

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 13-054

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA), was the primary agency responsible for bicycle planning and development of the 2009 San Francisco Bicycle Plan; and,

WHEREAS, The California Bicycle Transportation Act (Sections 891.2 and 891.4 of the California Streets and Highways Code) provides for the preparation of a bikeways plan by a city or county and submission of this plan to the California Department of Transportation for review and approval; and,

WHEREAS, Section 891.4 of the California Streets and Highways Code provides that any city or county which has received approval from the California Department of Transportation for its bikeways plan may apply to the Department of Transportation for Bicycle Transportation Account funds for bikeways and related facilities which implement such a plan; and,

WHEREAS, The SFMTA Board of Directors endorsed the 2009 San Francisco Bicycle Plan for purposes of initiating environmental review under the California Environmental Quality Act, California Public Resources Code sections 21000 *et seq.* (“CEQA”), and approved a proposed scope of work for the environmental review at its January 30, 2007 meeting, and endorsed changes to the Plan for the purposes of environmental review and approved a revised scope of work at its December 4, 2007 meeting; and,

WHEREAS, The 2009 San Francisco Bicycle Plan complies with Section 891.2 of the California Streets and Highways Code and is consistent with the Metropolitan Transportation Commission’s 2009 Regional Transportation Plan, the [“Transportation 2035 Plan for the San Francisco Bay Area;”](#) and,

WHEREAS, The San Francisco Planning Department published a Draft Environmental Impact Report (“DEIR”) on the San Francisco Bicycle Plan on November 26, 2008, circulated it for public review in accordance with CEQA, the State CEQA Guidelines, 14 California Code of Regulations, Sections 15000 *et seq.*, and Chapter 31 of the San Francisco Administrative Code (“Chapter 31”), held a public hearing on the DEIR on January 8, 2009, prepared responses to comments on the DEIR and published the Comments and Responses document on June 11, 2009, which, together with the DEIR, all supporting documents and materials and additional information that became available, constitute the Final Environmental Impact Report (“EIR”); and,

WHEREAS, On June 25, 2009, the San Francisco Planning Commission certified the EIR for the 2009 San Francisco Bicycle Plan published on June 11, 2009; and,

WHEREAS, On June 26, 2009, the SFMTA Board of Directors, in Resolution 09-105, adopted the 2009 San Francisco Bicycle Plan, adopted findings under the CEQA, including a statement of overriding considerations and a mitigation monitoring and reporting program; and,

WHEREAS, Also at its June 26, 2009 meeting, the SFMTA Board of Directors, in Resolution 09-106, incorporated by reference the CEQA findings adopted in Resolution 09-105 and approved or ratified traffic modifications required to implement 45 of the 60 near-term projects listed in the 2009 San Francisco Bicycle Plan; and,

WHEREAS, On January 14, 2013, the California Court of Appeal, in *Anderson v. City and County of San Francisco*, California Court of Appeal No. A129910, found that although the FEIR complied with CEQA in all respects, the findings adopted pursuant to the CEQA in connection with the adoption of the 2009 Bicycle Plan and the traffic modifications did not adequately set forth the reasons for rejecting as infeasible the alternatives identified in the EIR, and did not adequately discuss several significant environmental impacts that cannot be mitigated; and,

WHEREAS, Staff has prepared modified CEQA findings, attached as Enclosure 2, which respond to the Court of Appeal's concerns; and now, therefore be it

RESOLVED, That the SFMTA Board of Directors adopts and incorporates by reference, as though fully set forth herein, the modified CEQA Findings set forth in Enclosure 2, re-adopts the 2009 San Francisco Bicycle Plan as previously approved in Resolution No. 09-105, and re-approves the traffic modifications required to implement 45 of the 60 near-term projects listed in the 2009 San Francisco Bicycle Plan that were approved or ratified by Resolution No. 09-106.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 7, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency