



SFMTA
Municipal
Transportation
Agency

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

MINUTES

Tuesday, January 7, 2014
Room 400, City Hall
1 Dr. Carlton B. Goodlett Place

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

BOARD OF DIRECTORS

Tom Nolan, Chairman
Cheryl Brinkman, Vice Chairman
Malcolm Heinicke
Jerry Lee
Joél Ramos
Cristina Rubke

Edward Reiskin
DIRECTOR OF TRANSPORTATION

Roberta Boomer
BOARD SECRETARY

ORDER OF BUSINESS

1. Call to Order

Chairman Nolan called the meeting to order at 1:03 p.m.

2. Roll Call

Present: Cheryl Brinkman
Malcolm Heinicke
Jerry Lee
Tom Nolan
Joél Ramos
Cristina Rubke

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

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

4. Approval of Minutes

On motion to approve the minutes of the December 3, 2013 Regular Meeting and December 9, 2013 Special Meeting: unanimously approved.

5. Communications

Board Secretary Boomer stated that the Board would not discuss anticipated litigation in closed session. She also noted that with respect to Item 10.2, the Board’s action is the approval action for all of the modifications.

6. Introduction of New or Unfinished Business by Board Members

None.

7. Director’s Report (For discussion only)

- Special Recognition Award
- Ongoing Activities

Director Reiskin presented a trophy to the Materials Management Storerooms, and Storekeepers section for receiving the fourth quarter Maintenance Safety Award. Bond Yee, Director, Sustainable Streets recognized Maria Contreras, Parking Control Officer and Donald Ellison, Director, Human Resources recognized Redeena Cleaver, Training Instructor.

Director Reiskin discussed the Combined Charities Campaign, a tentative agreement with shuttle providers and a recent bike count.

8. Citizens' Advisory Council Report

No report.

9. Public Comment

Emil Lawrence stated that there were a lot of items on 10.2 but nothing about taxis. Taxis can't park anywhere in the city. He has seen a lot of awards going to DPT/Muni employees but there was no award for the woman who lost her child due to an Uber taxi. These vehicles should be under the mandate of the city.

Mark Gruberg stated that the incident is shocking but isn't surprising that Uber is denying responsibility for the accident that killed a six -year old girl. This is consistent with Uber's position that it's a software company and isn't subject to any regulation. The CPUC has said differently. It is the height of regulatory irresponsibility to leave the public unprotected. The driver's personal insurance will almost certainly deny coverage. They have tried time after time to impress on the CPUC that there are gaps in insurance rules.

Herbert Weiner discussed documentation that there is increased difficulty as one ages with walking and climbing. The TEP has provided no evidence that walking long distances by the elderly will be detrimental to their health. These hardships begin at age 65.

Mary McGuire stated that the MTA is responsible for the death of the young girl. Drivers have come to the Board time and time again that TNC cars aren't insured and that Uber will deny responsibility. Uber isn't covering third party victims. Their business model requires drivers to text while driving but that's illegal. The SFMTA advertises these services and so it is responsible.

Carl Macmurdo urged the Board to not put a medallion lease fee cap on the agenda. It will put a wedge between drivers and color schemes. Color schemes that cut corners have more money to offer drivers. He expressed support for the plan to set standards. With regard to the accident at Ellis and Polk streets, Uber is perpetrating insurance fraud. TNC drivers should have to have proof of insurance before an accident occurs.

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

CONSENT CALENDAR

10. All matters listed hereunder constitute a Consent Calendar, are considered to be routine by the San Francisco Municipal Transportation Agency Board of Directors and will be acted upon by a single vote. There will be no separate discussion of these items unless a member of the Board of Directors or the public so requests, in which event the matter shall be removed from the Consent Calendar and considered as a separate item.

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

- A. Patrick Hoban vs. CCSF, Superior Ct. #CGC12526986 filed on 12/13/12 for \$1,000
- B. Mattie J. Bess vs. CCSF, Superior Ct. #CGC1252556 filed on 12/26/12 for \$6,500
- C. Bounma Lacksanamyxay vs. CCSF, Superior Ct. #CGC12524202 filed on 9/13/12 for \$12,500
- D. James Dones vs. CCSF, Superior Ct. #CGC12527431 filed on 12/24/12 for \$15,000
- E. Michele Heidohrn vs. CCSF, Superior Ct. #CGC12520123 filed on 4/18/12 for \$18,000
- F. Hilda Jacobs vs. CCSF, Superior Ct. #CGC13534910 filed on 10/16/13 for \$47,500
- G. Linda Barta vs. CCSF, Superior Ct. #CGC11509790 filed on 4/1/11 for \$50,000

RESOLUTION 14-001

(10.2) Approving the following traffic modifications:

- A. ESTABLISH – STOP SIGNS - Executive Park Boulevard, northbound at Crescent Way.
- B. ESTABLISH – STOP SIGNS - Armstrong Avenue, eastbound and westbound, at Keith Street.
- C. ESTABLISH – NO PARKING ANYTIME - Castro Street, east side, from Waller Street to 46 feet southerly.
- D. ESTABLISH – TOW-AWAY NO PARKING ANYTIME - Orizaba Avenue, east side, from Lobos Street to 20 feet southerly.
- E. ESTABLISH – STOP SIGN - Santiago Street, at Lower Great Highway.
- F. RESCIND – BLUE ZONE - Wisconsin St., west side, from 44 feet to 64 feet south of Coral Road.
- G. ESTABLISH – NO PARKING ANYTIME - Wisconsin Street, west side, from Coral Road to 64 feet southerly.
- H. ESTABLISH – BLUE ZONE - Wisconsin Street, west side, from 78 feet to 98 feet south of Coral Road.
- I. ESTABLISH – PERPENDICULAR PARKING - Wisconsin Street, east side, from 25th Street to Connecticut Street.
- J. ESTABLISH – STOP SIGN - Camp Street, at Albion Street.
- K. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA O, 2-HOUR TIME LIMIT, 8 AM TO 6 PM, MONDAY THROUGH FRIDAY - Santa Monica Way, north side, between San Pablo Avenue and Santa Paula Avenue.
- L. ESTABLISH – NO PARKING ANYTIME - Santa Monica Way, south side, between San Pablo Avenue and Santa Paula Avenue.
- M. ESTABLISH – NO PARKING ANYTIME - Goettingen Street, west side, from Bacon Street to 25 feet southerly (sidewalk widening for 5 or 6' bulbs, southwest corner); Bacon Street, south side, from Goettingen Street to 30 feet westerly (sidewalk widening for 5 or 6' bus bulbs, southwest); Goettingen Street, west side, from Bacon Street to 25 feet northerly (sidewalk widening for 5 or 6' bulbs, northwest corner); Bacon Street, north side, from Goettingen Street to 25 feet westerly (sidewalk widening for 5 or 6' bulbs, northwest corner); Goettingen Street, east side, from Bacon Street to 25 feet northerly (sidewalk widening for 5 or 6' bulbs, northeast corner); Bacon Street, north side, from Goettingen Street to 30 feet easterly (sidewalk widening for 5 or 6' bus bulbs, northeast); Goettingen Street, east side, from Bacon Street to 25 feet southerly (sidewalk widening for 5 or 6' bulbs, southeast corner); and Bacon Street, south side, from Goettingen Street to 25 feet

- easterly (sidewalk widening for 5 or 6' bulbs, southeast corner).
- N. RESCIND – GREEN ZONE, 10-MINUTE PARKING, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY - Goettingen Street, east side, from Bacon Street to 33 feet northerly.
 - O. ESTABLISH – GREEN ZONE, 10-MINUTE PARKING, 9 AM TO 6 PM, MONDAY THROUGH SATURDAY-Goettingen St, east side, from 55 feet to 95 feet north of Bacon St.
 - P. ESTABLISH – NO PARKING ANYTIME - Washburn Street, east side, from Mission Street to approximately 65 feet southerly.
 - Q. ESTABLISH – PERPENDICULAR PARKING - Connecticut Street, west side, from 28 feet to 310 feet north of Cesar Chavez Street.
 - R. ESTABLISH – NO PARKING ANYTIME - Connecticut Street, west side, from Cesar Chavez Street to 28 feet northerly; Connecticut Street, west side, from 310 feet to 320 feet north of Cesar Chavez Street; and Wisconsin Street, west side, from 25th Street to 75 feet northerly
 - S. ESTABLISH – STOP SIGNS - Laguna Street, northbound and southbound, at Clay Street.
 - T. RESCIND – TOW-AWAY NO STOPPING, 7 AM TO 9 AM, 4 PM TO 6 PM, MONDAY THROUGH FRIDAY - Mission St., south side, from 41 feet to 82 feet east of Lafayette St.
 - U. RESCIND – YELLOW METERED LOADING ZONE, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY; 7 AM TO 6 PM, SATURDAY; NOON TO 6 PM, SUNDAY - Mission Street, south side, from 41 feet to 82 feet east of Lafayette Street.
 - V. ESTABLISH – NO PARKING ANYTIME EXCEPT BICYCLES - Mission Street, south side, from 41 feet to 71 feet east of Lafayette Street.
 - W. ESTABLISH – METERED MOTORCYCLE PARKING - Mission Street, south side, from 71 feet to 82 feet east of Lafayette Street.
 - X. ESTABLISH – BUS ZONE - Eddy St., south side, from 81 feet to 134 feet east of Divisadero St.
 - Y. ESTABLISH – BUS ZONE - Washington Street, south side, from Laguna Street to 80 feet easterly.
 - Z. ESTABLISH – RED ZONE - 25th Street, south side, from 20 feet to 55 feet west of Pennsylvania Avenue.
 - AA. ESTABLISH – NO TURN ON RED, 7 AM TO 7 PM, EVERYDAY - Broadway, westbound, at Van Ness Avenue.
 - BB. ESTABLISH – RESIDENTIAL PERMIT PARKING AREA F, 2-HOUR PARKING, 9 AM TO 4 PM, MONDAY THROUGH FRIDAY - Euclid Street, north side, between Collins Street and Manzanita Street.
 - CC. ESTABLISH – BLUE ZONE - 1500 Pine Street, north side, from 5 feet to 25 feet west of Polk Street. (Explanatory documents include a staff report and resolution. The proposed actions are Approval Actions as defined by S.F. Administrative Code Chapter 31.)

Item 10.2 M was removed from the consent calendar at the request of Director Heinicke.

Bond Yee, Director, Sustainable Streets presented the item.

Supervisor Scott Weiner expressed support for the bulb-out.

PUBLIC COMMENT on Item 10.2 M:

Members of the public expressing support: Natalie Burdick

RESOLUTION 14-002

On motion to approve Item 10.2 M:

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

(10.3) Authorizing the Director of Transportation to execute Contract No. 1269, Bayview Opera House Plaza Improvements Project, to Con-Quest Contractors, in an amount of \$769,950, and for a term of 122 calendar days. (Explanatory documents include a staff report, resolution and financial plan.)

RESOLUTION 14-003

(10.4) Amending Transportation Code, Division II, to repeal the Carpool Vehicle permit program, consolidate references to Residential Parking Program permits, correct previously omitted language establishing graduated fees for residential parking permits in excess of four per address, prohibit issuance of residential parking permits to vehicles over 6,000 pounds, change the fee for one-day residential parking permits depending on the quantity ordered, and clarify the requirements for residential parking permits issued to businesses. (Explanatory documents include a staff report, resolution and TC amendment. The proposed action is an Approval Action as defined by S.F. Administrative Code Chapter 31.)

RESOLUTION 14-004

On motion to approve the Consent Calendar (Item 10.2 M severed):

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

REGULAR CALENDAR

11. Amending of the Transportation Code, Division II, Article 1100 to implement reform of the ramp taxi medallion system to provide for the operation of ramp taxi medallions returned to the SFMTA pursuant to use agreements, to establish a policy guiding the distribution of ramp taxi medallions, to establish incentives for wheelchair pick-ups, to remove the limit on the number of spare vehicles and to make other changes. (Explanatory documents include a staff report, resolution and TC amendment.)

Christiane Hayashi, Director, Taxi and Accessible Services presented the item.

PUBLIC COMMENT:

Members of the public expressing support: Charles Rathbone and Carl Macmurdo

Members of the public expressing opposition: Emil Lawrence

Members of the public expressing neither support nor opposition: Mark Gruberg

RESOLUTION 14-005

On motion to approve:

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

12. Approving the 2014 Legislative Program for the SFMTA. (Explanatory documents include a staff report, resolution and plan.)

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

PUBLIC COMMENT:

Members of the public expressing neither support nor opposition: Barry Taranto

RESOLUTION 14-006

On motion to approve:

ADOPTED: AYES – Brinkman, Heinicke, Lee, Ramos and Rubke
ABSENT – Nolan

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

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

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Vice Chairman Brinkman called the closed session to order at 2:35 p.m.

2. Roll Call

Present: Cheryl Brinkman
Malcolm Heinicke
Jerry Lee
Joél Ramos
Cristina Rubke

Absent: Tom Nolan – with notification

Also present: Ed Reiskin, Director of Transportation
Roberta Boomer, Board Secretary
Mariam Morley, Deputy City Attorney
John Haley, Director, Transit Services

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

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

Drake Batterson vs. CCSF, Unlitigated Claim #1400083 filed on 7/10/13 for \$125,000

RESOLUTION 14-007

On motion to approve:

ADOPTED: AYES – Brinkman, Heinicke, Lee, Ramos and Rubke

ABSENT – Nolan

Eddie Valadez vs. CCSF, Superior Ct. #11513988 filed on 9/14/2011 for \$150,000

RESOLUTION 14-008

On motion to approve:

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

ABSENT – Nolan

Hillary Burgos vs. CCSF, Superior Ct. #CGC11513272 filed on 9/11/11 for \$400,000

RESOLUTION 14-009

On motion to approve:

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

ABSENT – Nolan

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

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

 X As defendant or X As plaintiff

This item was not discussed.

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 2:47 p.m.

14. Announcement of Closed Session.

Vice Chairman Brinkman announced that the SFMTA Board of Directors met in closed session to discuss the Batterson, Valadez and Burgos cases with the City Attorney. The Board of Directors voted unanimously to settle the cases. There was no discussion of anticipated litigation.

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

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

ADJOURN - The meeting was adjourned at 2:48 p.m.

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

Roberta Boomer
Board Secretary

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

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