

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 190618-071

WHEREAS, Contract No. 1304, Muni Metro System King Substation Upgrade Project was designed to upgrade the existing King Substation to provide additional power capacity as a result of increased transit service demands on our system, including light rail vehicles serving Oracle Park, Chase Center, and the Central Subway; and,

WHEREAS, On April 17, 2018, the SFMTA Board of Direction authorized the award of SFMTA Contract No. 1304, Muni Metro System King Substation Upgrade (Project) to DMZ Builders; the SFMTA issued the Notice to Proceed with the work on June 12, 2018; and,

WHEREAS, On November 6, 2018, the DMZ Builders completed boring and installation of conduits underneath the SFMTA right-of-way at the intersection of 2nd and King Streets under direction from the SFMTA; and,


WHEREAS, PG&E refused to accept ownership of the bore and conduit in order to pull its electrical cables through the conduit unless the SFMTA indemnified P&E for all claims (other than claims arising from PG&E's gross negligence or willful misconduct) resulting from the boring and installation of electrical conduits underneath the SFMTA track right-of-way at the intersection of 2nd and King Streets; and,

WHEREAS, On April 25, 2019, the SFMTA, under authority delegated by the Planning Department, determined that the Indemnification Agreement between the City and County of San Francisco and Pacific Gas & Electric Company (PG&E) is not defined as a "project" under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute an agreement with Pacific Gas and Electric Company indemnifying PG&E from any claims (other than claims arising from PG&E's gross negligence or willful misconduct) resulting from the boring and installation of electrical conduits underneath the SFMTA track right-of-way at the intersection of 2nd and King Streets.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of June 18, 2019.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency