

THIS PRINT COVERS CALENDAR ITEM NO.: 10.4

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Amending Transportation Code, Division II, section 301 to clarify the process for updating SFMTA base fees and fines.

SUMMARY:

- In March 2024, the SFMTA Board of Directors amended the Transportation Code to establish the agency's base fees and fines and implement automatic indexing.
- Under the current process, updates to SFMTA base fees and fines are done by amending the Transportation Code, with the fees and fines published in the "SFMTA Fee and Fine Schedule," available on the SFMTA website.
- The proposed amendment to Section 301 would streamline the process for updating the agency's base fees and fines by clarifying that updates may be effectuated by simple SFMTA Board Resolution and updated in the online SFMTA Fee and Fine Schedule.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code Amendment

APPROVALS:

DIRECTOR  _____

SECRETARY  _____

DATE

January 16, 2025

January 15, 2025

ASSIGNED SFMTAB CALENDAR DATE: January 21, 2025

PAGE 2.

PURPOSE

Amending Transportation Code, Division II, section 301 to clarify the process for updating SFMTA base fees and fines.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This item supports the following Strategic Plan Goal:

Goal 10: Position the agency for financial success.

This item supports the following Transit First Policy Principles:

None

DESCRIPTION

In March 2024, the SFMTA Board of Directors amended Transportation Code, Division II, Article 300 to establish the agency's base fees and fines, implement automatic indexing, consolidate sections, and make other technical changes (Res. No. 240319-028). That amendment also provided that SFMTA fees and fines be published on its website as the "SFMTA Fee and Fine Schedule," and that, in place of publishing a single time in the newspaper, the SFMTA Fee and Fine Schedule, be updated with new base fees, modifications, and/or deletions of existing base fees with reference to the applicable SFMTA Board resolution number adopting the change.

The proposed amendment to Section 301 would streamline the process for updating the agency's base fees and fines by clarifying that updates may be effectuated by simple SFMTA Board Resolution and updated in the online SFMTA Fee and Fine Schedule. Under the current Section 301 of the Transportation Code, updates to SFMTA base fees and fines are effectuated by code amendment. The proposed amendment to Section 301 would streamline the process for updating the agency's base fees and fines by clarifying that updates to base fees and fines may be effectuated by simple SFMTA Board Resolution, following the publishing requirements currently specified in the Transportation Code.

STAKEHOLDER ENGAGEMENT

None. This is an administrative change.

ALTERNATIVES CONSIDERED

The SFMTA evaluated continuing the process of approving fee and fine changes by amending the Transportation Code, however, it was determined that the option to approve through simple

PAGE 3.

Resolution would reduce the administrative burden and streamline the process.

FINANCIAL IMPACT

None.

ENVIRONMENTAL REVIEW

On December 19, 2024, the SFMTA, under authority delegated by the Planning Department, determined that amending Transportation Code, Division II, section 301 to clarify the process for updating SFMTA base fees and fines 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 report.

No additional approval required.

RECOMMENDATION

SFMTA staff recommend that the SFMTA Board of Directors amend Transportation Code, Division II, section 301 to clarify the process for updating SFMTA base fees and fines.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, Under the current Transportation Code, Division II, Article 301, updates to SFMTA base fees and fines require a code amendment to go into effect; and,

WHEREAS, Staff recommends that the SFMTA Board of Directors amend Article 301 to streamline the process for updating the agency's base fees and fines by clarifying that updates to base fees and fines may be effectuated by simple SFMTA Board Resolution, following the publishing requirements currently specified in Article 300; and,

WHEREAS, On December 19, 2024, the SFMTA, under authority delegated by the Planning Department, determined that amending Transportation Code, Division II, section 301 to clarify the process for updating SFMTA base fees and fines is not a "project" under the California Environmental Quality Act (CEQA) pursuant Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

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; now, therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, section 301 to clarify the process for updating SFMTA base fees and fines.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code – Base Fees and Fines Updates]

Resolution amending Division II of the Transportation Code to clarify the process for updating SFMTA base fees and fines.

NOTE: **Additions** are in *single-underline italics Times New Roman font*.
Deletions are in *strike-through italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Article 300 of Division II of the Transportation Code is hereby amended by revising Section 301 to read as follows:

SEC. 301. FINES AND FEES, AUTOMATIC INDEXING, LATE PAYMENT; SPECIAL COLLECTIONS.

* * * *

(b) Base Fees and Fines, Automatic Index.

(1) **Base Fee or Fine.** The base fee or fine to be charged and collected by the SFMTA shall be the fees and fines in effect as of March 19, 2024, effective for Fiscal Year 2023-2024, as provided in SFMTA Board Resolution 240319-028 Section 3; *and as updated by subsequent SFMTA Board Resolutions and published as described in subsection (b)(3) amended April 16, 2024 in SFMTA Board Resolution 240416-043; and as further amended May 21, 2024 to establish fees for violations of Vehicle Code 22511.1 pursuant to Vehicle Code 42001.6, and to establish those fees as the base fee for purposes of enforcing Vehicle Code 22511.1 effective for fiscal year 2023-2024*

~~as set forth in Section 3 of SFMTA Board Resolution No. _____ on file with the Secretary to the SFMTA Board.~~

* * * *

(3) **Publication.** The SFMTA shall publish the base fees and fines, additional penalty assessments mandated by the State of California, and annual adjustments made using the Automatic Index in subsection (b)(2)(A) on its website as the “SFMTA Fee and Fine Schedule” and shall update it annually by June 1, with any changes effective July 1. The SFMTA shall indicate which fees and fines are not subject to the Automatic Index. The SFMTA shall also make the SFMTA Fee and Fine Schedule available upon request at the main office of the SFMTA. If the SFMTA Board adopts by resolution a new base fee or fine, or modifies or deletes an existing base fee or fine, the new or modified fee or fine shall be included on the SFMTA Fee and Fine Schedule together with the applicable resolution number.

* * * *

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 A. 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 January 21, 2025.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency