

1 [Portal Project Implementation Memorandum of Understanding - Transbay Joint Powers
2 Authority - Phase 2 of the Transbay Program]

3 **Resolution approving the Portal Project Implementation Memorandum of**
4 **Understanding between the Transbay Joint Powers Authority, the Metropolitan**
5 **Transportation Commission, the San Francisco County Transportation Authority, the**
6 **Peninsula Corridor Joint Powers Board, the California High-Speed Rail Authority, and**
7 **the City and County of San Francisco, collectively the “Partners,” regarding Phase 2 of**
8 **the TJPA’s Transbay Program, referred to as “The Portal,” over a term in excess of 10**
9 **years; and affirming the Planning Department’s determination under the California**
10 **Environmental Quality Act.**

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12 WHEREAS, Under Charter, Section 9.118, any contracts or agreements entered into
13 by a department, board or commission having a term in excess of 10 years shall be subject to
14 approval of the Board of Supervisors by resolution; and

15 WHEREAS, The TJPA is a joint exercise of powers authority created by the City and
16 County of San Francisco (City), the Alameda-Contra Costa Transit District, the Peninsula
17 Corridor Joint Powers Board (Caltrain), the California High Speed Rail Authority (CHSRA),
18 and Caltrans (ex officio) to deliver the Transbay Program; and

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

22 WHEREAS, TJPA completed Phase 1 of the Transbay Program, construction of the
23 Salesforce Transit Center; and

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

4 WHEREAS, TJPA is actively engaged in delivery of Phase 2 of the Transbay Program,
5 The Portal, previously referred to as the Downtown Extension or DTX (the Project); and

6 WHEREAS, The Project will connect the Caltrain’s regional rail system and the
7 CHSRA’s statewide system to the Salesforce Transit Center in downtown San Francisco; and

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

14 WHEREAS, The Project is a critical rail link in the Bay Area, Northern California mega-
15 region, and statewide transportation system and will be most efficiently and effectively
16 delivered through a multi-agency partnership among local, regional, and state stakeholder
17 agencies with expertise in developing, funding, and implementing major infrastructure
18 projects; and

19 WHEREAS, In 2020, the key stakeholders on the Project - TJPA, the Metropolitan
20 Transportation Commission (MTC), the San Francisco County Transportation Authority
21 (SFCTA), Caltrain, the CHSRA, and the City (collectively, the Partners) - executed a
22 Memorandum of Understanding (2020 MOU) to explore initial implementation of the Project;
23 and

24 WHEREAS, The 2020 MOU established the organizational structure and work program
25 to get the Portal to “ready for procurement” status; and

1 WHEREAS, Pursuant to the 2020 MOU, the TJPA and SFCTA prepared a Governance
2 Study, which was subsequently approved by the TJPA Board, that recommended drafting a
3 successor MOU to guide the multi-agency coordination, administrative organizational
4 structure, and processes that will support the Project; and

5 WHEREAS, The 2020 MOU expired in May 2024; and

6 WHEREAS, The Portal Project Implementation Memorandum of Understanding (Portal
7 Implementation MOU) is a successor to the 2020 MOU, and supports the multi-agency
8 coordination, administrative organizational structure, and processes that will support the
9 efforts of the TJPA in delivery of the Project; and

10 WHEREAS, Because the term of the MOU extends through the later of the following
11 milestones: substantial completion of the major contracts, and completion of a project
12 evaluation report, to be presented to the TJPA Board within 12 months after the start of
13 Revenue Service, the Partners anticipate the MOU will be in place for at least ten years; and

14 WHEREAS, The MOU does not commit the City to any particular approval, does not
15 commit City resources, does not provide for mutual indemnities or otherwise implicate City
16 finances; and

17 WHEREAS, On July 6, 2023, the City enacted Resolution No. 345-23, approving an
18 Interagency Cooperation Agreement between TJPA and the City relating to Phase 2 of the
19 Transbay Program to provide for the City’s consultation, services, and cooperation with TJPA
20 to facilitate the planning, design, and construction of the Project; and

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

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

8 WHEREAS, Subsequent to the certification of the Final EIS/EIR, the San Francisco
9 Redevelopment Agency, the Successor Agency to the San Francisco Redevelopment
10 Agency, and the TJPA have approved ten addenda to the 2004 EIS/EIR, and made requisite
11 findings under CEQA; and

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

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

24 WHEREAS, The San Francisco Municipal Transportation Agency Board of Directors,
25 by Resolution No. 241203-138, dated December 3, 2024 approved the Portal Project

1 Implementation MOU, and such resolution is on file with the Clerk of the Board of Supervisors
2 in File No. 241137; and

3 WHEREAS, In Resolution No. 241203-138 the San Francisco Municipal Transportation
4 Agency Board of Directors recommended that the Board of Supervisors approve the Portal
5 Implementation MOU; and

6 WHEREAS, Copies of the EIS/EIR, SEIS/EIR, and addenda are on file with the
7 Secretary to the SFMTA Board of Directors; may be found in the records of the Transbay Joint
8 Powers Authority at <https://tjpa.org/> or 425 Mission Street, Suite 250 in San Francisco; and
9 are on file with the Clerk of the Board of Supervisors in File No. 230602; and, now therefore
10 be it

11 RESOLVED, The Board of Supervisors has reviewed and considered the EIS/EIR,
12 SEIS/EIR, and addenda, all associated CEQA findings, and the record as a whole, and finds
13 that approval of the Portal Implementation MOU is within the scope of the project evaluated in
14 these environmental review documents, that these environmental review documents are
15 adequate for their use in approving the Portal Implementation MOU, and that no further
16 environmental review is required; adopts the 2018 Transbay Program CEQA findings; and
17 adopts the Revised Mitigation Monitoring and Reporting Program; and, be it

18 FURTHER RESOLVED, The City's approval of the Portal Implementation MOU is not a
19 City approval of any element of Phase 2 of the Transbay Program, and does not guarantee
20 City approvals necessary to effectuate the Project. All such approvals shall be made through
21 ordinary City processes, if at all, following completion of any required environmental review.
22 The City, acting in a regulatory capacity, reserves all rights to reject proposed permits and
23 other requested TJPA approvals relating to Phase 2; and, be it

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1 FURTHER RESOLVED, That the Board of Supervisors hereby approves the Portal
2 Implementation MOU, in substantially the form presented to the Board of Supervisors; and, be
3 it

4 FURTHER RESOLVED, That within 30 days of the agreement being fully-executed by
5 all Partners, the TJPA shall provide the final agreement to the Clerk of the Board of
6 Supervisors for inclusion in Board file No. 241137.

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