)~~ The Board of Directors shall adopt Agency rules setting additional measurable  
8 standards for system reliability, system performance, staffing performance, and customer service,  
9 including:

- 10           1. Passenger, public, and employee safety and security;
- 11           2. Coverage of neighborhoods and equitable distribution of service;
- 12           3. Level of crowding;
- 13           4. Frequency and mitigation of accidents and breakdowns;
- 14           5. Improvements in travel time, taking into account adequate recovery and lay-  
15 over times for operators;
- 16           6. Vehicle cleanliness, including absence of graffiti;
- 17           7. Quality and responsiveness of customer service;
- 18           8. Employee satisfaction;
- 19           9. Effectiveness of the preventive maintenance program; ~~and~~
- 20           10. Frequency and accuracy of communications to the public; and
- 21           11. The Agency's duties related to parking and traffic functions and any other  
22 functions that may be added to the Agency's responsibilities.

23           ~~(ef)~~ The Board of Directors shall adopt Agency rules setting forth the methods by  
24 which performance shall be measured with respect to each standard established pursuant to  
25 subsections ~~(ed)~~ or ~~(de)~~ above in accordance with industry best practices to enhance the Agency's

1 ability to compare its performance to that of other comparable transit systems. The Agency shall  
2 regularly publish reports documenting the Agency's performance for each standard. Each  
3 performance report shall note any changes in the rules governing the methods by which  
4 performance is measured so as to inform interpretation of performance trends over time. Nothing  
5 herein shall prohibit the Agency from using additional performance measures.

6 ~~(f) — The Agency shall issue a Climate Action Plan to the Board of Supervisors and the~~  
7 ~~Commission on the Environment by January 1, 2009, and every two years thereafter. The plan~~  
8 ~~shall describe measures taken and progress made toward the goal of reducing greenhouse gas~~  
9 ~~emissions from San Francisco's transportation sector to 80% of 1990 levels by 2012 and shall~~  
10 ~~further address progress toward the following goals:~~

11 ~~1. Zero greenhouse gas emissions for Municipal Railway transit vehicles;~~

12 ~~2. Lowering energy consumption in Agency facilities and by non transit~~  
13 ~~vehicles;~~

14 ~~3. Maximizing waste reduction in Agency operations;~~

15 ~~4. Increasing transit trips and reducing private vehicle trips within the City;~~

16 ~~5. Increasing the use of bicycling and walking as alternate forms of~~  
17 ~~transportation; and~~

18 ~~6. Improving regional transit connections to reduce private vehicle use by~~  
19 ~~commuters.~~

20 ~~No later than January 1, 2010, and no less than every ten years thereafter, the~~  
21 ~~Board of Supervisors shall adopt legislation setting goals for reducing greenhouse gas emissions~~  
22 ~~from San Francisco's transportation sector, and other climate action measures set forth above,~~  
23 ~~for periods after 2012.~~

24 **SEC. 8A.104. PERSONNEL AND MERIT SYSTEM.**

25 \* \* \* \*

1 (m) In addition to the base pay established in collective bargaining agreements,  
2 agreements negotiated by the Agency relating to compensation for Agency managers and  
3 employees in classifications designated by the Agency as "service-critical" may provide  
4 incentive bonuses based upon the achievement of the service standards in Section 8A.103(ed)  
5 and other standards and milestones adopted pursuant to Section 8A.103. Such agreements may  
6 also provide for additional incentives based on other standards established by the Board of  
7 Directors, including incentives to improve attendance. The Board of Directors may also establish  
8 a program under which a component of the compensation paid to the Director of Transportation  
9 and I exempt managers is based upon the achievement of service standards adopted by the Board  
10 of Directors. Notwithstanding any other provision of Article 8A, all such incentive programs  
11 shall be at the sole discretion of the Agency Board of Directors, subject to any bargaining  
12 obligation imposed by state law.

13 \* \* \* \*

14 **SEC. 8A.106. BUDGET.**

15 The Agency shall be subject to the provisions of Article IX of this Charter except:

16 (a) No later than May 1 of each even-numbered year, after professional review,  
17 public hearing and after receiving the recommendations of the Citizens' Advisory Council, the  
18 Agency shall submit its proposed budget with annual appropriation detail in a form approved by  
19 the Controller for each of the next two fiscal years to the Mayor and the Board of Supervisors for  
20 their review and consideration. The Agency shall propose a budget that is balanced without the  
21 need for additional funds over the Base Amount, but may include fare increases and decreases,  
22 and reductions or abandonment of service. The Mayor shall submit the budget to the Board of  
23 Supervisors, without change. Should the Agency request additional general fund support over the  
24 Base Amount, it shall submit an augmentation request for those funds in the standard budget  
25 process and subject to normal budgetary review and amendment under the general provisions of



1 Article IX.

2 (b) At the time the budget is adopted, the Agency shall certify that the budget is  
3 adequate in all respects to make substantial progress towards meeting the strategies in Section  
4 8A.103(a) and performance standards established pursuant to Section 8A.103(d) for the fiscal  
5 years covered by the budget.

6 (c) No later than August 1 and subject to Section 8A.108, the Board of Supervisors  
7 may allow the Agency's budget to take effect without any action on its part or it may reject but  
8 not modify the Agency's budget by a seven-elevenths' vote. Any ~~fare change~~, route  
9 abandonment, or revenue measure proposed in the budget shall be considered accepted unless  
10 rejected by a seven-elevenths' vote on the entire budget. Should the Board reject the budget, it  
11 shall make additional interim appropriations to the Agency from the Municipal Transportation  
12 Fund sufficient to permit the Agency to maintain all operations through the extended interim  
13 period until a budget is adopted. Any request for appropriation of General Fund revenues in  
14 excess of the Base Amount shall be approved, modified, or rejected under the general provisions  
15 of Article IX.

16 (d) No later than May 1 of each odd-numbered year, the Agency shall submit any  
17 budget amendment that may be required to increase appropriations over those approved in the  
18 two year budget or as may be required by law, provided that such budget amendment shall  
19 establish a detailed plan with appropriation detail only for those anticipated revenues and  
20 expenditures exceeding those approved in the two year budget or as otherwise required by law.  
21 The Agency may submit to the Board of Supervisors such additional budget amendments or  
22 modifications during the term of the budget, including but not limited to amendments reflecting  
23 fare changes, route abandonments and revenue measures, as may be required in the discretion of  
24 the Agency. Subject to Section 8A.108, ~~The~~ Board of Supervisors may allow any budget  
25 amendment to take effect without any action on its part or it may reject but not modify the

1 budget amendment by a seven-elevenths' vote taken within 30 days after its submission to the  
2 Board of Supervisors.

3 (e) Notwithstanding any other provisions of this Charter or requirements of the  
4 Annual Salary Ordinance, the Controller may authorize the Agency to move funds within its  
5 budget and hire personnel without specific Controller approval so long as the Agency's periodic  
6 and verifiable projections of spending by the Agency show the Controller that the Agency's  
7 spending will be within the approved budget. However, should the projections show that the  
8 Agency spending is likely to exceed its budget, the Controller may impose appropriate controls  
9 in his or her discretion to keep the Agency within budget.

10 **SEC. 8A.107. MUNICIPAL TRANSPORTATION QUALITY REVIEW.**

11 (a) ~~The Controller~~~~The Agency~~ shall biennially ~~conduct~~~~contract with a nationally~~  
12 ~~recognized management or transportation consulting firm with offices in the City and County for~~  
13 an independent review of the quality of ~~the Agency's~~~~sits~~ operations. The ~~Controller may conduct~~  
14 ~~the independent review using City employees and resources, or may contract with a nationally~~  
15 ~~recognized management or transportation consulting firm under a contract that has been~~~~shall be~~  
16 competitively bid and approved by the ~~Controller and~~ Board of Supervisors. The review shall  
17 contain:

18 1. A detailed analysis of the extent to which the Agency has met the goals,  
19 objectives, and performance standards it is required to adopt under Section 8A.103(d), and the  
20 extent to which the Agency is expected to meet those goals, objectives, and performance  
21 standards in the two fiscal years for which the review is submitted, and independent verification  
22 of the Agency's reported performance ~~under the performance measures adopted pursuant to~~  
23 ~~Section 4 of this measure~~; and

24 2. Such recommendations for improvement in the operation of the Agency as the  
25 Controller or firm conducting the review deems appropriate.

1 (b) The results of the review shall be presented promptly to the Citizens' Advisory  
2 Council, the Agency, the Board of Supervisors, and the Mayor ~~by the reviewing firm~~; and the  
3 Citizens' Advisory Council, the Agency, and the Board of Supervisors shall each promptly hold  
4 at least one public hearing thereon.

5 **SEC. 8A.108. FARE CHANGES AND ROUTE ABANDONMENTS.**

6 (a) Except as otherwise provided in this Section 8A.108, any proposed change in  
7 fares or route abandonments shall be submitted to the Board of Supervisors as part of the  
8 Agency's budget or as a budget amendment under Section 8A.106. Route abandonments, ~~and~~  
9 may be rejected at that time by a seven-elevenths vote of the Board on the budget or budget  
10 amendment. Any changes in fares or route abandonments proposed by the Agency specifically to  
11 implement a program of service changes identified in a system-wide strategic route and service  
12 evaluation ~~such as the Transit Effectiveness Project~~ may only be rejected by a single seven-  
13 elevenths' vote of the Board of Supervisors on the budget or budget amendment.

14 (b) Fare increase policy: In order to avoid large fare increases after extended  
15 periods without a fare increase, Municipal Railway fares shall be changed as necessary to:

16 1. Maintain alignment with increases in capital, operating, and maintenance  
17 costs by a formula incorporating the Bay Area Consumer Price Index and City labor costs  
18 according to details established by the Board of Directors;

19 2. Maintain the transit system in a state of good repair;

20 3. Respond to significant unanticipated changes in City costs or revenues;

21 4. Make progress toward meeting the performance standards approved by the  
22 Agency pursuant to Section 8A.103, as addressed in the most recent Climate Action Strategy,  
23 Street Safety Action Strategy, Service Equity Action Strategy, and/or Transportation Quality  
24 Action Strategy; or

25 ///

1                   5. Keep Municipal Railway fares low to encourage maximum patronage,  
2 particularly among daytime and night-time residents who are transit dependent or have limited  
3 transportation choices.

4                   Any Agency budget or budget amendment submitted to the Mayor and Board under  
5 Section 8A.106 that includes a proposed fare change shall be supported by documentation  
6 demonstrating why the fare change is necessary according to one or more of these criteria.

7                   (c) By no later than February 1, 2021, the Board of Supervisors may by motion by a  
8 majority of all its members reject any fare changes that became effective between July 1, 2020  
9 and December 31, 2020, inclusive. If the Board of Supervisors does not act before that time, the  
10 fare changes shall be deemed approved. The Agency shall make every reasonable attempt to  
11 return the difference in a fare that resulted from a fare increase that was paid by a member of  
12 the public prior to February 1, 2021, if the Board of Supervisors rejects the fare change. The  
13 Board of Supervisors may reject the proposed fare changes by either: (1) appropriating  
14 additional funds to the Agency to supplement any lost fare revenues for both fiscal years, or (2)  
15 making written findings, based on the criteria set forth in subsection (b), setting forth the  
16 reason(s) for rejecting the fare changes. Should the Board of Supervisors reject the fare changes  
17 by making written findings, the Agency's budget shall be deemed rejected and the Board of  
18 Supervisors shall make additional interim appropriations to the Agency from the Municipal  
19 Transportation Fund sufficient to permit the Agency to maintain all operations through the  
20 extended interim period until a budget is adopted as set forth in Section 8A.106.

21                   After the passage of the deadline set forth in this subsection (c), the City Attorney shall  
22 cause this subsection to be removed from the Charter by no later than December 31, 2021, and  
23 shall causer the subsections of this Section 8A.108 and other sections to be renumbered  
24 accordingly.

25 ///

1           (d) After January 1, 2021, for any fare changes submitted by the Agency by May 1 as  
2 part of its budget or as a budget amendment as provided in Section 8A.106, the Board of  
3 Supervisors may separately consider and reject by motion and a majority vote any fare changes  
4 by July 1 for the Agency's budget or within 30 days for any budget amendment. If the Board of  
5 Supervisors does not reject the fare changes before that time, the fare changes shall be deemed  
6 approved. The Board of Supervisors may reject the proposed fare changes by either: (1)  
7 appropriating additional funds to the Agency to supplement any lost fare revenues for both fiscal  
8 years, or (2) making written findings, based on the criteria set forth in subsection (b), setting  
9 forth the reason(s) for rejecting the fare changes. Should the Board of Supervisors reject the  
10 fare changes by making written findings, the Agency's budget shall be deemed rejected and the  
11 Board of Supervisors shall make additional interim appropriations to the Agency from the  
12 Municipal Transportation Fund sufficient to permit the Agency to maintain all operations  
13 through the extended interim period until a budget is adopted as set forth in Section 8A.106.

14           ~~(b) — The Agency shall base any proposed change in Municipal Railway fares on the~~  
15 ~~following criteria:~~

16                     ~~1.— The Municipal Railway's need for additional funds for operations and capital~~  
17 ~~improvements and optimal maintenance of assets.~~

18                     ~~2.— The extent to which the increase is necessary to meet the goals, objectives,~~  
19 ~~and performance standards previously established by the Agency pursuant to Section 8A.103.~~

20                     ~~3.— The extent to which the Agency has diligently sought other sources of funding~~  
21 ~~for the operations and capital improvements of the Municipal Railway.~~

22                     ~~4.— The need to keep Municipal Railway fares low to encourage maximum~~  
23 ~~patronage.~~

24                     ~~5.— The need to increase fares gradually over time to keep pace with inflation and~~  
25 ~~avoid large fare increases after extended periods without a fare increase.~~

1           (ee) For purposes of this Article VIII A, a "route abandonment" shall mean the  
2 permanent termination of service along a particular line or service corridor where no reasonably  
3 comparable substitute service is offered. If the Agency proposes to abandon a route at any time  
4 other than as part of the budget process as provided in Section 8A.106, it shall first submit the  
5 proposal to the Board of Supervisors. The Board of Supervisors may, after a noticed public  
6 hearing, reject the proposed route abandonment by a seven-elevenths vote of its members taken  
7 within 30 days after the proposal is submitted by the Agency.

8  
9 APPROVED AS TO FORM:  
10 DENNIS J. HERRERA, City Attorney

11 By: /s/ Anne Pearson  
12 ANNE PEARSON  
13 Deputy City Attorney

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