

THIS PRINT COVERS CALENDAR ITEM NO. : 10.2

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Capital Programs & Construction

BRIEF DESCRIPTION:

Authorizing the Executive Director/CEO to execute two Permit-to-Enter Agreements with the Bay Area Rapid Transit District (BART) for a survey of the BART tunnels at the Central Subway undercrossing and a survey of the BART Powell Street Station to ascertain existing conditions as part of the final design of the Central Subway. The Agreements require the SFMTA to accept liability for damage to the BART Facilities caused by negligence.

SUMMARY:

- SFMTA must perform surveys of the BART tunnels and the Powell Street Station (the BART Facilities) to ascertain and document existing conditions and dimensions as part of the final design of Central Subway Project (Project).
- BART requires the SFMTA to execute a separate permit for access to each of the BART Facilities.
- SFMTA and BART have agreed, after lengthy negotiation, on the terms and conditions of the permit for the survey of the BART tunnels. The pending permit for the survey of the BART Powell Street Station will contain terms substantially similar to the tunnel survey permit. The costs and fees payable by the SFMTA to BART for each permit will not exceed \$200,000, exclusive of any damages to the BART Facilities.
- Each permit sets forth the fee schedule associated with the permit application, conditions of use of the BART Facilities, certain BART rights and obligations, and provisions addressing SFMTA's obligations as to liability for damage to BART Facilities.

ENCLOSURES:

1. SFMTA Board Resolution
2. Central Subway Project Budget and Financial Plan
3. Permit-to-Enter Agreement

APPROVALS:

DATE:

DEPUTY OF DIVISION

PREPARING ITEM: _____

FINANCE (IF APPLICABLE): _____

EXECUTIVE DIRECTOR/CEO: _____

SECRETARY: _____

ADOPTED RESOLUTION BE RETURNED TO: Jessie Katz

ASSIGNED SFMTAB CALENDAR DATE: _____

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PURPOSE

The proposed resolution authorizes the Executive Director/CEO to execute two permits with BART for surveys of the BART Facilities.

GOAL

The BART Permit-to-Enter Agreement is needed for the design and construction of the Project's Union Square/Market Street ("UMS") station and its tunnels. The Project is a critical transportation improvement linking neighborhoods in the southeastern part of San Francisco with the retail and employment centers in downtown and Chinatown, and is consistent with the SFMTA Strategic Plan in the following goals and objectives:

Goal 1 - Customer Focus: To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy

Objective 1.3 Reduce emissions as required by SFMTA Clean Air Plan

Objective 1.4 Improve accessibility across transit service

Objective 1.5 Increase percentage of trip using more sustainable modes

Goal 2 – System Performance: To get customers where they want to go, when they want to be there

Objective 2.2 Ensure efficient transit connectivity and span of service

Objective 2.4 Reduce congestion through major corridors

Goal 3 – External Affairs/Community Relations: To improve the customer experience, community value, and enhance the image of the SFMTA, as well as ensure SFMTA is a leader in the industry

Objective 3.1 Improve economic vitality by growing relationships with businesses, community, and stakeholder groups

Objective 3.2 Pursue internal and external customer satisfaction through proactive outreach and heightened communication conduits

Objective 3.3 Provide a working environment that fosters a high standard of performance, recognition for contributions, innovations, mutual respect and a healthy quality of life

Objective 3.4 Enhance proactive participation and cooperatively strive for improved regional transportation

Goal 4 – Financial Capacity: To ensure financial stability and effective resource utilization

Objective 4.2 Ensure efficient and effective use of resources

DESCRIPTION

Background:

The Central Subway Project is the second phase of SFMTA's Third Street Light Rail Project, and will add 1.67 miles of light rail track north from the northern end of the new Third Street Light

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Rail at Fourth and King Streets to a terminal in Chinatown. The Project will serve regional destinations, including Chinatown (the most densely populated area of the country that is not currently served by modern rail transportation), Union Square, Moscone Convention Center, Yerba Buena, SoMa and AT&T Park. The Central Subway will also connect BART and Caltrain (the Bay Area's two largest regional commuter rail services), serve a low auto ownership population of transit customers, increase transit use and reduce travel time, reduce air and noise pollution, and provide congestion relief. The public interest and necessity require the construction and operation of the Project to achieve such benefits.

The Central Subway will include twin bore, subsurface tunnels to connect the Project's three subway stations and provide direct rail service to Union Square and Chinatown. The Project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

A draft Supplemental Environmental Impact Statement, Environmental Impact Report (SEIS/SEIR) was issued for the Project on October 17, 2007. The San Francisco Planning Commission certified the Final SEIS/SEIR as accurate and in compliance with CEQA, NEPA and Chapter 31 of the San Francisco Administrative Code on August 7, 2008. On August 19, 2008, the SFMTA Board of Directors adopted Resolution No. 08-150, adopting CEQA Findings, a Statement of Overriding Considerations for the Project, and the Mitigation Monitoring and Reporting Plan for the Project. On September 16, 2008, the Board of Supervisors unanimously rejected an appeal of the Planning Commission's certification of the SEIS/SEIR. A notice of determination was filed on September 18, 2008. The Record of Decision was issued by the Federal Transit Administration (FTA) on November 26, 2008. None of the circumstances in which further environmental review would be required under CEQA or NEPA are present.

Current Status of the Project:

The Project has completed the 90% Final Design of the tunnels and 65% Final Design of UMS Station. On January 7, 2010, the FTA issued its approval for the Project to enter into Final Design. The Tunnels Contract is slated to begin construction in the third quarter of 2011, and UMS in the second quarter of 2012. The start of revenue operation is scheduled for 2018.

Terms and Conditions of the Permits:

Tunnel Survey Permit. The tunnel survey work will be performed by PB/Telamon, the joint venture partnership of Parsons Brinkerhoff and Telamon Engineering, contracted to perform the final design of the Central Subway tunnels and utilities relocation for the Project under Contract No. CS-155-1. The SFMTA is protected from costs and liability for damage to the BART tunnels under the indemnity, liability and insurance provisions of that contract. PB/Telamon has created a Work Plan in which the purpose, approach, means and methods of the survey are described. As described in the Work Plan, the survey work will not damage the BART facilities. The survey will use laser equipment and standard survey equipment to measure and document

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the existing location, size, parameters, and conditions of the BART tunnels at and near the point where the Central Subway tunnels will cross under the BART tunnel.

The permit for access to the BART tunnels describes the survey work to be performed in tunnels, the means and methods of performing that work, safety requirements for personnel performing the survey work, and protections against damage to the BART tunnels. The permit sets out a fee schedule for the reimbursement of BART costs incurred by the survey work, including power shutdown and personnel/labor costs. The total costs payable to BART by the SFMTA for the tunnel survey will not exceed \$200,000. The costs to the SFMTA of PB/Telamon to perform the survey work are covered under Contract No. CS-155-1.

The tunnel permit also holds SFMTA liable and requires SFMTA to compensate BART for any damage to the BART Facilities caused by the survey work. There is no limit to the SFMTA's liability for damage to the BART Facilities. However, the SFMTA is protected from costs and liability for damage to the BART tunnels under the indemnity, liability and insurance provisions of PB/Telamon's contract with the SFMTA, Contract No. CS-155-1.

Powell Street Station Survey Permit: SFMTA and Project staff will negotiate the permit for access to the BART Powell Street Station. Staff requests that the SFMTA Board of Directors authorize the Executive Director/CEO to execute the station access permit on terms substantially similar to the terms and conditions of the tunnel access permit to avoid delay to the Project schedule.

The survey of the Powell Street Station will be performed by the Central Subway Design Group, the joint venture partnership of Parsons Brinkerhoff, Michael Willis Architects, and Kwan Henmi Architecture and Planning, contracted to perform the final design of the Central Subway stations under Contract No. CS-155-2. The Central Subway Design Group will create a Work Plan in which the purpose, approach, means and methods of the survey will be described. The survey work will not damage the BART facilities. The survey will measure and document the existing location, size, layout, parameters, and conditions of those portions of the Powell Street Station and BART utilities that will connect with the Central Subway's UMS Station.

The station permit will contain terms similar to the tunnel permit, describing the survey work to be performed in the Powell Street Station, the means and methods of performing that work, safety requirements for personnel performing the survey work, and protections against damage to the BART Facilities. The permit will include a fee schedule for the reimbursement of BART costs incurred by the survey work, including any power shutdown required, and personnel/labor costs. The total costs payable to BART by the SFMTA for the station survey will not exceed \$200,000. The costs to the SFMTA of the Central Subway Design Group to perform the survey work are covered under Contract No. CS-155-2.

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The terms and conditions of the station survey permit as to the risks, liability, and obligations assumed by the SFMTA in performing the survey will be substantially similar the terms and conditions of the tunnel survey permit: the SFMTA will be held liable and required to compensate BART for any damage to the BART Facilities caused by the survey work. The SFMTA will be required to indemnify BART for all losses arising out the SFMTA's negligence. However, the SFMTA is protected from costs and liability for damage to the BART station under the indemnity, liability and insurance provisions of the Central Subway Design Group's contract with the SFMTA, Contract No. CS-155-2.

The proposed tunnel permit agreement has been reviewed and approved as to form by the City Attorney's Office. The City Attorney's Office has also reviewed this calendar item.

FUNDING IMPACT

The total costs to the SFMTA for permit fees will not exceed \$200,000 for each permit. The Agreements will be funded by a combination of federal, state and local money. The costs for the design consultants to perform the survey work are covered under their respective contracts, CS-155-1 and CS-155-2. The Project Budget & Financial Plan is set forth in Enclosure 2.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

No other approvals are required for this permit agreement.

RECOMMENDATION

Staff recommends that the SFMTA Board of Directors authorize the Executive Director/CEO to execute a Permit-to-Enter Agreement with BART for the survey of the BART tunnels and for the survey of the Powell Street Station, which work will be performed by the design consultants for the Central Subway Project.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, To complete the final design of the Central Subway Project (“Project”), the SFMTA must conduct surveys to ascertain and document the existing position, dimensions, layout and conditions of certain parts of the BART tunnels and the Powell Street Station (the “BART Facilities”) where the Project will cross under or intersect with the BART Facilities ; and,

WHEREAS, BART requires SFMTA to execute permit agreements to access the BART Facilities, and the SFMTA has submitted two permit applications for access to the BART tunnels and the Powell Street Station; and

WHEREAS, SFMTA and BART have agreed on the terms and conditions of the Agreement for the survey of the BART tunnels; and

WHEREAS, The permit agreement to be negotiated for the survey of the BART Powell Street Station will contain terms and conditions as to SFMTA indemnity, liability, and negligence substantially similar to the terms and conditions of the tunnel permit and will accurately describe the work necessary to document the existing conditions of the interface between the existing Powell Street Station and the planned Central Subway Union Square Market Street Station; and

WHEREAS, The design consultants contracted to perform the final designs of the tunnels and the stations for the Central Subway Project under Contract Nos. CS-155-1 and CS-155-2, respectively, will perform the survey work; and

WHEREAS, The costs to the SFMTA for fees under the two permit agreements to compensate BART for personnel and administrative costs arising from the survey work shall not exceed \$200,000 for each permit; now, therefore, be it

RESOLVED, That the Municipal Transportation Agency Board of Directors authorizes the Executive Director/CEO execute the permit agreement with BART for access to the BART tunnels to perform surveys necessary for the final design of the Central Subway Project for a total cost of permit fees not to exceed \$200,000; and be it further

RESOLVED, That the Municipal Transportation Agency Board of Directors authorizes the Executive Director/CEO execute a permit agreement with BART for access to the BART Powell Street Station to perform surveys necessary for the final design of the Central Subway Project, for a total cost of permit fees not to exceed \$200,000, and on terms and conditions as to the risks, liability, and obligations assumed by the SFMTA substantially similar to those contained in the aforesaid tunnel access permit agreement.

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

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

ENCLOSURE 2
 THIRD STREET LIGHT RAIL PROJECT
 CENTRAL SUBWAY

San Francisco Municipal Railway

Project Budget and Financial Plan

Cost	(\$Million)
Conceptual and Preliminary Engineering	59.41
Program Management & Construction Management	132.78
Final Design	85.94
Construction Contracts	986.68
Vehicles	26.39
Contingency	160.26
Right-of-Way	34.84
Other Professional Services	92.00
Total Central Subway Cost	\$ 1,578.30

Funding	(\$Millions)
Federal 5309 New Starts	942.20
State RTIP Grant	88.00
CMAQ	6.03
State TCRP Grant	14.00
Proposition 1B-2006 MTC Share	100.00
Proposition 1B-MTA Share	100.00
Proposition Additional 1B-MTA Share	40.00
Proposition K Sales Tax Funds	123.98
High Speed Rail Funds	27.00
Option Local and Regional Sources	137.09
Total Central Subway Funding	\$ 1,578.30

John Funghi, Program Manager
Central Subway Project
821 Howard Street
San Francisco, CA 94103

PERMIT NO. M-08.0-003-SF

PERMIT TO ENTER TO PERFORM (WORK)

Subject to the following covenants, terms, conditions and restrictions, the San Francisco Bay Area Rapid Transit District (hereinafter "District" or "BART") hereby grants permission to the City and County of San Francisco, by and through its Municipal Transportation Agency, and its consultants and subconsultants (hereinafter "Permittee") (collectively, the "Parties") to enter the BART Lines and Tunnels to perform the work described in the document entitled "Technical Memorandum - BART Tunnels Survey and Condition Work Plan" attached hereto as Exhibit A, (hereinafter the "Work") upon BART property located in the BART Tunnels between the Powell Station and Montgomery Station in the City and County San Francisco, (hereinafter "Premises"), as shown on Exhibit "B" attached hereto and incorporated herein by this reference.

1. Subject to Section 17 below, the term of this Permit shall commence on _____, 2011, and end on _____, 2011, provided, however, that at any time during the term, the Permit may be terminated by either party upon thirty (30) days prior written notice to the other party. Said notice shall be sent certified mail, return receipt requested, to:

To Permittee:

John Funghi, Program Manager
Central Subway Project
821 Howard Street
San Francisco, CA 94103

To BART:

Real Estate Department
San Francisco Bay Area Rapid Transit District
300 Lakeside Drive, 22nd Floor
Oakland, California 94612
Attention: Laura Giraud, Manager

The notice period shall begin to run upon receipt of said notice.

2. The fee for this Permit shall be calculated pursuant to the attached Fee Schedule in effect when staff time is expended, pursuant to the policy adopted by the BART Board of Directors in Resolution No. 4989. An application fee pursuant to such Fee Schedule shall be paid prior to issuance of this Permit. Fees to reimburse BART for plan review and inspection will be billed to Permittee upon completion of the Work and undisputed amounts shall be paid to BART within forty-five (45) days of the invoice date. A 10% late fee will be assessed on the balance if payment is not received within said 45 days of the invoice date. The late fee will be increased to 20% on the original balance if payment is not received within 60 days of the invoice date. BART reserves all rights to pursue all appropriate remedies to collect outstanding payments and penalties that have not been

paid by Permittee within 90 days of the invoice date. The total cost of fees payable by SFMTA to BART under this permit shall not exceed Two Hundred Thousand Dollars (\$200,000) without written amendment to this permit agreement signed by the SFMTA's Executive Director/CEO and the BART signatory indicated below.

3. Permittee's right to use this area shall be non-exclusive and non-transferable, and shall be for the sole purpose of performing the Work. In no event shall BART's property be deemed to be a public right-of-way. Overnight parking is prohibited on BART's property.

4. Conditions of Use:

4a. Permittee shall limit its Work to non-invasive and non-destructive methods of survey and investigation as described in Exhibit A.

4b. Any change in the scope of this Permit shall be subject to a separate amendment.

4c. At all times that it is present on the Premises, Permittee personnel shall be accompanied by safety personnel employed or approved by BART.

4d. No Permittee personnel shall enter the Premises unless accompanied by Permittee supervisory-level personnel and/or safety representatives who have received wayside safety training from BART, which BART shall provide.

5. The cost of repair and any and all losses caused by Permittee's damage to any BART property or facility, or resultant loss of service, shall be at the sole expense of Permittee. Any damage to BART property or facilities shall be repaired or remedied by Permittee or BART, at BART's discretion, and at Permittee's sole cost and expense. Permittee agrees to reimburse BART promptly for any such damage.

6. Permittee shall have the duty and hereby agrees to exercise reasonable care to properly maintain BART's property in performing the Work pursuant to this Permit, including but not limited to, removing debris dumped or placed on the Premises by Permittee during the term of this Permit, and to exercise reasonable care inspecting for and preventing any damage to any portion of BART's property during Permittee's presence on the Premises.

7. Permittee acknowledges that said Work constitutes an encroachment upon BART's property and agrees to perform said Work in accordance with and subject to the provisions of this Permit and applicable provisions of the "General Terms and Conditions Relating to Utility Permits," attached hereto as Exhibit "C" and incorporated herein by reference, and all applicable state and local laws. Where there is a conflict between the provisions of this Permit and the "General Terms and Conditions Relating to Utility Permits," this Permit shall prevail.

8. Permittee agrees to notify BART's Construction Liaison, John Fu at (510) 464-6439, at least 14 calendar days prior to any use of the Premises. Should Permittee require any utility hook-ups, Permittee must obtain any and all necessary permits and pay all fees in connection therewith. Permittee shall not perform any work on BART property until all necessary permits, licenses and environmental clearances have been obtained.

9. Permittee shall not (a) use, generate, or store, or allow its employees, consultants, subconsultants or agents to use, generate, or store any Hazardous Materials on the Premises, except for those materials required to perform the Work permitted under this Permit and in compliance with all federal, state and local laws and regulations for the

protection of the environment, human health and safety, as now in effect or hereafter amended (hereinafter "Environmental Laws"); or (b) release or dispose of, or allow its employees, consultants, subconsultants or agents to release or dispose of, any Hazardous Materials on the Premises. "Hazardous Materials" are those materials now or hereafter (a) defined as hazardous substances or hazardous wastes pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. section 9601 et seq.) or the Resource Conservation and Recovery Act (42 U.S.C section 6901 et seq.); (b) listed in the Hazardous Substances List, Title 8, California Code of Regulations, G.I.S.O. Section 337-339, or those which meet the toxicity, reactivity, corrosivity or flammability criteria of the above Code; (c) characterized, regulated or subject to permitting or warning requirements as hazardous or toxic materials, substances, chemicals, pollutants, contaminants or wastes, or as materials for which removal, remediation or disposal is required, under any Environmental Laws; or (d) otherwise posing a present or potential hazard to human health, welfare or the environment.

10. Certain BART rights and obligations:

10.a BART shall at all times have the right to go upon and inspect the Premises and Permittee's activities conducted thereon to assure compliance with any of the requirements in this Permit. This inspection may include, but is not limited to, taking samples of substances and materials present for testing.

10.b BART shall ensure that the Third Rail and all other power traction devices or other uncovered electrical devices are de-energized at all times and places where the Permittee is present on the Premises.

10.c BART shall provide Permittee notice of all known or suspected hazards, hazardous materials and other environmental conditions of or present on the Premises. Notice shall include, to the extent readily available to BART, the identity and location of such hazards, materials and conditions.

11. Permittee shall be responsible for and bear the entire cost of removal and disposal, in compliance with Environmental Laws, for all Hazardous Materials and non-hazardous wastes introduced to the Premises by Permittee. Permittee shall also be responsible for any remediation on or off the Premises necessitated by such Hazardous Materials or non-hazardous wastes brought onto the Premises by Permittee. As used herein, "remediation" includes any investigation or post-cleanup monitoring that may be necessary in compliance with Environmental Laws. For purposes of disposal, Permittee shall be the generator of any such Hazardous Materials and shall provide a generator identification number on manifests for such disposal as required by Environmental Laws.

12. To the extent that: i) any New Environmental Condition is caused by, or any Pre-existing Environmental Condition for which BART has provided Permittee notice pursuant to Section 10 is contributed to or exacerbated by, Permittee's acts or omissions (including those of its employees, consultants, subconsultants and agents) during its use of the Premises, or ii) any Pre-Existing Environmental Condition for which BART has not provided notice pursuant to Section 10 is contributed to or exacerbated by, Permittee's negligence (including those of its employees, consultants, subconsultants and agents) during its use of the Premises, Permittee shall, at BART's discretion, either (a) perform remediation of such New Environmental Condition or Pre-Existing Environmental Condition, at Permittee's cost and expense, in compliance with Environmental Laws and subject to the approval of a governmental agency with jurisdiction; or (b) indemnify BART against all costs incurred by BART in performing remediation of such New Environmental Condition or Pre-Existing Environmental Condition. A "New Environmental Condition" is defined as the release or threatened release of Hazardous Materials on, about, under or emanating from the Premises as of the commencement date of this Permit. A "Pre-Existing Environmental

Condition” is defined as the release or threatened release of Hazardous Materials on, about, under or emanating from the Premises prior to the commencement date of this Permit.

13. Permittee agrees to assume responsibility and liability for, and defend, indemnify and hold harmless BART, its directors, officers, agents and employees from all claims, demands suits, losses, damages, injury, and liability, direct or indirect (including any and all costs, fees and expenses in connection therewith) arising from the introduction on the Premises of any Hazardous Materials or non-hazardous wastes by Permittee (including its employees, consultants, subconsultants and agents) or from any New Environmental Condition caused by, or any Pre-existing Environmental Condition for which BART has provided notice pursuant to Section 10 contributed to or exacerbated by, the acts or omissions of Permittee (including those of its employees, consultants, subconsultants and agents) during its use of the Premises.

14. Permittee agrees to assume liability for, and to defend, indemnify and hold harmless BART, its directors, officers, agents and employees from all claims, demands, suits, losses, damages, injury, and liability, direct or indirect (including any and all costs, fees and expenses in connection therewith), caused by acts or omissions of Permittee, its employees, contractors and agents in connection with the Work done pursuant to this Permit, except to the extent such losses are caused by the gross negligence or willful misconduct of BART. Permittee agrees at its own cost, expense and risk to defend any and all actions, suits, or other legal proceedings brought or instituted against BART, its directors, officers, agents and employees arising from the acts or omissions of Permittee, its employees, contractors and agents in connection with the Work done pursuant to this Permit, and to pay and satisfy any resulting judgments, settlements or other expenses associated therewith.

16. Permittee agrees that no easement, lease or other property right is acquired by Permittee through this Permit.

17. Upon any use of BART property by Permittee other than that authorized by this Permit, or upon failure of the Permittee to conform to any of the terms and conditions of this Permit, BART may terminate this Permit immediately.

18. BART recognizes that Permittee is self-insured for all purposes under this Agreement.

19. Permittee acknowledges that BART has agreed to the terms of this Permit concerning Hazardous Materials solely because of the unique nature of this transaction, and Permittee agrees not to assert or consider the terms of this Permit as precedent for any future permit issued by BART to Permittee.

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SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT

By _____
Laura Giraud
Manager, Real Estate Department

Date _____

APPROVED

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY

By _____
Nathaniel P. Ford Sr.
Executive Director/CEO

Date _____

AUTHORIZED BY:

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

Resolution No: _____

Adopted: _____

Attest: _____
Roberta Boomer, Secretary to the
SFMTA Board of Directors

Approved as to form:

Robert K. Stone
Deputy City Attorney

THIS PRINT COVERS CALENDAR ITEM NO. : 11

**MUNICIPAL TRANSPORTATION AGENCY
City and County of San Francisco**

DIVISION: Sustainable Streets – Transportation Engineering

BRIEF DESCRIPTION:

Requesting the SFMTA Board of Directors approve no parking and sidewalk extension legislation on Carl Street at Cole Street and Stanyan Street in order to install sidewalk bulbs at three N Judah stops.

SUMMARY:

- Under Proposition A, the SFMTA Board of Directors has authority to adopt parking and traffic regulations changes.
- The proposed no parking and sidewalk extension legislation will facilitate the construction of three transit bulbs along the N Judah on Carl Street at Cole Street (both inbound and outbound stops) and Stanyan Streets (inbound only). These bulbs will allow transit passengers to board trains directly from the sidewalk without having to step into the street.
- The proposed legislation will eliminate a total of eight parking spaces and will benefit the nearly 5,700 customers that use these transit stops, as well as reduce dwell times and prevent rail blockages.

ENCLOSURES:

1. MTAB Resolution

APPROVALS:

DATE

DIRECTOR OF DIVISION
PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION Britt Tanner _____

BE RETURNED TO

ASSIGNED MTAB CALENDAR DATE: _____

PURPOSE

This calendar item seeks the approval of the SFMTA Board of Directors for establishing no parking regulations and installing sidewalk extensions that will serve as transit bulbs for the N Judah transit stops on Carl Street at Cole Street and Stanyan Street.

GOAL

This action is consistent with the SFMTA 2008-2012 Strategic Plan.

Goal 1: Customer Focus – To provide safe, accessible, reliable, clean and environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First Policy.

Objective 1.1: Improve safety and security across all modes of transportation.

Objective 1.4: Improve accessibility across transit service.

Goal 2: Customer Focus – To get customers where they want to go, when they want to be there.

Objective 2.1: Improve transit reliability to meet 85% on-time performance standard.

Objective 2.2: Ensure efficient transit connectivity and span of service.

DESCRIPTION

This legislation will establish “No Parking Anytime” and a nine-foot sidewalk extension on Carl Street to allow the installation of transit bulb-outs for the N Judah line. The transit bulbs will be constructed at three N Judah transit stops:

- 1) *Carl and Cole streets – Inbound:* Carl Street, south side, from Cole Street to 113’ westerly (removes four parking spaces);
- 2) *Carl and Cole streets – Outbound:* Carl Street, north side, from Cole Street to 98’ easterly (removes two metered parking spaces); and
- 3) *Carl and Stanyan streets – Inbound:* Carl Street, south side, from Stanyan Street to 59’ westerly (removes two parking spaces).

The Carl and Cole streets stop is the second-busiest surface stop on the N Judah with more than 4,800 customers using this stop on the average weekday, as shown in *Table 1*. *Figure 1* illustrates customers crowding to enter the train at the front door or weaving between parked cars to access rear doors of trains. Additionally, *Figure 2* shows how illegally parked cars on the northeast corner of the intersection can block the train operator’s view of customers boarding/alighting and can cause train blockages and/or side-swipe collisions. The Carl and Stanyan stop has moderate passenger activity, with more than 800 passengers using this stop each day.

Table 1. Average Weekday Passenger Activity for N Judah (Source: 2009 Baseline)

Stop	Boardings	Alightings
Cole Street Inbound	1924	378
Cole Street Outbound	344	2219
Stanyan Street Inbound	668	156
TOTAL	2936	2754

Figure 1. Existing Conditions - inbound Stop at Carl/Cole Streets



Figure 2. Existing Conditions: Outbound Stop at Carl/Cole



The SFMTA proposes to install nine-foot-wide bulbs for both N Judah stops at Cole Street and the inbound stop at Stanyan Street. At Cole Street, the bulb for the inbound stop would be 113' long, allowing customers to board directly from the sidewalk onto the entire first car and the first door of the second car of the two-car N Judah train. The bulb for the outbound stop at Cole Street would be 98' long, which is the length of the short block between the Sunset Tunnel and Cole Street. The bulb for the inbound stop at Stanyan Street would be 59' long, which covers the first two doors of the first car of the train. *Figure 3* shows the layout of the proposed bulbs.

Figure 3. Location of Proposed Sidewalk Extensions



These bulbs will improve access for the nearly 5,700 daily users of these stops by allowing customers to board/alight directly between the sidewalk and the train. They will also eliminate the need for customers to navigate between parked cars to access the train. The bulb for the outbound stop at Carl Street will prevent illegal parking next to the track curve that can cause train blockages. Also, transit dwell times (which can be over 90 seconds at the inbound stop at Cole Street) may be reduced through faster boarding and alighting and will encourage customers to use all doors of the train.

Figure 4. Proposed Conditions



Rendering of proposed 9' bulb at Carl and Cole. Image courtesy of San Francisco Planning Department, City Design Group.

Figure 5. Example of Transit Bulb



A 9' wide extension would allow customers to board the train directly from the sidewalk, similar to this bulb-out on Irving Street, between 2nd Avenue and Arguello Boulevard.

COMMUNITY OUTREACH

This proposal expands on a design developed through a series of three community meetings held as part of the Carl/Cole Transit Center Feasibility Study in fall 2007 and spring 2008.

Approximately 60 Cole Valley residents and business owners participated in this process to develop concepts for the intersection of Carl and Cole, but at the time there was no funding to implement the final recommendation. In spring 2010, it was determined that the proposed bulbs could be implemented as part of the N Judah Rerail Project. Because the N Judah Rerail extends from Arguello Boulevard to Cole Street, SFMTA staff also evaluated the N Judah stops at Stanyan Street and recommended adding a bulb for the inbound stop only.

Installing transit bulbs at these three stops will benefit nearly 5,700 customers, and there is extensive support for the proposed bulbs, including the Cole Valley Improvement Association, the Haight-Ashbury Neighborhood Council, the Sierra Club, Rescue Muni, the Pedestrian Safety Advisory Council, Walk SF and the San Francisco Planning Department. The original proposal heard at the November 5, 2010 Public Hearing included bulbs serving the entire length of the train at all three transit stops and would have removed thirteen parking spaces. Ten Cole Valley residents attended the Public Hearing to protest the loss of parking due to the installation of the three bulbs. Additionally, numerous emails were received with similar concerns. In response to the concerns heard, staff revised the proposal at the public hearing to shorten the bulb at the Inbound Stanyan Street stop from 168' to 59', and shorten the bulb at the Inbound Cole street stop from 175' to 165'. These shortened bulbs were approved by the public hearing officer and reduced the parking impact to nine parking spaces.

ALTERNATIVES CONSIDERED

In response to the November 5th, 2010 Public Hearing, staff continued to evaluate ways to further mitigate the impacts of parking, including:

1. **COLE STREET BUS BULBS:** Staff considered installing near-side bus bulbs on Cole Street for the 37 Corbett and the 43 Masonic and converting the existing far-side bus zones to parking.

Reasons for elimination: To provide turning clearance for buses, moving vans and delivery trucks, red zones must be retained in the former bus zones, resulting in no parking gained by the construction the bulbs. SFMTA Accessible Services also expressed concerns about the potential removal of bus shelters, as the fronting business to one of the proposed bus bulbs had already expressed opposition to installing a shelter if the bus stop was relocated.

2. **AM PEAK HOUR TOW-AWAY:** As the Inbound Cole stop is most active in the AM Peak, a peak tow-away zone could be established to eliminate the parking/passenger conflict for those hours, while allowing neighborhood parking for the remainder of the day. A 35' long bulb would be installed to allow customers smoother access to the front door. This design would also require a "barrier bulb" be installed at the rear of the train to prevent motor vehicles from attempting to pass a stopped train while the curb is clear during the tow-away

hours.

Reasons for elimination: This design only addresses the customer/parking conflict for four hours of the day. It has minimal parking gains, with four parking spaces removed at all times and an additional four spaces eliminated during AM peak. Also, the transition from existing sidewalk width to the expanded bulb width may be awkward for some pedestrians to navigate, as the required curves along the curb line may be at loading/unloading locations.

Staff recommends the following proposal which reduces the inbound bulb on Carl Street at Cole Street from 165’ to 113’ long. SFMTA Accessible Services, Service Planning, Transit Engineering and the Safety Division have approved this design.

3. **SHORTER COLE INBOUND BULB:** The length of the bulb on the southwest corner of the Carl/Cole intersection would be shortened to 113’, which allows direct access from the sidewalk to the entire first car and the first door of the second car of the train. Access to the middle doors of the second car would be clear because driveways prevent parking between the train and the curb. Only the rearmost door of the second car would be adjacent to parking. The sidewalk extension at the other two stops would remain unchanged.

Viable, selected alternative: This compromise reduced the parking impact from nine to eight parking spaces while still meeting the goals of the project.

Stop	No Parking Zone As Approved at Public Hearing	Parking Spaces Removed As Approved at Public Hearing	No Parking Zone As Proposed for SFMTA Board Approval	Parking Spaces Removed As Proposed for SFMTA Board Approval
Outbound at Cole	98’	2	98’	2
Inbound at Cole	165’	5 (4 during AM peak)	113’	4 (3 during AM peak)
Inbound at Stanyan	59’	2	59’	2
TOTAL		Up to 9		Up to 8

FUNDING IMPACT

Funding has already been secured through federal formula funds and local sources. Construction of these bulbs will coordinate with the N Judah Rerail in 2012 so that the impact to the transit lines and the surrounding community will be minimized. The three bulbs as described in this proposal will cost approximately \$ 425,000.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The SFMTA has reviewed the environmental impacts of this project and has issued a Categorical Exemption. A copy of this Categorical Exemption is available in the Board Secretary's office. There are no other approvals required.

RECOMMENDATION

That the San Francisco Municipal Transportation Agency Board of Directors, upon recommendation of the Executive Director/CEO and the Director of the Sustainable Streets Division approve the no parking and sidewalk extension legislation for Carl Street at Cole Street and Stanyan Street.

MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency has received a request, or identified a need for traffic modifications as follows:

A. ESTABLISH – NO PARKING ANYTIME AND INSTALL NINE-FOOT SIDEWALK WIDENING

- 1) Carl Street, south side, from Stanyan Street to 59’ westerly (removes two parking spaces);
- 2) Carl Street, south side, from Cole Street to 113’ westerly (removes four parking spaces); and
- 3) Carl Street, north side, from Cole Street to 98’ easterly (removes two metered parking spaces)

WHEREAS, The public has been notified about the proposed modifications and has been given the opportunity to comment on those modifications through the public hearing process; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors, upon recommendation of the Executive Director/CEO and the Director of the Sustainable Streets Division does hereby approve establishing no parking regulations and installing sidewalk extensions that will serve as transit bulbs for the N Judah transit stops on Carl Street at Cole Street and Stanyan Street.

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

Secretary, Municipal Transportation Agency

Board

THIS PRINT COVERS CALENDAR ITEM NO. : 14

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology

BRIEF DESCRIPTION:

Presentation of the FY11 Q1 Service Standards

SUMMARY:

- Schedule adherence (A1) decreased slightly on a quarter over quarter basis, dipping from 72.5 percent in FY10 Q4 to 72.0 percent in FY11 Q1.
- Scheduled service hours delivered (A2) increased from 96.8 percent in FY10 Q4 to 97.4 percent in FY11 Q1.
- The unscheduled absence rate for transit operators (A4) dropped from 13.2 percent in FY10 Q4 to 12.7 percent in FY11 Q1.
- Percent of traffic lane lines, bus zones and crosswalks maintained (A12) rose from 14 percent in FY10 Q4 to 17 percent in FY11 Q1.
- Systemwide collisions per 100,000 miles (C3) dropped from 6.11 in FY10 Q4 to 5.76 in FY11 Q1.
- San Francisco Police Department (SFPD) reported crimes on Muni and in Muni facilities (C5) increased from 231 in FY10 Q4 to 268 in FY11 Q1.

ENCLOSURES:

1. FY11 Q1 Service Standards Scorecard

APPROVALS:

DATE

DIRECTOR OF DIVISION

PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ASSIGNED SFMTAB CALENDAR DATE: _____

PAGE 2.

PURPOSE

In accordance with Charter Section 8A.103, the San Francisco Municipal Transportation Agency (SFMTA) tracks, monitors and reports on over 35 service standards for system reliability and performance, staffing performance and customer service on a quarterly basis.

Results are presented in the *Service Standards Scorecard*, which highlights results in both graphical and data formats.

GOAL

The Service Standards Program supports a number of the Agency's strategic goals, including:

GOAL 2: System Performance - To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the Transit First policy.

Objective 2.1 Improve transit reliability to meet 85% on-time performance standard.

GOAL 4: Financial Capacity - To ensure financial stability and effective resource utilization.

Objective 4.1 Ensure efficient and effective use of resources.

GOAL 5: SFMTA Workforce - To provide a flexible, supportive work environment and develop a workforce that takes pride and ownership of the Agency's mission and vision and leads the agency into an evolving, technology-driven future.

Objective 5.1 Increase resources available for employees in performing their jobs.

Objective 5.3 Improve internal communication and employee satisfaction.

GOAL 6: Information Technology - To improve service and efficiency, the SFMTA must leverage technology.

Objective 6.1 Identify, develop, and deliver the new and enhanced systems and technologies required to support SFMTA's 2012 goals.

DESCRIPTION

Key results for FY11 Q1 (July-September 2010) are as follows:

Schedule adherence (A1) decreased during the quarter, dropping from 72.5 in FY10 Q4 to 72.0 percent in FY11 Q1. Five of the 37 lines and routes evaluated achieved on-time performance of 80 percent or greater. The goal is 85 percent.

Scheduled service hours delivered (A2) increased from 96.8 percent in FY10 Q4 to 97.4 percent in FY11 Q1. Presidio Division led all reporting units at 99.2 percent service delivery.

PAGE 3.

Operator absenteeism decreased during FY11 Q1. The unscheduled absence rate (A4) for operators decreased from 13.2 percent in FY10 Q4 to 12.7 percent FY11 Q1. The goal is 10.5 percent.

Percent of traffic lane lines, bus zones and crosswalks maintained (A12) increased from 14 percent in FY10 Q4 to 17 percent in FY11 Q1. The goal is 12 percent.

Collisions per 100,000 miles (C3) decreased during FY11 Q1. Systemwide collisions per 100,000 miles dropped from 6.11 in FY10 Q4 to 5.76 in FY11 Q1. The goal is 5.76. Bus collisions inched up from 6.42 in FY10 Q4 to 6.43 in FY11 Q1. The goal is 5.83. Rail collisions fell from 5.07 in FY10 Q4 to 3.52 in FY11 Q1. The goal is 3.35.

Last, the number of SFPD reported crimes on Muni and in Muni facilities (C5) increased from 231 in FY10 Q4 to 268 in FY11 Q1. The goal is fewer than 225 crimes per quarter.

ALTERNATIVES CONSIDERED

Not applicable. Reporting on the achievement of Service Standards is required by Charter.

FUNDING IMPACT

Not applicable.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

The Citizens' Advisory Council will receive the report at a forthcoming meeting.

RECOMMENDATION

Receive the report.

THIS PRINT COVERS CALENDAR ITEM NO. : 15

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Finance and Information Technology Division

BRIEF DESCRIPTION:

Approval of the Funding Plan for the Central Subway Project for submission to the Federal Transit Administration (FTA) as required for a Full Funding Grant Agreement (FFGA).

SUMMARY:

- The San Francisco Municipal Transportation Agency (SFMTA), as the Central Subway Project (Project) sponsor, has been steadily working toward the execution of a FFGA with the FTA that will secure \$942.2 million of Federal New Starts grants toward the planning, design and construction of the Project.
- Among the many steps the SFMTA must take to secure an FFGA is to submit a Funding Plan to the FTA in February 2011 identifying the various sources available for the Project.

ENCLOSURES:

1. SFMTAB Resolution

APPROVALS:

DATE

DIRECTOR OF DIVISION

PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION BE RETURNED TO Sonali Bose

ASSIGNED SFMTAB CALENDAR DATE: _____

PURPOSE

The purpose of this item is for the SFMTA Board to approve a Funding Plan for the Central Subway Project (Project) as a necessary step toward achieving a Full Funding Grant Agreement (FFGA) with the Federal Transit Administration (FTA).

GOAL

The goal of this request supports the following SFMTA Strategic Plan Goal:

Goal 4—Financial Capacity: To ensure financial stability and effective resource utilization.

4.2 Ensure efficient and effective use of resources

DESCRIPTION

In January 2010, the FTA authorized the SFMTA to proceed with the Final Design phase of the Project. This was a major step forward for the Project as Final Design is the phase of work that allows the SFMTA to:

- Complete a sufficient level of plans, specifications and design to ensure that cost estimates are as firm as possible so that the SFMTA can be a strong candidate for an FFGA; and
- Have in place a financial plan, (Funding Plan), for these cost estimates.

To be considered for an FFGA, the SFMTA must present a Funding Plan that identifies the sources of funding and the amount of funds available for the Project from each source. The SFMTA must provide this to FTA by February 2011.

The chart below details the Funding Plan for the Project.

<i>Fund Source</i>	<i>Committed</i>	<i>Planned</i>	<i>Total</i>	<i>% of Total</i>
Federal				
New Start	72,415,484	869,784,516	942,200,000	59.7%
Congestion Mitigation	23,525,000		23,525,000	1.5%
Federal Subtotal	95,940,484	869,784,516	965,725,000	61.2%
State				
Traffic Congestion Relief Program	14,000,000		14,000,000	0.9%
State Transportation Improvement Program	88,000,000		88,000,000	5.6%
Prop. 1B/PTMISE A	325,500,000		325,500,000	20.6%
Prop. 1A/High Speed Rail	61,090,000		61,090,000	3.9%
State Subtotal	488,590,000		488,590,000	31.0%
Local				

<i>Fund Source</i>	<i>Committed</i>	<i>Planned</i>	<i>Total</i>	<i>% of Total</i>
Prop. K Sales Tax	123,975,000		123,975,000	7.9%
<i>Local Subtotal</i>	<i>123,975,000</i>		<i>123,975,000</i>	<i>7.9%</i>
<i>Project Total</i>	<i>708,505,484</i>	<i>869,784,516</i>	<i>1,578,290,000</i>	<i>100.0%</i>

Described below are the funding sources in the Funding Plan which totals \$1,578,290,000.

A. FEDERAL FUNDS - \$965.725 million (61.2%)

1. New Starts - \$942.2 million

New Starts funds are awarded by the FTA for Fixed Guideway expansion projects such as dedicated bus-ways and urban rail extensions. Some of these funds pay for planning and design phases. Most funds, though, are distributed via Full Funding Grant Agreements approved by Congress.

2. Congestion Mitigation and Air Quality Improvement Program (CMAQ) - \$23.525 million

These are federal funds devoted to projects with demonstrable congestion mitigation and air quality benefits. CMAQ funding is spent chiefly in areas that face the challenge of attaining or maintaining National Ambient Air Quality Standards. The Project is eligible for CMAQ funds because, by expanding the transit system, it will relieve congestion along its alignment and improve air quality. These funds have been awarded to the Project by the FTA.

B. STATE FUNDS - \$488.590 million (31%)

1. Traffic Congestion Relief Program (TCRP) - \$14 million

The Traffic Congestion Relief Program was launched to assist in the funding of projects which relieve congestion statewide. The Project has been awarded \$14 million.

2. State Transportation Improvement Program (STIP) - \$88 million

The STIP is a multi-year program for delivering priority transportation projects statewide. Funding for the Central Subway has not yet been programmed by the State in the STIP because its funding needs fall beyond the STIP's time horizon. The state's Congestion Management Agencies, including the SFCTA) have discretion over 75% of the STIP's new funding. SFCTA has committed to funding \$88 million of new STIP funds to the Central Subway Project via a resolution approved by the SFCTA Commission.

3. Public Transportation Modernization, Improvement, and Service Enhancement Account Funds (Proposition 1B State Infrastructure Bonds) - \$325.500 million

The SFMTA is receiving a total of \$304 million in Proposition 1B Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) funds as approved by the State voters. PTMISEA funds are distributed to transit agencies by formula and are available through allocation in the State budget and ensuing bond sales. The SFMTA has the authority to self-program these funds. To date, the SFMTA has claimed \$76.9 million in PTMISEA funds for a variety of non-Central Subway projects including: Farebox Rehabilitation, Muni Metro East Maintenance Facility, the Geneva Historic Car Yard Canopy, Motor Coach Rehabilitation, Light Rail Vehicle Overhauls, and Central Control and Communication Improvements. Out of the remaining \$227.1 million of the SFMTA's \$304 million PTMISEA allocation, \$225.5 million is included in the Project's Funding Plan. Additionally, the SFMTA will receive \$100 million of PTMISEA funds from the Metropolitan Transportation Commission that has been approved specifically for the Project.

4. Proposition 1A High Speed Passenger Rail Bonds - \$61.090 million

The SFMTA is receiving \$61 million in Proposition 1A High Speed Passenger Rail Bonds as approved by the State voters. The funds are devoted to rail projects that increase connectivity to the proposed High Speed Rail system. These funds are also distributed to transit agencies by formula as delineated in the Bond Act. Beyond the connectivity constraint, the SFMTA has the authority to self-program these funds. In April 2010, the SFMTA was awarded \$27.090 million in support of the Project's

tunneling contract. The remaining \$34 million is also included in the Project's Funding Plan.

C. LOCAL FUNDS - \$123.975 million (7.9%)

1. Prop K Sales Tax - \$123.975 million

As approved by San Francisco's voters, the Prop K program devotes a half-cent sales tax to a citywide program of transportation projects. The Project has been approved for \$123.975 million.

ALTERNATIVES CONSIDERED

Given the sources of funds available to the SFMTA at this time, the timeline for the FFGA and the FTA's definition of the availability of fund sources, there are no other funding sources available for the Project's Funding Plan.

FUNDING IMPACT

If the SFMTA Board of Directors approves the Project's Funding Plan, the SFMTA can present the Funding Plan to the FTA thus leveraging state and local funds to secure \$942.2 million in federal New Starts funding for the Project that would otherwise be unavailable to San Francisco for any other project.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None. The City Attorney has reviewed this report.

RECOMMENDATION

The SFMTA Board of Directors approved the Central Subway's Funding Plan required by the FTA to enter into a FFGA.

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
RESOLUTION No. _____

WHEREAS, The City and County of San Francisco and the San Francisco Municipal Transportation Agency (SFMTA) is committed to the construction of Phase II of the Third Street Light Rail Project (the Project), the Central Subway; and

WHEREAS, The Federal Transit Administration (FTA) is the cognizant federal agency that takes funding recommendations for the New Starts program before Congress; and

WHEREAS, The SFMTA is taking steps toward securing a Full Funding Grant Agreement (FFGA) with the FTA by which an estimated \$942.2 million of New Start funds would be made available to the Project; and

WHEREAS, As a prerequisite for executing an FFGA for the Project, the project sponsor must submit a Funding Plan to FTA that identifies all funding sources for the Project; and

WHEREAS, A Funding Plan has now been developed for submission to FTA as outlined below;

<i>Fund Source</i>	<i>Committed</i>	<i>Planned</i>	<i>Total</i>	<i>% of Total</i>
Federal				
New Start	72,415,484	869,784,516	942,200,000	59.7%
Congestion Mitigation	23,525,000		23,525,000	1.5%
Federal Subtotal	95,940,484	869,784,516	965,725,000	61.2%
State				
Traffic Congestion Relief Program	14,000,000		14,000,000	0.9%
State Transportation Improvement Program	88,000,000		88,000,000	5.6%
Prop. 1B/PTMISE A	325,500,000		325,500,000	20.6%
Prop. 1A/High Speed Rail	61,090,000		61,090,000	3.9%
State Subtotal	488,590,000		488,590,000	31.0%
Local				
Prop. K Sales Tax	123,975,000		123,975,000	7.9%
Local Subtotal	123,975,000		123,975,000	7.9%
Project Total	708,505,484	869,784,516	1,578,290,000	100.0%

now, therefore, be it

RESOLVED, That the SFMTA Board of Directors approves the Funding Plan for the Central Subway Project and authorizes the Executive Director/CEO or his designee to provide the Central Subway Project Funding Plan to the Federal Transit Administration.

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

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

THIS PRINT COVERS CALENDAR ITEM NO. : 16

**SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY**

DIVISION: Administration, Taxis and Accessible Services

BRIEF DESCRIPTION: Adoption of 2011 SFMTA Advocacy Program

SUMMARY:

- The attached 2011 SFMTA Advocacy Program is intended to guide SFMTA’s advocacy efforts at the local, state and federal level over the course of the current legislative sessions. The program is intended to be broad enough to cover the wide variety of issues that may be taken up both locally and in Sacramento and Washington, D.C., and flexible enough to allow the SFMTA to respond to unanticipated developments. Adoption of the program will provide our legislative delegation and our transportation partners with an approved statement of SFMTA’s priorities for this year.
- In addition to the Advocacy Program, staff will provide legislative updates as appropriate to the Board regarding bills of interest to the SFMTA.
- Staff may request that the Board recommend a position of support for or opposition to a particular piece of legislation. In these select cases, staff will provide the Board with an analysis of the bill’s potential impacts on SFMTA and a justification for the recommended position. Such actions, in addition to making the Board’s intent clear, provide staff with the guidance needed to represent the Agency’s policy positions on key issues at the local, state and federal levels.

ENCLOSURES:

1. Proposed 2011 SFMTA Advocacy Program
2. SFMTAB Resolution in support of 2011 Legislative Program

APPROVALS:

DATE

DIRECTOR OF DIVISION

PREPARING ITEM _____

FINANCE _____

EXECUTIVE DIRECTOR/CEO _____

SECRETARY _____

ADOPTED RESOLUTION

BE RETURNED TO: Kate Breen, Government Affairs Manager

ASSIGNED SFMTAB CALENDAR DATE: January 18, 2011

PAGE 2

PURPOSE

Each legislative session, the San Francisco Municipal Transportation Agency (SFMTA) prepares an Advocacy Program to guide advocacy efforts in Sacramento and Washington, D.C. It is a strategic document that is not meant to be comprehensive of all issues but rather to provide general direction on issues relevant to the SFMTA and transportation interests. Attached is a summary of the priority issues for the SFMTA.

GOAL

The Advocacy Program supports a number of the Agency's strategic goals, including:

GOAL 1: Customer Focus: To provide safe, accessible, clean, environmentally sustainable service and encourage the use of auto-alternative modes through the *Transit First* Policy.

GOAL 2: System Performance: To get customers where they want to go, when they want to be there.

GOAL 3: External Affairs/Community Relations: To improve the customer experience, community value and enhance the image of the SFMTA, as well as ensure SFMTA is a leader in the industry.

GOAL 4: Financial Capacity: To ensure financial stability and effective resource utilization.

DESCRIPTION

See attached document.

ALTERNATIVES CONSIDERED

No alternative was considered as it is essential that a program be adopted annually.

FUNDING IMPACT

A number of the proposed state and federal legislative initiatives may provide additional funding for the SFMTA's priority programs and projects.

OTHER APPROVALS RECEIVED OR STILL REQUIRED

None. A draft has been reviewed by the Mayor's Office and City Attorney.

RECOMMENDATION

Staff recommends adoption of the 2011 SFMTA Advocacy Program.

MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. _____

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) each year adopts an annual Advocacy Program and forwards that program to the Mayor's Office for inclusion in the City's full legislative program; and

WHEREAS, The purpose of an Advocacy Program is to set forth legislative policies, principles and priorities to guide SFMTA staff and to provide input to the Mayor's Office on transportation matters for the upcoming year; and

WHEREAS, In response to the interests of the SFMTA and the Mayor's Office, staff has prepared the accompanying 2011 Advocacy Program for the consideration and approval of the Municipal Transportation Agency Board of Directors; and

WHEREAS, The 2011 Advocacy Program provides, among other things, support for measures that will enhance funding levels for SFMTA's programs, opposition to governmental actions that might decrease funding for SFMTA's programs and authorization for SFMTA staff to carry out the objectives of the 2011 Advocacy Program; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors hereby approves the 2011 Advocacy Program and authorizes the staff of the Agency to carry out the objectives of the program.

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

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

SFMTA 2011 Advocacy Program

Each legislative session, the San Francisco Municipal Transportation Agency (SFMTA) prepares a legislative program to guide advocacy efforts at the local, state and federal levels. It is a strategic document that is not meant to be comprehensive of all issues but rather to provide general direction on issues relevant to the SFMTA and transportation interests in the coming year. The program includes elements of the Agency's legislative and regulatory programs. In an effort to support a fully integrated, multi-modal transportation system that is economically, environmentally and socially sustainable, a key component of the SFMTA's 2011 Advocacy Program will be our strong commitment to sustainable transportation and land use.

This document includes a summary of the priority issues for the SFMTA as well as measures the Agency will seek to sponsor in the 2011 legislative sessions.

Local Legislative Priorities

1. **Board of Supervisors (BOS):** The inauguration of four new members of the San Francisco Board of Supervisors will take place on January 8, 2011. SFMTA Government Affairs and appropriate Executive staff have initiated outreach to each of these new members to welcome them and to provide them with a thorough overview of the SFMTA.
2. **Budget:** The SFMTA will be entering into the second year of the two-year budget beginning in July of 2011. Staff will continue to provide budget related updates and briefings to the BOS as appropriate. Additionally, the SFMTA will prepare the next two-year budget which will be presented to the Mayor and BOS prior to May 1, 2012.
3. **Contracts:** Pursuant to Section 9.118 of the City Charter, the BOS must approve any SFMTA contract having anticipated revenue of one million dollars or more, or the modification, amendment or termination of any contract with anticipated revenue of one million dollars or more.

With the exception of construction contracts, any other contracts or agreements having a term in excess of ten years, or requiring anticipated expenditures by the City and County of \$10 million, or the modification or amendments to such contract or agreement with an impact of more than \$500,000 must be approved by the BOS.

Various contracts are expected to require BOS approval in 2011. SFMTA staff will work with the BOS and the BOS Budget Analyst to gain support of any necessary contracts and contract extensions.

4. **Grants:** Although the SFMTA has Charter authority to accept and expend grants, Charter Section 9.118(b) requires that contracts with a term over 10 years be approved by the BOS. One example of this type of grant is awarded by the Bay Area Air Quality Management

District (BAAQMD). The SFMTA applies for funding for bicycle implementation projects (facilities and equipment) on a regular basis from BAAQMD. Typically, the grant agreements for such projects are for the useful life of the project, which may be 10 years or more, and include an additional three-year inspection period. SFMTA staff will submit any such BAAQMD grant agreements for BOS approval as needed in 2011.

5. **Central Subway:** SFMTA staff will work with the San Francisco County Transportation Authority (SFCTA), the BOS and the BOS Budget Analyst as appropriate to gain support for any local legislation necessary to advance any contracts or policy issues relating to the advancement of the Central Subway Project.
6. **SFpark:** SFMTA staff will provide updates and briefings to the BOS as appropriate, and will confer with the BOS to gain support of any local legislation needed to support SFpark efforts. SFpark offers an approach for improving management of San Francisco's parking supply and demand and is providing real-time parking data in 2011.
7. **Transportation Code Amendments:** Changes to Division I of the San Francisco Transportation Code require approval by the BOS. SFMTA staff will work with the BOS to gain support of any local legislation needed to make any necessary additional changes to the Transportation Code.
8. **Revenue Measures:** The SFMTA will engage with the Mayor of San Francisco and members of the Board of Supervisors as discussions develop on revenue measures for the 2011 election cycle. Additionally, the Board will be asked to approve an updated Transit Impact Development Fee (TIDF) and additional nexus studies.

State Legislative Priorities

1. **Transportation Funding and FY2011-12 State Budget:** While the passage of Proposition 22 provides more protection for state transportation funding, the passage of Proposition 26 raises new questions regarding the status of last year's gas tax swap enacted in the Budget agreement. It is likely that the Legislature will need to reaffirm the swap by a two-thirds vote, which is not guaranteed. The SFMTA will work with transportation funding partners to support this reaffirmation and seek to maximize funding for the State Transit Assistance (STA) program in the FY2011-12 State Budget. Based on the passage of Prop. 22 and assuming the gas tax swap is reaffirmed, the SFMTA is projected to receive STA funding of \$21.6M in FY2011-12 and \$21.3M in FY2012-13 (actual funds will depend on the price of diesel fuel and quantity sold).

Proposition 26 and Local Revenues: In addition to implications for the gas tax swap, Proposition 26 will have the affect of limiting the ability of local, regional or state government to raise new revenue, whether in the form of user fees which provide a direct benefit to the fee-payer or mitigation fees, to offset the societal costs of a particular activity.

A key test is whether a fee provides a benefit to a non-fee payer. If it does, the fee is now generally considered a tax. Many questions remain to be answered regarding the implications of Prop. 26 and the City Attorney's Office, the City Controller and the Mayor's Budget Office will continue to be the lead in advising the SFMTA as to the impact of any new fees and increasing or extending existing fees.

2. **Central Subway and State Bond Funding: Proposition 1A (High Speed Rail Bond) and Proposition 1B Infrastructure Bonds:** Support necessary annual appropriations from the Proposition 1B Public Transit Modernization, Improvement, Service Enhancement Account (PTMISEA) as well as funding designated for SFMTA from the High Speed Rail Bond Act (Proposition 1A) designated for transit connectivity projects. These state fund sources are critical components of the funding plan for the Central Subway Project and the SFMTA will work to ensure that San Francisco not only receives its share under Prop. 1A but also retains the flexibility in terms of project eligibility as approved by the voters.
3. **Support flexibility for State Transportation Improvement Program (STIP) funding:** The Central Subway project includes an \$88 million commitment in future STIP funds which are prioritized in San Francisco by the SFCTA. Given the current state of funding for the STIP, it is unclear how soon these funds will be realized. The SFMTA will support restoration of language that provides flexibility so that State Highway Account funds in the STIP may be spent on mass transportation. While the budget used to allow State Highway Account (SHA) funds to be spent on mass transportation or highway transportation, this past year's budget was unusually rigid by restricting SHA funds in the STIP to highway transportation. This unfairly constrains counties like San Francisco from programming funds according to their highest priorities.
4. **Bicycle-Pedestrian-Sustainable Streets:** Support efforts to identify additional funding and improvements to planning law that support SFMTA bicycle, pedestrian and sustainable streets priorities. Following the 2010 veto of AB 2729 (Ammiano), staff will continue work with stakeholders including the San Francisco Bicycle Coalition (SFBC) in support of installing automated enforcement technology at Market and Octavia to improve bicycle safety at this high incident intersection. Specifically, staff will pursue clarification via Legislative Counsel or Attorney General opinion on Governor's veto of AB 2729 and determine next necessary actions, i.e., reintroduction of legislation or affirmation that installation is allowed under current state law. Also support efforts by the SF Department of the Environment to enhance electric vehicle infrastructure in San Francisco.
5. **Regional Governance:** In support of SFMTA's funding and policy interests at the regional level, monitor efforts associated with possible proposed changes to representation at the nine-county Metropolitan Transportation Commission (MTC). The Commission is currently comprised of 16 voting members, including two from San Francisco (one appointed by the Mayor, one appointed by the Board of Supervisors). The City of San Jose and the City of Oakland have made a request to add one seat for each of those cities which

would have the result of Santa Clara County and Alameda County having a total of three MTC seats.

6. **Transit Only Lane Enforcement (TOLE) Program Report and Reauthorization:** Pursuant to AB 101 (Ma) enacted in 2007, authorizing the SFMTA to undertake a pilot transit only lane enforcement program, the SFMTA is required to provide a report to the Legislature in March 2011 regarding the Agency's experience with the program. The program is set to sunset in January 2012 and the findings of this report will support any proposed extension of the program.
7. **California Vehicle Code Changes:** Support efforts to clarify provisions recently enacted in state law which could affect the ability of local governments to enact or enforce any ordinance or resolution covered by the Vehicle Code including regulations, procedures or assessing fines, penalties, charges or fees for violations unless expressly authorized by the State Vehicle Code. The concern is that a court could construe such language to apply to parking citation fines, Residential Parking Permit/Neighborhood Parking/Car Share permit fees, SFMTA transaction fees, Project 20 processing fees, temporary street closure permit fees, color curb fees, boot removal fees, special traffic permit fees and lost meter revenue fees and hold that, since such fines, fees or charges are not expressly authorized by the Vehicle Code, they are preempted. In addition, support efforts to allow for increases to vehicle code citations based on the consumer price index (CPI). Many state vehicle code violation fines are capped and have not been increased for many years.
8. **Taxi Legislation and Policy:** Monitor and support as appropriate state legislation related to taxi industry issues governed by the California Vehicle Code, California Government Code and California Public Utilities Code.

Federal Legislative Priorities

1. **FY2012 Transportation Appropriations and Discretionary Grant Programs:** To the extent that federal project funding is provided, the SFMTA will advance priority projects for FY2012 appropriations funding including the Central Subway light rail project and Van Ness BRT. SFMTA will also track opportunities for discretionary project funding for all modes building on recent TIGER 1 and 2 and State of Good Repair grant programs.
2. **Central Subway Full Funding Grant Agreement (FFGA) Approval:** The SFMTA will continue to work with the Federal Transit Administration (FTA) and our Congressional delegation to secure a Full Funding Grant Agreement (FFGA) for the Central Subway Project, securing the full federal commitment for this project. The FFGA is currently estimated at \$942 million with action projected for fall 2011.
3. **Transportation Reauthorization:** The current surface transportation law expired on September 30, 2009 and Congress has passed several short-term extensions. As of this writing, it appears nearly certain that an extension through September 2011 will be enacted.

The SFMTA will continue to monitor and engage as reauthorization efforts advance. The SFMTA will continue to advocate for a streamlined federal program that emphasizes state of good repair investment needs, promotes metropolitan mobility and advances principles of sustainability and livability. San Francisco will also support much higher levels of funding for all programs.

4. **Transportation Finance and Project Delivery Process Improvements:** Support opportunities that would provide flexibility in utilizing alternative financing mechanisms, such as the Transportation Infrastructure Finance and Innovation Act (TIFIA) and Transit Improvement Bonds (TIBs) for transit. Support efforts aimed at breaking down barriers to project delivery including shortening the TIP amendment process, implementing authority for innovative procurements and expediting the environmental review process
5. **Federal Transit Safety Oversight:** With the heightened interest in transit safety across the nation, Congress and the Federal Transit Administration (FTA) have proposed legislation that proposes a greater role for the federal government in rail transit safety. SFMTA will monitor these developments to ensure SFMTA's interests are represented.
6. **Pre-Tax Transportation Fringe Benefits:** The American Recovery and Reinvestment Act of 2009 included a provision that increased the maximum pretax deduction that employees can apply toward monthly commuting expenses from \$120 per month to \$230 per month. The provision was set to expire at the end of 2010, returning the maximum deduction for transit use to \$120 per month; however, an extension has been included in recent federal tax legislation. The SFMTA will continue to support efforts to ensure parity between the pre-tax transportation fringe benefit allowed for public transit and vanpooling and that which is allowed for parking.
7. **Climate Change:** The SFMTA will continue to monitor Climate Change legislation to ensure that some portion of revenues generated by a cap and trade program are dedicated to support public transportation and infrastructure investment as a means to reduce greenhouse gas emissions.

Regulatory Affairs Priorities

1. **Title VI Program:** As a recipient of federal funds, the SFMTA is required to comply with Title VI of the Civil Rights Act of 1964. Title VI mandates that no person can be denied the benefits of a federally funded program on the basis of race, color or national origin. Related Executive Orders require consideration of low-income and Limited English Proficient patrons as well. The SFMTA's Title VI Program follows FTA guidelines and comprises several ongoing programs that impact and involve every major division at the SFMTA. Elements of the Title VI Program include: Title VI complaint procedures, language access measures for limited English proficient people, processes for public participation and comment, service standards, demographic data collection and equity analyses for fare and

service changes. Compliance with Title VI is tracked by the FTA during Triennial Reviews, Title VI Program Updates, due every three years to the regional FTA office, and scheduled compliance audits if the FTA deems them necessary. Grants staff must certify compliance with Title VI requirements as part of the grant approval process. Non-compliance can result in remedial action and procedures for effecting compliance and potential loss of federal funds. The SFMTA will continue to ensure compliance with all federal Title VI and related requirements regarding all types of discrimination.

2. **Language Access Ordinance:** Language access for limited English proficient (LEP) individuals is mandated by federal, state and local law. The Board of Supervisors of the City and County of San Francisco established the Equal Access to Services Ordinance (EAS) in 2001 for the purpose of providing equal access to City services to all San Franciscans, including those with limited proficiency in English. The EAS compels City and County departments to provide their services in English and in the languages spoken by substantial populations of limited English speaking persons. The ordinance ensures that all residents have meaningful and equal access to critical city services. In August 2009, the ordinance was amended and is now known as the Language Access Ordinance (LAO). The SFMTA must submit an annual report to the Office of Civic Engagement and Immigrant Affairs (OCEIA) by December 31 of each year, covering language assistance measures for the prior fiscal year.
3. **FTA Quarterly Progress Review Meetings (QPRM):** These quarterly meetings provide an opportunity to present updates on major FTA-funded projects and other relevant topics to FTA staff and other stakeholders for review and comment. Topics for discussion include Central Subway, Van Ness Bus Rapid Transit, Safety, Transit Effectiveness Project, Fleet Management, Islais Creek Facility and ITS Radio Replacement project. Meetings are attended by senior SFMTA staff and project managers as well as staff from the following organizations: FTA, CPUC, TA and MTC. Staff will continue to coordinate QPRMs and follow up tasks.
4. **Regulatory Support and Research:** Monitoring proposed regulatory changes in areas pertinent to the Agency; performing regulatory research as requested and drafting supporting memoranda; drafting policies and procedures as requested.