

MUNICIPAL TRANSPORTATION AGENCY BOARD
CITY AND COUNTY OF SAN FRANCISCO

RESOLUTION No. 01-018

WHEREAS, The proposed Metro East Light Rail Vehicle Maintenance and Operating Facility (Metro East) is an integral part of the Third Street Light Rail Transit Project and is vital for relieving overcrowded conditions at Muni's existing light rail facility; and

WHEREAS, Muni has identified a 17± acre site under the jurisdiction of the Port of San Francisco as the best location for the Metro East facility, and has commenced final design engineering and site preparation, with Port permission; and

WHEREAS, Muni and Port staff have drafted a Memorandum of Understanding (MOU) under which Muni may use the Metro East site in perpetuity for rail vehicle maintenance and operations and other operational needs; and

WHEREAS, The MOU calls for the Municipal Railway to pay the Port of San Francisco \$25.7 million for the use of the Metro East site, a cost figure based upon a mutually agreed upon appraisal; and

WHEREAS, The MOU calls for Muni to pay the Port an additional \$4 million, to construct the Illinois Street Bridge over Islais Creek, which funds will be replaced in Muni's capital program with an equivalent amount of funding in the State Transportation Improvement Program; and

WHEREAS, The MOU allows the Port up to seven (7) years to burden the Metro East site with the public trust and Burton Act Trust, under certain agreed upon conditions; and

WHEREAS, The MOU obligates Muni to accept the site "as-is" with regard to hazardous materials discovered there as the result of Muni construction activities, but obligates the Port to settle hazardous materials claims arising prior to Muni's use of the site; and

WHEREAS, The MOU gives Muni the right of first offer to purchase additional adjacent Port acreage in the future; and

WHEREAS, For purposes of compliance with the California Environmental Quality Act, on January 19, 1999 the Public Transportation Commission, precursor to the Municipal Transportation Agency Board, in Resolution No. 99-009, adopted findings and conclusions with respect to the Third Street Light Rail Project Final EIR/EIS, certified by the San Francisco Planning Commission on December 3, 1998 in Motion No. 14742 as accurate, adequate and in compliance with CEQA; and

WHEREAS, the Planning Department has prepared a Memorandum to Planning Department File No. 96.281E, dated February 21, 2001, that analyzes the potential impacts arising from several changes proposed for the project, pursuant to CEQA Guidelines Section 15164, a copy of which is on file with the MTAB Secretary; and

WHEREAS, This Resolution and the attached Memorandum of Understanding and Memorandum to Planning Department File have been reviewed by the City Attorney's Office; now, therefore, be it

RESOLVED, That based upon this Agency's review and consideration of the Final EIR/EIS, and the Addendum to the Final EIR/EIS dated February 21, 2001, the Commission finds that (1) modifications incorporated into the project will not require important revisions to the Final EIR/EIS due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the project will be undertaken which would require major revisions to the Final EIR/EIS due to the involvement of new environmental effects, or a substantial increase in the severity of effects identified in the Final EIR/EIS; and (3) no new information of substantial importance to the project has become available which would indicate (a) the project has significant effects not discussed in the Final EIR/EIS, (b) significant environmental effects will be substantially more severe; (c) mitigation measures or alternatives found not feasible which would reduce one or more significant effects have become feasible; or (d) mitigation measures or alternatives which are considerably different from those in the Final EIR/EIS would substantially reduce one or more significant effects on the environment; and be it

FURTHER RESOLVED, That the Municipal Transportation Agency Board authorizes the Director of Transportation to sign the Memorandum of Understanding between the Port of San Francisco and the Municipal Railway for the use of the Metro East site, in substantially the form attached hereto.

I hereby certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board at its meeting of MAR 06 2001

R. Boomer

Secretary, Municipal Transportation Agency Board