



Members of the Board

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

NOTE: LOCATION CHANGE

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

Thursday, April 2, 2009, 1:00 P.M. to 4:00 P.M.
**Port of San Francisco
Bayside Conference Room**
Pier One, Embarcadero at Washington Street
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 COMMENT The Water Emergency Transportation Authority welcomes comments from the public. Speakers' cards and a sign-up sheet are available. Please forward completed speaker cards to the Board Secretary.

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

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

- | | |
|--|--------------------|
| 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 | |

Water Emergency Transportation Authority
April 2, 2009 Meeting of the Board of Directors

6. CONSENT CALENDAR **Action**
 - a. Minutes of March 5, 2009

7. AUTHORIZE APPLICATION TO MTC FOR \$3 MILLION REGIONAL MEASURE 2 FUNDS FOR SOUTH SAN FRANCISCO FERRY VESSELS PROJECT **Action**

8. SELECTION OF LOCALLY PREFERRED SITE FOR BERKELEY FERRY TERMINAL **Action**

9. APPROVE AMENDMENT NUMBER 1 TO THE AGREEMENT WITH WALTHER ENGINEERING SERVICES FOR VESSEL CONSTRUCTION MANAGEMENT SERVICES **Action**

10. APPROVE THE DRAFT TRANSITION PLAN AND THE DRAFT EMERGENCY WATER TRANSPORTATION SYSTEM MANAGEMENT PLAN FOR PUBLIC REVIEW AND COMMENT **Action**

11. OPEN TIME FOR PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

ADJOURNMENT

Water Emergency Transportation Authority (WETA) meetings are wheelchair accessible. Upon request WETA will provide written agenda materials in appropriate alternative formats to individuals with disabilities. Please send a written request to 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.

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

MINUTES OF THE BOARD OF DIRECTORS MEETING

(March 5, 2009)

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

1. ROLL CALL AND CALL TO ORDER

Chair Charlene Haught Johnson called the meeting to order at 1:10 p.m. Directors present were Chair Johnson, Vice Chair Anthony Intintoli, Director Gerald Bellows and Director John O'Rourke. Director Intintoli led the Pledge of Allegiance.

2. REPORT OF BOARD CHAIR

Chair Johnson reported that State Treasurer Bill Lockyer had responded to WETA's outreach letter regarding frozen Proposition 1B funds but that he had offered no specifics on when funding would be resumed.

3. REPORT OF DIRECTORS

None.

4. REPORTS OF STAFF

Interim Executive Director Nina Rannells updated the board on the status of WETA's second vessel, *Pisces*. She anticipated that it would leave Seattle during the next available weather window and could be in drydock in Alameda as soon as the next Friday. She stated that after leaving drydock and completion of crew training, *Pisces* would enter service on the Harbor Bay route under a bareboat charter agreement.

Ms. Rannells advised the board that staff would bring a locally preferred alternative site recommendation for the Berkeley/Albany ferry service to the Board at their April 2 meeting.

Ms. Rannells then reported that the flow of Prop 1B funds to WETA were not likely to resume anytime soon, but she anticipated that the state would begin issuing bonds slowly in tranches.

Chair Johnson asked if the Kvichak contract for the South San Francisco boats was in jeopardy. Ms. Rannells replied that \$3 million of the vessel construction was supposed to be funded with Proposition 1B funds, and that staff was looking into funding alternatives to the Proposition 1B funds that were suspended in December 2008. Vice Chair Intintoli asked if there was anyone working on resolving the issue. Ms. Rannells responded that WETA and the San Mateo County Transit Advocates had written letters to key legislators and the WETA Sacramento representative Barry Broad was monitoring the situation.

Public Comment:

Councilmember Pedro Gonzalez of South San Francisco asked if the Prop 1B funds needed to match the San Mateo County Measure A funds would be an issue. Ms. Rannells said that since those contracts were already in place that the Measure A funding should be secure, and that she is in periodic communication with the San Mateo County Transportation Authority staff.

WETA counsel Stanley Taylor of Nossaman LLP added that the Measure A funding would not start flowing until construction contracts had been awarded for the South San Francisco terminal.

Further regarding Prop 1B funding, Ms. Rannells noted that WETA had sponsored clean up legislation introduced by Assemblymember Fiona Ma that would assure funds due WETA would be paid up-front rather than through a reimbursement process consistent with the way that other emergency response Proposition 1B funds were managed by the state.

Lastly, Ms. Rannells noted that transit funding issues in the state budget continued with the reduction of the State Transit Assistance funds in FY 2008/09 and elimination of these same funds in FY 2009/2010, but that these issues would have no impact on the WETA funding program.

5. REPORTS OF STAFF

Ms. Rannells introduced WETA's Washington, DC representative Peter Friedmann of Lindsay, Hart, Neil & Weigler who offered a Federal Legislative Report. Mr. Friedmann gave an overview of the Economic Stimulus package, the \$68 billion dollars included for infrastructure and \$60M for ferry boats that was included through the efforts of Senator Patty Murray, Speaker Pelosi and himself. He noted that in the future it was likely that there would be fewer spending earmarks. Mr. Friedmann also discussed the strength of the public ferry coalition and maritime unions.

He then noted a \$475,000 appropriation for 2009 that would be in addition to the annual \$2.5M set aside included in the previous Transportation Authorization bill, and that a request for \$3 million for Fiscal Year 2010 had been submitted after meetings with WETA allies such as the Speaker, Rep. Lee, Senator Murray and their staff. He noted his hopes that the upcoming Transportation Authorization bill would include \$75M for projects that included services of the type the Bay Area focuses on, such as short, frequent runs.

Public Comment:

Marina Secchitano of IBU noted that Washington State Ferries was changing its name to Washington Marine Highway System, a name more similar to the Alaska service. She asked if such a name change to WETA would result in increased funding. Mr. Friedmann explained that Washington State's name change was a gambit to become eligible for potential qualification as an alternative to traditional freight by highway, and that this was not a comparable scenario in the Bay Area.

Mr. Taylor asked how the \$60M for ferry boats would be paid out. Mr. Friedmann answered that program guidelines had not yet been released, but that project solicitations would likely be made at the state level for transmittal up to the Secretary of Transportation at the federal level. As a result, WETA would likely need to work through the California State Department of Transportation to secure funding.

Vice Chair Intintoli asked if earmarks would be altogether gone in the future. Mr. Friedmann responded that earmarks would continue to exist but would be fewer going forward.

6. CONSENT CALENDAR

Vice Chair Intintoli made a motion to approve the minutes from the February 5, 2009 Board of Directors meeting. Director Bellows seconded the motion and the item carried unanimously.

7. APPROVAL OF AGREEMENT WITH THE CITY OF SAN FRANCISCO FOR GRANT FUNDS TO SUPPORT TREASURE ISLAND FERRY TERMINAL DESIGN AND AWARD CONTRACT TO SKIDMORE, OWINGS AND MERRILL FOR DESIGN OF THE TREASURE ISLAND FERRY TERMINAL DESIGN

Ms. Rannells introduced this item and noted a typo, that “Metropolitan” should read “Municipal.” Manager of Planning and Development John Sindzinski reminded the Board of the prior month’s presentation by Jack Sylvan, Treasure Island Development Authority (TIDA) Project Manager for the City of San Francisco. He stated that agreement would allow grant funds secured by the San Francisco Municipal Transportation Authority (SFMTA) and TIDA to support WETA’s plans for the Treasure Island service.

Mr. Sindzinski then reviewed the recommendation of Skidmore, Owings and Merrill (SOM) to design and engineer the Treasure Island terminal. He noted that the Board had authorized the release of an RFQ in January and that a total of nine firms had responded with SOQs. After review by WETA staff, representatives from the City of San Francisco, and the Treasure Island environmental consultant, three firms were selected and interviewed by the panel before selecting SOM as the preferred candidate.

Public Comment:

Veronica Sanchez asked what the DBE component was. Manager of Community Relations Shirley Douglas responded that WETA had a voluntary 22% programmatic DBE goal and that this information had been included in the RFQ. Keith Boswell of SOM added that SOM anticipated 14.5% DBE participation. Ms. Sanchez added that it would be helpful if future staff items could include an indication of sub-consultants included in the contract awards and an indication of the DBE participation included in the proposal.

Vice Chair Intintoli made a motion to approve the agreement with the City of San Francisco for Grant Funds to Support Treasure Island ferry service. Director O’Rourke seconded the motion and the item carried unanimously.

Vice Chair Intintoli made a motion to approve the contract award to Skidmore, Owings and Merrill for design of the Treasure Island ferry terminal. Director Bellows seconded the motion and the item carried unanimously.

8. OUTREACH AND APPROVAL PROCESS FOR THE WETA TRANSITION PLAN AND EMERGENCY WATER TRANSPORTATION SYSTEM MANAGEMENT PLAN

Ms. Rannells presented this informational item regarding the process planned for public hearings and plan approvals of the Transition Plan and the Emergency Water Transportation System Management Plan.

Vice Chair Intintoli said there had been some confusion among the Vallejo City Council regarding the Transition Plan and that it would be good for WETA to work with the Council so that they will be well prepared to answer questions from the public. Ms. Rannells agreed and added that it would be important to manage expectations. She added that the purpose of the public hearings would be to gather input from the public and not Q&A sessions.

Public Comment:

Marina Secchitano of IBU asked that IBU be included in the emergency response stakeholder meetings and noted that she had not been invited to the February 11 meeting. Operations Manager Keith Stahnke noted that the meetings to date had been held with emergency

manager stakeholders and that a meeting with operators is scheduled. Ms. Secchitano asked if he would come to Union Hall to give an overview of the plan and Mr. Stahnke said that he would.

9. APPROVE FUNDING AGREEMENT FOR SAN MATEO COUNTY TRANSPORTATION AUTHORITY MEASURE A FUNDS TO SUPPORT SOUTH SAN FRANCISCO FERRY TERMINAL CONSTRUCTION

Ms. Rannells presented this item regarding a funding agreement for Measure A funds to support South San Francisco terminal construction. She added that WETA and San Mateo County Transportation Authority (SMCTA) staffs had reached agreement on all aspects of the funding agreement but one, which relates to insurance levels required during project construction. Mr. Taylor indicated that the majority of the grant contract details had been worked out between SMCTA, WETA and the City of South San Francisco, and that the outstanding issue is that SMCTA wants to impose higher insurance limits than WETA believes are necessary. Ms. Rannells proposed that the Board approve the funding agreement, subject to Attorney approval of final contract language. Mr. Taylor indicated that he was comfortable supporting this approach to the item.

Public Comment:

Pedro Gonzalez noted that he was concerned that the SMCTA funds could be at jeopardy if there is not action on this agreement soon..

Vice Chair Intintoli made a motion to approve the item, subject to Counsel approval of final contract language. Director Bellows seconded the motion and the item carried unanimously.

10. RECESS INTO CLOSED SESSION AND REPORT ON CLOSED SESSION

Chair Johnson called the meeting into closed session at 2:11 p.m. Upon reopening of the meeting at 2:50 p.m. she reported that the Board had given direction to staff and representatives regarding Oyster Point Marina Terminal real property negotiations.

Chair Johnson also reported that the Board had appointed Nina Rannells as Executive Director and authorized herself and Mr. Taylor to negotiate the employment contract with Ms. Rannells.

11. ADJOURNMENT

All business having concluded, the meeting was adjourned at 2:55 p.m.

Respectfully Submitted,

Board Secretary

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director

SUBJECT: Authorize Application to MTC for \$3 Million Regional Measure 2 Funds for South San Francisco Ferry Vessels Project

Recommendation

Authorize by resolution an application, including related certifications, for \$3 million Regional Measure 2 funds for the South San Francisco Ferry Vessel project.

Background

In December 2007, WTA/WETA executed a contract with Kvichak Marine Ind. to construct two 25 knot, 199 passenger-only ferry vessels for use in the planned South San Francisco expansion ferry service. The budget for this project is \$20.5 million, which covers the vessel construction contract, construction management services provided by Seaworthy Systems, spare parts, other miscellaneous expenses and staff support. These vessels are currently under construction and anticipated for staggered delivery in September 2009 and January 2010.

A variety of grant funds were allocated to support this project including \$12 million Regional Measure 2 funds allocated by the Metropolitan Transportation Commission (MTC), approximately \$5.5 million federal funds made available through the Federal Transit Administration and approximately \$3 million State Proposition 1B funds made available through the State Office of Homeland Security (OHS).

Discussion

Last December, WETA received notification from OHS that all Proposition 1B funds programmed to support WETA projects were suspended effective December 15, 2008. This suspension has caused a \$3 million funding shortfall for the SSF vessel construction project currently underway. Staff has identified two options for filling this shortfall in the event that Proposition 1B funds are not reinstated within the next few months. These include securing Ferry Boat Discretionary program funds made available through the American Recovery and Reinvestment Act (ARRA) and allocation of additional Regional Measure 2 funds from MTC. Unfortunately, program guidelines have not yet been issued for the ARRA Ferry Boat Discretionary program funds, so staff is uncertain as to whether these funds would be available in time period to address the potential funding shortfall. As a result, staff recommends pursuing an allocation of additional RM2 capital funds from MTC to support the project.

RM2 Application Procedures

The RM2 fund application process established by the Metropolitan Transportation Commission (MTC) requires project sponsors to adopt an Initial Project Report and certify general program and specific project conditions in order to secure funds.

The Initial Project Report (IPR) for the SSF Ferry Vessel Project is provided as *Attachment 1* to this report. This IPR is for \$3 million to fund various aspects of the project including construction, construction management, delivery and spare parts. The RM2 certification requirements include both general program and project-specific items

such as compliance with MTC's RM2 policies, CEQA and NEPA compliance and indemnification of MTC from any claims resulting from the project. The full list of certifications and assurances are contained in the Board resolution associated with this item and attached to this report. The Board resolution containing these certifications and assurances effectively serves as a part of the contract between the Authority and MTC for the requested funds.

The RM2 application and allocation process will take approximately two months, which will be sufficient to ensure that WETA does not experience a revenue gap for this project.

Financial Implications

This item will result in an allocation of \$3 million to support the purchase of two vessels for South San Francisco service. This RM2 allocation will backfill \$3 million Proposition 1B funds previously allocated by the State Office of Homeland Security, but suspended in December 2008. In the event that the suspension of Proposition 1B funds is lifted prior to use of the RM2 funds, or Ferry Boat Discretionary Funds are made available to WETA through ARRA, WETA staff would work with MTC to rescind this request or redirect these funds to other WETA projects.

Options

Approve or reject.

END

Regional Measure 2 Initial Project Report (IPR)

Project Title:	South San Francisco Vessels
RM2 Project No.:	25

Allocation History:

	MTC Approval Date	Amount	Phase
#1: Project 27	4/27/07	275,000	PSE
#2 Project 27	11/28/07	11,725,000	CON
#3			

Total:

Current Allocation Request:

IPR Revision Date	Amount Being Requested	Phase Requested
04/02/09	3,000,000	Con

Regional Measure 2 – INITIAL PROJECT REPORT

I. OVERALL PROJECT INFORMATION

A. Project Sponsor / Co-sponsor(s) / Implementing Agency

San Francisco Bay Area Water Emergency Transportation Authority

B. Project Purpose

This project is to purchase/construct two ferry vessels for use in WETA's planned new ferry service between South San Francisco and the East Bay.

C. Project Description (please provide details)

Project Graphics to be sent electronically with This Application

This allocation request is for \$3 million to purchase 2 ferry vessels to be used to support provision of South San Francisco ferry service currently under development. The primary activities associated with this project include vessel construction and delivery, purchase of spare parts and staff/construction management services.

D. Impediments to Project Completion

None

E. Operability

These vessels would be used to support provision of new South San Francisco ferry service scheduled to start in FY 2010/11. RM2 operating funds are available to support ongoing vessel operation and maintenance costs.

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental –

Does NEPA Apply: Yes No

The Authority approved the final Environmental Impact Report for South San Francisco service at its December 2006 meeting. The Federal Transit Administration, the responsible Federal agency for the project, approved a Finding of No Significant Impact for the project on December 22, 2006.

G. Design –

While some final design will be necessary, the vessels will largely be configured based upon work completed for the earlier spare vessel project.

H. Right-of-Way Activities / Acquisition –

N/A

I. Construction / Vehicle Acquisition -

This project will construct two 25-knot passenger-only catamaran ferry vessels with seating capacity up to 199 passengers. Vessel emissions will be 85% less than the EPA Tier 2 emission criteria and will be designed to minimize adverse effect of wake and propulsor wash on shorelines, biological resources and operational safety of small craft and marinas in the San Francisco Bay.

Regional Measure 2 – INITIAL PROJECT REPORT

III. PROJECT BUDGET

J. Project Budget (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	20,500,000
Total Project Budget (in thousands)	20,500,000

K. Project Budget (De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	

IV. OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document		12/06
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)		n/a
Final Design - Plans, Specs. & Estimates (PS&E)		4/07
Right-of-Way Activities /Acquisition (R/W)		n/a
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)	4/08	1/11

V. ALLOCATION REQUEST INFORMATION

L. Detailed Description of Allocation Request

This allocation request is for \$3 million to purchase/construct two ferry vessels for use in the South San Francisco ferry service currently under development. The primary activities associated with delivering this project include vessel construction and delivery, purchase of spare parts and staff/consultant construction management services. This request is for \$3 million to backfill Proposition 1B funds allocated to the project but currently suspended by the State. In the event that the suspension of Proposition 1B funds for this project is lifted prior to use of these funds, WETA would seek to work with MTC to rescind this allocation request or re-direct funds to another WETA capital project.

Regional Measure 2 – INITIAL PROJECT REPORT

Amount being requested (in escalated dollars)	3,000,000
Project Phase being requested	Con
Are there other fund sources involved in this phase?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date of anticipated Implementing Agency Board approval of the RM2 IPR Resolution for the allocation being requested	4/2/09
Month/year being requested for MTC Commission approval of allocation	May 2009

M. Status of Previous Allocations (if any)

None

N. Workplan

Workplan in Alternate Format Enclosed

TASK NO	Description	Deliverables	Completion Date
1	Develop Specifications/RFP	RFP document	4/07
2	Award Contract	Contract for Construction	12/07
3	Notice to Proceed	n/a	4/08
4	Construction	First Vessel Delivered	9/09
5	Construction	Second Vessel Delivered	1/10
6	Purchase Spare Parts	Spare Parts	1/10
7	Retention/Warranty	1 year from acceptance	1/11

* This represents the overall workplan for the project. The \$3 million requested for allocation will support work efforts conducted from June 2009 forward.

O. Impediments to Allocation Implementation

None

VI. RM-2 FUNDING INFORMATION

P. RM-2 Funding Expenditures for funds being allocated

The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included

Next Anticipated RM-2 Funding Allocation Request
None

VII. GOVERNING BOARD ACTION

Check the box that applies:

Governing Board Resolution attached

Governing Board Resolution to be provided on or before: January 27, 2007

Regional Measure 2 – INITIAL PROJECT REPORT

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant's Agency

Name: Nina Rannells
Phone: 415-364-3186
Title: Executive Director
E-mail: rannells@watertransit.org
Address: Pier 9, Suite 111
San Francisco, CA 94111

Information on Person Preparing IPR

Name: Same as above
Phone:
Title:
E-mail:
Address:

Applicant Agency's Accounting Contact

Name: Same as above
Phone:
Title:
E-mail:
Address:

Revised IPR 120905.doc

RM-2 Initial Project Report

EXPENDITURES TO-DATE BY PHASE AND FUND SOURCES

Phase	Fund Source	Date of Last Expenditure	Amount Expended to date (Thousands)	Available Balance Remaining (Thousands)
ENV / PA&ED				
PS&E		Feb-09	275	0
R/W			0	
CON / Operating		Feb-09	7314	2911
Total to date (in thousands)			7589	2911

Comments:

Expenditures through February 2009, including \$2,204,823 Federal and \$5,384,177 RM2 expenditures.

As required by RM-2 Legislation, provide funds expended to date for the total project. Provide both expenditure by Fund Source and Expenditure by Phase, with the date of the last expenditure, and any available balance remaining to be expended.

Project ID: 25
Date: 4/2/2009

RM-2 Initial Project Report

**RM-2 FUNDING CASH FLOW PLAN For Allocation
(RM-2 Allocation Funding Only)**

(Amounts Escalated in Thousands)

Project Title: South San Francisco Vessels		Project ID: 25											
Agency: San Francisco Bay Area Water Emergency Transportation Authority		Plan Date: 04/02/09											
RM-2 CASH FLOW PLAN													
RM-2 Expenditures	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
ENV/PA&ED													
PS&E													
RAW					2,250								2,250
CON						750							750
RM-2 CASH FLOW PLAN TOTAL													
Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	Future	TOTAL
						2,250	750						3,000

Comments:

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).
 Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.
 Eligible Phases: ENV (or PA&ED), PS&E, RAW or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT RAW SUP or CT CON SUP for Caltrans support, but not necessary (optional).

Estimated Budget Plan

Please complete this form based the proposed allocation for your project. The scope should be consistent with the funding you are requesting the MTC allocate. Projects with complementary fund sources, should list the estimated cost of the entire work scope. Note that this information may not only represent the RM2 funding. A separate EBP needs to be completed for each allocation request or each phase of such request.

TITLE OF PROJECT South San Francisco Vessels	RM2 Legislation ID (and project subelements if any) <div style="text-align: right;">25</div>
NAME AND ADDRESS OF IMPLEMENTING AGENCY San Francisco Bay Area Water Emergency Transportation Authority Pier 9, Suite 111, The Embarcadero San Francisco, CA 94111	

DETAIL DESCRIPTION	ESTIMATED HOURS	RATE/HOUR	TOTAL ESTIMATED COST (Dollars)
1. DIRECT LABOR of Implementing Agency (Specify by task)			
Construction Management/Oversight	1,500	72.00	108,000
			0
			0
			0
TOTAL DIRECT LABOR			108,000
2. DIRECT BENEFITS (Specify)			
	Benefit Rate	X BASE	
FICA, PERS, Medical, Dental, Vision, Life, Disability	45%	108,000	
TOTAL BENEFIT			48,600
3. DIRECT CAPITAL COSTS (include construction, right-of-way, or vehicle acquisition)			
	Unit (if applicable)	Cost per Unit (\$)	
Vessel Construction Contract			18,900,000
TOTAL DIRECT CAPITAL COSTS			18,900,000
4. CONSULTANTS (Identify purpose and/or consultant)			
Seaworthy Systems - Contranct/Construction Management			600,000
TOTAL CONSULTANTS			600,000
5. OTHER DIRECT COSTS (Specify & explain costs, if any)			
Miscellaneous (contingency, spare parts, legal, travel, incidentals)			800,074
TOTAL OTHER DIRECT COSTS			843,400
6. TOTAL ESTIMATED COST			20,500,000

Comments:

This is an estimate. Actual expenditure break-down and cost will depend upon the vessel identified for purchase.

Date: 4/2/2009

MEMORANDUM

TO: Board Members

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

SUBJECT: Selection of Locally Preferred Site for Berkeley Ferry Terminal

Recommendation

Approve selection of the /Berkeley Pier/Hs Lordship's site (Site B) as the locally preferred alternative for the Berkeley ferry terminal and direct staff to complete the EIR/EIS for this site.

Background

The 2003 WTA Final Program EIR and Final Implementation and Operations Plan identified a new route between Berkeley and San Francisco as meeting the WTA criteria for expansion of ferry service in the Bay Area. In 2006, planning meetings and discussions with city representatives and other stakeholders from Berkeley and Albany (including members of the WTA Community Advisory Committee and Technical Advisory Committee) identified specific locations from which ferry service to San Francisco had historically operated and additional sites from which service could potentially operate. The site selection process envisioned at the time was that a feasibility study would first be used to develop evaluation criteria enabling selection of a limited number of feasible alternatives. These sites would be carried forward for full environmental assessment in a draft EIR/EIS. The locally preferred alternative selected at the conclusion of the draft EIR/EIS would then be further refined during preparation of a final EIR/EIS in order to mitigate any potential environmental impacts.

WTA began feasibility work on the Berkeley/Albany ferry terminal site studies and environmental assessments in April 2006. Originally, the work included a high level analysis of five candidate sites for this terminal: at the foot of Gilman St in Berkeley; and 3 sites at the foot of University Ave also in Berkeley (the first site inside the Marina, the second site near the Cal Sailing Club and the third located south of the old fishing pier and just north of the Hs Lordship's Restaurant) and at the foot of Buchanan St in Albany.

WTA and its consultant for this work, URS, conducted an extensive scoping and public input process throughout this original work. As part of their work URS looked at marine navigation issues for each alternative site, environmental issues including rafting birds, dredging requirements, landside access and parking, compatibility with existing and proposed land uses at each location and a number of other technical factors. Each site was then evaluated according to these criteria.

In July 2006, staff and URS reported to the WTA Board the results of this preliminary analysis. Based on this work, it was recommended that three sites (Gilman St, the site near the Cal Sailing Club and Buchanan St) should be eliminated from further consideration. After considerable discussion and input from the public who spoke about the report and its conclusions, the WTA Board directed staff to keep the Gilman and Buchanan St sites for consideration and directed staff to complete a comprehensive EIR/EIS of all these sites.

Discussion

In September 2008, the draft EIR/EIS was approved by Federal Transit Administration for distribution to the public. The FTA is the federal lead for this project. The draft EIR/EIS was circulated for public comment between October 1 and December 31, 2008. Additionally, a public hearing was held in Berkeley on November 18, 2008. Comments received indicate significant stakeholder opposition to both sites in North Berkeley and Albany (sites C and D). In January 2009 the WETA Board of Directors meeting was held in Berkeley and a number of attendees spoke about their concerns over specific alternative sites and what site they preferred for ferry service. All but one speaker had previously contacted WETA. Their comments are included in the tally shown below. One speaker who was not previously included in the comment period addressed the Board about bus connections to the proposed ferry terminal and did not speak in favor or opposition to any of the four sites.

We received written comments from approximately 28 organizations or individuals during the comment period and heard 15 comments at the public hearing on November 18th. Approximately 7 written comments are duplicates of comments given during the hearing. The table below briefly summarizes the number of comments that indicated a position strongly supportive of or in opposition to each alternative location.

Site Alternative Support and Opposition as Expressed in Public Comments on Albany/Berkeley Ferry Terminal Study		
Site Alternatives	Support	Oppose
A - Berkeley Marina Site	10	2
B - Berkeley Fishing Pier	8	1
C - Gilman Street	0	14
D - Buchanan Street	1	15

Based on comments received, there is no significant support for sites C or D. In fact, the majority of total comments received were comments specifically opposing both of these sites.

Some of the concerns cited for Alternatives C and D were:

- Significant unavoidable environmental impacts including the presence of eelgrass beds, particularly those established by Caltrans as mitigation for impacts from the East Span of the Bay Bridge, and impacts to rafting of special status bird species
- Increased dredging activities that would be required in comparison to Alternatives A and B
- Establishment of a transportation corridor and dredging through State Parks lands, activities not supported by State Park policy
- In conformance with U.S. DOT Section 4(f) requirements, parkland use, such as building a terminal and operating ferry service within Eastshore State Park, for any federally funded transportation project must demonstrate that no other feasible or prudent alternatives exist
- Displacement of Golden Gate Fields horse stables in order to create parking spaces
- Cumulative unavoidable traffic impacts at intersections including Gilman and San Pablo, Marin and San Pablo, and Solano and San Pablo

Additionally, since the City of Albany is currently engaged in a visioning process for the Waterfront area, selecting this site for a ferry terminal would foreclose other land-use

opportunities that arise from this process. Several city officials and residents have echoed this last concern. Due to the significant stakeholder opposition and un-mitigable issues associated with Alternatives C or D, staff does not recommend further consideration of either of these sites as the locally preferred alternative.

This leaves Alternatives A (Marina) and B (Pier) in Berkeley. Alternative A is located at the Berkeley Marina, adjacent to the Hornblower dock. While there is more support in the comments for site A in comparison to sites C and D, there are still several environmental and economic impacts associated with this location including, the probable presence of native oysters; interference with recreational boaters and disruption of commercial enterprises including impacts to Hornblower operations; removal of, and compensation for, high-value berthing slips; and acquisition and management of marina parking spaces (particularly for marina residents). Accordingly, Alternative A does not appear to be the best Berkeley option.

The remaining site, Alternative B, is located between the landside end of the Berkeley Fishing Pier and Hs Lordship's Restaurant. Concerns regarding this site included the location of parking; how a fee based parking system will likely result in ferry passengers seeking the free parking used by marina residents and users; and the fact that a second channel would have to be dredged parallel to the Marina channel (dredging already occurs at the Berkeley Marina, Alternative A). One commenter expressed serious concern that wind surfers use the project site for recreational purposes.

Since the January meeting, staff has met with the City of Berkeley's Planning, Transportation and Waterfront Commissions. In general, they did not support any specific site as the locally preferred alternative nor did they take any formal action on the matter. Commenters at these meetings expressed concern about issues such as the impact ferries would have on carbon emissions, local traffic and most emphatically, whether the draft report adequately addressed parking impacts in and around the Berkeley Marina. Staff emphasized that the selection of the locally preferred alternative is consistent with NEPA and CEQA requirements and that it will allow further study and analysis of the issues and impacts of the preferred site as the final document is prepared.

It is staff and URS's opinion that the draft document has acknowledged these issues and that the issue of parking impacts in particular can be mitigated at site B, the Pier site. As noted, the selection of a locally preferred alternative furthers the environmental process for the Berkeley terminal and allows more intensive and focused study of potential impacts of locating the terminal at the selected site. The design refinements identified to mitigate potential impacts will be developed and submitted for review as part of the final EIR/EIS process.

In conclusion, while no site is completely devoid of potential impacts, analysis and evaluation of the transportation, parking, marine resource, recreation, commercial, and land use aspects of the four sites considered in the draft EIR/EIS leads to the recommendation that site B, located between the Berkeley Fishing Pier and Hs Lordship's restaurant, be carried forward as the locally preferred alternative.

Financial Implications

There are no direct financial implications to this action.

Options

Approve or reject.

MEMORANDUM

TO: Board Members

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

SUBJECT: Approve Amendment Number 1 to the Agreement with Walther Engineering Services for Vessel Construction Management Services

Recommendation

Approve Amendment Number 1 to the agreement with Walther Engineering Services in the amount of \$50,000 to support vessel construction management services through April 30, 2010 and authorize the Executive Director to execute the amendment.

Discussion

On April 28, 2005, the WTA Board of Directors approved entering into an agreement with Walther Engineering Services in the amount of \$600,000 for construction management services for the WTA's first two vessels; Gemini and Pisces. This contract was transferred from WTA to WETA when WETA was established on January 1, 2008.

Over the past four years Walther Engineering Services has served to help WTA/WETA with many aspects of project development and construction oversight. Work activities have included, but are not limited to, supporting RFP document development; reviewing project bids; assisting with the construction contract negotiations; supporting engineering and design development; managing construction and contract change orders; supporting vessel training program; and overseeing sea trials, vessel delivery, and warranty issues. The work required of Walther Engineering Services has been more involved and spanned a greater timeframe than initially envisioned due to three primary factors including:

- An extensive bid proposal review and contract negotiation process to ensure that the vessels delivered would meet all requirements and expectations;
- The slowdown of construction activities during the Nichols Brothers Boat Builders bankruptcy proceedings, which occurred approximately half way through the vessel construction; and
- Significant change order discussions and negotiations during the construction period, which is reflective of the new vessel design.

Walther Engineering Services is nearing the end of the contract budget, however, staff would like to continue to utilize their services to support final vessel delivery and acceptance activities as well as warranty oversight over the next year. This item recommends approval of a \$50,000 contract amendment to cover additional costs associated with these and any other items that might require oversight during the vessel warranty period and prior to final vessel payment due one year from vessel acceptance. This work will be controlled on a task order basis and is not expected to exceed \$50,000.

Financial Implications

Sufficient funds are available to finance this amendment within the project budget and associated grant funds.

End

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director

SUBJECT: Approve the Draft Transition Plan and the Draft Emergency Water Transportation System Management Plan for Public Review and Comment

Recommendation

Approve, by motion, the Draft Transition Plan and the Draft Emergency Water Transportation System Management Plan for public review and comment.

Background

Under Senate Bill (SB) 976 WETA was charged with consolidating all existing or planned public transportation ferries, except those operated by the Golden Gate Bridge Highway and Transportation District, and coordinating emergency response activities for public water borne transit services. These responsibilities are to be carried out in accordance with two plans; a Transition Plan to facilitate the transfer of existing public transportation services operated by the City of Alameda and the City of Vallejo to WETA; and an Emergency Water Transportation System Management Plan to facilitate the coordination of water transportation services in the Bay Area region in the event of an emergency.

Senate Bill 1093 provided "clean up" language for a number of issues that arose with the passage of SB 976. SB 1093 contains language to provide definition and structure to the Transition Plan and requires WETA to develop a public process for taking public input on the Transition Plan and Emergency Water Transportation System Management Plan. Both plans must be adopted by the WETA Board no later than July 1, 2009, following the public review and hearing process.

Discussion

The Transition Plan and Emergency Water Transportation System Management Plan each serve a separate and distinct purpose, but both ultimately work to define WETA's future role as a ferry transportation operator and emergency transportation response coordinator. The purpose of each plan and the public review process are described briefly below. Staff will provide an overview of the plans at the April 2, 2009, meeting of the Board of Directors. Copies of the draft plans will be available at that time.

Water Emergency Transportation System Management Plan

Plan Purpose

- Define WETA emergency roles and responsibilities
- Establish a clear framework for coordinated emergency management

Goals

- Effectively utilize regional water transportation resources
- Compliment and reinforce regional transportation emergency plans and procedures

Plan Development

- Extensive review of Local, State and Federal emergency response and management plans was conducted

- Plan development included emergency response managers and transportation response partners representing local, regional, state and federal agencies
- The plan outline and draft was reviewed by stakeholder participants on February 11th and March 18th meetings
- Discussion and comments were used along with best practices and guidelines from other transportation agencies to develop a draft plan

Transition Plan

Plan Purpose

- Define service transition activities and timeframe
- Establish Five Year operating and capital plan for full WETA program, including existing transitioned services and expansion services

Goals

- Develop a collaborative process for service and asset transition from the cities to WETA
- Minimize the impact of the transition to the customers
- Develop a balanced, deliverable and sustainable plan for services

Plan Development

- Based upon information from the cities regarding existing conditions and future needs of the ferry systems
- Draws from WTA's Implementation and Operations Plan and other local and regional planning and funding documents
- Developed in consultation and cooperation with City of Alameda, City of Vallejo and MTC staff to address specific local and regional concerns to the extent possible

Public Review and Comment

The public review and comment period for these plans will take place from April 2 through May 18, 2009. Comments can be submitted to WETA in writing via letter or through e-mail at contactus@watertransit.org. Public hearings will be held in San Francisco and Vallejo on April 15th and in Alameda on April 16th, as further described in the attached Notice of Public Hearings. These hearings will include a short staff presentation of each plan and time for the public to provide verbal comments on the plans. These meetings will be noticed as Board meetings in the event that three or more Board members can be present.

Final Plan Development

Staff anticipates continuing discussions with the cities, MTC and other stakeholders during the public comment period and working with its stakeholders to consider and discuss any substantive comments and changes that may be contemplated for inclusion in the final plans.

Staff will provide the Board with a summary of the comments received and any proposed plan changes under development at the June 4, 2009 Board meeting and will bring the final plans to the Board for adoption at a special meeting scheduled to take place on June 18, 2009.

Financial Implications

There is no financial impact associated with this item.

END

NOTICE of PUBLIC HEARINGS

on the **Draft Transition Plan** and
**Draft Emergency Water Transportation
System Management Plan**

1

April 15 - San Francisco

Wednesday, April 15: 12:00pm
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600, San Francisco

2

April 15 - Vallejo

Wednesday, April 15: 6:30pm
Vallejo City Hall
555 Santa Clara Street, Vallejo

3

April 16 - Alameda

Thursday, April 16: 7:30pm
Alameda City Hall
2263 Santa Clara Avenue, Alameda

WETA is responsible for developing and operating a regional ferry system that connects communities, increases regional mobility and provides an emergency response capability. WETA's priorities are to consolidate Vallejo and Alameda ferry services under WETA and to add new ferry routes consistent with the provisions of a Transition Plan and to coordinate all waterborne emergency response activities consistent with an Emergency Water Transportation System Management Plan.

Download Draft plans beginning April 2 at www.watertransit.org
Submit comments on the Draft plans via e-mail to contactus@watertransit.org

Public Comment Period: April 2-May 18, 2009

WATER EMERGENCY TRANSPORTATION AUTHORITY

WETA