



**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 February 4, 2010 at 1:00 P.M.*  
**San Francisco Bay Area**  
**Water Emergency Transportation Authority**  
Pier Nine, Suite 111  
San Francisco

*The full agenda packet is available for download at [www.watertransit.org](http://www.watertransit.org).*

**AGENDA**

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

**PUBLIC 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>    | <b><i>Information</i></b> |
| 2. <u>ROLL CALL/PLEDGE OF ALLEGIANCE</u> | <b><i>Information</i></b> |
| 3. <u>REPORT OF BOARD CHAIR</u>          | <b><i>Information</i></b> |
| 4. <u>REPORTS OF DIRECTORS</u>           | <b><i>Information</i></b> |
| 5. <u>REPORTS OF STAFF</u>               | <b><i>Information</i></b> |
| a. Executive Director's Report           |                           |
| b. Legislative Update                    |                           |

**Water Emergency Transportation Authority**  
**February 4, 2010 Meeting of the Board of Directors**

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6. CONSENT CALENDAR **Action**
    - a. Minutes January 7, 2010
    - b. Approval of Travel by Director to Washington, DC
  
  7. INFORMATIONAL PRESENTATION **Information**
    - a. Broadway Corridor – Jack London Transit Shuttle
  
  8. AUTHORIZE RELEASE OF A REQUEST FOR PROPOSAL (RFP) FOR PIER 9 CONSTRUCTION CONTRACT AND A REQUEST FOR QUALIFICATIONS (RFQ) FOR RELATED CONSTRUCTION MANAGEMENT SERVICES **Action**
  
  9. APPROVE VESSEL UTILIZATION PLAN AND ASSOCIATED AGREEMENTS **Resolution**
  
  10. AUTHORIZE RELEASE OF A REQUEST FOR QUALIFICATIONS (RFQ) FOR INSURANCE BROKERAGE AND CONSULTING SERVICES **Action**
  
  11. APPROVE PROPOSITION 1B PROGRAM OF PROJECTS AND AUTHORIZE AGENCY OFFICIALS TO EXECUTE PROGRAM REQUIREMENTS **Resolution**
  
  12. RECESS INTO CLOSED SESSION
    - a. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**

Property: City of Alameda ferry terminal related property/assets  
Agency Negotiators: Nina Rannells and John Sindzinski, San Francisco Bay Area Water Emergency Transportation Authority  
Negotiating Parties: City of Alameda  
Under Negotiation: Terms and conditions to the transfer of property with the City of Alameda for the Alameda Oakland and Harbor Bay Ferry Services

**To Be Determined**
  
    - b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS **Action**

Property: City of Vallejo ferry terminal related property/assets  
Agency Negotiators: Nina Rannells and John Sindzinski, 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

**To Be Determined**
  
  13. 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**
  
  14. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS
- ADJOURNMENT

**Water Emergency Transportation Authority**  
**February 4, 2010 Meeting of the Board of Directors**

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

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

TO: WETA Board Members  
FROM: Nina Rannells, Executive Director  
DATE: February 4, 2010  
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.

WETA met with City of Alameda staff on January 8 and 20 and February 3, to continue discussions on the terms of the Alameda ferry service transition. WETA and Alameda staffs and legal counsels have agreed to meet bi-weekly in order to facilitate meeting the target transition date of July 1, 2010. WETA staff has worked over the past month to receive key contracts and other service and asset documents from the City of Vallejo that are pertinent to the Vallejo transition work.

**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. WETA is currently working on setting up the communication system in the emergency operations center and continues to develop and implement a training program to staff and operate the center in the event of a disaster. Staff is also working on coordinating the agency's participation in an emergency response exercise, conducted by MTC, which will be held in parallel with the Golden Guardian exercise in May.

**Spare Vessels** - Two spare vessels, *Gemini* and *Pisces*, have been constructed by Nichols Brothers Boat Builders, Ice Floe DBA and Kvichak Marine Industries, that will be used to augment existing services and expand WETA's emergency response capabilities. Both of these vessels are chartered to the City of Alameda and are currently being utilized in Alameda-Oakland, Tiburon and Alameda Harbor Bay 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 two new 199-passenger vessels for this service by Kvichak Marine Industries and Nichols Brothers Boat Builders, Ice Floe DBA is well underway. The first of the South San Francisco vessels, *Scorpio*, entered the San Francisco Bay in December, 2009. The vessel will be utilized on the Harbor Bay Ferry route and will be ready for service in the beginning of February. The second vessel, *Taurus*, is scheduled to be completed in April.

The RFPs for terminal and float construction contracts were released on November 9 and a total of 12 proposals were received from six firms, each of which submitted a proposal for both contracts. The project evaluation team met and short listed 4 firms (8 proposals) as being in the competitive range and asked them to submit price proposals which are due on February 8. The staff recommendation for award of the two contracts will be developed from its analysis of these proposals along with the qualification statements and is scheduled to come to the Board for approval in April.

**Berkeley Ferry Service** – This service will provide an alternative transportation link between Berkeley and downtown San Francisco.

Staff is now working with its design and EIR consultant to prepare the draft final EIR/EIS. The current schedule would have these documents for adoption by the WETA Board in Fall 2010.

**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.

The City of San Francisco is currently conducting the environmental assessment of the Treasure Island development and related new ferry services. A draft document is expected late this year. WETA is the lead agency for the design work of the ferry terminal and awarded a contract to Skidmore Owens & Merrill, LLP in January 2009. Consultants are currently finishing up the conceptual design, which will be completed in early 2010. In December 2009, the City of San Francisco announced that a deal has been reached with the U.S. Navy to purchase the Treasure Island development site for a guaranteed payment of \$55 million, followed by an interim payment of another \$50 million. The finalization of this deal represents a major project milestone in advancing the proposed development, which includes construction of a new ferry terminal.

Staff is working with the City and the developers to refine a conceptual plan for the terminal and vessels that is economically feasible and meets demands for ferry service to and from the Island in both the short and long term. The plan includes the possibility of a temporary service and terminal for the first few years until residential densities reach a level sufficient to make construction of the permanent facility financially feasible.

**Downtown San Francisco Ferry Berthing Expansion** - This project will expand ferry berthing capacity at the San Francisco Downtown Ferry Terminal to accommodate expanded regular and emergency response ferry services. The current capacity at this terminal can only sustain the addition of the Berkeley-to-San Francisco route; any other route will require further terminal capacity.

Staff is working to finalize a memorandum of understanding (MOU) with the Port of San Francisco to outline the working relationships and responsibilities for the design and environmental clearance work. Staff anticipates releasing the RFQs for this work in mid-February with the expectation that the award would be made at the April 2010 Board of Directors meeting.

**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. In June 2008, the Board adopted a Final Mitigated Negative Declaration for the Pier 9 Layover Ferry Berth Facility and filed a Notice of Determination as provided in Section 15075 of the State CEQA guidelines, and staff has since worked to secure required permits and

finalize project design. Items seeking Board authorization to release an RFP for project construction and an RFQ for construction management support are included on the Board agenda this month.

**Central Bay Operations and Maintenance Facility** - This project will develop a site for WETA operations and maintenance to serve basic vessel fueling, maintenance, shop, warehouse, storage and emergency operations needs.

In January 2010, a Phase 1 Environmental Site Assessment was completed, which concluded that there were no obvious indications of significant contamination on the site, but recommended that additional sampling may be required. Consultants are currently preparing a preliminary conceptual design that is scheduled for completion in April 2010. Staff is in the process of determining whether or not to pursue implementation of a temporary maintenance facility as part of this project based on cost and scheduling factors.

**Hercules Environmental Review/Conceptual Design** - WETA has worked cooperatively with the City of Hercules to prepare the necessary environmental documents to support new ferry service in coordination with a Capitol Corridor commuter train station (and local feeder bus service) in a new Water Transit Oriented Development (WaTOD) being built at the Hercules waterfront.

Impact Sciences has completed the Administrative draft environmental assessment. FTA is now requiring the document be a complete EIS and that will add significant time to complete, including the federally mandated review processes for this level of an environmental document. Therefore the analysis will not be complete until 2010. The City of Hercules advised WETA that it has decided to complete its own environmental assessment for the Capitol Corridor station project as this is a "fast track" project for the City that needs to be in construction in 2010. The City will continue to work with WETA as we complete the ferry terminal portion of the EIR/EIS.

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

WETA has chosen 4 consultants to conduct environmental assessments for ferry terminals in the above cities. All four environmental assessments have been on hold since December 2008, due to the State's suspension of Proposition 1 B funds. Staff has been in regular contact with CalEMA to discuss options for ensuring that once work is resumed, expense reimbursements will flow within a reasonable timeframe. Given the continued uncertainty in the State 1B funding, staff is considering options for moving these projects forward with alternative fund sources or cash flow mechanisms. Once funding cash flow issues are resolved and firms are hired to complete the complementary conceptual design work, each assessment should take approximately 18 months to complete.

#### **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.

Design of Phase A of the parking structure is 100% complete and bid advertisement is scheduled for January 29, 2010, with a planned bid opening of March 4, 2010. The City Council has approved the transfer of title of the parking structure property from the Redevelopment agency to the City. All funding sources for the Parking Structure Phase A have been secured. A purchase agreement to purchase the post office property is currently in escrow and meetings with USPS personnel regarding relocation are underway. Design of Phase B of the Parking Structure is in the final design stage with construction start date being dependent on the relocation of the post office property and full funding for this phase. Site work and utility construction continues on the Bus Transit Center with an anticipated construction end date of January 31, 2011.

**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 (2 week supply) and delivery system. Phase 2 includes construction of a system of floats and piers designed in a modular fashion to accommodate future growth of the fleet, 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 (including lead dust abatement), and security installations. The design consultants, Winzler & Kelly, finished the conceptual design for all three phases in August 2005.

In anticipation of WETA taking over ferry operations from the City of Vallejo, WETA Staff reviewed the project in early 2009 and recommended that five specific areas of the plan be re-studied/amended including fuel tank storage options, modular construction of vessel berths, options to address BCDC global warming criteria, re-examining if continuing renovation of building 165 is optimal, and revising lead dust abatement cost estimates.

Lennar (landlord of the site) and City of Vallejo, in consultation with WETA, are currently working on a Facilities Lease Agreement which would allow for berthing of up to six vessels at the site. Lennar recently informed the City of Vallejo that the environmental remediation in and around the future ferry maintenance facility site may be delayed by up to one year; the impact of such a delay is currently being evaluated. Winzler & Kelly will be working toward the 50% design packages for all three phases shortly.

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

On January 6, Leamon Abrams attended the San Francisco Chamber of Commerce Policy Committee Meeting.

On January 6, Leamon Abrams met with Maria Martinucci, Chief Executive Officer, South San Francisco Chamber of Commerce.

On January 11 through 14, John Sindzinski attended the annual Transportation Research Board conference in Washington DC.

On January 12<sup>th</sup> WETA hosted the Bay Area Outreach Committee DBE Meeting at WETA offices.

On January 12<sup>th</sup>, Keith Stahnke attended the Ferry Operations Work Group meeting hosted by WETA.

On January 14, Nina Rannells participated in a meeting with the Senate Transportation Appropriations Committee staff held at Kvichak Marine Industries' facilities in Seattle WA

On January 14<sup>th</sup>, Keith Stahnke attended the MTC Trans Response Plan Steering Committee meeting.

On January 26 WETA co-hosted a Business Outreach Committee Technical Assistance Workshop For DBEs held at MTC.

On January 27<sup>th</sup> WETA staff convened a Water Transit Advocates for San Mateo County Meeting at South San Francisco's City Hall.

On January 27<sup>th</sup>, Mike Gougherty presented a report on the Berkeley Ferry Terminal to the Berkeley Energy Commission.

## **OTHER ACTIVITIES / ITEMS**

**WETA Reserves/Regional Measure 2 Funds** – Staff continued discussions with MTC staff and their bond counsel and financial consultants to explore options for addressing WETA cash flow needs associated with implementing our capital program. This issue relates to the need to have access to cash reserves to support payment of capital invoices prior to receiving grant reimbursements for projects. This discussion has been ongoing with MTC for a number of months, and staff hopes to be in a position to bring forward a solution, or list of options, for Board discussion and action in March.

**Proposition 1B Funds** – On September 10, 2009, WETA received notice from CalEMA indicating that the Treasurer's Office has approved a loan that allows WETA projects approved under the FY2007/08 and FY2008/09 Prop 1B program can move forward. CalEMA also advised staff that grant expenditure reimbursement should be received within an 8 weeks timeframe. However, we are finding that the reimbursement timeframe is variable, taking as long as four to six months. At the January meeting, staff reported out that CalEMA staff stated that WETA project funds were included in previous bond sales and that the details of these bond sales should be sorted out in Sacramento by mid January.

**AB 1203** – This bill directs the State to provide Proposition 1B waterborne funds to WETA on an up-front, as opposed to reimbursement basis similar to the way in which the majority of Proposition 1B safety/security funds are managed to other organizations throughout the state. AB 1203 was signed by the Governor on October 11, 2009. Staff is working with members of the State Legislature and CalEMA to ensure that the provisions included in this legislation are applied retroactively to all Proposition 1B funding commitments made to WETA, consistent with the intent of the legislation.

**Prevailing Wage** – On July 1, 2009 staff sent a letter to the Department of Industrial Relations (DIR) asking whether or not prevailing wage laws apply to passenger ferry operations on the San Francisco Bay and if DIR can conduct a special determination even if prevailing wage laws do not apply. On July 14 WETA received a letter from DIR stating that WETA is not required by state law to pay prevailing wage for ferry operations work. DIR issued a draft special determination for prevailing wages for regular ferry operations on the San Francisco Bay. DIR is still awaiting information from IBU on their members health care plan selection before they issue a final determination. Once DIR issues the final determination, WETA will analyze the potential impact of a prevailing wage policy on existing services for discussion at a future meeting.

## **ADMINISTRATION**

**December Financial Statements** - Attached are the monthly financial statements for December 2009, including the Statement of Revenues and Expenses and the Capital Budget vs. Expenditures reports.

**Summary of Capital Grant Funds** - A summary of capital grant funds for WETA projects is attached to this report.

**Water Emergency Transportation Authority**  
**FY2009/10 Statement of Revenues and Expenses**  
**December 2009**

	Current Month	Prior Year Actual	FY 2009/10 Budget	FY 2009/10 Actual	% of Budget
% of Year Elapsed 50%					
<b>Operating Revenues</b>					
<b>Operating Assistance</b>					
RM 2 Planning	268,206	3,656,290	4,500,000	1,493,633	33.2%
SUASI		173,802	-	26,198	0.0%
<b>Total Operating Assistance</b>	268,206	3,830,092	4,500,000	1,519,831	33.8%
<b>Other Revenues</b>					
Interest Income	558	34,643	30,000	7,218	24.1%
Other	-	51,500	-	1,000	0.0%
<b>Total Other Revenues</b>	558	86,143	30,000	8,218	27.4%
<b>Total Operating Revenues</b>	268,764	3,916,235	4,530,000	1,528,048	33.7%
<b>Total Capital Revenues</b>	1,571,728	17,675,940	35,816,070	5,088,503	14.2%
<b>Total Revenues</b>	1,840,492	21,592,175	40,346,070	6,616,551	16.4%
<b>Operating Expenses</b>					
<b>Operations</b>					
Wages and Fringe Benefits	134,620	1,294,230	1,590,000	686,198	43.2%
Services	107,171	2,164,056	2,370,000	641,374	27.1%
Materials and Supplies	438	29,045	92,500	3,249	3.5%
Utilities	1,009	12,847	17,000	4,255	25.0%
Insurance	-	30,352	35,000	28,216	80.6%
Miscellaneous	1,168	41,170	95,500	18,186	19.0%
Leases and Rentals	23,800	295,942	300,000	138,353	46.1%
<b>Total Operations</b>	268,206	3,867,643	4,500,000	1,519,831	33.8%
<b>Total Operating Expenses</b>	268,206	3,867,643	4,500,000	1,519,831	33.8%
<b>Total Capital Expenses</b>	1,571,728	17,675,940	35,816,070	5,088,503	14.2%
<b>Total Expenses</b>	1,839,934	21,543,583	40,316,070	6,608,333	16.4%
<b>Excess Revenues (Loss)</b>	558	48,592	30,000	8,218	

**Water Emergency Transportation Authority  
FY 2009/10 Capital Budget vs Expenditures  
December 2009**

<b>Project Description</b>	<b>Current Month</b>	<b>Project Budget</b>	<b>Prior Year Actual</b>	<b>2009/10 Budget*</b>	<b>2009/10 Actual</b>	<b>Future Year</b>	<b>% of Project</b>
<b>Expenses</b>							
2 Spare Vessels	1,444	17,000,000	16,758,493	241,507	7,677	-	99%
SSF Vessels	881,008	20,500,000	11,441,898	7,000,000	3,661,313	2,058,102	74%
SSF Terminal Design	-	3,000,000	2,794,926	205,074	57,288	-	95%
SSF Mitigation Study	4,254	275,000	35,581	100,000	4,254	139,419	14%
SSF Terminal Construction	599,780	26,000,000	-	15,000,000	1,202,527	11,000,000	5%
Berkeley Environ/Conceptual Design	12,689	1,782,700	1,490,239	292,461	57,235	-	87%
Berkeley Terminal Design	-	3,200,000	-	1,500,000	-	1,700,000	0%
Hercules Environ/Conceptual Design	10,085	1,080,000	908,016	171,984	30,146	-	87%
Pier 9 Mooring/Floats	57,502	2,750,000	237,562	2,512,438	57,502	-	11%
Environmental Studies/Conceptual Design	-	3,000,000	56,000	1,500,000	-	1,444,000	2%
Central Bay Ops/Maintenance Facility	4,966	2,600,000	7,394	2,592,606	10,561	-	1%
Maintenance Barge, Floats & Ramps	-	5,000,000	-	3,500,000	-	1,500,000	0%
S.F. Berthing - Environ/Conceptual Design	-	2,500,000	-	1,200,000	-	1,300,000	0%
<b>Total Capital Expenses</b>	<b>1,571,728</b>	<b>88,687,700</b>	<b>33,730,110</b>	<b>35,816,070</b>	<b>5,088,503</b>	<b>19,141,520</b>	
<b>Revenues</b>							
RM 2	354,911	37,887,699	30,960,852	5,996,429	2,320,662	930,418	88%
San Mateo County Sales Tax	151,012	15,000,000	-	8,653,950	284,153	6,346,050	2%
Federal	826,391	9,480,002	2,705,864	4,174,100	1,275,011	2,600,038	42%
Proposition 1B	239,414	26,319,999	63,395	16,991,590	1,208,677	9,265,014	5%
<b>Total Capital Revenues</b>	<b>1,571,728</b>	<b>88,687,700</b>	<b>33,730,110</b>	<b>35,816,070</b>	<b>5,088,503</b>	<b>19,141,520</b>	

**San Francisco Bay Area Water Emergency Transportation Authority  
Capital Grants - Summary  
Through 12/31/2009**

Project Description	Total					
	Federal	State	Local	Total	Secured Thru 12/31/09	Expended Thru 12/31/09
<b>Preliminary Investigation/Environmental Review</b>						
Redwood City, Antioch, Richmond, Martinez, Hercules and Others <i>Funds to support environmental studies and related conceptual design work for the development of the WETA system and new ferry terminal and services from these cities.</i>	-	3,250,000	4,013,000	7,263,000	5,259,100	1,811,972
<b>Core Facilities</b>						
Pier 9 Mooring/Floats <i>This project includes design and implementation of mooring improvements/floats at the Pier 9 facility.</i>	-	250,000	2,500,000	2,750,000	2,750,000	21,500
Maintenance Barge, Floats & Ramps <i>The project supports the purchase/construction of floats and ramps to support system maintenance and operation needs. This project also includes the development of a maintenance barge facility that can be stationed in the SF/East Bay area and used for basic maintenance activities.</i>	-	15,000,000	-	15,000,000	4,750,000	-
San Francisco Berthing <i>This project will expand ferry berthing capacity at the San Francisco ferry building in order to accommodate expanded regular and emergency response ferry services.</i>	-	4,000,000	18,450,000	22,450,000	4,000,000	-
Operations/Maintenance Facilities <i>This project provides funds to support the development of Central Bay and North Bay maintenance facility projects, including both landside facilities and floats as required.</i>	-	12,000,000	-	12,000,000	12,000,000	-
<b>Construction of New Ferry Services</b>						
South San Francisco Ferry Service <i>This project supports the construction of a new ferry terminal at Oyster Point and the purchase of two vessels to provide access to biotech jobs in South San Francisco for East Bay residents.</i>	17,199,300	10,000,000	30,025,000	57,224,300	54,224,300	27,011,347
Berkeley Ferry Service <i>This project supports the construction of a new ferry terminal in Berkeley and the purchase of two vessels. The Berkeley-to-San Francisco service will provide an important link between Berkeley and downtown San Francisco.</i>	6,117,300	5,500,000	15,012,000	26,629,300	5,000,000	1,546,185
Redwood City Ferry Service <i>These funds are to support the construction of a new ferry terminal in Redwood City.</i>	-	-	15,000,000	15,000,000	-	-
<b>Passenger Ferry Vessels</b>						
2 Spare Vessels <i>Funds are used to support the purchase of two 149-passenger spare vessels for use in existing and planned expansion services and to be available to support emergency response needs and services.</i>	-	-	17,000,000	17,000,000	17,000,000	16,612,100
Transbay Commute Ferry Vessels <i>Funds will support the purchase of two passenger vessels for transbay ferry services.</i>	-	-	12,000,000	12,000,000	3,000,000	-
<b>TOTAL</b>	<b>23,316,600</b>	<b>50,000,000</b>	<b>114,000,000</b>	<b>187,316,600</b>	<b>107,983,400</b>	<b>47,003,105</b>

**San Francisco Bay Area Water Emergency Transportation Authority  
Capital Grants - Detail  
Through 12/31/2009**

Project Description	Federal			State - Prop 1B		
	Awarded	Secured	Expended Thru 12/31/09	Awarded	Secured	Expended Thru 12/31/09
<b>Preliminary Investigation/Environmental Review</b>						
Redwood City, Antioch, Richmond, Martinez, Hercules and Others <i>Funds to support environmental studies and related conceptual design work for the development of the WETA system and new ferry terminal and services from these cities.</i>				3,250,000	2,259,100	56,000
<b>Core Facilities</b>						
Pier 9 Mooring/Floats <i>This project includes design and implementation of mooring improvements/floats at the Pier 9 facility.</i>				250,000	250,000	13,000
Maintenance Barge, Floats & Ramps <i>The project supports the purchase/construction of floats and ramps to support system maintenance and operation needs. This project also includes the development of a maintenance barge facility that can be stationed in the SF/East Bay area and used for basic maintenance activities.</i>				15,000,000	4,750,000	-
San Francisco Berthing <i>This project will expand ferry berthing capacity at the San Francisco ferry building in order to accommodate expanded regular and emergency response ferry services.</i>				4,000,000	4,000,000	-
Operations/Maintenance Facilities <i>This project provides funds to support the development of Central Bay and North Bay maintenance facility projects, including both landside facilities and floats as required.</i>				12,000,000	12,000,000	-
<b>Construction of New Ferry Services</b>						
South San Francisco Ferry Service <i>This project supports the construction of a new ferry terminal at Oyster Point and the purchase of two vessels to provide access to biotech jobs in South San Francisco for East Bay residents.</i>	17,199,300	14,199,300	4,465,500	10,000,000	10,000,000	8,472,200
Berkeley Ferry Service <i>This project supports the construction of a new ferry terminal in Berkeley and the purchase of two vessels. The Berkeley-to-San Francisco service will provide an important link between Berkeley and downtown San Francisco.</i>	6,117,300			5,500,000	3,000,000	
Redwood City Ferry Service <i>These funds are to support the construction of a new ferry terminal in Redwood City.</i>						
<b>Passenger Ferry Vessels</b>						
2 Spare Vessels <i>Funds are used to support the purchase of two 149-passenger spare vessels for use in existing and planned expansion services and to be available to support emergency response needs and services.</i>						
Transbay Commute Ferry Vessels <i>Funds will support the purchase of two passenger vessels for transbay ferry services.</i>						
<b>TOTAL</b>	<b>23,316,600</b>	<b>14,199,300</b>	<b>4,465,500</b>	<b>50,000,000</b>	<b>36,259,100</b>	<b>8,541,200</b>

**San Francisco Bay Area Water Emergency Transportation Authority  
Capital Grants - Detail  
Through 12/31/2009**

Project Description	Local - Regional Measure 2			Local - San Mateo County Sales Tax		
	Awarded	Secured	Expended Thru 12/31/09	Awarded	Secured	Expended Thru 12/31/09
<b>Preliminary Investigation/Environmental Review</b>						
Redwood City, Antioch, Richmond, Martinez, Hercules and Others <i>Funds to support environmental studies and related conceptual design work for the development of the WETA system and new ferry terminal and services from these cities.</i>	4,013,000	3,000,000	1,755,972			
<b>Core Facilities</b>						
Pier 9 Mooring/Floats <i>This project includes design and implementation of mooring improvements/floats at the Pier 9 facility.</i>	2,500,000	2,500,000	8,500			
Maintenance Barge, Floats & Ramps <i>The project supports the purchase/construction of floats and ramps to support system maintenance and operation needs. This project also includes the development of a maintenance barge facility that can be stationed in the SF/East Bay area and used for basic maintenance activities.</i>						
San Francisco Berthing <i>This project will expand ferry berthing capacity at the San Francisco ferry building in order to accommodate expanded regular and emergency response ferry services.</i>	18,450,000	-	-			
Operations/Maintenance Facilities <i>This project provides funds to support the development of Central Bay and North Bay maintenance facility projects, including both landside facilities and floats as required.</i>						
<b>Construction of New Ferry Services</b>						
South San Francisco Ferry Service <i>This project supports the construction of a new ferry terminal at Oyster Point and the purchase of two vessels to provide access to biotech jobs in South San Francisco for East Bay residents.</i>	15,025,000	15,025,000	13,789,447	15,000,000	15,000,000	284,200
Berkeley Ferry Service <i>This project supports the construction of a new ferry terminal in Berkeley and the purchase of two vessels. The Berkeley-to-San Francisco service will provide an important link between Berkeley and downtown San Francisco.</i>	15,012,000	2,000,000	1,546,185			
Redwood City Ferry Service <i>These funds are to support the construction of a new ferry terminal in Redwood City.</i>				15,000,000	-	-
<b>Passenger Ferry Vessels</b>						
2 Spare Vessels <i>Funds are used to support the purchase of two 149-passenger spare vessels for use in existing and planned expansion services and to be available to support emergency response needs and services.</i>	17,000,000	17,000,000	16,612,100			
Transbay Commute Ferry Vessels <i>Funds will support the purchase of two passenger vessels for transbay ferry services.</i>	12,000,000	3,000,000	-			
<b>TOTAL</b>	<b>84,000,000</b>	<b>42,525,000</b>	<b>33,712,205</b>	<b>30,000,000</b>	<b>15,000,000</b>	<b>284,200</b>

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

**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(January 7, 2010)*

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

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

Chair Charlene Haught Johnson called the meeting to order at 1:05 p.m. Directors present were Vice Chair Anthony Intintoli, Director Gerald Bellows and Director John O'Rourke. Director O'Rourke led the Pledge of Allegiance. Director Beverly Johnson arrived at 1:30 p.m.

**2. REPORT OF BOARD CHAIR**

None.

**3. REPORT OF DIRECTORS**

None.

**4. REPORTS OF STAFF**

Executive Director Nina Rannells noted that the Vallejo Station and Maintenance Facility were now included in the Executive Director's report. She reminded the Board that a meeting in Vallejo had been proposed and asked if it should be scheduled in conjunction with a tour of these key facilities. Chair Johnson directed staff to proceed with arrangements for a Board meeting in Vallejo. Vice Chair Intintoli asked that staff make arrangements with the Vallejo Public Works Director to give the Board a presentation and a tour of the Vallejo ferry facilities.

Ms. Rannells then updated the Board on the status of AB 1203 and Proposition 1B funding; reporting that CalEMA would be honoring the intent of the bill and would be advancing funds due WETA from proceeds from the April and November 2009 bond sales. She said that she would receive confirmation on January 20<sup>th</sup> of exactly how and when the money would flow.

Chair Johnson asked that the situation be watched diligently. Ms. Rannells noted that written confirmation would continue to be sought from CalEMA. She noted that WETA continued to await reimbursement of close to \$500,000 for prior work done on projects that were halted due to the earlier freeze on Prop 1B funding and that it was imperative that CalEMA honor the intent of AB 1203 in order to move WETA's program forward, including the South San Francisco project.

**Public Comment:**

John Hummer of MARAD asked specifically what AB 1203 addressed. Ms. Rannells answered that it called for Prop 1B funding to be paid to WETA on an upfront basis rather than a reimbursement basis.

Chair Johnson asked if there was a legislative update. Ms. Rannells noted that the Board packet included a written report on federal legislative issues from Peter Friedmann, which identified plans to secure additional funds for WETA for the Berkeley service as well as maintenance and operations facilities.

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**5. CONSENT CALENDAR**

Director O'Rourke made a motion to approve the minutes from the December 3, 2009 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

**6. ACCEPT THE INDEPENDENT AUDITOR'S REPORTS FOR FISCAL YEAR 2008/09**

Ms. Rannells presented this item regarding the independent auditor's report for the fiscal year ending June 30, 2009 as required by WETA's Administrative Code. She stated that services were provided by Maze & Associates through WETA's agreement with ABAG for financial services, and introduced Cory Biggs, CEO of Maze & Associates.

Mr. Biggs offered to field questions from the Board and invited them to contact him directly at any time with any questions or concerns. He noted that he was also available to work with staff on the clarity of the reports if needed. He noted that WETA's accounting would be come more complex as the organization transitioned into operations, adding that he was familiar with both the Alameda and Vallejo ferry services. Mr. Biggs indicated that many Boards elect to have a member meet with the auditors during the audit process, as a means to identify questions that the Board has, and offered to integrate such a meeting into the audit process for next year. Vice Chair Intintoli suggested that he would like to add this to WETA's audit process for next year. Ms. Rannells confirmed that this would be added.

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

**7. APPROVE ACTIONS TO PREFUND OTHER POSTEMPLOYMENT BENEFITS USING CALPERS CALIFORNIA EMPLOYERS' RETIREE BENEFIT TRUST (CERBT)**

Ms. Rannells presented this item requesting Board approval to prefund Other Post-Employment Benefits through CalPERS California Employers' Retiree Benefit Trust and authorize the Executive Director to request disbursements from the Other Post-Employment Prefunding Plan. She noted that as a newer agency, an opportunity to pre-fund WETA's future obligations represented a smart approach to the long term financial health and management of WETA's operating expense.

Vice Chair Intintoli said that he thought it was a good idea. Director Johnson arrived and asked if staff looked at the cost differences based upon vesting at 5, 10 and 15 years. Ms. Rannells indicated that the intent of the work was not to consider options for changing exiting benefits, but to address pre-funding the benefits currently offered. Director Johnson requested that staff prepare an overview of current employee benefits. Vice Chair Intintoli concurred and Ms. Rannells said a summary would be brought back to the Board.

Vice Chair Intintoli asked if WETA employees were considered state or local employees in the CalPERS retirement system. Ms. Rannells answered that WETA is considered a local agency.

Director Bellows asked if employees lost service years that count towards retirement benefits when WTA became WETA. Ms. Rannells replied that all employees carried their years over, per WTA Board agreement.

Chair Johnson reiterated the request for staff to present an overview. Chair Johnson and Vice Chair Intintoli suggested that it includes both medical and retirement benefits, and Chair Johnson asked if the current item should be tabled. Ms. Rannells noted that the item at hand was to pre-fund future liabilities and not directly related to the Board's request for a benefit summary. Vice Chair Intintoli agreed and added that he believed pre-funding was a very good idea.

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

**8. APPROVE AMENDMENT NO. 3 WITH WINZLER & KELLY FOR DESIGN SERVICES RELATED TO THE BERKELEY FERRY TERMINAL PROJECT**

Manager of Planning and Development John Sindzinski presented this request for approval of an amendment to the contract with Winzler & Kelly to increase the not-to-exceed budget amount of \$528,000 to \$700,000 and to authorize the Executive Director to execute the contract amendment.

Mr. Sindzinski stated that the amendment would cover the additional work required to complete the Berkeley terminal site EIR/EIS in light of the conditions required by the Berkeley City Council for their support of the project. He noted that the additional work would include an analysis of the seismic viability stretch of University Ave that connects to the terminal site, resolution with the city of parking lot details and Bay Trail improvements.

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

**9. APPROVE AMENDMENT NO. 12 WITH NOSSAMAN, LLP FOR THE PROVISION OF LEGAL SERVICES**

Ms. Rannells presented this item requesting approval of Amendment 12 to the agreement with Nossaman, LLP for the provision of legal services in the amount of \$400,000. She noted the additional legal expenses were primarily related to the implementation of the Transition Plan and WETA's capital projects. She indicated that the Board could direct any specific questions that they had about the work to herself or Stanley Taylor III of Nossaman, LLP.

Mr. Taylor advised the Board that a substantial rate reduction had been negotiated and stated that an additional amendment would not be required for the current year.

Director Bellows expressed his appreciation to Ms. Rannells for her success in obtaining the rate reduction.

Chair Johnson stated that Nossaman had done a good job for WETA and that she supported the amendment. Director Johnson agreed that Nossaman had served WETA well.

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

**10. PUBLIC COMMENT**

Director Johnson introduced Oakland Councilmember At-Large Rebecca Kaplan, who spoke to the Board regarding a shuttle bus service in Oakland that would service the Broadway corridor between Jack London Square and the Uptown District. She noted the growth and revitalization of both areas and said that a \$1 million Air District grant had been secured for the service.

Councilmember Kaplan said that she was a supporter of increased ferry service and hoped the shuttle could be coordinated with the ferry. She added that an additional \$300,000 in funding was being sought for the project and requested an opportunity to make a full presentation to the Board at a future meeting.

Chair Johnson asked that she coordinate a presentation with WETA staff. Director Johnson expressed her support of the project and that she believed the shuttle would encourage the continued growth of the Uptown area.

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

Chair Johnson called the meeting into closed session at 2:00 p.m. Upon reopening of the meeting at 2:40 p.m. she reported that no action had been taken.

**12. ADJOURNMENT**

All business having concluded, the meeting was adjourned at 2:40 p.m.

Respectfully Submitted,

Board Secretary

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MEMORANDUM

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**TO: Board Members**

**FROM: Nina Rannells, Executive Director  
Melanie Jann, Manager, Administration & Business Services**

**SUBJECT: Approval of Travel by Director to Washington, DC**

**Recommendation**

Approve, by motion, travel of one director to Washington, DC

**Background**

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

**Discussion**

Director Anthony Intintoli, as a member of the WETA Board of Directors, has been invited by the Solano Transportation Authority to participate in their annual trip to Washington, DC to discuss transportation projects and priorities for Solano County with key legislative representatives. Participation in this trip would provide WETA with the opportunity to help advocate in unity with Solano County transportation officials for high priority projects important to support the ongoing Vallejo Baylink ferry services including the Vallejo Maintenance Facility and the Vallejo Station project. Participation in this trip would also provides WETA with the opportunity to strengthen our partnership and working relationship with the Solano Transportation Authority, which plays a key role in determining transportation planning and funding policies for the county that can have near and long-term impacts on City of Vallejo ferry services and projects. For these reasons, staff recommends that the Board approve travel of one Board member to Washington DC for this trip.

Key information regarding the trip is as follows:

Travel Dates	Location	Attendance	Cost
March 1 - 3	Washington, DC	One Director	\$1,500

The cost includes the estimated total costs for meals, accommodations, airfare and other transportation.

**Financial Implications**

Funds sufficient to cover this expense are included in the FY 2009/10 operating budget.

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

**MEMORANDUM**

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**TO: Board Members**

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

**SUBJECT: Authorize Release of a Request for Proposal (RFP) for Pier 9 Berthing Construction and Release of a Request for Qualifications (RFQ) for Related Construction Management Services**

**Recommendation**

Authorize, by motion, the following actions related to construction of the Pier 9 Berthing project:

- Release a RFP for the project construction; and
- Release a RFQ for construction management services in support of the project.

**Background/Discussion**

With the arrival of *Taurus* scheduled for April, WETA will have four boats in its fleet. Suitable mooring facilities on the Bay are limited and the need for both short and long term lay berths will be an ongoing need for WETA over time.

In anticipation of this need, staff has worked to develop a project to build mooring facilities, including floats and a gangway, adjacent to our Pier 9 office facility. These facilities would initially be used at Pier 9 but could be relocated for use in emergency response situations or as the agency evolves and other operating facilities are built. In June 2008, the Board adopted a Final Mitigated Negative Declaration for this project and filed a Notice of Determination to meet state CEQA environmental requirements. Staff has since worked to secure project permits, finalize initial project design and secure funding commitments for the project.

Staff is now ready to issue the RFP to construct this project. The project work will include completing final design, securing final construction permits and construction of pier landings, utilities, gangways, pilings and floats required for the Pier 9 lay berths. Project work will also include construction of public access improvements at the Pier 9 bulkhead in the Port of San Francisco, as required by the BCDC permit.

Project proposals will be reviewed by an evaluation committee and a recommendation for contract award will be developed based upon the following selection criteria:

- Technical approach and management plan
- Experience with similar projects
- References
- Team qualifications
- Environmental awareness/safety plan
- Price proposal

Staff anticipates returning to the Board with a recommendation for contract award in April. The project is estimated to be completed six to eight months after the start of construction and the engineer's estimate for the project is approximately \$2 million.

In conjunction with the project RFP, staff is requesting Board authorization to release a Request for Qualifications (RFQ) to solicit the services of a construction management firm to serve as the "owner's representative" on the oversight of this construction project. This work would include such items as securing all requisite documentation from the chosen contractor, monitoring the contractor's performance against the plans and specifications set forth in the construction RFP, assuring that its monthly invoices are accurate and fairly represent work accomplished, overseeing safety and compliance with environmental safeguards while the construction is underway and completing the close out of the project. Staff estimates that this work will cost approximately \$150,000 and anticipates being in a position to recommend award of this service contract at the Board meeting in April.

**Financial Implications**

This project is included in the FY 2009/10 capital budget and is funded with Regional Measure 2 funds.

MEMORANDUM

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**TO: Board Members**

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

**SUBJECT: Approve Vessel Utilization Plan and Associated Agreements**

**Recommendation**

Approve, by resolution, the Vessel Utilization Plan and authorize the Executive Director to execute associated bareboat charter and funding agreements for the utilization of the fourth vessel, *Taurus*.

**Background**

In October 2008, and October 2009 (amended December, 2009), the Board approved vessel utilization plans and associated agreements that prioritized placing WETA's first three vessels (*Gemini*, *Pisces* and *Scorpio*) into service via bareboat charter with the City of Alameda. This plan was developed as the result of outreach to determine the public transit needs and options for utilization of these vessels and resulted in placement of WETA's vessels into service as follows:

Service	Operator	Vessel
Harbor Bay	Harbor Bay Maritime	Pisces and Scorpio
Alameda/Oakland	Blue and Gold	Gemini

As a part of implementing this plan, WETA facilitated the planning and/or implementation of a series of float, ramp and channel access improvements to the Alameda and Oakland facilities to allow WETA vessels to operate on the City of Alameda's ferry routes. This has resulted in improvements to the facilities that are beneficial to the existing services as well as the expansion of emergency response capacity.

Overall, the bareboat charter arrangement has worked well as it has allowed WETA the ability to run and test the vessels out during the first-year warranty period and has provided the City of Alameda and the public the benefit of the use of these new vessels.

**Discussion**

Construction is near completion on WETA's fourth vessel *Taurus*, which will ultimately be used to support WETA's regional system including the South San Francisco services. *Taurus* is scheduled for launch in early April, to be followed by sea trials and delivery to the Bay Area in late April. In considering the options for utilization of the vessel *Taurus* prior to the start of South San Francisco service, staff has determined that it would be best to place this vessel with the City of Alameda for use to support the Alameda/Oakland ferry service. This would result in the following utilization of WETA's fleet of vessels:

Vessel Utilization Plan

<b>Service</b>	<b>Operator</b>	<b>Vessel</b>
Harbor Bay	Harbor Bay Maritime	Pisces and Scorpio
Alameda/Oakland	Blue and Gold	Gemini and Taurus

This plan ultimately provides one 149 passenger and one 199 passenger vessel each to the Alameda Harbor Bay and Alameda/Oakland services, so that each service has the ability to operate one larger-capacity WETA vessels to meet ridership demand.

Similar to the existing bareboat charter arrangement with the City of Alameda for *Pisces*, *Gemini* and *Scorpio* WETA would utilize Regional Measure 2 operating funds to support the incremental cost of adding *Taurus* to the fleet, estimated at up to \$150,000 in FY 2009/10. This includes such items as insurance coverage for the vessel, incremental mooring costs and other operating expenses associated with adding a fourth vessel to WETA's fleet.

**Financial Implications**

A total of \$750,000 is included in the FY 2009/10 budget to support the WETA vessel fleet costs including remaining mooring and channel operational improvements and the incremental cost of mooring and operating vessels in service. Funds to cover these expenses are included in the FY 2009/10 budget and are covered with an allocation of RM2 funds from MTC.

\*\*\*End\*\*\*

MEMORANDUM

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**TO:** Board Members

**FROM:** Nina Rannells, Executive Director  
Keith Stahnke, Manager, Operations  
Melanie Jann, Manager, Administration & Business Services

**SUBJECT:** Authorize Release of a Request for Qualifications (RFQ) for Insurance Brokerage and Consulting Services

**Recommendation**

Authorize, by motion, the release of a Request for Qualifications (RFQ) for brokerage and consulting services to assist WETA in identifying risk levels and obtaining appropriate property and liability insurance coverage.

**Background**

In June, 2009, WETA adopted the *Emergency Water Transportation System Management Plan and Transition Plan* which outlined WETA's expanded responsibilities for coordinating waterborne emergency response activities, consolidating Alameda-Oakland, Alameda Harbor Bay and Vallejo Baylink ferry services under WETA and planning and implementing new ferry routes. These responsibilities require WETA to acquire property and liability insurance in assuming existing services and implementing new routes.

WETA currently holds office policies for liability which includes personal injury, non-owned and hired automobile liability, public official's errors and omissions, and employment practices liability, property insurance, and workers compensation.

**Discussion**

With this RFQ, WETA seeks to secure the services of an insurance broker with expertise in maritime, marine construction and public transit experience to assist with the following:

- Recommending best practices approach for insurance requirements as WETA moves from a planning agency to an operating agency;
- Identify insurance requirements and appropriate levels of coverage;
- Prepare insurance specifications consistent with exposures to loss presented by the activities contemplated;
- Review agency contracts for adequacy and compliance with requested coverage and provide feedback as needed regarding management of risks;
- Monitor insurance documents from contractors; and
- Provide general risk management advice.

If approved, staff expects the following schedule:

Issue of RFQ:	February 2010
Board Award of Contract:	April 2010

**Fiscal Impact**

The release of this document does not commit the agency to make an award, which will be the matter of subsequent Board actions. Funding for insurance consulting services is included in the FY 2009/10 budget.

\*\*END\*\*

MEMORANDUM

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**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 2009/10 Proposition 1B Waterborne grant program:

- 1) Approve a list of FY 2009/10 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/Discussion**

Proposition 1B funds in the amount of \$25 million were authorized as a part of the FY 2009/10 state budget for projects that increase the capacity of waterborne transit agencies to provide disaster response. The funds made available in FY 2009/10 represent the third year increment of a total of \$250 million authorized for the waterborne element of the Proposition 1B program. Per SB 976, WETA is the designated recipient of these funds which are managed through the California Emergency Management Agency (Cal EMA).

Cal EMA has issued draft program guidelines for \$25 million FY 2009/10 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 Investment Justification Due to Cal EMA – February 22, 2010
- o WETA Project Review and Nomination – February 28, 2010
- o Cal EMA Project Selection – March 22, 2010
- o Award Letter – March 22, 2010
- o Cal EMA Financial Management Workbook Due to Cal EMA – May 03, 2010

Availability of projects funds awarded in March 2010, would be subject to future state bond sales which are not scheduled at this juncture and could be many months out.

In order to meet CalEMA's February 28, 2010, project nomination date, staff has compiled the following recommended program of projects for FY 2009/10 Proposition 1B funding:

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<u>Project</u>	<u>Amount</u>
1. Terminal and Vessel Construction for Berkeley Ferry Service	5,000,000
2. SF Berthing Facilities	5,000,000
3. Operations/Maintenance Facilities	<u>15,000,000</u>
Total	25,000,000

This program provides partial funding for a balanced set of projects that support expanding service capacity on the San Francisco Bay and advancing core infrastructure projects needed to support ongoing and expanded system operations; both of which are integral to WETA's mandate to develop and coordinate a regional system of ferry operations 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 project list, submittal of formal applications and assurances related to the projects and the program funds, and execution of funding agreements. 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.

**Fiscal Impact**

This item supports actions necessary to secure \$25 million FY 2009/10 Proposition 1B funds to support WETA's capital program.

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

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

	Recommended FY2009/10 Prop 1B Amount	Prior Year Prop 1B	Total Prop 1B	FY2009/10 Project Notes
<b>Projects Recommended for Funding</b>				
<b>1. Preliminary Investigation/Environmental Review</b> 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.
<b>2. Plans, Specifications, Engineering and Final Design</b>  Berkeley Terminal  Hercules Terminal	-  -	4,000,000  1,500,000	4,000,000  1,500,000	This project provides funds to support the creation and issuance of all the architectural and engineering drawings, plans specifications and standards to build the WETA ferry terminals in the cities of Berkeley and Hercules. This project also supports bringing Berkeley terminal site design documents to 100% completion.
<b>3. Construction</b>  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	This project provides funds to support the construction of terminal facilities in Berkeley and two ferry vessels to operate to/from this facility.
<b>4. Core Facilities</b> SF Berthing Facilities	5,000,000	4,000,000	9,000,000	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. This application is for \$5 million to support final design, permitting and construction of the new terminal facilities.
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 existing and planned services and, ultimately, expanded emergency response service capability. The project scope includes development and purchase of a floating maintenance barge and development and purchase of berthing and terminal float/barge facilities required to support WETA's fleet and expanded emergency response berthing capabilities beyond San Francisco.
Operations/Maintenance Facilities	15,000,000	12,000,000	27,000,000	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 final design and construction of the project.
<b>Total Recommended Program</b>	<b>25,000,000</b>	<b>50,000,000</b>	<b>75,000,000</b>	

## Attachment B – Grant Assurances

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### FY 2009-10 Transit System Safety, Security and Disaster Response Account Program

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

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

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

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

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

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

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

1. Has the legal authority to apply for Transit System Safety, Security, and Disaster Response Account funds, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of the grant provided by the State of California and administered by the California Emergency Management Agency (Cal EMA).
2. Will assure that grant funds are only used for allowable, fair, and reasonable costs.
3. Will give the State of California generally and Cal EMA 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 Cal EMA directives.
4. Will provide progress reports and such other information as may be required by Cal EMA.
5. Will initiate and complete the work within the applicable time frame after receipt of Cal EMA approval.
6. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain for themselves or others, particularly those with whom they have family, business or other ties.

7. Will comply with all California and federal statutes relating to nondiscrimination. These include but are not limited to:
  - a. Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended, which prohibits discrimination on the basis of race, color or national origin;
  - b. Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
  - c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §§ 794) which prohibits discrimination on the basis of handicaps;
  - d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age;
  - e. The Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255) as amended, relating to nondiscrimination on the basis of drug abuse;
  - f. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
  - g. Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290dd-2), as amended, relating to confidentiality of alcohol and drug abuse patient records;
  - h. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
  - i. Title 28, Code of Federal Regulations, Part 42, Subparts C, D, E and G;
  - j. Title 28, CFR, Part 35;
  - k. Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
  - l. The requirements on any other nondiscrimination statute(s) which may apply to the application.
8. Will comply, if applicable, with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
9. Will comply with applicable environmental standards which may be prescribed pursuant to California or federal law. These may include, but are not limited to, the following:
  - a. California Environmental Quality Act (CEQA). California Public Resources Code Sections 21080-21098. California Code of Regulations, Title 14, Chapter 3 Sections 15000-15007;
  - b. institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514;
  - c. notification of violating facilities pursuant to EO 11738;
  - d. protection of wetlands pursuant to EO 11990;
  - e. evaluation of flood hazards in floodplains in accordance with EO 11988;

- f. assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.);
  - g. conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.);
  - h. protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and
  - i. protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
10. Will comply, if applicable, with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
11. Will assist Cal EMA, 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 Cal EMA;
  - b. In the event the approved amount of the grant is reduced, the reimbursement applicable to the amount of the reduction will be promptly refunded to the State of California; and
  - c. Separately account for interest earned on grant funds, and use all interest towards the project as approved by Cal EMA.
14. Will comply, if applicable, with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
15. Agrees that equipment acquired or obtained with grant funds:
- a. Will be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
  - b. is consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that strategy; and

- c. will be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan.
16. Will comply, as applicable, with provisions of Title 28 of the Code of Federal Regulations applicable to grants and cooperative agreements, including:
- a. Part 18, Administrative Review Procedures;
  - b. Part 20, Criminal Justice Information Systems;
  - c. Part 22, Confidentiality of Identifiable Research and Statistical Information;
  - d. Part 23, Criminal Intelligence Systems Operating Policies;
  - e. Part 30, Intergovernmental Review of Department of Justice Programs and Activities;
  - f. Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services;
  - g. Part 38, Equal Treatment of Faith-based Organizations;
  - h. Part 63, Floodplain Management and Wetland Protection Procedures;
  - i. Part 42, Nondiscrimination/Equal Employment Opportunities Policies and Procedures;
  - j. Part 61, Procedures for Implementing the National Environmental Policy Act;
  - k. Part 64, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs;
  - l. Part 66, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments;
  - m. Part 67, Government-Wide Debarment and Suspension (Non-Procurement).
  - n. Part 69, New Restrictions on Lobbying;
  - o. Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations; and
  - p. Part 83, Government-Wide Requirements for a Drug Free Workplace (grants).
17. Will comply, if applicable, with Subtitle A, Title II of the Americans with Disabilities Act (ADA) 1990.
18. Will, in the event that a federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to Cal EMA.
19. Will comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide at:  
<http://www.ojp.usdoj.gov/financialguide>.
20. Will comply with all applicable requirements of all other California and federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this program.

21. Understands that failure to comply with any of the above assurances may result in suspension, termination or reduction of grant funds.

a. The applicant certifies that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of federal benefits by a state or federal court, or voluntarily excluded from covered transactions by any federal department or agency;
2. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and (d) Have not within a three-year period preceding this application had one or more public transactions (federal, state, or local) terminated for cause or default; and

b. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

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

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

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

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

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