

BOARD of SUPERVISORS



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MEMORANDUM

TO: Victor Pereyra, Maintenance Agreement Coordinator, Caltrans
Carla Short, Interim Director, Public Works

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: October 21, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on October 18, 2022.

File No. 221082

Resolution approving the Third Amendment to the Agreement for Maintenance of State Highways in San Francisco between the City and the State of California Department of Transportation (Caltrans) to include City's maintenance and operation of additional traffic control devices on right-of-way within Caltrans jurisdiction, along State Route 280, on eastbound Alemany Boulevard at San Bruno Avenue; affirming the Planning Department's determination under the California Environmental Quality Act; and authorizing the Public Works Director to enter into modifications and amendments to the Third Amendment that do not materially increase the obligations or liabilities to the City or materially decrease the public benefits accruing to the City and are necessary to effectuate the purposes of the project or this Resolution.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Erica.Major@sfgov.org.

cc: David Steinberg, Public Works
Ian Schneider, Public Works
John Thomas, Public Works
Lena Liu, Public Works

1 [Agreement Amendment - Caltrans Maintenance Agreement - Incorporate Traffic Control
2 Devices]

3 **Resolution approving the Third Amendment to the Agreement for Maintenance of State**
4 **Highways in San Francisco between the City and the State of California Department of**
5 **Transportation (Caltrans) to include City’s maintenance and operation of additional**
6 **traffic control devices on right-of-way within Caltrans jurisdiction, along State Route**
7 **280, on eastbound Alemany Boulevard at San Bruno Avenue; affirming the Planning**
8 **Department’s determination under the California Environmental Quality Act; and**
9 **authorizing the Public Works Director to enter into modifications and amendments to**
10 **the Third Amendment that do not materially increase the obligations or liabilities to the**
11 **City or materially decrease the public benefits accruing to the City and are necessary**
12 **to effectuate the purposes of the project or this Resolution.**

13
14 WHEREAS, On July 25, 1990 the City and County of San Francisco (“City”) and the
15 State of California Department of Transportation (“Caltrans”) entered into an agreement
16 authorizing the City to perform maintenance works in the State Highways in San Francisco;
17 and

18 WHEREAS, On June 9, 2009, in Resolution No. 209-09, the Board of Supervisors
19 accepted and approved Public Works Order No. 178169, which recommended that the Board
20 of Supervisors approve a subsequent maintenance agreement to address various changes to
21 the State Highway routes in the City and to adjust reimbursement amounts to account for
22 inflation; and

23 WHEREAS, On July 2, 2009, the City and Caltrans entered into an agreement
24 (“Maintenance Agreement”) authorizing the City to perform specified maintenance functions
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1 on the State Highways within the City’s jurisdiction and setting forth State’s obligation to
2 reimburse City for such work; and

3 WHEREAS, Copies of Resolution No. 209-09 and Public Works Order No. 178169 are
4 on file with the Clerk of the Board of Supervisors in File No. 090630; and

5 WHEREAS, On October 27, 2011, the City and Caltrans executed the first amendment
6 to the Maintenance Agreement (“First Amendment”) to specify the maintenance
7 responsibilities for median landscaping on State Route 1, and in all other respects, the
8 Maintenance Agreement remained in full force and effect; and

9 WHEREAS, Copies of the Maintenance Agreement and the First Amendment are on
10 file with the Clerk of the Board of Supervisors in File No. 090630; and

11 WHEREAS, On September 18, 2018, in Resolution No. 311-18, the Board of
12 Supervisors accepted and approved Public Works Order No. 186981, which recommended
13 that the Board of Supervisors approve a subsequent maintenance agreement to include the
14 City’s maintenance of additional facilities including electrical equipment, speed bumps,
15 pedestrian rail, signage, and red concrete on right-of-way within Caltrans jurisdiction; to reflect
16 Caltrans’ authorization of City’s construction and use of water, sewer, and auxiliary water
17 supply system trench facilities compliant with City standards on certain Caltrans right-of-way;
18 and

19 WHEREAS, On October 19, 2018, the City and Caltrans executed the second
20 amendment to the Maintenance Agreement (“Second Amendment”) to implement Resolution
21 No. 311-18; and

22 WHEREAS, Copies of Resolution No. 311-18, Public Works Order No. 186981, and the
23 Second Amendment are on file with the Clerk of the Board of Supervisors in File No. 180812;
24 and

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1 WHEREAS, As set forth in Public Works Order No. 207167, on file with the Clerk of the
2 Board of Supervisors in File No. 221082, the Director of Public Works has recommended that
3 the Public Works Commission and the Board of Supervisors approve the third amendment to
4 the Maintenance Agreement (“Third Amendment”) to authorize and memorialize the
5 expansion of the City’s maintenance responsibilities of electronically operated traffic control
6 devices to include vehicle signals installed along State Route 280, at approximately Postmile
7 2.05 area and on eastbound Alemany Boulevard at San Bruno Avenue; and

8 WHEREAS, A copy of said Third Amendment is on file with the Clerk of the Board of
9 Supervisors in File No. 221082; and

10 WHEREAS, The Planning Department has determined that the actions contemplated in
11 this Resolution comply with the California Environmental Quality Act (California Public
12 Resources Code Sections 21000 et seq.); said determination is on file with the Clerk of the
13 Board of Supervisors in File No. ____ and is incorporated herein by reference; the Board
14 affirms this determination; now, therefore, be it

15 RESOLVED, That the Board of Supervisors accepts and approves the Public Works
16 Director’s recommendations in Public Works Order No. 207167 and the Third Amendment;
17 and, be it

18 FURTHER RESOLVED, That the Board of Supervisors hereby approves, confirms, and
19 ratifies all actions heretofore taken by the officers of the City with respect to such Third
20 Amendment, and authorizes and directs the Public Works Director to execute an agreement in
21 substantial conformance with the Third Amendment and to approve any additions,
22 amendments, or other modifications to the Third Amendment that the Public Works Director,
23 in consultation with the City Attorney, determines are in the best interest of the City, do not
24 materially increase the obligations or liabilities of the City or materially decrease the public
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1 benefits accruing to the City, and are necessary or advisable to effectuate the purpose and
2 intent of this Resolution; and, be it

3 FURTHER RESOLVED, That within 30 days of the full execution of the Third
4 Amendment by all parties, the Public Works Director shall provide the fully executed Third
5 Amendment to the Clerk of the Board for inclusion in the official file; and, be it

6 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
7 to send four certified copies of this Resolution to Caltrans at an address to be provided by the
8 Public Works Director.

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