



Members of the Board

Charlene Haught Johnson, Chair
Anthony J. Intintoli, Jr., Vice Chair
Gerald Bellows
Beverly Johnson
John O'Rourke

**MEETING AGENDA FOR THE WETA
BOARD OF DIRECTORS**

Thursday, August 21, 2008, 1:00 P.M. to 3:00 P.M.
San Francisco Bay Conservation & Development Commission
McAteer-Petris Room
50 California Street, 26th Floor
San Francisco

A supplemental materials packet is available for download at www.watertransit.org.

AGENDA

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 COMMENT The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards 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.

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|--|---------------------------|
| 1. <u>CALL TO ORDER – BOARD CHAIR</u> | <i>Information</i> |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | <i>Information</i> |
| 3. <u>REPORT OF BOARD CHAIR</u> | <i>Information</i> |
| 4. <u>REPORTS OF DIRECTORS</u> | <i>Information</i> |

**Water Emergency Transportation Authority
August 21, 2008 Meeting of the Board of Directors**

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|--|------------------------------------|
| 5. <u>REPORTS OF STAFF</u>
a. Executive Director's Report | Information |
| 6. <u>CONSENT CALENDAR</u>
a. Minutes of June 19, 2008
b. Minutes of July 18, 2008 | Action |
| 7. <u>APPROVAL OF THE DISADVANTAGED BUSINESS ENTERPRISE PLAN AND OVERALL ANNUAL DBE GOAL</u> | Action |
| 8. <u>INFORMATIONAL PRESENTATION – SOUTH SAN FRANCISCO PROJECT UPDATE</u> | Information |
| 9. <u>INFORMATIONAL PRESENTATION – EMERGENCY RESPONSE</u>
a. Planning Activities | Information |
| 10. <u>NATIONAL INCIDENT MANAGEMENT SYSTEM/STATE EMERGENCY MANAGEMENT SYSTEM</u>
a. Adoption of the National Incident Management System
b. Adoption of the State Emergency Management System | Action |
| 11. <u>UPDATE ON SENATE BILL 1093</u> | Information |
| 12. <u>RECESS INTO CLOSED SESSION</u>
a. <u>CONFERENCE WITH REAL PROPERTY NEGOTIATORS</u>
Property: San Mateo County Harbor District, South San Francisco Small Boat Harbor
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: San Mateo County Harbor District
Under Negotiation: Terms and conditions to the cooperative agreement/lease with the San Mateo County Harbor District for the South San Francisco service | Action
To Be Determined |
| 13. <u>REPORT OF ACTIVITY IN CLOSED SESSION</u>
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 |
| 14. <u>OPEN TIME FOR PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA</u> | |

ADJOURNMENT

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 email@watertransit.org or call (415) 291-3377 at least five (5) days before the meeting. 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 Gov't. Code sec. 84308 and to applicable regulations.

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(June 19, 2008)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the offices of the San Francisco Bay Conservation & Development Commission, San Francisco, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:05 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli and Director Gerald Bellows. Vice Chair Intintoli led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson reported that a meeting of the Community Advisory Committee (CAC) had been held June 18. The Committee, which had previously existed under the WTA, was pleased to be able to offer its support under WETA although SB 976 did not require the establishment of a CAC. Chair Johnson also reminded the Board about a Board retreat scheduled for August 29. She also reiterated the Board's desire to schedule future Board meetings in Alameda and Vallejo. Vice Chair Intintoli asked if a Technical Advisory Committee (TAC) would be established. Interim Executive Director Nina Rannells said a TAC may be reconstituted if needed in the future.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Interim Executive Director Nina Rannells noted that she and Operations Manager Keith Stahnke met with Laura Phillips of Bay Area Super Urban Area Security Initiative (SUASI) who operates under the Federal arm of DHS. SUASI coordinates emergency response plans between cities, transportation agencies and special districts. Chair Johnson noted that there seemed to be numerous similar agencies. Ms. Rannells noted that SUASI specifically deals with funding and coordinating the various plans and resources available. Mr. Stahnke added that SUASI has a regional perspective as opposed to city or county plans, and that this is specifically relevant to the emergency response capabilities offered by ferries.

Ms. Rannells announced that WETA had received a letter from OHS on June 17 confirming their approval of \$25 million in Prop 1B funds. She noted that this was the first funding WETA would receive from OHS and will go to support environmental studies, South San Francisco vessels and terminal, design in Berkeley, ER float and maintenance barge, and Vallejo maintenance facility.

5. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the June 5, 2008 Board of Directors meeting. Director O'Rourke seconded the motion and the item carried unanimously.

6. APPROVAL OF FISCAL YEAR 2008/09 BUDGET

Ms. Rannells presented an overview of the 2008/2009 budget. She specifically noted the inclusion of \$500,000 allocated for the Emergency Response Plan required by SB 976 and 1093. Vice Chair Intintoli asked if that would be enough. Ms. Rannells noted that this only included costs for WETA and not the individual cities. Vice Chair Intintoli asked what the source would be for the cities. Ms. Rannells said that was unclear and may require legislative change and that the issue was not yet closed.

Vice Chair Intintoli noted that he was concerned that he sees a great deal of increased responsibility but does not see an increase of operational funding. Ms. Rannells agreed with this concern, noting that MTC's focus with RM2 funding is for expansion only. Vice Chair Intintoli notes that this needs to be addressed, as Vallejo's current problem with fuel costs will become WETA's problem next year.

Ms. Rannells also pointed out that the Spare Vessels would be received soon and may either be a cost or a revenue source depending on how they end up being used. She noted that any use of the vessels including Bareboat Charter would be brought to the Board for approval.

Chair Johnson asked about status of Pier 9 berthing. Ms. Rannells said that the Board had previously approved the environmental documents and funding request and that MTC would take action on the request in July. Chair Johnson also asked if additional insurance would be needed for the Spare Vessels. Ms. Rannells answered that it will be determined by how they are put into use but that they would be insured.

Director Bellows asked for more information regarding the oyster monitoring item. Manager of Planning and Development John Sindzinski explained the process and timeline. Vice Chair Intintoli asked about funding for dredging. Ms. Rannells indicated that it is budgeted into construction costs but that ongoing dredging expenses can't be determined until service is underway. She also noted that dredging would be an issue addressed in the transition plan. Mr. Sindzinski added that dredging varied considerably by location and that South San Francisco may only require every 20 years while Hercules may require every two weeks. Ms. Rannells said that the Army Corps of Engineers would also have some dredging responsibilities.

Public Comment:

Mr. Gary Leach, Vallejo Public Works Director, commented that the Army Corps used to dredge Vallejo due to the location of the Navy base but no longer did so.

Vice Chair Intintoli made a motion to approve the item. Director Bellows seconded the motion and the item carried unanimously.

7. AWARD OF CONTRACTS FOR FOUR FERRY TERMINAL ENVIRONMENTAL ASSESSMENTS

Manager of Planning and Development John Sindzinski presented this item regarding the awards of contracts for environmental assessments of four terminal sites and noted a memo that updated the agenda item. He reviewed the award process which involved selection panels that included WETA as well as representatives from each of the respective cities.

Director Bellows asked if any of the proposals were close calls. Mr. Sindzinski noted that CH2M Hill and ESA were very close for the Antioch proposal but that all of the proposals were from established firms who do quality work. The award recommendations were based on how the firms meet WETA's needs while also being sensitive the needs of the individual cities.

Public Comment:

Mike Bernick of Sedgwick, Detert, Moran & Arnold, LLP noted that he works with three of the cities involved and that WETA has a good selection process and has selected four good firms.

Vice Chair Intintoli made a motion to approve the awards. Director Bellows seconded the motion and the item carried unanimously.

8. INFORMATIONAL PRESENTATION – FERRY CONSTRUCTION

Manager of Marine Engineering Mary Culnane gave a presentation to the Board on the status of ferry construction. She began with an outline of the RFP process and reviewed the status of the vessels currently under construction.

Public Comment:

Marina Secchitano of IBU commented “here here” on the focusul.

Director Bellows asked if the vessels will be towed from Settle or will be under their own power. Ms. Culnane noted that they will be delivered under contract from Nichols and that they will come down under their own power. The delivery time will be dependent on weather conditions.

9. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 1:55. Upon reopening of the meeting at 2:40 she reported that Mary Culnane had been appointed Interim Executive Director for the period July 11 through July 20, 2008. Chair Johnson also reported that Jonathan Stanley had been appointed WETA Executive Director beginning July 21, 2008.

10. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:45 P.M.

Respectfully Submitted,

Board Secretary

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS

(July 18, 2008)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority held a Special Meeting of the Board pursuant to Call and Notice of a Special Meeting in accordance with Government Code Section 54956. The meeting was held on July 18, 2008 and was conducted by telephone conference call pursuant to Government Code Section 54953(b).

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:30 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Beverly Johnson and Director Gerald Bellows. Also present were Interim Executive Director Mary Frances Culnane and WETA legal counsel Stanley Taylor.

2. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson announced that the Board would adjourn into closed session in order to confer with legal counsel regarding pending litigation pursuant to Subdivision (a) of Government Code Section 54956.9 (*City of Vallejo v. The State of California, et al.*; Superior Court for the State of California for the County of Solano; Case No. FCSO31170). Prior to recessing into closed session, the Chair invited public comment on the closed session item. There was no public comment.

Following the closed session and upon reconvening the meeting in open session at 2:30 p.m., Chair Johnson reported that no action had been taken in closed session.

3. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:30 P.M.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

**FROM: Jonathan Stanley, Executive Director
Shirley Douglas, Manager, Community Relations**

SUBJECT: Approval of Disadvantaged Business Enterprise (DBE) Plan and Overall Annual DBE Goal

Recommendation

Approve by resolution the Disadvantaged Business Enterprise (DBE) Plan and annual DBE goal.

Background

Agencies that receive federal funds are required to have a plan for inclusion of DBE businesses in contracting opportunities. At its meeting on May 15, 2008, WETA approved circulation of its Draft DBE Plan and proposed annual goals.

The plan includes definitions of DBE firms, discussions of how the plan will be monitored, required policy statements and contracting provisions, and calculation of an annual DBE goal.

The fiscal year 2008/09 goal is calculated to be 22% of WETA's contracts for DBE firms. The goal was calculated based on the anticipated contracting opportunities for federal fiscal year 2008/09 and the availability of DBE firms in those specialty areas. Both the plan and the methodology for calculating the goal were based on the Golden Gate Bridge Highway and Transportation District's DBE Plan.

In accordance with the Federal process, after receiving Board approval to circulate the Draft Plan and proposed annual goals, the following required steps were completed:

- Submitted the draft written plan and proposed overall goal to FTA for comments.
- Published the proposed overall goal in general circulation media and minority focused media and trade association publications for the required 30-day inspection and 45-day comment period.
- Provided notice of the proposed annual overall goal to minority, women and general contractor groups, community organizations, and other organizations.

No written comments were received on the Plan or the proposed annual goal. As explained in the DBE Plan, race and gender-neutral methods are proposed because the WETA does not have a contracting history and, therefore, can not use historical utilization data to adjust the estimated DBE base goal. The WETA DBE Program Administrator will analyze the results of the WETA's DBE participation for the current year for future adjustments if necessary.

Financial Implications

None.

Options

Revise the DBE plan and goals.

End

Water Transportation Emergency Response Planning and Management August 2008



WATER EMERGENCY TRANSPORTATION AUTHORITY

WETA

Agenda

Existing Organizational Structure

Emergency response organizational concepts

Organizations and their roles

How transportation response works in a disaster

Current WETA Planning Activity

Water Transportation Infrastructure

Anticipated problems

Demand and existing capacity

Ferry Building constraints

Other constraints

Additional capacity from expansion

State Emergency Management System (SEMS)

- Incidents are managed at the lowest possible level.
- Local government has primary responsibility for emergency response activities within its jurisdiction.
- Operational Areas, the region, and the State provide mutual aid support to local jurisdictions.
- SEMS is applicable to all organizational levels and functions in the emergency response system.

Regional Response Authorities and Roles

State Office of Emergency Services

- Through Regional Emergency Operations Center (REOC), **coordinates** overall state agency response in all emergency areas to support local governments.
- **Coordinates** regarding prioritization of emergency transportation with MTC, Caltrans and federal agencies.
- **Authority to command** but limited staff makes that unlikely. Focus would likely be in most needed areas where locals can't respond, or in major multijurisdictional disasters.

County Operational Areas (OAs)

- **Coordinates** information, resources, and priorities among local governments within the operational area.
- Serves as the **coordination** and communication link between the local government (first responders) and the regional level.

US Coast Guard

- **Command authority** of water transport but other responsibilities make that unlikely

MTC

- **Coordinates** basic transportation services and serves as information clearinghouse

First Responders and Local Government

- **Command and control** of staff at field level, often through Unified Command

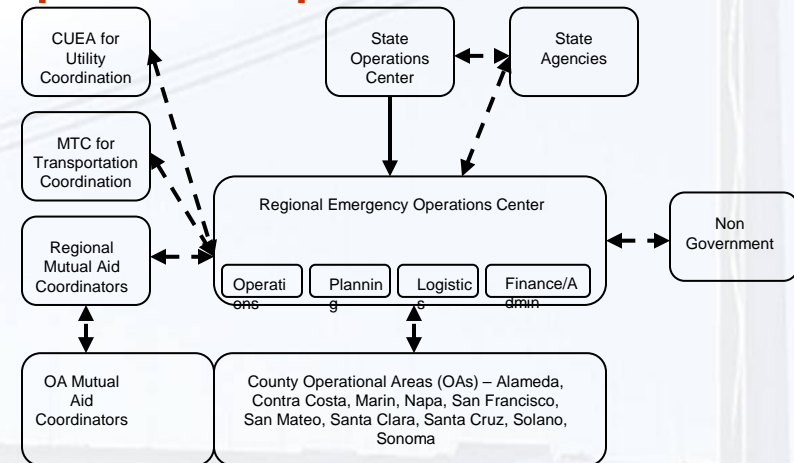
Transit Agencies

- Operational **control** of their resources

Emergency Response Concept of Operations

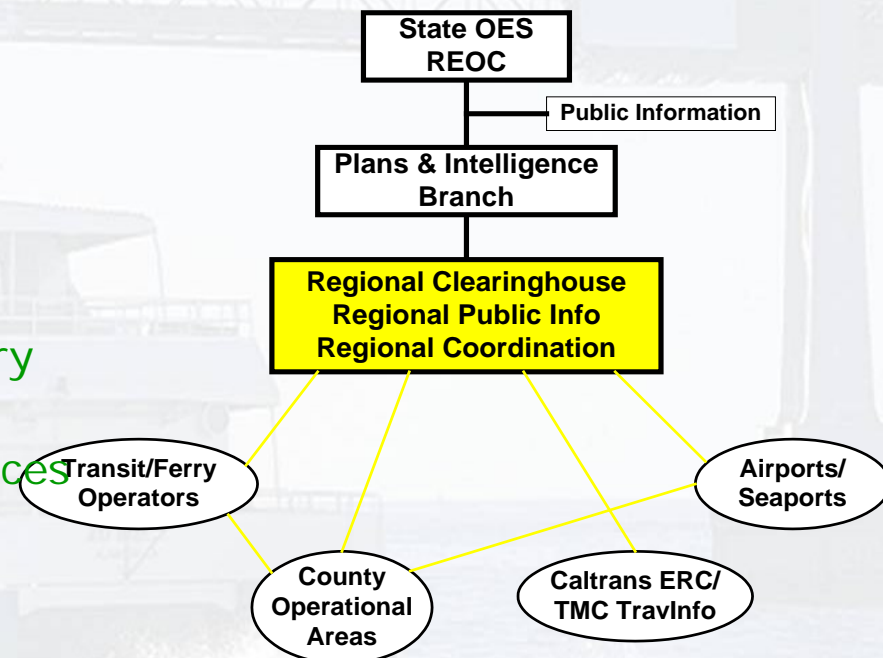
Regional Emergency Coordination Plan (RECP) (March 2008)

- For use by the State OES to coordinate all-hazards emergency response
- Includes subsidiary plans for Fire and Rescue, Hazardous Materials, Communications, Law Enforcement, Logistics, Care and Shelter, Medical and Health, Short-Term Recovery, and Transportation

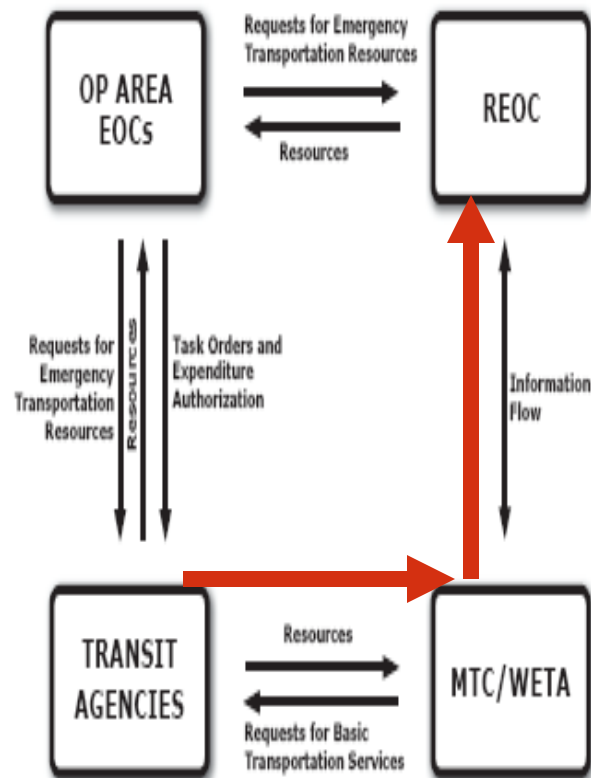


Regional Transportation Coordination and Response Plan (May 2008)

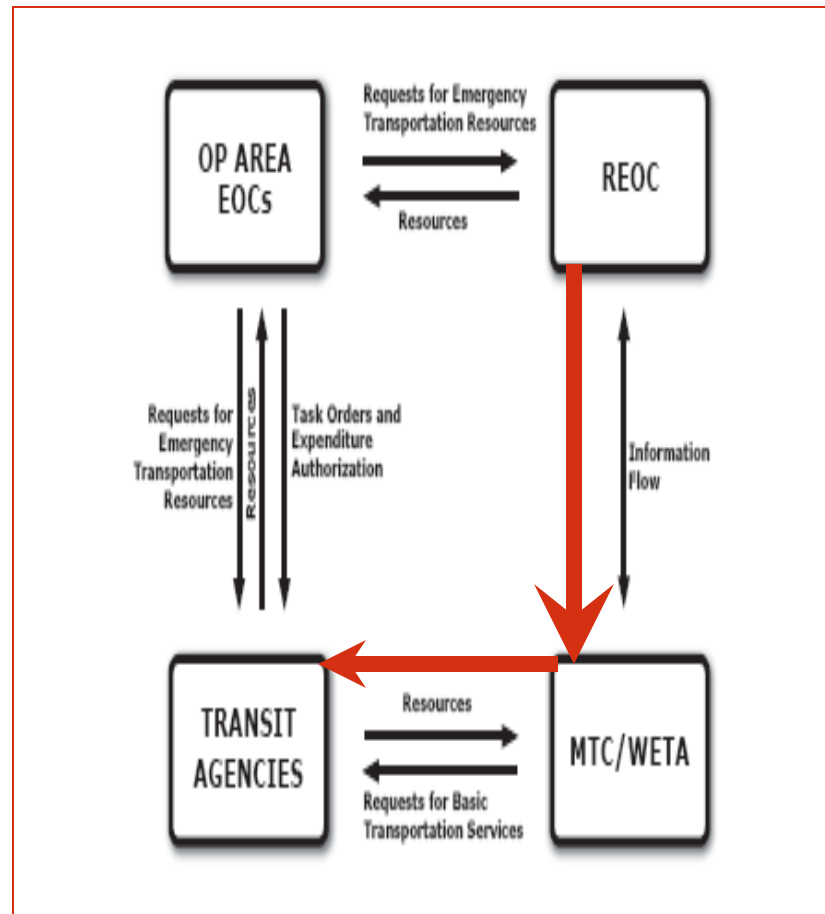
- MTC's responsibility as transportation coordinator
- Recognizes WETA role to coordinate ferry response
- Focused on restoration of baseline services



HOW DOES WETA FIT IN TO EMERGENCY RESPONSE



HOW DOES WETA FIT IN TO EMERGENCY RESPONSE



Transit Agency Response

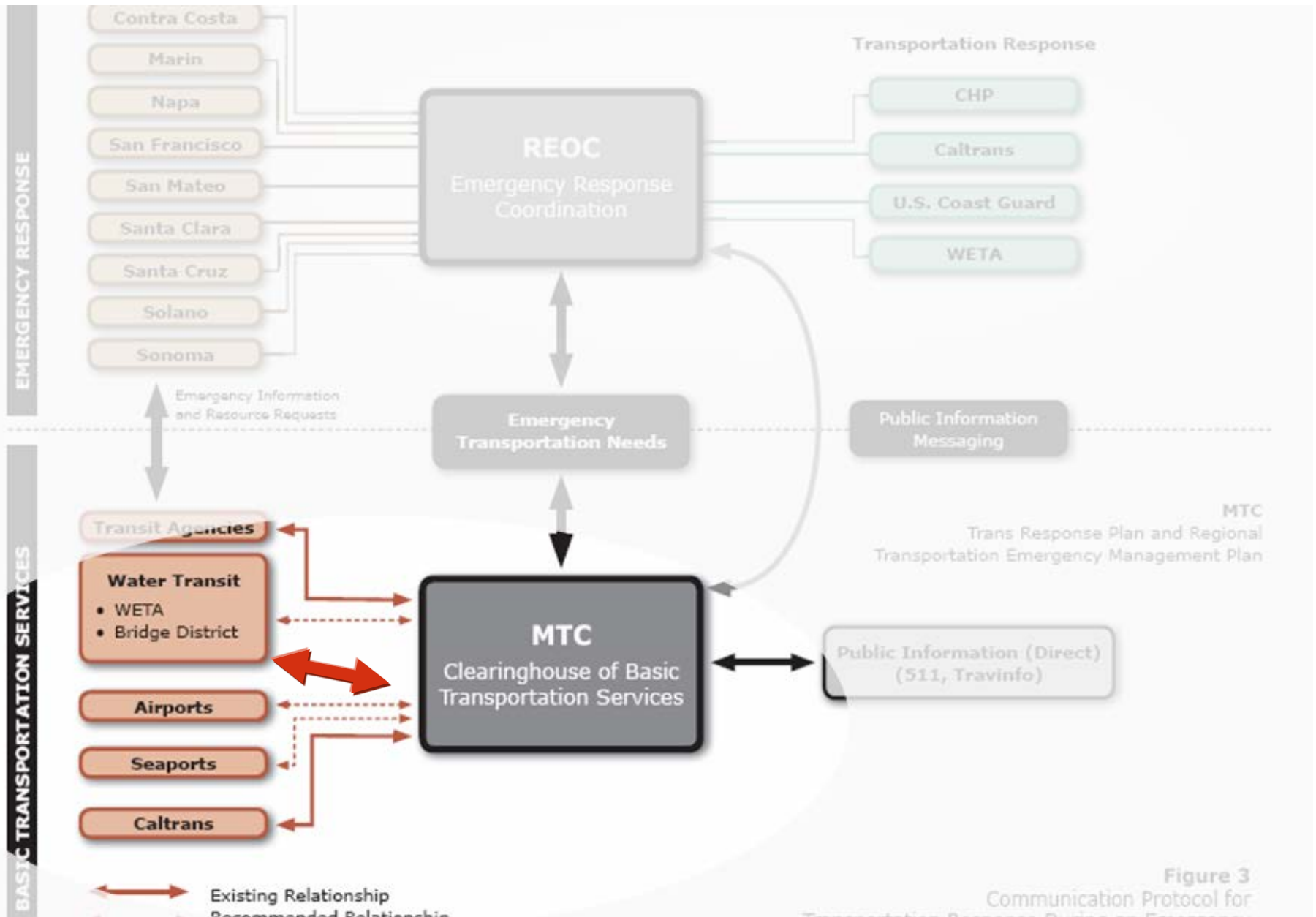


Figure 3
Communication Protocol for
Transportation Response During Emergencies

Transportation Response Agency

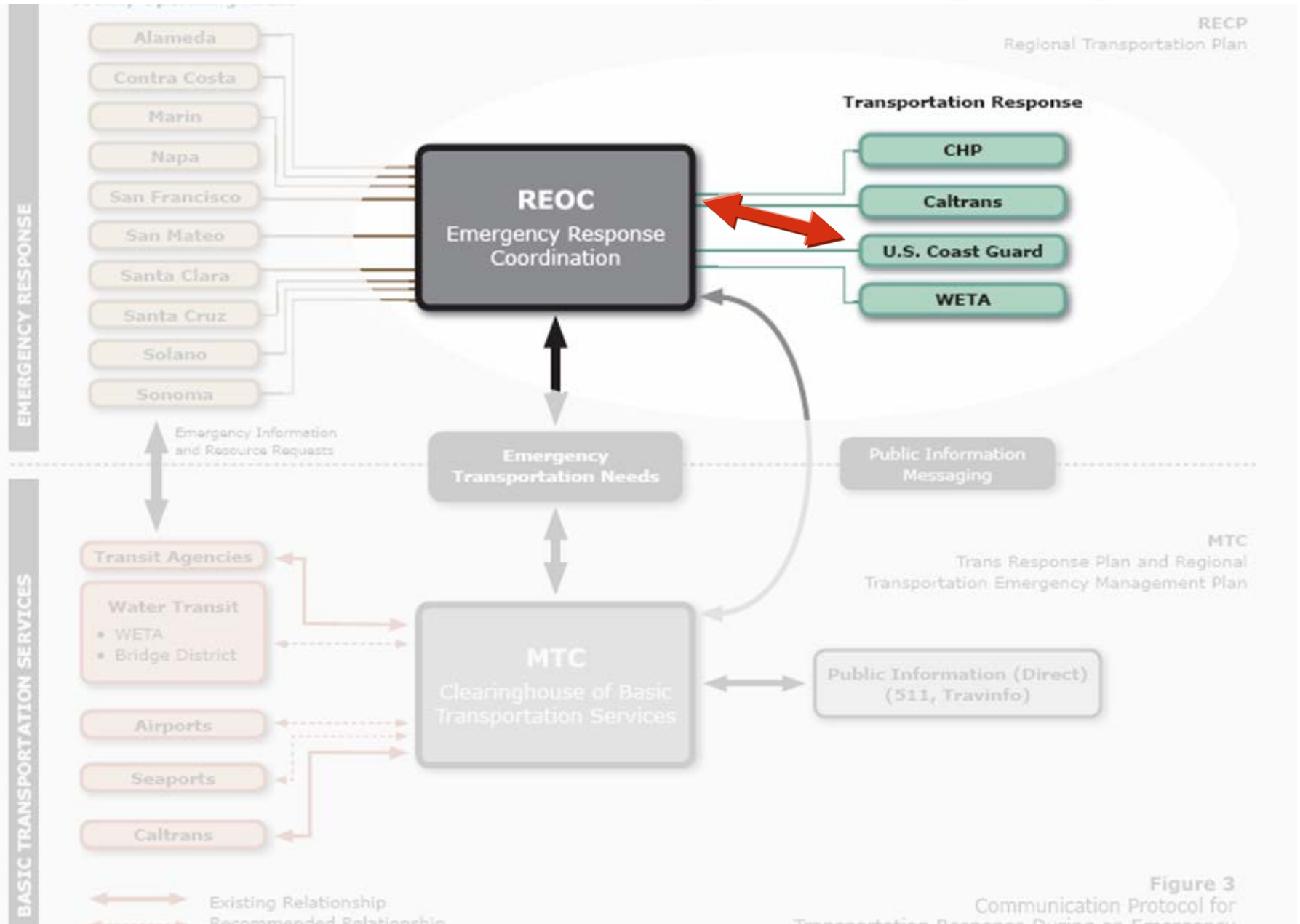
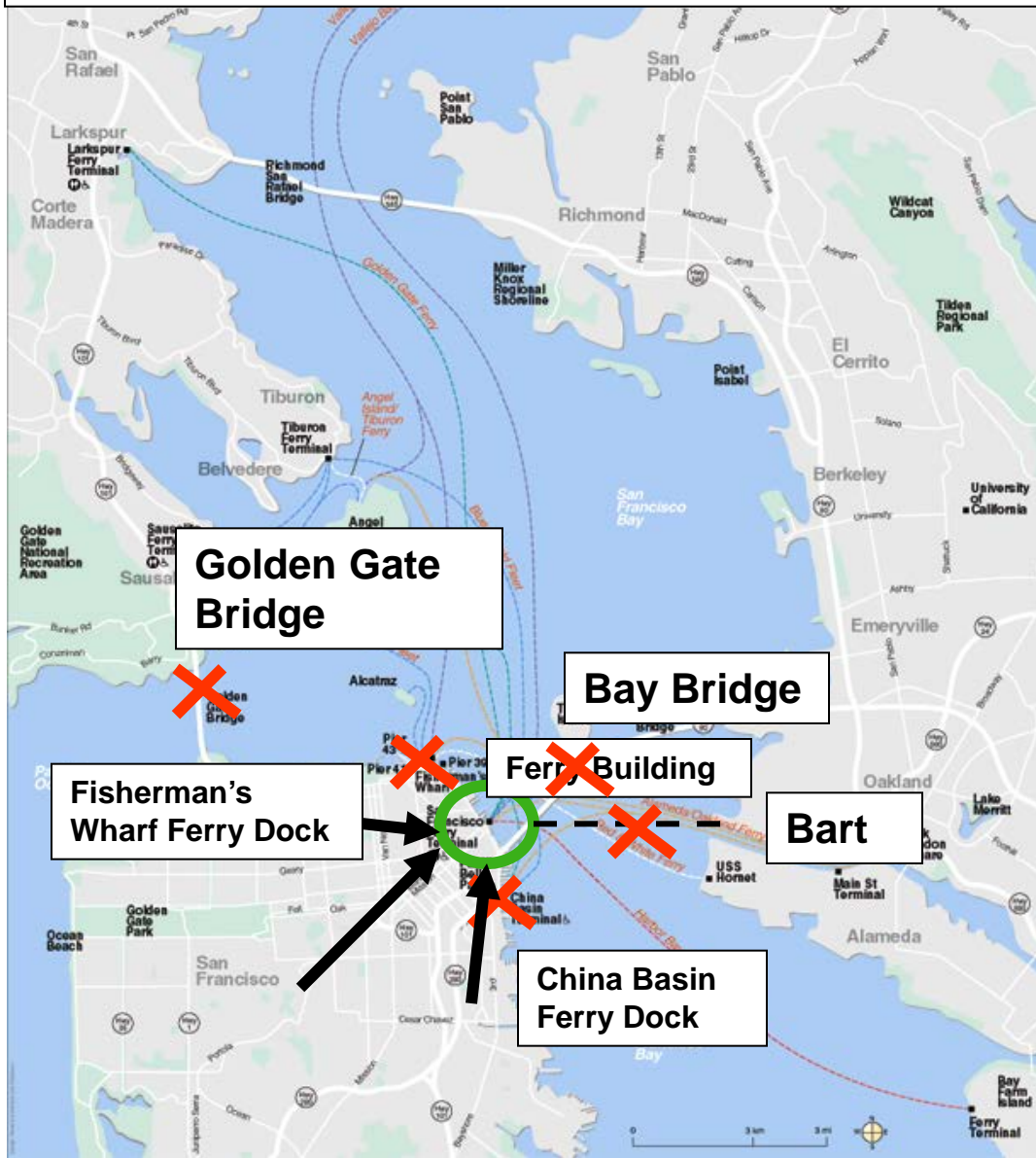


Figure 3
Communication Protocol for
Transportation Response During an Emergency

Current Activity

1. Continue development of Emergency Water Transportation System Management Plan
2. Get emergency service contract agreements in place to mobilize private operators quickly
3. Conduct internal readiness assessments
4. Continue work with OES, MTC, and response organizations to improve coordination of emergency water transportation

Emergency Response – Existing Conditions



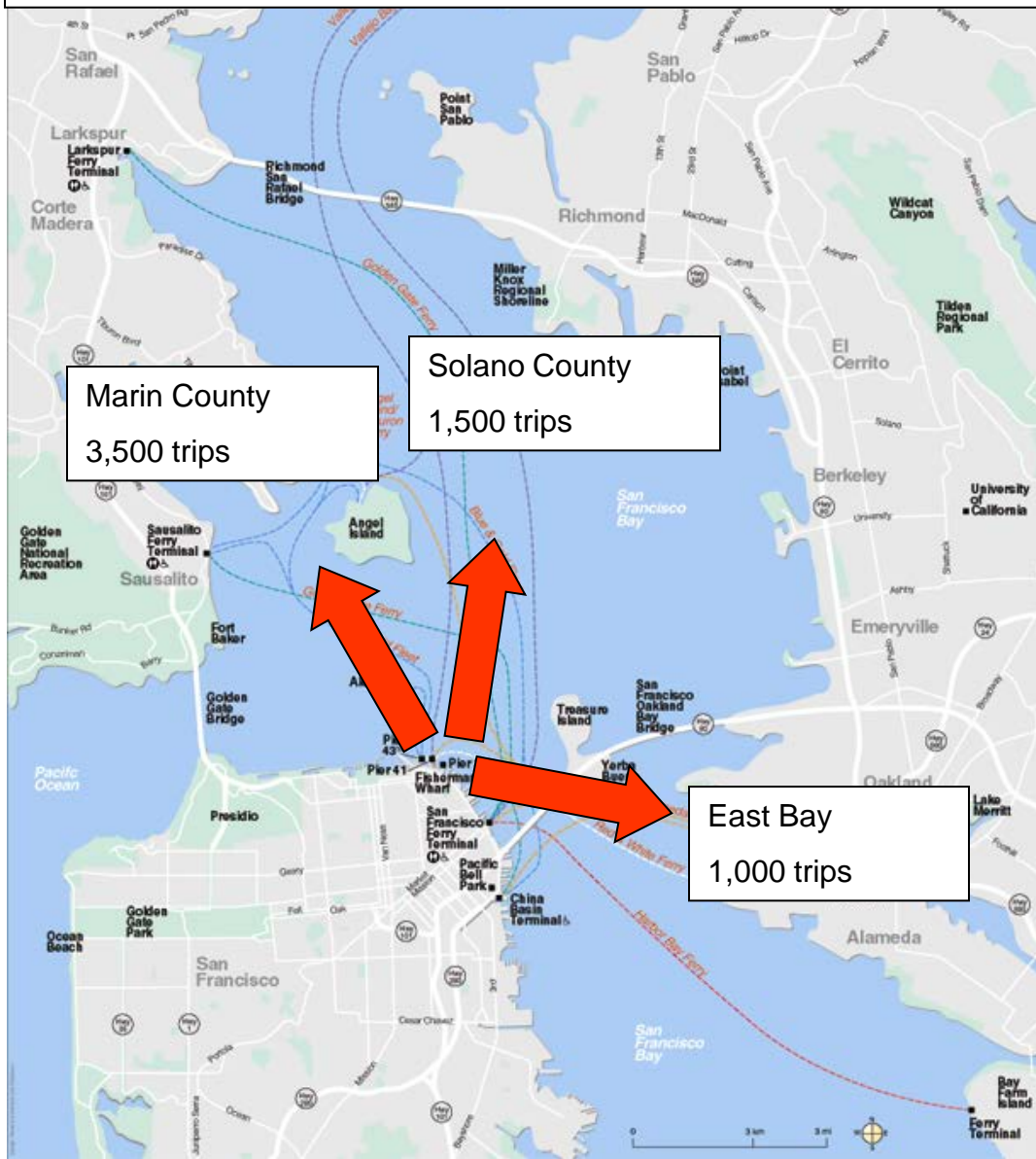
Most emergency scenarios affecting ferries have Golden Gate Bridge, Bay Bridge, and BART out of service, due to

- Failure
- Temporary closure for inspection
- Approaches blocked

Immediate ferry response focus on Ferry Building

- Other SF docks not designed as essential structures, could fail
- People would naturally head to Ferry Building
- Inadequate communications to divert passenger to other docks

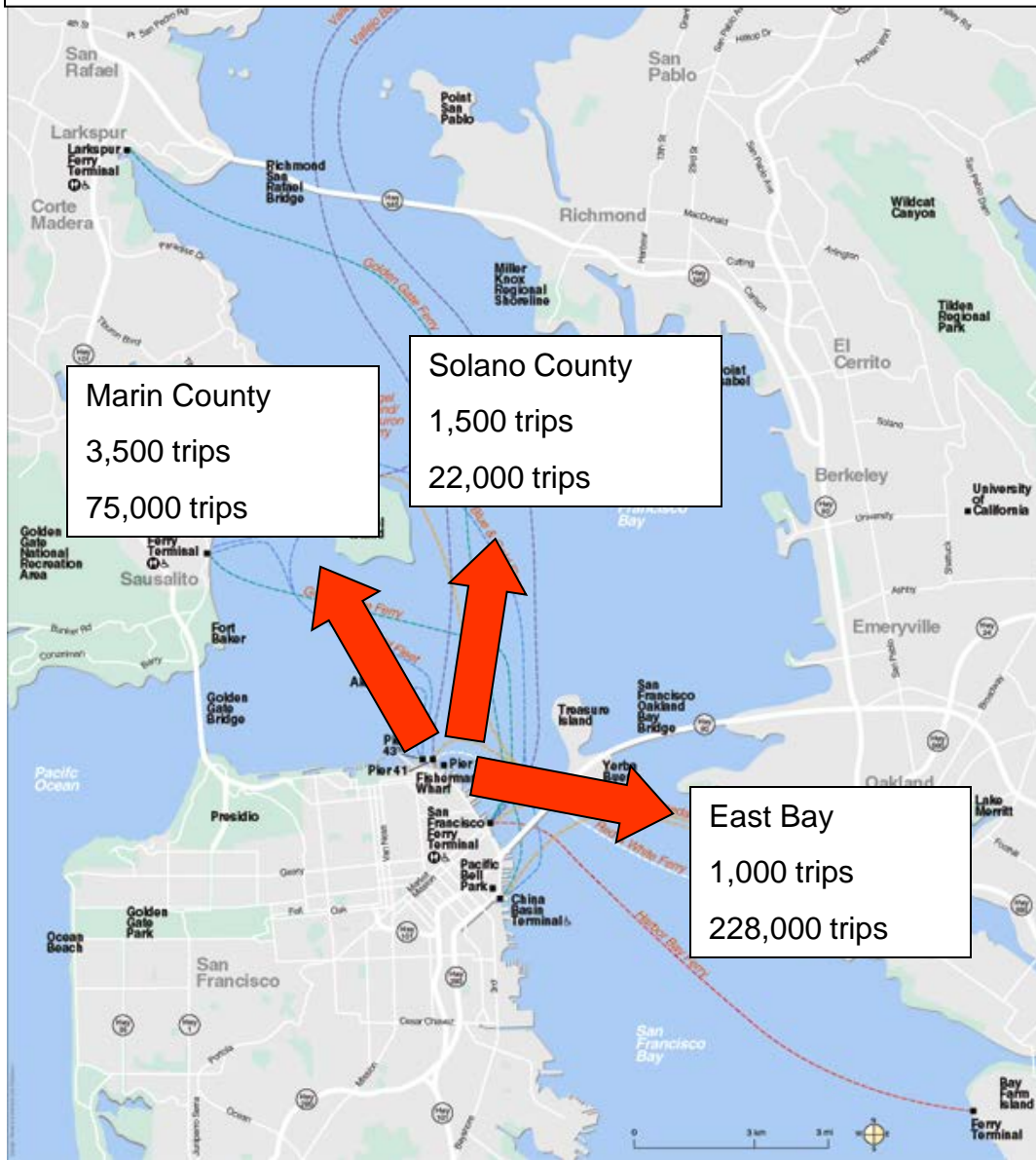
Emergency Response – Existing Conditions



Typical Day

Ferries take 6,000 ferry passengers home

Emergency Response – Existing Conditions



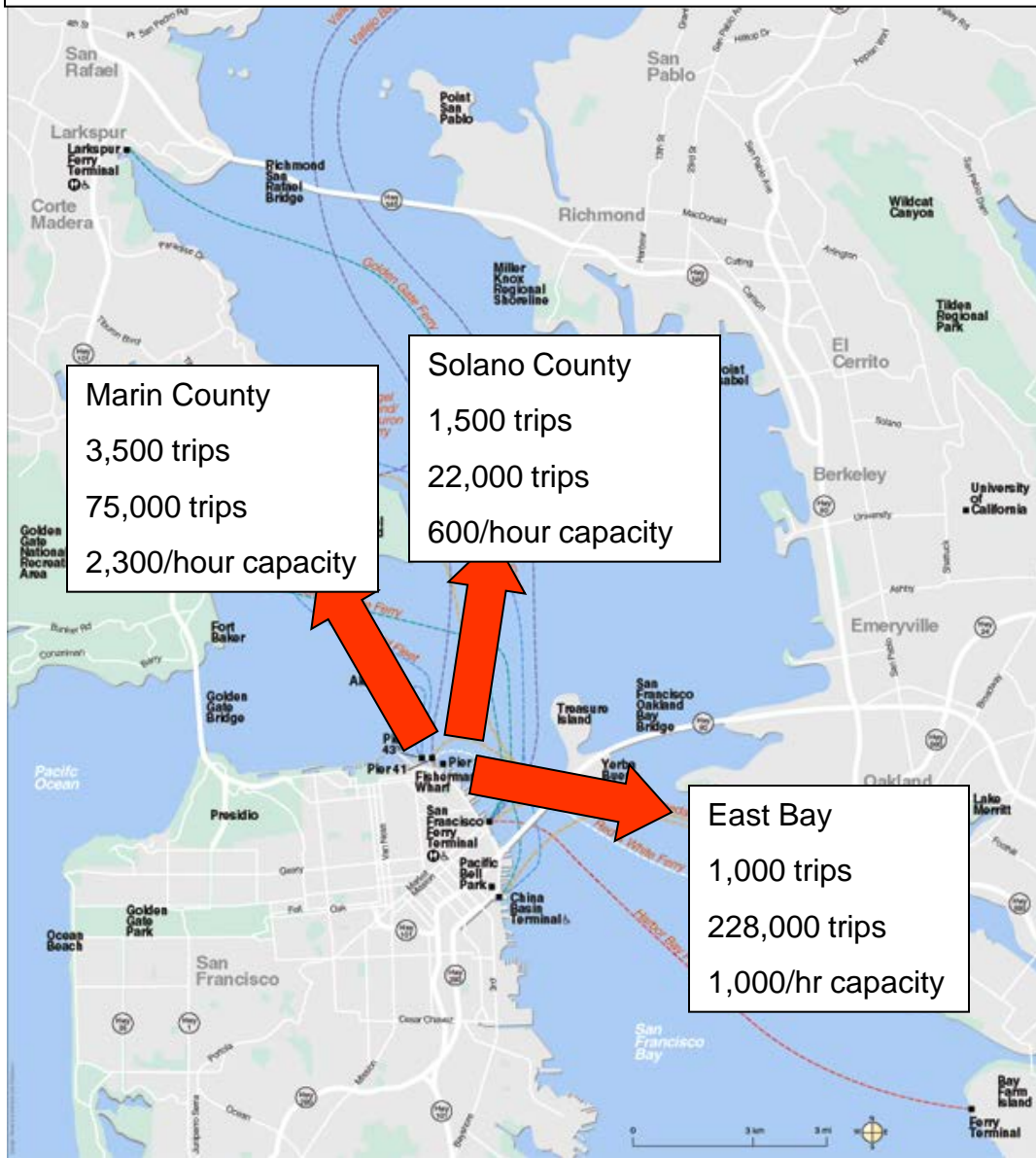
Typical Day

Take 6,000 ferry passengers home

Emergency Evacuation

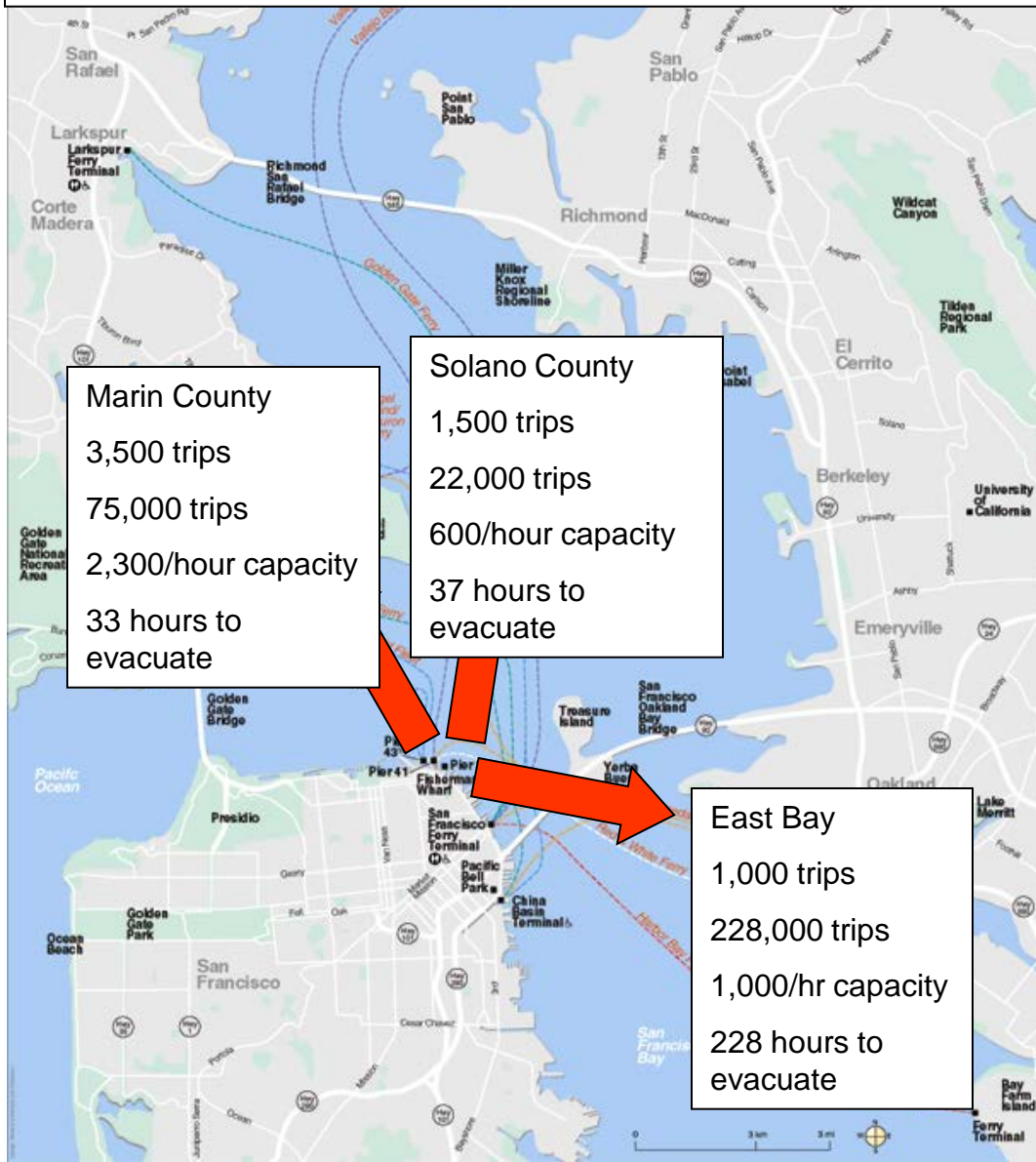
Take 325,000 transbay commuters home

Emergency Response – Existing Conditions



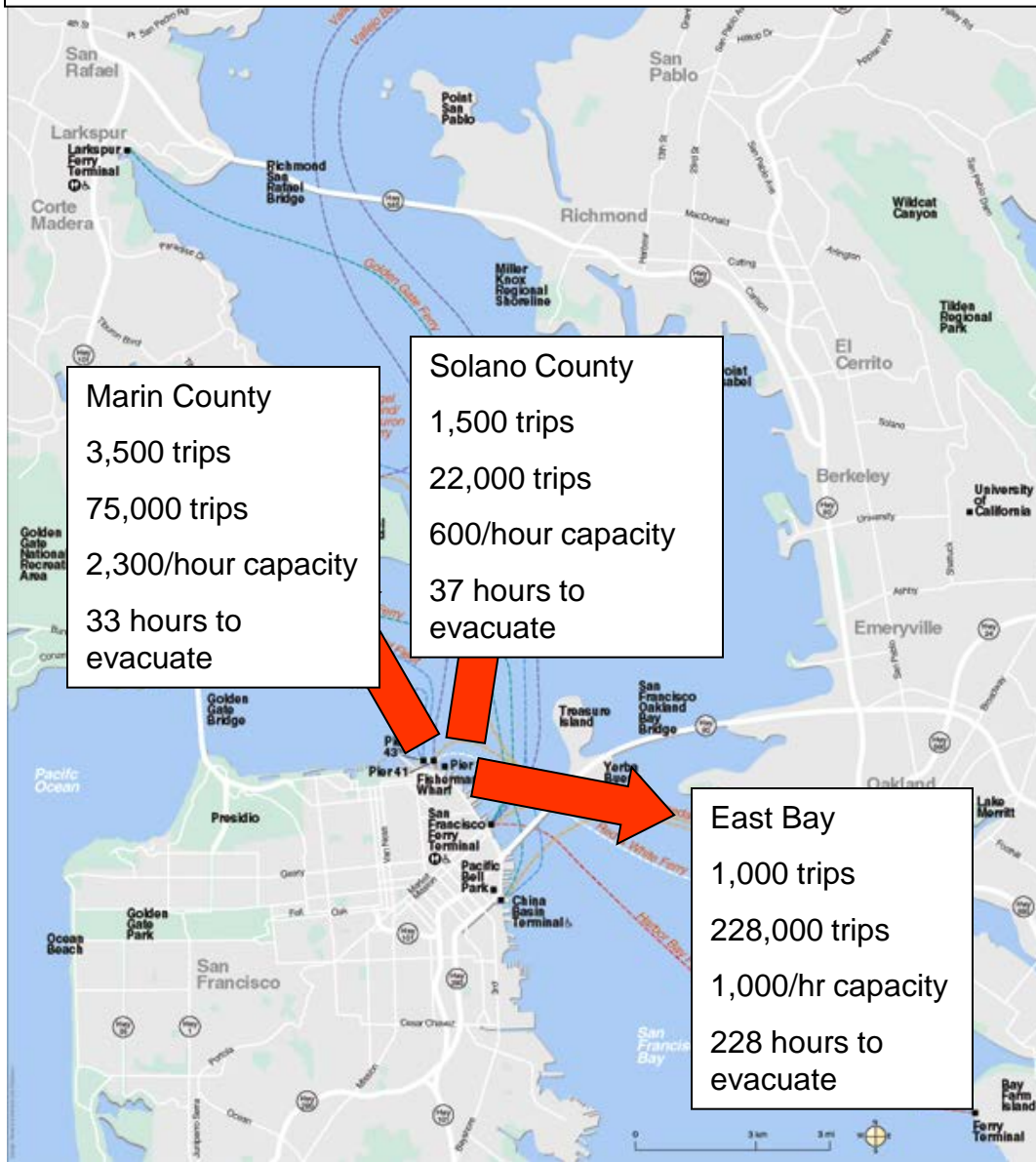
Using all current available boats in each corridor, capacity dwarfs demand and is unbalanced in each corridor

Emergency Response – Existing Conditions



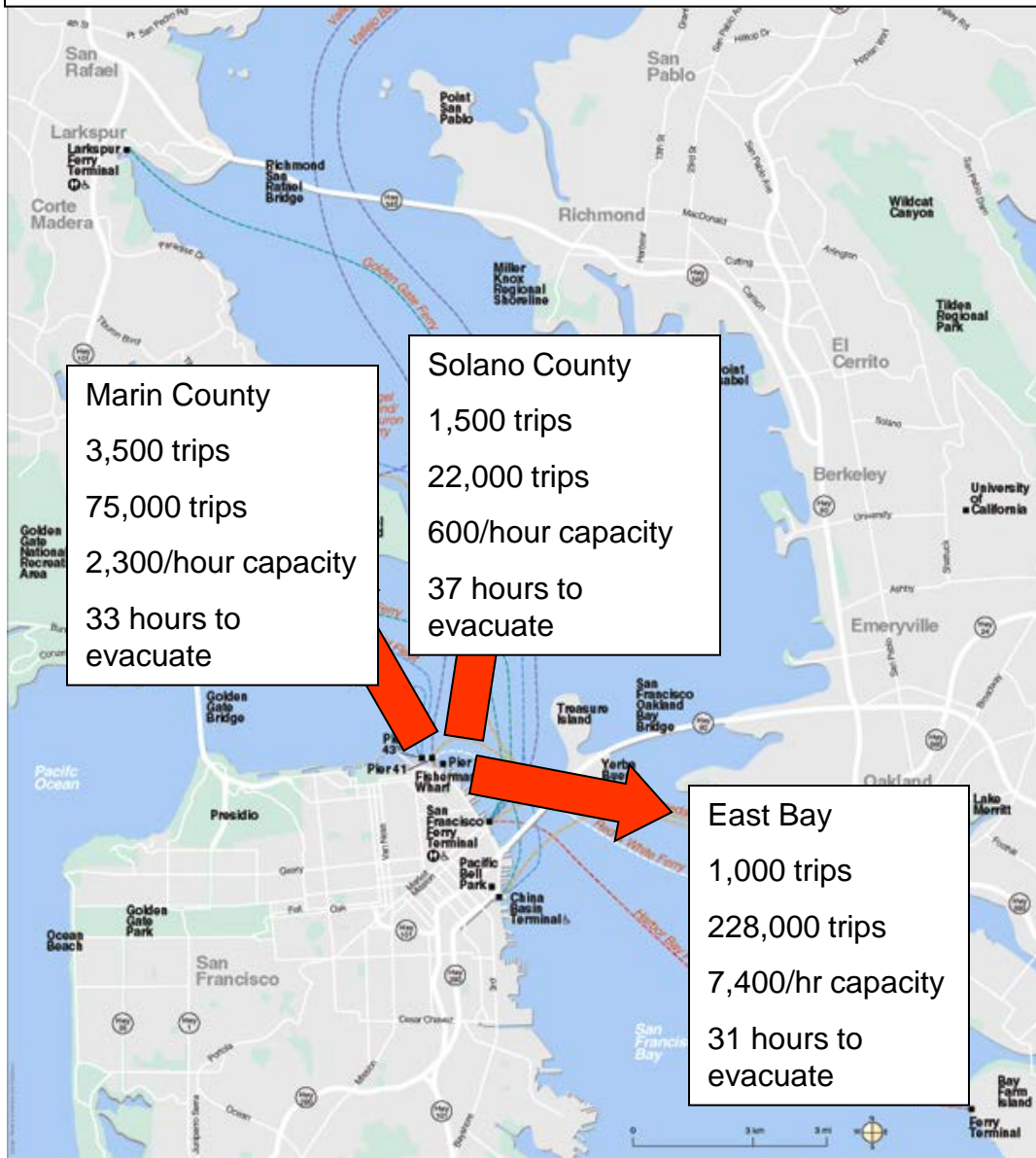
Using all current available boats in each corridor, capacity dwarfs demand and is unbalanced in each corridor (3,900 trips/hr total capacity)

Emergency Response – Existing Conditions



Moving all Blue & Gold, all Red & White, all Hornblower, all Angel Island, and Signature vessels balances capacity by corridor, but requires additional docks in San Francisco and Oakland

Emergency Response – Existing Conditions



Moving all Blue & Gold, all Red & White, all Hornblower, all Angel Island, and Signature vessels balances capacity by corridor, but requires additional docks in San Francisco and Oakland

East Bay Response – Focus on shortest ferry trip



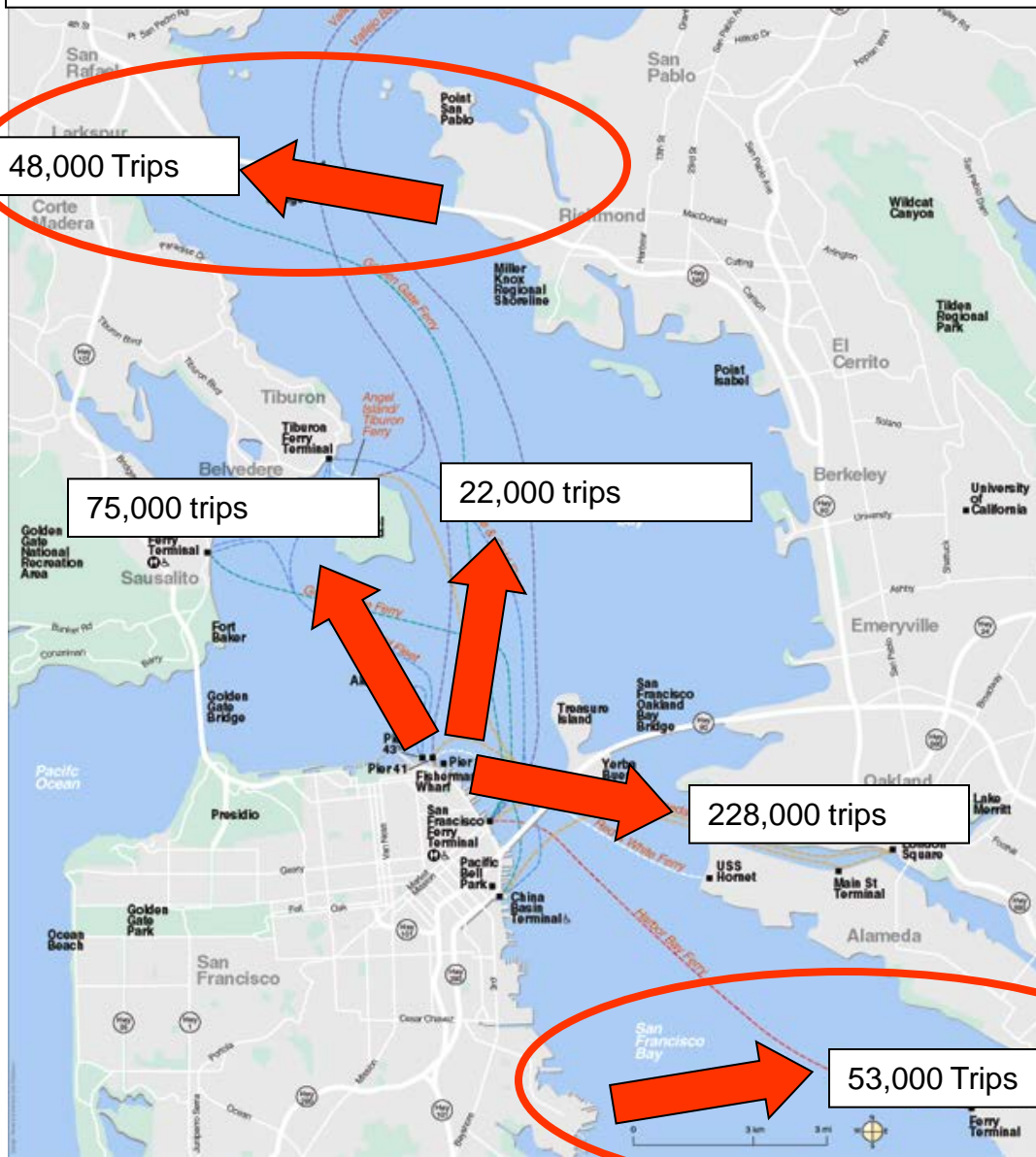
During first 48 hour of emergency, focus is on transporting maximum number of people

After the first 48 hours, focus will shift to restoring commute patterns

Note about Bay Bridge Corridor during first 48 hours:

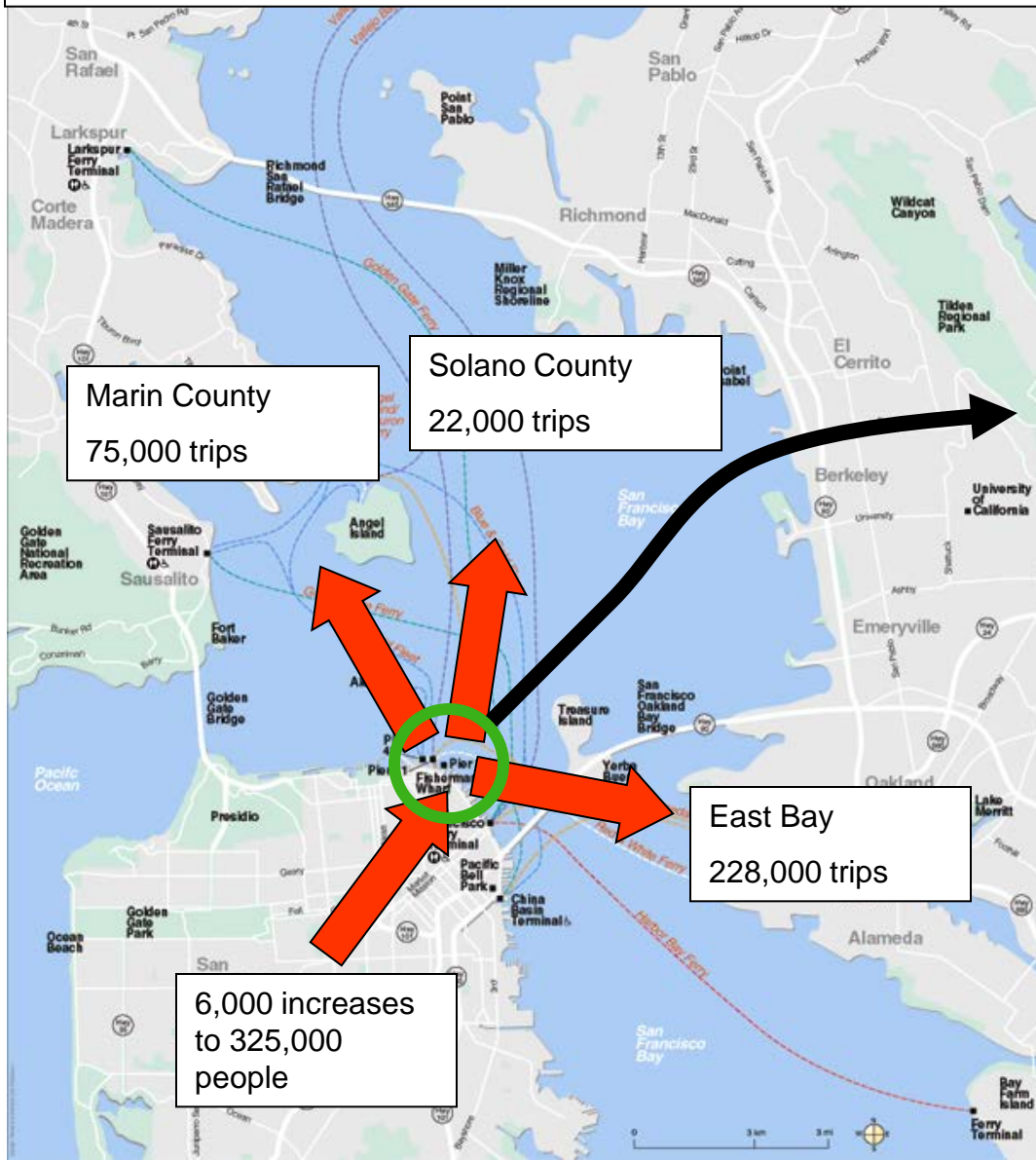
- Shorter ferry trips will allow us to carry more people, given a fixed number of boats
- Bus coordination will be needed to distribute trips once they arrive

Emergency Response – Existing Conditions



Evacuation demand in other corridors smaller (biggest problem is Bay Bridge corridor!)

Emergency Response – Existing Conditions



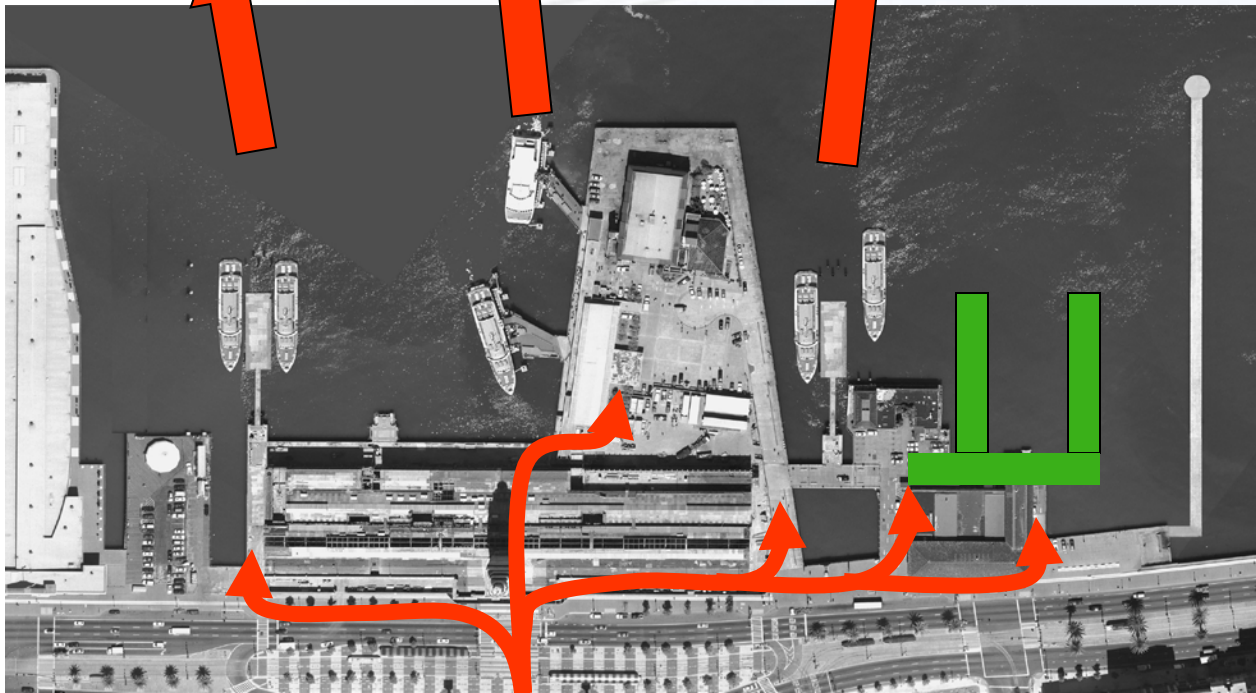
There are key Ferry Building improvements can increase capacity

Ferry Building will be flooded with people

Solano County
1,500 trips
22,000 trips
600/hour capacity

Marin County
3,500 trips
75,000 trips
2,500/hour capacity

East Bay
1,000 trips
228,000 trips
1,000/hr capacity



Ferry Building Key Improvements

6,000 to 325,000 people

Current dock limitations
allow us to only half of the
available bay area vessels

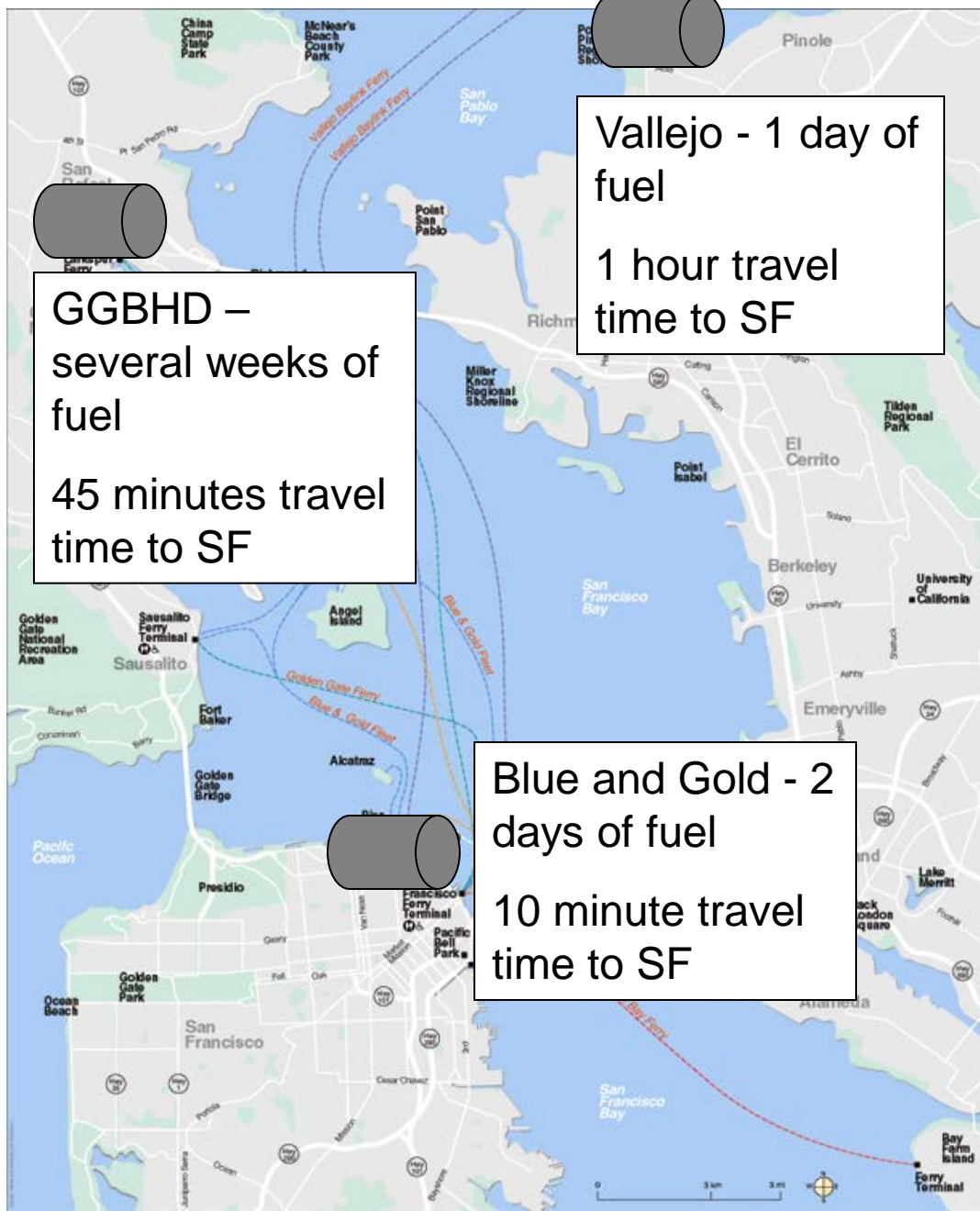
- Demand = 325,000
- Capacity = **3,900/hour**

New docks increase
capacity, allowing more
existing vessels to be
used

- Demand = 325,000
- Capacity = **10,300/hour**

To increase Bay Bridge
capacity, additional slips
also needed in Oakland

New docks help spread
out the passenger load



There are three existing fueling locations for ferries

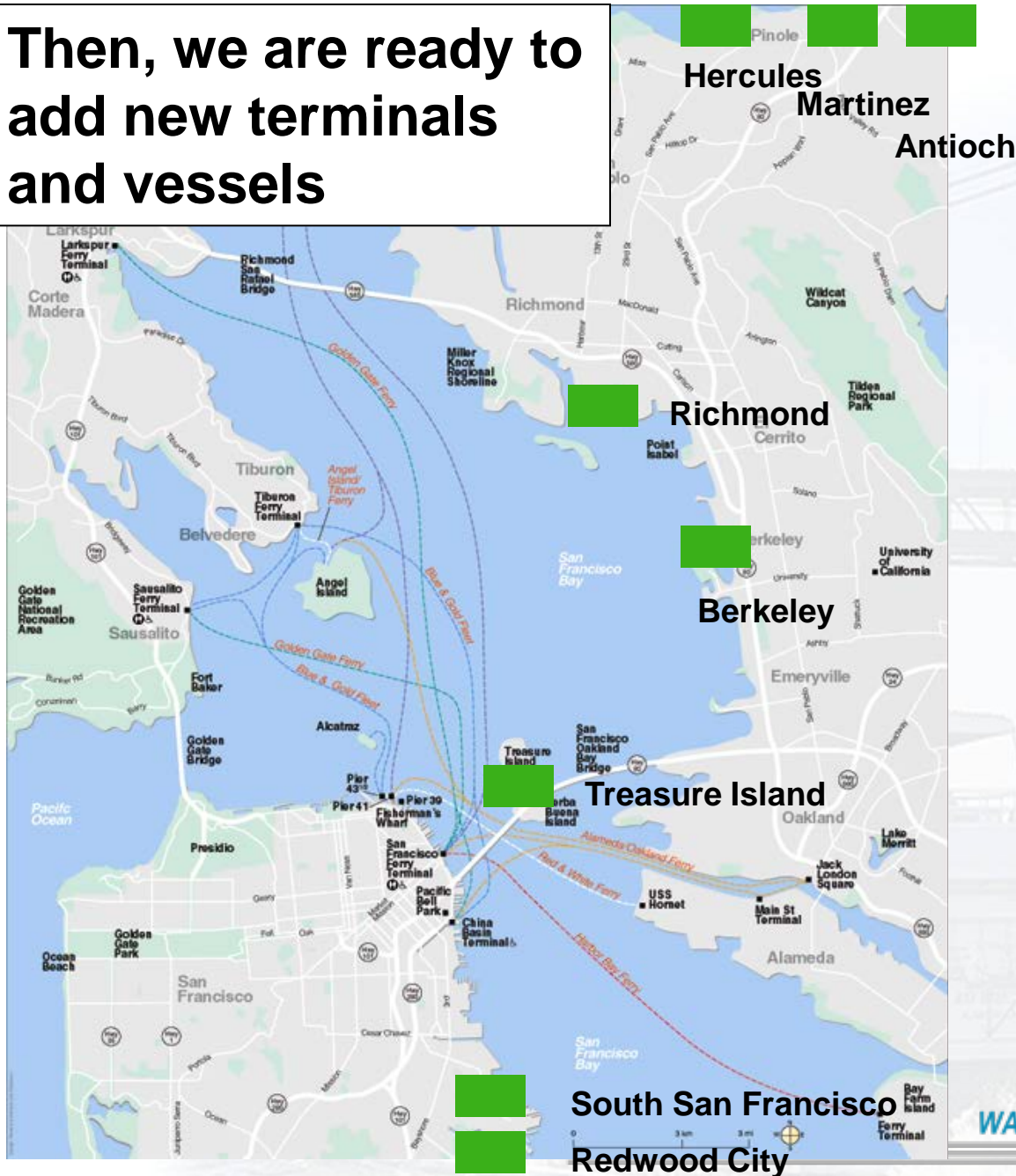
Existing fuel capacity is not adequate to maintain a prolonged emergency response

Key Investments

- Complete Vallejo's maintenance and fueling facility project
- Add new fueling capacity at protected location in the east bay

Next Key Investment

Then, we are ready to
add new terminals
and vessels



The WTA's
Implementation and
Operations Plan identifies
8 new terminals that are
viable and cost effective
for commuter service

Most of the IOP routes
have at least a partial
commitment of operating
funds, and can therefore
be useful for congestion
relief as well as
emergency response

New terminals and boats
increase bay bridge capacity
by 2,700/hr.

- Demand = 325,000
- Capacity = **13,000/hour**

Next Steps

1. Begin work on Ferry Building improvement projects
2. Begin work on additional docking capacity in Oakland
3. Begin work on expanded fueling capabilities and support Vallejo in completing fueling project

www.watertransit.org



WATER EMERGENCY TRANSPORTATION AUTHORITY

MEMORANDUM

TO: Board Members

FROM: Keith Stahnke, Manager, Operations

**SUBJECT: Adoption of the National Incident Management System
Adoption of the State Emergency Management System**

Recommendation

Approve by resolution adoption of the National Incident Management System.
Approve by resolution adoption of the State Emergency Management System.

Background

Compliance with the National Incident Management System (NIMS)

NIMS is a structured framework used to respond to natural disasters and/or terrorist attacks at all levels of government. The Presidential directive requires all federal, state, tribal and local agencies to adopt the NIMS and to use it in their individual domestic incident management and emergency prevention, preparedness, response, recovery and mitigation programs and activities. The directive also requires the adoption of NIMS as a condition for federal preparedness assistance.

State Emergency Management System (SEMS)

SEMS is the system used by the state of California for managing emergencies involving multiple jurisdictions and agencies. SEMS requires emergency response agencies to use the systems basic principles and components of emergency management including the Incident Command System, multi-agency or inter-agency coordination, the operational area concept and established mutual aid systems. Local government must use SEMS in order to be eligible for state funding of response-related personnel costs.

Discussion

Actions taken by WETA to meet NIMS and SEMS requirements include:

- Specific and on-going staff training
- Incorporating NIMS and SEMS principles and policies into WETA's emergency response plans and activities

Agency adoption of NIMS and SEMS is required for compliance.

Financial Implications

No direct financial implications.

Options

Approve or reject.

*** END***

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Deputy Director of Finance & Administration

SUBJECT: Update on Senate Bill 1093

Recommendation

There is no specific recommendation related to this item as it is intended to be informational.

Background

Senate Bill 1093, sponsored by Senator Wiggins and co-sponsored by Assembly Member Evans, is intended to “clean up” a number of issues that arose with the passage of SB 976, which created WETA. In May 2008, the Board of Directors approved a “support with amendments” position on SB 1093 while staff worked through agreement on bill amendment language with City of Vallejo, City of Alameda and Metropolitan Transportation Commission staff to address additional process and funding issues associated with the transition plan and services.

Discussion

SB 1093 largely contains language to provide definition and structure to the service transition plan and process for WETA take-over of Vallejo and Alameda ferry services. Key provisions included in the August 12 version of the bill (provided as **Attachment 1**) include:

- **Transition Plan Elements** – SB 1093 provides a framework for the transition plan including the following key requirements:
 - Requires the transition plan to include five year operating and capital plans and financial projections;
 - Requires that, to the extent that the plan proposes service changes, these changes conform with local plans;
 - Requires the plan to identify any assets to be transferred to WETA and proposed compensation to be made to the cities;
 - Requires WETA to maintain services transferred for a period of five years, consistent with the transition plan; and
 - Extends the required adoption date of the plan to July 1, 2009 (SB 976 required adoption by January 1, 2009).
- **Process Requirements** – SB 1093 requires WETA compliance with the following:
 - Requires WETA to develop a process for taking public input on the Transition and Emergency Response plans, including public hearings in the cities affected;
 - Requires WETA to establish a public process for changing rates or fares on services transferred; and

- Requires WETA to coordinate with other public transit agencies when establishing feeder transportation services.
- **Protections** – SB 1093 includes labor and service protections as follows:
 - Protects the bargaining rights and existing agreements of employees affected by the assumption of services by WETA;
 - Requires WETA to indemnify the state against any claims or liability related to the transfer of assets funded by the state;
 - Prohibits WETA from compelling the transfer of assets from the cities prior to adoption of the transition plan and ensures that any transfer would be subject to negotiation and agreement between WETA and the transferring agency; and
 - Limits WETA's financial obligations to those associated with the operation of the service and facilities being transferred.
- **Funding** – SB 1093 provides funding clarification and flexibility as follows:
 - Authorizes the use of up to \$600,000 in Regional Measure 2 funds for WETA, Vallejo and Alameda participation in the development of a transition plan in FY 2008/09 and authorizes MTC to allocate additional funds to support transition activities in future years; and
 - Allows Regional Measure 2 funds programmed to support WETA ferry expansion services to be used to support Alameda and Vallejo operations following adoption of the transition plan and formal agreement by the cities to transition the services and related facilities.

Staff anticipates that SB 1093 will pass out of the Assembly in its current form and return to the Senate for final approval in the next few weeks.

Financial Implications

SB 1093 has an indirect impact on WETA's FY 2008/09 budget in that it provides a mechanism for Regional Measure 2 funds programmed to WETA for service expansion, but not accessed to date, to be made available to support the costs associated with the transition plan development and adoption. Staff estimates WETA's costs associated with the transition plan work to be approximately \$300,000 in FY2008/09 and will return to the Board with any required actions to secure these funds once a process has been established by MTC.

END

ATTACHMENT 1

AMENDED IN ASSEMBLY AUGUST 12, 2008

AMENDED IN ASSEMBLY JUNE 23, 2008

AMENDED IN SENATE MAY 27, 2008

AMENDED IN SENATE APRIL 21, 2008

AMENDED IN SENATE APRIL 7, 2008

SENATE BILL

No. 1093

Introduced by Senator Wiggins

(Principal coauthor: Assembly Member Evans)

January 10, 2008

An act to amend Sections 66540.6, 66540.11, 66540.12, 66540.16, 66540.22, 66540.24, 66540.32, 66540.43, and 66540.68 of, and to add ~~Section 66540.315~~ *Sections 66540.315 and 66540.325* to, the Government Code, and to amend Sections 30913 and 30914 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Wiggins. San Francisco Bay Area Water Emergency Transportation Authority.

Existing law, the San Francisco Bay Area Water Emergency Transportation Response and Disaster Recovery Act, establishes the San Francisco Bay Area Water Emergency Transportation Authority as a local governmental entity of regional government and gives that entity the authority to plan, manage, operate, and coordinate the emergency activities of all water transportation and related facilities within the bay area region, except as specified. Existing law requires the transfer of public transportation ferries and related water transportation services and facilities in the bay area region, as specified,

to the authority and requires the authority to adopt a transition plan to facilitate that transfer. Existing law requires that the planning, management, and operation of any existing or planned public transportation ferries and related facilities and services in the bay area region be consolidated under the authority's control.

This bill would make that consolidation subject to the authority's adoption of the transition plan and would prohibit the authority from compelling property transfers or operational changes to water transportation services provided by public agencies on or before January 1, 2008, prior to the adoption of that plan. The bill would require the transition plan to include specified information, including, among other things, a description of the capital assets, leasehold interests, and personnel, as specified, that the authority proposes to be transferred; ~~an identification of those assets for which compensation shall be made; subject to an agreement between the authority and the transferring agency; and a specified operating plan;~~ an initial 5-year Capital Improvement Program, as specified; *and the date that the ferry services are to be transferred to the authority. The bill would provide that the transfer of assets or services from a local agency shall be subject to negotiation and agreement by the local agency.* The bill would require that proposed changes to the water transportation services or related facilities historically provided by the City of Vallejo or the City of Alameda be consistent with the city's general plan, its redevelopment plans, and its development and disposition agreements for specified projects. The bill would authorize the authority to establish a community advisory committee to receive community and passenger recommendations related to consolidation or operational issues affecting existing and proposed water transportation services.

Existing law requires the authority to create and adopt the transition plan on or before January 1, 2009, and requires the authority to prepare a specific transition plan for any transfer not anticipated by the former. Existing law also requires the authority to create and adopt an emergency water transportation system management plan on or before July 1, 2009. Under existing law, the authority is required to provide a copy of those plans to each city and county in the bay area region at least 45 days prior to adopting the plans.

This bill would extend the date for the creation and adoption of the transition plan to July 1, 2009. In addition, the bill would require the authority to establish a process for taking public input on the plans in consultation with existing operators of public ferry services affected

by the plans. The bill would require that the public input process include at least one public hearing conducted at least 60 days prior to adopting the plans in each city where an operational ferry facility existed as of January 1, 2008.

Existing law authorizes the authority to accept the transfer of ownership, operation, and management of any other public transportation ferries and related water transportation services and facilities within the bay area region developed or adopted by any general purpose local government or special district that operates or sponsors water transit.

This bill would also authorize the authority to accept leasehold interests of those ferries and related water transportation services and facilities. *The bill would require the authority, in accepting a transfer, to commit to maintaining the ferry and related services for at least 5 years.*

Existing law provides that the authority is governed by a board of 5 members and prohibits a local jurisdiction or agency from having more than one representative on the board.

This bill would instead prohibit a public agency from having more than one representative on the board.

Existing law authorizes the board to appoint an auditor among other officers.

This bill would instead authorize the board to appoint a chief financial officer.

Existing law requires the board to supervise and regulate every water transportation services facility owned or operated or controlled by the authority, including the establishment of rates and the making and enforcement of schedules, among other things, for or in connection with any transportation facility owned or operated or controlled by the authority.

This bill would require the board to establish a process for taking public input on rates or schedules that the board proposes to establish or change. The bill would require the board to conduct a public hearing prior to adopting those rates schedules, or changes and to provide notification of those rates, schedules, or changes to the city where the ferry terminal affected by the rates, schedules, or changes is located at least 30 days prior to the hearing.

Existing law requires the authority to bear reasonable administrative costs incurred by public transportation ferries and related water transportation services related to specified transfers to the authority.

This bill would instead require the authority to bear the reasonable administrative costs incurred by operators of water transportation services related to specified transfers to the authority or the implementation of the San Francisco Bay Area Water Emergency Transportation Response and Disaster Recovery Act.

Existing law requires the authority to assume and be bound by the employment terms and conditions set forth in any collective bargaining agreement or employment contract between the San Francisco Bay Area Water Transit Authority and any labor organization or employee affected by the creation of the authority, as specified.

This bill would also require the authority to assume and be bound by the employment terms and conditions set forth in any collective bargaining agreement or employment contract between any public or private entity whose services the authority directly assumes, and any labor organization or employee included within the assumption of those services.

The bill would enact other related provisions.

By imposing additional duties on the authority, the bill would impose a state-mandated local program.

Existing law requires the Metropolitan Transportation Commission to allocate certain amounts of the toll increase approved in 1988 for specified purposes and requires that funds made available for rapid water transit systems pursuant to that provision be allocated to the authority.

~~This bill would condition~~ *require* that allocation to the authority ~~on the adoption of~~ *to begin on the date specified in the transition plan* described above.

Existing law authorizes the Metropolitan Transportation Commission to fund certain operating programs as a component of the Regional Traffic Plan and identifies the authority as the project sponsor for certain of those projects.

With regard to funds provided to the authority, this bill would require that funds historically made available to the City of Vallejo or the City of Alameda continue to be allocated to those cities until the authority ~~adopts~~ *date specified in the transition plan* described above. *The bill would authorize the authority to use those funds, not exceeding \$600,000, to support development of the transition plan and for transition-related costs incurred on or after January 1, 2008, upon a determination by the commission that the costs meet certain requirements. The bill would also authorize the authority to use those*

funds for operating purposes if consistent with the transition plan and approved by the commission.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66540.6 of the Government Code is
2 amended to read:

3 66540.6. (a) In order to establish and secure emergency
4 activities of all water transportation and related facilities within
5 the bay area region, the authority shall have the authority to operate
6 a comprehensive emergency public water transportation system
7 that includes water transportation services, water transit terminals,
8 and any other transport and facilities supportive of the system for
9 the bay area region, provided that those facilities are consistent
10 with the bay plan adopted by the Bay Conservation and
11 Development Commission, as it may be amended from time to
12 time, and that the authority consults in good faith with affected
13 municipalities, counties, and other public agencies that may be
14 affected by a particular facility. The authority shall have authority
15 and control over public transportation ferries within the bay area
16 region, except that this section shall not affect any vessels,
17 facilities, or services owned, operated, or provided by the Golden
18 Gate Bridge, Highway and Transportation District. The planning,
19 management, and operation of any existing or planned public
20 transportation ferries and related facilities and services in the bay
21 area region shall be consolidated under the authority's control,
22 subject to the adoption of the transition plan required by
23 subdivision (b) of Section 66540.32. The authority shall not compel
24 property transfers or operational changes to water transportation
25 services provided by public agencies on or before January 1, 2008,
26 prior to the adoption of that transition plan.

27 (b) Because of the importance of an orderly development of a
28 comprehensive bay area region emergency water transportation

1 system, the environmental, health, and public safety issues
2 implicated, and the scarce resources available, the authority shall
3 determine the entry within its jurisdiction of any water
4 transportation service or facility that will affect public lands or
5 receive or benefit from the use of federal, state, or local funds,
6 except those owned, operated, or provided by the Golden Gate
7 Bridge, Highway and Transportation District.

8 (c) Nothing in this section shall be construed to be in derogation
9 of the existing authority of the California Public Utilities
10 Commission.

11 SEC. 2. Section 66540.11 of the Government Code is amended
12 to read:

13 66540.11. (a) Public transportation ferries and related water
14 transportation services and facilities within the bay area region
15 shall be transferred to the authority in accordance with the
16 transition plan required under subdivision (b) of Section 66540.32.
17 This section shall not affect any vessels, services, or facilities
18 owned, operated, or provided by the Golden Gate Bridge, Highway
19 and Transportation District.

20 (b) The authority may accept the transfer of ownership, leasehold
21 interests, operation, and management of any other public
22 transportation ferries and related water transportation services and
23 facilities within the bay area region developed or adopted by any
24 general purpose local government or special district that operates
25 or sponsors water transit, including, but not limited to, those water
26 transportation services provided under agreement with a private
27 operator.

28 (c) All transfers pursuant to subdivisions (a) and (b) shall be
29 consistent with the adopted transition plan required under
30 subdivision (b) of Section 66540.32 and ~~shall~~ may include, but not
31 be limited to, all of the following:

32 (1) All real and personal property, including, but not limited to,
33 all terminals, ferries, vehicles or facilities, parking facilities for
34 passengers and employees, and buildings and facilities used to
35 operate, maintain, and manage the water transportation services
36 system.

37 (2) All personnel currently employed by the water transportation
38 services system, subject to the provisions of Article 5 (commencing
39 with Section 66540.55) of Chapter 5.

1 (3) All contracts with tenants, concessionaires, leaseholders,
2 and others.

3 (4) All nondiscretionary local funds and subsidies for the water
4 transportation services system, other than the direct subsidy the
5 Golden Gate Bridge, Highway and Transportation District currently
6 provides to the water transportation services system it provides.

7 (5) All financial obligations generated from the operations of
8 the water transportation services system, including, but not limited
9 to, bonded indebtedness and subsidies associated with the public
10 transportation ferry system.

11 (d) In accepting a transfer, the *authority shall commit to*
12 *maintaining public transportation ferries and related water*
13 *transportation services and facilities provided by the transferring*
14 *agency or operator for a period of at least five years following the*
15 *transfer. The authority shall attempt to maintain the service levels*
16 *provided by the transferring agency or operator pursuant to the*
17 *operating plan prepared pursuant to subparagraph (E) of*
18 *paragraph (2) of subdivision (b) of Section 66540.32. The authority*
19 *may assume no financial obligations other than the financial*
20 *obligations associated with the operation of the services and*
21 *facilities being transferred to the authority.*

22 (e) Reasonable administrative costs incurred by operators of
23 water transportation services as of January 1, 2008, related to the
24 transfers required by this section or the implementation of this title
25 shall be borne by the authority. *The authority may use Regional*
26 *Measure 2 operating funds pursuant to paragraph (6) of*
27 *subdivision (d) of Section 30914 of the Streets and Highways Code,*
28 *in an amount not to exceed six hundred thousand dollars*
29 *(\$600,000) to support development of the transition plan specified*
30 *in subdivision (b) of Section 66540.32 and for transition-related*
31 *costs incurred by the authority or the transferring agencies on or*
32 *after July 1, 2008, upon a determination by the Metropolitan*
33 *Transportation Commission that the costs are reasonable and are*
34 *substantially a result of the transition. After adoption of the*
35 *transition plan and formal agreement by the Cities of Vallejo and*
36 *Alameda to transition their ferry services to the authority in*
37 *accordance with the transition plan, the authority may use*
38 *additional Regional Measure 2 operating funds above the limits*
39 *referenced in this subdivision for transition and transition-related*
40 *activities, incurred before or after the actual transfer of services*

1 *and facilities, as specified in the transition plan and approved by*
2 *the Metropolitan Transportation Commission.*

3 *(f) After adoption of the transition plan and after formal*
4 *agreement by the Cities of Vallejo and Alameda to transition their*
5 *services and facilities to the authority in accordance with the*
6 *transition plan, the authority may use Regional Measure 2*
7 *operating funds in accordance with paragraph (6) of subdivision*
8 *(d) of Section 30914 of the Streets and Highways Code for*
9 *operation of the Vallejo and Alameda services and facilities if*
10 *consistent with the transition plan and approved by the*
11 *Metropolitan Transportation Commission.*

12 *(g) Notwithstanding any other provision of this title, if a transfer*
13 *of assets occurs, the authority shall indemnify the state against*
14 *any claims or liability relating to the ferry vessel operations and*
15 *facilities transferred, or any act or failure to act when the authority*
16 *has a legal obligation under the laws of this state, except for any*
17 *claims or liability arising out of or related to City of Vallejo v.*
18 *State of California (Solano County Superior Court, Case No.*
19 *FCS031170).*

20 SEC. 3. Section 66540.12 of the Government Code is amended
21 to read:

22 66540.12. (a) The authority shall be governed by a board
23 composed of five members, as follows:

24 (1) Three members shall be appointed by the Governor, subject
25 to confirmation by the Senate. The Governor shall make the initial
26 appointment of these members of the board within 10 days after
27 the effective date of this title.

28 (2) One member shall be appointed by the Senate Committee
29 on Rules.

30 (3) One member shall be appointed by the Speaker of the
31 Assembly.

32 (b) Each member of the board shall be a resident of a county in
33 the bay area region.

34 (c) Public officers associated with any area of government,
35 including planning or water, whether elected or appointed, may
36 be appointed to serve contemporaneously as members of the board.
37 No public agency may have more than one representative on the
38 board of the authority.

39 (d) The Governor shall designate one member as the chair of
40 the board and one member as the vice chair of the board.

1 (e) The term of a member of the board shall be six years.

2 (f) Vacancies shall be immediately filled by the appointing
3 power for the unexpired portion of the terms in which they occur.

4 SEC. 4. Section 66540.16 of the Government Code is amended
5 to read:

6 66540.16. (a) The board shall have the power to appoint all
7 of the following officers of the authority:

8 (1) Executive director.

9 (2) General counsel.

10 (3) Chief financial officer.

11 (b) The executive director shall be responsible for operation,
12 maintenance, financing, and planning functions, within the policy
13 guidelines established by the board. The executive director shall
14 prepare and submit an annual budget to the board. The executive
15 director shall have the authority to execute contracts, grant
16 documents, and financing documents under the policy guidelines
17 that may be established by the board. The executive director shall
18 appoint all other officers and employees.

19 SEC. 5. Section 66540.22 of the Government Code is amended
20 to read:

21 66540.22. (a) The board shall supervise and regulate every
22 water transportation services facility owned, operated, maintained,
23 or controlled by the authority, including the establishment of rates,
24 rentals, charges, and classifications, and the making and
25 enforcement of rules, regulations, contracts, practices, and
26 schedules, for or in connection with any transportation facility
27 ~~owned or operated, operated,~~ or controlled by the authority.

28 (b) If the board proposes to establish or change rates or
29 schedules for or in connection with a facility described in
30 subdivision (a), ~~the board shall~~ *board shall* establish a process for
31 taking public input on those proposed rates, schedules, or changes
32 and shall conduct a public hearing prior to the adoption of those
33 rates, schedules, or changes. The board shall provide written
34 notification of the proposed rates, schedules, or changes to the city
35 where the ferry terminal affected by those rates, schedules, or
36 changes is located at least 30 days prior to the public hearing.

37 SEC. 6. Section 66540.24 of the Government Code is amended
38 to read:

39 66540.24. (a) Three members of the board shall constitute a
40 quorum for the purpose of transacting any business of the board.

(b) Except as otherwise specifically provided to the contrary in this title, a recorded majority vote of the total authorized membership of the board is required on each action.

SEC. 7. Section 66540.315 is added to the Government Code, to read:

66540.315. The authority may establish a community advisory committee to receive community and passenger recommendations related to consolidation and operational issues affecting existing and proposed water transportation services. The authority shall determine the composition of that committee.

SEC. 8. Section 66540.32 of the Government Code is amended to read:

66540.32. (a) The authority shall create and adopt, on or before July 1, 2009, an emergency water transportation system management plan for water transportation services in the bay area region in the event that bridges, highways, and other facilities are rendered wholly or significantly inoperable.

(b) (1) The authority shall create and adopt, on or before July 1, 2009, a transition plan to facilitate the transfer of existing public transportation ferry services within the bay area region to the authority pursuant to this title. In the preparation of the transition plan, priority shall be given to ensuring continuity in the programs, services, and activities of existing public transportation ferry services.

(2) The plan required by this subdivision shall include all of the following:

(A) A description of existing ferry services in the bay area region, as of January 1, 2008, that are to be transferred to the authority pursuant to Section 66540.11 and a description of any proposed changes to those services.

(B) A description of any proposed expansion of ferry services in the bay area region.

(C) An inventory of the ferry and ferry-related capital assets or leasehold interests, including, but not limited to, vessels, terminals, maintenance facilities, and existing or planned parking facilities or parking structures, and of the personnel, operating costs, and revenues of public agencies operating public transportation ferries and providing water transportation services as of January 1, 2008, and those facilities that are to be transferred, in whole or in part, to the authority pursuant to Section 66540.11.

1 (D) A description of those capital assets, leasehold interests,
2 and personnel identified in subparagraph (C) that the authority
3 proposes to be transferred pursuant to Section 66540.11.

4 ~~(E) An estimate of the costs to continue the services described~~
5 ~~in subparagraph (A) and a detailed description of the available~~
6 ~~revenues and proposed sources of revenue to meet those anticipated~~
7 ~~costs.~~

8 *(E) An operating plan that includes, at a minimum, an estimate*
9 *of the costs to continue the ferry services described in*
10 *subparagraph (A) for at least five years and a detailed description*
11 *of current and historically available revenues and proposed*
12 *sources of revenue to meet those anticipated costs. Further, the*
13 *operating plan shall identify options for closing any projected*
14 *deficits or for addressing increased cost inputs, such as fuel, for*
15 *at least the five-year period.*

16 (F) A description of the proposed services, duties, functions,
17 responsibilities, and liabilities of the authority and those of agencies
18 providing or proposed to provide water transportation services for
19 the authority.

20 ~~(G) To the extent the plan includes the transfer of ownership of~~
21 ~~any capital assets, leasehold interests, or personnel, as described~~
22 ~~in subparagraph (C), the plan shall identify those assets for which~~
23 ~~compensation shall be made, subject to an agreement between the~~
24 ~~authority and the transferring agency.~~

25 *(G) To the extent the plan may include the transfer of assets or*
26 *services from a local agency to the authority pursuant to Section*
27 *66540.11, that transfer shall be subject to negotiation and*
28 *agreement by the local agency. The authority and the local agency*
29 *shall negotiate and agree on fair terms, including just*
30 *compensation, prior to any transfer authorized by this title.*

31 (H) An initial five-year Capital Improvement Program (CIP)
32 detailing how the authority and its local agency partners plan to
33 support financing and completion of capital improvement projects,
34 including, but not limited to, those described in subparagraph (C),
35 that are required to support the operation of transferred ferry
36 services. Priority shall be given to emergency response projects
37 and those capital improvement projects for which a Notice of
38 Determination pursuant to the California Environmental Quality
39 Act has been filed and which further the expansion, efficiency, or
40 effectiveness of the ferry system.

(I) A description of how existing and expanded water transportation services will provide seamless connections to other transit providers in the bay area region, including, but not limited to, a description of how the authority will coordinate with all local agencies to ensure optimal public transportation services, including supplemental bus services that existed on January 1, 2008, that support access to the ferry system for the immediate and surrounding communities.

(J) *The date on which the ferry services are to be transferred to the authority.*

(3) To the extent the plan required by this subdivision includes proposed changes to water transportation services or related facilities historically provided by the City of Vallejo or the City of Alameda, the proposed changes shall be consistent with that city's general plan, its redevelopment plans, and its development and disposition agreements for projects related to the provision of water transportation services. Those projects include, but are not limited to, the construction of parking facilities and transit transfer facilities within close proximity of a ferry terminal or the relocation of a ferry terminal.

(c) In developing the plans described in subdivisions (a) and (b), the authority shall cooperate to the fullest extent possible with the Metropolitan Transportation Commission, the State Office of Emergency Services, the Association of Bay Area Governments, and the San Francisco Bay Conservation and Development Commission, and shall, to the fullest extent possible, coordinate its planning with local agencies, including those local agencies that operated, or contracted for the operation of, public water transportation services as of the effective date of this title. To avoid duplication of work, the authority shall make maximum use of data and information available from the planning programs of the Metropolitan Transportation Commission, the State Office of Emergency Services, the Association of Bay Area Governments, the San Francisco Bay Conservation and Development Commission, the cities and counties in the San Francisco Bay area, and other public and private planning agencies. In addition, the authority shall consider both of the following:

(1) The San Francisco Bay Area Water Transit Implementation and Operations Plan adopted by the San Francisco Bay Area Water Transit Authority on July 10, 2003.

(2) Any other plan concerning water transportation within the bay area region developed or adopted by any general purpose local government or special district that operates or sponsors water transit, including, but not limited to, those water transportation services provided under agreement with a private operator.

(d) The authority shall prepare a specific transition plan for any transfer not anticipated by the transition plan required under subdivision (b).

(e) Prior to adopting the plans required by this section, the authority shall establish a process for taking public input on the plans in consultation with existing operators of public ferry services affected by the plans. The public input process shall include at least one public hearing conducted at least 60 days prior to the adoption of the plans in each city where an operational ferry facility existed as of January 1, 2008.

SEC. 9. Section 66540.325 is added to the Government Code, to read:

66540.325. When feeder transportation services are proposed to be established to or from the facilities operated by the authority, the authority shall coordinate with the public transit agency or agencies in whose service territory the feeder service will operate.

~~SEC. 9:~~

SEC. 10. Section 66540.43 of the Government Code is amended to read:

66540.43. (a) The authority may issue bonds, from time to time, payable from revenue of any facility or enterprise operated, acquired, or constructed by the authority, for any of the purposes authorized by this title in accordance with the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5), excluding Article 3 (commencing with Section 54380) of Chapter 6 of Part 1 of Division 2 of Title 5 and the limitations set forth in subdivision (b) of Section 54402 which shall not apply to the issuance and sale of bonds pursuant to this section.

(b) The authority is a local agency within the meaning of Section 54307. The water transportation services system or any or all facilities and all additions and improvements that the authority's governing board authorizes to be acquired or constructed and any purpose, operation, facility, system, improvement, or undertaking of the authority from which revenues are derived or otherwise

1 allocable, which revenues are, or may by resolution or ordinance
2 be, required to be separately accounted for from other revenues of
3 the authority, shall constitute an enterprise within the meaning of
4 Section 54309.

5 (c) The board shall authorize the issuance of bonds pursuant to
6 this section by resolution, which resolution shall be adopted by a
7 majority vote and shall specify all of the following:

8 (1) The purposes for which the bonds are to be issued, which
9 may include one or more purposes permitted by this title.

10 (2) The maximum principal amount of bonds.

11 (3) The maximum term of bonds.

12 (4) The maximum rate of interest, fixed or variable, to be
13 payable upon the bonds.

14 (5) The maximum discount or premium payable on sale of the
15 bonds.

16 (d) For purposes of the issuance and sale of bonds pursuant to
17 this section, the following definitions shall be applicable to the
18 Revenue Bond Law of 1941:

19 (1) "Fiscal agent" means any fiscal agent, trustee, paying agent,
20 depository, or other fiduciary provided for in the resolution
21 providing the terms and conditions for the issuance of the bonds,
22 which fiscal agent may be located within or without the state.

23 (2) "Resolution" means, unless the context otherwise requires,
24 the instrument providing the terms and conditions for the issuance
25 of bonds, which instrument may be an indenture, trust agreement,
26 installment sale agreement, lease, ordinance, or other instrument
27 in writing.

28 (e) Each resolution shall provide for the issuance of bonds in
29 the amounts as may be necessary, until the full amount of bonds
30 authorized has been issued. The full amount of bonds may be
31 divided into two or more series with different dates of payment
32 fixed for bonds of each series. A bond need not mature on its
33 anniversary date.

34 (f) The authority may issue refunding bonds to redeem or retire
35 any bonds issued by the authority upon the terms, at the times, and
36 in the manner which the authority's governing body determines
37 by resolution. Refunding bonds may be issued in a principal
38 amount sufficient to pay all, or any part of, the principal of the
39 outstanding bonds, the premium, if any due upon call redemption

thereof prior to maturity, all expenses of redemption, and either of the following:

(1) The interest upon the refunding bonds from the date of sale thereof to the date of payment of the bonds to be refunded out of the sale of the refunding bonds or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of the bonds.

(2) The interest upon the bonds to be refunded from the date of sale of the refunding bonds to the date of payment of the bonds to be refunded or to the date upon which the bonds to be refunded will be paid pursuant to call or agreement with the holders of the bonds.

(g) The authority may enter into any liquidity or credit agreement it may deem necessary in connection with the issuance of bonds authorized by this section.

(h) This section provides a complete, additional, and alternative method of performing the acts authorized by this article, and the issuance of bonds, including refunding bonds, need not comply with any other law applicable to borrowing or the issuance of bonds. Any provision of the Revenue Bond Law of 1941 which is inconsistent with this section or this title shall not be applicable.

(i) Nothing in this section prohibits the authority from availing itself of any procedure provided in this article for the issuance of bonds of any type or character for any of the authorized water transportation facilities. All bond proceedings may be carried on simultaneously or, in the alternative, as the authority may determine.

~~SEC. 10.~~

SEC. 11. Section 66540.68 of the Government Code is amended to read:

66540.68. (a) This article does not apply to any employees of the authority in a bargaining unit that is represented by a labor organization, except as to the protection of the rights of those employees that were employees of the San Francisco Bay Area Water Transit Authority as specifically provided in Section 66540.56.

(b) The adoption, terms, and conditions of the retirement systems covering employees of the authority in a bargaining unit represented by a labor organization shall be pursuant to a collective bargaining agreement between that labor organization and the

1 authority. Any such retirement system adopted pursuant to a
2 collective bargaining agreement shall be on a sound actuarial basis.
3 The authority and the labor organization representing the
4 authority's employees in a bargaining unit shall be equally
5 represented in the administration of that retirement system.

6 (c) (1) The authority shall assume and be bound by the terms
7 and conditions of employment set forth in any collective bargaining
8 agreement or employment contract between the San Francisco Bay
9 Area Water Transit Authority and any labor organization or
10 employee affected by the creation of the authority, as well as the
11 duties, obligations, and liabilities arising from, or relating to, labor
12 obligations imposed by state or federal law upon the San Francisco
13 Bay Area Water Transit Authority.

14 (2) The authority shall assume and be bound by the terms and
15 conditions of employment set forth in any collective bargaining
16 agreement or employment contract between any entity, whether
17 public or private, whose services the authority directly assumes,
18 and any labor organization or employee included within the
19 assumption of those services.

20 ~~SEC. 11.~~

21 *SEC. 12.* Section 30913 of the Streets and Highways Code is
22 amended to read:

23 30913. (a) In addition to any other authorized expenditure of
24 toll bridge revenues, the following major projects may be funded
25 from toll revenues:

26 (1) Benicia-Martinez Bridge: Widening of the existing bridge.

27 (2) Benicia-Martinez Bridge: Construction of an additional span
28 parallel to the existing bridge.

29 (3) Carquinez Bridge: Replacement of the existing western span.

30 (4) Richmond-San Rafael Bridge: Major rehabilitation of the
31 bridge, and development of a new easterly approach between the
32 toll plaza and Route 80, near Pinole, known as the Richmond
33 Parkway.

34 (b) The toll increase approved in 1988, which authorized a
35 uniform toll of one dollar (\$1) for two-axle vehicles on the bridges
36 and corresponding increases for multi-axle vehicles, resulted in
37 the following toll increases for two-axle vehicles on the bridges:

1		1988 Increase
2	Bridge	(Two-axle vehicles)
3	Antioch Bridge	\$0.50
4	Benicia-Martinez Bridge	.60
5	Carquinez Bridge	.60
6	Dumbarton Bridge	.25
7	Richmond-San Rafael Bridge	.00
8	San Francisco-Oakland Bay Bridge	.25
9	San Mateo-Hayward Bridge	.25

10
11 Portions of the 1988 toll increase were dedicated to transit
12 purposes, and these amounts shall be calculated as up to 2 percent
13 of the revenue generated each year by the collection on all bridges
14 of the base toll at the level established by the 1988 toll increase.
15 The Metropolitan Transportation Commission shall allocate
16 two-thirds of these amounts for transportation projects, other than
17 those specified in Sections 30912 and 30913 and in subdivision
18 (a) of Section 30914, which are designed to reduce vehicular traffic
19 congestion and improve bridge operations on any bridge, including,
20 but not limited to, bicycle facilities and for the planning,
21 construction, operation, and acquisition of rapid water transit
22 systems. The commission shall allocate the remaining one-third
23 solely for the planning, construction, operation, and acquisition of
24 rapid water transit systems. The plans for the projects may also be
25 funded by these moneys. Funds made available for rapid water
26 transit systems pursuant to this subdivision shall be allocated to
27 the San Francisco Bay Area Water Emergency Transportation
28 Authority following adoption of the transition plan required under
29 Authority beginning on the date specified in the adopted transition
30 plan developed by the authority pursuant to subdivision (b) of
31 Section 66540.32 of the Government Code.

32 (c) The department shall not include, in the plans for the new
33 Benicia-Martinez Bridge, toll plazas, highways, or other facilities
34 leading to or from the Benicia-Martinez Bridge, any construction
35 that would result in the net loss of any wetland acreage.

36 (d) With respect to the Benicia-Martinez and Carquinez Bridges,
37 the department shall consider the potential for rail transit as part
38 of the plans for the new structures specified in paragraphs (2) and
39 (3) of subdivision (a).

(e) At the time the first of the new bridges specified in paragraphs (2) and (3) of subdivision (a) is opened to the public, there shall be a lane for the exclusive use of pedestrians and bicycles available on at least, but not limited to, the original span at Benicia or Carquinez, or the additional or replacement spans planned for those bridges. The design of these bridges shall not preclude the subsequent addition of a lane for the exclusive use of pedestrians and bicycles.

~~SEC. 12.~~

SEC. 13. Section 30914 of the Streets and Highways Code is amended to read:

30914. (a) In addition to any other authorized expenditures of toll bridge revenues, the following major projects may be funded from toll revenues of all bridges:

(1) Dumbarton Bridge: Improvement of the western approaches from Route 101 if affected local governments are involved in the planning.

(2) San Mateo-Hayward Bridge and approaches: Widening of the bridge to six lanes, construction of rail transit capital improvements on the bridge structure, and improvements to the Route 92/Route 880 interchange.

(3) Construction of West Grand connector or an alternate project designed to provide comparable benefit by reducing vehicular traffic congestion on the eastern approaches to the San Francisco-Oakland Bay Bridge. Affected local governments shall be involved in the planning.

(4) Not less than 90 percent of the revenues determined by the authority as derived from the toll increase approved in 1988 for class I vehicles on the San Francisco-Oakland Bay Bridge authorized by Section 30917 shall be used exclusively for rail transit capital improvements designed to reduce vehicular traffic congestion on that bridge. This amount shall be calculated as 21 percent of the revenue generated each year by the collection of the base toll at the level established by the 1988 increase on the San Francisco-Oakland Bay Bridge.

(b) Notwithstanding any funding request for the transbay bus terminal pursuant to Section 31015, the Metropolitan Transportation Commission shall allocate toll bridge revenues in an annual amount not to exceed three million dollars (\$3,000,000), plus a 3.5-percent annual increase, to the department or to the

Transbay Joint Powers Authority after the department transfers the title of the Transbay Terminal Building to that entity, for operation and maintenance expenditures. This allocation shall be payable from funds transferred by the Bay Area Toll Authority. This transfer of funds is subordinate to any obligations of the authority, now or hereafter existing, having a statutory or first priority lien against the toll bridge revenues. The first annual 3.5-percent increase shall be made on July 1, 2004. The transfer is further subject to annual certification by the department or the Transbay Joint Powers Authority that the total Transbay Terminal Building operating revenue is insufficient to pay the cost of operation and maintenance without the requested funding.

(c) If the voters approve a toll increase in 2004 pursuant to Section 30921, the authority shall, consistent with the provisions of subdivisions (d) and (f), fund the projects described in this subdivision and in subdivision (d) that shall collectively be known as the Regional Traffic Relief Plan by bonding or transfers to the Metropolitan Transportation Commission. These projects have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, from toll revenues of all bridges:

(1) BART/MUNI Connection at Embarcadero and Civic Center Stations. Provide direct access from the BART platform to the MUNI platform at the above stations and equip new fare gates that are TransLink ready. Three million dollars (\$3,000,000). The project sponsor is BART.

(2) MUNI Metro Third Street Light Rail Line. Provide funding for the surface and light rail transit and maintenance facility to support MUNI Metro Third Street Light Rail service connecting to Caltrain stations and the E-Line waterfront line. Thirty million dollars (\$30,000,000). The project sponsor is MUNI.

(3) MUNI Waterfront Historic Streetcar Expansion. Provide funding to rehabilitate historic streetcars and construct trackage and terminal facilities to support service from the Caltrain Terminal, the Transbay Terminal, and the Ferry Building, and connecting the Fisherman's Wharf and northern waterfront. Ten million dollars (\$10,000,000). The project sponsor is MUNI.

(4) East to West Bay Commuter Rail Service over the Dumbarton Rail Bridge. Provide funding for the necessary track and station improvements and rolling stock to interconnect the

1 BART and Capitol Corridor at Union City with Caltrain service
2 over the Dumbarton Rail Bridge, and interconnect and provide
3 track improvements for the ACE line with the same Caltrain service
4 at Centerville. Provide a new station at Sun Microsystems in Menlo
5 Park. One hundred thirty-five million dollars (\$135,000,000). The
6 project is jointly sponsored by the San Mateo County
7 Transportation Authority, Capitol Corridor, the Alameda County
8 Congestion Management Agency, and the Alameda County
9 Transportation Improvement Authority.

10 (5) Vallejo Station. Construct intermodal transportation hub for
11 bus and ferry service, including parking structure, at site of
12 Vallejo's current ferry terminal. Twenty-eight million dollars
13 (\$28,000,000). The project sponsor is the City of Vallejo.

14 (6) Solano County Express Bus Intermodal Facilities. Provide
15 competitive grant fund source, to be administered by the
16 Metropolitan Transportation Commission. Eligible projects are
17 Curtola Park and Ride, Benicia Intermodal Facility, Fairfield
18 Transportation Center and Vacaville Intermodal Station. Priority
19 to be given to projects that are fully funded, ready for construction,
20 and serving transit service that operates primarily on existing or
21 fully funded high-occupancy vehicle lanes. Twenty million dollars
22 (\$20,000,000). The project sponsor is Solano Transportation
23 Authority.

24 (7) Solano County Corridor Improvements near Interstate
25 80/Interstate 680 Interchange. Provide funding for improved
26 mobility in corridor based on recommendations of joint study
27 conducted by the Department of Transportation and the Solano
28 Transportation Authority. Cost-effective transit infrastructure
29 investment or service identified in the study shall be considered a
30 high priority. One hundred million dollars (\$100,000,000). The
31 project sponsor is Solano Transportation Authority.

32 (8) Interstate 80: Eastbound High-Occupancy Vehicle (HOV)
33 Lane Extension from Route 4 to Carquinez Bridge. Construct
34 HOV-lane extension. Fifty million dollars (\$50,000,000). The
35 project sponsor is the Department of Transportation.

36 (9) Richmond Parkway Transit Center. Construct parking
37 structure and associated improvements to expand bus capacity.
38 Sixteen million dollars (\$16,000,000). The project sponsor is
39 Alameda-Contra Costa Transit District, in coordination with West
40 Contra Costa Transportation Advisory Committee, Western Contra

Costa Transit Authority, City of Richmond, and the Department of Transportation.

(10) Sonoma-Marín Area Rail Transit District (SMART) Extension to Larkspur or San Quentin. Extend rail line from San Rafael to a ferry terminal at Larkspur or San Quentin. Thirty-five million dollars (\$35,000,000). Up to five million dollars (\$5,000,000) may be used to study, in collaboration with the Water Transit Authority, the potential use of San Quentin property as an intermodal water transit terminal. The project sponsor is SMART.

(11) Greenbrae Interchange/Larkspur Ferry Access Improvements. Provide enhanced regional and local access around the Greenbrae Interchange to reduce traffic congestion and provide multimodal access to the Richmond-San Rafael Bridge and Larkspur Ferry Terminal by constructing a new full service diamond interchange at Wornum Drive south of the Greenbrae Interchange, extending a multiuse pathway from the new interchange at Wornum Drive to East Sir Francis Drake Boulevard and the Cal Park Hill rail right-of-way, adding a new lane to East Sir Francis Drake Boulevard and rehabilitating the Cal Park Hill Rail Tunnel and right-of-way approaches for bicycle and pedestrian access to connect the San Rafael Transit Center with the Larkspur Ferry Terminal. Sixty-five million dollars (\$65,000,000). The project sponsor is Marin County Congestion Management Agency.

(12) Direct High-Occupancy Vehicle (HOV) lane connector from Interstate 680 to the Pleasant Hill or Walnut Creek BART stations or in close proximity to either station or as an extension of the southbound Interstate 680 High-Occupancy Vehicle Lane through the Interstate 680/State Highway Route 4 interchange from North Main in Walnut Creek to Livorna Road. The County Connection shall utilize up to one million dollars (\$1,000,000) of the funds described in this paragraph to develop options and recommendations for providing express bus service on the Interstate 680 High-Occupancy Vehicle Lane south of the Benicia Bridge in order to connect to BART. Upon completion of the plan, the Contra Costa Transportation Authority shall adopt a preferred alternative provided by the County Connection plan for future funding. Following adoption of the preferred alternative, the remaining funds may be expended either to fund the preferred alternative or to extend the high-occupancy vehicle lane as described in this paragraph. Fifteen million dollars (\$15,000,000).

1 The project is sponsored by the Contra Costa Transportation
2 Authority.

3 (13) Rail Extension to East Contra Costa/E-BART. Extend
4 BART from Pittsburg/Bay Point Station to Byron in East Contra
5 Costa County. Ninety-six million dollars (\$96,000,000). Project
6 funds may only be used if the project is in compliance with adopted
7 BART policies with respect to appropriate land use zoning in
8 vicinity of proposed stations. The project is jointly sponsored by
9 BART and Contra Costa Transportation Authority.

10 (14) Capitol Corridor Improvements in Interstate 80/Interstate
11 680 Corridor. Fund track and station improvements, including the
12 Suisun Third Main Track and new Fairfield Station. Twenty-five
13 million dollars (\$25,000,000). The project sponsor is Capitol
14 Corridor Joint Powers Authority and the Solano Transportation
15 Authority.

16 (15) Central Contra Costa Bay Area Rapid Transit (BART)
17 Crossover. Add new track before Pleasant Hill BART Station to
18 permit BART trains to cross to return track towards San Francisco.
19 Twenty-five million dollars (\$25,000,000). The project sponsor is
20 BART.

21 (16) Benicia-Martinez Bridge: New Span. Provide partial
22 funding for completion of new five-lane span between Benicia
23 and Martinez to significantly increase capacity in the I-680
24 corridor. Fifty million dollars (\$50,000,000). The project sponsor
25 is the Bay Area Toll Authority.

26 (17) Regional Express Bus North. Competitive grant program
27 for bus service in Richmond-San Rafael Bridge, Carquinez,
28 Benicia-Martinez and Antioch Bridge corridors. Provide funding
29 for park and ride lots, infrastructure improvements, and rolling
30 stock. Eligible recipients include Golden Gate Bridge Highway
31 and Transportation District, Vallejo Transit, Napa VINE,
32 Fairfield-Suisun Transit, Western Contra Costa Transit Authority,
33 Eastern Contra Costa Transit Authority, and Central Contra Costa
34 Transit Authority. The Golden Gate Bridge Highway and
35 Transportation District shall receive a minimum of one million six
36 hundred thousand dollars (\$1,600,000). Napa VINE shall receive
37 a minimum of two million four hundred thousand dollars
38 (\$2,400,000). Twenty million dollars (\$20,000,000). The project
39 sponsor is the Metropolitan Transportation Commission.

1 (18) TransLink. Integrate the bay area's regional smart card
2 technology, TransLink, with operator fare collection equipment
3 and expand system to new transit services. Twenty-two million
4 dollars (\$22,000,000). The project sponsor is the Metropolitan
5 Transportation Commission.

6 (19) Real-Time Transit Information. Provide a competitive grant
7 program for transit operators for assistance with implementation
8 of high-technology systems to provide real-time transit information
9 to riders at transit stops or via telephone, wireless, or Internet
10 communication. Priority shall be given to projects identified in the
11 commission's connectivity plan adopted pursuant to subdivision
12 (d) of Section 30914.5. Twenty million dollars (\$20,000,000). The
13 funds shall be administered by the Metropolitan Transportation
14 Commission.

15 (20) Safe Routes to Transit: Plan and construct bicycle and
16 pedestrian access improvements in close proximity to transit
17 facilities. Priority shall be given to those projects that best provide
18 access to regional transit services. Twenty-two million five hundred
19 thousand dollars (\$22,500,000). City Car Share shall receive two
20 million five hundred thousand dollars (\$2,500,000) to expand its
21 program within approximately one-quarter mile of transbay
22 regional transit terminals or stations. The City Car Share project
23 is sponsored by City Car Share and the Safe Routes to Transit
24 project is jointly sponsored by the East Bay Bicycle Coalition and
25 the Transportation and Land Use Coalition. These sponsors must
26 identify a public agency cosponsor for purposes of specific project
27 fund allocations.

28 (21) BART Tube Seismic Strengthening. Add seismic capacity
29 to existing BART tube connecting the east bay with San Francisco.
30 One hundred forty-three million dollars (\$143,000,000). The
31 project sponsor is BART.

32 (22) Transbay Terminal/Downtown Caltrain Extension. A new
33 Transbay Terminal at First and Mission Streets in San Francisco
34 providing added capacity for transbay, regional, local, and intercity
35 bus services, the extension of Caltrain rail services into the
36 terminal, and accommodation of a future high-speed passenger
37 rail line to the terminal and eventual rail connection to the east
38 bay. Eligible expenses include project planning, design and
39 engineering, construction of a new terminal and its associated
40 ramps and tunnels, demolition of existing structures, design and

1 development of a temporary terminal, property and right-of-way
2 acquisitions required for the project, and associated project-related
3 administrative expenses. A bus- and train-ready terminal facility,
4 including purchase and acquisition of necessary rights-of-way for
5 the terminal, ramps, and rail extension, is the first priority for toll
6 funds for the Transbay Terminal/Downtown Caltrain Extension
7 Project. The temporary terminal operation shall not exceed five
8 years. One hundred fifty million dollars (\$150,000,000). The
9 project sponsor is the Transbay Joint Powers Authority.

10 (23) Oakland Airport Connector. New transit connection to link
11 BART, Capitol Corridor and AC Transit with Oakland Airport.
12 The Port of Oakland shall provide a full funding plan for the
13 connector. Thirty million dollars (\$30,000,000). The project
14 sponsors are the Port of Oakland and BART.

15 (24) AC Transit Enhanced Bus-Phase 1 on Telegraph Avenue,
16 International Boulevard, and East 14th Street
17 (Berkeley-Oakland-San Leandro). Develop enhanced bus service
18 on these corridors, including bus bulbs, signal prioritization, new
19 buses, and other improvements. Priority of investment shall
20 improve the AC connection to BART on these corridors. Sixty-five
21 million dollars (\$65,000,000). The project sponsor is AC Transit.

22 (25) Transbay Commute Ferry Service. Purchase two vessels
23 for transbay ferry services. Second vessel funds to be released
24 upon demonstration of appropriate terminal locations, new
25 transit-oriented development, adequate parking, and sufficient
26 landside feeder connections to support ridership projections.
27 Twelve million dollars (\$12,000,000). The project sponsor is San
28 Francisco Bay Area Water Emergency Transportation Authority.
29 If the San Francisco Bay Area Water Emergency Transportation
30 Authority demonstrates to the Metropolitan Transportation
31 Commission that it has secured alternative funding for the two
32 vessel purchases described in this paragraph, the funds may be
33 used for terminal improvements or for consolidation of existing
34 ferry operations.

35 (26) Commute Ferry Service for Berkeley/Albany. Purchase
36 two vessels for ferry services between the Berkeley/Albany
37 Terminal and San Francisco. Parking access and landside feeder
38 connections must be sufficient to support ridership projections.
39 Twelve million dollars (\$12,000,000). The project sponsor is the
40 San Francisco Bay Area Water Emergency Transportation

1 Authority. If the San Francisco Bay Area Water Emergency
2 Transportation Authority demonstrates to the Metropolitan
3 Transportation Commission that it has secured alternative funding
4 for the two vessel purchases described in this paragraph, the funds
5 may be used for terminal improvements. If the San Francisco Bay
6 Area Water Emergency Transportation Authority does not have
7 an entitled terminal site within the Berkeley/Albany catchment
8 area by 2010 that meets its requirements, the funds described in
9 this paragraph and the operating funds described in paragraph (7)
10 of subdivision (d) shall be transferred to another site in the East
11 Bay. The City of Richmond shall be given first priority to receive
12 this transfer of funds if it has met the planning milestones identified
13 in its special study developed pursuant to paragraph (28).

14 (27) Commute Ferry Service for South San Francisco. Purchase
15 two vessels for ferry services to the Peninsula. Parking access and
16 landside feeder connections must be sufficient to support ridership
17 projections. Twelve million dollars (\$12,000,000). The project
18 sponsor is the San Francisco Bay Area Water Emergency
19 Transportation Authority. If the San Francisco Bay Area Water
20 Emergency Transportation Authority demonstrates to the
21 Metropolitan Transportation Commission that it has secured
22 alternative funding for the two vessel purchases described in this
23 paragraph, the funds may be used for terminal improvements.

24 (28) Water Transit Facility Improvements, Spare Vessels, and
25 Environmental Review Costs. Provide two backup vessels for
26 water transit services, expand berthing capacity at the Port of San
27 Francisco, and expand environmental studies and design for eligible
28 locations. Forty-eight million dollars (\$48,000,000). The project
29 sponsor is San Francisco Bay Area Water Emergency
30 Transportation Authority. Up to one million dollars (\$1,000,000)
31 of the funds described in this paragraph shall be made available
32 for the San Francisco Bay Area Water Emergency Transportation
33 Authority to study accelerating development and other milestones
34 that would potentially increase ridership at the City of Richmond
35 ferry terminal.

36 (29) Regional Express Bus Service for San Mateo, Dumbarton,
37 and Bay Bridge Corridors. Expand park and ride lots, improve
38 HOV access, construct ramp improvements, and purchase rolling
39 stock. Twenty-two million dollars (\$22,000,000). The project

1 sponsors are AC Transit and Alameda County Congestion
2 Management Agency.

3 (30) I-880 North Safety Improvements. Reconfigure various
4 ramps on I-880 and provide appropriate mitigations between 29th
5 Avenue and 16th Avenue. Ten million dollars (\$10,000,000). The
6 project sponsors are Alameda County Congestion Management
7 Agency, City of Oakland, and the Department of Transportation.

8 (31) BART Warm Springs Extension. Extension of the existing
9 BART system from Fremont to Warm Springs in southern Alameda
10 County. Ninety-five million dollars (\$95,000,000). Up to ten
11 million dollars (\$10,000,000) shall be used for grade separation
12 work in the City of Fremont necessary to extend BART. The
13 project would facilitate a future rail service extension to the Silicon
14 Valley. The project sponsor is BART.

15 (32) I-580 (Tri Valley) Rapid Transit Corridor Improvements.
16 Provide rail or High-Occupancy Vehicle lane direct connector to
17 Dublin BART and other improvements on I-580 in Alameda
18 County for use by express buses. Sixty-five million dollars
19 (\$65,000,000). The project sponsor is Alameda County Congestion
20 Management Agency.

21 (33) Regional Rail Master Plan. Provide planning funds for
22 integrated regional rail study pursuant to subdivision (f) of Section
23 30914.5. Six million five hundred thousand dollars (\$6,500,000).
24 The project sponsors are Caltrain and BART.

25 (34) Integrated Fare Structure Program. Provide planning funds
26 for the development of zonal monthly transit passes pursuant to
27 subdivision (e) of Section 30914.5. One million five hundred
28 thousand dollars (\$1,500,000). The project sponsor is the Translink
29 Consortium.

30 (35) Transit Commuter Benefits Promotion. Marketing program
31 to promote tax-saving opportunities for employers and employees
32 as specified in Section 132(f)(3) or 162(a) of the Internal Revenue
33 Code. Goal is to increase the participation rate of employers
34 offering employees a tax-free benefit to commute to work by
35 transit. The project sponsor is the Metropolitan Transportation
36 Commission. Five million dollars (\$5,000,000).

37 (36) Caldecott Tunnel Improvements. Provide funds to plan and
38 construct a fourth bore at the Caldecott Tunnel between Contra
39 Costa and Alameda Counties. The fourth bore will be a two-lane
40 bore with a shoulder or shoulders north of the current three bores.

1 The County Connection shall study all feasible alternatives to
2 increase transit capacity in the westbound corridor of State
3 Highway Route 24 between State Highway Route 680 and the
4 Caldecott Tunnel, including the study of the use of an express lane,
5 high-occupancy vehicle lane, and an auxiliary lane. The cost of
6 the study shall not exceed five hundred thousand dollars (\$500,000)
7 and shall be completed not later than January 15, 2006. Fifty
8 million five hundred thousand dollars (\$50,500,000). The project
9 sponsor is the Contra Costa Transportation Authority.

10 (d) Not more than 38 percent of the revenues generated from
11 the toll increase shall be made available annually for the purpose
12 of providing operating assistance for transit services as set forth
13 in the authority's annual budget resolution. The funds shall be
14 made available to the provider of the transit services subject to the
15 performance measures described in Section 30914.5. If the funds
16 cannot be obligated for operating assistance consistent with the
17 performance measures, these funds shall be obligated for other
18 operations consistent with this chapter.

19 Except for operating programs that do not have planned funding
20 increases and subject to the 38-percent limit on total operating cost
21 funding in any single year, following the first year of scheduled
22 operations, an escalation factor, not to exceed 1.5 percent per year,
23 shall be added to the operating cost funding through fiscal year
24 2015–16, to partially offset increased operating costs. The
25 escalation factors shall be contained in the operating agreements
26 described in Section 30914.5. Subject to the limitations of this
27 paragraph, the Metropolitan Transportation Commission may
28 annually fund the following operating programs as another
29 component of the Regional Traffic Relief Plan:

30 (1) Golden Gate Express Bus Service over the Richmond Bridge
31 (Route 40). Two million one hundred thousand dollars
32 (\$2,100,000).

33 (2) Napa Vine Service terminating at the Vallejo Intermodal
34 Terminal. Three hundred ninety thousand dollars (\$390,000).

35 (3) Regional Express Bus North Pool serving the Carquinez and
36 Benicia Bridge Corridors. Three million four hundred thousand
37 dollars (\$3,400,000).

38 (4) Regional Express Bus South Pool serving the Bay Bridge,
39 San Mateo Bridge, and Dumbarton Bridge Corridors. Six million
40 five hundred thousand dollars (\$6,500,000).

1 (5) Dumbarton Rail. Five million five hundred thousand dollars
2 (\$5,500,000).

3 (6) San Francisco Bay Area Water Emergency Transportation
4 Authority, Alameda/Oakland/Harbor Bay, Berkeley/Albany, South
5 San Francisco, Vallejo, or other transbay ferry service. A portion
6 of the operating funds may be dedicated to landside transit
7 operations. Fifteen million three hundred thousand dollars
8 (\$15,300,000). Funds historically made available to the City of
9 Vallejo or the City of Alameda shall continue to be allocated to
10 ~~those cities until the transition plan required by subdivision (b) of~~
11 ~~Section 66540.32 of the Government Code is adopted by the San~~
12 ~~Francisco Bay Area Water Emergency Transportation Authority.~~
13 *those cities until the date specified in the adopted transition plan*
14 *developed by the San Francisco Bay Area Water Emergency*
15 *Authority pursuant to subdivision (b) of Section 66540.32 of the*
16 *Government Code. The authority may use up to six hundred*
17 *thousand dollars (\$600,000) to support development of the*
18 *transition plan and for transition-related costs, including, but not*
19 *limited to, reasonable administrative costs incurred by the*
20 *authority and transferring agencies on or after July 1, 2008, in*
21 *accordance with subdivision (e) of Section 66540.11 of the*
22 *Government Code, upon a determination by the Metropolitan*
23 *Transportation Commission that these costs are reasonable and*
24 *substantially the result of the transition. After adoption of the*
25 *transition plan and after formal agreement by the Cities of Alameda*
26 *and Vallejo to transition their ferry services to the authority in*
27 *accordance with the transition plan, the authority may use*
28 *additional funds, above the limits previously referenced in this*
29 *paragraph, for transition and transition-related activities, incurred*
30 *before or after the actual transfer of services, as defined in the*
31 *transition plan and approved by the Metropolitan Transportation*
32 *Commission. The authority may utilize funds from this section for*
33 *operation of the services transferred from the City of Vallejo or*
34 *the City of Alameda if approved by the Metropolitan*
35 *Transportation Commission.*

36 (7) Owl Bus Service on BART Corridor. One million eight
37 hundred thousand dollars (\$1,800,000).

38 (8) MUNI Metro Third Street Light Rail Line. Two million five
39 hundred thousand dollars (\$2,500,000) without escalation.

1 (9) AC Transit Enhanced Bus Service on Telegraph Avenue,
2 International Boulevard, and East 14th Street in
3 Berkeley-Oakland-San Leandro. Three million dollars (\$3,000,000)
4 without escalation.

5 (10) TransLink, three-year operating program. Twenty million
6 dollars (\$20,000,000) without escalation.

7 (11) San Francisco Bay Area Water Emergency Transportation
8 Authority, regional planning and operations. Three million dollars
9 (\$3,000,000) without escalation.

10 (e) For all projects authorized under subdivision (c), the project
11 sponsor shall submit an initial project report to the Metropolitan
12 Transportation Commission before July 1, 2004. This report shall
13 include all information required to describe the project in detail,
14 including the status of any environmental documents relevant to
15 the project, additional funds required to fully fund the project, the
16 amount, if any, of funds expended to date, and a summary of any
17 impediments to the completion of the project. This report, or an
18 updated report, shall include a detailed financial plan and shall
19 notify the commission if the project sponsor will request toll
20 revenue within the subsequent 12 months. The project sponsor
21 shall update this report as needed or requested by the commission.
22 No funds shall be allocated by the commission for any project
23 authorized by subdivision (c) until the project sponsor submits the
24 initial project report, and the report is reviewed and approved by
25 the commission.

26 If multiple project sponsors are listed for projects listed in
27 subdivision (c), the commission shall identify a lead sponsor in
28 coordination with all identified sponsors, for purposes of allocating
29 funds. For any projects authorized under subdivision (c), the
30 commission shall have the option of requiring a memorandum of
31 understanding between itself and the project sponsor or sponsors
32 that shall include any specific requirements that must be met prior
33 to the allocation of funds provided under subdivision (c).

34 (f) The Metropolitan Transportation Commission shall annually
35 assess the status of programs and projects and shall allocate a
36 portion of funding made available under Section 30921 or 30958
37 for public information and advertising to support the services and
38 projects identified in subdivisions (c) and (d). If a program or
39 project identified in subdivision (c) has cost savings after
40 completion, taking into account construction costs and an estimate

1 of future settlement claims, or cannot be completed or cannot
2 continue due to delivery or financing obstacles making the
3 completion or continuation of the program or project unrealistic,
4 the commission shall consult with the program or project sponsor.
5 After consulting with the sponsor, the commission shall hold a
6 public hearing concerning the program or project. After the hearing,
7 the commission may vote to modify the program or the project's
8 scope, decrease its level of funding, or reassign some or all of the
9 funds to another project within the same bridge corridor. If a
10 program or project identified in subdivision (c) is to be
11 implemented with other funds not derived from tolls, the
12 commission shall follow the same consultation and hearing process
13 described above and may vote thereafter to reassign the funds to
14 another project consistent with the intent of this chapter. If an
15 operating program or project as identified in subdivision (d) cannot
16 achieve its performance objectives described in subdivision (a) of
17 Section 30914.5 or cannot continue due to delivery or financing
18 obstacles making the completion or continuation of the program
19 or project unrealistic, the commission shall consult with the
20 program or the project sponsor. After consulting with the sponsor,
21 the commission shall hold a public hearing concerning the program
22 or project. After the hearing, the commission may vote to modify
23 the program or the project's scope, decrease its level of funding,
24 or to reassign some or all of the funds to another or an additional
25 regional transit program or project within the same corridor. If a
26 program or project does not meet the required performance
27 measures, the commission shall give the sponsor a time certain to
28 achieve the performance measures before reassigning its funding.

29 (g) If the voters approve a toll increase pursuant to Section
30 30921, the authority shall within 24 months of the election date,
31 include the projects in a long-range plan that are consistent with
32 the commission's findings required by this section and Section
33 30914.5. The authority shall update its long-range plan as required
34 to maintain its viability as a strategic plan for funding projects
35 authorized by this section. The authority shall by January 1, 2007,
36 submit its updated long-range plan to the transportation policy
37 committee of each house of the Legislature for review.

38 (h) If the voters approve a toll increase pursuant to Section
39 30921, and if additional funds from this toll increase are available
40 following the funding obligations of subdivisions (c) and (d), the

1 authority may set aside a reserve to fund future rolling stock
2 replacement to enhance the sustainability of the services
3 enumerated in subdivision (d). The authority shall, by January 1,
4 2020, submit a 20-year toll bridge expenditure plan to the
5 Legislature for adoption. This expenditure plan shall have, as its
6 highest priority, replacement of transit vehicles purchased pursuant
7 to subdivision (c).

8 ~~SEC. 13.~~

9 *SEC. 14.* No reimbursement is required by this act pursuant to
10 Section 6 of Article XIII B of the California Constitution because
11 a local agency or school district has the authority to levy service
12 charges, fees, or assessments sufficient to pay for the program or
13 level of service mandated by this act, within the meaning of Section
14 17556 of the Government Code.