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To: [Wong, Jocelyn \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Cc: [Tumlin, Jeffrey \(MTA\)](#); [Maquire, Tom \(MTA\)](#); [Parks, Jamie \(MTA\)](#); [CLEVELAND-KNOWLES, SUSAN \(CAT\)](#); [RUIZ-ESQUIDE, ANDREA \(CAT\)](#); [KENNEDY, JOHN \(CAT\)](#); [Jones, Sarah \(MTA\)](#); [Contreras, Andrea \(MTA\)](#)
Subject: Slow Streets Phase I - Project Sponsor CEQA Appeal Response
Date: Monday, August 24, 2020 11:40:39 AM
Attachments: [image001.png](#)
[SFMTA CEQA Appeal Memo - Slow Streets 20200821.pdf](#)

Hello,

Please find attached the SFMTA response to the Slow Streets Phase 1 CEQA Appeal. Please contact me with any questions regarding this document.

Thank you,
Shannon

Shannon Hake
Slow Streets Program Manager



San Francisco Municipal Transportation Agency
1 South Van Ness Avenue, 7th floor
San Francisco, CA 94103

Memorandum



To: Angela Calvillo, Clerk of the San Francisco Board of Supervisors

Through: Tom Maguire, Director of Sustainable Streets Division 
Jamie Parks, Director of Livable Streets
Shannon Hake, Slow Streets Program Manager

From: Jeffrey Tumlin, Director of Transportation 

Date: August 21, 2020

Subject: Slow Streets Phase I – Project Sponsor CEQA Appeal Response

INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA) submits this memorandum in support of SFMTA Statutory Exemption No. 2020-004631ENV for the Slow Streets Phase I project (project). It is a response to a letter of appeal to the Board of Supervisors regarding the Planning Department's issuance of a Statutory Exemption under the California Environmental Quality Act for the project. The letter addresses topics other than those related to CEQA, which are separately discussed in the Planning Department's appeal response memorandum.

BACKGROUND

On March 16, 2020, San Francisco's Health Officer issued a Public Health Order in response to the COVID-19 Emergency, requiring that residents shelter in place, with the only exception being for essential needs. This significantly affected San Francisco's transit system and required the SFMTA to reduce transit service.

With Muni service reduced, many San Francisco residents resorted to walking, riding a bike, or taking other travel modes to make essential trips. However, they often could not safely and practically maintain the six feet of social distance required by the city's Public Health Order C19-07b on many of the City's sidewalks, park paths, and bikeways, especially when passing queues outside grocery stores and other essential services. Due to these issues, pedestrians were choosing to walk in the street, which put them at a higher risk of being in a collision with a vehicle in the roadway. There was data showing drivers had been operating at higher and unsafe speeds during the public health emergency, which increased the risk for severe injuries to pedestrians in a collision.

Since the adoption of the March 2020 health order, the SFMTA has developed the Transportation Recovery Plan (TRP). The Slow Streets Project, which is a component of that plan, was announced on April 21, 2020. The project is temporary, set to expire 120 days after the Health Officer declares the end to the public health emergency. It intends to allow roadways to be safely used for foot and bicycle traffic with adequate space for travelers to maintain six feet of separation. This space makes possible essential walk and bike travel while transit service levels are temporarily reduced. Vehicle traffic is allowed on these streets but the overall purpose of the project is to encourage trips for local travel (e.g. access for residents, businesses, and visitors of residents or businesses), mail, delivery services, and emergency vehicle access.

The Slow Street treatment includes placement of materials such as cones, A-frames, plastic traffic diverters and delineators to slow and discourage vehicular through-traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets. The installation of a Slow Street does not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, loading zones, or parking.

Slow Streets does not legally change the designation of the public right-of-way; people walking or running in the street are authorized to be in the street as the California Vehicle Code currently permits, but do not have the right-of-way over motor vehicles. People walking or running would be required to yield to vehicular traffic.

DISCUSSION

The Slow Streets Phase I Project is a distinct project, separate from Slow Streets Phase II, Slow Streets Phase III, D5 Safe and Slow Streets, and the Panhandle Social Distancing and Safety Project.

The appellant is incorrect that these five separate projects are part of the overall Slow Streets Program. While the projects share some characteristics, they were approved at different times and received separate environmental review. These projects all have independent utility and were adopted by SFMTA to respond to rapidly changing conditions on the ground.

Slow Streets Phase I was implemented independently from the Slow Streets Phase II, Slow Streets Phase III, D5 Safe and Slow Streets, and the Panhandle Social Distancing and Safety Project. The Slow Streets Phase I project facilitates safe travel for pedestrians and bicyclists and the ability to socially distance, and does not benefit, depend on, or result from the changes proposed under the other phases or projects listed above.

The Slow Streets Phase I project is located along specific corridors and its installation was not dependent on the implementation of the other Slow Streets phases, the D5 Safe and Slow Streets, or the Panhandle Social Distancing and Safety Project. Since these projects are not interdependent and have been implemented independent of one another, they have independent utility.

Slow Streets are intended to provide additional space for people traveling on streets while social distancing.

San Francisco's response to the pandemic has stressed the importance of social distancing, or maintaining six feet of space between individuals, to control the spread of coronavirus. The City's Public Health Order C19-07b required that all San Franciscans maintain at least six feet of separation with others not from their household. Prior to the implementation of Slow Streets, SFMTA staff observed sidewalk crowding, particularly outside essential businesses. Pedestrians along these congested corridors would often choose to maintain six feet of social distancing by walking in the roadway. The Slow Streets project was created to improve safety for these pedestrians by designating certain corridors where pedestrians and cyclists would be safely present in the street. The project was implemented with temporary traffic control barricades and signs that required no operational traffic changes and no changes in on-street parking, while improving safety for pedestrians and cyclists.

The Slow Streets corridors were chosen to provide a transportation benefit in areas where Muni service was temporarily reduced.

The Slow Streets project on April 21 identified 12 corridors for implementation, as shown below (Muni routes that were entirely eliminated are shown without italics, Muni routes that were shortened or reduced in frequency are italicized):

Street	From	To	Affected Muni Route	Status
17th St	Noe	Valencia	<i>22 Fillmore, 33 Stanyan</i>	Removed due to access conflicts
20th Ave	Lincoln	Ortega	28 - 19 th Ave	Implemented
22nd St	Valencia	Chattanooga	48 Quintara	Removed due to access conflicts
41st Ave	Lincoln	Vicente	18 - 46 th Ave	Implemented
Ellis	Polk	Leavenworth	<i>27 Bryant, 38 Geary</i>	Removed due to access conflicts
Holloway	J Serra	Harold	<i>K Ingleside, 29 Sunset</i>	Removed due to access conflicts
Kirkham	Great Highway	7 th Ave	<i>N Judah</i>	Implemented
Phelps	Oakdale	Evans	<i>23 Monterey, 44 O'Shaughnessy</i>	Removed due to access conflicts
Ortega	Great Highway	14 th Ave	7 Haight	Implemented
Page	Stanyan	Octavia	7 Haight	Implemented
Quesada	Lane	Fitch	<i>23 Monterey, 44 O'Shaughnessy</i>	Removed due to access conflicts
Scott	Eddy	Page	<i>24 Divisadero</i>	Removed due to access conflicts

Of these twelve corridors, five have been implemented as planned and seven have been removed due to access conflicts on roadways (conflicts with loading zones, emergency response routes, or land use). Each of the corridors was identified in an area with reduced or eliminated Muni service as shown in the table above.

Initial public outreach was limited due to public health restrictions, but the Slow Streets project provided multiple opportunities for community feedback and made adjustments based on that feedback.

The mandatory public health restrictions imposed during the Shelter in Place order eliminated the opportunity for in-person community meetings, but the Slow Streets project created multiple means to collect feedback from residents:

- **April 21, 2020: Project announced via SFMTA website and local media.** Project-specific website created at www.sfmta.com/slowstreets with contact information for staff.
- **April 22, 2020: Slow Streets email address created, slowstreets@sfmta.com.** As of August 11, 924 emails have been received at this email address, most receiving a response within one business day.
- **April 23, 2020: Slow Streets survey posted on website,** and promoted via social media, Board of Supervisors notices, and SFMTA notices.
- **Regular Ongoing Communication:**
 - o **Weekly email updates sent to stakeholders.** The project created a distribution email list for those interested in receiving updates on the Slow Streets project. As of August 11, 13 weekly email updates have been sent to a distribution list of over 2600 subscribers.
 - o **Board of Supervisors coordination:** SFMTA has worked and will continue to work closely with Board of Supervisors members to address concerns within their districts. Supervisors have been generally supportive of the goals and implementation of the Slow Streets project.
 - o **Neighborhood meeting attendance:** Slow Streets staff have virtually attended more than 20 community meetings to explain the project and gather resident feedback on Slow Streets since May.

In addition to this general project outreach and opportunity for community feedback, SFMTA staff has sent mailed notices about Slow Streets to residents along new Slow Streets since May 20. For every street that has been implemented since then, the Slow Streets project team has sent mailers to all residential addresses along affected corridors and sent electronic notifications to every known community contact in affected areas.

The project is not preempted by Federal or State law and is not a street closure.

In the appeal, the appellant states, without citation or support, that “the Project is preempted under the California and United States Constitutions, which prohibit closing public streets to travelers, including those in motor vehicles. Further, the Project...conflicts with the Vehicle Code and other statutory provisions.” This is incorrect for two reasons: (1) the project is not a street closure but traffic regulation authorized under State law; and (2) even if the project did close a public street to travelers, state law authorizes local governments to close public streets to vehicular traffic under certain conditions (California Vehicle Code section 21101).

State law authorizes local governments to regulate traffic, including making modifications such as those found in the Slow Streets Phase I. The Slow Streets project is not a permanent street closure, but is comprised of temporary changes to reduce through vehicle traffic on certain street segments by placing temporary and movable traffic barriers in order to respond to the COVID emergency and protect public health and safety. The Transportation Code authorizes the City Traffic Engineer to make such changes in response to current conditions. (S.F. Transp. Code Div II, Section 201(a)(5) [City Traffic engineer may

“[i]nstall or remove any temporary Traffic Control Devices on any Street for the purpose of controlling Parking or traffic during emergencies or when necessary for the protection of public health and safety.]”

As described above, the Slow Streets project slows and discourages vehicular through-traffic in order to enable people to safely walk, run, or bike and maintain six feet social distancing in the streets. The installation of a Slow Street does not include any changes to the existing number of travel lanes, bicycle and pedestrian facilities, loading zones, or parking. While vehicle traffic on Slow Streets segments are expected to be reduced as a result of the temporary changes, all blocks within the project area will remain accessible to the local traffic such as residents, including those in vehicles.

Even if the project did close a public street to travelers, state law authorizes local governments to close public streets to vehicular traffic under certain conditions that exist here. (California Vehicle Code section 21101).

Quick, responsive action that can be iterated upon is increasingly in demand from the community and elected officials during this public health crisis.

During the Covid-19 Public Health Emergency, SFMTA has moved quickly to ensure continued transportation safety. The Slow Streets project is an opportunity to respond to emergency transportation challenges, address community needs, and ensure transportation safety and public health during this unprecedented time. This project uses temporary traffic restrictions on corridors to drastically improve opportunities for essential bike and pedestrian travel while minimizing impacts on the vehicle network and ensuring continued vehicular access.

Accordingly, we ask that the San Francisco Board of Supervisors uphold the use of a California Environmental Quality Act Statutory Exemption to allow for continued operation of the Slow Streets Project.