



July 17, 2013

Leslie Rogers
Regional Administrator, Region 9
Federal Transit Administration
201 Mission Street, Suite 2210
San Francisco, CA 94105

*Re: Central Subway Project
Costs under Pagoda Lease*

Dear Mr. Rogers:

This is to advise you that the San Francisco Municipal Transportation Agency (SFMTA) understands that any payments to the owner under the City's lease with The Palace at Washington Square, owner of the Pagoda Theater site, are not project costs eligible for Federal Transit Administration (FTA) participation. Accordingly, the SFMTA will not seek reimbursement from the FTA for such costs.

Sincerely,

Edward D. Reiskin
Director of Transportation

Edwin M. Lee
Mayor

Tom Nolan
Chairman

Cheryl Brinkman
Vice-Chairman

Malcolm Heinicke
Director

Jerry Lee
Director

Joël Ramos
Director

Cristina Rubke
Director

Edward D. Reiskin
Director of
Transportation





U.S. Department
of Transportation
Federal Transit
Administration

REGION IX
Arizona, California,
Hawaii, Nevada, Guam
American Samoa,
Northern Mariana Islands

201 Mission Street
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San Francisco, CA 94105-1839
415-744-3133
415-744-2728 (fax)

MAY 10 2013

Mr. Edward Reiskin
Director of Transportation
San Francisco Municipal Transportation Agency
City and County of San Francisco
One South Van Ness Ave, 7th Floor
San Francisco, CA 94103

Re: Central Subway Project Tunnel Boring Machine
Retrieval Shaft Relocation

Dear Mr. Reiskin:

The Federal Transit Administration (FTA) has completed its review of the San Francisco Municipal Transportation Agency's (SFMTA) submission, dated April 17, 2013, detailing the design change involving the relocation of the Tunnel Boring Machine retrieval and extraction site from Columbus Avenue in North Beach to 1731-1741 Powell Street (the Pagoda Theater) for the Central Subway Project (the "Project"). The Project was previously the subject of a Record of Decision dated November 26, 2008. In its letter, SFMTA indicated that neither the preparation of a Supplemental Environmental Impact Statement (SEIS) nor an Environmental Assessment (EA) is necessary, in accordance with 23 CFR §§ 771.115, 771.119, and 771.130(c), for a design change for the Project.

Based on the environmental re-evaluation materials submitted and past experience with similar projects, FTA finds that the design changes: do not induce significant environmental impacts to planned growth or land use for the area; do not require the relocation of significant numbers of people; do not have a significant impact on natural, cultural, recreational, historical or other resource; do not involve significant air, noise, or water quality impacts; do not have significant impacts on travel patterns; do not result in a use or constructive use of historic or other resources within the meaning of Section 4(f) of the Department of Transportation Act, 49 USC § 303; or do not otherwise, either individually or cumulatively, have any significant environmental impacts.

The FTA determines that the proposed changes are not substantial and with the mitigation specified in the re-evaluation materials, the changes will not cause significant environmental impacts that were not previously evaluated. Therefore, neither the preparation of a SEIS nor an EA is necessary.

If you have any questions, please contact Mr. Alexander Smith at (415) 744-2599.

Sincerely,

Leslie T. Rogers
Regional Administrator

Sipes, Nancy (FTA)

From: Rogers, Leslie (FTA)
Sent: Thursday, June 20, 2013 12:04 PM
To: Marler, Renee (FTA); Maing, Joonsik (FTA)
Cc: Smith, Alexander (FTA); Sukys, Raymond (FTA)
Subject: FW: Non-Impacts of PEPRAs on SFMTA Grants

FYI

From: Reiskin, Ed [<mailto:Ed.Reiskin@sfmta.com>]
Sent: Wednesday, June 19, 2013 10:26 PM
To: Rogers, Leslie (FTA)
Subject: RE: Non-Impacts of PEPRAs on SFMTA Grants

Hi Leslie:

We're exempt because SF is a charter city with our own retirement system.

Section APPLICABILITY

Govt Code § 7522.02
pp. 20-22

Purpose

As of January 1, 2013, PEPRAs apply to all state and local public retirement systems and their participating employers, except for those charter cities and counties whose retirement systems are not governed by state statute. The only county not subject to AB 340 and AB 197 is the City and County of San Francisco.

Ed

From: Leslie.Rogers@dot.gov [<mailto:Leslie.Rogers@dot.gov>]
Sent: Wednesday, June 19, 2013 2:55 PM
To: Reiskin, Ed
Subject: Non-Impacts of PEPRAs on SFMTA Grants

Hi Ed,

This is a follow-up to your remarks at our most recent Quarterly Review Progress Meeting in May that SFMTA does not believe the PEPRAs legislation will result in delays in obtaining the U.S. Department of Labor's required Section 13 (c) certifications on FTA grants. I believe you cited provisions in the San Francisco Charter as the basis for your statement. Can you elaborate just a bit further as to how the relevant Charter provisions operate so as not to conflict with PEPRAs? I'm not looking for a formal legal opinion or anything of the sort but rather just a layman's explanation. Thanks Much!

Best,
Leslie

Sipes, Nancy (FTA)

From: Rogers, Leslie (FTA)
Sent: Sunday, July 28, 2013 3:48 PM
To: Bustamante, Bernardo (FTA); Carranza, Edward (FTA); Davis, Jeffrey (FTA); Maing, Joonsik (FTA); Marler, Renee (FTA); Smith, Alexander (FTA); Sukys, Raymond (FTA)
Subject: FW: response to your letter re Central Subway
Attachments: Letter Response to Aaron Peskin July 2013 with attachments.pdf

FYI

From: Reiskin, Ed [<mailto:Ed.Reiskin@sfmta.com>]
Sent: Saturday, July 27, 2013 12:32 PM
To: MTABoard; Cityattorney; Rogoff, Peter (FTA); Rogers, Leslie (FTA); 'james.sampson@stvnc.com'; Scovel, Calvin L <OIG>; Gabriel Metcalf; 'bgldstone@hansonbridgett.com'
Cc: Aaron Peskin
Subject: FW: response to your letter re Central Subway

Sorry, meant to copy you all...

From: Reiskin, Ed
Sent: Saturday, July 27, 2013 12:24 PM
To: Aaron Peskin
Subject: response to your letter re Central Subway

Hi Aaron:

Attached please find a letter responding to yours regarding the Central Subway.

Hope you're having a good summer!

Ed

Edward D. Reiskin
Director of Transportation



City and County of San Francisco
One South Van Ness Avenue, Seventh Fl. San Francisco, CA 94103
415.701.4720
www.sfmta.com

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Director of Transportation



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Sipes, Nancy (FTA)

From: Rogers, Leslie (FTA)
Sent: Thursday, July 18, 2013 10:54 PM
To: 'Reiskin, Ed'
Cc: 'Bose, Sonali'; 'Funghi, John'; 'Corpuz, Aida'; Marler, Renee (FTA)
Subject: RE: SFMTA communication

Ed: We appreciate your letter. Thanks!

Best,
Leslie

Sent with Good (www.good.com)

-----Original Message-----

From: Reiskin, Ed [Ed.Reiskin@sfmta.com]
Sent: Thursday, July 18, 2013 05:47 PM Eastern Standard Time
To: Rogers, Leslie (FTA)
Cc: Bose, Sonali; Funghi, John; Corpuz, Aida
Subject: SFMTA communication

Good afternoon, Mr. Rogers

Attached is communication from SFMTA Dir. Reiskin.

Sincerely, Sophia

SOPHIA SIMPLICIANO | Director of Transportation & Chief of Staff Offices v. 415.701.4720 | **SFMTA** | Municipal
Transportation Agency | direct 415.701.4281