

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

MINUTES

Tuesday, October 20, 2015 Room 400, City Hall 1 Dr. Carlton B. Goodlett Place

REGULAR MEETING AND CLOSED SESSION 1 P.M.

SFMTA BOARD OF DIRECTORS

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

Edward D. Reiskin DIRECTOR OF TRANSPORTATION

> Roberta Boomer SECRETARY

ORDER OF BUSINESS

1. Call to Order

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

2. Roll Call

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

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

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

4. Approval of Minutes

On motion to approve the minutes of the September 15, 2015 Regular Meeting: unanimously approved.

5. Communications

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

6. Introduction of New or Unfinished Business by Board Members

None.

7. Director's Report (For discussion only)

-Special Recognition Award -Ongoing Activities

Ed Reiskin, Director of Transportation recognized Joyce Furlough, Executive Secretary, Taxi and Accessible Services Division.

Director Reiskin also discussed recognition for employees for their years of service; recognition by the American Public Transportation Association for the SFMTA's commitment to sustainability; legislation approved by Governor Brown; long-range transportation planning; upcoming Central Subway work; and a raised bike lane on Market Street.

8. Citizens' Advisory Council Report

No report.

9. Public Comment

Anthony Ballester asked for a moment of silence for Mark Currier. His thoughts and prayers are with his family. He has been in contact with the operator involved who also sends his thoughts and prayers. Safety is important.

Mark Gleason discussed the "labor harmony" ordinance approved by the Board of Supervisors for the drivers of commuter shuttle buses. The acrimony is not something that Teamsters look forward to. The subsidy that comes with the low fare box recovery is coming out of the wallets of the shuttle bus drivers. Those drivers are making substandard wages. Until something is done, the issue will continue at Muni bus stops.

Herbert Weiner stated that there's a horror story every day on Muni. Muni isn't about service for all. Seniors and people with disabilities are forced to walk long distances to get to a bus stop. More buses should have been added to the most frequently used routes, but instead millions have been spent on public relations.

Cathy DeLuca urged the City to make the intersection of Kearny and Clay safe for pedestrians by installing a pedestrian scramble. The community is asking for this scramble. WalkSF has received 260 signatures on a petition. She discussed a recent fatality at that intersection. Kearny is a high injury corridor. Seven people in the past five years were seriously injured at this intersection. The SFMTA needs to do something now. The public can't wait for future improvements or for another person to get killed.

Ed Healy congratulated the Board for "Safer Market Street." Transportation Network Companies (TNCs) are opening bus lines, such as "Uber Pool" and "Lyft Line" and stating that these buses will reduce congestion. These vehicles have no emission controls and are targeting every bus line in the city. The SFMTA can control the fact that they're using bus stops. TNC's are targeting bus riders which will undermine Muni service.

Gum Gee Lee asked for the intersection at Kearny and Clay to be made safe. He urged the SFMTA to improve pedestrian safety and implement a pedestrian scramble at that intersection immediately. Chinatown is one of the densest neighborhoods and thousands of people cross that intersection to get to the park. This puts the lives of seniors at risk. He doesn't want to worry about the safety of his family.

James Wong urged the Board to approve the scramble system at Clay and Kearny. Kearny is a very busy street and seniors are very concerned about crossing that street. Seniors go to Portsmouth Square every day and are concerned about the traffic. The Central Subway Project will bring more visitors to the area. Seniors want to age in a place where they don't want have to worry about safety while walking.

Phil Chin stated that Chinatown TRIP supports a pedestrian scramble and a queuing system at the Portsmouth Square garage. The SFMTA has expressed concern that Muni would be delayed but a pedestrian scramble will not take away from Muni service.

Angelina Yu stated that the intersection at Kearny and Clay is really dangerous. Streets can be made safer by design. A left turning vehicle killed a pedestrian at that intersection. This is a dense, congested intersection and elders should be prioritized.

Rosa Chen stated that Chinatown has changed a lot in the past twenty years. She wants to see the scramble system installed at Kearny and Clay. The one installed on Stockton has saved many lives. This should be prioritized. She has collected many signatures from people who support a scramble system including not only residents but visitors as well.

Diana Lim stated that her grandparents live in Chinatown. Walking is their primary mode of transit. A large concentration of seniors cross at Kearny and Clay and many who come from Visitation Valley get off there. The SFMTA should make changes before there is another incident.

Malcolm Yeung praised the Board for launching the long term transportation planning effort. He also discussed the scramble system at Kearny and Clay. There have been seven deaths in the last five years which is unacceptable. Now the community is hearing excuses. The SFMTA can do better. At Sacramento, the SFMTA installed a change within a few months. The community wants to see the same action at Kearny and Clay. He wants the SFMTA to respond quickly.

Shirley Tsang urged the Board to implement a scramble system at Kearny and Clay immediately. Drivers speed along that street and they don't yield to pedestrians. Chinatown residents are concerned about their safety when they cross the street. She asked the Board to ensure safety for the community.

Peter Lee discussed the changes along the Kearny Street corridor over the last few years. There's a college, hotel and childcare services in the area. The foot traffic in this corridor is very heavy. He expressed support for a pedestrian scramble as it will save trouble and prevent accidents. It should be installed as soon as possible.

Christopher Fulkerson stated that the automated waybill system has exceeded the worst case scenario of inaccuracy. It needs attention. He presented a petition signed by 498 people. The system is completely dysfunctional. He got a waybill that said he made \$30,000 in one shift. If that was reported to Internal Revenue Service, it would create problems. He was met with hostility when he tried to correct it. The public disagrees with the SFMTA about the safety and utility of the backseat units. The public doesn't like them and it's difficult for inebriated drivers to use them.

Tone Lee stated that traffic on Mason Street is heavy given the construction in Union Square. It's overwhelming during rush hour. He suggested that parking spots be banned during rush hours to add a lane. Kearny Street is a major crosstown route that is flat. The parking lot is confusing to drivers.

Emil Lawrence stated the declining checkbook balances for taxi drivers is due to Uber drivers. Uber is wrecking taxi drivers. The SFMTA is doing nothing to enforce regulations because the Mayor told the SFMTA to lay off. This is corruption. The Mayor, the Board of Supervisors and the SFMTA don't want the police to issue tickets. The agenda is full of zones, not one of them is for taxis.

Rose Chung stated that the Portsmouth Square garage plays a significant role in the community and if a lane was eliminated, it would create a problem. Giving a "red carpet treatment" for Muni is not good for pedestrians.

Norman Fong asked the Board to act quickly at the intersection of Kearny and Clay. Seniors are aging and they have to be kept safe. It costs money but it needs to be done.

Barry Korengold stated the Board isn't aware of traffic congestion and how dangerous the streets have become in the last two years since the TNC's started. The TNC's are expanding everyday but there are only 5,000 taxi drivers. TNC's are double-parking, making crazy turns and aren't familiar with city streets. San Francisco is the second most congested city in the U.S. The changes to Market Street were a great idea but there is no enforcement. TNC's need to be regulated.

Charles Rathbone discussed the ban on wrap ads and taxis that can't accommodate Superbowl ads. In a time of declining revenues, the industry could use that revenue. He asked the SFMTA to revisit wrap ads as well as credit card charges. The current limit is unrealistically low. An Uber manager says they have 30,000 drivers. This is a congestion issue that is mushrooming.

The Board requested that staff present a report about the intersection of Kearny and Clay at a future meeting.

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

CONSENT CALENDAR

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

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

- A. Sarine Voltage vs. CCSF, Superior Ct. #CGC12523623 filed on 8/23/12 for \$750
- B. Stephen Allen vs. CCSF, Superior Ct. #CGC14543488 filed on 12/31/14 for \$4,750
- C. United Financial Casualty Co. vs. CCSF, Superior Ct. #CGC14542717 filed on 11/14/14 for \$7,060.31
- D. Olivia Amara Zurita vs. CCSF, Superior Ct. #CGC14540528 filed on 7/16/14 for \$6,286
- E. Tiffany Turner vs. CCSF, Superior Ct. #CGC14543488 filed on 12/31/14 for \$20,389
- F. John Keith Drummond vs. CCSF, Superior Ct. #CGC14537986 filed on 4/14/14 for \$25,000
- G. Dean Ayers vs. CCSF, Superior Ct. #CGC14540564 filed on 7/16/14 for \$30,000

RESOLUTION 15-136

(10.2) Approving the following traffic modifications:

- A. ESTABLISH BUS ZONE Geary Boulevard, north side, from 100 feet to 120 feet east of 30th Avenue.
- B. ESTABLISH TOW-AWAY NO STOPPING ANY TIME, PART-TIME BUS ZONE, 6 AM TO 10 AM, MONDAY THROUGH FRIDAY – Geary Boulevard, north side, from 120 feet to 240 feet east of 30th Avenue.
- C. ESTABLISH STOP SIGN Minerva Street, westbound, at Plymouth Avenue.
- D. ESTABLISH STOP SIGNS Linda Street, northbound and southbound, at 19th Street.
- E. ESTABLISH NO PARKING VEHICLES OVER 6 FEET HIGH Keith Street, west side, from Wallace Avenue to 100 feet northerly.
- F. ESTABLISH STOP SIGNS Lower Great Highway, northbound and southbound, at Kirkham Street.
- G. ESTABLISH STOP SIGN Hill Street, eastbound, at Church Street.
- H. ESTABLISH STOP SIGNS Harriet Street, northbound and southbound, at Harrison St.
- I. ESTABLISH RED ZONE 19th Street, north side, from Lamson Lane to 25 feet easterly.
- J. ESTABLISH RED ZONE Santa Ynez Avenue, north side, from Capistrano Avenue to 58 feet easterly.
- K. ESTABLISH BUS BULB Hayes Street, north side, from Laguna Street to 55 feet easterly.
- L. ESTABLISH NO STOPPING ANYTIME Ivy Street, north side, from Laguna Street to 105 feet easterly.
- M. ESTABLISH RESIDENTIAL PERMIT PARKING ELIGIBILITY, AREA I 3365 3369 17th Street.
- N. ESTABLISH TOW-AWAY NO STOPPING, BUSES & TAXIS ONLY LANE, 3 PM TO 7 PM, MONDAY THROUGH FRIDAY – Sacramento Street, westbound, from Kearny Street to Larkin Street (extends part-time Muni only lane, MONDAY THROUGH FRIDAY, 4 PM TO 6 PM).
- O. ESTABLISH 2-HOUR PARKING, 8 AM TO 3 PM, MONDAY THROUGH SATURDAY, EXCEPT VEHICLES WITH AREA C PERMITS – Sacramento Street, north side, between Stockton Street and Hyde Street (900 block through 1400 block; adjusts 2hour 8 AM to 4 PM and 6 PM to 9 PM parking hours for consistency with extended Tow-

away No Stopping hours).

- P. ESTABLISH 2-HOUR PARKING, 8 AM TO 3 PM, MONDAY THROUGH SATURDAY, EXCEPT VEHICLES WITH AREA C AND AREA G PERMITS – Sacramento Street, north side, between Hyde Street and Larkin Street (1500 block; adjusts 2-hour 8 AM to 4 PM and 6 PM to 9 PM parking hours for consistency with extended Towaway No Stopping hours).
- Q. ESTABLISH STOP SIGNS Noe Street, northbound and southbound, at Alvarado Street.
- R. RESCIND TOW-AWAY NO STOPPING ANYTIME Carroll Avenue, north side, between Jennings Street and 3rd Street.
- S. ESTABLISH TOW-AWAY NO STOPPING ANY TIME Presidio Avenue, west side, from 74 feet to 136 feet south of California Street.
- T. ESTABLISH TOW-AWAY NO PARKING ANYTIME Mission Street, north side, from 35 feet to 83 feet east of Farragut Avenue.
- U. ESTABLISH STOP SIGN Murray Street, northbound, at Holly Park Circle.
- V. ESTABLISH STOP SIGNS Greenwood Avenue, eastbound, at Hazelwood Avenue; Valdez Avenue, southbound, at Greenwood Avenue; and Colon Avenue, northbound and southbound, at Greenwood Avenue.
- W. ESTABLISH TOW-AWAY NO PARKING ANY TIME, 6 PM TO MIDNIGHT, DAILY Beale Street, west side, from 46 feet to 54 feet south of the Harrison Street overpass.
- X. ESTABLISH TOW-AWAY NO STOPPING ANYTIME Minnesota Street, east side, from 22nd Street to 23 feet southerly; and 22nd Street, south side, from Minnesota Street to 23 feet easterly.
- Y. ESTABLISH BLUE ZONE "2099" 37th Avenue, west side, from 0 feet to 22 feet south of north crosswalk at Quintara Street.
- Z. ESTABLISH BLUE ZONE 2 Rhode Island Street, west side, from 63 feet to 83 feet south of Division Street, within 5-foot sidewalk bulb-in.
- AA. ESTABLISH BLUE ZONE 1 Henry Adams Street, east side, from 36 feet to 64 feet north of Alameda Street.
- BB. REVOKE BLUE ZONE "3800" 20th Street, north side, from 8 feet to 30 feet west of Dolores Street.
- CC. ESTABLISH BLUE ZONE "3884" 20th Street, north side, from 11½ feet to 35½ east of J-Church Light Rail right-of-way. (Explanatory documents include a staff report and resolution. All of the proposed actions listed above are Approval Actions as defined by S.F. Administrative Code Chapter 31.)

Item 10.2 N was removed from the agenda at the request of members of the public

PUBLIC COMMENT:

Members of the public expressing opposition: Peter Mueller and Valerie Tom

Board Secretary Boomer stated that staff requested that the Board amend Item 10.2 N to start the tow-away at 3:30 and amend 10.2 O and P to extend two hour parking until 3:30

On motion to amend Item 10.2 N to start the tow-away at 3:30 and 10.2 O and P to extend two hour parking until 3:30:

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

RESOLUTION 15-137

On motion to approve Item 10.2 N, O and P as amended:

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

(10.3) Approving parking and traffic modification to install bicycle lanes on Vicente Street between 14th Avenue and 17th Avenue as follows:

 A. ESTABLISH – BICYCLE LANES - Vicente Street from 14th Avenue to 17th Avenue. (Explanatory documents include a staff report and resolution. The proposed action listed above is an Approval Action as defined by S.F. Administrative Code Chapter 31.)

RESOLUTION 15-138

(10.4) Approving the traffic modification to establish bicycle lanes in both directions on Folsom Street between 24th Street and Cesar Chavez Street as follows:

A. ESTABLISH – CLASS II BICYCLE LANES – Folsom Street, northbound and southbound, from 24th Street to Cesar Chavez Street. (Explanatory documents include a staff report, map, environmental documents and resolution. The proposed action listed above is an Approval Action as defined by S.F. Administrative Code Chapter 31.)

RESOLUTION 15-139

(10.5) Authorizing the Director to execute a fund transfer agreement for up to \$300,000 in discretionary funding programmed by the California Department of Transportation for the SFMTA's Community Engagement for an Equitable Muni project. (Explanatory documents include a staff report and resolution.)

RESOLUTION 15-140

(10.6) Authorizing the Director to execute the first option to Contract No. 2011/12-13 with Intercare, SFMTA's Workers' Compensation Third Party Administrator, to extend the contract by one year to October 31, 2016. (Explanatory documents include a staff report, resolution and amendment.)

RESOLUTION 15-141

On motion to approve the Consent Calendar (Item 10.2 N, O and P severed):

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

REGULAR CALENDAR

11. Consenting to the proposed Development Agreement between the City and County of San Francisco and 5M Project for the site at Fifth Street between Mission and Howard Streets, as it relates to matters under the SFMTA's jurisdiction, including the Transportation Program and the transportation-related mitigation measures; authorizing the Director to execute the SFMTA Consent to the Development Agreement; and adopting findings under the California Environmental Quality Act. (Explanatory documents include a staff report, resolution, agreement and environmental documents.)

Board Secretary Boomer stated that there had been a change to the Development Agreement on Page 3 under Section 2.2 "Soma Streetscapes" that added the following language:

Priority will be given to improvements that address pedestrian and bicycle safety improvements on corridors adjacent to the Project Site, particularly those that are a part of Vision Zero SF (i.e., the high injury corridor analysis conducted by SFDPH in collaboration with SFMTA on behalf of the City's Vision Zero Task Force).

Peter Albert, Director, Planning and Anne Taupier, Project Manager, Mayor's Office of Economic and Workforce Development, presented the item.

PUBLIC COMMENT:

Members of the public expressing support: Mike Theirault, Stephanie Merchavez, Don Dewsnup, Rob Poole, Natividad Galinato, Katherine Von Schild, Katie Lamont, and Madison Holm

Members of the public expressing opposition: Dyan Ruiz

Members of the public expressing neither support nor opposition: Cathy DeLuca and Tone Lee

RESOLUTION 15-142

On motion to approve:

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

12. Requesting that the Board of Directors adopt the Taxi Driver Drug and Alcohol Testing Policy, and amend Transportation Code Division II, Article 1100, Sections 1102, 1103, 1104, 1106, 1108, 1118 and 1121 to implement the Taxi Driver Drug and Alcohol Testing Policy and to lower the barrier of entry for new medallion applicants, and amend Transportation Code Division II, Article 300 Section 310 to impose certain fines. (Explanatory documents include a staff report, policy, amendments and resolution.)

Acting Chairman Brinkman asked the Board Secretary to call Items 12 and 13 together.

Kate Toran, Director, Taxi and Accessible Services, presented the items.

PUBLIC COMMENT:

Members of the public expressing support: Marcelo Fonseca, Norma Geer, Tone Lee and Victor Pogacar

Members of the public expressing opposition: Dale Gieringer, Mark Gruberg, Tom Diesso, John Han, Christopher Fulkerson, Barry Taranto, Stuart Seligson, Barry Korengold, Mary McGuire and Ken Coblenzer

On motion to add Section 1121 (e) (2) (D) as follows:

A Driver who has tested positive for marijuana presents the SFMTA with a valid recommendation or approval for use of medical marijuana obtained prior to the positive test.

ADOPTED: AYES - Borden, Brinkman, Nolan, and Rubke

NAYES - Heinicke, and Ramos

RESOLUTION 15-143

On motion to approve as amended:

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

13. Authorizing the Director of Transportation to execute Contract No. SFMTA-2013-25, Drug and Alcohol Testing Services for Taxicab Drivers with Energetix Corporation for drug and alcohol testing services for an amount not to exceed \$4,500,000 and a total contract term of three years, with two options to extend the term for one-year, which may be exercised at the discretion of the Director of Transportation. (Explanatory documents include a staff report, resolution and contract.)

RESOLUTION 15-144

On motion to approve:

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

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

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

RECESS REGULAR MEETING AND CONVENE CLOSED SESSION

CLOSED SESSION

1. Call to Order

Chairman Nolan called the closed session to order at 4:01 p.m.

2. Roll Call

- Present: Cheryl Brinkman Gwyneth Borden Malcolm Heinicke Tom Nolan Joél Ramos Cristina Rubke
- Also present: Ed Reiskin, Director of Transportation Roberta Boomer, Board Secretary Miriam Morley, Deputy City Attorney Brian Crossman, Deputy City Attorney

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

CONFERENCE WITH LEGAL COUNSEL

Existing Litigation:

```
A. CCSF vs. PCF Acquisition, Superior Ct. #CGC11507339 filed on 1/14/11 for $730,000
```

RESOLUTION 15-145

On motion to approve:

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

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

CONFERENCE WITH LEGAL COUNSEL

Anticipated Litigation:

 \underline{X} As defendant or \underline{X} As plaintiff

ADJOURN CLOSED SESSION AND RECONVENE OPEN SESSION - The closed session was adjourned at 4:02 p.m.

15. Announcement of Closed Session.

Chairman Nolan announced that the SFMTA Board of Directors met in closed session to discuss the CCSF vs. PCF Acquisition case with the City Attorney. The Board of Directors voted to settle the case. There was no discussion of anticipated litigation.

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

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

ADJOURN - The meeting was adjourned at 4:03 p.m.

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

Roberta Boomer Board Secretary

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

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