

1 [Agreement - Peninsula Corridor Joint Powers Board - Administration of Capital Funding -
2 Peninsula Corridor Electrification Project - Up to \$39,000,000]

3 **Resolution approving an agreement between the City and County of San Francisco and**
4 **the Peninsula Corridor Joint Powers Board regarding administration of capital funding**
5 **for the design and construction of the Communications-Based Overlay Signal System**
6 **Positive Train Control Project and the Peninsula Corridor Electrification Project, for an**
7 **amount of up to \$39,000,000 for a term to commence following Board approval through**
8 **December 31, 2020, or three and a half years after the sale of the last issuance of a**
9 **Transportation and Road Improvement General Obligation Bond, whichever is later.**

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11 WHEREAS, In 1988, the Santa Clara County Transit District (now known as the Santa
12 Clara Valley Transportation Authority), the San Mateo County Transit District, and the City
13 (collectively, Member Agencies) entered into a Joint Powers Agreement (JPA) creating the
14 Peninsula Corridor Joint Powers Board (JPB) for the purpose of conducting planning studies
15 related to Peninsula commute service (PCS); and

16 WHEREAS, In 1991, the Member Agencies expanded the powers of the JPB to enable
17 it to plan, oversee and operate the PCS following transfer of the system assets from the State
18 of California to local control, and allocate among the parties the administrative, capital and
19 operating expenses attendant to ownership of the Peninsula Corridor right-of-way and
20 operation; and

21 WHEREAS, The JPB is proceeding with the design and installation of the
22 Communications-Based Overlay Signal System Positive Train Control Project (CBOSS-PTC),
23 which will track train locations and prevent unsafe train movements through the use of
24 equipment on board the locomotives and in the field; and

1 WHEREAS, The JPB is also designing and plans to install the Peninsula Corridor
2 Electrification Project (PCEP), which would electrify the Caltrain Corridor from the 4th and
3 King Station in San Francisco to approximately the Tamien Station in San Jose, convert
4 diesel-hauled to electric multiple unit trains, and thereby increase service by up to six Caltrain
5 trains per peak hour per direction; and

6 WHEREAS, The JPA provides that the three Member Agencies of the JPB share
7 equally the costs of capital projects when those costs are not covered by outside sources; and

8 WHEREAS, In furtherance of the Initial Investment Strategy set forth in a Memorandum
9 of Understanding among the Member Agencies, dated January 25, 2013, the City agreed to
10 work with the other Member Agencies to identify the appropriate amounts and types of local
11 resources that may be used to support the completion of the CBOSS-PTC and PCEP
12 projects; and

13 WHEREAS, In November 2014, the voters approved a \$500,000,000 Transportation
14 and Road Improvement General Obligation Bond (2014 GO Bond); and

15 WHEREAS, The City has designated \$39,000,000 for CBOSS-PTC and PCEP using
16 the 2014 GO Bond sale proceeds; and

17 WHEREAS, In May 2015, the SFMTA Board of Directors adopted Resolution No. 15-
18 070, which recommended, among other things, that the Board of Supervisors appropriate
19 \$7,760,000 from GO Bond sale proceeds to the SFMTA to be used to satisfy a portion the
20 City's contribution to Caltrain for upgrades for the CBOSS-PTC Project; and

21 WHEREAS, On June 18, 2015, the City approved Ordinance No. 93-15, which
22 appropriated \$7,760,000 from the first issuance and sale of the 2014 GO Bond to satisfy a
23 portion of the City's contribution to the JPB for the CBOSS-PTC project; and
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1 WHEREAS, While this initial disbursement of \$7,760,000 will be used by the JPB for
2 CBOSS-PTC, other disbursements of GO Bond proceeds for PCEP are planned for the future
3 as additional GO Bonds are issued and sold; and

4 WHEREAS, The SFMTA will be the fiscal agent for disbursement of the GO Bond
5 proceeds; and

6 WHEREAS, On June 29, 2009, the JPB found that the CBOSS-PTC project was
7 exempt from CEQA under Public Resources Code, Section 21080(b)(10) and CEQA
8 Guidelines, Section 15301(f); and

9 WHEREAS, On January 8, 2015, the JPB Board of Directors adopted Resolution No.
10 2015-03, certifying the PCEP Final Environmental Impact Report (FEIR) for the Peninsula
11 Corridor Electrification Project in conformance with CEQA law and Guidelines; and

12 WHEREAS, On January 8, 2015, the JPB Board of Directors, as part of Resolution No.
13 2015-04 approving the PCEP, approved and adopted CEQA Findings of Fact, including a
14 Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan
15 (MMRP); and

16 WHEREAS, On May 5, 2015, under Resolution No. 15-070, the SFMTA Board of
17 Directors concurred in the JPB Board's finding that the CBOSS-PTC project was exempt from
18 environmental review under CEQA and there have been no substantial changes to the project
19 since that time; and

20 WHEREAS, Based on its review and consideration of the information contained in the
21 Final EIR, the SFMTA Board, in Resolution No. 15-____ found that the proposed actions are
22 within the scope of the PCEP Final EIR and that no additional environmental review is
23 required under Public Resources Code section 21166; and

1 WHEREAS, The SFMTA Board, as a responsible agency under CEQA, has reviewed
2 and considered the PCEP FEIR, including the CEQA Findings of Fact, the Statement of
3 Overriding Considerations and MMRP; and

4 WHEREAS, The CEQA-related documents are on file with the Clerk of the Board of
5 Supervisors in File No. _____, and may also be found in the files of the Peninsula Corridor
6 Joint Powers Board, as the custodian of records, at 1250 San Carlos Ave. in San Carlos, CA;
7 the documents are incorporated herein by reference; and

8 WHEREAS, The proposed Agreement, a copy of which is on file with the Clerk of the
9 Board of Supervisors in File No. _____, sets forth the terms and conditions for disbursement
10 of the already issued GO Bond proceeds for CBOSS-PTC and future disbursements of PCEP
11 up to a total of \$39,000,000, pending approval by the Board of Supervisors and appropriation
12 of future issuances of GO Bonds; and

13 WHEREAS, On December 1, 2015, the SFMTA Board of Directors adopted Resolution
14 No. 15-170, which authorized the Director of Transportation to execute the proposed
15 Agreement, pending City Board of Supervisors approval and appropriation of future issuances
16 of GO Bonds; now, therefore, be it

17 RESOLVED, The Board of Supervisors, representing the City as a responsible agency
18 under CEQA, has reviewed and considered the PCEP FEIR and record as a whole, and
19 concurs in the SFMTA Board of Director’s finding that the FEIR is adequate for the actions
20 taken herein, specifically approval of the subject Agreement, and incorporates the CEQA
21 findings contained in JPB Resolution No. 2015-04, including the Statement of Overriding
22 Considerations and MMRP, including the commitment to participate with the JPB to
23 implement Mitigation Measure TRA-3b (surface pedestrian facility improvements to address
24 the Proposed Project’s additional pedestrian movements at and immediately adjacent to the
25 San Francisco 4th and King Station, with implementation costs shared on a fair-share basis

1 as determined mutually by the JPB and the City), and agrees to Mitigation Measure TRA-3b;
2 and, be it

3 FURTHER RESOLVED, That the Board of Supervisors approves the Agreement
4 between the City and County of San Francisco and the Peninsula Corridor Joint Powers
5 Board Regarding Administration of Capital Funding for the Design and Construction of the
6 Communications-Based Overlay Signal System Positive Train Control Project and the
7 Peninsula Corridor Electrification Project; and, be it

8 FURTHER RESOLVED, That within thirty (30) days of the Agreement being fully
9 executed by all parties, the Director of Transportation shall provide the final Agreement to the
10 Clerk of the Board for inclusion into the official file.

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