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December 17, 2015

***Via Hand Delivery and Electronic Mail***

President London Breed  
c/o Ms. Angela Calvillo, Clerk of the Board  
Board of Supervisors of the City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689  
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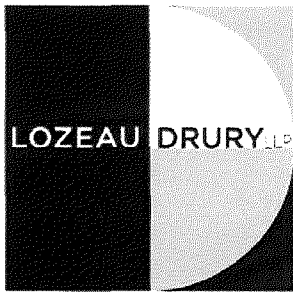
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**Re: Appeal of SFMTA Resolution No. 15-161, CEQA Categorical Exemption Determinations for Commuter Shuttle Permit Program**

Dear President Breed and Honorable Members of the Board of Supervisors:

I am writing on behalf of the Coalition for Fair, Legal and Environmental Transit (“Coalition”), Service Employees International Union Local Union 1021 (“SEIU 1021”), Sue Vaughan, and Robert Planthold (collectively, “Appellants”) concerning the San Francisco Municipal Transportation Agency (“SFMTA”) Commuter Shuttle Permit Program and recent amendments to Transportation Code, Division II, to establish a Commuter Shuttle Permit Program to authorize certain shuttle buses to stop in designated Muni stops and passenger loading zones for the purpose of loading or unloading passengers, and establish permit conditions for such permits (“Shuttle Project”).

The Coalition is a non-profit unincorporated association based in the City and County of San Francisco, and comprised of San Francisco residents who are concerned about the failure of the City to conduct CEQA review for the Shuttle Project to analyze and mitigate impacts including displacement, air pollution, pedestrian and bicycle safety, public transportation impacts and other impacts. SEIU 1021 is a non-profit public and private service employees’ union with over 6,000 members living in the City and County of San Francisco. SEIU is concerned that its members are being forced out of the City in part as a result of commuter shuttles. SEIU 1021 is also concerned that its members are being exposed to air pollution, pedestrian and bicycle safety risks, and other environmental impacts as a result of the Shuttle Project. Ms. Vaughan and Mr. Planthold are San Francisco Resident concerned with the City’s failure to conduct CEQA review and the City’s adoption of a program that conflicts with the California Vehicle Code.



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Determinations for Commuter Shuttle Permit Program**

Dear President Breed and Honorable Members of the Board of Supervisors:

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Appellants live within areas of displacement, traffic, air quality, bicycle and pedestrian safety impacts and other impacts of the Shuttle Project, and regularly use public thoroughfares and public transportation in areas that will be impacted by the Shuttle Project.

**A. Decision Being Appealed (Admin. Code §§ 31.16(a); (b)(1), (e)).**

Pursuant to San Francisco Administrative Code (“Admin. Code”) Section 31.16, Appellants hereby appeal the November 17, 2015 decision of SFMTA Board of Directors approving Resolution No. 15-161 (the “Approval Action”), including but not limited to:

- (1) Approval of amendments to the Transportation Code to authorize a commuter shuttle permit program to allow commuter shuttle service providers to use designated Muni zones and white curb loading zones for passenger loading and unloading;
- (2) Adoption of a Commuter Shuttle Program Policy to govern the SFMTA’s implementation of the commuter shuttle permit program, improving approval of the designated Muni zones and white curb zones;
- (3) Determination that the Shuttle Project is exempt from environmental review pursuant to Title 14 of the California Code of Regulations section 15301 and 15308 as a Class 1 and Class 8 categorical exemption from CEQA; and
- (4) Concurrence with the October 22, 2015 San Francisco Planning Department determination that the Project is exempt from environmental review (“CEQA Concurrence”).

Pursuant to Admin. Code Section 31.16(b)(1), true and correct copies of Resolution No. 15-161 and the related San Francisco Planning Department’s CEQA determination are attached hereto as **Exhibit A**. Pursuant to Admin Code Section 31.16(b)(1), a copy of this Appeal Letter is simultaneously being submitted to the Environmental Review Officer.

**B. Grounds for Appeal (Admin. Code § 31.16(b)(1), (e)).**

Appellants urge the Board of Supervisors to reverse the Approval Action for the Shuttle Project on the grounds that the Project is not exempt from the requirements of the California Environmental Quality Act, Pub. Res. Code §§ 21000, et seq. (“CEQA”). Specifically, the Shuttle Project is not subject to a categorical exemption under 14 Cal. Code Regs. (“CCR”) §§ 15301 or 15308 because the Shuttle Project goes beyond the limited scope of those exemptions. Moreover, even if the exemptions did apply, which they do not, they would be inapplicable in this instance because the Shuttle Project will result in significant environmental impacts due to unusual circumstances. These include impacts on the residents of San Francisco, including Appellants.

In addition, Appellants urge the Board of Supervisors to reverse the Approval Action because the Shuttle Project is preempted by the California Vehicle Code. In direct conflict with section 22500(e) of the California Vehicle Code’s prohibition against private buses stopping in public “red-curb” bus stops, the Shuttle Project expressly *allows* the same action. The California Supreme Court has held that cities (including charter cities) may not enact ordinances that conflict with the State Vehicle Code, because the Vehicle Code expressly preempts local

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regulation. *O'Connell v. City of Stockton* (2007) 41 Cal.4th 1061, 1074. Since the Shuttle Project expressly allows private buses to stop in public bus stops, and since this action is expressly prohibited by State law, the City policy is preempted by state law and is unlawful.

### C. Additional Appeal Procedures.

Appeal of SFMTA's Approval Action to the Board of Supervisors is authorized under CEQA and the Admin. Code. Pub. Res. Code § 21151(c); Admin. Code § 31.16(b), (e). This Appeal is timely because it is being filed within 30 days of November 17, 2015, the date of SFMTA's Approval Action of the Project. See Admin. Code § 31.16(e)(1), (2)(A), (B); see Resolution No. 15-161, p. 3 ("this is the Approval Action as defined by San Francisco Administrative Code Chapter 31").

Appellants expressly reserve the right to submit additional written and oral comments, and additional evidence in support of this Appeal, to the City and County of San Francisco and its departments ("City") and to the Board of Supervisors up to and including the final hearing on this Appeal and any and all subsequent permitting proceedings or approvals undertaken by the City or any other permitting agency for the Project. PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121; Admin Code §§ 31.16(b)(4), (5), (6).

Thank you for consideration of this Appeal. Please place this Appeal Letter in the Administrative Record for the Shuttle Project, and provide Appellants with timely notice of the hearing date set for this Appeal. Admin. Code § 31.16(b)(4).

Sincerely,



Rebecca L. Davis  
Lozeau | Drury LLP

Enclosures

cc. Environmental Review Officer  
(pursuant to SF Administrative Code § 31.16(b)(1))

# EXHIBIT A

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 15-161

WHEREAS, The use of shuttle buses to provide commuter shuttle service for the benefit of employees, students and others is a growing means of sustainable transportation in San Francisco and the greater Bay Area, and has become increasingly common in the past several years; and,

WHEREAS, Commuter shuttles are free under law to drive on most of San Francisco's streets, and the SFMTA cannot ban shuttles from the City; and,

WHEREAS, Shuttle bus service provides alternatives to single-occupant vehicle trips, and is associated with reduced auto ownership and with increased use of transit, walking, and bicycling for non-commute trips; and,

WHEREAS, The increase in shuttle buses on San Francisco's streets has led to an increase in issues related to Muni operations, street safety, and complaints from residents; and,

WHEREAS, As part of an effort to address these issues, in 2014, the SFMTA created a pilot program (the "Pilot") to gather accurate and up-to-date information on commuter shuttle activity and operations and to determine if active regulation of shuttles can reduce traffic conflicts and other issues; and,

WHEREAS, Under the Pilot, the SFMTA created a permit program and established a shuttle zone network of designated Muni zones and white loading zones around the City that would be made available to shuttle service providers participating in the program, based upon input from the service providers, SFMTA transit service planning and engineering staff, and the community; and,

WHEREAS, Over the course of the Pilot, the SFMTA made the substantial changes and updates to the shuttle zone network to respond to issues such as street improvements, Muni service changes, shuttle ridership demand, construction, community concerns, and other operational considerations; and,

WHEREAS, The present Pilot shuttle zone network is the SFMTA's best estimate of an effective shuttle zone network; and,

WHEREAS, The SFMTA undertook an extensive evaluation of the Pilot to determine whether the method of regulation used in the Pilot should be continued beyond the pilot period; and,

WHEREAS, The Pilot Evaluation Report found that: the vast majority of community feedback focused on large shuttles being unwelcome on residential streets; effective and accurate real-time shuttle vehicle data assists the SFMTA in regulating and managing commuter shuttle activity; 47% of shuttle riders said they would drive alone to work if a shuttle were not available; shuttles reduce the amount of vehicle miles traveled on the region's streets by nearly 4.3 million miles each month; an average of 2.7% of shuttle stop-events resulted in blocking Muni access to a zone; shuttles block travel and bike lanes about 35% of the time that they stop to load or unload; and more enforcement staffing at shuttle zones and along shuttle routes would assist in keeping traffic flowing smoothly throughout the shuttle zone network and help speed Muni; and,

WHEREAS, After evaluating the Pilot, SFMTA staff developed a Commuter Shuttle Program Policy to establish an ongoing Commuter Shuttle Program that would continue much of the regulatory approach put in place by the Pilot, with several improvements and enhancements based upon the Pilot Evaluation Report and input from elected officials, community members, the SFMTA's transit and traffic engineering teams, shuttle service providers, employers, and other interested stakeholders; and,

WHEREAS, The proposed Commuter Shuttle Program would require participating shuttle service providers to phase in the use of newer vehicles in order to lower greenhouse gas emissions from the shuttle fleet overall; and,

WHEREAS, The proposed Commuter Shuttle Program would require buses participating in the program that are over 35 feet long to travel on the major and minor arterial street network as defined by the California Department of Transportation; and,

WHEREAS, The proposed Commuter Shuttle Program would allow shuttles that are free and open to the public to use the shuttle zone network without charge as long as those shuttles comply with all other Commuter Shuttle Program requirements; and,

WHEREAS, The proposed Commuter Shuttle Program would require real-time GPS data collection and reporting to help better manage commuter shuttle operations and target enforcement; and,

WHEREAS, The proposed Commuter Shuttle Program would require increased data sharing from participating shuttle service providers, and requires that participating shuttle service providers demonstrate for each vehicle that data feeds are regular and accurate before receiving a permit; and,

WHEREAS, The proposed Commuter Shuttle Program would require participating shuttle service providers to comply with the San Francisco Board of Supervisors' March 2015 Labor Harmony Resolution, including the submission of a Service Disruption Prevention Plan that describes the shuttle service providers' efforts to ensure efficient and consistent service in the event of potential disruptions, including labor disputes; and,

WHEREAS, The permit fee for participation in the proposed Commuter Shuttle Program would be a per-stop fee which will be determined by aggregating the costs to the SFMTA that result from the program and dividing that total cost by the annual number of stop-events that all program participants plan to make; and,

WHEREAS, The Commuter Shuttle Program Policy includes the network of designated Muni zones and passenger loading zones that would be available to participating shuttle service providers; and

WHEREAS, The Commuter Shuttle Program Policy also includes capital improvements at shuttle zones and corridors, with such costs recovered, at least in part, as part of the fee for participation in the program; and,

WHEREAS, The per-stop fee amount for the proposed Commuter Shuttle Program will be calculated once the SFMTA has completed the review and approval process for program participation, and will be brought to the SFMTA Board of Directors at a future date for approval and appropriate amendment of the Transportation Code; and,

WHEREAS, On October 22, 2015, the San Francisco Planning Department determined that the proposed Commuter Shuttle Program and Transportation Code amendments are exempt from environmental review pursuant to Title 14 of the California Code of Regulations Sections 15301 and 15308 as a Class 1 and Class 8 categorical exemption from the California Environmental Quality Act (CEQA), the SFMTA Board of Directors concurs with this determination, the Planning Department's determination is on file with the Secretary to the SFMTA Board of Directors, and this is the Approval Action as defined by San Francisco Administrative Code Chapter 31; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors finds that substantial evidence in the record, as set forth in the California Environmental Quality Act findings in Attachment A to this resolution, supports the determination that the proposed Commuter Shuttle Program and Transportation Code amendments are exempt from environmental review pursuant to Title 14 of the California Code of Regulations section 15301 and 15308 as a Class 1 and Class 8 categorical exemption from CEQA, and incorporates said findings by this reference as though fully set forth herein; and, be it further,

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends the Transportation Code, Division II, to authorize a permit program to allow commuter shuttle service providers to use designated Muni zones and white curb loading zones for passenger loading and unloading; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts the Commuter Shuttle Program Policy to govern the SFMTA's implementation of the Commuter Shuttle Program, including the network of designated Muni zones and passenger loading zones that would be available to participating shuttle service providers.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 17, 2015.



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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency



RESOLUTION #15-161

[Transportation Code – Establishing Permanent Commuter Shuttle Permit Program]

**Resolution amending the Transportation Code, Division II to establish a Commuter Shuttle Permit Program to authorize certain shuttle buses to stop in designated Muni stops and passenger loading zones for the purpose of loading or unloading passengers, and establish permit conditions for such permits.**

NOTE: Additions are single-underline Times New Roman;  
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by revising Section 914, to read as follows:

**Sec. 914. COMMUTER SHUTTLE STOP PERMITS.**

(a) **Definitions.** As used in this Section 914, the following words and phrases shall have the following meanings:

**Designated Stop.** An SFMTA bus stop or a white zone designated by SFMTA as a stop available for loading and/or unloading of passengers by Shuttle Service Providers that have been issued a Shuttle Permit under this Section 914.

**Director.** The Director of Transportation or his or her designee.

**Shuttle Bus.** A motor vehicle designed, used or maintained by or for a charter-party carrier of passengers, a passenger stage corporation, or any highway carrier of passengers required to register with the California Public Utilities Commission that is being operated in Shuttle Service. A Shuttle Bus shall

also include any bus that is owned, or being operated on behalf of, a governmental entity and being operated in Shuttle Service.

**Shuttle Permit.** A permit issued by the SFMTA that authorizes a Shuttle Service Provider to load and/or unload passengers at specified Designated Stops in one or more Shuttle Buses.

**Shuttle Placard.** A placard issued by SFMTA that is visible from outside the Shuttle Bus at front and rear locations as specified by the SFMTA and that identifies the Shuttle Permit authorizing the Shuttle Bus to use Designated Stops.

**Shuttle Service.** Transportation by Shuttle Buses offered for the exclusive or primary use of a discrete group or groups, such as clients, patients, students, paid or unpaid staff, visitors, and/or residents, between an organization or entity's facilities or between the organization or entity's facilities and other locations, on a regularly-scheduled basis.

**Shuttle Service Provider.** Any Person using Shuttle Buses to provide Shuttle Service within the City.

**Stop Event.** An instance of stopping by a Shuttle Bus at a Designated Stop for the purpose of loading and/or unloading passengers.

**(b) Findings.**

(1) The use of Shuttle Buses for the purpose of providing Shuttle Service is a growing means of transportation in San Francisco and the greater Bay Area.

(2) Shuttle Service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of ~~having of 50 percent of all~~ increasing trips made by sustainable modes ~~by 2018~~.

(3) Shuttle Service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by approximately 4,300,000 ~~at least 45 million~~ miles

~~annually each month, and reduces greenhouse gas emissions from trips originating or ending in the City by 11,000 metric tons annually.~~

(4) Unregulated use of Muni stops by Shuttle Service Providers ~~has resulted~~ results in unintended adverse impacts, including delaying transit bus service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing transit buses from being able to access the curb in order to load and unload passengers.

(5) Prior to implementing a commuter shuttle pilot program in August, 2014, ~~the~~ The SFMTA ~~'s-lacked~~ of complete information about Shuttle Service operations, including routes, frequency of service and stops, which had ~~has~~ been a barrier to resolving and preventing conflicts with Shuttle Service Providers' operations, including adverse impacts on Muni service and increased traffic congestion.

(6) Inconsistent or inaccurate identification of, and lack of contact information for, Shuttle Service Providers ~~has-previously~~ made it difficult for the SFMTA to effectively and timely communicate with Shuttle Service Providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult.

(7) Regulation by the SFMTA of the use of stops ~~use~~ by Shuttle Services to provide safe loading and unloading zones for Shuttle Services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with the City's Transit First policy.

(8) The commuter shuttle pilot program implemented in August 2014 ~~established under this Section 914 is intended to~~ enabled SFMTA to evaluate whether shared use of Muni stops by Shuttle Buses is consistent with efficient operation of the City's public transit system. An evaluation of the pilot program conducted by SFMTA showed that the pilot program was successful in addressing the

issues described above, and also showed ways that the program could be improved.  
SFMTA now seeks to establish a program that continues the successful aspects of the  
pilot program while building upon the lessons learned.

(c) **General Permit Program Requirements.**

(1) The Director is authorized to implement a ~~pilot~~ program for the issuance of Shuttle Permits beginning on a date designated by the Director. ~~The duration of the pilot program shall not exceed 18 months from the date of commencement designated by the Director.~~

(2) The Director may issue a Shuttle Permit for the use of Designated Stops upon receipt of an application from a Shuttle Service Provider on a form prescribed by the SFMTA which application meets the requirements of this Section 914.

(3) The Shuttle Permit shall authorize the Shuttle Service Provider to receive a specified number of Shuttle Placards issued by SFMTA.

(4) The Director is authorized to establish up to 200 Designated Stops for the purposes of this ~~pilot~~ program. The Director may establish additional Designated Stops following a public hearing.

(d) **Shuttle Permit Application Requirements.** Each application for a permit or renewal of a permit shall contain the following information:

(1) The name, business location, telephone number, fax number and email address of the Shuttle Service Provider;

(2) The name, title and contact information of one or more persons representing the Shuttle Service Provider to be notified by SFMTA in the event of a problem or permit violation relating to the Permittee's Shuttle Service;

(3) The total number of Shuttle Buses the Shuttle Service Provider intends to use to deliver Shuttle Service using Designated Stops, ~~and the make,~~

~~passenger capacity and license plate number of each of its Shuttle Buses that would be authorized, when bearing a Shuttle Placard, to use one or more Designated Stops;~~

(4) The total number of Shuttle Placards requested;

(5) The number of shuttle routes for which the permit applicant is proposing to provide Shuttle Service, including the frequency of service on each route, the neighborhoods served by each route, the origin and terminus of each route, and the frequency of Shuttle Service on each route. In lieu of a map, the permit applicant may provide a narrative statement describing the routes. The applicant need only identify the route to the extent that it lies within the City. Where the point of origin or termination is outside of the City, the applicant need only provide the county in which the point of origin or termination is located;

(6) A list of the Designated Stops the permit applicant proposes to use on each shuttle route, along with the proposed frequency of use of each Designated Stop per day, resulting in a calculation of the total number of Stop Events per day at Designated Stops; and

(7) If applicable, Documentation of the Applicant's registration status with the California Public Utilities Commission ("CPUC"), including any Charter Party Carrier ("TCP") authorization or permits, or registration as a private carrier of passengers, and documentation that the Applicant maintains insurance in compliance with the applicable requirements imposed by the CPUC.

(8) The application shall require the applicant to acknowledge that the Permittee, by acceptance of the permit, agrees to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting

directly or indirectly from the activity authorized by the permit, including, regardless of the negligence of the Indemnitees.

(9) Applicant shall provide a Service Disruption Prevention Plan which describes Permittee's efforts to maintain consistent and efficient service in the event of potential disruptions.

(A) The Service Disruption Prevention Plan must address, at a minimum:

(i) How bus breakdowns or stalls (mechanical or otherwise) will be remedied quickly so as not to block access to bus zones or impede the free flow of traffic;

(ii) Sufficient bus availability to satisfy ridership demand;

(iii) Sufficient back-up driver staffing in the event that drivers are unable to work due to sickness or other reason;

(iv) Contingency routing plans in the case of construction, special events, parades, celebrations, rallies, protests or other activity that may block access to certain city streets; and

(v) A description of the means by which Applicant has considered the San Francisco Board of Supervisors' March 2015 Labor Harmony Resolution, including steps taken to avoid potential disruptions by addressing the principles and concerns set forth in such Resolution, and any agreements or documents evidencing such steps, as well as information regarding shuttle driver schedules (including any split-shifts), work hours, working conditions, and wages.

(B) The Service Disruption Prevention Plan may, but is not required to, include statements from third parties describing the Applicant's efforts to prevent service disruptions.

(C) The SFMTA will post the Service Disruption Prevention Plan for each Permittee on the SFMTA website.

(D) The Permittee shall provide notice to SFMTA of any labor dispute in which it is involved that has the potential to cause a disruption of service.

(e) **Permit Issuance.** After evaluating an applicant's permit application, the Director shall grant the Permit as requested, or grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director's decision. The Director may issue procedures for reviewing the Director's decision upon request of the permit applicant.

(f) **Shuttle Placard Application Requirements.** For each vehicle to be used in the Commuter Shuttle Program, Shuttle Service Providers shall apply for a Shuttle Placard. Each application for a Shuttle Placard or renewal of a Shuttle Placard shall contain the following information for the Shuttle Bus that would be authorized, when bearing the Shuttle Placard, to use Designated Stops:

(1) The manufacturer and vehicle make or model name;

(2) The length, gross vehicle weight rating, and passenger capacity;

(3) The model year, or, in the case of vehicles older than model year 2012 that were not previously authorized for use in Shuttle Service under the pilot program, documentation demonstrating compliance with applicable emissions standards for model year 2012;

(4) The type of fuel or power used; and

(5) The license plate number and vehicle registration information.

(g) **Shuttle Placard Issuance.** After evaluating an applicant's Shuttle Placard application, the Director shall grant the Shuttle Placard as requested, or deny the Shuttle Placard application and state the reason(s) for the denial.

(fh) **Shuttle Permit Terms and Conditions.** The Director shall establish terms and conditions for Shuttle Permits. In addition to any other requirements imposed by the Director, Permits shall include the following terms:

(1) Any Shuttle Bus being operated in Shuttle Service under the Shuttle Permit shall be listed on the ~~permit~~ Permittee's Shuttle Placard application and shall display a valid SFMTA-issued Shuttle Placard visible from outside the Shuttle Bus at front and rear locations on the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. A Shuttle Placard may be used only for the vehicle listed on the application for that Shuttle Placard, and may not be transferred to any other vehicle between any Shuttle Buses in the Shuttle Service Provider's fleet that are listed on the Permit.

(2) A Shuttle Bus bearing valid Shuttle Placards shall be allowed to stop at any Designated Stop subject to the following conditions:

(A) The Shuttle Bus shall give priority to any transit buses that are approaching or departing a Designated Stop;

(B) The Shuttle Bus shall not stop at any Muni stops other than Designated Stops;

(C) The Shuttle Bus shall use Designated Stops only for active loading or unloading of passengers when in the course of actively providing Shuttle Service, and such loading and unloading shall be conducted as quickly as possible without compromising the safety of passengers, pedestrians, bicyclists or other motorists;

(D) Loading and unloading of passengers shall not take place in, or impede travel in, a lane of traffic or bicycle lane.

(3) A Shuttle Permit and Shuttle Placard shall not exempt a Shuttle Bus from any other Parking restrictions or traffic regulations except as authorized by this Section 914, and a Shuttle Bus stopping or parking at any Muni stop, including a Designated Stop, in violation of the terms and conditions set forth in this Subsection (~~fh~~) may be cited for violation of California Vehicle Code Section 22500(i).



(4) The Permittee shall comply with all applicable federal, state, and local laws, including this Code, the California Vehicle Code, and applicable CPUC requirements, including those for registration, insurance, vehicle inspection, and regulation of drivers;

(5) The Permittee shall equip each Shuttle Bus with an on-board device capable of providing real-time location data to the SFMTA in accordance with specifications issued by the Director, and shall maintain a continuous feed of the specified data at all times when the Shuttle Bus is being used to provide Shuttle Service within the City. The Permittee shall begin providing a continuous feed of such data to the SFMTA on the first day that the Permittee begins providing Shuttle Service under the Permit unless the Director establishes an alternate date. ~~Notwithstanding the foregoing requirements stated in this subsection (f)(5), if the Permittee is unable to provide the required data in accordance with specifications issued by the Director, the Permittee shall install an on-board device (OBD) prescribed by the SFMTA in each Shuttle Bus.~~ The SFMTA shall not be responsible for any equipment, or for the failure of any equipment, installed inside any Shuttle Bus for any reason, including for the purpose of complying with this Section 914. If a Shuttle Bus becomes unable to provide the required data for any reason, Permittee shall not operate that Shuttle Bus in Shuttle Service without first notifying SFMTA of the identity of the bus, the route affected, and the time at which Permittee expects the data transmission to be restored. To facilitate SFMTA's monitoring of Shuttle Bus operations, the Director may issue regulations limiting the duration that a Shuttle Bus may operate in Shuttle Service without being able to provide the required data.

(6) The Permittee shall provide the following data regarding its Shuttle Buses, updated each month: average daily Stop Events per Designated Stop for all Shuttle Buses, monthly vehicle miles traveled by Shuttle Buses in commuter shuttle service in San

Francisco (including any deadheading), average daily boardings in commuter shuttle service in San Francisco, average daily occupancy for each Shuttle Bus upon exiting San Francisco (if applicable), average daily occupancy for each Shuttle Bus upon arrival at destination, and average number of daily Shuttle Buses in operation.

(67) The Permittee shall, in a timely manner and as otherwise required by law, pay all traffic and parking citations issued to its Shuttle Buses in the course of providing Shuttle Service, as well as all permit fees and penalties for permit violations as set forth in subsections (h*l*) and (j*l*) below, subject to the Permittee's right under applicable law to contest such citations or penalties.

(78) Where the Director determines that the continued use of a particular Shuttle Bus listed on a Shuttle Provider's permit application would constitute a risk to public safety, the Director shall notify the Shuttle Provider in writing, and said Shuttle Bus shall immediately be ineligible to use any Designated Stops unless and until the Shuttle Provider has proven to the satisfaction of the Director that the Shuttle Bus no longer constitutes a risk to public safety.

(9) Permitted Shuttle Buses that exceed 35 feet in length travelling in San Francisco may travel only on the major and minor arterial street network for the City of San Francisco, as determined by the California Department of Transportation.

(10) Permittee shall certify that all of its operators who drive permitted Shuttle Buses in San Francisco have viewed the SFMTA's Large Vehicle Urban Driving Safety video, which will be made available to all permit applicants.

(11) Any Shuttle Service Provider providing Shuttle Service that is free to the public and provided by Shuttle Buses that display the words "Free to the Public" clearly legible on the loading side of the Shuttle Bus in letters at least four inches tall, shall be exempt from otherwise applicable permit fees for Stop Events made by such Shuttle Buses.

(12) All Shuttle Buses not already approved for use under the SFMTA's commuter shuttle pilot program as of January 31, 2016 must be either model year 2012 or newer, or be equipped with a power source that complies with emissions standards applicable to the 2012 class of vehicle. As of January 1, 2020, all Shuttle Buses used by Permittees for Shuttle Service must be model year 2012 or newer. After January 1, 2020, all Shuttle Buses used by Permittees for Shuttle Service must be no more than eight model years old.

(gi) **Duration of Shuttle Permits and Shuttle Placards.** Shuttle Permits and Shuttle Placards initially issued under this Section 914 shall expire one year from the effective date of the ordinance establishing the commuter shuttle permit program on a permanent basis, and annually thereafter six months from the date of commencement of the pilot program designated by the Director pursuant to subsection (c)(1), unless a shorter term is requested by the Permittee, the Permit is revoked, or the Director for good cause finds a shorter term is warranted. Permits issued or renewed on or after that six months' date shall expire 18 months from the date of program commencement, unless a shorter term is requested by the Permittee, the Permit is revoked or the Director for good cause finds a shorter term is required.

(hj) **Fees.**

(1) Unless exempted under subsection (h)(11), Shuttle Service Providers shall pay a Designated Stop use and permit fee as set forth in Section 902. The fee is intended to cover the costs incurred by the SFMTA as a result of permit program implementation, administration, enforcement, and evaluation. The Designated Stop use fee component shall be determined by multiplying the total number of anticipated daily Stop Events stated in the permit application for each Permittee by the per stop fee set forth below in Section 902. The Director is authorized, in his or her discretion, to impose pro-rated Designated Stop use fees

where a Shuttle Service Provider applies for a permit or permit modification following date of commencement of the ~~pilot~~ program.

(2) Permittees shall be billed for the Designated Stop use and permit fee upon issuance or renewal of the Permit, and on a monthly basis thereafter. The Designated Stop use and permit fee shall be due and payable within 30 days from the date of invoice. Fees remaining unpaid 30 days after the date of invoice shall be subject to a 10% ~~percent~~ penalty plus interest at the rate of ~~one percent~~ 1% per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(3) SFMTA shall reconcile the number of Stop Events for each Shuttle Service Provider against the actual stop data provided to the SFMTA on a semi-annual basis, but reserves the right to conduct such reconciliation on a more frequent basis if necessary. Where the SFMTA determines that a Shuttle Service Provider has used Designated Stops more frequently than authorized under the Provider's Permit, the Provider shall pay the additional Designated Stop use fee due. Where SFMTA determines that the Permittee's use of Designated Stops exceeds the authorized number of daily Stop Events by 10% ~~percent~~ or more, the Provider shall pay the additional Designated Stop use fee due, plus a 10% ~~percent~~ penalty. All such fees shall be due within 30 days from the date of invoice. Fees remaining unpaid after that date shall be subject to interest at the rate of ~~one~~ 1% ~~percent~~ per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

**(ik) Grounds for Suspension or Revocation.**

(1) The Director may suspend or revoke a permit issued under this Section 914 upon written notice of revocation and opportunity for hearing. The Director is authorized to promulgate hearing and review procedures for permit suspension and revocation proceedings. Upon revocation or suspension, the

Shuttle Service Provider shall surrender such Permit and the Shuttle Placards authorized under the Permit in accordance with the instructions in the notice of suspension or revocation.

(2) Where the Director determines that public safety is at risk, or where the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code, the Director is authorized to suspend a permit issued under this Section 914 immediately upon written notice of suspension to the Permittee, provided that the Director shall provide the Permittee with the opportunity for a hearing on the suspension within five business days of the date of notice of suspension.

(3) A permit issued under this Section 914 may be suspended or revoked under this paragraph following the Director's determination after an opportunity for hearing that:

(A) the Permittee has failed to abide by any permit condition;

(B) the Permittee knowingly or intentionally provided false or inaccurate information on a permit application;

(C) one or more of Permittee's Shuttle Buses have, in the course of providing Shuttle Service, repeatedly and egregiously violated parking or traffic laws;

(D) the Permittee's continued operation as a Shuttle Service Provider would constitute a public safety risk; or

(E) the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code.

(j1) **Administrative Penalties.**

(1) This Section shall govern the imposition, assessment and collection of administrative penalties imposed for violations of permit conditions set forth under Subsection 914(~~fh~~).

(2) The SFMTA Board of Directors finds:

(A) That it is in the best interest of the City, its residents, visitors and those who travel on City streets to provide an administrative penalty mechanism for enforcement of Shuttle Bus permit conditions; and

(B) That the administrative penalty scheme established by this section is intended to compensate the public for the injury or damage caused by Shuttle Buses being operated in violation of the permit conditions set forth under Subsection 914(~~fh~~). The administrative penalties authorized under this section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(C) The procedures set forth in this Section are adopted pursuant to Government Code Section 53069.4<sub>2</sub>, which governs the imposition, enforcement, collection, and administrative review of administrative citations and fines by local agencies, and pursuant to the City's home rule power over its municipal affairs.

(3) Any Service Provider that is operating a Shuttle Bus in violation of the permit conditions set forth under Subsection 914(~~fh~~) may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 914(~~jl~~).

(4) Administrative penalties may not exceed \$250 for each violation. In determining the amount of the penalty, the officer or employee who issued the citation may take any or all of the following factors into consideration:

(A) The duration of the violation;

(B) The frequency, recurrence and number of violations by the same violator;

- (C) The seriousness of the violation;
- (D) The good faith efforts of the violator to correct the violation;
- (E) The economic impact of the fine on the violator;
- (F) The injury or damage, if any, suffered by any member of the public;
- (G) The impact of the violation on the community;
- (H) The amount of City staff time expended investigating or addressing the violation;
- (I) The amount of fines imposed by the charging official in similar situations;
- (J) Such other factors as justice may require.

(5) The Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to issue citations imposing administrative penalties for violations of the permit conditions set forth in Subsection 914(~~h~~), hereafter referred to as the "Charging Official."

(6) Administrative Citation. A Charging Official who determines that there has been a violation of the permit conditions set forth in Subsection 914(~~h~~), may issue an administrative citation to the Shuttle Service Provider permitted under this Section 914. The Charging Official shall either serve the citation personally on the Shuttle Service Provider or serve it by certified U.S. mail sent to the address indicated on the Shuttle Service Provider's permit application.

(7) The citation shall contain the following information: the name of the person or entity cited; the date, time, address or location, and nature of the violation; the date the citation is issued; the name and signature of the Charging Official; the amount of the administrative penalty, acceptable forms of payment of the penalty; and that the penalty is due and payable to the SFMTA within 15 business days from (A) the date of issuance of the citation if served personally,

or (B) the date of receipt of the citation if served by certified U.S. Mail. The citation shall also state that the person or entity cited that it has the right to appeal the citation, as provided in Subsection 914(j).

(8) Request for Hearing; Hearing.

(A) A person or entity may appeal the issuance of a citation by filing a written request with the SFMTA Hearing Division within 15 business days from (i) the date of the issuance of a citation that is served personally or (ii) the date of receipt if the citation is served by certified U.S. Mail. The failure of the person or entity cited to appeal the citation shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity cited from obtaining judicial review of the validity of the citation.

(B) At the time that the appeal is filed, the appellant must deposit with the SFMTA Hearing Division the full amount of the penalty required under the citation.

(C) The SFMTA Hearing Division shall take the following actions within 10 days of receiving an appeal: appoint a hearing officer, set a date for the hearing, which date shall be no less than 10 and no more than 60 days from the date that the appeal was filed, and send written notice of the hearing date to the appellant and the Charging Official.

(D) Upon receiving notice that the SFMTA Hearing Division has scheduled a hearing on an appeal, the Charging Official shall, within three City business days, serve the hearing officer with records, materials, photographs, and other evidence supporting the citation. The hearing officer may grant a request to allow later service and may find good cause to continue the hearing because of the delay.

(E) The hearing officer shall conduct all appeal hearings under this Chapter and shall be responsible for deciding all matters relating to the hearing



procedures not otherwise specified in this Section. The Charging Official shall have the burden of proof in the hearing. The hearing officer may continue the hearing at his or her own initiative or at the request of either party, and may request additional information from either party to the proceeding. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(F) The following provisions shall also apply to the appeal procedure:

(i) A citation that complies with the requirements of Section 914(j)(7) and any additional evidence submitted by the Charging Official shall be prima facie evidence of the facts contained therein;

(ii) The appellant shall be given the opportunity to present evidence concerning the citation; and

(iii) The hearing officer may accept testimony by declaration under penalty of perjury relating to the citation from any party if he or she determines it appropriate to do so.

(iv) After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision upholding, modifying or vacating the citation and shall set forth the reasons for the determination. This shall be a final administrative determination.

(v) If the hearing officer upholds the citation, the hearing officer shall inform the appellant of its right to seek judicial review pursuant to California Government Code Section 53069.4. If the citation is upheld, the City shall retain the amount of the fine that the appellant deposited with the City.

(vi) If the hearing officer vacates the citation, the City shall promptly refund the deposit. If the hearing officer partially vacates the citation,

the City shall promptly refund that amount of the deposit that corresponds to the hearing officer's determination. The refund shall include interest at the average rate earned on the City's portfolio for the period of time that the City held the deposit as determined by the Controller.

(G) Any person aggrieved by the action of the hearing officer taken pursuant to this Chapter may obtain review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(H) If a final order of a court of competent jurisdiction determines that the SFMTA has not properly imposed a fine pursuant to the provisions of this Section, and if the fine has been deposited with the SFMTA as required by Section 914(j)(8)(B), the SFMTA shall promptly refund the amount of the deposited fine, consistent with the court's determination, together with interest at the average rate earned on the City's portfolio.

(9) Upon request by a Shuttle Service Provider owing administrative penalties for violation of permit conditions set forth under Subsection 914(h), the SFMTA may enter into a payment plan with that Shuttle Service Provider. Any such payment plan shall not extend the time for payment beyond 90 days from the otherwise applicable due date for the most recent penalty encompassed by the payment plan. In no event shall SFMTA establish more than three such payment plans for any individual Shuttle Service Provider ~~during the term of this pilot program.~~

(10) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:

DAVID A. GREENBURG  
Deputy City Attorney

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 17, 2015.



Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

## ATTACHMENT A

### California Environmental Quality Act Findings

Based upon substantial evidence in the record of this proceeding and pursuant to the California Environmental Quality Act (“CEQA”), California Public Resources Code Sections 21000 et seq.; the Guidelines for Implementation of CEQA, 14 California Code of Regulations Sections 15000 et seq.; and Chapter 31 of the San Francisco Administrative Code, the San Francisco Municipal Transportation Agency Board of Directors makes and adopts the following findings of fact in support of the determination that the proposed Commuter Shuttle Program and Transportation Code amendments (herein after “Commuter Shuttle Program”) are exempt from environmental review under the Class 1 and Class 8 categorical exemptions from CEQA:

1. Based on substantial evidence in the record, including the data, information, and analysis identified in these findings, the San Francisco Planning Department determined that the physical improvements proposed as part of the Commuter Shuttle Program is exempt from environmental review under Section 15301 of the CEQA Guidelines (Class 1), which exempts from environmental review minor alterations to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. Based on substantial evidence in the record, the proposed modifications to install minor improvements such as signage, boarding islands, and bus bulbs, are minor modifications of existing roadways, and are therefore exempt from environmental review under CEQA.
2. Based on substantial evidence in the record, including the data, information, and analysis identified in these findings, the San Francisco Planning Department determined that the Commuter Shuttle Program is exempt from environmental review under the Section 15308 of the CEQA Guidelines (Class 8), which exempts from environmental review actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The record demonstrates that, in the absence of regulations governing commuter shuttle operations, those operations can lead to conflicts with Muni and with vehicular, bicycle, and pedestrian traffic and safety. The record also demonstrates that, if commuter shuttle operations were not available within the City, then 47% of shuttle riders would instead drive alone to work or school, leading to increased traffic congestion and air emissions throughout the region. The record further demonstrates that ongoing commuter shuttle operations that are controlled, monitored, and enforced through the Commuter Shuttle Program will enhance the environment. The Commuter Shuttle Program includes features that will enhance and protect the environment, such as fleet turnover requirements, restrictions on stopping outside of major and minor arterials, idling limits, and minor

roadway modifications that will improve vehicular, bicycle, and pedestrian safety, decrease conflicts between commuter shuttles and other transportation modes, and improve regional traffic congestion and air emissions. Accordingly, based on substantial evidence in the record, the Commuter Shuttle Program is an action taken by the San Francisco Municipal Transportation Agency to assure the enhancement and protection of the environment, and does not result in construction activities or a relaxation of standards allowing environmental degradation.

3. Based on substantial evidence in the record, and the specific factual findings above, there is no reasonable possibility that the Commuter Shuttle Program will have a significant adverse effect on the environment due to unusual circumstances. Specifically, the Planning Department and the San Francisco Municipal Transportation Agency Board of Directors have determined that the Commuter Shuttle Program does not have any features distinguishing it from other projects in the Class 1 and Class 8 exemptions under CEQA, and the program will not have any significant environmental effects under CEQA. The physical changes that will occur as part of the program are minor in scale and number and do not involve environmentally sensitive locations. Further, the program does not present unusual circumstances because the San Francisco Municipal Transportation Agency regularly adjusts and adapts its traffic control regulations, and makes minor alterations to existing roadways, such as signage, bulbouts and boarding islands, for purposes of reducing vehicular conflicts, protecting bicyclists and pedestrians, and increasing the efficiency of existing roadway systems.
4. In the absence of a Commuter Shuttle Program, commuter shuttles could and would be expected to operate on non-arterial streets without commercial vehicle weight restrictions; and to load and unload passengers at near-side bus stops, white zones, vacant curb areas, or even in travel lanes on both arterial and non-arterial streets. These practices, which the Commuter Shuttle Program would regulate or prohibit, often result in delays to traffic and Muni service, and affect the safety of Muni patrons by requiring them to enter roadways to board Muni buses, and can affect the safety of both bicyclists and pedestrians. Key components of the Commuter Shuttle Program will reduce substantially the possibility and likelihood of these unregulated practices and effects, and there is substantial evidence in the record before this Board that there will be no significant adverse impacts to public transit or to bicyclist or pedestrian safety.
5. The Commuter Shuttle Program directs commuter shuttle activity of large commuter shuttle buses toward major and minor arterial streets as determined by the California Department of Transportation, and away from non-arterial streets in residential neighborhoods. Based on the data gathered by San Francisco Municipal Transportation Agency staff during the Pilot Program, and analyzed by the San Francisco Planning

Department's Environmental Planning Division, and other information presented to this Board, there is substantial evidence in the record that the relatively minor increase in commuter shuttle activity on arterial streets and at arterial intersections compared to existing traffic will not substantially degrade traffic capacity or operations, and there will be no significant adverse impact on traffic operations on arterial roadways or at intersections.

6. As part of the Commuter Shuttle Program, certain commuter shuttles may utilize designated Muni bus stop zones for shuttle loading and unloading. Based on the data gathered by San Francisco Municipal Transportation Agency staff during the Pilot Program, and analyzed by the San Francisco Planning Department's Environmental Planning Division, and other information presented to this Board, there is no significant impact on Muni operations.
7. Commuter shuttles share roadways in San Francisco with bicycles and pedestrians. The Commuter Shuttle Program will modify certain commuter shuttle stop lengths and locations on an ongoing basis, will add additional enforcement at high-activity locations, including the assignment of more traffic control officers, and will require program participants to certify that drivers have completed driver safety training consistent with the San Francisco Municipal Transportation Agency's Large Vehicle Urban Driving Safety Program. Based on the data gathered by San Francisco Municipal Transportation Agency staff during the Pilot Program, and analyzed by the San Francisco Planning Department's Environmental Planning Division, and other information presented to this Board, there is substantial evidence in the record that there will be no significant adverse impacts to bicycle or pedestrian facilities from the Commuter Shuttle Program.
8. Based on substantial evidence in the record, the Commuter Shuttle Program will not result in significant adverse impacts to commercial loading.
9. At the direction of the San Francisco Planning Department, Ramboll Environ, an air quality expert consultant whose credentials are contained in the record, prepared an Air Quality Technical Report to assess regional criteria air pollutants and potential localized health risk impacts that might be associated with the Commuter Shuttle Program. Ramboll Environ analyzed likely emissions from commuter shuttles, and factored in the Commuter Shuttle Program requirement that all new commuter shuttles entering the Program have model year 2012 or equivalent engines, and that by 2020, all active commuter shuttles be no more than eight years old or equivalent, requiring fleet turnover on a rolling basis. Based on these Program requirements, as well as data gathered by San Francisco Municipal Transportation Agency staff during the Pilot Program, Ramboll Environ determined that emissions of the criteria air pollutants reactive organic gases,

particulate matter, and carbon dioxide would decrease, while nitrogen oxide emissions would increase as a result of use of diesel-powered buses; the nitrogen oxide emissions, however, would be below the thresholds of significance propounded by the Bay Area Air Quality Management District, and accordingly, based on substantial evidence in the record, no significant criteria air pollutant impacts would occur.

10. Ramboll Environ also conducted a localized health risk assessment of toxic air contaminants, taking into account San Francisco's unique Air Pollutant Exposure Zones, where a lower threshold of significance is used than what is propounded by the Bay Area Air Quality Management District. Ramboll Environ modeled four representative local impact zones and determined that increases in lifetime cancer risk and shuttle-generated particulate matter emissions would be below these lower applicable thresholds of significance, and accordingly, based on substantial evidence in the record, no significant localized health risk impacts would occur.
11. The Commuter Shuttle Program could also add noise, both during construction of capital improvements and during operations; however, the Program would not result in environmental degradation. Because construction will be required to comply with the San Francisco Noise Ordinance, as well as the Public Works Code and other Department of Public Works regulations, and because it would be temporary, indirect construction noise impacts will be less than significant. The San Francisco Planning Department considered and relied on the noise analysis contained in the 2014 Transit Effectiveness Project Environmental Impact Report to estimate noise that could be generated by commuter shuttles, and the Planning Department determined that the minor amount of noise generated by commuter shuttles would be considered common and generally acceptable in an urban area, and therefore, based on substantial evidence in the record, the Commuter Shuttle Program will not cause a significant noise impact or environmental degradation.
12. Although some members of the public have asserted that the commuter shuttles contribute to increased housing costs and housing displacement, the Commuter Shuttle Program will not eliminate any housing units. Any physical impacts associated with increased housing costs would be related to the construction of replacement housing for displaced residents, or increased trip lengths and emissions for displaced residents. However, there is no demonstrable evidence of physical displacement of individuals from housing units attributable to commuter shuttles, and if such displacement were to occur as a result of the Commuter Shuttle Program, there is no basis to assess where such individuals would relocate and what their travel behavior would entail. Because there is no demonstrated causative link between shuttle use and housing demand or price, and there is no foreseeable displacement associated with the Program, analysis of any such

impacts would be speculative with regard to their scale and nature. Based on substantial evidence in the record, the Commuter Shuttle Program will not cause any significant adverse impacts related to or caused by housing displacement.

13. The Commuter Shuttle Program will not result in any changes in land use, urban design or long range views, cultural resources, biological resources, greenhouse gas emissions, wind, shadow, utilities and service systems, geology and soils, hydrology or water quality, mineral resources or agricultural and forest resources, and no new hazardous waste will be generated. In addition, Commuter Shuttle Program implementation may reduce already less-than-significant effects on emergency vehicle access by reducing congestion. Based on substantial evidence in the record, the Commuter Shuttle Program will not cause any significant adverse impacts or environmental degradation in these impact areas.





# SAN FRANCISCO PLANNING DEPARTMENT

## Certificate of Determination Exemption from Environmental Review

Case No.: 2015-007975ENV  
Project Title: SFMTA – Commuter Shuttle Program  
Project Sponsor: San Francisco Municipal Transportation Agency  
Hank Willson – (415) 701-5041  
Staff Contact: Christopher Espiritu – (415) 575-9022  
christopher.espiritu@sfgov.org

1650 Mission St.  
Suite 400  
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415.558.6378

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415.558.6409

Planning  
Information:  
415.558.6377

### PROJECT DESCRIPTION:

The San Francisco Municipal Transportation Agency (SFMTA) proposes to implement a Commuter Shuttle Program (herein referred to as “proposed project or proposed Program”) which would regulate commuter shuttle activity on San Francisco streets. The proposed project would continue and expand the guidelines and requirements established for the 18-month, Commuter Shuttle Pilot Program (herein referred to as “Pilot”) implemented between August 2014 and January 2016. The program would involve the issuance of permits to eligible commuter shuttle operators for the use of public curb space, including designated passenger loading zones and bus stops. In addition, the proposed project would include capital improvements, such as transit boarding islands and curb extensions (bulb-outs). The proposed project would require approval by the SFMTA Board of Directors.

### EXEMPT STATUS:

Categorical Exemption, Class 1 and Class 8 (California Environmental Quality Act [CEQA] Guidelines Section 15301 and 15308). See page 25.

### DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and local requirements.

Sarah B. Jones  
Environmental Review Officer

October 22, 2015

Date

cc: Hank Willson, SFMTA, Project Sponsor  
Viktoriya Wise, SFMTA

Distribution List  
Board of Supervisors, All Districts, (via Clerk of the Board)  
Virna Byrd, M.D.F.

## BACKGROUND

The number of privately operated shuttles in San Francisco has grown in recent years. Numerous employers, educational institutions, medical facilities, office buildings, and transportation management associations offer shuttle service to their employees, students, and clients. Some development projects are required to provide shuttle services as part of their conditions of approval (and the impacts of their shuttle services are considered within the development project's environmental review), and an employer may comply with San Francisco's Commuter Benefits Ordinance and the Bay Area's Commuter Benefits Program by offering a free commute shuttle to employees. The majority of the commuter shuttles are closed systems that provide service to a specific population and are not open to the general public. Most shuttles are provided for free to employees (or students, tenants, etc.). There are two distinct markets within the shuttle sector: those that operate within San Francisco (intra-city) and those that operate between San Francisco and another county (inter-city regional). Shuttles support local San Francisco and regional goals by decreasing single occupancy vehicle (SOV) trips, vehicle miles traveled (VMT), and private vehicle ownership.

Prior to August 2014 and the implementation of the Pilot Program, San Francisco did not regulate commuter shuttle activity on City streets. Shuttles operated throughout the City on both large arterial streets, such as Van Ness Avenue and Mission Streets, and smaller residential streets. Shuttles loaded and unloaded passengers in a variety of zones, including passenger loading (white) zones, Muni bus stops (red) zones, and other vacant curb space. When curb space was unavailable, shuttles often would load or unload passengers within a travel lane. The lack of rules and guidelines for where and when loading and unloading activities were permitted, and the lack of vacant space in general, resulted in confusion for shuttle operators and neighborhood residents, inconsistent enforcement, and real and perceived conflicts with other transportation modes.

To address these issues, in January 2014, the SFMTA Board of Directors approved an 18-month Pilot to test sharing of designated Muni zones and establish permitted commuter shuttle-only passenger loading (white) zones for use by eligible commuter shuttles that paid a fee and received a permit containing the terms and conditions for use of the shared zones. The Pilot Program began in August 2014, and created a network of shared stops for use by Muni and commuter shuttle buses that applied to participate, and restricted parking for some hours of the day in certain locations to create passenger loading (white) zones exclusively for the use of permitted commuter shuttles.

### Program Objectives

Prior to the implementation of the Pilot Program, commuter shuttles travelled on City streets with few constraints beyond legislated commercial vehicle or weight restrictions. The City's regulatory and enforcement capacity involved restrictions on commercial vehicles under San Francisco *Transportation Code*, Section 503, which restricted commercial passenger vehicles (with seating capacity of nine or more persons) from certain streets and areas of the City. In addition, Section 501 of the *Transportation Code* restricted the operation of a vehicle with gross weight in excess of 6,000 pounds on specific streets.

Beyond these restrictions, the SFMTA does not have the authority to prevent commuter shuttles from operating on a majority of non-weight-restricted streets throughout the City.<sup>1</sup>

Commuter shuttles, like most vehicles in San Francisco, generally are free to drive on San Francisco's streets. However, without a network of approved zones, private commuter shuttle operators have imperfect choices to make about where to load and unload passengers, as sufficient unregulated or vacant curb space is mostly unavailable. Commuter shuttles would have few options, including: stopping in the travel lane (adjacent to parked cars), which blocks through traffic and bicycles, presents safety hazards for riders boarding and alighting, and risks a parking citation; or stopping at a Muni stop, which enables safer curbside access, but in the absence of regulations governing shuttle operations can delay Muni and risks a parking citation. The objectives of the proposed Commuter Shuttle Program would include:

- Provide a safe environment for all street users in support of the SFMTA's Vision Zero policy to eliminate all traffic deaths
- Prevent service disruptions, including any related to labor relations issues
- Ensure that commuter shuttles do not adversely affect operations of public transportation in San Francisco
- Consistently and fairly apply and enforce any regulations/policies governing shuttle operations
- Work collaboratively with shuttle sector to refine policies and resolve concerns and conflicts
- Integrate commuter shuttles into the existing multi-modal transportation system
- Establish a program structure that meets current needs and has the potential to evolve as the sector grows and evolves
- Ensure more focused enforcement, ease of administration and on-going oversight

#### **Commuter Shuttle Pilot Program (August 2014 to January 2016)**

Prior to the Pilot, SFMTA could only estimate the number of commuter shuttles in operation, the location of stops, hours of shuttle operation, routes and other operational characteristics. The Pilot allowed SFMTA to collect data regarding the movement of, usage of, and reaction to commuter shuttles in San Francisco, and determine whether management of the commuter shuttles through shared stops, permits and payment of a permit fee could reduce conflicts and complaints. SFMTA used the data collected during the Pilot to evaluate the Pilot and design the proposed Commuter Shuttle Program

The Pilot applied to privately operated transportation services that move commuters to, from, and within San Francisco. Services that are arranged by an employer, building, or institution to provide transportation for home-to-work, work-to-home, last-mile to work, or work site to work site were eligible to participate in the Pilot. Exceptions for eligibility were defined during the implementation of the Pilot

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<sup>1</sup> San Francisco Transportation Code, Article 500, Sections 501 and 503. Available at: <http://library.amlegal.com/nxt/gateway.dll/California/transportation/divisionii/article500sizeweightloadrestrictions>. Accessed October 2015.

and would remain under the Commuter Shuttle Program. Services that replicate Muni routes or are not licensed by the California Public Utilities Commission were not eligible for the program.

Under the Pilot, the SFMTA established specific requirements for shuttle types and providers, and identified providers that were not eligible to participate, including:

- Tour buses, recreational buses, and long-distance interurban buses
- Party buses
- School buses
- On-call point-to-point services (airport shuttles, limousines, other on-demand transportation)
- Private individual-fare transportation (jitneys, ride-share or transportation network companies (TNCs))
- Vanpool vehicles

As of October 2015, 17 commuter shuttle operators have been approved to participate in the Pilot. Most commuter shuttle vehicles in the Pilot were either cutaway buses (buses/shuttles formed by a small- to medium- truck chassis attached to the cabin of a truck or van, also called “mini buses”) or motor coaches (also called “over the road” coaches) of either 40 or 45 feet in length designed for transporting passengers on intercity trips. To implement the Pilot Program, the SFMTA designated, and marked with appropriate signage, approximately 100 Muni zones and approximately 20 limited-hours shuttle-only loading zones for participating shuttle providers to load and unload passengers. Commuter shuttle zones are indicated by signs and painted curbs (red curbs at Muni zones, and white curbs at loading zones). The Pilot Program did not include modifications to existing Muni transit routes and did not remove (or relocate) any existing Muni bus stops.

The Pilot did not dictate the routing of individual shuttles, however, all shuttle providers were required to comply with San Francisco’s commercial vehicle, weight, and passenger restrictions for designated streets. Additionally, permitted commuter shuttles were encouraged, through outreach by SFMTA staff to the shuttle providers, to select routes that follow arterial streets and avoid residential streets.

Under the Pilot, modifications to the public right-of-way were required for the removal or restriction of a limited number of existing on-street parking spaces in order to extend the length of some Muni and shuttle-only loading zones. The addition of shuttle-only loading zones typically required the use of up to 100 feet of curb space for loading during certain hours. All changes to zone locations or lengths during the Pilot Program were submitted for public review and comment at SFMTA engineering hearings.

The Pilot Program shuttle zone network was established through consultation with shuttle operators, community groups, residents, and SFMTA transit service planning and traffic engineering staff. Attachment A shows a map of the shuttle network under the Pilot and locations of Muni zones and passenger loading (white) zones currently designated as shuttle-only loading zones under the Pilot. At the launch of the Pilot, there were 106 zones (14 passenger loading zones, 92 Muni zones). Over the course of the Pilot, the shuttle network was expanded to 125 zones (21 passenger loading zones and 104 shared Muni zones) with 41 stops that have been removed, added or adjusted due to a variety of reasons,

including: construction projects, network gaps in service, residential opposition, rescinded Muni stops, stop location requests from permit holders, and Muni Forward projects.

Under the Pilot, the most frequently used zones were observed to have as many as 100 shuttle stop-events per day, while some zones saw no stop-events at all. The corridors or locations with the most shuttle traffic in the Pilot include Lombard Street, Van Ness Avenue, Divisadero/Castro Streets, Valencia Street, Union/Powell Streets in North Beach, 24th/25th Streets in the Mission/Noe Valley, 30th Street in Noe Valley, and Townsend/Fourth Street near the Caltrain station.

Based on the data that SFMTA has been able to gather regarding operations of commuter shuttles, staff has learned that approximately 90% of shuttle operations occur during peak hours, 6am-10am and 4pm-8pm, with the remaining 10% occurring over off-peak hours 5am-6am, 10am-4pm, and 8pm-12am.<sup>2</sup>

### **COMMUTER SHUTTLE PROGRAM PROJECT DESCRIPTION**

Based on information collected under the Pilot, the SFMTA proposes to establish the Commuter Shuttle Program subsequent to the conclusion of the 18-month Pilot (February 2016). Similar to the Pilot, the proposed Commuter Shuttle Program would apply to privately operated transportation services that move commuters to, from, and within San Francisco. The Commuter Shuttle Program would, at the outset, utilize the shuttle zone network in place at the conclusion of the Pilot.

The Pilot shuttle zone network is the SFMTA's best estimate of an effective zone network at the time of the Commuter Shuttle Program's launch. As further described below, the shuttle zone network would continue to evolve as necessary to best meet the transportation needs. Under the Program, SFMTA would receive consistent feedback from the community and consider changes to the shuttle network. Any proposed changes to the stops and the overall shuttle network would require public comment and testimony, prior to approval, at an engineering hearing and/or by the SFMTA Board of Directors. Both of these venues are open to the public and include a public comment/testimony component.

The program would be a mechanism by which the SFMTA can regulate the travel routes and stops of commuter shuttles in San Francisco. As part of the Commuter Shuttle Program, the SFMTA would continue to designate, and mark with appropriate signage, select Muni zones and passenger loading zones for commuter shuttle use. Of the 125 combined stops/zones (104 Muni zones and 21 passenger loading zones) that exist today under the Pilot, all 125 stops/zones would remain under the Commuter Shuttle Program.

In contrast with the Pilot, under the Commuter Shuttle Program, permitted shuttle vehicles longer than 35 feet would be required to limit travel to major and minor arterial street network as determined by the California Department of Transportation (Caltrans). This additional requirement was included to address the most frequent comment from members of the public about the Pilot, and it also ensures that large

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<sup>2</sup> Information provided by Kathleen Phu, SFMTA, September 2015.

buses use the street network that was best designed to handle large vehicles. Attachment B shows a map of major and minor arterial streets where large shuttle vehicles may operate under the Program. In general, large shuttle vehicles would be required to operate on major and minor arterial street networks and avoid steep and/or narrow streets whenever possible. Permitted shuttles would be required to comply with all relevant street and lane restrictions.

Similar to the Pilot, approximately 90% of shuttle operations are assumed to occur during peak hours 6am-10am and 4pm-8pm, with the remaining 10% occurring over off-peak hours 5am-6am, 10am-4pm, and 8pm-12am.<sup>3</sup>

In addition to the stop locations and routes described above, program regulations would also include the following, in order for a shuttle provider to receive a permit:

1. Permittee vehicles (shuttles) must display a placard issued by SFMTA at specified location on the front and rear of vehicles at all times when operating commuter service in San Francisco.
2. Permittee must comply with operating guidelines:
  - a. Muni priority: Muni buses have priority at and approaching or departing Designated Stops.
  - b. Yield to Muni: Where Muni or other public transit buses are approaching a Designated Stop and when safe to do so, allow such buses to pass so they may stop at Designated Stops first.
  - c. Stay within the network: Permittees shall stop only at Designated Stops or other non-Muni zones, and may not stop at Muni zones outside the network.
  - d. Active loading; No staging or idling: Designated Stops may be used only for active loading and unloading; shuttles must load and unload riders as quickly and safely as possible. Staging must take place outside of any Designated Stops, consistent with parking regulations. Unnecessarily idling is not permitted, even while staging.
  - e. Move forward: Shuttle drivers shall pull forward in a Designated Stop to leave room for Muni or other shuttles.
  - f. Pull in: Shuttle drivers shall pull all the way to, and parallel with, the curb for passenger boarding and alighting; shuttle vehicles shall not block travel or bicycle lanes; loading and unloading shall not take place in a vehicle or bicycle lane, or in a manner that impedes travel in these lanes.
  - g. Comply with all applicable traffic laws: Shuttles shall operate in accordance with all applicable state and local traffic laws.
  - h. Circulation: Shuttle vehicles longer than 35 feet may travel only on the major and minor arterial street network as determined by the California Department of Transportation, as appears on the map of major and minor arterial streets attached as Attachment B. All shuttle vehicles shall stay on the major and minor arterial street networks and avoid

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<sup>3</sup> Information provided by Kathleen Phu, SFMTA, September 2015.

- steep and/or narrow streets to the extent possible. Permittees shall comply with all relevant street and lane restrictions.
- i. Training: Permittees shall ensure that training for shuttle drivers addresses these operating guidelines.
  - j. Follow instructions from officials and traffic control devices: Shuttle drivers shall follow instructions from police officers, authorized SFMTA staff (including Parking Control Officers) and traffic control devices in the event of emergencies, construction work, special events, or other unusual traffic conditions.
  - k. Use of Designated Stops limited to permit-related activity. Shuttle vehicles that display a placard but are not making commuter shuttle-related trips may not use Designated Stops.
3. Permittee must comply with the San Francisco Board of Supervisors' March 2015 Labor Harmony Resolution by submitting a Service Disruption Prevention Plan that describes Permittee's efforts to ensure its efficient operations while avoiding any potential disruptions to SFMTA operations by addressing the principles and concerns set forth in such Resolution. Permittee must ensure its operations do not cause or contribute to any service disruptions. Failure to comply with this provision will result in denial or revocation of permits.
  4. Permittee must certify that anyone who drives a shuttle in San Francisco has viewed the SFMTA's Large Vehicle Urban Driving Safety video, which can be accessed at [https://youtu.be/\\_LbC3FQeZqc](https://youtu.be/_LbC3FQeZqc).
  5. Permittee must indemnify SFMTA and the City of San Francisco for injuries or damage resulting from Permittee's use of Designated Stops, including associated bus shelters and other related sidewalk features.
  6. Permittee vehicles must display a placard issued by SFMTA at specified location on the front and rear of vehicles at all times when operating commuter service in San Francisco.
  7. Provide data feeds per SFMTA specifications, and demonstrate for each vehicle that data feeds are regular and accurate.
  8. Pay permit fees. Any stop-events made by shuttle vehicles that are free for use by the public, and display the words "Free to the Public" on the loading side of the vehicle in letters at least four inches tall, are exempt from this permit fee requirement but are subject to all other permit terms.
  9. Promptly pay any outstanding traffic citations.
  10. Demonstrate compliance with all applicable regulatory requirements imposed by the CPUC, including registration/permitting, insurance, vehicle inspection requirements, and driver training.
  11. All shuttle vehicles not already approved for use in the Pilot as of January 31, 2016 must be either model year 2012 or newer, or be equipped with a power source that complies with emissions standards applicable to the 2012 class of vehicle. As of January 1, 2020, all shuttle vehicles used by Permittees in the Commuter Shuttle Program must be model year 2012 or newer. After January 1, 2020, all shuttle vehicles used by Permittees in the Commuter Shuttle Program must be no more than eight model years old. SFMTA ensures compliance with this condition through the

annual permit renewal process, which requires submittal of vehicle registration and, in the case of vehicles older than model year 2012, documentation to show compliance with applicable emissions standards.

### **Capital Improvements**

As part of the proposed Program, SFMTA would continue to designate and install appropriate signage on select Muni zones and passenger loading zones for shared Muni/commuter shuttle use. In addition, as appropriate, the Program would include the installation of several safety improvements to the existing right-of-way that would improve the stop network for both commuter shuttles and users of other modes, including: boarding islands, pedestrian bulbs, and bus bulbs.

These improvements, combined, would expand the sidewalk area for passengers waiting to board either Muni vehicles or commuter shuttles (depending on the location). Also, the addition of these improvements would enhance passenger loading and unloading activities by bringing Muni/shuttle passengers closer to buses, as well as reduce delays and potential conflicts from Muni vehicles and commuter shuttles re-entering the travel lane.

As listed in Table 1 below, SFMTA has identified the following capital improvements at existing stops/zones within the Pilot Program network. The locations listed below were selected by SFMTA, during the Pilot Program data collection, due to the level of activity at each location (number of shuttle stop events, Muni bus activity, and availability pedestrian/bicycle facilities). Further, as part of the Program, implementation and construction of the proposed capital improvements would be funded partially through the permit fees collected from shuttle providers through the Program.



Table 1. Capital Improvement Locations (Preliminary)

| Locations  | Potential Capital Improvement |
|--|-------------------------------|
| 8 <sup>th</sup> /Market Muni zone/white zone SW corner | Boarding island               |
| Arguello/Geary Muni zones (NW and SE corner)           | Boarding islands              |
| Valencia/25 <sup>th</sup> Muni zone (SW corner)        | Boarding island               |
| 7 <sup>th</sup> /Market Muni zone (SW corner)          | Boarding island (left-hand)   |
| 7 <sup>th</sup> /Townsend Muni zone (NE corner)        | Boarding island (left-hand)   |
| O' Shaughnessy/Portola Muni zone (SW corner)           | TSP                           |
| Castro/25 <sup>th</sup> Muni zone (SE corner)          | Bus bulb                      |
| Divisadero corridor (24 line)                          | TSP                           |
| Divisadero/California Muni zones (SW and NE corner)    | Bus bulbs                     |
| Lombard/Pierce Muni zones (NW, SE corner)              | Bus bulbs                     |
| Harrison corridor (8/27 lines)                         | TSP                           |
| Harrison/2 <sup>nd</sup> Muni zone (NW corner)         | Bus bulb                      |
| Harrison/4 <sup>th</sup> Muni zone (NW corner)         | Bus bulb                      |
| Harrison/7 <sup>th</sup> Muni zone (NW corner)         | Bus bulb                      |
| 18 <sup>th</sup> Street corridor (33 line)             | TSP                           |
| Bryant corridor (27/47 lines)                          | TSP                           |
| Bryant/7 <sup>th</sup> Muni zone (SE corner)           | Bus bulb                      |
| North Point/Mason Muni zone (NW corner)                | Bus bulb                      |

Source: SFMTA, 2015

## Project Approvals

The proposed project is subject to review by SFMTA staff and approval by the SFMTA Board of Directors. The Approval Action for the proposed project would be approved by the SFMTA Board of Directors, which would approve the Commuter Shuttle Program as well as proposed roadway improvements to be implemented or constructed on the public right-of-way. The Approval Action date establishes the start of the 30-day appeal period for this CEQA exemption determination pursuant to Section 31.04(h) of the San Francisco Administrative Code.

## REMARKS:

### *Program Evaluation - Travel Survey*

SFMTA conducted field data collection in June 2014, prior to the start of the Pilot Program to assess existing commuter shuttle activity on City streets, followed by a second field data collection effort in June 2015 to examine the effects of the Pilot Program on the transportation system, including effects on Muni operations and identify conflicts and other potential safety issues caused by commuter shuttle activity.

The 2015 field data collection effort observed commuter shuttle and Muni activity at 20 shuttle stop/zone locations including: 10 stops in the morning commute period (6:45-9:15am) and 10 stops in the evening

commute period (5:30-8:00pm). Field data was collected by SFMTA staff and included observations of stop activities at the selected locations, typically in 2 ½-hour increments.

In addition to data collection activities, SFMTA conducted an extensive evaluation of the Pilot and on October 5, 2015, the Commuter Shuttle Pilot Program Evaluation Report was published. As part of the evaluation, in June 2015, SFMTA distributed a survey to shuttle riders to determine the impact of shuttle availability on their transportation choices. According to survey results, 546 shuttle riders responded to the survey; 418 (77%) were intercity regional shuttle riders, while 128 (23%) rode intracity shuttles. This split of riders accurately represents the overall share of boardings for intercity (76%) and intracity shuttles (24%).

Shuttle riders are widely dispersed among neighborhoods in the City, though the top ten neighborhoods of origin are concentrated in the Mission and the northeastern quadrant of the city. The top ten neighborhoods house 55% of total survey respondents, while the remaining 45% of survey respondents are scattered across 56 other neighborhoods.

As shown in Table 2 below, the Evaluation Report found that 47% of shuttle riders said they would drive alone to work if a shuttle were not available, a finding that has allowed SFMTA to conclude that commuter shuttles do help accomplish local and regional objectives related to VMT reduction. Based on the survey data, availability of commuter shuttles influence the travel behavior for a substantial number of shuttle riders which results in the reduction of drive-alone trips. The survey also indicated that 29% of shuttle riders would use public transit in the absence of commuter shuttles, a finding that can inform SFMTA and regional transit providers’ decisions regarding transit service to and from employment centers.

**Table 2. Commuter Shuttle – Rider Survey**

| How would you get to work without the shuttle? | Riders | Percent of total |
|--|--------|------------------|
| Drive alone                                    | 257    | 47.2%            |
| Public transit                                 | 158    | 29.0%            |
| Get a job closer to home                       | 75     | 13.8%            |
| Carpool  | 28     | 5.2%             |
| Move closer to work                            | 26     | 4.8%             |

Source: SFMTA, 2015

***Program Evaluation - Shuttle Ridership***

Shuttles participating in the Pilot program had approximately 356,997 boardings per month, or 17,000 on an average weekday. An estimated 270,252 of the monthly shuttle boardings were on intercity regional shuttle trips, and 86,745 were shuttle trips that began and ended in San Francisco. Assuming that most people boarded the shuttle twice in one day, this means that an average of 8,500 people ride a permitted shuttle each day. Further, shuttles load or unload an average of 5.7 people per stop-event among all designated shuttle zones and Muni/shuttle loading zones.

### Approach to Analysis

Prior to the implementation of the Pilot, commuter shuttles operated on City streets with limited regulation. The Pilot established a means to collect data and manage commuter shuttle activity beyond citing shuttle buses for infractions. However, the approval of the Pilot program only provided for an 18-month operational period. No further regulation of the commuter shuttles is authorized beyond February 2016.

The California Environmental Quality Act (CEQA) mandates that the potential physical changes to the environment resulting from a project be analyzed, as compared to the baseline (“on the ground”) conditions existing at the time of the environmental review. Although the Pilot program is operational at the time that this analysis has occurred, the Pilot would not continue after February 2016 and therefore a comparison of the conditions under the proposed Program to the conditions under the Pilot would not reflect an accurate analysis. Moreover, because the proposed Program is a refined and expanded version of the Pilot, analysis of current conditions (i.e., with the Pilot) as the baseline would understate the impacts of the proposed Program because the physical changes resulting from the proposed Program would be minimal; for example, use of the Pilot as a baseline would not reflect the localized emissions resulting from the designation of permitted shuttle stops. Therefore, for the purposes of this analysis, the pre-Pilot conditions represent the baseline existing conditions to provide the most conservative analysis and because the Pilot is a temporary program with a required end date.

The data collected during the Pilot period has been used to inform the conclusions of this analysis, providing a reliable basis for understanding the impacts of the proposed Commuter Shuttle Program.

### *Transportation*

Prior to the Pilot, shuttle operators did not inform SFMTA of their stop locations. However, because the stop network for the Pilot was created based on shuttle providers’ requested stop locations and there was no limit on the number of potential stops, it can be reasonably assumed that the Pilot program stop network is similar to the shuttle stop locations that were in use informally prior to the Pilot. One physical change resulting from the proposed Program would be that, rather than having full choice of stop locations, shuttle activity for larger vehicles would be directed away from non-arterial streets towards arterials. The traffic analysis below considers the impacts of this component of the proposed Program by quantifying potential additional shuttle vehicle activity in those arterial locations where the greatest number of shuttles would be routed away from non-arterial streets.

Table 2 below depicts a worst-case scenario showing the number of buses that would be moved to nearby arterial streets if all commuter shuttle traffic (both large and small vehicles) at four of the busiest non-arterial zones would move to a single nearby zone on an arterial, and not dispersed across several nearby zones. Table 3 shows that the shuttle activity at these four arterial streets currently constitutes 1.1% to 7% of the peak hour vehicle activity at these intersections, this maximum number of relocated commuter

shuttles, when added to existing shuttle activity at these stops, would account for between 1.7% and 9% of the average daily traffic on the streets to which they would be relocated.

Table 3. Stop Events at Designated Zones (with Commuter Shuttle Program)

| Existing Non-Arterial Zone                           |                          | Nearest Arterial Zone Alternative                     |             |   |                                     | Combined Totals After Relocation     |  |
|--|--------------------------|---|-------------|---|-------------------------------------|--------------------------------------|--|
| Existing Non-Arterial Zone (to be relocated)         | Stop Events <sup>a</sup> | Nearest Existing Arterial Zone <sup>b</sup>           | Stop Events | Existing Arterial Traffic Counts <sup>c</sup> | Shuttle % of Current Traffic Counts | Total Stop Events (after relocation) | Shuttle % of Total Traffic Counts (after relocation) |
| Castro/25 <sup>th</sup><br>NW corner,<br>near-side   | 20.0                     | 24 <sup>th</sup> /Church<br>SW corner,<br>near-side   | 9.6         | 342   | 6%                                  | 29.6                                 | 9%   |
| Church/Market<br>NE corner,<br>AM/PM white<br>zone   | 10.3                     | Castro/Market<br>NE corner,<br>PM white zone          | 10.3        | 311   | 3%                                  | 20.5                                 | 6%   |
| 30 <sup>th</sup> /Church<br>SW corner,<br>flag stop  | 12.9                     | San<br>Jose/Dolores<br>NW corner,<br>AM white<br>zone | 6.9         | 1159  | 1.1%                                | 19.7                                 | 1.7%   |
| Townsend/4 <sup>th</sup><br>South side,<br>Mid-block | 22.7                     | Harrison/Emb<br>arcadero,<br>white zone               | 8.7         | 341   | 7%                                  | 31.4                                 | 9.5%   |

Source: SFMTA, 2015

Notes:

a – Estimated commuter shuttle stop events per hour

b – Peak hour traffic counts collected by SFMTA in 2009, 2011, and 2012

c – Identified zone with existing shuttle stop where nearest non-arterial stop would be located.

Implementation of the proposed project may include the relocation of stop events and routes for large vehicles to arterial roadways. As shown in Table 3, the four arterial locations closest to the current non-arterial locations experiencing the highest level of shuttle activity could experience an increase in shuttle stop events due to the relocation of nearby non-arterial stops. However, with the relocation of shuttle stops and the subsequent increase in shuttle activity at each location, peak hour traffic volumes at intersections analyzed would increase by 0.6% to 3%, which would not represent a substantial increase from the addition of shuttle stop events due to the relocation of a non-arterial zone. Peak hour traffic volumes collected for each of the four locations listed above includes all vehicle types (including shuttles). The relocation of stops would not result in a substantial increase in the number of commuter shuttle vehicles (or other vehicles) at the locations analyzed above, with the increases in shuttle activity adding approximately one to three percent more shuttle vehicles than current conditions. Ultimately, commuter shuttles would remain approximately less than 10 percent of the vehicles that travel through

each location shown above during the peak hour. Moreover, as part of the Program, commuter shuttles are required to avoid using non-arterial streets, which would further reduce the number of shuttle vehicles on those streets. The relatively minor increase in shuttle activity, compared to the overall peak hour volumes, would not substantially degrade traffic operations and would not have a significant impact on traffic operations at arterial roadways.

#### Transit

One of the principal objectives in regulating commuter shuttles is to ensure that commuter shuttle conflicts with Muni were avoided or minimized whenever possible. To that end, the Pilot Program shuttle zone network included stops on lower-frequency Muni lines and exclusive shuttle loading zones near, but not shared with, Muni zones. Commuter shuttle activities, especially in designated shared Muni/Shuttle zones, were observed during the data collection effort in 2015. Table 4 below, compares the number of times that a Muni bus was blocked, at least temporarily, by a commuter shuttle bus from accessing a Muni zone, pre- and during-pilot.

**Table 4. Average Number of Shuttle Stop-Events Resulting in Blocked Muni Buses (per hour)**

| Zone Location                          | Pre-Pilot Program | During-Pilot Program | Percentage (average per hour) |
|--|-------------------|----------------------|-------------------------------|
| <b>4th and Townsend</b>                | 0.8               | 0                    | 0%                            |
| 16th and Mission                       | 0                 | 0                    | 0%                            |
| <b>16th and Mission/South Van Ness</b> | 0.4               | 0                    | 0%                            |
| 19th and Taraval/Wawona                | 0                 | 0                    | 0%                            |
| Castro and 24th/25th                   | 0                 | 0                    | 0%                            |
| <b>Church and 15th/16th</b>            | 0                 | 0                    | 0%                            |
| <b>Church and Market</b>               | 0                 | 0                    | 0%                            |
| Divisadero and Haight/Oak PM           | 0                 | 0.4                  | 4%                            |
| Divisadero and Geary                   | 1.2               | 0                    | 0%                            |
| Divisadero and Haight AM               | 0.2               | 0.8                  | 5%                            |
| Fillmore and Jackson                   | 0.4               | 0.4                  | 9%                            |
| Lombard and Pierce                     | 0                 | 0                    | 0%                            |
| <b>Van Ness and Market AM</b>          | 0                 | 0                    | 0%                            |
| Valencia and 24th                      | 0.86              | 1.6                  | 10%                           |
| Valencia and 25th                      | 0                 | 0.4                  | 2%                            |
| Van Ness and Market PM                 | 0                 | 0.8                  | 5%                            |
| <b>Van Ness and Sacramento</b>         | 1.0               | 0.4                  | 2%                            |
| Van Ness and California                | 0.8               | 0                    | 0%                            |
| Van Ness and Union PM                  | 0                 | 3.2                  | 18%                           |
| <b>Van Ness and Union AM</b>           | 1.2               | 0                    | 0%                            |
| <b>Program Average</b>                 | <b>0.3</b>        | <b>0.4</b>           | <b>3%</b>                     |

Source: SFMTA, 2015

Notes: Locations in **BOLD** include loading zones shared with Muni Buses

During data collection for the Pilot in June 2015, commuter shuttles blocking Muni vehicles were observed across several designated stops/zones. Results show that the occurrences of shuttles blocking Muni vehicles did not substantially increase between pre-Pilot conditions and after implementation of the Pilot Program. As shown in Table 4, twelve stops/zones were observed to not have any Muni buses blocked, compared to 11 stops/zones during the pre-pilot data collection. The average number of Muni buses blocked per hour was less than one Muni vehicle per hour (0.4 Muni vehicles during Pilot, 0.3 Muni vehicles pre-Pilot). Blocked Muni buses as a percentage of shuttles per hour shows that Commuter Shuttles blocking Muni buses occurred infrequently; an average of only 3% of shuttle stop-events blocked Muni access to a zone, and only in two locations did 10% or more shuttle stop-events block Muni.

Across all the field data collection locations during the Pilot, which saw 706 total stop-events, or 24% of the 2,978 stop-events that occur at all zones/stops on a typical day, 19 total Muni buses were temporarily prevented from accessing the Muni zone. As part of the proposed project, SFMTA would provide increased enforcement and monitoring at shuttle zones with a higher number of observed cases where commuter shuttles blocked Muni vehicles. The proposed project includes ongoing evaluation to actively respond to community concerns, identify safety issues, and would have the ability to modify shuttle network stops/zones to maintain consistent Muni operations.

For the purposes of a conservative analysis, SFMTA estimated that, by multiplying the average commuter shuttle dwell time (62.4 seconds) at designated stops/zones by 2,978 total daily stop-events, shuttles add a total of 83 minutes per day of delay into the Muni system. The resulting delay per Muni run (Muni makes over 1,200 runs every weekday) is approximately four seconds. The estimated delay added to existing Muni runs would be dispersed throughout the Muni bus routes where shuttles also operate and would not be considered substantial. As shown above, the Commuter Shuttle Program would not substantially add delay to Muni lines operating along the same corridors as shuttles.

Further, the threshold of significance for determining peak period transit demand impacts to the SFMTA lines is defined by an “85 percent” capacity utilization performance standard. As determined by the SFMTA Board and the Planning Department, local transit lines should operate at or below 85 percent capacity utilization. This performance standard more accurately reflects actual operations and the likelihood of “pass-ups” (i.e., vehicles not stopping to pick up more passengers). The 85 percent capacity utilization standard would not be exceeded due to the Commuter Shuttle Program, since shuttles do not add to the capacity of existing Muni lines. Therefore, the proposed project would not result in a significant impact related to transit operations.

### *Bicycles*

Similar to transit observations above, data collected by SFMTA during the Pilot indicated that commuter shuttles were observed to have infrequent operational conflicts with existing bicycle facilities. Though these occurrences were infrequent, commuter shuttles were observed to block the travel lane and/or bicycle lane when shuttles failed to maneuver all the way to the curb when accessing a zone, or when shuttles were denied access to the zone by another shuttle, a Muni vehicle, or another vehicle. During the

Pilot, these issues were addressed by extending shuttle zones, creating shuttle-only zones or directing shuttles to stop at low-frequency Muni zones where there were less likely to conflict with a Muni bus. Because of their infrequency, and the Program's ability to address any potential conflicts through modification of the shuttle stop length or location, the proposed Program would not be expected to result in a significant impact related to bicycles.

In addition, the Program requires commuter shuttles to pull all the way into, and maneuver the shuttle vehicle parallel with, the curb for passenger boarding and unloading. The Program would also prohibit shuttle vehicles from blocking travel or bicycle lanes and that loading and unloading do not take place in a vehicle or bicycle lane, or operate in a manner that impedes travel in these lanes. As appropriate, the SFMTA would create far-side shuttle loading zones to minimize the occurrence of shuttles blocking travel lanes and/or bike lanes, and increase enforcement at certain locations to ensure that shuttle drivers pull shuttle vehicles completely into the zone and out of traffic or bicycle lanes. Further, it is important to note that while the conflict with both travel lanes and bicycle lanes were observed, these incidents were very infrequent: the conflicts were observed at three of six near-side zones, and were not observed at all at any of the far-side or mid-block zones. Given the above, the proposed project would not result in a significant impact related to bicycles.

#### *Pedestrians*

Data collected during the Pilot indicated that commuter shuttles presented infrequent operational conflicts with pedestrian facilities. According to SFMTA and described below, pedestrian safety issues identified were related to the size of the commuter shuttle and placement of new shuttle stops/zones in relation to certain crosswalks. Observations conducted during the Pilot noted potential reduction in sight distance and whether commuter shuttles are preventing right-turning drivers from seeing pedestrians who may be crossing in front of a shuttle at a near-side stop. Because of the size of the commuter shuttles, shuttles at near-side stops/zones create a temporary restriction of the view of drivers attempting to make a right turn. Analysis of conditions indicated that the temporary restriction in sight distance is created only if all of the following conditions are met at the same time: (1) the commuter shuttle is stopped at the near side of the intersection, (2) a driver is attempting to turn right around the shuttle, and (3) pedestrians are crossing in front of the shuttle and may not be seen by the car driver. Because this issue only arises in limited circumstances, during data collection activities, SFMTA staff noted that these conditions were met only 16 times across the entire data collection period during the Pilot. While infrequent, these occurrences were one of the primary reasons that the Commuter Shuttle Program, upon implementation, would include identifying shuttle zones that may be moved from the near side of the intersection to the far side of the intersection. Also, as part of the Program, participants would be required to certify that shuttle drivers have completed driver safety training consistent with SFMTA's Large Vehicle Urban Driving Safety Program.

In addition, data collection activities during the Pilot Program observed instances where commuter shuttles blocked crosswalks. SFMTA staff noted that this usually occurs when a commuter shuttle driver misjudges the stop light cycle or attempts to access a zone that is already occupied by another vehicle.

Overall, analysis indicated that commuter shuttles actively blocking pedestrian facilities did not occur often during Pilot Program data collection. Shuttles blocked crosswalks six times out of 706 stop-events observed, or less than one percent of all stop events.

While data collected during the Pilot observed minimal conflicts with pedestrian facilities, the Commuter Shuttle Program would further reduce conflicts through increased enforcement at high-activity locations identified by SFMTA, the extension of the length of shuttle-only zones, and in certain cases as determined by SFMTA staff, the modification of near-side stops to far-side stops. By pursuing modifications to identified shuttle loading zones, such as relocating stops to the far-side of the street, both right-turning vehicles and pedestrians at a given crosswalk would not have an obstructed view of the intersection.

While there were intermittent occurrences of operational conflicts, the proposed project would not create a hazard and intermittent conflicts such as shuttle vehicles blocking Muni vehicles, travel lanes, or bicycle lanes would be reduced through the Commuter Shuttle Program. The proposed project, as mentioned previously, would identify specific locations (based on Pilot data collection) and pursue improvements to better manage the movement of vehicles, transit, bicycles, and pedestrians. The observations during the Pilot indicate that these improvements, as part of the project, would further reduce the conflicts between those modes of transportation and avoid instances where Muni passengers would need to board Muni vehicles on the street.

The proposed project would not include any narrowing of sidewalks or other components that could negatively affect pedestrian circulation within the project area. Based on the above, the proposed project would not result in significant impacts related to pedestrians.

#### *Loading*

The project, as proposed, would not eliminate any commercial loading zones or create additional demand for commercial loading activities. Under the Commuter Shuttle Program, use of existing passenger loading (white) zones and designated shared Muni/shuttle stops would not reduce the number of commercial loading (yellow) zones. Any elimination of existing loading zones would be evaluated for its impacts. However, the elimination of a loading zone does not typically result in a significant impact. Therefore, the proposed project would not result in significant commercial loading impacts.

If the Commuter Shuttle Program were not implemented, commuter shuttles would be expected to return to operating on non-arterial streets and other streets without restrictions such as residential streets; loading and unloading passengers at near-side bus stops, white zones or vacant curb areas; or loading and unloading passengers in travel lanes on both arterial and non-arterial streets, which could occasionally result in delays to traffic and Muni service or affect Muni patrons who might need to go out into the street to board, and could affect pedestrians crossing streets in front of commuter shuttles.



### Other Environmental Topics

#### *Air Quality*

An Air Quality Technical Report (AQTR)<sup>4</sup> was prepared in order to assess the regional criteria air pollutant, and localized health risk impacts of the proposed project. The following summarizes the results of the AQTR, as well as provides some background information regarding threshold of significance.

#### Criteria Air Pollutants (Regional Analysis)

The Bay Area Air Quality Management District (BAAQMD) is the regional agency with jurisdiction over the nine-county San Francisco Bay Area Air Basin (SFBAAB), which includes San Francisco, Alameda, Contra Costa, Marin, San Mateo, Santa Clara, and Napa Counties and portions of Sonoma and Solano Counties. The BAAQMD is responsible for attaining and maintaining air quality in the SFBAAB within federal and state air quality standards, as established by the federal Clean Air Act (CAA) and the California Clean Air Act (CCAA), respectively.

In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone (O<sub>3</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>) and lead. These air pollutants are termed criteria air pollutants because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. In general, the SFBAAB experiences low concentrations of most pollutants when compared to federal or state standards. The SFBAAB is designated as either in attainment<sup>5</sup> or unclassified for most criteria pollutants with the exception of ozone, PM<sub>2.5</sub>, and PM<sub>10</sub>, for which these pollutants are designated as non-attainment for either the state or federal standards.<sup>6</sup> By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.<sup>7</sup> The City is utilizing the significance thresholds developed by BAAQMD to analyze this project's criteria pollutant air quality impacts.

The proposed project would include capital improvements consisting of boarding islands, pedestrian bulbs, and bus bulbs. These capital improvements would require the use of construction equipment.

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<sup>4</sup> Ramboll Environ. Final Air Quality Technical Report. SFMTA Commuter Shuttle Program. October 13, 2015.

<sup>5</sup> "Attainment" status refers to those regions that are meeting federal and/or state standards for a specified criteria pollutant. "Non-attainment" refers to regions that do not meet federal and/or state standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status for a specified criteria air pollutant.

<sup>6</sup> U.S. EPA. Green Book. Current Nonattainment Counties for All Criteria Pollutants. As of October 01, 2015. Available online: <http://www3.epa.gov/airquality/greenbook/ancl.html>

<sup>7</sup> Bay Area Air Quality Management District (BAAQMD), *California Environmental Quality Act Air Quality Guidelines*, May 2011, page 2-1.

Given the limited use and amount of construction, the proposed project would not have the potential to result in significant construction criteria air pollutant impacts.

For the purposes of environmental review, shuttle growth was assumed to be 41 percent of the Pilot Program and was based available data collected by the SFMTA. Shuttle activities occurred on City streets even before the Pilot was implemented. Based on the number of commuter shuttle permits (placards) issued prior to the implementation of the Pilot and the Commuter Shuttle Program (beginning in 2016), SFMTA estimates that participation in the Program could increase by 41 percent.<sup>8</sup>

Potential commuter shuttle activity could grow as a result of increased demand for shuttle service from local and regional employers and their workers. This potential growth could occur with or without implementation of the proposed project. However, for environmental review purposes, the potential growth in the number of shuttles and stop events is being analyzed as related to the Program. Regional criteria air pollutant emissions may increase from the increase in potential commuter shuttle activity within San Francisco and to and from commuter shuttle destinations in the Bay Area. Therefore, regional criteria air pollutant emissions were estimated based upon the following assumptions: a 41 percent growth in commuter shuttle permits (placards) issued prior to the commencement of the Pilot (2014) and estimated Commuter Shuttle Program implementation (2016); commuter shuttle engine year, including model year 2012 equivalent or newer for all new commuter shuttle vehicles entering the Program and, by 2020, a requirement that all active commuter shuttle vehicle engines are no more than eight years old or equivalent (thus requiring fleet turnover of older vehicles); commuter shuttle data on fuel type, idling time, and trip length; and survey responses from individuals participating as commuter shuttle riders in the Pilot Program regarding their mode of commuter travel or location of home/job if commuter shuttles were not available.

Emissions from the proposed project display net reductions in ROG, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions of 0.26, 0.05, and 0.05 tons per year, respectively, and net reductions in CO<sub>2</sub> of 1,149 metric tons per year. Emissions from the proposed project display net increases of NO<sub>x</sub> by 6.6 tons per year. Increases in NO<sub>x</sub> are attributable to the difference in emissions generated from a large diesel-fueled bus engine relative to a gasoline-fueled car. In 2018, NO<sub>x</sub> emissions from the average shuttle are approximately 18 times greater per mile than a passenger car. However, the NO<sub>x</sub> emissions would still be below the thresholds of significance, as shown in Table 5. Therefore, no significant criteria air pollutant impacts would occur.

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<sup>8</sup> Memo – Potential Increase in Commuter Shuttle Activity, from Hank Willson (SFMTA) to Melinda Hue (SF Planning Department), dated October 8, 2015.

Table 5. Estimated Criteria Air Pollutant Emissions

|   | ROG   | NO <sub>x</sub> | PM <sub>10</sub> | PM <sub>2.5</sub> | CO <sub>2</sub>  |
|---|-------|-----------------|------------------|-------------------|------------------|
| <b>Estimated emissions (pounds per day)<sup>1</sup></b> |       |                 |                  |                   |                  |
| Project Emissions                                       | -1.4  | 36              | -0.3             | -0.3              | -6,939           |
| Significance Threshold                                  | 54    | 54              | 82               | 54                | n/a <sup>2</sup> |
| <b>Estimated emissions (tons per year)<sup>1</sup></b>  |       |                 |                  |                   |                  |
| Project Emissions                                       | -0.26 | 6.60            | -0.05            | -0.05             | -1,149           |
| Significance Threshold                                  | 10    | 10              | 15               | 10                | n/a <sup>2</sup> |

Source: Ramboll Environ, 2015.

1. Annual CO<sub>2</sub> emissions are in metric tons.
2. The City relies on compliance with the City's Greenhouse Gas Reduction Strategy instead of quantitative thresholds for determining significance.

#### Health Risks and Hazards (Localized Analysis)

In addition to criteria air pollutants, individual projects may emit toxic air contaminants (TACs). TACs collectively refer to a diverse group of air pollutants that are capable of causing chronic (i.e., of long-duration) and acute (i.e., potentially severe but short-term) adverse effects to human health, including carcinogenic effects. In an effort to identify areas of San Francisco most adversely affected by sources of TACs, San Francisco partnered with the BAAQMD to conduct a citywide health risk assessment based on an inventory and assessment of air pollution and exposures from mobile, stationary, and area sources within San Francisco. Areas with poor air quality, termed the "Air Pollutant Exposure Zone," were identified based on health-protective criteria that consider estimated cancer risk, exposures to fine particulate matter, proximity to freeways, and locations with particularly vulnerable populations.

The above citywide health risk modeling was also used as the basis in approving a series of amendments to the San Francisco Building and Health Codes, generally referred to as the Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or Health Code, Article 38 (Ordinance 224-14, effective December 8, 2014) (Article 38). The purpose of Article 38 is to protect the public health and welfare by establishing an Air Pollutant Exposure Zone and imposing an enhanced ventilation requirement for all urban infill sensitive use development within the Air Pollutant Exposure Zone. The Air Pollutant Exposure Zone was also used as the basis in approving a series of amendments to the San Francisco Environment and Administrative Codes, generally referred to as the Clean Construction Ordinance, or Environment Code Section 25.

The threshold of significance used to evaluate health risks from new sources of TACs associated with the project is based on the potential for the proposed project to substantially affect the extent and severity of the Air Pollutant Exposure Zone at sensitive receptor locations. For projects that could result in sensitive

receptor locations meeting the Air Pollutant Exposure Zone criteria that otherwise would not occur without the project, a proposed project that would emit PM<sub>2.5</sub> concentration above 0.3 µg/m<sup>3</sup> or result in an excess cancer risk greater than 10.0 per million would be considered a significant impact. The 0.3 µg/m<sup>3</sup> PM<sub>2.5</sub> concentration and the excess cancer risk of 10.0 per million persons exposed are the levels below which the BAAQMD considers new sources not to make a considerable contribution to cumulative health risks.<sup>9</sup> For those locations already meeting the Air Pollutant Exposure Zone criteria, a lower significance standard is required to ensure that a proposed project's contribution to existing health risks would not be significant. In these areas a proposed project's PM<sub>2.5</sub> concentrations above 0.2 µg/m<sup>3</sup> or an excess cancer risk greater than 7.0 per million would be considered a significant impact. The proposed project would include stops both within and outside the Air Pollutant Exposure Zone and thus all of the above thresholds of significance apply.

The proposed project would include limited construction activities for capital improvements. Project construction activities would result in short-term emissions of DPM and other TACs. The proposed project is subject to the Clean Construction Ordinance. While emission reductions from limiting idling, educating workers and the public and properly maintaining equipment are difficult to quantify, other measures in the Clean Construction Ordinance, specifically the requirement for equipment with Tier 2 engines and Level 3 Verified Diesel Emission Control Strategy (VDECS) can reduce construction emissions by 89 to 94 percent compared to equipment with engines meeting no emission standards and without a VDECS. Emissions reductions from the combination of Tier 2 equipment with level 3 VDECS is almost equivalent to requiring only equipment with Tier 4 Final engines, which is not yet readily available for engine sizes subject to the Clean Construction Ordinance. Therefore, compliance with the Clean Construction Ordinance would ensure construction emissions impacts on nearby sensitive receptors would not be significant.

Sensitive receptors may be exposed to increased emissions at existing stops as a result of the increased demand for shuttle service from local and regional employers and their workers. In addition, sensitive receptors that are currently not exposed to emissions from commuter shuttle stop events could be exposed in the future if new stops are added as part of the Program. Therefore, a localized health risk assessment was conducted to assess the excess cancer risk and PM<sub>2.5</sub> concentrations from the Program.

Four local impact zones were modeled to represent the localized health risk effects at any existing stop or proposed stop under the Program. The four local impact zones were chosen based on the following criteria: exhibit high volumes of stop events under the Pilot Program; represent average or above average idling times for idling times for commuter shuttle under the Pilot Program; representative of the geographic diversity within the City for stops (within and outside the Air Pollutant Exposure Zone, differing locations of sensitive receptors); and representative of configuration of stops (e.g., east-west vs. north-south, stops on both sides of the street).

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<sup>9</sup> Bay Area Air Quality Management District, *California Environmental Quality Act Guidelines Update, Proposed Air Quality CEQA Thresholds of Significance*, May 3, 2010.

In order to assess potential impacts from locating a new stop anywhere in the City, for a baseline the modeling assumed that no shuttles currently stop at the four local impact zones. This represents a conservative analysis for some locations because with or without the Program the shuttles would be making stops at various locations throughout the City. However, this conservative approach allows for disclosure of air quality effects that occur today at some locations and provides information about health effects that could occur in the future if and/or when a new loading zone is created. In addition, localized health effects were based upon the following assumptions: an increase in the number of stop events that could occur between Pilot and Program conditions (estimated at 29 percent) at locations with a high volume stop events; the same commuter shuttle engine years (2012 or newer) as mentioned above for criteria air pollutants; commuter shuttle fuel type and idling time; and various methodologies consistent with BAAQMD guidance regarding assessing local risks and hazards.

As shown in Table 6, the estimated health risk and PM<sub>2.5</sub> concentrations from the Program would not exceed significance thresholds both within and outside the Air Pollutant Exposure Zone for residential sensitive receptors. Therefore, no significant localized health risk impacts would occur.

**Table 6. Estimated Health Risks and Hazards**

| Air Pollutant Exposure Zone Location | Local Impact Zone                             | Lifetime Cancer Risk | Shuttle-Generated Annual PM <sub>2.5</sub> Concentrations |
|--------------------------------------|---|----------------------|---|
| Outside                              | Van Ness & Union                              | 5.6                  | 0.02  |
| Outside                              | Valencia & 24 <sup>th</sup> /25 <sup>th</sup> | 4.3                  | 0.01  |
| Significance Threshold               |   | 10.0                 | 0.3   |
| Within                               | Townsend & 4 <sup>th</sup>                    | 0.9                  | <0.01   |
| Within                               | Market & 8 <sup>th</sup>                      | 2.8                  | <0.01   |
| Significance Threshold               |   | 7.0                  | 0.2   |

Source: Ramboll Environ, 2015.

### Noise

An analysis of the potential noise effects of adding transit service on streets in San Francisco was prepared for the Service Improvements analyzed in the Transit Effectiveness Project EIR (TEP EIR) in Chapter 4, Section 4.3, Noise and Vibration, on pp. 4.3-35 to 4.3-48.<sup>10</sup> The results of that analysis are relevant to the indirect changes in noise that could occur as the commuter shuttle program expands in the future.

The City considers temporary noise from construction performed in compliance with the San Francisco Noise Ordinance, Article 2.4 of the San Francisco Public Works Code/DPW Order No. 176-707, and the SFMTA Blue Book to be less than significant. These regulations require that construction not produce noise from any construction equipment (except impact tools) that would exceed 80 dBA at 100 feet or

<sup>10</sup> San Francisco Planning Department, *Transit Effectiveness Project Final Environmental Impact Report*, certified March 27, 2014, Case No. 2011.0558E (hereinafter "TEP EIR").

generate construction noise between 8:00 p.m. and 7:00 a.m. that exceeds the ambient noise level by 5 dBA at the nearest property line without procuring a Night Noise Permit. Pursuant to § 2907 of the San Francisco Noise Ordinance, impact tools and equipment must be equipped with intake and exhaust mufflers recommended by the manufacturers and approved by the Director of Public Works for maximum noise attenuation, and pavement breakers and jackhammers must be equipped with acoustically attenuating shields or shrouds.<sup>11</sup> Per the Night Noise Permit, the use of construction equipment that generates high level of noise and impact equipment is not allowed after 10:00 p.m.<sup>12</sup>

The Federal Transit Administration (FTA) developed a methodology and significance criteria to evaluate noise impacts from operation of surface transportation modes (i.e. passenger cars, trucks, buses, and rail) in their guidance document: *Transit Noise Impact and Vibration Assessment* (FTA Guidelines).<sup>13</sup> The FTA incremental noise impact criteria are based on US EPA recommended levels and studies of community annoyance from transportation noise. This approach was used in the TEP EIR to evaluate the noise impact from increases in transit vehicle trips on San Francisco streets.

The TEP EIR noise analysis evaluated construction impacts from adding pedestrian bulbs, bus bulbs, and boarding islands similar to those included in the proposed project.<sup>14</sup> The loudest noise levels are typically generated by impact equipment (e.g., hoe ram or jackhammers) that would be required for the demolition of the existing sidewalk and street and from paving equipment during street restoration.

The expected noise level from construction equipment used for the proposed capital improvements would not emit noise in excess of 80 dBA at 100 feet.<sup>15</sup> Therefore, with adherence to the San Francisco Noise Ordinance, including limiting the noise levels from individual pieces of construction equipment (other than impact tools) to 80 dBA at a distance of 100 feet, equipping impact tools with both intake and exhaust muffled, and obtaining a noise permit for night work from DPW, as well as compliance with the Public Works Code and other DPW regulations, indirect temporary construction noise impacts from the program would be less than significant.

The TEP EIR noise analysis studied the daily increase in operational ambient noise from increases in transit vehicle trips on streets with existing low (55 to 59 dBA Ldn), medium (60 to 69 dBA Ldn), and high (70 dBA Ldn and greater) ambient noise levels. The increases in numbers of standard diesel motor coaches ranged from about 115 per day on a street with low ambient noise levels (55 dBA Ldn) to over 500 per day on a street with high ambient noise levels (70 dBA Ldn).<sup>16</sup> The use of standard diesel motor coaches provided a conservative estimate of the noise that could be generated by increases in transit

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<sup>11</sup> San Francisco Municipal Code, Police Code, Article 29 – Regulation of Noise. Available online at: <http://www.sfdph.org/dph/files/EHSdocs/ehsNoise/NoiseOrd.pdf>. Accessed June 3, 2013.

<sup>12</sup> TEP EIR p. 4.3.16.

<sup>13</sup> FTA, *Transit Noise and Vibration Impact Assessment*, May 2006. Available online at: [www.fta.dot.gov/documents/FTA\\_Noise\\_and\\_Vibration\\_Manual.pdf](http://www.fta.dot.gov/documents/FTA_Noise_and_Vibration_Manual.pdf). Accessed March 13, 2013.

<sup>14</sup> Note that implementing transit system priority signal systems would not require any construction activities.

<sup>15</sup> See TEP EIR Table 29, p. 4.3.31.

<sup>16</sup> TEP EIR Table 31, pp. 4.3.38-4.3.39.

vehicles in the analysis.<sup>17</sup> The results of the analysis of operational noise impacts in the TEP EIR show that adding substantial numbers of motor coaches to city streets, including streets that currently experience low ambient noise levels, would not result in significant increases in noise and would cause less-than-significant noise impacts.<sup>18</sup> Similarly, noise generated by the commuter shuttles would be comparable to those of the MUNI system if they were all standard diesel motor coaches.

As shown in Table 3 (Stop Events at Designated Zones [with Commuter Shuttle Program]), the commuter shuttle program could add up to three percent to the total number of shuttle vehicles to major and minor arterial roadways, assumed to have moderate to high ambient noise levels on a typical week day in San Francisco. It should be noted that as part of the program, shuttle motor coaches would be required to follow routes along arterial streets and avoid residential streets, thereby avoiding streets with low ambient noise levels. Therefore, it is reasonable to assume that, as for the TEP Service Improvements, the increase in noise levels during operation of the commuter shuttles would result in similar less-than-significant noise impacts.

Further, an approximate doubling of traffic volumes in the project area would be necessary to produce an increase in ambient noise levels noticeable to most people. As previously described, the proposed project would not cause a doubling in traffic volumes with the implementation of the Commuter Shuttle Program. The project's marginal increase to the existing shuttle activity at arterial roads (up to three percent) would not cause a noticeable increase in the ambient noise level in the project vicinity. The noise generated by commuter shuttles would be considered common and generally acceptable in an urban area, and would not be considered a significant impact.

### Other CEQA Topics

Members of the public have expressed concern that commuter shuttles, the Pilot, and/or the proposed Program have caused an increase in housing costs, resulting in displacement. The increase in housing costs in San Francisco is a well-documented issue that is being addressed in a variety of ways. Prices have risen across the City as demand for housing has increased due to a variety of factors, including significant growth in employment opportunities within San Francisco and the Bay Area. As shown in Table 2 on p. 10, the ridership survey indicates that of the estimated 8,500 daily shuttle riders, only five percent (425 shuttle users) would move closer to their jobs were the commuter shuttles unavailable. Therefore, the availability and proximity of commuter shuttles do not appear to be contributing substantially to housing demand or prices in San Francisco.

CEQA Guidelines Section 15064(e) states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be

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<sup>17</sup> TEP EIR pp. 4.3.36-4.3.37.

<sup>18</sup> EPT EIR Table 32, p. 4.3.46, and pp. 4.3-43 to 4.3-44

regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects on people, those adverse effects may be used as a factor in determining whether the physical change is significant.” The proposed Program would not result in elimination of any housing units. Any physical impacts associated with increased housing costs would be related to the construction of replacement housing for displaced residents, or increased trip lengths and emissions for displaced residents. However, there is no demonstrable evidence of physical displacement of individuals from housing units attributable to commuter shuttles, and if such displacement were to occur as a result of the proposed program, there is no basis to assess where such individuals would relocate and what their travel behavior would entail. Since there is no demonstrated causative link between commuter shuttle use and housing demand or price, and there is no foreseeable displacement associated with the proposed Program, analysis of any such impacts would be speculative with regard to their scale and nature.

The Commuter Shuttle Program would not result in any changes in land use, urban design or long range views, cultural resources, biological resources, greenhouse gas emissions, wind, shadow, utilities and service systems, geology and soils, hydrology or water quality, mineral resources or agricultural and forest resources. No new hazardous waste would be generated by the Commuter Shuttle Program. Implementation of the proposed project, may reduce already less-than-significant effects on emergency vehicle access.

## **EXEMPT STATUS**

The California Environmental Quality Act (CEQA) Guidelines Section 15301, or Class 1, provides for the exemption from environmental review of minor alterations to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. The proposed project would include minor modifications to the existing arterials to install new commuter shuttle stops, as well as the installation of minor improvements such as signage, traffic islands, and bus bulbs. Therefore, the proposed project would be exempt from CEQA under Class 1.

CEQA Guidelines Section 15308, or Class 8, provides for exemption for actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The proposed project would include the implementation of the Commuter Shuttle Program, which issues permits to eligible commuter shuttle providers meeting specific requirements and terms and would allow the use of designated public curb space. The program provides procedures intended to facilitate operation of commuter shuttles, enable vehicle trip reduction, and minimize impacts to users of other transportation modes in San Francisco. As such, it constitutes actions by SFMTA meant to enhance and protect the environment involving regulatory procedures for shuttle activity. Therefore, the proposed project would be exempt from CEQA under Class 8.



## CONCLUSION

Guidelines Section 15300.2, subdivision (c), provides that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. As illustrated, herein there are no unusual circumstances surrounding the proposed project that would suggest a reasonable possibility of a significant effect. The proposed project would not substantially increase traffic on the existing street system and no significant environmental impact would occur. For the above reasons, the proposed project is appropriately exempt from environmental review.

The proposed project satisfies the criteria for exemption under the above-cited classification(s). In addition, none of the CEQA Guidelines Section 15300.2 exceptions to the use of a categorical exemption applies to the proposed project. For the above reasons, the proposed project is appropriately exempt from environmental review.

# Attachment A: Pilot Program Shuttle Network

◦ Shared Muni-Commuter Shuttle Zone

White Zone

- AM, 6-10AM
- PM, 4-8PM
- AM/PM, 6-10AM and 4-8PM
- AM/PM, 24 hours

— Buses and Vans With 8 or More Passengers Restricted Streets

— Weight Restricted-Use Streets (> 3 tons)

— Weight Restricted-Use Streets (> 9 tons)

● Pending Approval

● Temporary Stop



# Attachment B: Proposed Commuter Shuttle Street Network

- Shared Muni-Commuter Shuttle Zone
- White Zone
  - AM, 6-10AM
  - PM, 4-8PM
  - AM/PM, 6-10AM and 4-8PM
  - AM/PM, 24 hours
- Buses and Vans With 8 or More Passengers Restricted Streets
- Weight Restricted-Use Streets (> 3 tons)
- Weight Restricted-Use Streets (> 9 tons)
- Pending Approval
- ★ Temporary Stop
- Large-Vehicle Approved (major arterial)
- Large-Vehicle Approved (minor arterial)



Source: SFMTA, 2015