

1 [Freeway Agreement - California Department of Transportation - State Highway Route 101,
2 South Van Ness Avenue to Golden Gate Avenue]

3 **Resolution adopting a freeway agreement with the California Department of**
4 **Transportation (Caltrans) for a portion of State Highway Route 101 from South Van**
5 **Ness Avenue to Golden Gate Avenue; and authorizing official acts related thereto.**
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7 WHEREAS, On April 21, 1954, the California Transportation Commission adopted the
8 Central Freeway extension of Route 101 from Interstate 80-Route 101 interchange to Turk
9 Street into the State Highway System and declared it a freeway; and

10 WHEREAS, On February 7, 1955, the California Department of Transportation
11 (Caltrans) and City and County of San Francisco entered into a Freeway Agreement
12 concerning portions of this State Highway; and

13 WHEREAS, On October 17, 1989, the Loma Prieta Earthquake severely damaged
14 parts of the elevated concrete Central Freeway structure; and

15 WHEREAS, After the earthquake, the State undertook the following actions related to
16 the Central Freeway: bracing of the double deck portion of the structure from Mission Street to
17 Fell and Oak Street ramps to provide interim seismic support in 1990; demolition of the
18 northern portion of the freeway from approximately Fell and Oak Streets leading to the
19 Franklin and Gough Street ramps in 1992; removal of the upper deck of the structure in 1996
20 to improve seismic stability; and seismic retrofit of the remaining lower deck of the structure
21 ending at Fell Street in 1998; and

22 WHEREAS, In November 1998, San Francisco voters approved Proposition E to
23 authorize construction of the Octavia Boulevard Project; and

24 WHEREAS, In 1999, the California Legislature adopted Streets and Highways Code
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1 Section 72.1 to: 1) select the Central Freeway Replacement Project as an alternative
2 transportation system to the former Central Freeway; 2) acknowledge that the Central
3 Freeway Replacement Project includes both the: a) "Freeway Project" itself, which the State
4 of California acting by and through its Department of Transportation will construct under one
5 contract consisting of i) demolition of the existing former Central Freeway, ii) construction of a
6 new freeway between Mission Street and Market Street, and iii) the construction of new ramps
7 to and from that new freeway; and b) the Octavia Boulevard Project, which City will construct;
8 and 3) state that portion of Route 101 north of Fell Street and south of Turk Street are not
9 needed for the Central Freeway Replacement Project and is no longer a state highway; and

10 WHEREAS, In November 1999, San Francisco voters adopted Proposition I-Central
11 Freeway Replacement Project which recommended, among other findings, that the proceeds
12 from any sale of unneeded Central Freeway right-of-way property shall be used to fund the
13 Octavia Boulevard Plan and related transportation improvements; and

14 WHEREAS, In 2000, the Board of Supervisors adopted Resolution No. 469-00,
15 authorizing the Mayor to enter into an agreement with the State of California for the
16 acquisition of right of ways to certain portions of Route 101 (the former Central Freeway),
17 located generally between Market Street and Turk Street; adopting findings that such
18 acquisition is consistent with the City's General Plan and Eight Priority Policies of the Planning
19 Code Section 101.1; and placing the property under the Department of Public Works'
20 jurisdiction. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in
21 File No. 000667, which is hereby declared to be a part of this Resolution as if set forth fully
22 herein; and

23 WHEREAS, On November 29, 2000, the State and the City enter in Cooperative
24 Agreement No. 4-1828-C which stipulates that the State will transfer to the City the right, title
25 and interest in and to the parcels between Market Street and Turk Street, but that the State

1 will retain a temporary easement for those parcels between Market Street and Fell Street,
2 including property rights and leasehold interests, until the State declares the State's Freeway
3 Project to be complete. In addition, this Agreement states that the City will accept the right of
4 way parcels transferred by the State in "as is" condition and will be responsible for any
5 hazardous waste cleanup if necessary; and

6 WHEREAS, The California Transportation Commission, on December 6, 2000,
7 adopted a Resolution HRA 01-2 adopting the following streets as a traversable highway for
8 State Highway Route 101: Mission Street from Duboce Avenue to South Van Ness Avenue,
9 southbound South Van Ness Avenue from Erie Street to Mission Street, South Van Ness
10 Avenue from Mission Street to Market Street, and Van Ness Avenue from Market Street to
11 Golden Gate Avenue in the City and County of San Francisco. A copy of this Resolution is on
12 file with the Clerk of the Board of Supervisors in File No. 121084, which is hereby declared to
13 be a part of this Resolution as if set forth fully herein; and,

14 WHEREAS, In 2001, the Board of Supervisors adopted Resolution No. 791-01 that
15 endorsed the strategy for development of certain real property formerly occupied by the
16 Central Freeway and issuance of requests for proposals. A copy of this Resolution is on file
17 with the Clerk of the Board of Supervisors in File No. 011651, which is hereby declared to be
18 a part of this Resolution as if set forth fully herein; and

19 WHEREAS, In March 2003, Caltrans began demolition of the Central Freeway
20 Structure to make way for construction of new touchdown ramp at Octavia and Market Streets
21 and the Octavia Boulevard Project, and in April 2004 the City began construction of Octavia
22 Boulevard Project; and

23 WHEREAS, On September 9, 2005, Octavia Boulevard opened as a replacement to
24 the elevated portion of the Central Freeway north of Market Street; and

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1 WHEREAS, The Board of Supervisors in Resolution No. 209-09 authorized the City to
2 enter into a Agreement for Maintenance of State Highways in the City and County of San
3 Francisco with the State of California Department of Transportation (Caltrans). On July 2,
4 2009 the State and City executed said Agreement, whereby the State delegates specified
5 maintenance functions to be performed by the City on the State Highways within City's
6 jurisdiction including portions of Mission Street, South Van Ness Avenue and Van Ness
7 Avenue among other locations as authorized in Section 130 of the Streets and Highways
8 Code. The State will reimburse the City for the actual direct cost of all routine maintenance
9 work as delegated under Exhibit A to this Agreement. A copy of this Resolution and the
10 Agreement are on file with the Clerk of the Board of Supervisors in File No. 090630, which is
11 hereby declared to be a part of this Resolution as if set forth fully herein; and

12 WHEREAS, The Board of Supervisors in Resolution No. 0620-05 authorized the City to
13 enter into a Freeway Maintenance Agreement with Caltrans in regard to the Central Freeway
14 Replacement Project. On September 8, 2009, Caltrans and the City executed said
15 Agreement which established maintenance responsibility for the Central Freeway
16 Replacement Project and clarified the division of maintenance responsibility upon completion
17 of construction, as to the structures and the City streets or portions thereof, and landscaped
18 areas within and outside the freeway limits. A copy of this Resolution and Agreement are on
19 file with the Clerk of the Board of Supervisors in File No. 051219, which is hereby declared to
20 be a part of this Resolution as if set forth fully herein; and

21 WHEREAS, Caltrans has prepared a revised plan map for State Highway Route 101
22 showing the proposed plan of the State as it affects City streets. A copy of said plan is on file
23 with the Clerk of the Board of Supervisors in File No. 121084, which is hereby declared to be
24 a part of this Resolution as if set forth fully herein; and

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1 WHEREAS, It is the mutual desire of Caltrans and the Department of Public Works, on
2 behalf of the City, to enter into a new Freeway Agreement in accordance with the revised plan
3 of said freeway. The Department of Public Works, in DPW Order No. 180765 , recommends
4 approval of said Agreement and acknowledges that this Agreement shall supersede all prior
5 Freeway Agreements for the affected portions of State Freeway. A copy of said Agreement
6 and DPW Order are on file with the Clerk of the Board of Supervisors in File No. 121084,
7 which are hereby declared to be a part of this Resolution as if set forth fully herein; and

8 WHEREAS, The Planning Department has determined that the actions contemplated in
9 this Resolution are in compliance with the California Environmental Quality Act (California
10 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
11 the Board of Supervisors in File No. _____ and is incorporated herein by reference;
12 and

13 WHEREAS, The Board of Supervisors has considered said Agreement; now, therefore,
14 be it

15 RESOLVED, That the Board of Supervisors hereby accepts and approves the
16 aforementioned Freeway Agreement for State Highway Route 101, South Van Ness Avenue
17 to Golden Gate Avenue; and, be it

18 FURTHER RESOLVED, That the Board authorizes the Director of the Department of Public
19 Works to execute said Agreement on behalf of the City; and, be it FURTHER RESOLVED,
20 That the Board hereby directs the Clerk of the Board to transmit two (2) certified copies of this
21 Resolution to Caltrans at an address to be provided by the Director of the Department of
22 Public Works.