

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 241203-138

WHEREAS, Under the San Francisco Charter, the San Francisco Municipal Transportation Agency Board of Directors has exclusive authority over managing San Francisco's transportation system, and over contracting with regional transit agencies under certain circumstances; and,

WHEREAS, The TJPA is a joint exercise of powers authority created by the City and County of San Francisco (City), the Alameda-Contra Costa Transit District, the Peninsula Corridor Joint Powers Board (Caltrain), the California High Speed Rail Authority (CHSRA), and Caltrans (ex officio) to deliver the Transbay Program; and,

WHEREAS, Under California Public Resources Code section 5027.1, TJPA has primary jurisdiction with respect to all matters concerning the financing, design, development, construction, and operation of the Transbay Program; and,

WHEREAS, The TJPA completed Phase 1 of the Transbay Program, construction of the Salesforce Transit Center; and,

WHEREAS, The City consulted and cooperated with TJPA in aspects of the planning, design, construction, and financing of Phase 1, including through many intergovernmental agreements and memoranda of understanding between various City agencies and TJPA; and,

WHEREAS, The TJPA is actively engaged in delivery of Phase 2 of the Transbay Program, The Portal, previously referred to as the Downtown Extension or DTX (the Project); and,

WHEREAS, The Project will connect the Caltrain's regional rail system and the CHSRA's statewide system to the Salesforce Transit Center in downtown San Francisco; and,

WHEREAS, The Project will bring direct and indirect benefits to City residents and the Public Trust by providing improved regional and statewide rail connections to downtown San Francisco though easier and more efficient transit options for commuters, tourists, and business travelers will support downtown San Francisco businesses and contribute to the economic revitalization of San Francisco at large and the neighborhoods surrounding the Project in particular; and,

WHEREAS, The Project is a critical rail link in the Bay Area, Northern California mega-region, and statewide transportation system and will be most efficiently and effectively delivered through a multi-agency partnership among local, regional, and state stakeholder agencies with expertise in developing, funding, and implementing major infrastructure projects; and,

WHEREAS, in 2020, the key stakeholders on the Project - TJPA, the Metropolitan Transportation Commission (MTC), the San Francisco County Transportation Authority

(SFCTA), Caltrain, the CHSRA, and the City (collectively, the Partners) executed a Memorandum of Understanding (2020 MOU) to explore initial implementation of the Project; and,

WHEREAS, The 2020 MOU established the organizational structure and work program to get the Portal to “ready for procurement” status; and,

WHEREAS, Pursuant to the 2020 MOU, the TJPA and SFCTA prepared a Governance Study, which was subsequently approved by the TJPA Board, that recommended drafting a successor MOU to guide the multi-agency coordination, administrative organizational structure, and processes that will support the Project; and,

WHEREAS, the 2020 MOU expired in May 2024; and,

WHEREAS, The Portal Project Implementation Memorandum of Understanding (Portal Implementation MOU) is a successor to the 2020 MOU, and supports the multi-agency coordination, administrative organizational structure, and processes that will support the efforts of the TJPA in delivery of the Project; and,

WHEREAS, Because the term of the MOU extends through the later of the following milestones: substantial completion of the major contracts, and completion of a project evaluation report, to be presented to the TJPA Board within 12 months after the start of Revenue Service, the Partners anticipate the Portal Implementation MOU will be in place for at least ten years; and,

WHEREAS, The Portal Implementation MOU does not commit the City to any particular approval, does not commit City resources, does not provide for mutual indemnities or otherwise implicate City finances; and,

WHEREAS, On May 16, 2023, the SFMTA Board of Directors enacted Resolution No. 230516-042, approving the SFMTA’s participation in and Interagency Cooperation Agreement between TJPA and the City relating to Phase 2 of the Transbay Program to provide for the City’s consultation, services, and cooperation with TJPA to facilitate the planning, design, and construction of the Project; and,

WHEREAS, On April 22, 2004, by Motion No. 16773, the Planning Commission certified the final Environmental Impact Statement/Environmental Impact Report for the Transbay Program (2004 EIS/EIR) (Planning Department Case No. 2000.048E) in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq.), and Chapter 31 of the San Francisco Administrative Code; and,

WHEREAS, On June 15, 2004, by Motion No. 04-67, the Board of Supervisors affirmed the Planning Commission’s certification of the 2004 EIS/EIR; and on September 28, 2004, by Resolution No. 612-04, adopted findings that various actions related to the Transbay Program complied with CEQA; and in 2005 and 2006, by Ordinance Nos. 124-05 and 99-06, adopted

additional CEQA findings related to the Transbay Program; and,

WHEREAS, Subsequent to the adoption of the Final EIS/EIR, the San Francisco Redevelopment Agency, the Successor Agency to the San Francisco Redevelopment Agency, and the TJPA have approved ten addenda to the 2004 EIS/EIR, and made requisite findings under CEQA; and,

WHEREAS, In 2018, the Federal Transit Administration and TJPA prepared a joint Supplemental EIS/EIR to evaluate certain proposed changes to the Transbay Program (2018 SEIS/EIR); and on December 13, 2018, the TJPA certified the 2018 SEIS/EIR, approved certain revisions to the Transbay Program, adopted the additional mitigation measures identified therein, and adopted CEQA findings (2018 Transbay Program CEQA findings); and,

WHEREAS, On January 12, 2023, the TJPA approved certain revisions to the DTX component of the Transbay Program (DTX Revisions), adopted an Addendum to the 2018 SEIS/EIR, which contains an analysis of the environmental effects that may result from the DTX Revisions, adopted a Revised Mitigation Monitoring and Reporting Program, attached to the Interagency Cooperation Agreement as Exhibit C, and determined that the DTX Revisions do not require major revisions to the 2018 SEIS/EIR due to new or substantially more severe environmental effects and do not require further environmental review; and,

WHEREAS, Copies of the EIS/EIR, SEIS/EIR, and addenda are on file with the Secretary to the SFMTA Board of Directors, and may be found in the records of the Transbay Joint Powers Authority at <https://tjpa.org/> or 425 Mission Street, Suite 250 in San Francisco, and are incorporated herein by reference; and, now therefore be it

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors finds that recommendation to the Board of Supervisors for approval of the Portal Project Implementation Memorandum of Understanding (Portal Implementation MOU) is within the scope of the EIS/EIR, SEIS/EIR, and addenda described herein; and be it further

RESOLVED, That the San Francisco Municipal Transportation Agency Board of Directors recommends the Board of Supervisors approve the Portal Project Implementation Memorandum of Understanding (Portal Implementation MOU) between the Transbay Joint Powers Authority (TJPA), the Metropolitan Transportation Commission (MTC), the San Francisco County Transportation Authority (SFCTA), the Peninsula Corridor Joint Powers Board (Caltrain), the California High-Speed Rail Authority (CHSRA), and the City and County of San Francisco (City); collectively, the “Partners,” regarding Phase 2 of the TJPA’s Transbay Program, referred to as The Portal (Project).

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of December 3, 2024.



Secretary to the Board of Directors
San Francisco Municipal Transportation Agency