

1 [Contract Agreement - Retroactive - Bay Area Rapid Transit District - Administration of Capital
2 Funding - BART/Muni Market Street Entrance Modernization Project - Up to \$45,000,000]

3 **Resolution retroactively approving an agreement between the City and County of San**
4 **Francisco and the San Francisco Bay Area Rapid Transit District (BART) regarding**
5 **administration of capital funding to fund half of the cost of the BART/Muni Market**
6 **Street Entrance Modernization Project with proceeds from the sale of General**
7 **Obligation bonds, in an amount not to exceed \$45,000,000 for an agreement term from**
8 **February 1, 2018, through December 31, 2025.**

9
10 WHEREAS, Under the BART/Muni Market Street Entrance Modernization Project
11 (Canopy Project), BART intends to install canopies above the entrances to the BART/Muni
12 stations along Market Street as required by State code to protect newly installed escalators
13 from weather-related damage and to enhance safety; and

14 WHEREAS, The canopies are going up in conjunction with the Market Street
15 Escalators Renovation Project, which will install and replace 41 escalators in downtown San
16 Francisco, beginning in spring 2020; and

17 WHEREAS, The canopies will not only protect the new escalators from the wear-and-
18 tear of elements like rain and wind-swept debris, they will provide an added layer of station
19 security and cleanliness through motorized gates that allow the entrances to be locked at the
20 street level when stations are closed; and

21 WHEREAS, In November 2018, as a pilot project, BART opened the first two canopies
22 over the BART/Muni entrances on Market Street above the Powell Street Station (north side
23 of Market Street and Ellis Street) and above the Civic Center Station (south side of Market
24 Street and 7th Street); and

1 WHEREAS, Canopies will be installed at 19 remaining BART and Muni entrances
2 above the four downtown San Francisco stations (Embarcadero, Montgomery, Powell, Civic
3 Center); and

4 WHEREAS, In November 2014, San Francisco voters approved the \$500 million
5 Transportation and Road Improvement General Obligation Bond (2014 GO Bond); and

6 WHEREAS, On May 16, 2017, the SFMTA Board of Directors adopted Resolution No.
7 170516-065, which recommended, among other things, that the Board of Supervisors
8 appropriate \$3 million from GO Bond sale proceeds to the SFMTA to be used to satisfy a
9 portion of the City’s contribution to BART for upgrades for the Canopy Project; and

10 WHEREAS, On February 1, 2018, the City approved Resolution No. 17-18, which
11 authorized the sale of Series 2018B GO Bonds from the 2014 Bond, in an amount not to
12 exceed \$177,000,000; and

13 WHEREAS, On February 9, 2018, the City approved Ordinance No. 19-18, which
14 appropriated \$3 million from the second issuance and sale of the 2014 GO Bond to satisfy a
15 portion of the City’s contribution to BART for the Canopy Project; and

16 WHEREAS, Other disbursements of GO Bond proceeds for the Canopy Project are
17 planned for the future as additional GO Bonds are issued and sold; and

18 WHEREAS, The SFMTA will be the fiscal agent for disbursement of the GO Bond
19 proceeds; and

20 WHEREAS, On December 21, 2015, BART found that the Canopy/Escalator
21 Replacement Project – Powell Street and Civic Center Station (pilot project for two canopies
22 at Powell Station and one canopy at Civic Center Station, along with escalator improvements)
23 was exempt from the California Environmental Quality Act (CEQA), Public Resources Code,
24 Section 21000 et seq, under Title 14 of the California Code of Regulations, Section 15301
25 (“the exemption”), and filed a Notice of Exemption; and

1 WHEREAS, On June 28, 2018, the BART Board of Directors adopted a Mitigated
2 Negative Declaration (MND) under CEQA, as well as a Mitigation Monitoring and Reporting
3 Program, and approved the entire BART Market Street Canopies and Escalators
4 Modernization Project; and

5 WHEREAS, On June 18, 2019, the SFMTA Board of Directors adopted Resolution No.
6 190618-070, approving the BART/Muni Market Street Entrance Modernization Project, and
7 found that the exemption and MND were adequate for the SFMTA Board's use as the
8 decision-making body for the actions taken, and incorporated the CEQA findings adopted by
9 the BART Board of Directors by reference; and

10 WHEREAS, The Board of Supervisors finds that the proposed Agreement is within the
11 scope of the Canopy/Escalator Replacement Project – Powell Street and Civic Center Station
12 exemption and the BART Market Street Canopies and Escalators Modernization Project MND;
13 and

14 WHEREAS, Copies of the CEQA determinations are on file with Clerk of the Board of
15 Supervisors in File No. 190732, the Secretary of the SFMTA Board of Directors, and may also be
16 found in the records of the Bay Area Rapid Transit District at 300 Lakeside Drive, Oakland, and
17 are incorporated herein by reference; and

18 WHEREAS, The proposed Agreement, a copy of which is on file with the Clerk of the
19 Board of Supervisors in File No. 190732, sets forth the terms and conditions for disbursement of
20 the already issued GO Bond proceeds for BART/Muni Market Street Entrance Modernization
21 Project and future disbursements up to a total of \$45,000,000, pending approval by the Board of
22 Supervisors and appropriation of future issuances of GO Bonds; and

23 WHEREAS, On June 18, 2019, the SFMTA Board of Directors adopted Resolution No.
24 190618-070, which authorized the Director of Transportation to execute Agreement No. 2019-
25 63, Administration of Capital Funding for the BART/Muni Market Street Entrance

1 Modernization Project, with the San Francisco Bay Area Rapid Transit District, to fund half of
2 the cost of installing canopies over the four BART/Muni station entrances on Market Street
3 with proceeds from the sale of the second and future issuances of 2014 General Obligation
4 bonds, in an amount not to exceed \$45,000,000, and for a term beginning as of February 1,
5 2018, and ending December 31, 2025; and

6 WHEREAS, The SFMTA Board authorized the Director of Transportation to enter into
7 any amendments or modifications to the Agreement (including, without limitation, the
8 Attachments to the Agreement) that the Director of Transportation determined, in consultation
9 with the City Attorney, are in the best interest of the City, do not materially increase the
10 obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of
11 the Agreement or this Resolution, and are in compliance with all applicable laws, including the
12 City's Charter; and

13 WHEREAS, The SFMTA Board recommended that the Board of Supervisors approve
14 the Agreement; now, therefore, be it

15 RESOLVED, That the Board of Supervisors has reviewed and considered the
16 Canopy/Escalator Replacement Project – Powell Street and Civic Center Station exemption
17 and the BART Market Street Canopies and Escalators Modernization Project MND and record
18 as a whole, finds that the MND is adequate for its use as the decision-making body for this
19 Agreement, and incorporates the CEQA findings contained in SFMTA Board Resolution No.
20 190618-070, as though set forth in this Resolution; and, be it

21 FURTHER RESOLVED, That the Board of Supervisors further finds that since the
22 exemption and MND were finalized, no changes have occurred in the Projects or in the
23 circumstances under which the Projects would be implemented that would cause new
24 significant impacts or a substantial increase in the severity of impacts identified and analyzed
25

1 in the MND, and that no new information has emerged that would materially change the
2 analysis or conclusions set forth in the MND; and, be it

3 FURTHER RESOLVED, That the Board of Supervisors approves the Agreement
4 between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit
5 District regarding administration of capital funding for the BART/Muni Market Street Entrance
6 Modernization Project, to fund half of the cost of installing canopies over the four BART/Muni
7 station entrances on Market Street with proceeds from the sale of the second and future
8 issuances of 2014 General Obligation bonds, in an amount not to exceed \$45,000,000, and
9 for a term beginning as of February 1, 2018, and ending December 31, 2025; and, be it

10 FURTHER RESOLVED, That within 30 days of the Agreement being fully executed by
11 all parties, the final Agreement shall be provided to the Clerk of the Board for inclusion in the
12 official file.