

THIS PRINT COVERS CALENDAR ITEM NO. : 13

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Government Affairs

BRIEF DESCRIPTION: Adoption of 2013 SFMTA Legislative Program

SUMMARY:

- The 2013 SFMTA Legislative Program is intended to guide SFMTA's advocacy efforts at the local, state and federal level over the course of the upcoming legislative sessions. The program is intended to be broad enough to cover the wide variety of issues that may be taken up locally and in Sacramento and Washington, D.C., and flexible enough to allow the SFMTA to respond to unanticipated developments.
- Adoption of the program will provide our legislative delegation and our transportation partners with an approved statement of SFMTA's priorities for this year.
- In addition to the Legislative Program, staff will provide legislative updates as appropriate to the Board regarding bills of interest to the SFMTA.
- Staff may request that the Board recommend a position of support for or opposition to a particular piece of legislation. In these select cases, staff will provide the Board with an analysis of the bill's potential impacts on SFMTA and a justification for the recommended position. Such actions, in addition to making the Board's intent clear, provide staff with the guidance needed to represent the Agency's policy positions on key issues at the local, state and federal levels

ENCLOSURES:

1. SFMTAB Resolution in support of 2013 Advocacy Program
2. Proposed 2013 SFMTA Advocacy Program

APPROVALS:

DATE

DIRECTOR _____ 1/7/13

SECRETARY _____ 1/7/13

ASSIGNED SFMTAB CALENDAR DATE: January 15, 2013

PURPOSE

Each year, the San Francisco Municipal Transportation Agency (SFMTA) prepares an advocacy program to guide legislative efforts locally and in Sacramento and Washington, D.C. It is a strategic document that is not meant to be comprehensive of all issues but rather to provide general direction on issues relevant to the SFMTA and transportation interests. This year's program also includes a renewed focus on regional agency and stakeholder engagement. Attached is a summary of the priority issues for the SFMTA.

GOAL

This program is also intended to align with the SFMTA's **2013-2018 Strategic Plan** and supports the overall goals and objectives as developed in the Plan including:

GOAL 1: Create a safer transportation experience for everyone.

GOAL 2: Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel.

GOAL 3: Improve the environment and quality of life in San Francisco.

GOAL 4: Create a workplace that delivers outstanding service.

DESCRIPTION

See the attached document.

ALTERNATIVES CONSIDERED

No alternative was considered as it is essential that a program be adopted annually.

FUNDING IMPACT

A number of the proposed initiatives may provide additional funding for SFMTA's priority programs and projects

OTHER APPROVALS RECEIVED OR STILL REQUIRED

This draft program has been reviewed by the SFMTA Citizen's Advisory Council and the City and County of San Francisco's State Legislation Committee which is comprised of representatives from the Mayor's office, Board of the Supervisor's, the Controller, Assessor and Treasurer's offices.

RECOMMENDATION

Staff recommends adoption of the 2013 SFMTA Legislative Program.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) each year adopts an annual legislative program and forwards that program to the Mayor's office for inclusion in the City's full legislative program; and,

WHEREAS, The purpose of an legislative program is to set forth legislative policies, principles and priorities to guide SFMTA staff and to provide input to the Mayor's office on transportation matters for the upcoming year; and

WHEREAS, In response to the interests of the SFMTA and the Mayor's office, staff has prepared the accompanying 2013 legislative program (the "2013 Legislative Program") for the consideration and approval of the Municipal Transportation Agency Board of Directors; and

WHEREAS, The 2013 Legislative Program provides, among other things, support for measures that will enhance funding levels for SFMTA's programs, opposition to governmental actions that might decrease funding for SFMTA's programs and authorization for SFMTA staff to carry out the objectives of the 2013 Legislative Program; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board hereby approves the 2013 Legislative Program and authorizes the staff of the Agency to carry out the objectives of the Program.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 15, 2013.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

SFMTA 2013 Legislative Program

Each year, the San Francisco Municipal Transportation Agency (SFMTA) prepares a legislative program to guide advocacy efforts in the City and County of San Francisco, with the Bay Area regional government organizations, the state government in Sacramento and the federal government in Washington, D.C. It is a strategic document that is not meant to be comprehensive of all issues but rather to provide general direction on issues relevant to the SFMTA and transportation interests in the coming year. This program is also intended to align with the SFMTA's **2013-2018 Strategic Plan** and supports the overall goals and objectives as developed in the Plan including:

GOAL 1: Create a safer transportation experience for everyone.

GOAL 2: Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel.

GOAL 3: Improve the environment and quality of life in San Francisco.

GOAL 4: Create a workplace that delivers outstanding service.

This document includes a summary of the priority issues for the SFMTA as well as measures the Agency will seek to sponsor in the 2013 legislative sessions.

Local Legislative Priorities

1. **Mayor/Board of Supervisors (BOS):** The BOS will begin 2013 with new Supervisors in Districts 5 (London Breed) and 7 (Norman Yee). With Assessor-Recorder Phil Ting's election to the State Assembly, Mayor Ed Lee will name his successor.

Following the January swearing in, SFMTA Government Affairs and appropriate Executive staff will reach out to the new District 5 and 7 Supervisors to provide them with a thorough overview of the SFMTA.

2. **BOS Legislation and Policy:** SFMTA will continue efforts to coordinate local legislative priorities with all key City stakeholders. Government Affairs staff will work closely with the Mayor's office, the BOS, SFCTA and various City agencies to inform and advise on any BOS hearing requests, audits, or legislation relating to all Divisions of the SFMTA including finance/budget/contracts, transit operations, accessible services, taxis, capital programs, construction, system safety, enforcement and sustainable streets initiatives.
3. **Budget:** The SFMTA is in the second year of the FY 2013 – FY 2014 two-year budget cycle. Staff will begin budget related updates and briefings for the BOS in the early part of 2014.

4. **Revenue Measures:** The SFMTA will collaborate with the Mayor and members of the Board of Supervisors on discussions regarding revenue measures for the 2014 election cycle and beyond including the consideration of a ballot measure to increase the Vehicle License Fee (VLF) for the San Francisco General Fund from .65% to 2% pursuant to SB 1492 (Leno). The soonest a VLF measure could be placed on the general election ballot by the Board of Supervisors is November 2014. Discussions may also include a general obligation bond to fund TEP projects and/or reauthorization of the existing half-cent sales tax, Proposition K.
5. **Contracts:** While most SFMTA contracts can be approved by the Director of Transportation or SFMTA Board of Directors, in certain cases, Board of Supervisors approval is required. For example, where work could be performed by City employees, if the SFMTA can contract for those services at lower cost, Charter Section 10.104(15) requires the Controller and Board of Supervisors to contract out for the work ("Prop J"). In addition, under Section 9.118 of the Charter, the Board of Supervisors must approve contracts that are expected to generate one million dollars or more in revenue, \$10 million or more in expenditures, or have a term of 10 years or more.

There will be various contracts expected to require BOS approval in 2013 including Parking Meter/Paystation Procurement Contract(s) and Citation Processing Contract 2-year extension. SFMTA staff will work with the BOS, and the BOS Budget Analyst to gain support of any necessary contracts and contract extensions.

6. **Grants:** Although the SFMTA has Charter authority to accept and expend grants, Charter Section 9.118(b) requires that contracts with a term over 10 years be approved by the BOS.
7. **Central Subway:** SFMTA staff will work with the San Francisco County Transportation Authority (SFCTA), the BOS and the BOS Budget Analyst as appropriate to gain support for any local legislation necessary to advance any contracts or policy issues relating to the advancement of the Central Subway Project.
8. **Van Ness Bus Rapid Transit (BRT):** SFMTA staff will work with the SFCTA, the BOS and the BOS Budget Analyst as appropriate to gain support for any local legislation necessary to advance any contracts or policy issues relating to the advancement of the Van Ness BRT. The project is anticipating environmental clearance in spring 2013. Items needing BOS or SFCTA approval will include approval of the environmental document, parking removal and restriping approvals, and request for additional Prop K funding for design and construction.

9. **Geary Bus Rapid Transit (BRT):** SFCTA is leading the environmental study, in partnership with the SFMTA. The Study Team and other public agencies are working collaboratively with the Geary BRT Citizens Advisory Committee (GCAC), as well as inviting public participation through community meetings. SFMTA staff will work with the SFCTA, the BOS and the BOS Budget Analyst as appropriate to gain support for any local legislation necessary to advance any contracts or policy issues relating to the advancement of the Geary BRT. The project is anticipating environmental clearance in mid-2014.
10. **SFpark:** SFMTA staff will provide updates and briefings to the BOS as appropriate to gain support of any local legislation needed to support SFpark efforts as well as for the evaluation of the effectiveness of the SFpark pilot projects. The SFpark pilot projects are demonstrating a new approach for managing demand for San Francisco's finite parking supply.
11. **Accessible Parking Policy Advisory Committee:** SFMTA staff will provide updates to the BOS on efforts associated with the work of the Accessible Parking Policy Advisory Committee which has been formed to address on-going issues associated with accessible parking, disabled placard use and develop recommendations for accessible parking policy change.
12. **Transportation Code Amendments:** Changes to Division I of the San Francisco Transportation Code require approval by the BOS. SFMTA staff will work with the BOS to gain support of any local legislation needed to make any necessary additional changes to the Transportation Code.
13. **Taxi Legislation and Policy:** Support, sponsor, and monitor any legislation relevant to the SFMTA Taxi Program.
14. **Transit Effectiveness Project (TEP):** It is not anticipated that the BOS will be taking any actions in 2013 related to the Transit Effectiveness Project. However, the Board will be kept updated on major milestones as they will be reviewing and certifying the TEP EIR in early 2014. Most of the legislative changes related to the TEP do not require BOS approval, with the exception of route abandonments. In addition to the environmental review work, the TEP team will be focusing on design issues related to the travel time reduction proposals and the design, review and evaluation of TEP pilots intended to inform future implementation. For example, SFMTA recently implemented changes to the 76 Marin Headlands and is installing dedicated transit lanes on Church Street between 16th and Duboce streets as TEP pilots. The TEP team will keep the Board aware of possible future pilots and will update the board on EIR progress.

- 15. Transportation Sustainability Program (TSP):** Support discussions among stakeholder groups to advance the development of the TSP and the associated Transportation Sustainability Fee (TSF). The TSP, which is itself currently undergoing environmental review, will change the way we measure transportation impacts of development and infrastructure projects, shifting from intersection level of service (an auto-oriented measure) to transit crowding and delay. It will also develop a mitigation plan for the next 20 years of development in San Francisco, and will use the new TSF, which will replace the current Transit Impact Development Fee (TIDF), to fund an expenditure plan to mitigate the impacts of that development. Doing so will obviate the need for any further transportation impact analysis as part of CEQA review for most projects, saving those projects time and money. The TSF revenues will fund needed transit expansion and sustainability projects necessitated by development. Transition from the TIDF to the TSF will take considerable stakeholder work to secure consensus on the approach and support for the new program and fee, all of which will require Board of Supervisors' approval in 2013 or 2014, upon completion of the program's environmental review.

State Legislative Priorities

- 1. Transportation Funding and FY2013-14 State Budget:** Advocate to protect existing state transportation funds including Public Transportation Account/State Transit Assistance (STA) funds from being used for non-transportation purposes. SFMTA will work with other transportation interests to ensure that all state transportation funding sources are protected in FY2013-14 State Budget. The SFMTA received approximately \$37M in STA funds last year; these funds are eligible for both capital and operating purposes and are the only remaining state funds that support transit operations. The November 2012 passage of Proposition 30 and recent budget projections are encouraging signs that dedicated transportation funds may not be a target for General Fund relief in 2013.
- 2. MAP-21 Implementation:** MAP-21 (Moving Ahead for Progress in the 21st Century) state legislative implementation efforts are now underway to ensure that state law is consistent and conforms to the recently enacted federal transportation law. The SFMTA will work in partnership with state and regional transportation interests to support a new framework for the distribution of federal funds under MAP-21, to ensure the maximum suballocation of federal funds to metro areas, and to inform the development of expanded safety oversight and responsibility coming to the CPUC.
- 3. Cap and Trade:** The cap and trade program, which is part of the State's effort to reduce greenhouse gas emissions to 1990 levels by 2020, per the Global Warming Solutions Act of 2006, sets a limit on the total greenhouse gas (GHG) emissions that can be emitted by specific sources in California. Emitters that will produce higher emissions than those allowed under the law must purchase more allowances through the cap and trade, market-based auction system that started in November 2012. Projected revenues from the auction range from \$650M to \$14B per year over the life of the program. The SFMTA will participate in CCSF and statewide coalition efforts to ensure that a proportion of

these funds go to transportation and transit. SFMTA is joining with the California Transit Association as part of a coalition on this issue that includes the California Alliance for Jobs, League of California Cities, California State Association of Counties, Self-Help Counties Coalition and the California Association of Councils of Government.

4. **State Bond Funding: Proposition 1A (High Speed Rail Bond) and Proposition 1B Infrastructure Bonds:** In 2012, the SFMTA received its full allocation of \$61M in HSR Prop. 1A bonds and the Agency's full 2012 request of \$117M in Prop. 1B bonds for the Central Subway Project. This success has been critical to allowing the project cash flow needs to be met while ensuring that the commitment to voters and the state is being met by spending bond funds as quickly as possible. In 2013, the SFMTA will support the full, final appropriation authority of the remaining \$800M annual allocation for the Prop. 1B program designated for transit projects and work with regional and state transportation interests to coordinate with the Department of Transportation, Department of Finance and other entities as necessary to ensure that the annual allocations are being made to the Prop. 1B program.
5. **Future Funding/Future Bonds:** The SFMTA will monitor and engage in discussions now underway with transportation coalition interests to consider options to increase overall funding for transportation, including a possible successor to Proposition 1B and a proposal to raise the statewide Vehicle License Fee back to long-standing levels of 2% that would be placed before voters in 2014. The SFMTA will also join transportation interests in supporting efforts to lower the voter threshold for local transportation revenue measures from 2/3rds to 55 percent.
6. **Bicycle and Pedestrian Safety:** Sponsor, support and monitor legislation that will improve advancement of SFMTA's bicycle and pedestrian strategic plan objectives. Initiatives will include review of current law and recommendations regarding the bike program, bike facilities design, complete streets improvements and traffic calming. Staff will also review current opportunities regarding speed enforcement cameras in school zones as a possible pilot program.
7. **Enhanced Protection for Transit Fare Inspectors and Parking Control Officers:** The SFMTA will sponsor legislation to strengthen the penalty under state law for assault and battery against transit fare inspectors (TFI) and parking control officers (PCO). Based on law sponsored by SFMTA (AB 1686-Leno), the penalty for assault against a PCO is punishable by a fine of up to \$2000. TFIs are not specifically identified in state law. To address this, the Agency proposes that these two critical categories of front-line public employees be added to the State Penal Code which establishes penalties for battery up to \$10,000 plus jail time, consistent with current penalties for battery against the operator, driver or passenger on a transit vehicle or taxi. The SFMTA will join with the California Public Parking Association in supporting similar protections for other front-line parking employees.

8. **Fare Evasion Citation Enhancement:** Evaluate opportunities and possible legislation to strengthen enforcement of proof of payment as appropriate to encourage citation payment and compliance. State law sponsored by the SFMTA and enacted in 2006 (SB 1749-Migden), authorized the City and County of San Francisco and Los Angeles to establish administrative penalties for various transit related violations including fare evasion and eating, drinking or smoking on a transit vehicle. In 2012, legislation was enacted (AB 492-Galgiani) making this authorization statewide. The change allowed the SFMTA to adjudicate citations administratively rather than criminally through the Superior Court system. The SFMTA implemented this change in February of 2008 significantly improving the processing of these citations while reducing the workload of the Superior Court. Citations issued under this program are processed consistent with parking citations. However, collection rates differ significantly between parking cites (83%) and fare evasion cites (34%). In 2013, the SFMTA will seek to enhance compliance and fine collection for fare evasion by exploring options that will improve the administration of this program.

9. **Parking Policy Changes and the California Vehicle Code:** Support legislative efforts that advance the SFMTA's policy objectives related to parking management including accessible parking policy reform. These efforts will be undertaken with the guidance and recommendations of the Accessible Parking Policy Advisory Committee initiated in October 2012, which has been formed to address on-going issues associated with accessible parking, disabled placard use and develop recommendations for accessible parking policy change in the spring of 2013. The SFMTA will also seek to clarify language in the California Vehicle Code relating to conflicting provisions relating stop signs at signalized intersections. The SFMTA will coordinate parking advocacy efforts with public parking interests including the California Public Parking Association and local government interests throughout the state.

10. **California Environmental Quality Act (CEQA) Reform:** Support legislative efforts to simplify and modernize the CEQA review process in relation to transit-oriented development, the Transit Effectiveness Project (TEP) and other projects and plans that are consistent with the goals and objectives of an adopted sustainable communities strategy. Support efforts to include the addition of public transit, bicycle, pedestrian, and transit-oriented development (TOD) projects as appropriate.

11. **Taxi Legislation and Policy:** Support and monitor as appropriate state legislation and regulations related to taxi industry issues governed by the California Vehicle Code, California Government Code and California Public Utilities Code. Coordinate with city and statewide taxi interests on legislative efforts relating to taxi regulations and policy.

Federal Legislative Priorities

1. **Van Ness BRT:** In conjunction with the SFCTA, the SFMTA will continue to work with the Federal Transit Administration (FTA) and our Congressional delegation to secure full funding from the federal small starts program for the Van Ness BRT project. The project is anticipating environmental clearance in spring 2013. The project has continually received high ratings from the FTA under the Small Starts program and most recently received \$30M in Small Starts funding under the FY2012 Transportation Appropriations bill enacted in November 2011.
2. **MAP-21 Guidance and Transportation Reauthorization:** The most recent transportation reauthorization legislation, Moving Ahead for Progress in the 21st Century (MAP-21), covers two fiscal years (FY13, FY14) and provides guaranteed funding at current levels of \$105 billion through September 30, 2014. While achieving significant program consolidation and streamlining, the new law is short in duration and did not address fundamental challenges facing the federal program including the fact the Highway Trust Fund will essentially run out of funds in the near future. In 2013, the focus will be on implementing the provisions of MAP-21 through guidance and rulemakings on programs, including the new State of Good Repair Program, changes to the New Starts/Small Starts program and the development of a national safety plan for all modes of public transit. There will also be considerable discussion on viable funding alternatives to support the future federal transportation program. SFMTA will continue to monitor and engage as rulemaking efforts advance. In the context of discussions on the next reauthorization, the SFMTA will continue to advocate for a streamlined federal program that emphasizes state of good repair investment needs, promotes metropolitan mobility, and advances principles of sustainability and livability.
3. **FY2014 Transportation Appropriations and Discretionary Grant Programs:** To the extent that specific federal project funding is provided, the SFMTA will advance priority projects for FY2014 appropriations funding, including full funding for amounts identified in the approved Full Funding Grant Agreement (FFGA) for the Central Subway light rail project and funding for Van Ness BRT. SFMTA will also track opportunities for discretionary project funding for all modes and State of Good Repair grant programs.