



SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS AND
PARKING AUTHORITY COMMISSION

MINUTES

Tuesday, December 18, 2018
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

REGULAR MEETING AND CLOSED SESSION
1 P.M.

SFMTA BOARD OF DIRECTORS

Cheryl Brinkman, Chairman
Malcolm Heinicke, Vice Chairman
Gwyneth Borden
Amanda Eaken
Lee Hsu
Cristina Rubke
Art Torres

Edward D. Reiskin
DIRECTOR OF TRANSPORTATION

Roberta Boomer
SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Brinkman called the meeting to order at 1:06 p.m.

2. Roll Call

Present: Cheryl Brinkman
Gwyneth Borden
Amanda Eaken
Malcolm Heinicke – absent at Roll Call
Art Torres

Absent: Cristina Rubke – with notification
Lee Hsu – with notification

3. Announcement of prohibition of sound producing devices during the meeting.

Chairman Brinkman announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. She advised that any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices might be removed from the meeting. She also advised that cell phones that are set on “vibrate” cause microphone interference and requested that they be placed in the “off” position.

4. Approval of Minutes

No public comment.

On motion to approve the minutes of the December 4, 2018 Regular Meeting: unanimously approved (Heinicke, Hsu and Rubke-absent).

5. Communications

None.

6. Introduction of New or Unfinished Business by Board Members

None.

7. Director’s Report (For discussion only)

- Update on Vision Zero
- Ongoing Activities

Ed Reiskin, Director of Transportation, discussed free Muni on New Year's Eve, the Geary Rapid project, reopening Stockton Street and recognition by the National Geographic.

PUBLIC COMMENT:

Mike Spain questioned why an important taxi item was going to be on the directors' report instead of the regular calendar. He urged staff to make it an action item. The Board should vote and speak to it.

Michael Lee asked who would be paying for the added costs of a seven-day extension on a construction project. He inquired if the contractor or taxpayer would be paying. The SFMTA needs to plan for new transit options in 2019.

8. Citizens' Advisory Council Report

Neil Ballard, Chairman, Finance and Administration, Citizens' Advisory Council (CAC), presented the 2018 year in review. It was a big year that included new streetcars, staff changes, some frustration for transit riders, delays, and congestion on streets. The CAC saw changes with the departure of long standing members and arrival of passionate new members.

9. Public Comment

Steven Taber expressed appreciation for moving the subway extension to Fisherman's Wharf project forward and holding public outreach sessions. The result is strong approval of the project. San Francisco has the nations' slowest transit system. It takes 30 minutes to get downtown from Russian Hill and 45 minutes from the Marina district. The concept study was well researched and he urged the SFMTA to continue the process next year.

Marcelo Fonseca stated that he has asked 60 Minutes to investigate how Uber and Lyft went mainstream at the same time as San Francisco back-stabbed the taxi industry. Mayor Newsom masterminded a flawed medallion program and Mayor Lee went along with it. The SFMTA sold hundreds of medallions and required none from Uber and Lyft. Those actions were sleazy, illegal and immoral. Now the SFMTA is cozying up with some medallion holders to go after another group.

Martin Kazinski stated that as a medallion holder, the SFMTA wants him to pay for their error and the agency is removing the value of his medallion and unfairly getting rid of his retirement. A remedy is needed. If politicians don't want taxi service in San Francisco because they prefer Uber, they should close down taxis. The taxi item should be removed from the director's report and made a separate item.

Mike Spain stated that the SFMTA needs to admit they made mistakes and make restitution. This was a failed effort and the SFMTA needs to fix it. He urged SFMTA staff to sit down with taxi drivers and the credit union and work out a settlement. The SFMTA should give back some of the \$65 million the program raised. The SFMTA is destroying the lives of over 500 cab drivers who were not involved and shouldn't pay have to pay the price.

Robert Cesana stated that board members have a conflict of interest and can't make rulings because they are appointed by the Mayor. All of the members are supported by the money that was paid by the tech industry which runs Uber and Lyft. There must be independent directors not appointed by mayors. The SFMTA created a mess by selling the medallions during the pilot program. In 2012, Uber started and in 2013, the SFMTA charged cab drivers \$250,000 for a medallion. Now the SFMTA is unwilling to compensate drivers.

Philip Brady urged the SFMTA to replace tonal alarms with broadband alarms. Tonal alarms are not directional and broadband sends a signal only to the area that needs it. People tune out tonal alarms and they are harmful. They give drivers a false sense of safety. Broadband only cost \$100 each and take 20 minutes to install.

Ahmad heard that the California Public Utilities Commission is in charge of Lyft. Uber and Lyft have created problems for the taxi industry. They need to be maintained and have their numbers reduced. The streets are crowded and everyone suffers, not just taxi drivers. Medallion holders want their money back if the problem can't be solved.

Abdallah stated that he bought a taxi medallion but the City values money and not people. He came to the United States in 1995 looking for opportunities. People were rushing to America because they thought Americans were fair and honest. His son told him to sell candy on the street because it's better than driving a taxi. Having a medallion now is like owning a burning house. Drivers have a life to live and need help.

George Khanouf stated that Yellow Cab is in a huge disagreement with Flywheel. These are the same companies that bumped heads before and refused to enforce dispatch and the laws. Maybe if taxis enforced dispatch and the laws, taxis wouldn't have Uber and Lyft and would be much better organized. Color schemes are actually color scams. Taxi drivers are not getting any business through the companies. Drives are just getting scammed and are being charged money for nothing. Drivers struggle daily and are stuck with medallions forever.

Herbert Weiner stated that he waited 25 minutes for a bus at California and Presidio and then there was a switchback. He was furious. He asked how many people on the Board, and in SFMTA management positions support Vision Zero, the Bicycle Coalition or are Muni-acs? Muni-acs blindly support Muni Acts.

Austin Peterson stated that he is a taxi driver who worked for years towards owning a medallion. His take home pay now is less than what he made in the 1990's and has been for the last three to four years. Flywheel needs a heat map that tells taxi drivers which neighborhood has the most requests and the fewest taxis. If a Lyft driver gets hit by an uninsured driver while carrying passengers, that driver has to come up with a \$1500 deductible to get his car fixed, so Uber and Lyft are not an opportunity for anyone. It's theft of the driver's wage.

Mark Gruberg stated that he resigned from the Taxi Task Force. He opposed the caste system for taxis. The board members have a conflict of interest in the medallion program and can't be relied upon to make impartial decisions. Drivers purchased worthless medallions. He urged the SFMTA to provide fair compensation. There are potential sources of revenue for this purpose. There is no requirement that the state windfall the SFMTA is about to receive, be used only for capital purposes. Compensating medallion holders would be allowed. It's a question of political will.

Carl Macmurdo stated that the credit union lawsuit alleges breach of contract and the City is on the hook for \$30 - \$50 million in damages. The SFMTA is selling medallions and doing nothing to keep Uber off the street. Also, the SFMTA is selling more medallions and using the money to buy buses. The money should be given back to the drivers and a tax should be placed on Uber and Lyft. Violations should be enforced. There are too many cars on the streets. Uber and Lyft are violating laws like not picking up wheelchair users.

Mary McGuire discussed the medallion reform package. There are 1800 drivers that don't have medallions and they are the silent majority. Director Toran didn't run the recent task force meeting fairly. Ms. McGuire stated that she was attacked and insulted while addressing a policy of gender discrimination regarding the airport lockout. She asked how many medallion holders are women and if women will stay in the industry if they are locked out of the airport.

Tariq Memood stated that during the last task force meeting, Mark Gruberg was constantly interrupted so he got angry and resigned. Director Toran was not following the rules. Director Eaken said she would vote against the taxi item but then voted for it. It should be brought back to the table. If 350 medallions are placed at the airport, it will take drivers three to four hours to get out. This will affect 1800 drivers.

Ziad Sad said he speaks for a lot of medallion purchasers who support the new proposal. It does not include everything they wanted but it is a step in the right direction. It's like a band aid on a huge injury. The taxi industry is like a bleeding man on the street with everyone ignoring him. Don't let taxis suffer.

Jeet stated that the medallion holder situation is very bad. Some drivers support the new proposal. The SFMTA should give drivers the ability to work at the airport or give drivers their money back.

THE FOLLOWING MATTERS BEFORE THE SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY BOARD OF DIRECTORS ARE RECOMMENDED FOR ACTION AS STATED BY THE SFMTA DIRECTOR OF TRANSPORTATION OR CITY ATTORNEY WHERE APPLICABLE. EXPLANATORY DOCUMENTS FOR ALL CALENDAR ITEMS ARE AVAILABLE FOR REVIEW AT 1 SOUTH VAN NESS AVE. 7th FLOOR.

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the

public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

(10.1) Requesting the Controller to allot funds and to draw warrants against such funds available or will be available in payment of the following claims against the SFMTA:

- A. Rigoberto Salazar vs. CCSF, Superior Ct. #CGC17556970 filed on 2/7/17 for \$7,500
- B. Tumurchudur Tsoggerel vs. CCSF, Superior Ct. #CGC17558286 filed on 4/20/17 for \$17,500 (Explanatory documents include a resolution.)

RESOLUTION 181218-154

(10.2) Approving the following traffic modifications:

- A. ESTABLISH – YELLOW METERED LOADING ZONE, 8 AM TO 6 PM, MONDAY THROUGH SATURDAY – 8th Street, east side, from 8 feet to 54 feet south of Folsom Street.
- B. ESTABLISH – GENERAL METERED PARKING – 8th Street, both sides, between Folsom Street and Harrison Street.
- C. ESTABLISH – METERED MOTORCYCLE PARKING – 8th Street, east side, from 30 feet to 52 feet north of Harrison Street.
- D. ESTABLISH – NO PARKING, 12:01 AM to 6 AM, EVERY DAY – Egbert Avenue, both sides, between Newhall Street and Caltrain right-of-way.
- E. ESTABLISH – NO PARKING, 12:01 AM to 6 AM, EVERY DAY – Keith Street, both sides, between Carroll Avenue and Armstrong Avenue; Armstrong Avenue, both sides, between Keith Street and Jennings Street; Jennings Street, both sides, between Armstrong Avenue and Carroll Avenue; and Bancroft Avenue, both sides, between Keith Street and Jennings Street.
- F. ESTABLISH – NO PARKING, 12:01 AM to 2 AM, EVERY DAY – Carroll Avenue, both sides, between Keith Street and Jennings Street.
- G. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA AA ELIGIBILITY – 3207 Mission Street.
- H. ESTABLISH – NO LEFT TURN EXCEPT MUNI; RESCIND – NO LEFT TURN – Haight Street, eastbound, at Divisadero Street.
- I. ESTABLISH – STOP SIGNS – Baker Street, northbound and southbound, at Beach Street.
- J. ESTABLISH – BUS ZONE – Powell Street, east side, from Francisco Street to 120 feet south.
- K. ESTABLISH – PERPENDICULAR PARKING – 23rd Street, south side, between Tennessee Street and Minnesota Street.
- L. ESTABLISH – NO PARKING ANYTIME – 23rd Street, north side, from Tennessee Street to 66 feet westerly.
- M. RESCIND – ANGLE PARKING – Grove Street, north side, from 27 feet to 135 feet west of Larkin Street.
- N. RESCIND – BLUE ZONE – Grove St., north side, from 15 feet to 27 feet west of Larkin St.
- O. ESTABLISH – BLUE ZONE – Grove Street, north side, from 5 feet to 25 feet west of Larkin Street. (Explanatory documents include a staff report and resolution. For every parking and

traffic modification that received a categorical exemption, the proposed action is the Approval Action as defined by Chapter 31 of the San Francisco Administrative Code.)

Items 10.2 D, E and F were severed from the Consent Calendar at the request of members of the public.

Chairman Brinkman announced that Items 10.2 D, E and F would be discussed after Item 13.

PUBLIC COMMENT:

Members of the public expressing opposition: Melodie, Herbert Weiner, and Kelly Cutler

RESOLUTION 181218-155

On motion to approve:

ADOPTED: AYES –Brinkman, Eaken, Heinicke and Torres

NAYS - Borden

ABSENT – Hsu and Rubke

(10.3) Amending Transportation Code, Division II, Section 601 to designate an “at all times” transit-only lane on Stockton Street between Geary and to Market Street and approving the following traffic modification:

- A. ESTABLISH – TRANSIT ONLY LANE AT ALL TIMES - Stockton Street, southbound, from Geary Street to Market Street. (Explanatory documents include a staff report, amendment and resolution. The proposed action is the Approval Action as defined by Chapter 31 of the San Francisco Administrative Code.)

RESOLUTION 181218-156

(10.4) Authorizing the Director to execute Modification No. 3 to Contract No. 1249, Green Light Rail Center Track Replacement Project, with ProVen Comsa to increase the Contract amount by \$5,302,442, for a total Contract amount not to exceed \$38,737,497, and to add 321 days to substantial completion. (Explanatory documents include a staff report, resolution, modification and financial plan.)

RESOLUTION 181218-157

(10.5) Authorizing the Director to execute Modification No. 2 to Contract 1274, Balboa Park Station Area and Plaza Improvements Project, with NTK Construction, increasing the Contract amount by \$305,285.45, for a total Contract amount not to exceed \$6,792,067.15, and extending the Contract term by 156 days. (Explanatory documents include a staff report, resolution, modification and financial plan.)

RESOLUTION 181218-158

(10.6) Authorizing the Director to execute Modification No. 4 to Contract No. 1279R, Islais Creek Bus Facility Phase II Maintenance and Operations Building Project, with S.J. Amoroso Construction, to increase the Contract amount by \$355,000, for a total Contract amount not to exceed \$49,057,079, and to add 164 days to the Contract. (Explanatory documents include a staff report, resolution, modification and financial plan.)

RESOLUTION 181218-159

(10.7) Making environmental review findings and approving Amendment No. 3 to Contract CS-149, with Central Subway Partnership, a joint venture of AECOM and EPC Consultants for Professional Program Management and Construction Management Services for the Central Subway Project, to extend the term of the contract from April 6, 2019 to April 5, 2021, with no change to the contract amount. (Explanatory documents include a staff report, resolution, modification and environmental review documents.)

Director Eaken severed Items 10.4, 10.5, 10.6 and 10.7 to ask for information on cost overruns.

No public comment.

On motion to approve Items 10.4, 10.5, 10.6 and 10.7:

ADOPTED: AYES –Brinkman, Borden, Eaken, and Torres

ABSENT – Heinicke, Hsu and Rubke

RESOLUTION 181218-160

(10.8) Approving a correction to Resolution No. 181204-151, to approve Amendment No. 2 to Contract No. SFMTA-2011/12-30, As-Needed Specialized Engineering Services for SFMTA Rubber Tire Vehicle Projects with Jacobs Engineering Group, Inc., for an amount not to exceed \$2,250,000, and a total Contract amount not to exceed \$8,500,000. (Explanatory documents include a staff report and resolution.)

RESOLUTION 181218-161

(10.9) Authorizing the Director to provide incentive pay for SFMTA service critical operators who work on New Year's Eve 2019. (Explanatory documents include a staff report and resolution.)

RESOLUTION 181218-162

On motion to approve the Consent Calendar (Items 10.2 D, E and F, 10.4, 10.5, 10.6 and 10.7 severed):

ADOPTED: AYES –Brinkman, Borden, Eaken, and Torres

ABSENT – Heinicke, Hsu and Rubke

REGULAR CALENDAR

11. Presentation and discussion regarding the 2018 Muni Rider Survey. (Explanatory documents include a survey and slide presentation.)

Candace Sue, Division Director, Marketing and Communications, and Jon Canapary, Corey Canapary and Galanis Research presented the report.

Director Heinicke arrived.

PUBLIC COMMENT:

Herbert Weiner stated that he would have liked to have participated in the survey. The idea that travel time would be reduced if you walk longer distance between stops doesn't make sense because buses pass people by as they are walking. Mentally impaired people should be on transit and not driving. The SFMTA should survey people about how they feel about the elimination and alteration of bus stops and where riders live.

12. Adopting the FY 2019 – 2023 Capital Improvement Program totaling \$3 billion for approximately 267 projects within 11 programs, including transit reliability, street safety, state of good repair, facilities, taxi, system safety, and accessibility; and approving revisions to the FY 2019 and FY 2020 Capital Budget. (Explanatory documents include a staff report, resolution, program, budget and schedule.)

Leo Levenson, Director, Finance and Information Technology, and Timothy Manglicmot, Manager, Capital Procurement & Management Capital Finance, presented the item.

PUBLIC COMMENT:

Members of the public who expressed neither support nor opposition: Herbert Weiner

RESOLUTION 181218-163

On motion to approve:

ADOPTED: AYES –Brinkman, Borden, Eaken, Heinicke, and Torres

ABSENT – Hsu and Rubke

13. Approving Policy Guidelines for restricting overnight parking of oversized vehicles on San Francisco streets. (Explanatory documents include a staff report, guidelines and resolution.)

Andy Thornley, Senior Project Analyst, Sustainable Streets Division, presented the item and asked that the Board strike footnote six in the staff report.

PUBLIC COMMENT:

Members of the public expressing opposition: Mike Lee, Elle Figueroa, Melodie, and Kelley Cutler

RESOLUTION 181218-164

On motion to approve:

ADOPTED: AYES – Brinkman, Borden, Eaken, Heinicke, and Torres

ABSENT – Hsu and Rubke

14. Approving the SFMTA’s 2019 Legislative Program. (Explanatory documents include a staff report, program and resolution.)

Kate Breen, Director of Government Affairs, presented the item.

No public comment.

RESOLUTION 181218-165

On motion to approve:

ADOPTED: AYES – Brinkman, Borden, Eaken, Heinicke, and Torres

ABSENT – Hsu and Rubke

15. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to invoke the attorney-client privilege and conduct a closed session conference with legal counsel.

On motion to invoke the attorney-client privilege: unanimously approved (Hsu, Rubke-absent).

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Brinkman called the closed session to order at 4:48 p.m.

2. Roll Call

Present: Cheryl Brinkman
Gwyneth Borden
Amanda Eaken
Malcolm Heinicke
Art Torres

Absent: Cristina Rubke – with notification
Lee Hsu – with notification

Also present: Ed Reiskin, Director of Transportation
Caroline Celaya, Manager, Public Records Requests
Susan Cleveland-Knowles, Deputy City Attorney
Julie Kirschbaum, acting Director, Transit

3. Pursuant to Government Code Section 54956.9(d)(1) and the Administrative Code Section 67.8 (a)(3), the Municipal Transportation Agency Board of Directors will meet in Closed Session to discuss and take action on attorney-client matters on the following:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

Terry Schenk vs. CCSF, Superior Ct. #CGC17558562 filed on 5/2/17 for \$250,000

This item was removed from the agenda at the request of the City Attorney's office.

Laila Mudawar vs. CCSF, Superior Ct. #CGC18565275 filed on 3/26/18 for \$375,000

RESOLUTION 181218-166

On motion to approve:

ADOPTED: AYES –Brinkman, Borden, Eaken, Heinicke, and Torres

ABSENT – Hsu and Rubke

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 4:50 p.m.

16. Announcement of Closed Session.

Chairman Brinkman announced that the SFMTA Board of Directors met in closed session to discuss litigation with the City Attorney. The Shenck case was not discussed. The Board voted unanimously to approve the Mudawar case (Hsu, Rubke-absent).

17. Motion to disclose or not disclose the information discussed in closed session.

On motion to not disclose the information discussed: unanimously approved (Hsu, Rubke-absent).

ADJOURN – The meeting was adjourned at 4:53 p.m.

A recording of the meeting is on file in the office of the Secretary to the San Francisco Municipal Transportation Agency Board of Directors.

Roberta Boomer

Roberta Boomer
Secretary, SFMTA Board of Directors

California Environmental Quality Act (CEQA) Appeal Rights under S.F. Admin. Code Chapter 31: For identified Approval Actions, the Planning Department or the SFMTA has issued a CEQA exemption determination or negative declaration, which may be viewed online at the Planning Department's website. Following approval of the item by the SFMTA Board, the CEQA determination is subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16 which is typically within 30 calendar days. For information on filing a CEQA appeal, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or submitted in writing to the City prior to or at such hearing, or as part of the appeal hearing process on the CEQA decision.

Board of Supervisors review of certain SFMTA Decisions: Certain parking and traffic modifications as well as Private Transportation Programs that involve certain parking modifications can be reviewed by the Board of Supervisors. These decisions are subject to review within 30 calendar days after they are made by the SFMTA Board of Directors. For information on requesting a review, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, call (415) 554-5184. Ordinance No. 127-18 specifying which SFMTA decisions are reviewable by the Board of Supervisors can be accessed on-line: <https://sfbos.org/sites/default/files/o0127-18.pdf>.

The Ethics Commission of the City and County of San Francisco has asked us to remind individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [S.F. Campaign and Governmental Conduct Code section 2.100 et seq.] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 415.581.2300; fax: 415.581.2317; 25 Van Ness Avenue, Suite 220, SF, CA 94102-6027 or the web site: sfgov.org/ethics.