

THIS PRINT COVERS CALENDAR ITEM NO.: 10.3

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Streets

BRIEF DESCRIPTION:

Amending the Transportation Code to provide that the requirement for the City Traffic Engineer to hold a public hearing may be met by either an in-person or teleconference hearing, or a period of virtual public outreach of at least 10 days and accepting public comment by mail, telephone, and online platforms.

SUMMARY:

- The City Traffic Engineer is required to hold public hearings to implement certain parking and traffic measures under Transportation Code Section 201.
- Due to restrictions imposed by the COVID-19 pandemic, in lieu of in-person hearings that occurred prior to the COVID-19 emergency, staff held (and continue to hold) teleconference hearings via platforms like Zoom and Microsoft Teams and built out virtual public outreach webpages/events where the public submit comments by mail, telephone, and online platforms (including email).
- Teleconference hearings and virtual public outreach provide many benefits to the public, including convenience and the potential to increase attendance and engagement.
- The proposed amendment would amend the Transportation Code to expressly allow for teleconference hearings or virtual public outreach of least 10 days, where public comment could be submitted by mail, telephone, and online platforms, when a public hearing is required to be held by the City Traffic Engineer under Transportation Code Section 201.

ENCLOSURES:

1. SFMTAB Resolution
2. Proposed Transportation Code Amendment

APPROVALS:

DIRECTOR 

SECRETARY 

DATE

November 9, 2022

November 9, 2022

ASSIGNED SFMTAB CALENDAR DATE: November 15, 2022

PURPOSE

Amending the Transportation Code to provide that the requirement for the City Traffic Engineer to hold a public hearing may be met by either an in-person or teleconference hearing, or a period of virtual public outreach of at least 10 days and accepting public comment by mail, telephone, and online platforms.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

The proposed Code amendment will support the following goals of the SFMTA Strategic Plan:

Goal 4: Make streets safer for everyone.

Goal 5: Deliver reliable and equitable transportation services.

Goal 7: Build stronger relationships with stakeholders.

This action supports the following SFMTA Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.

3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.

10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

Background

During the COVID-19 pandemic, public outreach was a challenge for the Agency given that public health orders discouraged individuals from comingling in social or large gatherings. The restrictions on in-person gatherings presented challenges for SFMTA planners and engineers who often hold in-person outreach events and meetings to gather input on project proposals. To accommodate this challenge, SFMTA staff built up online outreach materials, producing maps and unique storytelling webpages to help inform the public about projects and to provide specific project background information, alternative analyses, and project recommendations. In addition to providing robust online information, in lieu of in-person meetings that occurred prior to the COVID-19 emergency, staff held (and continue to hold) teleconference meetings via platforms like Zoom and Microsoft Teams. With these virtual meetings, staff can reach members of the public, share presentations and project information, and receive comments and feedback electronically via chat and email messages as well as verbally during live teleconference meetings.

Teleconference meetings provide many benefits: they provide an opportunity for the public to comment on projects during health emergencies, such as the COVID-19 pandemic; allow a

potentially larger audience to participate in the public process when compared to standalone in-person meetings; are simpler than in-person meetings to manage; can more easily be held at different times of day; and make participation easier for members of the public that cannot attend typical in-person outreach meetings, often held during weekdays during the daytime or evenings.

During the pandemic, SFMTA Engineering Public Hearings, required to be held under Transportation Code Section 201, could not take place in-person. In addition to holding Engineering Public Hearings by teleconference, SFMTA staff held virtual Engineering Hearing outreach events where project materials were posted on a website and the public was encouraged to provide comments and feedback via mail, telephone, and online (including by email). These sites were open for at least 10 days and were successful in generating public input.

SFMTA staff experience is that with teleconference meetings and virtual hearings, there is comparable or potentially more attendance, input, and engagement from stakeholders than with in-person meetings and hearings. With the availability of teleconference hearings and virtual outreach mechanisms, participants can join from home or wherever they may have internet access, and in many cases, this helps increase attendance of people not typically being able to access in-person meetings. Over the last 26 months, SFMTA staff have held numerous teleconference meetings and virtual outreach events. When Hearings were held via virtual outreach websites (which provided the public the ability to comment for 10 days) the approximate number of attendees was measured by the number of project commenters. Below is a sampling, including dates and approximate attendance.

Date of Meeting	Project	Meeting or Engineering Hearing	Approx. # of Attendees/ Comments
8/12/2020-8/26/2020	Folsom Street Quick-Build Project	Open House & Public Hearing	350
9/7/2020-9/21/2020	Bayview Quick-Build Project	Open House	320
12/15/2020-1/15/2021	Golden Gate Avenue Quick-Build Project	Open House	2510
12/15/2020-1/15/2021	Leavenworth Quick-Build Project	Open House	2101
4/22/2021-5/13/2021	Williams Ave Quick-Build Safety Project	Open House	589
7/30/2021	Williams Ave Quick-Build Safety Project	Public Hearing	10
9/30/2021 & 10/3/2021	Golden Gate Park Access & Safety Program	Open House	50
10/13/2021	Evans Avenue Quick-Build Project	Open House	10
10/13/2021-10/27/2021	South Van Ness Avenue Quick-Build Project	Open House & Public Hearing	1206
12/16/2021	Lake Slow Street	Open House	150
1/6/2022	Lake Slow Street	Open House	300
1/12/2022	Lake Slow Street	Open House	250

1/26/2022	Golden Gate Ave Slow Street	Open House	20
2/2/2022	Golden Gate Ave Slow Street	Open House	10
3/28/2022- 4/15/2022	Jones Street Quick-Build Project	Open House	303
4/7/2022	Lake Merced Quick-Build project	Town Hall	80
4/18/2022- 4/30/2022	13th Street Safety Project	Open House	785
4/25/2022- 5/8/2022	Battery/Sansome Quick-Build Project	Open House	506
6/3/2022	Jones Street Quick-Build Project	Public Hearing	NA
6/10/2022- 6/22/2022	Golden Gate Avenue Slow Street	Public Hearing	358
6/13/2022- 6/24/2022	Lake Slow Street	Public Hearing	>3,500
8/19/2022	13th Street Safety Project	Public Hearing	10
9/16/2022- 9/30/2022	Valencia Bikeway Improvements Project	Open House	618

Proposal

Staff recommend that the SFMTA Board of Directors amend Transportation Code, Division II, Article 200 to expressly provide for virtual public outreach and teleconference meetings where a public hearing is required to be held by the City Traffic Engineer pursuant to Section 201. Teleconference meetings and virtual public outreach provide an additional tool for SFMTA staff to gather the greatest amount of project input possible, but do not preclude the use of traditional in-person or teleconference public hearings where appropriate.

Virtual public outreach supports robust community engagement and gives the public opportunities to see proposed designs and to ask questions and leave public comment through a host of methods, including by mail, telephone, and online platforms. When virtual public outreach is used instead of an in-person or teleconference hearing, the public will have a period of no less than 10 days to view project materials and information and to provide mail, email, or telephone comments.

No matter the meeting format, either online or in-person, and consistent with Transportation Code Division II, Article 200 requirements, the public will continue to be notified of Traffic Engineering Hearings by (1) a posting on at least two utility poles in the affected area for no less than 10 calendar days prior to the hearing or to the close of the virtual public outreach period, and (2) via the SFMTA website. SFMTA staff will also contact stakeholders and neighbors by email who specifically signed up for project updates during planning and design processes.

SCHEDULE

SFMTA staff propose to determine the appropriate method of public hearing and/or outreach at the outset of every project that currently requires a public hearing to best maximize public participation. The public will be notified of Traffic Engineering Hearings by (1) a posting on at

least two utility poles in the affected area for no less than 10 calendar days prior to the hearing or to the close of the virtual public outreach period, and (2) via the SFMTA website.

STAKEHOLDER ENGAGEMENT

SFMTA staff have received positive feedback regarding teleconference meetings and virtual public outreach events during the COVID-19 pandemic. Members of the public appreciate the flexibility in how these events are scheduled, typically with larger timeframes than a standard in-person meeting.

ALTERNATIVES CONSIDERED

The alternative to holding teleconference meetings and virtual public outreach events is to not include them as outreach tools. Without these outreach tools, hearings would be conducted in the same manner as they were before the COVID-19 pandemic. Staff does not recommend this approach since these tools provide additional opportunities to hear from the public.

FUNDING IMPACT

There is no funding impact, SFMTA staff use existing tools to perform virtual meetings and hearings.

ENVIRONMENTAL REVIEW

On October 17, 2022, the SFMTA, under authority delegated by the Planning Department, determined that the Transportation Code Amendment to Authorize Teleconferences is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The City Attorney has reviewed this item, no additional approvals are required.

RECOMMENDATION

Amend the Transportation Code to provide that the requirement for the City Traffic Engineer to hold a public hearing may be met by either an in-person or teleconference hearing, or a period of virtual public outreach of at least 10 days and accepting public comment by mail, telephone, and online platforms.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency is committed to making San Francisco a Transit First city that prioritizes non-private automobile transportation; and,

WHEREAS, In response to the COVID-19 emergency, the SFMTA held teleconference meetings and virtual public outreach events for changes implemented by the City Traffic Engineer pursuant to Transportation Code Section 201; and,

WHEREAS, The teleconference meetings and virtual public outreach events allowed members of the public to submit comments by email, mail and voicemail; and,

WHEREAS, The SFMTA wishes to continue utilizing teleconference hearings and virtual public outreach where a public hearing is required to be held by the City Traffic Engineer pursuant to Transportation Code Section 201; and,

WHEREAS, On October 17, 2022, the SFMTA, under authority delegated by the Planning Department, determined that the Transportation Code Amendment to Authorize Teleconferences is not a “project” under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b).

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and, now, therefore, be it

RESOLVED, That the SFMTA Board of Directors amends Transportation Code, Division II, Sections 101, 201, and 202 to provide that the requirement for the City Traffic Engineer to hold a public hearing may be met by either an in-person or teleconference hearing, or a period of virtual public outreach of at least 10 days and accepting public comment by mail, telephone, and online platforms.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 15, 2022.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

[Transportation Code –City Traffic Engineer Public Hearings]

Resolution amending Division II of the Transportation Code to provide that the requirement for the City Traffic Engineer to hold a public hearing may be met by either an in-person or teleconference hearing, or a period of virtual public outreach of at least 10 days and accepting public comment by mail, telephone, and online platforms.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

The Municipal Transportation Agency Board of Directors of the City and County of San Francisco enacts the following regulations:

Section 1. Articles 100 and 200 of Division II of the Transportation Code are hereby amended by revising Sections 101 (adding a defined term to be placed in alphabetical sequence), 201, and 202, to read as follows:

SEC. 101. DEFINITIONS.

* * * *

Public Hearing (by City Traffic Engineer). When this Code requires the City Traffic Engineer to hold a public hearing, the City Traffic Engineer shall either hold an in-person or teleconference hearing or designate a period of no less than 10 days to accept public comment through all of the following methods: mail, telephone, and online platforms.

* * * *

SEC. 201. PROCEDURES FOR IMPLEMENTING PARKING AND TRAFFIC CONTROLS.

* * * *

(b) **Public Hearings.** The following Parking and traffic measures may be implemented following a Public Hearing ~~public hearing~~ by the City Traffic Engineer or, if a project includes actions in this subsection and subsection (c), the City Traffic Engineer may recommend a hearing at the SFMTA Board of Directors:

* * * *

(c) **SFMTA Board of Directors Action Required.** The following Parking and traffic measures may not be implemented without a ~~public hearing and~~ prior approval of the SFMTA Board of Directors, taking into consideration the recommendation of the City Traffic Engineer:

* * * *

SEC. 202. NOTICE OF PUBLIC HEARING.

Except as otherwise provided in this Code, the City Traffic Engineer shall post localized notices of Public Hearings ~~public hearings~~ for changes implemented pursuant to subsections 201(b) or 201(c). Such notices shall be posted on at least two utility poles in the affected area for no less than 10 calendar days prior to the close of public comment period or the hearing. The notice of the Public Hearing ~~public hearing~~ shall also be posted on the SFMTA website.

Section 2. Effective Date. This resolution shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this resolution.

Section 3. Scope of Resolution. In enacting this resolution, the San Francisco Municipal Transportation Agency Board of Directors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, letters, punctuation marks, charts, diagrams, or any other constituent parts of the Transportation Code that are explicitly shown in this resolution as additions or deletions in accordance with the "Note" that appears under the official title of the resolution.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: _____
LILLIAN LEVY
Deputy City Attorney

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I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 15, 2022.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency