



RESOLUTION APPROVING THE TREASURE ISLAND TRANSIT PASS AND AFFORDABILITY PROGRAM, AND ADDITIONAL ELEMENTS OF THE TREASURE ISLAND TOLL POLICY

WHEREAS, The purpose of the Treasure Island Mobility Management Agency (TIMMA), as set forth in the Treasure Island Transportation Management Act of 2008, is to implement the Treasure Island Transportation Implementation Plan (TITIP) in support of the Treasure Island/Yerba Buena Island Development Project; and

WHEREAS, The TITIP was adopted in 2011 and calls for a comprehensive, integrated program to manage travel demand on Treasure Island as it develops, the Treasure Island Mobility Management Program (TIMM Program), which includes a complementary package of strategies and services including required purchase of transit passes by residents, parking fees, and a multimodal congestion pricing program that applies motorist user fees to support enhanced and new bus, ferry, and shuttle transit, as well as bicycle sharing, to reduce the traffic impacts of the project; and

WHEREAS, At its Board meeting on July 26, 2016, the TIMMA Board considered the Treasure Island Mobility Management Study (Study) which refined the assumptions of the TITIP and recommended congestion pricing policies for Treasure Island based on demand forecasting, financial analysis and stakeholder input, advanced the TITIP recommendations, in particular the toll system component, and the TIMMA Board adopted Resolution 17-03 approving the Toll Policy Recommendations set forth in the Study; and

WHEREAS, TIMMA has continued to refine the elements of the TIMM Program; and

WHEREAS, At its November 27, 2018 meeting, the TIMMA Committee considered certain policies related to the Treasure Island Transit Pass, Toll Policy and Affordability Program as presented by staff, and the TIMMA Committee unanimously recommended moving forward with a modified



version of the staff recommendation, with the understanding that additional policies will be further refined, with recommendations brought to the TIMMA Committee and Board in the future; and

WHEREAS, The revised Treasure Island Transit Pass, Toll Policy and Affordability Program policies reflecting the TIMMA Committee modifications are set forth in Attachment 1; and

WHEREAS, The TIMMA Committee also requested that staff complete additional studies including, but not limited to (i) an analysis of an accumulator transit pass, (ii) an analysis of free ferry for qualifying youth, (iii) expected ridership on AC Transit service at 60-minute headways, (iv) an analysis of when residents, tourists, visitors, clients, and employees travel to and from Treasure Island, and (v) affordability options for existing households beyond five (5) years; and

WHEREAS, Given the unique conditions surrounding Treasure Island tolling and the challenge it places on Treasure Island neighborhood and economic development, the TIMMA Committee recommended that the Board consider urging the City and County of San Francisco to consider budgetary contribution to the TIMM Program; now, therefore be it

RESOLVED, That TIMMA hereby approves the Treasure Island Transit Pass, Toll Policy and Affordability Program policies set forth in Attachment 1 hereto; and be it further

RESOLVED, That staff is directed to complete additional studies that will inform further refinements of the aforementioned policies including, but not limited to (i) an analysis of an accumulator transit pass, (ii) an analysis of free ferry for qualifying youth, (iii) expected ridership on AC Transit service at 60-minute headways, (iv) an analysis of when residents, tourists, visitors, clients, and employees travel to and from Treasure Island, and (v) affordability options for existing households beyond five (5) years; and be it further

RESOLVED, That the TIMMA Board urges the City and County of San Francisco to consider budgetary contribution to the TIMM Program in light of the unique conditions surrounding Treasure Island Tolling and the challenge it places on Treasure Island neighborhood and economic



development.

Attachment:

1. TIMMA 2018 Policy Register

Attachment 1: TIMMA 2018 Policy Register

Toll Policies				
No.	Policy Area	Policy Language	Rationale	Authority/ Source
1	Applicability	Both residents and visitors to Treasure Island shall be subject to the toll program (no change to existing policy).	Treasure Island Mobility Management Study	Resolution No. 17-03 approved July 2016
2	Exemptions	The existing policy language provides “that only shuttles, vanpools, or buses would be eligible for a high-occupancy vehicle toll exemption, and two and three passenger vehicles would not be eligible for a high-occupancy vehicle toll exemption.” The following recommendations clarify, detail and replace this language.	Treasure Island Mobility Management Study	Resolution No. 17-03 approved July 2016
		<ul style="list-style-type: none"> Commuter Buses and Vanpool Vehicles, as such terms are defined in BATA’s current Toll Policy, are eligible for exemption from the toll. (Currently transit vehicles and 10+ passenger vehicles exempt). No exemption for motorcycles or smaller passenger vehicles. 	Treasure Island Mobility Management Study; consistent with Bay Bridge and regional policies	This Resolution No. 18-05
		<ul style="list-style-type: none"> Federally owned vehicles are eligible for exemption from the toll in accordance with 15 US Code Sections 1005 and 1006. 	Extends U.S. Code Title 15, Chapter 19, Section 1005 to the TIMMA toll; consistent with Bay Bridge and regional policies	This Resolution No. 18-05
		<ul style="list-style-type: none"> Authorized emergency vehicles satisfying all conditions specified in California Vehicle Code section 23301.5 are eligible for exemption from the toll. 	California Vehicle Code section 23301.5; consistent with Bay Bridge and regional policies	This Resolution No. 18-05
3	Direction	A toll shall be charged both as eligible vehicles arrive on and depart from the Island (no change to existing policy).	Treasure Island Mobility Management Study	Resolution No. 17-03 approved July 2016

Toll Policies				
No.	Policy Area	Policy Language	Rationale	Authority/ Source
4	Tolling Commencement (Start of Service)	The tolls and penalties for violations imposed by this policy shall apply to motorists entering or exiting Yerba Buena Island / Treasure Island on and after the date of the initial occupancy of new residential units, completion of the required infrastructure on Yerba Buena Island, and successful commissioning of the toll system. (Road configuration anticipated completion mid-2021).	The TITIP references the start of services as being linked to first occupancy of the development. System launch cannot occur until all YBI infrastructure supporting the toll system has been completed and the toll system testing has been completed and determined to be operationally acceptable by TIMMA.	This Resolution No. 18-05
5	Tolling Hours	<p>Tolls shall be collected during all “Tolling Hours,” as defined in this Policy, to manage congestion by influencing driving decisions. Tolling hours are determined by anticipated traffic levels, and toll rates may vary across periods as provided below. Tolling hours apply to holidays and tolls shall be collected per the policy during holidays.</p> <p>“Peak Tolling Hours” are defined as hours between 5:00 a.m. and 10:00 a.m. and 3:00 p.m. and 7:00 p.m. weekdays, without exclusions for holidays, during which tolls are collected.</p> <p>“Weekend Tolling Hours” are defined as hours between 8:00 a.m. and 8:00 p.m. weekends, during which tolls are collected.</p> <p>“No-Toll Hours” are defined as the hours outside of Peak Tolling Hours and Weekend Tolling Hours, wherein TIMMA toll collection is not operating.</p>	<p>Treasure Island Mobility Management Study, Table 5 (page 16)</p> <p>Peak periods are broadly consistent with Bay Bridge weekday peak/carpool hours.</p>	This Resolution No. 18-05

Toll Policies				
No.	Policy Area	Policy Language	Rationale	Authority/ Source
6	Collection Methods	<p>TIMMA will collect all tolls electronically in an open road environment without physical barriers or cash collection on the physical facilities.</p> <p>TIMMA's toll collection system will be compliant with Title 21 of the California Code of Regulations which establishes the technical requirements for Electronic Toll Collection (ETC) readers and transponders used in the State of California. This includes compatibility for transponders and reader with other California Toll Operators Committee (CTOC) agencies.</p> <p>Pursuant to California Vehicle Code Section 23302, TIMMA tolls will be collected through a valid FasTrak® transponder, or through valid vehicle license plates per Section 4850.5 or 5200. For tolls charged through license plate images, the BATA RCSC will collect the TIMMA toll through one of the following Pay-By-Plate methods:</p> <ol style="list-style-type: none"> 1. Registered License Plate Account 2. One-Time Payment 3. Toll Invoices, mailed to the registered vehicle owner at the address on file with the California DMV. 	<p>TIMMA must comply with Title 21.</p> <p>This adopts BATA processes and Golden Gate Bridge's AET program wholesale, reducing the capital and operating costs and maintaining regional consistency for customers.</p> <p>The \$1.00 toll differential is consistent with regional Toll Invoices issued by BATA for GGB.</p>	This Resolution No. 18-05

Toll Policies				
No.	Policy Area	Policy Language	Rationale	Authority/ Source
7	Rate Schedule (previously Toll Level and Toll Level Change Policy)	<p>The Toll Rate Schedule, included in Table 1, is set to manage mode share performance goals of 50% for residents or more at peak periods and to fund accessible, frequent, and reliable operations for transit alternatives that are financially sustainable, in combination with other committed funding.</p> <p>There is a \$1.00 toll rate differential for toll transactions paid through Pay-By-Plate accounts: Registered License Plate Accounts, One-Time Payments, and Toll Invoices.</p> <p>TIMMA will provide a discounted rate for vehicles that paid a Bay Bridge toll when traveling from Oakland to Treasure Island.</p> <p>When the construction of 8000 units is complete, TIMMA will adjust rates to include a toll surcharge for vehicles based on classification.</p>	Treasure Island Mobility Management Study and further analysis	This Resolution No. 18-05



Affordability Policies				
No.	Policy Area	Policy Language	Rationale	Authority/ Source
8	Affordability	<p>As part of the TIMMA Transportation Affordability Program required by the existing policy, Below Market Rate (BMR) households enrolled in the Affordable Transit Pass program will be eligible for a transit-incentive-based toll discount benefit. Only one Affordable Transit Pass per household may be identified as “Primary” and eligible for the benefit. For every ten (10) Trips on transit operated by the Qualifying Agencies and paid for using a household’s Primary Transit Pass within one (1) calendar month, two (2) peak period tolls, or the cash equivalent of such, or another transportation benefit equal to or greater than the cash equivalent, will be credited to the holder of the household’s Primary Transit Pass.</p> <p>The following definitions apply:</p> <ul style="list-style-type: none"> • A “Trip” is one continuous leg of transit that originates or concludes at the Island on Qualifying Agencies modes of transit and using the Transit Pass as the payment method. • “Qualifying Agencies” include the transit agencies participating TIMMA’s Transit Pass Program. • “BMR Households” are defined in the Disposition and Development Agreement for Treasure Island/ Yerba Buena Island, executed in June 2011. • An “Affordable Transit Pass” is a transit pass provided through TIMMA at a discounted rate for residents of BMR Households. • A “Primary Affordable Transit Pass” is one unique transit pass per household enrolled for the BMR transit-incentive-based toll discount benefit. 	Incentivizes transit and use of the TAP while offering equity for trips that may require a car. The equivalent benefit ensures there is incentive even if they have no use for or no way to use the toll credit.	Resolution No. 17-03 approved July 2016 and This Resolution 18-05
		<p>Households with active leases as of 2018 will receive a \$300 stipend per month.</p> <p>As currently proposed, this stipend shall be available for the first five years of operation. After five years, the amount of the stipend shall reduce in value, over a 12-month period. Staff will consider the effects of extending this stipend beyond the initial five-year period, and will report back to the TIMMA Board on the impacts of such an extension.</p>	Addresses equity and fairness concerns.	This Resolution 18-05



Affordability Policies				
No.	Policy Area	Policy Language	Rationale	Authority/ Source
		Toll discount programs may be developed to ensure accessibility to the Island for the benefit of the community and in pursuit of objectives defined in the TITIP.	This allows for flexibility to implement programs for fleets, on-island businesses/employers, etc.	This Resolution 18-05

Transit Pass Policies				
No.	Policy Area	Policy Language	Rationale	Status
9	Transit Pass	All market-rate households will receive one transit pass through their Homeowners Association. The pass holders will have access on all Muni, AC Transit and Treasure Island ferry service. The transit pass will be uploaded onto pass holders' Clipper Cards.	Per DDA and TITIP. Simplify transit fare payment and provide incentives to use transit for all Treasure Island market-rate households.	Approved via DDA, to be implemented by homeowners
		Existing and future Treasure Island employers may work with TIMMA to provide the transit pass to their employees. The worker pass would be optional and will be available through Clipper Card.	Simplify transit fare payment and provide incentives to use transit for all Treasure Island employees.	This Resolution 18-05
		As part of the TIMMA Transportation Affordability Program, all BMR households will be able to receive a 50% discount on Treasure Island Transit Pass. This pass will be optional for all BMR households. The transit pass will be uploaded onto pass holders Clipper Card.	Provide affordable and simplified transit services to all Treasure Island BMR residents.	This Resolution 18-05
		This multiagency pass cost to be estimated in between \$125 to \$150. TIMMA Board will adopt the pass price after the fare is set for AC Transit and Treasure Island Ferry. TIMMA Board may change the pass price based on residents and visitor travel pattern.	Proposed transit pass cost is based on three transit agencies' existing pass prices, and projected transit demand.	This Resolution 18-05
		The Free Muni for Youth program will apply to transit service to and from Treasure Island.	Addresses equity and fairness concerns.	This Resolution 18-05
		TIMMA/SFCTA staff will study the effect of creating an equivalent to the Free Muni for Youth program applicable to ferry service to and from Treasure Island.	Addresses equity and fairness concerns.	This Resolution 18-05

TIMMA Toll Rate Schedule
(effective 12/11/18)

TIMMA Toll Operations: Hours & Rates					
Period	Times	San Francisco – Treasure Island Treasure Island – San Francisco Treasure Island – Oakland		Oakland – Treasure Island	
		FasTrak®	Pay-By-Plate	FasTrak®	Pay-By-Plate
Peak Tolling Hours	Weekdays 5am – 10am 3pm – 7pm	\$3.50	Add \$1.00 per toll	\$1.75	Add \$1.00 per toll
Weekend Tolling Hours	Weekends 8am – 8pm	\$2.00		\$1.00	
No Tolling Hours	Weekdays 7pm – midnight / midnight-5am Weekdays (off-peak) 10am – 3pm Weekends 8pm – midnight / midnight-8am	Free	Free	Free	Free

The periods and rates shown above are subject to further refinement and adjustment by TIMMA as needed.



Memorandum

Date: December 6, 2018
To: Treasure Island Mobility Management Agency Board
From: Eric Cordoba – Deputy Director for Capital Projects
Subject: Recommend Approval of the Treasure Island Transit Pass, Toll Policy, and Affordability Program

<p>RECOMMENDATION <input type="checkbox"/> Information <input checked="" type="checkbox"/> Action</p> <p>Recommend Approval of the Treasure Island Transit Pass, Toll Policy, and Affordability Program.</p> <p>SUMMARY</p> <p>The Treasure Island Mobility Management Agency (TIMMA) is charged with implementing the Treasure Island Transportation Implementation Plan (TITIP) in support of the Treasure Island/Yerba Buena Island Development Project. The TITIP, adopted in 2011, calls for a comprehensive, integrated program to manage travel demand on Treasure Island as it develops. This innovative approach to mobility includes a complementary package of strategies and services including required purchase of transit passes by residents, parking fees, and a multimodal congestion pricing program that applies motorist user fees to support enhanced and new bus, ferry, and shuttle transit, as well as bicycle sharing, to reduce the traffic impacts of the project. In 2016, TIMMA adopted the recommendations from the Treasure Island Mobility Management Study, which refined the assumptions of the TITIP, recommended initial congestion pricing policies, and called for the development of an Affordability Program. Since that time staff has developed detailed draft Transit Pass, Toll Policy, and Affordability Program information and engaged in multiple stakeholder workshops to obtain feedback. In order to maintain the program implementation schedule for systems engineering design and transit operator and procurement agreements, we seek the Board’s approval of the design of the transit pass, toll policy, and affordability program by December 2018. On November 27, 2018 the TIMMA Committee unanimously approved the transit pass program, the affordability program and the toll policy with modifications to the staff recommendations as discussed below.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Fund Allocation <input type="checkbox"/> Fund Programming <input checked="" type="checkbox"/> Policy/Legislation <input type="checkbox"/> Plan/Study <input type="checkbox"/> Capital Project Oversight/Delivery <input type="checkbox"/> Budget/Finance <input type="checkbox"/> Contract/Agreement <input type="checkbox"/> Other: <hr/>
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DISCUSSION

Background.

On April 21, 2011, in a joint session with the San Francisco Planning Commission, the Treasure Island Development Authority (TIDA) Board of Directors approved the Treasure Island/Yerba Buena Island Development Project, including a Development Agreement and a Disposition and Development Agreement (DDA) with Treasure Island Community Development, as well as the Treasure Island Transportation Implementation Plan (TTTIP). On June 7, 2011, the Board of Supervisors approved the same.

The DDA referenced and outlined the goals, strategies, and implementation plan for a new transportation system, infrastructure, and services to support the development Project, including the designation of a transportation management agency to oversee the implementation and management of the transportation programs and revenues. On April 1, 2014, the San Francisco Board of Supervisors approved a resolution designating the Transportation Authority as the Treasure Island Transportation Management Agency (TIMMA). The purpose of TIMMA, as set forth in the Treasure Island Transportation Management Act of 2008 (State Assembly Bill 981), is to implement the TTTIP.

The TTTIP calls for a comprehensive, integrated program to manage travel demand on Treasure Island as it develops. This innovative approach to mobility includes a complementary package of strategies and services including required purchase of transit vouchers by residents, parking fees, and a multimodal congestion pricing program that applies motorist user fees to support enhanced and new bus, ferry, and shuttle transit, as well as bicycle sharing, to reduce the traffic impacts of the project. AB 981-Leno (2009) authorizes San Francisco to implement congestion pricing (tolling) on Treasure Island

On July 20, 2016, the TIMMA Board approved the recommendations set forth in the Treasure Island Mobility Management Study (Study), a policy and financial analysis of the congestion pricing program. The Study refined the assumptions of the TTTIP and recommended congestion pricing policies for the Island based on demand forecasting, financial analysis, and stakeholder input. The Study also recommended the development of an Affordability Program.

Since the adoption of the Study, staff has developed further recommendations for the design of a Transit Pass, revised toll policy, and an affordability program. These policy recommendations, included as Enclosure 1, advance the TTTIP, in particular the toll system component, in accordance with the program implementation schedule for systems engineering design, transit procurement and operating agreements and are the subject of the proposed action for this item.

Discussion.

The 2011 TTTIP informs the development of a Treasure Island Mobility Management Program (TIMM Program). The TIMM Program comprises both incentives for transit, walking, and biking, - including a pre-paid Transit Pass – and disincentives to travel by private vehicles—namely, pricing in the form of a congestion toll, fees for all parking, and parking space per unit allocation maximums.

The TTTIP identified two specific performance targets for the TIMM Program:

- A program that yields a non-auto mode share for on-off Island travel of at least 50 percent during peak travel periods.

Agenda Item 5

- A financially sustainable program that covers its long-run operating and capital maintenance costs.

The actions taken by the Board in July 2016 refined the TTTIP toll policy assumptions and included approval of initial Toll Policy Recommendations and Toll Policy Advisory Findings subject to further study. These related to the population to be tolled, hours of operation for the toll program and directionality of trips to be tolled and are summarized in Table 1 below.

Over the last two years, additional study and financial analysis have been completed to evaluate the financial feasibility and the operational performance of the refined Policies. The recommendations for the design of the Transit Pass, congestion toll policy, and affordability program, are included as Enclosure 1.

The recommendations are based on iterative transportation demand and financial forecast analyses of toll policy scenarios and propose a refined set of toll policies for Treasure Island that are targeted to achieve these performance targets. The recommendations also propose a structure for the required pre-paid Transit Pass, and policies to support an affordability program for Island residents and employers.

Staff presented the proposed transit pass /affordability program and toll policies to the TIMMA Committee at its April 3 and October 4 meetings respectively and received feedback to shape and refine proposals to bring to the community for feedback.

TIMMA Committee Recommendation.

At its November 27 meeting, the TIMMA Committee unanimously approved the program policies with amendments to include both the \$300 monthly stipend and the toll-free midday period for the first five years and the inclusion of a free monthly youth pass in the transit pass program. The Committee also requested that staff complete additional studies including: an accumulator for the transit pass; a free youth transit pass for the ferry; extending the stipend and toll free midday beyond the first five years of the program; a survey of travel behavior; further study of subsidy needs for businesses, especially employees; and additional analysis of the AC Transit ridership anticipated with 60 minute service headways. The Committee also recommended asking the City to evaluate revenue options and potential budget contributions to Treasure Island in light of the unique conditions for Treasure Island tolling and the challenge it places on neighborhood and economic development.

Tables 1, 2, 3 and 4 below and Attachment 1 summarize the revised transit pass, affordability program and toll policy proposals as recommended by the TIMMA Committee.

Table 1: Previously approved TIMM Program Toll Policies

See Attachment 1 for complete toll policy recommendations and additional detail.

Policy Issue	Approved Policy per TIMMA Board action in July 2016 (Resolution #17-03)
Who pays the toll?	Residents and non-resident drivers pay the toll.
Which direction(s) are tolled?	Both directions are tolled (both onto and off Treasure Island).

Policy Issue	Approved Policy per TIMMA Board action in July 2016 (Resolution #17-03)
Are any trips exempt from the toll?	Transit, shuttles and vanpools, as well as pedestrian and bicycle trips, are exempt from the toll. Two-and three (or more) passenger carpools and motorcycles are not exempt from the toll.

Table 2: Proposed Additional TIMM Program Toll Policies

Policy Issue	
Are any driving trips given a discount on the toll?	Discount for westbound East Span drivers to Treasure Island for tolls paid at the Bay Bridge toll plaza. The Bay Area Toll Authority (BATA), which operates the State-owned toll bridges in the Bay Area, has the authority to toll the west-bound vehicles taking the Bay Bridge from Treasure Island into San Francisco.
What are the toll hours of operation?	<ul style="list-style-type: none"> • AM and PM peak period hours match Bay Bridge, 5a-10a and 3p-7p • Midday Off-peak Period, 10a-3p (Zero toll for the first 5 years of program) • Weekend Period, 8a-8p
What is the toll level?	<ul style="list-style-type: none"> • At program launch: \$3.50 peak / \$0 off peak / \$2 weekend • The TIMMA Board may increase toll levels when ferry service levels increase • The TIMMA Board may increase tolls with CPI • Midday tolling will resume in year 6 of the program • The toll level for license plate recognition (LPR) transactions will be \$1 higher than the base to recoup higher transaction costs • Trucks will pay a per-axle fee starting when 8000 units are open for occupancy

Table 3: TIMMA Affordability Program Recommendations

Policy Issue	Recommendation
Discounted Transit Pass	50% discount on purchase of monthly transit pass for Below Market Rate Households enrolled in Affordable Transit Pass Program <ul style="list-style-type: none"> • Available to all current and future below market rate residents • Available to workers through employer Transportation Demand Management (TDM) program
Toll Credit for frequent transit use	Households eligible for BMR housing will receive credit for one roundtrip peak period toll for every 10 one-way trips taken on transit.
Monthly household Stipend	Households with active leases as of 2018 will receive \$300 cash per month to defer cost associated with transition into the TIMM Program. Benefit will reduce after the first five years of operation on a 12-month schedule that results in expiration of the benefit at the end of year six.

Table 4: TIMMA Transit Pass Program Recommendations

Policy Issue	Recommendation
Trip Coverage	Develop monthly transit pass providing unlimited trips on and off Treasure Island to San Francisco and East Bay
Participating Transit	<ul style="list-style-type: none"> • SF Muni • AC Transit • Ferry Operations • On-Island Shuttle (free)
Eligible Participants	<ul style="list-style-type: none"> • Market Rate Residents: Full cost pass, automatically loaded via Clipper • BMR Residents: 50% discount for Access Pass loaded via Clipper; enrollment managed by TIMMA • Workers: automatically loaded via Clipper; managed through employers and TIMMA • Consistency with free Muni for low income youth, seniors and disabled policy and Lifeline fare policy for each operator.
Cost	<ul style="list-style-type: none"> • Monthly transit pass cost range: \$125 - \$150 • 50% discount for BMR residents

Stakeholder Feedback: We conducted multilingual outreach including multiple on-Island community and business events providing updates on the Program development and seeking input on Program Policies. Policy options included in Tables 1, 2, 3 and 4 were presented to the Islands’ residential and merchant community members, over two rounds of meetings and workshops, in October and November.

One of the main themes of feedback concerned affordability for businesses and current and future low- and moderate-income households. We heard concerns from current longtime residents who moved to the Island prior to the adoption of the 2011 DDA regarding the financial impacts of the toll. A survey conducted during November outreach seeking public feedback on the alternative of ‘no midday toll’ instead of the ‘monthly resident stipend’ resulted in residents favoring the stipend by a 2:1 margin. In response to this input and recommendations from the TIMMA Committee, we are recommending an expanded affordability program that will include discounted transit pass options, additional toll credit for frequent transit use, a cash stipend for a limited transition period for existing residents and a zero midday toll rate for the first 5 program years. We would also propose to return in the near future with recommendations for a merchant stipend program as well.

On November 14th the TIDA Board reviewed the Policy recommendations and received public comment on the proposed policies. The TIDA Board requested further investigation of options to reduce the financial impacts of the toll on the existing Treasure Island residents.

Recommended Policies: The Board is requested to take action on the following Policy recommendations that will meet the transportation and financial objectives of the TIMM Program. These recommendations fall into three categories:

- **Toll Policy:** Policies on toll rates and hours.

- **Affordability Program:** The Affordability Program benefits include discounted transit pass options and additional toll credit for frequent transit use (BMR households only) and a cash stipend for a limited transition period for existing residents and businesses.
- **Transit Pass Program:** The transit pass program will provide an affordable mechanism for residents, workers and visitors to access MUNI, AC Transit and ferries serving the Island. The program will be supported via the Clipper program; discounted passes will be available for Below Market Rate (BMR) households and will include free Muni for qualifying low income youth.

Next Steps: Approval of these recommended Policy Actions will guide the final steps in program development and implementation, including in the areas of planning, outreach, engineering, and funding. If approved by the TIMMA Board, staff will proceed with final systems engineering design of the toll system, and development of final business rules that will govern the implementation of the toll system, affordability program and transit pass program. TIMMA will also proceed to develop operating agreements with transit operators and other operating agencies, including the Metropolitan Transportation Commission/BATA, AC Transit and SFMTA. TIMMA will continue to work with project partners to pursue additional program funding to reduce dependencies on toll revenue to support the program activities.

Business rules and operating agreements are scheduled to be presented to the TIMMA Board for action in 2019. Additional program analysis that has been requested should be completed and presented to the Board in the Spring of 2019. The TIMM Program is scheduled to be ready to launch in mid-2021, in support of the development project's first occupancy plans.

ALTERNATIVES

1. Recommend approval of the Treasure Island Mobility Management Program Transit Pass, Toll Policy and Affordability Program recommendations, as requested.
2. Recommend approval of the Treasure Island Mobility Management Program Transit Pass, Toll Policy and Affordability Program recommendations, with modifications.
3. Defer action, pending additional information or further staff analysis.

FINANCIAL IMPACT

There is no financial impact to TIMMA's proposed FY 2018/19 budget from the requested action.

RECOMMENDATION

Recommend approval of the Treasure Island Mobility Management Program Transit Pass, Toll Policy and Affordability Program recommendations.

SUPPLEMENTAL MATERIALS

Attachment 1 – TIMMA 2018 Policy Register

[Attachment 2 – Public Comment Letters](#)

Jeffrey Kline
1221-C Mariner Dr.
SF CA 94130

November 8, 2018

San Francisco Board of Supervisors/TIMMA Board
City Hall
SF CA

Re: Errors & Omissions of 2016 Treasure Island Toll Study; BoS vote on TI Toll Plan November 27.

Dear TIMMA Chair and D6 Supervisor Jane Kim:

On Tuesday, July 26, 2016, the Treasure Island Mobility Management Agency Board, comprised of the eleven SF District Supervisors (with only seven in attendance), approved the TIMM Study Toll Policy Recommendations with seven “aye” votes.

I recently reviewed staff reports and presentations made to the Board before the vote, and found key errors of material fact and methodology, as well as a lack of critical discussion or relevant studies and data commonly used to analyze costs, benefits, impacts, regulatory concerns, and potential liabilities of the proposed policies.

I believe that sitting Supervisors should be apprised of these contrary facts and have time to review all the issues raised before being asked to approve the finalized TI Toll Plan on November 27, 2018.

But there is a separate, rule-based, reason to postpone the TI Toll Plan vote: the law requires “a vote of the people” to approve any toll or fee imposed on drivers by local government to use public streets and highways. The Congestion Pricing Policies that resulted in the present TI Toll Plan received only seven 'aye' votes out of eleven Supervisors. Of those seven Supervisors, three have 'moved on', and only two will remain three months from now. Incidentally, the newly elected D6 Supervisor has stated that they oppose any tolls for current residents.

In light of the facts and issues presented in this letter, and in the interest of good governance and due process, I ask that you move to postpone a vote on the TI toll until the newly elected Supervisors are sworn in and can hear from constituents on this issue. In any event, I'm sure you would agree the full Board should be informed of the Errors and Omissions discussed in this letter before they vote on the TI Toll Plan.

[1] One puzzling methodological decision by TIMMA staff was to define “low income” households as “200% of Federal Poverty Level”, rather than using HUD Area Median Income to determine housing affordability, in conformance with federal, state, and San Francisco municipal law. TIMMA staff's definition is also contrary to Housing + Transportation Affordability Index methodology.

TIMMA's definition results in underestimation of the number of “lower income households” by at least 60%. There are probably more than two and a half times as many low income HHs on TI as TIMMA staff reported to the Board, and I have estimated that the rate may be well above 80%.

Tellingly, TIMMA staff never provided any data on the actual poverty rate among existing TI HHs. According to the US Census Bureau's data for 94130 (from the American Community Survey 5-year estimate, or ACS), the actual poverty rate among TI HHs is 53.4% -- more than four times the national average, and more than five times the San Francisco average.

[2] TIMMA staff wrongly claim “Treasure Island residents have higher rates of auto ownership than the average San Franciscan.”. The U. of Michigan Study they referred to found that by 2012, 31% of San Francisco households (not “residents”) had gone without a vehicle, or 'car-free'.

As I pointed out in Public Comments at the July 26 Meeting, the Results and Findings from TIMMA's own Treasure Island Transportation Survey, done in 2014, found that 37% of households had already gone 'car-free'-- up from 0% in 1999. According to Survey data, TI HHs have already exceeded the TIMMA goal of 30% 'car-free' HHs, and are 19% more 'car-free' than SF HHs!

As I explained to the Board, this shows TI HHs readily mode-shifted to transit only after expansion and improvement of MUNI service to TI, and it proves that low income TI HHs do make rational decisions, without any need to be 'corrected' with economically punishing toll and fee “incentives”.

The logical takeaway is that the remaining HHs not already 'car-free' must have compelling logistical and socio-economic reasons to continue driving. This is consistent with the Survey findings that, while 60% “of TI residents reported taking transit for on/off island trips”, at least 73% of TI residents drive off-island three times or more each week, with 39% driving daily.

Put another way, the residual traffic demand among existing TI HHs is relatively inelastic, and this was confirmed by CHAMP computer modeling of various toll Scenarios, which predicts that there would be “relatively inelastic resident travel demand”, as TIMMA staff found that “[t]otal daily driving demand in Scenario 4, the Scenario with the broadest toll policy reach, is only about 3% lower than Scenario 1, the most limited toll policy.”.

One obvious conclusion to be reached from the above fact is that the TI Toll Plan will not significantly reduce “traffic demand” or congestion on or off the San Francisco Oakland Bay Bridge. This is a point I've made repeatedly to TIMMA in Public Comments, and a point which the TIMM Study 'proved'. So, the misleading title of “Congestion Pricing” is mere 'green-washing' jargon for, in effect, a rent-seeking plan to impose tolls and fees on drivers to and from a predominantly poor and isolated SF community.

[3] A third critical error is that TIMMA staff used unexplained methodology to calculate “average TI resident” transportation dollar costs, rather than median HH costs. TIMMA staff then go on to wrongly conclude that average TI residents will have lower costs due to the toll (but only if they go “car free”).

While it is true that “Treasure Island residents...spend a greater share of their income on transportation than the average San Franciscan”-- TI residents also have less than half the average income! While it is unclear how TIMMA staff derived dollar costs of driving from the H + T data, nevertheless, they claim the “average San Franciscan pays about 11% of annual income, or \$7k, on driving”, and the “average Treasure Island resident spends more, about \$9k, on driving”, or about 14%. They got the percentages right (directly from the H=T Index), but I suggest the dollar amounts are very wrong, and misleading.

TIMMA staff again use average individual rather than median HH income, and fail to explain why. My understanding of the Housing + Transportation Affordability Index methodology is that it results in a percentage rather than a dollar amount, and it uses median HH income not average individual income.

Using the H + T methodology: TI median HH income is ~\$49k, and 14% of that is ~\$7k-- not \$9k-- while SF median HH income is ~\$104k, and 11% is ~\$11k-- not \$7k. So, contrary to the TIMM Study claims, TI HHs currently spend much less on driving than SF HHs, which, in turn, spend 57% more dollars on transportation (including driving) than TI HHs.

Rather than lowering average transportation costs for low income TI HHs, the toll will probably double those costs for the 63% to 69% of HHs that drive, a point I made in Public Comments to the Board.

[4] Nearly half of TIMMA's budget comes from a DOT grant, so I expected to find some discussion of Executive Order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994), but did not. Given the demographics of the existing TI community, undertaking an EJ analysis and impact study of the TI toll would be useful to inform and guide policy and decision making.

The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) explain the DOT EJ Strategy on their [webpage](#), and summarize the "guiding EJ principles" below:

- To avoid, minimize, or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects, on minority populations and low-income populations.
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.
- To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority and low-income populations.

Incidentally, Census data show that TI is a minority community as well as a low income community.

DOT EJ Guidelines require that FHWA programs which receive federal funds act in conformance with federal civil rights laws, which include the Uniform Relocation Act (1970).

[5] The second major omission is that there was no discussion of relocation rights of existing residents under the URA. Redevelopment of TI is expected to result in the eventual displacement of all existing residents, and involves federal financial assistance in every instance: interim use, including the market rate housing, relies on a federal program to help the homeless and HUD, the Navy cleanup is federally funded, and the TI Project receives a multitude of federal financial assistance. As a result, all TI/YBI tenants, residential and commercial, may be entitled to relocation benefits under the URA.

Additionally, following California law and judicial precedent, all moderate and low income residential tenants are entitled to Last Resort Housing if they are displaced under government authority and are not likely to find comparable housing in the local rental market-- regardless of whether or not acquisition of the property for the project in question has occurred.

I have lived in the same apartment in the Villages on TI since 1999. This October, 2018, my household finally received our Preliminary Notice of Housing Benefits. I am concerned that the TI Toll Plan will significantly raise the cost of living on TI, to the point where we could no longer afford to stay in SF.

Market rate rents in the Villages are set by the government, but our Lease limits annual rent increases to what is allowed under SF Rent Control. In 2012, residents 'pushed back' hard, and fought successfully to preserve our Lease and safeguard our right to replacement housing and relocation benefits.

Now, the government plan is to impose a toll-- without a vote of the people-- which will amount to a huge rent increase for most TI HHs, and likely create conditions for 'constructive eviction'.

In 2016, the original TI Toll Plan was for only residents to pay, and was \$5 each way. Even the revised TI Toll Plan will amount to an 'instant rent increase' of around 16%, and will raise total transportation costs for the roughly 2/3 of households that are not car-free to 30% of TI median household income!

TIMMA staff claim that the TI Toll Plan will somehow lead to lower average aggregate transportation costs for TI HHs-- but only if **all** low income HHs go 'car-free'-- and that supposed 'benefit' is dubious.

However, if HHs cannot go 'car-free', the higher cost of living on TI will force them to move, and they will lose some of the last decent affordable housing in SF, as well as losing their right under Relocation Law to comparable, affordable, and permanent replacement units.

[6] While TIMMA staff did provide information from the financial analysis of meeting revenue goals, no prospective Cost Benefit Analysis has been done, or if a prospective analysis was done, the results have not been shared with the public or with the decision makers.

However, we do have the experience with an earlier "congestion pricing" program, SF Park, which had been carried out under the SF Urban Partnership Agreement. In 2014, the DOT released the National Evaluation Report for SF Park. From the Executive Summary:

The societal benefit from the UPA projects in San Francisco was thus estimated to be a negative \$11,285,192, and the benefit to cost ratio was 0.74.

I expect that a CBA of the TI Toll Plan carried out some years after the tolls and fees are imposed will show a much greater negative net "societal benefit"-- after the harm is done. Given abundant evidence presented above of adverse impacts on the low income minority community of Treasure Island, it is incumbent on the decision-makers to act prudently, and avoid causing irreparable harm to TI HHs.

I could talk at length about how the ferry is the main cost driver, and how MUNI and ferry operational costs are expected to rise at a rate of 4%, much higher than CPI, or talk about how tolls and fees will raise the cost of goods and services on TI, and raise the cost of doing businesses on TI, and raise the cost of living for all TI residents, even "car free" TI households, and I could explain how the tolls and fees could be a 'project-killer' that make it harder to attract new businesses or customers-- but the most important point is that no evaluation has been done of more cost-effective alternative transit options, such as the gondola proposal I shared with TIMMA in 2016.

The gondola has lower 'up front' capital costs, and is quicker to build than ferry facilities. The gondola would be very efficient and can be powered by 100% clean Hetch Hetchy hydro power. The gondola has very low-- and fixed-- operating costs, and at least one US gondola system has even been able to cover expenses from fares alone-- and relatively low fares at that-- and I believe that a SF to YBI/TI gondola system could conceivably yield net revenue!

The idea is to use the Bay Bridge towers of the Western Span to suspend the gondola, and this is much more technically feasible than the adding a separate pedestrian and bicycle roadway-- which all agree is an engineering nightmare. Plus, the gondola can carry easily bikes, pedestrians, the disabled, and even some freight (a stretcher will fit, if needed)-- all in comfort and safety, no matter the weather.

A pedestrian roadway will likely cost nearly \$1B, while the gondola can be installed in less than 1/5 the time, and at less than 1/5 the cost. Ask yourself, would you rather bike or walk for two miles along one of the busiest bridges in the US, or travel quickly in comfort, above the noise, pollution, and the traffic jams, with A/C, Bluetooth and USB chargers in every gondola, all while enjoying spectacular views of SF, the Golden Gate and the North Bay?

On November 27, the Supervisors have the chance to vote down this ill-conceived and inequitable TI Toll Plan, and insist that TIMMA planners explore alternatives in funding and transit options, with more cost-effective transit, and affordable housing that is actually affordable to SF residents.

Thank you!

Jeffrey Kline
19 year TI resident

Cc:

SF Supervisors

Mayor London Breed

TIDA Director Bob Beck

SFCTA Director Tillie Cheng

Jeffrey Kline
1221-C Mariner Dr.
SF CA 94130

December 4, 2018

San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 9402-4689

Re: Supervisors may be held liable for unlawful Treasure Island Toll Plan.

Dear Transportation Authority Board Chair and D3 Supervisor Aaron Peskin:

In 1999, I first signed a Lease with the John Stewart Company (JSCo), dba the Villages at Treasure Island. During the past nineteen years I've remained in good standing as a leaseholder and tenant of the same Market Rate unit. Early in my second decade as a Villager, I became an outspoken advocate in defending the lawful rights of our precarious little community. Just to be clear: I am not a lawyer.

A few of us Villagers got an unpleasant surprise in the late Spring of 2015, when we first learned of the plan by the Treasure Island Mobility Management Agency (TIMMA) to charge existing tenants a \$5 toll-- each way-- to get on and off TI, which TIMMA expected would begin in 2019.

The first ever TIMMA Committee Meeting was July 30, 2015, only a few months after any tenants had learned of TIMMA's plans to toll all existing tenants, and the first time that the revised toll plan was on the Agenda as Item 2. "Informational Update". This Meeting occurred before you returned to the BoS.

Two TI residents, and one displaced YBI former tenant of the Villages, made Public Comments, all critical of the toll, and the two current Villagers, Rebecca Hogue and myself, requested that all existing residents be made permanently exempt from the toll. I made two Public Comments, one against the TI toll, and the other against the entire TMD program as mere "rent-seeking", and provided copies of my complete comments to Chair Jane Kim at her request (attached).

You were absent from the July 26, 2016 TIMMA Board Meeting, where the Resolution to recommend the TI toll Policies was on the Agenda, and was approved by only seven votes. I was the only YBI/TI tenant in attendance, and I made two more Public Comments against the TI toll and the TDM program.

I pointed out that the toll would raise average household transportation expenses by 70% or more, and would pose a hardship to many existing tenants. I complained that I found this information 'hidden' in a graph in an early TIMMA staff presentation, but this graph was left out of the TIMM Study Report.

Even now, nearly three years later, TIMMA has still not responded to repeated requests for information about the projected costs of the toll for existing tenants. Nevertheless, this has not prevented TIMMA from recently offering a stipend of up to \$300 per month to temporarily defray some possible toll costs.

At a recent TIDA Board Meeting, the SF County Transportation Authority's Eric Cordoba suggested that some households might be able to 'pocket the difference' if they rode the bus more often. Clearly, Cordoba must know the disparate financial impact that the toll will have on the three unique types of

Villages households (TIHDI, post-DDA, and pre-DDA), and now TIMMA is using a cash stipend to divide us politically, and, in effect, to carry out an extralegal transfer of wealth from moderate income households to poorer households. On its face, the stipend may be seen as an inducement, or 'bribe', to get support, or 'buy-in', from lower income households for the TI toll Plan, and turn them against post-DDA tenants.

Toll burden disproportionate for middle income tenants: “pre-DDA” or “transition” households

However, based on authoritative public data, I have determined that the financial burden from the tolls will fall disproportionately on middle income households, who, in fact, comprise most of the so-called “pre-DDA” or “transition households”, all of whom are entitled replacement housing. Unfortunately, the developer has promised in the DDA to pay for only 50 units of “transition” housing, while at least 150 pre-DDA households still remain from among the roughly 450 households who were here in 2011.

I've estimated that the average cost of the toll for pre-DDA households will be three times higher than what the stipend will cover-- and the stipend only lasts five years. Currently, construction of the first replacement units for existing Market Rate tenants is expected to begin in 2025-- if they can find funding-- and will not be finished until 2026, which is five years after the TI toll will begin.

A likely result of the toll's significant and disproportionate economic impact on pre-DDA households is that pre-DDA households may suffer what is, in effect, constructive eviction, since they may not be able to pay market rent **and** new tolls that amount to an instant rent increase of 25%, or more.

On November 8, 2018, I sent a Letter of Errors & Omissions of the 2016 TIMM Toll Study to TIMMA Chair and (former) D6 Supervisor Jane Kim, via email, and copied the other ten Supervisors. My letter also comprises the first five pages of the Communications Packet (Agenda Item 2.) for the November 14, 2018, “Special” On Island TIDA Board Meeting.

My letter showed that the Study is not only fatally flawed factually, but is also entirely unreliable and misleading due to critical omissions. The many inexplicable mistakes and omissions formed a pattern which suggests that San Francisco County Transportation Authority (SFCTA, or TA) and TIMMA staff were acting on a plan to deceive and defraud.

TIMMA used “mistake at law” in AB981 as 'legal loophole' to expand revenue from C.P. toll

During the past month and a half, I have continued to learn how the current plan to toll existing tenants came to be, and this information supports the idea that in 2011, TIDA and the Transportation Authority staff came to view a “mistake at law” in AB981 as a 'legal loophole' that could allow them to greatly expand the revenue of the Congestion Pricing toll during the initial five year 'ramp up'. Incidentally, this revenue replaces the \$4M yearly contribution promised by TICD in the DDA.

The Treasure Island Mobility Management Agency correctly claim that AB981 authorizes TIMMA to impose a toll on all drivers of vehicles using the ramps and bridge approaches which connect Treasure Island and Yerba Buena Island with the San Francisco Oakland Bay Bridge. However, they neglect to mention that imposing a toll on existing tenants appears to be contrary to the intent of AB981 and to the language of the statute, as well as to the original toll plan, as finalized in the Treasure Island Transportation Implementation Plan (TITIP), July 2011.

AB981 was introduced in 2007 by former San Francisco Supervisor and then Assembly member, Mark Leno (first appointed by Mayor Willie Brown in 1998). The intent to toll only future residents of the TI Project, and “other” drivers associated with that redevelopment Project, is clarified, and justified, by his statement in the legislative Analysis provided for all the pertinent Assembly and Senate Committees. According to the Analysis of AB981 for the Senate Transportation and Housing Committee:

“The author and sponsor note that it is not possible to have a vote of the people, because the people affected by this fee will live on Treasure Island only after it is redeveloped.” (p.4)

This intent is also clear in the statutes derived from AB981, which are found in the California Streets and Highways Code (SHC), Division 2.5 Section 1. Chapter 9, Section 1967 & following. In Section 1967.5. (b) (2), it states that one purpose of the statute is:

“In order to ensure that congestion pricing fees are not instituted prior to new residents establishing residence on Treasure Island....”.

However, a mistake of law appears in the both AB981 and the ensuing SHC statute, which wrongly confuse the timing of that event-- which obviously depends on building new housing units as part of the TI Project, now not expected until at least 2021-- with “the effective date of the disposition and development agreement for the redevelopment of Treasure Island” (DDA). In fact, the developers, Treasure Island Community Development, and the TIDA, acting as a redevelopment agency (until 2014), did not actually sign the DDA until July 14, 2011.

In any event, the law was poorly written, since it would obviously take many years after the DDA was signed for the TICD to actually build any new housing. Currently, expectations are that the **first** new housing will only be ready in 2021, at least a full decade later than anticipated.

In addition, California Redevelopment Law (CRL) requires that replacement housing must be built before any resident lawfully living in the Project Area is displaced. Therefore, AB981 and the SHC were not in conformance with the CRL at the time, and CRL must in turn be consistent with federal relocation law, as established by the Uniform Relocation Act, or URA (1970).

Furthermore, Section 1967.5(c) requires proper prior disclosure in any contracts:

“the seller or lessor of any real property on Treasure Island, once the congestion pricing fees are in effect, to disclose in writing to a potential buyer or lessee that use of a vehicle to and from Treasure Island is subject to fees.”.

It is clear from this language of the statute that the congestion fees and tolls were never intended to be imposed on existing residential and commercial tenants, many of whom had entered into leases years before AB981 was approved, and whose leases have no such disclosures about congestion fees or tolls.

Nonetheless, rather than address the confusion and possible controversy caused by this obvious mistake of law, the TIDA and the TA, later operating as the TIMMA, worked together in 2011 to develop a plan to exploit this 'legal loophole' to extract a “pot of money” from existing tenants, and then carried out a series of overt acts, which may be seen as an ongoing attempt to subvert state and federal law.

At the very least, it is obvious that the TIMMA overreached and abused their authority by extending the toll to existing tenants and current “others”, rather than the future residents and “others” resulting from the TI Project. The Board of Supervisors appear oblivious to potential legal jeopardy and liability these acts pose for the City and County of San Francisco, a liability that continues to grow as the Supervisors continue to ratify such unlawful acts by voting “aye”.

But there is a separate, rule-based, reason to postpone the TI Toll Plan vote: the California Streets and Highways Code (SHC), Division 2.5 Section 1. Chapter 9, Section 1967.5. (b) (1) states:

“Prior to imposing the initial congestion pricing fees, the board of supervisors and the transportation authority shall each make a finding of fact by a two-thirds majority vote that the congestion pricing fees have a relationship or benefit to the motor vehicle drivers who are paying the fee.”

Most commercial 'interim' tenants will face “constructive eviction” due to the toll

It is likely at many, if not most, existing commercial tenants will face “constructive eviction” due to the toll causing a sharp increase in the cost of doing business on Treasure Island. This poses an additional liability for CCSF.

These concerns, among others, were expressed by many of the 16 individuals, about 2/3 of whom are business owners with leases from TIDA, who waited an hour and a half to make a Public Comment at the Nov. 14, 2018, “Special” On Island TIDA Board Meeting.

It appears that there has been little or no consultation with the interim commercial tenants, all of whom signed leases directly with TIDA, unlike the market rate residents who all signed leases with the JSCo, dba the Villages. I have spoken with some business owners, and my understanding from them is that “the first real business outreach meeting was only this year, Nov 2 and 5 (60 in attendance with only 4 days notice).”

This lack of consideration of existing businesses is contrary to CRL and the URA, and in particular, for those businesses that meet the definition of “displaced persons” under the law. I’ve studied these laws for some years now, and my understanding of the URA and CRL is that all existing businesses meet that definition.

Obviously, the intent was that only new residents should pay the toll, and this intent is confirmed by the original toll policy proposal, which was to charge only residents. However, TIMMA later changed that plan to include all drivers, because their models showed the original plan would not produce enough revenue to pay for all the extra transit needed by the greatly expanded TI Project.

The Analysis shows that the author and sponsor, Mark Leno, must have intended for AB981 to exempt all existing tenants. Otherwise, the excuse Leno gave for not having a vote of the vehicle drivers who would pay the toll would be untrue, because several thousand residential and commercial tenants had already signed leases, and had been living and doing business on Treasure Island since 1999.

In any event, as many of the Public Comments from existing TIDA commercial leaseholders made painfully clear to the TIDA Board Commissioners at the Nov. 14, 2018 Annual On-Island Meeting,

money damages are already occurring and accruing, yet the Supervisors continue to ratify an unlawful abuse of authority, and possible conspiracy, by the TIMMA.

A “Vote of the People” on the TI Toll Plan is the lawful way to resolve this controversy.

In 2007, Governor Schwarzenegger vetoed the previous version of AB981, AB1543, because that bill “lacked any provision for a vote of the people”. Now that TIDA and the Transportation Authority have seen fit to change the original toll plan to include several thousand existing commercial and residential tenants, and to include the many off-island drivers who currently use the ramps to and from Treasure Island and Yerba Buena Island, it is essential that there be a “vote of the people” on the TI Toll Plan.

If the Board of Supervisors and the Transportation Authority Board do vote to approve the TI Toll Plan without having a vote of the people, and without a “finding of fact by a two-thirds majority vote that the congestion pricing fees have a relationship or benefit to the motor vehicle drivers who are paying the fee”, that vote may be unlawful.

Such a vote will also prove, if only retroactively, that AB981 was passed through misrepresentation of material facts to the lawmakers who voted to approve it, and to the Governor, and that could point to a much larger conspiracy.

The Congestion Pricing Policies received only seven 'aye' votes in 2016, one vote short of the “super majority” of eight votes required by AB981-- yet the Plan went forward anyway for nearly two and a half years. Incidentally, four of those seven Supervisors have since 'moved on', and are now termed-out, including Jane Kim. Therefore, the single remaining “aye” vote is D7 Supervisor Norman Yee.

However, at the TIMMA Committee Meeting on Nov. 27, Supervisor Yee voiced a number of serious concerns and reservations about the present TI Toll Plan proposal. Incidentally, newly-elected District 6 Supervisor Matt Haney, who will replace Jane Kim in January, 2019, has stated that-- unlike Kim-- he is opposed to tolling existing tenants.

This TIMMA TI toll Plan has gone ahead for more than two years without the required 2/3 majority of eight (8) “aye” votes from the Supervisors, a point that I made in Public Comment at the Nov. 14 TIDA Meeting, and come January, 2019, ten of the sitting Supervisors will not have voted for the present TI Toll Plan, which Plan has changed so significantly since Supervisor Yee voted “aye” in 2016 that he severely criticized the present proposal at the recent TIMMA Committee Meeting.

Given abundant evidence presented above of adverse impacts on this low income minority community of Treasure Island, it is incumbent on decision-makers to act prudently, and avoid causing further or irreparable harm to existing residential and business tenants living and doing business on TI.

On December 11, the Supervisors must vote “nay” to this ill-conceived and inequitable TI Toll Plan, and insist that TIMMA planners explore alternatives in funding and transit options, with more cost-effective transit, and provide affordable housing on TI that is actually affordable to SF residents.

Thank you!

Jeffrey Kline, 19 year TI resident

Cc:

SF Supervisors

Mayor London Breed

Office of the City Attorney

TIDA Director Bob Beck

SFCTA Director Tillie Cheng

Jeff Kline's argument against tolling TI residents for driving. TIMMA Mtg. 7-30-2015

Good morning commissioners, and thank you for hearing my comment. My name is Jeff Kline and I am a 16 year resident on T.I. This toll proposal caused me to look at the Treasure Island Transportation Implementation Plan (TITIP). I must voice strong objection to the authoritarian and punitive approach of the entire Transportation Demand Management (TDM) program proposed in the TITIP, most of all because it is based on market-scarcity mechanisms-- whether that scarcity is preexisting, or whether it is created-- or imposed-- by TIDA, TIMMA, or the TI Project.

This approach seems to be “all stick and no carrot”, and may be a better fit for Singapore than for San Francisco. I fear that imposing this TDM program of punitive measures on TI will, in effect, help to create an exclusive electronically-gated community and so serve as 'proof of concept' for a hi-tech socially-engineered dystopian future, and one that routinely tramples on our constitutional rights.

I'm opposed to the tolling proposal in particular, because it is not at all equitable, either in economic and geographic impacts, or in regards to equal treatment or accountability. The TDM Program as a whole also raises serious privacy concerns that could delay implementation with expensive litigation, and in the end, TIMMA may not prevail. As far as I know, the privacy related issues have yet to be publicly addressed.

This proposal is also a misuse of the congestion pricing mechanism: according to the CEQA Findings in the EIR in 2011, even if the entire package of proposed transportation impact mitigation measures were implemented, it **will not reduce congestion to tolerable levels**. In any case, it is wrong to apply scarcity pricing to limit public use of public goods, such as roads, ramps, and bridges built with Federal funds, because the results will probably not be equitable.

For example, the toll is unduly punitive for existing TI residents, who do not significantly contribute to current congestion on the Bay Bridge, and according to the TIMMA survey, existing residents have already “mode-shifted” to transit, with ~60% riding MUNI.

And while the congestion toll proposal estimates lower average household transportation expenses for a hypothetical “future” population of low income TI residents **in aggregate**, it **ignores the fact that for the numerous low income TI residents who need to drive, actual transportation expenses will rise sharply-- and will continue to rise--creating a disproportionate economic hardship**.

The congestion toll is economically perverse: if it is successful in reducing driving on the Bay Bridge by residents, then revenue will go down. Since the toll is based on a fixed (or increasing) revenue goal, the toll amount must go up, worsening the disparate economic impact on low income resident drivers.

TIMMA admits that their primary goal is to create a reliable, and growing, revenue stream. However, the estimates of TDM program overhead and net revenue are very optimistic, considering this program will be the first of its kind specifically **intended** to generate surplus revenue, and it would also be the first FHWA approved congestion pricing project that generated surplus revenue **without first adding more capacity**.^[1]

[1]According to the GAO Report on Traffic Congestion, January 2012 (GAO-12-119), only two of the 30 congestion pricing projects actually generated surplus revenue: SR-91 in Orange County, and I-25 in Denver. The SR-91 project added two new HOT lanes in each direction, and the I-25 project converted an underutilized HOV lane built in the median of I-25 into a two lane HOT reversible direction facility, in effect, adding more capacity to I-25.

The original 2011 TITIP plan was to charge a toll for residents who use Bay Bridge ramps during peak commute periods, from 6-9a and 4-7p, or six hours a day, and M thru F only, which is 30 “tolled” hours a week, “to create a disincentive for residents to use their cars for commute trips”. Now the resident toll proposal has been expanded to 16 hours, from 7a to 10p **every** day, or 112 “tolled” hours a week. The focus has clearly shifted from reducing driving for commute trips, since currently proposed hours of tolling have increased by 373%, and **ALL** of the extra toll hours are during non-commute periods.

At this point, the plan seems to be to 'punish' folks for driving, period. Is TIMMA at 'war' with the automobile? Or is the toll proposal for existing resident drivers more of a structural and institutional 'assault' on poor and working class drivers, and a “disincentive” or barrier to continue living on TI?

And to achieve what social benefit? The tolling proposal is modeled after SFPark, which cost \$43M, and **yielded a net social benefit of minus -\$11M.**[2] Even if the tolling system meets their optimistic projections, it will only generate 25% of TIMMA's budget. Unfortunately, experience with congestion pricing projects has shown that most of the short term reductions in congestion and pollution tend to disappear after a few years. In the long run, the laudable goal of reducing GHGs, in compliance with AB32, may only amount to '**green-washing**' for an ill-conceived high-tech revenue-generating scheme.

The plan is to use most of these funds for operational costs of an expensive ferry system, while the capital cost have yet to be funded by the developers, and with service planned to begin **six years** after the tolling starts. Given the **cost, delay, and limitations of ferry service**, has TIMMA looked at any alternatives that could reduce congestion, pollution, noise, and GHGs, as well as reduce capital and operating costs, **and** greatly increase transit capacity and significantly shorten construction time?

No? Then I will repeat my suggestion that TIMMA take a good look at urban gondola systems, and I can share background material on the subject, if you like. Btw, I will put all this, and much more, in writing for decision-makers to consider in detail.

Thank you for your time and attention.

[2] San Francisco Urban Partnership Agreement: National Evaluation Report , U.S. DOT, FHWA, November 20, 2014.

Item 10. Public Comment: “TDM program fatally flawed” TIMMA Board Mtg. 7-26-2016

Good morning commissioners. Thank you for hearing my comment. My name is Jeff Kline and I'm a 17 year resident of the Villages on T.I.

I am opposed to the Transportation Demand Management (TDM) program-- not only because this authoritarian and punitive approach is based on mistaken economic assumptions-- but also because planners have ignored proof of a huge “mode shift” to transit, and away from private vehicles, by the residents of Treasure Island, which was due entirely to improvements in MUNI bus service.

According to data cited in the 2009 TI Transportation Plan, 100% of TI households owned vehicles in 2007, compared to the SF average of 92%. Yet the 2015 TIMMA Outreach Survey found only 61% of households own or have access to a vehicle, and 39% are “car-free”. These data prove that we have already exceeded the ambitious TIMMA goal of 30% 'car-free' households by a huge margin.

Likewise, residents of the Villages also “mode-shifted” to transit at levels far beyond the TIMMA goal of 50%, since 60% of us already ride MUNI buses off and on TI. The lesson here is that improvements to transit allowed the predominantly low and moderate income households of the Villages to go “car-free” and “mode-shift” to ride MUNI at levels beyond all expectations.

Elasticity of demand for access to the Bay Bridge and parking on Treasure Island is **the** fundamental-- and flawed-- assumption of the TDM program. This assumption runs counter to accepted economic theory, since access to such public goods is considered essential by most households, and especially residents of Treasure Island. So it is more likely that higher prices would **not** tend to reduce demand significantly. Furthermore, demand from high income households of the TI Project is, by definition, unlikely to be very elastic at all, since price is obviously not a barrier for the wealthy.

A related dubious economic assumption is that the supply of such public goods-- roads and parking-- is (somewhat) elastic. This has yet to be proven, as Treasure Island is the first time the congestion pricing mechanism will be applied to an absolutely constrained 'supply' of these essential public goods.[1]

Before you begin this misguided experiment, you need to know whether the TDM program really **is** a cost-effective way to achieve your intended public benefit of creating a 'new' transit option for future residents of the TI Project: an expensive ferry service projected to begin in 2022.

Given the cost, delay, and limitations of ferry service, I strongly urge TIMMA to look at an alternative which could actually reduce congestion, noise, pollution, GHGs, capital requirements, operating costs, and construction time, while greatly increasing transit capacity, specifically, an urban gondola system attached to the Bay Bridge. Btw, I prepared background material on this subject last year that I shared with the TIMMA planners and Sup. Kim's Office. [2] In closing, I hope you will reconsider the fatally flawed TDM approach, and instead consider at least one promising alternative. Thank you!

[1]According to the GAO Report on Traffic Congestion, January 2012 (GAO-12-119), only two of the 30 congestion pricing projects actually generated surplus revenue: SR-91 in Orange County, and I-25 in Denver. The SR-91 project added two new HOT lanes in each direction, and the I-25 project converted an underutilized HOV lane built in the median of I-25 into a two lane HOT reversible direction facility, in effect, adding more capacity to I-25.

[2] “Urban Gondolas and the Potential of a System Linking SF and YBI” (attached).

Comment on Item 8. "All Villagers should be exempt" TIMMA Board Mtg. 7-26-2016

Good morning commissioners. Thank you for hearing my comment. My name is Jeff Kline and I'm a 17 year resident of the Villages on T.I.

I am one of three residents who spoke at the July 30, 2015 TIMMA Committee meeting. All of our comments were critical of the proposal to charge Villages' residents a toll to drive on and off Treasure Island, and expressed concern about lack of affordability and fairness. Btw, we are the only residents, so far, to comment at any TIMMA meeting.

I've heard you talk about affordability goals, so I assume you all know that **average transportation spending of low income residents due to the toll will nearly double by build out in 2030.**

The July TIMMA presentation showed this graphically on page 29, but I can understand how the TIMMA Board might have missed it, since it was 'on-screen' for less than 20 seconds. Curiously, that graph is not in the Mobility Management Study.

I think that it is irresponsible for you to 'kick' the issue of toll pricing 'down the road' for another two years, and that you only plan to study the impact of the toll three years after the toll has been in effect.

So, I'm asking you not to approve these toll policies that will double our transportation costs, and specifically: I demand that you make all residents of the Villages permanently exempt from this toll!

For the 61% of Villages households that own or have access to a vehicle, this toll will amount to a huge rent increase, and in effect, may be seen as constructive eviction.

During the past 17 years, net profits from our market rents have comprised roughly half of TIDA's budget, a total of at least \$80M. Our rent money continues to pay for the pre-development costs of the TI Project, and incidentally, \$1M of the latest TIDA budget goes to pay for TIMMA, who now want to exact even more money from us.

I don't need to remind you 94130 is a low income neighborhood. In 2013 the average AGI for TI households was \$32,624. Obviously, you **must** find other sources of funding for the transit needed by the TI Project, instead of seeking more money from the low and middle income households you claim to be trying to help!

Again, I ask that you do not vote to double our transportation expenses, and instead, permanently exempt all residents of the Villages from this toll. Thank you!

Urban Gondolas and the Potential of a System Linking SF and YBI

There are only two companies who make urban passenger ropeway systems, Doppelmayr-Garaventa, and Leitner-Poma, according to the Hercules Aerial Tram Mobility Study & Report from April 26, 2007. <http://www.reconnectingamerica.org/assets/Uploads/aerialtram.pdf>

The US subsidiary of Doppelmayr-Garaventa, Doppelmayr CTEC, has an office in Salt Lake City, Utah. <http://www.doppelmayr.com/en/products/> Leitner-Poma has offices and production facilities in Grand Junction, Colorado. <http://leitner-poma.com/> At the time of the Hercules study, Doppelmayr had constructed over 13,500 ropeways, while Leitner had constructed over 2,500 ropeways.

While no product specifications appear on the Leitner-Poma website, the Doppelmayr website has detailed information about two products that may be suitable to TIMMA's needs:

the Reversible Aerial Tramway <http://www.doppelmayr.com/en/products/reversible-aerial-tramway/>

and the 3S Gondola Lift <http://www.doppelmayr.com/en/products/3s-gondola-lift/>

There are a number of reasons a gondola system may prove superior to the present plan to combine the high cost/low revenue M-TR-2 transit package with a congestion toll to generate the 'missing' revenue.

First and foremost, a gondola might actually solve the traffic dilemma posed by the TI Project, since it can provide much higher capacity at significantly lower operational costs, with zero GHGs, no added vehicles on the roadways, and virtually no incremental costs to operate at maximum transit capacity during periods of peak demand.

Based on the numbers in the following linked sources, it is probable that the entire gondola system will have capital costs comparable to that of the ferry infrastructure and related improvements. On the other hand, annual operational costs could run around \$3-4M, which is roughly 1/3 of the \$11+M cost for the ferries (at project build out, including leasing costs). At the same time, a gondola system could provide at least twice as much total capacity as the entire M-TR-2 package.

The gondola system could also accomplish the TI Project goal of a 50% mode shift to transit in one fell swoop, and could also meet or exceed GHG reduction goals of AB32, because it is both very efficient, and could be powered by city-owned Hetch Hetchy hydro-power, producing virtually zero GHGs, while significantly reducing expected congestion on the Bay Bridge due to the TI Project.

Low overhead, and the attractiveness, reliability, and convenience of such a SF-YBI gondola system should help to build ridership and allow fare-box recovery to eventually exceed expenses-- something that the vast majority of transit systems never achieve.

In addition to funding sources discussed in the Hercules Study (pp.28-31), there may be existing sources of funding available for a SF station at Rincon Hill, from the Rincon Hill Infrastructure Financing District, and from a developer who still owes significant impact fees for his project.

The value added by a gondola serving Rincon Hill, especially with the logical addition of a gondola "shuttle" directly to the new Transbay Center (bypassing street congestion), could make any proposal to provide building space and funds for a powered gondola station on Rincon Hill an easy 'sell' to IFD property owners and developers, and could boost pre-sales of housing units in new developments on

both Rincon Hill and Yerba Buena Island.

One important factor in potential labor costs of a gondola system is a requirement in the US that a conductor or attendant be present in any gondola car with a passenger capacity of 15 persons or more. This is according to an authority “governing passenger ropeways” given by the Colorado School of Mines' web page on Ropeways: The American National Standard for Passenger Ropeways, Aerial Tramways, Aerial Lifts, Surface Lifts, Tows and Conveyers -- Safety Requirements ANSI B77.1-1999.” <http://inside.mines.edu/LIB-Ropeway-About>

In Telluride, the low overhead of the gondola system has allowed them forgo charging fares entirely. <http://www.townofmountainvillage.com/gondola> This has probably contributed to the system's 50% capacity utilization.

Besides the potential of gondola systems for both low fares and high fare-box recovery, another selling point is high reliability, predictability, and very short wait times for passengers, as Steven Dale points out in “the Compelling Case for the Cable Car”. <http://www.newgeography.com/content/001405-the-compelling-case-for-the-cable-car> We all know this is a big issue for transit users in SF, and for MUNI riders in particular.

There are also studies on the potential of passenger ropeways in the developing world from Eurist, the European Institute for Sustainable Transport, with links on their website. <http://www.eurist.info/index.php/projects/urban-ropeways>

And finally, there is a good “mainstream press” overview available on the Atlantic's CityLab website. <http://www.citylab.com/commute/2013/04/golden-age-gondolas-might-be-just-around-corner/5220/>

In conclusion, I believe that an urban gondola system may provide a cost-effective solution for the (as yet) unsolved traffic dilemma posed by the TI Project. Investment in such a gondola transit system may also be an opportunity to meet or exceed the “green” goals of the TI Project.

Such a system would be a net revenue generating publicly-owned asset and provide a substantial and durable public benefit: an alternate transit connection between YBI/TI and SF that is almost impossible to interrupt or delay, and which adds significant new transit capacity, while contributing to the success of two developing San Francisco communities, on YBI and Rincon Hill.

I hope this brief argument in favor of a gondola system to connect Treasure Island to San Francisco, and the accompanying links to sources, will encourage a closer look at urban gondolas.

Jeff Kline (16 year TI resident), August 3, 2015