

THIS PRINT COVERS CALENDAR ITEM NO. : 11

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Sustainable Streets

BRIEF DESCRIPTION:

Amend the Transportation Code, Division II, to continue the Commuter Shuttle Permit Program to allow commuter shuttle service providers to use designated Muni zones and white curb loading zones for passenger loading and unloading, increase administrative penalties for permit violations, make revisions to improve Program operation, and adopt an updated Commuter Shuttle Program Policy to govern the SFMTA's Commuter Shuttle Permit Program.

SUMMARY:

- For decades in San Francisco, shuttle buses have been used to transport users to or from jobs, schools or other facilities; the use of such shuttles has increased significantly in the past several years.
- The SFMTA approved a Commuter Shuttle Program in November, 2015 that established a permit program and fee to enable eligible shuttle service providers to use a network of designated Muni and white curb loading zones to load and unload passengers. The Program launched on April 1, 2016 and is currently set to expire on March 31, 2017.
- The SFMTA published a Mid-Year Status Report on the current Commuter Shuttle Program in October 2016, assessing the Program and suggesting further refinements.
- Making the Commuter Shuttle Permit Program permanent would enable the continued regulation of commuter shuttles.
- These amendments would increase the maximum administrative penalty for violation of permit conditions from \$250 per violation to \$500 per violation, and \$1000 for any further violations within a 12-month period.

ENCLOSURES:

1. SFMTAB Resolution
2. Transportation Code Division II Amendment
3. Commuter Shuttle Program Policy
4. Commuter Shuttle Program Mid-Year Status Report
<https://www.sfmta.com/sites/default/files/projects/2016/Commuter%20Shuttle%20Program%20Mid%20Term%20Status%20Report.pdf>
5. Map of commuter shuttle stop locations and Caltrans arterial street network
https://www.sfmta.com/sites/default/files/projects/2016/CommuterShuttlesMap_Final161121.pdf

APPROVALS:

DATE

DIRECTOR _____ 2/10/17

SECRETARY R. Boomer _____ 2/10/17

ASSIGNED SFMTAB CALENDAR DATE: February 21, 2017

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PURPOSE

The purpose of this item is to request that the SFMTA Board of Directors approve:

(1) Transportation Code amendments to continue the Commuter Shuttle Permit Program to allow permitted commuter shuttle service providers to use designated Muni zones and white curb loading zones for passenger loading and unloading, and (2) adoption of an updated Commuter Shuttle Program Policy to govern the SFMTA's management of the commuter shuttle permit program.

STRATEGIC PLAN GOALS AND TRANSIT FIRST POLICY PRINCIPLES

This action supports the following SFMTA Strategic Plan Goal and Objectives:

Goal 1: Create a safer transportation experience for everyone

Objective 1.3: Improve the safety of the transportation system.

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

Objective 2.3: Increase use of all non-private auto modes

This action supports the following Transit First Policy Principles:

1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.
10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

DESCRIPTION

The Commuter Shuttle Permit Program applies to privately-operated transportation services that move commuters to, from, and within San Francisco. Participation in this program is voluntary. Currently, 17 operators are participating in the program and a total of approximately 9,800 people board commuter shuttles every day. The Commuter Shuttle Permit Program constitutes a local parking regulation which permits eligible commuter shuttle buses to stop in a designated network of stops including both designated Muni stops (red zones) and a number of shuttle-only loading zones (white zones) in San Francisco pursuant to the authority granted to the City by Section 21458 of the Vehicle Code (see map of commuter shuttle stop locations and Caltrans arterial street network). The Commuter Shuttle Permit Program is designed and administered so that commuter shuttles stop in designated red zones in situations where it is necessary to avoid

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conflict with other traffic in accordance with Section 22500 of the Vehicle Code. There are currently 111 shuttle zones within San Francisco. In exchange for being allowed to access shuttle zones permitted shuttle operators must comply with a set of permit terms and conditions. The current Commuter Shuttle Permit Program went into effect on April 1, 2016 and is set to expire on March 31, 2017.

Background

Privately operated commuter shuttles, which transport workers from their neighborhoods to places of work or transportation hubs, have become increasingly common on the streets of San Francisco. Commuter shuttles provide a commute choice to thousands of employees, students, and other residents of the City, and provide alternatives to drive-alone trips.

Numerous employers, educational institutions, medical facilities, office buildings, and transportation management associations offer shuttle service to their employees, students, and clients. The majority of commuter shuttles are closed systems that provide service to a specific population and are not open to the general public. Most shuttles are provided for free to employees (or students, tenants, etc.). There are two distinct markets within the shuttle sector: those that operate within San Francisco (intra-city) and those that operate between San Francisco and another county (regional).

Prior to August 2014, San Francisco did not regulate commuter shuttles. Shuttles operated throughout the City on both large arterial streets, such as Van Ness Avenue and Mission Street, and smaller non-arterial streets. Shuttles loaded and unloaded passengers in a variety of places whether it was legal or not, including white loading zones, red Muni zones, and other vacant curb space. When curb space was unavailable, shuttles often would load or unload passengers in the travel lane. The lack of rules for where and when loading and unloading were permitted resulted in confusion for shuttle operators and neighbors, inconsistent enforcement, and real and perceived conflicts with other transportation modes.

As described in more detail below, the Commuter Shuttle Program has had two phases: a Pilot Program beginning in August 2014 and running through January 2016, and the Current Program running from April 1, 2016 and scheduled to expire on March 31, 2017.

Pilot Program

The SFMTA developed a regulatory approach to address these issues which included creating a shuttle operator permit that defined terms of compliance for permit holders and the identification of a set of locations that permit-holding shuttles were allowed to use for loading and unloading passengers. In January 2014, the SFMTA Board approved an 18-month Pilot Program to test this approach. The Pilot Program began in August 2014. It created a network of select stops shared by Muni and commuter shuttles as well as dedicated shuttle only loading zones for permitted commuter shuttles during specific times of day. Commuter shuttle operators paid to participate in the program.

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During the Pilot, which lasted from August 2014 to January 2016, the SFMTA collected data in the field and consulted shuttle operators, riders, other San Francisco residents, and community stakeholders. The evaluation of this data found significant improvement in several areas, including reducing conflicts with Muni resulting from the implementation of shared zones and increased enforcement. The evaluation also found there were other issues, such as the presence of large vehicles on smaller streets that could be addressed in an on-going shuttle program.

Current Commuter Shuttle Program

Based on this data and the findings of the Pilot Evaluation Study¹, the SFMTA recommended a number of changes for a new Commuter Shuttle Program moving forward. Regulations that were adopted as part of the current program to address needs identified in the evaluation of the Pilot included restricting shuttles over 35 feet in length to Caltrans-designated arterial streets and requiring new shuttle vehicles to meet 2012 California emissions standards.

In November 2015, the SFMTA Board passed legislation creating the Commuter Shuttle Program. The Program went into effect on April 1, 2016 and was authorized for a one-year period. A six-month evaluation of the program was conducted in the Fall of 2016. Data collected and analyzed from the launch of the Program through September 2016 show that the Commuter Shuttle Program has improved shuttle operator behavior while minimizing the impacts of shuttle vehicles on the rest of the transportation network, despite a 15 percent increase in shuttle ridership and an increase in the number of shuttle vehicles on the road each day as compared to the Pilot. Key findings from the 2016 evaluation are:

1. A reduction in the percentage of stop events occurring in shared Muni zones (as contrasted with shuttle-only loading zones), from 72 percent (end of the Pilot in January 2016) to 57 percent (August 2016), reducing the potential for conflicts between shuttle vehicles and Muni buses.
2. A reduction in the proportion of stop events on non-arterial streets from 26 percent to 9 percent between January 2016 and August 2016.
3. Continuous real-time GPS tracking data for all vehicles registered in the program has enabled the SFMTA to identify permitted vehicles travelling on restricted streets (non-arterial or streets otherwise restricted under the San Francisco Transportation Code) resulting in:
 - a. A 91 percent decrease in the total number of shuttle vehicles operating on restricted streets each month (3,696 shuttles in April 2016 to 334 shuttles in August 2016).
 - b. A 92 percent decrease in the daily average of shuttle vehicles operating on restricted streets. In April 2016, an average of 195 shuttles operated on restricted streets per day compared to 15 shuttles per day in August 2016.
4. The percentage of registered shuttle vehicles model year 2012 or newer has increased

¹ Commuter Shuttle Pilot Program Evaluation Report, October 5, 2015.

<https://www.sfmta.com/sites/default/files/projects/2015/Evaluation%20Report%20-%20Oct%205%202015.pdf>

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from 59 percent at the end of the pilot in January 2016 to 76 percent in the current program as of August 2016. Over time as new vehicles, which are required to meet 2012 California emission standards, are registered in the program and older vehicles are retired, the percentage of vehicles meeting stricter emissions standards will continue to increase.

5. All permitted operators have a Service Disruption Prevention Plan in place which documents labor harmony. Since April 2016, there have been no disruptions to shuttle services resulting from labor disputes.
6. The detail of SFMTA Parking Control Officers that is specifically focused on Commuter Shuttle Program enforcement issued 2,267 citations worth \$360,895 to permitted shuttle vehicles between August 2014, the first month of the Pilot, and August 2016. Parking citation revenue goes to the SFMTA general fund.

Proposed Continuation of the Commuter Shuttle Program

The proposed continuation of the Commuter Shuttle Program retains the following key policies and operator requirements from the 2016-2017 program (see the enclosed Commuter Shuttle Program policy for more information):

- A network of up to 125 shuttle stop locations, including shared Muni zones and shuttle-only loading zones;
- Large shuttles over 35 feet in length may travel and load only on the arterial network as designated by the California Department of Transportation;
- Shuttle service providers apply for a permit to use network, and pay a permit fee based on the number of stops made at authorized locations, with the permit fee covering the SFMTA's costs for administering and enforcing the program with a dedicated team of Parking Control Officers;
- Permitted shuttle service providers must phase in the use of newer vehicles, which ensures lower greenhouse gas emissions from the shuttle fleet overall;
- Permitted shuttle service providers are required to provide real-time GPS tracking information for all shuttle vehicles used for commuter shuttle service;
- Permittees must submit a Service Disruption Prevention Plan with their permit application
- All shuttle drivers must watch a video regarding the safe operation of large vehicles on crowded City streets around people walking and biking.

Under the proposed continuation of the current Commuter Shuttle Program, all of the above policies and requirements would remain in effect. In addition, there would be several revisions to the program (see the enclosed Commuter Shuttle Program policy for more information):

- Increased GPS and data reporting requirements
- Vehicles placed in shuttle service after June 30, 2017 will be required to comply with disability access requirements issued by the Director
- Providers would be required to provide a Compliance Plan with information on training and complaint follow-up procedures

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- Authorizing the Director to grant limited exceptions to the prohibition on larger shuttles travelling on non-arterial streets where network gaps make use of arterials infeasible or would result in a highly disruptive route.
- Increasing the maximum administrative penalty for violation of permit conditions from \$250 per violation to \$500 per violation, and \$1000 for any further violations within a 12-month period, and authorizing the imposition of interest on such penalties remaining unpaid for more than 30 days.

Under California state law, permit programs are cost-recovery, so fee revenues must be used only for administration of the permit program. The permit fee for participation in the Commuter Shuttle Program is \$7.31 per stop event² and will continue at this rate under the proposed legislation. The fee will be reviewed and adjusted if necessary as part of the two-year SFMTA budget process.

Increasing the maximum administrative penalty for violation of permit terms and conditions from \$250 per violation to \$500 per violation, and \$1000 for any further violations within a 12-month period will enable the SFMTA to levy higher fines for permitted operators who repeatedly violate permit terms and conditions. Findings from the mid-year status report have shown that the issuance of administrative penalties for shuttle vehicle travel on restricted streets have been effective in reducing this behavior. Increasing maximum administrative penalty amounts will help assist in further reducing the number of violations of permit terms and conditions, particularly with respect to repeat violations.

The City Attorney has reviewed this report.

STAKEHOLDER ENGAGEMENT

The SFMTA maintains an online project page for the Commuter Shuttle Program, and members of the public can sign up for email updates about major project developments. Since the launch of the program on April 1, 2016, SFMTA staff have received over 750 comments from the community via, among other avenues: 311 (the City's customer service center), offices of members of the Board of Supervisors, SFMTA engineering public hearings, direct telephone or email contact with SFMTA staff, and communications directly from shuttle service providers.

Staff follows up on every comment and complaint received, responding to the constituent and forwarding the complaint on to the appropriate shuttle company. Repeated complaints are also sent to the dedicated shuttle enforcement team and help to prioritize locations for enforcement. Finally, staff takes public comments and complaints into account when analyzing potential stop network and policy changes.

² A "stop event" is defined as an individual instance of a shuttle vehicle stopping at a zone in the shuttle zone network.

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In preparation for the continuation of the Commuter Shuttle Program, SFMTA staff met with members of the Board of Supervisors and considered feedback from shuttle operators, members of the public, and other stakeholders regarding changes to program participant requirements to minimize shuttle impacts and assist the City in meeting larger goals around safety, sustainability, and accessibility.

Many comments from community members and shuttle service providers have focused on the need for more enforcement at specific shuttle zones and congestion in certain corridors. In response to these concerns, the Commuter Shuttle Program has worked directly with the dedicated parking enforcement team to shift staff as needed to respond to areas of concern. In addition, the SFMTA has removed 35 stops from the shuttle zone network and created 26 new stops since April 1, 2016.

The SFMTA will continue to make changes to the shuttle zone network during the course of the program to address issues that may arise (e.g., service changes, shuttle ridership demand, construction, community concerns, or other operational considerations). Upcoming changes will focus on addressing congestion issues in areas like Noe Valley, the Castro, and the Mission District where shuttles are concentrated on limited arterial corridors. SFMTA will also look to optimize the stop network for riders in areas where the nearest shuttle stop may be over one-half mile away.

ALTERNATIVES CONSIDERED

SFMTA considered implementing a “hub” model that would limit permitted shuttle activity to a substantially smaller number of locations than the current 125 maximum allowed locations, with riders accessing shuttle stops via other modes of travel, rather than primarily accessing stops by foot or short Muni ride. SFMTA in partnership with the San Francisco County Transportation Authority conducted a study to determine whether this model would more effectively meet the goals for a commuter shuttle regulatory program. The study considered four scenarios: a single hub; a five-hub BART-oriented system; a nine-hub, freeway-oriented system; and a 17-zone consolidated network. All four scenarios were evaluated using a range of performance metrics to measure how each scenario meet the goals of the Commuter Shuttle Program, as well as the current system for baseline comparison.

Utilizing the findings from the hub study, this alternative was not pursued for several reasons. First, under a hub model many current shuttle riders would shift to a different commute mode. The study found that shuttle ridership would drop between 24% and 45% and nearly all those prior shuttle riders would switch to driving, resulting in a five- to eight-fold increase in vehicle miles travelled (VMT). Secondly, as a result of the increase in VMT, greenhouse gas (GHG) emissions would increase by more than two times the current level of GHG emissions. Thirdly, while vehicle miles traveled by shuttles on streets throughout the City would decrease, the same number of shuttles would concentrate their operations on a small number of City streets and overall traffic on smaller streets would significantly increase as a result of the shift to driving by many former shuttle riders. Fourth, creating any on-street hubs would require the removal of

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large numbers of parking spaces in already-congested areas. Fifth, all hub scenarios would increase the risk for collisions, given the significant increase in surface street VMT that would be generated by each. Additionally, as the Commuter Shuttle Program is voluntary, it is likely that far fewer providers would participate. As such, they might continue to operate outside the regulatory framework of the SFMTA, which would preclude the SFMTA from collecting data about their operations and working expeditiously with the providers to address issues important to the residents, businesses and other stakeholders.

SFMTA also considered taking no action and letting the Commuter Shuttle Program expire. This alternative was not pursued. Prior to the implementation of the Pilot program in 2014, SFMTA did not regulate shuttle activity. As a result, shuttle vehicles operated throughout the City on both large arterial streets, such as Van Ness Avenue and Mission Street, and smaller non-arterial residential streets. Shuttle vehicles loaded and unloaded passengers in a variety of places whether it was legal or not, including white loading zones, red Muni zones, and other vacant curb space. When curb space was unavailable, shuttle vehicles would often load or unload passengers in the street. The lack of rules for where and when loading and unloading were permitted resulted in confusion for shuttle operators and neighbors, inconsistent enforcement, safety hazards, and real and perceived conflicts with other transportation modes. The findings of the mid-year program evaluation have shown that the Commuter Shuttle Program has made an impact on shuttle behavior and can help minimize the impacts of shuttle vehicles. The program provides the SFMTA with a tool for regulating commuter shuttle behavior and generates funding for enforcing these regulations.

FUNDING IMPACT

The costs of the Commuter Shuttle Program are paid for via the fee paid by participating shuttle service providers. Any future increases in program costs would be covered by corresponding increases to the fee.

ENVIRONMENTAL REVIEW

On February 8, 2017, SFMTA staff, under authority delegated from the Planning Department, determined that the Transportation Code amendment is not defined as 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) since the amendment will not directly result in any physical change to the environment.

A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference.

PUBLISHED NOTICE AND PUBLIC HEARING

Pursuant to the Rules of Order of the Board of Directors, published notice was placed in the City’s official newspaper to provide notice that the Board of Directors will hold a public hearing

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on February 21, 2017 to consider the above modifications. In compliance with these requirements, the advertisement ran in the San Francisco Chronicle for a five-day period beginning on January 30, 2017.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

No other approvals are required.

RECOMMENDATION

The SFMTA recommends that the SFMTA Board of Directors (1) amend the Transportation Code, Division II, to continue the Commuter Shuttle Permit Program to allow commuter shuttle service providers to use designated Muni zones and white curb loading zones for passenger loading and unloading, increase administrative penalties for permit violations, and make revisions to improve Program operation and administration, and (2) adopt the updated Commuter Shuttle Program Policy to govern the SFMTA's implementation of the Commuter Shuttle Permit Program.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The use of shuttle buses to provide commuter shuttle service for the benefit of employees, students and others is a growing means of sustainable transportation in San Francisco and the greater Bay Area, and has become increasingly common in the past several years; and,

WHEREAS, While shuttle bus service provides alternatives to single-occupant vehicle trips, and is associated with reduced auto ownership and with increased use of transit, walking, and bicycling for non-commute trips, the increase in shuttle buses on San Francisco's streets has led to an increase in issues related to Muni operations, street safety, and complaints from residents; and,

WHEREAS, As part of an effort to address these issues, in 2014, the SFMTA created a pilot program (Pilot) to gather accurate and up-to-date information on commuter shuttle activity and operations and to determine if allowing permitted commuter shuttles to use designated Muni stops and shuttle-only loading zones could reduce traffic conflicts and other issues; and,

WHEREAS, Based on its evaluation of the Pilot, the SFMTA recommended establishment of a regulatory program for commuter shuttles; and,

WHEREAS, In November 2015, the SFMTA Board passed legislation creating the Commuter Shuttle Program, including revisions to the Pilot intended to address needs identified in SFMTA's evaluation of the Pilot, such as restricting shuttles over 35 feet in length to Caltrans-designated arterial streets and requiring new shuttle vehicles to meet 2012 California emissions standards; and

WHEREAS, The Program went into effect on April 1, 2016 and was authorized for a one-year period; and

WHEREAS, The findings of SFMTA's evaluation of the Commuter Shuttle Program conducted in the Fall of 2016 show that the Commuter Shuttle Program has improved the conduct of shuttle service providers while minimizing the impacts of shuttle vehicles on the rest of the transportation network, despite a 15 percent increase in shuttle ridership and an increase in the number of shuttle vehicles on the road each day as compared to the Pilot; that travel on non-arterial streets has decreased by over 90%; that the percentage of registered vehicles model year 2012 or newer has increased from 59 percent at the end of the pilot to 76 percent in the current program; and that the number of enforcement officers dedicated to the shuttle program has increased by 50%; and,

WHEREAS, After completing its evaluation of the Commuter Shuttle Program, SFMTA staff updated the Commuter Shuttle Program Policy to establish a continuing Commuter Shuttle Program with several revisions to improve program administration and operation, including

increased GPS and data reporting requirements, requiring that vehicles placed in shuttle service after June 30, 2017 comply with disability access requirements issued by the Director of Transportation, and authorizing the Director of Transportation to grant limited exceptions to the prohibition on shuttles over 35 feet in length from traveling on non-arterial streets; and

WHEREAS, Increasing the maximum amounts of administrative penalties for violations of permit terms and conditions will help to reduce the number of violations, and in particular, the number or repeat violations; and

WHEREAS, Pursuant to the SFMTA Board's Rules of Order, advertisements were placed in the City's official newspaper, the San Francisco Chronicle, to provide published notice of the February 21, 2017 public hearing which ran starting on January 30, 2017 for five consecutive days; and

WHEREAS, On February 8, 2017, SFMTA staff, under authority delegated from the Planning Department, determined that the Transportation Code amendment is not defined as 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) since the amendment will not directly result in any physical change to the environment; 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 the Transportation Code, Division II, to continue the Commuter Shuttle Permit Program to allow commuter shuttle service providers to use designated Muni zones and white curb loading zones for passenger loading and unloading, increase administrative penalties for permit violations, and make revisions to improve Program operation and administration; and, be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts the updated Commuter Shuttle Program Policy to govern the SFMTA's implementation of the Commuter Shuttle Permit Program.

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

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

RESOLUTION NO.

[Transportation Code - Commuter Shuttle Program]

Resolution amending the Transportation Code, Division II to remove the 12-month sunset provision and continue the Commuter Shuttle Permit Program, increase administrative penalty amounts for permit violations and authorize the imposition of interest on such penalties remaining unpaid after 30 days, require that permitted shuttles placed in service after June 30, 2017 comply with disability access requirements and make technical corrections and clarifying revisions to improve program operation and administration.

NOTE: Additions are single-underline Times New Roman;
deletions are ~~strike-through Times New Roman~~.

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

Section 1. Article 900 of Division II of the Transportation Code is hereby amended by revising Section 914, to read as follows:

Sec. 914. COMMUTER SHUTTLE STOP PERMITS.

(a) **Definitions.** As used in this Section 914, the following words and phrases shall have the following meanings:

Designated Stop. An SFMTA bus stop or a white zone designated by SFMTA as a stop available for loading and/or unloading of passengers by Shuttle Service Providers that have been issued a Shuttle Permit under this Section 914.

Director. The Director of Transportation or his or her designee.

Shuttle Bus. A motor vehicle designed, used or maintained by or for a charter-party carrier of passengers, a passenger stage corporation, or any highway carrier of

passengers required to register with the California Public Utilities Commission that is being operated in Shuttle Service. A Shuttle Bus shall also include any bus that is owned, or being operated on behalf of, a governmental entity and being operated in Shuttle Service.

Shuttle Permit. A permit issued by the SFMTA that authorizes a Shuttle Service Provider to load and/or unload passengers at specified Designated Stops in one or more Shuttle Buses.

Shuttle ~~Placard~~ Permit Authorization Sticker. A ~~placard~~ sticker issued by SFMTA that is visible from outside the Shuttle Bus at front, side, and rear locations as specified by the SFMTA and that identifies the Shuttle Permit authorizing the Shuttle Bus to use Designated Stops.

Shuttle Service. Transportation by Shuttle Buses offered for the exclusive or primary use of a discrete group or groups, such as clients, patients, students, paid or unpaid staff, visitors, and/or residents, between an organization or entity's facilities or between the organization or entity's facilities and other locations, on a regularly-scheduled basis.

Shuttle Service Provider. Any Person using Shuttle Buses to provide Shuttle Service within the City.

Stop Event. A single instance of stopping by a Shuttle Bus at a Designated Stop for the purpose of loading and/or unloading passengers.

(b) **Findings.**

(1) The use of Shuttle Buses for the purpose of providing Shuttle Service is a growing means of transportation in San Francisco and the greater Bay Area.

(2) Shuttle Service provides significant benefits to the community by replacing single occupant trips with more efficient transportation, contributing to a reduction in parking demand, and supporting the City's goal of increasing trips made by sustainable modes.

(3) Shuttle Service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by approximately 4,300,000 miles each month.

(4) Unregulated use of Muni stops by Shuttle Service Providers results in unintended adverse traffic and safety impacts, including delaying transit bus service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing transit buses from being able to access the curb in order to load and unload passengers.

(5) Prior to implementing a commuter shuttle pilot program in August, 2014, the SFMTA lacked complete information about Shuttle Service operations, including routes, frequency of service and stops, which had been a barrier to resolving and preventing conflicts with Shuttle Service Providers' operations, including adverse impacts on Muni service and increased traffic congestion.

(6) Inconsistent or inaccurate identification of, and lack of contact information for, Shuttle Service Providers previously made it difficult for the SFMTA to effectively and timely communicate with Shuttle Service Providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult.

(7) ~~SFMTA's Regulation by the SFMTA of the use of~~ Designated Sstops by Shuttle Services to provide safe loading and unloading zones for Shuttle Services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with the City's Transit First policy.

(8) The commuter shuttle pilot program implemented in August 2014 enabled SFMTA to evaluate whether shared use of Muni stops by Shuttle Buses is consistent with efficient operation of the City's public transit system. An evaluation of the pilot program conducted by SFMTA in October 2015 showed that the pilot program was successful in

addressing the issues described above, and also showed ways that the program could be improved.

(9) A subsequent evaluation of the commuter shuttle program completed in November 2016 concluded that the program was continuing to successfully address these issues. The evaluation showed a decrease in the potential for conflicts between commuter shuttles and public transit, a reduction in the number of shuttles traveling on small residential streets, and an increase in the number of new, cleaner vehicles in the commuter shuttle fleet. The SFMTA and the San Francisco County Transportation Authority also conducted a study of a potential “hub” system in which shuttles would be restricted to a limited number of stop locations in San Francisco. This study found that any hub scenario would result in a significant decrease in shuttle ridership and a concurrent increase in the number of people commuting by single-occupancy vehicle. The SFMTA now seeks to establish a
continue the existing program that continues the successful aspects of the pilot program while building upon the lessons learned, continuing to closely monitor its progress and make improvements to its policies and procedures.

(c) General Permit Program Requirements.

(1) The Director is authorized to implement a program for the issuance of Shuttle Permits beginning on a date designated by the Director. ~~The duration of the program shall not exceed 12 months from the date of commencement designated by the Director.~~

(2) The Director may issue a Shuttle Permit for the use of Designated Stops upon receipt of an application from a Shuttle Service Provider on a form prescribed by the SFMTA which application meets the requirements of this Section 914.

(3) The Shuttle Permit shall authorize the Shuttle Service Provider to receive a specified number of Shuttle ~~Placards~~ Permit Authorization Stickers issued by SFMTA.

(4) The Director is authorized to establish up to 125 Designated Stops for the purposes of this program.

(d) **Shuttle Permit Application Requirements.** In addition to any other information requested by the Director, ~~e~~Each application for a permit or renewal of a permit shall contain the following information:

(1) The name, business location, telephone number, fax number and email address of the Shuttle Service Provider or authorized agent;

(2) The name, title and contact information of one or more persons representing the Shuttle Service Provider to be notified by SFMTA in the event of a problem or permit violation relating to the Permittee's Shuttle Service;

(3) The total number of Shuttle Buses the Shuttle Service Provider intends to use to deliver Shuttle Service using Designated Stops;

(4) The total number of Shuttle ~~Placards~~ Permit Authorization Stickers requested;

(5) The number of shuttle routes for which the permit applicant is proposing to provide Shuttle Service, including the frequency of service on each route, the neighborhoods served by each route, the origin and terminus of each route, and the frequency of Shuttle Service on each route. In lieu of a map, the permit applicant may provide a narrative statement describing the routes. The applicant need only identify the route to the extent that it lies within the City. Where the point of origin or termination is outside of the City, the applicant need only provide the county in which the point of origin or termination is located;

(6) A list of the Designated Stops the permit applicant proposes to use on each shuttle route, along with the proposed frequency of use of each Designated Stop per day, resulting in a calculation of the total number of Stop Events per day at Designated Stops; and

(7) If applicable, documentation of the Applicant's registration status with the California Public Utilities Commission ("CPUC"), including any Charter Party Carrier ("TCP") authorization or permits, or registration as a private carrier of passengers, and documentation

that the Applicant maintains insurance in compliance with the applicable requirements imposed by the CPUC.

(8) The application shall require the applicant to acknowledge that the Permittee, by acceptance of the permit, agrees to indemnify and hold the City and County of San Francisco, its departments, commissions, boards, officers, employees and agents ("Indemnitees") harmless from and against any and all claims, demands, actions or causes of action which may be made against the Indemnitees for the recovery of damages for the injury to or death of any person or persons or for the damage to any property resulting directly or indirectly from the activity authorized by the permit, including, regardless of the negligence of the Indemnitees.

(9) Applicant shall provide a Service Disruption Prevention Plan which describes Permittee's efforts to maintain consistent and efficient service in the event of potential disruptions.

(A) The Service Disruption Prevention Plan must address, at a minimum:

(i) How bus breakdowns or stalls (mechanical or otherwise) will be remedied quickly so as not to block access to bus zones or impede the free flow of traffic;

(ii) Sufficient bus availability to satisfy ridership demand;

(iii) Sufficient back-up driver staffing in the event that drivers are unable to work due to sickness or other reason;

(iv) Contingency routing plans in the case of construction, special events, parades, celebrations, rallies, protests or other activity that may block access to certain city streets; and

(v) A description of the means by which Applicant has considered the San Francisco Board of Supervisors' March 2015 Labor Harmony Resolution, including steps taken to avoid potential disruptions by addressing the principles and concerns set forth in

such Resolution, and any agreements or documents evidencing such steps, as well as information regarding shuttle driver schedules (including any split-shifts), work hours, working conditions, and wages.

(B) The Service Disruption Prevention Plan may, but is not required to, include statements from third parties describing the Applicant's efforts to prevent service disruptions.

(C) The SFMTA will post the Service Disruption Prevention Plan for each Permittee on the SFMTA website.

(D) The Permittee shall provide prompt notice to SFMTA of any labor dispute in which it is involved that has the potential to cause a disruption of service.

(e) **Permit Issuance.** After evaluating an applicant's permit application, the Director shall grant the Permit as requested, ~~or~~ grant the Permit with modifications, or deny the Permit. Where the Permit is granted with modifications or denied, the notice shall explain the basis for the Director's decision. An applicant may request review of the Director's decision to deny the permit or grant the permit with modifications. The Director ~~shall~~ may issue procedures governing ~~for~~ reviewing ~~of~~ the Director's decision ~~upon request of the permit applicant.~~

(f) **~~Shuttle Placard~~Permit Authorization Sticker Application Requirements.** For each vehicle to be used in the Commuter Shuttle Program, Shuttle Service Providers shall apply for a ~~Shuttle Placard~~Permit Authorization Sticker. Each application for a ~~Shuttle Placard~~Permit Authorization Sticker or renewal of a ~~Shuttle Placard~~Permit Authorization Sticker shall contain the following information for the Shuttle Bus that would be authorized, when bearing the ~~Shuttle Placard~~Permit Authorization Sticker, to use Designated Stops:

- (1) The manufacturer and vehicle make or model name;
- (2) The length, gross vehicle weight rating, and passenger capacity;
- (3) The model year, or, in the case of vehicles older than model year 2012 that

were not previously authorized for use in Shuttle Service under the pilot program,

documentation demonstrating compliance with applicable emissions standards for model year 2012;

(4) The type of fuel or power used; and

(5) The license plate number and vehicle registration information.

(g) **Shuttle ~~Placard~~ Permit Authorization Sticker Issuance.** After evaluating an applicant's Shuttle ~~Placard~~ Permit Authorization Sticker application, the Director shall grant the Shuttle ~~Placard~~ Permit Authorization Sticker as requested, or deny the Shuttle ~~Placard~~ application and state the reason(s) for the denial.

(h) **Shuttle Permit Terms and Conditions.** The Director shall establish terms and conditions for Shuttle Permits. In addition to any other requirements imposed by the Director, Permits shall include the following terms and conditions:

(1) Any Shuttle Bus being operated in Shuttle Service under the Shuttle Permit shall be listed on the Permittee's Shuttle ~~Placard~~ Permit Authorization Sticker application and shall display a valid SFMTA-issued Shuttle ~~Placard~~ Permit Authorization Sticker visible from outside the Shuttle Bus at the front, and rear, locations and on each side of the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. A Shuttle ~~Placard~~ Permit Authorization Sticker may be used only for the vehicle listed on the application for that Shuttle ~~Placard~~ Permit Authorization Sticker, and may not be transferred to any other vehicle without written approval from the Director determining that the transfer is warranted.

(2) A Shuttle Bus bearing valid Shuttle ~~Placard~~ Permit Authorization Stickers shall be allowed to stop at any Designated Stop subject to the following conditions:

(A) The Shuttle Bus shall give priority to any public transit buses that are approaching or departing a Designated Stop and shall pull forward in order to accommodate other authorized users;

(B) The Shuttle Bus shall not stop at any Muni stops other than Designated Stops;

(C) The Shuttle Bus shall use Designated Stops only for active loading or unloading of passengers when in the course of actively providing Shuttle Service, unless the stop is otherwise designated, and such loading and unloading shall be conducted as quickly as possible without compromising the safety of passengers, pedestrians, bicyclists or other motorists;

(D) Loading and unloading of passengers shall not take place in, or impede travel in, a lane of traffic or bicycle lane.

(3) A Shuttle Permit and Shuttle ~~Placard~~ Permit Authorization Sticker shall not exempt a Shuttle Bus from any other Parking restrictions or traffic regulations except as authorized by this Section 914, and a Shuttle Bus stopping or parking at any Muni stop, including a Designated Stop, in violation of the terms and conditions set forth in this Subsection (h) may be cited for violation of California Vehicle Code Section 22500(i). A Shuttle Bus stopping or parking at any white zone in the Designated Stop network in violation of the terms and conditions set forth in this Subsection (h) may be cited for violation of Transportation Code Section 7.2.38.

(4) The Permittee shall comply with all applicable federal, state, and local laws, including this Code, the California Vehicle Code, and applicable CPUC requirements, including those for registration, insurance, vehicle inspection, and regulation of drivers;

(5) The Permittee shall equip each Shuttle Bus with an on-board device capable of providing real-time location and Stop Event data to the SFMTA in accordance with specifications issued by the Director, and shall maintain a continuous feed of the specified data at all times when the Shuttle Bus is being used to provide Shuttle Service within the City. The Permittee shall begin providing a continuous feed of such data to the SFMTA on the first

day that the Permittee begins providing Shuttle Service under the Permit unless the Director establishes an alternate date. The SFMTA shall not be responsible for any equipment, or for the failure of any equipment, installed inside any Shuttle Bus for any reason, including for the purpose of complying with this Section 914. If a Shuttle Bus becomes unable to provide the required data for any reason, Permittee shall not operate that Shuttle Bus in Shuttle Service without first notifying SFMTA of the identity of the bus, the route affected and the time at which Permittee expects the data transmission to be restored. To facilitate SFMTA's monitoring of Shuttle Bus operations, the Director may issue regulations limiting the duration that a Shuttle Bus may operate in Shuttle Service without being able to provide the required data.

(6) The Permittee shall provide the following data regarding its Shuttle Buses, updated each month: average daily Stop Events per Designated Stop for all Shuttle Buses, monthly vehicle miles traveled by Shuttle Buses in commuter shuttle service in San Francisco (including any deadheading), average daily boardings in commuter shuttle service in San Francisco, ~~average daily occupancy for each Shuttle Bus upon exiting San Francisco (if applicable),~~ average daily occupancy for each Shuttle Bus upon arrival at destination, and average number of daily Shuttle Buses in operation.

(7) The Permittee shall, in a timely manner and as otherwise required by law, pay all traffic and parking citations issued to its Shuttle Buses in the course of providing Shuttle Service, as well as all permit fees and penalties for permit violations as set forth in subsections (j) and (l) below, subject to the Permittee's right under applicable law to contest such citations or penalties.

(8) Where the Director determines that the continued use of a particular Shuttle Bus listed on a Shuttle Provider's permit application would constitute a risk to public safety, the Director shall notify the Shuttle Provider in writing, and said Shuttle Bus shall immediately

be ineligible to use any Designated Stops unless and until the Shuttle Provider has proven to the satisfaction of the Director that the Shuttle Bus no longer constitutes a risk to public safety.

(9) Permitted Shuttle Buses that exceed 35 feet in length traveling in San Francisco may travel only on the major and minor arterial street network for the City of San Francisco, as determined by the California Department of Transportation, except as otherwise directed by police or other law enforcement officers, authorized SFMTA employees, or official traffic control devices.

(10) Permittee shall certify that all of its operators who drive permitted Shuttle Buses in San Francisco have viewed the SFMTA's Large Vehicle Urban Driving Safety video, which will be made available to all permit applicants.

(11) Any Shuttle Service Provider providing Shuttle Service that is free to the public and provided by Shuttle Buses that display the words "Free to the Public" clearly legible on the loading side of the Shuttle Bus in letters at least four inches tall, shall be exempt from otherwise applicable permit fees for Stop Events made by such Shuttle Buses.

(12) All Shuttle Buses not already approved for use under the SFMTA's commuter shuttle pilot program as of January 31, 2016 must be either model year 2012 or newer, or be equipped with a power source that complies with emissions standards applicable to ~~the 2012~~ model year vehicles of that class of vehicle. As of January 1, 2020, all Shuttle Buses used by Permittees for Shuttle Service must be model year 2012 or newer, or be equipped with a power source that complies with emissions standards applicable to 2012 model year vehicles of that class. After January 1, 2020, all Shuttle Buses used by Permittees for Shuttle Service must be no more than eight model years old, or be equipped with a power source that complies with emissions standards applicable to the same class of vehicle eight model years prior to the current model year.

(13) Any Shuttle Bus not already authorized for use in the commuter shuttle program as of June 30, 2017, as evidenced by having been issued a Permit Authorization Sticker on or before that date, shall comply with disability access requirements issued by the Director.

(i) Duration of Shuttle Permits and Shuttle ~~Placard~~ Permit Authorization Stickers.

Shuttle Permits and Shuttle ~~Placard~~ Permit Authorization Stickers issued under this Section 914 shall expire one August 31, 2017, unless such term is extended by the Director, ~~year from the effective date of issuance the ordinance establishing the commuter shuttle permit program on a permanent basis,*~~ and, if renewed, shall expire annually thereafter on June 30, unless a shorter term is requested by the Permittee, the Permit is revoked, or the Director for good cause finds a shorter term is warranted.

(j) Fees.

(1) Unless exempted under subsection (h)(11), Shuttle Service Providers shall pay a Designated Stop use and permit fee as set forth in Section 902. The fee is intended to cover the costs incurred by SFMTA as a result of permit program implementation, administration, enforcement, and evaluation. The Designated Stop use fee shall be determined by multiplying the total number of anticipated daily Stop Events stated in the permit application for each Permittee by the per stop fee set forth in Section 902. The Director is authorized, in his or her discretion, to impose pro-rated Designated Stop use fees where a Shuttle Service Provider applies for a permit or permit modification with a duration of less than 12 months~~following date of commencement of the program.~~

(2) Permittees shall be billed for the Designated Stop use and permit fee upon issuance or renewal of the Permit, and on a monthly basis thereafter. The Designated Stop use and permit fee shall be due and payable within 30 days from the date of invoice. Fees remaining unpaid 30 days after the date of invoice shall be subject to a 10% penalty plus

interest at the rate of 1% per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(3) SFMTA shall reconcile the number of Stop Events for each Shuttle Service Provider against the actual stop data provided to the SFMTA on a semi-annual basis but reserves the right to conduct such reconciliation on a more frequent basis if necessary or appropriate, including but not limited to when SFMTA has concerns about the accuracy or reliability of such data. Where the SFMTA determines that a Shuttle Service Provider has used Designated Stops more frequently than authorized under the Provider's Permit, the Provider shall pay the additional Designated Stop use fee due. Where SFMTA determines that the Permittee's use of Designated Stops exceeds the authorized number of daily Stop Events by 10% or more, the Provider shall pay the additional Designated Stop use fee due, plus a 10% penalty. All such fees shall be due within 30 days from the date of invoice. Fees remaining unpaid after that date shall be subject to interest at the rate of 1% per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(k) Grounds for Suspension or Revocation.

(1) The Director may suspend or revoke a permit issued under this Section 914 upon written notice of revocation and opportunity for hearing. The Director is authorized to promulgate hearing and review procedures for permit suspension and revocation proceedings. Upon revocation or suspension, the Shuttle Service Provider shall surrender such Permit and the Shuttle ~~Placards~~ Permit Authorization Stickers authorized under the Permit in accordance with the instructions in the notice of suspension or revocation.

(2) Where the Director determines that public safety is at risk, or where the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code, the Director is authorized to suspend a permit issued under this Section 914 immediately upon written notice of

suspension to the Permittee, provided that the Director shall provide the Permittee with the opportunity for a hearing on the suspension within five business days of the date of notice of suspension.

(3) A permit issued under this Section 914 may be suspended or revoked under this paragraph following the Director's determination after an opportunity for hearing that:

(A) the Permittee has failed to abide by any permit condition, including repeated failure to pay the Designated Stop use and permit fee or any penalties imposed for violation of this Section 914;

(B) the Permittee knowingly or intentionally provided false or inaccurate information on a permit application;

(C) one or more of Permittee's Shuttle Buses have, in the course of providing Shuttle Service, repeatedly and egregiously violated parking or traffic laws;

(D) the Permittee's continued operation as a Shuttle Service Provider would constitute a public safety risk; or

(E) the Permittee's continued operation as a Shuttle Service Provider would be in violation of the California Public Utilities Code or the California Vehicle Code.

(l) Administrative Penalties.

(1) This Section shall govern the imposition, assessment and collection of administrative penalties imposed for violations of permit conditions set forth under Subsection 914(h).

(2) The SFMTA Board of Directors finds:

(A) That it is in the best interest of the City, its residents, visitors and those who travel on City streets to provide an administrative penalty mechanism for enforcement of Shuttle Bus permit conditions, ~~and~~

(B) That the administrative penalty scheme established by this section is intended to compensate the public for the injury or damage caused by Shuttle Buses being operated in violation of the permit conditions set forth under Subsection 914(h). The administrative penalties authorized under this section are intended to be reasonable and not disproportionate to the damage or injury to the City and the public caused by the prohibited conduct.

(C) The procedures set forth in this Section are adopted pursuant to Government Code Section 53069.4, which governs the imposition, enforcement, collection, and administrative review of administrative citations and fines by local agencies, and pursuant to the City's home rule power over its municipal affairs.

(3) Any Service Provider that is operating a Shuttle Bus in violation of the permit conditions set forth under Subsection 914(h) may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 914(l).

(4) Administrative penalties for each violation may not exceed ~~\$250~~\$500 for the first violation of Subsection 914(h) by a Permittee or \$1000 for any subsequent violation of Subsection 914(h) within a 12-month period by that Permittee. In determining the amount of the penalty, the officer or employee who issued the citation may take any or all of the following factors into consideration:

- (A) The duration of the violation;
- (B) The frequency, recurrence and number of violations by the same violator;
- (C) The seriousness of the violation;
- (D) The good faith efforts of the violator to correct the violation;
- (E) The economic impact of the fine on the violator;
- (F) The injury or damage, if any, suffered by any member of the public;
- (G) The impact of the violation on the community;

(H) The amount of City staff time expended investigating or addressing the violation;

(I) The amount of fines imposed by the charging official in similar situations;

(J) Such other factors as justice may require.

(5) The Director of Transportation is authorized to designate officers or employees of the Municipal Transportation Agency to issue citations imposing administrative penalties for violations of the permit conditions set forth in Subsection 914(h), hereafter referred to as the "Charging Official."

(6) **Administrative Citation.** A Charging Official who determines that there has been a violation of the permit conditions set forth in Subsection 914(h), may issue an administrative citation to the Shuttle Service Provider permitted under this Section 914. The Charging Official shall either serve the citation personally on the Shuttle Service Provider or serve it by certified U.S. mail sent to the address indicated on the Shuttle Service Provider's permit application.

(7) The citation shall contain the following information: the name of the person or entity cited; the date, time, address or location and nature of the violation; the date the citation is issued; the name and signature of the Charging Official; the amount of the administrative penalty, acceptable forms of payment of the penalty; and that the penalty is due and payable to the SFMTA within 15 business days from (A) the date of issuance of the citation if served personally, or (B) the date of receipt of the citation if served by certified U.S. Mail. The citation shall also state that the person or entity cited that it has the right to appeal the citation, as provided in Subsection 914(l).

(8) **Request for Hearing; Hearing.**

(A) A person or entity may appeal the issuance of a citation by filing a written request with the SFMTA Hearing Division within 15 business days from (i) the date of the

issuance of a citation that is served personally or (ii) the date of receipt if the citation is served by certified U.S. Mail. The failure of the person or entity cited to appeal the citation shall constitute a failure to exhaust administrative remedies and shall preclude the person or entity cited from obtaining judicial review of the validity of the citation.

(B) At the time that the appeal is filed, the appellant must deposit with the SFMTA Hearing Division the full amount of the penalty required under the citation.

(C) The SFMTA Hearing Division shall take the following actions within 10 days of receiving an appeal: appoint a hearing officer, set a date for the hearing, which date shall be no less than 10 and no more than 60 days from the date that the appeal was filed, and send written notice of the hearing date to the appellant and the Charging Official.

(D) Upon receiving notice that the SFMTA Hearing Division has scheduled a hearing on an appeal, the Charging Official shall, within three City business days, serve the hearing officer with records, materials, photographs, and other evidence supporting the citation. The hearing officer may grant a request to allow later service and may find good cause to continue the hearing because of the delay.

(E) The hearing officer shall conduct all appeal hearings under this Chapter and shall be responsible for deciding all matters relating to the hearing procedures not otherwise specified in this Section. The Charging Official shall have the burden of proof in the hearing. The hearing officer may continue the hearing at his or her own initiative or at the request of either party, and may request additional information from either party to the proceeding. The hearing need not be conducted according to technical rules of evidence and witnesses. Any relevant evidence is admissible if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs.

(F) The following provisions shall also apply to the appeal procedure:

(i) A citation that complies with the requirements of Section 914(l)(7) and any additional evidence submitted by the Charging Official shall be prima facie evidence of the facts contained therein;

(ii) The appellant shall be given the opportunity to present evidence concerning the citation; and

(iii) The hearing officer may accept testimony by declaration under penalty of perjury relating to the citation from any party if he or she determines it appropriate to do so.

(iv) After considering all of the testimony and evidence submitted by the parties, the hearing officer shall issue a written decision within 15 business days from completion of the hearing upholding, modifying or vacating the citation and shall set forth the reasons for the determination. This shall be a final administrative determination.

(v) If the hearing officer upholds the citation, the hearing officer shall inform the appellant of its right to seek judicial review pursuant to California Government Code Section 53069.4. If the citation is upheld the City shall retain the amount of the fine that the appellant deposited with the City.

(vi) If the hearing officer vacates the citation, the City shall promptly refund the deposit. If the hearing officer partially vacates the citation, the City shall promptly refund that amount of the deposit that corresponds to the hearing officer's determination. The refund shall include interest at the average rate earned on the City's portfolio for the period of time that the City held the deposit as determined by the Controller.

(G) Any person aggrieved by the action of the hearing officer taken pursuant to this Chapter may obtain review of the administrative decision by filing a petition for review in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(H) If a final order of a court of competent jurisdiction determines that the SFMTA has not properly imposed a fine pursuant to the provisions of this Section, and if the fine has been deposited with the SFMTA as required by Section 914(l)(8)(B), the SFMTA shall promptly refund the amount of the deposited fine, consistent with the court's determination, together with interest at the average rate earned on the City's portfolio.

(9) Upon request by a Shuttle Service Provider owing administrative penalties for violation of permit conditions set forth under Subsection 914(h), the SFMTA may enter into a payment plan with that Shuttle Service Provider. Any such payment plan shall not extend the time for payment beyond 90 days from the otherwise applicable due date for the most recent penalty encompassed by the payment plan. In no event shall SFMTA establish more than three such payment plans for any individual Shuttle Service Provider.

(10) Administrative penalties shall be deposited in the Municipal Transportation Fund and may be expended only by the SFMTA.

(11) Fines that remain unpaid 30 days after the due date shall be subject to a late payment penalty of 10% plus interest at the rate of 1% per month on the outstanding balance, which shall be added to the penalty amount from the date that payment is due.

Section 2. Effective Date. This ordinance shall become effective 31 days after enactment. Enactment occurs when the San Francisco Municipal Transportation Agency Board of Directors approves this ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, 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 ordinance as additions or deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
DAVID A. GREENBURG
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 February 21, 2017.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Commuter Shuttle Program Policy

Updated January, 2017

Introduction

The San Francisco Municipal Transportation Agency (SFMTA) implemented the Commuter Shuttle Program in 2016 to manage commuter shuttles with the objectives of minimizing conflicts with Muni, reducing emissions, improving traffic flow, enhancing pedestrian safety, keeping larger buses off smaller non-arterial streets, and limiting unsafe boarding situations.

Shuttles taking workers and students to jobs or schools have operated for decades in San Francisco and are allowed by state law. They have become more common in the past several years and the City has experienced the impacts that these vehicles can have on the transportation network without the presence of regulation. Prior to August 2014, San Francisco did not regulate commuter shuttles, which led to an increase in conflicts with Muni operations and complaints from residents. In response, the SFMTA launched a pilot program to regulate and manage commuter shuttles in San Francisco. The Pilot Program, which ran from August 2014 through January 2016, provided insight and a regulatory framework, helping to shape the current Commuter Shuttle Program.

In November 2015, the SFMTA Board passed legislation creating the Commuter Shuttle Program, which went into effect on April 1, 2016. A six-month evaluation of the program was conducted in the fall of 2016. Data collected and analyzed from the launch of the Program through September 2016 show that the Commuter Shuttle Program has improved shuttle vehicle behavior while minimizing the impacts of shuttle vehicles on the rest of the transportation network, despite a 15 percent increase in shuttle ridership and an increase in the number of shuttle vehicles on the road each day as compared to the Pilot.

The Commuter Shuttle Program allows shuttles to load passengers in a designated stop network in exchange for paying a fee and adhering to a set of rules and regulations, including:

- Requiring participating shuttle operators to phase in the use of newer vehicles, which ensures lower greenhouse gas emissions from the shuttle fleet overall
- Requiring buses over 35 feet long to travel on the arterial street network as defined by the California Department of Transportation
- Devoting SFMTA enforcement resources to the program, and recovering the costs as part of the fee for participation in the program
- Employing real-time GPS data collection and reporting to help better manage commuter shuttle operations and target enforcement
- Requiring data sharing from participating shuttle operators, and requiring that participating shuttle operators demonstrate for each vehicle that data feeds are regular and accurate before receiving a permit
- Requiring participating shuttle operators to comply with the San Francisco Board of Supervisors' March 2015 Labor Harmony Resolution, including the submission of a Service Disruption Prevention Plan that describes the shuttle operators' efforts to

- ensure efficient and consistent service in the event of potential disruptions, including labor disputes.
- Requiring participating shuttle operators to submit an accessibility plan which documents how they serve riders with disabilities and to comply with vehicle accessibility requirements issued by the SFMTA.

Principles of the Commuter Shuttle Program

The following principles inform the Commuter Shuttle Program policy:

1. Provide a safe environment for all street users in support of the SFMTA's Vision Zero policy to eliminate all traffic deaths
2. Prevent service disruptions, including any related to labor relations issues
3. Ensure that commuter shuttles do not adversely affect operations of public transportation in San Francisco
4. Consistently and fairly apply and enforce any regulations/policies governing shuttle operations
5. Work collaboratively with shuttle sector to refine policies and resolve concerns and conflicts
6. Integrate commuter shuttles into the existing multi-modal transportation system
7. Establish a program structure that meets current needs and has the potential to evolve as the sector grows and evolves
8. Ensure more focused enforcement, ease of administration and on-going oversight

Related SFMTA Strategic Plan Goals and Transit First Policy Principles

The Commuter Shuttle Program supports the following SFMTA Strategic Plan goals:

- 1.3: Improve the safety of the transportation system
- 2.3: Increase use of all non-private auto modes
- 3.2 Improve the transportation system's positive impact to the economy
- 4.4 Improve relationships with our partners and stakeholders

The Commuter Shuttle Program supports the following Transit First Policy Principles:

- 1: To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
- 9: The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.
- 10: The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

Six Month Review

The SFMTA conducted a six-month evaluation of the Commuter Shuttle Program. The status report was published in November, 2016. Key findings from the evaluation are:

- A reduction in the percentage of stop events occurring in shared Muni zones since the end of the Pilot (72 percent to 57 percent), reducing the potential for conflicts between shuttle vehicles and Muni buses.
- A reduction in the proportion of stop events on non-arterial streets from 26 percent to 9 percent since January 2016.
- Continuous real-time GPS tracking data for all vehicles registered in the program has enabled the SFMTA to identify any vehicles travelling on restricted streets (non-arterial or streets restricted per the San Francisco Transportation Code) resulting in:
 - A 91 percent decrease in the total number of shuttle vehicles operating on restricted streets each month (3,696 shuttles in April 2016 to 334 shuttles in August 2016).
 - A 92 percent decrease in the daily average of shuttle vehicles operating on restricted streets. In April 2016, an average of 195 shuttles operated on restricted streets per day compared to 15 shuttles per day in August 2016.
- The percentage of registered vehicles model year 2012 or newer has increased from 59 percent at the end of the pilot to 76 percent in the current program. Over time as new vehicles, which are required to meet 2012 California emission standards, are registered in the program and older vehicles are retired, the percentage of vehicles meeting stricter emissions standards will continue to increase.
- All permitted operators have a Service Disruption Prevention Plan in place, documenting labor harmony efforts. Since April 2016, there have been no disruptions to shuttle services resulting from labor disputes.
- The detail of SFMTA Parking Control Officers that is specifically focused on Commuter Shuttle Program enforcement issued 2,267 citations worth \$360,895 to permitted shuttle vehicles between August 2014, the first month of the Pilot, and August 2016. Parking citation revenue goes to the SFMTA general fund.

Commuter Shuttle Program

The Commuter Shuttle Program applies to privately-operated transportation services that move commuters to, from, and within San Francisco. Participation in this program is voluntary. Key elements of the program include the following:

- Permitted shuttle vehicles are authorized to stop in designated commuter shuttle zones for the purpose of loading and unloading passengers;
- Shuttles over 35 feet in length operating under a permit may only travel on Caltrans-designated arterial streets when in San Francisco;
- To operate in the permit program, any new shuttle vehicle must meet 2012 California emissions standards;
- Shuttle operators must provide a Service Disruption Prevention Plan describing how they deal with service disruptions, including those due to potential labor disputes; and
- Shuttle operators must provide the SFMTA with continuous real-time GPS tracking data for all vehicles registered in the program

Program Eligibility

Services that are arranged by an employer, building, or institution to provide transportation from home to work, work to home, last-mile to work, or work site to work site are eligible to participate. These services warrant a program because:

- Service is routine (following set schedules) and involves a relatively uniform number of vehicles
- Service reduces greenhouse gas emissions and vehicle miles traveled by replacing drive-alone trips
- Operations are conducive to sharing curb space with Muni at certain stops
- Operators are commercially licensed and subject to regulation, including safety and insurance requirements, by the California Public Utilities Commission (CPUC), and comply with commercial CPUC requirements
- Operations complement, but do not duplicate, existing public transportation services

Commuter Shuttle Network

SFMTA's Commuter Shuttle Program requires that permit-holding shuttles longer than 35 feet travel only on streets designated by the California Department of Transportation (Caltrans) as arterials. By requiring larger vehicles to use arterials, a large portion of shuttle vehicle travel is shifted off of smaller streets. Permit-holding shuttles shorter than 35 feet long are permitted to travel on non-arterial streets, as long as the streets do not have other restrictions. No commuter shuttles are permitted to travel on 3-ton weight-restricted streets or 9-passenger capacity-restricted streets.

There are currently 111 shuttle zones in the shuttle network of which 80 are shared Muni-commuter shuttle zones and 31 are permitted commuter shuttle-only white zones. The current program allows up to 125 zones in the City.

Changes to the Shuttle Zone Network

The SFMTA monitors the existing commuter shuttle stop network and makes changes on a regular basis in order to optimize service and minimize shuttles' impact on residents and community stakeholders. The SFMTA considers stop changes based on staff observations and feedback from residents, shuttle operators, and shuttle riders. Staff plans to pursue stop changes in a number of particularly congested corridors in the coming year.

When problems in the shuttle stop network are identified, SFMTA staff evaluates potential alternatives based on a set of engineering criteria, including:

- **Safety:** The SFMTA avoids placing shuttle zones where shuttle vehicles could block turning drivers' view of pedestrians in the crosswalk, and proposes locations that minimize conflicts with people walking, biking, or driving.
- **Impact on Muni:** The SFMTA's Transit Division reviews all shuttle stop changes. The SFMTA does not establish shared Muni-shuttle stops in locations with frequent Muni service, and works to remove shuttles from existing shared stops where conflicts are observed and feasible alternatives are identified.
- **Length:** Shuttle zones must be long enough to allow shuttles to pull fully to the curb and avoid blocking bicycle or travel lanes.
- **Parking:** Staff works to minimize restriction of parking and to avoid establishing shuttle zones across driveways whenever possible.
- **Community input:** The SFMTA conducts outreach among residents and stakeholders and frequently makes changes to its proposals based on feedback received through the public hearing process.

All potential shuttle stop changes are brought through the Transportation Advisory Staff Committee process, in which staff from across the SFMTA and other City departments have an opportunity to provide comments. Proposals then go to Engineering Public Hearing, where members of the public can testify about the change. Prior to the hearing, the SFMTA posts notices on poles, sends postcard mailings to nearby addresses, and reaches out directly to key stakeholders. Staff considers feedback received before and during the public hearing and makes changes if feasible alternatives are identified. Proposals then go to the SFMTA Board for final approval.

Commuter Shuttle Program Permits

Permits

Shuttle operators must apply for a permit to participate in the Commuter Shuttle Program. Permits must be renewed each year. Permit renewal takes place at a set time each year, so that a shuttle operator that joins the program mid-year is required to renew during the general renewal period. However, new applications are accepted on a rolling basis, as are applications from an existing permit holder to add or change fleet vehicles covered by the permit.

To be approved for a permit to operate vehicles in the Commuter Shuttle Program, the

shuttle operator must provide the following information:

- Company name, designated point of contact, and contact information
- Copy of applicable California Public Utilities Commission (CPUC) certifications, registrations and permits
- Documentation of compliance with CPUC insurance requirements
- Copy of the most recent Safety Compliance Report from the California Highway Patrol (CHP)
- Anticipated number of permit authorization stickers that will be requested for shuttle service
- Service Disruption Prevention Plan, including description of policies to promote labor harmony
- Routing information, including streets used and frequencies
- Acknowledgement of data feed requirements and specifications
- Accessibility Plan, including data on vehicle accessibility features and company procedures for accommodating riders with disabilities
- Compliance Plan with information on training and complaint follow-up procedures
- Signed agreement to comply with all terms of permit

Shuttle operators are required to keep the above information current, even when not applying for or renewing a permit.

Shuttle Permit Authorization Stickers

For each vehicle used in the Commuter Shuttle Program, shuttle operators must apply for a shuttle permit authorization sticker. Permit authorization stickers contain a unique six-digit number in the form XX-XXXX. The first two digits identify the shuttle operator, and the last four identify the specific vehicle and its length. Stickers with a third digit of 0 are issued to vehicles 35 feet in length or less, while stickers with a third digit of 5 are issued to vehicles over 35 feet in length.

A permit authorization sticker may be used only on the vehicle listed on the application for that permit authorization sticker, and may not be transferred to any other vehicle. A total of four stickers are provided for each vehicle and they must be affixed to the front, rear, and each side as specified by the SFMTA in the permit terms and conditions.

Permit authorization stickers must be renewed each year. Sticker renewal takes place at a set time each year, so that a permit authorization sticker approved mid-year must be renewed during the general renewal period. However, new applications are accepted on a rolling basis, as are applications from an existing permit holder to add or change fleet vehicles covered by the permit. Permit authorization stickers are assigned to an individual vehicle as identified by their license plate number.

To be approved for a permit authorization sticker, shuttle operators must demonstrate ability to transmit GPS data and provide the following information for each vehicle for which they wish to have a permit authorization sticker:

- Manufacturer and model name
- Size (length, weight, and passenger capacity)
- Model year
- Fuel used

- License plate number
- Vehicle registration information

Permit Terms

The permit authorizing shuttle operators' (Permittees') commuter shuttles to participate in the Commuter Shuttle Program and make use of the zones in the Commuter Shuttle Program's shuttle zone network ("Designated Stops") contains but is not limited to the following conditions and requirements:

1. Permittee must comply their Service Disruption Prevention Plan which is required as part of the permit application. The Service Disruption Prevention Plan must describe the Permittee's efforts to ensure its efficient operations while avoiding any potential disruptions to SFMTA operations by addressing the principles and concerns set forth in such Resolution. Upon issuance of a permit, Permittee must ensure its operations do not cause or contribute to any service disruptions. Failure to comply with this provision will result in denial or revocation of permits.
2. Permittee must comply with their Compliance Plan which details operator processes for addressing complaints and driving training procedures.
3. Permittee shall provide reasonable accommodation for riders with disabilities as specified by the Director.
4. Permittee must certify that all of their operators who drive a shuttle in San Francisco have viewed the SFMTA's Large Vehicle Urban Driving Safety video, which can be accessed at www.sfmta.com/largevehicles.
5. Permittee must indemnify SFMTA and the City of San Francisco for injuries or damage resulting from Permittee's use of Designated Stops, including associated bus shelters and other related sidewalk features.
6. Permittee vehicles must display a permit authorization sticker issued by SFMTA at specified location on all four sides of each vehicle at all times when operating commuter service in San Francisco.
7. Permittee must comply with operating guidelines:
 - a) *Muni priority*: Muni buses have priority at and approaching or departing Designated Stops.
 - b) *Yield to Muni*: Where Muni or other public transit buses are approaching a Designated Stop and when safe to do so, allow such buses to pass so they may stop at Designated Stops first.
 - c) *Stay within the network*: Permittees shall stop only at Designated Stops or other non-Muni zones, and may not stop at Muni zones outside the network.
 - d) *Active loading; no unnecessary idling*: Designated Stops may be used only for active loading and unloading; shuttles must load and unload riders as quickly and safely as possible. Unnecessarily idling is not permitted.
 - e) *Move forward*: Shuttle drivers shall pull forward in a Designated Stop to leave room for Muni or other shuttles.
 - f) *Pull in*: Shuttle drivers shall pull all the way to, and parallel with, the curb for passenger boarding and alighting; shuttle vehicles shall not be stopped or

parked so as to obstruct the flow of pedestrian or vehicular traffic; loading and unloading shall not take place in a vehicle or bicycle lane, or in a manner that impedes travel in these lanes.

- g) *Comply with all applicable traffic laws*: Shuttles shall operate in accordance with all applicable state and local traffic laws.
 - h) *Circulation*: Permitted shuttle vehicles longer than 35 feet may travel only on the arterial street network as determined by the California Department of Transportation. All shuttle vehicles shall stay on the arterial street network and avoid steep and/or narrow streets to the extent possible. Permittees shall comply with all relevant street and lane restrictions.
 - i) *Training*: Permittees shall ensure that training for shuttle drivers addresses these operating guidelines.
 - j) *Follow instructions from officials and traffic control devices*: Shuttle drivers shall follow instructions from police officers, authorized SFMTA staff (including Parking Control Officers) and traffic control devices in the event of emergencies, construction work, special events, or other unusual traffic conditions.
 - k) *Use of Designated Stops limited to permit-related activity*. Shuttle vehicles that display a permit authorization sticker but are not making commuter shuttle-related trips may not use Designated Stops.
8. Provide data feeds per SFMTA specifications, and demonstrate for each vehicle that data feeds are regular and accurate before receiving a permit.
 9. Pay permit fees. Permittees shall pay all permit fees by the due dates, except that any stop-events made by permitted shuttle vehicles that are free for use by the public, and display the words "Free to the Public" on the loading side of the vehicle in letters at least four inches tall, shall be exempt from this permit fee requirement but subject to all other permit terms.
 10. Promptly pay any outstanding traffic citations and administrative penalties.
 11. Designate a representative to receive comments or concerns about driving issues by permitted shuttle drivers, and place a sticker on all permitted shuttle vehicles that states "How is my driving?" and provides a number to reach that designated representative.
 12. Demonstrate compliance with all applicable regulatory requirements imposed by the CPUC, including registration/permitting, insurance, vehicle inspection requirements, and driver training.
 13. All shuttle vehicles not already approved for use in the Pilot as of January 31, 2016 must be either model year 2012 or newer, or be equipped with a power source that complies with emissions standards applicable to the 2012 class of vehicle. As of January 1, 2020, all shuttle vehicles used by Permittees in the Commuter Shuttle Program must be model year 2012 or newer, or be equipped with a power source that complies with emissions standards applicable to the 2012 class of vehicle. After January 1, 2020, all shuttle vehicles used by Permittees in the Commuter Shuttle Program must be no more than eight model years old, or be equipped with

a power source applicable to the class of vehicle eight years prior. SFMTA ensures compliance with this condition through the annual permit renewal process, which requires submittal of vehicle registration and, in the case of vehicles older than model year 2012, documentation to show compliance with applicable emissions standards.

An administrative penalty fee may be issued and/or a permit may be denied or revoked for failure to comply with permit terms.

Permit Fees

The SFMTA charges each participating shuttle operator a permit fee based on the number of stop-events each provider makes each day. A “stop-event” is defined as an individual instance of a shuttle vehicle stopping at a zone in the shuttle zone network. For example, a shuttle service provider that has five vehicles making 10 stop-events each per day is charged for 50 stop-events per day.

The permit fee covers the costs to SFMTA, including, but not limited to:

- Development of zone network, monitoring and updates
 - Evaluation of proposed stops
 - Sign installation
- Enforcement of the zone network and along shuttle corridors
- Signage and permit authorization sticker design
- Signage and permit authorization sticker production
- Sign installation and curb treatments
- Data management system development and management
- Permit processing and renewals
- Day-to-day oversight and administration
- Communications with shuttle operators and community members
- Billing, collection, payment processing

Fee Collection

The SFMTA invoices approved shuttle operators at the time of permit approval and each month. Shuttle operators are required to update their estimated total stop-events in the first week of each month for that month’s invoice. The SFMTA does not issue refunds for estimated stop-events that are not made. Any invoices sent by the SFMTA are due and payable within 30 days of invoice date. Late payment is subject to interest and penalties.

Payment of all outstanding fees, penalties and outstanding citations must be made prior to the issuance of any continuing permit. The SFMTA may also impose an administrative penalty for lack of compliance with permit terms and conditions.

Regulation and Enforcement

The SFMTA issues permit authorization stickers that identify permitted shuttle vehicles. Enforcement personnel rely on signage at shuttle zones and display of the authorization sticker on the front, rear, and sides of the vehicle to verify legitimate users of the shuttle zone network. Additionally, the authorization stickers each bear a unique identification number that is associated with the shuttle operator so that the SFMTA may easily contact the correct shuttle operator regarding any issues or concerns. Each shuttle must have a permit authorization sticker affixed in agreed-upon visible locations on the front, sides,

and rear of the vehicle during permit-related operation in San Francisco.

SFMTA enforcement officers enforce compliance with the program, issuing citations for actions such as:

- Non-permitted shuttles using shared stops
- Any shuttle (permitted or not) using Muni stops not designated as part of the shared network
- Any shuttle (permitted or not) loading or unloading in a bicycle or mixed flow lane, which creates a hazard and/or unsafe conditions.

In addition to parking citations, other penalties associated with the program include:

- Interest imposed on late payments.
- Non-compliance with permit terms: The SFMTA may impose an administrative penalty fee and/or revoke a permit for lack of compliance or performance of any of the permit conditions.

The SFMTA retains the right to revoke or deny renewal of a permit based on ongoing failure to comply with the terms of the program, ongoing failure to pay bills, penalties, or citations, or other ongoing poor performance.

Data

Permittees are required to equip each shuttle vehicle with an on-board device that provides the real-time location data as described in this section to the SFMTA and maintain a continuous feed of the specified data while the shuttle is used in San Francisco for commuter shuttle service. This GPS data provides the granularity and consistency of information needed to achieve the following:

- Focus enforcement efforts: queries to assess where stops are being made outside of the network
- Respond to complaints: identifying specific shuttle operators associated with complaints
- Audit: collect fees for stop-events made that exceed those estimated and paid for
- Respond to hot spots: identification of areas where there is a high concentration of shuttles may result in parking and traffic changes to address the high demand for loading/unloading space
- Prevent delay on key corridors: identification of delay hot spots could lead to suggested shuttle route changes

Engage in dynamic communications and routing: address public concerns, special events, emergencies, construction, and other routing needs with appropriate operators

Operator permits and permit authorization stickers are not granted until shuttle service providers demonstrate their ability to provide required GPS data on vehicles that would be part of the program. In addition, permittees must provide additional activity data to the SFMTA.

Estimated Activity Data

Shuttle operators are required to provide the following data about their vehicles and the activity of those vehicles on a regular basis using the SFMTA Commuter Shuttle portal:

- Estimated vehicle activity data (to be updated regularly)
 - Daily stop-events by zone
 - Monthly vehicle miles traveled in commuter shuttle service in San Francisco (including any deadheading)
 - Average daily boardings in commuter shuttle service in San Francisco
 - Average daily occupancy for each vehicle upon arrival at destination
 - Typical routes, and average number of runs per route
 - Average number of daily shuttle vehicles in operation

Real-Time Location and Movement Data

Operators submit real-time GPS data to the SFMTA's system every five seconds while in shuttle service in San Francisco. The data fields that are required of shuttle operators include:

- Shuttle company
- Permit authorization sticker number
- License plate number
- Location latitude and longitude
- Time and date
- Vehicle status (Whether a shuttle is moving or at a stop)
- Stop ID when shuttle is at a stop