

BOARD of SUPERVISORS



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MEMORANDUM

TO: Sophia Kittler, Liaison to the Board of Supervisors, Mayor's Office
Anne Pearson, Deputy City Attorney, Office of the City Attorney
John Arntz, Director, Department of Elections
LeeAnn Pelham, Executive Director, Ethics Commission
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency

FROM: Victor Young, Assistant Clerk, Rules Committee *Victor Young*
Board of Supervisors

DATE: May 26, 2020

SUBJECT: CHARTER AMENDMENT INTRODUCED
November 3, 2020 Election

The Board of Supervisors' Rules Committee has received the following Charter Amendment for the November 3, 2020, Election. This matter is being referred to you in accordance with Rules of Order 2.22.4.

File No. 200512

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to eliminate the San Francisco Municipal Transportation Agency's exclusive authority to fix fares by providing for separate Board of Supervisors authority to reject by majority vote Municipal Railway fare changes; to establish a policy for Municipal Railway fare increases; to require the Agency to submit various strategies in relation to key performance indicators and goals to the Mayor and Board of Supervisors every two years; to require the Municipal Railway to provide a level of service not less than service hours provided in April 1996; to revise minimum standards for on-time performance and service delivery for Municipal Railway rail routes, rapid routes, and frequent local and express routes; to require the Controller to conduct an independent Municipal Transportation Quality Review or contract with a nationally recognized consulting firm; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on November 3, 2020.

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

If you have any questions or concerns, please call me at (415) 554-7723 or email: victor.young@sfgov.org. To submit documentation, please forward to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Andres Power, Mayor's Office
 Rebecca Peacock, Mayor's Office
 Kanishka Cheng, Mayor's Office
 Patrick Ford, Ethics Commission
 Kate Breen, Municipal Transportation Agency
 Janet Martinsen, Municipal Transportation Agency
 Joel Ramos, Municipal Transportation Agency

1 [Charter Amendment - Municipal Railway Fare Changes]

2

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

16

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

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

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

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

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

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

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

1 (b) The Agency shall:

2 * * * *

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

8 * * * *

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

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

19 * * * *

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

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

3 * * * *

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

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

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

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

1 that may be identified by the Agency.

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

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

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

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

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

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

25 ///

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 * * * *

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

13 * * * *

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

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

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

1 Article IX.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ///

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

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

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

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

25 ///

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

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

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

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

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

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

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

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

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

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

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LEGISLATIVE DIGEST

[Charter Amendment - Municipal Railway Fare Changes]

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

Existing Law

Currently, the SFMTA has exclusive authority to fix the fares charged by the Municipal Railway. Any Municipal Railway fare changes must be submitted to the Board of Supervisors as part of the SFMTA's budget or budget amendment and may only be rejected by a seven-elevenths vote by the Board of Supervisors on the overall budget or budget amendment. There is no separate process for the Board of Supervisors to reject fare changes other than by rejecting the SFMTA's budget or budget amendment. The existing Charter requires the SFMTA to propose fare changes based on certain criteria, requires that the Municipal Railway meet certain minimum standards for on-time performance and service delivery, and authorizes the SFMTA to contract with a nationally recognized management or transportation consulting firm to perform a biennial Municipal Transportation Quality Review audit.

Amendments to Current Law

The proposed Charter Amendment eliminates the SFMTA's exclusive authority to fix fares by providing a separate process for the Board of Supervisors to reject proposed Municipal Railway fare changes by majority vote; establishes a policy for Municipal Railway fare increases; requires the SFMTA to submit various strategies related to key performance indicators and goals to the Mayor and Board of Supervisors every two years; requires the Municipal Railway to provide a level of service not less than the service hours provided in

April 1996; revises the minimum standards for on-time performance and service delivery for Municipal rail routes, rapid routes, and frequent local and express routes; and requires the Controller to conduct an independent Municipal Transportation Quality Review of contract with a nationally recognized consulting firm.

Background Information

In April, 2020, SFMTA approved its FY2021-FY2022 two-year operating budget which included Municipal Railway fare increases.

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