[Agreement Amendment - Caltrans Maintenance Agreement - Incorporate Traffic Control Devices]

Resolution approving the Third Amendment to the Agreement for Maintenance of State Highways in San Francisco between the City and the State of California Department of Transportation (Caltrans) to include City's maintenance and operation of additional traffic control devices on right-of-way within Caltrans jurisdiction, along State Route 280, on eastbound Alemany Boulevard at San Bruno Avenue; affirming the Planning Department's determination under the California Environmental Quality Act; and authorizing the Public Works Director to enter into modifications and amendments to the Third Amendment that do not materially increase the obligations or liabilities to the City or materially decrease the public benefits accruing to the City and are necessary to effectuate the purposes of the project or this Resolution.

WHEREAS, On July 25, 1990 the City and County of San Francisco ("City") and the State of California Department of Transportation ("Caltrans") entered into an agreement authorizing the City to perform maintenance works in the State Highways in San Francisco; and

WHEREAS, On June 9, 2009, in Resolution No. 209-09, the Board of Supervisors accepted and approved Public Works Order No. 178169, which recommended that the Board of Supervisors approve a subsequent maintenance agreement to address various changes to the State Highway routes in the City and to adjust reimbursement amounts to account for inflation; and

WHEREAS, On July 2, 2009, the City and Caltrans entered into an agreement ("Maintenance Agreement") authorizing the City to perform specified maintenance functions

on the State Highways within the City's jurisdiction and setting forth State's obligation to reimburse City for such work; and

WHEREAS, Copies of Resolution No. 209-09 and Public Works Order No. 178169 are on file with the Clerk of the Board of Supervisors in File No. 090630; and

WHEREAS, On October 27, 2011, the City and Caltrans executed the first amendment to the Maintenance Agreement ("First Amendment") to specify the maintenance responsibilities for median landscaping on State Route 1, and in all other respects, the Maintenance Agreement remained in full force and effect; and

WHEREAS, Copies of the Maintenance Agreement and the First Amendment are on file with the Clerk of the Board of Supervisors in File No. 090630; and

WHEREAS, On September 18, 2018, in Resolution No. 311-18, the Board of Supervisors accepted and approved Public Works Order No. 186981, which recommended that the Board of Supervisors approve a subsequent maintenance agreement to include the City's maintenance of additional facilities including electrical equipment, speed bumps, pedestrian rail, signage, and red concrete on right-of-way within Caltrans jurisdiction; to reflect Caltrans' authorization of City's construction and use of water, sewer, and auxiliary water supply system trench facilities compliant with City standards on certain Caltrans right-of-way; and

WHEREAS, On October 19, 2018, the City and Caltrans executed the second amendment to the Maintenance Agreement ("Second Amendment") to implement Resolution No. 311-18; and

WHEREAS, Copies of Resolution No. 311-18, Public Works Order No. 186981, and the Second Amendment are on file with the Clerk of the Board of Supervisors in File No. 180812; and

WHEREAS, As set forth in Public Works Order No. 207167, on file with the Clerk of the Board of Supervisors in File No. 221082, the Director of Public Works has recommended that the Public Works Commission and the Board of Supervisors approve the third amendment to the Maintenance Agreement ("Third Amendment") to authorize and memorialize the expansion of the City's maintenance responsibilities of electronically operated traffic control devices to include vehicle signals installed along State Route 280, at approximately Postmile 2.05 area and on eastbound Alemany Boulevard at San Bruno Avenue; and

WHEREAS, A copy of said Third Amendment is on file with the Clerk of the Board of Supervisors in File No. 221082; and

WHEREAS, The Planning Department has determined that the actions contemplated in this Resolution comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.); said determination is on file with the Clerk of the Board of Supervisors in File No. 221082 and is incorporated herein by reference; the Board affirms this determination; now, therefore, be it

RESOLVED, That the Board of Supervisors accepts and approves the Public Works Director's recommendations in Public Works Order No. 207167 and the Third Amendment; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby approves, confirms, and ratifies all actions heretofore taken by the officers of the City with respect to such Third Amendment, and authorizes and directs the Public Works Director to execute an agreement in substantial conformance with the Third Amendment and to approve any additions, amendments, or other modifications to the Third Amendment that the Public Works Director, in consultation with the City Attorney, determines are in the best interest of the City, do not materially increase the obligations or liabilities of the City or materially decrease the public

benefits accruing to the City, and are necessary or advisable to effectuate the purpose and intent of this Resolution; and, be it

FURTHER RESOLVED, That within 30 days of the full execution of the Third Amendment by all parties, the Public Works Director shall provide the fully executed Third Amendment to the Clerk of the Board for inclusion in the official file; and, be it

FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board to send four certified copies of this Resolution to Caltrans at an address to be provided by the Public Works Director.