



DRAFT MINUTES

San Francisco County Transportation Authority

Tuesday, April 14, 2020

1. Roll Call

Chair Peskin called the meeting to order at 10:10 a.m.

Present at Roll Call: Commissioners Fewer, Haney, Preston, Peskin, Ronen, Safai, Stefani, and Walton (8)

Absent at Roll Call: Commissioners Mandelman (entered during Item 5), Mar (entered during Item 15), and Yee (entered during Item 15) (3)

2. Acknowledge and Adopt Meeting Notice and Meeting Conduct Requirements Pursuant to the Governor's Executive Order N-29-20 - ACTION

Jill Jaffe, counsel for the Transportation Authority, provided context for the proposed action.

There was no public comment.

Commissioner Safai moved to approve the item, seconded by Commissioner Walton.

The item was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Preston, Peskin, Ronen, Stefani, Walton and Yee (9)

Absent: Commissioners Mandelman, Mar, and Yee (3)

3. Chair's Report - INFORMATION

Chair Peskin began by stating that it was good to be able to convene as a board again, albeit virtually. He noted that the last meeting of the Transportation Authority was on March 10 and then meetings were temporarily suspended due to the shelter-in-place orders related to the pandemic. Despite having to temporarily halt meetings, Chair Peskin stated the he and staff had continued to tackle the day-to-day business of the Transportation Authority, along partner agencies. He also report that the agency's strong financial position ensures that the Transportation Authority can continue to meet sponsors' cashflow needs for a multitude of needs across the city, particularly the City's transit systems and the riders who depend on them. Chair Peskin thanked SFMTA Director of Transportation Jeff Tumlin and Transit Director Julie Kirschbaum for the rapid response to the challenging conditions of the past month and making tough decisions to restructure service to maintain access, while protecting operators' health and safety. He further thanked transit operators, maintenance workers, and other front-line staff locally and across the region working hard to maintain access for essential workers and others with essential business in the City.

Chair Peskin also thanked United States House Speaker Nancy Pelosi and the federal



Bay Area delegation for their advocacy and leadership on behalf of transit providers and their riders, referencing the federal Coronavirus Aid Relief and Economic Security Act or CARES Act that provides \$1.3 billion to the Bay Area through the Metropolitan Transportation Commission. Chair Peskin thanked Director Chang and staff for working with transit partners and Commissioner Ronen in her role on the Metropolitan Transportation Commission to help shape the process in a way that prioritizes the most transit-dependent riders in the region. He also commented that the agency will continue to work with the city and region to provide input on the next step of legislative initiatives to help further give relief to local governments and transportation agencies, including potential capital stimulus funds at both the federal and state levels.

Chair Peskin closed by acknowledging that the needs in the transportation sector, as with other sectors, far exceed the available services and reported that he had asked staff to work with Commissioners' offices and partner agencies to find additional resources and creative ways to respond to the most pressing challenges. He said that staff will also be working with sponsoring agencies to ensure that we are prioritizing things correctly at this time.

There was no public comment.

4. Executive Director's Report - INFORMATION

Tilly Chang, Executive Director, presented the item.

There was no public comment.

Consent Agenda

- 5. Approve the Minutes of the March 10, 2020 Meeting - ACTION***
- 6. [Final Approval] Appoint John Larson to the Citizens Advisory Committee - ACTION***
- 7. [Final Approval] State and Federal Legislation Update - ACTION***
Support: Assembly Bill (AB) 2828 (Friedman)
Conditional Support with Amendments: AB 2824 (Bonta)
- 8. [Final Approval] Adopt a Support Position for the Seamless Transit Principles - ACTION***
- 9. [Final Approval] Allocate \$60,732,027 in Prop K Sales Tax Funds, with Conditions, for the Light-Rail Vehicle Procurement - ACTION***
- 10. [Final Approval] Allocate \$1,819,800 in Prop K Sales Tax Funds, with Conditions, for Two Projects - ACTION***
- 11. [Final Approval] Amend the Adopted Fiscal Year 2019/20 Budget to Increase Revenues by \$2.1 Million, Decrease Expenditures by \$71.9 Million and Decrease Other Financing Sources by \$67.0 Million for a Total Net Increase in Fund Balance of \$7.0 Million - ACTION***
- 12. [Final Approval] Approve San Francisco's Draft Plan Bay Area 2050 Fiscally Constrained Project List - ACTION***
- 13. [Final Approval] Award a Construction Contract to the Lowest Responsible and**



Responsive Bidder, Ghilotti Construction Company, Inc., in an Amount not to Exceed \$29,684,453, Authorize the Executive Director to Execute All Other Related Supporting and Supplemental Agreements, and Authorize an Additional Construction Allotment of \$10,961,417, for a Total Construction Allotment Not to Exceed \$40,645,870, for the Southgate Road Realignment Improvement Project - ACTION*

14. **[Final Approval] Extend the Vision Zero Committee of the Transportation Authority Until December 31, 2020 - ACTION***

Chair Peskin made a motion to excuse Commissioners Mar and Yee from voting on the consent agenda, seconded by Commissioner Preston.

The motion to excuse Commissioners Mar and Yee was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandleman, Peskin, Preston, Ronen, Safai, Stefani, and Walton (9).

Absent: Commissioners Mar and Yee (2)

There was no public comment on Item 5.

Commissioner Fewer requested to sever Item 9 from the Consent Agenda.

Commissioner Walton moved to approve the remainder of the Consent Agenda, seconded by Commissioner Mandelman.

Items 5-8 and 10-14 of the Consent Agenda were approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, and Walton (9)

Absent: Commissioners Mar and Yee (2)

Commissioner Mandelman moved to approve Item 9, seconded by Commissioner Stefani.

There was no public comment on Item 9.

Item 9 was approved by the following vote:

Ayes: Commissioners Haney, Mandelman, Peskin, Preston, Ronen, Safai, Stefani, and Walton (8)

Nays: Commissioner Fewer (1)

Absent: Commissioners Mar and Yee (2)

End of Consent Agenda

Chair Peskin called Item 15 and Item 16 together.

Eric Cordoba, Deputy Director for Capital Projects, presented the items.



15. **[Final Approval on First Appearance] Increase the Amount of Professional Services Contract with MNS Engineers, Inc. by \$1,600,000, to a Total Amount Not to Exceed \$4,600,000, and Extend the Contract through December 31, 2022, for Construction Management Services for the Yerba Buena Island Southgate Road Realignment Improvement Project - ACTION***

There was no public comment.

Commissioner Haney moved to approve the item, seconded by Commissioner Mandelman.

The item was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Preston, Peskin, Ronen, Safai, Stefani, Walton, and Yee (11)

Absent: none

16. **[Final Approval on First Appearance] Authorize the Executive Director to Execute Amendments to the Memorandums of Agreement with Treasure Island Development Authority for Both the Right-of-Way Phase and Construction Phase Related to the Southgate Road Realignment Improvement Project - ACTION***

There was no public comment.

Commissioner Haney moved to approve the item, seconded by Commissioner Mandelman.

The item was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee (11)

Absent: none

Chair Peskin called Item 17 and Item 18 together.

Chair Peskin expressed thanks to Director Chang and staff for working tirelessly to get the two items ready for Board approval, despite the long process, and he noted that he understood that the Transbay Joint Powers Authority (TJPA) had already acted to approve the subject Memorandum of Understanding.

Eric Cordoba, Deputy Director for Capital Projects, presented the item.

Commissioner Fewer observed that these items set up the next steps for one of the largest public works projects in the region funded largely by San Francisco. As such, she said she wanted to ensure that the contracts ultimately issued by the TJPA include assurances that it would follow San Francisco's contracting law, requiring participation of small and local businesses; promoting local hiring and compliance with Ordinances 12X and 12X.2.

Chair Peskin mentioned that he believes Commissioner Walton shares these concerns and had worked with Mr. Cordoba and Executive Director Tilly Chang to prepare language to address these issues.

Executive Director Chang said she believe Commissioner Walton intended to make a



similar request to ensure that the funds in Item 18 for both the TJPA and the Transportation Authority include a special condition requiring consistency with the City's local business and disadvantaged business enterprise policies.

Commissioner Fewer asked about compliance with Ordinances 12X and 12X.2.

Director Chang replied that the condition would also include consistency with Ordinances 12X and 12X.2.

Commissioner Walton confirmed Chair Peskin's statement that he shares the same concerns as Commissioner Fewer and said he understood that TJPA typically followed the City's policies on LBEs, MBEs, and WBEs, but requested a special condition be added to Item #18 to apply to both requests to require consistency with the City's Local and Disadvantaged Business Enterprise policies and local hire policies.

Director Chang confirmed that language would be added addressing Commissioner Fewer's and Commissioner Walton's comments.

Commissioner Haney commented he also raised this concern at the TJPA meeting in the previous week and was glad to have amendments to address the issue. He thanked Chair Peskin, Director Chang, and Mr. Cordoba for their leadership on developing a creative approach to organizing, phasing, and funding a critical regional transportation project, and said he looked forward to continuing to support this regional partnership both at the Transportation Authority and at the TJPA.

Director Chang interjected that staff would attach the condition "as applicable," where federal rules precluding local preference did not apply, which was noted by the Chair.

Commissioner Mar commented that he shared the same questions and concerns raised by Commissioners Fewer, Walton, and Haney and said maximum participation by San Francisco local and small businesses and the local workforce should be a high priority for the agency, especially due to the negative economic impact the current pandemic crisis is having on them.

Commissioner Walton reminded everyone that the project was largely funded by San Francisco, which Commissioner Fewer reiterated, and was noted by the Chair.

During public comment the first speaker identified as a small business owner and expressed support for the proposed contract conditions requiring consistency with City policies on local business participation. He also said he would like these rules to be applied to future projects as well.

Matthew Ajiake of the San Francisco African American Chamber of Commerce thanked Commissioners Fewer and Walton for including the proposed LBE special condition and asked that since the project would be primarily funded by the City, to not default to federal DBE standards which would leave local, small businesses hanging.

Eloise Patton, a community advocate in the Bayview, expressed appreciation for the additional language in the proposed amendment that supports small businesses, especially during these uncertain times where it could be a difference of survival for the businesses. She advocated for strict compliance and adherence to the item amendment language.

Roland LeBrun of San Jose asked that a portion of the Memorandum of



Understanding (MOU)(clause 7 on page 6 of the MOU) related to consistency with the existing NEPA and CEQA approvals for the project be stricken. Mr. Lebrun elaborated on his rationale saying that while the current committed funding is \$1 billion, he believes both DTX and the Pennsylvania alignment can be done for less than \$1 billion. He continued by saying that CEQA reform is on the table and will be accelerated, and that the California High Speed Rail Authority has received NEPA clearance from the Federal Railroad Administration. Mr. Lebrun suggested that the savings of \$5 billion from the total project cost could be routed to other projects. Mr. Lebrun also requested that the Downtown Extension Executive Steering Committee meetings be made open to the public and said he hoped the Transportation Authority CAC would have a chance to review and comment on the item before coming back to the Board for full approval. Lastly, with respect to the proposed allocations, Mr. Lebrun said there are emerging technical issues that he would be writing the Board about.

Bruce Agid, former chair of the TJPA CAC, member of the RAB and High Speed Rail Community Working Group, and member of the Friends of DTX, expressed support for the MOU, as well as the two funding requests. Mr. Agid said he recognized that the complexity of the project, the number of agencies involved, and the cost of the project warrant a thorough and robust governance and oversight model. He said he hoped the new approach would rebuild public confidence and the confidence of elected leaders. He concluded by urging the Board to approve both items so work could restart on the 2-year work program.

17. **Authorize the Executive Director to Execute a Memorandum of Understanding with the Transbay Joint Powers Authority (TJPA), the Metropolitan Transportation Commission, the Peninsula Corridor Joint Powers Board, the California High Speed Rail Authority, and the City and County of San Francisco for the Establishment of a New Organizational Structure that Will Support the Efforts of the TJPA in the Development of the Downtown Rail Extension to a Ready-for-Procurement Status - ACTION***

Commissioner Haney moved to approve the item, seconded by Commissioner Walton.

The item was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee (11)

Absent: none

18. **Allocate \$11,906,558, with Conditions, for Downtown Rail Extension - Phasing and Partial 15% Design and Appropriate \$2,636,109 in Prop K Sales Tax Funds for Rail Program Oversight and Project Development Support - ACTION***

Commissioner Walton moved to amend the item to include a special condition for both grants requiring that procurements are conducted consistent with the City and County of San Francisco's Local Business Enterprise Program, local hire policies, and Ordinances 12.X and 12.X.2, to the extent allowable by the various fund sources that are used to fund the approved scope of work, seconded by Commissioner Fewer.

The item was amended without objection by the following vote:



Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee (11)

Absent: none

Commissioner Walton moved to approve the amended item, seconded by Commissioner Fewer.

The amended item was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Preston, Peskin, Ronen, Safai, Stefani, Walton, and Yee (11)

Absent: none

19. Award a Two-Year Professional Services Contract to WMH Corporation, in an Amount Not to Exceed \$3,000,000, for Engineering and Environmental Consulting Services for the U.S. 101/I-280 Express Lanes and Bus Project - ACTION*

Eric Cordoba, Deputy Director for Capital Projects, presented the Item.

Commissioner Safai expressed that this particular item should not proceed under these times of economic uncertainty, and given the current amount of traffic. He said the money should be spent on putting people to work in terms of other needed capital-related work. He further stated that the project was not a priority in these uncertain times and he would not support the item.

Director Chang responded by saying that in order for the project to be eligible for near-term grant opportunities, the project needs to be cleared environmentally so it would be competitive for state grant funding. She further noted that the near term opportunity is simply in the northbound direction and would be a High Occupancy Vehicle Lane using the striped shoulder of the existing I-280 facility, and would not involve tolling or take any existing traffic lanes in the northbound direction. She noted the scope of work included the equity considerations and the operational studies that the Board previously directed staff to conduct.

Commissioner Safai responded by saying that he did not think the agency had taken enough time in this time of crisis and economic uncertainty to step back and see what pools of money were still at its disposal, and that further conversation was needed to determine what projects should be prioritized in light of the amount of tax revenue loss over the next year and a half. He further stated that in times of budget surplus, it makes sense to proceed with some of these studies and professional service contracts; but with millions of people out of work and so much economic uncertainty, it would be a mistake on the part of the agency to not take a step back and have conversation about the economic security of the Transportation Authority overall.

Chair Peskin responded by saying that the early conversations he had with the Director Chang and staff discussed what prioritization lens should be applied on capital and operating costs on each and every project, including re-evaluating long-term commitment projects. He acknowledged that the financial landscape is quite uncertain, and said in talking to the agency's Chief Financial Officer, there was no question that the agency needs to revise its initial budgetary projections and staff would bring that to the Board in June. Chair Peskin continued by saying there also was no question that the agency needs to reevaluate priorities and suggested that while the agency is still in the process of developing the lens to do that evaluation, the



subject item be continued to at least the next Board meeting.

Commissioner Walton asked what would be the ramification of continuing the item until we get more information on our economic picture.

Chair Peskin answered that the delay would be minimal, seeing that environmental clearance is still a ways away; and he thought a few weeks to allow time to look through a policy consistent priority lens would not make a difference. He also asked Director Chang to weigh in on the matter.

Director Chang agreed that the agency can take the next couple of weeks to look more closely at the budget, noting that the regional Metropolitan Transportation Commission (MTC) was preparing its recommendations for the state's \$30 million grant application for the state's Solutions For Congested Corridors (SCC) program, which is funded with State gas tax. She said the agency was hoping to apply for funds for the northbound High Occupancy Vehicle lanes. She said MTC was preparing its staff recommendation for the SCC program for May Commission action.

Commissioner Fewer echoed Chair Peskin's suggestion to continue the item.

There was no public comment.

Commissioner Safai moved to continue the item, seconded by Commissioner Fewer.

The item was continued without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Safai, Stefani, Walton, and Yee (10)

Absent: Ronen (1)

20. Approve Programming Priorities for Up to \$3,794,003 in San Francisco's Estimated Fiscal Year 2020/21 State Transit Assistance County Block Grant Funds - ACTION*

Anna LaForte, Deputy Director for Policy & Programming, presented the Item.

There was no public comment.

Commissioner Mandelman moved to approve the item, seconded by Commissioner Yee.

The item was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee (11)

Absent: none

21. Allocate \$580,000 in Prop K Sales Tax Funds and \$383,776 in Prop AA Vehicle Registration Fee Funds, with Conditions, for Three Requests - ACTION*

Anna LaForte, Deputy Director for Policy & Programming, presented the Item.

Chair Peskin asked if the delays in starting projects due to the COVID-19 epidemic would result in cost savings for Fiscal Year 2020/21.

Ms. LaForte confirmed that was the case.



Chair Peskin commented that business could not be conducted as usual, that the Board would be faced with difficult decisions, and those decisions should be made sooner rather than later.

Ms. LaForte reported that sponsor agencies are requesting funds earlier than usual in order to be able to set up the implementation structure for fund distribution in the new budget cycle.

Commissioner Yee asked about the number of people who benefitted from the Bicycle Safety Education Classes program.

Ms. LaForte answered that there was an average of 440 adult attendees, with 27 classes in 2019 and 26 classes in 2018; for the novice classes, there were nine classes and 703 attendees in 2019 and nine classes and 780 attendees in 2018. Ms. LaForte added that SFMTA would follow the City Controller's policy regarding payment to non-profit contractors, such as San Francisco Bicycle Coalition being paid at a reduced fixed rate for cancelled classes due to shelter-in-place orders.

Commissioner Yee commented that those were pretty good numbers but wondered if improvements to those numbers could be made. He further commented that he would still support the item.

There was no public comment.

Commissioner Mandelman moved to approve the item, seconded by Commissioner Walton.

The item was approved without objection by the following vote:

Ayes: Commissioners Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton, and Yee (11)

Absent: none

Other Items

22. Introduction of New Items - INFORMATION

Commissioner Haney said he had been working with SFMTA and SFCTA staff but wanted to make a formal request. He cited the necessary, but painful cuts to Muni service, especially late night Muni service, and late night BART service, which has had a big impact on essential workers, in particular. He recounted hearing from homeless service providers that many of their employees rely on BART to get to work, with some reporting that up to 30% of their employees residing in the East Bay and depending on BART. Commissioner Haney observed that we are relying on these workers more than ever and asking them to do more. He acknowledged that Uber and Lyft and some companies like them are offering credit, but said he felt it was important to offer a public program to support the essential workers, especially those who are providing services like at hotels where homeless people will be staying, other homeless providers, hospital workers, etc. He requested help from staff to create a taxi voucher program to help essential workers who are impacted by the recent cuts.

Commissioner Safai said that due to the massive reduction in SFMTA service citywide, there are certain areas of the city, such as Lakeview and OMI in his district that are totally cut off leaving a lot of seniors, and low-income families and individuals without



public transit options to get around. He said he also has been in conversation with SFMTA about taxi vouchers given that parts of his district are completely cut off from any form of public transportation. He asked during this time of reduced service, for Transportation Authority staff to work with SFMTA staff to provide services like taxi vouchers for these affected communities not just in his district, but citywide, citing this as an essential service for seniors and disabled persons, in particular.

Chair Peskin assured that Director Chang and staff would follow up on the two Commissioners' requests.

23. Public Comment

During public comment, Francisco DaCosta spoke about the pandemic and the areas of the city where there are no services; and where there are services, some of the lines are jam-packed, which is not consistent with health guidance.

Roland Lebrun mentioned that none of the meeting's presentations were posted on the website and asked they be posted as soon as possible.

24. Adjournment

The meeting was adjourned at 11:58 a.m.