

1 [Maintenance Agreement - State of California, Department of Transportation, Caltrans -
2 Southern Skyline Boulevard Ridge Trail Extension Project]

3 **Resolution approving the terms and conditions and authorizing the execution of the**
4 **no-cost Project Specific Maintenance Agreement with the State of California,**
5 **Department of Transportation, for San Francisco Public Utilities Commission’s ongoing**
6 **maintenance of its proposed improvements at 18 locations within Caltrans’ right-of-**
7 **way along a six-mile section of State Route 35, south of State Route 92, in San Mateo**
8 **County, California, for the Southern Skyline Boulevard Ridge Trail Extension Project,**
9 **subject to Board of Supervisors’ approval under Charter, Section 9.118.**

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11 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has developed
12 and funded the Southern Skyline Boulevard Ridge Trail Extension Project (Project) under the
13 Water Enterprise 10-year Capital Improvement Program to improve and construct recreational
14 trails and associated facilities within the Peninsula Watershed in San Mateo County on City-
15 owned land under the SFPUC’s jurisdiction; and

16 WHEREAS, On May 10, 2022, the Board of Supervisors adopted Resolution No. 195-
17 22 authorizing the SFPUC to accept and expend a \$1,000,000 grant from the Metropolitan
18 Transportation Commission, with funds from the Federal Highway Administration for the
19 Project; and

20 WHEREAS, The Project includes a new six-mile long trail aligned roughly parallel to
21 Skyline Boulevard, a two-lane state highway under the California Department of
22 Transportation’s (Caltrans) jurisdiction, officially known as California State Route 35 (SR-35);
23 and

1 WHEREAS, Due to the potential impact of the Project on SR-35, SFPUC staff invited
2 Caltrans to review the 18 locations where Project improvements would fall within the SR-35
3 right-of-way through a Standard Caltrans Encroachment Permit Application; and

4 WHEREAS, Caltrans requires an encroachment permit to construct Project
5 improvements at eight of the 18 locations within Caltrans right-of-way, and, as a condition of
6 the encroachment permit, Caltrans requires that the SFPUC enter into a Project Specific
7 Maintenance Agreement (Agreement) with Caltrans to allocate responsibility to the SFPUC for
8 maintenance of the Project improvements at all 18 locations within Caltrans right-of-way; and

9 WHEREAS, A delay in adopting the Resolution will delay Caltrans from issuing an
10 encroachment permit for the construction of the Project; and

11 WHEREAS, There is no cost to the SFPUC for the Agreement, and the Agreement
12 would remain in effect until amended or terminated at any time upon mutual consent of the
13 parties to the Agreement or until terminated by Caltrans for cause if permitted under the
14 relevant deed, resulting in an indefinite duration that could exceed 10 years, which is one of
15 Caltrans' nonnegotiable conditions for the Agreement and approval of the encroachment
16 permit; and

17 WHEREAS, Under the Agreement, the SFPUC will be solely responsible, at its own
18 expense, for the maintenance of all 18 Project improvements within the SR-35 right-of-way,
19 including, but not limited to, structural adequacy, graffiti removal, sweeping, debris removal,
20 and signage required for the direction and operation of the improvements; and

21 WHEREAS, On April 29, 2021, the Planning Commission certified the Final
22 Environmental Impact Report for the Project by Motion No. 20900 (Planning Department Case
23 No. 2016-016100ENV); and

24 WHEREAS, The San Mateo County Planning Commission found the Project consistent
25 with the San Mateo General Plan on December 9, 2020; and

1 WHEREAS, On May 11, 2021, by Resolution No. 21-0077, the SFPUC approved the
2 Project and, as required by the California Environmental Quality Act (CEQA), adopted findings
3 including a statement of overriding considerations (CEQA findings) and a Mitigation
4 Monitoring and Reporting Program; and

5 WHEREAS, The work to be conducted under the Agreement is within the scope of the
6 Project as authorized under the Final Environmental Impact Report; and

7 WHEREAS, On June 13, 2023, by Resolution No. 23-0116, the SFPUC approved the
8 terms and conditions of the no cost Agreement with Caltrans for ongoing maintenance
9 supporting proposed improvements at 18 locations within Caltrans right-of-way along a six-
10 mile section of State Route 35, south of State Route 92, in San Mateo County, California;
11 now, therefore, be it

12 RESOLVED, That the Board of Supervisors has reviewed and considered the
13 information contained in the Final Environment Impact Report (including appendices), CEQA
14 Findings, Mitigation Monitoring and Reporting Program, and SFPUC Resolution No. 21-0077,
15 and all written and oral information provided by the Planning Department, the public, relevant
16 public agencies, SFPUC staff and other experts and the administrative files for the Project;
17 and, be it

18 FURTHER RESOLVED, That the Board of Supervisors further finds that since the Final
19 Environmental Impact Report was certified there have been no substantial Project changes
20 and no substantial changes in Project circumstances that would require major revisions to the
21 Final Environmental Impact Report due to the involvement of new significant environmental
22 effects or an increase in the severity of previously identified significant impacts, and there is
23 no new information of substantial importance that would change the conclusions set forth in
24 the Final Environmental Impact Report; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors hereby approves the terms and
2 conditions of the no cost-Project Specific Maintenance Agreement pursuant to Charter,
3 Section 9.118, and authorizes the SFPUC General Manager to execute the no cost
4 Agreement with the State of California, Department of Transportation, for ongoing
5 maintenance supporting proposed improvements by the San Francisco Public Utilities
6 Commission at 18 locations within Caltrans right-of-way along a six-mile section of State
7 Route 35, south of State Route 92, in San Mateo County, California, at no cost to the City and
8 with an indefinite duration that may exceed 10 years; and, be it

9 FURTHER RESOLVED, That within thirty (30) days of the execution of the Project
10 Specific Maintenance Agreement, the General Manager of the SFPUC shall provide the
11 signed Agreement to the Clerk of the Board for inclusion in the official file.
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City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230909

Date Passed: October 03, 2023

Resolution approving the terms and conditions and authorizing the execution of the no-cost Project Specific Maintenance Agreement with the State of California, Department of Transportation, for San Francisco Public Utilities Commission's ongoing maintenance of its proposed improvements at 18 locations within Caltrans' right-of-way along a six-mile section of State Route 35, south of State Route 92, in San Mateo County, California, for the Southern Skyline Boulevard Ridge Trail Extension Project, subject to Board of Supervisors' approval under Charter, Section 9.118.

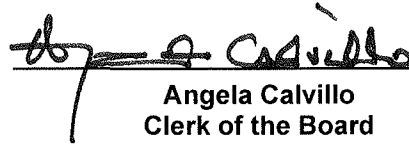
September 27, 2023 Budget and Finance Committee - RECOMMENDED


October 03, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230909

I hereby certify that the foregoing Resolution was ADOPTED on 10/3/2023 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


London N. Breed
Mayor

10/12/23
Date Approved