FILE NO. 120842

Amended in Committee
10/29/2012

RESOLUTION NO. 413-12

[Board Response - Civil Grand Jury Report - Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2011-2012 Civil Grand Jury report entitled "Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

WHEREAS, Under California Penal Code Section 933 et seq., the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on the findings and recommendations contained in Civil Grand Jury Reports; and

WHEREAS, In accordance with Penal Code Section 933.05(c), if a finding or recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a county agency or a department headed by an elected officer, the agency or department head and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the response of the Board of Supervisors shall address only budgetary or personnel matters over which it has some decision making authority; and

WHEREAS, The 2011-2012 Civil Grand Jury Report entitled "Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency" is on file with the Clerk of the Board of Supervisors in File No. 120842, which is hereby declared to be a part of this resolution as if set forth fully herein; and

WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond to Finding Nos. 1, 2, 3, 4, 6, 7, 8, and 9 as well as Recommendations 1, 2, 3, and 5 contained in the subject Civil Grand Jury report; and

WHEREAS, Finding No. 1 states: "Muni switchbacks violate the spirit of the San Francisco Charter;" and

WHEREAS, Finding No. 2 states: "Muni management has expressed very little interest in finding alternatives to switchbacks;" and

WHEREAS, Finding No. 3 states: "There is not statistical or other evidence that switchbacks alleviate delays or improve scheduling;" and

WHEREAS, Finding No. 4 states: "Muni officials show a callous disregard for the welfare of riders overall in their use of switchbacks;" and

WHEREAS, Finding No. 6 states: "Other comparable transit systems refuse to subject passengers to switchbacks for any reasons other than equipment breakdowns, accidents, or unavoidable emergencies;" and

WHEREAS, Finding No. 7 states: "Muni has failed to fully implement basic technological improvements in the system;" and

WHEREAS, Finding No. 8 states: "Muni's newest and most advanced control centers lack adequate operating personnel and cannot communicate directly with Muni drivers;" and

WHEREAS, Finding No. 9 states: "Muni has failed to conduct and publish monthly rider surveys as recommended in the FY 2008 and 2010 quality review;" and

WHEREAS, the Recommendation No. 1 states: " Eliminate switchbacks except for equipment breakdowns, accidents, or unavoidable emergencies;" and

WHEREAS, the Recommendation No. 2 states: " Contact and learn from comparable transit systems that do not resort to switchbacks as a regular solution to their problems;" and

WHEREAS, the Recommendation No. 3 states: " The Controller audit Muni funds to determine if there are additional resources that may be available to rectify delays and scheduling problems;" and

WHEREAS, the Recommendation No. 5 states: " Conduct and publish monthly rider satisfaction surveys in accordance with the FY 2008 and 2010 quality review recommendations;" and

WHEREAS, in accordance with Penal Code Section 933.05(c), the Board of Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior Court on Finding Nos. 1, 2, 3, 4, 6, 7, 8, and 9 as well as Recommendations 1, 2, 3, and 5 contained in the subject Civil Grand Jury report; now, therefore, be it

RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the Superior Court that it partially disagrees with Finding 1 for reasons as follows: The goal of being reliable, timely, and frequent can cut both ways, the Board wants the majority of people to have reliable service, but the Board acknowledges the frustration involved when riders are subjected to switchbacks; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with Finding 2 for reasons as follows: The Board understands that switchbacks are not something that Muni wants to do, but that it is a tool in Muni's arsenal, and Muni understands that there is pushback on switchbacks from riders; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with Finding 3; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it disagrees with Finding 4 for reasons as follows: The Board finds that "callous disregard" is inflammatory language, the use of which the Board does do not agree with; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it partially disagrees with Finding 6 for reasons as follows: While the Civil Grand Jury found a number of jurisdictions that do not use switchbacks, Muni provided a list of jurisdictions that do use switchbacks; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it partially disagrees with Finding 7 for reasons as follows: Muni has worked hard to do this, but Muni, like many City departments, is fiscally constrained; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with Finding 8; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it agrees with Finding 9; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it will not implement Recommendation 1 for reasons as follows: It falls outside of the Board's purview; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it will implement Recommendation 2 for reasons as follows: Muni will implement this in the future and the Controller's Office is engaged in a multi-year effort with Muni to improve Muni services; including the reconstitution of the Transportation Effectiveness Project (TEP); and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it has implemented Recommendation 3; and, be it

FURTHER RESOLVED, That the Board of Supervisors reports that it will not implement Recommendation 5 for reasons as follows: It falls outside of the Board's purview; and, be it

FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the implementation of accepted findings and the recommendation through his/her department heads and through the development of the annual budget.

City and County of San Francisco
Tails
Resolution

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

File Number: 120842 **Date Passed:** November 06, 2012

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2011-2012 Civil Grand Jury report entitled "Better MUNI Service Needed, Without Switchbacks: An Investigation into the San Francisco Municipal Transportation Agency" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

October 29, 2012 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 29, 2012 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

November 06, 2012 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120842

I hereby certify that the foregoing Resolution was ADOPTED on 11/6/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor **Date Approved**

Date: November 16, 2012

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board

File No.
120842