File No. 180862 Committee Item No. 6
Board Item No. 46

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee **Date** November 5, 2018

Board of Supervisors Meeting **Date** NOVEMBER 13, 2018

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☐	☐	Form 126 – Ethics Commission
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Completed by: Erica Major **Date** November 1, 2018
Completed by: Erica Major **Date** 11/8/18

[Transportation Code - Board of Supervisors Review of Bus Rapid Transit Projects]

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of ~~certain~~ Municipal Transportation Agency decisions related to Bus Rapid Transit projects that do not include transit-only areas or lanes for Municipal Railway vehicles, taxis, authorized emergency vehicles, and/or Golden Gate Transit vehicles; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 180862 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Transportation Code is hereby amended by revising Section 10.1, to read as follows:

SEC. 10.1. REVIEW OF MUNICIPAL TRANSPORTATION AGENCY DECISIONS.

(a) **Definitions**. As used in this Section 10.1, the following words and phrases shall have the following meaning:

* * * *

"Final SFMTA Decision" shall not include:

(1) a decision by the SFMTA that is directly related to the implementation of a Bicycle Lane, ~~*Bus Rapid Transit project,*~~ Bus Rapid Transit project that includes transit-only areas or lanes for Municipal Railway vehicles, taxis, authorized emergency vehicles, and/or Golden Gate Transit vehicles, Development Application, or Large Infrastructure Project including regulations limiting parking, stopping, standing, or loading; or

(2) a decision by the SFMTA regarding any of the following parking restrictions or modifications: (A) street sweeping; (B) any temporary Traffic Control Device installed or removed on any street for the purpose of controlling parking or traffic during emergencies, special conditions, or events, construction work, short-term testing, or when necessary for the protection of public health and safety; or (C) Special Traffic Permit.

* * * *

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

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

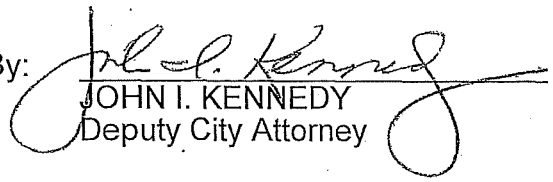
///

///

///

the official title of the ordinance.

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

By: 
JOHN I. KENNEDY
Deputy City Attorney

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BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 11, 2018

File No. 180862

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 4, 2018, Supervisor Peskin introduced the following proposed legislation:

File No. 180862

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency decisions related to Bus Rapid Transit projects; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Erica Major, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Laura Lynch

Digitally signed by Laura Lynch
DN: dc=org, dc=sfgov, dc=cityplanning, ou=CityPlanning, ou=Environmental Planning, cn=Laura Lynch, email=Laura.Lynch@sfgov.org
Date: 2018.11.01 17:51:48 -07'00'

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or indirect physical change in the environment.

180876
180876
Received via Email
10/26/18

San Francisco Board of Supervisors
San Francisco City Hall, Room 240
1 Dr. Carlton Goodlett Plaza
SF, CA 94102

October 25, 2018

From:
Inner Sunset Action Community (ISAC)
Contact: Inner Sunset Action Community@gmail.com

re: opposing private use of public transit lanes

Dear Supervisors:

The **Inner Sunset Action Community** opposes opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other vehicles that we cannot yet imagine, without any study to show such permission won't harm MUNI and without full compensation to the City for the use and congestion of our scarce public resource, public transit lanes on city streets.

A system of comprehensive, affordable public transportation is part of our City's effort to enable residents, workers and students to commute and get around without driving everywhere for everything, as well as to combat income inequality and climate change. Muni offers discount fares to seniors, the disabled, low-income people and youth. Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Moreover, as of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni

performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

Additionally, San Francisco's population is projected to increase. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

Moreover state and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as "any bus owned or operated by a publicly owned or operated transit system ..." (CVC I.A.642) It logically follows that transit-only lanes are for transit vehicles. The Board of Supervisors has also passed an ordinance (Section 7.2.72) forbidding the operation of "a vehicle or any portion of a vehicle within ... a transit-only area." The SFMTA Board of Directors does not have the authority to pass contradictory legislation.

The Inner Sunset Action Community calls on the Board of Supervisors to assert its power and reaffirm that transit-only lanes are for public transit only vehicles.

Respectfully,

Inner Sunset Action Community (ISAC)

Denis Mosgofian
Lori Liederman
Jerry Gerber
Maria Wabl
Lillian Tsi
Allan Chalmers

Linda Chalmers
Roger Hofmann
Pam Hofmann
Karen Pierotti
Daniel Tomasevich
Ray Dudum
Susan Wilde
Dennis Antenore
et alii

CC: Board.of.Supervisors@sfgov.org, erica.major@sfgov.org, Sandra.Fewer@sfgov.org, Catherine.Stefani@sfgov.org, Aaron.Peskin@sfgov.org, Katy.Tang@sfgov.org, Vallie.Brown@sfgov.org, Jane.Kim@sfgov.org, Norman.Yee@sfgov.org, Rafael.Mandelman@sfgov.org, Hillary.Ronen@sfgov.org, Malia.Cohen@sfgov.org, Ahsha.Safai@sfgov.org, MTABoard@sfmta.com

180862
180876

From: Denis Mosgofian <denismosgofian@gmail.com>
Sent: Friday, October 26, 2018 5:28 PM
To: Board of Supervisors, (BOS); Major, Erica (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); SF MTA
Subject: opposing private use of public transit lanes
Attachments: Microsoft Word - BOS-oppose private use of transit lanes Oct. 25, 2018.docx.pdf

San Francisco Board of Supervisors

San Francisco City Hall, Room 240

1 Dr. Carlton Goodlett Plaza

SF, CA 94102

October 25, 2018

From:

Inner Sunset Action Community (ISAC)

Contact: Inner Sunset Action Community@gmail.com

re: opposing private use of public transit lanes

Dear Supervisors:

The **Inner Sunset Action Community** opposes opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other vehicles that we cannot yet imagine, without any study to show such permission won't harm MUNI and without full compensation to the City for the use and congestion of our scarce public resource, public transit lanes on city streets.

A system of comprehensive, affordable public transportation is part of our City's effort to enable residents, workers and students to commute and get around without driving everywhere for everything, as well as to combat income inequality and climate change. Muni offers discount fares to seniors, the disabled, low-income people and youth. Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Moreover, as of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

Additionally, San Francisco's population is projected to increase. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

Moreover state and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as "any bus owned or operated by a publicly owned or operated transit system ..." (CVC I.A.642) It logically follows that transit-only lanes are for transit vehicles. The Board of Supervisors has also passed an ordinance (Section 7.2.72) forbidding the operation of "a vehicle or any portion of a vehicle within ... a transit-only area." The SFMTA Board of Directors does not have the authority to pass contradictory legislation.

The Inner Sunset Action Community calls on the Board of Supervisors to assert its power and reaffirm that transit-only lanes are for public transit only vehicles.

Respectfully,

Inner Sunset Action Community (ISAC)

Denis Mosgofian

Lori Liederman

Jerry Gerber

Maria Wabl

Lillian Tsi

Allan Chalmers

Linda Chalmers

Roger Hofmann

Pam Hofmann

Karen Pierotti

Daniel Tomasevich

Ray Dudum

Susan Wilde

Dennis Antenore

et alii

CC: Board.of.Supervisors@sfgov.org, erica.major@sfgov.org, Sandra.Fewer@sfgov.org, Catherine.Stefani@sfgov.org, Aaron.Peskin@sfgov.org, Katy.Tang@sfgov.org, Vallie.Brown@sfgov.org, Jane.Kim@sfgov.org, Norman.Yee@sfgov.org, Rafael.Mandelman@sfgov.org, Hillary.Ronen@sfgov.org, Malia.Cohen@sfgov.org, Ahsha.Safai@sfgov.org, MTABoard@sfmta.com

180862
180876

rom:	350 San Francisco <350sanfrancisco@gmail.com>
Sent:	Wednesday, October 31, 2018 4:35 PM
To:	Board of Supervisors, (BOS)
Cc:	Major, Erica (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); MTABoard@sfmta.com
Subject:	Oppose Opening Transit-Only Bus Lanes to For-Profit Buses

350 San Francisco
Oct 31, 2018
John Anderson, Co-Coordinator

San Francisco Board of Supervisors
San Francisco City Hall, Room 240
1 Dr. Carlton Goodlett Plaza
SF, CA 94102

RE: Oppose Permitting For-Profit Buses in Transit-Only Bus Lanes

Dear Supervisors:

350 San Francisco opposes opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, etc. Such a decision would cause environmental harm, and fails to comply with existing law.

As you know, we are in a climate emergency, and strong public transportation systems are needed everywhere. A system of comprehensive, affordable public transportation is part of San Francisco's laudable effort to combat both climate change and inequitable distribution of the costs of climate change (environmental injustice). Muni supports this effort in the following ways:

- Muni used less than two percent of all the energy consumed in San Francisco for transportation in 2015, demonstrating that expanded public transportation is an excellent way to reduce the City's total carbon emissions, as required by state law.
- Muni offers discount fares to seniors, the disabled, low-income people and youth.
- Muni strives to comply with federal law that requires Muni to serve all neighborhoods and demographics equitably. Private services are not required to do this.

Dedicated transit-only lanes are a critical part of our city's public transportation system. The San Francisco Municipal Transportation Agency (SFMTA) has long championed the creation of transit-

only lanes as a prime method to improve Muni performance by reducing traffic delay on our increasingly congested streets. It is uncontested that our city's population is burgeoning. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. SFMTA will need to expand its fleet of public buses, and riders cannot be served well if the city buses must compete for dedicated lane space with private, for-profit vehicles.

Moreover, state law restricts the definition of "transit bus" to buses "owned or operated by a publicly owned or operated transit system" (CVC I.A.642). Transit-only lanes are for these buses only. Local law is also clear on this point. San Francisco City Code (Section 7.2.72) forbids the operation of "a vehicle or any portion of a vehicle within ... a transit-only area." The SFMTA Board of Directors does not have the authority to pass legislation that contradicts this law.

For these reasons, 350 San Francisco calls on the Board of Supervisors to reaffirm that transit-only lanes are solely for public-transit vehicles.

Sincerely,
350 San Francisco
John Anderson, Co-Coordinator

CC: Board.of.Supervisors@sfgov.org, erica.major@sfgov.org, Sandra.Fewer@sfgov.org, Catherine.Stefani@sfgov.org, Aaron.Peskin@sfgov.org, Katy.Tang@sfgov.org, Vallie.Brown@sfgov.org, Jane.Kim@sfgov.org, Norman.Yee@sfgov.org, Rafael.Mandelman@sfgov.org, Hillary.Ronen@sfgov.org, Malia.Cohen@sfgov.org, Ahsha.Safai@sfgov.org, MTABoard@sfmta.com

140862
180876

From: Nancy Wuerfel <nancenumber1@aol.com>
Sent: Friday, October 26, 2018 12:09 PM
To: Major, Erica (BOS)
Subject: *NO* PRIVATE BUSES IN TRANSIT-ONLY LANES/RED LANES!

Dear Ms. Major:

The SFMTA is way out of bounds - once again - to believe that they can allow our public street red transit-only lanes to be used by for-profit buses, shuttles and other private vehicles! They have no legal power to permit these private entities from clogging up our public vehicle travel lanes, after the city has finally decided to dedicate portions of the street to allow Muni a faster way to serve the people. I said MUNI TO BE FASTER, not its competitors!

TO the Land Use and Transportation Committee on October 29, 2018 - please vote no!!! on allowing this insult to Muni riders to be approved.

TO all the Board of Supervisors - If this proposal comes to the full Board for a vote, please vote no and assert your power to reaffirm that transit-only lanes are for public transit only vehicles!

Thank you,

Nancy Wuerfel

180868
180876

From: Glenn Rogers <alderlandscape@comcast.net>
Sent: Tuesday, October 23, 2018 8:33 AM
To: Board of Supervisors, (BOS); Major, Erica (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); MTABoard@sfmta.com
Subject: Oppose access to transit-only (red lanes) lanes by private, for-profit buses.

Parkmerced Action Coalition
10/23/2018
alderlandscape@comcast.net

San Francisco Board of Supervisors
San Francisco City Hall, Room 240
1 Dr. Carlton Goodlett Plaza
SF, CA 94102

Dear Supervisors:

Parkmerced Action Coalition opposes opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other vehicles that we cannot yet imagine, without any study to show such permission won't harm MUNI and without compensation to the City for the use of a scarce public resource (city streets).

A system of comprehensive, affordable public transportation is part of our City's effort to combat income inequality and climate change. Muni offers discount fares to seniors, the disabled, low-income people and youth. Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Moreover, as of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

Additionally, San Francisco's population is projected to increase. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

Moreover state and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as a "any bus owned or operated by a publicly owned or operated transit system ..." (CVC I.A.642) It logically follows that transit-only lanes are for transit vehicles. The Board of Supervisors has also passed an ordinance (Section 7.2.72) forbidding the operation of "a vehicle or any portion of a vehicle within ... a transit-only area." The SFMTA Board of Directors does not have the authority to pass contradictory legislation.

Parkmerced Action Coalition calls on the Board of Supervisors to assert its power and reaffirm that transit-only lanes are for public transit only vehicles.

Sincerely, Glenn Rogers

CC:
Susan Suval

180868
181876

From: Board of Supervisors, (BOS)
Sent: Friday, October 26, 2018 9:04 AM
To: BOS-Supervisors; Major, Erica (BOS)
Subject: FW: No Private Buses

From: SBD6 Democratic Club <southbeachdems@gmail.com>
Sent: Thursday, October 25, 2018 1:17 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Brown, Vallie (BOS) <vallie.brown@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; asha safai@sfgov. org <asha.safai@sfgov.org>; MTABoard@sfmta.com
Subject: No Private Buses

SOUTH BEACH DISTRICT 6 DEMOCRATIC CLUB
October 25, 2018

San Francisco Board of Supervisors
San Francisco City Hall, Room 240
1 Dr. Carlton Goodlett Plaza
SF, CA 94102

Dear Supervisors:

SOUTH BEACH DISTRICT 6 DEMOCRATIC CLUB opposes opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other vehicles that we cannot yet imagine, without any study to show such permission won't harm MUNI and without compensation to the City for the use of a scarce public resource (city streets).

A system of comprehensive, affordable public transportation is part of our City's effort to combat income inequality and climate change. Muni offers discount fares to seniors, the disabled, low-income people and youth. Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Moreover, as of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

Additionally, San Francisco's population is projected to increase. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

Moreover state and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as a "any bus owned or operated by a publicly owned or operated transit system ..." (CVC I.A.642) It logically follows that transit-only lanes are for transit vehicles. The Board of Supervisors has also passed an ordinance (Section 7.2.72) forbidding the operation of "a vehicle or any portion of a vehicle within ... a transit-only area." The SFMTA Board of Directors does not have the authority to pass contradictory legislation.

SOUTH BEACH DISTRICT 6 DEMOCRATIC CLUB calls on the Board of Supervisors to assert its power and reaffirm that transit-only lanes are for public transit only vehicles.

Sincerely,

Stephen R. Jaffe, President
South Beach D6 Democratic Club

SBD6DC on Social Media:
https://www.facebook.com/SouthBeachDemocraticClubSanFrancisco/
https://www.instagram.com/southbeachdems/
https://twitter.com/SouthBeachDems

Error! Filename not specified.

SouthBeachD6 DemocraticClub
Error! Filename not specified.about.me/southbeachd6democraticclub

180867
180876

From: Bruce Wolfe <brucew@hanc-sf.org>
Sent: Monday, October 22, 2018 4:14 PM
To: Board of Supervisors, (BOS)
Cc: Major, Erica (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); MTABoard@sfmta.com; Haight Ashbury Neighborhood Council
Subject: Request For Hearing: Commuter Shuttle Program fee structure and accounting practices
Attachments: HANC-BoS-GAO-commuter-shuttle-fee-2018.pdf

(attached letter)

10/22/2018

Board of Supervisors
City Hall, Room 242
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102

Dear Supervisors:

Haight Ashbury Neighborhood Council (HANC) respectfully requests that you call for a Government Audit & Oversight committee hearing to review the San Francisco Municipal Transportation Agency (SFMTA) Commuter Shuttle Program fee structure. Additionally, we support Supervisor Fewer's call for a hearing on the recently revealed decision of the SFMTA to permit private, for-profit buses to operate in transit-only red lanes.

The current fee structure is unacceptably inequitable and financially irresponsible. To date, the agency has refused to consider establishing non-regulatory, unrestricted charges for the program, and therefore fails to capture significant, needed revenues. SFMTA plans to draw down nearly $60M from its reserve fund over the next two years to close FY19 and FY 20 operational budget gaps.

At the same time, SFMTA has granted extraordinary privileges to Commuter Shuttle bus operators, including access to MUNI bus stops, exclusive loading zones, and use of transit-only "red" lanes established for the benefit of MUNI.

The SFMTA:
- fails to follow guidance of SFCTA and the Budget & Legislative Analyst to consider such charges;
- refuses to publicly consider application of Mounsey v. SFMTA [Taxi Medallions] to the Shuttle Program. The SFMTA earned $60M in excess revenue (profit) from FY2011 – FY2016 via Medallion fees; and,
- publicly misrepresents the Shuttle Program as comprehensively limited to cost-recovery, in order to preclude public awareness and discussion of potential non-regulatory charges. Privately, SFMTA staff acknowledge that the agency can establish unrestricted, non-regulatory charges for the Commuter Shuttle Program, and have not

pursued them, in part, to avoid public discussion of rates: "Assessment of Political Risk: High risk of fee, if untethered to some prescribed calculation, becoming the subject of political debate." [Hank Willson, SFMTA Mgr., email Jan 3 2016]

The existing SFMTA budget deficits, and established unrestricted charges imposed on other commercial transportation providers, demand that the Board investigate why SFMTA has not considered unrestricted, non-regulatory charges for this program.

Sincerely,

Bruce M. Wolfe, President

CC: Malia Cohen, malia.cohen@sfgov.org; Catherine Stefani, Catherine.stefani@sfgov.org; Aaron Peskin, aaron.peskin@sfgov.org; Katy Tang, katy.tang@sfgov.org; Vallie Brown, vallie.brown@sfgov.org; Jane Kim, jane.kim@sfgov.org; Norman Yee, norman.yee@sfgov.org; Rafael Mandelman, Rafael.mandelman@sfgov.org; Hillary Ronin, Hillary.ronin@sfgov.org; Ahsha Safai, ahsha.safai@sfgov.org

180862
180876

From: anastasia Yovanopoulos <shashacooks@yahoo.com>
Sent: Monday, October 22, 2018 3:43 PM
To: Board of Supervisors, (BOS)
Cc: Major, Erica (BOS); Sandra Fewer; Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); MTABoard
Subject: Private transit does not belong in dedicated bus lanes

Dear Supervisors:

I am opposed to opening "transit-only lanes" to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other such vehicles, without a study to showing that this permission won't harm MUNI, and without compensation to the City for the use of our city streets.

State and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as a "any bus owned or operated by a publicly owned or operated transit system ..." (CVC I.A.642) It logically follows that transit-only lanes are for transit vehicles. Private for profit vehicles will inevitably cause delays for Muni and defeat the purpose of having dedicated "transit bus only" lanes.

The Board of Supervisors has also passed an ordinance (Section 7.2.72) forbidding the operation of "a vehicle or any portion of a vehicle within ... a transit-only area." The SFMTA Board of Directors does not have the authority to pass contradictory legislation.

Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Muni offers a system of comprehensive, affordable public transportation, with discount fares to seniors, the disabled, low-income people and youth, and is part of our City's effort to combat income inequality and climate change.

As of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

San Francisco's population is projected to increase, with ridership on the Geary corridor alone expected to go from the current average daily count of 54,000 to 99,000 people, according to the Geary BRT environmental impact report.

How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

I urge the Board of Supervisors to assert its power and reaffirm that transit-only lanes are for public transit only vehicles.

Sincerely,
Anastasia Yovanopoulos
District #8 resident

CC: Board.of.Supervisors@sfgov.org, erica.major@sfgov.org, Sandra.Fewer@sfgov.org, Catherine.Stefani@sfgov.org, Aaron.Peskin@sfgov.org, Katy.Tang@sfgov.org, Vallie.Brown@sfgov.org, Jane.Kim@sfgov.org, Norman.Yee@sfgov.org, Rafael.Mandelman@sfgov.org, Hillary.Ronen@sfgov.org, Malia.Cohen@sfgov.org, Ahsha.Safai@sfgov.org, MTABoard@sfmta.com

180842
180876

From: Bruce Wolfe <brucew@hanc-sf.org>
Sent: Monday, October 22, 2018 3:14 PM
To: Board of Supervisors, (BOS)
Cc: Major, Erica (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); MTABoard@sfmta.com; Haight Ashbury Neighborhood Council
Subject: OPPOSE: Access to transit-only (red carpet) lanes by private buses

Categories:

San Francisco Board of Supervisors
San Francisco City Hall, Room 240
1 Dr. Carlton Goodlett Plaza
SF, CA 94102

Dear Supervisors:

Haight Ashbury Neighborhood Council (HANC) opposes opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other vehicles that we cannot yet imagine, without any study to show such permission won't harm MUNI and without compensation to the City for the use of a scarce public resource (city streets).

A system of comprehensive, affordable public transportation is part of our City's effort to combat income inequality and climate change. Muni offers discount fares to seniors, the disabled, low-income people and youth. Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Moreover, as of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

Additionally, San Francisco's population is projected to increase. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

Moreover state and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as a "any bus owned or operated by a publicly owned or operated transit system ..." (CVC

I.A.642) It logically follows that transit-only lanes are for transit vehicles. The Board of Supervisors has also passed an ordinance (Section 7.2.72) forbidding the operation of "a vehicle or any portion of a vehicle within . a transit-only area." The SFMTA Board of Directors does not have the authority to pass contradictory .egislation.

Haight Ashbury Neighborhood Council (HANC) *calls on the Board of Supervisors to* ***assert its power and reaffirm*** *that transit-only lanes are for public transit only vehicles.*

Sincerely,

Bruce Wolfe, President
Christin Evans, Vice-President

180642
180576

From: spike <spikekahn@gmail.com>
Sent: Monday, October 22, 2018 1:51 PM
To: Board of Supervisors, (BOS); Major, Erica (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); MTABoard@sfmta.com
Subject: Fwd: Oppose access to transit-only (red lanes) lanes by private, for-profit buses.

PACIFIC FELT FACTORY
Date: OCTOBER 24, 2018
Contact information: SPIKE KAHN spikekahn@gmail.com

San Francisco Board of Supervisors
San Francisco City Hall, Room 240
1 Dr. Carlton Goodlett Plaza
SF, CA 94102

Dear Supervisors:

PACIFIC FELT FACTORY ARTISTS opposes opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other vehicles that we cannot yet imagine, without any study to show such permission won't harm MUNI and without compensation to the City for the use of a scarce public resource (city streets).

A system of comprehensive, affordable public transportation is part of our City's effort to combat income inequality and climate change. Muni offers discount fares to seniors, the disabled, low-income people and youth. Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Moreover, as of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

Additionally, San Francisco's population is projected to increase. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

Moreover state and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as a "any bus owned or operated by a publicly owned or operated transit system ..." (CVC

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PACIFIC FELT FACTORY ARTISTS calls on the Board of Supervisors to assert its power and reaffirm that transit-only lanes are for public transit only vehicles.

Sincerely,
Spike Kahn, Founder/Director
www.pacificfeltfactory.com
+1 415 935 3641 (USA/WhatsApp)
spikekahn@gmail.com

CC: Board.of.Supervisors@sfgov.org, erica.major@sfgov.org, Sandra.Fewer@sfgov.org, Catherine.Stefani@sfgov.org, Aaron.Peskin@sfgov.org, Katy.Tang@sfgov.org, Vallie.Brown@sfgov.org, Jane.Kim@sfgov.org, Norman.Yee@sfgov.org, Rafael.Mandelman@sfgov.org, Hillary.Ronen@sfgov.org, Malia.Cohen@sfgov.org, Ahsha.Safai@sfgov.org, MTABoard@sfmta.com

180867
180876

From: Bonnie K <bjkastle@gmail.com>
Sent: Sunday, November 04, 2018 3:42 PM
To: Board of Supervisors, (BOS); Major, Erica (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Brown, Vallie (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Cohen, Malia (BOS); Safai, Ahsha (BOS); MTABoard@sfmta.com
Subject: Transit-only Red lanes should just be for public transit only vehicles.

San Francisco Board of Supervisors
San Francisco City Hall, Room 240
1 Dr. Carlton Goodlett Plaza
SF, CA 94102

Dear Supervisors:

I, Bonnie Kirkland, oppose opening transit-only lanes to private, for-profit buses such as tech shuttle buses, casino buses, tour buses, Chariots, and other vehicles that we cannot yet imagine, without any study to show such permission won't harm MUNI and without compensation to the City for the use of a scarce public resource (city streets).

A system of comprehensive, affordable public transportation is part of our City's effort to combat income inequality and climate change. Muni offers discount fares to seniors, the disabled, low-income people and youth. Federal law also requires Muni to serve all neighborhoods and demographics equitably -- unlike private services. Moreover, as of 2015 Muni used less than two percent of all the energy consumed in San Francisco for transportation, making expanded public transportation an ideal option for reducing the City's total carbon emissions.

Dedicated, transit-only lanes are a part of that system, and for years the San Francisco Municipal Transportation Agency (SFMTA) has promoted the creation of transit-only lanes as projects to improve Muni performance. In fact, the first improvement item listed as part of the Geary Rapid Project is, "Red, dedicated transit lanes to reduce unpredictable delays."

Additionally, San Francisco's population is projected to increase. Ridership on the Geary corridor alone is expected to go from the current average daily count of 54,000 to up to 99,000, according to the Geary BRT environmental impact report. How will the San Francisco Municipal Transportation Agency be able to expand its fleet of public buses to meet growing demand if its public buses are competing for dedicated lane space with private, for-profit vehicles?

Moreover state and local law prohibit access to these lanes by private, for-profit buses. State law defines a "transit bus" as a "any bus owned or operated by a publicly owned or operated transit system ..." (CVC I.A.642) It logically follows that transit-only lanes are for transit vehicles. The Board of Supervisors has also passed an ordinance (Section 7.2.72) forbidding the operation of "a vehicle or any portion of a vehicle within

... a transit-only area." The SFMTA Board of Directors does not have the authority to pass contradictory legislation.

Bonnie Kirkland, call on the Board of Supervisors to assert its power and reaffirm that transit-only lanes are or public transit only vehicles.

Sincerely,

Bonnie Kirkland
109 21st Ave #2
San Francisco, CA 94121

CC: Board.of.Supervisors@sfgov.org, erica.major@sfgov.org, Sandra.Fewer@sfgov.org, Catherine.Stefani@sfgov.org, Aaron.Peskin@sfgov.org, Katy.Tang@sfgov.org, Vallie.Brown@sfgov.org, Jane.Kim@sfgov.org, Norman.Yee@sfgov.org, Rafael.Mandelman@sfgov.org, Hillary.Ronen@sfgov.org, Malia.Cohen@sfgov.org, Ahsha.Safai@sfgov.org, MTABoard@sfmta.com

BOARD of SUPERVISORS

City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

September 11, 2018

File No. 180862

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 4, 2018, Supervisor Peskin introduced the following proposed legislation:

File No. 180862

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency decisions related to Bus Rapid Transit projects; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: Erica Major, Legislative Deputy Director
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Ed Reiskin, Executive Director, Municipal Transportation Agency

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

DATE: September 11, 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 4, 2018:

File No. 180862

Ordinance amending Division I of the Transportation Code to establish a procedure for Board of Supervisors review of certain Municipal Transportation Agency decisions related to Bus Rapid Transit projects; and affirming the Planning Department's determination under the California Environmental Quality Act.

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 Auyong, Municipal Transportation Agency

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2018 SEP -4 PM 3:28
BY: Time stamp or meeting date

I hereby submit the following item for introduction (select only one):

- [x] 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- [ ] 2. Request for next printed agenda Without Reference to Committee.
- [ ] 3. Request for hearing on a subject matter at Committee.
- [ ] 4. Request for letter beginning :"Supervisor [ ] inquiries"
- [ ] 5. City Attorney Request.
- [ ] 6. Call File No. [ ] from Committee.
- [ ] 7. Budget Analyst request (attached written motion).
- [ ] 8. Substitute Legislation File No. [ ]
- [ ] 9. Reactivate File No. [ ]
- [ ] 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- [ ] Small Business Commission
- [ ] Youth Commission
- [ ] Ethics Commission
- [ ] Planning Commission
- [ ] Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Peskin

Subject:

Transportation Code - Board of Supervisors Review of Bus Rapid Transit Projects

The text is listed:

Ordinance amending Division I of the Transportation Code to establish a procedure for Bord of Supervisors review of certain San Francisco Municipal Transportation Agency (SFMTA) decisions related to Bus Rapid Transit projects; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor:

For Clerk's Use Only

180919