



SFMTA
Municipal
Transportation
Agency

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

MINUTES

Tuesday, February 2, 2016
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

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

SFMTA BOARD OF DIRECTORS

Tom Nolan, Chairman
Cheryl Brinkman, Vice Chairman
Gwyneth Borden
Malcolm Heinicke
Joél Ramos
Cristina Rubke

Edward D. Reiskin
DIRECTOR OF TRANSPORTATION

Roberta Boomer
SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 1:02 p.m.

2. Roll Call

Present: Cheryl Brinkman
Gwyneth Borden
Malcolm Heinicke – absent at Roll Call
Tom Nolan
Joél Ramos
Cristina Rubke

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

Chairman Nolan announced that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at the meeting. He 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. He 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

On motion to approve the January 19, 2016 Regular Meeting: unanimously approved (Heinicke-absent).

On motion to approve the January 26, 2016 Special Meeting: unanimously approved (Heinicke-absent).

5. Communications

Board Secretary Boomer stated that there would be no discussion of anticipated litigation in closed session.

6. Introduction of New or Unfinished Business by Board Members

None.

7. Director’s Report (For discussion only)

- Special Recognition Award
- Ongoing Activities

Director Heinicke arrived.

Tom Maguire, Director, Sustainable Streets Division, recognized Cheryl Garrison and Taryn Washington, Transit Fare Inspectors, Security, Investigations and Enforcement. Sonali Bose, Director, Finance, Information and Technology Division recognized Peter Tran, Assistant Materials Coordinator, Materials Management. John Haley, Director, Transit Services recognized Doug Lee, Electrical Transit Shop Supervisor, Gary Chang, Engineer and George Louie, Electrical Transit Mechanic Supervisor.

Director Reiskin also discussed Superbowl 50 transit and traffic planning and impacts, new uniforms for transit operators, crime on Muni, the Balboa Park Station Area and Plaza Improvements project, the Radio Replacement and Bluelight Emergency Phone project and the Sunset Tunnel Trackway Improvement project.

PUBLIC COMMENT:

Herbert Weiner stated that the SFMTA shouldn't have spent a dime on Superbowl 50. It contributes to the budget shortfall.

8. Citizens' Advisory Council Report

No report.

9. Public Comment

Herbert Weiner expressed concern about the rerouting of the 22 Fillmore and wondered if it was a back channel for changes to the 33 Ashbury so that it doesn't end at San Francisco General Hospital. Many people take the 33 to go to SF General. The SFMTA can't rob people of a vital service. SF General is a major service center and the 33 shouldn't be curtailed from running to it. He wants to see it addressed as it could be potentially life threatening.

Carl Macmurdo stated that two medallion holders passed away in the last week. Under current regulations, their widows and heirs now get nothing. It seems materially unfair because of the stagnation of the current list due to the number of TNC's on city streets. He urged the Board to talk to Taxi Services to provide for people who have been on the surrender list, so that their heirs receive the benefit. He also discussed a conversion policy for pre and post K medallion holders. It should be amended.

Patrick Monette-Shaw expressed concern about the 33 Ashbury. There has been some talk about moving the dialysis unit to Laguna Honda Hospital. He doesn't want it to be moved because it would have fractured patient care. Patients would be burdened with getting back and forth from various facilities. He urged consideration of maintaining the 33 Ashbury as a social justice issue for people with disabilities. It would help protect the elderly and disabled. The 33 should continue to operate "as is."

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. Derrick Green vs. CCSF, Superior Ct. #CGC12526006 filed on 11/9/12 for \$4,500 (City to receive)
- B. Thai Dang vs. CCSF, Superior Ct. #CGC14541071 filed on 8/11/14 for \$5,500
- C. Adam Alamano vs. CCSF, Superior Ct. #CGC15543586 filed on 1/9/15 for \$89,809.20

RESOLUTION 16-015

(10.2) Approving the following traffic modifications:

- A. ESTABLISH – BLUE ZONE AND ADJACENT RED ZONE – “1799” Palou Avenue, south side, from 0 feet to 22 feet (blue) and from 22 feet to 36 feet (red) east of the west unmarked crosswalk at Phelps Street.
- B. ESTABLISH – LEFT LANE MUST TURN LEFT – Union St, westbound, at Van Ness Ave.
- C. ESTABLISH – 4 HOUR TIME LIMIT, 8 AM TO 8 PM, EVERYDAY – Montana Street, south side, between Capitol Avenue and Plymouth Avenue; and Lobos Street, north side, between Capitol Avenue and Plymouth Avenue.
- D. ESTABLISH – TOW-AWAY, NO PARKING ANYTIME – Folsom Street, north side, from Bernal Heights Boulevard to 261 feet westerly; and Folsom Street, south side, from Bernal Heights Boulevard to 327 feet westerly.
- E. ESTABLISH – NO LEFT TURN – Geneva Avenue, westbound, at Cayuga Avenue.
- F. ESTABLISH – TOW-AWAY NO STOPPING, 7 AM TO 11 AM, MONDAY THROUGH FRIDAY – California St, south side, from 6 feet east of Sansome Street to 30 feet easterly.
- G. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Potrero Avenue, east side, from 90 feet to 120 feet north of 16th Street.
- H. ESTABLISH – STOP SIGN – Yukon Street, northbound, at Caselli Avenue.
- I. ESTABLISH – STOP SIGN – Randall Street, westbound, at Harper Street.
- J. ESTABLISH – STOP SIGN – 20th Street, westbound, at Indiana Street.
- K. ESTABLISH – STOP SIGN – Rudden Avenue, westbound, at Delano Avenue.
- L. ESTABLISH – STOP SIGN – 40th Avenue, northbound, at Clement Street.

- M. ESTABLISH – STOP SIGN – Blake Street, southbound, at Anza Street.
- N. ESTABLISH – STOP SIGNS – Chester Ave, northbound and southbound, at Randolph St.
- O. RESCIND – YELLOW METERED ZONE – ESTABLISH – TOW AWAY, NO STOPPING ANYTIME – Grant Avenue, east side, from 8 feet to 66 feet north of Post St.
- P. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Diamond Heights Boulevard, east side, from Arbor Street to 70 feet northerly; and Diamond Heights Boulevard, west side, from Arbor Street north curb line to Arbor Street south curb line.
- Q. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Main Street, east side, from 118 feet to 258 feet north of Bryant Street.
- R. ESTABLISH – PART-TIME BUS ZONE – ESTABLISH – TOW-AWAY NO STOPPING, 6 AM TO 10 AM, MONDAY THROUGH FRIDAY – Beach Street, south side, from Divisadero Street to 106 feet easterly.
- S. ESTABLISH – STOP SIGN – Ringold Street, westbound, at 9th Street.
- T. ESTABLISH – TOW-AWAY, NO STOPPING ANYTIME – Jackson St, south side, from Kearny St to 21 feet westerly; and Bush St, south side, from Kearny St to 20 feet easterly.
- U. ESTABLISH – NO PARKING ANYTIME – Kirkham Street, south side, from 6th Avenue to 22 feet easterly; Judah Street, south side, from 6th Avenue to 35 feet westerly; and Judah Street, north side, from 6th Avenue to 35 feet easterly.
- V. RESCIND – BUS ZONE – Judah Street, south side, from 7th Avenue to 75 feet westerly; and Judah Street, north side, from 7th Avenue to 75 feet westerly.
- W. RESCIND – BUS FLAG STOP – Judah Street, south side, west of 5th Avenue.
- X. ESTABLISH – BUS FLAG STOP – Judah Street, south side, west of 6th Avenue.
- Y. ESTABLISH – RED ZONE – Anzavista Avenue, west side, from Vega Street to 25 feet northerly. (Explanatory documents include a staff report and resolution. All of the proposed actions listed above are Approval Actions as defined by S.F. Administrative Code Chapter 31.)

RESOLUTION 16-016

(10.3) Approving parking and traffic modifications to install bicycle lanes on Ocean Avenue from Sunset Boulevard to 19th Avenue as follows:

- A. ESTABLISH - CLASS II BIKE FACILITY (BICYCLE LANES) – Ocean Avenue, eastbound and westbound, from Sunset Boulevard to 19th Avenue;
- B. ESTABLISH - NO PARKING ANYTIME – Ocean Avenue, north side, from Sunset Boulevard to Gellert Drive. (Explanatory documents include a staff report and resolution. All of the proposed actions listed above are Approval Actions as defined by S.F. Administrative Code Chapter 31.)

RESOLUTION 16-017

On motion to approve the Consent Calendar:

ADOPTED: AYES – Borden, Brinkman, Heinicke, Nolan, Ramos and Rubke

REGULAR CALENDAR

11. Presentation and discussion regarding environmental review responsibilities of the SFMTA. (Explanatory documents include a slide presentation. Fulfills Charter Section 8A.102(c)(3) training requirements.)

Audrey Pearson, Deputy City Attorney, Kenya Wheeler, Manager, Environmental Review Team and Viktoriya Wise, Chief of Staff, Sustainable Streets, presented the item.

PUBLIC COMMENT:

Herbert Weiner expressed concern that sometimes Environmental Impact Reports are weighted and before the final decision is made, they should be subjected to a public hearing. It's necessary that there be feedback from the public. He wondered if medical reports could be part of any environmental impact report. For some time, Mr. Weiner has been insisting that when people have to walk ¼ mile to a bus stop, there is a medical impact.

Patrick Monette-Shaw commented that CEQA may require a review when there might be an impact or an indirect impact on the environment. With the Commuter Shuttle Pilot program, it may have been beneficial to the tech workers but it had an indirect impact on Muni riders. He stated that it was interesting to hear about the new State regulations that consider safety protections for vulnerable populations. He worries about breaking an ankle when he gets off a Muni vehicle and is afraid of having a non-healing fracture. When the Planning Commission considers speeding up San Francisco's CEQA review changes, it will focus on safety protections for vulnerable people. The SFMTA Board of Directors should work with the Planning Commission to incorporate those changes. (Mr. Monette-Shaw provided a 150-word written statement which is included below.)

Written 150-Word Public Testimony by Patrick Monette-Shaw for Minutes of SFMTA's Board of Directors February 2, 2016: **Agenda Item 11, Environmental Review Responsibilities of the SFMTA**

This presentation to SFMTA's Board appears to be a training presentation, which should have been presented to you long before you allowed SFMTA's Commuter Shuttle Pilot Program to begin without a CEQA EIR.

It's heartening to learn amendments to the State CEQA guidelines will have provisions indicating that when there "might be" environmental impacts or "indirect impacts to the physical environment," it may trigger requiring an EIR. This body should remember that while there may be "beneficial impacts" to the tech workers utilizing the Commercial Shuttle "Google buses," there's indirect impacts to disabled Muni passengers like me.

It's also good hearing the draft guidelines may require an EIR when there are concerns about safety protections for vulnerable pedestrians. I am one of those vulnerable pedestrians and a vulnerable Muni passenger. Please work with our Planning Commission to ensure San Francisco's CEQA revisions include safety protections for vulnerable pedestrians like me.

12. Presentation, discussion and possible action regarding the Commuter Shuttle Pilot Program. (Explanatory documents include a slide presentation)

Hank Wilson, Program Manager, Commuter Shuttle presented the item.

PUBLIC COMMENT:

Mark Gleason expressed concern about inequality and housing gentrification. His approach is to organize the drivers of those buses so workers enjoy a better “piece of the pie.” Hundreds of bus drivers are being brought into the middle class which is why the “labor harmony” piece is crucial. Without that, workers can’t enjoy the working conditions they need. He expressed appreciation to the SFMTA and the Board of Supervisors for recognizing the importance of “labor harmony.”

Patrick Monette-Shaw stated that Muni’s data shows that there were 70,000 stops in October 2015. Multiplied by 12 months, that’s 844,000 commuter shuttle bus stops for a 41% increase, that’s 346,000 additional stops. This is a total of 1.2 million shuttle bus stops, which if the SFMTA factors in the 2.7% of blocked Muni vehicles, that’s 32,000 blocked buses annually. That’s without doing a full environmental impact report and doesn’t include the free shuttle buses. Mr. Monette-Shaw provided photographic evidence at California and Van Ness showing how the shuttle buses were blocking Muni, forcing him to get off the bus in the middle of the street repeatedly. Shuttles stopping wherever they want have created a “wild west” that endangers the safety risks of vulnerable pedestrians. He urged the Board to consider reducing the number of zones, eliminating shuttles from using Muni red zones and consider having a single hub at the Transbay Terminal. (Mr. Monette-Shaw provided a 150-word written statement which is included below.)

Written 150-Word Public Testimony by Patrick Monette-Shaw for Minutes of SFMTA’s Board of Directors February 2, 2016: **Agenda Item 12, Commuter Shuttle Pilot Program Presentation**

I’m shocked Board Secretary Roberta Boomer just refused distributing my handouts to Board members. Executive Secretaries of various San Francisco Commissions routinely do, demonstrating Boomer is obdurate — inflexible, pigheaded, and heavy-handed.

The handout shows by SFMTA’s own analysis of Commuter Shuttle Pilot Project data, there were 70,356 shuttle stop-events in October 2015, which annualizes to 844,272 stops. Factoring in the projected 41% increase in stop-events adds another 346,152 commercial shuttles stopping in Muni red zones, bringing the total to **1.2 million Google bus stop-events annually**. Given SFMTA’s own data analysis that 2.7% of stop events block Muni buses, that’s 32,141 blocked Muni buses annually, **before** allowing “free” smaller shuttles to stop in red zones, too.

Before March 18, you must reconsider requiring a single “hub” at the Transbay Transportation Center, or alternatively, reducing the number of zones significantly and eliminating free shuttles using Muni red zones to protect vulnerable pedestrians.

Chairman Nolan stated that the Board wanted Mr. Reiskin and staff to continue to work with the Board of Supervisors and bring a revised program back to the SFMTA Board that included labor harmony.

13. Discussion and vote pursuant to Administrative Code Section 67.10(d) as to whether to conduct a closed session.

On motion to invoke the attorney-client privilege: unanimously approved.

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 3:13 p.m.

2. Roll Call

Present: Cheryl Brinkman
Gwyneth Borden
Malcolm Heinicke
Tom Nolan
Joél Ramos
Cristina Rubke

Also present: Ed Reiskin, Director of Transportation
Roberta Boomer, Board Secretary
Susan Cleveland-Knowles, Deputy City Attorney
Tom Maguire, Director, Sustainable Streets.

3. Pursuant to Government Code Section 54956.9 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 in the following case:

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

A. Kai Yuan vs. CCSF, Superior Ct. #CGC13536533 filed on 12/31/13 for \$175,000

RESOLUTION 16-018

On motion to approve:

ADOPTED: AYES – Borden, Brinkman, Heinicke, Nolan, Ramos and Rubke

B. Ying Zhang vs. CCSF, Superior Ct. #CGC14536903 filed on 1/21/14 for \$175,000

RESOLUTION 16-019

On motion to approve:

ADOPTED: AYES – Borden, Brinkman, Heinicke, Nolan, Ramos and Rubke

4. Pursuant to Government Code Sections 54956.9 (b), and Administrative Code Section 67.10 (b) (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:

 X As defendant or X As plaintiff

This item was removed from the agenda.

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 3:07 p.m.

14. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss the Kai Yuan vs. CCSF and Ying Zhang vs. CCSF cases with the City Attorney. The Board of Directors voted to settle the cases. There was no discussion of anticipated litigation.

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

On motion to not disclose the information discussed: unanimously approved.

ADJOURN - The meeting was adjourned at 3:09 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.

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.