

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 12-086

WHEREAS, On April 19, 2011, the City and BART entered into a Cooperative Agreement for reimbursement of costs incurred by BART related to the San Francisco Municipal Transportation Agency (SFMTA's) activities at the BART Market Street tunnels and Powell Street Station (BART Facilities) associated with construction of the Central Subway Project (Project); and

WHEREAS, The Cooperative Agreement specifies that SFMTA shall not initiate construction activities (other than tunneling activities) for the Union Square Market Street (UMS) Station that potentially impact BART's safety, operations, or maintenance until construction-related provisions are incorporated by amendment into the Cooperative Agreement; and

WHEREAS, The SFMTA and BART have negotiated an Amendment to the Cooperative Agreement (Amendment) that provides for SFMTA to construct various improvements and perform activities in and around the BART Facilities to mitigate impacts resulting from the Project; and

WHEREAS, The Amendment also provides for SFMTA to be responsible for damages to BART or its Facilities caused by SFMTA activities relating to the Project; and to be ultimately responsible for liquidated damages to BART should SFMTA's tunneling contractor damage BART Facilities so as to prevent BART service; now, therefore, be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute the First Amendment to the Cooperative Agreement between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District (BART) to set forth the SFMTA's responsibilities relating to construction of the Central Subway Project and its impact on BART's Powell Street Station.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 19, 2012.

*R. Posner*

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency