



# DRAFT MINUTES

## SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY

Tuesday, February 24, 2015

### 1. **Roll Call**

Chair Wiener called the meeting to order at 11:03 a.m. The following members were:

Present at Roll Call: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Tang and Wiener (8)

Absent at Roll Call: Commissioners Kim (entered during Item 3), Mar (entered during Item 4) and Yee (3)

### 2. **Approve the Minutes of the January 27, 2015 Meeting – ACTION**

There was no public comment.

The minutes were adopted by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Tang and Wiener (11)

Absent: Commissioners Kim, Mar and Yee (3)

### 3. **Chair's Report – INFORMATION**

Chair Wiener reported that the day prior, a hearing was held on the release of the Late Night Transportation Report, prepared by the Late Night Transportation Working Group. He said that almost a year ago, the Land Use and Economic Development Committee held a hearing on the challenges around late night transportation and the need to make improvements. He said following that hearing, the Board of Supervisors adopted legislation to trigger a working group and ultimately a plan of action. He said the working group did a tremendous job under the leadership of the Office of Economic and Workforce Development and the Entertainment Commission, and had a broad group of stakeholders including unions, workers, employers and late night and transit advocates. He noted that there was an enormous amount of research done and that the working group produced a terrific report. Chair Wiener thanked staff, and in particular Liz Brisson, for providing transit expertise. He added that the report came out yesterday but was already well-received, and that the city had already seen some progress. He said a month prior, the Bay Area Rapid Transit and Alameda-Contra Costa Transit District instituted a new transbay express overnight bus line between the Mission and Oakland. He added that Muni would be expanding its late night Owl bus service later in the year, which had major challenges in terms of reliability and frequency. He concluded that there were already great results and that the report included short- and long-term goals and the working group would stay intact to monitor the progress.

Chair Wiener reported that on February 10, Mayor Lee and Commissioners Kim and

Christensen unveiled the City's two-year Vision Zero Action Strategy. He said Vision Zero had been a tremendous success so far because of the unified support among policymakers and advocates. He noted that part of the two-year plan included a large vehicle safety training program which was a very tangible and positive step forward.

Chair Wiener concluded his remarks by welcoming Noah Budnick, the new Executive Director of the San Francisco Bicycle Coalition, to San Francisco. He noted that Mr. Budnick came from Transportation Alternatives in New York, which was a transportation advocacy group for biking, walking, and transit.

There was no public comment.

#### 4. **Executive Director's Report – INFORMATION**

Tilly Chang, Executive Director, presented the Executive Director's Report.

There was no public comment.

#### **Items from the Finance Committee**

#### 5. **Adopt Positions on State Legislation – ACTION**

##### **Vice Chair Cohen presided over Item 5.**

Chair Wiener requested that Assembly Bill (AB) 61 be separated from the rest of the legislative matrix so that the Board could take a vote on that bill separately. He noted that at Finance Committee, staff had recommended taking a watch position on the bill to monitor its progress, but that the Finance Committee voted to change that recommendation from a watch to an oppose position. He explained that the bill was legislation that would clarify the power of local jurisdictions to allow private shuttles to utilize public transportation stops. Chair Wiener added that the San Francisco Municipal Transportation Agency (SFMTA) and the City believed that they already had that authority, but that this bill would clarify that power. He said the bill was working its way through the legislative process, and that it would not undermine the pilot program that was in place between the SFMTA and various shuttle providers that transported San Francisco residents to work. He concluded that the Board should adopt the staff recommendation to watch and monitor rather than oppose the bill.

Vice Chair Cohen asked if staff could clarify the staff recommendation for the benefit of those who did not attend the Finance Committee.

Tilly Chang, Executive Director, explained that staff had recommended a watch position. She noted that the bill was sponsored by a Southern California legislator and would provide clear state authority for private shuttle access to public transportation stops. She explained that it was rather early in the legislative session and that staff wanted time to conduct additional research as well as consult with the SFMTA, which had not yet taken a position on the bill. She added that the legislative matrix was updated and brought before the Finance Committee each month.

Chair Wiener moved to amend the item to change the position on AB 61 from oppose to watch, seconded by Commissioner Tang.

Commissioner Campos stated that the Finance Committee had voted unanimously to oppose the bill. He opined that the bill was about privatizing public space. He said that local jurisdictions already had the authority that the bill would provide. He said the state legislature was responding to the tech industry and no one could be certain that the bill would not

impact the City's pilot program. Commissioner Campos added that there was a very clear reason why the Finance Committee opposed the bill, and asked that the Board vote to affirm what the Finance Committee had recommended [an oppose position] after a thorough discussion.

Commissioner Mar agreed with Commissioner Campos that there had been good and thorough discussion with Mr. Watts, the agency's Sacramento advocate, and the Finance Committee. He said District 1 residents and environmental advocates had been watching this bill carefully and strongly urged his office to take an oppose position. He urged the Board not to amend the item and stated that he supported the Finance Committee's recommendation.

Commissioner Mar also commented on another bill in the legislative matrix, AB 40 by Assembly member Phil Ting, and stated that it was legislation regarding bicycle and pedestrian fees on the Golden Gate Bridge. He said that he planned to introduce a resolution at the Board of Supervisors meeting that day to support the bill, and that at the next Finance Committee meeting he would move to take a support rather than a watch position. He explained that AB 40 would ban charging a toll for bicyclists and pedestrian use of the Golden Gate Bridge and elaborated that the bridge was a public treasure owned by the people of not only San Francisco, but the whole region. He continued that residents and tourists enjoyed the bridge not only as a piece of transportation infrastructure but as a beautiful vista, a public place, and a gateway to national parks, and that the bridge had historical and architectural significance.

Chair Wiener thanked Commissioner Mar for his statement regarding AB 40, and said that at the San Francisco members of the Golden Gate Bridge, Highway and Transportation District Board of Directors were almost completely united in opposing the bicycle and pedestrian fee. He clarified regarding AB 61, that his motion was to revert back to a watch position, and that the bill did not take away local control but would clarify that there was local control and that localities could enter into agreements for shuttles to use public bus stops under the appropriate circumstances, which was what the City's pilot program was already doing. He said that there were people who would like to see the shuttles go away entirely but that a lot of their neighbors used these shuttles to get to work, both in and out of the city.

Commissioner Christensen clarified that the Board was not debating whether shuttles should be there or not, but where that discussion should take place, and said she agreed it should take place at the local level and that clarity was always welcome.

Commissioner Campos stated that regarding clarity, there was a strong argument that local jurisdictions already had the authority to do what the bill was stating. He said the political driving force behind the bill was the tech community that would like to expand its reach in the state, and that was the reason the legislature was pushing the bill forward. He said the shuttles served a purpose but questioned whether the way they were being regulated was appropriate. He added that since the pilot program started, his office had received many concerns about the program, even from those who had originally supported it. He concluded that the Board should be firm and send a message to the rest of the state that this bill was unnecessary and could have a detrimental effect, especially on the privatization of public space, without any requirement that payment be made.

Commissioner Kim asked if staff could clarify what exactly AB 61 would do, what it meant

by usage of curbside, and what localities could already do under the existing legislative structure.

Ms. Chang responded that the bill was not entirely clear, but that it allowed local authorities to permit shuttle service vehicles to stop for loading and unloading of passengers alongside curb spaces upon agreement between a transit system operating buses engaged as common carriers and a shuttle service provider. She added that the bill did not have a lot detail but that it was meant to be a vehicle for discussing the relationship between the local and state authorities.

Ms. Chang explained that under existing law, a person may not stop, park, or leave a vehicle standing alongside a curb space authorized for the loading or unloading of passengers of a bus engaged as a common carrier in local transportation, except when existing law allowed authorities to permit school buses to stop alongside those curb spaces upon agreement between the transit operator and those common carriers, including the public school district or private schools. She said that currently it defaulted to the transit operator to provide that authority. She clarified that it affirmed local authority, which the City already had, but that it was the State weighing in on that.

Commissioner Kim asked for clarification that under the existing legal structure, localities had the authority to enter into agreements, similar to the agreement the SFMTA entered for the shuttle bus program.

Ms. Chang responded that it was her understanding that the SFMTA had the authority to set that regulatory policy for access to the curb.

Commissioner Kim asked if it was accurate to say that it was unclear what this legislation was needed for.

Ms. Chang responded that was a fair statement.

Commissioner Campos stated that the bill was redundant because it would give local jurisdictions authority where they already had authority, as evidenced by the City's ability to start a pilot program without any legislation in Sacramento. He said the bill would also create a special status for the shuttles, which would allow them to receive the same treatment as school buses, which would go beyond local authority and control. He added that it was clear that the Board was discussing two different types of services.

Chair Wiener stated that it was important to be clear about the current status of the law. He said there was currently a dispute about whether state law allowed the SFMTA and other transit operators to enter into that type of an agreement with a private employer. He said the SFMTA concluded that it did have that authority. He referenced a prior Board of Supervisors meeting where they had heard a California Environmental Quality Act appeal to the SFMTA pilot program and said the opposing argument was that the SFMTA had violated state law because it did not have the authority to enter into an agreement with shuttle service providers. Chair Wiener noted that at that meeting, there were members of the Board who agreed that what the SFMTA did was illegal. He added that he had not spoken to the author of AB 40 and that he could not explain the author's motivation, but said there was currently a dispute and even a lawsuit that it was illegal for the SFMTA or other transit operators to enter into these agreements under state law. He clarified that he did not make a motion of support because the bill was still in its early stages but said that ultimately he believed that the bill would clarify state law that these agreements were lawful.

There was no public comment.

The amendment to the item was approved by the following vote:

Ayes: Commissioners Breed, Christensen, Cohen, Farrell, Tang and Wiener (6)

Nays: Commissioners Avalos, Campos, Kim and Mar (4)

Absent: Commissioner Yee (1)

The amended item was approved without objection by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang and Wiener (10)

Absent: Commissioner Yee (1)

### **Items from the Plans and Programs Committee**

6. **Adopt the Fiscal Year 2015/16 Transportation Fund for Clean Air Local Expenditure Criteria – ACTION**

There was no public comment.

The item was approved without objection by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang and Wiener (10)

Absent: Commissioner Yee (1)

7. **Appoint Angela Paige Miller to the Geary Corridor Bus Rapid Transit Citizens Advisory Committee – ACTION**

Commissioner Mar commented that Ms. Miller had been a great leader in District 1, formerly through her work with the San Francisco Department of the Environment and currently through her sustainability work with the Stanford Woods Institute for the Environment. He added that she had worked extensively with transit and transportation advocates from the Richmond district and was focused on helping seniors, people with disabilities, and bicyclists. He said young women were often underrepresented in transportation bodies, and that Ms. Miller would bring a valuable point of view and that she was well informed on the City's entire transportation system. He concluded that she would be a strong voice in making Geary Corridor Bus Rapid Transit a successful project but would also benefit other neighborhood projects.

There was no public comment.

This item was approved without objection by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang and Wiener (10)

Absent: Commissioner Yee (1)

8. **Program up to \$5,143,714 in Cycle 4 Lifeline Transportation Program (LTP) Funds to Two San Francisco Municipal Transportation Agency (SFMTA) Projects, Concur with Cycle 4 LTP Prop 1B Priorities as Submitted by SFMTA and the Bay Area Rapid Transit District, and Amend the Prop K Bus Rapid Transit/MUNI Metro Network 5-Year Prioritization Program – ACTION**

There was no public comment.

The item was approved without objection by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang and Wiener.

Absent: Commissioner Yee (1)

9. **Allocate \$5,127,670 in Prop K Funds, with Conditions, and \$636,480 in Prop AA Funds for Seven Requests, with Conditions, Subject to the Attached Fiscal Year Cash Flow Distribution Schedules – ACTION**

Commissioner Mar thanked Transportation Authority and San Francisco Municipal Transportation Agency staff for working with the Richmond district and neighborhood safety advocates. He said a number of the allocations would advance projects that would make District 1 safer by funding north-south bicycle corridors. He said the corridors included 8<sup>th</sup>, 15<sup>th</sup>, and 23<sup>rd</sup> Avenues and Arguello Boulevard, which was a huge bicycle high-injury corridor. He added that Arguello Boulevard connected Golden Gate Park to the Presidio, and that it also included vibrant corridors with a host of schools and bicycle routes. He said these allocations were part of the Neighborhood Transportation Improvement Project and would improve safety and access for pedestrians, bicyclists, and drivers alike. Commissioner Mar added that he looked forward to the planning process as these projects moved forward.

There was no public comment.

The item was approved without objection by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang and Wiener (10)

Absent: Commissioner Yee (1)

10. **Reprogram \$10,227,540 in OneBayArea Grant Funds from the San Francisco Municipal Transportation Agency's Masonic Avenue Complete Streets Project to the Light Rail Vehicle Procurement Project, with Conditions – ACTION**

There was no public comment.

This item was approved without objection by the following vote:

Ayes: Commissioners Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang and Wiener (10)

Absent: Commissioner Yee (1)

11. **Introduction of New Items – INFORMATION**

There was no public comment.

12. **Public Comment**

There was no public comment.

13. **Adjournment**

The meeting was adjourned at 11:44 a.m.