

1 [Maintenance Agreement - Installation and Maintenance of Transportation Art - California  
2 Department of Transportation]

3 **Resolution approving a maintenance agreement between the City and County of San**  
4 **Francisco and the California Department of Transportation (“Caltrans”) for the City’s**  
5 **maintenance of artwork on right-of-way within Caltrans jurisdiction located at the north**  
6 **and south boarding platforms of the Van Ness Avenue and Geary Street station**  
7 **between Geary and O’Farrell Streets for the Van Ness Bus Rapid Transit Project; and**  
8 **the City’s indemnification of Caltrans for any claims occurring by reason of anything**  
9 **done or omitted to be done by City under the agreement.**

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11 WHEREAS, The California Department of Transportation (“Caltrans”) issued a Letter of  
12 Conditional Approval to the City to construct the art created by Jorge Pardo (the “Art”) within  
13 the State right of way along State Route 101 located at the north and south boarding  
14 platforms of the Van Ness Avenue and Geary Street station between Geary and O’Farrell  
15 Streets (the “Site”); and

16 WHEREAS, The Arts Commission approved the installation of the Art, which includes  
17 new light sculptures with an engineered electrical system, under Resolution No. 1002-17-291;  
18 and

19 WHEREAS, The City and Caltrans agreed that before initiation of Art installation and  
20 construction, the City and Caltrans would enter into an agreement for the maintenance of the  
21 Art (the “Maintenance Agreement”); and

22 WHEREAS, The Maintenance Agreement must be approved and signed before  
23 Caltrans will issue an Encroachment Permit to the City to construct the Art at the Site; and

24 WHEREAS, The Maintenance Agreement would clarify the division of maintenance  
25 responsibilities as defined in Section 27 of the California Streets and Highways Code that

1 include, but are not limited to, providing emergency repair and maintenance of the Art at the  
2 Site; and

3 WHEREAS, The Maintenance Agreement will include the City's responsibilities to  
4 install, maintain, restore, or remove the Art at no cost to Caltrans; and

5 WHEREAS, The Maintenance Agreement will provide the City will indemnify Caltrans  
6 for any claims occurring by reason of anything done or omitted to be done by City under the  
7 Maintenance Agreement; and

8 WHEREAS, A copy of the Letter of Conditional Approval and a copy of the  
9 Maintenance Agreement are on file with the Clerk of the Board of Supervisors in File No.  
10 \_\_\_\_\_; now, therefore, be it

11 RESOLVED, That the Board hereby authorizes the Director of Cultural Affairs, acting  
12 on behalf of the City and County of San Francisco, to enter into a Maintenance Agreement  
13 with Caltrans subject to the terms set forth in this Resolution; and, be it

14 FURTHER RESOLVED, That within 30 days of the Maintenance Agreement being fully  
15 executed by all parties, the Arts Commission shall submit to the Clerk of the Board of  
16 Supervisors a completely executed copy of the Agreement for inclusion in File No.  
17 \_\_\_\_\_.

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