



**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, December 4, 2008, 1:00 P.M. to 4:00 P.M.*

**San Francisco Bay Area Water  
Emergency Transportation Authority**  
Pier 9, Suite 111  
San Francisco

***A supplemental materials packet is available for download at [www.watertransit.org](http://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>    | <b><i>Information</i></b> |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | <b><i>Information</i></b> |
| 3. <u>REPORT OF BOARD CHAIR</u>          | <b><i>Information</i></b> |
| 4. <u>REPORTS OF DIRECTORS</u>           | <b><i>Information</i></b> |
| 5. <u>REPORTS OF STAFF</u>               | <b><i>Information</i></b> |
| a. Executive Director's Report           |                           |

**Water Emergency Transportation Authority  
December 4, 2008 Meeting of the Board of Directors**

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6. CONSENT CALENDAR **Action**  
a. Minutes of November 6, 2008
7. EXPANSION OF FERRY BERTHS AT THE DOWNTOWN FERRY  
TERMINAL SITE **Action**
8. PROCUREMENT OF CONTRACTORS FOR THE  
CONSTRUCTION OF THE SOUTH SAN FRANCISCO FERRY  
TERMINAL **Action**
9. RFQ FOR TERMINAL DESIGN AND ENVIRONMENTAL  
SERVICES **Action**
10. REPORT ON COMMENTS RECEIVED ON THE  
BERKELEY/ALBANY EIR/EIS **Information**
11. APPROVE PROPOSITION 1B PROGRAM OF PROJECTS AND  
AUTHORIZE AGENCY OFFICIALS TO EXECUTE PROGRAM  
REQUIREMENTS **Action**
12. RECESS INTO CLOSED SESSION  
a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**  
Property: San Mateo County Harbor District, South San  
Francisco Small Boat Harbor **To Be Determined**  
Agency Negotiators: Jon Stanley, 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
13. REPORT OF ACTIVITY IN CLOSED SESSION **Action**  
Chair will report any action taken in closed session that is subject **To Be Determined**  
to reporting at this time. Action may be taken on matters  
discussed in closed session.
14. OPEN TIME FOR PUBLIC COMMENT FOR ITEMS NOT ON THE  
AGENDA

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](mailto: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**

*(November 6, 2008)*

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA offices at Pier 9, 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, Director Gerald Bellows and Director Beverly Johnson. Director Intintoli led the Pledge of Allegiance.

**2. REPORT OF BOARD CHAIR**

Chair Johnson reported that Gemini, WETA's first ferry, would be delivered in the next month and that there would be a number of festivities following the arrival. She also noted that several staff and board members would be visiting the boatyard next weekend.

**3. REPORT OF DIRECTORS**

None.

**4. REPORTS OF STAFF**

Executive Director Jon Stanley noted that staff members Mary Culnane and Keith Stahnke were in Seattle at the Nichols Boatyard observing builder's trials for *Gemini*. He noted that as expected there had been some issues discovered but that that was the purpose of the trials. He stated that he was looking forward to seeing Gemini first hand and to thank WETA's partners at Nichols and Kvichak.

Mr. Stanley reported that a Community Advisory Committee meeting had been held on October 29 and noted the attendance of Chair Johnson and Vice Chair Intintoli. Items discussed included status reports on vessel construction, the South San Francisco and Berkeley/Albany terminal projects, the Transition Plan and the Emergency Plan. The upcoming vessel launch celebration activities had been previewed and Mr. Stanley added that later in the meeting Manager of Community Relations Shirley Douglas would report on planning for these activities.

Regarding the Transition Plan, Mr. Stanley noted that WETA had held another core team meeting and completed the task of articulating the principles and objectives to be adhered to in development of the plan. He added that WETA had also begun the process of addressing the details associated with assumption of the existing services and planned a series of working group meetings to continue to identify and address those issues. Additionally, a meeting would be held in Vallejo to meet with city staff and Lennar with respect to the proposed North Bay ferry maintenance facility.

Mr. Stanley also noted that WETA had published the draft EIR/EIS for the Berkeley/Albany ferry terminal project and that he, Ms. Douglas and Manager of Planning and Development John Sindzinski had attended a productive meeting with Berkeley Mayor Tom Bates and Berkeley City Councilmember Laurie Capitelli to review the impacts of the terminal sites studied in the

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draft EIR. The public hearing to receive comments on the draft EIR was scheduled for November 18 in Berkeley and details on the meeting were included in the Berkeley/Albany newsletter. Mr. Stanley also reminded the board that the January meeting would be held in Berkeley with more details to follow in December.

Director Johnson asked if any board members should attend the public comment hearing. Mr. Sindzinski explained that the purpose of the meeting was to receive comments only and that there would be a court transcriber present to record the entire hearing. He stated that he hoped that the meeting would result in narrowing down the sites under consideration for the board to approve later but that board member attendance was not required. Ms. Douglas added that meeting notices had been placed in local media and Mr. Sindzinski indicated that he expected significant attendance at the meeting. Chair Johnson and Director Johnson agreed that board members should attend and the date of the meeting was noted.

Mr. Stanley reported that he and Deputy Director of Finance and Administration Nina Rannells had held a meeting with the San Mateo County Transit Authority (SMTA) regarding timely receipt of Measure A sales tax revenue to support terminal construction in South San Francisco. At the meeting the SMTA indicated that they may have developed a cashflow plan that provides the \$15M allocation to WETA over the period of construction as opposed to over the life of the Measure. WETA will continue to work with SMTA staff, BCDC and with the City of South San Francisco to put the required approvals in place by the end of the year.

Additionally, Mr. Stanley stated that Mr. Sindzinski's efforts had resulted in the Port of San Francisco agreeing to proceed jointly with WETA on an MOU to develop an EIR addressing the potential construction of additional docks near the San Francisco Ferry Building. He noted that these docks are critical to WETA's service capabilities in the event of an emergency as well as to support service expansion in the years ahead. Mr. Stanley stated that he expected to come back to the board soon with a request to proceed with the MOU.

#### **5. REPORTS OF STAFF**

Ms. Douglas reported on the status of events planned to celebrate the arrival of Gemini and noted that sponsors had committed approximately \$40,000 to support the events. She said that she was also working on narrowing down event dates with Barry Broad and Peter Freidman which would work around congressional calendars for dignitaries to attend. She asked that the board hold December 12 free as a target date for the celebrations. Ms. Douglas added that the current event plan included a press conference followed by a ride around the bay on Gemini, an open house aboard the vessel at the Ferry Building, and a WETA holiday party with Gemini docked at Pier 41.

#### **6. CONSENT CALENDAR**

Director Johnson made a motion to approve the consent calendar which included the minutes from the October 2, 2008 Board of Directors meeting and the approval of travel by the directors to Nichols Brothers. Director Intintoli seconded the motion and the item carried unanimously.

#### **7. PROPOSED CONTRA COSTA COUNTY MEASURE J SALES TAX FUND SWAP TO SUPPORT MARINA BAY PARKWAY GRADE SEPARATION PROJECT**

Ms. Rannells presented this item regarding a proposed Measure J fund swap to support City of Richmond's implementation of the Marina Bay Parkway Grade Separation project. This project would support access to the future ferry terminal. She noted that approval would result in WETA deferral of up to \$11.2 million Measure J operating funds programmed to support Richmond and/or Hercules ferry operations for the first seven years of the sales tax measure, but that

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these funds would be returned to WETA in an inflated revenue stream over the remaining years of the sales tax measure. She noted that there would be no immediate financial impact to WETA associated with the action since Richmond and Hercules ferry services are currently in the early planning stages. Ms. Rannells noted that Christina Atienza of WCCTAC, Alan Wolken from the Richmond Redevelopment Agency and Lisa Hammond from City of Hercules were in attendance and would be glad to answer any questions from the board.

Vice Chair Intintoli asked if there was a concern regarding diverting these funds into capital and not getting it back as operating funds. Ms. Rannells replied that when it came back to WETA it would be for operating purposes and that these funds will be guaranteed to WETA in the out-years of the sales tax program. Chair Johnson asked if there was any danger in the swap. Ms. Rannells replied that, given the lack of capital funds to construct these projects, there is no real danger that operating funds would be needed earlier than they will be returned.. Vice Chair Intintoli asked how long the tax measure was for or if it would need to be renewed. Ms. Rannells responded that it was for 25 years.

Director Johnson asked if this action would require a vote by another entity and if the agreement was firm or would also need to be approved by a future action. Ms. Rannells responded that it would require action by a number of agencies, as outlined in the memorandum, and that several of the involved agencies have already taken action to support the swap..

Public Comment:

Christina Atienza, Executive Director of WCCTAC, responded to Director Johnson's inquiry, stating that WCCTAC had approved the agreement that morning. She further noted that their Board action, resolution and agreement commits WCCTAC to repay the funds over the remaining 18 years of the measure.

Public Comment:

Alan Wolken of the Richmond Redevelopment Agency further clarified that one of the reasons that this swap can occur is that Measure J includes a \$15 million Richmond Parkway project funds that are programmed in the out-years of the sales tax. These funds will be used to pay back the ferry operating commitment in the future. He noted that the Richmond City Council had already approved this fund swap.

Chair Johnson noted that it was a complex arrangement. Director Bellows asked if without the swap if the funding would otherwise go unused. Ms. Rannells responded that that was correct and that the swap would leverage otherwise unused funds to maximize the benefit to future ferry services.

Director Johnson said that the swap would make sense as long as WETA was confident that there was no risk that any of the parties involved would reallocate the funds to other projects. Ms. Rannells said that since Measure J specifically allocated these funds to ferry related projects that she was confident that there would not be any issues. Chair Johnson asked if possible city bankruptcies could affect the deal in any way. Ms. Rannells said that she believed that since the Transportation Authority would collect the Measure J tax regardless of any potential bankruptcy that the funding should remain secure. WETA counsel Danielle Gensch of Nossaman agreed that it would be a very unusual circumstance where an entity that is solely established to fund something would go bankrupt because they can only spend what they have.

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

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**8. ISSUANCE OF THE REQUEST FOR PROPOSALS FOR PIER 9 LAYOVER BERTH CONSTRUCTION CONTRACT**

Mr. Stanley presented this item regarding approval to release a Request for Proposals for the Pier 9 Layover Berth construction contract. He reported that the project design was at 35% and had been approved by the Water Quality Board and Army Corps and that there was one remaining BCDC issue that he anticipates would be worked out soon. Release of the RFP in December would allow selection of a contractor in January 2009 put WETA on track for meeting a completion goal of July 2009. Chair Johnson asked if an EIR was needed. Mr. Sindzinski replied that it had already been done.

Director Bellows made a motion to approve the item. Director Johnson seconded the motion and the item carried unanimously.

**9. AWARD OF CONTRACT FOR EMERGENCY WATER TRANSPORTATION SYSTEM MANAGEMENT PLAN CONSULTANT AND AUTHORIZE RELATED GRANT AGREEMENT WITH CITY AND COUNTY OF SAN FRANCISCO**

Mr. Stanley presented this item regarding the selection of URS as WETA's consultant to develop the Emergency Water Transportation System Management Plan and to enter into a grant agreement with The City and County of San Francisco as fiscal agent for SUASI. He noted that four bids had been submitted and that the evaluation panel had selected URS.

Director Bellows asked if the companies listed in the Board memo in parenthesis were subcontractors to URS. Mr. Stanley clarified that they were.

Director Bellows made a motion to approve the item. Director Johnson seconded the motion and the item carried unanimously.

**10. FY 2008/09 PROPOSITION 1B FUNDING PROGRAM PROCESS**

Ms. Rannells presented this informational item reviewing the history and status of Prop 1B funding to WETA and staff's priorities for allocating the funds to core facility and system expansion projects. Ms. Rannells noted some of the specific projects and added that several had been partially funded last year that may be fully funded this year, and that staff would be returning to the board at the December meeting with a specific funding proposal.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots asked if any of the projects could be delivered in a short timeframe (such as movable docking facilities) that would not be caught up in extensive environmental permitting processes. Ms. Rannells responded that movable floats were included in the first round of funding that may support that concept, and that the Emergency Plan would help define whether or not such floats would require landside improvements. Ms. Sanchez said that the agency's credibility was at stake if no short term projects were completed. Ms. Rannells said that the next round of funding was a little ahead of where WETA actually is, as the Emergency Response Plan would be developed in the next nine months and that would clarify spending priorities including those for potential short term projects.

Mr. Stanley added that WETA Operations Manager Keith Stahnke was recalibrating how to consider a movable float project since even temporary docking would need to be tied down

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somehow and would need to meet some landside requirements. Chair Johnson observed that this was an interesting project and a good thing to be pushing along.

**11. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION**

Chair Johnson called the meeting into closed session at 1:55 p.m. Upon reopening of the meeting at 2:45 p.m. she reported that direction had been given to the negotiator in respect to the South San Francisco lease agreement and authorized a lease amendment consistent with those instructions. No other action had been taken.

**12. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 2:45 p.m.

Respectfully Submitted,

Board Secretary

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**MEMORANDUM**

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**TO: Board Members**

**FROM: John Sindzinski, Manager, Planning & Development**

**SUBJECT: Expansion of Ferry Berths at the Downtown Ferry Terminal Site**

**Recommendation**

Authorize by motion the negotiation and execution of a Memorandum of Understanding (MOU) with the Port of San Francisco concerning the expansion of ferry berths at the downtown ferry terminal site.

**Background**

WETA's plans to expand ferry transit on San Francisco Bay indicate that the downtown ferry terminal will be the primary destination of all the Authority's new and expanded services, except the Oakland-South San Francisco service. Over time as many as seven new routes, including frequent service from Treasure Island will be operating with San Francisco's downtown as their destination.

The current facilities are adequate in the short term but within five to seven years the need for additional docking facilities will reach a critical stage. In response WETA staff has been working with San Francisco Port officials to develop a strategy to environmentally clear and ultimately design an expansion of the downtown terminal by adding as many as 3 new terminals and related facilities. Two of these terminals would be located behind the Agricultural Building, just south of the existing Alameda/Oakland berth at Gate E. The third terminal would be at the Pier ½ site just north of the existing Vallejo berth at Gate B. The project would also likely include construction of passenger waiting areas near each of these terminals and emergency staging facilities and an intermodal terminal.

WETA and the Port staff have discussed the respective roles of each agency in this endeavor. Clearly the new ferry terminals and amenities are WETA's project and equally clearly any land use improvements are those of the Port of San Francisco as the landowner. To that end, staff is requesting Board authorization to develop and execute an interagency Memorandum of Understanding that would include the following elements:

- Delineation of each agency's role and responsibilities with respect to CEQA and NEPA "lead agency status". This would define which agency is ultimately in charge of which portion of the project from an environmental and ultimately project delivery standpoint.



- Broad statements of the project description sufficient to begin the consultant procurement processes.
- The division of work responsibilities with respect to management of the environmental and design consultants selected to undertake the planning and impact analysis work.
- Cost sharing of the project expenses, including project management, “soft costs” such as community outreach (envisioned to be a major work item in this project).
- Project schedule and associated commitments to timetable milestones. Time is of the essence to meet the above mentioned need to build these facilities in the next 5 years.
- Legal bases for each agency with respect to their roles for compliance with CEQA and NEPA as this project will ultimately involve federal funds.
- Protections and assurances for each agency in the event of legal actions against one or both as the project progresses through the approval processes.
- Staffing commitments by each agency to the work.
- Other administrative items to clarify expectations and roles and responsibilities and deal with any conflicts that may arise.

**Financial Implications**

There are no direct financial implications with the proposed action.

**Options**

Approve or reject.

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

**MEMORANDUM**

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**TO: Board Members**

**FROM: John Sindzinski, Manager, Planning & Development**

**SUBJECT: Procurement of Contractors for the Construction of the South San Francisco Ferry Terminal**

**Recommendation**

Approve by motion the release of procurement documents for the construction of the Authority's first ferry terminal at Oyster Point in South San Francisco.

**Background**

Now that the lease has been essentially finalized and the last funding details are nearly complete the agency must expeditiously begin the procurement process to hire contractors to build the South San Francisco ferry terminal. The project is divided into **three** construction segments: demolition of the existing piers and dredging for the channel and float areas inside the east basin; fabrication, delivery and installation of the float and gangway and the actual construction of the terminal structure itself and related viewing terrace, as well as improvements to the Bay Trail near and at the project site, as required in the BCDC permit. Each segment is the subject of a distinct procurement, though one contractor may be chosen to conduct one or more of the pieces of work.

The goal is to award these contracts in early 2009 and to begin actual work on site as soon as allowable under regulatory requirements, approximately June 1. The float and gangway will be built offsite and delivered to the site once the terminal is finished and available for installation of these components. The project will take approximately 18 months to build and should be ready for use in the fall of 2010.

The demolition and dredging project will be procured via an Invitation for Bids while a Request for Proposals process will be used for the two other components, which are considered to be design build projects. WETA staff will administer the procurement processes with the assistance of Ghirardelli Associates, the project construction manager and ROMA Design, the project architect.

All contractors hired will be required to comply with the mitigation and monitoring requirements the agency agreed to abide by when the final EIR/EIS was certified for this project. This includes measures such as limiting pile driving to the allowable "work windows", use of sound dampening techniques when driving piles, an oyster monitoring study and other measures generally used when working in and near the San Francisco Bay.

**Financial Implications**

The release of these documents does not commit the agency to make an award, which will be the matter of subsequent Board actions in the spring.

The current estimates suggest that the total cost to build this terminal is approximately \$20 million and will be funded from a variety of grants secured by the Authority for this purpose.

**Options**

Approve or reject.

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

**MEMORANDUM**

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**TO: Board Members**

**FROM: John Sindzinski, Manager, Planning & Development**

**SUBJECT: RFQ for Terminal Design and Environmental Services**

**Recommendation**

Approve by motion the release of Request for Qualifications for design services for ferry terminals including conceptual design in support of the environmental assessments of terminals in the cities of Antioch, Martinez, Redwood City and Richmond; final design of the Berkeley/Albany terminal; all design for Treasure Island and the downtown San Francisco ferry terminal expansion project. Approve by motion the release of procurement documents for the environmental assessment of expanded ferry terminal and related facilities at the San Francisco Ferry terminal.

**Background**

Consistent with agency and industry best practices, conceptual ferry terminal design services are needed to assist in the preparation of environmental assessments currently underway in cities of Antioch, Martinez, Redwood City and Richmond. These conceptual designs will help inform the environmental impact analyses of potential future WETA facilities in these locations. The cost of conceptual design services for each of these locations is estimated to be \$250,000 for a total of \$1million.

Additionally, the design services for the Berkeley/Albany project need to be secured in a manner that allows the Authority to fund this work with federal assistance. The cost of completing final design for this project is estimated to be upwards of \$5 million including support services through actual construction and design costs related to likely impacts that WETA will be responsible for once the EIR/EIS is certified.

The cost for design of the Treasure Island ferry terminal is estimated to be on the order of \$3 million. WETA will serve as the administering agency for this project that is being conducted by the City of San Francisco for the redevelopment of Treasure Island. This project will include frequent high capacity ferry service between the Island and downtown. As set forth in the IOP and City plans, this service will be created by the City and operated by WETA in its role as the oversight agency of any new ferry transit services in the San Francisco region.

The design costs for the expansion of ferry terminal facilities in downtown San Francisco are estimated to be on the order of \$5 million. This includes three new ferry slips (one at Pier ½; the other two behind the Agricultural Building), passenger waiting areas, emergency staging areas as well as land use improvements associated with this project as required by regulatory and other agencies. These latter elements will be the purview of the property owner, the Port of San Francisco, which is a partner agency in this undertaking. The environmental assessment costs for this project are estimated to be on the order of \$1.5 million and include project management and oversight costs.

All procurement processes that will be used in this action will comply with the Authority's and federal requirements for competitive bidding. Staff anticipates returning to the Board in February or March to make specific awards for each of these projects.

**Financial Implications**

Authorization to release procurement documents does not commit the agency to any specific award of contracts. Funding for the Treasure Island ferry terminal are expected to be through federal and local funds with funding for all other projects from the FY 2009 Proposition 1B allocation to WETA that is the subject of another action item this month.

**Options**

Approve or reject.

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

MEMORANDUM

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**TO: Board Members**

**FROM: John Sindzinski, Manager, Planning & Development**

**SUBJECT: Report on Comments Received on the Berkeley/Albany EIR/EIS**

**Recommendation**

None required at this time

**Background**

In November WETA released the Draft EIR/EIS for the Berkeley/Albany ferry terminal and service and conducted the requisite public hearing on November 18th. The formal comment period ends on December 31st. This report cover comments received to date. A complete summary and copies of the comments themselves will be provided to the Board in January when formal action on accepting the draft will be requested as will the selection of a “locally preferred alternative”.

**Discussion**

The following is an enumeration of some, although not necessarily all, the comments received as of November 21, 2008:

- The City of Albany opposes the location of the terminal at either the Buchanan or Gilman sites.
- The Sierra Club likewise opposes locating the terminal at Buchanan or Gilman.
- One commenter questions the cost effectiveness of ferry transit in general.
- One commenter questioned building at the HS Lordships site since it requires dredging and a breakwater. In contrast the Marina site has both of these improvements in place already.
- One commenter objected to the Marina site as disrupting views from the shore of the Marina and Bay Bridge and compromising its business operations.
- One agency (East Bay Parks) noted the Buchanan and Gilman sites are seriously compromised as they both require dredging through parks land.
- A number of comments concerned localized traffic and parking impacts of the sites, particularly at HS Lordships and the Marina.
- One commenter supported ferry service in the Marina as beneficial to the area.

**Options**

This is for information only.

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

MEMORANDUM

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**TO:** Board Members

**FROM:** Jonathan Stanley, Executive Director  
Nina Rannells, Deputy Director of Finance & Administration

**SUBJECT:** Approve Proposition 1B Program of Projects and Authorize Agency Officials to Execute Program Requirements

**Recommendation**

Authorize, by resolution, the following actions related to the FY 2008/09 Proposition 1B Waterborne grant program:

- 1) Approve a list of FY 2008/09 Proposition 1B Waterborne program projects for transmittal to the State Office of Homeland Security; and
- 2) Authorize the Executive Director, Attorney and Deputy Director of Finance and Administration to execute grant program actions required to obtain funding.

**Background**

Proposition 1B funds in the amount of \$25 million were authorized as a part of the FY 2008/09 state budget for projects that increase the capacity of waterborne transit agencies to provide disaster response. The funds made available in FY 2008/09 represent the second year increment of a total of \$250 million authorized for the waterborne element of the Proposition 1B program. Per SB 976, WETA is the designated recipient of these funds which are managed through the State Office of Homeland Security (State OHS).

The State Office of Homeland Security has issued program guidelines for \$25 million FY 2008/09 Proposition 1B funds made available to support WETA's efforts to develop a regional waterborne emergency response capability for the San Francisco Bay Area. Their schedule identifies the following program milestones:

- Project Investment Justifications Completed - December 1, 2008
- WETA Project Nominations Due to OHS – December 18, 2008
- OHS Project Selection – December 23, 2008
- Project Workbooks Due to OHS – January 15, 2009
- OHS Project Award - TBD

**Discussion**

At the November 6, 2008 meeting, staff provided a discussion item on Proposition 1B priorities that identified the following general program priorities as follows:

**Core Facilities** – This category of project provides the base infrastructure necessary to use all of the exiting ferry vessels available in the Bay Area in an emergency.

- Develop increased docking and storage capacity at key San Francisco and East Bay locations; and
- Develop increased maintenance and fueling capacity in San Francisco, the East Bay, and Vallejo.

**System Expansion** – These projects expand the system reach within and outside of the core Bay Bridge travel corridor.

- o Advance system and terminal design for new ferry routes for which a source of operating funds exist; and
- o Continue planning and environmental work associated with potential future routes.

Based upon these program priorities, staff has considered potential projects and recommends that the Board approve the following program of projects for transmittal to OHS for final FY 2008/09 funding approval:

<u>Project</u>	<u>Amount</u>
1. Preliminary Investigation/Environmental Review Redwood City, Richmond, Antioch and Martinez	1,250,000
2. Final Design for Berkeley Terminal/Service	2,500,000
3. SF Berthing Facilities	4,000,000
4. Maintenance Barge and Berthing/Floats	10,250,000
5. Maintenance Facilities	<u>7,000,000</u>
Total	25,000,000

This recommended program funds complete or partial project segments for each of the projects proposed. A more detailed description of these projects is provided in **Attachment A** to this report. Staff believes that this recommended program provides a well balanced set of projects that will deliver both tangible construction projects and critical planning and design work required to advance WETA's development of expanded emergency response capabilities on the San Francisco Bay.

The next steps in the grant process include OHS review and approval of the project list, submittal of formal applications and assurances related to the projects and the program funds and execution of funding agreements. Consistent with State OHS requirements, this item includes Board action to establish agency positions with the authority to carry out these administrative functions including executing the program Grant Assurances as contained in **Attachment B** to this report.

**Options**

Direct staff to submit an alternative mix of projects and funding to OHS.

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



**Attachment A**  
**Proposition 1B Program of Projects**

	<b>Recommended Prop 1B Amount</b>	<b>Prior Year Prop 1B</b>	<b>Total Prop 1B</b>	<b>Project Notes</b>
<b>Projects Recommended for Funding</b>				
1. Preliminary Investigation/Environmental Review Redwood City Antioch Richmond Martinez	1,250,000	2,000,000	3,250,000	This project would advance the Redwood City, Antioch, Richmond and Martinez services to the next phase of planning and environmental studies by providing conceptual design services to complement the environmental studies underway.
2. Final Design  Berkeley Terminal	2,500,000	1,500,000	4,000,000	This project would provide an additional \$2.5 million towards Berkeley final design, bringing the Berkeley design total to \$4 million. Additional funds will be sought in future years to complete Hercules final design once the Hercules service environmental process has been completed.
Hercules Terminal	-	1,500,000	1,500,000	
3. Core Facilities SF Berthing Facilities	4,000,000	-	4,000,000	This project advances the development of expanded berthing capacity in San Francisco required to implement new services and provide expanded emergency response capabilities on the Bay. Project work will include environmental studies and early design work.
Maintenance Barge and Berthing/Floats	10,250,000	5,000,000	15,250,000	This project is multi-faceted and focuses on development of expanded core floating facilities required to support operation and maintenance of existing and planned services and, ultimately, expanded emergency response service capability. The project scope includes development and purchase of a floating maintenance barge and development and purchase of berthing and terminal float/barge facilities required to support WETA's fleet and expanded emergency response berthing capabilities beyond San Francisco.
Maintenance Facilities	7,000,000	5,000,000	12,000,000	This project provides funds to advance Central and North Bay maintenance facility projects, including landside facilities required to complement planned maintenance barges.
<b>Total Recommended Program</b>	<b>25,000,000</b>	<b>15,000,000</b>	<b>40,000,000</b>	

**Appendix D**  
**Grant Assurances**

**FY 08-09 Transit System Safety, Security and  
Disaster Response Account Program**

***Grant Assurances***  
(All Applicants)

Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_

Fax Number: (\_\_\_\_) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

As the duly authorized representative of the applicant, I certify that the applicant named above:

1. Has the legal authority to apply for Transit System Safety, Security, and Disaster Response Account funds, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the State of California and administered by the California Office of Homeland Security (OHS).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.
3. Will give the State of California generally and OHS in particular, through any authorized representative, access to and the right to examine all paper or electronic records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or OHS directives.
4. Will provide progress reports and such other information as may be required by OHS.
5. Will initiate and complete the work within the applicable time frame after receipt of OHS approval.

6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.
7. Will comply with all California and federal statutes relating to nondiscrimination. These include but are not limited to:
  - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
  - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
  - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibits discrimination on the basis of handicaps;
  - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
  - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
  - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  - g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. § 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
  - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
  - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
  - j. Title 28, CFR, Part 35;
  - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
  - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.
8. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

9. Will comply with applicable environmental standards which may be prescribed pursuant to California or Federal law. These may include, but are not limited to, the following:
  - a. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Sections 15000-15007;
  - b. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
  - c. notification of violating facilities pursuant to EO 11738;
  - d. protection of wetlands pursuant to EO 11990;
  - e. evaluation of flood hazards in floodplains in accordance with EO 11988;
  - f. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
  - g. conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.);
  - h. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
  - i. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
  
10. Will comply, if applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et. seq.) related to protecting components or potential components of the national wild and scenic rivers system.
  
11. Will assist OHS, as appropriate, in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a-1 et. seq.).
  
12. Will comply with Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Gov Code §§ 8607 et seq. and CCR Title 19, Sections 2445, 2446, 2447 and 2448.
  
13. Will:
  - a. Promptly return to the State of California all the funds received which exceed the approved, actual expenditures as accepted by OHS;
  - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California; and
  - c. Separately account for interest earned on grant funds, and use all interest towards the project as approved by OHS.

14. Will comply, if applicable, with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
15. Agrees that equipment acquired or obtained with grant funds:
  - a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
  - b. Is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy; and
  - c. Will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
16. Will comply, as applicable, with provisions of Title 28 of the Code of Federal Regulations applicable to grants and cooperative agreements, including:
  - a. Part 18, Administrative Review Procedures;
  - b. Part 20, Criminal Justice Information Systems;
  - c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
  - d. Part 23, Criminal Intelligence Systems Operating Policies;
  - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
  - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
  - g. Part 38, Equal Treatment of Faith-based Organizations;
  - h. Part 63, Floodplain Management and Wetland Protection Procedures;
  - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures;
  - j. Part 61, Procedures for Implementing the National Environmental Policy Act;
  - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs;
  - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
  - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement);
  - n. Part 69, New Restrictions on Lobbying;
  - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations; and
  - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).

17. Will comply, if applicable, with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
18. Will, in the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds or race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to OHS.
19. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.
20. Will comply with all applicable requirements of all other California and Federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
21. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.
  - a. The applicant certifies that it and its principals:
    1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
    2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
    3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
  - b. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

The undersigned represents that he/she is authorized by the above named applicant to enter into this agreement for and on behalf of the said applicant.

Signature of Authorized Agent: \_\_\_\_\_

Printed Name of Authorized Agent: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_