

1 [Charter Amendment - Transportation Infrastructure Capital Appropriations and Transit Equity
2 Strategy]

3 **Describing and setting forth a proposal to the voters to amend the Charter of the City and**
4 **County of San Francisco, at an election to be held on November 3, 2015, to amend the**
5 **Charter of the City and County of San Francisco to require annual appropriations to the**
6 **Department of Public Works and Municipal Transportation Agency (MTA) to maintain,**
7 **replace, and improve the City's transportation infrastructure in an amount commencing**
8 **with \$75,000,000 for FY2016-2017 and to require the MTA Board of Directors to adopt and**
9 **biennially update a Transit Equity Strategy.**

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

14 Section 2. The Board of Supervisors hereby submits to the qualified voters of the City
15 and County, at an election to be held on November 3, 2015, a proposal to amend the Charter of
16 the City and County by adding Sections 16.126 and Section 8A.116 to read as follows:

17 NOTE: **Unchanged Charter text and uncodified text** are in plain font.
18 **Additions** are single-underline italics Times New Roman font.
Deletions are ~~strike-through italics Times New Roman font~~.

19 **SEC. 16.126. TRANSPORTATION INFRASTRUCTURE CAPITAL APPROPRIATIONS.**

20 **(a) Transportation Infrastructure Capital Appropriations (TICA). Each year the City**
21 **shall appropriate an amount determined by the Controller as provided in subsections (b) and (c)**
22 **below to the Department of Public Works ("DPW") and the Municipal Transportation Agency**
23 **("MTA"), or any successor agencies, to maintain, replace and improve the City's transportation**
24 **infrastructure. TICAs allocated to DPW shall be used for roadway maintenance, resurfacing**
25 **and reconstruction and associated curb ramps. Except as provided in subsection (e), TICAs**

1 allocated to the MTA shall not be used to cover the costs of salaries and benefits for transit
2 operators but may instead be used only for capital projects to maintain, purchase, build, replace
3 and improve transportation infrastructure, including but not be limited to projects that:

- 4 1. Reduce Muni crowding and improve Muni reliability by repairing and
5 replacing old buses and trains and acquiring additional transit vehicles to
6 increase service;
- 7 2. Make Muni faster and safer by repairing, modernizing and installing new
8 equipment and facilities to meet the demands of a 21st-Century San
9 Francisco;
- 10 3. Improve street safety for all users and reduce conflicts among people
11 driving, bicycling and walking by redesigning streets, focusing pedestrian
12 safety projects at locations with the highest numbers of injuries and
13 fatalities, and expanding and connecting the City's bicycle lanes and
14 routes;
- 15 4. Create safer crossings for pedestrians, including seniors and people with
16 disabilities, by installing upgraded traffic signals and pedestrian
17 countdown signals, improving sidewalks and building curb ramps for
18 better accessibility; or
- 19 5. Redesign key San Francisco streets to make travel safer and easier to
20 navigate for all users.

21 (b) **First Year TICA: Baseline Appropriations.** For fiscal year 2016- 2017, the TICA
22 shall be \$75 million, of which \$42 million shall be allocated to DPW and \$33 million shall be
23 allocated to the MTA. For fiscal year 2016-2017, \$7.41 million of the \$33 million TICA
24 allocated to the MTA shall be redirected from the Base Amount required by Section 8A.105(b).
25 Thereafter, the Base Amount required by Section 8A.105(b) shall continue to be adjusted in

1 accordance with the terms of Section 8A.105 and the TICA shall be adjusted in accordance with
2 subsection (c) of this Section. For the first five years, 64% of the TICA allocation to the MTA
3 shall be spent on projects that improve Muni transit service and 36% of the TICA allocation to
4 the MTA shall be spent on projects that improve street safety for all users.

5 (c) **Appropriation Adjustment.** The Controller shall adjust the amount of the TICA
6 each year after fiscal year 2016-2017 by the percentage increase or decrease in City and County
7 discretionary General Fund revenues based on calculations consistent from year to year. In
8 determining City and County discretionary General Fund revenues, the Controller shall only
9 include revenues received by the City and County that are unrestricted and may be used at the
10 option of the Mayor and the Board of Supervisors for any lawful City purpose. Errors in the
11 Controller's estimate of discretionary revenues for a fiscal year shall be corrected by an
12 adjustment in the next year's estimate and TICA.

13 (d) **Future Appropriation Allocations.** In order to allow for changes in the City's
14 overall transportation infrastructure needs and priorities, after the fifteenth year of
15 Transportation Infrastructure Capital Appropriations, the City may modify the allocation of
16 TICAs between DPW and the SFMTA, by ordinance recommended by the Mayor and approved
17 by a two-thirds vote of the Board of Supervisors, provided that in no case shall either DPW or
18 the MTA receive an allocation of less than 25 per cent of the annual TICA. The City shall make
19 all TICAs in accordance with the applicable budgetary and fiscal provisions of the Charter.

20 (e) **Minimizing Service Reductions.** While long term and consistent investments in
21 transportation infrastructure are essential to efficient delivery of scheduled transit service, to
22 minimize public transit service reductions during periods of economic austerity, in any year after
23 Fiscal Year 2019-2020 in which the MTA projects an operating deficit exceeding five per cent
24 and the MTA proposes to implement a reduction in service hours exceeding five per cent in order
25 to meet its obligation to approve a balanced budget, the MTA may include an amount not

1 exceeding 50 per cent of the TICA allocation in its budget for public transit operating
2 expenditures rather than transportation infrastructure capital projects to support maintenance of
3 then existing levels of public transit service. The MTA may not make such TICA transfers from
4 transportation infrastructure to transit operating expenditures more than three times in any
5 rolling ten year period.

6 (f) **TICA Suspension.** The City may, by ordinance recommended by the Mayor and
7 approved by a two-thirds' vote of the Board of Supervisors, suspend some or all of the TICA for
8 any fiscal year for which the State of California reduces funding to the City and County of San
9 Francisco from transportation-related taxes paid to the State as a result of economic activity
10 allocable under applicable law to the City and County of San Francisco . Such a suspension
11 cannot exceed the amount of lost state revenue , as determined by the Controller at the time of
12 the TICA Suspension. The City may continue a suspension each year in the same manner until
13 such time as the applicable State funding to the City and County of San Francisco is restored
14 and shall have no obligation to reinstate TICA amounts previously suspended.

15 **SEC. 8A.116. TRANSIT EQUITY STRATEGY.**

16 (a) The voters find that improving delivery of reliable and accessible Muni service is
17 especially important in neighborhoods with high concentrations of low income households,
18 minority residents, residents with disabilities, seniors, and households without personal
19 automobiles ("Service Sensitive Neighborhoods"). Delivery of effective and affordable transit
20 service in Service Sensitive Neighborhoods can play a critical role in the City's overall efforts to
21 retain the economic, racial and ethnic diversity of our population and the overall quality of life
22 for all San Franciscans. In furtherance of the City's efforts to retain the diversity of our
23 population and overall quality of life, the voters direct the Agency to give special consideration
24 to the needs of Service Sensitive Neighborhoods in planning and delivering transit service.
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1 (b) No later than May 1 of each even-numbered year, in conjunction with development
2 of the Agency budget as provided in Section 8A.106, the Agency shall develop and approve a
3 Transit Equity Strategy to guide delivery of transit services within Service Sensitive
4 Neighborhoods, as such neighborhoods are defined and identified by the Board of Directors, and
5 to articulate the City's priorities regarding the affordability of transit services. In developing
6 the Transit Equity Strategy, the SFMTA shall consult with the Citizen's Advisory Council and
7 other affected stakeholders. The SFMTA shall deliver its approved Transit Equity Strategy to the
8 Mayor and Board of Supervisors in conjunction with delivery of the Agency budget.

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

12 By: _____
13 JULIA M. C. FRIEDLANDER
 Deputy City Attorney

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