

1 [Reversing the Statutory Exemption Determination - San Francisco Municipal Transportation
2 Agency's FY2015-2016 Two-Year Capital Budget]

3 **Motion reversing the determination by the San Francisco Municipal Transportation**
4 **Agency (SFMTA) that the SFMTA's FY2015-2016 Two-Year Capital Budget is exempt**
5 **from environmental review.**

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7 WHEREAS, On April 15, 2014, the San Francisco Municipal Transportation Agency
8 (SFMTA) Board conducted a noticed public hearing, and, by Resolution No. 14-0161, adopted
9 the Agency's Fiscal Year 2015 and 2016, two-year Operating and Capital Budget, which,
10 among other items: approved changes to various SFMTA fines, fees, fares, rates, and
11 charges; continuation of the free Muni for low and moderate income youth program; funding
12 for a three percent Muni service increase in FY 2015; funding for an additional seven percent
13 increase in Muni service in FY 2016, additional transit vehicle fleet cleaning and appearance;
14 Free Muni for low and moderate income 18 year olds, seniors, and/or disabled customers
15 depending on a determination of the agency's fiscal health in January, 2015; elimination of the
16 in-person customer service center fee; possible elimination of the telephone and on-line
17 computer customer transaction fee effective April 1, 2015; and elimination of parking meter
18 enforcement on Sundays; and

19 WHEREAS, In taking this approval action, the SFMTA determined that the SFMTA's
20 Fiscal Year 2015 and 2016 two-year Operating and Capital Budget was statutorily exempt
21 from the California Environmental Quality Act (CEQA) under Public Resources Code Section
22 21080(b)(8) and CEQA Guidelines Section 15273 (Rates, Tolls, Fares, and Charges); and

23 WHEREAS, By letter to the Clerk of the Board, received by the Clerk's Office on May
24 13, 2014, James Birkelund on behalf of Livable City, San Francisco Transit Riders Union, and
25 Mario Tanev (Appellants), appealed the exemption determination; and

1 WHEREAS, On June 17, 2014, this Board held a duly noticed public hearing to
2 consider the appeal of the exemption determination filed by Appellants and, following the
3 public hearing, reversed the exemption determination; and

4 WHEREAS, In reviewing the appeal of the exemption determination, this Board
5 reviewed and considered the exemption determination, the appeal letter, the responses to the
6 appeal documents that the Planning Department and SFMTA prepared, the other written
7 records before the Board of Supervisors and all of the public testimony made in support of
8 and opposed to the exemption determination appeal. Following the conclusion of the public
9 hearing, the Board of Supervisors reversed the exemption determination for the project based
10 on the written record before the Board of Supervisors as well as all of the testimony at the
11 public hearing in support of and opposed to the appeal. The written record and oral testimony
12 in support of and opposed to the appeal and deliberation of the oral and written testimony at
13 the public hearing before the Board of Supervisors by all parties and the public in support of
14 and opposed to the appeal of the exemption determination is in the Clerk of the Board of
15 Supervisors File No. 140522 and is incorporated in this motion as though set forth in its
16 entirety; now therefore be it

17 MOVED, That this Board of Supervisors reverses the determination by the SFMTA that
18 the project is exempt from environmental review.

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