



ORDINANCE AMENDING THE TRANSPORTATION AUTHORITY'S ADMINISTRATIVE CODE

WHEREAS, The Transportation Authority's Administrative Code prescribes the powers and duties of officers of the Transportation Authority, the method and appointment of employees of the Transportation Authority, and the policies and systems of Transportation Authority operation and management; and

WHEREAS, The Administrative Code was last amended on January 27, 2015 through Ordinance 15-01 and Transportation Authority staff has proposed amendments to the Administrative Code, with assistance from general counsel, to provide clarifications as well as to better reflect state and local government codes; and

WHEREAS, At its May 25, 2016 meeting, the Citizens Advisory Committee considered the subject request and unanimously adopted a motion of support for the staff recommendation; and

WHEREAS, At its June 14, 2016 meeting, the Finance Committee considered the subject request and unanimously recommended approval of the staff recommendation; now, therefore, be it

RESOLVED, That the Transportation Authority hereby amends the Administrative Code as detailed in Attachment 1; and be it further

RESOLVED, That the Executive Director is hereby authorized to distribute the amended Administrative Code to all relevant parties.

Attachment:

1. Proposed Administrative Code



The foregoing Resolution was approved and adopted by the San Francisco County Transportation Authority at a regularly scheduled meeting thereof, this 28<sup>th</sup> day of June, 2016, by the following votes:

**Ayes:** Commissioners Avalos, Breed, Cohen, Kim, Mar, Peskin, Tang, Wiener and Yee (9)

**Nays:** (0)

**Absent:** Commissioners Campos and Farrell (2)

A handwritten signature in black ink that reads "Scott Wiener".

Scott Wiener  
Chair

6/29/16 Date

ATTEST:

A handwritten signature in blue ink that reads "Tilly Chang".

Tilly Chang  
Executive Director

6/30/16 Date



## ADMINISTRATIVE CODE

### SECTION 1. TITLE AND AUTHORITY.

This Ordinance is enacted pursuant to the provisions of California Public Utilities Code Section 131265, and may be referred to as the “San Francisco County Transportation Authority Administrative Code.” This Ordinance prescribes the powers and duties of officers of the San Francisco County Transportation Authority (Transportation Authority); the method of appointment of employees of the Transportation Authority; and the policies, and systems of operation and management of the Transportation Authority.

### SECTION 2. DUTIES OF THE TRANSPORTATION AUTHORITY.

The Transportation Authority shall have the power, authority, and duty to do all things necessary and required to accomplish the stated purposes and goals of Division 12.5 of the California Public Utilities Code, also known as the Bay Area County Traffic and Transportation Funding Act, including the following:

- (a) The Transportation Authority shall administer the Transportation Expenditure Plan which became effective upon approval by the voters on November 7, 1989 of Proposition B, as superseded by the New Transportation Expenditure Plan which became effective upon adoption by the voters on November 4, 2003 of Proposition K, which extended the sales tax implemented by Proposition B for a 30-year period.
- (b) The Transportation Authority shall adopt an annual budget by June 30 and fix the compensation of its officers and employees. The compensation of Transportation Authority Officers shall be as provided in Section 3.2 herein.
- (c) The Transportation Authority shall cause a post audit of its financial transactions and records at least annually by a certified public accountant.
- (d) The Transportation Authority shall prepare and adopt an annual report by January 31 of each year on the progress to achieve the objectives of completion of the projects in the Transportation Expenditure Plan.
- (e) The Transportation Authority shall conduct an employee performance evaluation of the Executive Director by December 31 of each year for the Executive Director’s work performance for the current year.
- ~~(e)(f)~~ The Transportation Authority shall perform other related responsibilities, including but not limited to (i) serving as the county program manager for the Transportation Fund for Clean Air, (ii) serving as the county Congestion Management Agency, and (iii) administering Proposition AA projects.

### SECTION 3. POWERS AND DUTIES OF THE TRANSPORTATION AUTHORITY OFFICERS.

The eleven members of the Board of Supervisors of the City and County of San Francisco (City) shall be the officers of the Transportation Authority. They shall be known as “Commissioners.”

- (a) A Commissioner may designate another local elected official who represents the citizens of the City and County of San Francisco to serve as his or her alternate. The designation shall



be made in writing to the Chairperson of the Transportation Authority and shall become effective when delivered. The alternate's term of office shall be the same as that of the regular member. When the regular member is not present at the meeting of the Transportation Authority, the alternate may act as the regular member and shall have all the rights, privileges, and responsibilities of the regular member, including compensation for the meeting.

- (b) **Chairperson.** The Chairperson shall possess the following powers and duties:
1. To preside at all meetings;
  2. To appoint the membership and the Chairperson and Vice-Chairperson of the committees of the Transportation Authority;
  3. To decide the agenda of Transportation Authority meetings;
  4. To sign contracts, deeds, and other instruments on behalf of the Transportation Authority; and
  5. To perform such additional duties as may be designated by the Transportation Authority.
- (c) **Vice-Chairperson.** The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.

### **SECTION 3.1. Method of Appointment of the Transportation Authority Officers.**

- (a) The Chairperson shall be elected at the first meeting of the Transportation Authority, and thereafter, after the first complete calendar year, annually at the first meeting in January.
- (b) The Vice-Chairperson shall be elected at the first meeting of the Transportation Authority, and thereafter, after the first complete calendar year, annually at the first meeting in January.
- (c) If the Chairperson or Vice-Chairperson resigns or is removed from office, the election for Chairperson or Vice-Chairperson to serve the remainder of the term, shall be at the next meeting of the Transportation Authority.

### **SECTION 3.2. Compensation of Commissioners.**

- (a) As required by the provisions of California Public Utilities Code Section 131268, Transportation Authority Commissioners or their alternates shall be compensated at the rate of \$100 for each day attending the business of the Transportation Authority, but not to exceed \$400 in any month, for any of the following occurrences that are related to business of the Transportation Authority:
1. A meeting of the legislative body;
  2. A meeting of an advisory body;
  3. A conference or organized educational activity, including ethics training; or
  4. Any other occurrence, if the Transportation Authority has adopted a written policy in a public meeting specifying that the attendance at such occurrence would constitute the performance of official duties for which Transportation Authority Commissioners may receive compensation.



- (b) Commissioners shall receive reimbursement for necessary travel and personal expenses incurred in the performance of their duties when such expenses are authorized in advance and as set forth in the Transportation Authority's adopted Travel, Conference, Training and Business Expense Policy.

#### SECTION 4. STAFF TO THE TRANSPORTATION AUTHORITY.

- (a) **Executive Director.** The Transportation Authority shall appoint the Executive Director, who shall serve at the pleasure of the Transportation Authority. The Executive Director shall possess the power and duty to administer the business of the Transportation Authority, including the following powers and duties:
1. To supervise and direct preparation of the annual draft budget for the Transportation Authority;
  2. To formulate and present plans for implementation of the Transportation Expenditure Plan of the Transportation Authority, including establishment of project priorities within the priorities set by the plan, and the means to finance them;
  3. To provide guidance to and to monitor and coordinate the activities of the project sponsors to ensure that the projects are completed;
  4. To submit to the Transportation Authority each year a complete report of the finances and administrative activities of the Transportation Authority for the preceding year;
  5. To direct the preparation and administration of purchase orders and contracts for goods and services, to execute contracts for goods, materials and services, including support services, and agreements with sponsoring agencies where estimated expenditures thereunder do not exceed \$75,000 and to execute any agreements with sponsoring agencies where sufficient funding for such is available in the Transportation Authority's budget;
  6. To administer the personnel system of the Transportation Authority, including hiring, controlling, supervising, promoting, transferring, suspending with or without pay or discharging any employee. To this end, the Executive Director shall prepare and maintain a personnel manual, stating the rules of employment of the Transportation Authority, and methods of compensation established by the Transportation Authority ([Personnel Manual](#)); and
  7. To provide the day-to-day administration of the Transportation Authority and to perform such other and additional duties as the Transportation Authority may prescribe.
- (b) **Chief Deputy Director.** The Executive Director shall appoint a Chief Deputy Director. In the event of the Executive Director's temporary absence, disability or unavailability or during a vacancy in that position, the Chief Deputy Director shall act as the Executive Director.
- (c) **Additional Staff.** The Executive Director may create additional staff positions subject to the approval of the Transportation Authority. Duties shall be defined by the Executive Director and shall be contained in a written job description. The Executive Director shall appoint additional staff members to approved positions. All employees are "at-will" employees and serve at the pleasure of the Executive Director.



#### **SECTION 4.1 Benefits for Employees.**

The Transportation Authority may contract with the appropriate agencies of the State of California to provide retirement and health benefits for its employees or with any other retirement or health system which it determines is in the best interests of its employees, and in accordance with applicable state and federal laws.

#### **SECTION 4.2 Rules of Employment.**

The Executive Director or his or her designee shall administer the personnel policies of the Transportation Authority as set forth in the Personnel Manual. The Executive Director shall take all necessary actions to hire, promote, transfer, suspend with or without pay, or discharge any employee in accordance with the procedures in the Personnel Manual.

### **SECTION 5. METHODS, PROCEDURES AND SYSTEMS OF OPERATION AND MANAGEMENT.**

#### **SECTION 5.1. Meetings and Rules of Procedure.**

- (a) All proceedings of the Transportation Authority shall be in conformance with the provisions of the Bay Area County Traffic and Transportation Funding Act (Sections 131000 et seq. of Division 12.5 of the California Public Utilities Code), the San Francisco County Transportation Authority Reauthorization Ordinance (Article 14, commencing with Section 1401 of the San Francisco Business and Tax Regulations Code), and San Francisco Transportation Expenditure Plan adopted by the voters as Proposition B on November 7, 1989, as superseded by the New Transportation Expenditure Plan adopted by the voters as Proposition K on November 4, 2003, and this Administrative Code.
- (b) Except as otherwise determined by the Transportation Authority, regular meetings of the Transportation Authority shall be held on the fourth Tuesday of each month in the Legislative Chamber of City Hall or other location as designated with proper notice by the Transportation Authority, except when that day or any preceding Tuesday that month is a holiday, in which case the meeting shall be held on the following Tuesday.
- (c) The acts of the Transportation Authority shall be expressed by motion, resolution or ordinance.
- (d) The majority of the members of the Transportation Authority shall constitute a quorum for the transaction of business, and all official acts of the Transportation Authority shall require the affirmative vote of a majority of all the members of the Transportation Authority.
- (e) All meetings of the Transportation Authority shall be conducted in the manner prescribed by the Ralph M. Brown Act (Chapter 9 commencing with Section 54950 of Part 1 of Division 2 of Title 5 of the Government Code) and the Transportation Authority's adopted Sunshine Policy.

#### **SECTION 5.2 Committees of the Transportation Authority.**

- (a) **Plans and Programs Committee.** The Chairperson of the Transportation Authority shall appoint a Plans and Programs Committee which shall be composed of five Commissioners. Except as otherwise determined by the Chairperson of the Committee, regular meetings shall be held on the third Tuesday of each month in the Committee Room of City Hall or other



location as designated with proper notice by the Transportation Authority, except when that day or any preceding Tuesday that month is a holiday, in which case the meeting shall be held on the following Tuesday. The responsibilities of this Committee shall include the following:

1. To review projects and programs contained in the Transportation Expenditure Plan and recommend fund allocations to the Transportation Authority for their implementation in accordance with the priorities established by the Transportation Expenditure Plan;
2. To recommend fund allocations for the Transportation Fund for Clean Air program to the Transportation Authority;
3. To monitor project implementation;
4. To review the transportation plans of all City transportation agencies;
5. To recommend to the Transportation Authority programming of relevant federal and state funds;
6. To review and make recommendations on any policies necessary for the implementation of the Transportation Authority's plans and programs;
7. To review and make recommendations on the adoption of a Congestion Management Program and any other plans and programs for which the Transportation Authority has responsibility;
8. To recommend the allocation of funds to Proposition AA projects, in accordance with the Strategic Plan on the timing of expenditures, and to monitor and expedite delivery of Proposition AA projects;
9. To review and make recommendations on the filling of appointments and to monitor the efforts of the Citizens Advisory Committees.

(b) **Finance Committee.** The Chairperson of the Transportation Authority shall appoint a Finance Committee which shall be composed of five Commissioners. Except as otherwise determined by the Chairperson of the Committee, regular meetings shall be held on the second Tuesday of each month in the Committee Room of City Hall or other location as designated with proper notice by the Transportation Authority, except when that day is a holiday, in which case the meeting shall be held on the following Tuesday. The responsibilities of this Committee shall include the following:

1. To set the parameters (spending limits) of the Transportation Authority's annual budget, which shall include but not be limited to the detailed Administrative Operating Expenses, Debt Service (if applicable), and a single line item for Capital Expenditures; and recommend to the Transportation Authority the adoption of the budget and any necessary budget revisions, including any mid-year adjustments in the budget due to revisions in revenues and/or expenses;
2. To track, review and make recommendations on pending or proposed federal, state, and local legislation;
3. To review and recommend long-range financial planning for the Transportation Authority;



4. To review Transportation Authority investments, audits, and financial reports prepared by staff and to make any necessary recommendations to the Transportation Authority;
  5. To make recommendations to the Transportation Authority concerning the issuance of bonds;
  6. To review and make recommendations on any fiscal/procurement policies of the Transportation Authority;
  7. To review and recommend, as appropriate, the award of contracts requiring the approval of the Board of Commissioners (Board);
  8. To monitor and make recommendations on pending or proposed litigation; and
  9. To monitor Transportation Authority implementation of adopted policies.
- (c) **Personnel Committee.** The Chairperson of the Transportation Authority shall appoint a Personnel Committee which shall be composed of the Chairperson of the Transportation Authority, and the Chairpersons of the Plans and Programs and Finance Committees. The Transportation Authority Chairperson or his or her designee shall serve as the Chairperson and a voting member of the Personnel Committee. Two members shall constitute a quorum and all official acts of the Personnel Committee shall require the affirmative vote of a majority of the authorized number of members of the Committee. Meetings of the Personnel Committee shall be held at the call of the Committee Chairperson. The responsibilities of this Committee shall include the following:
1. To make recommendations on the hiring, firing, and employment status of the Executive Director of the Transportation Authority;
  2. To conduct annual performance evaluations of the Executive Director; and
  3. To make recommendations on the Transportation Authority's policies and actions related to staffing levels, job specifications, compensation ranges and employment conditions.
- (d) **Additional Committees.** The Transportation Authority may create, and the Chairperson of the Transportation Authority shall appoint the membership of select committees established consistent with the following criteria:
1. The committee shall have a clear, simple, narrow, single statement of purpose;
  2. The committee will be created for a specified maximum period of time; and
  3. The size of the committee will be no less than three nor more than five Commissioners, based on the committee purpose.
- (e) **Transportation Authority Committee Procedures.** In addition to the regular members of each Committee, with the exception of the Personnel Committee, the Transportation Authority Chairperson shall serve on each Transportation Authority Committee established under this Code or any select committee established by the Transportation Authority, as a non-voting, ex-officio member, except that the Chairperson shall serve as a voting member when his/her presence is necessary in order to constitute a quorum. With the exception of the Personnel Committee, three members of the Transportation Authority Committee shall constitute a quorum for the transaction of business and all official acts of the Transportation Authority





Committee shall require the affirmative vote of the majority of the authorized number of members of the Committee. In the case of a tie vote in any Transportation Authority Committee, the Transportation Authority Chairperson, who is present but not acting as a voting member, may cast the deciding vote.

### **SECTION 5.3. Citizen Advisory Committees.**

- (a) **Citizens Advisory Committee.** The Transportation Authority shall appoint eleven members to a Citizens Advisory Committee. This Committee shall include representatives from various segments of the community, such as public policy organizations, labor, business, senior citizens, the disabled, environmentalists, and the neighborhoods, and reflect broad transportation interests. The committee members shall be residents of San Francisco and shall serve without compensation for a two-year period. Any member who is absent for four of any twelve regularly scheduled consecutive meetings shall be automatically terminated. Any resulting vacancy shall be filled for a new two-year period. Any terminated member who wishes to be reappointed shall contact his or her district Supervisor and shall reappear before the Plans and Programs Committee to speak on his or her behalf. This Committee shall meet at least quarterly and all meetings shall be open to the public. The regular meetings of the Committee shall be held on the fourth Wednesday of each month at 6:00 p.m. at the Transportation Authority's offices at 1455 Market Street, Floor 22, San Francisco, California. The staff of the Transportation Authority will be available to assist the Committee. This Committee shall assist the Transportation Authority in:

1. Defining the mission of the Transportation Authority;
  2. Reflecting community values in the development of the mission and program of the Transportation Authority, and channeling that mission and program back to the community;
  3. Defining criteria and priorities for implementing the Transportation Expenditure Plan program consistent with the intention of Proposition B, as amended and superseded by the New Transportation Expenditure Plan program consistent with the intention of Proposition K; and
  4. Monitoring the Transportation Authority's programs and evaluating the sponsoring agencies' productivity and effectiveness.
- (b) **Additional Advisory Committees.** The Transportation Authority may appoint any other advisory committees that it deems necessary.

### **SECTION 5.4 Contracts.**

- (a) Contracts for the purchase of supplies, equipment and materials in excess of \$75,000 shall be awarded after a formal competitive procurement process in conformance with the Transportation Authority's adopted Procurement Policy.
- (b) Contracts for the purchase of services in excess of \$75,000 shall be awarded after a formal competitive procurement process in conformance with the Procurement Policy.
- (c) The Executive Director is authorized to contract for goods and services for an amount less than or equal to \$75,000 in conformance with the Procurement Policy. The Executive



- Director is authorized to amend contracts and agreements within the parameters specified in the Procurement Policy.
- (d) Where advantageous, the Transportation Authority may contract without initiating a competitive procurement process with the City to render designated services or to provide materials on behalf of the Transportation Authority.
  - (e) All contracts shall reflect the Disadvantaged Business Enterprise/Local Business Enterprise goals, if applicable and as permitted by law, and Equal Benefits provisions adopted by the Transportation Authority.

## **SECTION 5.5 Procedures for Implementing the California Environmental Quality Act.**

### **SECTION 5.5.1. Authority and Mandate.**

- (a) This Section 5.5 is adopted pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 and following, as amended; and pursuant to the Guidelines for Implementation of the California Environmental Quality Act, as amended, appearing as Title 14, Division 6, Chapter 3 of the California Code of Regulations (hereinafter referred to collectively as “CEQA”).
- (b) Any amendments to CEQA adopted subsequent to the effective date shall not invalidate any provision of this Section 5.5. Any amendments to CEQA that may be inconsistent with this Section 5.5 shall govern until such time as the relevant provision is amended to remove such inconsistency.
- (c) This Section 5.5 shall govern in relation to all other ordinances of the Transportation Authority and rules and regulations pursuant thereto. In the event of any inconsistency, the provisions of this Section 5.5 shall prevail.

### **SECTION 5.5.2. Incorporation by Reference.**

The provisions of CEQA are not repeated here, but are expressly incorporated herein by reference as though fully set forth.

### **SECTION 5.5.3. Responsibility.**

The administrative actions required by CEQA with respect to the preparation of environmental documents, giving of notice and completing other activities shall be performed by staff of the Transportation Authority or by consultants under the direction of the Transportation Authority. These activities may include, but are not limited to:

- (a) Preparing any necessary forms, checklists and processing guidelines to implement CEQA in accordance with this Section 5.5;
- (b) Determining excluded and exempt activities which are not subject to CEQA;
- (c) Determining when a negative declaration or environmental impact report (EIR) is required when acting as a lead agency or as is otherwise required by CEQA;
- (d) Ensuring that agencies and other interested parties are consulted and have an opportunity to comment during the CEQA process when acting as a lead agency or as is otherwise required by CEQA;



- (e) Preparing environmental documents and notices when acting as a lead agency or as is otherwise required by CEQA;
- (f) Consulting, providing comments, and attending hearings as necessary on behalf of the Transportation Authority when it acts as a responsible agency under CEQA; and
- (g) Ensuring coordination with federal lead and responsible agencies when project review is required under both CEQA and the National Environmental Policy Act (“NEPA”).

#### **SECTION 5.5.4. List of Non-Physical and Ministerial Projects.**

The Transportation Authority shall maintain a list of types of ministerial projects excluded from CEQA. Such lists shall be modified over time as the status of types of projects may change under applicable laws, ordinances, rules and regulations. The list shall not be considered totally inclusive, and may at times require refinement or interpretation on a case-by-case basis. The list of ministerial projects and modifications thereto shall be kept posted in the offices of the Transportation Authority, and copies shall be sent to the Board.

#### **SECTION 5.5.5. Categorical Exemptions.**

The Transportation Authority shall maintain a list of types of projects which are categorically exempt from CEQA. This list shall be kept posted in the offices of the Transportation Authority, with copies sent to the Board. The list shall be kept up to date in accordance with any changes in CEQA.

#### **SECTION 5.5.6. Initial Evaluation of Projects**

- (a) For projects that are not statutorily excluded or categorically exempt from CEQA, an initial study shall be prepared to establish whether a negative declaration or an EIR is required prior to the decision as to whether to carry out or approve the project. If it is clear at the outset that an EIR is required, however, such determination may be made immediately and no initial study shall be required.
- (b) Each initial study shall meet the requirements of CEQA with respect to contents and consultation with Responsible and Trustee Agencies. During preparation of the initial study, the Transportation Authority may consult with any person having knowledge or interest concerning the project.
- (c) If a project is subject to both CEQA and NEPA, an initial evaluation prepared pursuant to NEPA may be used to satisfy the requirements of this Section.
- (d) Based on the analysis and conclusions in the initial study, the Transportation Authority shall determine, based on the requirements of CEQA, whether there is substantial evidence that any aspect of the project may cause a significant effect on the environment, and whether a negative declaration or and EIR shall be prepared.

#### **SECTION 5.5.7. Negative Declarations or Mitigated Negative Declarations.**

- (a) When a negative declaration is required, it shall be prepared by or at the direction of the Transportation Authority. All CEQA requirements governing contents, notice, and recirculation shall be met.



- (b) The Board shall review and consider the information contained in the final negative declaration, together with any comments received during the public review process, and, upon making the findings as provided in CEQA, shall adopt the negative declaration, prior to approving the project. If the Board adopts a mitigated negative declaration, it shall also adopt a program for reporting on or monitoring the mitigation measures for the project that it has either required or made a condition of approval to mitigate or avoid significant environmental effects.

#### **SECTION 5.5.8. Draft Environmental Impact Reports.**

- (a) If it is determined that a project may have a significant effect on the environment and that an EIR is required, the Transportation Authority shall prepare a Notice of Preparation and shall meet all requirements for notice and circulation as required by CEQA.
- (b) The EIR shall be prepared by or under the direction of the Transportation Authority. The EIR shall first be prepared as a draft report. During preparation of the draft EIR, the Transportation Authority may consult with any person having knowledge or interest concerning the project and shall meet all CEQA consultation requirements.
- (c) When the draft EIR has been prepared, the Transportation Authority shall file a Notice of Completion and shall provide public notice of the draft EIR, as required by CEQA. The comment period on draft EIRs shall meet the requirements of CEQA. The draft EIR shall be available to the general public upon filing of the Notice of Completion.
- (d) Public participation, both formal and informal, shall be encouraged at all stages of review, and written comments shall be accepted at any time up to the conclusion of the public comment period. The Transportation Authority may give public notice at any formal stage of the review process, beyond the notices required by CEQA, in any manner it may deem appropriate, and may maintain a public log as to the status of all projects under formal review. Members of the general public shall be encouraged to submit their comments in writing as early as possible.

#### **SECTION 5.5.9. Final Environmental Impact Reports.**

- (a) A final EIR shall be prepared in accordance with CEQA by, or at the direction of, the Transportation Authority, based upon the draft EIR, the consultations and comments received during the review process, and additional information that may become available.
- (b) In the judgment of the Board, if the final EIR is adequate, accurate and objective, and reflects the independent judgment and analysis of the Board, the Board shall certify its completion in compliance with CEQA. The certification of completion shall contain a finding as to whether the project as proposed will, or will not, have a significant effect on the environment.

#### **SECTION 5.5.10. Actions on Projects.**



- (a) Before making its decision whether to carry out or approve the project, the Board shall review and consider the information contained in the environmental document and shall make findings as required by CEQA.
- (b) After the Board has decided to carry out or approve a project, the Transportation Authority may file a notice of determination with the county clerk of the county or counties in which the project is to be located and as required by CEQA. Such notice shall contain the information required by CEQA. If required by CEQA, the notice of determination shall also be filed with the California Governor's Office of Planning and Research.

#### **SECTION 5.5.11. Additional Environmental Review.**

If the Transportation Authority or the Board determine that additional environmental review is required by CEQA, or if modifications to a project require additional environmental review, such review will be conducted as provided by CEQA and in accordance with the applicable procedures set forth in this Section 5.5.

#### **SECTION 5.5.12. Evaluation of Modified Projects.**

- (a) After evaluation of a proposed project has been completed, a substantial modification of the project may require reevaluation of the proposed project.
- (b) Where such a modification occurs as to a project that has been determined to be excluded or categorically exempt, a new determination shall be made. If the project is again determined to be excluded or categorically exempt, no further evaluation shall be required. If the project is determined not to be excluded or categorically exempt, an initial study shall be conducted as provided in Section 5.5.6.
- (c) Where such a modification occurs as to a project for which a negative declaration has been adopted or a final EIR has been certified, the Transportation Authority shall reevaluate the proposed project in relation to such modification. If, on the basis of such reevaluation, the Transportation Authority determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons supporting the determination shall be noted in writing in the case record, and no further evaluation shall be required. If the Transportation Authority determines that additional environmental review is necessary, a new evaluation shall be completed prior to the decision by the Board as to whether to carry out or approve the project as modified. CEQA sets forth specific requirements for the determination of whether a supplemental or subsequent EIR is necessary, as well as the applicable process.

#### **SECTION 5.5.13. Multiple Actions on Projects.**

- (a) The concept of a project is broadly defined by CEQA so that multiple actions of the same or of different kinds may often constitute a single project. This concept of a project permits all the ramifications of a public action to be considered together, and avoids duplication of review.
- (b) Early and timely evaluation of projects and preparation of EIRs shall be emphasized.
- (c) Only one initial study, negative declaration or EIR shall be required for each project.



- (d) Only one evaluation of a project or preparation of an EIR shall occur in cases in which both the Transportation Authority and one or more other public agencies are to carry out or approve a project. In such cases the evaluation or preparation is performed by the lead agency, which agency is selected by reference to criteria in CEQA.
- (e) CEQA provides that a single initial study, negative declaration or EIR may be employed for more than one project, if all such projects are essentially the same in terms of environmental effects. Furthermore, an initial study, negative declaration or EIR prepared for an earlier project may be applied to a later project, if the circumstances of the projects are essentially the same.
- (f) Reference is made in CEQA to simultaneous consideration of multiple and phased projects, related projects, cumulative effects of projects, projects elsewhere in the region, existing and planned projects.

#### **SECTION 5.5.14. Severability.**

- (a) If any article, section, subsection, paragraph, sentence, clause or phrase of this Section 5.5, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, or other competent agency, such decision shall not affect the validity or effectiveness of the remaining portions. The Board hereby declares that it would have passed each article, section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more articles, sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.
- (b) If the application of any provision or provisions of this Section 5.5 to any person, property or circumstances is found to be unconstitutional or invalid or ineffective in whole or in part by any court of competent jurisdiction, or other competent agency, the effect of such decision shall be limited to the person, property or circumstances immediately involved in the controversy, and the application of any such provision to other persons, properties and circumstances shall not be affected.
- (c) These severability provisions shall apply to this Section 5.5 as it now exists and as it may exist in the future, including all modifications thereof and additions and amendments thereto.

#### **SECTION 6. PRINTING OF THE ADMINISTRATIVE CODE.**

The Transportation Authority may provide for the printing of its administrative code and all subsequent amendments thereto.

#### **SECTION 7. SEAL.**

The Transportation Authority may provide for and adopt an official seal. The use of the seal of the Transportation Authority shall be for purposes directly connected with the official business of the Transportation Authority.