

**THIS PRINT COVERS CALENDAR ITEM NO. : 14**

**SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Sustainable Streets

**BRIEF DESCRIPTION:**

Adopt the Commuter Shuttle Policy and Pilot Program to guide the SFMTA’s implementation and evaluation of a commuter shuttle pilot program, and amend the Transportation Code, Division II, to authorize as an 18-month pilot, a permit program to allow shuttle service providers to use designated Muni stops for passenger loading and unloading, and establishing permit conditions and a permit fee.

**SUMMARY:**

- The commuter shuttle bus sector in San Francisco has grown quickly, providing transportation benefits to commuters, students, employees and others, but also creating unintended impacts.
- The SFMTA proposes an 18-month pilot, the Shuttle Partners Program that would create a limited network of approximately 200 shared Muni and permitted commuter shuttle stops.
- Under the program, the SFMTA would issue permits to shuttle service providers that meet eligibility requirements, agree to comply with permit terms, and pay the permit and use fee.
- The fee would be based on cost-recovery calculations and would be assessed proportionally, based on usage at a rate of \$1 per stop event.
- Shuttle service providers, residents, and Muni operators would provide input that SFMTA service planners and traffic engineers will consider in identifying a network of shared stops.
- The proposed network of shared stops, along with any stop extensions and other curb changes, will be subject to public notice and a SFMTA public hearing.
- Permittees could be assessed penalties for non-compliance SFMTA’s evaluation of the pilot will assess the impacts on and benefits to Muni, private commuter shuttles, motorists, pedestrians and bicyclists environmental benefits

**ENCLOSURES:**

1. SFMTAB Resolution
2. Transportation Code Division II Amendment
3. Commuter Shuttle Pilot Proposal

**APPROVALS:**

**DATE**

**DIRECTOR** \_\_\_\_\_

1/13/14

**SECRETARY** \_\_\_\_\_

1/13/14

**ASSIGNED SFMTAB CALENDAR DATE:** January 21, 2014

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### **PURPOSE**

Adopt the Commuter Shuttle Policy and Pilot Program to guide the SFMTA's implementation and evaluation of a commuter shuttle pilot program, and amend the Transportation Code, Division II to authorize an 18-month pilot permit program to allow shuttle service providers to use designated Muni stops for passenger loading and unloading, and establish permit conditions and a permit fee.

### **GOAL**

The proposed policy supports the following SFMTA strategic plan goals:

1. Create a safer transportation experience for everyone.
2. Make transit, walking, bicycling, taxi, ridesharing and carsharing the preferred means of travel.
3. Improve the environment and quality of life in San Francisco.

### **DESCRIPTION**

The commuter shuttle sector in San Francisco has grown rapidly, offering a sustainable commute choice to thousands of employees, students, and others, and at the same time leading to unintended impacts on Muni operations and on other parts of the transportation system. The SFMTA is proposing an 18-month pilot program to regulate the use of designated Muni stops by the commuter shuttle sector and minimize the impact of conflicts over use of the stops on Muni and other transportation system users.

Commuter shuttles provide alternatives to drive-alone trips, and are associated with reduced auto ownership and with increased use of transit, walking, and bicycling for non-commute trips. Private shuttles currently provide more than 35,000 individual person-trips on an average weekday, most of these during peak morning and evening hours. This is the equivalent to about five percent of total Muni boardings on an average weekday.

The SFMTA conducted field data collection and confirmed that shuttle operations create conflicts for Muni and other users of the transportation system most often when using Muni stops that:

- Are on the near side of an intersection, where parked vehicles immediately precede the stop
- Have frequent stops by Muni vehicles
- Are shorter than 80 feet
- Are used by multiple shuttle operators

Impacts include:

- Delays to Muni service
- Forcing Muni buses to must stop in the traffic lane rather than at the curb
- Localized traffic congestion
- Diversion of bicyclists out of bike lanes and into traffic lanes

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Documented benefits of the private commuter shuttles include:

- Reduction in private vehicle trips: Nearly half of all regional shuttle riders and 27 percent of all intra-city shuttle riders surveyed reported that they would drive alone for their commute if they did not have access to the shuttle service;
- Reduction in car ownership rates: 59 percent of regional riders reported selling or forgoing purchase of a personal vehicle because of availability of the shuttle service, decreasing evening and weekend parking demand in San Francisco neighborhoods;
- Increased use of transit, walking, biking, and other sustainable modes for non-commute trips;
- Annual reductions of at least 45 million vehicle miles traveled and 11,000 metric tons of greenhouse gas emissions.

The SFMTA has worked with shuttle sponsors and the shuttle transportation service providers to develop an approach that supports the shuttle sector and the benefits it provides while minimizing its impacts on Muni and others.

The SFMTA proposes an 18-month pilot, the Shuttle Partners Program, that would create a limited network of approximately 200 shared Muni and permitted commuter shuttle stops (“Designated Stops”). The SFMTA will grant permits to those shuttle service providers that meet eligibility requirements, agree to comply with permit terms, and pay the permit and use fee. The fee is based on cost-recovery calculations and will be assessed proportionally on a usage basis. The fee will be \$1 per stop event. A stop event is a single stop incidence by a shuttle at a Designated Stop. For example, a shuttle route that runs twice per day and makes stops at five Designated Stops would incur a fee of \$10 per day.

The SFMTA will invite shuttle service providers to propose stops to be included in the network, and will seek input from community members and Muni operators and inspectors on factors to consider in evaluating proposed stops. SFMTA transit service planning and engineering staff will evaluate requested stops in light of community input and Muni operations and stop configuration to propose a network of shared stops. A proposed network of shared stops, along with any stop extensions other curb changes, will be subject to public notice and a SFMTA public hearing.

Under the pilot program, shuttle service providers would apply for a permit and include information on their intended volume of daily stop events and a request for a number of placards. The SFMTA would charge them and issue the permit. The SFMTA would also provide the specified number of placards, which would be required to be displayed on the shuttle buses using Designated Stops.

Under the terms of the permit, the shuttle service providers would be required to provide the SFMTA with specified real-time data concerning shuttle travels and stop usage. One of the uses of this data will be to conduct audits of stop events. Where SFMTA determines that a shuttle service provider exceeds the number of stop events that it paid for in its permit application, the SFMTA would bill the provider for the amount due.

SFMTA would be authorized to impose penalties for non-compliance with permit conditions, late payment of fees, and under-reporting of stop events by more than 10 percent.

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The SFMTA will evaluate the pilot program to assess how well it addresses conflicts between Muni and private commuter shuttles, and how well it encourages and facilitates shuttle operation, as well as environmental benefits. The SFMTA will also evaluate the program's structure, administration, enforcement, and overall costs.

A detailed description of the pilot is included as Enclosure 3.

Staff briefed the SFMTA Board's Policy and Governance Committee and the SFMTA Citizens Advisory Council on the policy framework in July 2013. Staff presented the pilot program and legislation to the Citizens Advisory Council on January 9, 2014.

The SFMTA determined that the proposed commuter shuttles pilot program does not constitute a project as defined by CEQA, per CEQA Guidelines Section 15060 (c) (2), which states "the activity will not result in a direct or reasonably foreseeable indirect physical change on the environment." The City Planning Department issued a concurrence with this determination. A copy of the determination is on file with the Secretary for the SFMTA Board of Directors.

## **ALTERNATIVES CONSIDERED**

The SFMTA considered the following alternatives to the proposed pilot approach:

1. Prohibiting shuttles from all Muni zones and requiring them to use existing white zones, or seek new white zones for operations. This alternative was not pursued because it would require the establishment of a large network of new white zones, many of which would require parking removal. Given that data gathered from field observations indicated that sharing at certain kinds of stops would work, the SFMTA proposes to pursue the proposed option instead of pursuing parking removal for every shuttle stop.
2. Allow shuttles to use all Muni zones, with exceptions of those identified by the SFMTA as problematic. A guiding principle of this pilot is that it should test an approach that could expand over time as the shuttle sector evolves—piloting a network that has the capacity to grow better supports this key principle than authorizing a network that will shrink over time as Muni and shuttle demands increase. The burden would be on the SFMTA to evaluate all of Muni's approximately 3000 stops and determine which may create problems. This is essentially legalizing the current situation where shuttles stop wherever they want until conflicts result in filed complaints, and an SFMTA investigation that leads to directions to operators to avoid problematic stops. The problems with the current approach were motivations for improved policy.

## **FUNDING IMPACT**

The pilot program is designed to be revenue neutral. The permit and use fee is based on cost-recovery calculations.

**PUBLISHED NOTICE AND PUBLIC HEARING**

Pursuant to Charter Section 16.112, published notice was provided in the City's official newspaper that the Board of Directors will hold a public hearing on January 21, 2014, to consider implementing as an 18-month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers. In compliance with these requirements, the advertisement ran in the San Francisco Chronicle for a five-day period beginning on January 10, 2014. Because this publication was made later than called for in Article 4, Section 10 of the SFMTA Board of Directors' Rules of Order, which requires that the advertisement run for at least five days not less than 15 days prior to the date of the hearing, SFMTA is requesting that the Board of Directors suspend Article 4, section 10 with regard to published notice for the new permit and use fee and charges.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

On January 8, 2014, the SFMTA, under the authority delegated by the Planning Department, determined that the proposed Commuter Shuttle Policy and Pilot Program and Transportation Code amendments to implement an 18 month pilot program were exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption. The proposed pilot program will provide the opportunity for SFMTA to gather information and collect data on the shuttle services' use of shared Muni stops and the effect of the program on transportation in the City that will help inform future implementation of regulations for shuttle services. On January 9, 2014, the City Planning Department issued a concurrence with this determination.

The SFMTA's determination and the Planning Department's concurrence are on file with the Secretary to the SFMTA Board of Directors. The proposed action is an Approval Action as defined by San Francisco Administrative Code Chapter 31.

The City Attorney has reviewed this report.

**RECOMMENDATION**

The SFMTA recommends that the SFMTA Board of Directors adopt the Commuter Shuttle Policy and Pilot Program to guide the SFMTA's implementation and evaluation of the commuter shuttle pilot program and amend the Transportation Code, Division II, to authorize establishment of a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establish a fee for such permits and penalties for permit violations.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, The use of shuttle buses for the purpose of providing 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,

WHEREAS, Shuttle bus 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 having of 50 percent of all trips made by sustainable modes by 2018; and,

WHEREAS, Shuttle bus service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions for trips originating or ending in the City by 11,000 metric tons annually; and,

WHEREAS, The unregulated use of Muni stops by shuttle bus service providers has resulted in unintended adverse impacts, including delaying public transit service, increasing traffic congestion, diverting bicyclists from bicycle lanes into mixed-flow lanes, and diverting motor vehicle traffic into adjacent travel lanes, and preventing public transit vehicles from being able to access the curb in order to load and unload passengers; and

WHEREAS, The SFMTA's lack of complete information about shuttle bus operations, including routes, frequency of service and stops has been a barrier to resolving and preventing conflicts with shuttle service providers' operations, including adverse impacts on Muni service and increased traffic congestion; and

WHEREAS, Inconsistent or inaccurate identification of, and lack of contact information for, shuttle bus service providers has made it difficult for the SFMTA to effectively and timely communicate with shuttle bus service providers to prevent or resolve conflicts and makes enforcement of traffic and parking regulations difficult; and

WHEREAS, Regulation by the SFMTA of stop use by shuttle bus services to provide safe loading and unloading zones for those services, whose cumulative ridership is equivalent to that of a small transit system, is consistent with City's Transit First policy; and

WHEREAS, SFMTA has evaluated the impacts of shuttle service operations on Muni operations and other users of the transportation system and worked with shuttle sponsors and shuttle service providers to develop SFMTA's Commuter Shuttle Policy and Pilot Program to guide SFMTA's implementation and evaluation of a pilot program to authorize commuter shuttle buses to stop in designated Muni stops; and

WHEREAS, Pursuant to Charter Section 16.112, published notice was provided in the City's official newspaper for a five-day period beginning on January 10, 2014, that the Board of Directors will hold a public hearing on January 21, 2014, to consider implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; and,

WHEREAS, On January 8, 2014, the SFMTA, under the authority delegated by the Planning Department, determined that the proposed Commuter Shuttle Policy and Pilot Program and Transportation Code amendments to implement an 18 month pilot program were exempt from environmental review pursuant to Title 14 of the California Code of Regulations Section 15306 as a Class 6 (Information Collection) categorical exemption, and on January 9, 2014, the City Planning Department issued a concurrence with SFMTA's determination; and,

WHEREAS. The proposed pilot program will provide the opportunity for SFMTA to gather information and collect data on the shuttle services' use of shared Muni stops and the effect of the program on transportation in the City that will help inform future implementation of regulations for shuttle services; and,

WHEREAS, A copy of the SFMTA's determination and the Planning Department's concurrence are on file in the office of the Secretary for the SFMTA Board of Directors, and this approval is the Approval Action as defined by San Francisco Administrative Code Chapter 31; and,

WHEREAS, On January 21, 2014, the SFMTA Board of Directors approved a motion to suspend Article 4, Section 10 of the SFMTA Board of Directors Rules of Order regarding published notice for implementing as an 18 month pilot, a permit program including a permit and use fee for shuttle buses authorized under the program to use designated Muni stops for loading and unloading passengers; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors adopts the Commuter Shuttle Policy and Pilot Program; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors amends Transportation Code, Division II, to authorize establishing a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers and establishing a fee for such permits and penalties for permit violations.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency

[Transportation Code – Pilot Permit Program For Shuttle Buses Using Designated Muni Stops]

**Resolution amending Division II of the Transportation Code to establish a pilot permit program to authorize certain shuttle buses to stop in designated Muni stops for the purpose of loading or unloading passengers, and establishing fees for such permits.**

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 adding Section 914, to read as follows:

**Sec. 914. 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 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.

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. A placard issued by SFMTA that is visible from outside the Shuttle Bus at front 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 Private 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. An 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 having of 50 percent of all trips made by sustainable modes by 2018.

(3) Shuttle Service currently operating in San Francisco reduces vehicle miles traveled (VMT) in the City by at least 45 million miles annually, and reduces greenhouse gas emissions from trips originating or ending in the City by 11,000 metric tons annually.

(4) Unregulated use of Muni stops by Shuttle Service Providers has resulted in unintended adverse 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) The SFMTA's lack of complete information about Shuttle Service operations, including routes, frequency of service and stops has 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 has 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) Regulation by the SFMTA of stop use 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 City's Transit First policy.

(8) The pilot program established under this Section 914 is intended to enable SFMTA to evaluate whether shared use of Muni stops by Shuttle Buses is consistent with efficient operation of the City's public transit system.

**(c) General Permit Program Requirements.**

(1) The Director is authorized to implement a pilot program for the issuance of Shuttle Permits beginning on a date designated by the Director. The duration of the pilot program shall not exceed 18 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 issued by SFMTA.

(4) The Director is authorized to establish up to 200 Designated Stops for the purposes of this pilot program. The Director may establish additional Designated Stops following a public hearing.

(d) **Application Requirements.** 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;

(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, and the make, passenger capacity and license plate number of each of its Shuttle Buses that would be authorized, when bearing a Shuttle Placard, to use one or more Designated Stops;

(4) The total number of Shuttle Placards 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) 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.

(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. The Director may issue procedures for reviewing the Director's decision upon request of the permit applicant.

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

(1) Any Shuttle Bus being operated in Shuttle Service shall be listed on the permit application and shall display a valid SFMTA-issued Shuttle Placard visible from outside the Shuttle Bus at front and rear locations on the Shuttle Bus as specified by the SFMTA, at all times such vehicle is being operated in Shuttle Service in the City. Shuttle Placards may be transferred between any Shuttle Buses in the Shuttle Service Provider's fleet that are listed on the Permit.

(2) A Shuttle Bus bearing valid Shuttle Placards shall be allowed to stop at any Designated Stop subject to the following conditions:

(A) The Shuttle Bus shall give priority to any transit buses that are approaching or departing a Designated Stop;

(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, 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 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 (f) may be cited for violation of California Vehicle Code Section 22500(i).

(4) The Permittee shall comply with all applicable federal, state and local laws, including this Code, the California Vehicle Code and 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 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. Notwithstanding the foregoing requirements stated in this subsection (f)(5), if the Permittee is unable to provide the required data in accordance with specifications issued by the Director, the Permittee shall install an on-board device (OBD) prescribed by the SFMTA in each Shuttle Bus. 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, 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, subject to the Permittee's right under applicable law to contest such citations.

(7) 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.

(g) **Duration of Shuttle Permit.** Shuttle Permits initially issued under this Section shall expire six months from the date of commencement of the pilot program designated by the Director pursuant to subsection (c)(1), 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. Permits issued or renewed on or after that six months' date shall expire 18 months from the date of program commencement, unless a shorter term is requested by the Permittee, the Permit is revoked or the Director for good cause finds a shorter term is required.

(h) **Fees.**

(1) Shuttle Service Providers shall pay a Designated Stop use and permit fee as set forth below. The fee is intended to cover the cost to SFMTA of permit program implementation, administration enforcement and evaluation. The Designated Stop use fee component shall be determined by multiplying the total number of anticipated daily Stop Events stated in the permit application by the per stop fee set forth below. 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 following date of commencement of the pilot program.

(2) The Designated Stop use and permit fees shall be \$1 per Stop Event.

(3) Permittees shall be billed for the Designated Stop use and permit fee upon issuance or renewal of the Permit. 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 percent penalty plus interest at the rate of one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

(4) 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. 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 percent or more, the Provider shall pay the additional Designated Stop use fee due, plus a 10 percent 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 one percent per month on the outstanding balance, which shall be added to the fee amount from the date that payment is due.

**(i) 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 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;

(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.

(j) **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(f).

(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(f). 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(f) may be subject to the issuance of a citation and imposition of an administrative penalty under this Subsection 914(j).

(4) Administrative penalties may not exceed \$250 for each violation. 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(f), 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(f), 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(j).

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

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

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of January 21, 2014.

\_\_\_\_\_  
Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency



**SFMTA**  
Municipal Transportation Agency

# **Commuter Shuttle Policy and Pilot Program**

January 2014

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## Introduction

The commuter shuttle sector in San Francisco has grown rapidly, offering a sustainable commute choice to thousands of employees and students, and at the same time leading to unintended impacts on Muni operations and on other parts of the transportation system.

Commuter shuttles provide alternatives to drive-alone trips, and are associated with reduced auto ownership and use of transit, walking, and bicycling for non-commute trips. Private shuttles currently provide more than 35,000 individual person-trips<sup>1</sup> on an average weekday, most of these during morning and evening peak hours. This is equivalent to approximately 5 percent of total Muni boardings on an average weekday.

Numerous employers, educational institutions, medical facilities, office buildings, and transportation management associations offer shuttle service to their employees, students, and clients. Some buildings are required to provide shuttle service as part of their conditions of approval. And, an employer may comply with San Francisco's Commuter Benefits Ordinance by offering a free commute shuttle to employees. The majority of the 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.) The private shuttle sector encompasses:

- **Sponsors:** The buildings, employers, hospitals, schools, and other institutions that offer the service, either by contracting out to operators or by operating their own shuttles. Sponsors also include third party shuttle coordinator firms hired by companies to manage contracted shuttle systems.
- **Shuttle service providers:** The companies and individuals who operate the shuttle vehicles and provide the service on a day-to-day basis.
- **Riders:** The people who use shuttles for their commute trips.

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).

## Shuttle impacts and benefits

As the commuter shuttle sector has grown, real and perceived conflicts have increased. Some shuttles stop at designated white shuttle bus zones or white passenger loading zones. However, many shuttles use Muni stops to load and unload passengers. Muni stops are designated with a red curb, which prohibits parking and stopping by non-Muni vehicles. In some locations, commuter shuttle use of Muni zones has not resulted in conflicts, while in others there have been conflicts. Until now, the San Francisco Municipal Transportation Agency (SFMTA) has addressed conflicts with shuttles on an ad hoc basis. However, this approach is not sustainable and does not provide clear standards for operators or enforcement.

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<sup>1</sup> Based on SFMTA data compiled from 2012 data collected from shuttle sponsors.

Without a network of approved stops, private commuter shuttle operators have imperfect choices to make about where to load and unload riders: stopping in the travel lane (adjacent to parked cars) blocks through traffic and bicycles, presents safety hazards for riders boarding and alighting, and risks a parking citation; stopping at a Muni stop enables safer curbside access, but can delay Muni and risks a parking citation.

The SFMTA conducted field data collection that confirmed that shuttle operations create conflicts for Muni and other users of the transportation system most often when using Muni stops that:

- Are on the near side of an intersection, where parked vehicles immediately precede the stop. In this case, the rear end of the vehicle often protrudes into the travel or bike lane.
- Have frequent Muni service
- Are shorter than 80 feet
- Have frequent shuttle service

The impacts include:

- Delays to Muni
- Muni buses that must stop in the traffic lane rather than at the curb
- Localized traffic congestion
- Diversion of bicyclists out of bike lanes and into traffic lanes

The SFMTA conducted analysis of shuttle contributions as well and identified the following benefits from the commuter shuttles:

- Reduction in private vehicle trips: Nearly half of all regional shuttle riders and 27 percent of all intra-city shuttle riders surveyed reported that they would drive alone for their commute if they did not have access to the shuttle service
- Reduction in car ownership rates: 59 percent of regional riders reported selling or forgoing purchase of a personal vehicle because of availability of the shuttle service, decreasing evening and weekend parking demand in San Francisco neighborhoods
- Increased use of transit, walking, biking, and other sustainable modes for non-commute trips
- Annual reductions of at least 45 million vehicle miles and 11,000 tons of greenhouse gas emissions

Residents, elected officials, shuttle sector members, Muni operators, parking control officers, and Muni inspectors have requested that the SFMTA establish clear rules about where shuttles may and may not stop. The SFMTA has worked with shuttle sponsors and the shuttle transportation service providers to develop an approach that minimizes impacts on Muni and other users while supporting the shuttle sector and the benefits it provides.



## Guiding principles

The following high-level policy principles inform this proposal:

1. Provide a safe environment for commuter shuttle riders as well as other street users
2. Support the commuter shuttle operations
3. Integrate commuter shuttles into the existing multi-modal transportation system
4. Ensure that commuter shuttles do not adversely affect operations of public transportation in San Francisco
5. Consistently and fairly apply and enforce any regulations/policies governing shuttle operations
6. Work collaboratively with shuttle sector to develop policies and resolve concerns and conflicts
7. Establish a program structure that meets current needs, and that has the potential to evolve as the sector grows and needs change
8. Develop processes with attention to effective enforcement and ease of administration and on-going oversight

## Related SFMTA Strategic Plan goals

The proposed policy 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 pilot approach to designating and managing shuttle stops in San Francisco aims to maximize the benefits shuttles deliver while minimizing their impacts.

## Proposal

The SFMTA proposes an 18-month pilot, the Shuttle Partners Program that would create a network of shared stops for use by Muni and those commuter shuttle buses that participate in the Shuttle Partners Program, as described below.

## Eligibility

The proposed pilot applies to privately operated transportation services that move commuters to, from, and within San Francisco. Services that are arranged by an employer, building, or institution to provide transportation home to work, work to home, last-mile to work, or work site to work site are eligible to participate in this program. These services warrant a pilot program to test sharing because:

- Service is routine (following set schedules) and involves relatively uniform number of vehicles
- Service reduces greenhouse gas emissions and vehicle miles traveled
- Operations are conducive to sharing 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

The following users are not eligible to participate in the pilot:

- Tour or recreational buses, long-distance interurban buses: long dwell time and irregular stopping activity are not conducive to sharing with Muni
- Party buses: long dwell time and irregular stopping activity are not conducive to sharing with Muni; system benefits not demonstrated
- On-call point-to-point services (airport shuttles, limousines, other on-demand transportation): irregular service, dwell time too long
- School buses: San Francisco has the authority to exempt school buses from stop restrictions and has not done so
- Private individual fare transportation (jitneys, transportation network companies (TNCs)): irregular use is not conducive to sharing; transportation system benefits have not been demonstrated
- Vanpool vehicles: Are exempt from critical CPUC safety, training, inspection regulations; drivers do not have commercial licenses.
- Services that replicate Muni routes: the purpose of this pilot is to support transportation services that expand transportation options through providing point to point services that are not provided by public transportation

### Key elements

- The SFMTA will develop a network of approximately 200 shared Muni and shuttle stops
  - Shuttle transportation service providers propose which Muni stops should be considered to become shared stops
  - SFMTA will solicit input from residents, Muni operations on street conditions to consider when evaluating proposed stops
  - SFMTA traffic engineering and service planning staff will evaluate proposed stops in light of shuttle sector preferences, street conditions, Muni operations, and stop configuration
  - A SFMTA public hearing, and associated notification, will be required to approve network of shared stops

- Shuttle service providers would apply for a permit to use network, and pay a fee for permit
- Permittees will be responsible for ensuring that their operators comply with agreed-upon operating guidelines, including displaying a placard that identifies them as a permitted user
- Parking Control Officers, Muni Inspectors would enforce stopping at shared stops in order to limit the use of such stops only to Muni and permittees
- Permittees will share data on operations with the SFMTA, following specifications established by the SFMTA

### Alternatives considered

The SFMTA considered the following alternatives to the proposed pilot approach:

1. Prohibiting shuttles from all Muni zones and requiring them to use existing white zones, or to seek new white zones. This alternative was not pursued because it would require the establishment of a large network of new white zones, many of which would require parking removal. Given that data gathered from field observations indicated that sharing at certain kinds of stops would work, the SFMTA proposes to pursue the proposed option instead of pursuing parking removal for every shuttle stop.
2. Allow shuttles to use all Muni zones, with exceptions of those identified by the SFMTA as problematic. A guiding principle of this pilot is that it should test an approach that could expand over time as the shuttle sector evolves—piloting a network that has the capacity to grow better supports this key principle than authorizing a network that will shrink over time as Muni and shuttle demands increase. Additionally, the burden would be on the SFMTA to evaluate all of Muni's approximately 3000 stops and determine which may create problems. This approach would essentially legalize the current situation where shuttles use any Muni stop until conflicts result in filed complaints and an SFMTA investigation that leads to directions to operators to avoid problematic stops. The problems with the current approach were motivations for improved policy.

### Pilot benefits

The pilot delivers benefits to both the City and to the shuttle sector.

Benefits to City include:

- Increased safety for all users, including pedestrians, bicyclists, public transit riders, and private vehicle drivers as shuttles operate according to agreed-upon guidelines
- Reduced impacts on Muni operations
- Reduced localized congestion

- Ability to quickly resolve conflicts, using identification and shared data
- Data to support more effective management of the roadway network for all users
- Information on shuttle activity, allowing effective communication and planning
- Shift commuters onto and keep commuters using sustainable non-single occupancy modes

Benefits to the shuttle sector include:

- Ability to propose and coordinate with SFMTA on approved locations for passenger loading/unloading
- Clarity on which stops are legal to use and which are illegal, a clear framework of enforcement and repercussions for violators
- Signage at approved zones will communicate allowed use to members of the public and enforcement
- Upgrade of some stops to accommodate shuttle vehicles as added users
- Ability to address issues and concerns quickly through partnership with the City
- Coordination with SFMTA on further improvement of transportation services and conditions
- Information about upcoming construction projects, street closures, and planning projects of interest that may affect shuttle services

### **Network development: application and approval process**

The SFMTA will solicit applications from shuttle service providers for the purpose of determining which stops should be included in the shared Muni-shuttle stop network. The SFMTA will host an on-line submission system that allows shuttle service providers to identify specific Muni bus zones that they would like to use as part of the network. Shuttle service providers will also provide information about the type of vehicles that would use the stops, and the hours and frequency of the proposed stop use.

The SFMTA will solicit information from community members about specific street and traffic conditions that may be relevant to the inclusion or exclusion of specific stops within the network of shared stops. The SFMTA will host two open-house style community workshops and an interactive webpage with instructions in English, Spanish, and Chinese to invite members of the community to provide location-specific information for consideration. Similar information will be solicited from Muni operators and supervisors.

SFMTA transit service planning and engineering staff will review proposed stops, identifying potential impacts provided by community input as well as information about Muni operations and stop configurations to recommend a network of shared stops. Where existing Muni stops are not long enough to accommodate shuttle use and an extension of the zone is warranted, the SFMTA may suggest lengthening the zone or creating an adjacent shuttle zone by restricting use of adjacent parking spaces during peak hours, subject to a public hearing. Staff may also suggest the creation of separate white zones to accommodate shuttles at locations where sharing is not feasible, which would also be subject to public

hearing.

SFMTA staff and the Transportation Advisory Staff Committee (TASC) have reviewed and contributed to this policy proposal. A proposed network of shared stops, along with any stop extensions other curb changes, will be subject to public notification and a SFMTA public hearing.

The SFMTA may review and move the list of proposed shared stops forward as a package through the approval process. The SFMTA would approve the shared zones based on technical merit and the goal of supporting shuttles as an auto vehicle miles traveled and greenhouse gas emissions reduction strategy. The SFMTA reserves the right to reject a proposed space or remove it from the approvals process at any time and for any reason.

Requests for a limited number of additional shared stops may be submitted and considered on a rolling basis throughout the term of the pilot program. However, the intention is that most of the shared stops will be identified and approved at the outset of the pilot program.

Any Muni stop not formally approved by the SFMTA as a shared stop will remain, by default, not an allowable or legal stop for private shuttles. Violators will be subject to citations.

### **Permit and use fee**

The SFMTA would charge each participating shuttle provider a permit and use fee of \$1 per stop event per day. A “stop event” is defined as an individual instance of stopping at the shared zone. For example, a shuttle service provider that uses 5 shared zones 10 times a day would submit a permit application requesting permission to make 50 stop events a day and, if approved, the SFMTA would charge this shuttle service provider \$50 per day.

The permit and use fee has been developed using a cost-recovery basis and includes both upfront and on-going costs associated with the pilot:

Upfront costs:

- Development of stop proposal system (map-based web interface)
- Evaluation of proposed stops
- Signage and placard design
- Signage and placard production
- Sign installation
- Data management system development
- Permit processing

On-going costs:

- Enforcement
- Data system and management
- Day to day oversight and administration
- Billing, collection, payment processing
- Evaluation

An average of 4,121 stop events per day was assumed in deriving the cost per stop-event. This number reflects the SFMTA's knowledge of existing commuter shuttle stop events in Muni zones based on data collected from shuttle sponsors and service providers in 2012. The exact per-stop fee may be revised based on total stop-events identified by the permit applicants.

### Permit application

After the network of shared stops is approved, shuttle service providers may apply for permits. An initial permit will be issued for the first six months of the program, followed by a renewal (or adjusted) twelve-month permit for the remainder of the program.

The permit application form will request the following:

- Company name, point of contact, contact information
- Billing address
- Number of stop events anticipated for term of the permit
- Total number of shuttle vehicles that may be used for shuttle service, and make and license number
- Total number of placards requested
- Documentation of the applicant's registration status with the CPUC and any other verification of eligibility
- Agreement to comply with all terms of permit

### Fee collection

The SFMTA will invoice approved permittees at the time of permit approval. The fee will be collected twice during the program: upfront for the first six months and then upfront for the following 12 months.

Shuttle providers that increase service during the course of the program shall notify the SFMTA project manager and pay for additional stop usage.

The SFMTA will conduct reconciliation every six months to compare the number of stop events paid for with the number of stop events made, and will invoice firms for additional stop events made. The SFMTA will not issue refunds for anticipated stop events that are not made as the cost recovery calculation is based on a certain level of overall stop events. If a service provider's actual stop events exceed the number of stop events paid for the SFMTA will invoice for the difference. If actual stop events exceed the number of stop events paid for by more than 10 percent, the SFMTA will assess a penalty fee of 10 percent of the unpaid cost in addition to invoicing for the excess stop events.

Any invoices sent by the SFMTA are due and payable within 30 days of invoice date. Late payment will be subject to interest.

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 fee for lack of compliance or performance of permit

conditions.

The SFMTA will not reimburse any permit and use fees, regardless if a permittee stops using the shared network by choice or because of permit revocation associated with non-compliance.

### Permit terms

A permit authorizing shuttle partners' (Permittee's) commuter shuttles to make shared use of selected Muni stops ("Designated Stops") would contain the following key conditions and requirements:

1. Permittee must indemnify SFMTA/City of SF for injuries or damage resulting from Permittee's use of Designated Stops, including associated bus shelters and other related sidewalk features
2. Permittee vehicles must display placard issued by SFMTA at specified location on front and rear of vehicle(s) at all times when operating commuter service in San Francisco
3. 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
  - d) *Active loading; No staging or idling*: Designated Stops may be used only for active loading and unloading; shuttles must load and unload riders as quickly and safely as possible. Staging must take place outside of any Designated Stops, consistent with parking regulations
  - 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; 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 be operating in accordance with all applicable state and local traffic laws
  - h) *Circulation*: Permittees shall stay on arterial streets 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 instruction 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
4. Provide data feeds per SFMTA specifications
  5. Pay permit fee
  6. Promptly pay any outstanding traffic citation
  7. Demonstrate compliance with all applicable regulatory requirements imposed by the CPUC, including registration/permitting, insurance, and vehicle inspection requirements, as well as standards for drivers

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

### Identification of shared stops

The SFMTA will approve a set of approximately 200 Muni stops available for use by participating shuttle programs members during the period of the pilot. These stops will bear signage indicating that they are part of the approved shared network. The signage will use a logo and design consistent with the on-vehicle shuttle placards.

For those locations where stop extensions are deemed appropriate and receive approval, the SFMTA will paint the curb and fabricate and install signage indicating the location as a shuttle stop.

### Regulation and enforcement

The SFMTA will develop and issue placards that identify permitted shuttle vehicles. Enforcement personnel will rely on display of the placard on the front and rear of the vehicle to verify legitimate users of the shared stops. Additionally, the placards will each bear a unique identification number that is associated with the shuttle service provider so that the SFMTA may easily contact the correct shuttle service provider regarding any complaint and concern. Each shuttle must have a placard affixed in agreed-upon visible locations in the front window and rear during permit-related operation in San Francisco.

Placards shall be assigned to the shuttle service provider, rather than to individual vehicles, to allow for flexibility of fleet management.

Parking Control Officers and Muni Inspectors will enforce compliance with the program, issuing citations for actions such as:

- Non-permitted shuttles using shared stops



- Any shuttle (permitted or non) using Muni stops not designated as part of the shared network
- Any shuttle (permitted or non) loading or unloading in a bicycle or mixed flow lane

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

- Late payment will be subject to interest
- Stop events exceeding those paid for and permitted: If actual stop events exceed the number of stop events paid for by more than 10 percent, the SFMTA will assess a penalty fee of 10 percent of the unpaid cost in addition to invoicing for the excess stop events
- Non-compliance with permit terms: The SFMTA may impose an administrative fee and/or revoke a permit for lack of compliance or performance of permit conditions

## Data

Three sets of data are needed for the shuttles pilot program: data to inform the network of shared stops, data to support the program during implementation, and data to evaluate the program.

### Network set-up data

The SFMTA will invite shuttle service providers to identify which stops should be considered for inclusion in the network of shared Muni-Shuttle stops. The SFMTA will establish a web-based map interface for proposal submissions. SFMTA traffic engineering and transit operations staff will evaluate these proposed stops for inclusion in the network.

In the submission process, the SFMTA will request the following information:

- Bus stop location (the map will allow a user to identify a Muni stop by location, which will be connected to the bus stop ID and associated information about Muni activity and stop configuration from the SFMTA's bus stop ID database)
- Frequency and hours of use of any stop
- Vehicle make and length for vehicles anticipated to use the stop

This information will be requested by from each shuttle service provider so that SFMTA evaluation may account for intensity of use at each proposed stop.

### Program support data

The SFMTA proposes to collect data during the course of the pilot program that will directly support the implementation of the pilot and that will enable the SFMTA to better manage the transportation network –providing a benefit for the shuttle sector and other transportation system users. The SFMTA intends to collect data fields such as:

- Fleet identification number
- Vehicle types in fleet

- Route by latitude/longitude
- Stop ID
- Stop usage
- Number of vehicles, by stop ID
- Frequency of use, by stop ID
- Speed of travel

Permittees will provide GPS data captured while operating in San Francisco. GPS data will provide 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 will support enforcement approach
- Respond to complaints: identifying specific companies associated with complaints
- Audit: collect fees for stops events made that exceed those paid for
- Prioritize stops for passenger amenities: stop use would inform which stops should receive passenger amenities such as shelters
- 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 segment changes
- Establish average speeds of roadways: and understand how speeds and system operation are affected by temporary and permanent projects
- Engage in dynamic communications and routing: address public concerns, special events, emergencies, construction, and other routing needs with appropriate operators

Uniform inputs will enable the SFMTA to analyze data efficiently and to integrate data from shuttles with data from other modes. Data feeds from individual providers and vehicles will allow targeted communications to address conflicts and resolve problems, and is fundamental to effective auditing.

Permittees will equip each shuttle bus with an on-board device that can provide real time location data to the SFMTA, and shall maintain a continuous feed of the specified data while the shuttle is used in San Francisco for commuter shuttle service. If the permittee cannot provide the required data in accordance with SFMTA specifications, the permittee will install an on-board diagnostic device prescribed by the SFMTA in each permitted shuttle vehicle.

### **Evaluation**

The SFMTA will evaluate the pilot program to assess how well it addresses conflicts between Muni and private commuter shuttles, and how well it encourages and facilitates shuttle operation, as well as environmental benefits.

The SFMTA will collect information from shuttle providers such as vehicle and fuel type, ridership, and shuttle miles traveled from shuttle providers for the environmental benefits assessment.

The SFMTA will conduct before and after field data observations on sample stops to compare shuttle operations and impacts on other users. The SFMTA will track the following data through auditing GPS feeds, enforcement reports, 311 complaints and requests, field observations, citations, and other communications to the SFMTA:

- Complaints about shuttle activities, including from Muni operators
- Incidents of shuttle-Muni, shuttle-shuttle, and shuttle-other user conflicts
- Violations of operating guidelines by shuttle operators
- Citations issued

The SFMTA will also evaluate the program's structure, administration, enforcement, and actual costs.

## **Communications**

The SFMTA has been working with members of the shuttle sector to develop the pilot program. Additionally, staff has had communications with interested residents and district Supervisors. SFMTA staff presented the policy framework to the Policy and Governance Committee of the SFMTA Board, the SFMTA Citizens Advisory Council, and the San Francisco County Transportation Authority Citizens Advisory Committee.

The SFMTA will use a variety of media to notify stakeholders of the pilot and associated policies.

### **Pre-pilot input and notification**

The SFMTA maintains a database of known members of the commuter shuttle sector. Staff will use contacts from this database, as well as communications via business groups and business-facing news outlets to ensure that information about the new program is distributed to companies that provide shuttle services.

The SFMTA will hold two community open houses to gather information about neighborhood preferences and specific street conditions that SFMTA staff will include in evaluating the proposed stops and developing the pilot network. Additionally, the SFMTA will host a multi-lingual web-based input system for those who cannot or do not wish to attend an in-person event. The SFMTA will distribute information to community organizations about the community open houses and the web-based input opportunity. SFMTA staff will work with Board of Supervisors offices to notify community organizations in each district and to include information in district newsletters. SFMTA will also announce these input opportunities via Facebook and through a press release.

Muni operators and supervisors will also provide input on street and stop conditions for consideration. Outreach to Muni operators and supervisors will include presentations at

division safety meetings.

In advance of the pilot's commencement, the SFMTA will develop bulletins for Muni operators, Muni inspectors, and parking control operators that outline which stops will be shared, the expected operating guidelines, and instructions for reporting and citing non-compliance. SFMTA will also communicate the new pilot to the San Francisco Police Department.

The SFMTA will provide a set of training slides that outline program expectations that shuttle service providers will deliver in operator trainings.

### **Communications during pilot**

The SFMTA website will include information about the pilot shuttle service providers and for community members. It will also provide instructions for members of the public to submit complaints, comments, and questions.

Placards on shuttle vehicles will include a logo and year that identifies the shuttle as a current participant in the MPP as well as a number that will assist the SFMTA in identifying the shuttle service provider.

Signs identifying stops that are part of the network will be affixed to bus stop signage. The design of these signs will coordinate with the on-vehicle placards to facilitate identification of approved use.

### **Environmental clearance**

The SFMTA determined that the proposed modifications to the Transportation Code and the Commuter Shuttles Pilot Program are categorically exempt from environmental review under Class 6 (information collection activities which do not result in a serious or major disturbance to an environmental resource). The City Planning Department issued a concurrence with this determination.

### **Changes to Transportation Code**

The proposal would require changes to Division II of the Transportation Code, amending it to add Section 914, which articulates the shuttle permit pilot program.

### **Post-pilot**

If the pilot evaluation demonstrates that sharing designated Muni zones with commuter shuttles successfully reduces conflicts and supports commuter shuttle operations, the SFMTA may consider:

- a) Making the pilot network permanent; or,
- b) Revising or expanding the network and making it permanent.

If the pilot does not demonstrate that sharing designated Muni zones with commuter shuttles successfully reduces conflicts and supports commuter shuttle operations, the

SFMTA may consider whether any refinements in the approach would address remaining problems, and may consider a second pilot term to test these. If the conclusion is that commuter shuttles and Muni are not compatible at any shared stops, the SFMTA may then consider requiring that commuter shuttles pursue creation of white zones for shuttle stops.

### Implementation timeline

- *January-February 2014:* Solicit stop location proposals. Design and fabricate placards and stop signage Solicit input from
- *May 2014:* Recommend shared stops for pilot, public hearing to approve network. (install signage, inform enforcement, and provide placards). Establish implementation and staffing plan. Collect baseline data.
- *June 2014:* Process permit applications
- *July 2014:* Pilot commences.
- *July 2014-December 2015:* Pilot term