



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, November 6, 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.

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> |
| 5. <u>REPORTS OF STAFF</u> | <i>Information</i> |
| a. Executive Director's Report | |

**Water Emergency Transportation Authority
November 6, 2008 Meeting of the Board of Directors**

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|---|------------------------------------|
| 6. <u>CONSENT CALENDAR</u>
a. Minutes of October 2, 2008
b. Approval of Travel by Directors to Nichols Brothers Boat Builders | Action |
| 7. <u>APPROVE PROPOSED CONTRA COSTA COUNTY MEASURE J SALES TAX FUND SWAP TO SUPPORT MARINA BAY PARKWAY GRADE SEPARATION PROJECT</u> | Action |
| 8. <u>ISSUANCE OF THE REQUEST FOR PROPOSALS FOR PIER 9 LAYOVER BERTH CONSTRUCTION CONTRACT</u> | Action |
| 9. <u>AWARD OF CONTRACT FOR EMERGENCY WATER TRANSPORTATION SYSTEM MANAGEMENT PLAN CONSULTANT AND AUTHORIZE RELATED GRANT AGREEMENT WITH CITY AND COUNTY OF SAN FRANCISCO</u> | Action |
| 10. <u>FY 2008/09 PROPOSITION 1B FUNDING PROGRAM PROCESS</u> | Information |
| 11. <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: 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 | Action
To Be Determined |
| 12. <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 |
| 13. <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

(October 2, 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 1:00 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows, Director John O'Rourke and Director Beverly Johnson. Director Bellows led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson had no report but asked about the status of the glass walls of the conference room. Executive Director Jon Stanley replied that the glass could be removed but that staff needed to get a quote on the removal costs and would explore options for expanding the room.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Mr. Jon Stanley advised the board that the vessels were still on schedule for delivery, and that plans for a celebration to commemorate the arrival of *Gemini* were underway. Mr. Stanley said that he anticipated the arrival date to be approximately December 11th depending on weather conditions.

Mr. Stanley also reported that staff met with the San Mateo County Transit Advocates on October 1st and that support remained strong in the South Bay for both the South San Francisco and Redwood City ferry services. He also reminded the Board that the next WETA Community Advisory Committee meeting would be held October 29th.

Mr. Stanley added that staff had met with the Transition Plan consultant and that all the players would be meeting on Thursday, October 9th for the kickoff meeting. Staff also met with the Regional Administrator of the State Office of Emergency Services, Coastal Region, and with the San Francisco Department of Emergency Management as part of WETA's outreach to the organizations who would be involved in the development of the Emergency Plan.

Additionally, Mr. Stanley stated that the RFP for the Emergency Plan consultant had been issued and responses were due on October 15th. Director Johnson asked how many proposals were expected. Mr. Stanley answered that he had no idea how many would be received but that the notice had been widely distributed to a list of technical contractors.

Mr. Stanley added that staff had a follow up meeting scheduled with SMCTA on October 14th to resolve the Measure A issue with respect to timely receipt of funds to support the South San Francisco terminal construction.

Mr. Stanley then congratulated Manager of Marine Engineering Mary Culnane on receiving a "Public Service Commendation" from the U.S. Coast Guard for her service to the National Maritime Security Advisory Committee from December 2004 through the end of this year. He quoted the commendation as follows: "Ms. Culnane's dedication and leadership have been critical to the successful implementation of NMSAC and have ensured its viability in providing the Coast Guard and DHS with the information and guidance they need to be successful in securing the Nation's Marine Transportation System. Her contributions are most heartily commended and are in keeping with the highest traditions of the United States Coast Guard."

5. REPORTS OF STAFF

Mr. Stanley introduced Barry Broad of the firm Broad and Gusman in Sacramento, who gave a State Legislative Report. Mr. Broad reviewed the status of the state budget which had been passed a record 80 days late by the Legislature and had just been signed by the Governor. He noted that the budget had rolled over a \$15 billion deficit to next year's budget and summarized the challenges which could be expected in the 2009 budget negotiations.

Mr. Broad reported that one of the biggest losers in the 2008 budget was public transit funding. He explained that increased funds had been received for transit from the gas tax but that the Legislature had, for the second year running, reallocated all the money above previous funding levels despite the fact that transit ridership had been growing. He stated that although this had not directly affected WETA, it indicated a low regard for transit priorities by the Governor and Legislature. Fortunately for WETA, Proposition 1B was fully funded, and WETA would also be eligible for \$25 million for capital expenditures per last year's SB 88. Additionally, Mr. Broad reported on the status of SB 1093, "cleanup" legislation that clarified and expanded on last year's SB 976. The bill was awaiting signature by the Governor.

Lastly, Mr. Broad commented on the need for WETA to continue to reach out for additional support in the Legislature as Senator Don Perata would be termed out at the end of the year. He reviewed members of the Bay Area delegation who may be potential allies and highlighted the need to share with them WETA's vision and to grow their support in the face of what is likely to be a deepening budget crisis in the coming year.

In light of the Governor not signing bills, Vice Chair Intintoli asked if Mr. Broad thought the confirmation process for board members would be affected. Mr. Broad answered that the process can take up to a year and that if there was no controversy it would likely go on a Senate Rules Committee consent calendar and that there should not be any issues. Mr. Broad said he would check in on the status of confirmations in January.

Director Johnson asked if after the recess the Legislature would go back to dealing with the deficit rollover and balancing the budget. Mr. Broad answered that it is an easy process to put off. Director Johnson asked if a state could go bankrupt. Mr. Broad replied that it could.

Public Comment:

Michael Bernick noted that he works with four of the cities where service is planned and noted all were eager to help. He asked about the \$25 million available from SB 88 and if there was the potential for more funding from this source. Mr. Broad noted that it was limited due to the \$100 million bond measure and WETA only being eligible for 25% of that. He also noted that if too much is built too quickly with capital funding that a lack of operating funds are likely to become an issue. Mr. Bernick said that he agreed that operational funding was an issue but that building momentum through capital funding is key as well.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots asked regarding SB 88 if no bonds sell if WETA would still be able to receive the funds. Mr. Broad replied that if revenue is down then it will be unlikely that more are sold and that that could become an issue but it was best to wait and see for now.

At this time Mr. Stanley introduced Manager of Community Relations Shirley Douglas, who reported on plans for a series of celebrations surrounding the impending arrival of *Gemini*. She reviewed three main welcoming events: a chartered vessel to greet *Gemini* as she passed under the Bay Bridge, an Open House/Holiday celebration, and a Christening and Launch Ceremony. Ms. Douglas said the efforts would soon be underway to reach out for funding through sponsorships by WETA contractors/partners.

Vice Chair Intintoli asked why three different events were planned. Ms. Douglas responded that this was the range of what was being considered and that final plans may not include all possibilities.

Public Comment:

Marina Secchitano of IBU said she thought it sounded like a great event and asked what time it would be held. Ms. Douglas responded that because of the uncertain arrival date due to weather, times must remain flexible until the date gets closer.

Director Johnson suggested a public christening ceremony followed by a smaller private party the same day, then asked for clarification on the anticipated arrival date. Manager of Marine Engineering Mary Culnane stated that delivery was contracted for no later than 12 December or there would be a late fee assessed of \$3000. Ms. Culnane added that sea trials would be commencing in Seattle on 10 November and that *Gemini* would likely depart Seattle around Thanksgiving.

Chair Johnson added that she was eager to see *Gemini* after all this time. Ms. Culnane added a suggestion of viewing the speed trials in the bay before the vessel went to drydock. Ms. Douglas said that she would consider the various options recommended.

6. CONSENT CALENDAR

Director Intintoli made a motion to approve the minutes from the September 17, 2008 Board of Directors meeting. Director O'Rourke seconded the motion and the item carried unanimously.

7. APPROVAL OF SPARE VESSEL UTILIZATION PLAN AND AUTHORIZE EXECUTIVE DIRECTOR TO EXECUTE ASSOCIATED AGREEMENTS

Manager of Marine Engineering Mary Culnane presented this item regarding the Spare Vessels Utilization Plan. She gave a detailed background for the benefit of the newer board members regarding the timeline for vessel construction and why the first two vessels, designated as Spare Vessels, preceded construction of the designated South San Francisco vessels.

Ms. Culnane then noted that when it became apparent that South San Francisco service would not be ready in time for the arrival of the Spare Vessels, staff began looking for alternative uses of the boats. Staff had reviewed several of the preliminary options that had been considered and noted that the passage of SB 976 and SB 1093 gave WETA a clear option to place the Spare Vessels into service with Alameda/Oakland or Harbor Bay Ferry Service, as these new vessels were designed for a transbay service route and that a couple of the currently operating

vessels were in need of a break. She noted that with the pending assumption of these services it was logical for WETA to invest in what will become its future responsibilities.

Ms. Culnane added that considerable preparation would be required in order to place these vessels into service and that Deputy Director of Finance and Administration Nina Rannells would be addressing this in a separate action item. Ms. Culnane noted that she and Ernest Sanchez, manager of Alameda's ferry operations, had worked out a Bareboat Charter agreement which was with Alameda's respective legal council for review. The Charter would result in Gemini being placed into AOFS in December and Pisces being placed into HBFS in March. She urged the Board to approve the item.

Director Johnson asked if the agreement only needed to be finalized or if the City of Alameda had any concerns. Ms. Culnane replied that WETA was only waiting on the City to take action and for the Board to approve the current item and the reimbursable process. Vice Chair Intintoli asked that since the item was asking for authorization for the Executive Director to execute the agreements, was it correct that the agreements themselves would not be coming back to the Board for approval. Ms. Culnane confirmed that this was the case and that the authorization included the charter agreements for both boats as well as the Memorandum of Understanding. WETA legal council Stanley Taylor confirmed that the authorization was allowable within the limits stated by the item.

Director Bellows asked if there would be any reimbursement for use of the boats. Ms. Culnane clarified that that would be handled under the MOU but not to expect any reimbursement as ramping and other items will be additional expenses for the operators. She also noted that WETA would require some of these improvements in the future in any case. Director Bellows stated that providing new vessels to the operators was a benefit to them as well. Ms. Culnane agreed but said that on the operators' balance sheets they will be an additional operational expense in a time when the operators are already running in the red.

Public Comment:

Reinhard Ludke of C & D Engineers asked if changes would be required for terminals and berthing and if so who would incur those costs. Ms. Culnane responded that Alameda would contract out for those services and would be reimbursed by WETA

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

**8. AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN
TRANSPORTATION COMMISSION FOR \$750,000 FY 2008/09 REGIONAL MEASURE
2 (RM2) OPERATING FUNDS TO SUPPORT SPARE VESSELS PROGRAM**

Deputy Director of Finance and Administration Nina Rannells presented this item for approval as a follow up to the Spare Vessel Utilization Plan Item. Ms. Rannells stated that WETA would be eligible to receive up to \$15.3 million RM2 operating funds annually to support ferry operating activities in FY 2008/09, and that \$4.6 million of these funds had been allocated to be used to support ongoing Vallejo operations but the balance had yet to be allocated.

Ms. Rannells added that in order to ensure that funds are available for these and other expenses that might arise, staff recommends requesting an allocation of up to \$750,000 RM2 funds to support the Spare Vessels program in FY 2008/09. These funds would be provided by MTC on an as-needed basis.

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

**9. AUTHORIZE FILING AN APPLICATION WITH THE METROPOLITAN
TRANSPORTATION COMMISSION FOR \$600,000 FY 2008/09 REGIONAL MEASURE
2 OPERATING FUNDS TO SUPPORT TRANSITION EXPENSES**

Ms. Nina Rannells presented this item to authorize filing an application with the Metropolitan Transportation Commission (MTC) for \$600,000 FY 2008/09 RM2 operating funds to support transition plan and transition-related expenses. She noted that Senate Bill 1093 allowed up to \$600,000 in FY 2008/09 RM2 operating funds to be used to support development of a transition plan and for transition-related costs associated with consolidating City of Vallejo and City of Alameda ferry services under WETA, and that it was anticipated that these funds would be needed to support City of Alameda, Port of Oakland, City of Vallejo and WETA staff and consultant expenses directly associated with the development of the transition plan and associated agreements. Ms. Rannells added that other anticipated expenses included costs associated with public hearings and other outreach efforts associated with the plan development.

Public Comment:

Veronica Sanchez of Masters, Mates and Pilots asked for a timeline regarding the plan. Ms. Culnane noted that copies were available at the sign-in desk.

Director Johnson asked if the funds were for planning or implementation. Ms. Rannells replied that it was for both but that addressing the plan was the current priority.

Director Bellows made a motion to approve the item. Director O'Rourke seconded the motion and the item carried unanimously.

10. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:30 p.m. Upon reopening of the meeting at 3:10 p.m. she reported that she reported that direction had been given to staff regarding real property negotiations. No action had been taken.

11. ADJOURNMENT

All business having concluded, the meeting was adjourned at 3:10 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

FROM: Melanie Jann, Manager, Administration & Business Services

SUBJECT: Approval of Travel by Directors to Nichols Bros. Boat Builders

Recommendation

Approve by motion travel of up to three Directors to Nichols Bros Boat Builders (NBBB), WA.

Discussion

Section 302.1 of the Authority's Administrative Code requires Board approval of travel in excess of 100 miles for Board Directors.

WETA's first vessel *GEMINI* is nearing completion. To celebrate this milestone and acknowledge the efforts of the NBBB staff prior to the vessel being transported to the Bay Area, Board travel to the boatyard is being requested as follows:

Dates	Organization	Location	Attendance/Cost
11/08/08	Nichol Bros. Boat Builders	Freeborn, WA Langley, WA	Up to 3 Directors for a total of approximately \$1,100

Costs include airfare and transportation.

Financial Implications

Funds sufficient to cover this expense are included in the FY 2008/09 operating budget.

Options

The Board may choose to limit the number of Directors attending under Authority sponsorship.

END

MEMORANDUM

TO: Board Members

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

SUBJECT: Approve Proposed Contra Costa Measure J Sales Tax Fund Swap to Support Marina Bay Parkway Grade Separation Project

Recommendation

Approve proposed Measure J fund swap to support City of Richmond implementation of the Marina Bay Parkway Grade Separation project.

Background

Contra Costa County Measure J transportation sales tax funds are available over a 25-year period from January 2009 through December 2034 to support a variety of transportation-related projects in the county. One of the program elements is new ferry service in West Contra Costa County, which is slated to receive 2.25% of annual revenues generated by the sales tax, or approximately \$45 million over the 25-year collection period. Per the sales tax language, programming authority for the use of these funds is vested in the West Contra Costa Transportation Advisory Committee (advisory to Contra Costa Transportation Authority) and WETA. To date there has been a general understanding that these funds would be used to support operation of new Richmond and/or Hercules ferry transit services, and that the projected revenue stream alone would be insufficient to support either service; requiring both capital funds to be identified to construct terminal facilities and additional annual operating revenues to be secured prior to service implementation.

Discussion

The City of Richmond has recently received preliminary commitments of up to \$20 million Proposition 1B Highway Rail Crossing Safety Account and Trade Corridor Improvement funds from the Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) to support construction of a new grade separation project on Marina Bay Parkway north of Regatta Boulevard. These funds, together with \$6.75 million local match and developer funds, would provide \$26.75 million of \$37.5 million required to construct this project. In order to close the funding gap for the project, and receive a final commitment of the \$20 million discretionary Proposition 1B funds from MTC/CTC, Richmond must have a fully-funded project plan in place by the end of November 2008 and demonstrate its ability to award construction contracts no later than December 2010.

As a means to close the \$10.75 million funding gap for this project, the City of Richmond, working with WCCTAC, CCTA, WETA and City of Hercules staff, has developed a two-part proposal that would:

- Assign Measure J project funds under the Richmond Parkway Project to be used to construct the Marina Bay Parkway Grade Separation project; recognizing the grade separation as Richmond's preferred use of this Measure J program commitment; and
- Borrow against the revenue stream associated with West County Ferry services for the first seven years of the sales tax measure (approximately \$11.2 million available)

to allow the Marina Bay Grade Separation project to advance to construction by December 2010. These funds would be repaid from out-year sales tax funds programmed to the Richmond Parkway Project and would be made available as an annual inflated stream of revenues over the remaining 18 years of the sales tax (FY 2016 through FY 2034).

Attachment A to this item, the October 23, 2008, WCCTAC Board Report on this subject, provides a more in-depth discussion of all actions required by participating and affected agencies.

The Marina Bay Parkway Grade Separation project will construct a roadway undercrossing in place of an existing at-grade crossing in Richmond on Marina Bay Parkway at the railroad crossing north of Regatta Boulevard. The purpose of this project is to reduce train-related congestion and improve emergency vehicle access to/from the area. While not required for the development of ferry service in Richmond, the crossing will improve the flow of traffic to and from the terminal site, significantly improving access to ferry service and taking away the travel time uncertainty associated with the current at-grade railroad crossings. Given that the Richmond and Hercules ferry services are still in the early stages of development (environmental review), and both lack sufficient capital and operating funds to support construction and operation at this time, staff recommends that the Board approve the proposed Measure J ferry funding loan/swap. This action will leverage \$20 million funds that would not otherwise be available to construct this access improvement to the Richmond ferry terminal site.

Financial Implications

This action will result in deferral of up to \$11.2 million Measure J operating funds programmed to support Richmond and/or Hercules ferry operations. However, there is no immediate financial impact associated with this action as Richmond and/or Hercules ferry services are future projects currently in the early planning stages.

Options

Approve or reject.

END



TO: WCCTAC Board

DATE: October 24, 2008

FR: Christina Atienza, Executive Director *CMA*

RE: **Proposed Measure J Fund Swap for Marina Bay Parkway Grade Separation**

Staff requests the Board to support the temporary use of the first seven years of Measure J West County Ferry Service allocations to fund a portion of Richmond's Marina Bay Parkway Grade Separation project. The Board's support would be contingent on:

- 1) A guarantee from Richmond that the borrowed funds would ultimately be repaid out of redirected Measure J Richmond Parkway funds;
- 2) Agreement from Hercules on Richmond's offer to guarantee the availability of funds for the Hercules ferry project, if needed prior to FY 2015; and,
- 3) Water Emergency Transit Agency (WETA) supporting the same.

The proposed fund swaps would potentially enable Richmond to receive \$20 million in Proposition 1B funds toward the project, which would not otherwise be available.

Background

The Marina Bay Parkway Grade Separation project ("project") is located in Richmond on Marina Bay Parkway at the BNSF/RPRC railroad crossing north of Regatta Boulevard. The project is to design and construct a roadway undercrossing in place of the existing at-grade crossing. The purpose of the project is to reduce train-related congestion, improve emergency vehicle access to the area, as well as improve access to the proposed WETA ferry terminal. The project sponsor is the Richmond Community Redevelopment Agency.

The project is estimated to cost \$37.5 million. Richmond has identified potential funding totaling \$26.75 million from various sources including: a \$3.75 million match from the railroad; \$3 million in developer impact fees; \$5 million from the Proposition 1B Highway-Rail Crossing Safety Account (HRCSA); and \$15 million from the Proposition 1B Trade Corridor Improvement Fund (TCIF). The funding shortfall is \$10.75 million. The Proposition 1B HRCSA funds are contingent on Richmond being able to demonstrate to the California Transportation Commission (CTC) by November 26, 2008 that the project has a full funding plan. Proposition 1B funds also require that construction contracts be awarded by December 2010.

Richmond staff are seeking approval from the Richmond City Council to redirect Measure J Richmond Parkway funds to the project in order to address the shortfall. Measure J allows for funds apportioned to Richmond Parkway to be reprogrammed for Richmond ferry service at the request of the City of Richmond; and the project qualifies as an eligible candidate for reprogramming because it would facilitate access to the proposed WETA ferry terminal. However, Measure J funds for Richmond Parkway are not slated to be programmed until after FY 2015, which is too late for the CTC's December 2010 deadline.

CCTA staff are willing to advance Measure J funds for Richmond Parkway as long as the total expected cash flow to West County for the seven-year period covered by the 2007 Measure J Expenditure Plan remains about the same. This constraint would require the deferral of other West County programs or projects. For several reasons, the best candidate for deferred disbursement is the West County Ferry Service program. First, while WETA staff expect that the Measure J funds would be needed exclusively for ferry operations, Measure J allows for the funds to be used for capital, landside improvements as determined by WCCTAC and WETA. Second, WETA anticipates that ferry operations for either Richmond or Hercules will not likely begin prior to 2013, so the funds are not needed immediately. Third, the estimated allocations for the seven-year period covered by the 2007 Measure J Strategic Plan is \$11.2 million, which is sufficient to cover the project shortfall.

Proposal

The proposal is to assist Richmond in closing the shortfall for the Marina Bay project by supporting the swap of cash flow between the Richmond Parkway and West County Ferry Service projects. The swap would entail the following coordinated and conditional actions by Richmond, Hercules, WETA, WCCTAC, and CCTA:

1. Richmond approves the redirection of Measure J Richmond Parkway funds to the project, and requests CCTA to reprogram the funds.
2. WETA agrees to defer receipt of its annual share of Measure J West County Ferry Service funds from FY 2009 to FY 2015, and to accept repayment in annual, inflation-adjusted amounts over 18 years beginning in FY 2016 through the end of Measure J in FY 2034. WETA's agreement is not to be construed as a commitment to use the funds exclusively to support ferry operations.
 - a. In order to ensure that the Hercules ferry project is not adversely affected by the deferment, Richmond offers through a formal agreement to secure Hercules' interest by guaranteeing to repay CCTA 50 percent of the amount that would have been allocated to the Measure J West County Ferry Service from FY 2009 to FY 2015 for WETA's use on the Hercules ferry, if it becomes operational prior to FY 2015.
 - b. Hercules and Richmond enter into the agreement. The agreement is not to be construed as a commitment from WETA to an even split of the Measure J Ferry Service funds between the Hercules and Richmond ferry projects.
3. WCCTAC and WETA nominate the project to receive the deferred Measure J Ferry Service receipts.
4. CCTA agrees to program \$11.2 million in FY 2011 for the project, paying it out of the deferred disbursements to WETA from FY 2009 to FY 2015 plus a cash advance, if necessary.
5. CCTA agrees to pay WETA the total amount deferred from FY 2009 to FY 2015 in annual, inflation-adjusted installments beginning in FY 2016 through FY 2034, and charges the payment amounts to the Measure J Richmond Parkway account. The basis for the repayment is actual sales tax revenues received from FY 2009 to FY 2015.

Recommendation

Adopt Resolution 08-03 and direct staff to forward the resolution to all affected parties.

MEMORANDUM

TO: Board Members

FROM: Keith Stahnke, Manager, Operations

SUBJECT: Issuance of the Request for Proposals for Pier 9 Layover Berth Construction Contract

Recommendation

Approve by motion the release of a Request for Proposals (RFP) for the Pier 9 Layover Berth construction contract.

Background

On 10 October 2007 the WTA Board approved the construction of vessel berthing facilities at Pier 9. The site specific environmental work and design are near completion for the Pier 9 Layover Berth Facility and it is the appropriate time in the schedule to commence the facility construction procurement processes.

Discussion

Staff is requesting approval to release a RFP for construction services of the mooring berths at Pier 9 San Francisco. It is anticipated that the RFP will be ready to release in early December 2008.

Financial Implication

This project was included in the FY 2008/09 capital budget at a total cost of \$2.75 million

\$ 250,000	Design/Environmental/Permitting
<u>\$2,500,000</u>	Construction Activities and Support
\$2,750,000	Total

This project will be funded with 100% RM2 capital funds.

Release of an RFP does not commit the WETA to any expenditure.

Options

If not approved by the Authority, then the procurement of Pier 9 Layover Berth Facility Construction Services would be delayed resulting in the delay in delivery of the Pier 9 Layover Berth Facility.

END

MEMORANDUM

TO: Board Members

FROM: Jon Stanley Executive Director
Keith Stahnke Manager, Operations

SUBJECT: Award of Contract for Emergency Water Transportation System Management Plan Consultant and Authorize Related Grant Agreement with City and County of San Francisco

Recommendation

Authorize, by resolution, the following actions related to the development and funding of an Emergency Water Transportation System Management Plan:

- a) The selection of URS as the agency's consultant to research, create and market the Emergency Water Transportation System Management Plan and authorize the Executive Director to negotiate and execute the contract for this work with URS; and
- b) Entering into a grant agreement with The City and County of San Francisco, in its capacity as the fiscal agent for the Bay Area Super Urban Area Security Initiative Program (SUASI), and authorize the Executive Director to execute this agreement and related grant assurances and reimbursement requests.

Background

WETA, created by the California State Legislature, is a regional agency with a multi-county jurisdiction. Senate Bill 1093 requires WETA to develop 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. WETA shall create and adopt this plan on or before 01 July 2009.

The goal of the Emergency Water Transportation System Management Plan is to provide WETA a useful document that can guide the operational responsibilities of WETA during a disaster/activation as well as provide a road map for the implementation of capital projects to enhance the WETA's response capabilities.

Development of a comprehensive Emergency Water Transportation System Management Plan shall include the following considerations:

- Every effort should be made to insure the Plan is complimentary to the planning efforts in progress in the Region and incorporates where possible elements of those plans.
- Describe key infrastructure investment requirements with a path to implementation
- Identify WETA's roles and responsibilities during a disaster/activation.
- Identify required linkages with public agencies that will interface with WETA during a disaster/activation.
- Identify public agencies which have a role in supporting or approving emergency water transportation.
- Detail reimbursement procedures for private organizations contracting with WETA during a disaster/activation.

- Staff level emergency operations procedures
- A public outreach program to communicate the major findings of WETA's of the plan to the general public and key stakeholders with informational material and public meetings.

Prior to final WETA Board adoption, public input shall be sought on the Emergency Water Transportation System Management Plan in accordance with outreach requirements outlined in Senate Bill 1093. This public outreach effort will take approximately 60 – 90 days and therefore the draft Emergency Water Transportation System Management Plan shall be completed no later than February 1, 2009.

Preparation of the Emergency Water Transportation System Management Plan will require focused effort beyond existing staff resources; consequently, a consultant shall be selected to assist WETA Staff in creating and marketing the Emergency Water Transportation System Management Plan to insure adoption of same. The consultant shall provide the resources to develop and coordinate the overall Emergency Water Transportation System Management Plan. The consultant will be expected to work in close cooperation with Staff.

Discussion

The Board approved the release of an Emergency Planning Services Consultant Services RFP on 01 May 2008.

The RFP was issued on 30 September 2008 and emailed to over 700 technical firms as well as posted on the WETA website. Submittals were due on 15 October 2008.

Four firms submitted written responses to the RFP including: Creegan+D'Angelo Infrastructure Engineers (along with Barbara Foster Associates and Kwan-Henmi Architects), URS (along with Heather Barber Company, Veronica Sanchez Consulting, Aegis Emergency Management LLC and Captain Ned Kiley Emergency Ferry Operations Consultant), Communiqué USA and KPFF (along with Fast Ferry Management and James Lee Witt Associates).

All four submittals were reviewed by an evaluation panel comprised of Skip Shervington (Bay Area SUASI), Radiah Victor (MTC Incident & Emergency Management Program), Shirley Douglas (WETA Manager of Community Relations), John Sindzinski (WETA Manager, Planning & Development) and Keith Stahnke (WETA Manager, Operations).

After tallying the results of the scoring criteria which evaluated the proposed approach, staffing plan, project schedule, previous experience, references and compliance with Levine Act Disclosures, the panel recommends selection of URS.

The Bay Area Super Urban Area Security Initiative Program (SUASI) is providing a grant in the amount of \$200K for WETA's emergency response plan. This grant requires a 25% match (\$50,000) from WETA. By agreement between SUASI and the City and County of San Francisco, these funds will be provided to WETA through a grant agreement with the City and County of San Francisco. A letter of intent from SUASI is provided in **Attachment A**. As a part of this item, staff is requesting Board action to approve entering into a grant agreement with the City and County of San Francisco for these funds and authorize the Executive Director to execute the required grant agreement, program assurances and reimbursement requests.

Financial Implications

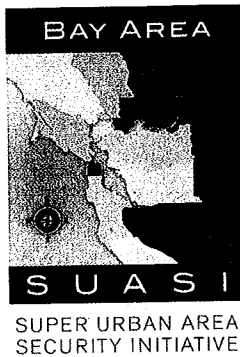
The award of the consultant services would commit the Authority to an initial contract not to exceed the amount of \$250,000. Actual expenditures will be authorized on a task order basis. Funds will be made available through a grant of \$200,000 from the Bay Area Super Urban Area Security Initiative (SUASI) and \$50,000 from RM2 operating funds.

Options

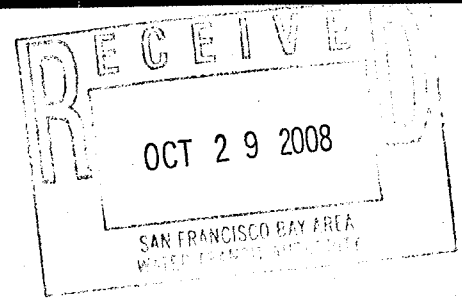
Approve or reject.

END

BAY AREA SUASI PROGRAM



October 24, 2008



Mr. Jon Stanley
Executive Director
Water Emergency Transportation Authority
Pier 9, Suite 111
The Embarcadero
San Francisco, CA 94111

marin

sonoma

napa

solano

contra costa

alameda

santa clara

santa cruz

san mateo

san francisco

san jose

oakland

Re: Letter of Intent for Regional Catastrophic Grant Program Funds

Dear Mr. Stanley:

The Bay Area SUASI has received an award from the Regional Catastrophic Preparedness Grant Program to support regional all-hazard planning for catastrophic events and the development of necessary plans, protocols, and procedures to manage a catastrophic event.

As such, the Bay Area SUASI is pleased to send this letter awarding the San Francisco Bay Area Water Emergency Transportation Authority an amount not to exceed \$200,000 for the preparation of the Water Emergency Transportation System Management Plan in support of the SUASI Bay Area region Mass Evacuation/Transportation Strategy and Plan.

A formal Memorandum of Understanding will follow. If you have any questions, please contact Teresa Serata at (415) 503-2077.

Regards,

Laura Phillips
General Manager

MEMORANDUM

TO: Board Members

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

SUBJECT: FY 2008/09 Proposition 1B Funding Program Process

Recommendation

This item is provided for information and discussion only.

Background

Proposition 1B, approved by California voters in November 2006, included funds for a number of statewide transportation investments. Included in the proposition was \$1 billion to be appropriated by the Legislature to “increase the capacity of transit operators, including waterborne transit operators, to develop disaster response transportation systems that can move people, goods, and emergency personnel and equipment in the aftermath of a disaster impairing the mobility of goods, people, and equipment.”

\$100 million was authorized in the FY 2007/08 budget for these purposes and distributed to transit operators throughout the state in accordance with the following formula:

- 60% to STA-eligible transit agencies for capital projects that provided increased protection or enhanced security of transit systems.
- 25% to the Water Emergency Transportation Authority to develop an emergency response transportation system for the San Francisco Bay. These funds were administered by the State Office of Homeland Security.
- 15% to intercity passenger rail systems for capital project to increase protection against a security or safety threat.

The FY 2008/09 State budget includes an additional \$100 million in funds for disaster response to be allocated according to the same formula and general processes used last year; resulting in another \$25 million available to support WETA projects.

Discussion

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

Staff is developing a comprehensive spending plan for these funds. However, based on previous emergency response analyses completed by WTA/WETA, which was used as the basis for allocating the FY 2007/08 Proposition 1B funds, we believe that the general priorities for these funds should be 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.

- Advance completion of new ferry routes for which a source of operating funds exist (Berkeley, and, to a lesser degree, Richmond and/or Hercules); and
- Planning for other routes (Redwood City, Martinez and Antioch)

At this juncture, staff anticipates that the FY 2008/09 program will include funding for the following specific projects:

- San Francisco Docking Expansion - Environmental, design and permitting for expanded berthing at the San Francisco Ferry Terminal.
- East Bay Docking Expansion - Study, environmental, design, permitting and possible construction of additional docking capacity in Oakland.
- Central Bay Maintenance Facility – Design and construction of maintenance and fueling facilities to support existing and expanded services.
- Vallejo Maintenance Facility – Support design and construction of core maintenance and fueling facility at Mare Island to support existing Vallejo and potential future services.
- Berkeley Service – Final design, permitting and possible construction of Berkeley terminal and vessels.
- Environmental Studies/Preliminary Design – Complete funding for environmental studies and preliminary design related to four IOP services including Richmond, Martinez, Antioch, and Redwood City.

Staff will evaluate the project funding and cashflow needs for these projects over the next month and will develop a specific funding proposal for Board approval in December, as required by the OHS process.

Financial Implications

There is no financial impact associated with this informational report.

END