

BOARD of SUPERVISORS



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MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency
Harlan Kelly, Jr., General Manager, Public Utilities Commission

FROM: Erica Major, Assistant Clerk
Land Use and Transportation Committee

DATE: September 19, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on September 11, 2018:

File No. 180893

Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvement projects under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway service.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Janet Martinsen, Municipal Transportation Agency
Kate Breen, Municipal Transportation Agency
Dillon Auyoung, Municipal Transportation Agency
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
John Scarpulla, Public Utilities Commission

1 [Administrative Code - Exempting Certain Municipal Transportation Agency Projects From
2 Fiscal Feasibility Ordinance]

3 **Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility**
4 **Ordinance capital improvement projects under the jurisdiction of the San Francisco**
5 **Municipal Transportation Agency that will support an increase or improvement in**
6 **Municipal Railway service.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough-Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Background and Findings.

16 (a) Chapter 29 of the Administrative Code ("Chapter 29") requires, prior to initiating
17 environmental review, that a City department, board, or commission proposing a project, as
18 defined by the California Environmental Quality Act, California Public Resources Code
19 Sections 21000 *et seq.*, that is estimated to have implementation and/or construction costs
20 exceeding \$25,000,000 and that will cost more than \$1,000,000 in public monies for
21 predevelopment, planning, or construction costs prepare a financial feasibility study and
22 submit it to the Board of Supervisors for a determination that the plan for undertaking and
23 implementing the proposed project is fiscally feasible and responsible.

24 (b) The San Francisco Municipal Transportation Agency engages in numerous rail,
25 facility, and transit-related infrastructure projects that require long-range planning and
applying for regional, state, and federal sources of funding to support or improve Municipal

1 Railway ("Muni") service. Given that preliminary planning and design are often prerequisites
2 for submitting a competitive funding application, an exception to the requirements of Chapter
3 29 is appropriate.

4 Section 2. The Administrative Code is hereby amended by revising Section 29.1, to
5 read as follows:

6 **SEC. 29.1. APPLICABILITY OF THIS CHAPTER 29.**

7 * * * *

8 (c) Notwithstanding anything to the contrary in this Chapter 29, this Chapter 29 shall
9 not apply to the following projects:

10 (1) Any project ~~which that~~ has been specifically approved by the voters prior to
11 January 1, 1998, or ~~project~~ where more than ~~seventy-five percent (75%)~~ of the amount of public
12 monies for the project will be financed with proceeds from a bond measure that the Board of
13 Supervisors has submitted for approval to the voters and ~~which that~~ has been approved by the
14 voters; or

15 (2) Any project that is the subject of a term sheet (or similar summary of key
16 terms and conditions) or an exclusive negotiating agreement (or similar agreement setting
17 forth a schedule and terms for proceedings towards final transactional documents), approved
18 or endorsed by the Board of Supervisors on or after January 1, 2003, but before July 1, 2004,
19 or that has otherwise been approved or endorsed by the Board of Supervisors during such
20 time period, provided, however, that if the Board of Supervisors subsequently elects to
21 withdraw such endorsement or approval, this exemption shall not apply and such project shall
22 be subject to the terms of ~~this ordinance~~ this Chapter 29 to the extent otherwise applicable; or

23 (3) Any project where funds allocated or granted by the San Francisco
24 County Transportation Authority ("SFCTA"), or other funds secured by or requiring
25 contribution of matching or leveraged SFCTA funds, comprise more than ~~seventy-five percent~~

1 (75%) of the public monies for the project, provided that the SFCTA has reviewed and
2 approved the plans or projects to be financed with such funds from the SFCTA; or

3 (4) Any project that is a utility capital improvement project under the
4 jurisdiction of the San Francisco Public Utilities Commission; *or*

5 (5) Any project that is a public transportation capital improvement project under the
6 jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or
7 improvement in Municipal Railway (“Muni”) service.

8 Section 3. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor’s veto of the ordinance.

12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: 
22 STEPHANIE STUART
23 Deputy City Attorney

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LEGISLATIVE DIGEST

[Exempting Certain Municipal Transportation Agency Projects from From Fiscal Feasibility Ordinance]

Ordinance amending the Administrative Code to exempt from the Fiscal Feasibility Ordinance capital improvements projects under the jurisdiction of the San Francisco Municipal Transportation Agency that will support an increase or improvement in Municipal Railway service.

Existing Law

Chapter 29 of the Administrative Code (“Chapter 29”) requires, prior to initiating environmental review, that a City department, board or commission proposing a project as defined by the California Environmental Quality Act that is estimated to have implementation and/or construction costs exceeding twenty-five million dollars (\$25,000,000) and to use in excess of one million dollars (\$1,000,000) in public monies for predevelopment, planning, or construction costs prepare a financial feasibility study and submit it to the Board of Supervisors for a determination that the plan for undertaking and implementing the proposed project is fiscally feasible and responsible.

Amendments to Current Law

This ordinance would amend Chapter 29 to exempt certain capital improvement projects under the jurisdiction of the San Francisco Municipal Transportation Agency (SFMTA) from the Chapter 29 requirements for a fiscal feasibility study to the extent such projects will support an increase or improvement in Municipal Railway Service.

Background Information

The SFMTA engages in numerous rail, facility, and transit-related infrastructure projects to support or improve Municipal Railway service and such projects often rely on regional, state, and federal sources of funding. Preliminary planning and design are often prerequisites for submitting a competitive funding application.

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