

**PUBLIC WORKS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 2023-0056

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 the City consulted and cooperated with TJPA in aspects of the planning, design, construction, and financing of Phase 1, including through many intergovernmental agreements and memoranda of understanding between various City agencies and TJPA; and,

WHEREAS, TJPA is actively engaged in delivery of Phase 2 of the Transbay Program, the Downtown Rail Extension (the “Project”), which will connect Caltrain’s regional rail system and the California High-Speed Rail Authority’s statewide system to the Salesforce Transit Center in downtown San Francisco; and the rail alignment will be constructed principally below grade to provide a critical link for Peninsula commuters and travelers on the state’s future high-speed rail system; and,

WHEREAS, Under California Public Resources Code section 5027.1, TJPA has primary jurisdiction with respect to all matters concerning the financing, design, development, construction, and operation of the Transbay Program; and

WHEREAS, As in Phase 1, TJPA would benefit from the consultation, cooperation, expertise, and experience of the San Francisco Public Works in certain matters related to the planning, design, and construction of the Project; and

WHEREAS, The Project will bring direct and indirect benefits to City residents and the Public Trust by providing improved regional and statewide rail connections to downtown San Francisco though easier and more efficient transit options for commuters, tourists, and business travelers will support downtown San Francisco businesses and contribute to the economic revitalization of San Francisco at large and the neighborhoods surrounding the Project in particular; and

WHEREAS, The City and TJPA desire to memorialize the interagency cooperation between various City agencies, including the Department, and the TJPA in an Interagency Cooperation Agreement (“Agreement”), and the Agreement provides for City’s consultation and cooperation with TJPA to facilitate the planning, design, and construction of the Project; and

WHEREAS, The Project will be advanced over the course of several years, and TJPA and the City expect the scope of services and work provided pursuant to the Agreement to change and adjust over time; and

WHEREAS, TJPA and the City intend for the ICA to provide a flexible mechanism that will accommodate the evolving services and work that will be undertaken by the City for the Project as the Project advances; and

WHEREAS, The Agreement provides that the City and the TJPA would commit to act cooperatively and in good faith to expeditiously advance and implement the Project and fulfill their respective Project roles according to the Agreement; and

WHEREAS, Under the Agreement, San Francisco Public Works would serve as the “Lead City Representative” for Project implementation and, as Lead Representative, the Department would be responsible for consulting with staff from City agencies affected by the Project, act as the primary point of contact for seeking resolution and building consensus regarding issues or concerns under the ICA, manage ICA amendments that require approval of the Board of Supervisors, and monitor City agencies’ performance against Project timelines; and the Agreement would not authorize the Department to direct or make decisions on behalf of other affected City agencies; therefore, the Department would not have control over other City agencies’ Project delivery timelines; 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 San Francisco Redevelopment Agency, the Successor Agency to the San Francisco 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 certified the 2018 SEIS/EIR, approved certain revisions to the Transbay Program, adopted the additional mitigation measures identified therein, and adopted CEQA findings (2018 Transbay Program CEQA findings); and

WHEREAS, On January 12, 2023, the TJPA approved certain revisions to the DTX 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 ICA as Attachment 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; and

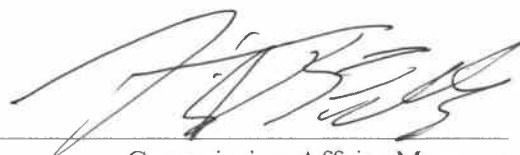
WHEREAS, On June 2, 2023, Department staff presented a report to the Public Works Commission, which discussed the proposed terms of the Agreement and recommended that the Commission approve this resolution recommending that the Board of Supervisors approve the Agreement; now, therefore, be it

RESOLVED, That the Commission 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 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 this Commission hereby recommends that the Board of Supervisors approve the Agreement between the City and TJPA in substantially the same form as on file with the Commission Secretary.

I hereby certify that the foregoing resolution was adopted by the Public Works Commission at its meeting of June 2, 2023.



Commission Affairs Manager
Public Works Commission