

# **PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 23-0100

WHEREAS, The Transbay Joint Powers Authority (TJPA) is delivering the Transbay Program, a visionary transportation and housing project that has transformed downtown San Francisco and the San Francisco Bay Area's regional transportation system by creating a world class transportation hub in the heart of a new neighborhood; and

WHEREAS, TJPA has completed Phase 1 of the Transbay Program, construction of the Salesforce Transit Center, and is actively engaged in delivery of Phase 2 of the Transbay Program, the Downtown Rail Extension (Project); and

WHEREAS, The design, construction, and operation of the Project will affect City and County of San Francisco (City) property, improvements, programs, and services, in some cases requiring relocation and restoration of SFPUC assets. Therefore, TJPA requires certain permissions and approvals from the City; and

WHEREAS, The City and TJPA desire to memorialize the cooperation between the parties in an Interagency Cooperation Agreement (Agreement) which provides for City's consultation and cooperation with TJPA to facilitate the planning, design, and construction of the Project including the relocation and restoration of City improvements; and

WHEREAS, The Agreement is structured to: (1) provide a consistent set of general terms to govern each department's role on the Project; (2) provide a mechanism for annual budgeting and agreement on scope through amendments to the Agreement to replace each department's Annual Scope and Budget (ASB); and (3) require TJPA to reimburse City for eligible costs; and

WHEREAS, Under the terms of the Agreement, each City department will enter into its own ASB each fiscal year that will detail (1) the anticipated tasks the department will undertake that fiscal year, (2) an associated budget, and (3) any other terms that are unique to that department or that will supersede the terms in the body of the Agreement; and

WHEREAS, On April 22, 2004, by Motion No. 16773, the Planning Commission certified the final Environmental Impact Statement/Environmental Impact Report for the Transbay Program (2004 EIS/EIR) (Planning Department Case No. 2000.048E) in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code; and

WHEREAS, On June 15, 2004, by Motion No. 04-67, the Board of Supervisors affirmed the Planning Commission's certification of the 2004 EIS/EIR; and on September 28, 2004, by Resolution No. 612-04, adopted findings that various actions related to the Transbay Program complied with CEQA; and in 2005 and 2006, by Ordinance Nos. 124-05 and 99-06, adopted additional CEQA findings related to the Transbay Program; and

WHEREAS, Subsequent to the adoption of the Final EIS/EIR, the Former Redevelopment Agency, the Successor Agency to the Redevelopment Agency, and the TJPA have approved ten addenda to the 2004 EIS/EIR, and made requisite findings under CEQA; and

WHEREAS, In 2018, the Federal Transit Administration and TJPA prepared a joint Supplemental EIS/EIR to evaluate certain proposed changes to the Transbay Program (2018 SEIS/EIR); and on December 13, 2018, the TJPA Board of Directors certified the 2018 SEIS/EIR, approved certain revisions to the Transbay Program, adopted the additional mitigation measures identified in the 2018 SEIS/EIR, and adopted CEQA findings (2018 Transbay Program CEQA findings); and

WHEREAS, On January 12, 2023, the TJPA approved certain revisions to the Downtown Rail Extension component of the Transbay Program (DTX Revisions); adopted an Addendum to the 2018 SEIS/EIR, which contains an analysis of the environmental effects that may result from the DTX Revisions, adopted a Revised Mitigation Monitoring and Reporting Program attached to the Interagency Cooperation Agreement as Appendix C; and determined that the DTX Revisions do not require major revisions to the 2018 SEIS/EIR due to new or substantially more severe environmental effects and do not require further environmental review; and

WHEREAS, The Agreement will require Board of Supervisors approval under Charter Section 9.118.; and

WHEREAS, The term of the Agreement will be ten years unless earlier terminated or the Parties agree to extend the term; extensions will be subject to approval by the Board of Supervisors; now, therefore, be it

RESOLVED, That pending approval by the Board of Supervisors, this Commission hereby consents to the Interagency Cooperation Agreement between the City and TJPA in substantially the same form on file with the Commission Secretary, with respect to the items under the SFPUC's jurisdiction, and authorizes the General Manager to approve and execute the SFPUC Consent to Interagency Cooperation Agreement on behalf of the SFPUC in conformance with this Resolution; and be it

FURTHER RESOLVED, That, subject to appropriation of any necessary funds, this Commission authorizes the SFPUC General Manager, to take any and all steps (including, but not limited to, the delegation of Staff to approve the SFPUC's ASB each fiscal year without materially increasing SFPUC's obligations under the Agreement or decreasing the benefit to the SFPUC, execution and delivery of any and all agreements, notices, consents, and other instruments or documents) as the General Manager or the General Manager's designee deems necessary or appropriate, in consultation with the City Attorney, to perform SFPUC obligations under the Agreement in accordance with this Resolution and legislation by the Board of Supervisors, or otherwise to effectuate the purpose and intent of this Resolution and such legislation. All proposed extensions to the term of the Agreement will be subject to Commission approval; and be it

FURTHER RESOLVED, That the SFPUC has reviewed and considered the 2004 EIS/EIR and subsequent addenda, the 2018 SEIS/EIR, the Addendum to the SEIS/EIR, all associated CEQA findings, and the record as a whole, and finds that approval of the Interagency Cooperation Agreement is within the scope of the project evaluated in these environmental review documents, that these environmental review documents are adequate for its use in approving the Interagency Cooperation Agreement; adopts the 2018 Transbay Program CEQA findings, and finds that no further environmental review is required; and adopts the Revised Mitigation Monitoring and Reporting Program; and be it

FURTHER RESOLVED, That, by consenting to the Agreement, the Commission does not intend to in any way limit, waive, or delegate the exclusive authority of the SFPUC as set forth in Article VIII B of the City's Charter.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of May 9, 2023.*

  
Secretary, Public Utilities Commission