TA

CORRESPONDENCE

as of 7-31-2020

From:	BOS Legislation, (BOS)
To:	Board (@samtrans.com)
Cc:	Walton, Shamann [shamann.walton@sfgov.org]; Peskin, Aaron (BOS); Haney, Matt (BOS); Gee, Natalie [natalie.gee@sfgov.org]; Gallardo, Tracy (BOS); Burch, Percy (BOS); Angulo, Sunny (BOS); Hepner, Lee (BOS); Yan, Calvin (BOS); Mahogany, Honey (BOS); RivamonteMesa, Abigail (BOS); Mcdonald, Courtney (BOS); Kittler, Sophia (MYR); McCaffrey, Edward (MYR); Power, Andres (MYR); "rebecae@earthlink.net"; Calvillo, Angela (BOS); Somera, Alisa (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS); PEARSON, ANNE (CAT); Tilly Chang
Subject:	Resolution No. 334-20 - Conditionally Approving Submission of Sales Tax to Support Caltrain Service - November 3, 2020, Election
Date:	Thursday, July 30, 2020 10:00:23 PM
Attachments:	image001.png 200793 COB Ltr - SamTrans.pdf

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Dear Secretary Seamans,

Please find attached a letter from the San Francisco Board of Supervisors Clerk of the Board and a copy of Resolution No. 334-20. On July 28, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 334-20 (Conditionally Approving Submission of Sales Tax to Support Caltrain Service - November 3, 2020, Election), which was enacted on July 30, 2020.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

• One copy of Resolution No. 334-20 (File No. 200793)

Hard copies will be sent out shortly, and if you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: <u>board.of.supervisors@sfgov.org</u>.

Regards,

Lisa Lew San Francisco Board of Supervisors 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102 T 415-554-7718 | F 415-554-5163 lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors' website or in other public documents that members of the public may inspect or copy. **BOARD of SUPERVISORS**



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

July 30, 2020

Dora Seamans District Secretary SamTrans 1250 San Carlos Avenue P.O. Box 3006 San Carlos, CA 94070-1306

Re: Board of Supervisors Resolution No. 334-20

Dear Secretary Seamans:

On July 28, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 344-20 (Conditionally Approving Submission of Sales Tax to Support Caltrain Service - November 3, 2020, Election), which was enacted on July 30, 2020.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

• One copy of Resolution No. 334-20 (File No. 200793)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: <u>board.of.supervisors@sfgov.org</u>.

Sincerely,

- CAChiddo

Angela Calvillo Clerk of the Board of Supervisors City and County of San Francisco

c: Members of the Board of Supervisors, Shamann Walton, Aaron Peskin, Matt Haney Anne Pearson, Deputy City Attorney Tilly Chang, San Francisco County Transportation Authority Sophia Kittler, Mayor's Liaison to the Board of Supervisors Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs Andres Power, Mayor's Policy Director Rebecca Peacock, Mayor's Office FILE NO. 200793

1	[Conditionally Approving Submission of Sales Tax to Support Caltrain Service - November 3, 2020, Election]
2	
3	Resolution conditionally approving submission of one-eighth of one percent (0.125%)
4	retail transactions and use tax for Caltrain or its successor agency to use to support its
5	immediate and long-term operational and capital costs, at an election to be held on
6	November 3, 2020; and affirming the San Francisco Municipal Transportation Agency's
7	determination under the California Environmental Quality Act.
8	
9	WHEREAS, The Peninsula Corridor Joint Powers Board ("JPB") is a joint exercise of
10	powers authority duly formed pursuant to the October 3, 1996, joint powers agreement
11	between the City and County of San Francisco, the San Mateo County Transit District
12	("SMCTD"), and the Santa Clara Valley Transportation Authority ("VTA") (together, the
13	"Member Agencies"); and
14	WHEREAS, The JPB operates the Caltrain passenger rail service between San
15	Francisco, California and Gilroy, California, currently serving 32 stations along the 77-mile
16	corridor; and
17	WHEREAS, Since its inception, the JPB has had no dedicated source of funding other
18	than passenger fares and, instead, relies on contributions from its Member Agencies to fill
19	minimum financial requirements in its operating and capital budgets under two different
20	funding formulas; and
21	WHEREAS, For capital costs, each of the Member Agencies (a) contributes an equal
22	amount of capital funding each year and (b) supplements operating funding based on the
23	percentage of system ridership originating in each County; and
24	WHEREAS, The levels of both capital and operating funding are determined by the
25	funding capacity of the Member Agency with the least ability to provide its share of funding in

any given year, and the amount that Member Agency can make available then becomes the
 standard against which the contributions of the other Member Agencies are calculated; and

WHEREAS, This approach fosters an uncertain financial and planning environment for the JPB, which is exacerbated by continually-escalating operating, maintenance and repair costs, thereby keeping the JPB from operating at service levels that meet the rising passenger demands for Caltrain service; and

WHEREAS, Caltrain, the seventh largest commuter rail service in the nation, operates
the most efficient such service based on costs per passenger mile, and has the highest
farebox recovery rate of all the commuter rail services nationwide at 70%, which reflects the
proportion of operating costs funded by passenger fares; and

11 WHEREAS, The JPB is facing significant and ever-increasing structural funding 12 shortfalls, which impact its ability to meet its operational needs, address its state of good 13 repair requirements and undertake necessary capital improvements to sustain the Caltrain 14 service; and

WHEREAS, The JPB has embarked upon a project to electrify its right of way between
San Francisco and San Jose, which will transform the Caltrain service into a more
environmentally sustainable, quiet and nimble operation commencing in 2022; and

18 WHEREAS, Although the electrified Caltrain service will eliminate the costs of diesel 19 fuel, Caltrain will confront new system and technological costs for operation and maintenance 20 of the electrified system, the electrical multiple unit rail cars, and the positive train control 21 system; and

21 system; and

22 WHEREAS, To provide a means to address the JPB's financial challenges, in 2017 the 23 Governor signed Senate Bill No. 797, introduced by Senator Jerry Hill, authorizing the JPB to 24 implement a new retail transactions and use tax of up to 0.125 percent in San Francisco, San 25 Mateo, and Santa Clara Counties (together, the "Counties") if (i) the Board of Directors of the JPB adopts a resolution submitting the measure to the voters, (ii) the submission of the measure to the voters is approved by the Boards of Supervisors in the Counties, (iii) the submission of the measure to the voters is approved by a majority vote of the governing boards of the San Francisco Municipal Transportation Agency ("SFMTA"), the SMCTD, and VTA, and (iv) the tax is adopted by a two-thirds vote of the three Counties' voters; and

6 WHEREAS, The revenues derived from the one-eighth cent sales tax will provide a 7 dedicated fund source to support the operational and capital cost of the service; and

WHEREAS, More specifically, the tax revenues from this measure will be prioritized:

8

To support the operation of Caltrain service levels throughout the corridor from San
Francisco to Gilroy, including, but not limited to, expanded service and increased capacity
realized through the operation of an electrified system; the required support includes the
maintenance of equipment, infrastructure and systems necessary to sustain and expand the
service:

To support the infrastructure, rolling stock, and capital projects necessary to advance
the expansion of the Caltrain peak hour service from 6 trains per hour per direction to 8 trains
per hour per direction, as well as the expansion of the Gilroy service to a minimum of five
morning and five afternoon trains; and

To develop and implement programs to expand access to the Caltrain service and
 facilitate use of the system by passengers of all income levels, including establishing an
 affordability program with consideration of discounted passes and/or additional means-based
 fare discounts informed by Caltrain's Means Based Fare Pilot Program; and
 WHEREAS, Revenues will also be available to help leverage other local, regional, state
 and federal investments to advance capital projects necessary to implement the Caltrain
 Business Plan's 2040 Service Vision, adopted by the JPB on October 3, 2019; these projects

include, but are not limited to: the San Francisco Downtown Extension project including the

Pennsylvania Avenue alignment, the extension of electrified train service to Gilroy, and grade
 separations throughout the corridor; and

WHEREAS, On March 10, 2020, the SFMTA, under authority delegated by the

3

Planning Department, determined that the approval of the Peninsula Corridor Joint Powers
Board's placement of a tax on the ballot is not a "project" under the California Environmental
Quality Act ("CEQA") pursuant Title 14 of the California Code of Regulations, Sections

- 7 15060(c) and 15378(b); and
- 8 WHEREAS, A copy of the CEQA determination is on file with the Clerk of the Board of 9 Supervisors in File No. 200793, and is incorporated herein by reference; and
- WHEREAS, This tax measure is a district measure governed by the California
 Elections Code, Division 9, Chapter 4, Section 9300, et seq.; and
- WHEREAS, Under California Elections Code, Section 9313, the Santa Clara County Counsel's Office shall prepare the impartial analysis of this tax measure for inclusion in San Francisco's Voter Information Pamphlet, shall make the impartial analysis available for public review for ten days, and shall submit the impartial analysis and available translations of that impartial analysis to the San Francisco Department of Elections; and
- WHEREAS, The San Mateo County Registrar of Voters shall serve as the district
 elections official for this tax measure, shall make the tax measure's legal text and arguments
 available for public examination for ten days, and shall submit the final materials to the San
 Francisco Department of Elections; and
- 21 WHEREAS, The JPB shall reimburse the San Francisco Department of Elections for its 22 incremental costs incurred due to the inclusion of this tax measure in the City and County of 23 San Francisco's Voter Information Pamphlet, ballots, and associated materials; and
- 24 WHEREAS, As required by California Revenue and Taxation Code, Section
- 25 7286.65(b), this Resolution evidences the San Francisco Board of Supervisors' ("Board's")

approval for the JPB to place a sales tax measure before the voters of the three Counties to
provide the JPB (or its successor agency) with a steady stream of funding to support the
annual operating, maintenance, and capital needs of an electrified Caltrain service with
increased frequency and capacity, which in turn will reduce traffic congestion and air pollution
in the three Counties, subject to the conditions set forth in subparagraphs a) through f); now,
therefore, be it

7 RESOLVED. That the San Francisco Board of Supervisors approves placement by the 8 Peninsula Corridor Joint Powers Board of a regional measure on the November 3, 2020, 9 ballot in Santa Clara, San Mateo and San Francisco Counties to impose a one-eighth of one percent (0.125%) retail transactions and use tax for a period of thirty (30) years, throughout 10 the three Counties, to enable Caltrain (or its successor agency) to fund operating and capital 11 12 expenses of the Caltrain rail service, and support the operating and capital needs required to 13 implement the Service Vision adopted by the JPB on October 3, 2019, as part of the Caltrain 14 Business Plan; and, be it

FURTHER RESOLVED, That the Board's approval of placement of the Caltrain tax
 measure on the November 3, 2020 ballot is subject to the following conditions:

- a) That the SFMTA, SMCTD, VTA, the San Francisco Board of Supervisors, San
 Mateo County Board of Supervisors, Santa Clara Board of Supervisors, and the
 JPB Board of Directors ("JPB Board") approve placement of the Caltrain tax
 measure on the November 3, 2020 ballot in the Counties subject to the conditions
 set forth in paragraphs a) f) of this resolution, and include these conditions in their
 resolutions approving the placement of the Caltrain tax measure on the November
 3, 2020 ballot;
- b) That all Caltrain tax revenue shall be held in a special escrow account under the
 sole and absolute control of the JPB Board, which may be disbursed by the JPB

with the approval of a two-thirds majority of the JPB Board at any time, until such
time as the JPB Board has amended the Joint Powers Agreement by a two-thirds
vote to modify its governance structure or procedures, at which time the JPB Board
may transfer all funds held in the special escrow account to any other accounts held
by JPB, and may authorize the unrestricted use of these and all subsequent sales
tax revenues for operating or capital expenditures as authorized by the Caltrain tax
measure;

- c) That notwithstanding subparagraph b), if Caltrain receives less than \$40 million in
 Federal or other emergency relief funds between the date of JPB approval of the
 Caltrain tax measure and the effective date of the Caltrain tax measure, the first \$40
 million collected, minus an amount equal to any emergency relief funds received by
 Caltrain during that period, shall be used to offset member operating contributions
 and help replace COVID-related fare losses, maintain essential services, and fund
 operating budgets as approved by the JPB Board;
- d) That if the JPB Board has not amended the Joint Powers Agreement by a two-thirds 15 16 majority by September 30, 2021 to modify its governance structure or procedures, 17 the JPB shall release up to \$40 million from the special escrow account to maintain 18 essential services and fund operating budgets as approved by the JPB Board, with 19 the remaining sales tax funds held in the special escrow account until completion of 20 the Caltrain Electrification Project or December 31, 2022, whichever occurs later, at which point funds from the special escrow account may be used for any eligible 21 22 purpose authorized by the JPB Board with a two-thirds majority, as provided by 23 paragraph b);
- e) That if the JPB Board has not amended the Joint Powers Agreement by a two-thirds
 majority by December 31, 2022 to modify its governance structure or procedures,

1		the JPB shall work with the State Legislature to modify the JPB's governance
2		structure or procedures in the 2023 Legislative session; and
3	f)	That the JPB Board shall appoint an independent special counsel and auditor (and
4		shall not have the same counsel and auditor as SMCTD) within 90 days of
5		placement of the Caltrain tax measure on the November 3, 2020 ballot, to represent
6		the JPB in all future matters.
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File Number:

City and County of San Francisco Tails Resolution

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

200793

Date Passed: July 28, 2020

Resolution conditionally approving submission of one-eighth of one percent (0.125%) retail transactions and use tax for Caltrain or its successor agency to use to support its immediate and long-term operational and capital costs, at an election to be held on November 3, 2020; and affirming the San Francisco Municipal Transportation Agency's determination under the California Environmental Quality Act.

July 28, 2020 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

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

July 28, 2020 Board of Supervisors - ADOPTED AS AMENDED

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

File No. 200793

I hereby certify that the foregoing Resolution was ADOPTED AS AMENDED on 7/28/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

London N. Breed Mayor

Date Approved

Safe Routes to School San Mateo County Office of Education <u>Board (@smcta.com)</u> SMCOE Safe Routes to School: Schools Reopening July/Aug 2020 Thursday, July 23, 2020 6:17:59 AM

View this email in your browser



San Mateo County SAFE ROUTES TO SCHOOL

Healthy Kids • Green Communities • Safe Journeys

July/August 2020

As we anticipate the reopening of schools, the Safe Routes to School team is continuing to create and gather resources for families. The number of families walking, biking, and/or rolling everyday has increased since the Shelter in Place order, and so have our efforts to continue educating others to keep safe during those activities.

You can find more resources on our SRTS at Home website -

https://sites.google.com/smcoe.org/srtshome

Apply to Join the San Mateo County Bicycle and Pedestrian Advisory Committee!

Are you passionate about walking and biking in your community? Would you like to become more involved in improving conditions to support bicycling and walking in unincorporated San Mateo County?

The San Mateo County Bicycle and Pedestrian Advisory Committee (BPAC) is looking for two residents among Districts 1, 2, 4, and 5 to join the BPAC. The deadline to apply is July 24th at 5:00 PM.

Apply and find more information: https://bit.ly/2Z8i9BL Check which district you're in: https://bit.ly/2ZGQsir

The County BPAC reviews policies, programs and priorities in unincorporated areas

of the county to improve walking and bicycling. Committee members talk to residents to get their input on walking and bicycling issues, serving as community advocates to support active transportation. The BPAC advises and makes recommendations to the County Board of Supervisors.

The direct link to the online application form is at: <u>https://bnc.smcgov.org/webforms/application-boards-commissions-and-committees</u>.



Silicon Valley Bike Coalition Bike Summit

Please join us at the <u>10th Annual Silicon Valley Bike Summit</u> – our area's largest gathering of active transportation leaders and organizers – from government, the private sector, non-profits, and the general public. #SVBikeSummit

Day-1: Toks Omishakin, Caltrans Director

Day-2: Supervisor Dave Cortese, Santa Clara County

This year's Bike Summit will feature <u>speakers</u> from outside the Bay Area and <u>session</u> topics ranging from slow streets to equity in active transportation. Other activities include a virtual bike tour in Palo Alto, a bike issue poster session, the Bike Summit awards, and a virtual happy hour for folks to network.

To learn more and register for this event click here!

Scholarships are available for those to whom the cost of admission is prohibitive; please contact <u>sandhya@bikesiliconvalley.org</u> to apply.

Safe Routes to School at Home

We have been working hard at creating activities for families to do at home. Check these out and share them with others!

The SMCOE Safe Routes Video Series is here! We are teaching kids how to be safe on the streets whether they are walking or biking.

Check out these links for the three videos that have been uploaded so far:

- 1. How to Fit Your Helmet
- 2. How to Ride a Bike
- 3. How to Bike on the Streets

Be sure to watch all six videos to collect the badges at the end and become a Safe Routes to School Superstar! There will even be an exclusive parent video.

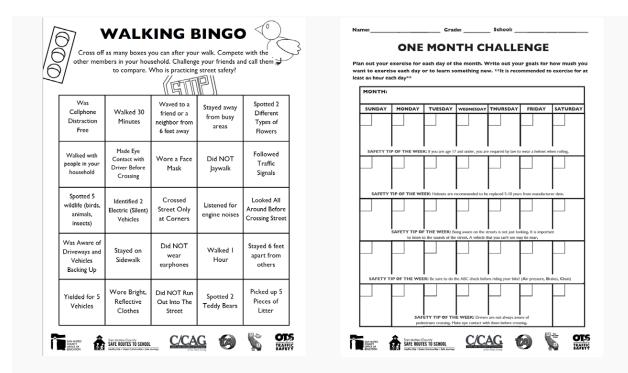
First Video of the Series: How to Fit Your Helmet

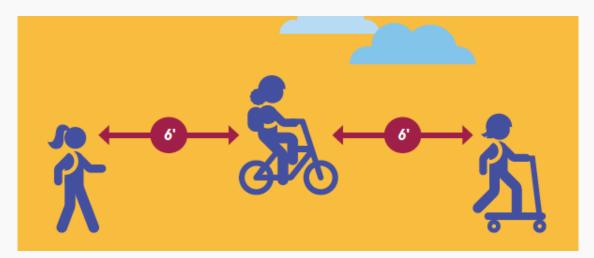


Check out these worksheets to keep students active and remind them to continue practicing safe walking and rolling.

Downloadable PDF for the Walk and Roll Bingo.

Downloadable PDF for the One Month Challenge.





Social Distancing

Social Distancing is an important strategy to help stop the spread of COVID-19. Check out these amazing handouts from Alta Planning + Design created for SMCOE Safe Routes to School. They break down the importance of social distancing and include important safety reminders for venturing outside!

Downloadable English PDF

Downloadable Spanish PDF



Washing Hands

Check out this cool Baby Shark video! It teaches kids to wash their hands for 20 seconds.

Click here for the link to the video to share with parents!



An important message from: Safe Routes Partnership

Rethinking the 6 E's

Over the past several years, our organization has actively worked to advance social justice and racial equity, and have struggled with the Enforcement E for some time. We have shifted our communications and guidance away from promoting police as a critical part of traffic safety initiatives, helped highlight the inequitable impacts of law

enforcement on people of color, and promoted traffic/public safety strategies that do not involve police, we now know that that is not enough. Being an anti-racist organization is a journey, not a destination, and we are committed to continuing to take clear and decisive steps to undo systems that prevent Black, indigenous, and people of color from moving around the world safely, healthily, joyfully, and in their full expression of self.

We recognize that there may be healthy, community-driven relationships with law enforcement that support some programs across the nation; however, we will no longer recommend such partnerships as foundational to the start, maintenance, or growth of a successful Safe Routes to School program.

What's next? To emphasize the importance of tailoring a Safe Routes to School program to the needs and assets of the community it serves, Engagement now will become a new E. It will be the first E as listening to community members and working with existing community organizations is how Safe Routes to School initiatives should begin. Leading with the two most critical elements, the Six E's of Safe Routes to School are now:

- 1. Engagement
- 2. Equity
- 3. Engineering
- 4. Encouragement
- 5. Education
- 6. Evaluation

This change comes from listening to community members and partners; we are a learning organization committed to listening, reflecting, and growing. We welcome suggestions and feedback as we navigate this important change. You can reach us at info@saferoutespartnership.org. We remain committed to identifying ways to eliminate inequities for all Black, indigenous, and people of color.



20-21 SMCOE Safe Routes to School Grants

C/CAG had the foresight to partner with the San Mateo County Office of Education by funding Safe Routes to School ten years ago. Additional funding from the SMC Transportation Authority and the Office of Traffic Safety has helped elevate the program in San Mateo County. We are excited to continue bringing bicycle and pedestrian education programs, walk audits, support for Safety Patrol teams, and incentives to participating schools across the county.



Why We Must Talk About Race When We Talk About Bikes

Tamika Butler, Executive Director of the Los Angeles County Bicycle Coalition, is tackling the intersection of race, equity, social justice, and bicycling through her lens as a queer, Black woman. She is starting a movement and creating a new norm, a diverse bicycle community.

"Once we can get past these things as a bicycle community, we can celebrate what bicycling should truly be about-the power to be free and move freely"

-Tamika Butler

Click here for the full article!

<u>Click here</u> to learn how you can become an ally in the cyclist community!



Bike Maintenance

With more families biking, it's important to understand Bikes need to be regularly maintained to prevent rust and excessive wear down of parts. If you aren't sure how to change the bike tire or perform the ABC check, the Silicon Valley Bike Coalition has you covered.

<u>Click here</u> to check out a compilation of bike videos they have put together to help us keep our bikes in tip top shape!

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Our mailing address is: srts@smcoe.org

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