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

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

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

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

WHEREAS, In November 2018, as a pilot project, BART opened the first two canopies over the BART/Muni entrances on Market Street above the Powell Street Station (north side of Market Street and Ellis Street) and above the Civic Center Station (south side of Market Street and 7th Street); and
WHEREAS, Canopies will be installed at 19 remaining BART and Muni entrances above the four downtown San Francisco stations (Embarcadero, Montgomery, Powell, Civic Center); and

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

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

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

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

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

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

WHEREAS, On December 21, 2015, BART found that the Canopy/Escalator Replacement Project – Powell Street and Civic Center Station (pilot project for two canopies at Powell Station and one canopy at Civic Center Station, along with escalator improvements) was exempt from the California Environmental Quality Act (CEQA), Public Resources Code, Section 21000 et seq, under Title 14 of the California Code of Regulations, Section 15301 ("the exemption"), and filed a Notice of Exemption; and
WHEREAS, On June 28, 2018, the BART Board of Directors adopted a Mitigated Negative Declaration (MND) under CEQA, as well as a Mitigation Monitoring and Reporting Program, and approved the entire BART Market Street Canopies and Escalators Modernization Project; and

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

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

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

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

WHEREAS, On June 18, 2019, the SFMTA Board of Directors adopted Resolution No. 190618-070, which authorized the Director of Transportation to execute Agreement No. 2019-63, Administration of Capital Funding for the BART/Muni Market Street Entrance
Modernization Project, with the San Francisco Bay Area Rapid Transit District, to fund half of the cost of installing canopies over the four BART/Muni station entrances on Market Street with proceeds from the sale of the second and future issuances of 2014 General Obligation bonds, in an amount not to exceed $45,000,000, and for a term beginning as of February 1, 2018, and ending December 31, 2025; and

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

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

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

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

Mayor Breed
BOARD OF SUPERVISORS
in the MND, and that no new information has emerged that would materially change the
analysis or conclusions set forth in the MND; and, be it

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

FURTHER RESOLVED, That within 30 days of the Agreement being fully executed by
all parties, the final Agreement shall be provided to the Clerk of the Board for inclusion in the
official file.
Resolution retroactively approving an agreement between the City and County of San Francisco and the San Francisco Bay Area Rapid Transit District (BART) regarding administration of capital funding to fund half of the cost of the BART/Muni Market Street Entrance Modernization Project with proceeds from the sale of General Obligation bonds, in an amount not to exceed $45,000,000 for an agreement term from February 1, 2018, through December 31, 2025.

July 17, 2019 Budget and Finance Sub-Committee - CONTINUED

July 24, 2019 Budget and Finance Sub-Committee - RECOMMENDED

July 30, 2019 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 7/30/2019 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved

8.9.19