

**Members of the Board**

Jody Breckenridge, Chair  
Jeffrey DelBono  
Timothy Donovan  
Anthony J. Intintoli, Jr

**BOARD OF DIRECTORS' MEETING**  
*Thursday October 2, 2014 at 1:00 p.m.*  
**San Francisco Bay Area**  
**Water Emergency Transportation Authority**  
9 Pier, Suite 111; San Francisco

*The full agenda packet is available for download at [sanfranciscobayferry.com/weta](http://sanfranciscobayferry.com/weta).*

**AGENDA**

- |   |                    |
|---|--------------------|
| 1. <u>CALL TO ORDER – BOARD CHAIR</u>   | <i>Information</i> |
| 2. <u>PLEDGE OF ALLEGIANCE/ROLL CALL/</u>   | <i>Information</i> |
| 3. <u>REPORT OF BOARD CHAIR</u>   | <i>Information</i> |
| 4. <u>REPORTS OF DIRECTORS</u>  | <i>Information</i> |
| 5. <u>REPORTS OF STAFF</u>  | <i>Information</i> |
| a. Executive Director's Report  |                    |
| b. Monthly Review of Financial Statements   |                    |
| c. Legislative Update   |                    |
| 6. <u>CONSENT CALENDAR</u>  | <i>Action</i>      |
| a. Minutes September 4, 2014  |                    |
| b. Authorize the Filing of an Application with the Metropolitan Transportation Commission for \$1,872,500 Regional Measure 2 Capital Funds  |                    |
| 7. <u>CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT; MAKE CERTAIN FINDINGS OF FACT; ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM</u> | <i>Action</i>      |
| 8. <u>APPROVE AMENDMENT TO AGREEMENT WITH URS CORPORATION FOR ENVIRONMENTAL REVIEW SERVICES FOR THE DOWNTOWN SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT</u>   | <i>Action</i>      |
| 9. <u>PROJECT UPDATE FOR THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY</u>  | <i>Information</i> |
| 10. <u>APPROVE AMENDMENT TO AGREEMENT WITH WESTON SOLUTIONS INC. TO PROVIDE ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES FOR THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY PROJECT</u>   | <i>Action</i>      |
| 11. <u>APPROVE AMENDMENT TO AGREEMENT WITH WEST BAY BUILDERS FOR LANDSIDE PHASE CONSTRUCTION OF THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY PROJECT</u>   | <i>Action</i>      |

**Water Emergency Transportation Authority**  
**October 2, 2014 Meeting of the Board of Directors**

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**12. APPROVE CONTRACT AWARD FOR TECHNICAL AND CONSTRUCTION MANAGEMENT SERVICES FOR THE VALLEJO DREDGING PROJECT**

**Action**

**13. RECESS INTO CLOSED SESSION**

**a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Property: Ferry terminal related property

Agency negotiator: Nina Rannells, San Francisco Bay Area Water  
Emergency Transportation Authority

Negotiating parties: Blue and Gold Fleet

Under negotiation: Terms and conditions regarding ferry landing

**Action**

**To Be Determined**

**14. REPORT OF ACTIVITY IN CLOSED SESSION**

Chair will report any action taken in closed session that is subject to reporting at this time. Action may be taken on matters discussed in closed session.

**Action**

**To Be Determined**

**15. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

**ADJOURNMENT**

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please contact the Board Secretary at least five (5) working days prior to the meeting to ensure availability.

**PUBLIC COMMENTS** The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards and any reports/handouts to the Board Secretary.

**Non-Agenda Items:** A 15 minute period of public comment for non-agenda items will be held at the end of the meeting. Please indicate on your speaker card that you wish to speak on a non-agenda item. No action can be taken on any matter raised during the public comment period. Speakers will be allotted no more than three (3) minutes to speak and will be heard in the order of sign-up.

**Agenda Items:** Speakers on individual agenda items will be called in order of sign-up after the discussion of each agenda item and will be allotted no more than three (3) minutes to speak. You are encouraged to submit public comments in writing to be distributed to all Directors.

Water Emergency Transportation Authority (WETA) meetings are wheelchair accessible. Upon request WETA will provide written agenda materials in appropriate alternative formats to individuals with disabilities. Please send a written request to [contactus@watertransit.org](mailto:contactus@watertransit.org) or call (415) 291-3377 at least five (5) days before the meeting.

**Participation in a meeting may be available at one or more locations remote from the primary location of the meeting. See the header of this Agenda for possible teleconference locations. In such event, the teleconference location or locations will be fully accessible to members of the public. Members of the public who attend the meeting at a teleconference location will be able to hear the meeting and testify in accordance with applicable law and WETA policies.**

Under Cal. Gov't. Code sec. 84308, Directors are reminded that they must disclose on the record of the proceeding any contributions received from any party or participant in the proceeding in the amount of more than \$250 within the preceding 12 months. Further, no Director shall make, participate in making, or in any way attempt to influence the decision in the proceeding if the Director has willfully or knowingly received a contribution in an amount of more than \$250 within the preceding 12 months from a party or such party's agent, or from any participant or his or her agent, provided, however, that the Director knows or has reason to know that the participant has a financial interest in the decision. For further information, Directors are referred to Government Code section 84308 and to applicable regulations.

**M E M O R A N D U M**

TO: WETA Board Members

FROM: Nina Rannells, Executive Director

DATE: October 2, 2014

RE: Executive Director's Report

**PROJECT UPDATES**

**Ferry Terminal Refurbishment Projects** – This effort includes gangway rehabilitation and minor terminal facility improvement projects that support the continued safe operation of East Bay ferry terminals (Alameda Main Street, Harbor Bay, and Oakland Clay Street Jack London Square) and includes a variety of work ranging from pier piling replacement to repairing and replacing walkways and awnings.

The Board of Directors awarded a contract to Ben C. Gerwick Inc on May 23, 2013 to assist staff with technical specifications, regulatory permitting and construction management services.

The Board of Directors awarded a contract to Manson Construction Co. on March 31 to undertake the majority of the project work, including construction improvements at Harbor Bay and Clay Street. Project design drawings for Harbor Bay and Clay Street are 100% complete and fabrication work is underway. The Clay Street work will require terminal closure over the weekend tentatively scheduled for October 18 and 19.

The Board of Directors awarded contracts to Topper Industries and CS Marine on August 20 and approved an agreement with Bay Ship & Yacht to relocate the passenger float 100 feet to the west of the current location. The Main Street work will require terminal closure over the weekend of October 25 and 26.

**Regional Passenger Float Construction** – This project will construct a new regional spare float that can be utilized as a backup for the Vallejo terminal float as well as other terminal sites such as downtown San Francisco when the permanent terminal floats must undergo periodic dry-dock, inspection, and repair. This spare would support ongoing daily services and would be a valuable asset to have available for use in unplanned or emergency conditions. Ghirardelli Associates Inc. was selected as the project Construction Manager. Procurement of the passenger float construction contract was combined with the North Bay Operations and Maintenance Facility Project construction contract. The Request for Proposals for the project was released on February 28 and the construction contract was awarded to Dutra Construction on July 10, 2014. The contract was executed in July 2014. Final design work is underway with construction of the float anticipate to commence in December 2014.

**Vessel Replacement** –The *Encinal* and *Harbor Bay Express II* are included in the FY 2013/14 Capital Budget for replacement as they have reached the end of their useful lives (generally 25 years) and staff has secured funding commitments for replacement vessels. In December 2013, the Board of Directors approved the contract award to Aurora Marine Design (AMD) for vessel construction management services. A kickoff meeting was held in January to establish project requirements. As part of the bid document development, staff and AMD have met with major propulsion vendors to gain information to develop a database of powering options and emissions tier specifications. To ensure we are able to attract the greatest number of bidders, AMD has conducted surveys with relevant shipyards to determine which, if any, contract requirements are too restrictive which may prevent vendors from bidding on the projects. Staff and AMD have also interviewed other water transit agencies for lessons learned from recent vessel

construction projects. Staff has met with Blue & Gold Fleet operations and engineering staff to receive input on vessel design and layout. The Board approved issuing an RFP for vessel construction in August 2014. The RFP vessel procurement package is being finalized for release.

**Clipper Fare Media Implementation** – Clipper is currently available as fare payment media for the Alameda/Oakland/South San Francisco, Alameda/Oakland/San Francisco, and Alameda Harbor Bay/San Francisco routes. Clipper will be available for the Vallejo ferry service beginning November 1, 2014.

Staff is also participating in a long-term strategic planning effort initiated by MTC and transit operators for the Clipper program. Items under consideration include potential changes to the contracting model and governance structure through which the current Clipper program is delivered. A regional recommendation is expected pending future discussions and development of a strategic plan.

**North Bay Operations and Maintenance Facility** – This project will construct a new ferry maintenance facility located at Building 165 on Mare Island in Vallejo in two phases. The landside phase includes site preparation and construction of a new fuel storage and delivery system along with warehouse and maintenance space. The waterside phase will construct a system of modular floats and piers, gangways, and over-the-water utilities. The existing ferry maintenance facility (Building 477) will be cleaned up as required prior to surrender to Lennar Mare Island, the property owner of the land portion of the project site.

The Board of Directors awarded a design-build contract for the landside phase to West Bay Builders in August 2013 and to Dutra Construction Co., Inc. in July 2014 for waterside construction.

The NEPA environmental review work for the Navy waterside portion is underway on behalf of the Navy. The Navy must complete this documentation prior to entering into a lease with WETA to use the waterside portion of the site. The Draft NEPA Environmental Assessment (EA) was published for public and agency review on August 22, 2014. The review period extends for a 15-day period. After the review period closes, staff will coordinate with the Navy to address any comments received and finalize the NEPA documentation. All required permits for the waterside construction phase of the project have been received.

A comprehensive project update is included as a part of the meeting agenda.

**Central Bay Operations and Maintenance Facility** – This project will develop an operations and maintenance facility at Alameda Point to serve as the base for WETA's existing and future central bay ferry fleet. The proposed project would provide running maintenance services such as fueling, engine oil changes, concession supply, and light repair work for WETA vessels. The new facility will also serve as WETA's Operations Control Center for day-to-day management and oversight of service, crew, and facilities. In the event of a regional emergency, the facility would function as an Emergency Operations Center, serving passengers and sustaining water transit service for emergency response and recovery.

Staff is working with BCDC, the US Army Corps of Engineers, and National Marine Fisheries Service (NMFS) to secure the remaining permits required for the project. On September 17, NMFS issued a notice requesting public comments on an application submitted by WETA for an Incidental Harassment Authorization for the project under the Marine Mammal Protection Act. Staff is also working with the City of Alameda to finalize terms of a lease agreement for the project site, which will be presented to the Board for consideration at a future meeting.

**Richmond Ferry Service** – This service will provide an alternative transportation link between Richmond and downtown San Francisco. The conceptual design includes plans for replacement of an existing facility (float and gangway) and a phased parking plan.

The CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was released on May 6. The Initial Study identified potentially significant effects; however, the implementation of mitigation measures identified in the

IS/MND would reduce potentially significant effects to less-than-significant levels. In accordance with CEQA and the CEQA Guidelines, a 30-day public and agency review period for the IS/MND commenced on May 6 and concluded on June 4. The WETA Board of Directors adopted the MND and Mitigation Monitoring and Reporting Program at the September 2014 Board meeting. Staff is working with the FTA on resource agency consultation and preparation of the NEPA environmental review. Staff is also working with City of Richmond staff to develop a Project Agreement that defines project service levels and identifies capital and operating funding through a project funding plan.

**Berkeley Ferry Service** – This service will provide an alternative transportation link between Berkeley and downtown San Francisco. The environmental and conceptual design work includes plans for shared use of an existing City owned parking lot at the terminal site between ferry and local restaurant (H<sup>s</sup> Lordships) patrons. City participation is required in order to move the project forward and reach agreement on a shared use concept. The project will require a conditional use permit reviewed by the City's Planning Commission, Zoning Adjustment Board, and City Council. Similar to Richmond, a Memorandum of Understanding defining the project and identifying funding sources will also be developed for adoption by the City Council and WETA Board.

The Final EIS/EIR was submitted to FTA review in early October 2012. The remaining activities include resolution of Section 7 consultation and Essential Fish Habitat Assessment with NOAA and NMFS. NOAA and NMFS will issue a Biological Opinion (BiOp) on the project. The BiOp is required prior to completion of the Final EIS/EIR.

**Treasure Island Service** – This project, which will be implemented by the Treasure Island Development Authority (TIDA), the San Francisco County Transportation Authority (acting in its capacity as the Treasure Island Mobility Management Authority) and the prospective developer, will institute new ferry service to be operated by WETA between Treasure Island and downtown San Francisco in connection with the planned Treasure Island Development Project. The development agreement states that ferry operations would commence with the completion of the 50<sup>th</sup> residential unit.

WETA staff is working cooperatively with City staff on this City-led project and participating in regular meetings of the Technical Advisory Committee convened to update and further develop the Treasure Island Mobility Management Program. Staff expects to begin negotiation of a Memorandum of Agreement (MOA) with the City that would set forth the terms and conditions under which WETA would operate the future Treasure Island ferry service. The finalization and execution of an MOA for the Treasure Island service would be subject to future consideration by the WETA Board.

**Downtown San Francisco Ferry Terminal Expansion Project** – This project will expand berthing capacity at the Downtown San Francisco Ferry Terminal in order to support new and existing ferry services to San Francisco as set forth in WETA's Implementation and Operations Plan. The proposed project would also include landside improvements needed to accommodate expected increases in ridership and to support emergency response capabilities. Upon request from the FTA, this project has been included in the Federal Infrastructure Projects Permitting Dashboard, an initiative of the Federal Transit Administration to expedite federal permitting processes for nationally or regionally significant projects.

A Notice of Availability for the Final EIS/EIR and FTA's Record of Decision were published in the Federal Register on September 5, 2014. The WETA Board is anticipated to consider certification of the Final EIR at its regularly scheduled meeting in October. An item recommending Board certification of the Final EIR and approval of other actions concerning this project is included in this month's Board meeting agenda.

**Hercules Environmental Review/Conceptual Design** – The Hercules Intermodal Transportation Terminal will bring together multiple modes of travel at a strategic waterfront location adjacent to future development in Hercules. A ferry terminal is one component of the project, now considered in a later phase of implementation after the construction of parking and rail improvements. As planning and funding

activities are underway for the Intermodal Transportation Center, the Contra Costa County Transportation Authority has developed a Financial Feasibility of Contra Costa Ferry Service Report (White Paper) to assess the feasibility and priority of new ferry services considered in Contra Costa County.

**Antioch, Martinez and Redwood City Ferry Service Projects** – These projects require conceptual design, project feasibility, and environmental review for potential future ferry services to the cities of Antioch, Martinez, and Redwood City. Draft site feasibility reports have been prepared and distributed to the cities for review. The feasibility reports were prepared to identify site constraints and design requirements to better understand project feasibility and cost. Staff is working with the Contra Costa County Transportation Authority, as the county transportation planning and funding authority, on determining next steps for the Contra Costa ferry services under development.

**Contra Costa County Ferry Subcommittee** – Staff is working with the Contra Costa County Transportation Authority (CCTA) and representatives from the cities of Antioch, Martinez, Hercules and Richmond to study implementation of ferry expansion services in Contra Costa County. A White Paper evaluating the financial feasibility of candidate Contra Costa County ferry services was recently completed in draft form. Results of this study will inform stakeholders on specific site and service details for discussion and development of a countywide approach to developing services and funding support. The subcommittee met in April 2014 to review the paper's final findings and discuss next steps for releasing the paper to the CCTA Board and general public. CCTA is leading this effort and the CCTA Board considered the findings of the White Paper at their meeting on June 18 and released the report to the public.

**Alameda Terminals Access Study** – Both ferry terminals in Alameda have experienced a surge in ridership beginning with the first BART strike in July 2013. As a result, parking at both terminals typically spills onto adjacent streets and informal parking lots. WETA will partner with the City of Alameda staff to prepare plans to address the immediate issue and identify long term solutions. Staff has secured the consultant services of Nelson Nygaard through its on-call planning agreement with KPFF, Inc. to support the project.

Staff has concluded its initial outreach efforts, including a series of public workshops, coordination with AC Transit, and an informational presentation to the City of Alameda's Transportation Commission. A draft study is being prepared and will be released for public comment this fall. The study will include preliminary access improvement recommendations and funding strategies for each terminal. Pending public comments received on the draft study, a final draft will be prepared and presented to the Board at a future meeting.

**Alameda Seaplane Lagoon** - The City of Alameda has proposed a new ferry terminal located on the Alameda Point property, the former Alameda Naval Air Station Base. WETA staff is meeting monthly with staff from the cities of Alameda and Oakland along with the Port of Oakland to prepare an operational study of Seaplane Lagoon. The goal of the study is to identify the range of service alternatives for ferry service in the central bay considering terminals at Seaplane Lagoon, Main Street and/or Clay Street in Oakland. The costs, service quality and ridership implications of each service scenario will be estimated. The operational study will ultimately feed into a concept engineering study that will estimate capital costs and permitting requirements for a new facility.

**Fare Policy Study** – The purpose of this study is to review WETA's fare schedule and policy and evaluate options for adopting a multi-year fare program. The study will consider modifications that would promote greater consistency among fare categories, fare products, and discount pricing available on WETA services. Additionally, the fare program will propose a mechanism by which future changes to WETA fares are made. WETA has enlisted CH2M Hill through its on-call planning agreement with Jacobs Engineering to provide consultant services to support the project.

Last month, the Board approved a final FY 2015-2020 Fare Program. Staff is working to notice and coordinate the changes outlined by the Fare Program for FY 2015. Implementation of these changes will begin on November 1, 2014, when fare category eligibility requirements will be standardized for all WETA services, Clipper will be launched for the Vallejo service, and the sale of certain paper-based fare products for the Alameda/Oakland to San Francisco and Alameda Harbor Bay services will be discontinued. WETA will discontinue the sale of certain fare products for the Vallejo service on January 1, 2015 in order to allow current Vallejo riders using these products additional time to transition to the Clipper fare payment system.

**Electronic Bicycle Locker Program** – This project would expand the availability of secure bicycle parking throughout the WETA system to promote bicycle access to ferry terminals and potentially reduce bicycle congestion on-board ferry vessels. WETA currently provides electronic bicycle lockers at its South San Francisco and Harbor Bay ferry terminals and intends to provide similar lockers at each of its origin terminals. In June 2014 WETA received a \$50,000 grant from the Bay Area Air Quality Management District's (BAAQMD) Transportation Fund for Clean Air program for installation of electronic bicycle lockers at the Alameda Main Street and Vallejo ferry terminals.

### **UPDATE ON RELEVANT PROJECTS IMPLEMENTED BY OTHER AGENCIES**

**Warriors Arena/Mission Bay Ferry Terminal** – The Golden State Warriors basketball team has identified a preferred arena site at the foot of 16<sup>th</sup> Street in the Mission Bay neighborhood of San Francisco. A Mission Bay ferry terminal has been identified in both WETA and City of San Francisco planning documents as a potential future infrastructure investment. WETA staff will continue to coordinate with the Warriors, the Port of San Francisco, and the City of San Francisco along with other relevant stakeholders to integrate the development of the project with existing and/or future WETA ferry services to San Francisco as opportunities present themselves.

**Vallejo Station** – Vallejo Station is a compact, transit-oriented mixed-use project in the City of Vallejo that includes two major transit elements – a bus transfer facility that consolidates local, regional, and commuter bus services and a 1,200 space parking garage for ferry patrons and the general public. The first phase of the Vallejo Station Parking Structure, which included a 750 space paid parking structure, was opened in October 2012. Construction of Phase 2 of this facility is dependent upon the City securing funding and the relocation of the U.S. Post Office.

### **SIGNIFICANT ACTIVITIES, OUTREACH, PUBLIC INFORMATION, AND MARKETING EFFORTS**

September 9 - Nina Rannells and Kevin Connolly met with the Warriors to discuss ferry service to the new Warriors stadium.

September 10 - Ernest Sanchez, Kevin Donnelly and Lauren Gularte participated in the San Francisco Fleet Week 2014 Logistics Tabletop Exercise. This emergency response exercise was hosted by the San Francisco Department of Emergency Management and was a day-long discussion-based exercise focused on the decisions and coordination among local, regional, state, federal and private entities as related to the response of a 7.8M catastrophic earthquake on the San Andreas fault. WETA participated at the Sea Logistics and Surface Logistics tables.

September 15 - Fare Program Implementation notices were posted on the SF Bay Ferry web site and distributed onboard all SFBF vessels. BayAlerts "News" messages were also sent.

September 15 - Mike Gougherty attended a meeting of the Port of San Francisco's Northeastern Waterfront Advisory Group.

September 18 - Keith Stahnke and Kevin Donnelly participated in the MTC Trans Response Plan Steering Committee meeting.

September 22 - Nina Rannells attended the General Managers Monthly meeting to discuss the next generation Clipper system.

September 24 - Nina Rannells attended an MTC meeting with regional transit General Managers to discuss the proposed state and regional Cap and Trade program funding opportunities for transit.

September 25 - Nina Rannells and Mike Gougherty attended the Grand Opening of the San Francisco James R. Herman at Pier 27 Cruise Terminal.

October 2 - SF Bay Ferry will host a South San Francisco Chamber/BayBio mixer at the Oyster Point ferry terminal. The mixer, which includes a short ferry ride, provides an opportunity to enlist business leaders in South San Francisco ferry marketing efforts.

October 11-12 Fleet Week Weekend - Beginning September 26, onboard flyers, web site and social media postings, Media Advisories, and ferry terminal posters will promote the expanded Vallejo and Alameda/Oakland schedules in effect over Fleet Week weekend.

October 18-19 Oakland Terminal Closure - Beginning September 29, East Bay print ads, Media Advisories, BayAlerts, and ferry terminal postings will inform the public of the Oakland terminal closure tentatively scheduled for October 18 and 19.

October 25 and 26 Closure of Alameda Main Street Ferry Terminal - Beginning October 6, East Bay print ads, Media Advisories, BayAlerts, and ferry terminal postings will inform the public of the October 25 and 26 closure of the Main Street terminal.

November 1 New Fall/Winter Schedule Begins - Distribution of new collateral materials (brochures, dock signs, pockets schedules, etc.) will begin on October 20 for the Fall/Winter period in effect from November 1 through February 27, 2015. New, minor, changes include re-instated limited weekend Alameda/Oakland service in January and February and expansion of the SSF-to-SF service (utilizing an otherwise deadhead trip) from two days a week to five days a week.

## **OPERATIONS REPORT**

The Monthly Operating Statistics Report for August 2014 is provided as Attachment A.



## Attachment A

### Monthly Operating Statistics Report August 2014

			Alameda/ Oakland	Harbor Bay	South San Francisco	Vallejo*	Systemwide
Ridership	vs. last month	Total Passengers August 2014	94,160	20,405	7,979	82,180	204,724
		Total Passengers July 2014	98,329	22,110	8,042	89,074	217,555
		Percent change	-4.24%	-7.71%	-0.78%	-7.74%	-5.90%
	vs. same month last year	Total Passengers August 2014	94,160	20,405	7,979	82,180	204,724
		Total Passengers August 2013	90,254	22,506	7,391	80,587	200,738
		Percent change	4.33%	-9.34%	7.96%	1.98%	1.99%
	vs. prior FY to date	Total Passengers Current FY To Date	192,489	42,515	16,021	171,254	422,279
		Total Passengers Last FY To Date **	210,433	47,128	15,073	175,455	448,089
		Percent change	-8.53%	-9.79%	6.29%	-2.39%	-5.76%
			Avg Weekday Ridership August 2014	2,930	972	380	2,891
Ops Stats		Passengers Per Hour	180	162	57	168	160
		Revenue Hours	524	126	140	490	1,280
		Revenue Miles	6,372	2,841	2,140	13,481	24,834
Fuel		Fuel Used (gallons)	37,873	9,867	15,966	135,776	199,482
		Avg Cost per gallon	\$3.32	\$3.32	\$3.32	\$3.32	\$3.32

\* Vallejo ridership includes ferry + 4123 Route 200 bus passengers.

\*\* Includes ridership during July 2013 BART strike.

MEMORANDUM

**TO: Board Members**

**FROM: Nina Rannells, Executive Director  
Lynne Yu, Manager, Finance & Grants**

**SUBJECT: Monthly Review of FY 2014/15 Financial Statements for Two Months  
Ending August 31, 2014**

**Recommendation**

There is no recommendation associated with this informational item.

**Summary**

This report provides the attached FY 2014/15 Financial Statements for two months ending August 31, 2014.

**Operating Budget vs. Actual**

	Prior Actual	Current Budget	Current Actual
<b>Revenues - Year To Date:</b>			
Fare Revenue	2,812,796	2,463,982	2,731,611
Local Bridge Toll Revenue	1,978,061	3,166,077	2,223,713
Other Revenue	329	-	500
<b>Total Operating Revenues</b>	<b>4,791,186</b>	<b>5,630,059</b>	<b>4,955,824</b>
<b>Expenses - Year To Date:</b>			
Planning & Administration	284,101	509,589	295,179
Ferry Services	4,507,085	5,120,470	4,660,645
<b>Total Operatings Expenses</b>	<b>4,791,186</b>	<b>5,630,059</b>	<b>4,955,824</b>
<b>System-Wide Farebox Recovery %</b>	<b>62%</b>	<b>48%</b>	<b>59%</b>

**Capital Actual and % of Total Budget**

	YTD Actual	% of FY 2014/15 Budget
<b>Revenues:</b>		
Federal Funds	88,067	0.50%
State Funds	819,173	3.74%
Bridge Toll Revenues	16,129	0.28%
Other Local Funds	17,559	0.47%
<b>Total Capital Revenues</b>	<b>940,928</b>	<b>1.92%</b>
<b>Expenses:</b>		
<b>Total Capital Expenses</b>	<b>940,928</b>	<b>1.92%</b>

**Fiscal Impact**

There is no fiscal impact associated with this informational item.

\*\*\*END\*\*\*

**San Francisco Bay Area Water Emergency Transportation Authority**  
**FY 2014/15 Statement of Revenues and Expenses**  
**For Two Months Ending 8/31/2014**

% of Year Elapsed 17.0%

	Current Month Aug-14	Year - To - Date			Total	
		FY2013/14 Actual	FY 2014/15 Budget	FY 2014/15 Actual	FY 2014/15 Budget	% of Budget
<b>OPERATING EXPENSES</b>						
<b><u>PLANNING &amp; GENERAL ADMIN:</u></b>						
Wages and Fringe Benefits	92,594	175,228	244,773	195,484	1,441,000	13.6%
Services	52,102	79,326	275,178	66,451	1,620,000	4.1%
Materials and Supplies	309	2,518	6,285	567	37,000	1.5%
Utilities	685	1,014	3,567	421	21,000	2.0%
Insurance	-	16,370	3,227	18,335	19,000	96.5%
Miscellaneous	4,802	13,340	18,685	9,280	110,000	8.4%
Leases and Rentals	22,904	44,203	48,581	45,808	286,000	16.0%
Admin Overhead Expense Transfer	(16,988)	(47,899)	(90,707)	(41,165)	(534,000)	7.7%
<b>Sub-Total Planning &amp; Gen Admin</b>	<b>156,408</b>	<b>284,101</b>	<b>509,589</b>	<b>295,179</b>	<b>3,000,000</b>	<b>9.8%</b>
<b><u>FERRY OPERATIONS:</u></b>						
<b><u>Harbor Bay FerryService</u></b>						
Purchased Transportation	107,922	224,565	297,685	230,415	1,752,500	13.1%
Fuel - Diesel & Urea	32,743	93,072	100,491	75,079	591,600	12.7%
Other Direct Operating Expenses	25,753	50,864	107,642	52,349	633,700	8.3%
Admin Overhead Expense Transfer	3,020	10,393	19,874	7,526	117,000	6.4%
<b>Sub-Total Harbor Bay</b>	<b>169,438</b>	<b>378,894</b>	<b>525,692</b>	<b>365,368</b>	<b>3,094,800</b>	<b>11.8%</b>
<b>Farebox Recovery</b>	<b>51%</b>	<b>56%</b>	<b>40%</b>	<b>51%</b>	<b>40%</b>	
<b><u>Alameda/Oakland Ferry Service</u></b>						
Purchased Transportation	529,391	843,326	752,578	1,003,495	4,430,500	22.6%
Fuel - Diesel & Urea	125,682	285,661	313,754	277,477	1,847,100	15.0%
Other Direct Operating Expenses	47,451	156,928	210,121	114,790	1,237,000	9.3%
Admin Overhead Expense Transfer	6,371	17,785	35,501	15,728	209,000	7.5%
<b>Sub-Total Alameda/Oakland</b>	<b>708,894</b>	<b>1,303,701</b>	<b>1,311,954</b>	<b>1,411,490</b>	<b>7,723,600</b>	<b>18.3%</b>
<b>Farebox Recovery</b>	<b>56%</b>	<b>75%</b>	<b>56%</b>	<b>63%</b>	<b>56%</b>	
<b><u>Vallejo FerryService</u></b>						
Purchased Transportation	651,374	1,187,786	1,270,898	1,311,878	7,481,900	17.5%
Fuel - Diesel & Urea	450,999	978,017	1,082,877	906,548	6,375,000	14.2%
Other Direct Operating Expenses	73,480	171,756	270,031	163,290	1,589,700	10.3%
Admin Overhead Expense Transfer	3,686	9,211	12,400	8,224	73,000	11.3%
<b>Sub-Total Vallejo</b>	<b>1,179,539</b>	<b>2,346,769</b>	<b>2,636,206</b>	<b>2,389,940</b>	<b>15,519,600</b>	<b>15.4%</b>
<b>Farebox Recovery</b>	<b>64%</b>	<b>65%</b>	<b>54%</b>	<b>65%</b>	<b>54%</b>	
<b><u>South San Francisco FerryService</u></b>						
Purchased Transportation	158,744	293,455	369,248	311,472	2,173,800	14.3%
Fuel - Diesel & Urea	52,982	108,116	137,419	112,262	809,000	13.9%
Other Direct Operating Expenses	29,501	65,639	117,019	60,426	688,900	8.8%
Admin Overhead Expense Transfer	3,911	10,510	22,932	9,687	135,000	7.2%
<b>Sub-Total South San Francisco</b>	<b>245,138</b>	<b>477,721</b>	<b>646,618</b>	<b>493,847</b>	<b>3,806,700</b>	<b>13.0%</b>
<b>Farebox Recovery</b>	<b>21%</b>	<b>19%</b>	<b>14%</b>	<b>21%</b>	<b>14%</b>	
<b>Total Operating Expenses</b>	<b>2,459,417</b>	<b>4,791,186</b>	<b>5,630,059</b>	<b>4,955,824</b>	<b>33,144,700</b>	<b>15.0%</b>
<b>OPERATING REVENUES</b>						
Fare Revenue	1,292,369	2,812,796	2,463,982	2,731,611	14,505,700	18.8%
Local - Bridge Toll	1,167,048	1,978,061	3,166,077	2,223,713	18,639,000	11.9%
Local - Other Revenue		329	-	500	-	0%
<b>Total Operating Revenues</b>	<b>2,459,417</b>	<b>4,791,186</b>	<b>5,630,059</b>	<b>4,955,824</b>	<b>33,144,700</b>	<b>15.0%</b>

**San Francisco Bay Area Water Emergency Transportation Authority**  
**FY 2014/15 Statement of Revenues and Expenses**  
**For Two Months Ending 8/31/2014**

Project Description	Current Month	Project Budget	Prior Year Actual	FY 2014/15 Budget <sup>2</sup>	FY 2014/15 Actual	Future Year	% of Total Project Budget
<b>CAPITAL EXPENSES</b>							
<b>FACILITIES:</b>							
<b>Maintenance and Operations Facilities</b>							
North Bay Operations & Maintenance Facility	21,568	28,500,000	5,132,061	19,130,939	728,422	4,237,000	21%
Central Bay Operations & Maintenance Facility	58,744	38,000,000	1,228,371	5,750,629	65,448	31,021,000	3%
<b>Float Rehabilitation</b>							
Regional Spare Float Replacement	467	3,862,000	58,976	2,965,024	467	838,000	2%
<b>Gangway, Pier &amp; Terminal Improvement</b>							
Clipper Site preparation - Vallejo	1,920	300,000	148,695	151,305	1,920	-	50%
East Bay Ferry Terminal Refurbishment	51,013	2,595,400	341,509	2,253,891	73,176	-	16%
Electronic Bicycle Lockers	-	79,500	-	79,500	-	-	0%
Channel Dredging - Vallejo	983	1,200,000	-	75,000	1,851	1,125,000	0%
<b>FERRY VESSELS:</b>							
<b>Major Component Rehabilitation / Replacement</b>							
Vessel Engine Overhaul - Gemini Class Vessels <sup>1</sup>	-	1,320,000	-	1,320,000	-	-	0%
Vessel Engine Overhaul - Solano	-	2,000,000	699,042	1,240,958	-	60,000	35%
Major Component Rehab - Pisces	-	200,000	-	200,000	-	-	0%
<b>Vessel Mid-Life Repower/Refurbishment</b>							
Vessel Mid-Life Refurbishment - Bay Breeze	290	5,015,000	4,738,923	276,077	1,351	-	95%
Vessel Mid-Life Refurbishment - Peralta	-	5,260,000	-	1,010,000	-	4,250,000	0%
<b>Vessel Expansion/Replacement</b>							
Purchase Replacement Vessel - Express II & Encinal	7,914	33,500,000	50,568	9,949,432	18,496	23,500,000	0%
Purchase Replacement Vessel - Vallejo	-	20,000,000	-	200,000	-	19,800,000	0%
<b>CAPITAL EQUIPMENT / OTHER:</b>							
Purchase 18-Tone Crane Truck	-	175,000	-	175,000	-	-	0%
Purchase Work Skiff	-	100,000	-	100,000	-	-	0%
<b>SERVICE EXPANSION:</b>							
<b>Future Expansion Service Studies</b>							
Berkeley Terminal - Environ/Concept Design	654	2,335,000	2,183,016	151,984	1,854	-	94%
Antioch - Environ/Concept Design	-	812,500	146,198	25,002	218	641,300	18%
Martinez - Environ/Concept Design	-	812,500	164,894	25,006	-	622,600	20%
Downtown Ferry Terminal Expansion - Environ/Concept Design	31,027	3,300,000	2,581,846	718,154	34,895	-	79%
<b>Terminal/Berthing Expansion Construction</b>							
SSF Terminal Oyster Mitigation Study	1,190	275,000	83,330	191,670	1,190	-	31%
Downtown Ferry Terminal Expansion - Final Design	-	3,745,000	-	1,872,500	-	1,872,500	0%
Richmond Ferry Terminal	5,622	1,862,500	559,294	1,040,706	11,640	262,500	31%
<b>Total Capital Expenses</b>	<b>181,391</b>	<b>155,249,400</b>	<b>18,116,723</b>	<b>48,902,777</b>	<b>940,928</b>	<b>88,229,900</b>	
<b>CAPITAL REVENUES</b>							
Federal Funds	66,136	64,124,919	6,622,379	17,515,330	88,067	38,421,985	10%
State Funds	93,033	48,634,926	8,146,559	21,924,882	819,173	38,239,042	18%
Local - Bridge Toll	8,474	36,457,071	2,456,805	5,753,455	16,129	10,268,872	7%
Local - Alameda Sales Tax Measure B	13,749	4,682,484	890,980	3,659,111	17,559	-	19%
Local - San Francisco Sales Tax Prop K	-	1,300,000	-	-	-	1,300,000	0%
Local - Transportation Funds for Clean Air	-	50,000	-	50,000	-	-	0%
<b>Total Capital Revenues</b>	<b>181,391</b>	<b>155,249,400</b>	<b>18,116,723</b>	<b>48,902,777</b>	<b>940,928</b>	<b>88,229,900</b>	

<sup>1</sup> Board approved Project Budget increase of \$660,000, from \$660,000 to \$1,320,000, in August 2014.

<sup>2</sup> FY2014/15 Budget includes 1) adjustments to reflect actual FY2013/14 expenditures, and 2) carry over of projects not yet completed.

MEMORANDUM

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**TO:** Board Members  
**FROM:** Peter Friedmann, WETA Federal Legislative Representative  
**SUBJECT:** WETA Federal Legislative Board Report – September 24, 2014

Congress recessed on September 17 to campaign for re-election; they will return November 11. No one wanted another Shutdown, so they passed a Continuing Resolution to keep the government operating through December 11. The other essential orders of business before recessing were to extend the life of the Ex-Im Bank (until June 30, 2015) and fund the President to arm rebels in Syria to fight ISIS.

This year, the election stakes are high. While there is little doubt that the Republicans will continue to hold the Majority in the House of Representatives, the Senate is very much in play. This is widely seen as the last chance in quite a few years for the Republicans to take the Majority in the Senate, because for next several election cycles, more Republican incumbents will be defending their seats, than Democrats.

The week after the elections they return for the “Lame Duck” session. It’s hard to predict their willingness to tackle issues (including a big one impacting ferry transit). The dynamics will depend on whether the Democrats hold onto their Senate Majority, or lose it to the Republicans. There remains important business to be done before Congress adjourns for the year. This is the end of the Second Session of the 113<sup>th</sup> Congress, which means that any legislation which has not passed Congress, dies. Then, everything starts over in the 114<sup>th</sup> Congress; legislation which still has support must be reintroduced and begin the sometimes byzantine legislative process, through subcommittees, then committees, hearings, floor debate.

The Lame Duck agenda – what could get done this year (or should get done)?

**Authority to engage ISIS.** No doubt the “headline” issue of the Lame Duck. While he is receiving funds to arm the rebels in Syria, the President does not have Congressional authority to militarily engage with ISIS. This will be a difficult and contentious vote for both Republicans and Democrats who are skeptical of engaging in yet another Middle East war.

**The Federal Budget.** Congress must pass an FY 2015 Budget (FY 2015 actually started October 1, 2014) While they could adjust funding for Federal programs, they probably won’t. With a few tweaks they will pass a Continuing Resolution well into 2015. The one exception will be more money to fight ISIS.

**Transportation Bill.** Congress has only passed piecemeal transportation funding, through May, next year. However, we are working now within the subcommittees and committees, at the staff level, to draft WETA friendly provisions that will be ready for a new transportation bill in the coming year. If Congress and the President were ambitious, they might even consider moving forward with an increase in the federal gas tax, in order to fully fund transportation infrastructure including transit. They know this needs to be done, and the “lame-duck”, when there is somewhat less public scrutiny over Acts of Congress, is a good time to do it.

**International Trade.** TransPacific Partnership, US-EU Trade Agreement (TTIP), and Trade Promotion Authority (which allows the President to negotiate trade agreement, and Congress to pass them), may still be too hot to handle, even during the Lame Duck.

“**Inversions**” by which US corporations move their HQ to another country, in order to take advantage of lower corporate tax rates, and more business friendly tax code. This is another “hot button” issue for the Lame Duck. It will be discussed, but actual legislation will await comprehensive tax reform legislation, next year.

**Expiring Tax Provisions – Transit Commuter Benefit.** Some have already expired, such as the Transit Commuter Benefit. The amount was increased, but expired at the end of 2013. The increase was to be reinstated, as part of a “Tax Extenders” bill. That languishes, awaiting passage by Congress.

**Elections Matter:** These six weeks remaining before the November 4 elections will determine what Congress does during the Lame Duck and in the coming 114<sup>th</sup> Congress. It could be dramatically different than the past six years, or it could be more of the same.

Respectfully Submitted,

Peter Friedmann

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**  
**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(September 4, 2014)*

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA offices at Pier 9, Suite 111, San Francisco, CA.

**1. ROLL CALL AND CALL TO ORDER**

Chair Jody Breckenridge called the meeting to order at 1:07 p.m. and led the pledge of allegiance. Other directors present were Director Timothy Donovan and Director Anthony Intintoli.

**2. REPORT OF BOARD CHAIR**

Newly appointed Chair Breckenridge introduced herself noting that she was a retired US Coast Guard (USCG) officer and had held responsibility for Coast Guard missions in California, the Eastern Pacific, and at one point all support missions in the Pacific, noting that she concluded her career as the USCG Pacific Area Commander responsible for all operations in the Pacific. Chair Breckenridge said she was very familiar with maritime issues in the Bay Area and that she was excited to serve with her fellow board members and staff and that she welcomed assistance during the meeting in maintaining compliance with the agenda and the Brown Act.

Chair Breckenridge noted that Item 8 regarding the FY 2015-2020 Fare Program would be taken out of order and moved later in the meeting.

**1. REPORT OF DIRECTORS**

No reports.

**2. REPORTS OF STAFF**

Executive Director Nina Rannells referred the Board to her written report and offered to respond to any questions.

Director Donovan asked if the vessel *Bay Breeze* had returned to service. Ms. Rannells replied that it had and after resolving some minor issues had been in regular use on the Harbor Bay service since August.

Director Donovan then asked if any WETA facilities had suffered damage in the recent earthquake.

Director Intintoli noted that there had been considerable damage to several structures in Vallejo but that the City's parking facility near the ferry terminal and the terminal itself appeared undamaged. Ms. Rannells said that while staff planned a more detailed report for the October meeting regarding earthquake damage, Senior Planner Chad Mason would deliver a brief overview of the impact on Mare Island.

Mr. Mason reported that there had been minor damage to the North Bay Operations and Maintenance Facility. He said that relative to other nearby sites, the facility had fared well and that underground structure did not appear to have been affected. Mr. Mason added that the parapets on the east and west sides of building 115 would require reinforcement. He noted that the site had been closed and work stopped for five days while waiting out the aftershocks that followed the quake and that he anticipated additional reports on site status to follow.

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Chair Breckenridge asked Mr. Mason if he anticipated a change to the project scope as a result. Mr. Mason said that he did and that he would deliver a comprehensive overview on changes to the scope and the status of the project at the next Board meeting.

Chair Breckenridge asked for any comments or questions regarding the financial report. Director Intintoli thanked staff for the inclusion of farebox recovery detail in the report. He cautioned against any overly enthusiastic reaction to the numbers as reported, noting that these were for only one month and that he anticipated farebox recovery for the fiscal year to fall closer to the projections included in WETA's budget. Ms. Rannells agreed, adding that the number was high but noting it was for the month of July and would average closer to projections as WETA moved into the winter months.

Ms. Rannells then introduced WETA state legislative representative Barry Broad of Broad & Gusman, LLP who delivered a legislative update to the Board.

Mr. Broad reported that the current legislative session had ended and that it produced no bills containing issues connected to WETA. He noted that Assembly Bill 935 (Frazier) which had addressed changes related to the composition of the WETA Board had been inactive in the prior session and had not been moved further in this session.

Mr. Broad also reported on a new source of potential funding for WETA resulting from AB 32, a cap and trade system designed to reduce greenhouse gas emissions which produced \$832 million this year. He said that based on the formula for distribution of these funds under state transit assistance law that transit capital and operations would receive approximately \$50 million and that \$130 million would be available in the form of sustainable community grants.

Mr. Broad said that WETA was certainly eligible to apply for these grants although it was unclear to what degree it would be applicable. He added that in the future 15% of these cap and trade funds would go to transit capital and operations state-wide and 20% would be designated to sustainable community grants. Mr. Broad suggested that WETA examine what kind of sustainable community grants might be relevant to WETA projects, noting that transit-oriented development might be an area to consider.

Chair Breckenridge asked Mr. Broad to clarify in what way he anticipated the funding source to increase. Mr. Broad replied that the overall amount, which for the current year was \$832 million, would likely grow if the percentages allocated to transit remained the same then the total available for transit would be larger.

Mr. Broad said that historically, revenue from fuel taxes was responsible for the majority of transit funding. He said that this source of funding was widely anticipated to constrict in the future, suggesting that WETA and other transit providers consider new or additional supplemental funding sources.

Director Intintoli asked if there had been a new chair named for the Assembly Transit Committee. Mr. Broad said there had not been and that typically new chairs would be announced in December. Director Intintoli asked that Mr. Broad keep the Board informed regarding the naming of a new chair.

Director Donovan noted the LEED certification of the Central Bay Operations and Maintenance Facility and asked if that would help qualify WETA to receive funding. Mr. Broad said he was not yet familiar with the details of what would qualify and that he was also not sure if LEED certification would be sufficient in and of itself but that it was something staff should look at. Ms. Rannells added that the criteria for eligible projects was still being defined but that typically this type of funding was for transit oriented development and not necessarily for a project like the maintenance facility. She added that staff would continue to keep a close eye on potential funding opportunities.

### **3. CONSENT CALENDAR**

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Director Intintoli made a motion to approve the consent calendar which included the Board of Directors meeting minutes of August 20, 2014.

Director Donovan seconded the motion and the consent calendar carried unanimously.

Yeas: Breckenridge, Donovan, Intintoli. Nays: None.

**4. ADOPT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE RICHMOND FERRY TERMINAL PROJECT**

Mr. Mason presented this item requesting that the Board adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Richmond Ferry Terminal Project.

Director Intintoli noted the 2035 projected ridership for the Richmond service and expressed concern regarding such estimates, recalling South San Francisco as an example of overly optimistic projections. He asked that staff ensure that best efforts be made with focus on short term projections.

Director Donovan noted that the amount WETA had invested in the Richmond project was significant.

Chair Breckenridge stated that she appreciated the thoroughness and clarity of Mr. Mason's staff memo.

**Public Comment**

Chad Smalley, Development Project Manager, City of Richmond, thanked WETA staff for navigating through this complicated process and for their work moving the project forward. He said that the City was strongly supportive of the project and would assist WETA in whatever way was required.

**Public Comment**

Hon. Sherry McCoy, Vice-Mayor, City of Hercules and WCCTAC said that she was excited to see the Richmond ferry project move forward and looked forward to bringing ferry service to West Contra Costa County soon.

**Public Comment**

Dana Stoehr of Orton Entertainment, General Manager of the Craneway Pavilion at Ford Point, noted that staff had toured the facility, noting the uniqueness of Craneway Pavilion. She said that she anticipated strong farebox recovery and ridership by area employees and by guests attending special events at the Pavilion as soon as service started.

**Public Comment**

Veronica Sanchez, Masters, Mates & Pilots said that this was a significant milestone and thanked WETA staff for their work. She said that she looked forward to the expansion of ferry service and that crews were ready to go as soon as the service started.

Director Donovan made a motion to adopt the item. Director Intintoli seconded the motion and the item carried unanimously.

Yeas: Breckenridge, Donovan, Intintoli. Nays: None.

**5. DOWNTOWN SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT**

Senior Planner Mike Gougherty presented an informational item regarding the Downtown San Francisco Ferry Terminal Expansion project.

Chair Breckenridge asked if the Office of Management and Budget's new process for fast-tracking the federal approval process had been effective. Mr. Gougherty said yes, noting that it was one of two California projects selected for the Federal Dashboard Permitting Process pilot program along with the

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California High-Speed Rail project. He said that the responsiveness of federal agencies had been greatly accelerated as a result of WETA's participation in the pilot. Chair Breckenridge asked if the streamlining program would be helpful for and apply to future WETA projects. Mr. Gougherty said that the pilot program's strategy of shining a light on agencies which had historically been bottlenecks in the process was extremely effective and that should the pilot continue it could certainly be advantageous to WETA. Ms. Rannells said that she hoped that the pilot project would continue, noting that the dashboard interface had been very helpful. She said that WETA would be following up with the Office of Management and Budget and would urge them to continue the program and would advocate for other WETA projects to be included in the dashboard process.

Chair Breckenridge noted that the plan appeared to maximize the available space in the staging areas around the terminals and asked if having that additional space would have been helpful during the 2013 BART strikes. Ms. Rannells replied that it would have been, adding that the BART strikes demonstrated that WETA was significantly constrained landside as passengers accumulated while waiting for queuing boats. She said that this was alleviated to some degree during the second strike when WETA was able to utilize a Golden Gate Ferry vessel and terminal. Mr. Gougherty agreed and noted that the covering of the "lagoon" area would provide a significant improvement to terminal access and queuing.

Director Donovan asked if the weather overhangs would have solar panels installed. Mr. Gougherty said that WETA was not committed to adding solar but had included panels in the environmental document as an option so that they could be implemented if feasible. Director Donovan then asked if there would be improved terminal access for emergency vehicles once the lagoon was covered. Mr. Gougherty said that that would be a function of the final design and permitting and that while viability was uncertain that it would be the goal.

#### **6. APPROVE FISCAL YEAR 2015-2020 FARE PROGRAM**

Mr. Gougherty presented this item requesting that the Board approve the Fiscal Year 2015-2020 Fare Program and authorize the Executive Director to take related actions necessary to implement the Fare Program.

#### **Public Comment**

Marina Secchitano of the Inlandboatmen's Union asked why most fares would increase by 3% but that the Vallejo monthly pass would increase by 6%, stating a concern that ridership had been lost as a result of a previous fare increase

Mr. Gougherty replied that the goal was to close discrepancies in the discount and not to completely even them out.

Director Intintoli said that he was glad that the monthly pass would be retained as it was very popular and pleased that the change would be gradual. He also noted that the fare increases were significantly smaller than the increases which had been attempted in the past.

Ms. Secchitano asked if there had been any outreach onboard the boats. Ms. Rannells replied that there had been announcements and posters onboard all the ferries. Mr. Gougherty added that the outreach process had been robust and had also included notices distributed through social media, email, BayAlerts, on websites and at ferry terminals in addition to public workshops in Oakland, Vallejo, Alameda and San Francisco and a public hearing.

Director Intintoli made a motion to approve the item. Director Donovan seconded the motion.

Chair Breckenridge stated that the Fare Program had been under development for some time, and, that while she was new to the Board, she had familiarized herself extensively with the item having read through the documentation and all of the comments received. She noted that a quorum was required to

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pass the item, and, that while Director Jeff DelBono was absent, he had informed her that he would have cast his vote in favor of the item had he been able to attend the meeting. Chair Breckenridge said that due to Director DelBono's support for the item and her own comfort level with the program, she would cast a courtesy aye vote, and the item passed unanimously.

Yeas: Breckenridge, Donovan, Intintoli. Nays: None.

**7. RECESS INTO CLOSED SESSION COMMENT AND REPORT OF ACTIVITY IN CLOSED SESSION**

Chair Breckenridge called the meeting into closed session at 2:10 p.m. Upon reopening of the meeting at 2:35 p.m. she reported that no action had been taken.

**8. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 2:35 p.m.

Respectfully Submitted,

Board Secretary

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MEMORANDUM

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**TO: Board Members**

**FROM: Nina Rannells, Executive Director  
Lynne Yu, Manager, Finance & Grants**

**SUBJECT: Authorize the Filing of an Application with the Metropolitan Transportation Commission for \$1,872,500 Regional Measure 2 Capital Funds**

**Recommendation**

Authorize the Executive Director, or her designee, to execute and submit an application, related assurances and allocation request with the Metropolitan Transportation Commission (MTC) for Regional Measure 2 (RM2) funds in the amount of \$1,872,500 to support the *Downtown San Francisco Ferry Terminal Expansion (DFTX) – Final Design* project.

**Background**

In March 2004, voters passed Regional Measure 2 (RM2) raising toll for all vehicles on the seven State-owned toll bridges in the San Francisco Bay Area by \$1.00. This extra dollar is used to fund various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors.

The RM2 program includes \$48,000,000 to support WETA's water transit facility improvements, spare vessels and environmental review costs. These funds are made available through allocation by MTC. To date, \$28,155,000 has been allocated to WETA from this program.

**Discussion**

The *Downtown San Francisco Ferry Terminal Expansion (DFTX) – Final Design* project is included in the FY2014/15 Capital Budget at a cost of \$3,745,000. This project will be funded with \$1,872,500 RM2, \$1,100,000 San Francisco Proposition K (Prop K) and \$772,500 State Proposition 1B (Prop 1B) funds.

As a part of MTC's RM2 Regional Traffic Relief Plan Policies and Procedures, project applicants are required to adopt resolutions formally authorizing project application with MTC and providing various assurances. The full list of certifications and assurances are contained in the Board Resolution associated with this item. These certifications and assurances effectively serve as a part of the contract between WETA and MTC for the requested funds.

**Fiscal Impact**

The *Downtown San Francisco Ferry Terminal Expansion (DFTX) – Final Design* project is included in the FY2014/15 Capital Budget and is funded with RM2, Prop K and Prop 1B funds. This item authorizes all actions necessary in order to secure RM2 funds in the amount of \$1,872,500 to support this project.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2014-25**

**AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION FOR REGIONAL MEASURE 2 CAPITAL FUNDS**

**WHEREAS**, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

**WHEREAS**, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

**WHEREAS**, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

**WHEREAS**, the San Francisco Bay Area Water Emergency Transportation Authority (WETA) is an eligible sponsor of transportation projects in Regional Measure 2, Regional Traffic Relief Plan funds; and

**WHEREAS**, the *Downtown San Francisco Ferry Terminal Expansion – Final Design* project is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

**WHEREAS**, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report (IPR) and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which WETA is requesting that MTC allocate Regional Measure 2 funds; now, therefore, be it

**RESOLVED**, that WETA, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

**RESOLVED**, that WETA certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it further

**RESOLVED**, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it further

**RESOLVED**, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it further

**RESOLVED**, that WETA approves the updated IPR, attached to this resolution; and be it further

**RESOLVED**, that WETA approves the cash flow plan, attached to this resolution; and be it further

**RESOLVED**, that WETA has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated IPR, attached to this resolution; and, be it further

**RESOLVED**, that WETA is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it further

**RESOLVED**, that WETA is authorized to submit an application for Regional Measure 2 funds for (project name) in accordance with California Streets and Highways Code 30914(c); and be it further

**RESOLVED**, that WETA certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it further

**RESOLVED**, that there is no legal impediment to WETA making allocation requests for Regional Measure 2 funds; and be it further

**RESOLVED**, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of WETA to deliver such project; and be it further

**RESOLVED**, that WETA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

**RESOLVED**, that WETA indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of WETA its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it further

**RESOLVED**, that WETA shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the project; and be it further

**RESOLVED**, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it further

**RESOLVED**, that WETA shall post on both ends of the construction site at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it further

**RESOLVED**, that WETA authorizes its Executive Director, or her designee, to execute and submit an allocation request for the final design / PS&E phase with MTC for Regional Measure 2 funds in the amount of \$1,872,500 for the project, purposes and amounts included in the project application attached to this resolution; and be it further

**RESOLVED**, that the Executive Director, or her designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the IPR as he/she deems appropriate.

**RESOLVED**, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of WETA application referenced herein.

### **CERTIFICATION**

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on October 2, 2014.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2014-25

\*\*\*END\*\*\*

MEMORANDUM

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**TO: Board Members**

**FROM: Nina Rannells, Executive Director  
Kevin Connolly, Manager, Planning & Development  
Mike Gougherty, Senior Planner**

**SUBJECT: Certify the Environmental Impact Report for the Downtown San Francisco Ferry Terminal Expansion Project; Make Certain Findings of Fact; Adopt a Statement of Overriding Considerations; and Adopt a Mitigation Monitoring and Reporting Program**

**Recommendation**

Staff recommends that the Board:

- Certify the Environmental Impact Report for the Downtown San Francisco Ferry Terminal Expansion Project;
- Adopt a Mitigation Monitoring and Reporting Program;
- Make Certain Findings of Fact;
- Adopt a Statement of Overriding Considerations; and
- Approve the Project

**Background**

The Downtown San Francisco Ferry Terminal Expansion project is being developed by WETA to expand and improve facilities at the existing ferry terminal in downtown San Francisco. The project will include construction of up to three new ferry gates, landside pedestrian circulation improvements, installation of amenities such as weather-protected areas for queuing, and covering of the current “lagoon” area south of the Ferry Building for future use as a staging area for evacuees in the event of a major emergency. The new gates and amenities will support projects currently under development to provide new ferry service to Richmond, Berkeley, Treasure Island, and other locations, as well as efforts to enhance existing services.

The proposed expansion of the Downtown San Francisco Ferry Terminal builds on previous planning efforts and projects constructed by the Port of San Francisco (Port). In the 1990s, the Port initiated a comprehensive land use planning process for the Ferry Building area that resulted in significant improvements to the Ferry Building and the Embarcadero, as well as implementation of the Downtown Ferry Terminal project. The first phase of the Downtown Ferry Terminal project was completed by the Port in 2003, and resulted in construction of Gates B and E, which are used by WETA today to support its Vallejo and Alameda ferry services. During development of Phase 1, the Port also evaluated alternatives and prepared plans for a second phase that would include construction of additional gates and serve as the basis for the proposed Downtown San Francisco Ferry Terminal Expansion project that WETA is undertaking.



In 2010, WETA entered into a Memorandum of Understanding (MOU) with the Port to establish a coordinated planning process for implementing design and environmental review of their respective projects in the Downtown San Francisco Ferry Building area. As set forth in the MOU, WETA assumes responsibility for developing the conceptual design and undertaking environmental review for landside and waterside improvements proposed as part of the Downtown San Francisco Ferry Terminal Expansion project. Design and environmental review for other projects in the Ferry Building area are to remain the responsibility of the Port. The MOU also establishes that funding and other responsibilities related to construction of the Downtown San Francisco Ferry Terminal Expansion project would be subject to a separate agreement following completion of the environmental review process.

### **Discussion**

Consistent with the MOU between WETA and the Port, WETA has assumed the lead agency role for approving the project under the California Environmental Quality Act (CEQA). In addition, because the Federal Transit Administration (FTA) would be providing federal funding, FTA is the lead agency under the National Environmental Policy Act (NEPA). WETA and FTA have prepared a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that meets requirements of both NEPA and CEQA.

Because the project would also require other approvals that would be also subject to CEQA, several state and local agencies are also Responsible Agencies under CEQA for the project including the Port, the San Francisco Bay Conservation and Development Commission (BCDC) and the California State Lands Commission.

FTA's final approval, in the form of its Record of Decision, was published with the release of the Final EIS/EIR to the public on August 29, 2014. The Final EIS/EIR is included as **Exhibit A**. Upon certification of the EIR, WETA could move forward with project design and permitting activities to advance this project to construction in 2016.

### **Outreach and Coordination with the Public and Agencies**

Prior to the initiation of the environmental review process, WETA conducted a series of stakeholder interviews in late 2010 to inform interested parties about the project. Individual meetings were held with a wide variety of stakeholders in the project area, including nearby businesses, management and tenants of the Ferry Building, regulatory agencies, transit agencies, vessel crews and operators, and advocacy groups representing pedestrian, transit, bicycle, and historic preservation interests. Input obtained from each of the stakeholder groups was documented and considered in the development of the preliminary project design.

Federal, state, and local agencies with jurisdiction over resources that could be affected by the project, or that have technical expertise on an issue relevant to the project, were formally invited to participate in the environmental review process. The agencies that participated include: National Oceanic and Atmospheric Administration – National Marine Fisheries Service (NMFS), U.S. Army Corps of Engineers, U.S. Coast Guard, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, California State Lands Commission, BCDC, Bay Area Air Quality Management District (BAAQMD), the Port, and San Francisco Bay Area Rapid Transit District (BART). An agency coordination meeting was held early in the environmental review process to gather input on each agency's areas of expertise and

concern. In addition, WETA staff worked closely with the San Francisco Planning Department and the San Francisco Municipal Transportation Agency (SFMTA) on the transportation and circulation analysis. These agencies were also provided with briefings and preliminary reviews at various development stages of the Draft and Final EIS/EIR.

WETA has continued its outreach efforts to involve stakeholders throughout development of the project. Staff has presented updates on the project to several organizations, including the Port of San Francisco's Northeastern Waterfront Advisory Group, Maritime Commerce Advisory Committee and Waterfront Design Advisory Committee, the San Francisco Historical Preservation Commission and the BCDC Design Review Board. Additionally, regular project updates have been posted to a project specific page on the WETA website.

### **Overview of the CEQA Process**

The Draft EIS/EIR was released for public and agency review on May 31, 2013 by providing a copy to the State Clearinghouse (SCH 2011032066); circulating a Notice of Availability (NOA) of a Draft EIR to interested parties and to property owners and occupants within 500 feet of the project site; posting the NOA at the project site; filing the NOA with the San Francisco County Clerk's Office; publishing a Public Notice in the San Francisco Examiner; and making the document available for download on WETA's website. A public meeting was held to receive comments on the Draft EIS/EIR on June 25, 2013. The FTA also provided public notice of the availability of the Draft EIS/EIR in accordance with the FTA's NEPA regulations.

Thirteen members of the public or agency representatives submitted comments on the Draft EIS/EIR. Appendix F of the Final EIS/EIR contains the comments received and WETA's responses, as required by CEQA Guidelines Section 15088. Agencies that are either Cooperating or Participating Agencies (under NEPA) or Responsible Agencies (under CEQA) were provided a copy of the draft responses to comments for their review and input including: U.S. Environmental Protection Agency, NMFS, California State Lands Commission, BCDC, BAAQMD, BART, and the Port. In addition, WETA staff met individually with representatives of NMFS, BCDC, BART, and Equity Office Partners (the management organization for the Ferry Building) to discuss their comments and ensure that they would be adequately addressed in the Final EIS/EIR.

All comments received on the Draft EIS/EIR were considered, and where appropriate, updates and clarifications have been made to the description of the project and its anticipated impacts in the Final EIS/EIR. As described in detail in Appendix F of the Final EIS/EIR, Response to Comments, two changes were made that reduce the potential environmental effects of the project. First, all in-water construction activities will be scheduled to take place between June 1 and November 30, when sensitive life stages of several special-status fish species are unlikely to be present in the project area. Second, the weather protection canopy proposed for passenger queuing at Gate B is no longer being considered as a part of the project.

The Final EIS/EIR includes technical changes and clarifications that do not alter the conclusions of the Draft EIR. No new significant impacts have been identified for the proposed project and there is no substantial increase in the severity of identified impacts. Additionally, there are no substantial changes to the proposed project, or new circumstances resulting in increased environmental impacts.

The only potentially significant and unavoidable impacts that would result from implementation of the project, in the short or long term, would be transportation and circulation impacts relating to the project's addition of pedestrians at two area crosswalks. Feasible mitigation measures to reduce these potential impacts have been identified and are presented in the EIS/EIR. The mitigation measures require WETA to enter into an agreement with SFMTA to implement specific crosswalk or signal timing changes. However, because the SFMTA would need to examine the signal timing progression, pedestrian crossing time requirements, and plans for crosswalk widening in greater detail prior to implementation of the mitigation measures to determine if the impacts would be fully mitigated, these impacts would still be considered significant and adverse.

All other impacts identified for the project would be negligible, less than significant, or less than significant with the implementation of mitigation measures. Other alternatives to the project have been previously evaluated; however, these alternatives were found to not meet the project purpose and need, to not be feasible, to not be consistent with other plans, or to exceed projected funding available for the project.

Staff recommends that the Board certify the Final EIR for the Downtown San Francisco Ferry Terminal Expansion Project.

***Mitigation Monitoring and Reporting Program***

Pursuant to CEQA Guidelines Section 15097, WETA has prepared a Mitigation Monitoring and Reporting Program for all measures required to minimize or avoid significant environmental impacts. The Program identifies responsible monitoring parties and monitoring milestones for each mitigation measure. By adopting the Program, WETA is committing to implementing the measures described. The Mitigation Monitoring and Reporting Program is provided in Appendix G of the Final EIS/EIR. The Final EIS/EIR is included as ***Exhibit A***.

Staff recommends that the Board adopt the Mitigation Monitoring and Reporting Program for the Downtown San Francisco Ferry Terminal Expansion Project.

***Findings of Fact***

Pursuant to CEQA guidelines Section 15091, when a public agency approves a project for which an EIR has been certified which identifies potentially significant effects, the agency must make specific findings of fact for potentially significant effects. The EIR identified potentially significant impacts to transportation and circulation; land use and land use planning; parklands and recreation; air quality; noise and vibration; cultural and paleontological resources; biological resources; hazards and hazardous materials; and utilities. Findings related to these topics are described in detail in the Findings of Fact included in ***Exhibit B***.

Staff recommends that the Board adopt the Findings of Fact for the Downtown San Francisco Ferry Terminal Expansion Project.

***Statement of Overriding Considerations***

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the findings discussed above, the lead agency may decide whether or how to approve or carry out a project that may result in significant and unavoidable impacts on the environment. The lead agency may balance the economic, legal, social, technological, or other benefits, including region-wide environmental benefits, against the project's

unavoidable environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

While the project could have significant, unavoidable transportation and circulation impacts, as identified in the EIR, these impacts are outweighed by the benefits offered by the project as described in detail in the Statement of Overriding Considerations included in **Exhibit B**.

Staff recommends that the Board adopt the Statement of Overriding Considerations for the Downtown San Francisco Ferry Terminal Expansion Project

***Project Approval and Notice of Determination***

Staff recommends that the Board approve the Downtown San Francisco Ferry Terminal Expansion Project as described in the Final EIR. Approval of the project authorizes staff to prepare engineering and design plans, apply for permits and approvals, implement the Mitigation Measures described in the Mitigation Monitoring and Reporting Program, obtain funding, and take such other actions as may be appropriate to implement the Project, all in accordance with the phasing plan described in the Final EIR

Upon approval of the project and certification of the EIR, a Notice of Determination will be filed with the California Office of Planning and Research and the San Francisco County Clerk’s office within 5 days initiating a 30-day statute of limitations on court challenges to the approval of the Project under CEQA.

***Fiscal Impact***

There is no direct fiscal impact as a result of this action.

\*\*\*END\*\*\*

Enclosures:

1. Exhibit A – Downtown San Francisco Ferry Terminal Expansion Project Final EIR, Appendix G of the Final EIR contains the Mitigation Monitoring and Reporting Program.
2. Exhibit B – Findings of Fact and Statement of Overriding Considerations

**EXHIBIT A**

**Final EIS/EIR for Downtown San Francisco Ferry Terminal Expansion Project**

Document is available for download from [www.sanfranciscobayferry.com](http://www.sanfranciscobayferry.com) or for review at WETA Administrative Office located at Pier 9, Suite 111, The Embarcadero, San Francisco, CA 94111

# **Findings of Fact and Statement of Overriding Considerations**

## **Downtown San Francisco Ferry Terminal Expansion Project**



**San Francisco Bay Area Water Emergency Transportation Authority**

**September 2014**





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## LIST OF ACRONYMS AND ABBREVIATIONS

BAAQMD	Bay Area Air Quality Management District
Bay Plan	San Francisco Bay Plan
BCDC	Bay Conservation and Development Commission
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CRHR	California Register of Historic Resources
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
Ferry Building	San Francisco Ferry Building
Ferry Terminal	Downtown San Francisco Ferry Terminal
FTA	Federal Transit Administration
IOP	Implementation and Operations Plan
NEPA	National Environmental Policy Act
NO <sub>x</sub>	oxides of nitrogen
NRHP	National Register of Historic Places
PM <sub>10</sub>	particulate matter less than 10 µm in diameter
PM <sub>2.5</sub>	particulate matter less than 2.5 µm in diameter
Port	Port of San Francisco
PRC	Public Resources Code
ROG	reactive organic gas
SFMTA	San Francisco Municipal Transportation Agency
WETA	Water Emergency Transportation Authority

## 1.0 INTRODUCTION

The San Francisco Bay Area Water Emergency Transportation Authority (WETA) is proposing to expand berthing capacity at the Downtown San Francisco Ferry Terminal (Ferry Terminal), located at the San Francisco Ferry Building (Ferry Building), to support existing and future planned water transit services operated by WETA and WETA's emergency operations, as detailed in WETA's Implementation and Operations Plan (IOP) (WETA, 2003a). WETA previously certified the Final Program Environmental Impact Report (EIR) regarding the IOP (WETA, 2003b). The Downtown San Francisco Ferry Terminal Expansion Project (or project) includes construction of three new gates and overwater berthing facilities, in addition to supportive landside improvements, such as additional passenger waiting and queuing areas, circulation improvements, and other water transit-related amenities. WETA and the Federal Transit Administration (FTA) prepared an Environmental Impact Statement (EIS)/EIR to address the environmental effects of the proposed Ferry Terminal improvements. These agencies prepared the EIS/EIR in accordance with the National Environmental Policy Act (NEPA) of 1969, 42 United States Code Section 4321 et seq.; the Council on Environmental Quality regulations for implementing NEPA, 40 Code of Federal Regulations, Parts 1500-1508; the California Environmental Quality Act (CEQA) of 1970, California Public Resources Code (PRC), Section 21000 et seq., as amended; the Guidelines for Implementation of CEQA, Title 14, California Code of Regulations (CCR), Section 15000 et seq.; and FTA guidelines. The FTA is the NEPA lead agency, and WETA is the CEQA lead agency.

These findings, as well as the accompanying Statement of Overriding Considerations, have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these findings is to satisfy the requirements of Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines, in connection with the approval actions proposed by WETA as part of the project. In compliance with NEPA, the Notice of Availability of both the FTA's Record of Decision and the Final EIS was published on September 5, 2014.

## 2.0 BACKGROUND

The Ferry Terminal is in the northeastern section of San Francisco, California, situated at the foot of Market Street at The Embarcadero. The project area encompasses property managed in the public trust by the Port of San Francisco (Port) from the south side of Pier 1 to the north side of Pier 14, and from the Embarcadero Promenade to San Francisco Bay. The project area includes the Ferry Building, the Ferry Plaza, the Agriculture Building, and Pier 2. The project area includes existing water transit facilities (Gates B, C, D, and E), a variety of commercial uses (retail, dining, and office), and public open spaces.

The purpose of the project is to support existing and future planned water transit services operated by WETA on San Francisco Bay, as established by WETA in its IOP, and in accordance with City and County of San Francisco and regional policies that encourage transit use. Furthermore, to support WETA and the Port's emergency operation needs, the project will address deficiencies in the transportation network that impede water transit operations, passenger access, and passenger circulation at the Ferry Terminal.

In 2035, the Ferry Terminal is projected to serve approximately 32,000 water transit passengers, an approximate increase of 300 percent over current ridership. WETA's 2035 ridership is expected to be approximately 25,000 passengers per weekday. The increase in ridership will be from expansion of existing services (i.e., Oakland, Alameda, and Vallejo); implementation of new routes that have already been approved (i.e., Treasure Island); and the development of new water transit routes (i.e., Berkeley, Hercules, Richmond, Martinez, Antioch, and Redwood City). The projected ridership increases cannot be adequately accommodated at the Ferry Terminal because of the following current infrastructure, circulation, and operating deficiencies:

- Insufficient number of gates and berthing facilities to accommodate new water transit service;
- Inadequate waiting and circulation area for passengers; and
- Lack of clearly designated pedestrian connectivity linkages.

Increases in regional water transit support Bay Area air quality goals and the region's regional transportation and land use plan, *Plan Bay Area*, by encouraging a shift from vehicle to water transit usage.

Water transit also provides a viable alternative for transporting people around the region when unexpected and long-term disruption renders others components of the regional transportation system inoperable. WETA will provide emergency transportation services in the event of a disaster. The limited availability of berthing facilities and lack of available staging areas to assemble, queue, and board crowds of evacuees inhibit WETA's emergency response capabilities at the Ferry Terminal.

### **3.0 ALTERNATIVES CONSIDERED**

The project supports regional transit mobility in the region and *Plan Bay Area*, and is included in *Plan Bay Area* and its EIR, which considered a variety of regional mobility alternatives. The proposed project also builds on other previous planning efforts and projects implemented by WETA and the Port, as summarized below.

WETA adopted its IOP and Program EIR for the IOP in 2003, which established a program for systemwide expansion of water transit service in the Bay Area. The IOP identified new routes that would be developed over a 20-year period. The new routes will connect Downtown San Francisco with areas of the North, East, and South Bay. During the development of WETA's IOP, alternatives for regional water transit service were considered and are described in detail in the Program EIR for the IOP.

In addition, in the 1990s, the Port initiated a comprehensive land use planning process that identified near-term and long-term improvements that should be made to the Ferry Terminal. As a result, in 2003, the Port completed Phase I of the Downtown Ferry Terminal Project, which included the construction of Gates B and E. Phase I of the Downtown Ferry Terminal Project also identified long-term future projects that would continue to improve circulation, public spaces, and water transit operations at the Ferry Terminal.

In 2010, WETA and the Port began working together to implement the remaining improvements identified for the Ferry Terminal (Phase II). In February 2010, WETA and the Port entered into a Memorandum of Understanding detailing the goals of the project, and each agency's roles and responsibilities. The project, as described in the EIS/EIR, was developed by WETA and the FTA in close coordination with the Port.

The EIS/EIR summarizes the alternatives evaluated in the IOP and the Program EIR for the IOP, and alternatives considered previously by WETA and the Port. The EIS/EIR evaluates two project alternatives: the No Project Alternative and the Proposed Project.

#### **3.1 NO PROJECT ALTERNATIVE**

The No Project Alternative maintains the existing Ferry Terminal gate configuration and circulation areas, including the function, uses, and design of public spaces in the project area. No new gates or additional boarding capacity would be provided to accommodate new WETA services or the expansion of existing WETA services as part of the No Project Alternative. Similarly, there would be no implementation of circulation and boarding improvements to respond to emergency planning requirements. Increases in passenger and water transit vessel arrivals that could be accommodated with the existing facilities at the Ferry Terminal would occur as a part of the No Project Alternative.

### **3.2 PROPOSED PROJECT**

The proposed project is the expansion and improvement of the Ferry Terminal at the Ferry Building, to accommodate the full expansion of water transit service that was described in the IOP. To accommodate the full expansion of water transit service, the project includes construction of three new gates and overwater berthing facilities, in addition to supportive landside improvements, such as additional passenger waiting and queuing areas and circulation improvements. The new facilities will be designed to withstand damage from flood, wind, or earthquakes so that the gates and circulation areas will be available for emergency operations and evacuee queuing, if necessary.

Details of the proposed project improvements, including construction and operations, are described in Chapter 2.0 of the EIS/EIR.

### **3.3 EVALUATION OF ALTERNATIVES**

The comments received on the Draft EIS/EIR were considered; where appropriate, updates and clarifications have been incorporated into the Final EIR. The proposed project, as described in the Final EIS/EIR, is the project that will be carried forward for project approval after certification of the Final EIS/EIR.

Although the No Project Alternative would not result in any physical impacts to the environment, it would not meet the purpose and need of the project; and over the long term, it would not improve alternative transportation and emergency operations in the Bay Area. The No Project Alternative would not accommodate the projected increases in transbay water transit trips that would help alleviate congestion over the Bay Bridge and through the Bay Area Rapid Transit Transbay Tube. Furthermore, the No Project Alternative would not address WETA and the Port's emergency operation needs. In addition, the No Project Alternative would be inconsistent with several of the plans and policies adopted for the Ferry Terminal area that encourage an expansion in water transit services, and improvements to public access and open space. Therefore, the No Project Alternative would not be considered an environmentally preferred/superior alternative.

### **4.0 CEQA FINDINGS OF FACT**

California PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project." Section 21002 further states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects."

CEQA, PRC Section 21000 et seq., requires a lead agency to make written findings of project effects whenever the lead agency decides to approve a project for which an EIR has been certified (PRC Section 21081). Regarding these findings, Section 15091 of the state CEQA Guidelines (CCR Title 14) states, in part:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The “changes or alterations” referred to in the CEQA Guidelines may be mitigation measures, alternatives to the project, or changes to the project by the project proponent. CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. WETA made multiple environmental commitments during the project planning and conceptual design stages to reduce adverse effects from the project. These measures are incorporated into the project description, along with industry-standard best management practices, which will be used to reduce potential impacts during construction and demolition.

These findings do not describe the full analysis of each environmental impact contained in the EIS/EIR. A more detailed explanation of these environmental findings and conclusions can be found in the EIS/EIR, and these findings hereby incorporate by reference the discussion and analysis in the EIS/EIR and the administrative record as a whole supporting WETA’s determinations regarding the impacts of the project. Materials related to the project, including the EIS/EIR and other documents that constitute the record upon which these findings have been made are available from WETA, Pier 9, Suite 111, The Embarcadero San Francisco, CA 94111, (415) 291-3777.

For all impacts identified as less than significant in the EIS/EIR, WETA confirms the impact determination of less than significant, based on the evidence and analysis provided in the EIS/EIR, and other evidence in the administrative record. Therefore, these impacts are not discussed in these findings.

The EIS/EIR identified potentially significant impacts to transportation and circulation; land use and land use planning; parklands and recreation; air quality; noise and vibration; cultural and paleontological resources; biological resources; hazards and hazardous materials; and utilities. Findings related to these topics are described below, presented in the order they appear in the EIS/EIR. Mitigation measures have been identified that will reduce most of the potentially significant impacts to less-than-significant levels. As required by Section 15091(d) of the CEQA Guidelines, WETA has committed to implementing these measures as described in detail in the Mitigation Monitoring and Reporting Program for the project.

#### **4.1 TRANSPORTATION AND CIRCULATION**

##### ***Impact 3.2-3: Potential Impacts to Pedestrian Facilities in Existing Conditions***

##### ***Impact 3.2-8: Potential Cumulative Impacts to Pedestrian Facilities in Future (2035) Conditions***

The proposed facility improvements will accommodate an increase in vessel traffic, which will therefore increase the number of WETA passengers arriving to and departing from the Ferry Terminal. The majority of passengers will arrive at and depart from the Ferry Terminal by walking. The analysis indicates that increases in pedestrian circulation associated with the project under Existing Conditions and Future (2035) Conditions will result in substantial overcrowding for three study area crosswalks: The Embarcadero Midblock at the Ferry Building Southbound and Northbound; and The Embarcadero and Market Street Southbound.

**Findings:** With respect to the above-identified impacts, WETA hereby makes findings (a)(1) and (a)(2), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Findings:**

- For The Embarcadero Midblock at the Ferry Building Southbound and Northbound (No. 15A/15B) intersection, modifying the pedestrian crosswalk timing will improve pedestrian flow without resulting in a drop in the intersection's level of service. Changes to the crosswalk timing are under the responsibility and jurisdiction of the San Francisco Municipal Transportation Agency (SFMTA). WETA has discussed these changes with the SFMTA, and SFMTA has not objected to entering into an agreement to implement changes to crosswalk timing. WETA and SFMTA will enter into an agreement to implement the changes to the crosswalk timing, as described in Mitigation Measure TRANS-1.
- For The Embarcadero and Market Street Southbound (No. 17) intersection, widening the crosswalk to 72 feet will improve pedestrian flow. Changes to the crosswalk widths and curbs are responsibility and jurisdiction of the SFMTA. WETA has discussed these changes with the SFMTA, and SFMTA has not objected to entering into an agreement to implement changes to the crosswalk. WETA and SFMTA will enter into an agreement to implement the changes to the crosswalk, as described in Mitigation Measure TRANS-2.
- Implementation of these measures could reduce the potential impacts at these crosswalks to a less-than-significant level. To the extent that SFMTA and WETA are unable to agree on the terms of the agreement to implement these measures, impacts are considered significant.
- As explained in the Statement of Overriding Considerations (Section 5.0), the environmental, economic, social, and regionwide environmental benefits of the project outweigh the potential for this unavoidable environmental risk.

## 4.2 LAND USE AND LAND USE PLANNING

### ***Impact 3.3-2: Conflict with Applicable BCDC Plans and Policies***

The project is in the Bay Conservation and Development Commission's (BCDC's) jurisdiction, and is subject to plans and policies adopted by BCDC to avoid or mitigate environmental effects. BCDC will review the project for consistency with the applicable plans and policies prior to issuing permits and approvals for the proposed project. The project is consistent with BCDC plans and policies, including those related to the placement of fill in San Francisco Bay, transportation, the Public Trust, and the San Francisco Bay Area Seaport Plan. Pursuant to BCDC policy, fill removal consistent with the San Francisco Bay Plan (Bay Plan) and Special Area Plan is required to be offset with the new fill in San Francisco Bay created by the proposed project.

**Findings:** With respect to the above-identified impact, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Finding:**

- The project includes the placement of approximately 40,000 square feet of net new fill in San Francisco Bay for the construction of pier deck and berthing structures for the three new gates.
- Mitigation Measure LU-1 requires that WETA remove fill elsewhere in San Francisco Bay. The fill amount and location will be determined in coordination with BCDC during the Major Permit and

Design Review process for project. The amount of fill removed will be no more than the amount of new fill created by the project.

- With the implementation of Mitigation Measure LU-1, the impact will be less than significant.

#### 4.3 PARKLANDS AND RECREATION

##### ***Impact 3.4-2: Conflict with Recreation and Public Access Plans***

The project is in BCDC's jurisdiction, and is subject to plans and policies adopted by BCDC to avoid or mitigate environmental effects. BCDC will review the project for consistency with the applicable plans and policies prior to issuing permits and approvals for the proposed project. The project is consistent with BCDC plans and policies, including those related recreation and public access. Pursuant to BCDC policy, WETA is required to develop a detailed public access plan during the permitting phase of the project, to demonstrate that the project is consistent with the Bay Plan.

**Findings:** With respect to the above-identified impact, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

##### **Facts Supporting the Findings:**

- The project includes improvements to the project area that will improve circulation for WETA water transit passengers, and will provide general public access and additional public spaces in the project area. These public access improvements (e.g., new public access areas and improvements such as seatwalls, planters, benches, lighting, and railings) are included to address BCDC's plans and policies.
- To confirm WETA's commitment to providing public access improvements in the project area, Mitigation Measure REC-1 requires that WETA develop a Public Access Plan in coordination with BCDC during the Major Permit and Design Review process for project.
- With the implementation of Mitigation Measure REC-1, the impact will be less than significant.

#### 4.4 AIR QUALITY

##### ***Impact 3.6-4: Construction-Related Emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> that Could Exceed Applicable Air Quality Standards***

##### ***Impact 3.6-5: Expose Sensitive Receptors to Substantial Construction-Related Pollutant Concentrations***

The project's unmitigated construction-related emissions of oxides of nitrogen (NO<sub>x</sub>) could exceed Bay Area Air Quality Management District (BAAQMD) standards. The project's construction emissions could also result in pollutant concentrations that exceed BAAQMD's significance thresholds for exposure of sensitive receptors.

**Findings:** With respect to the above-identified impacts, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

##### **Facts Supporting the Findings:**

- Mitigation Measure AQ-1 requires that WETA schedule construction activities so that construction of the North Basin and South Basin improvements do not overlap.

- Mitigation Measure AQ-2 requires that, during construction, WETA implement a variety of BAAQMD-recommended best management practices— such as reducing idling times and use of lower emission-generating equipment—to reduce exhaust emissions.
- Implementation of Mitigation Measures AQ-1 and AQ-2 will reduce the project’s construction emissions below BAAQMD’s thresholds for construction emissions and exposure of sensitive receptors to substantial pollutant concentrations. Therefore, the impacts will be less than significant.

#### 4.5 NOISE AND VIBRATION

##### ***Impact 3.7-2: Potential Impact of Construction and Demolition Equipment other than Impact Tools on Adjacent Noise-Sensitive Land Uses***

##### ***Impact 3.7-3: Potential Impact of Pile Driving During Project Construction on Adjacent Noise-Sensitive Land Uses***

Project construction will comply with the City and County of San Francisco Construction Noise Ordinance (Section 2907); however, noise from both general construction activities and pile driving has the potential to exceed FTA construction noise criteria, and could adversely impact noise-sensitive land uses in the project vicinity.

**Findings:** With respect to the above-identified impacts, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

##### **Facts Supporting the Findings:**

- Mitigation Measure NOISE-1 requires WETA to notify noise-sensitive receivers in the vicinity of project construction activities.
- Mitigation Measure NOISE-2 requires that smaller and quieter equipment be used within 15 feet of the Agriculture Building during times when the building is occupied.
- Mitigation Measure NOISE-3 requires that WETA implement measures for pile driving that will minimize noise impacts to noise-sensitive receivers.
- Implementation of Mitigation Measures NOISE-1, NOISE-2, and NOISE-3 will reduce construction noise levels, and impacts will be less than significant.

##### ***Impact 3.7-4: Vibration from Project Construction that Could Result in Human Annoyance***

##### ***Impact 3.7-5: Damage to Structures Caused by Vibration from Project Construction***

Vibration from construction activities, including pile driving, could adversely affect the residential uses at the Hotel Vitale, causing annoyance. Project construction activities could also produce vibration that could exceed thresholds designed to protect the seawall, the Ferry Building, the Ferry Plaza, the Agriculture Building, and Pier 1 from structural damage.

**Findings:** With respect to the above-identified impacts, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.



**Facts Supporting the Findings:**

- Mitigation Measure NOISE-1 requires WETA to notify sensitive receivers in the vicinity of project construction activities.
- Mitigation Measure NOISE-3 requires that WETA implement measures for pile driving that will minimize vibration impacts to sensitive receivers and structures in the project vicinity.
- Mitigation Measure NOISE-4 requires that general construction measures be implemented to reduce vibration from construction activities.
- Implementation of Mitigation Measures NOISE-1, NOISE-3, and NOISE-4 will reduce construction vibration levels, and impacts will be less than significant.

**4.6 CULTURAL AND PALEONTOLOGICAL RESOURCES**

***Impact 3.8-1: Substantial Adverse Change to NRHP and/or CRHR Listed, or Eligible to Be Listed, or Unique Archaeological Resources***

***Impact 3.8-2: Disturbance of Human Remains, Including those Interred Outside of a Formal Cemetery***

There are no known archeological resources or human remains in the project area of potential effect. However, the inadvertent discovery of archaeological materials or human remains during project activities could result in a potential project impact.

**Findings:** With respect to the above-identified impacts, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Findings:**

- Mitigation Measures CUL-1 and CUL-2 describe the procedures that WETA will follow in the event that archaeological materials or human remains are inadvertently exposed during construction. These procedures will ensure that archaeological materials or human remains are adequately identified, protected from further damage, evaluated, and preserved, as necessary.
- Implementation of Mitigation Measures CUL-1 and CUL-2 will reduce potential construction impacts, and impacts will be less than significant.

***Impact 3.8-3: Cause a Direct Adverse Effect or Impact to Historic Properties or Resources***

Pier 1 is individually listed on the National Register of Historic Places, and contributes to two historic districts. The existing fendering along the southern edge of Pier 1 is original to the building, and contributes to the significance of the building. Should it be determined that the fendering along Pier 1 requires replacement, the project could directly affect historic properties or resources.

**Findings:** With respect to the above-identified impact, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Findings:**

- During the Final Design of the project, the existing fendering along the southern edge of Pier 1 will be inspected to determine whether replacement is necessary.

- Mitigation Measures CUL-3 and CUL-4 require application of measures during construction to avoid inadvertent damage; implementation of a response and repair plan, should any inadvertent damage occur during construction; and replacement of the fendering along Pier 1, in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation*.
- Implementation of Mitigation Measures CUL-3 and CUL-4 will reduce direct impacts to historic properties or resources, and impacts will be less than significant.

**Impact 3.8-4: Adverse Effects to Unidentified Significant Paleontological Resources**

There are no known paleontological resources in the project area. However, the area is considered sensitive for paleontological resources. The inadvertent discovery of paleontological resources during project activities could result in a potential project impact.

**Findings:** With respect to the above-identified impact, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Findings:**

- Mitigation Measure CUL-5 requires WETA to stop construction if a paleontological resource is discovered during construction, so the discovery can be evaluated and so actions to document or salvage the resource can be completed, as necessary.
- Implementation of Mitigation Measure CUL-5 will reduce potential impacts to unknown potentially significant paleontological resources, and impacts will be less than significant.

**Impact 3.8-5: Potential Indirect Effects of Visual or Noise and Vibration Elements on Historic Properties or Resources**

The introduction of new visual elements to the project area, which contains buildings individually listed on the National Register of Historic Places and the California Register of Historic Resources and two overlapping historic districts, has the potential to indirectly affect the historic properties. Specifically, there is the potential for the design of the project's weather protection canopies to affect the adjacent historic properties in the project area. In addition, vibration from project construction has the potential to exceed vibration thresholds for potential structural damage, and could affect the historic properties in the project area.

**Findings:** With respect to the above-identified impact, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Findings:**

- Mitigation Measure CUL-6 requires that WETA consult with the Port's Waterfront Design Advisory Committee and the San Francisco Historic Preservation Commission, to ensure that the weather protection canopies are designed consistent with the *Secretary of Interior's Standards for the Treatment of Historic Properties, Standards for Rehabilitation*.
- With implementation of Mitigation Measure CUL-6, indirect adverse visual effects from the Final Design of the weather protection canopy element of the proposed project will be avoided.
- Potential indirect effects from vibration will be avoided by implementing Mitigation Measures NOISE-3 and NOISE-4 (described above under *Noise and Vibration*).

## 4.7 BIOLOGICAL RESOURCES

### ***Impact 3.9-1: Potential Adverse Effects of Maintenance Dredging on Special-Status or Commercially Valuable Marine Species***

### ***Impact 3.9-4: Potential Adverse Effect on Special-Status or Commercially Valuable Marine Species from Dredging Activities during Construction***

The project's dredging during construction and ongoing maintenance dredging activities have the potential to impact special-status and commercially valuable marine species, including their habitat.

**Findings:** With respect to the above-identified impacts, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

#### **Facts Supporting the Findings:**

- WETA has committed to conducting all in-water construction activities (including dredging) between June 1 and November 30, when the sensitive life stages of steelhead, salmonids, and Pacific herring are unlikely to be present in the project vicinity.
- To reduce the impacts on special-status and commercially valuable marine species from dredging, Mitigation Measure BIO-1 includes measures such as requiring the use of the smallest feasible dredge head for mechanical dredging to reduce the likelihood of entrainment.
- With implementation of Mitigation Measure BIO-1, the impacts of dredging on special-status and commercially valuable marine species will be reduced, and will be less than significant.

### ***Impact 3.9-2: Potential Adverse Effects of Permanent Fill in San Francisco Bay on Benthic Habitat and Marine Species***

The proposed project will result in a net increase of 345 square feet (0.008 acre) of fill in bottom habitat in the North and South Basins. In addition, the project will result in a net increase in shaded and floating fill. Although the impacts from new fill will be small, because the project area provides critical habitat for endangered and threatened fish species and Essential Fish Habitat for a variety of other fish, the project's impacts could be adverse.

**Findings:** With respect to the above-identified impacts, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

#### **Facts Supporting the Findings:**

- WETA has committed to Mitigation Measure LU-1, which requires removal of fill elsewhere in San Francisco Bay to offset new fill created by the project.
- With implementation of Mitigation Measure LU-1, the impacts of permanent fill on aquatic species and habitat will be reduced, and will be less than significant.

### ***Impact 3.9-5: Potential Adverse Effects to Special-Status Fish and Marine Mammals from Underwater Sound Generated During Pile Driving***

Underwater sound and acoustic pressure resulting from pile driving could affect aquatic resources (e.g., fish and marine mammals) by causing behavioral avoidance of the construction area and/or injury to sensitive species.

**Findings:** With respect to the above-identified impact, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Findings:**

- WETA has committed to conducting all in-water construction activities between June 1 and November 30, when the sensitive life stages of steelhead, salmonids, and Pacific herring are unlikely to be present in the project vicinity.
- Mitigation Measure BIO-1 will reduce the construction noise impacts by requiring measures such as the use of bubble curtains during driving of steel piles.
- Mitigation Measure BIO-2 requires that hydroacoustic and biological monitoring for fish and marine mammals be conducted during construction, and that, if underwater sound levels exceed the threshold in this analysis, corrective measures be implemented in coordination with the National Marine Fisheries Service and California Department of Fish and Wildlife.
- Implementation of Mitigation Measures BIO-1 and BIO-2 will minimize the effect of project construction noise on fish and marine mammals (i.e., avoidance behavior, fleeing responses, temporary hearing impairment, or the temporary cessation of feeding), and impacts will be less than significant.

#### **4.8 HAZARDS AND HAZARDOUS MATERIALS**

***Impact 3.12-5: Upset and Accidents Involving Hazardous Materials Use and Storage During Construction Activities***

***Impact 3.12-6: Demolition, Transport, and Disposal of Structures and Dredge Material Containing Hazardous Materials***

Hazardous materials (e.g., diesel fuel, hydraulic oil, lubricants, paints, or other hazardous materials) will be transported and used on site for construction activities. In addition, construction vehicles and equipment will be used on site that could accidentally release hazardous materials, such as oils, grease, or fuels. Demolition activities will require the removal and potential temporary storage of piles that have been treated with creosote, or that contain other potentially hazardous substances. In addition, dredging of potentially contaminated sediment will be required during construction. Accidental releases of hazardous materials could result in adverse health effects to construction workers, the public, and the environment.

**Findings:** With respect to the above-identified impacts, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

**Facts Supporting the Findings:**

- Mitigation Measure HAZ-1 requires that WETA prepare a Hazardous Materials Management Plan for site construction and demolition activities. The Hazardous Materials Management Plan will govern the onsite management of hazardous materials, including spill prevention as well as plans and procedures for offsite transport and disposal.
- Implementation of Mitigation Measure HAZ-1 will reduce the potential for accidental releases and exposure, and impacts will be less than significant.

## 4.9 UTILITIES

### **Impact 3.15-6: Potential to Adversely Impact Existing Underground Utilities During Construction Activities**

Utilities for water, wastewater, and telecommunication are located underground along The Embarcadero; the exact locations and depths of utility lines are not known. Project construction could disrupt or damage underground utilities in the project area.

**Findings:** With respect to the above-identified impact, WETA hereby makes finding (a)(1), as stated in the state CEQA Guidelines Section 15091, and as required by PRC Section 21081.

#### **Facts Supporting the Findings:**

- Mitigation Measure UTIL-1 requires WETA to consult with public utility providers, prior to construction, regarding the location and depth of utility lines.
- Implementation of Mitigation Measure UTIL-1 will reduce this potential impact, and impacts will be less than significant.

## 5.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. The lead agency may balance the economic, legal, social, technological, or other benefits, including regionwide environmental benefits, against the project's unavoidable environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

WETA recognizes that the project could have significant, unavoidable transportation and circulation impacts, as identified in the EIS/EIR. WETA finds that these impacts are outweighed by the benefits offered by the project; specifically, the project will provide the following benefits:

- The improvements will accommodate an increase in water transit service, implement WETA's IOP, and encourage a shift from vehicle to water transit use in the Bay Area, consistent with the *Plan Bay Area*.
- The expansion of water transit as an alternative mode of transportation supports the region's regional transportation and land use plan, *Plan Bay Area*, as well as regional and state air quality and greenhouse gas emission reduction goals.
- The project will improve and remove constraints to passenger circulation at the Ferry Terminal, ensuring that WETA's passengers have adequate areas in which to queue while waiting to board their vessel, without causing congestion and use conflicts with other activities in the project area.
- The improvements will all be constructed to withstand damage from flood, wind, or earthquakes, to ensure that the improved circulation areas (e.g., the new Embarcadero Plaza) will be available for emergency operations and evacuee queuing, if necessary. With the project improvements in place, WETA will have the capacity to evacuate up to 9,000 passengers per hour from its five gates.

## **6.0 REFERENCES**

WETA (Water Emergency Transportation Authority), 2003a. San Francisco Bay Area Water Transit Authority, a Strategy to Improve Public Transit with an Environmentally Friendly Ferry System – Final Implementation and Operations Plan. July. Available online at: <http://sanfranciscobayferry.com/weta/publications>.

WETA (Water Emergency Transportation Authority), 2003b. San Francisco Bay Area Water Transit Authority, Final Program Environmental Impact Report – Expansion of Ferry Service in the San Francisco Bay Area. June. Available online at: <http://sanfranciscobayferry.com/weta/publications>.

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION  
AUTHORITY**

**RESOLUTION NO. 2014-26**

**CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE DOWNTOWN SAN  
FRANCISCO FERRY TERMINAL EXPANSION PROJECT; APPROVE CERTAIN  
FINDINGS OF FACT; ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS;  
AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM PURSUANT  
TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, WETA desires to construct the Downtown San Francisco Ferry Terminal Expansion Project (the "Project") to support existing and future water transit services and emergency operation needs consistent with the Implementation and Operations Plan; and

**WHEREAS**, WETA has assumed the role of lead agency for approving the Project under the California Environmental Quality Act (CEQA) ( Public Resources Code Section 21000 et seq.) and has prepared an Environmental Impact Report (EIR) in accordance with Title 14, California Code of Regulations, Section 15000 et seq.; and

**WHEREAS**, a Notice of Preparation of an EIR was circulated on March 24, 2011 and two public and agency meetings were held on April 26, 2011 to receive comments on the scope of the environmental analysis and that comments received during the 45-day scoping period were considered in the preparation of the Environmental Impact Report; and

**WHEREAS**, on May 31, 2013 WETA released the Draft EIR for public and agency review by providing a copy to the State Clearinghouse (SCH 2011032066); circulating a Notice of Availability (NOA) of a Draft EIR to interested parties and to property owners and occupants within 500 feet of the project site; posting the NOA at the project site; filing the NOA with the San Francisco County Clerk's Office; publishing a Public Notice in the San Francisco Examiner; and making the document available for download on WETA's website; and

**WHEREAS**, a 60-day public and agency review period concerning the Draft EIR was held from May 31, 2013 through July 30, 2013 and a public meeting was held on June 25, 2013 to receive comments on the Draft EIR; and

**WHEREAS**, thirteen members of the public or agency representatives submitted comments on the Draft EIR and those comments have been responded to as required by CEQA Guidelines Section 15088; and

**WHEREAS**, a Final EIR has been prepared that includes a description of all updates and changes to the Draft EIR made in response to comments received as well as staff initiated Project updates; and

**WHEREAS**, the Final EIR includes clarifications and technical changes that do not alter the conclusions of the Draft EIR and do not require recirculation of the Final EIR; and

**WHEREAS**, the Project includes mitigation measures to reduce potential Project impacts and the mitigation measures are feasible, WETA has developed a Mitigation Monitoring and Reporting Program (“MMRP”) as provided in CEQA Guidelines Section 15097 and the MMRP is included in the Final EIR; and

**WHEREAS**, even after adoption of all feasible mitigation measures certain potentially significant environmental effects could be caused by the Project; and

**WHEREAS**, WETA has reviewed all materials comprising the Final EIR and finds that it contains all environmental documentation and all environmental impacts of the Project and finds that the Final EIR is complete and adequate, in compliance with CEQA and CEQA Guidelines, and reflects the independent judgment and analysis of the Authority; and

**WHEREAS**, WETA staff has recommended certification of the Final EIR for the Project; now, therefore, be it

**RESOLVED**, that

1. The Board of Directors hereby certifies that the Final EIR for the Project, attached as “Exhibit A” of this Resolution (a) has been completed in compliance with CEQA, (b) the Final EIR was presented to the Authority Board of Directors, and the Authority Board of Directors reviewed and considered the information contained in the Final EIR prior to approving the Project, and (c) the Final EIR reflects the Authority’s independent judgment and analysis.
2. The Board of Directors hereby adopts the Mitigation Monitoring and Reporting Program for the Project, attached as Appendix G of “Exhibit A” of this Resolution.
3. The Board of Directors hereby approves, accepts as its own, incorporates as is set forth in full herein, and makes each and every one of the findings contained in the Findings of Fact, attached as “Exhibit B” of this Resolution, pursuant to CEQA Guidelines Section 15091.
4. The Board of Directors hereby issues and approves, pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations, attached as “Exhibit B” of this Resolution, identifying the specific economic, legal, social, technological, or other benefits, including region-wide environmental benefits, which would make the unavoidable environmental risks acceptable; and be it further

**RESOLVED**, that the Board of Directors approves the Project as described in the Final EIR, attached as “Exhibit A,” and as described in the Findings of Fact, attached as “Exhibit B.” Staff is authorized and directed to prepare engineering and design plans, apply for permits and approvals, implement the Mitigation Measures described in the Mitigation Monitoring and Reporting Program, obtain funding, and take such other actions as may be appropriate to implement the Project, all in accordance with the phasing plan described in the Final EIR. Staff shall return to the Board of Directors for approval in accordance with applicable provisions of WETA’s Administrative Code and procurement policies.



## CERTIFICATION

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on October 2, 2014.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2014-26

\*\*\*END\*\*\*

Enclosures:

1. Exhibit A – Downtown San Francisco Ferry Terminal Expansion Project Final EIR
2. Exhibit B – Findings of Fact and Statement of Overriding Considerations

MEMORANDUM

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**TO:** Board Members

**FROM:** Nina Rannells, Executive Director  
Kevin Connolly, Manager, Planning & Development  
Mike Gougherty, Senior Planner

**SUBJECT:** Approve Amendment to Agreement with URS Corporation for Environmental Review Services for the Downtown San Francisco Ferry Terminal Expansion Project

**Recommendation**

Approve Amendment No. 3 to Agreement No. 10-004 with URS Corporation authorizing additional funds in the amount of \$165,000 for environmental review services for the Downtown San Francisco Ferry Terminal Expansion project; extend the contract term to June 30, 2017; and authorize the Executive Director to negotiate and execute the amendment.

**Background**

In June 2010, WETA Board approved a contract award in the amount of \$1,457,000 to URS Corporation to provide environmental review services for the Downtown San Francisco Ferry Terminal Expansion project. The scope of work for this contract includes preparation of all documentation and technical studies necessary to meet CEQA and NEPA environmental review requirements, participation in the public outreach process, and other environmental review services related to the project, as needed. The budget amount authorized was limited to work required to complete review of the project under CEQA and NEPA.

During the course of the CEQA/NEPA review, delays were encountered that required authorization of Amendments No. 1 and No. 2, which collectively extended the term of the agreement to June 30, 2015. Despite these delays, URS is expected and anticipated to complete the CEQA/NEPA review within the total original contract budget.

**Discussion**

WETA will require additional environmental review services to continue development of the Downtown San Francisco Ferry Terminal Expansion project once the CEQA/NEPA review is complete. These services fall within the scope of work for the URS agreement, but were not included in the initial contract budget. The specific services required include preparation, submittal, and coordination of project permitting applications required by the Bay Conservation and Development Commission, the U.S. Army Corps of Engineers, the San Francisco Bay Regional Water Quality Control Board, and the National Marine Fisheries Service. The budget required for this work is \$165,000, which includes a 10% contingency.

Staff recommends that the Board approve Amendment No. 3, which would increase the contract budget for Agreement No.10-004 with URS Corporation by \$165,000 and extend the term from June 30, 2015 to June 30, 2017.

**Fiscal Impact**

Approval of Amendment No. 3 would increase the total not-to-exceed contract amount for the Agreement No. 10-004 by \$165,000, from \$1,457,000 to \$1,622,000. The Downtown San Francisco Ferry Terminal Expansion - Environmental Review and Conceptual Design project is included in the FY 2014/15 Capital Budget at a total cost of \$3.3 million. This project is funded with a combination of Federal Transit Administration (FTA) grant funds and State Proposition 1B (Prop 1B) funds. Sufficient funds are available within the total project budget to support this amendment.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2014-27**

**APPROVE AMENDMENT TO AGREEMENT WITH URS CORPORATION FOR ENVIRONMENTAL REVIEW SERVICES FOR THE DOWNTOWN SAN FRANCISCO FERRY TERMINAL EXPANSION PROJECT**

**WHEREAS**, in June 2010, WETA entered into Agreement No.10-004 with URS Corporation for \$1,457,000 to provide environmental review services for the Downtown San Francisco Ferry Terminal Expansion project; and

**WHEREAS**, in May 2013, WETA approved Amendment No. 1 extending the contract term to June 30, 2014; and

**WHEREAS**, in June 2014, WETA approved Amendment No. 2 extending the contract term to June 30, 2015; and

**WHEREAS**, WETA staff has recommended amending the Agreement with URS Corporation to approve additional funds in the amount of \$165,000 and to extend the contract term to June 30, 2017; now, therefore, be it

**RESOLVED**, that the Board of Directors hereby approves Amendment No. 3 to Agreement No. 10-004 with URS Corporation in the amount of \$165,000 for a total contract amount not-to-exceed \$1,622,000 and to extend the contract term to June 30, 2017; and be it further

**RESOLVED**, that the Board of Directors authorizes the Executive Director to negotiate and execute the amendment and take any other related actions to support this work.

**CERTIFICATION**

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on October 2, 2014.

YEA:  
NAY:  
ABSTAIN:  
ABSENT:

---

/s/ Board Secretary

2014-27

\*\*\*END\*\*\*

MEMORANDUM

---

**TO:** Board Members

**FROM:** Nina Rannells, Executive Director  
Kevin Connolly, Manager, Planning & Development  
Chad Mason, Senior Planner

**SUBJECT:** Project Update for the North Bay Operations and Maintenance Facility

**Recommendation**

There is no recommendation associated with this informational item.

**Background/Discussion**

This project will construct a new ferry operations and maintenance facility located at Building 165 on Mare Island in Vallejo. The project consists of separate landside and waterside construction phases. The landside phase includes site preparation and construction of landside improvements, including a 48,000 gallon fuel storage and delivery system, a new warehouse, and renovation of Building 165. The waterside phase will construct a system of modular floats and piers, gangways, and over-the-water utilities. The existing ferry maintenance facility (Building 477) will be cleaned up as required prior to surrender to Lennar Mare Island, the property owner of the land portion of the project site. This project was transferred to WETA for implementation as a part of the July 2012 Vallejo service transfer.

Construction of the landside phase is underway and is anticipated to be complete in Spring 2015. Final design has begun for the waterside phase. It is anticipated that float fabrication will begin in Spring 2015. Piles will be installed during the 2015 environmental work window for the project (August 1 to October 15). The floats will be installed after the piles are driven. Waterside construction is anticipated to be complete near the end of 2015.

The NEPA Environmental Assessment for the Navy waterside portion of the project is near completion. The Navy must complete this documentation prior to entering into a lease with WETA to use the waterside portion of the site. The Draft NEPA Environmental Assessment (EA) was published for public and agency review on August 22, 2014. Staff is coordinating with the Navy to finalize the NEPA documentation. After the NEPA process is complete, staff will coordinate with the Navy to draft and execute the waterside lease. All required permits for the waterside construction phase of the project have been received.

On August 24, 2014, the northern San Francisco Bay Area was struck by Magnitude 6.0 earthquake. The earthquake caused significant damage in southern Napa County and the City of Vallejo. Many buildings on Mare Island suffered significant damage. Building 165 is undergoing rehabilitation as part of the project and sustained minor damage to bricks and masonry. Staff is working with the design build team on a work scope to repair the damages.

Staff will provide a verbal report at the meeting to augment this written report.

**Fiscal Impact**

There is no fiscal impact associated with this informational item.

\*\*\*END\*\*\*

**MEMORANDUM**

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**TO: Board Members**

**FROM: Nina Rannells, Executive Director**  
**Kevin Connolly, Manager, Planning & Development**  
**Chad Mason, Senior Planner**

**SUBJECT: Approve Amendment to Agreement with Weston Solutions Inc. to Provide Additional Construction Management Services for the North Bay Operations and Maintenance Facility Project**

**Recommendation**

Approve the following actions relative to the North Bay Operations and Maintenance Facility project:

1. Approve Amendment No. 2 to Agreement No. 13-003 with Weston Solutions Inc. (Weston) for construction management services, to increase the contract amount \$762,000, to a total not-to-exceed amount of \$2,162,000, extend the contract term to April 30, 2016, and authorize the Executive Director to execute the amendment; and
2. Authorize a project budget increase in the amount of \$762,000 to support the contract amendment.

**Background**

In February 2013, the Board authorized award of a contract to Weston for \$1,400,000 to provide project development and construction management services for the North Bay Operations and Maintenance Facility Project; a project initially developed by the City of Vallejo and transferred to WETA for implementation as a part of the Vallejo service transfer agreement. This award was made as the result of a Request for Qualifications process. At the time of award, the project schedule anticipated project construction to be completed in Fall 2014.

The initial work under this contract involved extensive activity related to construction RFP development, proposal review and contract award of the landside and waterside construction contracts. The landside construction contract was awarded in August 2013 and the waterside construction contract was awarded in July 2014. Weston also assisted with development of a pre-construction and abatement phase bidding document that was later combined into the landside construction procurement.

**Discussion**

Presently, Weston is managing and overseeing work for the landside and waterside construction contracts totaling just over \$23 million and scheduled for completion by early 2016. As WETA's construction manager and "Owner's Representative," Weston is responsible for overseeing each contractor's performance and adherence to schedule and technical specifications. This work includes monitoring on-site work daily, inspecting and confirming the quality and amounts of materials used by the contractor, ensuring that contractors diligently follow worker safety protocols, administering the collection of and responses to Requests for

Information, Certified Payroll review and undertaking a thorough review of contractor's invoices for payment.

Weston has demonstrated excellence in every aspect of its work providing construction management services for the North Bay Operations and Maintenance Facility Project. As the Owner's Representative, Weston has successfully managed the challenging task of coordinating the efforts of two construction contractor teams based out of separate locations with the project architect and engineer teams contracted by WETA to review the design work submitted by the contractors. Additionally, the Weston team has been effective in evaluating potential value engineering opportunities for the design-build contracts, facilitating responses to Requests for Information, and negotiating contract change orders on behalf of WETA.

The services provided by Weston to manage the extensive pre-award activities, multiple parties of the project team and to address the many unknown site conditions has required more time and resources than originally estimated in the contract. The primary work tasks that have required more time than anticipated include:

- Discovery and management of a large number of unknown buried manmade objects;
- Structural issues in Building 165 including previously unknown corrosion and fire damage;
- Discovery and management of contaminated soils;
- Air quality testing/oversight during abatement activities;
- Assistance with the City of Vallejo building permit phase;
- Inaccurate as built information for the existing underground utilities on-site and in the vicinity (electrical, sewer, water, and storm water);
- Construction management activities in response to the Napa earthquake on August 24, 2014; and
- Ongoing quality assurance efforts

In addition, the waterside construction schedule has been pushed out due to significant delays in the resource agency permitting process and the Navy lease and associated NEPA process. Pile driving activity, which is limited to August 15 through October 31, is now scheduled to take place towards the end of the waterside construction in 2015.

To ensure that WETA has sufficient support and construction management resources to last through the completion and closeout of the two construction contracts and maintain its strong control over the performance of each contractor team, staff recommends approval of Amendment No. 2 to Agreement No. 13-003 with Weston to increase the contract amount by \$762,000, to a total not-to-exceed amount of \$2,162,000. The amended total contract value for construction management services represents approximately 9% of the project construction contract cost which is consistent with the 10% industry standard for construction management services.

### **Fiscal Impact**

The North Bay Operations and Maintenance Facility project is included in the FY 2014/15 Capital Budget at a cost of \$28,500,000. A capital budget increase in the amount of \$762,000 is required to fund the contract amendment proposed in this item. Sufficient Federal Transit Administration (FTA), State Proposition 1B (Prop 1B) and State Transportation Improvement Program (STIP) grant funds are available to support this project budget increase.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2014-28**

**APPROVE AMENDMENT TO AGREEMENT WITH WESTON SOLUTIONS INC. FOR  
CONSTRUCTION MANAGEMENT SERVICES FOR THE NORTH BAY OPERATIONS AND  
MAINTENANCE FACILITY PROJECT**

**WHEREAS**, in February 2013, WETA entered into Agreement No.13-003 with Weston Solutions Inc. for \$1,400,000 for provide construction management services for the North Bay Operations and Maintenance Facility project; and

**WHEREAS**, WETA staff has recommended amending the Agreement with Weston Solutions Inc. to approve additional funds in the amount of \$762,000 and to extend the contract term to April 31, 2016; now, therefore, be it

**RESOLVED**, that the Board of Directors hereby approves Amendment No. 2 to Agreement No.13-003 with Weston Solutions Inc. in the amount of \$762,000 for a total contract amount not-to-exceed \$2,162,000 and to extend the contract term to April 31, 2016; and be it further

**RESOLVED**, that the Board of Directors authorizes the Executive Director to negotiate and execute the amendment and take any other related actions to support this work.

**CERTIFICATION**

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on October 2, 2014.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2014-28

\*\*\*END\*\*\*



MEMORANDUM

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**TO:** Board Members

**FROM:** Nina Rannells, Executive Director  
Kevin Connolly, Manager, Planning & Development  
Chad Mason, Senior Planner

**SUBJECT:** Approve Amendment to the Agreement with West Bay Builders for Landside Construction of the North Bay Operations and Maintenance Facility Project

**Recommendation**

Approve the following actions relative to the North Bay Operations and Maintenance Facility project:

1. Approve Amendment No. 1 to Agreement No. 13-008 with West Bay Builders to increase the landside construction contract contingency amount \$970,000, for a total not-to-exceed contract amount of \$11,787,520 and authorize the Executive Director to execute the amendment; and
2. Authorize a project budget increase in the amount of \$970,000 to support the contract amendment.

**Background**

In August 2013, the Board approved a design-build contract with West Bay Builders for the landside construction of the North Bay Operations and Maintenance Facility in an amount not to exceed \$10,817,520. This award included an owner's contingency in the amount of \$1,159,020 to allow for additive changes necessary to complete the project, to add elements that were not in the original specifications and to deal with unforeseen project circumstances that might arise during development and construction. Since work has commenced on this project, the contingency funds have been committed to the project, as modified through change orders issued, in order to satisfy design requirements in light of unknown site conditions, measures to address safety concerns and design changes for facility enhancements. Change orders have also been issued to address additional project design requirements, including permit requirements imposed by the Vallejo Building, Public Works and Fire Department that required certain design changes.

The major change orders issued to date are summarized below:

**Facility Features**

- **Heating Ventilation and Air Conditioning System (HVAC).** The project plans and specifications as transferred to WETA did not include an HVAC system. It was determined that the facility would benefit from an HVAC system. Due to timing constraints for contract award the system was not included in the RFP documents for the landside construction phase. The system was included in the project plans as a change order, totaling \$476,589.

- **Diesel Fuel Tanks.** The four diesel fuel tanks pre-purchased by the City of Vallejo and transferred to WETA were intended to be installed in a below-grade vault, per city plans. WETA undertook an effort to reduce on-site excavation and the fuel tank design was changed to an aboveground facility. It was later determined that the existing fuel tanks could not be installed aboveground. New fuel tanks were purchased at a cost of \$153,325.
- **Clipper System.** – The project as transitioned to WETA did not include specifications and plans for Clipper system infrastructure. WETA added clipper system improvements to the plans and specifications for the passenger loading facility included as part of the maintenance facility project. As part of this change order, Clipper system improvements were also installed at the Vallejo Terminal.

### **Unknown Site Conditions**

- **August 2014 Earthquake Damage.** On August 24, 2014, the northern San Francisco Bay Area was struck by Magnitude 6.0 earthquake. Building 165 sustained minor damage to bricks and masonry. Repair of this will be addressed as part of the brick and masonry repair work discussed below.
- **Brick and Masonry Restoration.** Historic Building 165 will be renovated as part of the project and consists of a steel frame structure with a brick masonry façade. Over time, the building has been exposed to the elements of a marine environment and the steel structure has corroded, resulting in rust jacking and cracking of the masonry façade. This damage poses a significant safety risk for the public and maintenance facility staff in the event of an earthquake after the facility is operational. The design-build team has resurfaced the steel frame structure and repaired the brick and in several areas of the building. The extent of damage to the steel structure and brick façade is greater than anticipated. Additional work is needed to fully address the issue and safety concerns.
- **Buried Man Made Objects (BMMOs).** Excavation on the project site is required for building foundations and installation of subsurface utilities. After transition of the project from the City of Vallejo to WETA, an extensive effort was made to reduce the extent of on and off-site excavation to limit the risks associated with unknown subsurface conditions. Nonetheless, during excavation activities, WETA's construction contractor encountered many BMMOs including subsurface concrete vaults, conduit duct banks, utility lines, and steam-system lines. Discovery of such conditions resulted in additional costs for the construction contractor. Some BMMO discoveries required redesign of proposed improvements.
- **Management of Unknown Hazardous Materials and Subsurface Contamination.** Mare Island is a former US Navy station and substantial subsurface contamination exists through the island including project site. Many contaminated areas have been identified on Mare Island and environmental cleanup has been completed or is ongoing. Other areas are contaminated and the full extent of contamination is unknown. It was anticipated that unknown subsurface hazardous materials contamination could exist on the project site. As these conditions are unknown, the construction contract was structured to address hazardous materials and contaminated soils through the change order process. During excavation activities, WETA's construction contractor encountered hazardous materials and contaminated soils. Discovery of such conditions resulted in additional costs for materials, testing, handling, transportation and disposal.

Several “deductive” change orders have also been issued in order to control project costs through value engineering recommendations provided by the contractor and approved by the design review team and through the deletion of items that were deemed unnecessary by WETA. The deductive change orders include a change in specifications for the new warehouse building and revised specifications for site access gates.

**Discussion**

The contingency fund originally established for landside construction under the West Bay Builder’s contract has been depleted in order to address the many site and project conditions and design elements and requirements identified for the North Bay Operations and Maintenance project during the first year of project development and construction. Additional work items will need to be completed in order to complete landside construction, requiring an increase in the landside construction contract and contingency fund.

Required additional work items known at this time include additional brick restoration, repair of earthquake damages, discovery of additional unknown underground objects, hazardous waste abatement and disposal, and work to address storm water requirements, estimated to cost \$263,100. While most of the underground work is complete, so the unknown site conditions have been reduced, additional excavation work is necessary to complete the waterfront utility connections. In consideration of this, and the significant facility construction still ahead, staff recommends that the Board authorize additional contingency in the amount of \$970,000 (an additional 10% of the original contract award without contingency) to replenish the construction contingency to address remaining known and unknown site conditions, measures to address safety concerns and design changes that may be identified as we move further into facility construction. If approved, the additional contingency contract authority would be managed for actual expenditures on a contract change order basis.

**Fiscal Impact**

The North Bay Operations and Maintenance Facility project is included in the FY 2014/15 Capital Budget at a cost of \$28,500,000. A capital budget increase in the amount of \$970,000 is required to fund the contract amendment proposed in this item. Sufficient Federal Transit Administration (FTA), State Proposition 1B (Prop 1B) and State Transportation Improvement Program (STIP) grant funds are available to support this project budget increase.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2014-29**

**APPROVE AMENDMENT TO AGREEMENT WITH WEST BAY BUILDERS FOR LANDSIDE  
CONSTRUCTION OF THE NORTH BAY OPERATIONS AND MAINTENANCE FACILITY  
PROJECT**

**WHEREAS**, in August 2013, WETA entered into Agreement No. 13-008 with West Bay Builders for \$10,817,520 for the landside construction of the North Bay Operations and Maintenance Facility; and

**WHEREAS**, WETA seeks to authorize additional budget for the remaining work associated with the project; and

**WHEREAS**, WETA has followed established provisions and procedures in its Administrative Code relating to the authorization of contract amendments to existing contracts; and

**WHEREAS**, WETA staff has recommended amending Agreement with West Bay Builders to approve additional funds in the amount of \$970,000 with actual expenditures authorized on a contract change order basis; now, therefore, be it

**RESOLVED**, that the Board of Directors hereby approves Amendment No. 1 to Agreement No. 13-008 with West Bay Builders in the amount of \$970,000 for a total contract amount not-to-exceed \$11,787,520 with actual expenditures authorized on a contract change order basis; and be it further

**RESOLVED**, that the Board of Directors authorizes the Executive Director to negotiate and execute the amendment and take any other related actions to support this work.

**CERTIFICATION**

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on October 2, 2014.

YEA:  
NAY:  
ABSTAIN:  
ABSENT:

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/s/ Board Secretary

2014-29

\*\*\*END\*\*\*

MEMORANDUM

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**TO:** Board Members

**FROM:** Nina Rannells, Executive Director  
Keith Stahnke, Manager, Operations

**SUBJECT:** Approve Contract Award for Technical and Construction Management Services for the Vallejo Dredging Project

**Recommendation**

Approve contract award to CLE Engineering for Technical and Construction Management (CM) services for the 2015 Vallejo Dredging project in an amount not to exceed \$120,000 and authorize the Executive Director to negotiate and execute a final contract and take any other such related actions to support this work.

**Background/Discussion**

The Vallejo ferry terminal is located in a basin that silts in over time, requiring periodic maintenance dredging. The basin and approaches have undergone maintenance dredging in 2003, 2008, and 2011, and dredging will be required again in Fall 2015.

On June 19, 2014, the Board authorized staff to release a Request for Qualifications (RFQ) to solicit qualified firms to provide expertise in design, engineering, permitting and construction management for the 2015 Vallejo dredging project. On September 12, 2014, staff issued an RFQ to over 1,150 firms on the WETA's technical consultant list through email and further solicited interest through notices on the website seeking professional services for this dredging project. On September 12, 2014, WETA received a total of seven (7) Statements of Qualification (SOQs) in response to the RFQ.

Selection criteria for the contract award, as established within the RFQ, included the following:

- **Project Understanding** – Demonstration of a clear understanding of the project and ability to work collaboratively with other consultants, agencies, etc.;
- **Previous Experience** – Relevant experience and past success managing all processes, procedures, and paperwork for similar projects;
- **Team Qualifications** – Team experience working with a multi-disciplinary team of firms engaged with public sector construction projects; and
- **References** – Satisfaction of previous clients with regard to project delivery, timeliness and budgets.

An evaluation panel that included WETA staff and Marty Robbins of Fast Ferry Management, Inc., reviewed the SOQs and scored the proposals based upon the selection criteria for the contract with the following results.

CONSULTANTS	Proposed Approach	Previous Experience	Staffing Plan	Project Schedule	Total Score
Anchor QEA	8	8	8	8	32
Atkins	7	6	7	6	26
Applied Water Resources	6	7	6	5	24
CLE	7	9	8	8	32
GHD	6	7	7	5	25
Moffat & Nichol	8	8	8	6	30
Weston	7	7	6	7	27

The review panel requested that three of the proposing firms including Anchor QEA, CLE and Moffat & Nichol provide additional information regarding their qualifications and proposals through oral interviews. These interviews were conducted on September 24, 2014.

Based upon the information submitted and supplemental interviews, the review panel recommends awarding a contract to CLE Engineering for this work. The selection panel gave CLE Engineering the highest rating based on their proposed technical approach and input from references. CLE Engineering has proposed a strong staffing plan for the project with extensive experience.

The work under this contract will include the engagement of professional engineering consultant services to obtain all necessary permits for the dredging; perform all requisite tests; perform all sampling, tests, analyses, and surveys as required; preparation of contract documents to enable WETA to go out to bid and for project; and on-site construction management oversight during dredging operations. Construction management services include onsite inspection and safety monitoring personnel; quality assurance; ensure dredging contractor compliance with regulatory agencies; certified payroll collection and verification for the dredging work.

The recommended contract award is for an amount not to exceed \$120,000 with work to be managed and completed based upon task orders issued by WETA staff within this overall contract limit.

The selection of a contractor to perform the actual dredging work for this project will be procured separately in 2015. This dredging project and associated work is expected to be complete by November 2015.

**Fiscal Impact**

The Vallejo Dredging project is included in the FY 2014/15 Capital Budget in the amount of \$1.20 million, and is funded with Federal Transit Administration grant funds and AB664 Bridge Toll Revenues.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2014-30**

**APPROVE CONTRACT AWARD FOR CONSTRUCTION MANAGEMENT SERVICES FOR  
THE VALLEJO FERRY DREDGING PROJECT**

**WHEREAS**, WETA seeks to enter into an agreement for construction management services for the Vallejo Ferry Dredging Project; and

**WHEREAS**, WETA has established procedures in its Administrative Code relating to the selection and contracting of consulting services, solicitation, and evaluation of qualifications; and

**WHEREAS**, WETA staff has recommended the award of construction management services to CLE Engineering with actual expenditures authorized on a Task Order basis; now, therefore, be it

**RESOLVED**, that the Board of Directors hereby approves entering into an agreement with CLE Engineering for construction management services for a total amount not to exceed \$120,000 and authorizes the Executive Director to negotiate and execute an agreement for these services and take any other such related actions to support this work.

**CERTIFICATION**

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on October 2, 2014.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2014-30

\*\*\*END\*\*\*