

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 230905-075

WHEREAS, The Van Ness Corridor Transit Improvement Project (formerly known as the Van Ness Bus Rapid Transit Project) (Project) will implement the first Bus Rapid Transit (BRT) service in San Francisco, which will improve transit reliability for the 47 and 49 Muni routes and provide reliable transit connections to transfer routes; and,

WHEREAS, On July 7, 2015, the SFMTA Board of Directors adopted Resolution No. 15-108, awarding SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project (Contract), to Walsh Construction Company II, LLC (Walsh) in the amount of \$800,000 and for a term of 300 days, to provide pre-construction services for the Project; and,

WHEREAS, On August 16, 2016, the SFMTA Board of Directors adopted Resolution No. 16-110, authorizing Modification No. 1 to the Contract for construction of the Project in the amount of \$193,027,555, for a total Contract amount of \$193,827,555, with an overall term not to exceed five years; and,

WHEREAS, On August 21, 2018, the SFMTA Board of Directors adopted Resolution No. 180821-115, approving Contract Modification No. 2 to the Contract for changes to the overhead contact system trolley/light poles and foundations, increasing the Contract amount by \$4,463,160.98, for a total Contract amount not to exceed \$198,290,715.98, with no extension of time; and authorizing the Director of Transportation to approve up to an additional aggregate of \$10,000,000 in future amendments to Contract No. 1289 without further approval of the SFMTA Board; and,

WHEREAS, Contract Modifications Nos. 3 through 6, executed by the Director of Transportation, increased the Contract amount by \$9,995,608.85, for a total Contract amount not to exceed \$208,286,324.83, with no extension of time; and,

WHEREAS, The SFMTA Board of Directors adopted Resolutions Nos. 190716-092, 190820-104, 200218-015, and 200519-047, approving Contract Modifications Nos. 7 through 10, respectively, increasing the Contract amount by \$9,349,510.20, for a total Contract amount not to exceed \$217,635,835.03, and extending the time to Substantial Completion by 279 days; and,

WHEREAS, Contract Modification No. 11, executed by the Director of Transportation under Board Resolution Nos. 180821-115 and 191203-153, increased the Contract amount by \$282,000, for a total Contract amount not to exceed \$217,917,835.03, with no extension of time; and,

WHEREAS, Contract Modification No. 12, executed by the Director of Transportation under Board Resolution No. 201215-112, increased the Contract amount by \$2,589,381, for a total Contract amount not to exceed \$220,507,216.03, with no extension of time; and,

WHEREAS, Contract Modification No. 13, executed by the Director of Transportation under Board Resolution No. 210803-098, increased the Contract amount by \$1,240,049.98, for a total Contract amount not to exceed \$221,747,266.01, with no extension of time; and,

WHEREAS, Contract Modification No. 14, executed by the Director of Transportation under Board Resolution No. 211019-125 to performed various additional roadway work in the amount of \$717,877.56, for a total Contract amount not to exceed \$222,465,143.57, with no time extension; and,

WHEREAS, Contract Modification No. 15 will settle contract claim #9 in the amount of \$5,159,578.55, for a total Contract amount not to exceed \$227,624,722.12, with 831 days time extension; and,

WHEREAS, On September 10, 2013, the San Francisco County Transportation Authority, as lead agency under California Environmental Quality Act (CEQA), certified the Final Environmental Impact Statement/ Environmental Impacts Reports (EIS/EIR) under Resolution No. 14-18, adopted CEQA Findings and a Statement of Overriding Considerations, adopted the Mitigation Monitoring and Reporting Plan, and approved the Locally Preferred Alternative (LPA); the certification of the Final EIS/EIR included incorporating the Vallejo Northbound Station Variant into the Project; and,

WHEREAS, On September 17, 2013, the SFMTA Board of Directors, acting in the capacity as a responsible agency under CEQA, adopted Resolution No. 13-214, approving the Project, analyzed as the LPA in the Final EIS/EIR, including an amendment to include the Vallejo Northbound Station Variant in the approval of the LPA; as part of the resolution, the Board also adopted the CEQA Findings, a Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Plan for the Final EIS/EIR, and authorized the Director of Transportation to direct staff to continue with obtaining the necessary approvals to implement the Project; and,

WHEREAS, On December 20, 2013, the Federal Transit Administration issued a Record of Decision for the Project, determining that the requirements of the National Environmental Policy Act have been met through the Final EIS document and process; and,

WHEREAS, On March 4, 2016, the San Francisco County Transportation Authority issued an "Addendum to Environmental Impact Report" for the Project, which concluded that removal and replacement of various trees along the Van Ness corridor not previously identified in the Final EIS/EIR would not result in a new significant environmental impact; and,

WHEREAS, As mentioned above, on July 7, 2015, the SFMTA Board of Directors authorized the award of the Contract for Phase 1 pre-construction services to Walsh, having reviewed and considered the EIS/EIR and record as a whole and found that the Final EIS/EIR was adequate for its use as the decision-making body for the approval of the Contract; the Board also found that the actions being taken were within the scope of the EIS/EIR, incorporated the CEQA findings contained in its Resolution No. 13-214, including the Statement of Overriding Considerations, and further found that no additional environmental review would be required under Public Resources Code section 21166; and,

WHEREAS, The proposed Modification No. 15 to Contract No. 1289, as described above, is within the scope of the Final EIS/EIR; and,

WHEREAS, A copy of the Van Ness Corridor Improvement Project Final EIS/EIR can be found in the records of the Planning Department at <https://www.sfcta.org/projects/van-ness-improvement-project#panel-reports-documents> and is incorporated herein by reference; now, therefore, be it,

RESOLVED, That the SFMTA Board of Directors has reviewed and considered the Van Ness Bus Rapid Transit Project Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) and record as a whole, finds that the Final EIS/EIR is adequate for the Board's use as the decision-making body for the actions taken herein relative to construction of the Project, and incorporates the CEQA findings by this reference as though set forth in this Resolution; and be it further

RESOLVED, That the SFMTA Board of Directors 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 Modification No. 15 to SFMTA Contract No. 1289, Van Ness Corridor Transit Improvement Project, with Walsh Construction Company II, LLC, to resolve any and all current and future claims Walsh has or may have relating to the project, increasing the contract price by \$5,159,578.55, for a total Contract amount not to exceed \$227,624,722.12, and increasing the required time of completion by 832 days; and it be further

RESOLVED, That the SFMTA Board authorizes the Director of Transportation, in consultation with the City Attorney, to make such changes to Modification No. 15 as necessary to effect the intent and purpose of this Resolution, provided that said changes shall not further increase the Contract Amount or further extend Contract Time beyond the values stated in this Resolution, or reduce warranty or bond protections stated in the Contract.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of September 5, 2023.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency