

LEGISLATIVE DIGEST

[Waiver of Municipal Code Requirements for Public Utility Commission Agreements With Caltrans]

Ordinance exempting from requirements of the Administrative Code and the Environment Code two agreements between the San Francisco Public Utilities Commission and the California Department of Transportation for professional services for sewer improvement projects; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Numerous provisions in the Administrative Code, including without limitation Chapter 6, establish the policies, procedures, and required contract terms that apply to public works contracts. The Environment Code also includes a number of policy provisions, such as Chapter 16 regarding "food service waste," that require certain clauses for public contracts.

Amendments to Current Law

The proposed ordinance would exempt two cooperative agreements between the San Francisco Public Utilities Commission (SFPUC) and the California Department of Transportation (Caltrans) from the San Francisco Administrative Code and the San Francisco Environment Code, both parts of the overall Municipal Code that governs San Francisco.

Background Information

The SFPUC is planning to construct two projects to reduce the likelihood of future sewer and stormwater overflows from the combined sewer system: the Lower Alemany Area Stormwater Improvement Project and the Folsom Area Stormwater Improvement Project (the Projects). The SFPUC must complete these projects to comply with the San Francisco Bay Regional Water Quality Control Board's Stipulated Cleanup and Abatement Order. Both projects necessitate use of Caltrans land because the sewer system is adjacent to state freeways.

Caltrans requires that public agencies enter into a cooperative agreement that provides for Caltrans review and approval of the project design, as a condition precedent to the use of Caltrans' land. Caltrans does not allow any revisions to the terms of its cooperative agreement. Therefore, the SFPUC cannot modify the cooperative agreement to conform with the Administrative Code and the Environment Code. The end result is that the City of San Francisco will be unable to complete the projects, and will then eventually be in violation of the Stipulated Cleanup and Abatement Order, if it cannot exempt the cooperative agreement from these code requirements.