



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, March 10, 2011 at 1:00 P.M.
San Francisco Bay Area
Water Emergency Transportation Authority
9 Pier, Suite 111
San Francisco

The full agenda packet is available for download at 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 COMMENTS The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards and any reports/handouts to the Board Secretary.

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

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

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|--|--------------------|
| 1. <u>CALL TO ORDER – BOARD CHAIR</u> | Information |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | Information |
| 3. <u>REPORT OF BOARD CHAIR</u> | Information |
| 4. <u>REPORTS OF DIRECTORS</u> | Information |
| 5. <u>REPORTS OF STAFF</u> | Information |
| a. Executive Director's Report | |
| b. Legislative Update | |

Water Emergency Transportation Authority
March 10, 2011 Meeting of the Board of Directors

6. CONSENT CALENDAR **Action**
a. Minutes January 6, 2011
7. APPROVE PROPOSITION 1B PROGRAM OF PROJECTS AND AUTHORIZE AGENCY OFFICIALS TO EXECUTE PROGRAM REQUIREMENTS **Resolution**
8. UPDATE ON IMPLEMENTING CLIPPER CARD REGIONAL ELECTRONIC FARE INSTRUMENT **Information**
9. RECESS INTO CLOSED SESSION
- a. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION **Action**
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one case **To Be Determined**
- b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**
Property: City of Vallejo ferry terminal related property/assets **To Be Determined**
Agency Negotiators: Nina Rannells, San Francisco
Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Vallejo
Under Negotiation: Terms and conditions to the transfer of property/assets with the City of Vallejo for the Vallejo Baylink Service
- c. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**
Property: City of Berkeley ferry terminal related property **To Be Determined**
Agency Negotiators: Nina Rannells and John Sindzinski,
San Francisco Bay Area Water Emergency Transportation Authority
Negotiating Parties: City of Berkeley
Under Negotiation: Terms and conditions to the cooperative agreement/lease with the City of Berkeley for Berkeley service
10. REPORT OF ACTIVITY IN CLOSED SESSION **Action**
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. **To Be Determined**
11. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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 contactus@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 Government Code section 84308 and to applicable regulations.

M E M O R A N D U M

TO: WETA Board Members
FROM: Nina Rannells, Executive Director
DATE: March 10, 2011
RE: Executive Director's Report

PROJECT UPDATES

Service Transition Implementation – The Transition Plan guides the consolidation of the Vallejo, Alameda/Oakland and Harbor Bay ferry services under WETA, and presents a five year financial outlook of WETA operating and expansion activities. The WETA Board of Directors adopted the final Transition Plan on June 18, 2009, in compliance with Senate Bills 976 and 1093 requirements.

Alameda City Council approved the Transition Agreement at their regularly scheduled Council meeting on October 5th, and the WETA Board of Directors approved the agreement on October 7th. Staff anticipates that all escrow requirements will be completed and that the Alameda services will transition to WETA in April.

WETA and City of Vallejo staffs are meeting regularly to discuss terms and details of the Vallejo service transition. In addition, WETA and City of Vallejo staff have met periodically with a larger group including Metropolitan Transportation Commission and Solano Transportation Authority representatives to review the progress of our work and discuss any larger county and/or regional issues that have been identified associated with the transition. These discussions are all in support of bringing forward a final Vallejo service transition agreement for Board consideration in April or May 2011.

Emergency Water Transportation System Management Plan (EWTSMMP) - This plan sets a framework for WETA coordination of emergency response and recovery efforts using passenger ferries and will provide a detailed definition of WETA's roles and responsibilities for incident planning, response, recovery and restoration of normal operations. The WETA Board of Directors adopted the final Emergency Water Transportation System Management Plan on June 18, 2009, in compliance with the requirements of Senate Bills 976 and 1093. Preparation of the EWTSMMP and the Emergency Operations Plan (agency's internal plan) are complete.

Staff attended the Regional Transportation Agency Emergency Coordination Workshop at the Metropolitan Transportation Commission (MTC) on January 11 with representatives from MTC, Caltrans, US Coast Guard, California Highway Patrol and CalEMA. This workshop focused on the process of activating each agency's respective emergency operation centers (EOC), interagency communication and coordination, regional prioritization of routes and assets and public information.

Vessels - Two 149-passenger vessels, *Gemini* and *Pisces*, and two 199-passenger vessels, *Scorpio* and *Taurus*, have been constructed by Nichols Brothers Boat Builders and Kvichak Marine Industries for use in WETA services and to expand WETA's emergency response capabilities.

Three of these vessels are currently chartered to the City of Alameda and one is currently chartered to the City of Vallejo for utilization in their services.

South San Francisco Ferry Service - This service will provide access to biotech and other jobs in South San Francisco for East Bay commuters and expand the geographic reach of emergency ferry transportation response capabilities on the San Francisco Bay.

Construction of the float by Manson Construction is approximately 40% complete. Power Engineering is currently undertaking fabrication of concrete and metal components of the viewing terrace and pier structure and is scheduled to begin pile driving at the terminal site later this month. The project remains on schedule and within budget. Staff recently attended a kick-off meeting with the Peninsula Congestion Relief Alliance, Samtrans, the City of South San Francisco, and local employers to discuss service planning and marketing efforts for the new ferry terminal.

Berkeley Ferry Service – This service will provide an alternative transportation link between Berkeley and downtown San Francisco. Conceptual design and environmental studies work has been underway for several years to date. Late last month staff and design and environmental consultants met with BCDC to review the latest plans for the project. BCDC expressed their satisfaction with the latest plans and how the parking is reduced and to a large extent made less intrusive on the area. BCDC staff went on to express their willingness to support approval of this portion of the plan and to review designs for the terminal itself.

Treasure Island Service – This project, implemented by Treasure Island Development Authority (TIDA), the Mayor's Office of Economic and Workforce Development and the prospective developer, will institute new ferry service between Treasure Island and downtown San Francisco.

Staff recently met with TIDA to review operating and budgeting scenarios for future Treasure Island ferry service. TIDA and WETA staff are working to prepare a draft Memorandum of Understanding (MOU) outlining each agencies roles and responsibilities for moving forward with the project. The MOU will be subject to review and approval by the WETA Board.

Downtown San Francisco Ferry Berthing Expansion - This project will expand ferry berthing capacity at the San Francisco Downtown Ferry Terminal to accommodate emergency response and expanded regular ferry services, including the addition of Berkeley and Treasure Island routes to San Francisco. Staff is working with the environmental consultant to prepare a draft NOI/NOP which will be submitted to FTA for review in April.

Pier 9 Berthing Facility - This project would construct two layover berths for mooring and access to ferry vessels on Pier 9 alongside the northern pier apron and adjacent to the WETA Administrative Offices. The contractor has completed 25% design drawings. This project remains on schedule for completion on June 30, 2011.

Central Bay Operations and Maintenance Facility - This project will develop an operations and maintenance facility at Alameda Point to serve basic vessel fueling, maintenance, shop, warehouse, storage and emergency operations needs for WETA's future fleet of central bay vessels

Staff is working with the environmental consultant to finalize a Draft Initial Study/Mitigated Negative Declaration which will be released for agency and public review early this year. NEPA clearance of the project will be initiated pending consideration and approval of a Mitigated Negative Declaration for this project.

Hercules Environmental Review/Conceptual Design -This project is currently on hold awaiting clarification from the City as to its ability to build the multimodal transportation center that is a necessary precondition to any ferry terminal. In early March staff will be meeting with Hercules to discuss their plans to complete that center.

Antioch, Martinez, Richmond, and Redwood City Conceptual Design/Environmental Review – This project involves completing conceptual design and environmental review documents for potential future ferry services in Antioch, Martinez, Redwood City and Richmond.

Pursuant to Board authorization, staff initiated negotiations to execute contracts with KPFF, Inc. and Marcy Wong and Donn Logan Architects (MWDL) to provide conceptual design services for the Redwood City, Martinez (KPFF, Inc.), Richmond, and Antioch (MWDL) terminal projects. The contract with KPFF, Inc. was executed on December 15, 2010 and the contract with MWDL was executed on January 31, 2011. Project kick-off meetings were held for the Redwood City and Martinez projects on January 21, 2011. Project kick-off meetings were held for the Richmond and Antioch projects on February 11, 2011. Meeting attendees included the design team, environmental review team, and city/port representatives.

Ridership Forecast Model Update – This project will update the existing ridership forecast model developed by WETA in 2002 to generate new ridership forecast projections based on the most recent transportation and demographic data available from AGAG, MTC and local land use jurisdictions.

Staff has solicited comments from applicable local jurisdictions regarding population and employment forecasts included in the updated forecast model and will continue work with the consultant to incorporate this feedback and develop a roster of project alternatives to generate future year ridership forecasts for.

Clipper Fare Media Implementation – WETA is coordinating with MTC to implement Clipper fare media on the future South San Francisco ferry service and potentially on existing ferry services that will be transitioned to WETA from the Cities of Alameda and Vallejo.

Staff has finalized a task order to secure the services of an on-call consultant to assist WETA in implementing Clipper and anticipates bringing an item to the Board in April to request authorization to enter into a cooperative agreement with MTC for this project.

UPDATE ON RELEVANT PROJECTS IMPLEMENTED BY OTHER AGENCIES

Vallejo Station - Vallejo Station is a compact, transit-oriented mixed-use project in the City of Vallejo that includes two major transit elements – a bus transfer facility that will consolidate local, regional and commuter bus services and a 1,200 space parking garage for ferry patrons and the general public.

Parking structure construction has been split into two phases. Construction of Phase A, which began in June 2010, is currently 25% complete and has an anticipated construction end date of January 2012. Design of Phase B of the Parking Structure is in the final design stage with the construction start date being dependent on the relocation of the post office property and full funding for this phase.

Mare Island Ferry Maintenance Facility – This project will construct a new ferry maintenance facility located at Building 165 on Mare Island in Vallejo in three phases. Phase 1 constructs a 48,000 gallon fuel storage and delivery system. Phase 2 includes construction of a system of modular floats and piers, demolition of Building 855, and construction of a new warehouse/shop in its place. Phase 3 will renovate Building 165 into a permanent office and shop space, and security installations.

Winzler & Kelly expects to have the 100% design package for Phase 1 completed for review by February 24, and the 100% design package for Phase 2 completed for review by April 18. City of Vallejo staff and project consultants are working to complete all project requirements and secure project permits in the next few months. The project timeline requires all construction documents, permits, leases, environmental and right-of-way requirements to be completed by April 1, 2011, so that critical State funding approvals can be calendared for California Transportation Commission action in June and Phases 1 and 2 of the project can be advertised for construction in July 2011.

OUTREACH, PUBLIC INFORMATION, AND MARKETING EFFORTS

On January 11, Nina Rannells, Keith Stahnke, Leamon Abrams, and Lauren Duran attended the Regional Transportation Agency Emergency Coordination Workshop at the Metropolitan Transportation Commission (MTC) which included representatives from MTC, Caltrans, US Coast Guard, California Highway Patrol and CalEMA.

On January 11, John Sindzinski and Mike Gougherty presented an overview of WETA's program to the East Bay Chapter of the American Institute of Architects.

On January 19, Nina Rannells participated on a speaker panel at Women Transportation Seminar's (WTS) January Program, Breakfast with the Stars.

On January 21, WETA released the Draft Request for Proposals for Water Transit Services for industry review.

On February 2, Keith Stahnke attended the Harbor Safety Committee Ferry Operations work group meeting

On February 5-9, Keith Stahnke attended the Passenger Vessel Association annual convention in St. Louis.

On February 16, Nina Rannells attended a meeting of MTC's Bay Area Partnership where the development of the FY 2013 through FY 2040 Regional Transportation Plan/Sustainable Communities Strategy was discussed.

On March 1, 2 and 7, staff participated in public outreach meetings related to proposed service cuts to the Vallejo Baylink ferry and complementary Route 200 bus service. The final meeting of this outreach effort will be held the evening of March 10 in Vallejo.

OTHER ACTIVITIES / ITEMS

Proposition 1B Funds – Proposition 1B funds provided to WETA for ferry service projects are authorized for a period of three years at a time. Although the majority of first year (FY 2007/08) funds were just recently received by WETA, Cal EMA's program guidelines established the expiration date for these funds to be March 2011. Staff has been successful in working with Cal EMA to receive an 18-month extension of these funds but is working with our State lobbyist to identify ways in which to permanently address the timing and flow of funds.

ADMINISTRATION

January Financial Statements - Attached are the monthly financial statements for FY 2010/11 through January 2011, including the Statement of Revenues and Expenses and the Capital Budget vs. Expenditures reports.

Water Emergency Transportation Authority
FY2010/11 Statement of Revenues and Expenses
January 2011

	Current Month	Prior Year Actual	2010/11 Budget	2010/11 Actual	% of Budget
% of Year Elapsed 59%					
Operating Revenues					
Operating Assistance					
RM 2 Planning	351,934	3,974,266	4,950,000	2,057,622	41.6%
SUASI	-	26,198	-	-	0%
Total Operating Assistance	351,934	4,000,464	4,950,000	2,057,622	41.6%
Other Revenues					
Interest Income	548	13,050	15,000	4,904	32.7%
Other	-	7,900	-	-	0.0%
Total Other Revenues	548	20,950	15,000	4,904	32.7%
Total Operating Revenues	352,482	4,021,413	4,965,000	2,062,526	41.5%
Total Capital Revenues	1,980,393	17,675,940	28,622,995	5,939,345	20.8%
Total Revenues	2,332,875	21,697,353	33,587,995	8,001,871	23.8%
Operating Expenses					
Operations					
Wages and Fringe Benefits	177,234	1,472,036	1,613,000	789,131	48.9%
Services	138,573	2,144,939	2,798,000	1,026,675	36.7%
Materials and Supplies	9,407	25,071	87,000	13,311	15.3%
Utilities	1,070	11,322	19,000	5,783	30.4%
Insurance	-	28,973	37,000	28,222	76.3%
Miscellaneous	1,213	38,597	103,000	27,104	26.3%
Leases and Rentals	24,437	279,526	293,000	167,395	57.1%
Total Operations	351,934	4,000,464	4,950,000	2,057,622	41.6%
Total Operating Expenses	351,934	4,000,464	4,950,000	2,057,622	41.6%
Total Capital Expenses	1,980,393	17,675,940	28,622,995	5,939,345	20.8%
Total Expenses	2,332,327	21,676,404	33,572,995	7,996,967	23.8%
Excess Revenues (Loss)	548	20,950	15,000	4,904	

**Water Emergency Transportation Authority
FY2010/11 Statement of Revenues and Expenses
January 2011**

Project Description	Current Month	Project Budget	Prior Year Actual	2010/11 Budget	2010/11 Actual	Future Year	% of Project
Expenses							
2 Spare Vessels	-	17,000,000	16,764,811	235,189	-	-	99%
SSF Vessels	14,258	20,500,000	19,504,841	995,159	29,813	-	95%
SSF Mitigation Study	-	275,000	42,459	52,541	-	180,000	15%
SSF Terminal Construction	1,783,094	26,000,000	1,420,414	15,985,586	5,096,767	8,594,000	25%
Berkeley Environ/Conceptual Design	8,410	1,954,700	1,566,858	303,842	76,883	84,000	84%
Berkeley Terminal Design	-	3,200,000	-	1,500,000	-	1,700,000	0%
Hercules Environ/Conceptual Design	3,125	1,080,000	981,684	98,316	10,093	-	92%
Pier 9 Mooring/Floats	13,644	3,150,000	329,867	2,820,133	60,370	-	12%
Environmental Studies/Conceptual Design	21,037	3,250,000	56,000	2,120,000	61,980	1,074,000	4%
Central Bay Ops/Maintenance Facility	12,364	2,600,000	128,770	962,230	160,416	1,509,000	11%
Maintenance Barge, Floats & Ramps	-	5,000,000	-	1,250,000	-	3,750,000	0%
S.F. Berthing - Environ/Conceptual Design	124,460	3,300,000	-	2,300,000	443,024	1,000,000	13%
Total Capital Expenses	1,980,393	87,309,700	40,795,705	28,622,995	5,939,345	17,891,000	
Revenues							
RM 2	57,452	33,281,735	31,410,679	1,690,975	469,446	180,081	96%
San Mateo County Sales Tax	420,943	15,000,000	410,919	10,892,865	1,159,707	3,696,216	10%
Federal	999,381	15,047,533	6,574,895	4,393,658	2,813,534	4,078,980	62%
Proposition 1B	502,617	23,980,432	2,399,211	11,645,497	1,496,658	9,935,724	16%
Total Capital Revenues	1,980,393	87,309,700	40,795,705	28,622,995	5,939,345	17,891,000	

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Peter Friedmann
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DATE: March 4, 2011

TO: WETA Board Members

FROM: Peter Friedmann
Tel: 202-783-3333 Fax: 202-783-4422 OurManInDC@federalrelations.com

SUBJECT: Report to the Board: The Federal Budget Debate: Impact on WETA

The Bottom Line: Money is still going to flow to public ferry systems; with the current high-stakes political battle over the budget, we just do not know when or how much.

Where We Are Now

While House and Senate leadership and the White House continue to negotiate the fate of the federal government's FY11 budget, Congress passed and the President has signed into law a two-week Continuing Resolution (CR) making "modest cuts" (\$4 billion) to give House and Senate leaders until March 18 to come to some sort of agreement or face the prospect (again) of a government shutdown. (A CR is a mechanism used to keep the government operating when Congress fails to complete the annual appropriations process). House Republican Leadership and the Senate Democratic Leadership are miles away from reaching agreement on a CR that would fund the federal government through the end of the current fiscal year (September 30, 2011). The House seeks \$60 billion in cuts compared to FY10, impacting almost every major government program; the Senate will have none of that. Consequently, we expect Congress to pass another two week CR on or just before March 18.

What does this mean for the FY12 budget?

That is the million dollar (or perhaps trillion dollar?) question. When Congress wraps up the FY11 budget, it will turn to the FY12 budget, which House leaders are already targeting for additional spending cuts. It is unclear exactly how much Congress will cut from the FY12 budget (or from where). The only thing that is certain is that the budget the President sent up to Congress in mid-February will face a lot of resistance on Capitol Hill.

What about Earmarks?

First, Congress cancelled all of the earmarks for the current year, including the \$1.5 million we had obtained for WETA for Berkeley Service and the Vallejo Ferry Maintenance (the largest amount earmarked to any system).

Second, earmarks have been banned in FY12 thanks in part to President Obama declaring in his State of the Union Address that he would veto any spending bill that contained earmarks. But this earmark ban could very well be temporary – members of the Congress are already trying to water down the current earmark ban; and Senate Appropriations Committee Chairman Daniel Inouye said the earmark ban would be revisited after the FY12 budget process is completed.

What about the Ferry Boat Funding?

- Ferry funding this year will come from the Ferry Boat Discretionary fund at DOT, which has \$78 million to distribute for public ferry projects. But the next CR could make cuts in many programs. So until a final CR for FY11 is passed, DOT will not know how much Ferry Boat money it will be able to distribute.
- One fund that has been eliminated in the CR passed last week: the highway appropriations earmark “slush fund” account called “Surface Transportation Priorities”, which is an account in which members of the Appropriations Committee stick a lot of their own earmarks, particularly for projects that do not meet the eligibility requirements of existing programs. Sen. Murray has used this account, but not for our WETA earmarks, as she has been able to draw those from the Ferry Boat Discretionary account. But this has always been her “ace up her sleeve,” which we would use for ferry service, if needed.
- WETA was very successful in gaining funding in the last big Transportation Authorization bill, SAFETEAU-LU [\$2.5 million annually directing to WETA, plus \$6 million for Oyster Point terminal]. It is now time for a new TEA bill. This might be an area where House and Senate could agree. Senate Environment and Public Works (EPW) Chair Barbara Boxer (D-CA) intends that the EPW Committee will move forward with a transportation bill later this year, and House Transportation and Infrastructure (T&I) Committee Chairman John Mica (R-FL) has said repeatedly that he is committed to passing a long term surface transportation bill this year. Meanwhile, lawmakers have extended the current surface transportation law (SAFETEAU-LU) until September 30.

Respectfully submitted,

Peter Friedmann

MARCH LEGISLATIVE REPORT

To: Members of the WETA Board

From: Barry Broad
Shane Gusman

Date: March 3, 2011

Subject: Lobbying Report

WETA Sponsored Legislation:

As you are aware, we have been working on getting legislative clarification regarding when Prop 1B funds must be spent after these funds have been received by WETA. The original "fix" was put in a budget trailer bill last fall that was ultimately defeated because of other issues unrelated to WETA.

In December, Assembly Member Fiona Ma introduced a bill in the Special Legislative Session called by then Governor Arnold Schwarzenegger to take care of the issue. That bill has not moved because legislative leadership decided that the issue was appropriate to fix in the budget. We have recently learned that there has been agreement to stick the same language that went in last year's budget trailer bill in a new transportation trailer bill to be acted on in the next week or so.

Additionally, Assembly Member Ma has introduced AB 1068 (attached) in the regular session as a back-up in case something goes wrong in the budget process again. We can also use the bill as a vehicle for clean-up if we need something more than what is ultimately approved in the budget.

Budget News:

The Legislature is still grappling with how to deal with our huge deficit. The Governor has proposed a mix of painful cuts, shifting of services between the state and local government, and revenue by way of extension of the taxes approved in the 2009 budget deal. Every major component of the proposal is complicated and controversial. As of the writing of this report, there has been no real consensus around many of the necessary parts of the proposal. Perhaps the biggest issue is the 2/3 vote of both houses required to put the tax extensions on the ballot, meaning at a minimum two Republican votes must be found in each house for approval. So far, the Republicans have not named their price for putting up those votes and it's not clear that the Democrats would agree anyway. What is clear is that without those tax extensions, the whole thing falls apart.

In terms of transportation specific items, the Governor has proposed reenactment of the gas tax swap that was passed in the last budget cycle but invalidated by Prop 26. All of

the stakeholders in the transit and transportation world are supportive of reenactment because it maximizes the money to important programs. Unfortunately, Republicans are balking at putting up the votes necessary to achieve the 2/3 vote threshold on this one as well.

Issues Affecting Local Agencies:

Local agency “reform” will be a prominent subject in this legislative session. While we are primarily focused on the budget right now, the Legislature will soon be considering regular session bills. With the controversies around local government executive pay and corruption, it is clear that there will be legislation on a whole host of issues affecting local agencies including appropriate salaries, public disclosure, conflicts of interest, etc. As the many bills in this area develop we will keep you informed of any that may affect the WETA or its interests.

ASSEMBLY BILL

No. 1068

Introduced by Assembly Member Ma

February 18, 2011

An act to amend Section 8879.61 of the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1068, as introduced, Ma. Transportation bond funds.

Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, authorizes the issuance of general obligation bonds for various transportation purposes. Existing law requires that \$1,000,000,000 of those funds be deposited in the Transit System Safety, Security, and Disaster Response Account, administered by the California Emergency Management Agency (Cal EMA), for capital projects that provide increased protection against a security and safety threat, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems, as specified. Existing law requires 25% of the available funds to be allocated to certain regional public waterborne transit agencies. Existing law requires entities receiving funds from the account to expend those funds within 3 fiscal years of the fiscal year in which the funds were allocated and requires that funds remaining unexpended after those 3 years revert to Cal EMA for reallocation in subsequent fiscal years.

Notwithstanding these provisions, this bill would provide that entities receiving an allocation of the funds set aside for regional public waterborne transit agencies, relative to allocations of funds made prior to June 30, 2011, shall have 4 fiscal years from the last day of the fiscal

year in which the funds were received by that entity to expend those funds.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 8879.61 of the Government Code is
2 amended to read:

3 8879.61. (a) (1) Entities described in subdivisions (a), (b),
4 and (c) of Section 8879.57 receiving an allocation of funds pursuant
5 to this article shall expend those funds within three fiscal years of
6 the fiscal year in which the funds were allocated. Funds remaining
7 unexpended thereafter shall revert to the California Emergency
8 Management Agency, as applicable, for reallocation *under this*
9 *article* in subsequent fiscal years.

10 (2) *Notwithstanding paragraph (1), for an allocation of funds*
11 *made prior to June 30, 2011, to an entity described in subdivision*
12 *(b) of Section 8879.57, that entity shall have four fiscal years from*
13 *the last day of the fiscal year in which the funds were received by*
14 *that entity to expend those funds.*

15 (b) Entities that receive grant awards from funds allocated
16 pursuant to subdivisions (b) or (c) of Section 8879.57 are not
17 eligible to receive awards from the funds allocated pursuant to
18 subdivision (a) of Section 8879.57.

19 (c) Funds appropriated for the program established by this article
20 in the Budget Act of 2007 shall be allocated consistent with the
21 allocation schedule established in Section 8879.57.

22 SEC. 2. This act is an urgency statute necessary for the
23 immediate preservation of the public peace, health, or safety within
24 the meaning of Article IV of the Constitution and shall go into
25 immediate effect. The facts constituting the necessity are:

26 In order to ensure that regional public waterborne transit agencies
27 have sufficient time to complete projects using certain
28 transportation bond funds, it is necessary that this act take effect
29 immediately.

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SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(January 6, 2011)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the City Council Chambers, Alameda City Hall, 2263 Santa Clara Ave, Alameda, CA.

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 7:00 p.m. Directors present were Vice Chair Anthony Intintoli and Director Beverly Johnson.

2. REPORT OF BOARD CHAIR

Chair Johnson noted that a public hearing for receiving comments relating to modifying and adopting fare structures for Alameda/Oakland and Harbor Bay ferry services would take place during the meeting at approximately 7:30 p.m.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Executive Director Nina Rannells noted that an Executive Director's Report was available in the board packet and offered to answer any questions.

5. CONSENT CALENDAR

Vice Chair Intintoli addressed a comment on page six of the December 2, 2010 minutes regarding the issue of the Route 200 bus schedule relative to the ferry schedule, clarifying that he believed the bus left closer to half an hour after the ferry and not 10 minutes after the ferry as stated in the minutes. Chair Johnson said that it was around 10 minutes and that she was surprised by this as well.

Public Comment

Marina Secchitano of the Inland Boatman's Union said that on the second paragraph under Item 13 in the December 2, 2010 minutes, the last sentence "mid-day breaks may be another way" should be "that there may be other ways" and requested that "mid-day breaks" be replaced with the word "there."

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

Vice Chair Intintoli made a motion to approve the Independent Auditor's Annual Financial Reports for the Fiscal Year 2009/10. Director Johnson seconded the motion and the item carried unanimously.

6. AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A BAREBOAT CHARTER AGREEMENT WITH THE CITY OF VALLEJO FOR THE USE OF THE VESSEL SCORPIO

Ms. Rannells presented this item requesting Board authorization to enter into a bareboat charter agreement with the City of Vallejo for the use of the vessel *Scorpio*.

Ms. Rannells noted that all four WETA vessels were currently chartered to the City of Alameda, and that this item would allow WETA to reassign *Scorpio* through a bareboat charter agreement with the City of Vallejo. The Vallejo service would then be able to utilize the vessel as a backup in their service as they move into a 12 to 18 month repower and rehabilitation project for two of their boats. She noted that Vallejo had originally proposed substituting buses for a few ferry runs during the day but that WETA had suggested the possibility of utilizing another vessel in order to avoid disrupting the ferry riders in that area. Ms. Rannells said that in the course of discussions, WETA ran *Taurus* on a trial run to Vallejo and found it was about a 10 or 15 minutes longer transit time than the Vallejo vessels and consequently a revised schedule had been worked out that would allow the service to utilize a WETA ferry as a backup. She added that she felt being able to place the vessels where they were needed was a smart thing to do with bareboat charters and that Alameda had agreed to the change and was ready to move forward quickly.

Director Johnson asked if *Scorpio* was not as fast as the current Vallejo vessels. Ms. Rannells confirmed that *Scorpio* would take an additional 10 to 15 minutes transit time between Vallejo and the Ferry Building. Director Johnson voiced concern that the longer transit time would put *Scorpio* at a disadvantage compared to the bus. Vice Chair Intintoli said that during peak commute hours the transit time would be similar.

Public Comment

Ms. Secchitano expressed her support for the effort WETA was making to mitigate the impact on ferry services during Vallejo's vessel repowering, adding that it was a great opportunity for WETA to increase its visibility ahead of the transition process. She said that her impression from the crews was that the regular commuters were reassured by WETA's responsiveness to Vallejo's need for a backup vessel.

Vice Chair Intintoli agreed, noting that he had been approached by one of the passengers instrumental in an outreach effort to WETA who shared a similar sentiment. He added that he hoped that this would head off any scenarios similar to the ridership drop several years ago that followed fare increases and inspired regular riders to organize carpool alternatives.

Ms. Rannells noted that she had received a copy of a petition letter that an independent group of Baylink ferry riders had sent to the City of Vallejo expressing a clear preference for the ferry over the bus service. She noted that the riders were organized and well educated about the service and that she looked forward to their ongoing suggestions in response to the challenges that any extra costs resulting from bringing in an extra ferry may bring. Vice Chair Intintoli agreed.

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

7. PUBLIC HEARING TO RECEIVE PUBLIC COMMENTS RELATED TO MODIFYING AND ADOPTING FARE STRUCTURES FOR ALAMEDA/OAKLAND AND HARBOR BAY FERRY SERVICES

Chair Johnson noted that it was 7:30 p.m. and opened the scheduled public hearing to consider public comments on a proposal to adopt the existing Harbor Bay fare structure and adopt the modified Alameda/Oakland fare structure with the following three changes:

1. Increase the discount for seniors, disabled and Medicare card holders for Transbay service to San Francisco to be 50% of the base fare, thereby reducing this fare from \$3.75 to \$3.10, in conformance with Federal Transit Administration half fare requirements.
2. Establish a discounted category for seniors, disabled, and Medicare card holders for the Short Hop and set the fare to be \$0.75 which is 50% of the base fare of \$1.50, in conformance with Federal Transit Administration half fare requirements.
3. Increase all fares for AT&T Park special ferry service by \$0.25 per one-way ticket for the FY 2011 baseball season, to address the Port of San Francisco's newly established per passenger fee of \$0.25 to embark and debark at AT&T Park.

Chair Johnson then invited public comment, asking speakers to clearly state their names and city of residence for the record and to keep comments to three minutes or less.

There were no comments and Chair Johnson closed the public hearing.

8. APPROVE THE PURCHASE OF MARINE TERMINAL OPERATIONS AND PROPERTY INSURANCE POLICIES FOR MAIN STREET AND HARBOR BAY FERRY TERMINALS

Operations Manager Keith Stahnke introduced this item requesting Board approval for the purchase of Marine Terminal Operators Liability insurance and property insurance for the floats, gangways and pilings at the Main Street and Harbor Bay ferry terminals in Alameda.

Mr. Stahnke noted that these policies were currently held by the City and that WETA's purchase of the policies would assist with a seamless service transition. He added that the policies included the parking lots and most landside facilities as well as the terminals at Alameda Main St. and Harbor Bay terminals, and that after exploring multiple options along with the City of Alameda it was agreed that WETA procuring the policies directly would be the best approach.

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

9. AUTHORIZE THE EXECUTIVE DIRECTOR TO ENTER INTO A FUNDING AGREEMENT WITH THE ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR MEASURE B SALES TAX FUNDS TO SUPPORT ALAMEDA FERRY SERVICES

Policy Analyst Lauren Duran introduced this item requesting the Board to authorize the Executive Director to enter into a funding agreement with the Alameda County Transportation Commission for Measure B sales tax funds to support Alameda ferry services.

Ms. Duran reviewed the history of the Measure B funds, noting that the transfer of these funds would be one of the administrative tasks required prior to the close of the escrow period for the transfer of the Alameda services to WETA.

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

10. MODIFY AND ADOPT FARE STRUCTURES FOR ALAMEDA/OAKLAND AND HARBOR BAY FERRY SERVICES

Manager of Planning and Development John Sindzinski introduced this item regarding adoption of the existing Harbor Bay fare structure and a modified Alameda/Oakland fare structure. He noted that this item was a follow up to the Public Hearing held earlier in the meeting.

Mr. Sindzinski noted that the Public Hearing had been publicized through notices placed in the Bay Crossings ferry rider publication as well as onboard the Alameda/Oakland and Harbor Bay vessels and the watertransit.org website. He reported that no comments had been received from the public, written or otherwise.

Additionally, Mr. Sindzinski stated that in accordance with the Transition Plan staff had appeared before the Alameda City Council on Tuesday, December 28 to present the fare structure proposal for consideration and had received no comment.

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

11. UPDATE ON REQUEST FOR PROPOSALS FOR WATER TRANSIT SYSTEM OPERATION

Ms. Rannells introduced this informational item updating the Board on the status of the Request for Proposals for ferry service operations as outlined in WETA's transition plan. She noted that the plan identified a process for transitioning services under WETA's regional authority that involved first taking over existing city operating contracts and then re-bidding these services for award to a single contract operator.

Ms. Rannells said WETA staff had been putting a great deal of effort into preparing the RFP with assistance from Ben Porter, who was servicing as a planning consultant, adding that the planned timeline would have the new contract awarded and effective as early as July 1, 2011. She noted that a draft RFP for industry review could be out as soon as the next week and that a request for authorization to release the final RFP was planned for the February meeting.

Public Comment

Ms. Secchitano noted that she hoped that the final RFP would include a requirement for retention of the workers.

12. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 7:45 p.m. Upon reopening of the meeting at 8:20 p.m., she reported that no action had been taken.

13. PUBLIC COMMENT

Ms. Secchitano reiterated her previous comment, adding that many workers currently employed in the ferry system had service histories as long as 35 years. She further stressed the importance of training that goes into being able to do their jobs safely and effectively. She added that with impending changes in the system, maintaining the consistency of the workers was extremely important. Ms. Secchitano also said that she believed 13(c) provided some protection to the workers but that most importantly she wanted to convey the human element of the transition and that everybody was following the situation closely with a concern over employment stability.

Chair Johnson thanked Ms. Secchitano for her comment.

14. ADJOURNMENT

All business having concluded, the meeting was adjourned at 8:26 p.m.

Respectfully Submitted,
Board Secretary

MEMORANDUM

TO: Board Members

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

**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 2010-11 Proposition 1B Waterborne grant program:

- 1) Approve a list of FY 2010-11 Proposition 1B Waterborne projects for transmittal to the California Emergency Management Agency; and
- 2) Authorize the Executive Director, Attorney and Finance and Grants Manager to execute grant program documents required to obtain funding.

Background

Proposition 1B funds in the amount of \$25 million were authorized as a part of the FY 2010-11 state budget for projects that 1) provide increased protection against a security or safety threat and 2) increase the capacity of waterborne transit agencies to provide disaster response. The funds made available in FY 2010-11 represent the fourth year increment of a total of \$250 million authorized for the waterborne element of the Proposition 1B program. Pursuant to California Government Code Section 66540.8, as set forth in SB 976, WETA is the designated recipient of these funds which are managed through the California Emergency Management Agency (Cal EMA).

Discussion

Cal EMA has issued program guidelines for the \$25 million FY 2010-11 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 draft guidelines identify the following program schedule:

- o WETA Project Investment Justifications Due to Cal EMA – March 7, 2011
- o Cal EMA Project Selection and Award – March 31, 2011
- o Financial Management Workbooks Due to Cal EMA – May 16, 2011

Staff has compiled the following recommended program of projects for FY 2010-11 Proposition 1B funding:

<u>Project</u>	<u>Amount</u>
1. Operations/Maintenance Facilities	\$12,000,000
2. San Francisco Berthing Facilities	\$ 8,000,000
3. Berkeley Ferry Terminal & Vessels	<u>\$ 5,000,000</u>
Total	<u>\$25,000,000</u>

This program provides partial funding for a set of projects that serves to expand service capacity on the San Francisco Bay and construct key facilities needed to support operations; both of which are integral to WETA's mandate to develop and operate a regional ferry system to serve regular and emergency response transportation needs. A more detailed description of these projects, as well as a comprehensive view of all Proposition 1B allocations, is provided in **Attachment A** to this report.

The next steps in the grant process include Cal EMA's review and approval of the program of projects and WETA's submittal of the Financial Management Forms Workbook, Board Resolution and program Grant Assurances to Cal EMA. Consistent with Cal EMA's requirements, the recommended Board action includes establishing agency positions with the authority to carry out these administrative tasks, including executing the program Grant Assurances as contained in **Attachment B** to this report.

While Cal EMA's program schedule provides for award of funds in March, the actual availability of project funds is subject to future state bond sales which are not scheduled at this juncture and could be many months out.

Fiscal Impact

This item supports actions necessary to secure \$25 million FY 2010-11 Proposition 1B funds to support WETA's capital program.

END

Attachment A
Proposition 1B Program of Projects

	Recommended FY2010-11 Prop 1B Amount	Prior Year Prop 1B	Total Prop 1B	FY2010-11 Project Notes
Projects Recommended for Funding				
1. Preliminary Investigation/Environmental Review Redwood City Antioch Richmond Martinez		3,250,000	3,250,000	Funds secured are being used to 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. Plans, Specifications, Engineering and Final Design Berkeley / Hercules Terminal	-	5,500,000	5,500,000	This project provides funds to help support the creation and issuance of the architectural and engineering drawings, plans specifications and standards to build the WETA ferry terminals in the cities of Berkeley and Hercules, upon WETA completion of environmental requirements and approval to move forward with these terminals.
3. Construction Terminal and Vessels for South San Francisco	-	10,000,000	10,000,000	This project will support the construction of terminal facilities in SSF/Oyster Point and two 199-passenger ferry vessels to operate to/from this facility.
Terminal and Vessels for Berkeley	5,000,000	5,000,000	10,000,000	This project provides funds to support the construction of terminal facilities in Berkeley and two ferry vessels to operate to/from this facility, upon completion of environmental requirements and Board approval to move forward with this terminal.
4. Core Facilities SF Berthing Facilities	8,000,000	9,000,000	17,000,000	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. Based on current cost estimates, this application, for \$8 million, will provide the funding required to construct Gate A, which will be used for the Berkeley to San Francisco ferry service.
Maintenance Barge, Floats & Ramps		15,250,000	15,250,000	This project is multi-faceted and focuses on development of expanded core floating facilities required to support operation and maintenance of exiting and planned services and, ultimately, expand 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.
Operations/Maintenance Facilities	12,000,000	27,000,000	39,000,000	This project provides funds to advance Central and North Bay maintenance facility projects, including both landside facilities and floats as required. Funds requested in this application will be used to support the construction of these facilities.
Total Recommended Program	25,000,000	75,000,000	100,000,000	

Attachment B

FY 2010-2011 Transit System Safety, Security and Disaster Response Account Program

Grant Assurances

Name of Application: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: (____) _____

E-Mail Address: _____

As the duly authorized representative of the applicant, I certify that the application 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 Emergency Management Agency (CalEMA).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.
3. Will give the State of California generally and CalEMA 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 CalEMA directives.
4. Will provide progress reports and such other information as may be required by CalEMA.
5. Will initiate and complete the work within the applicable time frame after receipt of CalEMA 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 statues 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. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - j. 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 CalEMA, 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 CalEMA;
 - 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. CTSGP-RPWT funds must be kept in a separate interest bearing account. Any interest that is accrued must be accounted for and used towards the approved Prop 1B project approved by CalEMA.
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. 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 Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
17. Will comply with all applicable requirements, and all other California and federal laws executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.
18. 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; and
 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.

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.

19. Will retain records for three years after notification of grant closeout by the State.
20. Will comply with the audit requirements set forth in the Office of Management and Budget (OMB) Circular A-133, "Audit of States, Local Governments and Non-Profit Organizations."
21. Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations.
22. Grantees and subgrantees will comply with their own contracting procedures or with the California Public Contract Code whichever is more restrictive.
23. Grantees and subgrantees will maintain procedures to minimize the time elapsing between the award of funds and the disbursement of funds.

As the duly authorized representative of the application, 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: _____

MEMORANDUM

TO: Board Members

**FROM: Nina Rannells, Executive Director
John Sindzinski, Manager, Planning & Development**

SUBJECT: Update on Implementing Clipper Card Regional Electronic Fare Instrument

Recommendation

There is no recommended action associated with this informational item.

Background

WETA is currently in discussions with MTC to implement Clipper for the new South San Francisco ferry service and other WETA ferry services as possible. This item provides relevant background information and a status update on Clipper implementation requirements.

Clipper (formerly TransLink) is a fare payment program for transit operators in the San Francisco Bay Area developed and managed by MTC. The intent of the Clipper program is to enhance the convenience of transit by providing passengers with an all-in-one reloadable transit fare payment card that can be used on any transit system operating within the region. To date, Clipper is operational on six of the seven large transit systems in the region, including AC Transit, Golden Gate Transit and Ferry, BART, Caltrain, MUNI and Samtrans, and will be implemented on VTA's system shortly. As of December 2010, approximately 320,000 transit boardings per day were made using Clipper.

During the next phase of Clipper program development, MTC will be working with small transit operators in the region to implement Clipper. Staff and MTC have initiated early discussions concerning Clipper, with the intention of potentially timing Clipper implementation to coincide with construction of the South San Francisco terminal and initiation of South San Francisco service in order to minimize implementation costs.

Staff expects that the implementation of Clipper will provide several benefits to WETA's regional system by providing a fare mechanism that supports seamless intermodal transfers to and from services, improves fare payment and cash handling processes and enhances customer convenience.

Discussion

In order to proceed with implementing Clipper, WETA will need to enter into a cooperative agreement with MTC that defines each agency's responsibilities, including WETA's budget for the project and MTC's contract administration of the Master Agreement with the Clipper program contractor, Cubic Transportation Systems, Inc. Staff has secured consultant services from Booz Allen Hamilton through an on-call planning agreement with Jacobs Engineering to assist WETA in executing the cooperative agreement and implementing Clipper. Booz Allen Hamilton has

extensive experience with Clipper through its work in implementing Clipper for Golden Gate Transit, Santa Clara VTA and BART.

As a first task, staff has instructed Booz Allen Hamilton to assist with developing draft business rules and Clipper fare collection equipment needs for WETA. The development of draft business rules will require that WETA define various attributes of its Clipper implementation, including fare payment configuration (single tag vs. dual tag), fare categories (e.g. Senior Disabled, Youth, etc.), fare products (e.g. one-way, monthly pass, etc.), inter-agency transfers (e.g. transfers to AC Transit, MUNI, etc.) and minimum and negative balance policies. Once WETA has developed draft business rules and defined equipment needs, Booz Allen Hamilton will provide WETA with a cost estimate for the project.

Staff anticipates bringing an item to the Board in April requesting approval of the draft business rules and authority for the Executive Director to execute a cooperative agreement with MTC for Clipper implementation. Upon execution of the cooperative agreement, Booz Allen Hamilton will assist WETA and MTC with finalizing a change order with Cubic that will define the scope of work and cost for WETA's Clipper implementation. Once a Notice to Proceed has been issued by MTC for the change order, a minimum of six months lead time will be required until Clipper is revenue ready as a fare collection instrument for the South San Francisco ferry service.

END