

RESCUE MUNI

Transfer

No. 8,
February 1999

The Muni Reform Initiative

Frustrated with Muni trouble? **Now is the time to take action.**

RESCUE MUNI and other concerned organizations have developed a **Charter Amendment to reform the Municipal Railway**. We believe that it will significantly improve Muni service - much more than any proposal from SF's political establishment would.

We need you to help us with this effort! Please read the enclosed information and attend our General Meeting on **February 25** to ratify our endorsement - and to join this important campaign.

Letter to Members: *Page 3.*

Muni Reform Initiative Introduction: *Page 4.*

Full Initiative Text: *Page 6.*

Also Inside This Issue:

Election Notice: We will be holding elections in May for our Executive Committee. Find out how to be nominated on *Page 2.*

Metro Committee Digest: Our Metro Committee has more recommendations concerning streetcar service. Details on *Page 18.*

February 1999
General Meeting
Feb. 25 (Thu), 6 pm
SPUR, 312 Sutter St.



RESCUE MUNI

P.O. Box 190966
San Francisco, CA 94119-0966
415-273-1558 • www.rescuemuni.org

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February 1999
Transfer

The Newsletter of
RESCUE MUNI

Muni Reform Initiative
General Meeting 2/25

Election Notice
Steering Committee Digest

Election Notice

Ken Niemi tells us about Rescue Muni's upcoming election cycle

Four seats on Rescue Muni's Executive Committee are up for election this spring. It's time to get yourself nominated by a standing committee so you can stand for election. As Metro is the only current committee, please send a summary statement of no more than 1000 words on why you want to run for election to this committee to RESCUE MUNI, Attention Eric Carlson, at our address: P.O. 190966, S.F., CA 94119-0966. You may also appear in person at the next Metro Committee meeting, March 10th at 6 PM at the Sierra Club, 85 Second Street between Market and Mission Streets.

The Executive Committee, or Excom, handles all of the administrative issues for RESCUE MUNI, such as publication of Transfer, the newsletter you are reading, preparing for general membership meetings, handing out sur-

veys and analyzing survey data, checking RM voicemail, e-mail, and regular mail, paying our bills, and working on general membership issues.

All members of Excom may, as a reward for dedication to the nuts and bolts work that keep RM going and at their own option, serve on the Steering Committee, or Steercom, to adopt policy positions that must then be ratified by our members at the next general membership committee meeting to be official policy. Terms run for two years. Five existing members of Excom elected in May 1998 will continue serving until May 2000 when their seats will be up for election.

A statement from each candidate will appear in the April edition of Transfer, and elections in person and by mail or e-mail will be held in May.★

Transfer

the newsletter of RESCUE MUNI
February 1999 - No. 8

Editor: Howard Strassner
Assistant Editor: Ken Niemi
Designer: Andrew Sullivan
Contributing writers: Ken Niemi, Eric Carlson, Howard Strassner, Andrew Sullivan

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RESCUE MUNI (Riders for an Efficient, Safe, Consistent, Utilized, and Expedient Muni), founded 1996, is a volunteer-run, not-for-profit transit riders' association.

Hot line: 415-273-1558
www.rescuemuni.org
transitl@rescuemuni.org

Membership Form

We need YOU to help us Rescue Muni.

Join us by mailing this form to P.O. Box 190966, San Francisco, CA 94119-0966.

Name:

Address:

Phone:

Fax:

Email:

Muni lines you ride:

riders in your household:

I would like to volunteer! Y N

Membership category:

- \$5 Limited Income
- \$15 Basic
- \$40 Sustaining
- \$100 Contributing
- Other: \$_____

RESCUE MUNI may from time to time publish membership lists with names only (no phone numbers or addresses). May we publish your name only as a member? Y N

Signature: _____

Executive Committee

Chair: Ken Niemi
Vice-Chair: Richard Mlynarik
Membership Sec'y: Daniel Murphy
Recording Sec'y: Howard Strassner
Corresponding Sec'y: Eric Carlson
Treasurer: Joan Downey
Coordinators:
Charlotte Breckenridge, David Pilpel, Andrew Sullivan

Steering Committee

Chair: Andrew Sullivan
Vice-Chair: Daniel Murphy
Charlotte Breckenridge, Eric Carlson, Joan Downey, Richard Mlynarik, Ken Niemi, David Pilpel, Howard Strassner

Standing Committees

Muni Metro: addresses scheduling and reliability of Muni's light rail lines. Meets second Wed. of every month, 6 p.m., at the Sierra Club, 85 Second St., 3d floor (chair: Howard Strassner, 661-8786, ruthow@juno.com)

Other Committees/Initiatives

Membership (chair: Daniel Murphy, 665-4074, daniel@well.com)
Surveys (chair: Andrew Sullivan, 673-0626, andrew@sulli.org)

Any member may form a committee. If it meets at least four times per year, the committee may request appointment of a representative to the Steering Committee, the policy-making body of RESCUE MUNI.

Steering Committee Digest

Howard Strassner summarizes our policy recommendations for better Muni service

The following are policy decisions by RESCUE MUNI's Steering Committee. These will require ratification at our upcoming General Meeting.

Charter Amendment: We voted to endorse the proposed Charter Amendment included in this issue.

We also voted to *oppose* any "Muni reform" initiative that does not:

- establish firm, enforceable standards of service, backed by merit pay, that include on-time performance, service delivery, and crowding;
- require public disclosure of all Muni performance statistics;
- combine Muni and DPT into one transportation organization;
- significantly strengthen the Transit-First policy; and
- retain the independence of the SF Transportation Authority and Congestion Management Agency.

Booz-Allen: We opposed the Booz-Allen contract for the following reasons: A consultant contract of this magnitude should go out for bid. Booz-Allen did not provide the City with good value for their recent \$29 million payments for Metro consulting service. In addition the City should carefully investigate reports on the existence of some entanglements in Europe between Booz-Allen and Alcatel, the ATCS contractor they were supposed to manage.

We suggested: It will be better for Muni

operations to use the \$5 million proposed for a Metro consultant to:

- a) Redesignate metro cars leaving Embarcadero to provide service in the proper sequence and proportion, even if it involves extra payments;
- b) Speed up repairs of buses and streetcars, even if it means overtime costs;
- c) Accelerate hiring and training classes to add necessary maintenance workers and operators;
- d) Provide performance bonuses to workers and managers in Divisions that meet or exceed real (Rescue Muni recommended) service standards.

Advertising: The Muni advertising services should go out for bid periodically to be sure that the City is getting the best value possible for the use of Muni advertising space.

Metro Quick Fix: We made the following recommendation to fix Metro:

- 1) Instead of running the N to Caltrain, use a line that only requires single car trains. The Caltrain service still has very low ridership. This will release a few more cars each hour for additional two car trains where they are really necessary to reduce crush loading.
- 2) Run out bound trains from Embarcadero in the proper sequence and proportion. This will reduce crush loading and riders will appreciate the improved service.
- 3) Increase the number of L, M and N trains that run as two car trains during peak hours. This will slightly reduce the number of trains per hour and the delays will be eliminated. ★



Dear RESCUE MUNI Member:

As you know, riding Muni remains a frustrating experience. Despite funding of Muni in real terms that matches or exceeds that experienced during the past generation, Muni remains unreliable and overcrowded, and passengers still experience crime and harassment. Traffic causes serious delays, making a bad situation worse. Many San Franciscans who would prefer to use transit must sit in traffic, take taxis, or walk because Muni is so unreliable.

RESCUE MUNI's Steering Committee has joined with the San Francisco Planning and Urban Research Association (SPUR) and other concerned parties to draft a **Muni Reform Initiative** that we believe will make the system significantly better and strengthen San Francisco's Transit-First policy. The initiative text and a brief summary of their main elements and intent are included in this *Transfer*. Please read them carefully.

What does this ballot measure do? In summary, it:

- establishes a detailed list of **service standards** Muni must meet;
- **enforces these standards** with incentive pay;
- provides for **stable funding** so that Muni can meet these standards;
- puts Muni and DPT under **one Transportation Agency**; and
- establishes a much stronger **Transit-First Policy** for San Francisco, including priority for transit, bicycles, and pedestrians over automobile traffic.

We hope to sponsor this initiative for this fall's election. **But we need your help.**

Our bylaws require that the members ratify any policy decision by the Steering Committee, and in particular they require **in-person ratification** of any ballot initiatives that we might support. To that end, we have scheduled a special **General Membership Meeting** on **Thursday, February 25, at 6 p.m.** We will give a detailed briefing on the initiative, answer your questions, and then take a vote.

We urge you to come and vote YES for Muni Reform!

This is our best chance at real, meaningful reform in many years. It is also the most important step yet taken by our young organization. From our beginnings as a small group of frustrated riders, we have grown to several hundred transit riders committed to making our transit system the best in the world. With the Muni Reform Initiatives, we can **take a stand for the rider and demand that the city put Transit First.**

Please contact us at **415/273-1558** or transit1@rescuemuni.org if you have questions or comments.

Thank you very much!

Andrew Sullivan, Chair
and the RESCUE MUNI Steering Committee

Daniel Murphy, Vice-Chair

Ken Niemi, Co-Founder

The Muni Reform Initiative

The following is a summary of our initiative to reform the Municipal Railway.

Nearly everyone who rides Muni frequently is familiar with its main problem: it is unreliable. While Muni provides a very high level of service on paper, running buses and streetcars to within two blocks of almost everywhere in the city and advertising a high frequency of service, the railway fails to meet its schedule far too frequently. Muni delays have endangered riders' jobs, made going out in the evenings difficult, and ultimately driven many potential riders off public transit and into private automobiles.

Key Problems

A wide range of reasons has been cited for Muni's continued unreliability. In our view, critical problems affecting Muni service include the following:

- **Accountability.** Muni today is only loosely accountable to the public for service delivered. Muni frequently fails to run on time and often misses service entirely, as noted by Rescue Muni's 1997 and 1998 Riders' Surveys. Whether this is due to management problems, broken-down streetcars, absent operators, or heavy traffic, the passengers suffer - but nobody in the railway loses a penny. Customers either put up with it (Muni has no serious competition) or switch to their cars, contributing to the rapid growth in traffic in the City. While the 'Muni buck' theoretically stops with the elected political leadership of San Francisco — both the Mayor and the Board of Supervisors — in reality responsibility for Muni is largely ducked and evident problems with Muni are denied.

- **Organization.** Muni today operates as a city department, serving under a Commission that serves at the pleasure of the Mayor, while the Board of Supervisors must approve its budget. Muni relies on other city departments for several key functions (purchasing and hiring) which are

critical to running the transit system, and has been ready to point the finger at those departments to explain its failures. The result is an organization that lacks clear accountability and is subject to frequent political interference.

- **Budget.** Today, San Francisco enjoys a booming economy, and in 1998 and 1997 Muni's budget received the largest increases (7.7% and 5.7%, respectively) in many years. In the early nineties, however, However, earlier in the decade, Muni's budget was repeatedly cut, and cut deeper than many other city departments. This is a major cause of service problems today. The lack of a predictable source of revenue for Muni makes it very difficult for the railway to plan, hire, and buy equipment with an appropriate eye on the current and future needs of San Franciscans.

- **Transit Policy.** San Francisco's transportation policy that is unclear and poorly coordinated. The Charter today has a "Transit First" policy, but it has not been effectively implemented. Heavy traffic and poorly-engineered streets cause major delays for transit riders and endanger bicyclists and pedestrians. The City's two transportation departments - the Municipal Railway and the Department of Parking and Traffic - have had much difficulty designing coordinated solutions.

The Muni Reform Initiative

The problems affecting Muni are complex, so simple solutions are not likely to succeed. Rescue Muni, in alliance with the San Francisco Planning and Urban Research Association and other concerned organizations, has developed a **Muni Reform Initiative** that we hope to put on the Fall 1999 ballot. This Charter Amendment brings the Municipal Railway and the Department of Parking and Traffic under a new Transportation Agency, establishes a protected Municipal Transportation Fund in the City bud-

RESCUE MUNI Calendar

Mark your calendar now for these events concerning Muni and transit.

date	item	location
2/16, 5PM	Public Transportation Commission	City Hall, 400 Van Ness
2/25, 6PM	RM General Membership Meeting and Vote on Muni Reform Initiative	SPUR, 312 Sutter St.
2/28	Riders' Survey concludes - <i>mail in your forms!</i>	
3/2, 5PM	Public Transportation Commission	City Hall, 400 Van Ness
3/10, 6PM	RM Metro Committee <i>Attend if you'd like to be nominated for Excom</i>	Sierra Club, 85 Second St.
3/15, 6PM	RM Executive & Steering Committees	Sierra Club
4/6, 5PM	Public Transportation Commission	City Hall, 400 Van Ness
4/14, 6PM	RM Metro Committee	Sierra Club, 85 Second St.
4/19, 6PM	RM Executive & Steering Committees	Sierra Club
4/20, 5PM	Public Transportation Commission	City Hall, 400 Van Ness
5/4, 5PM	Public Transportation Commission	City Hall, 400 Van Ness
5/12, 6PM	RM Metro Committee	Sierra Club, 85 Second St.
5/17, 6PM	RM Executive & Steering Committees	Sierra Club
5/18, 5PM	Public Transportation Commission	City Hall, 400 Van Ness
5/20, 6PM	RM General Membership Meeting and Executive Committee Elections	Sierra Club, 85 Second St.

Please check the web site or Hotline for announcements of special meetings and other RESCUE MUNI events - there will be many more. If you'd like to sponsor an event, please let us know as well - call us or fill out the Volunteer Form on the web.



Fashion Alert!

Start the spring off right with a stylish yet practical **t-shirt** from our outerwear collection. Perfect for job interviews, road races, and long, lazy days at the beach. Order now at www.rescuemuni.org.

mechanical, and administrative personnel.

9. Miles between road calls by mode.

(b) **System Performance**

1. Operating performance.

2. Passengers carried by mode.

3. Fare revenues generated by mode.

4. Hours and miles operated by mode.

5. Expenses incurred by mode.

(c) **Staffing Performance**

1. Net vacancies by position (vacancies remaining once promotions and new hires have been deducted from retirees or resignations) for each division.

2. Attrition rates for new employees, by division and level.

(d) **Customer Service**

1. Development of an annual marketing plan identifying specific programs and projects that will promote increased patronage.

2. Publication and distribution to the public of schedules for all trips taken by all vehicles which shall consist of specific arrival times at terminals and established intermediate points.

3. Operator conduct complaints and their resolution, by complaint, consistent with due process and required confidentiality.

4. Annual passenger surveys and follow-up by management.

5. Improvements in public information regarding vehicle delays during operations as well as general user information regarding system modifications, route changes and schedules.

6. Efforts to improve driver training, technical as well as accident follow-up.

7. Number of crime incidents on Municipal Railway vehicles or in Municipal Railway facilities.

(e) **Employee Satisfaction**

1. Number of grievances.

2. Speed of resolution of grievances.

(f) **Verification**

1. Separate on-time performance, service delivery and peak loading checks shall be performed at various times during morning rush (6 a.m. to 9 a.m.), midday (9 a.m. to 4 p.m.), evening rush (4 p.m. to 7 p.m.), and night (7 p.m. to 1 a.m.).

2. Supervisory personnel shall conduct a one-hour on-time and load standard check at a maximum load time point at mid-route during all four time periods stated above. Such checks shall be conducted no less often than 10 weekdays per month on 5 different routes per month in each division, beginning with the most patronized route, progressing in the order of declining route patronage, and ending with the least patronized route. The cycle shall then be repeated. To the extent automated systems can be substituted at less cost for such checks, or the measurement of any performance standard, such systems must be used.

3. Members of the Passenger Advisory Council or members of the public nominated by members of the Passenger Advisory Council shall be trained to conduct such checks to independently verify such checks.

Section 7. Severability

1. If any provision of Article VIII A, Appendix E, or the initiative measure enacting both, or their application to any person or circumstance, is held invalid or unenforceable, the remainder of Article VIII A, Appendix E, or the initiative measure enacting both, or their application, shall not be affected. Every provision of Article VIII A, Appendix E, or the initiative measure enacting both is intended to be severable.

Section 8. Bonded Indebtedness

1. Nothing in this measure is intended to, and nothing in this measure shall be construed to, adversely affect any existing bonded indebtedness of the City.

get that cannot be diverted to other purposes, and requires Muni and DPT to operate under strict service quality standards, backed by a system of merit pay for all Muni employees.

Key elements of our initiative include:

- **A new Transportation Agency**, overseeing both the Municipal Railway and Department of Parking and Traffic. Its seven-member board will have responsibility for City transportation policy. Its members will be nominated by the Mayor and will require confirmation by the Board of Supervisors, but will be removable only for cause. This Agency will have responsibility for all important management functions affecting Muni and DPT, although it will have the ability to contract with other city departments (e.g. the Civil Service Commission) where this makes sense.

- **A stable Municipal Transportation Fund**, which will be a protected portion of the City's General Fund that will grow with total City expenditures and will shrink no faster than the city budget as a whole. This will protect Muni and DPT from undue political interference in their operating budgets.

- **Strong, enforceable Standards of Service** for the Municipal Railway. For the first time, the City Charter will establish specific quality goals, including 85% on-time performance and no more than 1.5% of service missed. Performance based on these Standards must be reported quarterly and verified by an impartial observer.

- **Merit pay based on these Standards.** Muni must establish an incentive pay system for all employees, from the Director to the newest trainee, based on these standards of service. This will provide all employees a new incentive to make the system run well; providing on-time service will earn employees bonus pay,

while allowing late or missing service will not.

- **A strengthened Transit-First Policy** that for the first time recognizes pedestrians and bicyclists as important users of City streets, requires DPT to give priority to transit vehicles when reducing traffic, and encourages the development of new and innovative transit options in addition to services provided by City government. By clearly tasking the Transportation Agency with expediting the movement of people and not just motor vehicles, we hope to improve Muni performance, reduce the need to drive in the city, and generally improve San Francisco's quality of life.

Why We Must Act Now

San Francisco's elected leaders know that Muni is a critical issue. Unfortunately, Mayor Brown and his majority-appointed Board of Supervisors have repeatedly shown that they cannot fix Muni as it exists today. With the Mayor up for re-election in November 1999, we should expect to see more half-baked attempts at Muni reform come out of the Mayor's office. By the time you read this newsletter, the Mayor's "New Muni Task Force," from which Rescue Muni was excluded, may well have introduced a much weaker proposal than what we are proposing.

We must reject these desperate attempts to change the subject and instead vote for real reform. The independent Muni Reform Initiative will bring new accountability to Muni, protect its budget, insulate it from political interference, and ensure a coherent transit policy for San Francisco. By acting now, we can take the first step towards what our elected officials repeatedly promise but have conspicuously failed to deliver - a world-class transportation system for San Francisco. ★

**Don't
Forget:**

The 1999
Muni Riders' Survey
goes on until
February 28.

Please participate
every time you ride!
Need forms? See our web site - or call.

Muni Reform Initiative Text

Below is the complete text of the initiative that we plan to sponsor shortly. If you need it in larger print, please call us at 415-273-1558 or see www.rescuemuni.org.

INITIATIVE MEASURE

Section I. Findings and Declarations

The people of the City and County of San Francisco find and declare the following:

(a) The San Francisco Municipal Railway has deteriorated substantially over the last ten and more years as evidenced by failure to meet scheduled service; vehicle breakdowns and unavailability; erratic service and missed trips; failure to adjust to increased traffic congestion and to respond to new areas of demand for service; and dirty, overcrowded and unsafe service. This results from inattention by policy-makers, managers and employees to the needs of the riders and a substantial reduction in financial support. The direct result has been increased automobile congestion, slower running times, additional operating expense, and a 30% reduction in ridership between 1985 and 1995.

(b) Because of its density, geography, and historic patterns of development, San Francisco, its economy and its citizens are dependent upon an efficient, reliable, safe and convenient public transit system. This system must be used and useable by most people who live in, work in or visit San Francisco. In order to achieve this goal, the Municipal Railway must be restored to a level and quality of service which is competitive with that of other modes. A restored and enhanced Municipal Railway will increase its ridership by substantially more than the ridership it has lost; make more of the City accessible without using a car; improve access by employees to their jobs; augment tourism; improve retail sales; and reduce traffic congestion, air pollution, and emissions contributing to adverse climatic changes.

(c) The City of San Francisco has not fully implemented the "transit first" policy stated in Section 16.102 and shall do so as amended by this initiative measure.

(d) In order to accomplish these objectives, it is the intent of this initiative measure to:

1. Create a Municipal Transportation Agency to provide a system of governance for the Municipal Railway and the Department of

Parking and Traffic which will ensure the reliable and efficient operation of both and permit those responsible for their operation to be held accountable to the people of San Francisco for the results;

2. Require that the functions of the Municipal Railway be performed in a safe and reliable manner, including establishment of rigorous performance standards, an impartial annual performance review, expeditious correction after public hearing of deficiencies identified in the performance review, standards and limitations for fare increases, and appropriate incentives;

3. Require that the functions of the Department of Parking and Traffic be performed in a manner that is efficient and supportive of public transit, including establishment of rigorous performance standards, giving highest priority to facilitating the movement of Municipal Railway vehicles (particularly during commute hours) protecting the integrity of pedestrian areas and existing neighborhoods from the impact of automobile traffic, and making bicycles a safer mode of travel;

4. Assure an adequate and stable level of funding for the Municipal Railway and the Department of Parking and Traffic by setting aside annually a specific portion of the General Fund as a fixed percentage of aggregate City appropriations, by adjusting that required set-aside to reflect increased costs resulting from increased service, and by encouraging development of new sources of funding that, to the extent feasible, can be dedicated to the support of the Agency; and

5. Facilitate the use of public rights of way by public transportation and pedestrians, discourage commuting to and through the City by single-occupancy vehicles, and encourage the location of public and private developments that generate significant trip demands in areas of the City well-served by existing and future public transportation facilities.

1. Transit first is, has been and shall continue to be the policy of the City of San Francisco.

2. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the efficient movement of people and goods rather than the movement of automobiles.

3. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit must be an attractive alternative to travel by private automobile.

4. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, including taxis, and shall strive to reduce the use of public streets by private automobiles.

5. Transit priority improvements, such as signal changes, signal pre-emption, designated transit lanes and streets, and similar measures, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools).

6. Pedestrian areas shall be expanded and enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot. Convenient pedestrian access is essential to a successful public transit system.

7. Safe and convenient bicycle access is also an important component of San Francisco's transportation system. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, and secure bicycle parking.

8. Parking policies for areas well served by public transit shall be designed to (a) discourage commuting by automobile, (b) encourage public transit, and (c) otherwise discourage private automobile use.

9. Municipal transportation facilities, including signs, traffic lights, and street markings, shall be designed and built to the highest esthetic standards and shall promote quick and convenient connections to regional transit systems.

10. Public and private developments that generate significant trip demands should be located in areas of the City that are well-served by existing and potential future public transportation facilities. Where that is not possible, new transportation investment

shall be allocated to encourage the proper location of such developments and to ensure that the demands they generate are met by an increasingly rich public transportation network.

11. The City shall neither enact any law nor enter into any contract, collective bargaining agreement, memorandum of understanding or any agreement of any kind which limits or precludes other public transportation systems from providing service within the City of San Francisco.

12. The City shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

Section 6. Amendment

Appendix E is added to the Charter to read as follows:

APPENDIX E. MUNICIPAL TRANSPORTATION AGENCY SEC. E.100. PERFORMANCE MEASURES

1. The following performance measures shall be publicly reported each month for each mode (motor coach, trolley coach, light rail vehicle, cable car, and any mode which may be added in the future):

(a) System Reliability

1. Percentage of vehicles that run on time according to published schedules (no more than 3 minutes late or 1 minute early) measured at terminals and established intermediate points.

2. Percentage of scheduled service hours that are delivered and percentage of scheduled vehicles that begin service at the scheduled time.

3. Missed service due to either insufficient vehicles or driver unavailability as a percentage of scheduled service hours.

4. Percentage of vehicles that pass published time points during measurement periods unable to pick up passengers due to crowding without being followed within three minutes or less by another vehicle on the same route with space for all waiting passengers.

5. Peak period passenger load factors.

6. Actual headways against scheduled headways on all radial express, cross-town, secondary and feeder lines for peak, base, evening and late-night services.

7. Percent vehicle availability and reliability (mean distance between failure) by mode.

8. Unscheduled absences by operator;

regular rider of the Municipal Railway from each supervisorial district and such other members of the public as the Agency may deem appropriate. The Council may provide recommendations to the Agency with respect to any matter within the jurisdiction the Agency and shall provide the Agency with those recommendations no later than April 1 of each year. The Agency shall appoint the members of the Council and the members shall serve at the pleasure of the Agency.

SEC. 8A.112. PROTECTION OF EXISTING EMPLOYMENT BENEFITS

1. The creation of the Agency shall not adversely affect the status, position, compensation or pension or retirement rights and privileges of any employee of the City and County except as expressly provided in this Article.

Section 3. Repeal

Effective July 1, 2000, Sections 2.111, 4.117 (Public Transportation Commission), A8.404, and A8.450 are repealed.

Section 4. Amendment

Effective July 1, 2000, Section A8.409-1 is amended to read as follows:

A8.409-1 EMPLOYEES COVERED

1. These Sections 8.409 through 8.409-6, inclusive, shall apply to all miscellaneous officers and employees and including employees of San Francisco Unified School District and San Francisco Community College District to the extent authorized by state law. The provisions of charter sections 8.400(h), 8.401, 8.401-1, and 8.407 are hereby repealed and shall be of no further force and effect.

2. Employee organizations representing employees in classifications covered by section 8.403 of this Charter may elect to include those classifications within the coverage of this part as a separate bargaining unit, provided however, that the election shall not become effective without the written approval of the Mayor and Board of Supervisors. The election shall be irrevocable and such employees shall not thereafter be subject to the provisions of section 8.403.

3. Employees in classifications not represented by a recognized employee organization shall be entitled to represent themselves with the city and county over wages, hours and other terms and conditions of employment to the extent required by state law and shall not be subject to the arbitration provisions of Section 8.409-4 of this charter.

The Mayor annually shall propose all forms of compensation for unrepresented employees including salaries, hours, benefits, and other terms and conditions of employment subject to approval or disapproval of the board of supervisors. Consistent with other provisions of this charter, the civil service commission may adopt rules and procedures relating to said unrepresented employees.

4. Except as otherwise provided by this charter, the Civil Service Commission shall set the wages and benefits of all elected officials of the City and County of San Francisco as follows: wages shall be frozen for fiscal year 1994-95 and 1995-96 at the rates in effect on June 30, 1994. Thereafter, wages and benefits may be adjusted on July 1 of each fiscal year to reflect upward change in the CPI as of the preceding January 1; however, wage increases may not exceed 5 percent. Benefits of elected officials may equal but may not exceed those benefits provided to any classification of miscellaneous officers and employees as of July 1 of each fiscal year.

5. In addition, subject to the approval or disapproval of the Board of Supervisors, the Mayor may create, for employees designated as management, a management compensation package that recognizes and provides incentives for outstanding managerial performance contributing to increased productivity and efficiency in the work force. In formulating such a package, the Mayor shall take into account data developed in conjunction with the civil service commission regarding the terms of executive compensation in other public and private jurisdictions. Effective July 1, 2000, Section A8.409-4(j) is amended to read as follows:

(j) Subject to the election provisions of Section 8.409-1, Charter section 8.403 and 8.404 shall remain in full force and effect; provided, however, that the wages and other economic benefits and compensation of all classifications of employees covered by section 8.403 shall be frozen for fiscal year 1995-96 at the rates in effect on June 30, 1995.

Section 5. Amendment

Section 16.102 is amended to read as follows:

SEC. 16.102. TRANSIT-FIRST POLICY

The following principles shall constitute the City's transit-first policy and shall be incorporated into the General Plan of the City. All officers, boards, commissions, and departments shall implement these principles in conducting the City's affairs:

Section 2. Charter Amendment

1. The people of the City and County of San Francisco do hereby amend the Charter of the City and County as follows:

ARTICLE VIII

THE MUNICIPAL TRANSPORTATION AGENCY

SEC. 8A.100. MUNICIPAL TRANSPORTATION POLICY

(a) The Municipal Railway shall be restored as soon as practicable to a level of service measured in service hours which is not less than that provided under the schedule of service published in the April, 1996 timetable, although not necessarily in that precise configuration. Service shall thereafter be maintained at no less than that level and shall be expanded to the maximum feasible extent.

(b) The Municipal Transportation Agency ("Agency") shall be an agency within the government of the City and County of San Francisco responsible for the development, operation, and coordination of public transportation, traffic, and parking within the City and County.

(c) Except as otherwise provided in this subdivision (c), the Agency shall exercise the powers and duties now vested in other departments, boards, and commissions of the City and County relating to the operation of the Municipal Railway and the Department of Parking and Traffic and the real, personal, and financial assets of both. The Agency shall be responsible for complying with and administering the restrictions and requirements imposed by this Charter and ordinances of the City and County, provided that the Agency may contract with existing City and County departments for the carrying out of its powers and duties. Any such contract shall establish performance standards for the department providing the services to the Agency, including without limitation, measurable standards for the quality, timeliness, and cost of the services provided. The Agency shall not terminate any such contract unless it finds that the department providing such services has failed to meet such standards. All City and County departments must give the highest priority to the delivery of such services to the Agency. Notwithstanding anything to the contrary in this subdivision (c) or elsewhere in this Article, the Agency shall not exercise any powers of the Controller under Section 3.105 with

respect to the Agency and shall contract with the Controller for the exercise of such powers and duties.

(d) The Agency shall manage the Municipal Railway so that it:

1. Provides safe, fast, frequent, reliable, convenient, and expanded service to all neighborhoods and is comparable to the best urban transit systems in the world's major cities.
2. Treats riders as customers who have a choice of modes of travel and are the principal beneficiaries of the operation of the Municipal Railway.
3. Provides clean and comfortable vehicles and stations, operated by competent, courteous, and well trained operators.
4. Provides a ride which is free of crime, breakdowns, delays, inappropriate passenger behavior, overcrowding, and accidents.
5. Is maintained and operated in a professional, financially responsible manner.
6. Has priority over other modes of travel, in particular over single occupancy vehicles, on most streets, particularly during commute hours.
- (e) The Agency shall manage the Department of Parking and Traffic so that it:
 1. Facilitates the design and operation of City streets to encourage increased pedestrian, public transit (including taxis), and bicycle traffic, and to reduce automobile traffic.
 2. Provides priority to transit services in the allocation of limited street capacity, signal preemption for public transit vehicles, and effective parking regulations; separates light rail and bus traffic from automobile traffic to increase overall transit speeds and transit system efficiencies; restores service promptly after traffic incidents, and uses the most modern transportation management and traffic operations techniques in the operation of the street system.
 3. Gives highest priority to impacts on pedestrians, public transit, commercial delivery vehicles and bicyclists in evaluating the impacts of proposed changes in the use of City streets.
 4. Develops a safe, interconnected bicycle circulation network.
 5. Promotes neighborhood integrity and livability through modern traffic-calming techniques while preserving the ability to provide expeditious and safe transit service.
- (f) The Agency shall manage the Parking Authority so that it:

1. Maximizes the revenues from parking facilities for public transit;
2. Does not construct new or expanded parking facilities unless the Agency finds the cost of such construction and the operation of such facilities will not have a substantial adverse impact on the operating and capital requirements of the Municipal Railway and the Department of Parking and Traffic.

SEC. 8A.101. THE AGENCY

(a) Effective March 1, 2000, the Agency shall assume all powers and responsibilities of the Public Transportation Commission.

(b) Effective July 1, 2000, the Municipal Railway and the Department of Parking and Traffic shall become departments of the Agency. The Agency shall have exclusive authority over all matters within its jurisdiction, including without limitation authority over (i) the operation of the Municipal Railway and the Department of Parking and Traffic; and (ii) the real, personal and financial assets of the Municipal Railway and the Department of Parking and Traffic, including without limitation contracting, leasing and purchasing; and (iii) except as provided in Section 8A.106, budgeting and expenditure of the funds in the Municipal Transportation Fund created by Section 8A.105. The Agency shall also exercise all remaining powers of the Parking and Traffic Commission for all purposes, including without limitation, the power of members of the Parking and Traffic Commission to serve ex officio as members of the Parking Authority under Section 32657 of the Streets and Highways Code. The Agency shall also have exclusive authority to regulate jitneys and jitney service. The Board of Supervisors shall have the power, by ordinance, to abolish any commission created with jurisdiction over taxi service within the City and County and to transfer the powers and duties of any such commission to the Agency.

SEC. 8A.102. GOVERNANCE AND DUTIES

(a) The Agency shall be governed by a board of seven directors appointed by the Mayor and confirmed by the Board of Supervisors. All initial appointments must be made by the Mayor and submitted to the Board of Supervisors for confirmation no later than February 1, 2000. The Board of Supervisors shall act on those initial appointments no later than March 1, 2000 or those appointments

shall be deemed confirmed. Two directors must possess knowledge of, or professional experience in, the field of public transportation. All directors must be regular riders of the Municipal Railway, and must continue to be regular riders during their terms. Directors shall serve four-year terms, provided, however, that two of the initial appointees shall serve for terms ending March 1, 2004, one for a term ending March 1, 2003, two for terms ending March 1, 2002, and one for a term ending March 1, 2001. Initial terms shall be designated by the Mayor. No person may serve more than three terms as a director. A director may be removed only for cause pursuant to Article XV. The directors shall annually elect a president. The president shall serve as chair at the pleasure of the directors. Directors shall receive a reasonable per diem for attending meetings of the Agency which shall not exceed the average of the two highest per diems paid to the members of any board or commission with authority over a transit system in the nine Bay Area counties.

(b) The Agency shall:

1. Have exclusive charge of the construction, management, supervision, maintenance, extension, operation, use and control of all property, as well as the real, personal and financial assets of the Municipal Railway and the Department of Parking and Traffic; and exclusive authority over contracting, leasing, and purchasing by the Municipal Railway and the Department of Parking and Traffic, provided that any contract for transit service to be provided by an independent contractor shall require approval by ordinance of the Board of Supervisors, and provided further that under no circumstances shall ownership of any of the assets of the City and County be transferred to any private entity pursuant to any such contract.
2. Prepare and submit to the Mayor and the Board of Supervisors no later than July 1, 2001, a complete five-year financial plan for the Municipal Railway commencing with fiscal year 2001-2002, which shall thereafter be updated annually, and which shall contain at least the following elements:
 - i) Identification of efficiencies and cost saving measures which can be implemented, consistent with maintenance of high quality service;
 - ii) Projection of appropriate and necessary costs for the operation of the Municipal Railway on an annual basis over at least a

labor agreements have not been reached by July 1; and (2) the Board of Supervisors makes an interim appropriation to the Agency from the Municipal Transportation Fund sufficient to permit the Agency to maintain all operations during that 60-day period.

(c) The Agency is authorized to modify its approved budget within reasonable limits which shall be established by the Controller and which shall be comparable to those established by the Controller for other City and County boards, commissions, and departments. Any other modification of the Agency's budget must be approved after public hearing by the Board of Supervisors.

SEC. 8A.107. THE MUNICIPAL TRANSPORTATION QUALITY REVIEW

(a) The Agency shall annually contract with a nationally recognized management or transportation consulting firm with offices in the City and County for an independent review of its operations. The contract shall be competitively bid and approved by the Controller and Board of Supervisors.

(b) The review shall be submitted no later than October 1 of each year and shall contain:

1. A detailed analysis of the extent to which the Agency during the preceding fiscal year met the goals, objectives, and performance standards it is required to adopt under Section 8A.103, and the extent to which the Agency is expected to meet those goals, objectives and performance standards in the fiscal year in which the review is submitted; and
2. Such recommendations for improvement in the operation of the Municipal Railway and the Department of Parking and Traffic as the firm conducting the audit deems appropriate.

(c) The results of the review shall be promptly presented to the Passenger Advisory Council, the Agency, the Board of Supervisors, and the Mayor by the reviewing firm; and the Passenger Advisory Council, the Agency and the Board of Supervisors shall each promptly hold at least one public hearing thereon.

SEC. 8A.108. FARES AND ROUTE ABANDONMENTS

(a) The Agency shall base any proposed change in Municipal Railway fares on the following criteria:

1. The Municipal Railway's need for additional funds for operations and capital improvements.
2. The extent to which the Municipal Railway has met or exceeded the goals,

objectives, and performance standards previously established by the Agency pursuant to Section 8A.103.

3. The extent to which the Agency has diligently sought other sources of funding for the operations and capital improvements of the Municipal Railway.

4. The need to keep Municipal Railway fares low to encourage maximum patronage.

5. The need to increase fares gradually over time to keep pace with inflation and avoid large fare increases after extended periods without a fare increase.

(b) Notwithstanding any other provision of this Charter to the contrary, and in addition to any public hearing that may be required under Section 8A.106, the following may be rejected by the Board of Supervisors, after public hearing, by two-thirds vote of its members taken within 30 days after final adoption by the Agency:

1. Any fare increase; or
2. Any abandonment of a transit route as such term has been interpreted in former Section 2.111.

SEC. 8A.109. ADDITIONAL SOURCES OF REVENUE

1. The Mayor, the Board of Supervisors and the Agency shall diligently seek to develop new sources of funding for the Agency's operations, including without limitation sources of funding dedicated to the support of such operations, which can be used to supplement or replace that portion of the Municipal Transportation Fund consisting of appropriations from the General Fund of the City and County. The Agency may submit any proposal for increased or reallocated funding to support all or a portion of the operations of the Agency, including without limitation, any proposal for enactment of a general tax increase with an advisory policy vote, directly to the electorate for approval without the further approval of the Mayor or the Board of Supervisors.

SEC. 8A.110. PLANNING AND ZONING

1. Notwithstanding anything herein to the contrary, the planning and zoning provisions of this Charter and the Planning Code as it may be amended from time to time shall apply to all real property owned or leased by the Agency.

SEC. 8A.111. PASSENGER ADVISORY COUNCIL

1. The Agency shall establish a Passenger Advisory Council which shall consist of one

(a) There is hereby established a fund to provide a predictable, stable, and adequate level of funding for the Agency, which shall be called the Municipal Transportation Fund. The fund shall be maintained separate and apart from all other City and County funds. Monies therein shall be appropriated, expended or used by the Agency solely and exclusively for the operation, including without limitation, capital improvements, management, supervision, maintenance, extension, and day-to-day operation of the Agency, the Municipal Railway, the Department of Parking and Traffic, and the Parking Authority in accordance with this Article.

(b) Beginning with the fiscal year 2000-2001 and in each fiscal year thereafter, there is hereby set aside to the Municipal Transportation Fund the following:

1. An amount (the "Base Amount") which shall be no less than the amount of all appropriations from the General Fund, including all supplemental appropriations, for (1) the Municipal Railway, the Department of Parking and Traffic, and the Parking Authority; and (2) the Civil Service Commission, the Human Resources Department, the Purchasing Department, the City Attorney, and all other City and County departments and agencies to provide services to the Municipal Railway, Department of Parking and Traffic, and the Parking Authority for the fiscal year 1998-1999 or the fiscal year 1999-2000, whichever is higher (the "Base Year"), adjusted as provided in subsection (c), below;

2. The entire gross revenues of the Municipal Railway, the Department of Parking and Traffic, and the Parking Authority from all sources, including without limitation revenues required to be devoted to public transit pursuant to Section 16.110;

3. All other funds received by the City and County from any source, including without limitation, state and federal sources, for the support of the Municipal Railway, the Department of Parking and Traffic, and the Parking Authority; and

(c) The Base Amount shall initially be determined by the Controller. The Base Amount shall be adjusted for each year after fiscal year 2000-2001 by the Controller, based on calculations consistent from year to year, by the percentage increase or decrease in aggregate City and County appropriations and by any increases in General Fund appropriations to the Agency in subsequent

years to provide services not provided in the Base Year. Errors in the Controller's estimate of appropriations for a fiscal year shall be corrected by adjustment in the next year's estimate. In determining aggregate City and County appropriations, the Controller shall not include funds granted to the City and County by private agencies or appropriated by other public agencies and received by the City and County.

(d) The Treasurer shall set aside and maintain the amounts required to be set aside by this Section 8A.105, together with any interest earned thereon, in the Municipal Transportation Fund, and any amounts unspent or uncommitted at the end of any fiscal year shall be carried forward, together with interest thereon, to the next fiscal year for the purposes specified in this Article.

SEC. 8A.106. BUDGET

(a) No later than May 1 of each year and in conformity with the regular budget cycle of the City and County, the Agency, after public hearing and after receiving the recommendations of the Passenger Advisory Council established pursuant to Section 8A.111, shall submit its proposed budget for expenditures from the Municipal Transportation Fund for the next fiscal year to the Mayor and Board of Supervisors for review and consideration. The Agency shall include in its proposed budget all proposed fare increases and increases, reductions, or abandonments of service. The Agency shall also estimate all increased costs associated with collective bargaining with all bargaining units for the fiscal year for which the proposed budget is submitted, and shall include in the proposed budget the estimated increased costs resulting from such collective bargaining.

(b) No later than the end of the fiscal year in which the Agency's proposed budget is submitted, the Board of Supervisors shall, after public hearing, vote to accept or reject the proposed budget. The Board of Supervisors by a majority vote of its members may reject, but not modify, the proposed budget. Failure to vote on the proposed budget or failure to reject the proposed budget by a majority vote shall be deemed approval of the proposed budget. With the consent of the Agency, the Board of Supervisors may postpone a vote on the Agency's budget one time only for a period no longer than 60 days, provided that (1) a postponement is necessary in order to review the Agency's budget adequately or because

five-year period at a level consistent with meeting all standards of service;

iii) Projection of anticipated revenues; and
iv) Identification of additional revenue sources to cover any projected shortfall between projected costs and projected revenues.

3. Except as provided in Sections 3.105 and 8A.106, have exclusive authority over applicable departmental budgets and expenditures or any budget modifications or fund transfers, to the extent such budget, expenditures, budget modifications or fund transfers are limited to the funds in the Municipal Transportation Fund; and have exclusive authority to reorganize the duties and functions of any department within its jurisdiction.

4. Have the sole power and authority to enter into such arrangements and agreements as it shall deem proper for the joint, coordinated, or common use with any other public entity owning or having jurisdiction over rights-of-way, tracks, structures, subways, tunnels, stations, terminals, depots, maintenance facilities, and transit electrical power facilities.

5. Have the sole power and authority to make such arrangements as it deems proper to provide for the exchange of transfer privileges, through-ticketing arrangements and bulk fare purchases, and such arrangements shall not constitute a fare change subject to the requirements of Section 8A.108.

6. Have the authority to request and receive supplemental appropriations, provided that any such supplemental appropriations, including appropriations from the Municipal Transportation Fund, shall be subject to Article IX.

7. Notwithstanding Section 2.109, and except as provided in Section 8A.108, have exclusive authority to fix the fares charged by the Municipal Railway, the charges for parking in garages under the jurisdiction of the Parking Authority, and all other similar rates, fees, and charges for services provided by agencies or departments within the Agency.

8. Have the authority to conduct investigations into any matter within its jurisdiction through the power of inquiry and to take such action as may be necessary to act upon its findings.

9. Exercise such other powers and duties as shall be prescribed by ordinance of the Board of Supervisors.

10. Have the power to hold public hearings and take testimony.

11. Appoint an executive secretary who shall be responsible for administering the affairs of the directors.

12. Have the authority to retain general or special counsel.

(c) The directors shall appoint the director of transportation, who shall be the chief executive officer of the Agency, and shall deal with administrative matters solely through the director for transportation or his or her designees. Any dictation, suggestion or interference herein prohibited on part of any director shall constitute official misconduct; provided however, that nothing herein contained shall restrict the directors' powers of hearing and inquiry as provided in Section 8A.102(b).

(d) Except to the extent otherwise provided in this Article, the Agency shall be subject to the provisions of this Charter applicable to boards, commissions, and departments of the City and County, including without limitation, Sections 2.114, 3.105, 4.101, 4.103, 4.104, 4.113, 9.118, and 16.100. Sections 4.102, 4.126, and 4.132 shall not be applicable to the Agency. In dealing with the Agency, the Mayor shall be subject to the same limitations as Section 2.114 places upon the Board of Supervisors.

(e) To the extent permitted by state law, directors shall serve ex officio as the members of the Parking Authority. The five directors to serve as members of the Parking Authority shall be designated by the Chair annually. Any person may serve concurrently as a member of the Agency and as a member of the Parking Authority. It is the policy of the City and County that the Agency exercise all powers vested by State law in the Parking Authority, and the City and County shall diligently seek such legislation as may be needed to permit the Agency to exercise such powers.

SEC. 8A.103. SERVICE STANDARDS AND ACCOUNTABILITY

(a) No later than July 1, 2000, and by July 1 of each year thereafter, the Agency shall adopt goals, objectives, and measurable performance standards for the Municipal Railway and the Department of Parking and Traffic; and plans, programs and policies to achieve those goals, objectives, and performance standards, all of which must effectuate the policies of Sections 16.102 and 8A.100(d) and (e).

(b) The standards for the Agency with

respect to the services provided by the Municipal Railway shall include the following minimum standards for on-time performance, service delivery, and peak loading:

1. On-time performance: at least 85% of vehicles must run on-time, where a vehicle is considered on-time if it is no more than one minute early or three minutes late as measured against a published schedule that includes time points;
 2. Service delivery: 98.5% of scheduled service hours must be delivered, and at least 98.5% of scheduled vehicles must begin service at the scheduled time; and
 3. Peak loading: no more than 1.5% of vehicles pass published time points during measurement periods unable to pick up passengers due to crowding without being followed within three minutes or less by another vehicle on the same route with space for all waiting passengers.
- (c) After review by the Passenger Advisory Council established in this Article, the Agency may establish performance standards stricter than those established by this Article.
- (d) The standards for the Agency with respect to the services provided by the Municipal Railway shall also include other measurable standards for system reliability, system performance, staffing performance, and customer service, including but not limited to:
1. Coverage of neighborhoods and equitable distribution of service;
 2. Level of crowding;
 3. Frequency of accidents and breakdowns;
 4. Improvements in travel time;
 5. Vehicle cleanliness include freedom from graffiti;
 6. Quality and responsiveness of customer service;
 7. Safety and security of the working environment for operators and other employees;
 8. Employee satisfaction; and
 9. Frequency and accuracy of communications to the public.
- (e) The specific measures used to determine the achievement of the performance standards adopted by the Agency for the Municipal Railway with respect to system reliability, system performance, staffing performance, and customer service shall include but not be limited to those contained in Section E.100 of Appendix E of this Charter.
- (f) The standards for the Agency with respect to the services provided by the

Department of Parking and Traffic shall include without limitation, measurable standards for:

1. Deployment of traffic controllers to expedite movement of public transit vehicles.
2. Pricing of garages and curbside parking, and adequacy of fines established by the Board of Supervisors for violations of the parking and traffic laws of the City and County to ensure priority for public transportation, delivery vehicles and short-term parking, and to reduce congestion;
3. Efficiency and effectiveness of revenue collection;
4. Response time on service calls;
5. Levels of bicycle use to be achieved through improvements of the intra-City bicycle network and other measures to accommodate and encourage increased bicycle use;
6. Cleanliness, safety, appearance of, and patron satisfaction with, municipal public parking garages;
7. Safety and security of the working environment for parking control officers and other employees;
8. Employee satisfaction;
9. Training of parking control officers and employees to encourage good relations with the public; and
10. Increasing public transit patronage and reducing automobile traffic.

SEC. 8A.104. PERSONNEL AND MERIT SYSTEM

- (a) The director of transportation shall appoint all subordinate personnel of the Agency. He or she shall have significant experience in the management of a transportation organization of comparable size, mission and complexity and may be employed pursuant to a personal services contract for a term of one year or longer. His or her compensation shall be comparable to the compensation of the chief executive officers of the public transportation systems in the United States which the directors, after an independent survey, determine most closely resemble the Agency in size, mission and complexity, provided, however, that no less than 10% of his or her compensation shall be pursuant to an incentive compensation plan and payable based on the extent to which the service standards specified in Section 8A.103(b) are met or exceeded.
- (b) The Agency shall act as the personnel office for its employees, including without limitation employees in the Municipal Railway and in the Department of Parking and Traffic.

Except as otherwise provided in this section, and notwithstanding any other section of this Charter, the Agency shall determine appointments on the basis of a civil service system that it establishes and administers and that is based on merit and fitness as shown by appropriate tests. Effective July 1, 2000, all powers and duties vested in the Civil Service Commission and the Department of Human Resources and the Human Resources director under Article X as to selection, appointment and removal of employees in the Agency shall vest with the Agency.

- (c) The Agency may exempt from the civil service system established pursuant to subsection (b) such management, supervisory and policy-level employees as it deems appropriate. The persons serving in those positions shall serve at the pleasure of the director of transportation. Nothing herein shall preclude such employees from collectively bargaining for wages, hours, working conditions, and benefits, except for retirement benefits. The Civil Service Commission shall annually review both exempt and non-exempt classifications of the Agency and shall make such recommendations as it deems appropriate to the Agency.
- (d) Notwithstanding anything in Article XI to the contrary, the wages, hours, working conditions and benefits of the employees of the Agency, including without limitation employees of the Municipal Railway and the Department of Parking and Traffic, shall be fixed by the Agency after meeting and conferring as required by the laws of the State of California, provided, however, the Agency may, in its sole discretion, determine that it is in the best interest of a department within the Agency to employ the members of any bargaining unit representing less than 15% of the workforce of that department pursuant to agreements entered into by the City and County for such bargaining units. Except as provided in Section 8A.104(a), no agreement between the Agency and its employees regarding wages, hours, working conditions, and benefits may have a term longer than two years, nor shall any such agreement be entered into with a bargaining unit or employee organization that represents both management and non-management employees.
- (e) The provisions of Sections A8.409 through A8.409-5, as amended, shall apply to the fixing of such wages, hours, working conditions and benefits, provided that the

Agency shall exercise all powers of the City and County, the Board of Supervisors, the Mayor, the Human Resources Director, and the Civil Service Commission under those sections. Employees of the Agency shall have the same appeal rights as other City and County employees, provided that all such appeals shall be to the board of the Agency. The Agency must delegate fact-finding in such cases to a neutral party.

- (f) Except for a bargaining unit the Agency determines shall be employed pursuant to agreements entered into by the City and County for such bargaining units pursuant to subdivision (d), above, any bargaining unit representing employees of the Agency who are subject to the civil service system established pursuant to subsection (b), above, may elect to permanently withdraw from that system and to bargain collectively with respect to all matters pertaining to wages, hours, working conditions, and benefits, including those matters governed by such civil service system.
- (g) All agreements relating to compensation of employees, including agreements reached through collective bargaining, shall provide for compensation incentives that shall reward superior individual and organizational performance in achieving the performance standards required by this Article. In addition, the Authority shall establish an incentive compensation program that rewards all Municipal Railway employees for meeting the standards of service specified in Section 8A.103(b). That program shall provide incentive pay for all employees assigned to organizational units that meet these standards, and for all Municipal Railway employees if the Municipal Railway as a whole meets these standards.
- (h) The Agency shall not enter into any contract, collective bargaining agreement, memorandum of understanding, side letter, or any agreement of any kind which permits unexcused absences by any employee of the Agency, or which limits or restricts the Authority's ability to:
1. Provide a proof of payment fare collection system;
 2. Determine the number of work assignments with Saturday and Sunday as regular days off; or
 3. Change the order in which vehicles are dispatched from terminals to light rail lines.
- #### **SEC. 8A.105. THE MUNICIPAL TRANSPORTATION FUND**