

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 15-171

WHEREAS, The goals of the Van Ness Transit Improvement Project (Project) are robust and stable ridership, efficient, effective and equitable transit service, neighborhood livability and community vitality, and links to a citywide rapid transit network; and,

WHEREAS, On May 15, 2012, the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors adopted Resolution No. 12-070, which identified and endorsed the Locally Approved Alternative (LPA) for the Project, “The Center-running BRT with Right Side Boarding Platforms Single Median and Limited Left Turns,” for further analysis in the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR); and,

WHEREAS, On November 8, 2012, Caltrans, the SFMTA, and the Transportation Authority executed Cooperative Agreement No. 04-2450, for pre-construction work (development of plans, specifications, estimates (PS&E) and right-of-way obligations) for the Project; and

WHEREAS, On September 10, 2013, the San Francisco County Transportation Authority (Authority) Board certified the Final EIS/EIR, including an amendment to include the Vallejo Northbound Station Variant as adequate, accurate and objective and reflecting the independent judgment of the SFCTA; and,

WHEREAS, On September 17, 2013, the SFMTA Board of Directors adopted Resolution No. 13-214, approving the Project, analyzed as the Locally Preferred Alternative in the Final EIS/EIR for the Project, including an amendment to include the Vallejo Northbound Station Variant in the approval of the LPA, and adopted the CEQA Findings and Statement of Overriding Considerations for the Final EIS/EIR; and,

WHEREAS, The Project files, including the Final EIS/EIR and SFMTA Resolution No. 13-214, have been made available for review by the SFMTA and the public, and those files are part of the record before this Board; and,

WHEREAS, Since the adoption of the CEQA Findings and the approval of the Van Ness BRT Project, the SFCTA has prepared a memo to file dated July 15, 2014, titled “Van Ness Avenue Bus Rapid Transit Project – Environmental Compliance for the Proposed Parking Removal from Conceptual Engineering Report” (Memo to File), which concludes that the removal of eleven parking spaces more than assumed in the Van Ness BRT Project Final EIS/EIR, as proposed by SFMTA in its Conceptual Engineering Report, will not result in a new significant environmental impact due to parking loss; and

WHEREAS, Based on its review and consideration of the information contained in the Final EIS/EIR, the SFMTA Board found, on July 7, 2015, under Resolution No. 15-108, that the proposed actions to remove parking spaces are within the scope of the Van Ness BRT Project Final EIS/EIR and that no additional environmental review is required under Public Resources Code section 21166; and

WHEREAS, Also on July 7, 2015, the SFMTA Board approved the Construction Manager/General Contractor Contract No. 1289 with Walsh Construction Company for pre-construction services for the Project, for a term not to exceed 300 days and in an amount not to exceed \$800,000; and

WHEREAS, This Cooperative Agreement specifies the terms and conditions for Caltrans' funding contribution of \$7,300,000 to the Project, which funds will be used for pavement repair and construction of curb ramps on Van Ness Ave., a portion of U.S. Highway 101 under the jurisdiction of Caltrans; and

WHEREAS, Execution of the Cooperative Agreement is a prerequisite for Caltrans issuing an encroachment permit for the Project, and is also a condition of the Federal Transit Administration for funding the Project through its Small Starts grant program under Section 5309(h) of Title 49 of the United States Code; and

WHEREAS, The SFMTA Board finds that entering into a Cooperative Agreement with Caltrans for construction of the Project is within the scope of the Van Ness BRT Project Final EIS/EIR and that no additional environmental review is required under Public Resources Code section 21166; now, therefore, be it

RESOLVED, That the SFMTA Board has reviewed and considered the Final EIS/EIR and record as a whole, finds that the Final EIS/EIR is adequate for its use as the decision-making body for the action taken herein to approve the Cooperative Agreement with the State of California, incorporates the CEQA findings contained in SFMTA Board Resolution No. 13-214 and No. 15-108 (with respect to deletion of parking spaces) by this reference as though set forth in this Resolution; and be it further

RESOLVED, That the SFMTA Board further finds that since the Final EIS/EIR was finalized, there have been no substantial project changes and no substantial changes in project circumstances that would require major revisions to the Final EIS/EIR due to the involvement of new significant environmental effects or an increase in the severity of previously identified significant impacts, and there is no new information of substantial importance that would change the conclusions set forth in the Final EIS/EIR; and be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Cooperative Agreement No. 04-2587 with the State of California regarding construction support and Caltrans funding of the Van Ness Transit Improvement Project; and be it further

RESOLVED, That the SFMTA Board authorizes the Director of Transportation to approve any additions, amendments or other modifications to the Cooperative Agreement that the Director, in consultation with the City Attorney, determines is in the best interest of the SFMTA, do not materially increase the obligations or liabilities of the SFMTA or City, or materially decrease the public benefits accruing to the SFMTA, and are necessary or advisable to complete the transactions contemplated and effectuate the purpose and intent of this Resolution, such determination to be conclusively evidenced by the execution and delivery by the Director of Transportation of any such documents; and be it further

RESOLVED, That the SFMTA Board urges the Board of Supervisors to similarly approve the Cooperative Agreement.

I certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at its meeting of December 1, 2015.

Secretary, Board of Directors
San Francisco Municipal Transportation Agency