

File No. 120842

Committee Item No. 4

Board Item No. 6

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight Date October 29, 2012

Board of Supervisors Meeting Date November 16, 2012

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- Civil Grand Jury Report, "Better MUNI Service Needed"
- _____
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- _____

Completed by: Alisa Miller Date October 26, 2012

Completed by: Alisa Miller Date November 1, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document can be found in the file.

1 [Board Response - Civil Grand Jury Report - Better MUNI Service Needed, Without
2 Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2011-2012 Civil Grand Jury report entitled**
5 **"Better MUNI Service Needed, Without Switchbacks: An Investigation into the San**
6 **Francisco Municipal Transportation Agency" and urging the Mayor to cause the**
7 **implementation of accepted findings and recommendations through his/her**
8 **department heads and through the development of the annual budget.**

9
10 WHEREAS, Under California Penal Code Section 933 et seq., the Board of
11 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
12 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

13 WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or
14 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
15 county agency or a department headed by an elected officer, the agency or department head
16 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
17 response of the Board of Supervisors shall address only budgetary or personnel matters over
18 which it has some decision making authority; and

19 WHEREAS, The 2011-2012 Civil Grand Jury Report entitled "Better MUNI Service
20 Needed, Without Switchbacks: An Investigation into the San Francisco Municipal
21 Transportation Agency" is on file with the Clerk of the Board of Supervisors in File No.
22 120842, which is hereby declared to be a part of this resolution as if set forth fully herein; and

23 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
24 to Finding Nos. 1, 2, 3, 4, 6, 7, 8, and 9 as well as Recommendations 1, 2, 3, and 5 contained
25 in the subject Civil Grand Jury report; and

1 WHEREAS, Finding No. 1 states: "Muni switchbacks violate the spirit of the San
2 Francisco Charter;" and

3 WHEREAS, Finding No. 2 states: "Muni management has expressed very little interest
4 in finding alternatives to switchbacks;" and

5 WHEREAS, Finding No. 3 states: "There is not statistical or other evidence that
6 switchbacks alleviate delays or improve scheduling;" and

7 WHEREAS, Finding No. 4 states: "Muni officials show a callous disregard for the
8 welfare of riders overall in their use of switchbacks;" and

9 WHEREAS, Finding No. 6 states: "Other comparable transit systems refuse to subject
10 passengers to switchbacks for any reasons other than equipment breakdowns, accidents, or
11 unavoidable emergencies;" and

12 WHEREAS, Finding No. 7 states: "Muni has failed to fully implement basic
13 technological improvements in the system;" and

14 WHEREAS, Finding No. 8 states: "Muni's newest and most advanced control centers
15 lack adequate operating personnel and cannot communicate directly with Muni drivers;" and

16 WHEREAS, Finding No. 9 states: "Muni has failed to conduct and publish monthly rider
17 surveys as recommended in the FY 2008 and 2010 quality review;" and

18 WHEREAS, the Recommendation No. 1 states: " Eliminate switchbacks except for
19 equipment breakdowns, accidents, or unavoidable emergencies;" and

20 WHEREAS, the Recommendation No. 2 states: " Contact and learn from comparable
21 transit systems that do not resort to switchbacks as a regular solution to their problems;" and

22 WHEREAS, the Recommendation No. 3 states: " The Controller audit Muni funds to
23 determine if there are additional resources that may be available to rectify delays and
24 scheduling problems;" and
25

1 WHEREAS, the Recommendation No. 5 states: " Conduct and publish monthly rider
2 satisfaction surveys in accordance with the FY 2008 and 2010 quality review
3 recommendations;" and

4 WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of
5 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
6 Court on Finding Nos. 1, 2, 3, 4, 6, 7, 8, and 9 as well as Recommendations 1, 2, 3, and 5
7 contained in the subject Civil Grand Jury report; now, therefore, be it

8 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
9 Superior Court that it partially disagrees with Finding 1 for reasons as follows: The goal of
10 being reliable, timely, and frequent can cut both ways, the Board wants the majority of people
11 to have reliable service, but the Board acknowledges the frustration involved when riders are
12 subjected to switchbacks; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
14 Finding 2 for reasons as follows: The Board understands that switchbacks are not something
15 that Muni wants to do, but that it is a tool in Muni's arsenal, and Muni understands that there is
16 pushback on switchbacks from riders; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
18 Finding 3; and, be it

19 FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with
20 Finding 4 for reasons as follows: The Board finds that "callous disregard" is inflammatory
21 language, the use of which the Board does do not agree with; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors reports that it partially
23 disagrees with Finding 6 for reasons as follows: While the Civil Grand Jury found a number of
24 jurisdictions that do not use switchbacks, Muni provided a list of jurisdictions that do use
25 switchbacks; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors reports that it partially
2 disagrees with Finding 7 for reasons as follows: Muni has worked hard to do this, but Muni,
3 like many City departments, is fiscally constrained; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
5 Finding 8; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with
7 Finding 9; and, be it

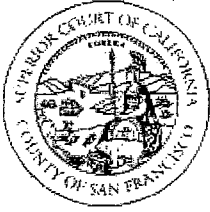
8 FURTHER RESOLVED, That the Board of Supervisors reports that it will not
9 implement Recommendation 1 for reasons as follows: It falls outside of the Board's purview;
10 and, be it

11 FURTHER RESOLVED, That the Board of Supervisors reports that it will implement
12 Recommendation 2 for reasons as follows: Muni will implement this in the future and the
13 Controller's Office is engaged in a multi-year effort with Muni to improve Muni services;
14 including the reconstitution of the Transportation Effectiveness Project (TEP); and, be it

15 FURTHER RESOLVED, That the Board of Supervisors reports that it has implemented
16 Recommendation 3; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors reports that it will not
18 implement Recommendation 5 for reasons as follows: It falls outside of the Board's purview;
19 and, be it

20 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
21 implementation of accepted findings and the recommendation through his/her department
22 heads and through the development of the annual budget.



City and County of San Francisco
Civil Grand Jury 2011-2012

BETTER MUNI SERVICE NEEDED, WITHOUT SWITCHBACKS

**AN INVESTIGATION INTO THE
SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY**

June 2012

Superior Court of California, County of San Francisco
Civic Center Courthouse
400 McAllister Street, Room 008
San Francisco, CA 94102
(415) 551-3605

TABLE OF CONTENTS

THE CIVIL GRAND JURY	iii
CIVIL GRAND JURORS	iv
WITNESSES	iv
REQUIRED RESPONSES	v
EXECUTIVE SUMMARY	1
BACKGROUND	2
METHODOLOGY AND APPROACH	3
DISCUSSION	3
I. Muni Switchbacks Violate the Spirit of the SF Charter	3
II. Other Transit Systems' Practices	4
III. Alternative Strategies to Prevent Switchbacks	5
IV. Muni is Not Effectively Using New Technology	6
V. Findings	7
VI. Recommendations	8
CONCLUSION	9
ENDNOTES	10
RESPONSE MATRIX	11
APPENDIX	12
Glossary of Terms	12
Bibliography	13

THE CIVIL GRAND JURY

California state law requires that all 58 counties impanel a Grand Jury to serve during each fiscal year (Cal. Const., Art. I, § 23; Cal. Penal Code, § 905). In San Francisco, the presiding judge of the Superior Court impanels two grand juries. The Indictment Grand Jury has sole and exclusive jurisdiction to return criminal indictments. The Civil Grand Jury scrutinizes the conduct of public business of county government.

The function of the Civil Grand Jury is to investigate the operations of the various officers, departments and agencies of the government of the City and County of San Francisco. Each civil grand jury determines which officers, departments and agencies it will investigate during its term of office. To accomplish this task the grand jury is divided into committees which are assigned to the respective departments or areas which are being investigated. These committees visit government facilities, meet with public officials, and develop recommendations for improving City and County operations.

The 19 members of the Civil Grand Jury serve for a period of one year from July 1 through June 30 the following year, and are selected at random from a pool of 30 prospective grand jurors. During that period of time it is estimated that a minimum of approximately 500 hours will be required for grand jury service. By state law, a person is eligible if a citizen of the United States, 18 years of age or older, of ordinary intelligence and good character, and has a working knowledge of the English language.

Applications to serve on the Civil Grand Jury are available by contacting the Civil Grand Jury office:

- by phone (415) 551-3605 (weekdays 8:00 a.m. - 4:30 p.m.).
- in person at the Grand Jury Office, 400 McAllister St., Room 008, San Francisco, CA 94102.
- by completing an online application (available at <http://www.sfsuperiorcourt.org/index.aspx?page=312>), and mailing it to the above address.

CITY AND COUNTY OF SAN FRANCISCO
CIVIL GRAND JURORS
2011-2012
(AS OF DATE OF PUBLICATION)

	Umung Varma, Foreperson	
Helen Blohm	Sharon Gadberry	Mort Raphael
Mark Busse	Ossie Gomez	Jack Saroyan
Mario Choi	Arlene Helfand	Earl Shaddix
Matthew Cohen	Lewis Hurwitz	Jack Twomey
Kay Evans	Todd Lloyd	Gregory Winters
Allegra Fortunati	Jean Ninos	Sharon Yow

WITNESSES

With regard to witnesses who provide testimony to the Civil Grand Jury to aid it in its investigation, **California Penal Code § 929** provides that:

As to any matter not subject to privilege, with the approval of the presiding judge of the superior court or the judge appointed by the presiding judge to supervise the grand jury, a grand jury may make available to the public part or all of the evidentiary material, findings, and other information relied upon by, or presented to, a grand jury for its final report in any civil grand jury investigation provided that the name of any person, or facts that lead to the identity of any person who provided information to the grand jury, shall not be released. Prior to granting approval pursuant to this section, a judge may require the redaction or masking of any part of the evidentiary material, findings, or other information to be released to the public including, but not limited to, the identity of witnesses and any testimony or materials of a defamatory or libelous nature.

The intention of the California State Legislature in enacting **Penal Code § 929** is to encourage full candor in testimony in Civil Grand Jury investigations by protecting the privacy and confidentiality of those who participate in an investigation of the Civil Grand Jury.

REQUIRED RESPONSES

California Penal Code § 933(c) provides deadlines for responding to this report:

No later than 90 days after the grand jury submits a final report on the operations of any public agency . . . the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility . . . shall comment within 60 days to the presiding judge of the superior court . . . on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury.

California Penal Code § 933.05 provides for the manner in which responses to this report are to be made:

- (a) For purposes . . . as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes . . . as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

EXECUTIVE SUMMARY

A switchback is a tool, according to officials at the San Francisco Municipal Transportation Agency (Muni), used to improve the service times of Light Rail Vehicles (and buses) during the course of their runs. When vehicles become bottlenecked in the system, it creates a logjam throughout the line – “bunching” – where trains follow each other too closely. Taking the “lead” vehicle in the bunch out of service and turning it around enables the vehicle to head back out without having to wait in the traffic jam. Thus, according to Muni managers, it gets more cars out of the way and creates a faster and smoother run for the remaining Light Rail Vehicles and buses. As a result of these switchbacks, riders are told to disembark. Then they must wait for the next train or bus.

The Civil Grand Jury learned that Muni uses switchbacks on 0.03% to 0.06% of all Muni runs. While that number appears small, it represents as many as 14,000 to 31,000 riders a month who are inconvenienced while waiting for a replacement car. Muni management describes problems such as inadequate rolling stock, scheduling snafus, poor utilization of staff, and lack of effective technology as creating the need for switchbacks. Management also claimed that use of switchbacks improves overall system performance and that it is a standard practice among metropolitan transit systems in the United States and Europe. Neither of these claims is supported by facts or evidence. On the contrary, Muni could provide no statistical support for performance improvement as a result of switchbacks, and San Francisco is in the distinct minority in using this practice to reduce delays.

The Jury surveyed a number of other transit systems, some in the Bay Area as well as other American cities, and even Paris, to determine whether these transit systems consider switchbacks an acceptable tool. Our survey found only one other system using switchbacks in the normal course of business. The others felt this practice was unnecessary and disrespectful to their riders.

Lastly, Muni has a room full of high tech equipment intended to monitor the entire system, but it lacks the staffing to operate it. Its communications technology is woefully inadequate to the task of operating its transit components efficiently.

This Jury has concluded that the unquestioning use of switchbacks by Muni is a practice that is antithetical to the goals set for the system in the Charter. Muni executives need to embrace the outlook of other transit system operators who view switchbacks as a sign of systemic failure. Muni must re-examine the many reports, studies, and surveys offered to improve the system, establish a detailed plan for implementation, seriously study other transit systems that have experienced more success even in trying budgetary times, and learn how public transit can be done well.

BACKGROUND

Past Civil Grand Juries have investigated a number of aspects of the San Francisco Municipal Transportation Agency (SFMTA), or Muni, but have never addressed the problem of switchbacks on Light Rail Vehicles (LRVs). According to SFMTA officials, a switchback is a tool used to improve the service times of LRVs (and buses) during the course of their runs. It is used when LRVs become bottlenecked in the system, creating a logjam throughout the line, or "bunching," where trains follow each other too closely. A consequence of bunching is that long gaps between trains follow the bunch. "Headway" is a term used to refer to the time between vehicles. When the headway is uneven, passengers are left waiting for delayed vehicles. Muni managers have decided to use switchbacks as the primary method for dealing with headway problems. The switchback solution involves identifying where the bunching is occurring, taking the "lead" vehicle in the bunch out of service, and turning it around. This enables the vehicle to head back out without having to wait behind the other Muni vehicles. According to Muni managers, switchbacks get some trains and buses out of the way, thus creating a faster and smoother run for the remaining LRVs and buses. As a result of these switchbacks, riders are told to disembark and wait for the next train.

In January of 2011, Supervisor Carmen Chu conducted a study of switchbacks, including hearings at which riders testified.¹ This study was in response to the public's dissatisfaction with this practice.² Riders described their shock and dismay when they were unexpectedly required to disembark from a fully functional car. Waiting in a strange area for another car to appear was stressful, especially at night, in inclement weather, and for handicapped riders. There was fear of crime, and many were outraged at the unexpected delay in their trip. In defense of its use of switchbacks, Muni minimized their impact by asserting that switchbacks occurred on only 0.03% to 0.06% of all Muni runs³ and blamed the necessity for switchbacks on many problems it considered insoluble in the near future. Most significantly, their report indicated that switchbacks were needed to overcome delays in the system. Management at Muni did not concede that the riders' objections were to the practice of switchbacks itself, but rather interpreted rider complaints so as to focus on other elements of related performance: poor communication and announcements, inaccurate destination signs, and excess time for following trains. Management maintained that improving these functions would assuage rider complaints. They also asserted that switchbacks were a common practice employed by all transit systems, including those in Europe, to regulate efficient transit operations.

In October 2011, Muni reported that 200 to 440 switchbacks a month were occurring on LRVs alone.⁴ Given a conservative estimate of 70 riders per double LRV, that accounts for 14,000 to 31,000 riders inconvenienced every month. Being compelled to leave an LRV or bus you boarded with the reasonable expectation it would take you to your regular destination violates the trust between Muni and its riders. It also conflicts with those characteristics Muni

riders have expressed as being most important to them: regularity, dependability, and timeliness. The Jury decided to look further into the problem of switchbacks.

METHODOLOGY AND APPROACH

The Civil Grand Jury conducted fifteen interviews with employees of Muni, at all levels, members of the Board of Supervisors, City Attorney staff, transit bloggers, and Muni passengers. We conducted telephone interviews and exchanged emails with executives of three other Bay Area transit agencies (BART, AC Transit, and Santa Clara Valley Transit) as well as the Boston and Seattle transit agencies to develop facts for a transit comparison. We spoke with one executive of the Paris RER system, who also provided us with statements from managers of the Paris Métro and Bus system and with internal documents on emergency switchback procedures. The Jury reviewed websites, emails, and documents that confirmed switchback policies in these transit agencies. Other documents, including Muni reports and divisional bulletins, studies commissioned by the Office of the Controller, and news articles, blogger websites, and commentary, were digested and analyzed.

DISCUSSION

I. Muni Switchbacks Violate the Spirit of the SF Charter

In 1999, San Francisco voters passed Proposition E (Prop E),⁵ which created the SFMTA to improve the performance of transit service in the City. The overall goals for transit service articulated in that initiative are as follows:

1. Reliable, safe, timely, frequent, and convenient service to all neighborhoods;
2. A reduction in breakdowns, delays, over-crowding, preventable accidents;
3. Clean and comfortable vehicles and stations, operated by competent, courteous, and well-trained employees;
4. Support and accommodation of the special transportation needs of the elderly and the disabled;
5. Protection from crime and inappropriate passenger behavior on the Municipal Railway; and
6. Responsive, efficient, and accountable management.⁶

As mandated by Prop E,⁷ Muni conducts quarterly service standard reports,⁸ and biennially, these reports are analyzed in a Quality Review. The Municipal Transportation Quality Review for FY 2009 and 2010 included a number of measurable factors including on-time performance,

service delivery, and safety.⁹ Rider satisfaction, a critical measure of the success of any transit system, is also reported as “customer perceptions.” In 2010, 52% of riders rated Muni service as “good” or “excellent,” the lowest since 2005. The consultants recommended that SFMTA increase its efforts by surveying riders on a monthly basis. However, as of the date of this report, no monthly rider surveys have been conducted or published.

Muni claims that it uses switchbacks to reduce the gaps, i.e., the time between successive vehicles on the same line, in order to increase the overall speed of the system. One Muni executive stated that switchbacks are used to sacrifice the experience of “a few riders” for the “greater good” of others. The Jury is not aware of any effort by Muni to document the effectiveness of switchbacks or that any “greater good” has been achieved by this practice. It is not clear how moving LRVs from one line to another in mid-run is of benefit to the entire population of riders. The Jury believes that switchbacks violate the spirit (though not necessarily the letter) of the goals set by the Charter for the transit system.

II. Other Transit Systems’ Practices

The Jury was told by Muni management that switchbacks were a widespread, common, and acceptable procedure for decreasing “bunching” of vehicles. When asked to provide documentation on the effectiveness of switchbacks in increasing transit speed, management volunteered that switchbacks were used by most U.S. transit systems for that purpose and were commonly used in Europe as well. We were emphatically assured that there was no need for any documentation or studies on its effectiveness. Switchbacks, according to Muni management, was such a commonly understood tool for smoothing traffic that it did not have to be studied or verified in other systems.

The San Francisco Controller’s 2011 City Survey took a look at Muni rider satisfaction.¹⁰ The survey compared San Francisco to five benchmark cities: Boston,¹¹ New York, Oakland (AC Transit), San Jose (Santa Clara Valley Transit), and Seattle. It found that the percentage of San Francisco respondents, who considered Muni “excellent” or “good,” was the lowest overall on five of the six areas rated, since 2005 when the City Survey was launched.¹² In comparison to the benchmark cities, San Francisco rated the lowest in rider satisfaction on four dimensions: timeliness/reliability, cleanliness, fares, and safety. These benchmark cities were chosen in the survey because they had issues in common with SFMTA, including the many problems that Muni cited in justifying adopting the use of non-emergency switchbacks. All had limited budgets, old systems and vehicles, challenging topography, organized workforces, and traffic congestion.

Muni’s claim that other systems rely on switchbacks was not validated by the Jury’s inquiry into all five systems in the City Survey. We went further and surveyed Bay Area Rapid Transit (BART) and three systems in Paris, France (RER, Métro, and RAPT). The Jury interviewed

management-level personnel in each jurisdiction except New York City. Our interviews revealed that these systems experienced the same kinds of problems as Muni, and that, with the exception of Santa Clara Valley Transit, none of these systems used switchbacks for reducing delays.

Other systems denied their use of switchbacks except in the case of breakdowns or accidents. Their spokespersons described taking special pains to accommodate riders when such mishaps occurred. All were adamant that requiring passengers to disembark from a vehicle for any reason but safety was unacceptable. Among the comments made were "It is an insult to the passengers" and "It is unfair to make passengers suffer for shortcomings to the system." Without prompting, the managers of these other systems pointed out that switchbacks were not effective in speeding up transit systems. They explained that unloading one vehicle of its passengers and loading another actually slowed the system and defeated the goal of reducing delays. One said, "We never offload a full vehicle. That just takes more time and doesn't at all help with the schedule."

III. Alternative Strategies to Prevent Switchbacks

Transit managers outside of San Francisco offered numerous other ways of improving transit systems confronting the same difficulties as Muni without resorting to switchbacks.¹³ Some of these include:

- Establish a shop that makes its own parts and keep an inventory on hand for recurrent mechanical problems.
- Educate riders on how to avoid forcing open vehicle doors. One system described an extensive public relations outreach which included signs in stations and on the website, warnings on doors, and deputies on the vehicles, to prevent riders from keeping the doors open and thus stalling the vehicles.
- Establish a program gradually purchasing a more flexible and interchangeable fleet of vehicles.
- Reduce traffic on tracks and at stops. One system had installed cameras on buses in order to photograph vehicles parked in the Muni lanes and loading zones. This practice is being implemented by Muni as the Jury report is being written.
- Immediately tow blocking vehicles.
- Timed lights. This technology was recommended to Muni in 2008, and is currently being implemented. It increases efficiency by enabling buses and trains to change the traffic lights and cross intersections on their schedule.
- Use dedicated lanes either permanently or in rush hour.
- Add short runs in dense areas during rush hour.

Muni has recently begun to apply some of the methods that are used by other systems to speed the system and avoid switchbacks. In 2008, Muni carried out an extensive Transit Effectiveness Project (TEP).¹⁴ The TEP project involved riders and community groups, and ended by developing and proposing many solutions similar to the ones used by other U.S. and European systems for providing a faster and more reliable system.¹⁵ After being dormant for four years, TEP is being revived. The Jury was told by Muni staff that the TEP was dropped in 2008 because of budget problems, but now the agency is committed to its implementation.

IV. Muni is Not Effectively Using New Technology

An essential component of a modern transit system is the effective application of technology to operations. Muni has made some progress in this area, but available technologies which could provide solutions to Muni's chronic problems are not being implemented.

Muni's attempts at employing technology have fallen short. Muni recently installed a federally-funded high-tech monitoring system. Vehicles and street views can be observed and reported in real time from its 16 stations. The Jury toured the center on a weekday afternoon between 3 and 4 p.m. The center was completely unstaffed. It was explained to us by a Muni executive that there was usually at least one person on duty during rush hour, but none of the 12 Muni Inspectors qualified to operate the center was available. The effectiveness of this monitoring center is severely degraded, since there is no way for it to communicate directly with vehicle operators. We were told that the center would be used after a new building is erected next to Muni Headquarters at #1 South Van Ness. At that time, several years in the future, the control center from the West Portal Station will be relocated there as well. The literal disconnect between an expensive monitoring system and an inadequate communication system does not reflect well on Muni planning and management.

The Jury learned that Muni turned down the offer of a free Apple iPad app, using GPS tracking, to aid in resolving communication problems. According to a news article, "Muni hopes to put the app to good use some day, but the agency is \$29 million over budget and cannot afford to buy the iPads required to run the software. Nor is the City willing to invest \$100,000 to run a pilot program."¹⁶ The Jury questions whether technology solutions to the underlying causes of system delays are being ignored.

V. Findings

F1. Muni switchbacks violate the spirit of the San Francisco Charter.

Responses are requested from the Mayor, the Board of Supervisors, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

F2. Muni management has expressed very little interest in finding alternatives to switchbacks.

Responses are requested from the Mayor, the Board of Supervisors, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizen's Advisory Council.

F3. There is not statistical or other evidence that switchbacks alleviate delays or improve scheduling.

Responses are requested from the Mayor, Board of Supervisors, San Francisco Municipal Transportation Agency Board of Directors, San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

F4. Muni officials show a callous disregard for the welfare of riders overall in their use of switchbacks.

Responses are requested from the Mayor, the Board of Supervisors, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

F5. Muni officials are mistaken in their belief that switchbacks are used extensively by other transit systems in their day-to-day operations.

Responses are requested from the San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

F6. Other comparable transit systems refuse to subject passengers to switchbacks for any reasons other than equipment breakdowns, accidents, or unavoidable emergencies.

Responses are requested from the Mayor, the Board of Supervisors, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

F7. Muni has failed to fully implement basic technological improvements in the system.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

F8. Muni's newest and most advanced control centers lack adequate operating personnel and cannot communicate directly with Muni drivers.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

F9. Muni has failed to conduct and publish monthly rider surveys as recommended in the FY 2008 and 2010 quality review.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

VI. Recommendations

R1. Eliminate switchbacks except for equipment breakdowns, accidents, or unavoidable emergencies.

Responses are requested from the Mayor, the Board of Supervisors, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

R2. Contact and learn from comparable transit systems that do not resort to switchbacks as a regular solution to their problems.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

R3. The Controller audit Muni funds to determine if there are additional resources that may be available to rectify delays and scheduling problems.

Responses are requested from the Mayor, the Board of Supervisors, the Controller, San Francisco Municipal Transportation Agency Board of Directors, and the San Francisco Municipal Transportation Agency Director of Transportation.

R4. Train and employ sufficient staff to operate the new control center and establish communication from there with Muni drivers.

Responses are requested from the Mayor, San Francisco Municipal Transportation Agency Board of Directors, and the San Francisco Municipal Transportation Agency Director of Transportation.

R5. Conduct and publish monthly rider satisfaction surveys in accordance with the FY 2008 and 2010 quality review recommendations.

Responses are requested from the Mayor, the Board of Supervisors, San Francisco Municipal Transportation Agency Board of Directors, the San Francisco Municipal Transportation Agency Director of Transportation, and San Francisco Municipal Transportation Agency Citizens' Advisory Council.

CONCLUSION

Muni struggles with many frustrating issues: It has a huge job serving hundreds of thousands of passengers every day. Jury interviews with other systems prove that it is unnecessary to inconvenience passengers for the sake of scheduling problems on the Muni. Switchbacks are an insult to passengers and are an ineffective and time-consuming strategy that does not help Muni to maintain schedules. Muni must adopt more rider-friendly policies and practices. The many underlying problems that cause delays and "bunching" of vehicles must be addressed directly. This Jury has concluded that the almost casual use of switchbacks by Muni is a practice that is antithetical to the goals set for the system in the Charter. Muni needs to re-examine the many suggestions aimed at fixing the system and set out a detailed schedule for implementation.

ENDNOTES

- ¹ SFMTA Presentation to the Board of Supervisors City Operations and Neighborhood Services Committee, "System Service Adjustments Using Technology to Improve Service Reliability." (January 10, 2011).
- ² Rachel Gordon, "Anger erupts over Muni cutting runs short," *SFGate.com, City Insider* (January 10, 2011).
- ³ *Ibid.*
- ⁴ Memo from SFMTA, "LRV Switchback Data" (October 24, 2011).
- ⁵ San Francisco 1999 Consolidated Municipal Election: Proposition E. Municipal Transportation Agency, http://sfpl.org/pdf/main/gic/elections/November2_1999short.pdf.
- ⁶ City and County San Francisco Charter, § 8A.100.
- ⁷ *Ibid.*
- ⁸ Found at <http://www.sfmta.com/cms/rstd/sstdindx.htm>.
- ⁹ Nelson/Nygaard Consulting Associates for San Francisco Municipal Transportation Agency, "Proposition E: Municipal Transportation Quality Review, July 1, 2008 – June 30, 2010 Final Report," <http://www.sfmta.com/cms/cmtd/documents/4-3-12Item12Transp.qualityreviewreport.pdf>.
- ¹⁰ ETC Institute for the Office of the Controller, City and County of San Francisco City Survey – 2011 (September 2011).
- ¹¹ Massachusetts Bay Transit Authority, <http://www.mbta.com/>.
- ¹² *Ibid.*
- ¹³ City and County of San Francisco City Survey – 2011 (September 2011).
- ¹⁴ Egon Terplan, "A Better Future for Bay Area Transit," *SPUR Publication* (March 2012).
- ¹⁵ "Fiscal Year 2013 – Fiscal Year 2018 SFMTA Strategic Plan," January 3, 2012, <http://www.sfmta.com/cms/rstrategic/documents/1-3-12item12dfy13-18strategicplan.pdf>.
- ¹⁶ Shane Shifflett, "San Francisco Puts Brakes on an App for Transit," *The New York Times* (April 2012).

RESPONSE MATRIX

Pursuant to **Penal Code § 933.05**, the Civil Grand Jury requests responses as follows:

Respondent	Findings								
	F1	F2	F3	F4	F5	F6	F7	F8	F9
Mayor	X	X	X	X		X	X	X	X
Board of Supervisors	X	X	X	X		X	X	X	X
Controller							X	X	X
San Francisco Municipal Transportation Agency Board of Directors	X	X	X	X	X	X	X	X	X
San Francisco Municipal Transportation Agency Director of Transportation	X	X	X	X	X	X	X	X	X
San Francisco Municipal Transportation Agency Citizens' Advisory Council	X	X	X	X	X	X	X	X	X

Respondent	Recommendations				
	R1	R2	R3	R4	R5
Mayor	X	X	X	X	X
Board of Supervisors	X	X	X		X
Controller		X	X		
San Francisco Municipal Transportation Agency Board of Directors	X	X	X	X	X
San Francisco Municipal Transportation Agency Director of Transportation	X	X	X	X	X
San Francisco Municipal Transportation Agency Citizens' Advisory Council	X	X			X

APPENDIX

Glossary of Terms

BART: Bay Area Rapid Transit.

BOS: Board of Supervisors.

LRV: Light Rail Vehicle.

Métro: Paris Métro or Métropolitain is the rapid transit metro system of Paris, France. It has sixteen lines, mostly underground.

Prop. E: Proposition E, passed in 1999, created the San Francisco Municipal Transportation Agency, combining the transit operations of Muni with the street operations of the Department of Parking & Traffic into a single agency.

RAPT: Régie Autonome des Transports Parisiens is a state-owned public transport agency headquartered in Paris, France. It has responsibility for Paris Metro, bus and tram services, and most of Paris RER.

RER: The Paris RER (Réseau Express Régional) comprises five express trains that connect central Paris to surrounding suburbs.

SFMTA: San Francisco Municipal Transportation Agency.

TEP: Transit Effectiveness Program.

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October 26, 2012

The Honorable Katherine Feinstein
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Feinstein:

The following is in response to the 2011-2012 Civil Grand Jury report, "Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency."

The San Francisco Municipal Transportation Agency ("SFMTA") continues to address challenges to its system. As with any transit system, service delays do occur and transit officials must utilize a variety of tools to address the delays. I share the position of the SFMTA that the root causes of any service delay needs to be resolved, whether it be replacing outdated systems and infrastructure or making improvements to its staffing levels. I also believe the SFMTA looks to use proper measures to mitigate any service disruption.

At the same time, I share the concerns of the riding public that relies on Muni that any mitigation efforts on the part of the SFMTA should be done in the least disruptive and most appropriate manner. Where a situation necessitates the use of a particular service tool, in this case switchbacks, it should be used sparingly and when looking at the impact on the system as a whole. As the SFMTA notes in its response, the practice of switchbacks is used less than one percent of the time in order to restore scheduled service.

Despite staffing shortages and aging infrastructure, the SFMTA is working to reduce the instances where it uses switchbacks. The SFMTA's focus on periods where ridership is low and where the use of switchbacks would feel the least disruptive demonstrates that the Agency strives to minimize the impact on as few customers as possible. Nevertheless, I believe the SFMTA should continue to address the underlying causes of service delays to ensure it will require fewer uses of disruptive solutions in the future.

The Mayor's Office response to the Civil Grand Jury's findings is as follows:

Finding F1: Muni switchbacks violate the spirit of the San Francisco Charter.

Response: Disagree. The Civil Grand Jury did not elaborate how the use of switchbacks specifically violates the spirit of Charter section 8A.100, added by voters with Proposition E of 1999. While the Charter requires the SFMTA to provide "reliable, safe, timely, frequent and convenient" service to the entire City and to reduce "breakdowns, delays, over-crowding, preventable accidents", the Civil Grand Jury fails to show how utilizing switchbacks may run counter to Charter mandates. As the SFMTA

states in its response, switchbacks are intended to improve service by reducing scheduling delays, which is in keeping with Charter mandates.

Finding F2: Muni management has expressed very little interest in finding alternatives to switchbacks.

Response: Disagree. The SFMTA has an obligation to reduce delays and service impacts, and it must look at all appropriate avenues. The SFMTA has stated that it uses a variety of alternatives as part of its service management strategy. Switchbacks are utilized infrequently, and the Agency has only used switchbacks at times when they are the least disruptive to customers.

Finding F3: There is not statistical or other evidence that switchbacks alleviate delays or improve scheduling.

Response: Disagree. While the Civil Grand Jury states that the SFMTA cannot provide data to show the effectiveness of switchbacks, the SFMTA has stated that data does exist to show the effectiveness of this tool.

Finding F4: Muni officials show a callous disregard for the welfare of riders overall in their use of switchbacks.

Response: Disagree. While the Civil Grand Jury may not agree with the use of switchbacks, and while the use of switchbacks may cause momentary impacts during off-peak hours, the Civil Grand Jury fails to back up its assertion that the SFMTA shows a "callous disregard" for its customers by using this service tool. The SFMTA is cognizant of the disruption switchbacks pose to its customers, and the Agency has been working to reduce the use of switchbacks. Please see the SFMTA response.

Finding F6: Other comparable transit systems refuse to subject passengers to switchbacks for any reasons other than equipment breakdowns, accidents, or unavoidable emergencies.

Response: Disagree. As the SFMTA notes in its response, many other comparable transit agencies utilize switchbacks to alleviate service delays.

Finding F7: Muni has failed to fully implement basic technological improvements in the system.

Response: Disagree. The SFMTA has been in the process of implementing various technological improvements, such as upgrades to its radio communications system, train control system, and providing a tablet based service management tool for its field supervisors.

Finding F8: Muni's newest and most advanced control centers lack adequate operating personnel and cannot communicate directly with Muni drivers.

Response: Agree. Although I agree with this finding, please note that the SFMTA is making improvements to its Line Management Center ("LMC") staffing as well as developing new tools for its field supervisors to improve communications throughout its system.

Finding F9: Muni has failed to conduct and publish monthly rider surveys as recommended in the FY 2008 and 2010 quality review.

Response: Agree. Although I agree with this finding, please note that while the SFMTA does not provide monthly rider surveys, the SFMTA will begin conducting quarterly surveys in September 2012 as outlined in its FY 2013-FY 2018 Strategic Plan. The SFMTA has and will continue its annual customer service survey.

The Mayor's Office response to the Civil Grand Jury's recommendations is as follows:

Recommendation R1: Eliminate switchbacks except for equipment breakdowns, accidents, or unavoidable emergencies.

Response: Disagree; Will Not be Implemented. The SFMTA must have all available tools at its disposal to address all types of service delays. Nonetheless, the Agency will continue to address the underlying causes of service delays and minimize the use of switchbacks.

Recommendation R2: Contact and learn from comparable transit systems that do not resort to switchbacks as a regular solution to their problems.

Response: Agree; Will be Implemented in the Future. The SFMTA indicates that it continually communicates with other transit systems to develop new operating procedures and service recovery techniques in order to enhance its systems. As the SFMTA states in its response, within the next six months the Agency will connect with other transit systems and study methods that will help the Agency better manage its service.

Recommendation R3: The Controller audit Muni funds to determine if there are additional resources that may be available to rectify delays and scheduling problems.

Response: Agree; Already Implemented. As the SFMTA notes, it welcomes any audit by the Controller of the Agency to help it find additional resources to improve service reliability. Pursuant to requests by the Board of Supervisors, the Controller began auditing SFMTA two years ago, and the Controller has a regular audit program of the SFMTA's programs and projects. Furthermore, the SFMTA has worked with the Controller's Office on the Transit Effectiveness Project (TEP) and on revenue panels to review the revenues of the Agency.

Recommendation R4: Train and employ sufficient staff to operate the new control center and establish communication from there with Muni drivers.

Response: Agree; Will be Implemented in the Future. The SFMTA has already begun the process to staff its Line Management Center ("LMC"). Furthermore, the Agency is working with a contractor to modernize a 1970s era radio communications system that will allow direct communications between operators and supervisors. The Agency notes in its response that it should complete this effort by the end of the 2012-2013 fiscal year. The SFMTA also expects its new radio communications system to be completed by 2015.

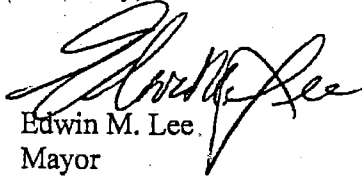
Mayor's Office Response to the Civil Grand Jury
October 26, 2012

Recommendation R5: Conduct and publish monthly rider satisfaction surveys in accordance with the FY 2008 and 2010 quality review recommendations.

Response: Disagree; Will Not be Implemented. The SFMTA does agree that periodic customer surveys are important to gauge customer satisfaction. At this time, the SFMTA conducts an annual customer survey, and it will perform a comprehensive on-board passenger survey in early 2013. In September 2012, the SFMTA will also begin conducting quarterly surveys. The frequency of surveys is dependent upon the available resources, and so this recommendation warrants further analysis by the SFMTA as to whether it has available resources.

Thank you again for the opportunity to comment on the Civil Grand Jury report.

Sincerely,



Edwin M. Lee
Mayor



CITY AND COUNTY OF SAN FRANCISCO
OFFICE OF THE CONTROLLER

Ben Rosenfield
Controller
Monique Zmuda
Deputy Controller

October 1, 2012

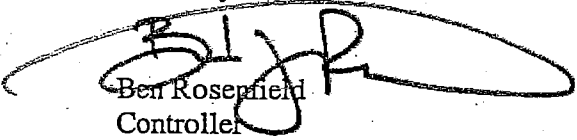
Honorable Judge Feinstein
Presiding Judge
San Francisco Superior Court
400 McAllister Street – Room 008
San Francisco, CA 94102-4512

Dear Judge Feinstein:

The following attachment is provided in response to several reports from the 2011-2012 Civil Grand Jury regarding the City's Arts Commission, Municipal Transportation Agency, and Employee Retirement System. For ease of administration, they have been provided in the format used to track implementation of Civil Grand Jury recommendations.

Please extend my thanks to the Civil Grand Jury for their service. Thank you for your time, and do not hesitate to contact me with any questions or comments at (415) 554-7500.

Sincerely,


Ben Rosenfield
Controller
City and County of San Francisco

California Penal Code Section, 933.05 (b), requires the responding party to report for each recommendation of the Civil Grand Jury one of the following actions:

1. Recommendation Implemented - Date Implemented - Summary of Implemented Action	2. Will Be Implemented in the Future - Anticipated Timeframe for Implementation	3. Requires Further Analysis - Explanation - Timeframe (Not to exceed six months from date of publication of Grand Jury report)	4. Will Not Be Implemented: Not Warranted or Not Reasonable - Explanation
--	--	--	--

For each recommendation below, indicate one of the four actions you have taken or plan to take in the "Action Plan" column and provide the required explanation in the "2012 Response Text" column.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Better MUNI Service Needed, Without Switchbacks	F7. MUNI has failed to fully implement basic technological improvements in the system.	Office of the Controller	Partially agree	The SFMTA has worked to implement various technological improvements and upgrades to existing systems. These investments, of course, are financially constrained given limited resources available for service, maintenance, infrastructure, and other priority needs.
2011-2012	Better MUNI Service Needed, Without Switchbacks	F8. MUNI's newest and most advanced control centers lack adequate operating personnel and cannot communicate directly with MUNI drivers.	Office of the Controller	Agree	The newest control centers lacks some key functionality and has been understaffed. Plans are in place and underway for improvements in both areas.
2011-2012	Better MUNI Service Needed, Without Switchbacks	F9. MUNI has failed to conduct and publish monthly rider surveys as recommended in the FY 2008 and 2010 quality review.	Office of the Controller	Agree	The quality review recommendation for monthly surveys is not a requirement. MTA does do a significant amount of public outreach and opinion-testing through hearings and comment cards. Other survey efforts are also performed such as the annual city survey and MTA's own rider surveys performed to comply with Federal requirements. While the monthly rider surveys suggested in the FY 2008 and FY 2010 quality reviews are not a requirement, the SFMTA reports that they will commence monthly surveys later this fiscal year.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Better MUNI Service Needed, Without Switchbacks	R2. Contact and learn from comparable transit systems that do not resort to switchbacks as a regular solution to their problems	Office of the Controller	2. Will be implemented in the future.	The Controller's Office is engaged in a multi-year effort with the Municipal Transportation Agency (MTA) to improve MTA services. This effort, the Transportation Effectiveness Project (TEP) includes a variety of service improvements to address operating issues and to speed up MUNI service throughout the system. Addressing switchbacks along with other line management challenges are part of the TEP. In addition, the Controller's Office conducts quarterly benchmarking reports comparing San Francisco to other jurisdictions. MUNI services will be included in this benchmarking effort in upcoming fiscal quarters.
2011-2012	Better MUNI Service Needed, Without Switchbacks	F3. The Controller audit MUNI funds to determine if there are additional resources that may be available to rectify delays and scheduling problems.	Office of the Controller	1. Recommendation implemented	The Controller's Office conducts annual performance audits of the Municipal Transportation Agency and financial audits of selected issues and contracts. All audits include work to determine if MTA resources are being used effectively and efficiently and if funds could be better used. In addition, MTA has had multiple efforts in the last three fiscal years to identify new revenue sources and operating support. Finally, as noted above, MTA is engaged in a service improvement program (the TEP) whose central goal is to speed travel time throughout the system. This audit and project focus is ongoing.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F3. Encourage the creation of a non-profit organization dedicated to raising funds to meet program and operational needs.	Office of the Controller	4. Will not be implemented	Many civic functions such as Recreation and Park and the Library benefit from non-profits formed to further their purposes. The Art Commission could similarly benefit. However this action is not within the Controller's Office authority. We would assist with appropriate city accounting and financial arrangements should a non-profit be formed to support the Art Commission.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F4. Improve the orientation and training of Commissioners to provide them with a clear understanding of their administrative responsibilities and roles in budgeting, personnel management, city processes, and their role as ambassadors to the public to increase awareness of art opportunities in the community.	Office of the Controller	3. Requires further analysis	Complete and ongoing training is helpful for commissioners to effectively discharge their duties, although we have not undertaken a review of the SFAC's training program. The Controller's Office can assist with training in public financial management and oversight roles for Commissioners, if requested by the SFAC. Comparable training has been provided by the Controller's Office to other City commissions, non-profit boards, and other public bodies.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F18. Art maintenance is more appropriately an operating rather than capital cost as it is a day-to-day responsibility of SFAC.	Office of the Controller	Disagree	Art maintenance expenditures could appropriately be treated as an operating expense up to certain thresholds determined by standard accounting practices. The City's standard practice is to include planning for maintenance of capital assets through the City's capital planning process. Ultimately all uses -- whether for maintenance, capital, or operating expenditures -- draw from the same funding sources and are adopted in the City's annual budget.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F19. Art maintenance is inappropriately treated as a capital expense by City government.	Office of the Controller	Disagree	Art maintenance expenditures could appropriately be treated as an operating expense up to certain thresholds determined by standard accounting practices. The City's standard practice is to include planning for maintenance of capital assets through the City's capital planning process. Ultimately all uses -- whether for maintenance, capital, or operating expenditures -- draw from the same funding sources and are adopted in the City's annual budget.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F9. Re-designate maintenance and conservation of the Collection as an operating expense of the SFAC rather than a capital budget item	Office of the Controller	Disagree	Art maintenance expenditures could appropriately be treated as an operating expense up to certain thresholds determined by standard accounting practices. The City's standard practice is to include planning for maintenance of capital assets through the City's capital planning process. Ultimately all uses -- whether for maintenance, capital, or operating expenditures -- draw from the same funding sources and are adopted in the City's annual budget.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F10. Redirect and dedicate \$1 million, over two years, of the Grants for the Arts/Hotel Tax Fund on a one-time basis to the Arts Commission to fund the inventory, maintenance, storage, de-accessioning, exhibition and installation of the existing Collection located in the City, at San Francisco International Airport, and at other City properties.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. Appropriation of funds is the authority of the Mayor and Board of Supervisors under the budgetary and financial provisions of the Charter.

GGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke... The Need to Strengthen the Art Commission's Cultural Legacy	R11. Designate Hotel Tax Funds from the initial \$1 million for the development of educational print, on-line and phone app materials to showcase the existing Civic Art Collection located in the City, at San Francisco International Airport, and at other City properties to make the Collection more accessible to City residents and visitors.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. Appropriation of funds is the authority of the Mayor and Board of Supervisors under the budgetary and financial provisions of the Charter.
2011-2012	When There's Smoke... The Need to Strengthen the Art Commission's Cultural Legacy	R12. Designate Hotel Tax Fund monies of 1% of the value of the Collection (up to \$900,000) on an annual basis for the maintenance and care of the Collection.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. Appropriation of funds is the authority of the Mayor and Board of Supervisors under the budgetary and financial provisions of the Charter.
2011-2012	When There's Smoke... The Need to Strengthen the Art Commission's Cultural Legacy	R15. SFAC hold public hearings about the Cultural Centers and their short- and long-term funding (for programs and facility maintenance), facility, and safety needs to develop an action plan to secure the Cultural Centers	Office of the Controller	3. Requires further analysis	This action is not in the authority of the Controller. We would be willing to assist the SFAC in analysis needed to prepare a productive public hearing process.
2011-2012	When There's Smoke... The Need to Strengthen the Art Commission's Cultural Legacy	F28. The Street Artists annual fees since 2000 have increased in large part due to the costs of defending the Program Manager for violations of the Sunshine ordinances from the Street Artists	Office of the Controller	Disagree	Confirming this finding would require further analysis of the Street Artist Program's revenues and expenses, although generally speaking rising labor and benefit (and not legal) costs have been the dominant drivers of the City's expenditures in recent years.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F19. Legal expenses for the Sunshine Ordinance defense be paid from an account, other than the Street Artist Fund.	Office of the Controller	Disagree	Legal expenses are an operating cost of the Street Artist Program and are appropriately paid from the special revenue fund that supports the Program. This is standard public accounting practice for similarly-funded City programs. The Mayor and the Board of Supervisors have the authority, through the City's annual budget process, to provide a General Fund subsidy to the program, to cover legal or other costs.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F34. For general operating and SFAC Gallery exhibition expenses, SFAC relies on public funds that are designated by Charter for "maintenance of a symphony orchestra...."	Office of the Controller	Disagree	While the SFAC receives approximately \$800,000 annually from the SF Symphony, this amount is legally distinct from the Charter-required allocation of property tax funds to the SF Symphony.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F35. Since 1935, SFAC has chosen the San Francisco Symphony as recipient of those funds.	Office of the Controller	Agree	This is a correct statement.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F36. SFAC is without legal or practical recourse if SFS revoked its annual contribution of 40% of those funds given to SFAC.	Office of the Controller	Disagree	If the SF Symphony revoked its gift to the SFAC, the SFAC would have the ability to request funds from other sources through the City's budget process, ultimately driven by decisions of the Mayor and Board of Supervisors.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F37. The manner in which SFAC funds its operations by a giveback donation of SFS monies creates, at the least, an appearance of fiscal impropriety and violates the intent of the 1935 Charter amendment.	Office of the Controller	Disagree	The City's budget is in compliance with Charter Section 16.106 that requires an annual appropriation for a municipal symphony. The SFAC is in compliance with the acceptance of gifts, granted by Charter Section 5.100.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	F38. GFTA funds the San Francisco Symphony for over \$600,000 annually for operating expenses	Office of the Controller	Agree	This is a correct statement.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R22. The Arts Commission/Symphony Agreement comply with the intent of the full amount of the tax revenues go toward Symphony operating expenses.	Office of the Controller	1. Rec implemented	The City's budget is in compliance with Charter Section 16.106 that requires an annual appropriation for a municipal symphony. The SFAC is in compliance with the acceptance of gifts, granted by Charter Section 5.100.
2011-2012	When There's Smoke . . . The Need to Strengthen the Art Commission's Cultural Legacy	R23. Redirect Hotel Tax Fund money allocated to the SFS by GFTA to the SFAC.	Office of the Controller	4. Will not be implemented	This action is not in the authority of the Controller. The Controller's Office monitors and acts to maintain the Hotel Tax Fund's compliance with Charter and Code requirements. Grants for the Arts has programmatic authority over their grants and allocations.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F1. The San Francisco Employees' Retirement System Pension Fund is currently underfunded by more than \$2 billion.	Office of the Controller	Agree	As of the most recent San Francisco Employees' Retirement System (SFERS) actuarial valuation (July 1, 2011), the SFERS unfunded actuarial liability was \$2,285.6 million.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F2. The San Francisco Employees' Retirement System Board did not complete a "failure analysis" subsequent to the funding loss suffered in 2008-09.	Office of the Controller	Disagree	The Board and SFERS actuaries conducted extensive discussions and analysis subsequent to Fiscal Year (FY) 2008-09 and changes to actuarial assumptions were debated and acted upon. The Board considers the impacts of various return scenarios on an annual basis, and transmits these to the City for use in the City's budget planning.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F3. The City must pay increasing contributions to the Fund due to underfunding.	Office of the Controller	Agree	At the February 2012 meeting of the SFERS Board, SFERS consulting actuaries provided projections using various investment return scenarios. Those scenarios anticipate that City contribution rates are likely to rise at least through FY 2014-15 when SFERS recognizes its final installment of deferred losses associated with FY 2008-09 under the Plan's five-year smoothing policy. Whether City contributions must continue to rise after FY 2014-15 as a percentage of payroll will depend on future investment returns along with the results of annual reevaluations of other actuarial assumptions.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F4. The increases in pension contributions by the City are growing at a faster rate than expenditures on most other City services since 1999.	Office of the Controller	Agree	I agree, although the City had no required pension contributions to SFERS in FY 1998-99 due to surplus funding of the Plan at that time. Thus it is not possible to calculate a growth rate on percentage terms from that base year. Looking at more recent 3-year growth between FY 2008-08 and FY 2011-12, the City's growth in employer share contributions to SFERS was from \$112 million in FY 2008-09 to \$385 million in FY 2011-12, for an average annual growth of 50.8%. This is indeed a much faster growth rate than on other expenditures, such as salaries (0.1% average annual growth over this period) or health benefits for active employees (5.9% average annual growth).

CGJ Year	Report Title	Finding or Recommendation	Response Required	Action	2012 Response Text
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F5. The Fund can artificially reduce the City's estimated liabilities by increasing its investment return assumptions for future years.	Office of the Controller	Disagree	Fund investment return assumptions are set by the SFERS Board, and I disagree with characterizing any decision by the SFERS Board as "artificial." Board decisions regarding investment return assumptions are made in public after hearing recommendations from professional actuaries. The Board has a fiduciary duty to Plan beneficiaries and as such has a responsibility to maintain the long-term health of the Plan.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F6. The unrealistically high assumed investment return rate of 7.66% is driven by concern for the mandated member and City contributions, with little regard for prudent management.	Office of the Controller	Disagree	Fund investment return assumptions are set by the SFERS Board. Board decisions regarding investment return assumptions are made in public after hearing recommendations from professional actuaries. The Board has a fiduciary duty to Plan beneficiaries and as such has a responsibility to maintain the long-term health of the Plan.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	F7. Studies show that public funds with low-risk investment policies perform as well as or better than those with high-risk policies.	Office of the Controller	Requires further research	I do not have personal knowledge as to the accuracy of this finding.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R1. San Francisco Employees' Retirement System Board address the \$2 billion dollar underfunding of the San Francisco Employees' Retirement System Pension Fund by forming a high-level task force with City officials, a panel of experts, community groups, and the public to develop courses of action.	Office of the Controller	4. Will not be implemented.	This recommendation implies that the challenge of addressing the underfunding of the plan is unknown to the System and that an approach toward closing this gap is not in place. Neither implication is true. The funding status of the plan has been the subject of a great deal of attention by the SFERS Board, the Mayor, Board of Supervisors, plan beneficiaries, and the electorate in the past two years. The Charter and

2010-11

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R2. Adopt a realistic and consistent formula for estimating the assumed expected investment return rate.	Office of the Controller	1. Rec Implemented	I believe this recommendation has already been implemented within the framework of the existing SFERS Board processes. The SFERS Board will continue to consider changes to their assumed expected investment return rate on a regular basis under its existing procedures.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R3. The San Francisco Employees' Retirement System Board undertake an in-depth investigation and "failure analysis" study of its investment policy and report its findings to its members and to the public.	Office of the Controller	1. Rec Implemented	I believe this recommendation has already been implemented. While the term "failure analysis" is not used by SFERS, I believe the intent behind this recommendation of reviewing investment policies and reporting to the public is being implemented within the framework of the existing SFERS Board processes. The SFERS Board will continue to consider changes to their investment policies on a regular basis under its existing procedures.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R4. Investigate, quantify and address all the major risks in the portfolio and make this information public.	Office of the Controller	1. Rec Implemented	I believe this recommendation has already been implemented. The SFERS Board Strategic Plan, adopted at the Boards October 12, 2011 meeting, discusses an investment risk management initiative, which has been implemented by SFERS with regular monthly public reports since February 2011 that include a discussion of investment risk exposures in the SFERS portfolio.
2011-2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R5. Investigate less volatile and risky investment policies that would attain sufficient returns for the San Francisco Employees' Retirement System Pension Fund.	Office of the Controller	1. Rec Implemented	This recommendation has been implemented. This recommendation has been implemented by SFERS to the extent that a range of investment options are discussed and implemented by the Plan.

CGJ Year	Report Title	Finding or Recommendations	Response Required	Action	2012 Response Text
2011- 2012	Investment Policies and Practices of the San Francisco Employees' Retirement System	R6. Replicate the Stanford, Upjohn, and The New York Times evidence-based comparison studies using San Francisco data, to apply their findings to the San Francisco Employees' Retirement System Pension Fund.	Office of the Controller	3. Requires further analysis	SFERS actuarial consultants produce various benchmarks and comparisons as part of the analyses they provide the SFERS Board. I cannot tell whether a replication of the precise studies cited would be a cost-effective use of resources.

Edwin M. Lee | Mayor
Tom Nolan | Chairman
Cheryl Brinkman | Vice-Chairman
Leona Bridges | Director
Malcolm Heinicke | Director
Jerry Lee | Director
Joél Ramos | Director
Cristina Rubke | Director
Edward D. Reiskin | Director of Transportation

September 27, 2012

The Honorable Katherine Feinstein
Presiding Judge of the Superior Court
Superior Court of California
County of San Francisco - Grand Jury
400 McAllister St., Room 008
San Francisco, CA 94102

Re: SFMTA's Response to the Civil Grand Jury's Report: "Better Muni Service Needed, Without Switchbacks"

Dear Judge Feinstein:

The San Francisco Municipal Transportation Agency (SFMTA) has carefully reviewed the Civil Grand Jury's report "Better Muni Service Needed, Without Switchbacks." We respectfully disagree with the Civil Grand Jury's recommendation that Muni "eliminate switchbacks except in cases of equipment breakdowns, accidents, and unavoidable emergencies" and with statements including that the SFMTA "expressed very little interest in finding alternatives to switchbacks" and that we are "mistaken in [our] belief that switchbacks are used extensively by other transit systems in their day-to-day operations."

Our ultimate goal is to minimize the impacts of switchbacks on our customers, but this service tool is an essential service management strategy. While we implement switchbacks less than one percent of the time, we utilize this tool to improve service for the vast majority of our daily passengers. Switchbacks allow us to reduce vehicle bunching and gaps, which are routinely mentioned as a primary concern and area for improvement by Muni riders¹. Unlike systems across the country and world which operate primarily on exclusive, dedicated right of way, Muni light rail vehicles (LRVs) operate extensively in mixed flow traffic with private automobiles and as a result, are subject to routine delays caused by automobile traffic, double parked cars and other incidents not experienced by trains operating on private, exclusive right of way. In addition, our light rail operation features a modern, fully automated train control system in the subway blended with manual operations on the surface requiring a seamless transition in train control as trains enter and exit the three portals. Because of these infrastructure challenges, our service is very susceptible to delays that are out of our control and we must rely on a host of methods to keep the trains on schedule. Besides switchbacks, other methods used to restore scheduled service include holding in headways, changing the routes of trains and deadheading when possible. Each of these strategies returns vehicles to their schedules but have unavoidable passenger impacts in the instance of deployment in order to restore service reliability to a line overall.

Switchbacks are a regular service management strategy deployed by operators across the United States in order to restore the scheduled service. We reached out to our colleagues at several transit properties, including:

- TriMet, Portland, Oregon
- SEPTA, Philadelphia, Pennsylvania

¹ SFMTA Annual Ridership Survey for 2010 and 2011 completed by Corey, Canapary, and Galanis Research



- New Jersey Transit, Newark, New Jersey
- Greater Cleveland Regional Transit Authority, Cleveland, Ohio
- Chicago Transit Authority, Chicago, Illinois

All stated that switchbacks are used in operations of their systems. In addition, as mentioned in the report, Santa Clara VTA, our neighbor in Santa Clara County, uses switchbacks. We also contacted BART and they confirmed they use routinely both scheduled and unscheduled switchbacks. The MBTA in Boston also confirmed their use of switchbacks to address significant delays on their Green Line (light rail line).

In addition to the unique operating characteristics of our service, the SFMTA is facing increased service delays due to aging infrastructure, systems, fleet and operator availability issues. The Grand Jury chose to ignore our progress in proceeding with the radio communications systems replacement and upgrade, train control system upgrade, tablet based supervision management tool, and vehicle and infrastructure rehabilitation and replacement. While these projects are in progress, improvements will take time and service management strategies such as switchbacks will be used occasionally to reduce service bunches and gaps.

The SFMTA has made significant progress in reducing its use of switchbacks. The report states that the SFMTA had "200-440 switchbacks a month" on LRVs alone. We have reduced that number and, in July 2012, had 82 switchback occurrences. These events are heavily concentrated during off-peak times (77 percent) when ridership is generally lower; 95 percent occurred when another train is either directly behind the switched back vehicle or less than five minutes away. Switchbacks are also heavily concentrated towards the end of rail lines in order to minimize the number of passengers impacted. We have also made significant progress in verifying proper headsigns on switched back vehicles, making announcements and using social media to announce delays. Switchbacks are tracked daily and reported on a monthly basis to SFMTA management.

Based on our service operating environment and infrastructure, and industry use of switchbacks, we reassert that switchbacks are a valid and necessary service management strategy. The best way to reduce switchbacks is to provide reliable, consistent service through adequate operator and supervision staffing and investment in vehicle and infrastructure maintenance. Switchbacks are not the problem; they are a tactic deployed to remedy service disruptions. We agree that improvement is needed and the root causes of our service delays need to be addressed by renewing our fleet, replacing outdated systems and infrastructure, and improving operator and staff availability.

Please find attached our official response to the Civil Grand Jury report.

Sincerely,



Edward D. Reiskin
Director of Transportation

cc: San Francisco Board of Supervisors
San Francisco MTA Board of Directors

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented - Date Implemented - Summary of Implemented Action 2. Will Be Implemented in the Future - Timeframe for Implementation 3. Requires Further Analysis - Explanation/Scope/Parameters - Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented - Not Warranted or Not Reasonable - Explanation
<p><u>Finding 1</u></p> <p>Muni switchbacks violate the spirit of the San Francisco Charter</p>	<p><u>Disagree wholly.</u></p> <p>Our customers' number one concern is on-time performance and service reliability. In our 2010 annual customer satisfaction, the number one response to "what aspects of Muni would you most like to see improved?" was "service reliability" at 35% and in 2011, the top response to the same question was "more accurate schedules/on-time performance". Use of switchbacks is an important service management strategy we use to get trains back on schedule, to reduce train bunching, and to reduce train gaps after delays.</p>		<p>SFMTA Director of Transportation</p>	
<p><u>Finding 2</u></p> <p>Muni management has expressed very little interest in finding alternatives to switchbacks</p>	<p><u>Disagree wholly</u></p> <p>Our service infrastructure limits us in the techniques available to return vehicles to their proper schedule without the use of switchbacks. We do, however, use any and all management strategies at our disposal every day. These include:</p> <ul style="list-style-type: none"> • Changing the train route • Holding in headways at 		<p>SFMTA Director of Transportation</p>	

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented: - Date Implemented - Summary of Implemented Action 2. Will Be Implemented in the Future - Timeframe for Implementation 3. Requires Further Analysis: - Explanation/Scope/Parameters - Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented - Not Warranted or Not Reasonable - Explanation
	<ul style="list-style-type: none"> • Moving scheduled trains up • Deadheading trains to make up time • Using recovery time at terminals • Pulling out relief trains to replace missing trains and/or headways <p>All alternates have impacts on passengers.</p> <p><u>Disagree wholly</u></p>			
<p><u>Finding 3</u> There is no statistical or other evidence that switchbacks alleviate delays or improve service</p>	<p>There is ample evidence of the improvement to overall service that switchbacks give our customers. To see the benefits, you must look at the individual events. Switchbacks restore proper vehicle spacing and reduce bunches and gaps, a primary customer concern.</p> <p><u>Disagree wholly</u></p>		SFMTA Director of Transportation	
<p><u>Finding 4</u> Muni officials show a callous disregard for the welfare of riders overall in their use of switchbacks</p>	<p><u>Disagree wholly</u> We do not order a switchback unless one is merited, and we strive to reduce the impact to customers. As stated in response to Finding 1, above, switchbacks are a management strategy we use in order to get trains back on schedule and</p>		SFMTA Director of Transportation	

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or Disagree, wholly or partially, with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ.	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented - Date Implemented - Summary of Implemented Action 2. Will Be Implemented in the Future - Timeframe for Implementation 3. Requires Further Analysis - Explanation/Scope/Parameters - Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented: Not Warranted or Not Reasonable - Explanation
<p>Finding 5</p> <p>Muni officials are mistaken in their belief that switchbacks are used extensively by other transit systems in their day-to-day</p>	<p>improve reliability – a top concern of MUNI customers as noted in the 2010 and 2011 customer satisfaction surveys. In July 2012, we had 82 LRV switchbacks, significantly less than the 200-440 quoted in the Grand Jury Report, and we have shown a consistent decrease in the use of switchbacks month over month. In addition, switchbacks are heavily concentrated in off-peak times (77%) when ridership is generally lower and 95% occur when another train is either directly behind the switched back vehicle or less than five minutes away. Switchbacks are also heavily concentrated toward the end of rail lines in order to minimize the number of customers impacted. Switchbacks are tracked daily and reported on a monthly basis to MTA management.</p> <p>Disagree wholly</p>			
<p>Muni officials are mistaken in their belief that switchbacks are used extensively by other transit systems in their day-to-day</p>	<p>All of the operators of rail service on the list of operators contacted by the Civil Grand Jury operate primarily, if not exclusively, on private right of way. Muni does not have this luxury. Most Muni</p>		<p>SFMTA Director of Transportation</p>	

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented: Date Implemented Summary of Implemented Action 2. Will Be Implemented in the Future Timeframe for Implementation 3. Requires Further Analysis Explanation/Scope/Parameters Timeframe (Not to exceed 6 mos) 4. Will Not Be Implemented: Not Warranted or Not Reasonable Explanation
operations	<p>rail service must compete with private automobiles, that increase delays and incidents that are beyond our control. We contacted the following colleagues at transit operations across the country and confirmed their use of switchbacks in regular transit operations:</p> <ul style="list-style-type: none"> • TriMet, Portland, Oregon • SEPTA, Philadelphia, Pennsylvania • New Jersey Transit, Newark, New Jersey • Greater Cleveland Regional Transit Authority, Cleveland, Ohio • Chicago Transit Authority, Chicago, Illinois <p>In addition, as noted in the Grand Jury report, VTA in San Jose uses switchbacks and follow up with BART and Boston's MBTA confirmed their use of scheduled and unscheduled switchbacks.</p>			

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented - Date Implemented - Summary of Implemented Action 2. Will Be Implemented in the Future - Timeframe for Implementation 3. Requires Further Analysis - Explanation/Scope/Parameters - Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented: Not Warranted or Not Reasonable - Explanation
<p><u>Finding 6</u> Other comparable transit systems refuse to subject customers to switchbacks for any reasons other than equipment breakdowns, accidents, or unavoidable accidents</p>	<p><u>Disagree wholly</u> As stated in Finding 5, we reject this assertion and, based on our review of a more comprehensive set of peers, we conclude that other transit operators also use switchbacks in regular operations. In addition, improvements have been made in reducing switchbacks, making customer announcements for switchbacks, synchronizing signage (platform and vehicle) to reflect switchbacks, and using social media to update customers on system delays.</p>		<p>SFMTA Director of Transportation</p>	
<p><u>Finding 7</u> Muni has failed to fully implement basic technological improvements in the system</p>	<p><u>Disagree wholly</u> We are constantly seeking to improve service delivery and take advantage of new technology. We have a number of projects underway to improve our service through technology: <ul style="list-style-type: none"> • <i>New Radio System:</i> We are currently in the design phase of replacing our 1970s radio communications system with a state of the art radio, dispatching, and vehicle locating system that will allow direct communications between supervisors and </p>		<p>SFMTA Director of Transportation</p>	

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ.	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented - Date Implemented - Summary of Implemented Action 2. Will Be Implemented in the Future - Timeframe for Implementation 3. Requires Further Analysis - Explanation/Scope/Parameters - Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented: Not Warranted or Not Reasonable - Explanation
	<p>operators. A contractor has been hired and the radio replacement project is underway.</p> <ul style="list-style-type: none"> • <i>SmartMUNI</i>: A tablet-based service management application called "SmartMUNI" is under development and is expected to launch in early 2013 and will allow supervisors to better track all vehicles in service and manage the system more effectively. This is directly in contradiction to the Grand Jury's statement on Page 6, Section 4, Paragraph 3. • <i>Upgrades to Automatic Train Control System in Subway</i>. The train control system is being upgraded to make the system more reliable. Currently, automatic train control disengages from trains numerous times per day. Each time automatic control cannot be established, the operator must contact Central Control, the train must be reset in manual mode, and the 			

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented - Date Implemented - Summary of Implemented Action 2. Will Be Implemented in the Future - Timeframe for Implementation 3. Requires Further Analysis - Explanation/Scope/Parameters - Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented - Not Warranted or Not Reasonable - Explanation
	<p>operator must drive the train at a much slower speed than it can operate in automatic mode. Each of these delays the entire subway in one direction for approximately eight minutes, which leads to vehicle bunching and as a result, switchbacks. A system upgrade is expected to decrease these events.</p> <ul style="list-style-type: none"> • <i>Line Management Center (LMC):</i> Staffing of the LMC is underway as of this fiscal year with the implementation of a supervisor sign-up which allowed us to modernize our service supervision approach and redistribute resources to staff the LMC. In addition, new transit supervisors were hired in August, resulting in improved staffing levels. • Capital Improvements: An overhaul program is underway on 143 LRVs by Breda to rehabilitate the most problematic systems on the LRVs. To date, 33 vehicles have been completed. Major rail replacement projects are 			

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ.	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented: Date Implemented Summary of Implemented Action 2. Will Be Implemented in the Future: Timeframe for Implementation 3. Requires Further Analysis: Explanation/Scope/Parameters Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented: Not Warranted or Not Reasonable: Explanation
	also underway at Church and Duboce Streets, Carl Street, and between Castro and Forest Hill Stations. All these improvements will improve system reliability, reduce delays and reduce the need for service management strategies such as switchbacks.			
<u>Finding 8</u> Muni's newest and most advanced control centers lack adequate operating personnel and cannot communicate directly with Muni drivers	Agree		SFMTA Director of Transportation	
<u>Finding 9</u> Muni has failed to conduct and publish monthly rider surveys as recommended in the FY 2008 and FY 2010 quality review	Agree		SFMTA Director of Transportation	

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented - Date Implemented - Summary of Implemented Action 2. Will Be Implemented in the Future - Timeframe for Implementation 3. Requires Further Analysis - Explanation/Scope/Parameters - Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented: Not Warranted or Not Reasonable - Explanation
		<p><u>Recommendation 1</u> Eliminate switchbacks except for equipment breakdowns, accidents, or unavoidable emergencies</p>	SFMTA Director of Transportation	<p><u>4 – Will not be implemented: Not reasonable</u> We disagree with this recommendation and reassert that switchbacks are a valid and necessary service management strategy given our operating environment. We have made significant progress in reducing switchbacks and improving customer information through verifying proper headsigns, making announcements, and using social media. Unilaterally eliminating switchbacks would lead to further denigration of service and safety and lead to an increase in vehicle gaps and bunching.</p>
		<p><u>Recommendation 2</u> Contact and learn from comparable transit systems that do not resort to switchbacks</p>	SFMTA Director of Transportation	<p><u>2 – Will be implemented in the future</u> We agree that there is always room for improvement. We will reach out to peers within six months and study their standard operating procedures and service recovery techniques in order to better manage our service. As noted in our response to Finding 5, switchbacks are used as a regular service recovery technique for transit operations.</p>
		<p><u>Recommendation 3</u> The Controller audit Muni funds to determine if there are additional resources that may be available to rectify delays and scheduling problems</p>	SFMTA Director of Transportation	<p><u>1 – Recommendation Implemented</u> The Board of Supervisors has asked the Controller to complete multiple audits of SFMTA, including Muni operations. The Controller began these audits two years ago. In addition, the Controller has a regular audit program of SFMTA programs and projects, which has included review of work orders, cash handling, fare collection and other areas. The Transit Effectiveness Project (TEP), a joint effort of the Controller's Office and SFMTA, has completed comprehensive analyses of service needs and operating requirements throughout the MUNI system. The project includes infrastructure investment, route upgrades, travel time improvements, scheduling and operating changes to improve service and increase speed on MUNI. The Project is currently in the environmental analysis process. The SFMTA and the Controller's Office are working on the TEP as the preferred avenue for service improvements on the system. Pilot projects are underway on certain routes which are informed from the TEP analyses including the installation of transit signal priority, bus bulb outs and bus only lanes.</p>

SFMTA Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS: (1) Agree or (2) Disagree wholly or partially with explanation	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CGJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented: Date Implemented: Summary of Implemented Action 2. Will Be Implemented in the Future Timeframe for Implementation 3. Requires Further Analysis Explanation/Scope/Parameters Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented: Not Warranted or Not Reasonable Explanation
				<p>Finally, the SFMTA has had two revenue panels over the past five years, which have included the Controller, to review the revenues required to adequately address SFMTA services particularly Muni services and has made many recommendations which are in the process of being implemented or have already been implemented.</p> <p>2 – Will be implemented in the future</p> <p>Staffing of the Line Management Center (referred to as "new control center" and internally referred to as the "LMC") is underway as of FY 2013 with the implementation of a supervisor sign-up. The sign-up allowed us to modernize our service supervision approach and redistribute resources to staff the LMC. In addition, new transit supervisors started work in August, and this will improve staffing levels. In order to establish direct communications between the LMC and the operators, a new radio system is needed to replace our 1970s communications equipment. A contractor has been hired and the radio replacement project is underway.</p> <p>Supervisor staffing of LMC – completed by end of FY 2013</p> <p>New radio communications system – completion expected in 2015.</p>
		<p><u>Recommendation 4</u> Train and employ sufficient staff to operate the new control center and establish communication from there with Muni drivers</p>	<p>SFMTA Director of Transportation</p>	<p>4 – Will not be implemented: Not warranted</p> <p>The SFMTA agrees that periodic customer surveys are important to gauge customer satisfaction with Muni service. As outlined in the FY 2013-FY 2018 Strategic Plan, the SFMTA will be conducting quarterly surveys starting in September 2012. This frequency of surveying will provide valuable customer feedback given available resources. In addition, SFMTA will continue to conduct an annual customer service survey and will be performing a comprehensive on-board passenger survey in early 2013. Results for all surveys will be published on our website, www.sfmta.com.</p>
		<p><u>Recommendation 5</u> Conduct and publish monthly rider satisfaction surveys in accordance with the FY 2008 and 2010 quality review recommendations</p>	<p>SFMTA Director of Transportation</p>	<p>4 – Will not be implemented: Not warranted</p> <p>The SFMTA agrees that periodic customer surveys are important to gauge customer satisfaction with Muni service. As outlined in the FY 2013-FY 2018 Strategic Plan, the SFMTA will be conducting quarterly surveys starting in September 2012. This frequency of surveying will provide valuable customer feedback given available resources. In addition, SFMTA will continue to conduct an annual customer service survey and will be performing a comprehensive on-board passenger survey in early 2013. Results for all surveys will be published on our website, www.sfmta.com.</p>

Edwin M. Lee | Mayor

Tom Nolan | Chairman

Cheryl Brinkman | Vice-Chairman

Leona Bridges | Director

Malcolm Heinicke | Director

Jerry Lee | Director

Jodi Ramos | Director

Cristina Rubke | Director

Edward D. Reiskin | Director of Transportation

October 5, 2012

The Honorable Katherine Feinstein
Presiding Judge, Superior Court
City and County of San Francisco
400 McAllister Street, Room 008
San Francisco, CA 94102-4512

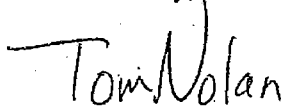
Re: Response to "Better Muni Service Needed, Without Switchbacks"

Dear Judge Feinstein,

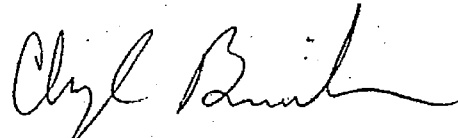
On Monday, August 7, 2012, the SFMTA Board of Directors received the Civil Grand Jury's report "Better Muni Service Needed, Without Switchbacks". We have reviewed the report as well as the SFMTA's response. We fully concur with the response to the recommendations and findings as provided to you by the SFMTA's Director of Transportation.

Managing a public transportation system in a city such as San Francisco is quite challenging and requires the SFMTA to balance multiple and competing needs. Joining the SFMTA Board with extensive backgrounds with other transit agencies and modes, it still took time to recognize all of the nuances that go into managing this unique system. The Civil Grand Jury report, recommendations and findings reveal how tough it is to get a good understanding of the system and unfortunately results in a report that is superficial at best.

Sincerely,



Tom Nolan
Chairman, Board of Directors



Cheryl Brinkman
Vice Chairman, Board of Directors

cc: SFMTA Board of Directors
Ed Reiskin
Mario Choi



Daniel Murphy | Chairman
Daniel Weaver | Vice Chairman
Mark Ballew
Art Cimento
Joan Downey
Steve Ferrario
Katie Haverkamp
Marc Salomon
Colbert Tse
Susan Vaughan
Dorris Vincent
Roland Wong
Frank Zepeda

October 5, 2012

The Honorable Katherine Feinstein
Presiding Judge of the Superior Court
Superior Court of California
County of San Francisco – Grand Jury
400 McAllister St., Room 008
San Francisco, CA 94102

Re: SFMTA CAC Response to the Civil Grand Jury report: "Better Muni Service Needed,
Without Switchbacks"

Dear Judge Feinstein:

The San Francisco Municipal Transportation Agency's Citizens' Advisory Council (SFMTA CAC) carefully reviewed and discussed the Civil Grand Jury report "Better Muni Service Needed, Without Switchbacks." In most respects, the conclusions we reached about the report are the same as those reached by SFMTA itself.

Unscheduled switchbacks are always aggravating and unpleasant for passengers. When disruptions in service occur, whether caused by equipment failures, obstructions, emergencies, or other such causes, Muni staff have a finite range of tools with which to restore service as quickly as possible. One of those tools is the unscheduled switchback. While these switchbacks frustrate passengers, they often represent the least of all available evils. Disruptions in service often lead to a concentration of vehicles in the part of the line near the disruption point; Muni managers, ideally, must get service evenly spaced out, over the length of the line, in both directions, as quickly as possible. Doing so without switchbacks would be far more difficult. Running a cluster of vehicles to the end of the line for the sole sake of avoiding switchbacks, while passengers waiting to travel in the opposite direction receive no service at all, would be a waste of scarce and expensive resources. Some passengers would avoid the inconvenience of switchbacks while others, traveling in the opposite direction, would wait a very long time for a vehicle to reach them.

To the extent switchbacks are a problem, they are a symptom of service disruptions, and should be considered as such. The SFMTA CAC has made a number of recommendations pertaining to the prevention of and expedited recovery from service disruptions. In Civil Grand Jury report section titled "Alternative Strategies to Prevent Switchbacks," one such strategy cited is "Immediately tow blocking vehicles." The SFMTA CAC could not agree more, and we have often recommended that the process for towing vehicles blocking Muni service be expedited; simply put, we think too many

steps are required to summon a tow truck to remove vehicles obstructing Muni lines, and that the elimination of some steps would improve service to passengers, though would not obviate the need for switchbacks.

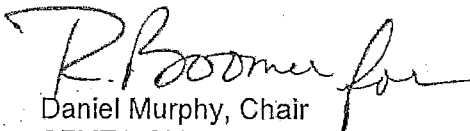
As part of our response to the Civil Grand Jury report, the SFMTA CAC recommended that SFMTA specifically examine the switchback policy on days with inclement weather, given the greater discomfort to passengers of waiting in the rain.

We regret very much that the Civil Grand Jury accused SFMTA of "callous disregard for the welfare of riders." The SFMTA CAC frequently disagrees with policies and choices made by SFMTA management, but we do not doubt their concern for passengers, nor the sincerity of their efforts to restore service as quickly as possible when it is disrupted. We believe—as, surely, management does as well—that there is always room to improve the agency's approach to solving problems, and in communicating with passengers when disruptions occur. But these disagreements are about the best strategies, tactics, and logistics to deliver high-quality service to passengers, and not about whether doing so in the first place is important or necessary.

Delivery of scheduled service and response to service disruptions, not switchbacks per se, are the key problems facing Muni today. The voters of San Francisco established, in November 1999's Proposition E, their priorities for Muni, and for the SFMTA generally: to provide more reliable service. Switchbacks are an ancillary symptom of the challenges SFMTA faces in delivering reliable Muni service throughout the city, and not a core obstacle to delivering that service. Had the Civil Grand Jury consulted with the SFMTA CAC or reviewed our recommendations made over the 12 years since the voters established this body in the Charter, this might have been self-evident.

Attached is our official response to the Civil Grand Jury report. We hope this letter has set forth the areas in which we disagree with the report, and the areas in which we believe there is room for improvement in this particular part of Muni's overall service delivery. If the Court has any questions for the SFMTA CAC, we would be more than happy to answer them to the best of our ability.

Sincerely,


Daniel Murphy, Chair
SFMTA Citizens Advisory Council

Attachment

cc: SFMTA Citizens' Advisory Council
SFMTA Board of Directors
Ed Reiskin, Director of Transportation

SFMTA CAC Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

FINDINGS	RESPONSE TO FINDINGS (1) Agree or (2) Disagree wholly or partially. With explanation.	RECOMMENDATIONS	RESPONSE REQUIRED From the Agencies specified by the CCJ	RESPONSE TO RECOMMENDATIONS: 1. Recommendation Implemented: Date Implemented Summary of Implemented Action 2. Will Be Implemented in the Future Timeframe for Implementation 3. Requires Further Analysis Explanation/Scope/Parameters/Timeframe (not to exceed 6 mos) 4. Will Not Be Implemented/Not Warranted/Not Reasonable Explanation
F1. Muni switchbacks violate the spirit of the San Francisco Charter	Disagree wholly. The Charter of the City and County of San Francisco, particularly as amended by November 1999's Proposition E and November 2007's Proposition A, sets forth service reliability as the agency's top priority, and surveys of riders have shown that they agree. Use of switchbacks is an important management strategy used to get Muni service back on schedule after a disruption or failure of some kind.		SFMTA CAC	
F2. Muni management has expressed very little interest in finding alternatives to switchbacks	Disagree wholly. When service is disrupted, Muni management deploys a range of tools to recover and distribute service evenly on affected routes. Switchbacks are one of many of these strategies, and are not used in preference to better alternatives, but as one tool among many.		SFMTA CAC	
F3. There is not statistical or other evidence that switchbacks alleviate delays or improve scheduling	No opinion. The SFMTA CAC was unable to review the statistical evidence for and against switchbacks as a recovery strategy, though the SFMTA CAC recognizes that, after a disruption, the objective of management must be to even out service on the line as quickly as possible, and that it's clear		SFMTA CAC	

SFMTA CAC Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

	switchbacks are one way of doing this.				
F4. Muni officials show a callous disregard for the welfare of riders overall in their use of switchbacks	<u>Disagree wholly.</u> Switchbacks are used to restore service as quickly as possible to as many riders as possible, and not for some other purpose. Even if there are specific cases where switchbacks might be shown to be a sub-optimal strategy, the SFMTA CAC does not believe they reflect a "callous disregard" for the welfare of passengers.		SFMTA CAC		
F5. Muni officials are mistaken in their belief that switchbacks are used extensively by other transit systems in their day-to-day operations	<u>Disagree wholly.</u> The SFMTA has provided a list of transit systems which employ switchbacks to recover from service disruptions, and a number of SFMTA CAC members reported experiencing switchbacks on other transit systems.		SFMTA CAC		
F6. Other comparable transit systems refuse to subject passengers to switchbacks for any reason other than equipment breakdowns, accidents, or unavoidable emergencies	<u>Disagree wholly.</u> See answer to Finding 5.		SFMTA CAC		
F7. Muni has failed to fully implement basic technological improvements in the system	<u>Disagree wholly.</u> The SFMTA is undertaking a range of technology upgrades to aid in managing the system and communicating with passengers. The SFMTA CAC would like to have seen some of these improvements made years		SFMTA CAC		

SFMTA CAC Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

			<p>ago, and made recommendations to that effect. The radio system, for example, falls far short of what is needed to manage a system of Muni's size and scope. But we recognize that the obstacles to buying and deploying these technologies have principally been a broader failure to fund Muni's capital needs. While the SFMTA CAC has recommended the SFMTA Board be more aggressive about exercising their power to seek new funding sources, responsibility for the failure to fund Muni's capital needs is shared across a wide range of governmental entities, and efforts to seek new sources of funding face significant practical political constraints.</p> <p>Many of the technological upgrades now at various stages of planning and deployment are things the SFMTA CAC has recommended. They do not represent the full range of needed improvements in technology, and certainly don't represent the full range of Muni's capital needs, but the agency is moving forward on a number of essential technological fronts.</p>		
<p>F8. Muni's newest and most advanced control centers lack adequate operating personnel and cannot communicate directly with Muni drivers</p>			<p><u>Agree.</u></p>	<p>SFMTA CAC</p>	

SFMTA CAC Response Table to 2012 CGJ Switchbacks Report Findings and Recommendations

<p>F9. Muni has failed to conduct and publish monthly rider surveys as recommended in the FY 2008 and 2010 quality review</p>	<p style="text-align: center;"><u>Agree.</u></p>		<p style="text-align: center;">SFMTA CAC</p>	<p><u>Should not be implemented.</u> Scheduled switchbacks (also known as "short turns") as well as unscheduled switchbacks to recover from service problems are some of the tools necessary to deliver the most reliable service to the greatest number of passengers. Further limiting switchbacks might improve service to passengers subject to them, but would degrade service to passengers traveling in the opposite direction.</p>
		<p>R1. Eliminate switchbacks except for equipment breakdowns, accidents, or unavoidable emergencies</p>	<p style="text-align: center;">SFMTA CAC</p>	<p><u>Should be implemented.</u> SFMTA should always seek out the best practices of other agencies and seek to incorporate them in San Francisco as appropriate to our operating environment.</p>
		<p>R2. Contact and learn from comparable transit systems that do not resort to switchbacks as a regular solution to their problems</p>	<p style="text-align: center;">SFMTA CAC</p>	<p><u>Should not be implemented.</u> Periodic customer service surveys are important to measure customer satisfaction, but monthly surveys are unlikely to yield significantly more useful information than are quarterly surveys. Customers have been fairly consistent over time about how they think the system should be improved, and what they consider to be the top priorities for improvement.</p>
		<p>R5. Conduct and publish monthly rider satisfaction surveys in accordance with the FY 2008 R5. Conduct and publish monthly rider satisfaction surveys in accordance with the FY 2008 and 2010 quality review recommendations</p>	<p style="text-align: center;">SFMTA CAC</p>	<p><u>Should not be implemented.</u> Periodic customer service surveys are important to measure customer satisfaction, but monthly surveys are unlikely to yield significantly more useful information than are quarterly surveys. Customers have been fairly consistent over time about how they think the system should be improved, and what they consider to be the top priorities for improvement.</p>



Muni Defends Line Disruptions?

Indra Lowenstein

to:

Sean.elsbernd, mayoredwinlee, Eric.l.mar, John.avalos, Malia.cohen, David.campos,
Jane.kim, Christina.Olague, Carmen.chu, David.chiu, Mark.farrell, Scott.wiener,
Board.of.Supervisors

08/12/2012 07:22 PM

Hide Details

From: Indra Lowenstein <theindra@me.com> Sort List...

To: Sean.elsbernd@sfgov.org, mayoredwinlee@sfgov.org, Eric.l.mar@sfgov.org,
John.avalos@sfgov.org, Malia.cohen@sfgov.org, David.campos@sfgov.org,
Jane.kim@sfgov.org, Christina.Olague@sfgov.org, Carmen.chu@sfgov.org,
David.chiu@sfgov.org, Mark.farrell@sfgov.org, Scott.wiener@sfgov.org,
Board.of.Supervisors@sfgov.org,

File 120841#120842
c: AUSA

I just read an article from New Civil Grand Jury Report on Muni switchbacks and want to know what is going to be done about MUNI? MUNI's switchbacks are ridiculous and an insult to their customers. Riding the N I've had to walk the last 10 blocks home after being let out at Sunset numerous times and have never had the next train pass me on the way home. Thankfully I can walk. The older people with walkers who live out in the avenues don't have that option. I've seen old women with walkers waiting on platforms in the cold and rain. I've also been in the situation where there was a switchback on the N line and we were all kicked off and then the next train did a switch back too and wouldn't let us on. I agree with these comments on the article:

If there's any "institutional bias" involved, it is the institutional bias of Muni who cannot be bothered to consider service and quality from the rider's point of view.

It's preposterous that Muni's response to the entire switchback fiasco has been to spend who knows how much money on "public information officers" to tweet about switchbacks (even in our tech-crazed city, who the hell possibly checks Twitter to find out if their train is actually going to make it to its terminus?) and reprogramming electronic signs and automated announcements to inform riders that their train won't actually take them to their destination.

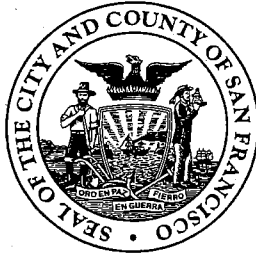
Read more at the San Francisco

Examiner: <http://www.sfexaminer.com/local/transportation/2012/08/muni-defends-line-disruptions#ixzz2304lwJMD>

I've been riding MUNI for 25 years and it has been horrible the entire time! Muni's inability to look at it's institutional faults constructively is just sad. To counter by saying the report displays, "extreme institutional bias and is fraught with inflammatory language." Just makes Muni seem like it's run by a bunch of emotional high school kids.

Sincerely,
Indra Lowenstein
2227A Market Street
San Francisco, CA 94114

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

DATE: August 9, 2012
TO: Members of the Board of Supervisors
FROM: *Angela Calvillo*
for Angela Calvillo, Clerk of the Board
SUBJECT: 2011-2012 Civil Grand Jury Report

We are in receipt of the San Francisco Civil Grand Jury (CGJ) report released August 9, 2012, entitled: **Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency.** (Attached)

Pursuant to California Penal Code Sections 933 and 933.05, the Board must:

1. Respond to the report within 90 days of receipt, or no later than November 8, 2012.
2. For each finding:
 - agree with the finding or
 - disagree with the finding, wholly or partially, and explain why.
3. For each recommendation:
 - agree with the recommendation or
 - disagree with the recommendation, wholly or partially, and explain why.

Pursuant to San Francisco Administrative Code Section 2.10, in coordination with the Committee Chair, the Clerk will schedule a public hearing before the Government Audit and Oversight Committee to allow the Board the necessary time to review and formally respond to the findings and recommendations.

The Budget and Legislative Analyst will prepare a resolution, outlining the findings and recommendations for the Committee's consideration, to be heard at the same time as the hearing on the report.

Attachment

c: Honorable Katherine Feinstein, Presiding Judge
Mario Choi, Foreperson, 2011-2012 San Francisco Civil Grand Jury
Mayor's Office
Ben Rosenfield, Controller
Cheryl Adams, Deputy City Attorney
Rick Caldeira, Deputy Clerk

Orig: Leg Clerk
-LOB, Leg. Deputy
GAO Clerk
cpage

BS-11
LOB

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
CIVIL GRAND JURY



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BOARD OF SUPERVISORS
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AK

August 6, 2012

Angela Calvillo
Clerk of the Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

Dear Ms. Calvillo,

The 2011 – 2012 San Francisco Civil Grand Jury will release its report entitled, "Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency," to the public on August 9, 2012. Enclosed is an advance copy of this report. Please note that by order of the Presiding Judge of the Superior Court, Hon. Katherine Feinstein, this report is to be kept confidential until the date of release.

California Penal Code section 933.5 requires the responding party or entity identified in the report to respond to the Presiding Judge of the Superior Court within a specified number of days. You are required by code to respond to this report no later than November 8, 2012. For each finding of the Civil Grand Jury, the response must either:

- 1) Agree with the finding; or
- 2) Disagree with it, wholly or partially, and explain why.

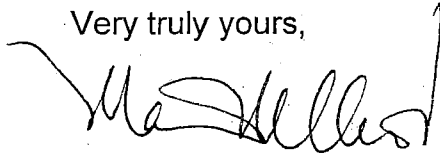
Further, as to each recommendation made by the Civil Grand Jury, the responding party must either indicate:

- 1) That the recommendation has been implemented, with a summary explanation of how it was implemented;
- 2) That the recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation;
- 3) That the recommendation requires further analysis, with an explanation of the scope of that analysis and a timeframe for the officer or agency head to be prepared to discuss it (less than six months from the release of the report); or
- 4) That the recommendation will not be implemented because it is not warranted or reasonable, with an explanation of why that is. (California Penal Code sections 933, 933.05)

400 McAllister Street, Room 008
San Francisco, CA 94102-4512
Phone: 415-551-3605

Please provide your responses to the findings and recommendations in this report to Judge Feinstein, with an informational copy sent to the Grand Jury Office at the below address.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mario Choi", with a long, sweeping flourish extending upwards and to the right.

Mario Choi, Foreperson Pro Tem
2011 – 2012 Civil Grand Jury

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee: Government Audit and Oversight Committee
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee: _____
- 4. Request for letter beginning "Supervisor _____ inquires"
- 5. City Attorney request.
- 6. Call File No. _____ from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. _____
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on _____

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Board Response - Civil Grand Jury Report - Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency

The text is listed below or attached:

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2011-2012 Civil Grand Jury report entitled "Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

Signature of Sponsoring Supervisor: Madeleine Picavoli

For Clerk's Use Only:

