

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 251118-106

WHEREAS, On September 16, 2014, the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors adopted Resolution No. 14-121, awarding Contract No. 1236R, Third Street Light Rail Project - Mission Bay Loop (the Contract), to Mitchell Engineering (Contractor), in the amount of \$3,521,115, for a term of 240 days to Substantial Completion; and,

WHEREAS, The work under the Contract involved trackwork installation around the 3rd Street/18th Street/Illinois Street/19th Street block to create a short line loop for the T-Line; and,

WHEREAS, On January 8, 2018, the Director of Transportation executed Contract Modification No. 1 to compensate the Contractor for additional work to the sewer system under Illinois Street and further noise and dust monitoring requirements as dictated by a Storm Water Pollution and Prevention Plan from the Port of San Francisco in the amount of \$667,065.78, for a total Contract amount not to exceed \$4,188,180.77; and,

WHEREAS, On April 17, 2018, the SFMTA Board of Directors adopted Resolution No. 180417-062 authorizing the Director of Transportation to execute Contract Modification No. 2 that involved (a) suspending work due to the pendency of a lawsuit under the California Environmental Quality Act (CEQA), (b) adding two subcontractors, W. Bradley Electric and Reliance Engineering, due to public necessity as authorized under Public Contract Code Section 4109, and (c) suspending work due to the pending completion of a Memorandum of Understanding (MOU) among the SFMTA, SFPW, and SF Port, increasing the Contract amount by \$459,740, for a total amount not to exceed \$4,647,920.77, and extended the Contract term by 502 days to a new substantial completion date of December 18, 2016; and,

WHEREAS, On July 17, 2018, the SFMTA Board of Directors adopted Resolution No. 180717-102 authorizing the Director of Transportation to execute Modification No. 3 to design and construct a duct bank for the San Francisco Public Utilities Commission; increasing the Contract amount by \$1,744,867.67, for a total amount not to exceed \$6,392,788.44, and extending the Contract term by 90 days for a new substantial completion date of March 18, 2017; and,

WHEREAS, On September 4, 2018, the SFMTA Board of Directors adopted Resolution No. 180904-123 authorizing the Director of Transportation to rescind Modification No. 3 and execute Modification No. 3R for the same work, Contract amount, and time extension as Modification No. 3; the Contractor felt, however, that the release in Modification No. 3 was too broad; under Modification No. 3R, the Contractor released the City for compensation for the direct costs of design and all costs related to construction of the duct bank, but any time extension and associated costs related to design was reserved for a future modification; and,

WHEREAS, On June 18, 2019, the SFMTA Board of Directors adopted Resolution No. 190618-072 authorizing the Director of Transportation to execute Modification No. 4 to realign a sewer line due to a PG&E vault, modify catch basin, monitor noise and vibration and perform rail isolation work, increasing the Contract amount by \$827,381.36, for a total amount not to exceed \$7,220,169.80; and,

WHEREAS, On November 19, 2019, the SFMTA Board of Directors adopted Resolution No. 191119-140 authorizing the Director of Transportation to approve Modification No. 5; for costs associated with rail isolation, additional sewer work, modification to manholes, street base repair, traffic signal wiring, additional electrical conduit installation, procuring missing track components, temporary adjustment of the overhead contact wire heights, disposal of hazardous materials, adjustment to pole foundation due to unforeseen site condition, and realignment of track, increasing the Contract amount by \$492,698.18, for a total Contract amount not to exceed \$7,712,858.98; and,

WHEREAS, Subsequent work on the King Substation project was delayed due to needed sewer upsizing, revised sewer alignment to avoid a PG&E vault, additional PUC electrical duct bank, additional rail grinding work, additional street base work, additional curb and gutter work, PG&E tie-ins, joint bar procurement and import fill testing; and,

WHEREAS, After analysis of the Contractor's change order and time extension requests to compensate for extended overhead and additional deductions due to bid item deletion and reduction of \$833,067.78, increasing the total Contract amount to an amount not to exceed \$8,545,926.76; and to extend the contract term by 1,691 days, of which 808 were compensable to a total of 2,523 days to substantial completion; and,

WHEREAS, The SFMTA Contract Compliance Office has reviewed this Contract Modification No. 6 and has determined that it is consistent with the SBE participation goals of 25% established for the Contract; and,

WHEREAS, The Mission Bay Loop Project initially was reviewed and analyzed in the Environmental Impact Report and Environmental Impact Statement (EIR/EIS) for the Third Street Light Rail Project Phase 1; and,

WHEREAS, The Environmental Impact Report and Environmental Impact Statement for the Third Street Light Rail Project Phase 1 was certified by the City in 1998 and the Record of Decision for this project was issued in 1999; and,

WHEREAS, On October 12, 2012, the San Francisco Planning Department determined that no further assessment was required under the California Environmental Quality Act (CEQA) Guidelines for the Project; and,

WHEREAS, An Environmental Assessment was completed in May 2013 for which the Federal Transit Administration issued a Finding of No Significant Impact on July 30, 2013; and,

WHEREAS, On August 27, 2014, the Planning Department determined that there were no circumstances occurring since October 2012 that would require additional environmental review under the CEQA guidelines; a citizens' group filed a lawsuit challenging the Planning Department's determination, but the San Francisco Superior Court, and on appeal, the Court of Appeal, ruled for the City; and,

WHEREAS, Some of the work included in Contract Modification No.5 is within the scope of the Mission Bay Loop Project Final EIR/EIS and 2013 Finding of No Significant Impact; and,

WHEREAS, Some of the work included in Contract Modification 5 is part of a project that received a Categorical Exemption (Case Number 2016-007195ENV) from California Environmental Quality Act (new construction or conversion of small structures as defined in Title 14 of the California Code of Regulations Sections 15303) from the San Francisco Planning Department on February 1, 2017; and,

WHEREAS, On June 19, 2025, the SFMTA, under authority delegated by the Planning Department, determined that the SFMTA Execution of Contract Modification No. 6 is not a "project" under the California Environmental Quality Act (CEQA) pursuant Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, All environmental documents are on file with the Secretary to the San Francisco Municipal Transportation Agency Board of Directors, and may be found in the records of the Planning Department at 1650 Mission Street in San Francisco, and are incorporated herein by reference; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors has subsequently reviewed the Mission Bay Loop Project Final Environmental Impact Report and Study and 2013 Environmental Assessment and Finding of No Significant Impact, and finds that the Mission Bay Loop Project Final EIR/EIS and 2013 Environmental Assessment and Finding of No Significant Impact is adequate for the Board's use as the decision-making body for the actions taken herein, and incorporates the CEQA findings, including the Statement of Overriding Considerations, and Mitigation Monitoring Program, by this reference as though set forth in this Resolution; and, be it further,

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors authorizes the Director of Transportation to execute Contract Modification No. 6 (Final) to close out Contract No. 1236R, Third Street Light Rail Project-Mission Bay Loop, with Mitchell Engineering by: (1) resolving all time impact of this Contract including deferred and outstanding time impacts from the five previous modifications by extending the substantial completion date by 1,691 calendar days, of which 808 days are compensable; and (2) adjusting and finalizing bid item quantities to reflect the actual quantity of work performed. this modification will increase the contract amount by \$833,067.78 and establish the final contract amount of \$8,545,926.76, and increase the contract duration to substantial completion by 1,691 days for a final contract duration of 2,523 days to substantial completion to close out the Contract.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of November 18, 2025.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency