

1 [Cooperative Agreement - State of California (Caltrans) - Van Ness Transit Improvement  
2 Project]

3 **Resolution approving a Cooperative Agreement with the State of California (Caltrans)**  
4 **regarding construction support and funding of the Van Ness Transit Improvement**  
5 **Project; and making findings under the California Environmental Quality Act.**

6  
7 WHEREAS, The goals of the Van Ness Transit Improvement Project (Project) are  
8 robust and stable ridership, efficient, effective and equitable transit service, neighborhood  
9 livability and community vitality, and links to a citywide rapid transit network; and

10 WHEREAS, On May 15, 2012, the San Francisco Municipal Transportation Agency  
11 (SFMTA) Board of Directors adopted Resolution No. 12-070, which identified and endorsed  
12 the Locally Approved Alternative (LPA) for the Van Ness Transit Improvement Project  
13 (Project), "The Center-running BRT with Right Side Boarding Platforms Single Median and  
14 Limited Left Turns," for further analysis in the Final Environmental Impact  
15 Statement/Environmental Impact Report (EIS/EIR); and

16 WHEREAS, On September 10, 2013, the San Francisco County Transportation  
17 Authority (Authority) Board certified the Final EIS/EIR, including an amendment to include the  
18 Vallejo Northbound Station Variant as adequate, accurate and objective and reflecting the  
19 independent judgment of the SFCTA; and

20 WHEREAS, On September 17, 2013, the SFMTA Board of Directors adopted  
21 Resolution No. 13-214, approving the Project, analyzed as the Locally Preferred Alternative in  
22 the Final EIS/EIR for the Project, including an amendment to include the Vallejo Northbound  
23 Station Variant in the approval of the LPA, and adopted the CEQA Findings and Statement of  
24 Overriding Considerations for the Final EIS/EIR; and

1           WHEREAS, The Project files, including the Final EIS/EIR and SFMTA Resolution No.  
2 13-214, have been made available for review by this Board and the public, and those files are  
3 with the Clerk of the Board of Supervisors in File No. 151232; and

4           WHEREAS, Since the adoption of the CEQA Findings and the approval of the Project,  
5 the SFCTA has prepared a memo to file dated July 15, 2014, titled “Van Ness Avenue Bus  
6 Rapid Transit Project – Environmental Compliance for the Proposed Parking Removal from  
7 Conceptual Engineering Report” (Memo to File), which concludes that the removal of eleven  
8 parking spaces more than assumed in the Van Ness BRT Project Final EIS/EIR, as proposed  
9 by SFMTA in its Conceptual Engineering Report, will not result in a new significant  
10 environmental impact due to parking loss; and

11           WHEREAS, Based on its review and consideration of the information contained in the  
12 Final EIS/EIR, the SFMTA Board found, on July 7, 2015, under Resolution No. 15-108, and on  
13 November 18, 2014, under Resolution No. 14-164, that the proposed actions to remove  
14 parking spaces are within the scope of the Van Ness BRT Project Final EIS/EIR and that no  
15 additional environmental review is required under Public Resources Code, Section 21166;  
16 and

17           WHEREAS, The proposed Cooperative Agreement specifies the terms and conditions  
18 for Caltrans’ funding contribution of \$7,300,000 to the Project, which funds will be used for  
19 pavement repair and construction of curb ramps on Van Ness Ave., a portion of U.S. Highway  
20 101 under the jurisdiction of Caltrans; and

21           WHEREAS, Execution of the Cooperative Agreement is a prerequisite for Caltrans  
22 issuing an encroachment permit for the Project, and is also a condition of the Federal Transit  
23 Administration for funding the Project through its Small Starts grant program under Section  
24 5309(h) of Title 49 of the United States Code; and

1           WHEREAS, The Board of Supervisors finds that entering into a Cooperative  
2 Agreement with Caltrans for construction of the Project is within the scope of the Van Ness  
3 BRT Project Final EIS/EIR and that no additional environmental review is required under  
4 Public Resources Code, Section 2116; and

5           WHEREAS, On December 1, 2015, the SFMTA Board of Directors adopted Resolution  
6 No. 15-171, which authorized the Director of Transportation to execute a Cooperative  
7 Agreement with the State of California regarding construction support and funding of the  
8 Project, and urged this Board of Supervisors to similarly approve the Agreement; now,  
9 therefore, be it

10          RESOLVED, That the Board of Supervisors has reviewed and considered the FEIR  
11 and record as a whole, finds that the FEIR is adequate for its use as the decision-making  
12 body for the action taken herein to approve the Cooperative Agreement with the State of  
13 California, incorporates the CEQA findings contained in SFMTA Board Resolution No. 13-214  
14 and the subsequent findings in SFMTA Board Resolution Nos. 15-108 and 14-164 (with  
15 respect to deletion of parking spaces) by this reference as though set forth in this Resolution;  
16 and, be it

17          FURTHER RESOLVED, That this Board further finds that since the FEIR was finalized,  
18 there have been no substantial project changes and no substantial changes in project  
19 circumstances that would require major revisions to the FEIR due to the involvement of new  
20 significant environmental effects or an increase in the severity of previously identified  
21 significant impacts, and there is no new information of substantial importance that would  
22 change the conclusions set forth in the FEIR; and, be it

23          FURTHER RESOLVED, That the Board of Supervisors approves the Cooperative  
24 Agreement with the State of California regarding construction support and funding of the Van  
25 Ness Transit Improvement Project; and, be it

1           FURTHER RESOLVED, That the Board of Supervisors authorizes the SFMTA to  
2 approve any additions, amendments or other modifications to the Cooperative Agreement that  
3 the Director of Transportation, in consultation with the City Attorney, determines is in the best  
4 interest of the SFMTA, do not materially increase the obligations or liabilities of the SFMTA or  
5 City, or materially decrease the public benefits accruing to the SFMTA, and are necessary or  
6 advisable to complete the transactions contemplated and effectuate the purpose and intent of  
7 this Resolution, such determination to be conclusively evidenced by the execution and  
8 delivery by the Director of Transportation of any such documents.

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