File No. 190063

Committee Item	No.	
Board Item No.	66	

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Board of Sup	ervisors Meeting	Date: Date:	January 29, 2019
Cmte Board	<u>-</u>	: Repor er and/	t
OTHER Second Se	California State Senate Bill No. 1	27 - Jar	nuary 10, 2019
Prepared by: Prepared by:	Lisa Lew	Date: Date:	January 25, 2019

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users; and

Resolution supporting California State Senate Bill No. 127 (SB127), Complete Streets for Active Living, authored by Senator Scott Wiener, which prioritizes safety and accessibility improvements on Caltrans roads and State Highway Account funds explicitly for pedestrian and bicycle improvements, with performance measures, community engagement and reporting requirements.

[Supporting California State Senate Bill No. 127 (Wiener) - Complete Streets for Active Living]

WHEREAS, San Francisco adopted a Vision Zero Policy in 2014 committing the City to create a culture that prioritizes traffic safety with a goal of zero traffic fatalities by 2024; and

WHEREAS, San Francisco also has codified the "Better Streets Plan" which is a comprehensive set of guidelines for the design of San Francisco's pedestrian realm; and

WHEREAS, San Francisco's Complete Streets policy directs the City to include pedestrian, bicycle, and streetscape improvements as part of any planning or construction in the public right-of-way; and

WHEREAS, San Francisco has several streets and thoroughfares that are under the jurisdiction of the State Department of Transportation (Caltrans) including 19th Avenue, Sloat Boulevard, Van Ness, among others; and

WHEREAS, Several of the Caltrans roads are high injury corridors indicating some of the highest numbers of injuries and death from collisions; and

WHEREAS, On January 10, 2018, Senator Weiner introduced California State Senate Bill 127 (SB127), the Complete Streets for Active Living Bill which is intended to focus the State Department of Transportation (Caltrans), the State Highway Operation and Protection Program (SHOPP), and the State Highway Account (SHA) on bicycle, pedestrian, and transit

WHEREAS, The bill would also require the California Department of Transportation (Caltrans) to prioritize safety for pedestrians and bicyclists and the implementation of bicycle and pedestrian facilities; and

WHEREAS, SB127 requires that by 2020 Caltrans explicitly include complete streets improvements in their Asset Management; and

WHEREAS, SB127 also requires by 2021, that Caltrans must include new pedestrian and bicycle facilities, or improve such existing facilities, when undertaking any capital improvements on a state highway or a local street crossing a state highway that is funded through the SHOPP; and

WHEREAS, This legislation calls for a robust engagement with communities and local governments and mandates performance measures; and

WHEREAS, SB127 complements San Francisco's long standing Better Streets Plan and Complete Streets policy; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco joins with the growing local and statewide coalition of pedestrian safety and health advocates including San Francisco-Bay Area Families for Safe Streets, Safe Routes to Schools, the California Bicycle Coalition, the American Heart Association, Walk San Francisco among others; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco is committed to working with our City's Lobbyist in Sacramento to ensure passage of SB127 in order to order to protect pedestrians and bicyclists and help reach our City's goal of Vision Zero; and, be it

FURTHER RESOLVED, That the Board of Supervisors of the City and County of San Francisco directs the Clerk of the Board to transmit copies of this resolution to the State Legislature and the City Lobbyist upon passage.

Introduced by Senator Wiener

January 10, 2019

An act to amend Sections 14526.4, 14526.5, and 14526.6 of, and to add Sections 14007.3 and 14526.8 to, the Government Code, and to amend Section 167 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 127, as introduced, Wiener. Transportation funding: active transportation: complete streets.

(1) Existing law establishes the Active Transportation Program in the Department of Transportation for the purpose of encouraging increased use of active modes of transportation, such as biking and walking, and declares the intent of the Legislature that the program achieve specific goals, including, among other things, increasing the proportion of trips accomplished by biking and walking and the safety and mobility for nonmotorized users.

This bill would establish a Division of Active Transportation within the department and require that an undersecretary of the Transportation Agency be assigned to give attention to active transportation program matters to guide progress toward meeting the department's active transportation program goals and objectives. The bill would require the California Transportation Commission to give high priority to increasing safety for pedestrians and bicyclists and to the implementation of bicycle and pedestrian facilities.

(2) Existing law provides that the Department of Transportation has full possession and control over the highways of the state and is responsible for preparing the State Highway Operation and Protection Program for the expenditure of transportation funds for major capital SB 127 -2-

improvements that are necessary to preserve and protect the state highway system.

Existing law also creates the California Transportation Commission, with specified powers and duties relative to the programming of transportation capital improvement projects and the allocation of state transportation funds for state transportation improvement projects. Existing law requires the department, in consultation with the commission, to prepare an asset management plan to guide selection of projects for the State Highway Operation and Protection Program consistent with any applicable state and federal requirements. Existing law requires the commission, in connection with the asset management plan, to adopt targets and performance measures reflecting state transportation goals and objectives.

This bill would require the asset management plan to prescribe a process for community input and complete streets implementation to prioritize safety and accessibility for pedestrians, bicyclists, and transit users on all State Highway Operation and Protection Program projects, as specified. The bill would require that projects starting in 2020 meet specified requirements set forth as part of the State Highway Operation and Protection Program.

The bill would require the commission, in connection with the asset management plan, to adopt performance measures that include conditions of bicycle and pedestrian facilities, accessibility and safety for pedestrians, bicyclists, and transit users, and vehicle miles traveled on the state highway system. The bill would require that the State Highway Operation and Protection Program projects include capital improvements relative to accessibility for pedestrians, bicyclists, and transit users. The bill would require that each project include in its budget the cost of pedestrian and bicycle facilities. The bill would require that the plain language performance report developed by the department, in consultation with the commission, include a description of pedestrian and bicycle facilities on each project, including the number, extent, and cost of the elements relative to the overall project.

The bill would require the department, by January 1, 2021, when undertaking any capital improvement project on a state highway or a local street crossing a state highway that is funded through the State Highway Operation and Protection Program, to include new pedestrian and bicycle facilities, or improve existing facilities, as part of the project, consistent with specified requirements. The bill would require the department to establish a project development team for each project,

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as specified. The bill would require, until January 1, 2021, or by which time the department can demonstrate that it has met these requirements, the department to use 3% of State Highway Operation and Protection Program funds from the Road Maintenance and Rehabilitation Account for bicycle and pedestrian facilities.

This bill would also require that funds in the State Highway Account in the State Transportation Fund be programmed, budgeted, as specified, and expended to maximize the use of federal funds for accessibility improvements for all users of the transportation system, as specified, and that safety improvements prioritize reducing fatalities and severe injuries for vulnerable road users, and not increase vehicle miles traveled.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- SECTION 1. The Legislature finds and declares all of the 1 2 following:
- 3 (a) Walking and bicycling trips have doubled between 2000 and 2012 and constitute nearly 20 percent of all trips in California, 5 based on the National Household Travel Survey.

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- (b) People walking and bicycling are killed or seriously injured in California at much higher rates than car drivers or passengers based on the percentage of trips and relative miles traveled, due to a lack of safe walking and bicycling infrastructure on major 10 roadways and highways in communities across the state.
 - (c) The Department of Transportation (Caltrans) adopted Deputy Directive 64 in 2008 and updated it in 2014 to require the department to consider complete streets in all phases of design, delivery, construction, and rehabilitation on all projects.
- 15 (d) Caltrans adopted Strategic Management Plan 2015-2020, 16 which includes goals to triple bicycling and double walking by 17 2020, which cannot be achieved without significant improvements 18 to infrastructure and safety on major roadways and highways.
- 19 (e) The plan also includes goals to include "complete streets" 20 improvements on an increasing number of projects between 2015 21 and 2020.
- 22 SEC. 2. Section 14007.3 is added to the Government Code, to 23 read:

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14007.3. (a) There is in the Department of Transportation the Division of Active Transportation, which is responsible for the development of projects and programs that increase bicycle and pedestrian safety and trips statewide, and the review of all state highway capital improvement projects for inclusion of bicycle and pedestrian facilities where feasible.

- (b) An undersecretary of the agency shall be assigned to give attention to active transportation matters to guide progress toward meeting the department's active transportation goals and objectives.
- 10 (c) The commission shall give high priority to increasing safety 11 for pedestrians and bicyclists and to the implementation of bicycle 12 and pedestrian facilities.
 - SEC. 3. Section 14526.4 of the Government Code is amended to read:
 - 14526.4. (a) The department, in consultation with the commission, shall prepare a robust asset management plan to guide selection of projects for the state highway operation and protection program State Highway Operation and Protection Program required by Section 14526.5. The asset management plan shall be consistent with any applicable state and federal requirements. requirements, and shall prescribe a process for community input and "complete streets" implementation to prioritize safety and accessibility for pedestrians, bicyclists, and transit users on all projects in the program, where applicable, pursuant to Section 14526.7.
 - (b) The department may prepare the asset management plan in phases, with the first phase to be implemented with the 2016 state highway operation and protection program, and the complete asset management plan to be prepared no later than the 2020–state highway operation and protection program. State Highway Operation and Protection Program. Projects proposed starting in the 2020 State Highway Operation and Protection Program shall meet the requirements set forth in Sections 14526.5 and 14526.8.
 - (c) In connection with the asset management plan, the commission shall do both of the following:
 - (1) Adopt targets and performance measures reflecting state transportation goals and objectives. *Performance measures shall include conditions of bicycle and pedestrian facilities, accessibility and safety for pedestrians, bicyclists, and transit users, and vehicle*

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miles traveled on the state highway system. Automobile delay shall not be used as a performance measure.

- (2) Review and approve the asset management plan, including the final version of the first phase and the complete plan prepared by the department pursuant to subdivision (b).
- (d) As used in this section, "asset management plan" means a document assessing the health and condition and performance of the state highway system with which the department is able to determine the most effective way to apply the state's limited resources.
- SEC. 4. Section 14526.5 of the Government Code is amended to read:
- 14526.5. (a) Based on the asset management plan prepared and approved pursuant to Section 14526.4, the department shall prepare a state highway operation and protection program State Highway Operation and Protection Program for the expenditure of transportation funds for major capital improvements that are necessary to preserve and protect the state highway system. Projects included in the program shall be limited to improvements relative to the maintenance, safety, operation, and rehabilitation rehabilitation, and accessibility for pedestrians, bicyclists, and transit users of state highways and bridges that do not add a new traffic lane to the system. system, including auxiliary lanes, merging lanes, and toll lanes.
- (b) The program shall include projects that are expected to be advertised prior to July 1 of the year following submission of the program, but which have not yet been funded. The program shall include those projects for which construction is to begin within four fiscal years, starting July 1 of the year following the year the program is submitted.
- (c) (1) The department, at a minimum, shall specify, for each project in the state highway operation and protection program, State Highway Operation and Protection Program, the capital and support budget, as applicable, including the cost of pedestrian and bicycle facilities, for each of the following project phases:
- 36 (A) Project approval and environmental documents, support only.
 - (B) Plans, specifications, and estimates, support only.
- 39 (C) Rights-of-way.
- 40 (D) Construction.

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1 (2) The department shall specify, for each project in the state
2 highway operation and protection program, State Highway
3 Operation and Protection Program, a projected delivery date for
4 each of the following components:

- (A) Project approval and environmental document completion.
- (B) Plans, specifications, and estimates completion.
- (C) Right-of-way certification.
- (D) Start of construction.

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- (d) The department shall submit its proposed program to the commission not later than January 31 of each even-numbered year. Prior to submitting its proposed program, the department shall make a draft of its proposed program available to transportation planning agencies for review and comment and shall include the comments in its submittal to the commission. The department shall provide the commission with detailed information for all programmed projects on cost, scope, schedule, and performance metrics as determined by the commission.
- (e) The commission shall review the proposed program relative to its overall adequacy, consistency with the asset management plan prepared and approved pursuant to Section 14526.4 and funding priorities established in Section 167 of the Streets and Highways Code, the level of annual funding needed to implement the program, and the impact of those expenditures on the state transportation improvement program. State Transportation Improvement Program. The commission shall adopt the program and submit it to the Legislature and the Governor not later than April 1 of each even-numbered year. The commission may decline to adopt the program if the commission determines that the program is not sufficiently consistent with the asset management plan prepared and approved pursuant to Section 14526.4.
- (f) As part of the commission's review of the program required pursuant to subdivision (a), the commission shall hold at least one hearing in northern California and one hearing in southern California regarding the proposed program.
- (g) On or after July 1, 2017, In order to provide sufficient and transparent oversight of the department's capital outlay support resources composed of both state staff and contractors, the commission shall be required to allocate the department's capital outlay support resources by project phase, including preconstruction. Through this action, the commission will provide

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public transparency for the department's budget estimates, increasing assurance that the annual budget forecast is reasonable. The commission shall develop guidelines, in consultation with the department, to implement this subdivision. Guidelines adopted by the commission to implement this subdivision shall be exempt

the commission to implement this subdivision shall be exempt from the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1).

- (h) Beginning July 1, 2017, for For a project that experiences increases in capital or support costs above the amounts in the commission's allocation pursuant to subdivision (g), the commission shall establish a threshold for requiring a supplemental project allocation. The commission's guidelines adopted pursuant to subdivision (g) shall also establish the threshold that the commission determines is necessary to ensure efficiency and may provide exceptions as necessary so that projects are not unnecessarily delayed.
- 17 (i) The department, for each project requiring a supplemental 18 project allocation pursuant to subdivision (h), shall submit a request 19 to the commission for its approval.
 - (j) Expenditures for these projects shall not be subject to Sections 188 and 188.8 of the Streets and Highways Code.
 - SEC. 5. Section 14526.6 of the Government Code is amended to read:
 - 14526.6. (a) The department shall report to the commission quarterly, for projects which complete construction in the previous quarter, on the information outlined in subdivision (b) for all major state highway operation and protection program State Highway Operation and Protection Program projects, as defined by the commission pursuant to subdivision (f) of Section 167 of the Streets and Highways Code.
 - (b) The department shall report to the commission on the approved capital and support budgets compared to expenditures at contract construction acceptance for all projects included in subdivision (a).
 - (c) The department shall develop, in consultation with the commission, a plain language performance report to increase transparency and accountability of the state highway operation and protection program. State Highway Operation and Protection Program. The plain language performance report shall include a description of pedestrian and bicycle facilities on each project,

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 including the number, extent, and cost of the elements relative to the overall project.

SEC. 6. Section 14526.8 is added to the Government Code, to read:

- 14526.8. (a) By January 1, 2021, except as provided in subdivisions (b) and (c), the department, when undertaking any capital improvement project on a state highway or a local street crossing a state highway that is funded through the State Highway Operation and Protection Program (SHOPP), shall include new pedestrian and bicycle facilities, or improve existing facilities, as part of the project, as follows:
- (1) In urbanized areas, transit priority areas, or priority access areas, and on streets and highways with average daily traffic of 10,000 vehicles or more and a speed limit over 25 miles per hour, well-lit facilities for bicyclists and pedestrians shall be provided that are physically separated from motor vehicles. Bicycle facilities shall be designed based on Highway Design Manual guidance for selection of bicycle facilities pursuant to Section 14033. In addition, signals or other facilities shall be provided to enable bicyclists and pedestrians to safely cross the street or highway.
- (2) On streets or highways other than those described in paragraph (1), facilities for pedestrians and bicyclists shall be provided when feasible, and reduction of vehicle traffic lanes and implementation of traffic calming improvements shall be considered.
- (3) The department shall establish a project development team for each project, including representatives from the local transportation agency, local bicycle and pedestrian advisory committee, community-based organizations, residents of low-income disadvantaged communities, and other local stakeholders impacted by the project. The project development team shall provide input to the department on identifying bicycle and pedestrian facility and transit access needs on the project, including improvements identified in a local bicycle, pedestrian, active transportation, or safe routes to school plan adopted by the local jurisdiction.
- (b) This section does not apply to capital improvement projects on street and highway facilities that are closed, by law, to use by pedestrians, bicyclists, and other nonmotorized users.

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(c) The department may exempt a capital improvement project from the requirements of this section through documentation in writing by the department's district director and supported by data, after at least one public hearing in the jurisdiction most impacted by the project, to demonstrate any of the following:

- (1) The cost of accommodating the needs of the particular user group for the transportation project would be excessively disproportionate to the current or future need or probable use of the facilities by the particular user group.
- (2) There is a demonstrated absence of future need by the particular user group, as determined by factors, including current and future land use, current and projected user volumes, population density, and crash data.
- (3) The adverse impacts of accommodating the needs of the particular user group significantly outweigh the benefits.
- (d) Until January 1, 2021, or by which time the department can demonstrate that it has met the requirements of subdivision (a), 3 percent of SHOPP funds from the Road Maintenance and Rehabilitation Account shall be used only for bicycle and pedestrian facilities.
- (e) (1) As used in this section, "capital improvement project" includes, but is not limited to, a reconstruction, rehabilitation, or operational improvement project.
- (2) As used in this section "priority access area" means an area within one-half mile of a public school, community college, university, hospital or healthcare center, senior center, employment center, park, or grocery store.
- (3) As used in this section, "transit priority area" means an area within one-half mile of an existing major transit stop, or a planned transit stop, if the planned stop is scheduled to be completed within the planning horizon included in the interregional transportation improvement program submitted pursuant to Section 14526 or a regional transportation improvement program adopted and submitted pursuant to Section 14527.
- SEC. 7. Section 167 of the Streets and Highways Code is amended to read:
- 167. (a) Funds in the State Highway Account in the State
 Transportation Fund shall be programmed, budgeted subject to
 Section 163, and expended to maximize the use of federal funds
 and shall be based on the following sequence of priorities:

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- 1 (1) Accessibility improvements for all users of the transportation 2 system that improve the efficiency of moving people within existing 3 roadways, reduce vehicle miles traveled, and promote public 4 health.
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- 6 (2) Operation, maintenance, and rehabilitation of the state 7 highway system.
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 - (3) Safety improvements where physical changes, other than adding additional lanes, would reduce fatalities and the number and severity of injuries. Safety improvements shall prioritize reducing fatalities and severe injuries for vulnerable road users, and shall not increase vehicle miles traveled.
 - (3) Transportation capital improvements that expand capacity or reduce congestion, or do both.
 - (4) Environmental enhancement and mitigation programs.
 - (5) Transportation capital improvements that expand capacity.
 - (b) With respect to the funds in the State Highway Account, in the Public Transportation Account, and in the Passenger Rail Bond Fund, the proposed budget shall be organized on a program basis. The proposed budget shall list the proposed expenditures for the transportation program under the following program elements:
- 23 (1) Administration.
- 24 (2) Program development.
- 25 (3) Maintenance.
- 26 (4) State highway operation and protection.
- 27 (5) Local assistance.
- 28 (6) Interregional improvements.
- 29 (7) Regional improvements.
 - (8) Environmental enhancement and mitigation programs.
 - (c) State operations expenditure amounts of the department for interregional and regional transportation improvement projects shall be listed as required by subdivision (b) of Section 14529 of the Government Code, but those amounts other than those for the acquisition of rights-of-way, construction, and construction support shall not be subject to allocation by the commission.
- 37 (d) To align the annual budget with the adopted state 38 transportation improvement program, the department may submit 39 to the Department of Finance revised capital outlay support and 40 capital outlay budget estimates as part of its May Revision process.

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Budget proposals related to these changes shall be provided to the
Legislature no later than May 1.

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- (e) The budget shall not include specific appropriations for specific transportation improvement projects, and the Legislature shall not enact legislation containing specific individual transportation projects.
- (f) The basis for defining major and minor capital outlay projects shall be established by the commission.
- 9 (g) The Legislative Analyst shall prepare an analysis of the 10 proposed expenditures for each program element as a part of the 11 budget analysis.
 - (h) The department shall submit to the Legislative Analyst, and the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget, on an annual basis, supplemental information to substantiate the department's proposed capital outlay support budget. The information shall be provided no later than May 1 of each year, and may be provided at an earlier date. The information shall include, but not be limited to, the following:
- 19 (1) A list of projects for which the department will perform 20 capital outlay support work in the budget year. For each project, 21 the department shall include:
 - (A) The planned project support budget for support of environmental, design, right-of-way, and construction phases.
 - (B) The planned capital costs, including construction capital costs and right-of-way capital costs.
 - (C) The estimated or actual construction start date and completion date.
 - (D) The name and year of the state transportation program in which the project is programmed, if applicable.
 - (E) Total prior fiscal year expenditures for capital outlay support.
 - (F) The number of full-time equivalent positions requested to perform support of environmental, design, right-of-way, and construction work in the fiscal year of the budget request.
- 34 (G) Milestones of project work by phases that are planned to 35 be completed in the fiscal year of the budget request.
- 36 (H) The ratio of support to capital costs based on current programming.
- 38 (2) The capital-to-support ratio for all projects completed in the prior fiscal year in each program in each district.

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1 (3) The current total number of authorized and vacant positions 2 in the capital outlay support program in headquarters and in each 3 district.

- (4) A five-year projection of the department's staffing needs to support the state's transportation capital programs and any workload performed by the department related to federal or local funding for highway capital projects.
- (5) The average cost of a personnel-year equivalent in each district based on the department's existing contracts for capital outlay support work performed by a private company under contract with the department. For each average cost, the department shall provide a description of what factors are included in that cost.
- (6) The average cost of a state staff personnel-year in the capital outlay support program in each district and in headquarters. The cost shall include the salary and wages, benefits, program overhead, administrative overhead, and other associated costs. The department shall provide a description of each component of the average cost.
- (7) A summary of expected capital outlay support workload for the budget year that includes the following:
- (A) The total full-time equivalents requested for each type of the following activities: environmental, design, right-of-way, and construction.
- (B) The total full-time equivalents requested for each type of project, including, but not limited to, the state transportation improvement program, the state highway operation and protection program, State Highway Operation and Protection Program, bond programs, regional and local agency partnership workload, and any other program.
- 30 (8) The total number of projects with requested resources, as well as the number of projects in which the department is limited to an oversight role.
 - (9) The number of milestones scheduled, including environmental, design, right-of-way, and construction deliverables, as well as the number of projects expected to begin construction and reach completion.
- 37 (10) A summary for the most recently completed fiscal year for 38 the following:

- 1 (A) Full-time equivalents and related funding expended, 2 including support of environmental, design, right-of-way, and 3 construction activities.
- 4 (B) Approved and filled positions as of the end of the fiscal 5 year.

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Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

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Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):	or meeting date
and the same was great and an analysis and an	
1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendmen	t).
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	owing:
Small Business Commission Youth Commission Ethics Co	ommission
Planning Commission Building Inspection Commiss.	ion
Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Impera	ative Form.
Sponsor(s):	
Yee, Mar, Hanex, Safai	
Subject:	
Resolution supporting California State Senate Bill No. 127 (SB127)	
The text is listed:	
Attached	
Signature of Sponsoring Supervisor:	0
Signature of Sponsoring Supervisor.	1
For Clerk's Use Only	*