

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 230307-021

WHEREAS, On April 19, 2022, the SFMTA Board of Directors adopted the FY 2023-27 Capital Improvement Program, which included the 29 Sunset Phase I Transit Optimization Project, the Central Embarcadero Safety Project, the Light Rail Vehicle Replacement Program, the Safe Routes to School Non-Infrastructure Program; and,

WHEREAS, The United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the Federal Transportation Act) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149), and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and,

WHEREAS, The SFMTA has submitted an application to the Metropolitan Transportation Commission (MTC) for \$34,277,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (Regional Discretionary Funding) for the Safe Routes to School Non-Infrastructure Program, the 29 Sunset Phase I Transit Optimization Project and the Central Embarcadero Safety Project (PROJECT) for the One Bay Area Grant (OBAG) Cycle 3 Program (Program); and,

WHEREAS, State statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and,

WHEREAS, Pursuant to the Federal Transportation Act, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally significant project shall submit an application first with the appropriate MPO or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and,

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and,

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of

Regional Discretionary Funding; and,

WHEREAS, The SFMTA is an eligible sponsor for Regional Discretionary Funding; and,

WHEREAS, As part of the application for Regional Discretionary Funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- the commitment of any required matching funds; and
- that the sponsor understands that the Regional Discretionary Funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Regional Discretionary Funding; and
- that the Project(s) will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- the assurance of the sponsor to complete the Project(s) as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- that the Project(s) will have adequate staffing resources to deliver and complete the Project(s) within the schedule submitted with the project application; and
- that the Project(s) will comply with all project-specific requirements as set forth in the Program; and
- that the SFMTA has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the SFMTA; and
- in the case of a transit project, the Project(s) will comply with MTC Resolution No. 3866, revised, which sets forth the requirements of MTC's Transit Coordination Implementation Plan to more efficiently deliver transit projects in the region; and
- in the case of a highway project, the Project will comply with MTC Resolution No. 4104, which sets forth MTC's Traffic Operations System (TOS) Policy to install and activate TOS elements on new major freeway projects; and
- in the case of an RTIP project, state law requires Project be included in a local congestion management plan, or be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and,

WHEREAS, The MTC requires that a copy of this Resolution be transmitted to the MTC in conjunction with the filing of the application; and,

WHEREAS, On January 23, 2023, under authority delegated by the Planning Department, the SFMTA determined that the Resolution of Local Support for the programming of \$34,277,000 of OBAG 3 funds for the Safe Routes to School Non-Infrastructure Program, the 29 Sunset Phase I Transit Optimization Project, the Central Embarcadero Safety Project, and the Light Rail Vehicle Replacement Program is not a "project" under CEQA pursuant to CEQA

Guidelines Sections 15060(c) and 15378(b) because the action would not result in a direct or a reasonably foreseeable indirect physical change to the environment; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; and,

WHEREAS, If a Project funded by Regional Discretionary Funding is found to cause significant adverse impacts, the SFMTA retains absolute discretion to: (1) modify the Project to mitigate significant adverse environmental impacts, (2) select feasible alternatives which avoid significant adverse impacts of the Project, (3) require the implementation of specific measures to mitigate the significant adverse environmental impacts of the Project, as identified upon environmental evaluation in compliance with CEQA and the Chapter 31, (4) reject the Project as proposed if the economic and social benefits of the Project do not outweigh otherwise unavoidable significant adverse impacts of the Project, or (5) approve the Project upon a finding that the economic and social benefits of the Project outweigh otherwise unavoidable significant adverse impacts; therefore, now be it

RESOLVED, That the SFMTA Board of Directors adopts a Resolution of Support for funding for the programming of \$34,277,000 of OBAG 3 funds for the Safe Routes to School Non-Infrastructure Program, the 29 Sunset Phase I Transit Optimization Project, the Central Embarcadero Safety Project, and the Light Rail Vehicle Replacement Program (Projects); and be it further

RESOLVED, That the SFMTA will provide any required matching funds; and be it further

RESOLVED, That the SFMTA understands that the Regional Discretionary Funding for the Projects is fixed at the MTC-approved programmed amount, that any cost increases must be funded by the SFMTA from other funds, and that the SFMTA does not expect any cost increases to be funded with additional Regional Discretionary Funding; and be it further

RESOLVED, That the SFMTA understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and the SFMTA has, and will retain the expertise, knowledge and resources necessary to deliver federally funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the Agency and with the respective CMA, MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by the SFMTA; and be it further

RESOLVED, That each Project will be implemented as described in the complete application and in this Resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and be it further

RESOLVED, That the SFMTA has reviewed the Projects and has adequate staffing resources to deliver and complete the Projects within the schedule submitted with the Project application; and be it further

RESOLVED, That the Projects will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the Program; and be it further

RESOLVED, That, in the case of a transit project, the SFMTA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution No. 3866, revised; and be it further

RESOLVED, That, in the case of a highway project, the SFMTA agrees to comply with the requirements of MTC's Traffic Operations System (TOS) Policy as set forth in MTC Resolution No. 4104; and be it further

RESOLVED, That, in the case of an RTIP project, the Projects are included in a local CMA, or are consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation agency; and be it further

RESOLVED, That the SFMTA is an eligible sponsor of Regional Discretionary Funding funded projects; and be it further

RESOLVED, That a copy of this Resolution will be transmitted to the MTC to support the pending application(s); and be it further

RESOLVED, That the MTC is requested to support the application(s) for the Projects described in the Resolution, and if approved, to include the Projects in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 7, 2023.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency