



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

MINUTES

Tuesday, February 18, 2020
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

**REGULAR MEETING AND CLOSED SESSION
1 P.M.**

SFMTA BOARD OF DIRECTORS

Malcolm Heinicke, Chair
Gwyneth Borden, Vice Chair
Cheryl Brinkman
Amanda Eaken
Steve Heminger
Cristina Rubke
Art Torres

Jeffrey Tumlin
DIRECTOR OF TRANSPORTATION

Roberta Boomer
SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chair Heinicke called the meeting to order at 1:00 p.m.

2. Roll Call

Present: Gwyneth Borden
Cheryl Brinkman
Amanda Eaken
Malcolm Heinicke
Steve Heminger
Cristina Rubke
Art Torres

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

Board Secretary Boomer announced that the ringing and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. The Chair may order the removal from the meeting room of any person responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

4. Approval of Minutes

No public comment.

On motion to approve the minutes of the February 4, 2020 Regular Meeting: unanimously approved.

5. Communications

None.

6. Introduction of New or Unfinished Business by Board Members

None.

7. Director's Report (For discussion only)

-Ongoing Activities

Jeff Tumlin, Director of Transportation, discussed a congressional hearing on autonomous vehicles; Muni service improvements; celebrating African American History Month; all-staff conference call; and Church St. Station elevator upgrade

No public comment.

8. Citizens' Advisory Council Report

Daniel Weaver, Chairman, Citizen's Advisory Council, presented the CAC's recommendation to approve the Bayview Community Based Transportation Plan and commended staff for the budget presentation.

9. Public Comment

John Parr discussed the decrease in riders on Muni. One main reason is that the system is not safe. His wife prefers to take Uber. There is an unsafe situation in the outer Sunset for over 105 years. He has met with members of the Board of Supervisors and the Mayor's office. It's time for the Board to reactivate the Muni Forward proposal. He requested a budget allocation for a 21st century light rail system.

Harold Findley talked about being hit by a car while on foot, while on a bike, and by a car driver who got out of his car. City streets tell drivers they are more important than anybody else and that car drivers can ignore the rules. This is an anti-social environment that shouldn't be perpetuated.

Roan Kattouw discussed cars parked on the sidewalk and a judgment by a Parking Control Officer (PCO) who thought there was enough room for a pedestrian to pass the car.

Michael Kochera asked the Board to think about ethical considerations when it comes to cancelling the medallion loan program. He has spoken with cab drivers. The industry is close to moribund. Few medallions have been sold.

Mr. Abraham discussed the "shop around" program. It was free at first but is not free any longer. He asked the Board to reconsider the program. All seniors and people with disabilities aren't created equal. He suggested linking the fee for using the service to the "Free Muni" program. The bus became a community for riders.

Brigette LeBlanc discussed the Chase Center. On game nights, there needs to be more trains that go beyond the Chase Center. Other people need to get home, to school, and to work.

Janice Li discussed the 7 Haight line. She is excited that there will be articulated buses on the line. The outer Sunset includes many seniors so this is huge for them. The signage telling people about the change was great. The symbols clearly articulated the change.

Itzel Estrada asked the Board to reconsider fare increases for youth, seniors, and low-income people. She hopes they won't go forward.

Herbert Weiner protested transportation service at the airport. He had a late flight but there was no shuttle service so he had to take a taxi. There are no background checks for Uber or Lyft drivers. There

should be service at all hours of the night for people arriving on late flights. The SFMTA owes it to the public to make sure there is adequate service from the airport.

Ejaz Ahmed discussed driving a taxi. He has been punished by the SFMTA. He demands a refund for the money he put into a medallion. The SFMTA had a deficit that they filled by taking money from taxi drivers. All the business has gone elsewhere.

Maung Aung discussed driving a taxi. It is a difficult time for a taxi driver. They want their money back. His family is having a hard time. The SFMTA should show some kindness to drivers who have driven for decades. They need help.

Syed Mohsih discussed medallions. Everybody is changing their lifestyle. Taxi drivers are in a deep hole and can't meet their expenses. They've only gotten access to a taxi lane and no renewal fees but their expenses haven't been reduced. It's time the SFMTA does something.

Matt Sutter stated that cab drivers were given promises that should the medallion program fail, they would get their money back. That hasn't happened. What's going on is a crime. This program was not in the favor of a taxi driver. Other cities have implemented "buy back" programs. It's upsetting.

Ali Ashghan discussed taxi medallions. Ms. Hayashi had no backup plan for the medallion program if it failed. This was a promise. The SFMTA needs to buy the medallions back. Taxi drivers are suffering after working 12-16 hours a day.

Al Lab discussed driving a taxicab. He feels like he is in his grave because of the dirt that is being dumped on him. Taxi drivers beg the SFMTA to fix the system as taxi drivers are suffering. Taxi drivers served the city for decades but they are barely making money to pay the banks.

Admasu Zeleke bought a medallion but it's just a worthless piece of paper. He can't pay the bank and rent. He is being hurt. He has been working hard and is just getting kicked. The system doesn't work now.

Howard Strassner agreed with the comment about cars parking on the sidewalk. The SFMTA needs to take control of parking. The TNCs finessed state legislators. The City has to regain control of the situation. The new buses work well.

Namdev Sharma said that the taxi business is being looted. Uber and Lyft don't care about drivers. The SFMTA should accept its' mistake when it sold medallions. Taxi drivers are ready to quit and commit suicide. Uber and Lyft should be banned at the airport.

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. Robert Bergesen and Rigoberto Hernandez vs. CCSF, CityLaw#191267 filed on 11/29/17 for \$3,792.79
- B. Chau Fong Chung vs. CCSF, Superior Ct. #CGC19573795 filed on 12/21/19 for \$7,500
- C. Markel Services vs. CCSF, Superior Ct. #CGC17563270 filed on 12/21/19 for \$22,500
- D. Kiet Qui Truong vs. CCSF, Superior Ct. #CGC19574122 filed on 2/27/19 for \$25,000
(Explanatory documents include a resolution.)

RESOLUTION 200218-013

(10.2) Authorizing the Director to execute Contract No. 2019-59, Zero Emission Facility and Fleet Transition Plan, with WSP USA, for an in-depth facility and fleet assessment to support the SFMTA's facility and operational transition to a zero-emission battery electric bus fleet, in an amount not to exceed \$2,200,000, and for a term of two years with two one-year options to extend the contract. (Explanatory documents include a staff report, contract and resolution.)

RESOLUTION 200218-014

(10.3) Authorizing the Director to execute unilateral Modification No. 9 to Contract No. 1289, Van Ness Corridor Transit Improvement Project, with Walsh Construction Company for additional sewer and roadway work, by increasing the contract amount by \$633,003.16, for a total contract amount not to exceed \$215,448,179.80, with no time extension and making environmental review findings. (Explanatory documents include a staff report, modification and resolution.)

RESOLUTION 200218-015

(10.4) Appointing Steve Heminger, Director, SFMTA Board of Directors to serve as a director on the Peninsula Corridor Joint Powers Board of Directors, effective March 1, 2020. (Explanatory documents include a staff report, and resolution.)

RESOLUTION 200218-016

(10.5) Consenting to the Potrero Power Station Mixed-Use Project Development Agreement, authorizing the Director of Transportation to execute the SFMTA’s Consent to the Development Agreement and making environmental review findings. (Explanatory documents include a staff report, agreement, environmental documents and resolution.)

RESOLUTION 200218-017

No public comment.

On motion to approve the Consent Calendar:

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

REGULAR CALENDAR

11. Adopting the Bayview Community Based Transportation Plan. (Explanatory documents include a calendar item, plan, and resolution.)

Sarah Jones, Director of Planning, Christopher Kidd, Project Manager, and Arielle Ward, Project Planner presented the item.

PUBLIC COMMENT:

Members of the public expressing support: Janice Li, Brigitte LeBlanc, and Howard Strassner.

RESOLUTION 200218-018

On motion to approve:

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

12. Presentation and discussion regarding the Fiscal Year 2021 and FY 2022 operating budget including discussion on fare policy and pricing and possible modifications to various fares. (Explanatory documents include a staff report, indexing plan, fare policies and comparison.)

Leo Levenson, Director, Finance and Information Technology, presented the item.

PUBLIC COMMENT:

Roan Kattouw urged the Board to not raise fares and to look for revenue in other places. Staff will recommend the extension of parking meter hours. The Agency should target people who have the most money to give, not those who ride the bus. The “Free Muni” program should apply to all youth. The State of California will likely force you to do it.

Isabel Tayag expressed opposition to Muni fare increases. There are different standards for what is considered low income in San Francisco. Many people don't qualify for the lifeline pass. She asked that the Board suspend the index policy and stop the fare increases.

Ian Wilson expressed opposition to fare increases. People are already struggling to afford to live in San Francisco. In the midst of a climate crisis, the City can't afford to disincentivize public transit. She urged consideration of other options to raise revenue such as parking meter hours.

Alyssa Daulat stated that she is opposed to Muni fare increases. She relies on Muni to get to work and school. Other students struggle to use Muni services. San Francisco is one of the most expensive cities in the United States. A fare increase would put an additional burden on low-income families. There has been no change to quality of service as buses are late and some communities aren't served. The needs of the community must be prioritized.

Lian Ladia is opposed to the proposed increase to Muni fares. The SFMTA needs to check in with Muni riders first. A majority of people surveyed by SOMCAM oppose a fare increase. He suggested increasing the fare for corporate shuttles. She reminded the Board about the 1973 Transit First policy. By increasing the price of Muni, public transit isn't being encouraged. Uber and Lyft aren't viable. Muni has doubled its' price but service is still poor. Many working-class families can't afford a fare increase.

Herbert Weiner stated that higher bus fares and less ridership can be counted on. If you raise fares, there will be more evasion. This is unfair. Other cities have greater quality of service and less fares. This is throwing it on the backs of people who can't afford it. This is a terrible insult. Fare increases should be contingent on better service. There should be higher reliability of service. The service now is dismal.

Cat Carter stated that Muni fares are an unfair burden. Fares are going up faster than inflation. She would like to see who the fare programs are reaching and how people can afford Muni. The SFMTA is down \$50m a year in fare revenue. She urged the Board to freeze fares now rather than hurt riders who are helping the environment by riding Muni.

PJ Eugenio urged a stop to Muni fare increases. As the cost of living increases, it's unacceptable that the working class and students are burdened. There needs to be an equitable transportation budget that puts transit riders first.

Angelica Cabande presented hundreds of postcards from riders who are opposed to fare increases. City departments always find a way to fund their priorities. The townhall scheduled for March should have been held in January. She asked the Board to prioritize transit riders. People hop on buses because they can't afford it.

Gene Alejo stated that he has seen many changes in public transportation but no improvements. Fare increases have been almost yearly. He doesn't see the logic of improved service with increased fares.

He's seen better service in other countries with much lower fares. He urged the Board not to increase fares for single rides or monthly passes.

Enrique Santos stated that he takes Muni every day. His money goes to books and school and he can't afford Muni. His parents work two jobs and his brothers help pay for rent.

Christopher Pederson hopes the SFMTA can avoid fare increases and can expand opportunities for youth and low-income households. He hasn't seen any information about the effects of fare increases on service and fare evasion. The Agency should focus in other areas such as reviving parking meters in the evenings and considering congestion fees or expanding the parking tax. There are other revenue options.

Raymond Castillo expressed opposition to fare increases. He read comments from the SOMCAM survey about fare increases. People can't afford to live in San Francisco and shouldn't be burdened more. People try to take Muni to do the right thing for the environment. People believe in public transportation. It's a clean form of transportation. It's already expensive to take public transit. It's unjustifiable to put more burden.

Howard Strassner stated that automatic fare increase should be done. There are people of means who ride Muni who don't need a fare cut. There has to be congestion fees and charging for parking in the evenings and on Sunday. The Agency should commit all new funding from parking to reducing fares for people who need it.

Alexander Teirji supports SOMCAM's proposal to oppose fare increases. It's difficult to enroll in the "Free Muni" programs. Some families can't afford the reduced fares. He asked the Board to not raise fares and put future fare increases on hold until the Agency can find a funding source such as congestion pricing or parking meter hours.

Virginia Easlas stated that it's cynical to be at the meeting on a Tuesday afternoon discussing something that will affect 100% of the ridership. She expressed hope that future meetings could be in the evening so the Board could hear from actual riders. The current system isn't safe. Now isn't the time for a fare increase. She asked what the SFMTA is doing about large tech companies who are using Muni stops for their transportation purposes.

Roger Marengo stated that people should sound off and be heard. When the agency is suffering from a lack of operators and equipment, fare increases is one of the last things that the SFMTA should be entertaining. The Agency should be encouraging people to ride. Raising fares would be a deterrent. Providing safer and cleaner buses would compel people to ride Muni.

The Board took a short recess.

13. Adopting the SFMTA's Curb Management Strategy. (Explanatory documents include a calendar item, strategy, and resolution.)

Ted Graff, Manager, Curb Management; Alex Jonlin, Planner, and Francesca Napolitan, Manager, Curb Access Management presented the item.

PUBLIC COMMENT:

Members of the public expressing support: Cat Carter, Kelly Obranowitz, Howard Strassner

Members of the public expressing opposition: Herbert Weiner

Members of the public expressing neither support nor opposition: Michael Pappas

RESOLUTION 200218-019

On motion to approve:

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

14. Authorizing the City Traffic Engineer to install tow-away zones and add, remove, modify, or lengthen bus zones on eight Muni Forward corridors and ten Transit Delay Hot Spot segments, based upon a determination of public convenience and necessity including, but not limited to, the alleviation of traffic congestion and public safety. (Explanatory documents include a staff report, resolution and map.)

Sean Kennedy, Manager, Service Planning, presented the item.

PUBLIC COMMENT:

Members of the public expressing support: Roan Kattouw, Cat Carter, and Christopher Pederson

Members of the public expressing opposition: Herbert Weiner

RESOLUTION 200218-020

On motion to approve:

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

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.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chair Heinicke called the closed session to order at 5:16 p.m.

2. Roll Call

Present: Gwyneth Borden
Cheryl Brinkman
Amanda Eaken
Malcolm Heinicke
Steve Heminger
Cristina Rubke
Art Torres

Also present: Jeffrey Tumlin, Director of Transportation
Roberta Boomer, Board Secretary
John Kennedy, Deputy City Attorney
Rob Stone, Deputy City Attorney
Ron Flynn, Chief Deputy City Attorney
Randy Parent, Deputy City Attorney
Julie Kirschbaum, 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:

A. Susan Dwyer vs. CCSF, Superior Ct. #CGC18566621 filed on 5/17/18 for \$163,075

RESOLUTION 200218-021

On motion to approve:

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

B. Ching Szeto vs. CCSF, Superior Ct. #CGC19576245 filed on 5/24/19 for \$550,000

RESOLUTION 200218-022

On motion to approve:

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

Director Torres left the meeting.

4. Pursuant to Government Code Sections 54956.9 (d) (2), and Administrative Code Section 67.10 (d) (2), the Municipal Transportation Agency Board of Directors will meet in closed session to discuss attorney-client matters in the following case(s):

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

 1 As defendant or 1 As plaintiff

Also Present: Tom Maguire, Director, Sustainable Streets
Nadeem Tahir, Program Director, Central Subway Project
Leo Levenson, Director, Finance and Information Technology
Carli Paine, acting Chief of Staff

Director Eaken left the meeting.

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 5:55 p.m.

16. Announcement of Closed Session.

Chair Heinicke announced that the SFMTA Board of Directors met in closed session to discuss the cases with the City Attorney. The Board of Directors voted to settle the Dwyer and Szeto cases. The Board also discussed anticipated litigation but took no action.

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

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

18. Approving Unilateral Modification No. 125 to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems to compensate Tutor Perini Corporation for direct and indirect costs resulting from the additional work described in the Contract Modification No 125, which was required by differing site conditions and City-directed design changes, which increase the contract value by \$18,995,027.44, with no change to contract time and making environmental review findings. (Explanatory documents include a staff report, modification, environmental documents and resolution.)

No public comment.

On motion to amend the resolution to receive a report on the estimated cost to complete the project by March 17, 2020:

ADOPTED: AYES – Borden, Brinkman, Eaken, Heinicke, Heminger, and Rubke

ABSENT – Eaken and Torres

RESOLUTION 200218-023

On motion to approve as amended:

ADOPTED: AYES – Borden, Brinkman, Eaken, Heinicke, Heminger, and Rubke

ABSENT - Torres

19. Delegating an additional \$30,000,000 in authority to the Director to execute contract modifications to Contract No. 1300, Third Street Light Rail Program Phase 2 - Central Subway Stations, Surface, Track and Systems with Tutor Perini Corporation for the construction of Central Subway Stations, Trackway and Systems, and authorizing the Director to re-delegate to Resident Engineers the authority to approve contract modifications up to \$50,000, with all re-delegated contract approvals not to exceed a total of \$5,000,000. (Explanatory documents include a staff report and resolution.)

No public comment.

RESOLUTION 200218-024

On motion to approve:

ADOPTED: AYES – Borden, Brinkman, Heinicke, Heminger, and Rubke

ABSENT – Eaken and Torres

ADJOURN - The meeting was adjourned at 5:58 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
Board Secretary

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.