

1 [Authorizing the Filing of an Application for Section 190 Grade Separation Grant Funds -
2 \$5,000,000]

3 **Resolution authorizing the Department of Public Works to file an application seeking**
4 **state Section 190 Grade Separation funds, in the amount of \$5,000,000, from the**
5 **California Department of Transportation for the reconstruction of the Jerrold Avenue**
6 **railroad bridge grade separation and to enter into a Memorandum of Understanding to**
7 **pass through the funds to the Peninsula Corridor Joint Powers Board.**

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9 WHEREAS, On July 12, 2007, the California Public Utilities Commission (“CPUC”) filed
10 an Order Instituting Investigation (“OII”) for the purpose of establishing the Grade Separation
11 Priority List for Fiscal Years 2008-2009 and 2009-2010; and

12 WHEREAS, The OII requested nominations from interested parties for grade
13 separation projects involving existing or proposed crossings at-grade of city streets, county
14 roads or state highways in need of separation, or projects affecting the elimination of grade
15 crossings by removal or relocation of streets or railroad tracks, or existing separations in need
16 of alterations or reconstruction in accordance with Section 2452 of the Streets and Highways
17 Code; and

18 WHEREAS, Section 2454(d) of the Streets and Highways Code states that an agency
19 that sponsors a nomination for Section 190 Grade Separation Program (“Section 190”) funds
20 in excess of \$5,000,000 for a single project and that subsequently receives an allocation in an
21 amount in excess of \$5,000,000 for a single project will not be eligible for another allocation in
22 excess of \$5,000,000 for a single project for a period of ten years; and

23 WHEREAS, The Department of Public Works of the City and County of San Francisco
24 sponsored a nomination submitted to the CPUC for the reconstruction of the Jerrold Avenue
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1 and Quint Street Grade Separation on behalf of the Peninsula Corridor Joint Powers Board
2 (“JPB”);; and

3 WHEREAS, On June 5, 2009, the CPUC issued a final decision establishing the Grade
4 Separation Priority List for FY 2009-2010 that included a ranking of 77 for the Jerrold Avenue
5 and Quint Street Grade Separation; and

6 WHEREAS, At the request of the San Francisco County Transportation Authority, the
7 scope of the reconstruction of the Jerrold Avenue and Quint Street Grade Separation project
8 was subsequently modified to close Quint Street to vehicular traffic and replace the Quint
9 Street bridge with a raised embankment in order not to preclude the potential to provide a
10 future Oakdale Caltrain station at the Quint Street location; and

11 WHEREAS, The proposed closure of Quint Street would remove the eligibility of the
12 Quint Street portion of the project for Section 190 funding, leaving the replacement of the
13 Jerrold Avenue bridge grade separation (“Project”) as the remaining eligible component of
14 work under the Section 190 program; and

15 WHEREAS, Subsequent to the CPUC’s issuance of the Grade Separation Priority List,
16 the California Department of Transportation (“Caltrans”) accepts applications for the allocation
17 of State Section 190 Grade Separation funds for projects included in the Grade Separation
18 Priority List; and

19 WHEREAS, Requests for the allocation of Section 190 funds require an agreement
20 between the railroad and the project applicant and a certified resolution from the applicant’s
21 governing body attesting to specified conditions that are further described below; and

22 WHEREAS, The JPB has requested that the Department of Public Works of the City
23 and County of San Francisco file the allocation request for Section 190 funds with Caltrans
24 and pass through funding to the JPB for the reimbursement of Project expenses; and

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1 WHEREAS, The Department of Public Works of the City and County of San Francisco
2 and the JPB have negotiated a Memorandum of Understanding ("MOU") to meet the
3 requirements of the Section 190 program and to further define roles and responsibilities for
4 implementation of the said Project, and under which JPB obligates itself to complete the
5 Project and supply the necessary local funds, provided the Section 190 funding is obtained by
6 the City and County. A copy of the MOU is on file with the Clerk of the Board of Supervisors
7 in File No. _____, which is hereby declared to be part of this Resolution as if set forth
8 fully herein; and

9 WHEREAS, There is no pending or threatened litigation that might adversely affect the
10 implementation of the Project, or that might impair the ability of the JPB to implement it; and

11 WHEREAS, The Department of Public Works of the City and County of San Francisco
12 is not legally impeded from filing an allocation request for Section 190 funds, nor is the JPB
13 legally impeded from undertaking the Project; and

14 WHEREAS, the JPB has determined that the Project is in compliance with the
15 requirements of the California Environmental Quality Act (CEQA, Public Resources Code
16 Section 21080) and the Federal Transit Administration has determined the Project is eligible
17 for a categorical exclusion under its regulations implementing the National Environmental
18 Policy Act (23 Code of Federal Regulations 771.117(d)(3)); and

19 WHEREAS, the JPB is ready to commence implementation of the Project during the
20 fiscal year of the requested allocation; and

21 WHEREAS, the JPB agrees to maintain the Project for the continued operation of
22 Caltrain; now, therefore, be it

23 RESOLVED, That the Board of Supervisors hereby:

24 1. Authorizes the Director of Public Works, or his designee, to file an application
25 with the California Department of Transportation in an amount up to \$5,000,000 in Section

1 190 funds for the Project and submit and execute all required grant documents including, but
2 not limited to, agreements, amendments and payment requests.

3 2. Authorizes the Director of Public Works, or his designee, to enter into a
4 Memorandum of Understanding with the JPB to pass through Section 190 grant funds in
5 substantially the form on file with the Clerk of the Board, and in such final form as approved by
6 the Director and the City Attorney.

7 3. Certifies that all matters prerequisite to the awarding of the construction contract
8 will be accomplished by the JPB within one year after allocation of the funds for the Project by
9 the California Transportation Commission.

10 4. Certifies that sufficient local funds will be made available by the JPB as the work
11 of the project progresses.

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15 Recommended:

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18 Director of Public Works

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