

1 [Freeway Maintenance Agreement for Central Freeway Replacement Project]

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3 **Resolution authorizing the City and County of San Francisco's Director of Public Works**
4 **to execute a Freeway Maintenance Agreement with the State of California, acting by**
5 **and through its Department of Transportation apportioning maintenance**
6 **responsibilities for the Central Freeway Replacement Project.**

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8 WHEREAS, In November 1998, the voters of the City and County of San Francisco
9 (the "City") approved Proposition E authorizing replacement of the former Central Freeway,
10 which was damaged by the 1989 Loma Prieta Earthquake, with a ground-level boulevard
11 along Octavia Street from Market to Fell Streets (the "Octavia Boulevard Project"); and,

12 WHEREAS, The California Legislature adopted Streets and Highways Code
13 Section 72.1, finding and declaring, among other things, that (i) the Central Freeway
14 Replacement Project was selected by the State of California and City as an alternative
15 transportation system to the former Central Freeway, and (ii) the Central Freeway
16 Replacement Project includes both (a) the "Freeway Project" itself, which the State of
17 California, acting by and through its Department of Transportation (the "State"), will construct
18 under one contract, consisting of demolition of the existing former Central Freeway,
19 construction of a new freeway between Mission Street and Market Street, and the
20 construction of new ramps to and from that new freeway; and (b) the Octavia Boulevard
21 Project, which City will construct; and,

22 WHEREAS, Pursuant to Section 72.1 and Board of Supervisors Resolution No. 469-00,
23 the State transferred to City certain real property consisting of the area formerly occupied by
24 the Central Freeway between Market Street and Turk Street for use in connection with the
25 Octavia Boulevard Project; and,

1 WHEREAS, On November 29, 2000, City and State executed the State Cooperative
2 Agreement No. 4-1828-C (the "Cooperative Agreement"), wherein both parties set forth the
3 respective obligations of the parties with respect to the development, construction, and
4 maintenance of the Central Freeway Replacement Project; and,

5 WHEREAS, State and City staff have negotiated a Freeway Maintenance Agreement
6 (the "FMA"), a copy of which is on file with the Clerk of the Board of Supervisors in File
7 No. _____, establishing maintenance responsibility for the above-mentioned Central
8 Freeway Replacement Project, and which clarifies the division of maintenance responsibility,
9 upon completion of construction, as to the structures and the City streets or portions thereof,
10 and landscaped areas within and outside the freeway limits; and,

11 WHEREAS, The FMA, except as specifically provided for herein, does not effect the
12 terms of prior written agreements, which includes, but is not limited to, the Agreement for
13 Maintenance of State Highways in the City of San Francisco of July 25, 1990, between the
14 parties hereto; now, therefore, be it

15 RESOLVED, That the Board of Supervisors authorize the Director of Public Works to
16 execute the FMA with the State, which sets forth the distribution of the maintenance
17 responsibilities between the parties as to the structures, the City streets, and landscaped
18 areas within and outside the freeway limits for the Central Freeway Replacement Project.

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20 RECOMMENDED:

APPROVED:

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Robert P. Beck
Deputy Director for Engineering

Edwin M. Lee
Director of Public Works