

File No. 210454

Committee Item No. 2

Board Item No. 13

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget & Appropriations Committee

Date May 12, 2021

Board of Supervisors Meeting

Date May 25, 2021

#### Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Linda Wong Date May 7, 2021

Completed by: Linda Wong Date May 21, 2021

[Administrative Code - Free Muni Pilot Program Fund]

**Ordinance amending the Administrative Code to create a special fund for a Free Muni pilot program ending September 30, 2021, and setting conditions for use of the Fund.**

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. Chapter 10, Article XIII, of the Administrative Code is hereby amended by adding Section 10.100-73, to read as follows:

**SEC. 10.100-73. FREE MUNI PILOT PROGRAM FUND.**

*(a) Establishment of Fund. The Free Muni Pilot Program Fund (“the Fund”) is established as a category four fund to receive any monies appropriated or donated for the purpose of conducting a “Free Muni” pilot program.*

*(b) Use of Fund. Monies in the Fund shall be used only to fully offset the projected lost fare revenue to the San Francisco Municipal Transportation Agency (“SFMTA”) resulting from providing free Muni service on a trial basis for the period from July 1, 2021 through September 30, 2021 (“the Trial Period”) and to fully offset any additional costs incurred by the SFMTA’s paratransit program as a result of the provision of free Muni service during the Trial Period, as needed to maintain compliance with the requirements of the Americans With Disabilities Act.*

*(c) Administration of Fund. The SFMTA shall administer the Fund. Withdrawals from the Fund shall be subject to all of the following conditions during the Trial Period:*

1                   (1) The SFMTA shall suspend all fare enforcement during the Trial Period;

2                   (2) The SFMTA shall publicize the Free Muni pilot program through email and social  
3 media, and in general shall make a good faith effort to reach as many Muni riders as possible. The  
4 SFMTA shall post signs on Muni vehicles, stations, and other passenger facilities informing the public  
5 that fare payment is voluntary during the Trial Period. Signage shall comply with the Language Access  
6 requirements of Administrative Code Chapter 9I;

7                   (3) The SFMTA shall allow voluntary payment of fares and shall keep fare collection  
8 equipment and procedures, such as Clipper card machines and fare boxes, in operation for that  
9 purpose; and

10                  (4) On August 15, September 15, and October 15, 2021, the SFMTA shall file a written  
11 report with the Board of Supervisors summarizing the status of the pilot program, changes in ridership  
12 levels and characteristics, voluntary fares collected and revenues foregone, and other impacts of the  
13 program.

14                  (d) **Sunset Date.** This Section 10.100-73 shall expire by operation of law upon submission of  
15 the October 15, 2021 report referenced in subsection (c)(4), although, as stated in subsection (b), the  
16 last day of the free MUNI service provided through the pilot program shall be September 30, 2021.  
17 Upon expiration of this Section 10.100-73, the City Attorney shall cause the Section to be removed from  
18 the Administrative Code.

19  
20                  Section 2. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

1           Section 3. Undertaking for the General Welfare. In enacting and implementing this  
2 ordinance, the City is assuming an undertaking only to promote the general welfare. It is  
3 not assuming, nor is it imposing on its officers and employees, an obligation for breach of  
4 which it is liable in money damages to any person who claims that such breach proximately  
5 caused injury.

6  
7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9  
10 By:                             /s/                    
                  THOMAS J. OWEN  
                  Deputy City Attorney

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13  
14  
15 n:\legana\as2021\2100430\01531324.docx

**LEGISLATIVE DIGEST**

(As Amended in Committee, 05/12/2021)

[Administrative Code - Free Muni Pilot Program Fund]

**Ordinance amending the Administrative Code to create a special fund for a Free Muni pilot program ending September 30, 2021, and setting conditions for use of the Fund.**

Existing Law

The City currently does not have a law that would provide for paying the costs of offering free Muni service.

Amendments to Current Law

The proposed ordinance would create a special fund to reimburse the San Francisco Municipal Transportation Agency ("SFMTA") for any fare revenues the SFMTA lost if it agreed to provide free Muni service on a trial basis from July 1 through September 30, 2021. The fund could also be used to reimburse the SFMTA's paratransit program for any additional costs it incurred as a result of the provision of free Muni service and the requirements of the Americans With Disabilities Act.

Money in the fund would come from City appropriations or possible donations made to support the Free Muni pilot program.

The SFMTA would administer the fund. In order to withdraw money from the fund, the SFMTA would have to meet two basic conditions during the pilot program:

- Provide free Muni service and suspend fare enforcement, although passengers could continue to pay fares on a voluntary basis; and
- Publicize the Free Muni pilot program and post signs on Muni vehicles and facilities telling passengers that fare payment is voluntary during the pilot program.

The SFMTA would also have to file monthly reports with the Board of Supervisors explaining the progress and impacts of the pilot program.

The ordinance creating the fund would automatically expire after the SFMTA filed the last required report, on or about October 15, 2021.

Background Information

Under the Charter, the Board of Supervisors may not direct the SFMTA to provide free Muni service, but the Board and the Mayor may appropriate General Fund money to the

SFMTA to reimburse the agency for lost revenues if the SFMTA chooses to provide free service.

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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

## MEMORANDUM

TO: Kiely Hosmon, Director, Youth Commission

FROM: Linda Wong, Assistant Clerk  
Budget and Appropriations Committee

DATE: May 3, 2021

SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors' Budget and Appropriations Committee has received the following legislation, introduced by Supervisor Dean Preston on April 27, 2021. This item is being referred to the Youth Commission for comment and recommendation.

**File No. 210454**

**Ordinance amending the Administrative Code to create a special fund for a Free Muni pilot program ending September 30, 2021, and setting conditions for use of the Fund.**

Please return this cover sheet with the Commission's response by email to:  
Linda.Wong@sfgov.org.

\*\*\*\*\*

**RESPONSE FROM YOUTH COMMISSION**

**Date:** May 3, 2021

☐ **No Comment**

☒ **Recommendation Attached**

A handwritten signature in cursive script, appearing to read "Nora Hyatt".

**Chairperson, Youth Commission**

Youth Commission  
City Hall ~ Room 345  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4532



(415) 554-6446  
(415) 554-6140 FAX  
www.sfgov.org/youth\_commission

## YOUTH COMMISSION

### MEMORANDUM

**TO:** Linda Wong, Assistant Clerk, Budget and Appropriations Committee  
**FROM:** Youth Commission  
**DATE:** Tuesday, May 4, 2021  
**RE:** Referral response to BOS File No. 210454 - [Administrative Code - Free Muni Pilot Program Fund]

At our **Monday, May 3, 2021, meeting**, the Youth Commission voted to support the following motion:

**To support BOS File No. 210454** - [Administrative Code - Free Muni Pilot Program Fund]

The Youth Commissioners voted to include the following questions, recommendations, and comments.

Recommendations:

- During this pilot reimagine the current fare inspector roles as more of a wellness check-in and as transit operator support roles - rather than fare enforcement
- MTA & Controller & Transit Authority - come up with a more comprehensive report upon the end of the pilot
- Survey or interview riders on how Free Muni for All may impact riders of color (specifically Black riders), low-income riders, families, or young riders general safety (i.e. because they don't have to worry about the fare enforcers)
- Hate crimes continue to impact AAPI communities along with ongoing police brutality against Black communities - more specific information is needed on which marginalized communities will benefit from Free Muni for All (AAPI, Black, low income, TAY, low income youth, etc...)

\*\*\*

Youth Commissioners thank the Board of Supervisors for their attention to this issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

Nora Hylton, Chair  
Adopted on May 3, 2021  
2020-2021 San Francisco Youth Commission



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: Jeffrey Tumlin, Executive Director, Municipal Transportation Agency

FROM: Linda Wong, Assistant Clerk  
Budget and Appropriations Committee

DATE: May 7, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Budget and Appropriations Committee has received the following proposed legislation, introduced by Supervisor Dean Preston:

**File No. 210454**

Ordinance amending the Administrative Code to create a special fund for a Free Muni pilot program ending September 30, 2021, and setting conditions for use of the Fund.

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: [linda.wong@sfgov.org](mailto:linda.wong@sfgov.org).

c: Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency

[Administrative Code - Free Muni Pilot Program Fund]

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1                   (2) The SFMTA shall publicize the Free Muni pilot program through email and social  
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20 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
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22 of Supervisors overrides the Mayor's veto of the ordinance.

23  
24                   Section 3. Undertaking for the General Welfare. In enacting and implementing this  
25 ordinance, the City is assuming an undertaking only to promote the general welfare. It is

not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

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

By:                     /s/                      
THOMAS J. OWEN  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Administrative Code - Free Muni Pilot Program Fund]

**Ordinance amending the Administrative Code to create a special fund for a Free Muni pilot program ending September 30, 2021, and setting conditions for use of the Fund.**

### **Existing Law**

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### **Background Information**

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President, District 10  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-6516  
Fax No. 554-7674  
TDD/TTY No. 544-6546

**Shamann Walton**

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**PRESIDENTIAL ACTION**

Date: 4/29/2021

To: Angela Calvillo, Clerk of the Board of Supervisors

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Madam Clerk,  
Pursuant to Board Rules, I am hereby:

☒ Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

210454

Preston

(Primary Sponsor)

Title.

Administrative Code - Free Muni Pilot Program Fund

☐ Transferring (Board Rule No 3.3)

File No.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

☐ Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

(Date)

(Committee)

Meeting

Start Time:

End Time:

Temporary Assignment: ☐ Partial ☐ Full Meeting

  
Shamann Walton, President  
Board of Supervisors

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

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

- ☒ 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:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Small Business Commission | <input type="checkbox"/> Youth Commission               | <input type="checkbox"/> Ethics Commission |
| <input type="checkbox"/> Planning Commission       | <input type="checkbox"/> Building Inspection Commission |  |

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only

**From:** [Kilgore, Preston \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Cc:** [Gee, Natalie \(BOS\)](#); [Sandler, Risa \(CON\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Snyder, Jen \(BOS\)](#)  
**Subject:** Free muni pilot program legislation and intro form  
**Date:** Tuesday, April 27, 2021 4:00:30 PM  
**Attachments:** [MTA Free Muni 4-21-21.docx](#)  
[MTA Free Muni 4-21-21.pdf](#)  
[01528632.DOCX](#)  
[01528647.DOCX](#)  
[Introduction Form appropriation for Free Muni Pilot 4.27.2021.pdf](#)  
[Introduction Form ordinance for free Muni 4.27.2021.pdf](#)

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Good Afternoon,

Attached to this email are the introduction forms and ordinances for Supervisor Preston's:

- Ordinance amending the Administrative Code to create a special fund for a Free Muni pilot program ending September 30, 2021, and setting conditions for use of the Fund; and
- Ordinance appropriating \$9,300,000 from the COVID Contingency Reserve to the San Francisco Municipal Transportation Agency to support a Free Muni Pilot Program in July, August, and September 2021 in Fiscal Year (FY) 2020-2021.

We have requested and received approval from President Walton's office to waive the 30 Day rule and to have both pieces of legislation heard together in the budget and finance committee.

I have added Supervisor Preston to this email to confirm his signature.

Please feel free to reach out with any questions.

Thank you again everyone.

Preston Kilgore  
Legislative Aide  
Office of Supervisor Dean Preston  
(415) 554-7630



**From:** [Christopher Pederson](#)  
**To:** [Haney, Matt \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#)  
**Cc:** [Wong, Linda \(BOS\)](#); [MelgarStaff \(BOS\)](#)  
**Subject:** Budget & Approp Committee Agenda items 1-2 (Free Muni Pilot Program)  
**Date:** Wednesday, May 19, 2021 10:28:12 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Haney and Supervisors:

Please table the proposed measures to establish a Free Muni Pilot Program. The proposed program is unlikely to generate useful information, is unlikely to fully compensate Muni, doesn't include any compensation to BART, and is likely to complicate fare compliance once the program expires.

Although touted as a way to generate data on how eliminating fares will affect ridership, the timing of the proposed program will defeat that purpose. To waive fees at the same time that the economy is opening up and people are more willing to mingle in public and when transit service is being restored means that it will be virtually impossible to evaluate to what extent increased ridership is due to waiving fares and to what extent it is due to other significant factors.

Although the proposed appropriation was increased last week, that appropriation does not compensate Muni for the likely declines in fare compliance after the program expires. It also does nothing to compensate BART for the likely shift in ridership away from BART and to lines such as the 14, 14R, and 49.

The proper time for considering waiving transit fares would be after service has been restored and the economy has fully reopened. If at that time Muni ridership still significantly lags behind pre-pandemic levels, then it might be appropriate to consider whether waiving fares might help restore ridership levels. Any such program, however, should also ensure improvement in service. Without reliable, convenient service, ridership will fall below what's necessary for San Francisco to accomplish its climate and equity goals.

Thank you.

Sincerely,  
Christopher Pederson  
regular Muni rider

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Nagasundaram, Sekhar \(BOS\)](#); [Wong, Linda \(BOS\)](#)  
**Subject:** FW: Free Muni worthlessness  
**Date:** Thursday, May 13, 2021 8:37:39 AM

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-----Original Message-----

From: Jamey Frank <jameyfrank@icloud.com>  
Sent: Thursday, May 13, 2021 7:38 AM  
To: Preston, Dean (BOS) <dean.preston@sfgov.org>  
Cc: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Brown, Vallie (ADM) <vallie.brown@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>  
Subject: Free Muni worthlessness

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Preston,

I already have gotten free Muni for many years by my company. But I simply can't use Muni, because it doesn't run when I need to get to and from work, and Muni is notoriously unreliable.

After living in San Francisco for 32 years, Muni has never lived up to its promises, and I fear that it never will.

Put the money towards reliability. Stop giving away fares for lousy transit.

--Jamey Frank  
San Francisco

**From:** [Melissa Hernandez](#)  
**To:** [Wong, Linda \(BOS\)](#)  
**Subject:** Public comment regarding Free Muni  
**Date:** Wednesday, May 12, 2021 1:35:19 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear supervisors,

I am writing you to express my support for Supervisors Preston and Haney's proposed Free Muni pilot program.

Free Muni during the pandemic would mostly benefit the working-class people of San Francisco. Transit fares disproportionately affect the poor and disadvantaged, eating a larger percentage of their available funds than those of the wealthy, until they become so disadvantaged that they are finally eligible to apply for exceptions that simply discount their fare. We should be focusing on giving San Franciscans the tools they need to recover from this devastating health and financial crisis, not placing the onus on them to shoulder the costs for MTA leadership's failure to meet its expected service goals.

Abolishing fares would also encourage San Franciscans who have the option to drive to take transit instead and help our city with its rising congestion issues.

Sincerely,  
Melissa G. Hernandez  
she/her

- Please excuse any typos; sent from mobile device

**From:** [Joshua Ochoa](#)  
**To:** [Wong, Linda \(BOS\)](#)  
**Subject:** In Support of the Free MUNI Pilot Program  
**Date:** Tuesday, May 11, 2021 3:21:07 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello!

My name is Joshua Ochoa, I'm a student at San Francisco State University, I'm serving as the current AS Vice President of External Affairs (student government), I'm also the AS President-Elect for this upcoming academic year, and I'm writing to you in support of the Free MUNI Pilot Program.

SF State students are aiming to return this summer and fall to our campus, and a constant barrier for so many of our working and low income students has been the unaffordability of San Francisco. We strive to advocate for solutions that'll work to reduce the inequity and inaccessibility of our city and campus.

We as Associated Students at SFSU, stand in support of proposals like these that will eliminate barriers for students to be able to travel throughout the city, and that will address the issue of climate change. We hope that you will support this initiative and help recover our transit system in SF, and build a future for the students of tomorrow. Thank you.

In Solidarity,  
Joshua Ochoa.

--

Inline image

**From:** [Terri Saul](#)  
**To:** [Wong, Linda \(BOS\)](#)  
**Subject:** Free Muni  
**Date:** Wednesday, May 12, 2021 10:23:32 AM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

For poor and working people and for people with disabilities and people without cars, free transit would help us keep moving and participating in life. It would help us recover.

Transit fares disproportionately affect the poor and disadvantaged, eating a larger percentage of their available funds than those of the wealthy, until they become so disadvantaged that they are finally eligible to apply for exceptions that simply discount their fare.

Please support this three-month pilot program as the first step toward realizing a future where safe transit is a right, a future of Fare-Free Muni.

Thank you,  
Terri Saul