

**THIS PRINT COVERS CALENDAR ITEM NO. : 10.6**

**SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY**

**DIVISION:** Finance and Information Technology

**BRIEF DESCRIPTION:**

Approving an unlimited indemnity of the Bay Area Rapid Transit District (BART) for any damages that might occur from pothole and trenching work by the SFMTA's contractor above and through the Balboa Park BART station in order to bring power to two transit shelters located on Geneva Avenue.

**SUMMARY:**

- The SFMTA wishes to bring power to two transit shelters located at Geneva Avenue above the Balboa Park BART station in order to provide lighting, a NextMuni sign and other service amenities to customers of the SFMTA.
- The six transit lines that stop at these two transit shelters in front of the Balboa Park BART station are a critical part of the transit system and serve over five thousand customers every day.
- The SFMTA has retained a contractor to perform the work needed below street level, which will likely require cutting into BART's station box in order to run conduit to the shelters.
- BART requires the SFMTA, as the agency requesting the work, to execute a permit for potholing and trenching through a part of the Balboa Park BART Station, which permit includes an unlimited indemnity of BART for any damages arising from the work, including remediation of hazardous materials that may be discovered.
- The Board of Directors must approve such an unlimited indemnification of BART.

**ENCLOSURES:**

1. SFMTAB Resolution

**APPROVALS:**

**DATE:**

DIRECTOR \_\_\_\_\_

10/8/13

SECRETARY \_\_\_\_\_

10/8/13

**ASSIGNED SFMTAB CALENDAR DATE:** October 15, 2013

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### **PURPOSE**

This calendar item approves an unlimited indemnity of BART for any damages that might occur from pothole and trenching work by the SFMTA's contractor above and through the Balboa Park BART station in order to bring power to two transit shelters located on Geneva Avenue.

### **GOAL**

This item will meet the following goals and objectives of the SFMTA Strategic Plan:

Goal 2: Make transit, walking, bicycling, taxi, ride-sharing and carsharing the preferred means of travel

Objective 2.1: Improve customer service and communications

### **DESCRIPTION**

The SFMTA has been working with BART to bring power to two transit shelters located at Geneva Avenue above the Balboa Park BART station in order to provide lighting, a NextMuni sign and other service amenities to customers of the SFMTA. The six transit lines that stop at these two transit shelters in front of the Balboa Park BART station are a critical part of the transit system and serve over five thousand customers every day. This work is more complicated than the usual trenching work to bring power to transit shelters due to the presence of the station box of the Balboa Park BART Station below the sidewalk of Geneva Avenue.

The SFMTA has retained a contractor to perform the work needed below Geneva Avenue, which will likely require cutting into BART's station box in order to run conduit to the shelters from below. Before it will approve this project, BART is requiring the SFMTA, as the agency requesting the work, to execute a permit for potholing and trenching above and through a part of the Balboa Park BART Station.

The permit includes an unlimited indemnification of BART for any damages arising from the work, including remediation of hazardous materials that may be discovered during the work. The Board of Directors must approve such an unlimited indemnification of BART. The SFMTA's contractor will be responsible for any such damages through its contract with the City, but BART requires that the SFMTA be ultimately responsible.

### **ALTERNATIVES CONSIDERED**

Without a permit from BART, the SFMTA may not be able to bring power to the two shelters on Geneva Avenue next to the Balboa Park BART Station.

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**FUNDING IMPACT**

All costs for the work will be paid by Prop. K and other local funds.

**OTHER APPROVALS RECEIVED OR STILL REQUIRED**

The City Attorney's Office has reviewed this calendar item.

No other approvals are required.

**RECOMMENDATION**

That the SFMTA Board of Directors approves an unlimited indemnity of BART for any damages that might occur from pothole and trenching work by the SFMTA's contractor above and through the Balboa Park BART station in order to bring power to two transit shelters located on Geneva Avenue.

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. \_\_\_\_\_

WHEREAS, The SFMTA wishes to bring power to two transit shelters located at Geneva Avenue above the Bay Area Rapid Transit District's (BART) Balboa Park Station in order to provide lighting, a NextMuni sign and other service amenities to customers of the SFMTA; and,

WHEREAS, The six transit lines that stop at these two transit shelters in front of the Balboa Park BART station are a critical part of the transit system and serve over five thousand customers every day; and

WHEREAS, The SFMTA has retained a contractor to perform the work needed below street level, which will likely require cutting into BART's station box in order to run conduit to the shelters; and

WHEREAS, BART requires the SFMTA, as the agency requesting the work, to execute a permit for potholing and trenching above and through a part of the Balboa Park BART Station, which permit includes an unlimited indemnity of BART for any damages arising from the work, including remediation of hazardous materials that may be discovered; and

WHEREAS, The Board of Director must approve such an unlimited indemnification of BART; now, therefore, be it

RESOLVED, That the Municipal Transportation Agency Board of Directors approves an unlimited indemnity of BART for any damages that might occur from pothole and trenching work by the SFMTA's contractor above and through the Balboa Park BART station in order to bring power to two transit shelters located on Geneva Avenue.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of October 15, 2013.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency