

# San Francisco Bicycle Advisory Committee

Regular Meeting 12/17/03

Item 3a, LOS SAR – Draft Transcript (1/19/03)

ANDY THORNLEY, BAC: We heard at the October meeting – two meetings ago – we reviewed and looked at and heard a little bit about the Transit Authority's SAR 02-2 LOS review. Last meeting we heard back from Casey Allen, who's done some more intense researching and conversation on this topic. In summary, for new members' sake and everyone's sake, just to recap, the current situation as I understand it (we'll hear more from the planning department and other departments on the specifics of this to correct my misperceptions) – as development projects, traffic engineering projects, and significant public works are contemplated, there's an evaluation of the potential impact of that project on lots of different environmental concerns. The traffic flow for motor vehicles has a particular interest, and if it's estimated that the project is going to cause the traffic flow for motor vehicles to be impaired to a certain point that air quality will be injured, an Environmental Impact Report is required, and that environmental impact review will take time and money, and many projects – bicycle projects in particular – that might benefit not only bicyclists but the whole community, are postponed, delayed, and otherwise have this big expense attached to them in having to do an environmental impact review because of this Level of Service measure which, according to my understanding, is allowing for motor vehicles, but there is not an accommodation at this point for bicycles, pedestrians, transit, and other modes of transit. So the Transit Authority, at the request of Supervisor McGoldrick, has been investigating adjusting the Level of Service methodologies, if you will.

And there's Rachel, speaking of the Transit Authority; please join us. So, without any further hemming or hawing – I really wish that Casey was here now because he's got a little more precise understanding of this. But perhaps I can turn to – I know that there has been some progress since the last time we met in terms of the Transit Authority, some of their committees, talking about this, looking it over, so maybe we can get a report from somebody. I hate to pounce on Rachel, she doesn't even have her coat off yet. We'll let her catch her breath. I'd just like to get a quick recap on what's happened in the last month with the LOS SAR, and the Transit Authority and what they've heard and decided.

RACHEL HIATT, SFCTA: Transportation Authority.

AT: Transportation Authority.

RH: Right. And I have Tilly, This is Tilly Chang, our manager of planning; she was in charge of the SAR, so she can answer your questions.

TILLY CHANG, SFCTA: Hi, Tilly Chang, Manager of Planning, the Transportation Authority. As Rachel mentioned, we have put out the finalized [version of] the Level of Service SAR before you. It was approved by the Board

just this past Tuesday after a process where we had released the draft in September, taken comment through October, and in November prepared the draft final, and then in November we brought it to our Citizens Advisory Committee, and then it went to our Plans and Programs Committee, went through the committee process and has been finalized.

The main findings were that the current LOS measures and standards and procedures could be improved in terms of their ability to reflect the multi-modal nature of the transportation system here in San Francisco, that some of the measures, particularly for transit, bicycle and pedestrian, were not as comprehensive as they could be to reflect those attributes that are most important to the users of those systems. In other words, the measures are most well defined for the auto mode. And that's typical in terms of the conventional state of the practice over the past, since the late fifties or early fifties when they were planning the interstate system. However, we do find that there is a desire and a need to develop the measures and as well to identify actual standards, or better to define the standards of significant impact for these other modes. The whole practice is most well defined for the auto mode.

So what we find is that there are a number of things we can do both in terms of defining the set of measures for these other modes as well as redefining the standards for impact to reflect the policies, for example, that we have in San Francisco. We are a "Transit First" city, for example; we are developing a bicycle network. We want to develop these alternative modes. And one way to express that sort of policy rationale is in the defining of the standards. At what point is an impact considered significant under, say, CEQA, which would then require further action to either redesign the project or avoid or minimize or mitigate it? Or another option is to accept the impact and issue a statement of "overriding considerations", thereby approving a project that does have significant impact, which may be the case over time, and has been done.

We are entering into an era where we are developing our transportation system while not increasing street capacity. So the real challenge is, as we develop these bicycle networks, as we develop our transit network, and we have increasing instances where rights-of-way are being contested between modes, we need a methodology that can help decision-makers identify when they want to go to that "overriding considerations" tool under CEQA or how they actually want to measure the impacts, and what are the reasons that they would cite for taking decisions. So that's what this SAR attempts to do. The main recommendation is to convene a technical working group. A lot of the folks that we've been working with already, the agencies as well as the various representatives from user groups and the practitioners, consultants and such in the industry would be participants on the working group, and it would come back to our advisory, our TA Board at six and twelve months with specific recommendations for the definition of measures as well as impact standards.

AT: Thank you. [interaction with someone in the room] Without further ado I'd like to hear from Bill from the Planning Department, just because it seems from my understanding of this that it all comes back to Planning, and you can tell us,

perhaps, what the current situation is and how Planning is involved with this Level of Service business and what it means to you, and in any event educate us on this from your perspective, please.

BILL WYCKO, PLANNING: Well, I don't think tonight's going to be the education. I think tonight's the beginning of the dialogue, and I think it's somewhat ironic that when this committee was first set up and [Marilyn Smuin?] was first heading it, I don't know if any of you were here in those days. We were involved with the committee and it was a regular dialogue when we did the transportation element in the mid-90s, and the original bicycle plan was being developed, there was a lot of coordination to incorporate what was in a formative stage but not landed on in the Bicycle Plan into the Transportation Element. Somehow along the way, I don't think I've ever met any of you, and I think that dialogue and that relationship has sort of dissolved, or disappeared, or whatever.

AT: Well, let's re-establish it.

BW: I don't think I have answers to all your questions, and I don't think I could explain everything in a half-hour, even if you just made me stand here for a half-hour. I guess in broad brushes, CEQA and what we do, as a starting point for lack of a better place to start. I assume everyone knows what CEQA is. It was passed in about '69. There's thirty-plus years of implementation practice here and throughout the state. Clearly, different jurisdictions have established practices that are somewhat different in how they treat different issues.

I think if we were to characterize what we do in San Francisco, compared to most jurisdictions, it is that we're more exacting across the board than many jurisdictions, mainly because we get sued – well, we don't get sued so much but we get appealed a lot. We've really – actually in I think twenty-plus years I've been around – been sued and lost and won law suits. And at some level – and that was really on an issue that was kind of a dead issue at the point the lawsuit was filed – sort of that legal and political reality tends to define why things are done in the way they're done, which is that you kind of have to prepare them into what some people call kind of a “bullet-proof” way. And if you do things in a way that kind of moves a project through, and a project ends up spending months or years in an administrative appeal process, and then more time in the courts, and then the courts end up shooting the project down, nobody's interests are really advanced. And so I think we tend to do the process at the front end, try to deal with the issues as completely and objectively as we can.

In terms of what our relationship to CEQA is, the City Charter and Administrative Code pretty much from day one has defined this function to happen in the Planning Department. All city projects go through the Planning Department, whether they're public projects or private projects. All city projects, even outside of San Francisco, if they're on city land, like the airport, go through us, et cetera. So that's kind of like why we do what we do, I guess. In terms of the specific issue of Level of Service and all that, I don't disagree that because traffic engineers have developed these standards, and because traffic engineers until

pretty much the last decade have pretty much dealt with cars first and foremost and almost only, that the level of sophistication of the tools are much more refined, much more developed for autos. We've recognized that for a long time. We tried to deal with incorporating other tools and methodologies as they become available. I'm the person that wrote the phrasing about multi-modalism in the transportation element that the SAR cites, so our aspirations have been there for ten, twelve years in terms of what that SAR aspires to.

Unfortunately, in the day-to-day reality, it's a lot easier to talk about these issues in conceptual terms than it is to develop tools that you can actually use in day-to-day reality. For example, for bicycles we cite to the Highway Capacity Manual, which covers each mode. The person who prepared the guidelines in 2000, which were updated a couple of years later, was aware of one other tool, which was the federal (FHWA) bicycle Level of Service, chose not to adopt it. When I kind of revised it I was mostly trying to correct errors in the guidelines. I didn't want to revisit things that had been decided, whether I liked them or not. And certainly a tool has been out there for five years.

There's other tools that have been developed for bicycles. In the interim I think that's certainly something we would want to look at, but I'm not sure, from what dialogue I've had with not you all but other bicycle activists over the years, where that really having a better Level of Service tool for bicycles really gets to the core of your concerns. In terms of doing environmental analysis that looks at the full range of transportation impacts and recognizes fifteen other topics that we deal with, not just transportation – if we had an equally developed tool for bicycles, pedestrians, transit, with a similar level of sophistication, and there's problems with some of the traffic analysis tools, sophistication is the more you know the less impressed you are sometimes. I'm not sure that that necessarily makes a difference when push comes to crunch as to whether some bicycle project ends up having a fairly simple environmental process or whether it ends up in EIR territory. The tools are the tools, and the tools are only as good as they've been advanced to.

In particular, some of what you said at the outset and certainly a lot of what's implied in the SAR is kind of misleading. Every bicycle facility that exists in the city, most of which have been implemented in the last ten years, was implemented without an EIR. One of your agenda items here, at the end of the agenda, is something that Jerry Robbins and I talked about, the day before Thanksgiving for an application that was due the Monday after Thanksgiving. So when we can fit something into a box that exists in terms of the CEQA categories we do it, but when we're looking at something where you want something to happen from a policy standpoint or from a desirability standpoint, but we can't close our eyes to what happens as collateral damage or whatever you want to call it. That's sort of the nature of CEQA. That's just sort of the basic overview, but I think it would probably be better if you just started asking specific questions.

CYNTHIA POWELL, BAC: I'm just a little confused about process. You seem to be saying that you're not convinced that establishing a level of service for

bicycles is going to be helpful. Now, do you want us to tell you why we think it would be helpful, or –

BW: No. I'm saying that I know of a couple tools that we don't use that I think are probably better than what we use, but it would be useful more in terms of if, say, a private development project is proposed, or if a road project is proposed. I think there are tools that might be more useful in giving us, if you will, a more quantitative picture of what is the impact on bicycles. Give us a level of service "E" that we could call significant for a bicycle. That in itself doesn't add a single foot of bicycle facilities to the network.

AT: Yeah, and I think that's – early on in this process I was focusing on bringing equality into the service that's being provided by a given facility for all modes, and the more we talk about it the more it sounds like the CEQA part of it is the key, that there is an obligation that the city has to obey CEQA, and that the LOS process that's there now is chiefly about if some development or some project is going to cause automobiles to slow down and therefore pollute in a more intense way in a certain area, that that's going to offend the CEQA standards and therefore we have to stop and do the EIR. And whether or not bicycles are being served any better kind of isn't part of the problem, or part of the conversation. Even though I think that's a very noble thing, and as I say that was my understanding coming into this, but that rather the LOS business is all about CEQA. It's all about cars, and that if you're moving more bikes at a C grade or D grade, that's still not talking to what CEQA cares about, which is the auto exhaust.

Now, having said that, obviously if there are more and better facilities for bikes then presumably people will get out of their cars, and then there is a transcendental benefit to the environment by having more opportunities for pedestrians and transit and bikes. And so there would be a benefit to the environment and then you would get below the threshold for the CEQA problem. Again, as I'm going through this, trying to educate myself, and get us all educated on this, extending the Level of Service thermometer for all these other modes is interesting, but it sounds like from a Planning perspective you're worried about chiefly the CEQA concern, and whether, when you say something is "bullet-proof", that someone's gonna come back and chase us around or sue. Is it the enforcement arm of CEQA that you're trying to make sure the project isn't going to offend, or, who's going to sue if something goes wrong?

BW: Anybody. In this city anybody and everybody does, at some level. Granted, mostly they sue development projects, but people do sue other than development projects. To change the focus a little bit, because I think this is where the SAR tried to go, it's not so much focusing on – I guess before I go there, Level of Service I think got currency because it quantitated, it got letter grades so people could relate to school – you know, A through F and all that. But I personally think – you know I've been trained as an economist, I've been trained as an engineer, I'm also an attorney – I think there is a danger in getting too obsessed with quantitative measures. We actually do apply qualitative measures in most of the CEQA topics as much as we apply quantitative

measures. The reason the Level of Service for cars kind of has this imagery as being deciding is because it's well defined, it's quantitative. But quantitative measures, whether the ones we're using now or the ones that may be developed out of this process, I guess I'm not convinced that quantitative is necessarily always better. If we had better ways at getting at how, in the real world, safety conflicts and all of that plays out for a bicyclist or a pedestrian, it doesn't have to have an aura of level service to be useful, doesn't have to have a quantitative measure to be used to find significance. So maybe that's just a backdrop.

In terms of what the SAR suggests, maybe three specific areas might be a good place to talk about. One is what Tilly talked about in the beginning, which was there is this definition in the Transportation Element of priorities on different streets. There's "transit priority" streets – there's actually three different categories for transit priority streets. For bicycles there's really only a general category, which reflects that we did that before the Bicycle Plan was adopted, and we didn't want to lock into anything that was still in motion with the Bicycle Plan. Obviously there'll be some revisiting of that as you adopt the Bicycle Plan. But what's envisioned is that if you can clearly identify a facility as "transit rules", or "bicycles rule", that, what they're envisioning is, if you would, from a policy standpoint, have the Planning Commission, which has to have hearings to adopt new standards of significance, have them make a finding after public process that because of the primacy of transit or bicycles or pedestrians or whatever on that particular facility, they are so important that on that particular facility we would not care about what happens to cars. So that's sort of one of their conceptual approaches. Again, in practice a little harder to follow through to a conclusion than maybe it is to conceptualize it.

The other thing that they talk about is that local jurisdictions have discretion to set their own standards, which is also true. Unfortunately that would be a freer discussion if it was 1970 rather than 2003, because when you set local standards you have to do it within the context of what existing practices and what thirty years of case law and everything is. So you have discretion to set local standards, but you have to do it in a way that you don't end up changing your standard and two years later after you try to move a project forward you are set up for failure. Speaking as an attorney, most of the worst CEQA law – case law that's out there is a reflection – is a result of projects or jurisdictions that have taken questionable premises through the process, got sued and lost, and some Republican-appointed Justice doesn't just stop at "This is not right for this particular thing," they go off on a tangent and expand the scope of what they're saying. So you do have discretion at the local level to change your standards through defined process but you also aren't on a clean slate, and so I guess all I would say on that is that to the extent we're able to adopt different standards we need to do it, recognizing that you gotta work from where you are. It's easier to add things than it is to do away with something. I guess that's maybe the summary there.

The third thing, and this is maybe most germane to bicycles, is this concept of Master EIRs. It's actually an idea that I've suggested for a period of years to any and all bicycle project advocates who have come in wondering how they could get around an EIR for, like, a Fifth Street bikeway or something like that, which is

the idea of a Master EIR. In planning circles there's lots of things that get currencies, and they get currencies cause they have germs of ideas, but also sometimes the limitations of the ideas get lost. The advantage of the Master EIR is that if you can define, up front, a specific set of projects with enough specificity that you do an EIR, and you do it once, and you do what EIRs can do that other environmental processes can't do, which is you can find a significant impact – you can say for various policy and other reasons that the project is so important, it has all these other benefits, that we can make overriding considerations and despite this identified significant impact we want to move forward on a project. If you were to put some well identified bicycle projects through the Master EIR process in conjunction with adopting the Bicycle Plan, you will incur upfront delay and costs, but what it gets you at the end of the day is one EIR instead of multiple EIRs, and it gets you through the CEQA process and into the political arena where you want to be. And that's I think maybe been the biggest stumbling point in terms of bicycle communities' perception of the Planning Department and CEQA over the last several years as we've started to get beyond the projects that were developed and implemented over the last decade and we've moved into the projects that are more difficult to implement. So I think those are maybe the three things that, they flow out of Level of Service at some level but they're in the recommendations and I think that's where the Authority, seems to me, is that accurate?

TC: Yes, I might just add a couple of things, but generally that's right.

AT: Yeah, and that's my take-away on this. At the beginning of this conversation a couple of months ago I'd been aware of "LOS" as an acronym and the general idea, but I had a misperception of it, and I always felt that, Gee, why aren't we talking about the poor service that I'm getting as a pedestrian at this intersection, or the poor service I'm getting standing on the 38 Limited, and why is it that we only care about the level of service for automobiles? And that's a very appealing and interesting conversation and I think that we should see that through.

But the more that I peel away this particular SAR and talk to folks about what it means to bicycles and the bicycle plan update, it boils down to something that's really over here about EIRs and CEQA and the notion that if we want to go ahead with this particular project or this bike facility improvement, that it is because of the rulebook. Now, with evaluating the whole thing and the Level of Service, it's going to trigger an EIR which is expensive and, I'm told from various authorities, doesn't add that much actual information. It's satisfying CEQA and there's someone in Sacramento that says, "Good, you did that thing, and you spent a quarter million dollars doing this master or individual EIR", but when you're done with it it's still the same project and the benefit is still there. I guess the invisible guts of this thing that I'm hearing from other advocates in the progressive transit community is that EIRs for bike projects really don't add any value, and there's just this added expense that's an . . .

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. . . [AT] we can get at the trigger or the thing that the planning fella who is evaluating or the team of planners say, "Oh, oops, this is going to trigger an EIR so you folks go hire consultants and start writing your EIR." If we can cut that out, we can go ahead with the whole plan and parts of the plan, and perhaps avoid some of this expense for the consultants who do the EIRs. And so again I'm seeing two flavors of this, or two realms of conversation, and what can we do with this project to help get the triggering of EIRs for what probably are going to be beneficial, or have a wash in terms of environmental impact, get that out of the loop, and I don't expect an easy answer to that.

BW: It's funny. Maybe not funny to you, but funny to me, because very much of the flavor of what you said is what we hear from a very high percentage of the private developers who walk in the door, because they're as convinced of their public benefits to the city, and why they should be treated differently. They can make their own arguments. They're at least as offended by CEQA's requirements and probably more so, because they go through it in a big-time money way on multiple topics, not just on one topic. And many private projects, just like bicycle projects, don't advance as quickly or maybe don't advance at all, because they have to go through hoops that they'd rather not go through.

AT: I know. And everyone has their own perspective on the benefits or not.

BW: In terms of process, maybe this would help in terms of categories. There's one, two, five, maybe there's six basic categories that CEQA defines, with EIR being the most exacting, the one that's a year process, a big expensive document. But the two things that that process does allow – if the planning function as well as the CEQA function is properly integrated – the two things that you can get out of this is explicitly bringing policy to the fore when considering the decision. The other thing it allows you to do which you don't get in any of the other environmental processes is examination of alternatives. So, for example, if you had a bicycle project, you could have an alternative which is expanding the road for cars. So you do get a chance to have the interplay of policy and impacts in a more fundamental way than the other processes do, but it's definitely at a cost.

Negative Declarations is sort of the next tier down. Typically they're Mitigated Negative Declarations, where you have some kind of impacted air quality. Construction is sort of a basic one where there's standard mitigation from the other district that is almost always in any kind of construction project.

And then there's three categories that are more purely administrative, used to be almost purely administrative until a year ago when state law changed. They are two categories of exemptions and a case law-created category called General Rule Exclusion. I think again the SAR is a little confused in terms of those distinctions. There's the purest line I know – there are some bicycle activists that want to pursue this, and it is the cleanest way around CEQA, as many private developers have found – it's called a Statutory Exemption. It's something that the State Legislature has to enact. And when the concept was originally advanced thirty years ago, and the original statutory exemptions, they tended to be projects



that were “motherhood and apple pie”, where basically it was, by political consensus, agreed that this is so desirable that we don't want to delay it for a single day or a single dollar, and that typically were projects that were so “motherhood and apple pie” that they seemed highly unlikely ever having impact that you'd ever care about. Over the last dozen years or so most of the statutory exemptions that have been added have been added by special interest groups of one sort or another and you can be pretty hard-stretched to see how some of them are really not having impacts. But if the Legislature does it they're God and that's the end of the story. But it has a disadvantage, it has to be the State Legislature, it can't be the Board, the Supervisors, the Planning Commission or anything like that. I know that Dave Snyder for example – not at my urging, and I would not be someone to urge going that route, but it's a route that's open, and it has an absolute character that nothing else has. It's the end of the story if you get there.

AT: A blanket pass. Get out of jail free.

BW: Exactly. The next notch up is Categorical Exemptions, which is, there's thirty-two categories of uses that are characterized as generally expected not to have significant impacts and in the normal course of events would not require more than a fairly simple environmental process. Most of the bicycle projects that have been implemented to date have had Categorical Exemptions or General Rule Exclusions. And fortuitously, bicycle lanes within existing right-of-ways are explicitly called out in Categorical Exemptions. It's right there in the statutes and in the guidelines.

AT: You mean the no-lane-removal kind of things?

BW: Well, it doesn't say anything about lane removals, and that's kind of where the rub is, because the thing with Cat-Ex is that the presumption is that it's probably okay, but if there's any potential of any impact then the presumption gets arrested and you have to look at whatever those other impacts are. The most common thing we deal with actually with otherwise exempt projects these days are historic resources. Some building is less than six units, otherwise fits neatly into the category, but it's rated by Here Today, there's preservationists who want it preserved, and there have been EIRs done on something that would be cat-ex. We just had the Board tell us last night that we had to do an EIR on a nine-unit building for not-clearly-defined reasons.

The GRE, without belaboring this, is sort of an in-between category; it's a case law-created category, that something that isn't called out in a Cat-Ex category, but the impacts are believed to be comparable such that a process similar to a Cat-Ex is appropriate. And that has also been used for a number of bicycle projects. It's a much-simplified process but it's a process where local authorities can't just say by fiat “That's it,” we can't look at another issue because we think this is an exception. The other limitation on Cat-Exes is that you have to fit them within one of those thirty-two categories. For bicycle projects that's not really an issue because you've got this one sub-heading under one of the categories that you fit in so that's not really an issue for bicyclists. If you can work within that

framework in terms of locally adopted Cat-Exes you're fine. But you can't, by local action, say, do a lane removal that affects all of service, or whatever the other impact, we don't care about it, we can't just ignore it. Some of the other things that the SAR talks about might be ways in which you expand the envelope around that category. You may or may not. Time will tell. I've been talking for fifteen or twenty minutes, so I'd actually rather shut up and answer questions or just hear what you have to say, because like I said I don't think this is the place where answers are going to be definitive. It's more where I'd like to hope that what you hear about what we do and what CEQA is coming from us rather than from people that maybe aren't involved in it or don't really know exactly what we do.

AT: Well I'm very pleased that you were able to come tonight on short notice and talk, because again my understanding is that all the various departments and all the various interests that are talking about this, the actual implementation of this is going to come back to Planning. This most affects – whatever happens is a planning policy thing, or a planning budget –

BW: Just by definition of where the administrative code puts the CEQA function, that's why it ends up with us. It's not necessarily one that – I've spent most of my career doing long-range planning, not CEQA per se. CEQA's what I do now, so it's what it is.

TC: Just a few clarifications. I think a key point here is that CEQA does allow local jurisdictions the ability to define the measures that are most important and the levels of significance. And yes, there's been thirty years or so of experience under CEQA since it was passed, which reflects, in some part, the heavy reliance on conventional methods and most recently revived interest on the part of jurisdictions to see how we can go beyond traditional measures. So I would just urge everyone – we would be one of the first cities to pioneer new methods of measuring effects on all the different modes, as well as redefining standards.

I know, however that there are a lot of other cities that are doing this. For example, Alameda County is looking at redefining Level of Service F and creating possibly G, H, I, J, et cetera. What CEQA says is you have to disclose impacts, but the standards that we have reflect a reality that's outmoded and outdated. So far the bicycle projects that Bill does refer to that were approved and were not really hung up on CEQA, to some extent those were the easier first-generation projects. As we go forward, the next generation of projects is increasingly going to call into question right-of-way reallocations, and very difficult things to predict, like what's the effect on this street of this bike lane with respect to parking and with respect to traffic operations. One of the nice things that the DPT has pioneered is this idea of piloting projects and letting it go to see what happens, because what we don't have is a lot of documentation of the effect of when you do take away capacity. Do you get a one-to-one effect that the traffic gets all bunched up or do people take alternate routes? Here in San Francisco we are blessed with a grid system, so there is that effect where people might find alternate routes, might take a trip at a different time, et cetera. What the pilot strategy does, which the SAR endorses, is lets us develop the evidence

of a record that Bill was mentioning is required when you do change your standards as a local jurisdiction. What does happen, say, as we monitor the Valencia bike lanes and the whatnot? Those projects did go forward. There wasn't this terrible result. And as we develop these local practices and the evidence of a record we can justify changing our measures and our standards.

But it does have to be specific to the San Francisco context. A lot of other cities and also professional associations are looking at different ways of doing it, but we really have to spend the time and the effort locally with the professional community and with the other interested stakeholders and those who obviously would have to implement it, the Planning Department, to come up with the most appropriate way to go.

One point I'd like to make on this is the identification of Priority Networks as a possible strategy. Even if we did nothing to change, in terms of the measures today that we have, if we don't add to them, if we just rely on the ones we have today, you could implement this recommendation that we've identified to take into consideration these Priority Networks, which says that we don't treat every part of our street system equally. We recognize that there are certain functional roles, certain priorities for certain different parts of the network. And if we were to, say, increase the standards for transit, or bikes, or lower the significance impact for autos, either way you're recognizing that we don't necessarily need or want a uniform standard, that there is a potential to look at varying the standard based on the role of the different parts of the network. There's been some precedent where different cities have done this and the downtown core has a different set of considerations than, say, the more outlying areas. We wouldn't necessarily say that you don't care what happens to automobiles. I think we very much resisted the calls on the part of many advocates to just disregard auto impacts. Our goal is not to favor one mode over another, as much as a lot of people would like this work to have had that focus. It was really to define what is the need, given our multi-modal system here in San Francisco, and over the next few years and the next generation of projects, what are the problems that are going to need to be supported in terms of decision making, and what analytical tools can we bring to help that decision making.

So I understand your concern and your desire to see what is the actual impact on, say, the Bicycle Plan environmental clearance, but that's not the goal. The goal is to have a fair and balanced and as sophisticated a set of tools as possible to support future decision making, beyond CEQA, even, in terms of the overall decision making on a project.

In terms of the Master EIR, I think that this is a question strategically for the Bicycle Plan proponents and project sponsors to really think about. We're going to be working on it together to figure out what the potential would be to streamline it, but it's really, I think, the opportunity if you could identify a class of projects that could easily be perhaps Neg-Dec'd, to find a class of projects perhaps that could be piloted and let go forward on that pilot basis, and then to find a class of projects that would either need to undergo a thorough CEQA review, and at that point perhaps there would need to be some statement of

overriding considerations that the city really wanted to go forward despite impacts. But I do caution that the timing of all this is a question, because it's going to take some time for us to work through these recommendations with the [SAR] Technical Working Group, and I'm not sure about the timing of the Bike Plan Update on the environmental clearances. It was meant to try to assist in that process but I'm not sure that this will all get completed in time, depending on when the bike plan is ready to be cleared.

AT: Thank you. Any questions from the team?

BW: I don't want to say anything. Rather than listen to me talk, if you could just ask some questions.

CASEY ALLEN, BAC: Hi, my name's Casey. My basic comment is that CEQA is a changeable document or set of rules that we, as a local county, have the ability to tinker with. That requires a lot of public input. CEQA is meant, in my understanding, to balance the different effects of a project but not necessarily in and of itself decide whether it's right or wrong. It just gives us the ability to know what's happening and then make an intelligent decision. It's not really a question, it's a clarification.

BW: CEQA actually isn't intended to balance in the course of the environmental document. It doesn't do a pros-and-cons exercise. What it's intended to do is a source of information that – where the balancing comes in is project advocates, especially private project advocates, have no shortage of arguments why what they're doing is the greatest thing to face the city. What CEQA is intended to do is have a counter-balance of, okay there's the benefits according to the project advocates, according to whoever is approving the project. Balancing goes on when we approve a project under a Conditional Use process that's explicitly there weighing pluses and minuses. CEQA isn't weighing pluses and minuses. Its charge is kind of one-sided. It's to identify any potential adverse impacts. So it feeds into the other equation. But CEQA by itself isn't really a planning tool alone. It's only really a planning tool when used in conjunction with other things, which admittedly some of those other things don't really happen in this city very well.

AT: And now just for my clarification, CEQA is concerned with environmental impact at all. Not just air quality but water quality or contamination of soil or whatever. Is that so?

BW: We're supposed to cover the spectrum of the fifteen-sixteen topics that are spelled out. EIRs many times are done for a potential impact that, upon closer investigation, doesn't materialize. The word is “potential”. Potential is enough to do it.

AT: And I would imagine that you'd want that to be so if you were the developer anyhow. That you'd discover there's no significant environmental impact. Anyone else? This is obviously a very big topic and you're right, we're only just beginning to talk about this and the whole process. And again, I'm personally,

privately, as a citizen interested in having a more equitable treatment of me as a user of all modes, and so the idea of evaluating improvements and projects beyond just automobile impacts is dear to me. But we do also have the primary mission of overseeing and trying to keep the Bike Plan moving forward and being most beneficial. So from that perspective, it's hard to not bring the specific Bike Plan and the projects in as we look at this and say esoterically "How does this affect the specific bike plans that we're looking at?" Where we can make those things happen more easily and more cheaply, we're going to be eager to hear about that.

BW: I think you really need to think strategically about what in the SAR has direct applicability, direct potential benefit to the projects that either have been stymied or that have materialized that you expect could be stymied. Something that might help a transit project in terms of a process. For example, this idea of defining a priority street – it's a lot easier in the real world to think in those terms for a transit street. It's kind of hard – I was a bicycle commuter throughout the nineteen-seventies, so you're not talking to a hostile person here – it's pretty hard to think of very many streets in San Francisco where you could find the bicycle function to be so central in priority that you could designate it as having such a preeminent function that the other levels of service would be reduced to lack of significance. That might be something that moves forward for transit projects and benefits them more readily than they'd benefit bicycle projects. Valencia Street is maybe the cleanest example I can think of but you don't need it, you've got it. So it doesn't help you to get designated Valencia Street for CEQA. It may help you for other reasons.

AT: It makes a great precedent though, doesn't it? It also casts a light on the idea of the broader environmental impact of a project like that. As Tilly said, things get displaced to other streets and it turns out you look at it and you say "Well, the larger system was able to take up whatever the capacity problems were, and the environmental degradation was spread and mitigated." And I think that's another thing that we're looking at with Level of Service, talking about all of these things fitting together and how in one esoteric instance or one limited view that street, Fifth Street, all of a sudden went from F to H in automobile class of LOS. But the larger scope of what's happening with the fabric of transit has gotten better because of this, and all of the users and all of the clients are benefiting from this. And also there's obviously something that I'm looking at in this and all of these conversations. Ideally we're not just responding to some kind of CEQA hammer that's hanging over our head, but we're also looking at how we help everybody move around the city in a safe and friendly way. Another question.

CP: I'm just not quite getting everything. All these terms are really new for me. LOS, CEQA, SAR. I'm just starting to understand what it might mean.

AT: There are a lot of acronyms.

CP: Yeah, and they're not even written out in this report what they are, which makes it harder, I think, for people like me to read this report, because in the first

paragraph it doesn't say "This stands for this." So are you saying that if the Bike Plan that we're working on, if this Level of Service for bicycles were implemented, even though you're saying it might not be the best idea, there are a lot of other good things that we should be doing and could be doing that might help, but if it were implemented would it hurt the Bike Plan, or would it be detrimental to it? Or would it just not be helpful.

BW: I think there are some aspects that are more helpful to other modes than they are to bicycles. And there are some aspects to this, I mean the concept of multi-modal Level of Service is conceptually great, it's been talked about for years. It's kind of like the holy grail, and it's not belittling it because ultimately people-moving is what you ought to be looking at in a transportation network. But even if that holy grail was attained it really doesn't help bicyclists too much, because there's many streets where you have an important role, Valencia to take for an example, but if you do it on people movement, cars and people on buses are going to dwarf you. So it doesn't help you a hell of a lot. I'm not sure if it's even better than what we do now. That's why I said you need to think strategically, you need to think through what particular approach that's being talked about concretely helps move projects that are important to you forward. Some of that might be Dave [Snyder]'s approach – there's nothing about statutory exemptions in the SAR. After a long discussion with me, Dave said to me "I'm going to Mark Leno." So that's the path he thinks he's going to go, that's got its pluses and minuses. He wants to try to carve out a statutory exemption for bike and transit lanes in San Francisco only, in state law. Well, there's other statutory exemptions that are just as particular and self-interested as that, and arguably with a whole lot less public benefit to them. Whether that's good policy or bad policy, there's lots of precedents for doing that.

AT: It's more a question of practical resource and energy and what you can actually get Mark Leno to –

BW: You can get other legislators to go along with it. His thought is hey, they'll react to it as just San Francisco being San Francisco, and it doesn't hurt me. But other activists in their communities look at that and they want to expand it, and so who knows where you can get the votes for something like that. But it is kind of a free pass as you said.

AT: Jerry?

JERRY ERVIN, BAC: Hi, I'm Jerry Ervin. Has the Transportation Authority – you've talked to them about your other ideas, so they've heard from you guys already?

BW: Yeah.

JE: So all the jurisprudence and all the rest of that that goes along with that, I mean this didn't just come out of mid-air.

BW: They've heard from us. I wouldn't say that everything we've said has really been incorporated or that everything that we said was erroneous has been corrected. But there's definitely been an extended dialogue.

JE: So assuming this is not perfect, is this a good starting point for the city of San Francisco?

BW: I think it's potentially a good starting point so long as everybody is clear about what's realistic to achieve.

JE: How can we get everybody clear on what's realistic to achieve? Get "everybody", the big word?

BW: "Everybody" – I'm using it in the sense of transportation activists, not just bicycle activists, transit activists, or auto activists if anybody dares do that in this city. Again, it's a lot easier to conceptualize this stuff than it is to actually work out the tools. That's why this is not a new topic to somebody that's been in this field for a long time like me. But it's frustrating to watch year after year and not see tools that you'd think, with all the clever people out there, would develop. And part of it is that the people like me are too busy doing the day-to-day stuff to be the academic theoretic to come up with stuff. That's not to say that it can't be done, but for your purposes don't obsess on the tool, obsess on what process gets you where you want to go.

Like I was saying earlier to your first question, just as we get a better Level of Service tool for bicycles that's for an individual project, a development project would allow us to find a significant impact more easily and more readily. That's a plus. We might do an EIR for a project that otherwise we wouldn't do due to overriding considerations. You might be able to use that leverage and change the project. A plus. But that in and of itself doesn't create a bicycle lane. That's what I mean strategically, is think in terms of what your priorities are and what you're trying to move forward and what aspects of these approaches really address that most directly.

JE: But would this document help to open the conversation that bicycles have to be considered when developing certain projects?

BW: I don't think it opens the conversation, I think it was a conversation that was opened and has been dormant, so hopefully it reopens it.

JE: Thank you.

AT: I want to point out or draw out – there was a working group involved, and it's still a working group as many of the members are here in Planning and representatives and you're one of the members of the working group for this document. So it wasn't pressed on Planning, I think Planning was in on it along with pedestrian folks and the Bike Coalition and Senior Action Network and other folks. So presumably all of the stakeholders have been involved in working on this all along, for whatever that's worth.

BW: I've got to go. But, not that I really want to come to evening meetings because my day starts at 5:30 in the morning and I get enough evening meetings in the normal course of events, but if we can make this not a one-time thing, and maybe structure this in terms of a strategy session that maybe is in the context of SAR or maybe is more in terms of what specific things you're trying to move, because we deal with things on a as-they-come-to-us basis. If you're coming to us wanting something that we're not able to give you within the framework of expectations, that's already starting behind the eight ball. So if you can be proactive in terms of anticipating where you want to go and what different approaches might get you there cleaner, I think that's better, that's dialogue rather than just a one-shot deal.

AT: I think we all agree that we want to get that conversation . . .

END OF SIDE B OF TAPE 1

START OF SIDE A OF TAPE 2

. . . [BW]: I'm kind of the transportation techie. Paul [Maltzer] isn't, but Paul is responsible for the overall CEQA stuff, and he certainly understands the transportation issues enough to talk about them in general and somewhat specific terms. But if you want to go off the deep end in terms of the nuance of Level of Service, Paul's going to get distressed.

AT: You're the deep end man.

BW: Yeah, more than I care to be.

AT: Thank you. Well maybe we can hear from the Bike Coalition for some perspective. Josh Hart, you want to come and tell us what you're thinking?

JOSH HART, SF BICYCLE COALITION: Good evening everybody. Josh Hart, program director of the San Francisco Bicycle Coalition. I just wanted to add a couple things that I didn't think got addressed this evening. First of all, obviously the Bike Coalition is very happy that the SAR was approved by the full Transportation Authority board yesterday. There were a couple of changes though that I think are noteworthy in the document. The Transportation Authority staff had originally had a recommendation that the technical working group at six- and twelve-month time periods with recommendations for action, with proposed legislation or whatever the working group came out with. The Planning Department testified at the Plans and Programs Committee of the Transportation Authority last week. Correct me if I'm wrong, but they requested that the technical working group just simply report back to the Transportation Authority without any formal action. The other major change in the SAR was that by our request Commissioner McGoldrick requested that the Transportation Authority and all the agencies involved in this process involve the three CACs to which this report is relevant. Obviously the Bicycle Advisory Committee, the Pedestrian Safety Advisory Committee, and the Municipal Transportation



Agency, CAC. So I think you have a role now in this process that's legislated and I think that's really important to note.

This topic – and I think this is shared by staff in the DPT bike program, people who have been working on developing a bike network in San Francisco for some time – this issue, if we get to the core of it, if we can solve it, it will really lead to a breakthrough in building the kind of safe streets that we want to see for bicycles. What this boils down to is that there is no mechanism currently to accurately analyze the true impacts of reallocating street space where right-of-way is limited, as Tilly said. Standards are obviously one part of the equation – implementing bicycle service standards that take into account how wide the road is, what the pavement quality is, what the volume of traffic, the speed of traffic, presence of parked vehicles, all that kind of stuff, and boils it down to an A through F measure, I think would be useful. But it's just one part of the equation.

I think reforming environmental review guidelines where what happens when you have the standard, if you say we've got this project proposed, it would degrade LOS from C to D, auto LOS from C to D, but it would improve bicycle LOS from F to B. Well, now that we have that information there's got to come obviously some point where decision makers make some decision on those quantitative measures. You can't, obviously, just rely on quantitative measures alone to give you the answer. The way that that happens now is that when the DPT bike program or the Bike Coalition proposes a new bike lane that involves lane removal, the analysis is done in a way that doesn't consider what that new space is being devoted to. It only considers the loss of the space for the automobile mode. So if you have a bike lane proposal, let's say on Fifth Street, where it would involve removing one or two lanes from a four-lane street and dedicating the extra space to bike lanes, it's as if the extra space that's being taken away from automobiles just drops off the face of the planet. There's no methodology, there's no system for saying, okay if you take the space from cars and say this is a safe protected bike lane, how many more people are going to use it, what's going to be the impact on traffic flow.

Very complex questions are involved in this, and I think this process is a good start in number one, developing those standards that will help give us a comparable standard to the auto standard, but also changing that assumption in city government and in various departments, and the public even, that people are going to drive come hell or high water. I think that's proven to be erroneous. I think that a really important role that this advisory committee can play is receiving testimony from experts who have done studies about when road space is reallocated and what the results of that are, and gathering testimony into the record, gathering substantial evidence that shows that when you take space from the automobile and provide it to a dedicated transit lane or a bike lane, that these are likely effects, that these are the probable impacts, and that, as we saw on Valencia, often those impacts benefit everyone, every mode user, whereas we assume too often that it will just affect the auto driver and increase air pollution when that doesn't need necessarily to be the case on a system-wide basis.

So I would just encourage this body to continue to call in the various departments, ask the difficult questions, clarify aspects of this issue that aren't clear. It's your right and your responsibility to flesh out this very complex issue. And with the information that you glean you should make recommendations to your Supervisor about how to move forward. I think that when it boils down to it everybody supports safety. If we can have a system of streets that improves the experience of bicyclists and pedestrians and transit users, and as a result of doing all that gets more people out of their cars and makes it easier to drive, benefiting car drivers as well, I don't think anyone is going to argue against that. I'd just say that by taking that, and by learning more from experts who work on this on a daily basis, by consultants, by members of our own agencies that know more about elements of this issue than any of us do, I think that we can come up with some, in working with the technical group, that we can arrive at a solution, some legislation, changes to the environmental review guidelines, that we'll really get to where we want to be. So, thanks for your work on this. I really appreciate the BAC taking on this very complex issue.

AT: Does the DPT Bike Program want to give us some insights or perspectives, or...

OLIVER GAJDA, DPT BICYCLE PROGRAM: Thank you. Oliver Gajda from the San Francisco Bicycle Program. First off I'd like to thank the BAC. This is probably one of the most engaging BAC meetings that I've been to in my career so far with the Department of Parking and Traffic. It's a very exciting conversation that we're having here about Level of Service, and as there has been a lot of dialogue, I think we're saying a lot of similar things by using a different vocabulary and I will try not to speak for any other agency or department, because that's what the working group is for is to get together and come and work through some of these issues.

What we do have is – there's talk about bike lanes and I think there's some misconceptions as far as what was done in the past, and I do have the project impetus of how in the past and currently we implement a bike project within the city and county of San Francisco. I can pass that out, it's an informational item. [distributes bike project implementation overview] In general it's correcting the SAR and the planning department's comments that in general, historically, the bicycle projects and even the easy projects aren't easy. Their analysis, a lot of times that's why these bike projects take a considerable amount of time is that the Department of Parking and Traffic staff does a significant amount of analysis, and for a lot of reasons, because of funding, and staffing, and going through the full environmental review process, and knowing that it's going to go to F, or using the current standards, we've done the, quote, "easier" projects. But even getting to that determination, it hasn't been easy.

But I think it's a lot of great work and ahead of us, and I would caution, this goes to the second item on the agenda {Bicycle Plan Update status report}, I would caution all of us to look at what we can do for getting at a better measure of Level of Service within the city and county of San Francisco, but also caution about the timeline and the process of the Bicycle Plan, and we can speak to more of that on

the second agenda item. This conversation will probably take some considerable amount of time to make sure that all the agencies and departments are on the same page and that we can actually get to a place where we're looking at policy, looking at tools, and actually getting to a place where we can be more effective. But I think if we try to take it all on right now with the Bicycle Plan, the timeline is definitely an overriding factor as far as what we're looking at. So that's another conversation that we're having with the Planning Department, with the TA, and we'll keep the BAC up to date, and the Bicycle Plan up to date. So that's just what I'd like to say.

AT: As we began learning about this a couple months ago that was part of how it was brought to us, that the Bike Plan Update and the twenty network-completing projects that were contemplated would be greatly facilitated or expedited if the LOS methodologies were reformed in time. But as Oliver points out, this is a lot to reform by the middle of next year. And I think the current track on this is July to come to the Supervisors, and so we shouldn't pin all our hopes on avoiding EIRs by way of this particular reform, although we should still dig in and try to make it come together as quickly as possible. Anything else? Any public input on this, please?

VICTOR VEYSEY: Hello. I'm Victor Veysey. I used to be a Bike Advisor. One thing I noticed in the SAR is that they talk about the bicycle riders' experience as part of LOS. And this gets into [??] and might be hard to quantify, but I'd like us to be looking at and incorporating into LOS. Not just street safety issues and street access. I've been working on the idea of having micro-bicycle facilities that can provide secure parking. Amenities like that? Facilities like that? By the way, these are things that are not at all being considered in the bike plan, which is very bare-bones kind of traffic engineering, the way it's done, and you guys may have some interest in looking at putting more things that are like that that aren't being in the Bike Plan right now into the Bike Plan. Coming back to LOS, it'd be nice to see if there was a way that we could be, particularly when we're looking at projects where they want to mitigate, they want to come up with mitigating measures, basically we could say well, if you put a nice bike facility in this project then that will help create higher Level of Service, a better experience for cyclists, and where to park your bike et cetera, and then you can have your project go forward. So that's one of the uses of LOS that I see that you guys might want to focus on.

PI RA: Hello, my name is Pi Ra, I'm with the Pedestrian Safety Advisory Committee, the chair. I've been involved with this particular issue since Mister Hayes and the BAC has been bringing it to our attention, what, at least three years now Casey? It's been three years at least, and it's been a lot of talk, not only talk, studies. I mean Florida's been working on their own LOS for pedestrians for instance. Walk San Francisco came up with their own study. We've been also involved with the process, what was it, in October when we had our first meeting even though we asked for it even three months before that? It all comes down to – I mean basically this CEQA is a report to give information to the decision makers. The report decides what is important and what isn't. So it does weigh in some ways. It does have biases, what it deems to be important. And I

know I'm oversimplifying it, but it's oversimplifying that we use the auto LOS to the degree that we do to determine the importance whether or not we should even do the report in the first place. Now a lot of cities and counties have decided not to come up with their own LOS, but determine how to interpret or what to do with the data that's already there. I think that's also part of the study. It's not only to develop new tools, but also determine what to do with them and to do with the old ones. For instance, in Santa Barbara they decided a D isn't that bad after all, so if it does go down to a D, so what? In San Jose, and certain areas of San Jose, they say the same thing. These certain areas, we don't care. We need to look not only into developing new tools but also saying it's okay to be a F. Because the CEQA originally came out more concerned about how air quality, land quality, how that is, and not so much into safety. We are now saying safety is an important element in determining the mitigations of the impact of a project. So this is a very important thing. It will take a long time. It won't be done by the time of the Bike Plan. It might be done by the time we get the Pedestrian Master Plan up. I'm not going to push that. But it's very important. And I do understand, and I don't want to speak for the Planning Department, but we are going to be developing ideas for them to implement, so of course they want to be cautious about this. But it's a working committee, and there's a lot of stuff out there already. And it is up to the local government to decide what is important and what isn't. So we have that authority. And it's a good step forward. It's a baby step, but I expect we're going to take a lot of baby steps in doing this because there's a lot of things we have to consider. So I agree, and the Pedestrian Safety Advisory Committee is going to be working with us too, plus Walk San Francisco. I assume BAC is going to do a lot more, and I applaud that. And it might take a few of your terms to get it done, but go for it. Thank you.

AT: Thank you. Any other comment from the peanut gallery? Well, thank you all. Committee, any other questions or remarks? Maybe I could ask for clarification for any of the staff who'd like to answer this question, but I'm not sure I grasped what's next, what the actual product of this process is going to be, maybe Tilly I can get you to – I understand that as of yesterday the Supes or the Commissioners in their role said come back in six and twelve months and talk to us, but that doesn't sound like much action.

TC: Well, it depends what they do with what we bring to them. We are meant to come back at six and twelve months, to report back progress, so in the near term the TWG [technical working group] will be formed, our Executive Director will invite members of the various communities to participate. They'll be public-reviewed throughout the process of the TWG's work so that there'll be regular updating and review and comment. At six months we'll come back and hopefully be able to report on some level of agreement, some consensus on some areas, and hopefully at that point the board or the plans and programs committee would want to take some action. But at six and twelve months we're meant to report back and that's really the main guidance.

AT: Okay, good. Thank you. All right. [some hugger-mugger from the gallery] Well I'm trying to juice it up a little from my seat, so thank you all for your input. It's a big topic and as I say, from my own private perspective it appeals to me in

the transcendental social justice equality of everyone having a fair piece of the pavement. And I'd like to see that improve and blossom. But then the specific practicalities – the planning perspective we were hearing, think what you really want to get done, and there's also the nuts and bolts dimension, too, the practical day-to-day business of building and improving the transit system. Lots of ways to come at it. Thank you.