

# **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 23-0065

WHEREAS, The San Francisco Public Utilities Commission (SFPUC) is planning for the construction of the Lower Alemany Area Stormwater Improvement Project and Folsom Area Stormwater Improvement Project. Both projects are proposing to install facilities within the State Highway System, which requires the approval of the California Department of Transportation (Caltrans) on the design of the facilities; and

WHEREAS, A Project Study Report – Project Report (PSR-PR) is a document used by the California Department of Transportation to grant approvals to projects within the State Highway System that are funded by other public agencies. Caltrans requires SFPUC to prepare and submit a PSR-PR for each project, which Caltrans staff must review for project approval; and

WHEREAS, Under state law, Caltrans must enter into a Cooperative Agreement with local agency for review of any PSR-PR documents, whenever Caltrans determines that the agency has the qualified and available staff to perform the necessary project services; and

WHEREAS, Cooperative Agreements between the SFPUC and Caltrans to allow the SFPUC to fund Caltrans staff for their review of PSR-PR are considered professional services contracts under the San Francisco Municipal Code; and

WHEREAS, Caltrans refuses to modify the Cooperative Agreements to include clauses that the San Francisco Municipal Code requires for such contracts, including the Administrative and Environment chapters; and

WHEREAS, The San Francisco Board of Supervisors must enact a Special Ordinance exempting the Cooperative Agreements from the Administrative Code and Environment Code before SFPUC may execute the Cooperative Agreements without the required clauses; and

WHEREAS, Caltrans approvals through the Cooperative Agreements are required for the completion of the proposed projects; and

WHEREAS, Adoption of this ordinance does not constitute a “project” under the California Environmental Quality Act Guidelines section 15378(a) because there would be no physical change in the environment; and

WHEREAS, Adoption of this ordinance is not an approval of the proposed Lower Alemany Project or Folsom Project; and the SFPUC retains discretion to, among other things, modify the proposed projects to mitigate significant environmental impacts, select feasible alternatives which avoid significant adverse impacts of the proposed projects, require the implementation of specific measures to mitigate any significant environmental impacts of the proposed projects, or reject the projects, following completion of environmental review; now, therefore, be it

RESOLVED, That this Commission hereby recommends that the Board of Supervisors adopt an ordinance, in substantially the form as the draft on file with the Commission Secretary and attached to this Resolution, authorizing the SFPUC to exempt the Cooperative Agreements with Caltrans for the Lower Alemany Area Stormwater Improvements Project and the Folsom Area Stormwater Improvements Project from the requirements of the San Francisco Administrative Code and Environment Code applicable to such Cooperative Agreements.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of March 28, 2023.*

  
Secretary, Public Utilities Commission