

1 [Amendment to Real Property Ownership Agreement.]

2

3 **Resolution approving an amendment to the Real Property Ownership Agreement**
4 **between the Peninsula Corridor Joint Powers Board, San Mateo County Transit District,**
5 **the City and County of San Francisco and the Santa Clara Valley Transportation**
6 **Authority to fully resolve all outstanding financial issues related to repayment of**
7 **SamTrans for its additional contribution for the acquisition of the Caltrain right-of-way,**
8 **and to designate SamTrans as the managing agency of the Joint Powers Board.**

9

10 WHEREAS, San Mateo County Transit District ("SamTrans"), the City and County of
11 San Francisco ("CCSF") and the Santa Clara Valley Transportation Authority ("VTA") are
12 member agencies of the Peninsula Corridor Joint Powers Board ("JPB"), which is governed by
13 an amended and restated joint exercise of powers agreement ("JPA") dated October 3, 1996,
14 to oversee the planning, administration, operation and expansion of the commuter rail system
15 commonly known as Caltrain; and

16 WHEREAS, SamTrans, CCSF, VTA and JPB also are parties to a Real Property
17 Ownership Agreement ("RPOA") dated December 24, 1991, which sets forth the
18 understandings of SamTrans, CCSF and VTA associated with financing the acquisition by the
19 JPB of the former Southern Pacific Transportation Company ("SP") right-of-way extending
20 from 4th and Townsend Streets in San Francisco 51.4 miles to Lick Junction (the "ROW"),
21 together with various other property rights, all as memorialized in a Purchase, Sale and
22 Option Agreement dated November 22, 1991; and,

23 WHEREAS, Pursuant to the RPOA, SamTrans agreed to facilitate acquisition of the
24 ROW by advancing certain of its funds, and arranging for the contribution of certain funds of

25

1 the San Mateo County Transportation Authority, which were necessary to complete the
2 purchase of the ROW (the "Additional Contribution"); and

3 WHEREAS, CCSF and VTA agreed to use their best efforts individually and collectively
4 to advocate for and obtain grants from non-local sources to reimburse SamTrans for the
5 Additional Contribution; and

6 WHEREAS, By an Amendment to the RPOA, the JPB, SamTrans, CCSF and VTA
7 desire to memorialize their understandings pertaining to the proposed reimbursement of the
8 SamTrans for the Additional Contribution; and

9 WHEREAS, The Metropolitan Transportation Commission ("MTC") has identified \$53.3
10 million in "spillover" state transit funds projected to flow to the San Francisco Bay Area region
11 over a period of several years as a viable repayment source for both VTA's and CCSF's
12 shares of the SamTrans Additional Contribution; with respect to CCSF's share, MTC will
13 allocate directly to SamTrans \$8.3 million in regional population-based "spillover" money, and
14 SFMTA will pay \$2 million in revenue-based "spillover" money to SamTrans; and

15 WHEREAS, In conjunction with the Amendment of the RPOA, the parties have agreed
16 that SamTrans will be designated as the managing agency of the JPB unless and until it no
17 longer chooses to do so; a formal amendment to the JPA incorporating this commitment will
18 be implemented at a future date; and

19 WHEREAS, On June 17, 2008, the San Francisco Municipal Transportation Agency
20 Board of Directors adopted Resolution No. 08-099, which authorized the Executive
21 Director/CEO to execute the Amendment to the RPOA, a copy of which is on file with the
22 Clerk of the Board of Supervisors in File No. _____, which is declared to be a part of this
23 resolution as if set forth fully herein; now, therefore, be it

24
25

1 RESOLVED, That the San Francisco Board of Supervisors authorizes the Executive
2 Director/CEO of the Municipal Transportation Agency to execute, on behalf of the City, the
3 Amendment to the Real Property Ownership Agreement between the Peninsula Corridor Joint
4 Powers Board, San Mateo County Transit District, the City and County of San Francisco and
5 the Santa Clara Valley Transportation Authority, to fully resolve all outstanding financial issues
6 related to repayment of SamTrans for its Additional Contribution for the acquisition of the
7 ROW, and to designate SamTrans as the managing agency of the JPB.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25