

[Appropriation - Municipal Transportation Agency Revenue Bond Proceeds - Transportation Capital Projects and Equipment - \$207,000,000 - FY2016-2017]

Ordinance appropriating \$207,000,000 of Revenue Bond proceeds to the Municipal Transportation Agency for transportation projects and equipment in FY2016-2017.

Note: Additions are single-underline italics Times New Roman; deletions are ~~striketrough italics Times New Roman~~. Board amendment additions are double underlined. Board amendment deletions are ~~striketrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The sources of funding outlined below are herein appropriated to reflect the projected revenue for Fiscal Year 2016-17.

SOURCES Appropriation

| Fund | Index/Project Code | Subobject | Description | Amount |
|------------------------------------|--------------------|----------------|-------------------------|-----------------------------|
| XX XXX XXX | TBD | 80111 Proceeds | Revenue Bonds for | \$207,000,000 |
| MTA Revenue Bonds | | from Revenue | Transportation Projects | |
| | | Bonds | | |
| Total SOURCES Appropriation | | | | <u><u>\$207,000,000</u></u> |

Section 2. The uses of funding outlined below are herein appropriated to reflect the projected expenditures for Fiscal Year 2016-17.

1 **Uses Appropriation**

| 2 | Fund | Index/Project Code | Subobject | Description | Amount |
|----|-------------|--------------------|---------------------|--------------------------|---------------|
| 3 | XX XXX XXX | TBD | 06700 Buildings, | Light rail vehicle (LRV) | \$107,000,000 |
| 4 | MTA Revenue | | Structures, and | procurement | |
| 5 | Bonds | | Improvement | | |
| 6 | | | Project – Budget | | |
| 7 | | | | | |
| 8 | XX XXX XXX | TBD | 06700 Buildings, | Van Ness Bus Rapid | \$48,000,000 |
| 9 | MTA Revenue | | Structures, and | Transit Project | |
| 10 | Bonds | | Improvement | | |
| 11 | | | Project – Budget | | |
| 12 | | | | | |
| 13 | XX XXX XXX | TBD | 06700 Buildings, | Mission Bay | \$35,000,000 |
| 14 | MTA Revenue | | Structures, and | Transportation | |
| 15 | Bonds | | Improvement | Capital | |
| 16 | | | Project – Budget | Improvements | |
| 17 | | | | | |
| 18 | XX XXX XXX | TBD | 081C4 | City Services Auditor | \$380,000 |
| 19 | | | Controller Internal | 0.2% allocation for | |
| 20 | | | Audits | Controller's Audit Fund | |
| 21 | | | | | |
| 22 | XX XXX XXX | TBD | 07211 Bond | Debt Service Reserve | \$14,620,000 |
| 23 | | | Reserve Payment | | |
| 24 | | | | | |
| 25 | | | | | |

| 1 | Fund | Index/Project Code | Subobject | Description | Amount |
|---|---------------------------------|--------------------|-----------------|-----------------------|----------------------|
| 2 | XX XXX XXX | TBD | 07311 Bond | Cost of Issuance and | \$2,000,000 |
| 3 | | | Issuance Cost – | Underwriters Discount | |
| 4 | | | Unamortized | | |
| 5 | | | | | |
| 6 | Total USES Appropriation | | | | \$207,000,000 |

8 Section 3. Of the above appropriated amount, \$380,000, representing 0.2% of the
9 expenditure budget net of bond financing and audit costs, is to be allocated and available to
10 support the Controller's Audit Fund, pursuant to Charter Appendix F1.113. These
11 appropriations may be increased or decreased by the Controller based on changes to
12 expenditure appropriations or actual gross bond proceeds to conform to the applicable
13 Charter and Administrative Code formulas.


15 Section 4. The uses of funding outlined above are herein placed on Controller's
16 Reserve pending sale of the Revenue Bonds.

18 Section 5. The Controller is authorized to record transfers between funds and adjust
19 the accounting treatment of sources and uses appropriated in this Ordinance as necessary to
20 conform with Generally Accepted Accounting Principles.


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

By: 
THOMAS OWEN
Deputy City Attorney

FUNDS AVAILABLE
BEN ROSENFELD, Controller

By: 
BEN ROSENFELD
Controller

**Ben Rosenfield**
Controller**Todd Rydstrom**
Deputy Controller**MEMORANDUM**

TO: The Honorable Board of Supervisors
Clerk of the Board

FROM: Ben Rosenfield, Controller

DATE: May 2, 2016

SUBJECT: San Francisco Municipal Transportation Agency (MTA)
Mayor's FY 2016-17 & FY 2017-18 Proposed Budget

This memorandum outlines items included in the SFMTA FY 2016-17 & FY 2017-18 Mayor's Proposed Budget over which the Board of Supervisors has line-item approval authority.

Pursuant to Charter Article 8A.106, the Board of Supervisors (Board) may allow the MTA's budget to take effect without any action on its part, or it may reject the MTA's budget by a seven-elevenths' vote. The Board may only approve or reject the entire budget, and has no discretion to modify or reject specific expenditures contained therein. However, additional General Fund support to the MTA over the base amount stipulated in the Charter is subject to normal budgetary review and amendment under the general financial provisions of the Charter.

The FY 2016-17 & FY 2017-18 Mayor's Proposed Budget for the MTA appropriates the following General Fund and other sources subject to line-item review and approval. Approval of expenditures related to these sources follows the general provisions of the Charter, under which the Board may modify proposed expenses at the level of appropriation.

1. Mission Bay Transportation Improvement Fund transfers from the General Fund of \$3,050,000 in FY 2016-17 and \$2,310,000 in FY 2017-18.
2. Development impact fees for various capital projects as proposed by the Interagency Plan Implementation Committee (IPIC) of \$23,085,100 in FY 2016-17 and \$17,720,910 in FY 2017-18.
3. Transit Sustainability Fees for various transit related capital projects of \$10,942,660 in FY 2016-17 and \$2,209,042 in FY 2017-18.
4. A supplemental ordinance appropriating \$207,000,00 of revenue bond proceeds for various transportation projects and equipment in FY 2016-17 accompanies the May 1 Appropriation Ordinance. The Board of Supervisors has approval authority over the specific projects funded by these proceeds.

Memorandum

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Please note that the appropriation for the Mission Bay Transportation Improvement Fund includes \$350,000 in FY 2016-17 and \$270,000 in FY 2017-18 from SFMTA fund balance originating from baseline funding. These amounts follow the procedure specified under Charter Article 8A.106, where the Board has no discretion to modify or reject specific expenditures.

cc: Melissa Whitehouse, Mayor's Budget Office
Sonali Bose, MTA
Severin Campbell, Board of Supervisors Budget & Legislative Analyst

OFFICE OF THE MAYOR
SAN FRANCISCO



EDWIN M. LEE
MAYOR

May 2, 2016

Angela Calvillo, Clerk of the Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Ms. Calvillo:

Attached is the Mayor's proposed May 1 Budget comprised of the following 13 departments: Airport Commission, Board of Appeals, Child Support Services, Environment, Law Library, the Public Library, Municipal Transportation Agency, Port, Public Utilities Commission, Rent Board, Retirement System, and Office of County Education. Also attached are the following 11 pieces of legislation:

- One supplemental appropriation ordinance for the Two-Year Capital Budgets for the Municipal Transportation Authority (MTA)
- One resolution approving the issuance and sale of revenue bonds by the MTA
- One supplemental appropriation ordinance for Mission Bay Improvement Fund for Warrior Arena Improvement Capital Projects for the MTA
- One supplemental appropriation ordinance for surplus revenue and reappropriation for debt service payment for the Public Library
- Three supplemental appropriation ordinances for the Two-Year Capital Budgets of each of the Public Utilities Commission (PUC) Enterprises – Water, Wastewater, and Hetch Hetchy
- Three resolutions approving the issuance and sale of Power, Water, and Wastewater revenue bonds by the PUC
- One Proposition J Contract/Certification resolution of Specified Contracted-Out Services Previously Approved for Enterprise Departments (MTA, PUC, Airport, and Port)

Additionally, there are two letters attached; one memo from the Controller related to the MTA budget and a release of reserve request for the PUC. We request that all items be scheduled for the May 18, 2016 Budget and Finance meeting.

If you have any questions please feel free to contact me at 554-6253.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Whitehouse".

Melissa Whitehouse
Mayor's Budget Director, Acting

cc: Members of the Board of Supervisors
Harvey Rose
Controller

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

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BOARD OF SUPERVISORS
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| <p>Items 12 and 13 Files 16-0464 and 16-0465</p> | <p>Department: San Francisco Municipal Transportation Agency (SFMTA)</p> |
| <p>EXECUTIVE SUMMARY</p> | |
| <p style="text-align: center;">Legislative Objective</p> | |
| <p><u>File 16-0464:</u> Ordinance appropriating \$207,000,000 of revenue bond proceeds for transportation projects, equipment, debt service reserve and financing costs.</p> | |
| <p><u>File 16-0465:</u> Resolution authorizing the SFMTA to issue not-to-exceed \$207,000,000 in revenue bonds, approving related financing documents and making CEQA determinations.</p> | |
| <p style="text-align: center;">Key Points</p> | |
| <ul style="list-style-type: none"> • Proposition A, approved by San Francisco voters in 2007, authorized SFMTA to issue revenue bonds to finance transit, parking and other capital improvement projects, subject to Board of Supervisors' approval. In 2012, SFMTA issued \$37,960,000 to refund outstanding revenue bonds and \$25,835,000 to finance transit and parking projects. • The SFMTA's second issuance of bonds in 2013 and 2014 for \$162,636,058 included \$150,000,000 to fund capital projects for (1) pedestrian safety and transit signals, (2) street and bicycle projects, (3) transit system improvements, (4) parking garage and Muni facility improvements, and (5) light rail vehicle procurement. | |
| <p style="text-align: center;">Fiscal Impact</p> | |
| <ul style="list-style-type: none"> • On the proposed \$207 million revenue bonds, annual true interest costs would be approximately 4.32%. Estimated total debt service is \$385.4 million, of which \$178.4 million is interest. Assuming two issuances, the requested bonds will add between \$11 million to \$16 million in additional annual debt service. Combining prior debt with the new \$207 million of debt, the annual debt service would range from \$17.8 million to \$26.1 million. • SFMTA will repay the bonds from annual pledged gross revenues of \$626.3 million in FY 2015-16, from passenger fares, traffic and taxis fees, permits, parking meters and parking garages, and other SFMTA operating revenues. However, repayment of the \$35 million for the transportation improvements related to the Warriors project will be reimbursed from the Mission Bay Transportation Improvement Fund. • According to SFMTA's debt policy, aggregate annual debt service on long-term debt should not exceed five percent of SFMTA's annual operating expenses. Based on SFMTA's financial projections, combined annual debt service on the previous and proposed revenue bonds would not exceed 2.8 percent of annual operating expenses over the 30-year term. | |
| <p style="text-align: center;">Recommendation</p> | |
| <ul style="list-style-type: none"> • Approve the proposed resolution and ordinance. | |

MANDATE STATEMENT

Charter Section 8A.102(b)(13) authorizes the San Francisco Municipal Transportation Agency (SFMTA) to incur debt and issue bonds, notes, certificates of indebtedness, commercial paper, financing leases, certificates of participation and other debt instruments without further voter approval, subject to Board of Supervisors approval. Charter Section 8A.102(b)(13) requires that (1) the Controller must first certify that SFMTA has sufficient unencumbered fund balances available in the appropriate fund to meet all payments on debt obligations as they become due; and (2) any debt obligation, if secured, is secured by revenues or assets under the jurisdiction of the SFMTA.

Charter Section 9.105 requires Board of Supervisors' approval of amendments to the Annual Appropriation Ordinance after the Controller certifies the availability of funds.

BACKGROUND

SFMTA's Prior Issuance of Debt

In 2007 San Francisco voters approved Proposition A, amending the Charter to add Section 8A.102, authorizing SFMTA to issue revenue bonds and other forms of indebtedness without further voter approval, subject to Board of Supervisors' approval. SFMTA did not request Board of Supervisors approval to issue debt until 2012, instead funding capital projects on a cash basis with available federal, state and local grants, San Francisco County Transportation Authority (SFCTA) sales tax revenues (Proposition K, which authorized a ½ cent sales tax to pay for transportation projects), and SFMTA operating funds.

2012 Revenue Bonds

In April 2012 the Board of Supervisors approved (a) an ordinance amending the City's Administrative Code authorizing SFMTA to issue revenue bonds (File 11-1354), (b) a resolution authorizing the first issuance of up to \$80,000,000 in SFMTA revenue bonds (File 11-1341), and (c) an ordinance appropriating \$75,235,000 of the revenue bond proceeds (Files 12-0242 and 12-0243). In July 2012, the SFMTA issued and appropriated \$63,795,000 of the 2012 revenue bonds as summarized in Table 1 below.

Table 1: 2012 SFMTA Revenue Bonds

| Series 2012 | Amount | Purpose |
|--|---------------------|---|
| 2012 Series A Parking Garage Refunding Revenue Bonds | \$37,960,000 | Refunded bonds previously issued by San Francisco Parking Authority and three non-profit parking corps (Ellis-O'Farrell, Downtown, and Uptown). |
| 2012 Series B Revenue Bonds | 25,835,000 | System wide transit access and reliability projects, Muni Metro projects, light rail facility rehabilitation, radio replacement and parking projects. |
| Total | \$63,795,000 | |

Because the difference of \$16,205,000 between the authorized Series 2012 Revenue Bonds of up to \$80,000,000 and the actual bond issuance of \$63,795,000 was due to changes in financing rather than project costs, SFMTA cannot use this previous authorization for future issuances. As of April 2016, SFMTA reports that all of the 2012 Series A and B revenue bond proceeds were expended as budgeted, except for \$57,278 reallocated to SFMTA's radio replacement project and \$7,000 for additional parking garage projects.

2013 Commercial Paper

In 2013, the SFMTA Board of Directors approved a five-year \$3.06 billion capital improvement plan for FY 2013-17. In July 2013, the Board of Supervisors approved SFMTA's issuance of \$100,000,000 in commercial paper¹ to provide interim financing for SFMTA's capital program. According to Ms. Sonali Bose, SFMTA Chief Financial Officer, to date, the SFMTA has not issued any commercial paper.

2013 and 2014 Revenue Bonds

In September 2013 the Board of Supervisors approved a second issuance of a not to exceed \$165 million SFMTA revenue bonds and appropriated these revenue bond proceeds, including \$150 million for SFMTA project costs (Files 13-0866 and 13-0861). Chapter 43, Article XIII of the City's Administrative Code authorizes the SFMTA Board of Directors to issue authorized revenue bonds in one or more series on one or more dates. The SFMTA split this revenue bond authorization into two sales as summarized in Table 2 below.

Table 2: 2013 and 2014 Revenue Bond Proceeds

| Projects | 2013 Bonds | 2014 Bonds | Total |
|--|---------------------|---------------------|----------------------|
| Pedestrian Safety/ Transit Signal Improvements | \$5,437,587 | \$11,000,000 | \$16,437,587 |
| Street Capital Improvements (Bicycle Projects) | 9,000,000 | 15,227,540 | 24,227,540 |
| Transit Fixed Guideway Improvements | 28,562,413 | --- | 28,562,413 |
| Muni Transit System Safety and Improvements | 11,000,000 | 16,500,000 | 27,500,000 |
| Facility Improvements | 8,500,000 | 30,000,000 | 38,500,000 |
| Muni Light Rail Vehicle Procurement | 12,500,000 | 2,272,460 | 14,772,460 |
| Total SFMTA Project Costs | \$75,000,000 | \$75,000,000 | \$150,000,000 |
| Debt Service Reserve and Issuance Costs | 7,243,319 | 5,392,739 | 12,636,058 |
| Total Revenue Bond Issuances | \$82,243,319 | \$80,392,739 | \$162,636,058 |

Of the total \$150 million of 2013 and 2014 bond proceeds available for SFMTA project funding, SFMTA reports expending a total of \$52,241,849, leaving a remaining balance of \$97,758,151, as summarized in Table 3 below. Of the remaining balance of approximately \$98 million, the SFMTA anticipates expending approximately \$25 million by December 2016 and the remaining \$73 million by December 2017. SFMTA also advises that \$13.5 million of the funds appropriated for Transit Fixed Guideway Improvements need to be redirected to Islais Creek Phase II Facility Improvements, after SFMTA informs the SFMTA Bond Oversight Committee and SFMTA Board.

¹ Commercial paper is a form of short-term interim financing for capital projects that permits the City to pay project costs on an ongoing basis. Commercial paper has a fixed maturity of up to 270 days and provides for refinancing with subsequent issuances of commercial paper or debt, such as bonds. Commercial paper can reduce overall borrowing costs because commercial paper interest rates are typically lower than long-term interest rates.

Table 3: Expenditures to Date from \$150 Million 2013 and 2014 Bonds

| Projects | Total Bond Proceeds | Expenditures To Date | Remaining |
|--|----------------------|----------------------|---------------------|
| Pedestrian Safety/ Transit Signal Improvements | \$16,437,587 | \$3,414,033 | \$13,023,554 |
| Street Capital Improvements (Bicycle Projects) | 24,227,540 | 2,756,898 | 21,470,642 |
| Transit Fixed Guideway Improvements | 28,562,413 | 10,478,066 | 18,084,347 |
| Muni Transit System Safety and Improvements | 27,500,000 | 7,357,273 | 20,142,727 |
| Facility Improvements | 38,500,000 | 19,008,090 | 19,491,910 |
| Muni Light Rail Vehicle Procurement | 14,772,460 | 9,227,489 | 5,544,971 |
| Total | \$150,000,000 | \$52,241,849 | \$97,758,151 |

SFMTA Outstanding Debt

Based on the SFMTA's previous issuances in 2012, 2013 and 2014, the SFMTA has issued a total of \$226.4 million of revenue bonds to refinance debt and finance transportation capital projects. Since each issuance, SFMTA has made annual debt service payments on these bonds. As shown in Table 4 below, SFMTA currently has \$185,835,000 of outstanding revenue bonds, with existing debt extending to 2044.

Table 4: Outstanding SFMTA Debt

| Bond Series Issuance | Outstanding Debt | Final Maturity of Bonds |
|----------------------|----------------------|-------------------------|
| 2012A | \$24,600,000 | 2032 |
| 2012B | 25,835,000 | 2042 |
| 2013 | 67,725,000 | 2033 |
| 2014 | 67,675,000 | 2044 |
| Total | \$185,835,000 | |

In FY 2016-17, SFMTA anticipates expending \$16.6 million for debt service on the outstanding debt. As SFMTA debt is front loaded such that debt service payments are higher in the earlier years, existing annual debt service costs will decrease to \$13.3 million in FY 2022 -23 and \$7.3 million in FY 2033-34.

Revenue Bond Oversight Committee

In 2011, the SFMTA Board of Directors approved a SFMTA Bond Oversight Committee, comprised of seven members, to oversee the spending of bond proceeds and inform the Board of Directors and the public on the status of the projects funded by debt. The SFMTA Bond Oversight Committee has issued annual reports for FY 2012-13, FY 2013-14 and FY 2014-15.

DETAILS OF PROPOSED LEGISLATION

The proposed resolution (File 16-0465):

- (1) Authorizes the issuance of not-to-exceed \$207,000,000 aggregate principal amount of revenue bonds in one or more series on one or more dates by the SFMTA to finance certain transportation related projects, a reserve fund if advisable, and issuance costs.
- (2) Authorizes the revenue bonds to be sold in either competitive or negotiated sale.
- (3) Approves a maximum interest rate of 12% per year on the bonds.
- (4) Approves the fourth supplement to the indenture of trust agreement between SFMTA and U.S. Bank as trustee.
- (5) Approves the form of certain financing documents, including the official notice of sale, notice of intention to sell bonds, the bond purchase contract, official statement in preliminary and final form and continuing disclosure certificate.
- (6) Authorizes modifications to these financial documents as deemed necessary by the SFMTA Director based on advice from SFMTA’s financial advisors and the Director, Controller, City Attorney or other City officials to take necessary actions to accomplish the purposes of this resolution, without increasing the City’s risk or expenditures.
- (7) Makes specific findings for three projects in compliance with the California Environmental Quality Act (CEQA).

The proposed ordinance (File 16-0464) would appropriate the \$207,000,000 of SFMTA Revenue Bond proceeds to the SFMTA to fund \$190 million of transportation capital projects as well as debt service reserve, bond issuance and auditor costs as shown in Table 5 below.

Table 5: Sources and Uses

| Sources | Amount |
|--|----------------------|
| Par Amount | \$207,000,000 |
| Total Sources | \$207,000,000 |
| Uses | |
| SFMTA Capital Projects | \$190,000,000 |
| Debt Service Reserve Fund | 14,620,000 |
| Costs of Issuance | 2,000,000 |
| City Services Auditor (0.2% of Capital Projects) | 380,000 |
| Total Uses | \$207,000,000 |

The appropriation ordinance would place the entire \$207 million on Controller’s Reserve pending the actual sale of the SFMTA revenue bonds. According to Ms. Bose, she anticipates one or two issuances, depending on the timing of capital project needs for the SFMTA and pending resolution of litigation regarding the Warriors project.

SFMTA’s financial advisors will determine whether the proposed bonds can be issued without a debt service reserve fund. If necessary, the debt service reserve would be funded from the bond proceeds, held by the bond trustee and used to pay debt service if SFMTA’s revenues

pledged to pay debt service are insufficient. The debt service reserve will be the lesser of (a) maximum annual debt service, (b) 125 percent of average annual debt service, or (c) 10 percent of the outstanding principal amount of the bonds.

Revenue bond issuance costs include the fees for the co-financial advisors, co-bond counsel, disclosure counsel, underwriters and their counsel, rating agency fees, and other expenses related to the issuance of the requested bonds.

SFMTA would allocate \$190,000,000 in bond proceeds to the following three capital projects:

Table 6: SFMTA Capital Project Fund Allocation

| SFMTA Capital Projects | Allocation |
|---|----------------------|
| Light Rail Vehicle Procurement | \$107,000,000 |
| Van Ness Bus Rapid Transit Project | 48,000,000 |
| Mission Bay Transportation Capital Improvements | 35,000,000 |
| Total | \$190,000,000 |

These three projects are included in the SFMTA's five-year FY 2017-21 capital improvement plan. The bond funds will pay for project development and capital costs for:

- Light Rail Vehicle (LRV) Procurement: In 2014, the Board of Supervisors approved a 15-year contract between SFMTA and Siemens to purchase up to 260 new LRVs to replace and expand the Muni fleet at a cost up to \$1.2 billion (File 14-0882). The funding sources identified to pay for this Siemens LRV contract included approximately \$107 million from the requested SFMTA revenue bonds.
- Van Ness Bus Rapid Transit Project: This dedicated transit-only lane and timed traffic signals on Van Ness Avenue will reduce bus travel times, increase transit reliability and improve safety on this 2-mile corridor. Beginning in 2016 with the replacement of underground sewer, water and electrical systems, this 3-year capital project is estimated to cost \$190 million, including funding sources from the requested \$48 million SFMTA revenue bonds.
- Mission Bay Transportation Capital Improvements, are associated with the Golden State Warriors event center and mixed-use development at Mission Bay Blocks 29-32, including construction of a new center boarding platform for the T-Third Street line with crossover tracks, transit and traffic signals, and other related improvements to increase transit capacity and reduce walking distance to the Warriors arena and UCSF Hospital. These Warriors-related transportation improvements are estimated to cost a total of \$61.9 million, including funding sources of \$35 million from the requested SFMTA revenue bonds.

Total estimated costs for these three projects are \$1.56 billion, which include \$190,000,000 in proposed revenue bonds and \$1.37 billion in other funds.

Competitive or Negotiated Sale of Bonds

The previous 2012, 2013 and 2014 Revenue Bonds were sold by negotiated sale because SFMTA was a new revenue bond issuer, and negotiated sales allowed SFMTA to present its key credit

components directly to investors and focus marketing efforts to specific potential buyers. The proposed \$207 million of SFMTA revenue bonds allow the Director of Transportation to determine whether the bonds would be sold through competitive or negotiated sale. Ms. Bose advises that SFMTA is likely to issue the new revenue bonds through competitive sale.

Capital Planning Committee Approval

The Capital Planning Committee approved the proposed three capital projects, issuance of the associated revenue bonds and appropriation of the bond proceeds to fund these projects on May 9, 2016.

California Environmental Quality Act (CEQA)

The subject resolution makes findings regarding CEQA for the three specified projects, by stating that the (1) Central Subway Project Final Supplemental Environmental Impact Statement/Report (EIS/EIR)², (2) Van Ness Bus Rapid Transit Final Environmental Impact Report and (3) Golden State Warriors Final Supplemental Environmental Impact Report are adequate with no substantial changes in the projects or environmental impacts since issuance of these respective reports. These documents are incorporated in the resolution by reference, to allow decision-making bodies to take action for possible funding of these projects with the subject revenue bonds.

The proposed resolution also notes that issuance of SFMTA revenue bonds is a financing mechanism which is not subject to CEQA, and that SFMTA will not proceed with any project until it is fully compliant with CEQA.

FISCAL IMPACT

The proposed resolution (File 16-0465) would authorize SFMTA to issue not-to-exceed \$207,000,000 of revenue bonds. The proposed ordinance (File 16-0464) would appropriate \$207,000,000 in revenue bond proceeds, including \$190,000,000 for capital project costs and \$17,000,000 for debt reserve, auditor and debt issuance costs.

Interest Rates and Costs

The resolution establishes a maximum interest rate on the proposed revenue bonds not to exceed 12 percent. According to Ms. Bose, the SFMTA anticipates issuing two fixed rate, tax exempt revenue bonds for a 30-year term with a true interest cost of approximately 4.32 percent.³ Estimated total debt service over 30 years would be approximately \$385.4 million, of which \$178.4 million is interest and \$207 million is principal. Assuming two issuances, SFMTA estimates the requested bonds will add an average of \$11 million to \$16 million in additional annual debt service.

² The Central Subway Project EIS/EIR is determined adequate for the Board's use as the decision-making body for the actions relative to possible funding of the light rail vehicle procurement project with the subject bonds.

³ The true interest cost includes all ancillary fees and costs, such as finance charges, discount points, and prepaid interest.

As noted above, SFMTA currently pays annual debt service of approximately \$16.6 million on the outstanding 2012, 2013 and 2014 revenue bonds. Combining this existing debt, with the proposed new \$207 million of debt, the combined annual debt service would range from \$17.8 million to \$26.1 million.

Pledged Revenues

SFMTA will repay the bonds from SFMTA gross annual revenues, which totaled approximately \$626,312,000 in FY 2015-16 as summarized in Table 7 below.

Table 7: SFMTA’s Gross Revenues

| Revenue Sources | FY 2015-16 Revenues |
|--|----------------------|
| Passenger fares | \$214,677,000 |
| Traffic fines, fees, permits and taxis | 128,437,000 |
| Parking meters | 56,958,000 |
| Parking garages | 68,766,000 |
| Other operating revenues | 33,056,000 |
| State sales tax | 38,811,000 |
| State Transit Assistance | 40,508,000 |
| Trans. Development Act Sales Tax | 45,099,000 |
| Total | \$626,312,000 |

SFMTA does not include General Fund Baseline Transfer, General Fund Transfer in Lieu of Parking Tax or restricted grant funds in the revenues pledged to repay these bonds. According to the official statement for the revenue bonds, SFMTA is not obligated to pay principal or interest on the bonds from any source of funds other than pledged revenues, such that the City’s General Fund is not liable for payment of the principal or interest on the subject bonds.

However, SFMTA advises that \$35 million Mission Bay Transportation Capital Improvements of the subject \$207 million revenue bonds are directly related to the Warriors project. Based on the Board of Supervisors previous approval of a Mission Bay Transportation Improvement Fund which captures General Fund revenues attributable to the Warriors project, the debt service and related financing costs for the \$35 million would come from the Mission Bay Transportation Improvement Fund revenues. The City would then appropriate the necessary funds to the SFMTA to pay these expenses (see File 16-0466 included in the Budget and Legislative Analyst’s May 25, 2016 report to the Budget and Finance Committee).

Debt Service as a Percent of Operating Expenses

SFMTA implemented and updated debt policies in 2011 and 2013 which established SFMTA’s process, guidelines, restrictions, and financial criteria for issuing debt to fund capital projects.

According to SFMTA’s debt policy, aggregate annual debt service on long-term debt should not exceed 5% of SFMTA’s annual operating expenses. Based on financial projections provided by SFMTA, combined annual debt service on the previous Series 2012A, Series 2012B, Series 2013 and Series 2014 Bonds, together with the proposed new \$207 million bonds would not exceed 2.8% of SFMTA’s annual operating budget over the 30-year term of the bonds.

Appropriation Ordinance

As shown in Table 6 above, the proposed ordinance appropriates (a) \$107,000,000 for light rail vehicle procurements, (b) \$48,000,000 for the Van Ness Bus Rapid Transit Project and (c) \$35,000,000 for Mission Bay capital improvement projects. While Board of Supervisors' approval is required to reallocate funds between the transit capital improvement program and the pedestrian, bicycle and parking capital improvement program, the SFMTA Board of Directors can authorize the reallocation of funds within the transit capital improvement program and within the pedestrian, bicycle and parking capital improvement program without further Board of Supervisors' approval. For example, Board of Supervisors approval is not required for SFMTA to reallocate funds from the Columbus Avenue Streetscape Project to the Masonic Avenue Streetscape Project; however, Board of Supervisors approval would be required to reappropriate funds from the Columbus Avenue Streetscape Project to the Muni Metro Twin Peaks Tunnel Rail Replacement Project.

Memorandum of Understanding

A Memorandum of Understanding (MOU) between the SFMTA and the City is anticipated to be executed once litigation is concluded regarding the Warriors arena. Ms. Bose advises that this MOU is being sought by the SFMTA to ensure that SFMTA receives timely and full payments from the City to cover all SFMTA debt service payments and related financing costs for the \$35 million Mission Bay component of the subject bonds related to the Warriors arena project. Ms. Bose notes that the SFMTA would not issue the requested \$35 million of SFMTA revenue bonds for the Mission Bay Transportation Capital Improvements until the City enters into such MOU.

RECOMMENDATION

Approve the proposed resolution and ordinance.

Wong, Linda (BOS)

From: Diana Scott <dmscott01@yahoo.com>
Sent: Wednesday, May 25, 2016 12:00 AM
To: Wong, Linda (BOS)
Cc: Tang, Katy (BOS); Farrell, Mark (BOS); Yee, Norman (BOS); Kim, Jane (BOS); Wiener, Scott
Subject: To the Budget and Finance Committee 5/25/16 from Diana Scott - AGAINST ITEMS # 12 and #13 - MTA Appropriation and bond issue
Attachments: Budget and Finance Committee Letter - for 5-25-16 meeting.docx

FROM: Diana Scott, 3657 Wawona St., San Francisco, CA 94116
TO: Budget & Finance Committee of SF Board of Supervisors
Honorable Supervisors Farrell, Tang, Yee, Kim, and Wiener
FOR MEETING: Wednesday, 5/25/16 10:00 AM (rescheduled from 1:00 pm)
REGARDING: Agenda items #12 (160464) and #13 (160465)
ITEM #12 (160464) - Ordinance appropriating \$207,000,000 of Revenue Bond proceeds to the Municipal Transportation Agency for transportation projects and equipment in FY2016-2017.

ITEM # 13 (160465)

| | |
|--|--|
| | Resolution authorizing the sale, issuance, and execution of one or more series of San Francisco Municipal Transportation Agency Revenue Bonds, in an amount not to exceed \$207,000,000, which includes up to \$45,000,000 for the Mission Bay Component; and up to \$162,000,000 for other projects, such as the light rail vehicle procurement, the Van Ness Transit Improvement Project, and for various financing costs; approving the form of certain financing documents including the official statement, the bond purchase contract, the fourth supplement to indenture of trust, and continuing disclosure certificate; authorizing the taking of appropriate actions in connection therewith, as defined herein; and related matters approving the forms of documents relating thereto; approving the maximum interest thereon; and finding that a portion of the proposed revenue bond issuance is not a project under the California Environmental Quality Act ("CEQA"), and adopting findings under CEQA, CEQA Guidelines, and San Francisco Administrative Code, Chapter 31, for the remaining portion of the proposed bond issuance; and related matters. |
|--|--|

I urge you not to approve these resolutions, and to withhold general fund appropriation "not to exceed \$207,000 million" from revenue bond sales for the SFMTA (#160464), and to oppose the portion of the bond issue (#160465) -- \$48 million -- earmarked for the Van Ness BRT project.

While the SFMTA has an ambitious vision of how to speed up and green San Francisco transit, including consolidating bus stops and eliminating auto traffic, it is neither fiscally sound, neighborhood rider- nor small business-friendly, well-suited to a densely developed city like S.F., nor fiscally sustainable, and likely to exacerbate for at least half a decade – the very global climate change we all seek to avoid. Long associated with gentrification, MTA plans may also increase housing displacement that has become widespread in the Mission.

Concerning finance and human costs:

Citywide MTA "upgrade" plans depend on matching federal, state, and municipal dollars, and borrowing (the proposed \$207 bond issue) but still have significant shortfalls and increased routine maintenance costs. Passing the two measures before you, notwithstanding the rosy pictures painted of future "high tech" public transit upgrades here, actually encourages SFMTA to continue all areas of spending and steadily increase its budget, WITH NO SOLID EVIDENCE THAT ITS ENGINEERING- AND CONSTRUCTION-HEAVY FISCAL COMMITMENT WILL SUCCEED. It will, however, clearly add to funding gaps and to the tax burden on San Francisco residents. It is irresponsible, given the shaky revenue projections associated with merely hoped-for-successes. Engineering studies show figures, not what actually happens to urban land, landscape, and residents, due to miscalculated transit dreams! Evidence abounds that shows

shortcomings, sometimes disastrous, of similar plans implemented in other cities; this record never makes its way into EIR engineering diagrams or survey matrices.

Additional stop-gap funding has already been factored in to the MTA budget, even prior to voter approval of a half-cent sales tax ballot measure to be submitted to voters in November. (This, on top of similar previous tax revenue from Prop. K).

Will each new funding request meet a growing future revenue gap, given the level of anticipated new costs (construction, operation, and maintenance -- the latter, including expensive items like renewing application of red thermoplastic bus lanes)? Will "success" have unanticipated added costs?

Are MTA projected revenues sustainable, if plans to reduce auto traffic actually succeed and revenues from the recently expanded parking meter network diminish, as well as those from camera-generated traffic violation fees, so disproportional to offenses?

More likely, if they fail to reduce auto traffic but slow it to a crawl, will pollution wipe out proposed landscaping "mitigation" as new plantings, along Van Ness and other major arteries aren't likely to survive increased pollution and drought? What about environmental costs of excess watering to nourish young trees over years to maturity? What about pollution's human health costs?

Will ridership, projected to increase with stop consolidation, actually do so, when slowing tech sector growth (and lay-offs) thin out the projected new rider population after the next tech bubble bust?

Current MTA plans -- bus- and streetcar-stop consolidation, for example -- impose hardships on riders who depend on closely spaced stops to transport groceries along bus routes, and those with limited mobility whose incomes don't enable them to use taxis routinely. Neighborhoods are feeling pain, not only of private buses taking over curbside stops (with BRT lanes planned for the middle of the road), but of increasing small business die-off with the loss of nearby parking. Meanwhile, the need for expensive neo-"green" engineering interventions grows exponentially with each new MTA project roll-out. Construction increases greenhouse gases, and mature, high carbon-sequestering trees are sacrificed to a dream.

Articles from other cities about programs the MTA is emulating -- Cleveland and San Jose for example -- suggest that current MTA plans are more fantasy than reality and need serious revision, before the agency literally and figuratively digs holes that will swallow San Francisco!

Please stop this "enterprise agency" from tearing apart the city's diverse fabric, and harming people, neighborhoods and businesses. Its plans are unlikely to generate safer streets or a more livable city, but will most assuredly continue to require regular general fund appropriations and new bond sale infusions, like the ones now proposed -- as well as more regressive sales taxes to fill overspending gaps. The money can be better allocated toward improving the lives and health of San Franciscans.

Many believe the MTA is out of control; please reconsider how to achieve less intrusive transit improvements AND RESPONSIBLY REIN IN SPIRALING ENGINEERING COSTS and wasteful MTA spending that these two measures encourage. I urge you: DO NOT APPROVE THESE TWO MEASURES. Instead, require the MTA to heed the public's call to better serve seniors, the very young, and those with mobility issues, and to preserve San Francisco's neighborhoods and transit corridor businesses.

FROM: Diana Scott, 3657 Wawona St., San Francisco, CA 94116

TO: Budget & Finance Committee of SF Board of Supervisors

Honorable Supervisors Farrell, Tang, Yee, Kim, and Wiener

FOR MEETING: Wednesday, 5/25/16 10:00 AM (rescheduled from 1:00 pm)

REGARDING: Agenda items #12 (160464) and #13 (160465)

ITEM #12 (160464) - Ordinance appropriating \$207,000,000 of Revenue Bond proceeds to the Municipal Transportation Agency for transportation projects and equipment in FY2016-2017.

ITEM # 13 (160465)

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Miles 160464

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(electronically by
author)
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BOARD OF SUPERVISORS
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2016 JUN -7 AM 11:58
BY JLB

FROM: Mary Miles, Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO: San Francisco Board of Supervisors; Mark Farrell (Mark.Farrell@sfgov.org); Jane Kim (Jane.Kim@sfgov.org); Katie Tang (Katie.Tang@sfgov.org); Scott Wiener (Scott.Wiener@sfgov.org); Norman Yee (Norman.Yee@sfgov.org); John Avalos (John.Avalos@sfgov.org); London Breed (London.Breed@sfgov.org); David Campos (David.Campos@sfgov.org); Malia Cohen (Malia.Cohen@sfgov.org); Eric Mar (Eric.L.Mar@sfgov.org); and Aaron Peskin (Aaron.Peskin@sfgov.org); Angela Calvillo, Clerk of the San Francisco Board of Supervisors (Angela.Calvillo@sfgov.org)

RE: **Items 10 and 20**, June 7, 2016 Board of Supervisors Agenda
BOS File No's. **160464** (approving an Ordinance appropriating \$207,000,000 to the SFMTA for "transportation projects and equipment in FY2016-2017); and **160465** (Resolution authorizing the sale, issuance, and execution of bonds totaling \$207,000,000, "which includes up to \$45,000,000 for the Mission Bay Component; and up to \$162,000,000 for other projects, such as the light rail vehicle procurement, the Van Ness Transit Improvement Project" [aka Van Ness BRT Project],

DATE: June 6, 2016

BY E-MAIL

PUBLIC COMMENT OPPOSING \$207 MILLION MTA BOND

This is public comment on Items 10 and 20 of the June 7, 2016 Agenda of the Board of Supervisors, proposing approving an Ordinance appropriating \$207,000,000 to the San Francisco Municipal Transportation Agency (MTA) for "transportation projects and equipment in FY 2016-2017" (BOS File 160464), and authorizing the sale, issuance, and execution of bonds totaling \$207,000,000 by the MTA (BOS File No. 160465). Please assure that copies of this comment and attachments have been distributed to each Supervisor, and that copies have been placed in the packets and appropriate file numbers of the Board.

The proposed bond has not been approved by voters. Due to legal flaws, failure to provide public information and notice, inconsistencies in material documents, claims that understate expenditures for the proposed projects funded by the bonds, the improper proposed uses of the bond money, the flawed repayment proposal, and the unsupported and legally inadequate "CEQA findings," this Board should reject this proposed bond, and at the least, should reject the portion proposed to be spent on the Van Ness Bus Rapid Transit (VNBRT) Project.

The Board of Supervisors has the power to either reject the bond entirely, or it can veto parts of the bond, such as the VNBRT allocations. (See San Francisco Controller's May 2, 2016 letter, BOS File No's. 160464, 160465.) The Board should continue this matter until it has received all the information necessary for informed consideration of this measure, which it does not have today. The Board should reject this proposed bond, or at least reject the portion proposed to be spent on the Van Ness Bus Rapid Transit (VNBRT) Project.

160A

The bond is a wasteful money grab by the MTA in excess of its already one **billion** dollar annual budget. This Public Comment will also focus on the large amount of the \$207,000,000 to be spent on the VNBRT Project. The proposed bond also includes a windfall to the private Warriors' Arena Project of \$61,898,909, even though City admits that even with sales tax revenue from that project the public will incur a "revenue shortfall" of \$34,508,573 for that *private* project. (5/20/16 Budget and Legislative Analyst Memorandum ["B&LA Memo"], p.14.)

The dubious B&LA Memo drastically understates the public cost of the three named projects receiving allocations from the proposed bond. The B&LA claims the total cost to the public of those projects is \$1.56 billion. (B&LA Memo, page 6.) Nothing supports that gross underestimation. The B&LA Memo incredibly claims that figure includes \$190,000,000 from the proposed bond "and \$1.37 billion in other funds," *not* including interest. (*Id.*) The interest on the proposed bond is estimated at \$178.4 million, claiming the total public debt from the bond alone would be \$385.4 million with an annual debt service "from \$17.8 million to \$26.1 million" for the next 30 years. (*Id.*, page 1.) In fact, the interest is likely to be double the principal of this proposed bond, approaching a half billion dollars. Even that amount does not begin to approach the total cost of the projects it will subsidize. The huge outlay of public money already allocated to the VNBRT Project alone will total more than \$500 million.

The B&LA Memo falsely states that the VNBRT Project has a total cost of \$190 million. (BLA Memo, page 6.) In fact, the costs previously estimated by MTA were \$260 million in 2015, *without* the cost of the bond measure before interest or cost overruns, are now estimated at more than \$312 million for VNBRT construction alone.¹ This Board must not approve a growing price tag for a Project that will clearly be much more costly than the Budget and Legislative Analyst states. This Board must get these figures right before allowing MTA to incur *additional* public debt of hundreds of millions *more*.

Of the proposed bond's \$207,000,000 principal, an unstated amount from \$48,000,000 to \$162,000,000 would be spent to further subsidize the already-exorbitant funding of the VNBRT Project. Like the bond before you, the VNBRT Project has *not* been voter-approved, even though it will drastically alter a major San Francisco street, which is also California and U.S. Highway 101, with significant impacts adversely affecting millions of future travelers. The MTA's failure to place the VNBRT Project and its total cost and funding before the voters of San Francisco *and* California before degrading travel through San Francisco for millions should alone preclude approval of its funding.

The VNBRT Project will remove at least two traffic lanes from the center of Van Ness Avenue/Highway 101 from Lombard to Mission Street to create exclusive bus lanes for two MUNI bus lines (47 and 49). The Project will also remove nearly *all* parking spaces on *both sides* of Van Ness Avenue for the full length of the Project (See EXHIBIT A [9/17/13 Public Comment]; and VNBRT Project Final Environmental Impact Statement/Environmental Impact Report ["EIS/EIR"], p.3-123.). The Project will also remove all left turn lanes and most turning capacity on Van Ness Avenue/Highway 101. While requiring massive traffic diversion to already congested nearby streets, the Project will also obstruct right-turns with turn restrictions

¹ See attached EXHIBIT C: 5/10/16 Walsh Construction Company "Guaranteed Maximum Price" ("GMP") estimating GMP of \$312,698,230 for construction costs alone, *twice* the original estimate by Walsh Construction, with no competitive bidding; see also, MTA Board Agenda, July 7, 2015, Staff Report, "Project Budget and Funding Plan" VNBRT [estimating 2015 cost at \$259,898,200].)

and bulbouts at nearly every intersection, each of which will also eliminate another five parking spaces.

The VNBRT Project will also demolish and remove the historic lampposts that have dignified Van Ness Avenue for more than 100 years, giving endearing character, beauty and warmth to the grand Avenue to generations of travelers and residents.

The VNBRT Project will also kill all mature trees and vegetation on the median of Van Ness Avenue and more than 100 mature trees on the sidewalks on each side of Van Ness Avenue to construct the VNBRT in the center of Van Ness Avenue/Highway 101. The far less destructive curbside BRT alternative was rejected by MTA.

The goal of the VNBRT Project is to make the speed of the two bus lines (Muni 47 and 49) "competitive" with vehicle travel by reducing street capacity for vehicles, eliminating turning capacity, and eliminating parking on Van Ness Avenue.² However, at an unnoticed "Engineering Hearing" on May 20, 2016, the MTA approved removing half the bus stops on Van Ness Avenue by Saturday, June 4, 2016. Thus, the slight increase in speed on the two bus lines would occur *without the Project*. The minimal increase in speed for Muni lines 47 and 49 by eliminating bus stops will result in bus stops that will be nearly one-quarter mile apart. Under MTA's VNBRT Project, travelers will also experience permanent traffic congestion and loss of parking on Van Ness Avenue and all surrounding streets. Pedestrians will have to walk farther to bus stops and cross to the middle of Van Ness Avenue instead of the sidewalk stops. Those who are elderly and not able-bodied are left out of MTA's "improvements."

The MTA's documents admit that Muni's total ridership has declined by at least 4% since the 2013-14 Fiscal Year, and reports that MTA's inflated "700,000" daily boardings rhetoric is actually 600,893,150 boardings. (See June 7, 2016 BOS File 160465, Undated Preliminary Official Statement ["POS"], p. 30, Table 2.) Of those boardings, the two Muni lines (47 and 49) on Van Ness carry 16,000 passengers per day, *only 2 percent* of that total. (VNBRT EIS/EIR, p. 1-1, 3-3.) Thus, the proposed exorbitant expenditure for the VNBRT Project cannot be justified by existing ridership or by speculation that the declining ridership on the two lines could increase, particularly after removing half the bus stops on Van Ness Avenue on June 4, 2016.

More importantly, the negative impacts on the vast majority of travelers on Van Ness Avenue (86,000 vehicles per day in 2013) will include congestion from removing roadway capacity, increased congestion and slowing on other nearby streets where traffic is diverted, and loss of historic resources, including the 100-year-old street lamps, and the mature trees on Van Ness Avenue. (See EXHIBITS A and B.) The MTA and SFCTA rejected the side-lane BRT alternatives that would avoid the significant negative impacts on traffic, the tree-killing, and demolishing the historic streetlamps.

Meanwhile, with no public disclosure, the MTA is negotiating with only *one* contractor for the massive VNBRT Project instead of putting out an RFP for the construction work. City has refused to provide requested public information on how much it will give that *one* contractor for the work. (MTA Board Agenda, June 7, 2016, Item 11; and see, *e.g.*, 49 USC §5325 [requiring competitive open bidding to qualify for federal funding].) As noted, that contractor, Walsh

² Transportation and other significant impacts of the VNBRT Project are addressed in more detail in the attached EXHIBIT A (September 17, 2013 Public Comment to agencies) and EXHIBIT B (May 18, 2016 Public Comment to Historic Preservation Commission).

Construction, which has already received \$800,000, recently submitted a GMP of \$312,698,230 for construction alone, more than twice the original estimate. (EXHIBIT C.)

City's MTA now proposes \$207,000,000 in self-issued bonds, including substantial unstated bond indebtedness to the taxpayers of San Francisco to construct the VNBRT Project. With interest, MTA's proposed bond burdens the public with a 30-year debt of nearly **one-half billion dollars**, while MTA excludes the voters and taxpayers from any say, either on the bond or any of the bond allocations of this public money.

MTA fails to provide accurate information on what portion of the bond is allocated for the VNBRT Project. Will it be \$162,000,000 or will it be more? (SFBOS Budget and Finance Comm. Packet, File No. 160465, p. 1.) Or will it be \$48,000,000? (5/20/16 BLA Memo, p. 6.) From MTA's vague, inconsistent and conflicting information, neither this Board nor the public can know what MTA will actually do with this money. Even though your packet names three project expenditures, this bond money, like the two previous large MTA bonds, could be spent on more bicycle "improvements" and eliminating and obstructing street capacity for the vast majority of travelers in San Francisco. (4/5/16 MTA Board Staff Report, pp. 4-5; POS, p. 11.)

Incredibly, this Board is also being approached with a proposal to *raise* the San Francisco Proposition K sales tax by *another* half-cent to spend additional billions on more of the same. (BOS File No. 160486.)

This Committee and the Board of Supervisors should reject MTA's bond measure, particularly for the exorbitant and destructive VNBRT Project.

1. The bond is a waste of public funds with no public benefit.

Taxpayers will shoulder the burden of bonded indebtedness, paying vastly more than the face amount of the bond in annual interest over the 30-year duration of the proposed bonds. MTA has received massive allocations from two other self-issued bonds within the past five years, \$170 million in December, 2011, and another \$175 million in September 2013, a total of \$345,000,000 in principal, saddling taxpayers with more than a half billion dollars with interest on those previous two bonds. (4/5/16 MTA Staff Report, p. 2.) Where did that money go?

With the new 2016 bond of \$207,000,000, the total principal indebtedness for the three MTA bonds would be \$552,000,000, without interest. With interest, the total public debt of the three recent MTA bonds approaches one *billion* dollars over 30 years.

After squandering public money with its two previous bonds, MTA now proposes to allocate *still more* for anti-car, anti-people projects, including "traffic calming" obstructions, traffic humps and traffic circles, bulbouts that impede turning and remove parking, red light photo enforcement equipment, bicycle "improvements," including removing traffic lanes and parking to develop new bicycle lanes, "bicycle parking facilities; bicycle boxes, bicycle boulevards; buffered bicycle lanes, cycle tracks, bicycle signals, and greenwave signal coordination; curb extensions....," and the Van Ness BRT. (4/5/16 MTA Board Staff Report, pages 4-5; POS, page 11.)

As to allocating bond money for the VNBRT Project, the public will receive *no* benefit, since the same Muni performance on lines 47 and 49 would be accomplished without the VNBRT.

2. The MTA remains in violation of the San Francisco Charter

With nearly a **billion**-dollar annual budget, MTA has failed to meet the basic service standards required by the Charter. After hundreds of millions in bonds to MTA, San Francisco

still has notoriously pitted, third-world streets that are among the worst in the United States and the third-worst traffic congestion in the United States. (See, e.g., San Francisco Chronicle, 3/15/16, Bill Disbrow and Daniel DeMay, "Report: San Francisco Has The Third Worst Traffic In The Country.") After voters approved a \$248 million repaving and safety bond in 2011, City's streets today remain rated at "fair" by the Metropolitan Transportation Commission. (San Francisco Examiner, June 2, 2016, p.4, Joe Rodriguez, "Transportation commission gives pavement a 'fair' score.") The money from that 2011 bond has already been spent, but the public will still pay for that bond for another 25 years. Incredibly, Rachel Gordon, spokesperson for City's Department of Public Works complains, "Roads aren't sexy. You have to fight to get funding for them." (*Id.*)

While MTA again asks this Board to rubber stamp its exercise of unaccountable power to issue bonds without voter approval, MTA ignores that all of its powers granted by Proposition A are conditioned on meeting minimum service standards. MTA has failed to meet those standards since its creation in 2007 by the Proposition A Charter amendment.

The Charter requires "Reliable, safe, timely, frequent, and convenient transit service to all neighborhoods" and "Roads that are not gridlocked with congestion." (Charter, §8A.100(1), (7).) The MTA has failed to meet those requirements. Further, the VNBRT Project is plainly contrary to those Charter provisions, since it will *cause* gridlock not only on Van Ness Avenue, but also on Gough, Franklin, Polk, Larkin, and Hyde Streets, as well as obstructing and congesting traffic on lateral streets from Lombard Street to Mission Street, delaying hundreds of thousands of passengers who take transit on *those* streets. (See attached EXHIBIT A.)

The Charter specifically requires minimum standards, including that "at least 85 percent of [Muni] vehicles must run on-time," meaning "no more than one minute early or four minutes late." (Charter §8A.103(c).) MTA consistently fails to comply with that requirement, with the most recent on-time performance at a miserable 60 percent. (See <http://www.sfmata.com/about-sfmata/reports/performance-metrics/percentage-time-performance> March, 2016 [viewed May 9, 2016].) That is the public's reward, along with MTA's fantastic expenditures from its billion dollar budget -- red bus lanes, eliminating traffic capacity, installing green raised separated bicycle lanes, obstructing traffic and turning with bulbouts, pitted streets, and removing parking citywide.

Although the Charter requires that the "Board of Directors shall adopt Agency rules setting additional measurable standards for system reliability, system performance, staffing performance, and customer service," those standards are absent after nearly *ten years*. (Charter, §8A.103(d), (e).) In fact, Muni customers remain very dissatisfied with crowding, reliability, vehicle cleanliness, and coverage of neighborhoods. (San Francisco MTA "Ridership Survey 2015," page 6.)

It is not unreasonable for voters to ask this Board: *Why should the public reward MTA with another half billion in public bond indebtedness for another 30 years?*

3. The bond's "pledged revenues" are contrary to funding statutes

The bond POS claims that both principal and interest will be paid from "pledged revenues," including but not limited to "(a) grants or transfers funded pursuant to the Transportation Development Act" (Pub. Util. Code §§99200 *et seq.*), "AB 1107" (Pub. Util. Code §§29140 *et seq.*), and parking meter revenue, along with other sources. (POS, pp. 13, 45, 50, Tables 6, 7.) Whether the bond qualifies for "AB 1107" funds is questionable, since Public Utilities Code § 29142.4(b) requires fare revenue of at least 33 percent of operating costs to qualify. MTA's fare revenues were only 21.97% of its billion-dollar operating expenses in

2015. (POS, page 43, table 6 [showing total fares in 2015 at \$214,676,794, and total operating expenses at \$976,863,980].)

MTA's failure to put out an RFP for the proposed construction work on the VNBRT Project, instead negotiating with only one contractor, violates at least one federal funding statute requiring competitive bidding. (*e.g.*, 49 U.S.C §5325.)

Whether MTA may use funds allocated from state sales taxes under Pub. Util. Code §§99200 *et seq.* to repay allocations for the VNBRT Project and other parts of the bond is also problematic. For example, motor vehicle fuel taxes allocated from the state Highway Users Tax Account may not be directly or indirectly used for funding rapid transit projects or for bonds that are *not voter-approved*. (See, Cal. Const. Art. XIX.) As MTA admits, the proposed bond also puts the City at risk of violating Article XIII C of the California Constitution. (POS, pp.93-94)

In fact, as with many other expenditures, MTA proposes to pay for the half-billion-dollar bond indebtedness largely from *parking revenues, i.e.*, meter revenue and fines from parking tickets. (POS, p. 42-44, Tables 6, 7.) Thus, the victims of MTA's anti-car policy manifestos and the VNBRT Project will foot MTA's exorbitant bill so that they can be *further victimized* by the MTA. Although the vast majority of travelers in San Francisco (as well as California and the United States) travel by car, they are completely absent from MTA's plans, which provide no dedicated funds to repair the deteriorated streets in San Francisco.

CONCLUSION: VOTE NO ON AGENDA ITEMS 10 AND 20

The proposed allocation of bond funding to the VNBRT Project is an exorbitant waste of public money that is contrary to the public interest. This Board should carefully scrutinize MTA's proposed huge expenditures of public money and should turn off the money spigot now. The proposed allocation of an unspecified amount of the proposed \$207,000,000 MTA bond for the VNBRT Project underscores MTA's waste of public money on destructive projects that the public has no voice in approving.

The Board should vote NO on Agenda Items 10 and 20 today. Alternatively, at minimum the Board should prohibit all allocations from the proposed bond for the wasteful and destructive VNBRT Project.

Sincerely,
Mary Miles

EXHIBIT A

1606

Mary Miles, Attorney at Law (SB #230395)
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:
Edward Reiskin
Roberta Boomer, Secretary of the MTA Board
and Members of the
Board of the San Francisco Municipal Transportation Agency
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BY E-MAIL

DATE: September 17, 2013

RE: MTA Board Meeting, September 17, 2013, Agenda Item #11

**PUBLIC COMMENT ON FINAL ENVIRONMENTAL IMPACT
STATEMENT/ENVIRONMENTAL IMPACT REPORT (FEIS/FEIR), CEQA FINDINGS,
AND PROPOSED LEGISLATION ON VAN NESS AVENUE BUS RAPID TRANSIT
PROJECT**

This is public comment on the Final EIS/EIR ("FEIR"), proposed "CEQA Findings," and proposed legislation on the Van Ness Avenue Bus Rapid Transit Project ("BRT") Project ("the Project"). Please assure that a copy of this comment is distributed to each member of the Board of the San Francisco Municipal Transportation Agency ("MTA") in advance of the MTA Board Meeting of September 17, 2013 (Agenda Item 11), and place a copy of this Comment in all applicable files on the Project. Please consider this Comment before any deliberations on certifying the Project EIR and approving any findings, statement of overriding considerations, or legislation approving the Project or any part of it.

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The FEIR and the proposed Project violate the California Environmental Quality Act ("CEQA") (Cal. Pub. Resources Code ["PRC"] §§21000 *et seq.*, CEQA's regulatory Guidelines (14 Cal. Code Regs. §§15000 *et seq.* ["CEQA Guidelines"]), the National Environmental Policy Act ("NEPA") (42 U.S.C. §§4371 *et seq.*), its implementing regulations and Executive Orders (e.g., 40 CFR 1500 *et seq.*, etc.), and other statutes and regulations that apply to the review, funding, and approval of the Project (e.g., 49 USC §303; 23 USC 106, 109, 138, 325, 326, 327; 23 CFR 771 *et seq.*, etc.) This commenter has also submitted Comment on the DEIS/DEIR ("DEIR"), which is incorporated by reference in this Comment. FEIR at II: Individuals, pp.106-121 (I-40).

The MTA failed to comply with the Brown Act, which requires posting the Agenda of this meeting at least 72 hours in advance of the meeting in "a location that is freely accessible to members of the public and on the local agency's Internet Web site." Cal. Gov. Code §54954.2(a)(1). The agency did not post the meeting Agenda 72 hours in advance of the meeting in a location that is freely accessible to the public. MTA's office is not "freely accessible to members of the public" and is not accessible at all on weekends. This Board therefore must continue the Item and all actions on it until after legally required public notice has been provided.

The proposed "CEQA Findings" and hundreds of pages of other packet materials were not legally noticed or publicly available before the September 17 meeting. These materials were not noticed, even to those, like this commenter, who have repeatedly requested notice of all proceedings and environmental review of this Project. They were posted as links to the Agenda that were not available until late Friday September 13, 2013, giving the public less than adequate notice and no opportunity to meaningfully comment on the findings and other proposed actions on the Project. Materials referred to in the Findings were not readily accessible on the MTA's web site, and required time consuming Public Records Act Requests that have not been answered at the time of this writing. Although this commenter has asked for public notice and copies of all environmental documents in advance of their approval, none were provided. The documents are hundreds of pages of cross-referenced materials, precluding public access and comment on the proposed actions in violation of NEPA and CEQA. Under these circumstances, there is no requirement of exhausting administrative remedies in the event of litigation, because the materials were not timely available to the public for practical purposes. Any approval by this Board without allowing meaningful opportunity for public input and review is itself evidence of a preordained determination to adopt the Project in a fashion that precludes public input. Further, the actions of the SFCTA Board to approve the Project were made on September 10, 2013, making public comment to this Board futile and meaningless.

Due to the inadequate notice and inadequate public comment period, unavailability of materials referenced in the environmental documents, including supporting studies, unavailability of agency staff, the large volume of paper generated since the close of public comment on the DEIR, the massively revised FEIR, the addition *after* the close of comment on the DEIR of a "Locally Preferred Alternative" ["LPA"] that was *not* included in the DEIR, and thousands of pages of "technical memos," this Comment is necessarily incomplete. However, commenters do not waive further comment on this Project, including issues not addressed in this Comment. Further, where as here public comment is curtailed by inadequate information and is futile, since a foregone conclusion of approval has already been assumed in every document and

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in agency actions, the public may not be held to a requirement of exhaustion of administrative remedies in future litigation, because such remedies do not exist for practical purposes.

Since the agencies have provided inadequate time and information, this comment is necessarily incomplete, does not include all issues and violations of NEPA and CEQA in the defective FEIS and the agencies' procedures, and is not organized in order of importance. This commenter, however, does not waive any issue by its absence or due to the inadequate time to fully address it in this Comment.

1. Introductory comments

The Van Ness BRT ("the Project") proposes to make existing San Francisco ("Muni") bus traffic "compete" with vehicle traffic on federal and state highway, US 101, which is also an historic major street in San Francisco. The two existing Muni lines on Van Ness Avenue, Routes 47 and 49, carry 16,000 passengers per day, make 14 stops in each direction on the two-mile Project segment, with an average speed of approximately 5.2 miles per hour. FEIR, p.3-21, 24. The Project's stated "purpose and need" are to increase bus speed by slowing other modes of traffic that include 44,500 vehicles per day on the segment and more than 126,000 vehicles in the Project area corridor, which includes Gough, Franklin, Polk, Larkin, and Hyde Streets. FEIR, p.3-44, §3.3.2.2, p.3-3. According to the FEIR, within the Project area "study" corridor, the two Muni lines carry 14% of travelers, while vehicles carry 86%. FEIR, p.3-3. That figure, however, mistakenly assumes that vehicles carry only the driver, when in fact many vehicles carry more than one passenger, including the 11% of San Francisco commuters who carpool,¹ taxis, shuttle and tour buses, and vehicles carrying passengers.

To achieve its "purpose and need" of slowing traffic other than the two Muni lines, each of the "alternatives" for building the Project reduces traffic capacity on Van Ness Avenue by one-third by eliminating two traffic lanes from the existing six lanes that carry 44,500 vehicles per day. FEIR, p.3-44, §3.3.2.2. The FEIR admits that the vehicles now occupying six lanes on US Highway 101/Van Ness Avenue would be diverted to other streets causing significant traffic impacts, but claims without any supporting evidence that many would abandon vehicle travel and ride the two Muni lines or use bicycles. FEIR, p. 3-10.

The Project proposes slowing vehicle (meaning all non-Muni-bus) traffic to make the two Muni lines more "competitive" with other travel modes on US Highway 101/Van Ness Avenue, such as cars, trucks, taxis, and even shuttle buses ("Google" or Bauer buses), which will not be allowed in the BRT lanes. The Project proposes to achieve its combined goal by eliminating two traffic lanes, all left-turn lanes, most parking, and many right-turn lanes on US101/Van Ness Avenue to slow, obstruct, and force diverting vehicle traffic so that it is as slow as existing bus traffic.

The Project also proposes to speed up Muni Lines 47 and 49 by eliminating *half of the existing bus stops on Van Ness Avenue*, making bus stops 1,150 feet apart (nearly 1/4 mile), instead of the current 700 to 800 feet apart. FEIR, p.3-112. The FEIR observes that not having to stop for passengers would increase the speed of the two bus lines. However, removing bus stops

¹ San Francisco County Transportation Authority ("SFCTA"): *Countywide Transportation Plan* ["CWTP"], p. 41.

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to speed up Muni lines does not require removing traffic lanes and parking to create BRT lanes in the middle of US Highway 101/Van Ness Avenue.

Other Project features include: *eliminating nearly all of the parking on Van Ness Avenue* and hundreds of parking spaces on cross-streets; *eliminating all left-turns*; eliminating many existing right turns; installing bulbouts at 64 intersections to obstruct right turns by vehicles, trucks and buses (FEIR, p.3-108); removing all existing mature trees and other vegetation in the median to install a paved center-median BRT; removing the existing historic streetlamps and installing generic utility posts with two glaring *faux* deco street lamps on each; installing freeway-style overhanging signs; installing large, garish bus stop areas in the median; spending millions to install otherwise unnecessary new sewer lines to accommodate the increased weight of buses traveling in the center of the avenue; painting the pavement occupying the central half of the avenue a garish red color (FEIR, pp.4.4-27,29,31); permitting buses to pass one another in the remaining traffic lanes on US Highway 101/Van Ness Avenue FEIR at p.10-5, §10.2.4.1.; and requiring additional bus traffic in the remaining traffic lanes *Id.* FEIR at p.10-5, §10.2.4.1.

These measures would not in the “near term” accomplish the Project’s “purpose” of buses “competing” with other traffic but would *slow down other modes of traffic* “resulting in a significantly reduced speed gap between modes” on Van Ness Avenue. FEIR at p.3-27-28, §3.2.2.3, Figure 3.2-6. Once past the verbiage, the Project’s actual “purpose and needs” are twofold: 1) to obstruct and slow all traffic except Muni buses on routes 47 and 49; and 2) to marginally increase the speed of Muni buses on routes 47 and 49. Without all those stops for passengers and by delaying all other traffic, the two Muni lines will supposedly increase their speed to 7 miles per hour, while other vehicles would be delayed not just on Van Ness Avenue but on cross streets and on parallel streets, particularly Franklin and Gough Streets. Thus, the Project’s improper purpose is in fact to deliberately create traffic congestion throughout the area to make the two Muni lines “competitive” with other travel modes.

The FEIR admits that the Project would cause significant impacts measured by level of service (“LOS”) in the “near term” and degrade three important intersections from satisfactory to unsatisfactory LOS: Gough/Hayes (existing LOS D 45.9 seconds delay would be degraded to LOS E, 74.6 seconds delay); Franklin/O’Farrell (existing LOS D, 39.3 seconds delay to LOS E, 55.9 seconds delay); and Franklin/Market/Page (existing LOS C, 27.2 seconds delay to LOS F, 103.7 seconds delay); and that LOS at Gough/Green would decline from existing LOS F with 76.5 seconds delay to 108.1 seconds delay with the LPA. FEIR, p.3-60, Table 3.3.9. The projected impacts in 2035 include longer delays on these intersection and delays on several other intersections. FEIR, p.3-67, Table 3.3.14.

The FEIR claims that passengers on Muni routes 47 and 49 would gain up to 1.8 minutes of bus time if they travel the entire 2-mile length of the BRT on Van Ness. The FEIR does not account for added travel time to walk twice as far to get on a bus. There is no commitment to acquire more buses to meet the needs of its claimed 40% increase in passengers. Buses would pass one another presumably occupying one of two traffic lanes remaining in each direction. FEIR at p.10-5, §10.2.4.1.

According to the FEIR, the 44,500 vehicles with an unstated number of passengers who do *not* take the #47 and #49 buses would experience delays in 2015 on US Highway 101/Van Ness Avenue and on Gough, Franklin, Polk, Larkin, and Hyde Streets (combined) of 2.3 miles

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per hour southbound, and 1.2 miles per hour northbound. FEIR, p.3-54, Tables 3.3-5, 3.3-6. By 2035, those travelers would be delayed by 6.1 miles per hour southbound, and by 7.4 miles per hour northbound. Vehicles diverted to Franklin Street with an existing average speed of 10.5 miles would lose 4.3 miles per hour and travel at only 6.2 miles per hour.

The net human loss in traveling time in all vehicles except Muni buses would far exceed the minimal "improvement" for most passengers on Muni Lines 47 to 49, which would be less than two minutes if their origins and destinations happened to be on the Project's 2-mile length of Van Ness Avenue. Private buses like "Google" and other "employer shuttle service" or commute buses, tour buses, medical shuttle services, and taxis would not be allowed in the BRT lanes and would continue to occupy remaining traffic lanes on Van Ness Avenue. FEIR at 3-33, §3.2.3; Vol.II: Master Response 3; I-1. The Golden Gate bus lines would continue to travel in the remaining traffic lanes or in the BRT lanes, but all but two of its stops would be eliminated on Van Ness Avenue, leaving only two stops, one at Chestnut Street, and one at Geary. FEIR, p.3-32. Thus, while up to 16,000 existing local Muni bus passengers would allegedly gain up to 1.8 minutes on Van Ness Avenue, that gain would be at the expense of significant time lost by the vast majority of travelers.

Further, much of the time gained by the 16,000 Muni passengers would be attributable to measures that could be implemented *without* the Project, such as the proposed elimination of half of the Muni bus stops on Van Ness Avenue (FEIR, p.10-31, §10.4.1.1), replacing existing buses with new buses with lower floors, new bus stops that would show real time bus arrivals (many of which have already been installed, more efficient boarding and ticket purchase, and other features unrelated to removing traffic lanes, turning pockets, and parking. However, the FEIR fails to consider and analyze alternatives that would include these features but would not include eliminating lanes, turning, and parking.

After close of public comment, the lead agency created a "locally preferred alternative" ("LPA") that was not in the DEIR. FEIR, p.2-3-2-4, §2.1.4. The LPA was then approved by the lead agency, the San Francisco County Transportation Authority ("SFCTA") and by the implementing agency, the San Francisco Municipal Transportation Agency ("SFMTA"), without receiving any environmental review or public comment.

The LPA, unlike any center-median "alternative" in the DEIR, will eliminate nearly all of the parking on Van Ness Avenue. That fact is hidden in a footnote that contradicts the happy-talk promotion of the LPA in other documents, all of which falsely claim that eliminating parking would be minimal with the center-median BRT proposals. The FEIR, unlike the DEIR, discloses that the LPA *would permanently remove nearly all of the parking on both sides of Van Ness Avenue*, including existing passenger loading zones, blue zones, and yellow loading zones--more than any alternative analyzed in the DEIR. FEIR at pp.4.2-13-17, fn.65, §§4.2.4.2-4, Tables 4.2-8 & 9; 10-31-32, §10.4.1.1. This change in the Project Description requires recirculating an accurate DEIR, not a final environmental document, because the public has been misled by all previous information in the DEIR and other documents.

The LPA would place the BRT in the existing median of Van Ness Avenue, occupying two existing traffic lanes plus the entire median and turning pocket areas, creating a red asphalt expanse that would otherwise equal four traffic lanes, changing the character of Van Ness Avenue from a grand avenue that is an historic major highway and City thoroughfare to a

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busway. FEIR, Ch. 10. The LPA and all center BRT alternatives also remove all left turn lanes ("pockets") on the entire length of Van Ness Avenue, and prohibit right turns at several intersections.

The LPA and other center-BRT designs require that City rebuild the sewer system on Van Ness Avenue to accommodate the weight of the vehicles in the center of the avenue, and reconstruct the existing drainage system that would also be affected by the proposed bulbouts.

The LPA requires removing the historic streetlamps lining Van Ness Avenue and replacing them with higher generic highway-style poles with two glaring lamps at different levels on each pole to accommodate OCS wires for existing electric buses that would have to be realigned to the center of the avenue. The LPA would remove nearly all of the existing mature trees and vegetation from the median, and the LPA and other "build" alternatives would install large highway-style overhanging signs along the avenue.

The LPA and other "build" alternatives also include large bulbouts obstructing right turns at many intersections by vehicles, buses, and trucks. The LPA would remove nearly all of the mature trees in the median and replace the median green with large garish visual clutter, including huge new bus stops with glaring advertisements, light fixtures, and "art" installations. The LPA would, contrary to the City's General Plan, paint the entire expanse of the huge asphalt centerpiece a garish red in case the public was unable to locate it otherwise.

The FEIR also admits that, since the Project eliminates nearly half of the bus stops on Van Ness Avenue, that the average distance between BRT stops under the LPA "was determined to be 1,150 feet," more than 1/5 of a mile, affecting accessibility to buses for the disabled, seniors, and others. FEIR atp.10-31, §10.4.1.1. Thus, the marginal increase in Muni speed would also come at the expense of reducing access for many people.

The FEIR admits that the Project's reduction of one-third of traffic capacity on Van Ness Avenue would result in vehicles traveling on parallel streets causing significant impacts, but claims with *no* supporting evidence that many travelers would abandon vehicle travel entirely, would switch to traveling on the two Muni lines, travel on distant corridors, or ride bicycles to reach their destinations. See, e.g., FEIR II:80. That speculation is completely unsupported by evidence, as pointed out in several public comments. See, e.g., FEIR II:78-79, 98-99,115. The FEIR admits that it has "revised" the "text in Section 3.1.2.2" to "include more conditional language: 'up to 50% of the new transit riders could be former drivers.'" FEIR II:102, emphasis added. There is no coherent analysis or quantified data on origin to destination travel, even though the Project proposes to significantly affect travel on a major US Highway, regional, and City traffic corridor. The FEIR fails to accurately account for the significant delays to the one-third of travelers who now use the two traffic lanes on Van Ness Avenue/US Highway 101 and treats those delays and the Project's significant impacts dismissively with no attempt at mitigation.

The FEIR contains the same defects in its analyses of impacts as the DEIR, including the failure to collect accurate data on existing conditions, selectively choosing only a few intersections for analysis, and omitting accurate baseline descriptions of the five parallel streets that are already congested where it proposes to divert traffic. The FEIR omits any accurate LOS analyses of traffic impacts on cross streets, spillover traffic, and segregates the few impacts it finds from the obvious impacts *those* impacts will in turn cause on other intersections. These

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failures to accurately analyze the Project's significant impacts are defects that cannot survive judicial scrutiny under CEQA and NEPA.

The FEIR states that in order to fulfill its "purpose and need" to obstruct vehicle traffic, it "assumes" a "finding of significant and unavoidable impact under CEQA." FEIR, p.7-25. However, that assumption directly violates CEQA.

The FEIR claims that the Project would require up to 58 months (5 *years*) of construction during which time up to four lanes of traffic and bus service would be obstructed and delayed. FEIR, p. 9-6. Although the FEIR claims that only a few blocks at a time would undergo construction, those obstructions would cumulatively affect the heavy traffic on US Highway 101/Van Ness Avenue and other streets and the existing transit for the entire duration of construction.

This Project proposes eliminating more than one-third of the capacity of a major Federal highway and north-south corridor through San Francisco. Even if it were supported by the local public, and there is no evidence that it is, an allegedly "locally preferred" alternative should not, as proposed, control the analyses and outcome of this Project. NEPA and CEQA require avoiding and mitigating significant impacts, not as here deliberately creating them by slowing traffic to make vehicle travel more difficult, time-consuming, and polluting.

2. Public Comment Has Been Undermined by the Lead Agencies' Failure to Provide Adequate Notice and the Opportunity to Comment on Both the DEIR and the FEIR. The "CEQA Findings" Were Not Publicly Noticed or Available to the Public Before the Board's Hearing.

NEPA requires that "high quality" information, including "[a]ccurate scientific analysis, expert agency comments, and *public scrutiny*" be available "*before* decisions are made and *before* actions are taken, and that agencies must "[e]ncourage and facilitate public involvement in decisions which affect the quality of the human environment." 40 CFR 1500.1(b) (emphasis added), 1500.2(d).

The FEIR is dated "July, 2013," but in fact was not released until after a July 11, 2013 e-mailed announcement that did not contain the FEIR. A two-page "Memorandum" was in the envelope, stating at the end: "How may I comment on it? The Authority Board will consider certification of the Final EIS/EIR and project approval in early September 2013 (the final date is to be determined). The San Francisco Municipal Transportation Agency will consider project approval at their September 17, 2013 Board meeting. Following these actions, the FTA will consider issuance of a Record of Decision (ROD). Compliant with the national Environmental Policy Act, any comments submitted before August 12, 2013 will be considered by the FTA before issuance of the ROD." In short, *no* dates were provided for submitting comments to the approving agencies, except that the public had to submit a comment for future (undated) FTA consideration by August 12, 2013. This commenter asked the FTA for a 30-day time extension for public comment, receiving a 15-day extension to August 27, 2013. That time is still inadequate and arbitrary, since no date has been specified for issuing the ROD or the approvals that precede it.

The due date for public comment was not in the e-mailed announcement. The documents themselves are impractical for downloading due to their immense size.

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Several days after the e-mailed "Update," a CD arrived in the mail claiming to contain the FEIR, though it did not contain any of the newly added or previous studies such as the "Vehicular Traffic Analysis Technical Memorandum (CHS, 2013)" or any other supporting material, none of which were contained in the "Appendices I and J" attached to the FEIS.

The "CEQA Findings" were not publicly available and could not be viewed except by searching and navigating a number of internet links on the MTA web site under the "Agenda" item for the MTA Board meeting of September 17, 2013. The Agenda was not available until Friday, September 13, 2013, giving the public less than one business day to find and assimilate hundreds of pages of findings and other documents that were not previously available. That is not adequate notice and precludes meaningful public comment under CEQA, NEPA, and other statutes providing for open meetings, public notice and the opportunity to be heard.

The "Findings" linked of the Agenda of the Board Meeting of September 17, 2013, falsely states that "paper copies" of the FEIR were "sent to . . . those parties that commented on the Draft EIS/EIR and provided a physical mailing address." "[Findings]", p. 7. This commenter commented on the DEIR/DEIS and was never provided a hard copy of the FEIR or any other document. Instead, this commenter, and presumably all others were required to separately order and pay for a hard copy of the FEIR, and for hard copies of the allegedly supporting studies.

A hard copy of the FEIR had to be separately ordered at a cost of \$97.59, precluding getting a readable document for people who could not afford it and could not visit public facilities to view it during business hours, *i.e.*, most working people. See, *e.g.*, 40 CFR 1506.6(f). A cheaper black and white copy was unavailable within the limited public comment period. A CD of the "Technical Memos," meaning the supporting documents that should have been included in appendices, was only available on request, and the CD provided was defective, requiring more requests, more hassles and wasted review time of the defective documents. Nevertheless, the agencies still did not extend the time for public comment beyond the bare minimum required.

The Findings and other materials were not publicly noticed or available to the public in any form before the September 17, 2013 meeting of this Board. They were only available by searching and finding them on the MTA web site where they were posted late Friday, September 13, 2013.

3. THE DEIR MUST BE RECIRCULATED: The FEIR Has Hundreds of Pages of Revisions and A New "Locally Preferred Alternative" That Were Not in the DEIR, Requiring Recirculation Under Both NEPA And CEQA.

After the close of public comment on the DEIR on December 23, 2011, the lead agency, the San Francisco County Transportation Authority ("SFCTA") and a "cooperating" or "responsible" or "implementing" agency, the San Francisco Municipal Transportation Agency ("SFMTA"), significantly changed the Project description, alternatives, and analyses in the DEIR by creating a new "alternative" and approving it as the "locally preferred alternative" ("LPA"). A section is added at §10.3 in the FEIS, claiming that the lead agency SFCTA and City's MTA "proposed an LPA based on the project's purpose and need."

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The FEIR claims that those “substantive” changes are “demarcated by a vertical bar in the margin” (FEIR at p.S-1, §S-2), but they are otherwise unexplained, and they occupy nearly every page of the massive FEIR, substantively changing the Project description, alternatives, baseline (existing conditions description), proposed mitigations, and all the analyses of impacts required by NEPA and CEQA.

For example, the FEIR, unlike the DEIR, discloses that the LPA *would permanently remove nearly all of the parking on both sides of Van Ness Avenue*, including existing passenger loading zones, blue zones, and yellow loading zones -- more than any alternative analyzed in the DEIR. FEIR at pp.4.2-13-17, fn.65, §§4.2.4.2-4, Tables 4.2-8 & 9; 10-31-32, §10.4.1.1. This change in the Project Description requires recirculating an accurate DEIR, not a final environmental document, because the public has been substantially misled by all previous information in the DEIR and other documents. The LPA also removes nearly all trees in the center median strip, and contains more bulbouts, turn prohibitions, and other significantly negative features than the “alternatives” described in the DEIR. The failure to coherently describe the Project requires recirculation, because the public has been misled.

Both laws require recirculation of the DEIR under these circumstances, since the public and decisionmakers have been deprived of a meaningful opportunity to understand and comment on what is actually being proposed as the Project and its significant impacts. NEPA requires that the DEIS “must fulfill and satisfy to the fullest extent possible the requirements established for final statements,” and, “If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised *draft* of the appropriate portion. The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives *including the proposed action.*” 40 CFR §1502.9(a), emphasis added. Here, the DEIS did not include the proposed action, precluding meaningful analysis and depriving the public of the opportunity to understand what the agency actually intended and to meaningfully participate in the decisionmaking process. “NEPA procedures must insure that environmental information is available to . . . citizens before decisions are made. . . The information must be of high quality.” 40 CFR §1500.1(b)

NEPA requires the agency to “assess the reasonable alternatives to *proposed actions* that will avoid or minimize adverse effects of these actions upon the quality of the human environment.” 40 CFR §1500.2(e), emphasis added. Here, the FEIR proposed alternatives without having a finite, stable “proposed action.”

NEPA further requires that, based on the FEIR’s description of the affected environment (40 CFR §1502.15), and the statement of environmental consequences (40 CFR §1502.16), the FEIR “should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker *and the public.*” 40 CFR §1502.14, emphasis added. The Alternatives section of the FEIR must “identify the agency’s preferred alternative . . . **in the draft statement...**” 40 CFR §1502.14(e), emphasis added. The DEIR failed to comply, and the agencies must now recirculate the DEIR for a new public comment period and, after considering public comment, issue a new FEIR. *Ibid.*

CEQA also requires recirculation of the DEIR, because it failed to accurately describe the proposed Project, which is the LPA. See, e.g., PRC §21092.2; Guidelines §15088.5 [requiring

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recirculation when significant new information is added to the EIR including changes in the project, environmental setting, and additional data or other information, that “deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative”]. That provision clearly applies here, because the public was deprived of even knowing what the actual Project was, and because the FEIR admits throughout that substantive changes were made to the DEIR.

The DEIR misled the public to believe that there were four specifically described alternatives that did *not* include the LPA, and that the public had a voice in the analysis and choice of alternatives.

Even if the agency claims that the LPA resembles other “alternatives” (such as #3 and #4) with a center-median BRT, those alternatives were highly controversial. Indeed, the City’s Public Utilities Commission and the Department of Public Works raised serious concerns and repeatedly stated their opposition to the center median BRT. FEIR II: Agency: 28-30, 32-38, 46, 48-50, 54, 56-61, 113-114, 129-132. The Mayor’s Office of ADA/Disability Access also raised significant concerns about the center-median BRT and opposed it. FEIR II: Agency: 68-71. Several individuals also voiced opposition to the center-median “build” alternatives in the FEIR. See, *e.g.*, FEIR II: individuals, 11, letter I-4, 24 (I-10), 32 (I-14), 34 (I-15), 36 (I-16). Many substantive comments were opposed to the entire Project and all “build” alternatives. See, *e.g.*, FEIR II: Individuals, p.15 (I-6), 19 (I-8), 22 (I-9), 26 (I-11), 34(I-15), 36 (I-16), 45(I-20), 59 (I-25), 71-72 (I-31a), 78-79(I-32), 82 (I-33), 90-91 (I-36), 96 (I-37), 98-100 (I-38), 112-121 (I-40).

While the Project’s improper goal of slowing traffic by eliminating traffic lanes to create a large paved island for buses in the middle of the historic Van Ness Avenue corridor was proposed as an alternative in the DEIR, it was not proposed as the “*preferred alternative*” that is now described as *the* Project. The analysis remains a one-sided promotion instead of an objective analysis and is now focused on an “alternative” that was *never presented for public scrutiny* and input or properly described as the Project under review. The public was therefore deprived of meaningful participation in the decisionmaking process. 40 CFR §§1500.1(b), 1502.19, 1506.6; Cal. Pub. Res. Code [“PRC”] §21092.1; 14 Cal.Code Regs. [“CEQA Guidelines”] §15088.5(a), (g).

The DEIR here did not include the actual *proposed project*, a violation of CEQA that deprived the public of meaningful participation in the review process. The LPA and the large number of substantive changes (vertical lines appear on nearly every page of the FEIR) require a new DEIR and recirculation to meet CEQA’s and NEPA’s requirements of informed public involvement in the review and decisionmaking process.

Additionally, and previously undisclosed, the LPA would permanently eliminate *most parking on Van Ness Avenue, a new significant impact unaddressed and unmitigated in the DEIR*. FEIR at pp.4.2-13-17, fn.65, §§4.2.4.2-4, Tables 4.2-8 & 9; 10-31-32, §10.4.1.1. In fact, the DEIR misinformed the public to believe that center-median “alternatives” would not eliminate parking.

The DEIR’s omissions, misleading Project and “alternatives” descriptions and misleading analyses also require recirculating a new DEIR under NEPA, since the DEIR failed to provide

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accurate or "high quality" information for public scrutiny. 40 CFR §§1500.1(b), 1500.2(d); 1505.1, 1506.3(b)

The FTA and other lead agencies must recirculate a new DEIS/DEIR with all of the above contents, including an accurate description of the proposed Project and existing conditions, and the other requirements noted above that are absent from the DEIR previously circulated. Only *after* allowing a new comment period for the accurate DEIR, may the agency issue a new FEIR that addresses public comment on the DEIR. Further, the public comment period for the recirculated DEIR must be a minimum of 45 days but should be at least 90 days due to the large amount of paper generated by the agencies, the obfuscatory analyses in the documents, the unavailability of studies and staff, the fact that the public comment period on the original DEIR was improperly shortened, and the need to address at least two different bodies of environmental law.

4. THE REVIEW IS NOT OBJECTIVE. The SFCTA (Project Sponsor And Lead Agency), and the MTA (Implementing Agency), Have Conflicts of Interest Since They Would Receive Substantial Funding From Project Approval; And The FTA Has Provided No Independent Review.

The FEIR claims that it was prepared by the Federal Transit Administration ("FTA") and the San Francisco County Transportation Authority ("SFCTA"). FEIR inside cover page. However, the "Appendix H List of Preparers" includes SFCTA and MTA Agency staff, even though those agencies would receive and have already received part of at least \$87.6 million from the FTA to design and implement the Project (FEIR, p.1-6), and thus have a huge financial interest in the outcome of the Project, which is prohibited by NEPA. 40 CFR §1506.5(c). The SFCTA plans to allocate to itself another \$20.5 million in Proposition K funding. FEIR, p.9-2. The FEIR indicates that the FTA has already approved the Project and its funding, which violates NEPA's and CEQA's fundamental requirements of analyzing and mitigating the Project's impacts before approving it. FEIR, p.9-6.

The FTA's role is unclear in either in preparing the FEIR or about the deliberations on the Project. The Project is, on the one hand, improperly cast as a "local" or "community" Project to make bus service more competitive with vehicle transportation on a segment of Van Ness Avenue/US Highway 101, with local (San Francisco) agencies controlling its design and implementation. On the other hand, the FTA appears willing to be a conduit for the hundreds of millions required to build the Project without taking responsibility for the magnitude of its impacts on City, regional, state, and interstate traffic on US Highway 101. The muddying of agency roles in preparing an FEIR does not excuse the agencies from their responsibilities under CEQA and NEPA. The FTA must not fund this Project without assuring that its significant impacts on traffic, transit, air quality, and transportation have been identified, analyzed, and completely mitigated. The FEIR admits that it has *not* fulfilled that mandatory duty. See, e.g., FEIR, p.7-25 (CITE)

Further, CEQA requires objective decisionmaking that is precluded when a lead agency acts as the Project sponsor, EIR preparer, *and* unelected decisionmaker. There is *no* oversight of SFCTA by any elected decisionmaking body, and the SFCTA Board is not elected. There is no way for the public to appeal its decisions at the administrative level. There is no way for the

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public to object to its conflicting roles as a relentless booster of the Project and as a decisionmaking body.

The MTA's September 17, 2013 meeting provides no opportunity for meaningful public input, since it is scheduled after the SFCTA Board has already approved the Project. Further, the MTA has failed to act with objectivity, instead relentlessly promoting the Project that will provide the agency with tens of millions of dollars in public funding, has devised in secret without public input a "locally preferred alternative" without publishing it in the DEIR/DEIS, which was improperly approved by MTA as a done deal with *no* environmental review.

5. THE FEIR'S STATED "PURPOSE AND NEED" ARE IMPROPER: The Claimed "Purpose And Need" of Competing with Vehicle Speed by Slowing and Obstructing Vehicle Traffic Are Not Legitimate, Have No Federal Mandate, Are Contrary to the Mandates of CEQA and NEPA, And Unlawfully Constrain the Alternatives Analysis.

The FEIR states that the Projects "need" is to "provide a competitive transit alternative to auto travel" by decreasing the speed of all vehicles other than Muni bus lines #47 and 49. (FEIR, p.1-8, §1.3.2) However, competing with vehicles, the mode choice of the vast majority of travelers, by removing more than one-third of traffic capacity on a major United States Highway is not a legitimate goal, since it significantly and adversely affects local, regional, state, and interstate travel and the greater human environment in violation of NEPA and CEQA.

In response to a public comment on the Project's significant impacts by slowing traffic, the FEIR admits that the Project *will* have significant impacts that it claims are "unavoidable" on Franklin and Gough Streets, stating, "The proposed project is not intended to increase vehicle traveling rate on Van Ness Avenue," but rather to "balance vehicle circulation with...project objectives." FEIR II: Individuals, p.97.

The Project proposes making buses "competitive" by making car, taxi, and freight traffic on Van Ness Avenue and cross streets much slower, *so* slow that between now and 2035, buses and private bicycles will overtake vehicles while they sit idling in gridlocked traffic, unable to turn or to efficiently reach a destination. FEIR, p.3-72, Table 3.3-15. However, that goal does not serve the public, and it is contrary to the mandates of NEPA and CEQA to protect the entire environment, not just the environment of a relatively small segment of the public. Under NEPA, agencies must "identify and assess the reasonable alternatives to the proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment," and must "[u]se all practicable means . . . to "restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions." 40 CFR §1500.2(e), (f), emphasis added.

Here, the Project proposes *not* to improve the human environment but to deliberately degrade it for the vast majority of travelers. CEQA requires that an EIR "shall be considered by every public agency prior to its approval or disapproval of a project," and its purpose is to provide agencies and the public with information about a project's possible impacts, and to "list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." PRC §21061. CEQA's mandate is to maintain a "quality environment" for all the people of California, not just some. PRC §21001(a),(d). CEQA prohibits approving any project where an EIR has identified significant impacts without

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proposing effective mitigation or alternatives to the project, and specifically requires such information in EIRs and separately in findings. See, e.g., PRC §21002.1, 21081, 21081.5; CEQA Guidelines §§15091 – 15093; 15120-15130. The FEIR fails to satisfy those requirements.

The FEIR complains that, “Transit speeds are currently not competitive with automobiles on Van Ness Avenue. Buses now travel at half the speed of cars (only 5 miles per hour) in the Project area.” FEIR, p.S-3, §S.5.2. The document claims that with the Project buses would increase bus speed to up to 7 miles per hour and substantially decrease vehicle speed on Van Ness Avenue *and* parallel streets from the current 10.5 miles per hour, “resulting in a significantly reduced speed gap between modes” on Van Ness Avenue. FEIR at p.3-27-28, §3.2.2.3, Figure 3.2-6. That alleged gain of 1.8 miles per hour of speed for Muni lines #47 and #49 on the 2-mile Project length, however, comes at the expense of delaying hundreds of thousands of people, while doubling the distance between bus stops. FEIR, p. 3-72, Table 3.3-15.

Although it is not analyzed in the FEIR, much of the Muni gain in speed would be due to removing half the bus stops and other measures unrelated to eliminating traffic lanes and parking. By failing to describe such alternatives, the FEIR falsely implies that the “purpose and need” can only be met by creating the significant impacts and expense of a median-strip BRT. The FEIR further misleads by claiming without evidence that more people would travel by bus, but makes no commitment to acquire new buses to meet even the existing peak hour need, and without accounting for passengers who would give up on bus travel because of the increased (doubling of the) distance between bus stops. See, e.g., *Sierra Club v. Bosworth*, 199 F.Supp.2d 971, 980-981 (9th Cir.2002) [failure to support purpose and need with scientific evidence and to consider contrary opinion violates NEPA].

The Project’s toll on the vast majority travelers is distorted by the FEIR’s relentless promotion of the Project and its underlying negative purpose of significantly affecting traffic and parking in central San Francisco. The FEIR says that the segment of U.S. Highway 101/Van Ness Avenue where the Project would eliminate two traffic lanes, all turning lanes, and hundreds of parking spaces, carries a total of 16,000 passengers on the two Muni bus lines #47 and 49. However, the few marginal gains in speed for people who might travel on Muni lines #47 and #49 are disproportionate to the Project’s significant adverse impacts on the vast majority of travelers and on the entire human environment.

At the same time, the Project and the LPA require significantly degrading the visual and historic character of Van Ness Avenue by removing the mature trees and vegetation adorning the avenue, and the unique, historic, graceful old streetlamps that line that avenue and contribute to its character. The entire median would be replaced by a huge, asphalt expanse in the center of Van Ness Avenue, with bus stops (euphemistically called “stations”), flashing advertising signs, and the historic streetlamps by higher, ugly, generic light poles with two glaring lights that will significantly alter and degrade the visual and historic character of the entire corridor. There is no alternative that would rehabilitate the historic poles, and the agency has rejected the alternative that would save the median strip.

The FEIR claims that its “purpose and need” is supported by the lead agency’s (SFCTA) own 2004 Countywide Transportation Plan (“CWTP”). FEIR, p.1-7, §1.3.1. The FEIR makes

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no other claim of federal authority for the “purpose and need” of the Project.² Again, the insular multiple roles here of a Project sponsor and booster that is the lead agency, the preparer of the environmental document, and the unelected decisionmaking body, leads to a predictable result and egregious lack of objectivity that fails to accurately inform the public, producing instead a massive document in support of a *fait accompli*.

Since the Project’s “purpose and needs” is unreasonable and contrary to the law and will necessarily have significant adverse impacts on the environment that are not effectively mitigated, and since they have no basis in federal authority, they do not satisfy NEPA.

The FEIR’s “purpose and needs” also improperly constrain the analysis of alternatives under NEPA by mandating the Project in some form. 40 CFR §1502.2(f) [“Agencies shall not commit resources prejudicing selection of alternatives before making a final decision”], and (g) [“Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.”]; §1502.14, §1502.13; §1502.16(d); and see, e.g., *League of Wilderness Defenders-Blue Mountains Biodiversity Project v. U. S. Forest Service* 689 F.3d 1060, 1069-1070. For example, no alternatives are discussed (except “no project”) that would avoid or minimize the Project’s adverse impacts, such as alternatives that might include removing half the bus stops, improved boarding capabilities, real-time displays at existing bus stops, and all the other parts of the Project that do not cause significant impacts on traffic and parking.

The significant effects on traffic that necessarily result from the FEIR’s “purpose and needs” are contrary to the mandates of NEPA and CEQA to protect the environment, not to deliberately degrade it. See, e.g., 40 CFR §§1500.1, 1500.2(f) [requiring federal agencies to “Use all practicable means. . . to enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.”]; and see, e.g., PRC §§21001 [California policy requires long-term protection of the environment of every Californian]; 21002 [public agencies should not approve projects if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects; §21002.1(a) [purpose of EIR is to identify the Project’s significant effects on the environment, and to “indicate the manner in which those significant effects can be mitigated or avoided; CEQA Guidelines §15126.6 [alternatives must avoid or substantially lessen significant impacts, even if these alternatives would impede to some degree the attainment of the Project objectives.]

Deliberately causing traffic congestion throughout the area to “provide a competitive transit alternative to auto travel in major corridors” to gain speed on two Muni lines does not serve these mandates.

The FEIR’s “purpose and needs” also misleads the public by masking the Project’s significant impacts in feel-good verbiage, such as its claim that the Project’s purpose is to “Contribute to the urban design, identity, and livability of the BRT corridors.” FEIR, p.1-7, §1.3.1. In fact, as noted by many commenters, the Project will significantly degrade the

² The FEIR claims that the regional Metropolitan Transportation Commission and/or Caltrans have supported the Project are unsupported. There is no evidence of funding by either, and Caltrans wrote a letter opposing the Project.

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environment on Van Ness Avenue by removing all mature median trees and creating a huge asphalt expanse, by removing parking, by removing streetlamps, and by creating traffic congestion in the entire area.

6. The FEIR's Claim That Vehicles Will Disappear Or Find Some Other Way to Get Around Is Unsupported Speculation.

The FEIR, like the DEIR, states that the one-third of travelers who formerly occupied those traffic lanes will find some other way to get around, speculating without any evidence that drivers will convert to bus travel, bicycles, or travel on foot.³ FEIR, p.3-10. One third of the vehicle traffic on Van Ness would be 12,000 to 15,000 vehicles. No evidence is provided for the speculative mode shift, and there is no analysis of the impacts.

The FEIR has no coherent discussion of origin/destination or the *purpose* of vehicle travel, or of the origin/destination of other "modes," such as pedestrian travel and travel by bicycle. If those factors are considered, the FEIR's happy fantasy of vehicle abandonment evaporates. By omitting this critical information and by its false and unsupported speculation, the FEIR is misleading and fails in its informational purpose.

For example, the FEIR claims that "the number of trips made by transit would increase significantly" on Van Ness Avenue but fails to note that vehicle traffic would also increase significantly on parallel streets where there is already a large volume of traffic. FEIR, p.3-12. Similarly, the FEIR disingenuously claims that a higher *proportion* of travelers on US Highway 101/Van Ness Avenue would use transit, but fails to note the forced diversion of other vehicles by eliminating one-third of the highway's capacity. *Id.* The FEIR observes that each bus on would carry more passengers than a car. FEIR, p.3-13.

However, all of those happy numbers are irrelevant, since, even with its many defects and omissions, the FEIR admits that the Project will have significant adverse impacts on traffic on Gough and Franklin Streets that will worsen over time, while failing completely to analyze the Project's impacts on cross traffic and transit. The FEIR fails to propose any effective mitigation measures even for those impacts it identifies, plainly violating both CEQA and NEPA.

The FEIR admits that a large volume of vehicles already travel on parallel streets and that the Project would cause significant adverse impacts on those heavily-traveled corridors, but even that admission is couched in misleading promotional verbiage while the FEIR continues to irresponsibly promote the Project.

³ The FEIR claims without any supporting evidence that "Pedestrian and bicycle trips comprise approximately 25 percent of trips to, from, or within the neighborhoods surrounding Van Ness Avenue." (FEIR, p.3-12, §3.1.3) Thus, of the "55,000" travelers on Van Ness Avenue, the FEIR implausibly claims that 13,750 travel by private bicycle or on foot. (*Id.*) Since a "pedestrian" may be walking 20 feet to a bus or a vehicle, and since the document admits that there are few bicycles traveling on Van Ness Avenue, that claim is misleading and irrelevant to the impacts analysis. At p. 3-91, the FEIR contradicts itself by stating that pedestrian trips are 26% of the total "nonmotorized transportation in the Van Ness Avenue corridor," but admits that "these figures" do *not* account for "walking to reach transit," and "every transit trip begins and ends as a pedestrian trip." FEIR, p.3-91, §3.4.2. The FEIR admits that "there is no accurate accounting" of private bicycle trips in the Project area, but includes it in the merged 25% or 26% of "nonmotorized" trips. FEIR, p.3-100, §3.4.2.2.

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For example, the FEIR admits that the Project's decrease of roadway capacity by one-third "would cause motorists to divert from Van Ness Avenue to avoid delays." FEIR, p.3-52. The FEIR explains that "the reduction in overall vehicle capacity, as well as the reduction in left turns on Van Ness Avenue may make the accessibility of parallel streets relatively more attractive for local drivers in comparison [to the BRT], even at similar speeds." FEIR, p.3-10. Incredibly, the FEIR does not attribute that mass diversion of traffic to the *delays* caused by the Project, which are significant adverse impacts under CEQA and NEPA.

Continuing to pretend that parallel streets could accommodate the diversion, the FEIR nevertheless claims that "Less than half of travelers in private vehicles on Van Ness Avenue under existing conditions have an origin or destination in neighborhoods surrounding Van Ness Avenue, meaning many of them could divert to streets throughout San Francisco rather than use Van Ness Avenue or streets immediately parallel." FEIR, p.3-12.

The FEIR says that with the Project, "an average of 19 to 32 percent of traffic on Van Ness Avenue (depending on the location) would change their travel patterns, including driving on other streets, shifting the trip to other times of day, or shifting to other modes such as transit, walking, and bicycling." FEIR, p.3-52. With no supporting evidence, the FEIR claims that those 19 to 32 percent of travelers who now use Van Ness Avenue "would change their tripmaking in a number of different ways," with half either using one of the five parallel streets (Gough, Franklin, Polk, Larkin, or Hyde), and claiming that the other half would use transit, walk or bike, change the time of day of their trip, forego the trip, or to "use a route through another part of the city." FEIR, p.3-10. With no supporting evidence, the FEIR claims that "more than half of all trips that start *and* end in the Van Ness Avenue neighborhoods . . . are walk or bike trips." FEIR, p.3-6.

The FEIR admits that Franklin and Gough Streets already carry 59,000 daily automobile person trips. FEIR, p.3-3. The FEIR finally admits that both "near term" and "long term" impacts would lead to significant traffic impacts on Gough and Franklin Streets. See, e.g., FEIR, p.3-60, Table 3.3-9, p.3-72, Table 3.3-15. The FEIR, however, considers those impacts in a vacuum, without considering how the queuing and back-up will affect other intersections and cross traffic. The FEIR proposes to inflict more impacts on drivers as "*mitigation*" for those impacts, *i.e.*, to eliminate more parking, and to eliminate more turn pockets. FEIR, p.3-81.

The FEIR claims without evidence that the BRT would increase transit trips to "an average" of 40 to 44 percent, and that at "select locations, transit trips would comprise more than 50 percent of motorized trips," (FEIR, p.3-12) and that "the number of trips made by transit would increase significantly." FEIR, p.3-13. That claim is mistaken, unsupported, and misleading, since vehicles and their passengers would obviously be diverted to other streets causing increased congestion. There is *no* evidence that vehicle passengers would abandon cars to take Muni lines 47 and 49 to their destinations. Like the DEIR, the FEIR fails to accurately state that the Project provides *no* new buses to accommodate the claimed increase in use of transit.⁴ The pretense is that Van Ness is a neighborhood street, like Polk Street. But Van Ness

⁴ The FEIR vaguely speculates that, "Future services investments would increase person-throughput without additional traffic operations impacts" (FEIR, p.3-13), and that MTA might buy one new bus. FEIR, p.3-37.

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is a major US Highway carrying through the City, region and state. However, the FEIR admits that "Less than half of travelers in private vehicles on Van Ness Avenue under existing conditions have an origin or destination in neighborhoods surrounding Van Ness Avenue, meaning many of them could divert to streets throughout San Francisco rather than use Van Ness Avenue or streets immediately parallel." FEIR, p.3-12.

The FEIR's lack of objectivity and the failure to support the speculation that thousands of vehicles will simply disappear or switch to buses or bicycles to reach their destinations and its improper promotion of the Project in spite of its significant adverse impacts violate NEPA and CEQA's fundamental requirements to provide accurate, high-quality information and objective analysis. 40 CFR §§1500.1(b), 1500.2(d), 1505.1, 1506.3(b).

Further, since it proposes to obstruct and delay traffic on a major U.S. and California Highway, the Project will clearly affect interstate commerce and travel, implicating constitutional provisions that require equitable allocation of revenues for such funding, not special or local interests. United States Constitution, amendment XIV (1). To the extent that revenues for building, maintenance, and operating costs of the Project are proposed to be taken from state fuel taxes, they must first be specifically approved in an election and must be used "in a manner which gives equal consideration to the transportation needs of all areas of the State and all segments of the population." California Constitution article XIX (1) (3) and (4). The FEIR claims that the funding of Project construction would be partially from FTA "small starts" program, based on a "high" rating, and partially from "Proposition K," revenues. However, the Project provides no funding of new buses.

7. PROJECT DESCRIPTION: The FEIR's Project Description Is Not Stable, Finite, and Accurate.

The DEIR described the Project as "three build alternatives," with two "options" for "Build Alternative 3," and a "no Build alternative," (DEIR at pp.S-4 to S-6) instead of an accurate, finite description, and therefore did not comply with CEQA. *County of Inyo v. City of Los Angeles* (1977) 72 Cal.App.3d 185, 193.

Months after the close of public comment, the SFCTA and SFMTA collaborated on designing and approving a "local preferred alternative" ("LPA") that was *not included in the DEIR*. FEIR, p.2-3-2-4, §2.1.4. The LPA proposes removing the existing median, two traffic lanes, nearly all parking on Van Ness Avenue, removing nearly all of the mature trees and vegetation in the median of Van Ness Avenue, and other features causing significant impacts that were not described or analyzed the DEIR. And see discussion at Item 3, *ante*.

The DEIR was required to include and describe *the Project*, not only alternatives to it. For example, NEPA requires the agency to "assess the reasonable alternatives to *proposed actions* that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 CFR §1500.2 (e), emphasis added. Here, the FEIR proposed alternatives without having a finite "proposed action." NEPA further requires that, based on the FEIR's description of the affected environment (40 CFR §1502.15), and the statement of environmental consequences (40 CFR §1502.16), the FEIR "should present the environmental impacts of the

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proposal *and* the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker *and the public*.” 40 CFR §1502.14, emphasis added. The Alternatives section of the FEIR must “identify the agency’s preferred alternative . . . in the *draft statement*...” 40 CFR §1502.14(e). The DEIR failed to identify the preferred alternative in the DEIR, and the agencies must now recirculate the DEIR for a new public comment period and, after considering public comment, issue a new FEIR. *Ibid*.

NEPA explicitly requires that the analysis of the Project’s impacts should *not* duplicate the discussion of alternatives. 40 CFR §1502.16. By simply discussing alternatives and *not* discussing the Project itself, which is the LPA, both the DEIR and the FEIR fail to comply with NEPA.

Under NEPA, the analysis of alternatives to the Project is clearly distinct from the analysis of the Project’s impacts.

CEQA also requires a Project description that is distinct from the analysis of alternatives. CEQA Guidelines §15125, *cf.* §15126.6. Under CEQA, the failure to include an accurate Project description is an abuse of discretion that makes it impossible to assess the Project’s direct, indirect, and cumulative impacts. See, *e.g.*, *Communities for a Better Environment v. Richmond*, 184 Cal.App.4th 70, 88-89 [holding abuse of discretion where agency did not disclose accurate project description until after close of public comment, as “too little, and certainly too late, to satisfy CEQA’s requirements” for informing the public.].

In any event, as noted, recirculation is required because the necessary information was not given to the public in the DEIR as required, and the public was deprived of meaningful participation in the review and decisionmaking process, violating both CEQA and NEPA. See discussion, Item 3, *ante*. The public had no way of knowing what was actually being proposed on Van Ness Avenue from the misleading DEIR, and had no opportunity to comment on the actual Project and its significant impacts.

3. BASELINE DEFECTS: The FEIR’S Description of Existing Conditions Is False, Distorted, and Incomplete, Precluding Accurate Analysis of the Project’s Impacts: There Is NO Accurate Description of Existing Traffic Conditions on Van Ness Avenue and on the Parallel and Surrounding Streets.

As discussed previously (FEIR II: Individuals, p.114-121; I-40), but not coherently addressed in agency response, under CEQA an EIR must include an accurate description of the actual existing physical conditions in the Project area. The FEIR here contains no such description.

An analysis of the Project’s impacts must begin with an accurate description of the existing conditions in the Project area. 40 CFR §1502.15; CEQA Guidelines §15125. An accurate baseline is necessary for determining the Project’s impacts existing conditions.

Under NEPA, baseline data must be accurate, reliable, and based on scientific evidence. *Northern Plains Resource Council v. Surface Transportation Board*, 668 F.3d 1067, 1083 (9th Cir. 2011). Baseline data must be gathered and analyzed before implementation of a project, because “[O]nce a project begins, the pre-project environment’ becomes a thing of the past’ and evaluation of the project’s effect becomes ‘simply impossible.’” *Id.* “[W]ithout this data, an agency cannot carefully consider information about significant environmental impacts,” resulting

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in an arbitrary and capricious decision. *Id.* at 1085. Collecting the necessary data cannot be deferred to a future date, because “the data is not available during the EIS process and is not available to the public for comment. Significantly, in such a situation, the EIS process cannot serve its larger informational role, and the public is deprived of their opportunity to play a role in the decision-making process.” *Id.*; and, *e.g.*, 40 CFR §1502.24

CEQA also requires that the baseline must be supported by substantial evidence in the administrative record. See, *e.g.*, *Communities for a Better Environment v. South Coast Air Quality Management District*, 48 Cal.4th 310, 328 (2010); *County of Amador v. El Dorado County Water Agency* 76 Cal.App.4th 931, 954 (1999) [inadequate baseline held an abuse of discretion]; *Communities for a Better Environment v. Richmond, supra*, 184 Cal.App.4th at 89 [omission of baseline information fails CEQA’s informational purpose].

Here, as described in our Comment on the DEIR, the traffic baseline is incomplete, inaccurate, and unsupported. FEIR, Appendix I, Individuals, p.114-121 (I-40).

The FEIR, like the DEIR, errs in omitting critical baseline information and by focusing only on intersections already “operating at LOS E and F.” FEIR, p.3-41, §3.3.1. The FEIR only conducted actual traffic counts in 2007 at five intersections on Van Ness Avenue, on one intersection of Gough Street, and one intersection on Franklin Street. FEIR, p.3-44. Those counts, however, were not used to analyze traffic impacts. Instead, traffic counts were “developed” by a computer model called “Synchro” (FEIR, p.3-40), based on growth factors from another computer model called “CHAMP,” and other data. FEIR p.3-39-41, §3.3.1. The FEIR “uses a Synchro traffic operations model to assess intersection LOS impacts” caused by the Project’s “build alternatives” on Van Ness Avenue and the “five parallel north-south streets east and west of Van Ness Avenue.” FEIR, p.3-41. The computer model evaluates intersections “based on the approach with the highest delay.” FEIR, p.3-41. Although the study area includes 139 intersections, “Due to the large number of intersections in the traffic study area, the discussion of existing and future intersection approach LOS focuses . . . on intersections . . . operating at LOS E or F.” FEIR, p.3-41.

However, by only analyzing intersections that *already* operate unsatisfactorily, the Project’s impacts are necessarily minimized. Significance is assessed by degradation of the Level of Service (“LOS”) from level “A,” indicating “negligible delays” of less than 10 seconds per vehicle to LOS level “F,” indicating delays of more than 80 seconds at signalized intersections “with queuing that may block upstream intersections” and more than 50 seconds for unsignalized approaches. FEIR, p.3-41. LOS “D” indicates delays of 35 to 55 seconds, and LOS “E” indicates delays of 55 to 80 seconds at signalized intersections. *Id.* Therefore, the impacts are much greater if LOS declines from “A” to “F” (losing more than 70 seconds), or from “A” to “D” (losing 25 to 45 seconds), than if it declines from “E” to “F” (losing one to 15 seconds). The omission of baseline information violates NEPA and CEQA. *County of Amador v. El Dorado County Water Agency, supra*, 76 Cal.App.4th at 954; *Communities for a Better Environment v. Richmond, supra*, 184 Cal.App.4th at 89.

Further, the FEIR fails to analyze the queuing that it admits may block upstream traffic when LOS is degraded to “F,” and considers the few intersections that it does analyze that operate at LOS E or F in isolation. FEIR, p. 3-60. The FEIR’s Synchro output thus projects significant traffic impacts in the “near term,” meaning for the year 2015, at only five

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intersections, with some experiencing delays of over 100 seconds. FEIR, p.3-60, Table 3.3-9. However, the FEIR fails to analyze how those delays will affect intersections “upstream.” There is no LOS analysis of the impacts on cross traffic.

In the year 2035 projection, those significant effects worsen, and ten intersections operate at LOS E or F, some intersections with delays of more than two minutes per vehicle. FEIR, p.3-67, Table 3.3-14. And again, the FEIR fails to analyze the inevitable queuing and backup of traffic at other intersections upstream.

Even if the FEIR’s defective baseline could be considered adequate on US Highway 101/Van Ness Avenue, the FEIR contains *no accurate baseline description of existing conditions on Gough, Franklin, and other parallel streets where the FEIR says traffic will be diverted, and no analysis of intersecting streets affected by the Project.*

a. GOUGH STREET: The FEIR Fails to Describe Existing Conditions on Gough Street, which Cannot Accommodate Any Overflow from US Highway 101/Van Ness Avenue.

Gough Street is a two-way, two-lane street from Lombard Street to Sacramento Street, with unsignalized intersections, many Stop signs, and a steep grade. It is not a major arterial street, and it does not merge into Highway 101 southbound. FEIR, p.3-40. Gough turns into a one-way street south of Sacramento Street. Gough Street does not go through to Highway 101 or any freeway turnoff. FEIR, p.3-40 Figure 3.3-1.

Unstated in the FEIR are the plain facts that Gough Street between Sacramento and Market Streets is backed up for several intersections during peak hours, and can accommodate no more traffic without extreme delays. The FEIR claims that it measured 27,007 cars at Ellis and Gough Streets some time in 2007, but contains *no* actual on-ground measurement of existing traffic at or near the Civic Center and Market Street or at any other intersection from Ellis to Lombard Streets. FEIR, p.3-44. The FEIR admits that *no* trucks will travel on Gough Street. FEIR, p. 3-12 [“it is unlikely that most trucks would divert from Van Ness Avenue to parallel streets due to the increased grade/slope on parallel streets (trucks are currently prohibited on Franklin Street north of California Street and are also prohibited on Gough Street north of Sacramento Street . . . and because they are either traveling regionally on US 101 or making deliveries on Van Ness Avenue.”]. However, the FEIR fails to analyze the inevitable delays to those vehicles and other traffic from eliminating a traffic lane on US 101.

In fact, there is *no major arterial street* carrying southbound traffic in the Project area other than US Highway 101/Van Ness Avenue. That critical information is omitted from the FEIR. The FEIR ignores that egregious defect, and only analyzes *one* intersection where existing LOS is already at “F” at Gough/Green. FEIR, p.3-55. The FEIR claims that is the *only* intersection on Gough Street that will be affected by diverting thousands of cars from US Highway 101/Van Ness Avenue in the “near term.” FEIR, p.3-55. That conclusion cannot survive judicial scrutiny under CEQA or NEPA, since the omission of accurate baseline conditions makes the impacts analysis impossible. *Northern Plains Resource Council v. Surface Transportation Board*, *supra*, 668 F.3d 1067 at 1085; *Communities for a Better Environment v. South Coast Air Quality Management District*, *supra*, 48 Cal.4th at 328; *County of Amador v. El Dorado County Water Agency* 76 Cal.App.4th 931, 954 (1999) [inadequate baseline held an

abuse of discretion]; *Communities for a Better Environment v. Richmond, supra*, 184 Cal.App.4th at 89 [omission of baseline information fails CEQA's informational purpose].

However, the FEIR contains *no* accurate description of existing conditions on the five parallel streets where the FEIR claims that the vehicle traffic will go after the Project eliminates one-third of the road capacity on US Highway 101/Van Ness Avenue. FEIR, p.3-42-43.

b. FRANKLIN STREET

The FEIR claims that SFCTA measured 30,901 vehicles at Franklin and Post Streets in 2007, but there is no accurate statement of existing conditions on Franklin Street. FEIR, p.3-44. Therefore, no evidence supports the FEIR's conclusion that there will be no traffic impacts on Franklin Street from diverting thousands of vehicles from Van Ness Avenue.

c. POLK STREET

The FEIR contains *no* measurement of existing traffic, and no accurate description of existing conditions on Polk Street, an often-congested, two-lane, two-way street between Grove Street and Lombard Streets that is not a major arterial. FEIR, p.3-42. Polk Street is a busy neighborhood commercial street. The FEIR also fails to state that City's MTA and the San Francisco Bicycle Coalition have proposed a plan to remove most or all of the parking on Polk Street, to create "parklets," bulbouts, and a wide, separated bicycle lane, and to otherwise obstruct vehicle traffic and turning on Polk Street. These existing conditions make the EIR's speculation that thousands of vehicles from US Highway 101/Van Ness Avenue will be diverted to Polk Street a ludicrous, unsupported, and unrealistic theory, not substantial evidence.

d. LARKIN STREET

The FEIR contains *no* actual traffic counts and no accurate statement of existing traffic conditions on Larkin Street, which is described as a "one-way NB street with three lanes from Market to California streets, and a two-way street north of California Street and between McAllister and Grove Streets." FEIR, p.3-42. The FEIR's claim that this street could accommodate *any* diverted traffic from US Highway 101/Van Ness Avenue is entirely unsupported.

e. HYDE STREET

The FEIR contains *no* actual traffic counts and no accurate statement of existing traffic conditions on Hyde Street, which is described as "a one-way street with three SB lanes between California and Market streets, and a two-way street with one lane in each direction between Jefferson and California streets," which "shares the ROW with cable cars between Beach and Washington Streets." FEIR, p.3-43. That description does not accurately describe the baseline traffic conditions on Hyde Street, and there is no way that traffic impacts on Hyde Street can be analyzed from that description.

f. EAST-WEST STREETS: There Is No Accurate Description of cross traffic, cross transit and parking on cross-streets. Broadway, Pine, Bush, Geary, O'Farrell, Hayes, Fell, Market, and Mission Streets.

The FEIR contains *no* accurate description of existing conditions on major east-west cross streets, many of which carry heavy traffic and more transit passengers than Muni lines 47 and 49 on Van Ness Avenue. The FEIR admits that it has not analyzed traffic, transit, parking,

emergency services, and land use impacts on these and other cross streets, most of which the FEIR does not even bother to list, much less to describe and analyze. The FEIR lists some cross streets (FEIR, p.3-43) but contains no information on traffic volumes, existing congestion, transit, and parking on those and other cross streets that are certain to be affected by the Project's traffic diversions, turning restrictions, and parking removal. The FEIR fails to analyze those impacts.

The FEIR also fails to accurately describe existing cross-transit. The FEIR lists the Muni lines that cross Van Ness with average weekday ridership, which exceeds 400,000 per day on these lines, with several individual Muni lines crossing Van Ness exceeding the 16,000 combined ridership on lines 47 and 49, FEIR, p.3-17,18, Table 3.2-2. However, the FEIR does not show existing stops and speeds on those cross streets and has *no analysis* of how they will be affected by the increased congestion caused by the Project's traffic diversion, turning restrictions, and parking removal.

Similarly, the FEIR mentions Muni route 19, carrying 9,200 passengers on Polk Street, but fails to show its existing speed and stops, thus making any analysis of the Project's impacts impossible.

The Project area is improperly defined as only Van Ness Avenue and five parallel streets, implying that other areas will be unaffected by the Project's impacts. In fact, the transportation environment affected by the Project includes existing traffic, transit, and parking conditions on the cross streets.

g. There Is No Accurate Count of Trucks, Taxis, Shuttle and Tour Buses in the Project Area and No Analysis of Impacts on Them.

The FEIR has no accurate count of trucks, taxis, shuttle, and tour buses, on Van Ness Avenue and other streets in the Project area. These types of vehicles are instead merged with "private" automobiles that the FEIR dismissively claims will find some other way to get to their destination with the Project's lane elimination.

The FEIR dismisses the impacts on trucks and traffic with the cavalier observation that "it is unlikely that most trucks would divert from Van Ness Avenue to parallel streets due to the increased grade/slope on parallel streets (trucks are currently prohibited on Franklin Street north of California Street and are also prohibited on Gough Street north of Sacramento Street . . . and because they are either traveling regionally on US 101 to making deliveries on Van Ness Avenue." FEIR, p. 3-12.

Similarly, the FEIR contains no accurate information on taxis that carry passengers throughout the area and region, dismissing the Project's significant impacts on taxis, instead merging them with "mixed-flow traffic." FEIR, Appendix I, Individuals, p. 101. The FEIR dismisses the evidence presented by a 26-year taxi driver by again reciting the dubious rhetoric in the DEIR and FEIR, while noting that it has revised the former claim that drivers would convert to bus travel to "include more conditional language: 'up to 50% of the new transit riders *could be* former drivers.'" *Id.* at 102. That speculation, again, is not substantial evidence or an accurate assessment of the Project's impacts on travel in the Project area.

The FEIR contains *no* accurate information on the large number of shuttle buses carrying passengers to and from jobs, medical shuttles, and the large number of tour buses traveling

throughout the Project area to tourist attractions and to and from Civic Center attractions. Those large vehicles are again merged with cars in the FEIR, the cars that the document claims will go elsewhere, on transit, or on bicycles.

h. Computer-generated Simulations and Projections Are Not a Substitute for Accurate Baseline Descriptions, or for the FEIR's Omissions.

The FEIR admits that actual traffic counts were conducted at only five intersections. The remaining "existing" conditions were created by computer projections and not by evidence of actual physical conditions.

The FEIR refers to a traffic study consisting of thousands of pages of computer-generated print-outs from its "CHAMP," "Synchro," and "Vissim" databases. CHS Consulting Group: "*Final Van Ness Corridor Bus Rapid Transit Traffic Analysis Vehicular Traffic Analysis Technical Memorandum*," July 7, 2013 [*Final Technical Memo*"]⁵.

However, that massive document does not provide an accurate measure of the traffic on U.S. Highway 101/Van Ness Avenue, or on the parallel and cross streets affected by the Project. The agency has *no* accurate data on the origin and destination of the traffic on these streets, *no* accurate traffic count data for cross streets, and *no* accurate data on turning on Van Ness Avenue and other affected streets. Without that data, the FEIR cannot accurately analyze transportation impacts.

The FEIR notes a large number of changes in its Transportation Analysis, noted by vertical lines in the document. The FEIR states that computer "travel demand projections" are "the basis for the operations models" described in the FEIR and "provide several measures of performance of the build alternatives." FEIR, p.3-2, §3.1. The FEIR states that its "existing travel patterns" section uses "CHAMP"-generated data to describe existing and future travel patterns: travel demand, regional versus local travel patterns, divertibility of trips, and mode splits" FEIR, p.3-2, §3.1.1.

The *Final Technical Memo* states that "SF-CHAMP" was used as the primary technical modeling tool to predict changes in travel patterns for private vehicles with the implementation of BRT in both the near term (2015) and horizon year (2035)," and "takes into account the 'attractiveness' (i.e., relative capacity, driving travel time, left turn opportunities, etc.) of streets relative to each other, as well as the relative 'attractiveness of other modes (e.g., cost, travel time, frequency, etc.) when determining the changes in traveler behavior with the implementation of the BRT." *Final Technical Memo*, p.7.

After all that, the *Final Technical Memo* reaches the unsurprising conclusion that "Van Ness Avenue would be less attractive to drivers when compared with the No Build Alternative and BRT service on Van Ness Avenue would be slightly more attractive than the 47/49 service under the No Build Alternative." *Final Technical Memo*, p.7.

⁵ The *Final Technical Memo* apparently augments or supersedes the earlier *Technical Memo* referred to in the DEIR. The FEIR refers to the *Final Technical Memo*, but it is not made available as an appendix to the FEIR and must be specially ordered from the SFCTA. FEIR, p.3-1.

The *Final Technical Memo* also states that it uses a “macro-simulation traffic model” called “Synchro” that used some “field counts conducted in 2008 by SFCTA” and that “Synchro default values were assumed for all other locations.” *Final Technical Memo*, p.7.

However, the FEIR admits that actual traffic counts were conducted by SFCTA only in March 2007 at five locations along Van Ness Avenue and 1 location each along Franklin and Gough streets “to determine the peak hour traffic.” FEIR, p.3-2, §3.1.1, fn.18; and see FEIR, Appendix I, Individuals, p.114. The FEIR claims that “traffic turning movement counts were taken at 91 intersections and were a separate effort.” *Ibid.* However, those elusive “field counts” and “traffic turning movement counts” are not included in the FEIR or the *Final Technical Memo*, even though they are required to be included in the FEIR by the San Francisco Planning Department’s *Transportation Impact Analysis Guidelines for Environmental Review*, which requires on-ground traffic counts to establish existing conditions, including “the date that the counts were actually taken,” “[c]opies of all counts used in the analysis,” and “[t]he LOS calculation sheets need to include the data . . . used in the calculation was actually collected.” San Francisco Planning Department: *Transportation Impact Analysis Guidelines for Environmental Review*, Appendix B, 1, 2.⁶ Nor does any document define or explain what the “Synchro default values” are or how the “existing” traffic volumes were created by “Synchro.”

The *Final Technical Memo* states that it also used “VISSIM,” which it says is “a multi-modal micro-simulation model” that is “capable of simulating transit, automobile, and pedestrian operations, parking operations,” and was selected to “model VN BRT transit operations due to its ability to model bus operations in exclusive bus lanes” and was “primarily utilized to compare the relative travel time and speed difference between autos and buses, differences in speeds and delays between the BRT alternatives, and bus reliability.” *Final Technical Memo*, p.8.

The *Final Technical Memo* states that, even though it used other computer programs, “only Synchro results were used to assess vehicular traffic impacts based on intersection Levels of Service (LOS) impacts along Van Ness Avenue and the five parallel north-south streets.” *Final Technical Memo*, p.8. Since LOS is the methodology used by the FEIR to measure the Project’s traffic impacts, the lengthy elaborations in the FEIR and the *Technical Memo* on “CHAMP” and “VISSIM” are largely pointless, except perhaps to promote the Project’s dubious “purpose and need” of a busway that “competes” by impeding other traffic. The *Final Technical Memo* also admits that its data “volume to capacity ratio” and “average vehicular travel speed” is useless for identifying the Project’s impacts. *Final Technical Memo*, pp.8-9.

The *Final Technical Memo*, like the previous *Technical Memo*, states: “The VN BRT Project traffic study area includes a total of 139 intersections. . . Due to the large number of intersections analyzed in the traffic study area, the discussion of existing (and future) intersection LOS focuses only on those operating at LOS E and F.” *Final Technical Memo*, p.8. However, as noted, that analysis necessarily minimizes impacts.

The FEIR’s description of “existing” conditions on selected streets is largely a computer-generated statistical exercise that removes those conditions from the real environment and human

⁶ This Commenter requested pursuant to the California Public Records Act *all* traffic counts, and was not provided “turning movement counts” at “91 intersections” or any “field counts conducted in 2008 by SFCTA” that the *Final Technical Memo* claims were the basis for its “existing conditions.”

experience, while the reality of the Project's impacts on that real environment remains unaddressed.

Without an accurate description of the existing and historic *purpose and use* of US Highway 101, Van Ness Avenue, the context of the Project's significant impacts cannot be analyzed. Under NEPA, "Context" means that "*the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality,*" and both short- and long-term effects. 40 CFR 1508.27(a), emphasis added. That required description is not in the FEIR.

Under CEQA, the analysis of impacts is impossible without an accurate baseline, and the failure to accurately describe existing conditions is a failure to meet informational requirements and an abuse of discretion. See, e.g., *County of Amador v. El Dorado County Water Agency*, *supra*, 76 Cal.App.4th at 954; *Communities for a Better Environment v. Richmond*, *supra*, 184 Cal.App.4th at 89 [omission of baseline information fails CEQA's informational purpose].

The visual character and history of Van Ness Avenue as a grand boulevard is also part of the context that is absent in the FEIR, precluding a coherent analysis of the Project's destruction and alteration of that context and character. Pieces of that context are divorced from its whole, such as the median strip, the historic poles, and the layout of the avenue. That loss is irretrievable and yet made invisible by the FEIR's omissions and failure to provide a coherent description of the existing environment.

9. IMPACTS: The FEIR Fails to Identify and Analyze the Project's Impacts

NEPA and CEQA require that the FEIR identify the impacts of the Project. See, e.g., 42 USC §4332(C)(i); PRC §21002.1; and see, e.g., 40 CFR §§1502.16, 1508.7, 1508.8, 1508.27. The FEIR fails to satisfy those requirements. Its flaws include failing to accurately state the existing environment, and context, meaning "society as a whole (human, national), the affected region, the affected interests, and the locality (40 CFR §1508.27(a)); failing to include a factually and legally adequate analysis of the Project's cumulative impacts on traffic, parking, and visual and historic resources; omitting impacts analysis from backed-up traffic on parallel streets, cross-traffic and transit, parking, emergency services, and air quality; failing to accurately describe the Project; and failing to support its conclusory statements with evidence and quality analyses. Due to lack of time, this Comment can only give a few examples, in addition to the comments already submitted by the public and agencies. FEIR, Appendix I.

a. TRAFFIC: The FEIR Violates CEQA and NEPA by Failing to Identify and Analyze the Project's Impacts on Traffic.

This commenter and many others have already submitted comment on the Project's inevitable impacts on traffic. See FEIR, Appendix I generally, and Individuals, p.114-121. The FEIR still fails address many impacts.

Even though the FEIR analyzes "near-term" and "long-term" impacts, its analysis is selective and improperly relies on causing significant impacts on traffic on parallel streets by traffic diverted by the Project's removing one-third of the traffic capacity on US Highway 101/Van Ness Avenue. One third of the vehicle traffic on Van Ness would be 12,000 to 15,000 vehicles. The FEIR admits that "approximately 105 to 450 total vehicles in both directions could divert away from Van Ness Avenue and make their trip on a parallel street" during the PM peak,

and “any given segment of Polk, Franklin, or Gough streets could experience an additional 50 to 250 vehicles per hour. . . during the PM peak. FEIR, p.3-10 -3-11. And the “approximately” widely ranging figures fall far short of the high quality data required for a legally adequate analysis of the Project’s impacts and fail to inform the public of the intensity of the Project’s severe consequences on traffic. 40 CFR §1508.27(b); §1500.1(b); PRC §21002.1.

The FEIR fails to analyze or even acknowledge the Project’s inevitable impacts on cross traffic. As noted, the FEIR’s analysis of existing conditions omits conditions on cross streets, making such analysis impossible. Those omissions are an informational failure and an abuse of discretion under CEQA, and also fail to comply with NEPA.

While the FEIR finds impacts in the “near term” at five intersections, it fails to analyze how those delays will affect traffic at intersections upstream and on cross streets. Thus, the defective analysis misleads decisionmakers and the public to believe those impacts are isolated and occur in a vacuum, minimizing their effect. This is not the high quality information required by NEPA, does not satisfy CEQA, and misleads the public and decisionmakers.

The FEIR contains *no information* on how the Project’s turning prohibitions will affect traffic on Van Ness Avenue and on cross streets, even though the FEIR admits that “approximately 105 to 450 total vehicles in both directions could divert away from Van Ness Avenue and make their trip on a parallel street” during the PM peak, and “any given segment of Polk, Franklin, or Gough streets could experience an additional 50 to 250 vehicles per hour . . . during the PM peak. FEIR, p.3-10 -3-11.

There is no accurate description or count of existing traffic turning left from Van Ness Avenue intersections with which to begin the impacts analysis of how the left-turn prohibitions will affect traffic on cross and parallel streets. Nor is there any coherent analysis of the impacts of increased right turns, or of the impacts of prohibiting right turns on many intersections, inevitably leading to significant traffic congestion where turns may be permitted.

The FEIR contains *no information* on how removing parking on Van Ness Avenue, will affect traffic on the avenue and on parallel and cross streets, even though vehicles will clearly have to circle and search for parking after the Project removes nearly all of the parking on Van Ness.

The FEIR contains *no coherent analysis* of bus crowding, even though it predicts more passengers. And see, FEIR, Appendix I, Individuals, p.114-118.

The FEIR contains *no information* on impacts on trucks, taxis, shuttle buses, and tour buses. FEIR, p. 3-11-12. There is no accurate description or counts of trucks on Van Ness Avenue, even though the FEIR admits that “it is unlikely that most trucks would divert from Van Ness Avenue to parallel streets due to the increased grade/slope on parallel streets (trucks are currently prohibited on Franklin Street north of California Street and are also prohibited on Gough Street north of Sacramento Street . . . and because they are either traveling regionally on US 101 or making deliveries on Van Ness Avenue.” FEIR, p. 3-12.

Further, the FEIR’s analysis of cumulative impacts on traffic does not comply with the requirements of NEPA and CEQA. The analysis must identify impacts that result from “the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. 40 CFR §1508.7. Under CEQA, the analysis must include a discussion past,

present, and probable future projects that could have similar impacts or that when combined with other impacts could cause an incremental impact to become significant. PRC §21083(b)(2), CEQA Guidelines §§15130(b)(1), 15065. The FEIR's "cumulative impacts" section on traffic simply repeats the data from its section on "transportation impacts." That analysis, however, does not take into account past, present, and probably future projects that will add to the Project's impacts on traffic, transit, and parking. Instead, that analysis only contains a computer-projection of the *direct* impacts of the Project from 2015 to 2035. That is not a legally adequate cumulative impacts analysis under CEQA or NEPA, and is an abuse of discretion under CEQA. See, e.g., CEQA Guidelines §15130; *San Franciscans for Reasonable Growth*, 151 Cal.App.3d 61, 73-76, 80 (1984); *Environmental Protection Information Center v. Johnson*, 170 Cal.App.3d 604, 624-625 (1985).

b. PARKING: The FEIR's Failure to Accurately Identify and Analyze Parking Impacts Violates NEPA and CEQA.

The FEIR contains *no accurate information* on parking impacts, since its information is inconsistent throughout as to how much parking will permanently eliminated. For example, the FEIR claims that due to a more "refined analysis" it has discovered that, contrary to conflicting information elsewhere in the FEIR and in the DEIR, the LPA would remove nearly all of the parking on Van Ness Avenue, at least 105 spaces, not including the spaces permanently removed by construction and bulbouts. FEIR, p.3-122-123; 4.2-13-17

The FEIR repeats the City and County of San Francisco's mistaken notion that parking is not a part of the physical environment, that removing parking is not a significant impact under the law, and that it need not analyze and mitigate parking impacts. FEIR, p.3-118, 3-125, §3.5.3. That notion is factually incorrect and legally spurious. See, e.g., *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District*, 214 Cal.App.4th 1013, 1050, 1053-54 (2013) [holding that parking is part of the environment and that a project's impacts on parking may be significant impacts on the environment and on humans, requiring analysis and mitigation in an EIR].

The FEIR fails to analyze parking impacts under NEPA, even though such analysis is clearly required.

Further, as noted, the DEIR misled the public to believe that parking would not be removed under the alternatives describing center-median projects. Instead, the FEIR now contradicts that conclusion, admitting that the LPA and other alternatives would all remove most of the parking on Van Ness Avenue. However, even more misleading, the FEIR's response to public comment claims that "parking and loading would be largely retained." FEIR II, Individuals, p.101. (I-38-3)

In contrast, the FEIR admits that at least 105 parking spaces would be permanently removed on both sides of Van Ness, and that the LPA would provide "fewer spaces" than any other alternative, and would completely remove parking on many blocks of Van Ness, including between Market and Mission Streets, Vallejo and Broadway Streets, Green and Vallejo streets, and Lombard and Greenwich Streets, and would be completely removed on both sides of Van Ness Avenue between O'Farrell and Geary Streets, Broadway and Vallejo Streets, Vallejo and Green Streets. FEIR, p. 3-125 A more detailed description shows that nearly *all* parking on many more segments would be removed, including, for example, all spaces west side from

Market St. to Golden Gate Avenue, all spaces east side between Market and Fell Streets, all but one space on both sides from Fulton to McAllister Streets, 10 of 12 spaces west side from McAllister to Golden Gate Ave., 9 of 11 spaces between Golden Gate Ave. and Turk Streets, 6 of 8 spaces on east side from Turk to Eddy Street, all 5 spaces west side from O'Farrell to Geary, 4 of 5 spaces on east side and 8 of 9 spaces on west side between Sutter and Bush streets, 10 of 11 spaces east side and 4 of 5 spaces west side from Sacramento to Clay, all 5 spaces on east side from Jackson to Pacific, 7 of 11 spaces on east side from Pacific to Broadway, all spaces between Broadway and Vallejo, all spaces from Vallejo to Green, all spaces east side between Green and Union, --and all spaces west side from Greenwich to Lombard. FEIR, p.4.2-13-17, fn.63, Table 4.2-8.

The FEIR notes that the Project would also remove passenger-loading spaces, green short-term spaces, truck-loading spaces FEIR, 4.2-16, Table 4.2-9

The FEIR fails to account for the two to three parking spaces removed for each of the 64 to 70 bulbouts it proposes to construct, removing 200 more parking spaces.

The FEIR has no legally adequate analysis of cumulative impacts on parking. For example, the FEIR fails to note that the City's Market-Octavia Plan will increase population in the Project area by 10,000, while requiring no parking.

The FEIR fails to analyze the impacts of proposed "mitigation" of the Project's traffic impacts on Van Ness Avenue and parallel streets, which call for removing *more* parking.

The FEIR ignores and fails to comply with the requirement of one parking space per residential unit in the San Francisco General Plan's Van Ness Avenue Area Plan and Civic Center Area Plan. Instead the FEIR falsely claims the Project is "consistent" with those parts of the General Plan. FEIR, p.4.1-8,9, 4.1-12

The FEIR finally concludes that there would be *no parking impacts*, even though most of the parking would be removed on Van Ness, and other parking spaces would be permanently removed for bulbouts, and an unstated amount of parking would be removed to "mitigate" the Project's impacts on other streets. FEIR, p.5-18, 5-21.

Even though it concludes that parking is not an impact and/or that there are no parking impacts, the FEIR claims that the following are "mitigation measures under NEPA" and "an improvement measure under CEQA": "coordinate with" businesses affected by removal of "colored parking spaces...to confirm the need for truck and/or passenger loading spaces," and "apply parking management tools . . . including adjustment of residential permits in the residential community north of Broadway Street" or to "manage parking occupancy and turnover through pricing [by SFPark]" FEIR, p.4.2-17, §4.2.5.

There is no coherent analysis of cumulative parking impacts affecting residents and businesses, or of the impacts on cross streets and parallel streets from removing parking, which include spillover traffic, circling, and double-parking. Again, the FEIR fails in its purpose to inform the public and decisionmakers.

c. AESTHETIC AND HISTORIC RESOURCES IMPACTS

1. The FEIR Fails to Accurately Analyze the Direct and Cumulative Impacts of Removing the Historic Lamp Posts on Van Ness Avenue.

The FEIR admits that the Project's replacement of the historic streetlights lining Van Ness Avenue is "one of the most noteworthy changes to the visual context at each key viewpoint" that it presents, and that "Impacts resulting from changes to the OCS support poles/streetlights network would be experienced by all viewer groups, including sensitive viewer groups (i.e., residents, commuters, and tourists.)" FEIR, p.4.4-34. The poles are nearly 100 years old and bear historic markings and irreplaceable features that define the character of Van Ness Avenue. FEIR, p.4-4-12, 14, Figures 4.4-3, 4. The FEIR fails to state that the unique square bases and poles, their height and spacing, and the size and shape of the lamps, are part of their value to those viewpoints. Instead, the FEIR claims that the generic, higher poles each with unevenly spaced faux decorative lamps measure up to the graceful old streetlight system. Even the few depictions for comparison in the FEIR plainly show that the newer lamps bear no resemblance to the historic ones, are intrusive, and contrary to the FEIR are plainly out of scale by comparison. FEIR, p.4-4-29, 31, 4.4-34. The FEIR incredibly concludes that, contrary to the plain evidence, the Project's removal and replacement with incompatible poles would have "no significant visual or aesthetic effect." FEIR, p.4.4-35.

Further, the FEIR fails to describe an alternative that would restore and rehabilitate, rather than replace, the historic poles. The old lamp posts are part of the context of Van Ness Avenue that merits restoration not destruction regardless of the Project.

2. The FEIR Fails to Accurately Analyze the Direct and Cumulative Impacts of Killing and Eliminating the Mature Trees and Green Median on Van Ness.

The FEIR admits that the "landscaped median and tree canopy are one of the most noteworthy impacts on the visual setting" and "are one of the most important visual features in the corridor." FEIR, p. 4.4-35. The FEIR acknowledges that the Project's killing and removal of those trees would affect all viewers, and that "Many comments regarding concern for tree loss were submitted by agencies and the public during circulation of the [DEIR]." FEIR, p.4.4-35-36. The FEIR admits that the Project's removal of 90 of 102 mature trees and nearly all the "existing healthy and mature median trees in the corridor" would result in a "notable, adverse change in the visual quality of the project corridor until new tree plantings mature." FEIR, p.4.4-44.

That misleading statement implies that a similar median might result from replanting, but that is plainly false, since the LPA would replace the median with a red asphalt expanse with glaring plastic bus stops and advertising where the mature trees now stand. That misleading information and the false claim that the removal of the trees would be "mitigated" by the BRT violate NEPA and CEQA.

3. The FEIR Fails to Describe and Analyze the Impacts of the BRT, the Barren Red Asphalt Expanse, and Visual Clutter on the Median Strip and the Context of Van Ness Avenue.

There is no accurate description of the Project's changes to the visual context on Van Ness Avenue consisting of mature streets separating, defining, and structuring the broad Avenue. That context will be destroyed and replaced with a 2-mile red asphalt strip dominating the entire avenue with glaring bus stops lined with advertisements and visual clutter. The failure to analyze those impacts is a failure to comply with NEPA and CEQA.

No reason is given to paint the huge four-lane expanse of the Proposed bus lanes red in violation of the General Plan, and there is no illustration or coherent description of the resulting bus stops, glaring advertising, intrusive lighting, "art" installations, and pointless whirling wind turbines and other visual clutter proposed for the middle of the avenue, and even claims that would be "mitigation" for removing the trees. See, e.g., FEIR, p. 4.4-31, 4.4-52

d. TRANSIT: The FEIR Fails to Identify, Analyze and Mitigate the Project's Impacts on Transit.

There is no coherent analysis of the Project's impacts on transit crowding. There is *no* analysis of the Project's impacts on the *more than 400,000 passengers on buses that cross Van Ness Avenue*, ignoring the inevitable impacts of congestion on the cross streets from the Project's diversion and turning impacts.

e. AIR QUALITY AND NOISE IMPACTS: The FEIR's Air Quality and Noise Impacts Analyses Fail to Accurately Describe and Propose Mitigation of the Project's Impact.

f. IMPACTS OF BULBOUTS

The FEIR fails to analyze the impacts of removing hundreds of parking spaces and obstructing turning by installing 64 bulbouts on Van Ness Avenue. FEIR, p.3-108, and see simulation at FEIR, p.4.4-27. Bulbouts protrude into the street, obstructing right turns, backing up traffic trying to turn right and blocking through traffic, and they remove two to five parking spaces per bulbout. The FEIR claims that pedestrians would gain a negligible average of 1.7 feet of crossing distance, but fails to analyze their significant impacts on parking and traffic.

g. EMERGENCY AND COMMUNITY SERVICES

There is no accurate analysis of the Project's impacts on emergency services (fire, ambulance) from the Project's traffic impacts on Van Ness, on cross streets, and on parallel streets.

The analysis of traffic impacts on cultural events and community services is inadequate, with the unsupported conclusion that although traffic delays are forecast during the PM peak period; the project effects on traffic circulation would be less at other times of day and night when shopping, eating out, entertainment, and other commercial activities often occur." 4.2-13.

There is no analysis of traffic to and from cultural events at the Civic Center.

The FEIR acknowledges that the loss of parking could affect residents and businesses, but dismisses those significant impacts, claiming with no supporting evidence that "it can be anticipated that private vehicles users would have more incentive to shift their mode of travel to public transit," and that the Project "would benefit the transit-dependent population at large and would result in a transportation mode shift from automobiles to public transit." FEIR, p. 5-22. That unsupported and irrelevant conclusion does not comply with NEPA or CEQA. See, e.g., 40 CFR §1508.27(a); PRC §21002.1.

h. The FEIR Fails to Identify and Analyze the Project's Impacts on Accessibility for Disabled and Seniors.

The FEIR fails to accurately analyze the Project's impacts on accessibility to transit for disabled and seniors from removing half the bus stops on Van Ness. There is no analysis of impacts on parking for seniors and the disabled from removing nearly all of the parking on Van Ness Avenue and of the likely removal of parking on parallel and cross streets.

10. THE FEIR FAILS TO IDENTIFY AND DISCUSS FEASIBLE MITIGATION MEASURES FOR EACH OF THE PROJECT'S IMPACTS

Under NEPA, mitigation includes: "(a) Avoiding the impact altogether by not taking a certain action or parts of an action. (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation. . ." 40 CFR §1508.20. CEQA includes similar provisions. CEQA Guidelines §15370. Mitigation measures must be described in the FEIR. *Ibid.*, and, *e.g.*, CEQA Guidelines §15126.4.

Under CEQA, mitigation measures must be analyzed for each identified impact and must be effective for each significant impact identified in the EIR. CEQA Guidelines §15126.4. The FEIR fails to comply with this requirement. It provides no feasible mitigation measures for *each* of the "near-term" and "long-term" traffic impacts, and no mitigation measures for the many impacts that it fails to identify. The mitigation measures described are ineffective, generalized, and are themselves negative measures that will cause more significant impacts, such as removing more parking. If a mitigation measure will itself cause impacts, it must also be analyzed in the EIR, which the FEIR fails to do. CEQA Guidelines §15126.4(a)(1)(D). The FEIR improperly "assumes" that it may propose a Project that has "significant and unavoidable" impacts. FEIR, p.7-25. That assumption violates CEQA.

a. The FEIR Describes NO Effective Mitigation Measures for the Project's Traffic Impacts.

The FEIR fails to address each traffic impact it has identified, plainly violating CEQA's requirements. Even though it omits many required impacts in its defective and selective analyses, the FEIR identifies many impacts on intersections for each "build" alternative. FEIR, pp.3-55, Table 3.3-7; 3-57 – 3-61, Tables 3.3-8;3.3-9 [describing selected "near-term" impacts at Gough/Green, Gough/Hayes, Franklin/O'Farrell, Franklin/Market/Page, Otis/Mission/S. Van Ness, and Duboce/Mission/Otis/Us101 Off-Ramp]. The FEIR describes selected "long-term" (meaning some time between 2015 and 2035) significant traffic impacts at Gough/Green, Gough/Clay, Gough/Hayes, Franklin/Pine, Franklin/O'Farrell, Franklin/Eddy, Franklin/McAllister, Van Ness/Pine, Otis/Mission/S. Van Ness, and Duboce/Mission/Otis/US101 Off-Ramp. FEIR pp.3-67-79, Tables 3.3-14, 3.3-15, 3.3-16.

However, instead of proposing feasible and effective mitigation measures for each of those identified impacts as required, the FEIR proposes self-defeating suggestions for each and then concludes that if the SFCTA finds them "infeasible," the impacts would be "significant and unavoidable," and therefore exempt from mitigation. FEIR, p.3-82 -3-87. That does not meet CEQA's requirement to propose effective mitigation, including "Avoiding the impact altogether by not taking a certain action or parts of an action" and "Minimizing impacts by limiting the degree or magnitude of the action and its implementation." CEQA Guidelines, §15370. Further, deferring a determination of the feasibility of mitigation is a failure to proceed under CEQA's requirements. CEQA Guidelines §15126.4(a)(1)(B).

Further, the FEIR's "mitigation" measures would cause worsened impacts, by removing more parking or removing more "turn pockets." FEIR, p.3-81. Those measures, however, are not "mitigation" within the meaning of CEQA and NEPA. Further, the FEIR fails to analyze the impacts of those proposed "mitigation" measures. Other examples of the FEIR's failure to describe mitigation of the Project's impacts include but are not limited to the following.

PARKING

The FEIR claims that there would be no parking impacts even though most of the parking would be removed on Van Ness, and other parking spaces would be permanently removed for bulbouts and for "mitigation" of other impacts. FEIR, p.5-18.

The FEIR claims that even though there are no parking impacts, it would try to "mitigate" parking impacts by retaining colored loading zones and blue disabled parking zones, where "feasible." FEIR, p.5-21. That does not meet CEQA's requirements for mitigation.

LAMP POSTS: The FEIR Misstates that Demolishing the Historic Lampposts Can Be Mitigated by Installing Completely Different Generic-style Posts.

The FEIR is mistaken in claiming that replacing the historic lampposts on Van Ness Avenue with new, taller, ugly, generic posts with two unevenly spaced fixtures on each is "mitigation." The standards required by the Secretary of the Interior require that the existing historic lampposts be rehabilitated and restored.

MEDIAN TREES: The FEIR Misstates that Planting Vegetation on the Sidewalks Can Mitigate Killing and Removing the Mature Trees on the Van Ness Median.

The FEIR is plainly incorrect in claiming that removing nearly all of the mature trees on the Van Ness median can be mitigated by planting other tree varieties on sidewalk (where there are already trees) or in other places, and waiting for them to reach maturity.

CONSTRUCTION

As to the impacts of 5-years of construction, the FEIR acknowledges that, "traffic congestion, travel delay, and access restriction . . . within the general vicinity could be expected during the entire construction period." FEIR, p.5-14. But the FEIR says that "Early and well-publicized announcements and outreach will help to minimize the confusion and traffic congestion at the start of construction." FEIR, p.5-15. The FEIR says that other "mitigation," such as removing parking, detours, and forced turning that "could" minimize the five years of disruption, may or may not be "feasible." FEIR, 5-15. That does not comply with CEQA, since it does not mitigate or propose feasible mitigation for the Project's impacts from five years of construction. Signs and "outreach" on delays and congestion do nothing to mitigate those delays and congestion.

11. THE FEIR FAILS TO CONSIDER ALTERNATIVES THAT WOULD AVOID THE PROJECT'S SIGNIFICANT IMPACTS ON TRAFFIC, TRANSIT, PARKING, AIR QUALITY, AND NOISE, AND IS IMPROPERLY NARROWED BY THE CLAIMED "PURPOSE AND NEED."

The FEIR's "alternatives" analysis does not comply with CEQA or NEPA, which requires that the EIR set forth a full range of alternatives that are capable of "avoiding or substantially lessening any significant effects of the project, even if these alternatives would

impede to some degree the attainment of the project objectives, or would be more costly.” CEQA Guidelines §15126.6(b); PRC §21002.1. An alternative is not eliminated unless it cannot meet “most of the basic project objectives. CEQA Guidelines §15126.6(c); and see 40 CFR §1502.14 [requiring the FEIR to “Rigorously explore and objectively evaluate all reasonable alternatives.”]

The analysis must also consider alternative locations for the Project, and if there are none, must explain why. CEQA Guidelines §15126.6(f)(2).

The FEIR here describes no alternatives that meet these requirements, even though many alternatives could accomplish most of the Project’s objectives without removing traffic lanes on Van Ness Avenue and causing severe traffic congestion and parking loss throughout the area.

The alternatives are not a random list of variations on the Project as here, but must be alternatives to the proposed Project for the purpose of eliminating its impacts. CEQA Guidelines §15126.6(b).

Further, the FEIR errs in claiming that the “No Build” or “No Project” alternative is the “environmentally superior” alternative. FEIR, p.7-27, §7.6. If the FEIR identifies No Project as the environmentally superior alternative, it must also identify another environmentally superior alternative. CEQA Guidelines §15126.6(e)(2); and see, e.g., *Watsonville Pilots Ass’n v. City of Watsonville*, 183 Cal.App.4th 1059, 1089 (2010). Here, the FEIR identifies “Build Alternative 2” as the “environmentally superior” alternative but admits that it would have similar impacts to all of the other alternatives in the FEIR. FEIR, p.7-28.

The FEIR fails to analyze other possible alternatives that would not eliminate traffic lanes and parking on Van Ness Avenue but would still achieve *most* of the Project’s objectives, including that of speeding up Muni Lines 47 and 49.

For example, no alternative(s) are proposed that would eliminate half the Muni lines 47 and 49 bus stops, would improve bus stops with real-time information (most of which has already been done), would get the already-procured low-boarding buses, and other improvements that do not require removing traffic lanes and parking on Van Ness Avenue, would not destroy the historic streetlamps, would not require building a new sewer and drainage system, would not require removing the mature trees that give character and beauty to the entire corridor, would not cost hundreds of millions of dollars, would not cause congestion, air pollution and noise, would not obstruct and degrade aesthetic views in the corridor, and would not remove the beautiful historic streetlamps, which could be restored instead of being demolished. Instead, the FEIR analyzes *only* “alternatives” that would cause all of these significant impacts to achieve a dubious goal or “purpose and need” of increased speed that could be accomplished without the impacts caused by all of the listed alternatives.

The FEIR claims that it initiated a “feasibility study” of a Van Ness Avenue BRT in 2004 that “defined BRT in San Francisco” as “general elements” of “Dedicated lane, Transit signal priority, High-quality stations, Distinctive vehicles, [and] Level or near level/all-door boarding(or proof-of-payment).” FEIR, p.1-6, §1.2.1. All of these “elements” except the “dedicated lane” can be met without the Project. The FEIR admits that other Project features such as pedestrian countdown signals would be implemented anyway, without the Project. FEIR, p. 3-90

In considering a superior alternative that would avoid the Project's impacts, the FEIR was required to "rigorously explore and objectively evaluate *all* reasonable alternatives." 40 CFR §1502.14(a). That analysis has not taken place here.

Instead, the agency has manufactured a more damaging preferred alternative to deliberately cause impacts on vehicle traffic and parking under an improper claim of "purpose and need" for the Project. The LPA, for example has more traffic impacts, more turning restrictions, more parking removal, more air quality degradation, removal of more median trees (*i.e.*, all of them), more expense, more sewer replacement, more relocation of curbs for bulbouts, more difficulty and strain for pedestrians to reach bus stops, more impacts on aesthetic and visual resources, and more construction time. (FEIR, p.10-16, 17,23,31,33, 36, 37) It is not an alternative under CEQA, since it improperly creates impacts rather than eliminating and avoiding them. *In fact, the LPA is the Project itself that has already been approved with no environmental review.*

The FEIR attempts to justify its violation of NEPA and CEQA in failing to consider reasonable alternatives to the Project that would achieve some of its objectives. For example, the FEIR rejects the idea of eliminating bus stops but not eliminating traffic lanes and parking by claiming that "the percentage of households in the Van Ness corridor that do not own cars is 17 percent higher than the citywide average." FEIR, p.7-31. That claim is irrelevant and unsubstantiated, since the use of US Highway 101/Van Ness Avenue is of regional, statewide, and nationwide importance, and the number of travelers on that federal Highway vastly exceeds the number of "households" that do not own cars on Van Ness Avenue.

The FEIR's claim that Muni lines #47 and #49 would "experience reliability impacts" without the "Build" alternatives is unproven and without merit. FEIR, p.7-32. In considering a superior alternative that would avoid the Project's impacts, the FEIR is required to support its conclusions with rigorous analysis and substantial evidence that is entirely lacking.

Further, NEPA forbids an alternatives analysis that is narrowly limited by manufacturing a "purpose and needs" statement, which is exactly what the FEIR does here. And see discussion at Item 5, *ante*. The improper "purpose and need" to deliberately obstruct and slow traffic and cause congestion for vehicle traffic results in a done-deal analysis that only considers "alternatives" that accomplish that improper goal. Instead of analyzing alternatives that eliminate the Project's significant impacts, the FEIR blanketly rejects such alternatives claiming they "contained a 'fatal flaw'" in "meeting the project purpose and need." FEIR, p.7-32.

Further, with the LPA, the agency has improperly already decided on building the Project, which violates both CEQA and NEPA. See, *e.g.*, 40 CFR §1502.2(f), (g); *e.g.*, *Laurel Heights Improvement Assn. v. Regents of the University of California*, 47 Cal.3d 376, 394.

12. THE "CEQA FINDINGS" WERE NOT PUBLICLY AVAILABLE AND DO NOT COMPLY WITH CEQA.

As noted, the public was not given adequate notice of the SFCTA's and MTA's CEQA Findings ["Findings"] and the "Mitigation Monitoring & Reporting Program" ["MMRP"], which were unavailable until only one business day before this hearing to adopt them. That is not legal notice under any provision of CEQA, NEPA, the Government Code, and the California or United

States Constitutions. This meeting must be postponed until such notice and the opportunity for meaningful public participation in the proceedings is provided.

This Comment cannot possibly comment on the hundreds of pages of "Findings" and other materials that were neither provided on request of this commenter nor timely made available for public review. Therefore, this Comment does not waive any issue on the inadequacy of the FEIR or the SFCTA's and MTA's Findings and other materials in its packet. The Findings document is incoherent and largely inscrutable, with encoded conclusory statements, consideration of "construction" impacts in lieu of or listed along with "operation" findings, whatever that means.

Even a cursory glance at the Findings shows many legal and factual flaws. The Findings contain factual falsehoods, such as the claim that hard copies of the FEIR were distributed to those with a street address who had commented on the DEIR. (MTA Findings, p.7.) In fact, as noted, such copies were unavailable, and were only provided by request and a time-consuming trip to the not readily accessible SFCTA offices, where this Commenter, for example, was charged nearly \$100 for a hard copy of the FEIR, and was not timely provided on request with any accurate or hard copies of the "studies" referred to in that document.

Due to the lack of notice and time for comment, there is no time to give a comprehensive view of examples of the false and unsupported "factual" statements in the Findings, and only a few can be provided here.

Due to the FEIR's failure to identify and analyze the Project's significant impacts, the Findings are necessarily legally inadequate. The Findings thus evade the necessity to set forth mitigation measures, for example, on the Project's parking impacts, impacts on land use, air quality, noise, and traffic, because the FEIR fails to properly identify those impacts. The Findings repeats the false claim that the LPA will not remove parking. Findings, p.20-21. The Findings fails to describe, identify and acknowledge parking impacts stated in the FEIR and in SFCTA's Findings, falsely claiming that "mitigation measures" will "reduce" "less than significant impacts" without addressing the Project's significant parking impacts. The Findings are completely silent on the significant impacts of eliminating nearly all of the parking on both sides of Van Ness Avenue and eliminating parking on parallel and cross streets. Without any discussion, it is impossible to reconcile the MTA's Findings with the FEIR and the SFCTA Findings, which endorse the mistaken legal conclusion that the impacts of removing parking do not require analysis and mitigation.

The lead agency's Findings discloses for the first time (it is nowhere else in the record) that the agencies propose also removing parking on other streets, including Franklin, Gough, and other parallel streets as "mitigation" for the Project's turning impacts. Findings, e.g., pp.37-39. The FEIR was required but failed to analyze the impacts caused by that proposed "mitigation." CEQA Guidelines, §15126.4(a)(1)(D). The Findings admits that its previously undisclosed plan to remove parking on Gough and Franklin Streets will *not* mitigate the Project's significant traffic impacts on those streets, and therefore is not effective mitigation as required within the meaning of CEQA or NEPA. Findings, pp.40-42. The Findings admits that removing parking would cause impacts on pedestrian conditions; since parking spaces provide a buffer insulating pedestrians from moving traffic, and that removing parking conflicts with its General Plan. *Id.* p.42-43.

As to the significant impacts on traffic identified in the FEIR, the both SFCTA and MTA Findings admits that the FEIR's proposed "Traffic Management 'Toolbox' Strategies," such as "Driver Way Finding and Signage," "Public Awareness Campaign and TMP during Project Construction," and "Pedestrian Amenities at Additional Corridor Locations" will not effectively mitigate the Project's impacts: "These strategies. . . cannot be readily represented in conventional traffic operations models; therefore, their potential effect on minimizing traffic delay impacts has not been quantified and the traffic impacts...would remain significant and unavoidable." SFCTA Findings, p.42, MTA Findings, p.36. Thus, the "Toolbox Strategies" are a pointless paper-generating exercise, not mitigation.

The Findings conclude without any support or citation to evidence that there is no feasible mitigation for any of the Project's traffic impacts identified in the FEIR. SFCTA Findings, pp.43-44; MTA Findings, p.36. There is no feasibility analysis in the Findings or in the record.

The Findings fail to properly, objectively, and accurately analyze feasible alternatives that would eliminate or mitigate the significant impacts identified in the FEIR. Instead, the Findings simply repeat the SFCTA's reason for developing the LPA, which is not an "alternative" to the Project, but is the Project itself, which was neither described nor analyzed in the DEIR, precluding public input. The Findings fails to support any of its conclusions on mitigation and alternatives with substantial evidence.

Even with the inadequate and truncated impacts "analysis" in the FEIR, the Findings fails to discuss *each* significant impact identified in the EIR as required by CEQA. *E.g.*, PRC §21081(a); 21081.5. The Findings (and the FEIR to which they defer) also fail as required to set forth *effective* mitigation measures for each of the Project's significant impacts. Such effectiveness must be supported by substantial evidence in the administrative record. There is no such discussion in either the Findings or the FEIR.

Nor may the agency "incorporate by reference" as "findings" the conclusions in the FEIR. SFCTA Findings, p.16, MTA Findings p.14. Further, MTA's Findings fail to make findings that are objective and independent findings of those of the SFCTA, which are largely identical, with perfunctory asides that the MTA adopts those findings as its own. See, *e.g.*, MTA Findings, p.8. The Findings must itself be a legally adequate document supported by substantial evidence that complies with CEQA's requirement that "no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur: (a) The public agency makes one or more of the following findings with respect to each significant effect: (1) Changes or alterations have been required in...the project which mitigate or avoid the significant effects...(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report." PRC §21081(a). The Findings do not comply with these requirements.

After rotely rejecting all mitigation of the Project's impacts, the Findings set forth the same two and one-half page "Statement of Overriding Considerations" ["SOC"] in the SFCTA's Findings that fails to comply with CEQA's requirements. SFCTA Findings, pp.53-55; MTA Findings, pp.46-49. These Findings fail to first find mitigation of the Project's identified significant impacts truly infeasible, since it contains no feasibility study. The SOC then fails to include a factual statement weighing the Project's impacts on all travelers versus its benefits to all travelers, and to support that analysis with substantial evidence. Instead, the SOC only describes the alleged benefits of the Project to users of Muni lines 47 and 49, and the unsupported, unattributed, and subjective rhetoric that Project would, *e.g.*, "help transform the street into a vibrant pedestrian promenade," "would provide a greater sense of permanence than existing bus facilities," or would help "to stimulate further transit-oriented development," with *no* discussion or weighing of the Project's significant impacts on traffic, parking, air quality, noise, and aesthetic and historic resources.

The SOC does not comply with CEQA, which requires first that the Findings prove that mitigation is truly infeasible with substantial evidence, and only after that rigorous examination may an agency consider an SOC. The Findings do not meet that requirement here. Only after meeting that requirement may the agency consider an SOC, which must be a factual, not rhetorical, statement supported by substantial evidence in the record that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant impacts." PRC §21081(b); CEQA Guidelines §15093. Those requirements are not met by the SOC.

The Project may not lawfully proceed without legally adequate Findings.

CONCLUSION

The FEIR and Findings do not comply with the law and must not be approved and/or certified. Approving the Project and funding it would therefore be an abuse of discretion and a failure to proceed as required by law.

DATED: September 17, 2013

SIGNED: _____
Mary Miles

EXHIBIT B

160 AS

Mary Miles

From: Mary Miles <page364@earthlink.net>
Sent: Wednesday, May 18, 2016 9:48 AM
To: 'To: John Rahaim'; 'Jonas Ionin'; 'Andrew Wolfram'; 'Aaron Hyland'; 'Jonathan Pearlman'
Cc: 'Karl Hasz'; 'Ellen Johnck'; 'Richard Johns'; 'Diane Matsuda'
Subject: FW: PUBLIC COMMENT, Hearing of ARC, May 18, 2016
Attachments: 9-17-13 PUBLIC COMMENT VAN NESS BRT.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

FROM:
Mary Miles (SB #230395)
Attorney at Law for
Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:
John Rahaim, Director of Planning,
Jonas Ionin, Commission Secretary, and
Aaron Hyland, Jonathan Pearlman, and Karl Hasz, Members, and
Andrew Wolfram, Ex-Officio Member
San Francisco Historic Preservation Commission
Architectural Review Committee
San Francisco Planning Department
1650 Mission St., 4th Floor
San Francisco, CA 94103

DATE: May 18, 2016

Re: PUBLIC COMMENT: Hearing of November 18, 2015 on Project Sponsor's Proposed Bus Shelter Design for Van Ness Avenue

This is public comment on Agenda Item #2 of the May 18, 2016 hearing of the San Francisco Historic Preservation Commission, Architectural Review Committee. Please distribute copies of this comment to each member of the Committee and place copies in applicable files on the above-described Project.

The proposed design of the bus shelters and their accompanying ugly light posts outfitted with cameras and advertising are incompatible with the defining historic beaux arts and art deco character of Van Ness Avenue. As your packet illustrations show, the design is not only intrusive, but it also blocks clear views of historic landmarks, including City Hall. Glaring moving screens and advertising inside and outside of these bus shelters should be prohibited by this Committee, as should the towering ugly lamp/camera poles appearing in the bus shelter illustrations in your packet.

The Agenda for your hearing today states that you are only considering the bus shelters and that "the future treatment of the existing trolley poles was also deferred for future study. At this time, the Project Sponsor is seeking comments on new designs for the bus shelter. The COA hearing will be scheduled at a later date." However, to the extent that the bus shelters include the light posts illustrated in your packet, they must be rejected,

The record is vague on your actions on the Van Ness Avenue historic lamp posts. If you have taken any action to approve their demolition, you need to reconsider that action. The lamp posts are clearly historic landmarks of artistic merit and have lent dignity, endearing generational continuity, and visual character recognized by millions of travelers in San Francisco. The 100-year-old lamp posts are compatible in size and style with the beaux arts and deco monuments and structures on Van Ness Avenue/Highway 101. The lamp posts define the character of the grand Avenue, were created for a specific significant historic event, and the law requires their preservation and rehabilitation. Allowing demolition of these beautiful civic street fixtures and replacing them with ugly, overly lit fixtures is a travesty that reflects a total abandonment of your duty to preserve the history and historic artifacts of San Francisco.

The killing of the median strip trees is also an inexcusable adulteration of the character of Van Ness Avenue/Highway 101. The Commission needs to exercise its authority to NOT approve the "Certificate of Appropriateness" or any part of it.

The bus shelters are ugly and incompatible with existing architecture, and the glaring video advertisements inside and outside their tacky structure should be permanently prohibited. The ugly planned lamp/camera posts surrounding them in the packet pictures should also be rejected.

Sincerely,
Mary Miles

EXHIBIT C

160AV

Walsh GMP 2016-05-10

| Bid Item | SCC Code | SCC C Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
|--|----------|--|---------------------------|--|
| TOTAL WITH PROCUREMENT | | | \$ 312,698,230 | \$ 312,698,230 |
| 70.04 | 70.04 | Bus Procurement | \$ 3,980,000 | \$ 3,980,000 |
| TOTAL YOE | | | \$ 308,718,230 | \$ 308,718,230 |
| TOTAL Base Year | | | | |
| Escalation method | | | | |
| 80.01.01 | 80.01 | Environmental Phase | \$ 5,973,081 | \$ 5,973,081 |
| 80.01.02 | 80.01 | GER Phase | \$ 8,880,058 | \$ 8,880,058 |
| Detailed Design Phase | | | \$ 907,859 | \$ 907,859 |
| 80.02.01 | 80.02 | SFMTA and DPW Management and Engineering | \$ 9,953,580 | \$ 9,953,580 |
| 80.02.02 | 80.02 | SFMTA Operations | \$ 200,000 | \$ 200,000 |
| 80.02.03 | 80.02 | SFMTA Planning | \$ 50,000 | \$ 50,000 |
| 80.03.04 | 80.03 | SFMTA Outreach | \$ 623,500 | \$ 623,500 |
| 80.02.04 | 80.02 | SFMTA Others | \$ 100,000 | \$ 100,000 |
| 80.06.03 | 80.06 | Art Commission | \$ 1,245,500 | \$ 1,245,500 |
| 80.03 | 80.03 | CMGC Preconstruction Services | \$ 1,508,750 | \$ 1,508,750 |
| 80.03 | 80.03 | CMGC Consultant Support Services | \$ 626,156 | \$ 626,156 |
| 80.02.01 | 80.02 | DPW Engineering | | |
| 80.02.01 | 80.02 | SFPUC Engineering | | |
| 80.03.02 | 80.03 | Consultant Services | \$ 1,400,153 | \$ 1,400,153 |
| 80.02.05 | 80.02 | Misc (Production, etc) (split by plan %) | \$ 200,000 | \$ 200,000 |
| Contingency Method | | | From Risk Register | Based on RiskReg & Des Ph Val |
| Construction Contract | | | \$ 203,080,233 | \$ 203,080,233 |
| Construction Non-General Bid Items | | | \$ 131,935,752 | \$ 158,082,564 |
| Construction General Bid Items | | | \$ 61,614,068 | \$ 35,467,256 |
| Construction Allowances (Purple General Bid Items) | | | \$ 9,530,413 | \$ 9,530,413 |
| 90 | 90 | Contingency for Design Errors & Omissions | \$ 1,263,310 | \$ 1,263,310 |
| 90 | 90 | Unallocated Contingency (Mgmt Reserve) | \$ 16,468,164 | \$ 16,468,164 |
| 90 | 90 | SFMTA-Specific Contingencies | \$ 4,438,226 | \$ 4,438,226 |
| Contingency Method | | | From Risk Register | Based on RiskReg & Con Ph Val |
| Owner Furnished During CON | | | \$ 10,499,050 | \$ 10,499,050 |
| 50.02.05 | 50.02 | Owner Furnished Materials - Sfgo | \$ 5,071,500 | \$ 5,071,500 |
| 50.02.05 | 50.02 | Owner Furnished Materials - SFPUC Water | \$ 3,423,646 | \$ 3,423,646 |
| 50.02.05 | 50.02 | SFMTA Sustainable Streets - Sign Shop | \$ 1,838,529 | \$ 1,838,529 |
| 50.05 | 50.05 | Work Performed by SFMTA IT, Digital Shop, and Video Shop | \$ 157,106 | \$ 157,106 |
| 50.05 | 50.05 | Work Performed by San Francisco Department of Technology | \$ 8,269 | \$ 8,269 |
| Owner Soft Costs During CON | | | \$ 42,208,469 | \$ 42,208,469 |
| 80.04.01 | 80.04 | SFMTA/PW Project Mgmt/Construction Mgmt | \$ 18,876,102 | \$ 18,876,102 |
| 80.04.01 | 80.04 | SFPUC Project Mgmt/Construction Mgmt | | |
| 80.04.01 | 80.04 | SFMTA and DPW Engineering Supports | \$ 7,715,785 | \$ 7,715,785 |
| 80.03.06 | 80.03 | SFMTA Operations | \$ 441,000 | \$ 441,000 |
| 80.03.05 | 80.03 | SFMTA Outreach | \$ 979,792 | \$ 979,792 |
| 80.03.03 | 80.03 | Consultant Services | \$ 1,102,500 | \$ 1,102,500 |
| 80.06.02 | 80.06 | Bus Substitution | \$ 10,888,290 | \$ 10,888,290 |
| 80.08.01 | 80.08 | Startup and Testing | \$ 2,205,000 | \$ 2,205,000 |

160 AW

Walsh GMP 2016-05-10

| Bid Item | SCC Code | SCC C Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
|------------------|----------|---|-----------------------|---------------------|
| Bid Item | SCC Code | SCC C Item Description | Estimate (Base) | Estimate (w/fees) |
| GENERAL | | | \$ 41,168,812 | \$ 44,997,669 |
| G-01 | 40.08.05 | 40.08 Mobilization and Demobilization | \$ 13,297,061 | \$ 15,932,250 |
| G-01a | 40.08.05 | 40.08 Contractor QA/QC | \$ 6,023,200 | \$ 7,216,868 |
| G-02 | 40.02.99 | Allowance for Differing Site Condition (was G-05) | \$ 1,932,092 | \$ 1,932,092 |
| G-03 | 40.08.99 | Allowance for Reimbursable Expenses (was G-04) | \$ 1,929,375 | \$ 1,929,375 |
| G-04 | 40.02.99 | Allowance for Unforeseen Sewer Work | \$ 358,313 | \$ 358,313 |
| G-05 | 50.04.99 | Allowance for Unforeseen Overhead Contact System Work | \$ 330,750 | \$ 330,750 |
| G-06 | 40.02.99 | Allowance for Unforeseen Traction Power Work | \$ 110,250 | \$ 110,250 |
| G-07 | 40.02.99 | Allowance for Unforeseen Electrical and Communication Work | \$ 198,450 | \$ 198,450 |
| G-08 | 40.06.99 | Allowance for Unforeseen Landscape Architecture/Green Infrastructure Work | \$ 88,200 | \$ 88,200 |
| G-09 | | Allowance for Unforeseen Water Work | \$ 220,500 | \$ 220,500 |
| G-09a | | Additional Excavation and Backfill | \$ 464,968 | \$ 464,968 |
| G-09b | | Trench Shoring and Bracing per all Applicable Safety Orders | \$ 913,550 | \$ 913,550 |
| G-09c | | Repair and Replacement of Side Sewers for Water Work | \$ 243,550 | \$ 243,550 |
| G-10 | 50.04.99 | Allowance for Unforeseen Structural Work | \$ 16,538 | \$ 16,538 |
| G-11 | 40.02.99 | Allowance for Unforeseen AWSS Work | \$ 330,750 | \$ 330,750 |
| G-12 | 40.03.99 | Allowance for Work Related to Hazardous Material | \$ 2,536,087 | \$ 2,536,087 |
| G-13 | 40.01.99 | Allowance for Unforeseen Archaeological Conditions | \$ 1,786,415 | \$ 1,786,415 |
| G-14 | 40.04.99 | Allowance for Conducting a Nesting Habitat Survey | \$ 55,125 | \$ 55,125 |
| G-15 | 40.08.99 | Allowance for Scheduler Services (Was G-02, Current Schedules) | \$ 297,675 | \$ 297,675 |
| G-16 | 40.08.99 | Allowance for Community Relations Support | \$ 1,085,963 | \$ 1,085,963 |
| G-17 | 40.08.99 | Allowance for Off-Duty Uniformed San Francisco Police Officers/PCO (was G-06) | \$ 3,657,875 | \$ 3,657,875 |
| G-18 | 40.08.99 | Allowance for Traffic Control Crews & Supervisors, and Signal Persons | \$ 551,250 | \$ 551,250 |
| G-19 | 40.08.99 | Allowance for Special Inspections and Testing Agencies | \$ 110,250 | \$ 110,250 |
| G-20 | 40.08.99 | Allowance for Agency's Share of Partnering Costs | \$ 150,000 | \$ 150,000 |
| G-21 | 40.08.99 | Allowance for Traffic Control Plans | \$ 2,000,000 | \$ 2,000,000 |
| WD-20 | | Furnish Tyton Joint Fittings, Mechanical Joint Fittings And All Gaskets | \$ 1,653,750 | \$ 1,653,750 |
| WD-21 | | Contingency Allowance for Additional Materials | \$ 826,875 | \$ 826,875 |
| G-01x | 40.08.99 | Record Drawings and Other Work (was G-03) | \$ - | \$ - |
| G-02x | 40.02.99 | Allowance for Differing Site Condition (was G-05) | \$ - | \$ - |
| SITE REMEDIATION | | | \$ - | \$ 5,339,449 |
| SR-1 | 40.03.01 | 40.03 Transportation of California Class 1 (Non-RCRA) Hazardous Waste (was handling, transp | \$ 1,095,866 | \$ 1,313,043 |
| SR-2 | 40.03.02 | 40.03 Handling, Treatment, and Disposal of California Class 1 (Non-RCRA) Hazardous Waste | \$ 1,086,545 | \$ 1,301,875 |
| SR-3 | 40.03.01 | 40.03 Transportation of California Class 2 (Non-RCRA) Hazardous Waste | \$ 672,843 | \$ 806,185 |
| SR-4 | 40.03.01 | 40.03 Handling, Treatment, and Disposal of California Class 2 (Non-RCRA) Hazardous Waste | \$ 1,601,052 | \$ 1,918,346 |
| CIVIL | | | \$ - | \$ 11,076,348 |
| CV-1 | 20.01.01 | 20.01 Market Street Boarding Islands (was: all Boarding Islands) | \$ 82,976 | \$ 99,420 |
| CV-2 | 20.01.01 | 20.01 McAllister Street Boarding Islands | \$ 82,976 | \$ 99,420 |
| CV-3 | 20.01.01 | 20.01 Eddy Street Boarding Islands | \$ 82,976 | \$ 99,420 |
| CV-4 | 20.01.01 | 20.01 Geary/O'Farrell Streets Boarding Islands | \$ 169,594 | \$ 203,203 |
| CV-5 | 20.01.01 | 20.01 Bush/Sutter Streets Boarding Islands | \$ 82,976 | \$ 99,420 |
| CV-6 | 20.01.01 | 20.01 Clay/Sacramento Streets Boarding Islands | \$ 82,976 | \$ 99,420 |
| CV-7 | 20.01.01 | 20.01 Pacific/Jackson Streets Boarding Islands | \$ 82,976 | \$ 99,420 |
| CV-8 | 20.01.01 | 20.01 Vallejo Street Boarding Islands | \$ 82,976 | \$ 99,420 |

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| | | | | Walsh GMP 2016-05-10 | |
|----------------------|----------|-------|---|-----------------------|---------------------|
| Bid Item | SCC Code | SCC C | Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
| CV-9 | 20.01.01 | 20.01 | Union Street Boarding Islands | \$ 82,976 | \$ 99,420 |
| CV-10 | 10.02.02 | 10.02 | JPCP Concrete Base Busway (was CV-2) | \$ 5,153,935 | \$ 6,175,334 |
| CV-11 | 40.07.03 | 40.07 | Landscaping Median Curb (was CV-3) | \$ 669,269 | \$ 801,903 |
| CV-12 | 40.07.03 | 40.07 | Refuge Areas (was CV-4) | \$ 379,083 | \$ 454,209 |
| CV-13 | 40.01.04 | 40.01 | Demolition of pavement for busway/islands/medians (was: demo of Existing Medians a | \$ 1,539,629 | \$ 1,844,750 |
| CV-14 | 40.01 | 40.01 | Temp Paving of Medians | \$ 669,008 | \$ 801,591 |
| ROADWAY | | | | | \$ 26,882,338 |
| RD-1 | 40.07.01 | 40.07 | Hot Mix Asphalt Concrete | \$ 2,557,585 | \$ 3,064,443 |
| RD-1a | 40.07.01 | 40.07 | Rubberized Hot Mix Asphalt | \$ - | \$ - |
| RD-1b | 40.07.01 | 40.07 | Paving Fabric | \$ - | \$ - |
| RD-2 | 40.07.01 | 40.07 | AC Planing per 3-inch depth | \$ 439,084 | \$ 526,101 |
| RD-3 | 40.07.06 | 40.07 | 10 Inch Thick Concrete Base | \$ 4,734,610 | \$ 5,672,907 |
| RD-4 | 40.07.06 | 40.07 | 12 Inch Thick Concrete Base | \$ 6,834,179 | \$ 8,188,565 |
| RD-5 | 40.07.06 | 40.07 | 10 in (was 12) inch Thick Concrete Pavement (Gutter or Parking Strip) | \$ 3,284,267 | \$ 3,935,138 |
| RD-6 | 40.07 | 40.07 | 10 inch Thick Reinforced Concrete Bus pad | \$ 245,368 | \$ 293,995 |
| RD-7 | 40.06 | 40.06 | Brick Sidewalk over Concrete Base | \$ 110,640 | \$ 132,566 |
| RD-8 | 40.06 | 40.06 | 6 inch Wide Concrete Curb | \$ 381,491 | \$ 457,094 |
| RD-9 | 40.06 | 40.06 | Granite Curb | \$ 19,236 | \$ 23,048 |
| RD-10 | 40.06 | 40.06 | Granite Warning Band at Brick Curb Ramps | \$ 10,687 | \$ 12,805 |
| RD-11 | 40.06 | 40.06 | Brick Curb Ramp with Granite Curb & Warning Band and Detectable Warning Surface | \$ 92,432 | \$ 110,750 |
| RD-12 | 40.06 | 40.06 | Concrete Curb Ramp with Detectable Tactile Surface | \$ 1,346,923 | \$ 1,613,854 |
| RD-13 | 40.02 | 40.02 | Adjust City-owned Manhole Frame and Casting to Grade | \$ 7,667 | \$ 9,187 |
| RD-14 | 40.02 | 40.02 | Cistern Ring and Pavers | \$ 60,446 | \$ 72,425 |
| RD-14a | 40.01 | 40.01 | Project SWPPP and Dust Control | \$ 2,311,391 | \$ 2,769,459 |
| RD-1x | 40.07.02 | 40.07 | Asphalt Concrete (Bulbout Related) | \$ - | \$ - |
| RD-3x | 40.07.02 | 40.07 | 10 Inch Thick Concrete Base (Bulbout Related) | \$ - | \$ - |
| RD-5x | 40.07.02 | 40.07 | 12 inch Thick Concrete Pavement (Gutter or Parking Strip) (Bulbout Related) | \$ - | \$ - |
| RD-8x | 40.06 | 40.06 | 6 Inch Wide Concrete Curb (Bulbout Related) | \$ - | \$ - |
| RD-x | 40.06 | 40.06 | 3-1/2 inch Thick Concrete Sidewalk | \$ - | \$ - |
| RD-x | 40.06 | 40.06 | 3-1/2 inch Thick Concrete Sidewalk (Bulbout Related) | \$ - | \$ - |
| ARCHITECTURAL | | | | | \$ 3,641,187 |
| AR-1x | 20.01.02 | 20.01 | 96" high/3" cross section steel guard/screen along mixed traffic side of boarding islands | \$ - | \$ - |
| AR-2x | 20.01.02 | 20.01 | 96" high/3" cross section steel guard/screen along mixed traffic side of boarding islands | \$ - | \$ - |
| AR-3x | 20.01.02 | 20.01 | Guard rail/hand rail combination at both sides of ramp from roadway to boarding islands | \$ - | \$ - |
| AR-4x | 20.01.02 | 20.01 | Guard rail/hand rail combination at both sides of ramp from roadway to boarding islands | \$ - | \$ - |
| AR-5x | 20.01.02 | 20.01 | Upgraded boarding island floor surfacing | \$ - | \$ - |
| AR-6x | 20.01.02 | 20.01 | Upgraded boarding island floor surfacing | \$ - | \$ - |
| AR-7x | 20.01.02 | 20.01 | Shelter with canopy, windscreen, seating, information and advertising panels | \$ - | \$ - |
| AR-8x | 20.01.02 | 20.01 | Shelter with canopy, windscreen, seating, information and advertising panels | \$ - | \$ - |
| AR-9x | 20.01.02 | 20.01 | Custom 20' high Platform Lighting Standards | \$ - | \$ - |
| AR-10x | 20.01.02 | 20.01 | Custom 20' high Platform Lighting Standards | \$ - | \$ - |
| AR-1 | 20.01.02 | 20.01 | Guardrails with Integrated Lighting, Handrails and Pavers associated with Market Street | \$ 311,451 | \$ 373,174 |
| AR-2 | 20.01.02 | 20.01 | Guardrails with Integrated Lighting, Handrails and Pavers associated with McAllister Str | \$ 311,830 | \$ 373,629 |
| AR-3 | 20.01.02 | 20.01 | Guardrails with Integrated Lighting, Handrails and Pavers associated with Eddy Street Br | \$ 313,132 | \$ 375,188 |
| AR-4 | 20.01.02 | 20.01 | Guardrails with Integrated Lighting, Handrails and Pavers associated with Geary/O'Farre | \$ 544,587 | \$ 652,512 |
| AR-5 | 20.01.02 | 20.01 | Guardrails with Integrated Lighting, Handrails and Pavers associated with Bush/Sutter S | \$ 311,451 | \$ 373,174 |
| AR-6 | 20.01.02 | 20.01 | Guardrails with Integrated Lighting, Handrails and Pavers associated with Clay/Sacrame | \$ 311,993 | \$ 373,824 |

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| | | | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
| AR-7 | 20.01.02 | 20.01 Guardrails with Integrated Lighting, Handrails and Pavers associated with Pacific/Jackso | \$ 312,833 | \$ 374,829 |
| AR-8 | 20.01.02 | 20.01 Guardrails with Integrated Lighting, Handrails and Pavers associated with Vallejo Street | \$ 308,066 | \$ 369,118 |
| AR-9 | 20.01.02 | 20.01 Guardrails with Integrated Lighting, Handrails and Pavers associated with Union Street E | \$ 313,592 | \$ 375,739 |
| LANDSCAPE ARCHITECTURE | | | | \$ 12,293,285 |
| LA-x | 40.01.04 | 40.01 Demo-Clear and Grub (E) Landscape Area at Medians | | \$ - |
| LA-x | 40.01.04 | 40.01 Demo Concrete at (E) Medians | | \$ - |
| LA-x | 40.01.04 | 40.01 Demo and Offhaul Roadway profile for new Median Landscape Area | | \$ - |
| LA-x | 40.06.01 | 40.06 Transit Zone Tree Planting-36" Box | | \$ - |
| LA-x | 40.06.01 | 40.06 Caltrans Shoulder Buffer (Planted w/ concrete curb) | | \$ - |
| LA-x | 40.06.01 | 40.06 Tree Pruning | | \$ - |
| LA-29x | 40.02.08 | 40.02 Irrigation Utilites | | \$ - |
| LA-1 | 40.01.07 | 40.01 Tree Removal - Median (was LA-4, all tree removals) | \$ 140,327 | \$ 168,137 |
| LA-2 | 40.01.07 | 40.01 Tree Removal - Sidewalk | \$ 160,597 | \$ 192,423 |
| LA-3 | 40.01.07 | 40.01 Tree Protection - Median | \$ 78,226 | \$ 93,728 |
| LA-4 | 40.01.04 | 40.01 Soil Excavation for Sidewalk Unit Pavers | \$ 13,243 | \$ 15,868 |
| LA-5 | 40.06.01 | 40.06 Imported Topsoil - 2' Deep | \$ 546,122 | \$ 654,351 |
| LA-6 | 40.06.02 | 40.06 Integral Color Sidewalk Repaving (Bulbouts and MUNI Utilities) | \$ 2,415,589 | \$ 2,894,307 |
| LA-7 | 40.06.02 | 40.06 CCSF Standard Concrete Paving | \$ 436,966 | \$ 523,564 |
| LA-8 | 40.06.02 | 40.06 Special Concrete Pavement: Golden Gate to Turk, West Side | \$ 81,154 | \$ 97,236 |
| LA-9 | 40.06.02 | 40.06 Special Unit Pavers to Match Existing: Turk and Van Ness Northwest | \$ 60,664 | \$ 72,687 |
| LA-10 | 40.06.02 | 40.06 Special Unit Pavers to Match Existing: Market St and Van Ness, Northwest | \$ 17,591 | \$ 21,077 |
| LA-11 | 40.06.02 | 40.06 Integral Color Concrete: Fern to Bush St ,West Side | \$ 33,616 | \$ 40,278 |
| LA-12 | 40.06.02 | 40.06 Integral Color Concrete: Between Washington to Jackson, East Side | \$ 6,923 | \$ 8,295 |
| LA-13 | 40.06.02 | 40.06 Sidewalk Unit Pavers | \$ 1,481,247 | \$ 1,774,798 |
| LA-14 | 40.06.01 | 40.06 Median Fence: Grove to McAllister | \$ 344,332 | \$ 412,572 |
| LA-15 | 40.06.01 | 40.06 Median Gate at Fence: Grove to McAllister | \$ 1 | \$ 1 |
| LA-16 | 40.06.01 | 40.06 12" Wide Unit Paver Maintenance Strip at Medians | \$ 547,246 | \$ 655,698 |
| LA-17 | | 12th Street Sidewalk Planters and Railing | \$ 330,744 | \$ 396,290 |
| LA-18 | | 12th Street Unit Pavers | \$ 43,708 | \$ 52,370 |
| LA-19 | 40.06.01 | 40.06 Trash Receptacles (Was: Trash & Bike Racks) | \$ 102,286 | \$ 122,556 |
| LA-20 | 40.06.01 | 40.06 Bike Racks | \$ 52,901 | \$ 63,385 |
| LA-21 | 40.01.07 | 40.01 Tree Relocation | \$ 43,411 | \$ 52,014 |
| LA-22 | 40.06.01 | 40.06 36" Box Median Tree | \$ 334,398 | \$ 400,668 |
| LA-23 | 40.06.01 | 40.06 36" Box Infill Sidewalk Trees | \$ 301,373 | \$ 361,099 |
| LA-24 | 40.06.01 | 40.06 12' Tall Brown Trunk Height Palm Tree | \$ 19,237 | \$ 23,049 |
| LA-25 | 40.06.01 | 40.06 5 Gallon Shrub / Groundcover | \$ 166,379 | \$ 199,352 |
| LA-26 | 40.06.01 | 40.06 Mulch - 2" Layer | \$ 121,566 | \$ 145,658 |
| LA-27 | 40.06.01 | 40.06 Weed Barrier Fabric | \$ 36,936 | \$ 44,256 |
| LA-28 | 40.06.01 | 40.06 2 Year Maintenance (was: 3) | \$ 504,427 | \$ 604,394 |
| LA-29 | 40.02.08 | 40.02 Irrigation Systems Work - System A (was full system) | \$ 128,649 | \$ 154,144 |
| LA-30 | 40.02.08 | 40.02 Irrigation Systems Work - System B | \$ 63,267 | \$ 75,805 |
| LA-31 | 40.02.08 | 40.02 Irrigation Systems Work - System C | \$ 120,919 | \$ 144,883 |
| LA-32 | 40.02.08 | 40.02 Irrigation Systems Work - System D | \$ 114,721 | \$ 137,456 |
| LA-33 | 40.02.08 | 40.02 Irrigation Systems Work - System E | \$ 167,158 | \$ 200,285 |
| LA-34 | 40.02.08 | 40.02 Irrigation Systems Work - System F | \$ 152,823 | \$ 183,109 |
| LA-35 | 40.02.08 | 40.02 Irrigation Systems Work - System G | \$ 182,548 | \$ 218,725 |
| LA-36 | 40.02.08 | 40.02 Irrigation Systems Work - System H | \$ 238,013 | \$ 285,182 |

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| Bid Item | SCC Code | SCCC | Description | Walsh Est. GMP (\$YOE) | Walsh w/distrib fee |
|--------------------|----------|-------|--|------------------------|---------------------|
| LA-37 | 40.02.08 | 40.02 | Irrigation Systems Work - System I | \$ 168,157 | \$ 201,482 |
| LA-38 | 40.02.08 | 40.02 | Irrigation Systems Work - System J | \$ 148,729 | \$ 178,204 |
| LA-39 | 40.02.08 | 40.02 | Irrigation Systems Work - System K | \$ 148,142 | \$ 177,501 |
| LA-40 | 40.02.08 | 40.02 | Irrigation Systems Work - System L | \$ 161,047 | \$ 192,963 |
| LA-41 | 40.02.08 | 40.02 | Irrigation Systems Work - System M | \$ 31,024 | \$ 37,172 |
| LA-42 | 40.02.08 | 40.02 | Irrigation Systems Work - System N | \$ 13,573 | \$ 16,262 |
| STRUCTURAL | | | | | |
| ST-1 | 40.02 | 40.02 | Relocate Fire Cistern Manhole and Modify Existing Cistern at Van Ness and Oak Street | \$ 80,981 | \$ 97,030 |
| ST-2 | 40.06 | 40.06 | Reconstruction of Curb Ramps and Sub-sidewalk Basement Roofs | \$ 70,000 | \$ 83,872 |
| ST-x | 50.04.06 | 50.04 | Special Pole Foundation | \$ - | \$ - |
| STREETLIGHT SYSTEM | | | | | |
| SL-1 | 40.02.09 | 40.02 | Provide VNBRT Streetlight Luminaire and Bracket Arm | \$ 698,982 | \$ 837,505 |
| SL-2 | 40.02.09 | 40.02 | Provide VNBRT Pedestrian Luminaire and Bracket Arm | \$ 290,830 | \$ 348,466 |
| SL-3 | | | Provide Cobra Luminaire and Bracket Arm | \$ 41,989 | \$ 50,310 |
| SL-4 | 40.02.09 | 40.02 | Furnish Spare VNRT Streetlight luminaires and Bracket Arms | \$ 128,641 | \$ 154,135 |
| SL-5 | 40.02.09 | 40.02 | Remove & Relocate Luminaire and Bracket Arm | \$ 5,146 | \$ 6,165 |
| SL-6 | 40.02.09 | 40.02 | Provide Streetlight Pole | \$ 113,718 | \$ 136,255 |
| SL-7 | 40.02.09 | 40.02 | Provide Temporary Streetlight | \$ 185,243 | \$ 221,954 |
| SL-8 | | | Provide Streetlight Wiring and Related Work | \$ 205,825 | \$ 246,615 |
| SL-9 | | | Provide 1 - 1.5" GRS Conduits (Underground) | \$ 2,422,294 | \$ 2,902,341 |
| SL-10 | | | Provide Flexible Metal Conduit in Combination Streetlight/Trolley Feeder Riser Pole | \$ 112,689 | \$ 135,022 |
| SL-11 | | | Provide Type 6 Pull Box | \$ 168,776 | \$ 202,223 |
| SL-12 | | | Remove Streetlight Luminaire and Bracket Arm | \$ 48,472 | \$ 58,078 |
| SL-13 | | | Remove Streetlight Pole | \$ 42,194 | \$ 50,556 |
| SL-14 | | | Remove Streetlight Pull Box | \$ 47,546 | \$ 56,969 |
| SL-x | 40.02.09 | 40.02 | Furnish Spare VNBRT Pedestrian luminaires and Bracket Arms | \$ - | \$ - |
| SL-x | | | Provide Type II PG&E Service Pull Box | \$ - | \$ - |
| SL-x | | | Utility Service Connections | \$ - | \$ - |
| TRACTION POWER | | | | | |
| TP-1 | 40.02.13 | 40.02 | Provide 750 KCMIL Feeder Cables | \$ 3,379,387 | \$ 4,049,108 |
| TP-2 | 40.02.13 | 40.02 | Provide 500 KCMIL Feeder Cables | \$ 143,403 | \$ 171,822 |
| TP-3 | 40.02.13 | 40.02 | Furnish Spare 750 KCMIL Feeder Cables | \$ 130,924 | \$ 156,871 |
| TP-4 | 40.02.13 | 40.02 | Provide 1 - 2" GRS Conduit Underground for Riser Cable | \$ 569,488 | \$ 682,348 |
| TP-5 | 40.02.13 | 40.02 | Provide 1- 4" GRS Conduit Underground For Feeder Cable | \$ 232,523 | \$ 278,604 |
| TP-6 | 40.02.13 | 40.02 | Provide 1- 2" GRS Conduit External on Pole For Riser Cable | \$ 1,964 | \$ 2,353 |
| TP-7 | 40.02.13 | 40.02 | Provide In-Line Splice Connector | \$ 3,771 | \$ 4,518 |
| TP-8 | 40.02.13 | 40.02 | Provide 6-Pt Multi-Tap Splice Connector | \$ 6,284 | \$ 7,530 |
| TP-9 | 40.02.13 | 40.02 | Provide 8-Pt Multi-Tap Splice Connector | \$ 165,488 | \$ 198,285 |
| TP-10 | 40.02.13 | 40.02 | Provide 10-Pt Multi-Tap Splice Connector | \$ 13,826 | \$ 16,566 |
| TP-11 | 40.02.13 | 40.02 | Provide 12-Pt Multi-Tap Splice Connector | \$ 5,237 | \$ 6,275 |
| TP-12 | 40.02.13 | 40.02 | Provide Grounding of New Trolley Pole | \$ 112,543 | \$ 134,847 |
| TP-13 | 40.02.13 | 40.02 | Provide DC Feeder Breaker | \$ 81,173 | \$ 97,260 |
| TP-14 | 40.02.13 | 40.02 | Install City Furnished DC Feeder Breaker | \$ 15,711 | \$ 18,824 |
| TP-15 | 40.02.13 | 40.02 | Provide DC Load-Break, Motor Operated Sectionalizing Switches | \$ 83,791 | \$ 100,397 |
| TP-16 | 40.02.13 | 40.02 | Remove and Relocate Pole Mounted Manual Switch | \$ 26,185 | \$ 31,374 |
| TP-x | 40.02.13 | 40.02 | Furnish Spare 500 KCMIL Feeder Cables | \$ - | \$ - |
| TP-x | 40.02.13 | 40.02 | Remove Existing Underground Feeder and Riser Cable | \$ - | \$ - |

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| Bid Item | SCC Code | SCC C Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
|-----------------------------|----------|--|-----------------------|---------------------|
| TP-x | 40.02.13 | 40.02 Allowance for Unforeseen Traction Power Work | | \$ - |
| DUCTBANK | | | | |
| DB-1 | 40.02.13 | 40.02 Traction Power Ductbank | \$ 2,738,971 | \$ 3,815,136 |
| DB-2 | 40.02.13 | 40.02 Pre-cast Concrete Manhole | \$ 78,555 | \$ 94,122 |
| DB-3 | 40.02.13 | 40.02 Installation of Conduits Under Streetcar Tracks (Market Street & Van Ness Avenue) | \$ 366,588 | \$ 439,238 |
| DB-x | 40.02.13 | 40.02 Allowance for Unforeseen Joint Trench Work | | \$ - |
| COMMUNICATION AN | | | | \$ 3,669,537 |
| CN-1 | 50.05.01 | 50.05 Furnish and install new NextBus LED signs (Assume 2 Per Platform) | \$ 469,821 | \$ 562,929 |
| CN-2 | 50.05.01 | 50.05 Electrical Cabinet, Electrical Panels, and PG&E Electrical Service | \$ 281,258 | \$ 336,997 |
| CN-3 | 50.05.01 | 50.05 Furnish and install communications cabinet | \$ 83,721 | \$ 100,312 |
| CN-4 | 50.05.01 | 50.05 Concrete Foundations for Electrical & Communications cabinet | \$ 36,640 | \$ 43,901 |
| CN-5 | 50.05.01 | 50.05 Closed Circuit Television System including Software and DVR | \$ 256,087 | \$ 306,838 |
| CN-6 | 50.05.01 | 50.05 Raceway System | \$ 830,779 | \$ 995,421 |
| CN-7 | 50.05.01 | 50.05 Courtesy Phone System | \$ 152,667 | \$ 182,922 |
| CN-8 | 50.05.01 | 50.05 Public Announcement System | \$ 203,556 | \$ 243,897 |
| CN-9 | 50.05.01 | 50.05 UPS System | \$ 183,201 | \$ 219,507 |
| CN-10 | 50.05.01 | 50.05 Fiber Optics Cable System | \$ 254,445 | \$ 304,871 |
| CN-11 | 50.05.01 | 50.05 Furnish and install client node networking equipment | \$ 254,445 | \$ 304,871 |
| CN-12 | 50.05.01 | 50.05 Operations & Maintenance Manual (O&M) | \$ 30,533 | \$ 36,584 |
| CN-13 | 50.05.01 | 50.05 Systems Training | \$ 25,445 | \$ 30,487 |
| | 50.05.01 | 50.05 Provide metered PG&E electrical service point | | \$ - |
| | 50.05.01 | 50.05 Furnish and install CCTV system (5 fixed dome per platform) | | \$ - |
| | 50.05.01 | 50.05 Furnish and install electrical sub panels | | \$ - |
| | 50.05.01 | 50.05 Furnish and install local DVR (16 channels) | | \$ - |
| | 50.05.01 | 50.05 Furnish and install 46" Displays w/ weatherized and vandal-proof enclosures (include controller) | | \$ - |
| | 50.05.01 | 50.05 Furnish and install backup wireless node | | \$ - |
| | 50.05.01 | 50.05 Integration work for new systems at OCC & TMC | | \$ - |
| | 50.05.01 | 50.05 Fiber work associated with FO cabling installation (Testing, Splicing, and Patching) | | \$ - |
| | 50.05.01 | 50.05 Procure phone service by AT&T | | \$ - |
| | 50.05.01 | 50.05 GE RXI Programmable Logic Controller | | \$ - |
| | 50.05.01 | 50.05 Furnish and install new I/O cards at Van Ness station equipment room | | \$ - |
| | 50.05.01 | 50.05 Spare Parts (5% of Material Only) | | \$ - |
| | 50.05.01 | 50.05 Allowance for differing station electrical work | | \$ - |
| | 50.05.01 | 50.05 Allowance for differing communication work | | \$ - |
| | 50.05.01 | 50.05 Allowance for special inspection and testing | | \$ - |
| TRAFFIC | | | | \$ 19,227,031 |
| TR-1 | 40.08.02 | 40.08 Traffic Routing | \$ 12,921,822 | \$ 15,482,647 |
| TR-2 | 40.08.02 | 40.08 Removal of Existing and Installation of Temporary Pavement Striping, Messages, and Pa | \$ 3,003,486 | \$ 3,598,712 |
| TR-3 | 40.08.02 | 40.08 Temporary Pavement Marking, Delineation Tape, and Overlay Marking After Final Pavin | \$ 121,578 | \$ 145,672 |
| T-x | 50.02.04 | 50.02 Qwick Kurb | | \$ - |
| T-x | 40.08.03 | 40.08 Temporary traffic striping Tape | | \$ - |
| T-x | 40.08.03 | 40.08 F&I Changeable Message Signs | | \$ - |
| OVERHEAD (PARALLEL PROJECT) | | | | \$ 23,594,294 |
| OV-01 | 50.04.01 | 50.04 Overhead Special Work at South Van Ness Ave and Mission Street | \$ 1,771,927 | \$ 2,123,085 |
| OV-02 | 50.04.01 | 50.04 Overhead Special Work at South Van Ness Ave and Market Street | \$ 415,659 | \$ 498,033 |
| OV-03 | 50.04.01 | 50.04 Overhead Special Work at Van Ness Ave and Hayes Street | \$ 757,946 | \$ 908,155 |
| OV-04 | 50.04.01 | 50.04 Overhead Special Work at Van Ness Ave and Grove Street | \$ 398,782 | \$ 477,811 |

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| Bid Item | SCC Code | SCC C | Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
|---|----------|-----------------|--|-----------------------|---------------------|
| OV-05 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and McAllister Street | \$ 445,213 | \$ 533,445 |
| OV-06 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Eddy Street | \$ 160,428 | \$ 192,222 |
| OV-07 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Post Street | \$ 664,095 | \$ 795,705 |
| OV-08 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Sutter Street | \$ 475,401 | \$ 569,616 |
| OV-09 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Sacramento Street | \$ 812,817 | \$ 973,900 |
| OV-10 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Clay Street | \$ 800,812 | \$ 959,515 |
| OV-11 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Union Street | \$ 1,329,179 | \$ 1,592,594 |
| OV-12 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Filbert Street | \$ 116,125 | \$ 139,138 |
| OV-13 | 50.04.01 | 50.04 | Overhead Special Work at Van Ness Ave and Chestnut Street | \$ 145,212 | \$ 173,990 |
| OV-14 | 50.04.03 | 50.04 | Provide 2/0 Trolleywire | \$ 1,653,480 | \$ 1,981,164 |
| OV-15 | 50.04.03 | 50.04 | Provide 4/0 Trolleywire | \$ 67,752 | \$ 81,179 |
| OV-16 | 50.04.03 | 50.04 | Provide Tangent or Inverted Span | \$ 257,383 | \$ 308,391 |
| OV-17 | 50.04.04 | 50.04 | Provide Equalizer Span | \$ 945,820 | \$ 1,133,262 |
| OV-18 | 50.04.03 | 50.04 | Provide Feed Span | \$ 755,480 | \$ 905,200 |
| OV-19 | 50.04.03 | 50.04 | Provide Pull-Off | \$ 64,880 | \$ 77,738 |
| OV-20 | 50.04.03 | 50.04 | Provide Standard 765N Trolley Pole | \$ 15,612 | \$ 18,706 |
| OV-21 | 50.04.03 | 50.04 | Provide Standard 770 Trolley Pole | \$ 481,122 | \$ 576,470 |
| OV-22 | 50.04.04 | 50.04 | Provide Van Ness Style 765N Trolley Pole | \$ 812,040 | \$ 972,969 |
| OV-23 | 50.04.04 | 50.04 | Provide Van Ness Style 767 Trolley Pole | \$ 111,429 | \$ 133,511 |
| OV-24 | 50.04.04 | 50.04 | Provide Van Ness Style 770 Trolley Pole | \$ 2,016,938 | \$ 2,416,652 |
| OV-25 | 50.04.04 | 50.04 | Provide Pole Foundation for 765N (81.5 kip-ft) | \$ 663,265 | \$ 794,710 |
| OV-26 | 50.04.04 | 50.04 | Provide Pole Foundation for 767 (126.6 kip-ft) | \$ 95,510 | \$ 114,438 |
| OV-27 | 50.04.04 | 50.04 | Provide Pole Foundation for 770 (183 kip-ft) | \$ 1,601,836 | \$ 1,919,285 |
| OV-28 | 50.04.04 | 50.04 | Prospect Hole for Depth up to 3 ft | \$ | \$ - |
| OV-29 | 50.04.04 | 50.04 | Prospect Hole for Depth Greater than 3 ft | \$ | \$ - |
| OV-30 | 50.04.04 | 50.04 | Remove Existing Trolley/Streetlight Pole and Foundation 3 ft below grade | \$ 431,122 | \$ 516,561 |
| OV-31 | 50.04.04 | 50.04 | Remove Existing Trolley/Streetlight Pole and Foundation Entirely | \$ 69,796 | \$ 83,628 |
| OV-32 | 50.04.04 | 50.04 | Paint Anti-Graffiti Coating on existing steel trolley pole | \$ 34,286 | \$ 41,080 |
| OV-33 | 50.04.01 | 50.04 | OCS Spare Parts | \$ 1,069,436 | \$ 1,281,375 |
| OV-34 | 50.04.01 | 50.04 | Special Pole Foundations | \$ 251,020 | \$ 300,767 |
| OV-x | 50.04.01 | 50.04 | Allowance for Unforeseen OCS Work | \$ | \$ - |
| TRAFFIC SIGNALS (Sfgo - PARALLEL PROJECT) | | | | \$ | \$ 9,370,408 |
| ET-1 | | (3S12") | 3-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, and Green | \$ 354,865 | \$ 425,192 |
| ET-2 | | (3S12" GUA) | 3-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, and Green | \$ 56,709 | \$ 67,937 |
| ET-3 | | (4S12" GLA) | 4-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, Green, and Blue | \$ 2,470 | \$ 2,959 |
| ET-4 | | (3S12" LA) | 3-Section, 12-inch Vehicle Signal Face with Type 1 LED Red Left Arrow, Yellow, and Green | \$ 12,709 | \$ 15,227 |
| ET-5 | | (3S12" FY) | 3-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, and Flashing Yellow | \$ 1,955 | \$ 2,343 |
| ET-6 | | (3S12" LAV) | 3-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, and Green | \$ 1,955 | \$ 2,343 |
| ET-7 | | (3S12" RAV) | 3-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, and Green | \$ 978 | \$ 1,171 |
| ET-8 | | (4S12" GLA-LAV) | 4-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, Green, and Blue | \$ 1,235 | \$ 1,480 |
| ET-9 | | (4S12" GRA) | 4-Section, 12-inch Vehicle Signal Face with Type 1 LED Red, Yellow, Green, and Blue | \$ 3,705 | \$ 4,439 |
| ET-10 | | (2S12" RB) | 2-Section, 12-inch Transit Signal Face with Type 1 LED (White Horizontal Bar) | \$ 2,470 | \$ 2,959 |
| ET-11 | | (2S12" VB) | 2-Section, 12-inch Transit Signal Face with Type 1 LED (White Horizontal Bar) | \$ 2,470 | \$ 2,959 |
| ET-12 | | (3S12" LB) | 3-Section, 12-inch Transit Signal Face with Type 1 LED (White Horizontal Bar) | \$ 27,156 | \$ 32,550 |
| ET-13 | | (3S12" RB) | 3-Section, 12-inch Transit Signal Face with Type 1 LED (White Horizontal Bar) | \$ 12,348 | \$ 14,796 |
| ET-14 | | (3S12" LRB) | 3-Section, 12-inch Transit Signal Face with Type 1 LED (White Horizontal Bar) | \$ 2,470 | \$ 2,959 |
| ET-15 | | | Signal Back Plate (2-Section Head) | \$ 329 | \$ 395 |

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| Bid Item | SCC Code | SCC Description | Walsh GMP 2016-05-10 | |
|----------|----------|--|-----------------------|---------------------|
| | | | Walsh Est GMP (\$/OE) | Walsh w/distrib fee |
| ET-16 | | Signal Back Plate (3-Section Head) | \$ 43,805 | \$ 52,486 |
| ET-17 | | Signal Back Plate (4-Section Head) | \$ 617 | \$ 740 |
| ET-18 | | (TV-1-T) One Way Top Mounted Vehicle Signal Mounting with Terminal Compartment | \$ 47,541 | \$ 56,963 |
| ET-19 | | (TV-2-T) Two Way Top Mounted Vehicle Signal Mounting with Terminal Compartment | \$ 18,729 | \$ 22,440 |
| ET-20 | | (TV-2-T-SFA) Two Way Top Mounted Vehicle Signal Mounting with San Francisco Stand | \$ 2,161 | \$ 2,589 |
| ET-21 | | (SV-1-T) One Way Side Mounted Vehicle Signal Mounting with Terminal Compartment | \$ 121,838 | \$ 145,984 |
| ET-22 | | (SV-2-TA) Two Way Side Mounted Vehicle Signal Mounting with Terminal Compartment | \$ 15,744 | \$ 18,865 |
| ET-23 | | (SV-2-TC) Two Way Side Mounted Vehicle Signal Mounting with Terminal Compartment | \$ 926 | \$ 1,110 |
| ET-24 | | (SV-3-TA) Three Way Side Mounted Vehicle Signal Mounting with Terminal Compartment | \$ 1,132 | \$ 1,356 |
| ET-25 | | (1S-COUNT Housing) One Section LED Pedestrian Countdown Signal Housing | \$ 66,888 | \$ 80,143 |
| ET-26 | | Labor Only to Install City Furnished (1S-COUNT Module) One Section LED Pedestrian Co | \$ 40,134 | \$ 48,087 |
| ET-27 | | (SP-1) One Way Side Mounted Pedestrian Signal Mounting | \$ 105,580 | \$ 126,504 |
| ET-27a | | (SP-1 (22")) One Way Side Mounted Pedestrian Signal Mounting with 22-inch Nipples, S | \$ 1,389 | \$ 1,665 |
| ET-27b | | (SP-1-T) One Way Side Mounted Pedestrian Signal Mounting with Terminal Compartment | \$ 1,235 | \$ 1,480 |
| ET-28 | | (SP-2-T) Two Way Side Mounted Pedestrian Signal Mounting with Terminal Compartment | \$ 823 | \$ 986 |
| ET-29 | | (SP-1-SF) One Way Side Mounted Pedestrian Signal Mounting with 12-inch Nipples, San | \$ 1,466 | \$ 1,757 |
| ET-30 | | (TP-1) One Way Top Mounted Pedestrian Signal Mounting | \$ 7,203 | \$ 8,631 |
| ET-31 | | (TP-2-T) Two Way Top Mounted Pedestrian Signal Mounting | \$ 566 | \$ 678 |
| ET-32 | | Type 1-A Pole (5') with Concrete Foundation | \$ 3,705 | \$ 4,439 |
| ET-33 | | Type 1-A Pole (7') with Concrete Foundation | \$ 24,080 | \$ 28,852 |
| ET-34 | | Type 1-A Pole (10') with Concrete Foundation | \$ 192,636 | \$ 230,812 |
| ET-34a | | Type 1-A Pole (10') with Special Foundation | \$ 5,660 | \$ 6,781 |
| ET-35 | | Type 1-A Pole (13') with Concrete Foundation | \$ 3,602 | \$ 4,315 |
| ET-36 | | Pedestrian Push Button Pole with Concrete Foundation | \$ 35,502 | \$ 42,538 |
| ET-37 | | Transit Signal Push Button Assembly | \$ 9,261 | \$ 11,097 |
| ET-38 | | Transit Signal Push Button Pole (6.5') with Concrete Foundation | \$ 21,610 | \$ 25,892 |
| ET-39 | | Bollard with Concrete Foundation | \$ 2,676 | \$ 3,206 |
| ET-40 | | Existing OCS Pole Modification At Market and Van Ness with 5' Horizontal Signal Mast A | \$ 36,016 | \$ 43,154 |
| ET-41 | | Existing OCS Pole Modification At Market and Van Ness with 10' Horizontal Signal Mast | \$ 36,016 | \$ 43,154 |
| ET-42 | | Existing OCS Pole Modification At Market and Van Ness with 15' Horizontal Signal Mast | \$ 36,016 | \$ 43,154 |
| ET-43 | | Existing OCS Pole Modification At Market and Van Ness with 20' Horizontal Signal Mast | \$ 36,016 | \$ 43,154 |
| ET-44 | | Van Ness Special 10' Horizontal Signal Mast Arm with MAS Signal Mounting (to be moun | \$ 6,689 | \$ 8,014 |
| ET-45 | | Van Ness Special 15' Horizontal Signal Mast Arm with MAS Signal Mounting (to be moun | \$ 3,396 | \$ 4,069 |
| ET-46 | | Van Ness Special 20' Horizontal Signal Mast Arm with MAS Signal Mounting (to be moun | \$ 11,791 | \$ 14,056 |
| ET-47 | | Van Ness Special 25' Horizontal Signal Mast Arm with MAS Signal Mounting (to be moun | \$ 17,699 | \$ 21,207 |
| ET-48 | | Van Ness Special 30' Horizontal Signal Mast Arm with MAS Signal Mounting (to be moun | \$ 67,916 | \$ 81,376 |
| ET-49 | | Van Ness Special 35' Horizontal Signal Mast Arm with MAS Signal Mounting (to be moun | \$ 25,726 | \$ 30,824 |
| ET-50 | | Van Ness Special (16-3-100) Mast Arm Pole with 20' Horizontal Mast Arm, MAS Mounti | \$ 13,377 | \$ 16,029 |
| ET-51 | | Van Ness Special (18-3-100) Mast Arm Pole with 25' Horizontal Mast Arm, MAS Mounti | \$ 59,684 | \$ 71,512 |
| ET-52 | | Van Ness Special (18-3-100) Mast Arm Pole with 30' Horizontal Mast Arm, MAS Mounti | \$ 268,578 | \$ 321,805 |
| ET-53 | | Van Ness Special (19-3-100) Mast Arm Pole with 30' Horizontal Mast Arm, MAS Mounti | \$ 15,641 | \$ 18,741 |
| ET-54 | | Van Ness Special (23-3-100) Mast Arm Pole with 35' Horizontal Mast Arm, MAS Mounti | \$ 169,791 | \$ 203,440 |
| ET-55 | | Van Ness Special (24-3-100) Mast Arm Pole with 35' Horizontal Mast Arm, MAS Mounti | \$ 17,494 | \$ 20,960 |
| ET-56 | | Van Ness Special (27-3-100) Mast Arm Pole with 40' Horizontal Mast Arm, MAS Mounti | \$ 20,581 | \$ 24,659 |
| ET-57 | | Van Ness Special Mast Arm Pole with 35' Horizontal Mast Arm, MAS Mounting, and Con | \$ 22,124 | \$ 26,509 |
| ET-58 | | Van Ness Special Mast Arm Pole with 40' Horizontal Mast Arm, MAS Mounting, and Con | \$ 22,124 | \$ 26,509 |
| ET-59 | | Type 16-1-100 Pole with 8' Signal Mast Arm, MAS mounting, and Concrete Foundation | \$ 10,290 | \$ 12,330 |

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Walsh GMP 2016-05-10

| Bid Item | SCC Code | SCC Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
|--------------------------|----------|--|-----------------------|---------------------|
| ET-60 | | Type 16-1-100 Pole with 10' Signal Mast Arm, MAS mounting, and Concrete Foundation | \$ 10,290 | \$ 12,330 |
| ET-61 | | Type 16-2-100 Pole with 20' Signal Mast Arm, MAS mounting, and Concrete Foundation | \$ 49,394 | \$ 59,182 |
| ET-62 | | Type 17-2-100 Pole with 10' Signal Mast Arm, MAS mounting, 6' Luminaire Arm, LED L | \$ 12,863 | \$ 15,412 |
| ET-63 | | Type 17-2-100 Pole with 20' Signal Mast Arm, MAS mounting, 6' Luminaire Arm, LED L | \$ 80,265 | \$ 96,172 |
| ET-64 | | Type 18-2-100 Pole with 25' Signal Mast Arm, MAS mounting, and Concrete Foundation | \$ 108,049 | \$ 129,462 |
| ET-65 | | Type 18-3-100 Pole with 25' Signal Mast Arm, MAS mounting, and Concrete Foundation | \$ 16,979 | \$ 20,344 |
| ET-66 | | Type 19-1-100 Pole with 10' Signal Mast Arm, MAS mounting, 6' Luminaire Arm, and Co | \$ - | \$ - |
| ET-67 | | Type 19-2-100 Pole with 25' Signal Mast Arm, MAS mounting, 6' Luminaire Arm, and Co | \$ 47,850 | \$ 57,333 |
| ET-68 | | Type 19-2-100 Pole with 30' Signal Mast Arm, MAS mounting, 6' Luminaire Arm, and Co | \$ 16,465 | \$ 19,728 |
| ET-69 | | Pull Box Caltrans Type 6 (Fiberlyte) | \$ 226,388 | \$ 271,254 |
| ET-69A | | Pull Box Type I | \$ - | \$ - |
| ET-70 | | Pull Box Caltrans Type 6, Traffic Rated (Bolt-Down Metal Cover) | \$ 4,939 | \$ 5,918 |
| ET-71 | | Interconnect Pullbox Type 48X | \$ 61,125 | \$ 73,239 |
| ET-72 | | Interconnect Pullbox Type 36X | \$ 3,087 | \$ 3,699 |
| ET-73 | | 1 - 1" GRS Conduit (Underground) | \$ 27,177 | \$ 32,563 |
| ET-74 | | 1 - 1" PVC Schedule 80 Conduit (Underground) | \$ 48,391 | \$ 57,981 |
| ET-75 | | 1 - 2" PVC Schedule 80 Conduit (Underground) | \$ 500,824 | \$ 600,077 |
| ET-76 | | 1 - 1.5" GRS Conduit (External on Pole) including Condulet, Connectors, and Straps | \$ 4,301 | \$ 5,154 |
| ET-77 | | 1 - 3" PVC Schedule 80 Conduit (Underground) | \$ 183,691 | \$ 220,095 |
| ET-78 | | 1 - 3" & 1 - 2" PVC Schedule 80 Conduit (Underground) in Same Trench | \$ 127,479 | \$ 152,743 |
| ET-79 | | 2 - 2" PVC Schedule 80 Conduit (Underground) in Same Trench | \$ 140,286 | \$ 168,087 |
| ET-80 | | 2-2" HDPE Conduit (Underground) in Same Trench | \$ 80,945 | \$ 96,987 |
| ET-81 | | 3-2" PVC Schedule 80 Conduit (Underground) in Same Trench | \$ 390,453 | \$ 467,833 |
| ET-82 | | 4-2" PVC Schedule 80 Conduit (Underground) in Same Trench | \$ 396,710 | \$ 475,329 |
| ET-83 | | 4-2" HDPE Conduit (Underground) in Same Trench | \$ 888,778 | \$ 1,064,915 |
| ET-84 | | 4-2" GRS Conduit (Underground) in Same Trench | \$ 39,788 | \$ 47,674 |
| ET-85 | | Battery Back-Up System | \$ 78,207 | \$ 93,706 |
| ET-86 | | Construct Caltrans 332 Foundation for ITS Traffic Signal Cabinet (fits ITS Model 342 Cabi | \$ 54,333 | \$ 65,101 |
| ET-87 | | Labor Only To Install City Furnished ITS Model 342 Cabinet For Type 2070 Intersection C | \$ 30,562 | \$ 36,619 |
| ET-88 | | Extinguishable Message Sign (36"X36") - No Right Turn (Symbol) | \$ 23,452 | \$ 28,112 |
| ET-89 | | Variable Message Sign (VMS) System - Daktronics VF2420-36x90-34-RGB, 120V | \$ 185,227 | \$ 221,934 |
| ET-90 | | Variable Message Sign (VMS) Pole with New Concrete Foundation | \$ 41,161 | \$ 49,319 |
| ET-91 | | NEMA 4X Pad-Lockable 60A Non-Fuse Disconnect Switch | \$ 3,087 | \$ 3,699 |
| ET-92 | | All wiring including all miscellaneous electrical work including work to furnish and instal | \$ 1,481,812 | \$ 1,775,475 |
| ET-93 | | Remove and Salvage as City Property Certain Existing Signal Poles, Vehicle Signals & Mo | \$ 118,853 | \$ 142,407 |
| ET-94 | | Remove as Contractor's Property Certain Existing Pole and Controller Concrete Foundat | \$ 164,646 | \$ 197,275 |
| ET-95 | | Labor to Install City Furnished Traffic Cameras | \$ 15,436 | \$ 18,495 |
| ET-x | | Tescoflex 26-000 Meter Pedestal | \$ - | \$ - |
| ET-x | | Tescoflex 26-000 Meter Pedestal Foundation | \$ - | \$ - |
| ET-x | | All wiring work, all miscellaneous electrical work including work to furnish and install conduit ground rods, fuses, p | \$ - | \$ - |
| ET-x | | All wiring work, all miscellaneous electrical work including work to furnish and install conduit ground rods, fuses, p | \$ - | \$ - |
| ET-x | | Allowance for Unforeseen Traffic Signal Work | \$ - | \$ - |
| SEWER (PARALLEL PROJECT) | | | \$ - | \$ 14,538,037 |
| SW-1 | 40.02.12 | 40.02 Trench And Excavation Support Work | \$ 1,264,693 | \$ 1,515,328 |
| SW-2 | 40.02.12 | 40.02 Concrete Manhole For 12-Inch To 24-Inch Diameter Sewers With Frame And Cover | \$ 1,187,712 | \$ 1,423,091 |
| SW-3 | 40.02.12 | 40.02 Concrete Manhole For 27-Inch To 48-Inch Diameter Sewers With Frame And Cover | \$ 98,976 | \$ 118,591 |
| SW-4 | 40.02.12 | 40.02 Concrete Manhole For 51-Inch to 120-Inch Diameter Sewers With Frame And Cover | \$ 71,483 | \$ 85,649 |

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| Bid Item | SCC Code | SCC C Description | Walsh Est GMP (\$VOE) | Walsh w/distrib fee |
|---|----------|--|-----------------------|---------------------|
| SW-5 | 40.02.12 | 40.02 Modified Box Manhole to connect to brick sewer per SFDPW Standard Plan 87,184 | \$ 19,795 | \$ 23,718 |
| SW-6 | 40.02.12 | 40.02 Bulkhead to Connect to 3'x5' Sewer | \$ 131,968 | \$ 158,121 |
| SW-7 | 40.02.12 | 40.02 Precast Manhole on Existing Brick Sewer per SFDPW Standard plan 87,815 | \$ 98,976 | \$ 118,591 |
| SW-8 | 40.02.12 | 40.02 10-Inch Diameter VCP Culvert | \$ 654,156 | \$ 783,796 |
| SW-9 | 40.02.12 | 40.02 12-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ 3,102,558 | \$ 3,717,418 |
| SW-10 | 40.02.12 | 40.02 14-Inch Diameter HDPE Sewer in Steel Casing | \$ 152,906 | \$ 183,209 |
| SW-11 | 40.02.12 | 40.02 15-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ 813,884 | \$ 975,178 |
| SW-12 | 40.02.12 | 40.02 16-Inch Diameter HDPE Sewer in Steel Casing | \$ 57,076 | \$ 68,387 |
| SW-13 | 40.02.12 | 40.02 18-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ 976,054 | \$ 1,169,487 |
| SW-14 | 40.02.12 | 40.02 18-Inch Diameter HDPE Sewer in Steel Casing | \$ 46,189 | \$ 55,343 |
| SW-15 | 40.02.12 | 40.02 21-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ 159,240 | \$ 190,798 |
| SW-16 | 40.02.12 | 40.02 24-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ 400,740 | \$ 480,158 |
| SW-17 | 40.02.12 | 40.02 27-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ 61,036 | \$ 73,131 |
| SW-18 | 40.02.12 | 40.02 NOT USED | \$ | \$ |
| SW-19 | 40.02.12 | 40.02 NOT USED | \$ | \$ |
| SW-20 | 40.02.12 | 40.02 36-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ 61,695 | \$ 73,921 |
| SW-21 | 40.02.12 | 40.02 48-Inch Diameter RCP Sewer On Crushed Rock Bedding | \$ 253,572 | \$ 303,825 |
| SW-22 | 40.02.12 | 40.02 54-Inch Diameter RCP Sewer On Crushed Rock Bedding | \$ 81,820 | \$ 98,035 |
| SW-23 | 40.02.12 | 40.02 6-Inch Or 8-Inch Diameter Side Sewer Connection | \$ 224,621 | \$ 269,136 |
| SW-24 | 40.02.12 | 40.02 6-Inch Or 8-Inch Diameter Side Sewer Repair, Replacement Or Construction | \$ 726,826 | \$ 870,868 |
| SW-25 | 40.02.12 | 40.02 Side Sewer Air Vent & Trap | \$ 84,349 | \$ 101,066 |
| SW-26 | 40.02.12 | 40.02 4-Inch Diameter CIP Side Sewer | \$ 43,472 | \$ 52,088 |
| SW-27 | 40.02.02 | 40.02 15-foot Long Trench Drain System | \$ 79,478 | \$ 95,229 |
| SW-28 | 40.02.12 | 40.02 6-Inch Diameter HDPE Culvert for Trench Drain | \$ 112,202 | \$ 134,437 |
| SW-29 | 40.02.12 | 40.02 Concrete Encasement Type II Per SFDPW Standard Plan 87,195 | \$ 117,671 | \$ 140,991 |
| SW-30 | 40.02.12 | 40.02 Concrete Catch Basin Without Curb Inlet And With New Frame And Grating Per SFDPW | \$ 448,591 | \$ 537,612 |
| SW-31 | 40.02.12 | 40.02 Television Inspection Of Existing 6-Inch Or 8-Inch Diameter Side Sewers and 10-Inch Dia. | \$ 2,842 | \$ 3,405 |
| SW-32 | 40.02.12 | 40.02 Post-Construction Television Inspection Of Newly Constructed And Rehabilitated Main S | \$ 202,351 | \$ 242,452 |
| SW-33 | 40.02.12 | 40.02 Post-Construction Television Inspection Of Newly Constructed Side Sewers & Culverts (C | \$ 30,060 | \$ 36,018 |
| SW-34 | 40.02.12 | 40.02 NOT USED | \$ | \$ |
| SW-35 | 40.02.12 | 40.02 Cast Iron Water Trap For Catch Basin Including Cleanout Cap | \$ 24,634 | \$ 29,516 |
| SW-36 | 40.02.12 | 40.02 Plug and Fill Existing Sewer With Slurry Grout As Indicated On Contract Plans | \$ 341,723 | \$ 409,445 |
| SW-x | 40.02.12 | 40.02 Mobilization/De-mobilization for Sewer Work | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Traffic Routing For Sewer Work | \$ | \$ |
| SW-x | 40.02.12 | 40.02 33-Inch Diameter VCP Sewer On Crushed Rock Bedding | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Mortar (E) 3'x5' Brick Sewer | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Mortar (E) Brick Manhole | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Exploratory Potholes | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Reconstruct Pavement Outside Of Sewer T-Trench Limit With 8-Inch Thick Concrete Base Per Excavation Regulation | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Allowance for Unforeseen Sewer Work | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Contingency Allowance For The Handling, Transportation And Disposal Of Hazardous Excavated Materials And Cont | \$ | \$ |
| SW-x | 40.02.12 | 40.02 Concrete Catch Basin Without Curb Inlet And With New Frame And Grating | \$ | \$ |
| SFPUC WATER MAIN REPLACEMENT (PARALLEL PROJECT) | | | \$ | \$ 6,695,949 |
| WD-x | | Pavement Restoration | \$ | \$ |
| WD-x | | Asphalt Concrete Milling | \$ | \$ |
| WD-x | | Asphalt Concrete Filling | \$ | \$ |
| WD-x | | Installation of Screw Taps. (80-1-Inch; 19-2-Inch) | \$ | \$ |

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Walsh GMP 2016-05-10

| Bid Item | SCC Code | SCC C Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
|---|----------|---|-----------------------|---------------------|
| WD-x | | Installation of Service Pipe (720'-1-Inch; 50'-2-Inch) | \$ | - |
| WD-1 | | Excavation and Backfill for 4-, 6- and 8-Inch Pipe Trench: 18-Inch wide by 36-Inch c | \$ 2,135,694 | \$ 2,558,942 |
| WD-2 | | Excavation and Backfill for 12-Inch Pipe Trench: 24-Inch Wide by 44-Inch Deep | \$ 140,995 | \$ 168,938 |
| WD-3 | | Excavate and Backfill for 16-Inch Pipe Trench: 30-Inch Wide by 48-Inch Deep | \$ 30,553 | \$ 36,608 |
| WD-4 | | Additional Excavation and Backfill | \$ | - |
| WD-5 | | Removal and Installation of Meter Box | \$ 9,022 | \$ 10,810 |
| WD-6 | | Installation of 4-, 6- and 8-Inch Ductile Iron Pipe with Polyethylene Encasement | \$ 2,009,958 | \$ 2,408,288 |
| WD-7 | | Installation of 12-Inch Ductile Iron Pipe with Polyethylene Encasement | \$ 91,643 | \$ 109,805 |
| WD-8 | | Installation of 16-Inch Ductile Iron Pipe with Polyethylene Encasement | \$ 22,915 | \$ 27,456 |
| WD-9 | | Installation of Ductile Iron Pipe Fittings with Polyethylene Encasement | \$ 128,612 | \$ 154,101 |
| WD-10 | | Installation of Ductile Iron TR Flex Joint Fittings With Polyethylene Encasement | \$ 22,617 | \$ 27,100 |
| WD-11 | | Trench Shoring and Bracing per all Applicable Safety Orders (NOT USED) | \$ | - |
| WD-12 | | Installation of Screw Taps and Service Saddles | \$ 116,572 | \$ 139,674 |
| WD-13 | | Support Work for Renewal of 1-Inch Plastic Service Pipe - Trenchless Installation | \$ 95,918 | \$ 114,927 |
| WD-14 | | Support Work for Installation of Service Pipe - Open Cut | \$ 222,960 | \$ 267,146 |
| WD-15 | | Removal of SFWD Owned Valve Boxes and Covers | \$ 3,653 | \$ 4,377 |
| WD-16 | | Repair and Replacement of Side Sewers for Water Work (NOT USED) | \$ | - |
| WD-17 | | Pipe Abandonment | \$ 51,476 | \$ 61,677 |
| WD-18 | | Purchase, Install, Excavate and Backfill 24-Inch Ductile Iron Pipe with Polyethylene Enca | \$ 459,578 | \$ 550,656 |
| WD-19 | | Special Joint Wrap | \$ 46,274 | \$ 55,445 |
| GREEN INFRASTRUCTURE (PARALLEL PROJECT) | | | \$ | 566,443 |
| GI-x | | Sidewalk Bioretention | \$ | - |
| GI-x | | Bulbout Bioretention | \$ | - |
| GI-x | | Sidewalk Permeable Pavement | \$ | - |
| GI-x | | Parking Lane Permeable Pavement | \$ | - |
| GI-x | | Inflow Features | \$ | - |
| GI-x | | Outlet Features | \$ | - |
| GI-x | | Allowance for Unforeseen Green Infrastructure work | \$ | - |
| GI-1 | | Demolition for Bioretention: Removal & Disposal of (E) Pavement + Base | \$ 34,639 | \$ 41,503 |
| GI-2 | | Excavation for Bioretention (Includes off haul & disposal of excavated material) | \$ 26,073 | \$ 31,241 |
| GI-3 | | Bioretention Basin Curb (9" Precast Curbs) | \$ 124,200 | \$ 148,814 |
| GI-4 | | Bioretention Basin Walls (9" Wide, up to 50" Deep) | \$ 21,395 | \$ 25,635 |
| GI-5 | | DRI Infiltration Testing Following Excavation | \$ 1,975 | \$ 2,366 |
| GI-6 | | Replace Sidewalk at Bioretention Units | \$ 30,454 | \$ 36,490 |
| GI-7 | | Sidewalk Bioretention Inlets/Outlets - Curb Cuts | \$ 5,001 | \$ 5,993 |
| GI-8 | | Bioretention Catch Basin to Reduce Drainage Management Area | \$ 5,482 | \$ 6,569 |
| GI-9 | | Decorative Bioretention Fabricated Metal Fence | \$ 148,195 | \$ 177,565 |
| GI-10 | | Bioretention ASTM NO. 7 Aggregate Layer - 9-Inch Depth | \$ 11,439 | \$ 13,706 |
| GI-11 | | Bioretention ASTM No. 9 Chockong Course Layer - 3-Inch Depth | \$ 4,328 | \$ 5,186 |
| GI-12 | | Bioretention Soil Filter Mix 18" Depth | \$ 10,773 | \$ 12,908 |
| GI-13 | | Planting - 1 Gallon Plants - Bioretention | \$ 5,130 | \$ 6,146 |
| GI-14 | | Planting - 5 Gallon Plants - Bioretention | \$ 7,079 | \$ 8,482 |
| GI-15 | | Organic Mulch - Bioretention (3" average thickness) | \$ 6,172 | \$ 7,395 |
| GI-16 | | Irrigation Tie To Water Supply System | \$ 13,252 | \$ 15,878 |
| GI-17 | | Irrigation | \$ 920 | \$ 1,103 |
| GI-18 | | Inlet Protection | \$ 2,992 | \$ 3,585 |
| GI-19 | | 6-Month Bioretention Unit Operation and Maintenance Period | \$ 13,252 | \$ 15,878 |

160 BCS

16034

Walsh GMP 2016-05-10

| Bid Item | SCC Code | SCC Description | Walsh Est GMP (\$YOE) | Walsh w/distrib fee |
|---|----------|---|-----------------------|---------------------|
| AWSS | | | | \$ 3,611,504 |
| MA-1 | 40.02.04 | 40.02 AWSS Work Location No. 1 (To be deleted) | \$ 187,878 | \$ 225,111 |
| MA-2 | 40.02.04 | 40.02 AWSS Work Location No. 2 | \$ 516,084 | \$ 618,361 |
| MA-3 | 40.02.04 | 40.02 AWSS Work Location No. 3 | \$ 59,147 | \$ 70,868 |
| MA-4 | 40.02.04 | 40.02 AWSS Work Location No. 4 (To be deleted) | \$ 54,508 | \$ 65,310 |
| MA-5 | 40.02.04 | 40.02 AWSS Work Location No. 5 | \$ 699,323 | \$ 837,913 |
| MA-6 | 40.02.04 | 40.02 AWSS Work Location No. 6 | \$ 169,322 | \$ 202,878 |
| MA-7 | 40.02.04 | 40.02 AWSS Work Location No. 7 (To be deleted) | \$ 147,287 | \$ 176,476 |
| MA-8 | 40.02.04 | 40.02 AWSS Work Location No. 8 | \$ 128,731 | \$ 154,243 |
| MA-9 | 40.02.04 | 40.02 AWSS Work Location No. 9 | \$ 408,228 | \$ 489,130 |
| MA-10 | 40.02.04 | 40.02 AWSS Work Location No. 10 (To be deleted) | \$ 218,031 | \$ 261,240 |
| MA-11 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location A | \$ 9,278 | \$ 11,117 |
| MA-12 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location B | \$ 28,993 | \$ 34,739 |
| MA-13 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location C | \$ 6,958 | \$ 8,337 |
| MA-14 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location D | \$ 13,917 | \$ 16,675 |
| MA-15 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location E | \$ 31,313 | \$ 37,519 |
| MA-16 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location F | \$ 15,077 | \$ 18,064 |
| MA-17 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location G | \$ 6,958 | \$ 8,337 |
| MA-18 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location H | \$ 9,278 | \$ 11,117 |
| MA-19 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location I | \$ 28,993 | \$ 34,739 |
| MA-20 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location J | \$ 16,236 | \$ 19,454 |
| MA-21 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location K | \$ 23,195 | \$ 27,791 |
| MA-22 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location L | \$ 9,278 | \$ 11,117 |
| MA-23 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location M | \$ 22,035 | \$ 26,402 |
| MA-24 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location N | \$ 33,632 | \$ 40,298 |
| MA-25 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location O | \$ 15,077 | \$ 18,064 |
| MA-26 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location P | \$ 18,556 | \$ 22,233 |
| MA-27 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location Q | \$ 13,917 | \$ 16,675 |
| MA-28 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location R | \$ 19,716 | \$ 23,623 |
| MA-29 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location S | \$ 8,118 | \$ 9,727 |
| MA-30 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location T | \$ 15,077 | \$ 18,064 |
| MA-31 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location U | \$ 22,035 | \$ 26,402 |
| MA-32 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location V | \$ 25,514 | \$ 30,571 |
| MA-33 | 40.02.04 | 40.02 AWSS Settlement Monitoring Location W | \$ 32,473 | \$ 38,908 |
| AW-x | 40.02.04 | 40.02 Adjust High Pressure Fire Hydrant Valve | | \$ - |
| OPTION BID ITEMS | | | | \$ 30,194 |
| OP-1 | | Bioretention Underdrain System (Bid Option) | \$ 24,000 | \$ 28,756 |
| OP-2 | | Subsurface connection between adjacent bioretention features (Bid Option) | \$ 1,200 | \$ 1,438 |
| DELETABLE BID ITEMS | | | | \$ 2,186,948 |
| DE-1 | 40.06.02 | 40.06 Integral Sidewalk Repaving (Deletable Bid Item) | \$ 1,043,202 | \$ 1,249,942 |
| DE-2 | 40.08.03 | 40.08 Surface Mounted Lane Separator System (Deletable Bid Item) | \$ 782,025 | \$ 937,006 |
| GENERAL CONDITIONS & FEES (TO BE DISTRIBUTED TO LINE ITEMS) | | | | |
| | | Walsh Total General Conditions | \$ 17,119,469 | |
| | | Walsh Fee @7.093793% | \$ 1,285,600 | |