

STAFF REPORT FOR CALENDAR ITEM NO.: 16
FOR THE MEETING OF: December 14, 2023

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Consider authorizing the Board Chair to execute the second amendment to the San Francisco Peninsula Rail Program Memorandum of Understanding to extend the term of the agreement to May 10, 2024.

EXPLANATION:

The San Francisco Peninsula Rail Program Memorandum of Understanding (MOU) describes, in part, an organizational structure to support the efforts of the TJPA to develop the Downtown Rail Extension project (DTX, now known as The Portal). This organizational structure includes the Executive Steering Committee (ESC) and the Integrated Program Management Team (IPMT). The MOU is a six-party agreement among the 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 (CCSF). The MOU defines a work program intended to bring the project to ready-for-procurement status.

On April 9, 2020, the TJPA Board authorized the TJPA Board Chair to execute the MOU. The MOU came into effect on June 5, 2020, upon completion of execution by all six parties. The original term of the MOU was three years (June 5, 2023) or when the DTX reaches Ready-for-Procurement status – whichever is earlier.

On May 11, 2023, the TJPA Board authorized the TJPA Board Chair to execute an amendment to the MOU, extending the term of the agreement to December 31, 2023.

A second amendment to the MOU, extending the term of the agreement through May 10, 2024, is now recommended. Attached hereto is the proposed form of amendment, which is limited to extension of term, with no modifications to scope or to other provisions of the MOU.

On November 17, 2023, the ESC considered and recommended approval of the proposed time extension. The rationale for the recommended extension is largely two-fold: 1) to facilitate preparation of the procurement bid documents for all three major contracts for the project; and 2) to allow sufficient time for the IPMT to prepare and bring forward to the ESC the Successor MOU and related components of governance.

TJPA Board authorization is required for the TJPA Board Chair to execute the proposed amendment, consistent with the April 2020 action to originally authorize the MOU and the first amendment to the MOU. Each signatory agency will undertake its own internal review and approval processes as required.

RECOMMENDATION:

Consider authorizing the Board Chair to execute the second amendment to the San Francisco Peninsula Rail Program MOU, in the form enclosed herewith, to extend the term of the agreement to May 10, 2024.

ATTACHMENTS:

1. Resolution
2. San Francisco Peninsula Rail Program Memorandum of Understanding Amendment No. 2

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

RESOLVED, That the TJPA Board of Directors authorizes the Board Chair to execute a second amendment to the June 5, 2020 San Francisco Peninsula Rail Program Memorandum of Understanding with the Metropolitan Transportation Commission, the San Francisco County Transportation Authority, the Peninsula Corridor Joint Powers Board (Caltrain), the California High Speed Rail Authority, and the City and County of San Francisco (Mayor's Office), extending the term through May 10, 2024 and with no other changes, in the form presented to the TJPA Board and on file with the Secretary of the Board.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of December 14, 2023.

Secretary, Transbay Joint Powers Authority

AMENDMENT NO. 2
To MEMORANDUM OF UNDERSTANDING
Between
TRANSBAY JOINT POWERS AUTHORITY,
METROPOLITAN TRANSPORTATION COMMISSION,
SAN FRANCISCO COUNTY TRANSPORTATION AUTHORITY,
PENINSULA CORRIDOR JOINT POWERS BOARD,
CALIFORNIA HIGH SPEED RAIL AUTHORITY,
And
CITY AND COUNTY OF SAN FRANCISCO
For the
SAN FRANCISCO PENINSULA RAIL PROGRAM

This AMENDMENT effective December 29, 2023, is Amendment No. 2 to the MEMORANDUM OF UNDERSTANDING 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 (CCSF) (each a “Partner” and collectively the “Partners”), dated June 5, 2020 and amended June 5, 2023 (collectively, “Agreement”).

NOW, THEREFORE, the parties agree to modify the subject Agreement as follows:

1. Article 13, *Term*, is revised in part to extend the term of the Agreement to May 10, 2024.
2. Retention of Contract Provisions. Except as provided herein, all other terms and conditions of the Agreement remain unchanged.

IN WITNESS WHEREOF, this Agreement has been executed by the PARTIES hereto on the day and year first above written.

**TRANSBAY JOINT POWERS
AUTHORITY**

By: _____
Jeff Gee
TJPA Board Chair

Address:
425 Mission Street, Suite 250
San Francisco, CA 94105

Date: _____

**CALIFORNIA HIGH SPEED RAIL
AUTHORITY**

By: _____
Brian P. Kelly
Chief Executive Officer

Address:
770 L Street, Suite 620
Sacramento, CA 95814

Date: _____

**SAN FRANCISCO COUNTY
TRANSPORTATION AUTHORITY**

By: _____
Tilly Chang
Executive Director

Address:
1455 Market Street, 22nd Floor
San Francisco, CA 94103

Date: _____

**METROPOLITAN
TRANSPORTATION COMMISSION**

By: _____
Andrew B. Fremier
Executive Director

Address:
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105

Date: _____

**PENINSULA CORRIDOR JOINT
POWERS BOARD**

By: _____

Michelle Bouchard
Executive Director, Caltrain

Address:
1250 San Carlos Avenue
San Carlos, CA 94070

Date: _____

**CITY AND COUNTY OF SAN
FRANCISCO**

By: _____

Alexandra Sweet
Transportation Advisor, Office of Mayor
London N. Breed

Address:
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102

Date: _____