

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**  
**MINUTES OF THE BOARD OF DIRECTORS MEETING**

*(May 9, 2019)*

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the Port of San Francisco, Pier 1 in San Francisco, CA.

**1. CALL TO ORDER – BOARD CHAIR**

Chair Jody Breckenridge called the meeting to order at 1:30 p.m.

**2. ROLL CALL**

Chair Breckenridge, Vice Chair James Wunderman, Director Jeffrey DelBono, Director Anthony Intintoli, and Director Nicholas Josefowitz were in attendance.

**3. REPORT OF BOARD CHAIR**

Chair Breckenridge had no report to share.

**4. REPORTS OF DIRECTORS**

Directors had no reports to share.

**5. REPORTS OF STAFF**

Executive Director Nina Rannells shared her written report with Directors and noted that since the Board last met, one of the two lawsuit threats to the validity of the passing of Regional Measure 3 (RM3) by voters last June had been dismissed. She said there was a sixty-day appeal period that would run through late June and that there is a second lawsuit outstanding. Ms. Rannells said she remained hopeful and that once the RM3 funding clears the court process, staff would bring forward an item for Board discussion regarding WETA's RM3 program.

Ms. Rannells said that WETA's legislative representatives in Washington have lobbied for a tripling of the Federal Ferry Boat Discretionary Program funding, currently a pool of \$30 million that is up for application at the federal level. She said this effort was in concert with other ferry operators. Ms. Rannells also noted that the new Richmond ferry service that WETA launched in January continued to grow. Vice Chair Wunderman said he had recently spoken with Richmond Mayor Tom Butt who told him he was very happy about the success of the growing service.

**6. CONSENT CALENDAR**

Director DelBono made a motion to approve the consent calendar which included:

- a. Board Meeting Minutes – April 4, 2019
- b. Authorize Filing Applications with the Metropolitan Transportation Commission for FY 2019/20 Regional Measure 1 and Regional Measure 2 Funds
- c. Approve Amendment to Agreement with Nematode Media, LLC for Ferry Ticket Sales and Information Services for FY 2019/20
- d. Approve Purchase of Commercial Insurance Policies for FY 2019/20

Director Intintoli seconded the motion and the consent calendar passed unanimously.

Yeas: Breckenridge, DelBono, Intintoli, Josefowitz, Wunderman. Nays: None. Absent: None.

**7. APPROVE MEMORANDUM OF UNDERSTANDING WITH CITY OF BERKELEY  
FOR FERRY TERMINAL PLANNING AND FEASIBILITY STUDY**

Senior Planner/Project Manager Michael Gougherty presented this item to approve a Memorandum of Understanding (MOU) with the City of Berkeley for a ferry terminal planning and feasibility study. He shared a PowerPoint presentation with Directors that provided an overview of the history of ferry service considerations in Berkeley. He explained that WETA ferry service on the Berkeley/Albany shoreline had been considered as early as 2003, when WETA was the San Francisco Bay Area Water Transit Authority (WTA) and potential ferry sites had been initially studied. He said work was halted in 2013 after it was determined that there was insufficient funding to build and operate the service.

Mr. Gougherty noted that the interest and support for ferry service in the city of Berkeley was reaffirmed with its inclusion in WETA's 2016 Strategic Plan. He said the Interstate 80 highway commute, directly adjacent to the Berkeley Marina, is the second worst traffic congestion corridor in the Bay Area. Mr. Gougherty noted that in addition to being in WETA's Strategic Plan, Berkeley Ferry service was included in MTC's Plan Bay Area and in its 2017 Core Capacity Transit Study as a medium-term solution for improving public transportation to and from the San Francisco Core.

Mr. Gougherty introduced and extended thanks to Berkeley Mayor Jesse Arreguin, Berkeley Vice Mayor Susan Wengraf, Berkeley Economic Development Manager Jordan Klein, and other City of Berkeley staff who were in attendance to show their support for the item. Mr. Gougherty said that hundreds of letters of support had also been received from Berkeley residents and employers urging the WETA Board to move forward with the recommended MOU for the study. Mr. Gougherty then introduced Nelson Lam, Berkeley Associate Civil Engineer and project manager to provide additional background and information on the project.

Mr. Lam provided the Board with a virtual tour of the Berkeley Marina and noted that over 200,000 people visit the area annually for leisure activities and special events. He further noted that there were three restaurants, 1,000 boat slips, and multiple sailing clubs located at the marina. Mr. Lam said Berkeley was working with Caltrans on a highway overpass plan to improve access to the area, and the City was working on a master development plan for the shoreline. Mr. Lam said voters approved a \$100 million bond in 2016 which could help fund the development and construction of a terminal.

Mr. Klein said that Berkeley is a job center for the East Bay with 67,000 jobs. He explained that more than 36,000 of these jobs are located in West Berkeley, near the shoreline that would be studied for potential ferry service. Mr. Klein said that residential development in West Berkeley continued, and that San Pablo Avenue would continue to be a high density planning area for commercial and residential development. Mr. Klein said that he had received a commitment that the current West Berkeley shuttle service run by Wareham Development would be increased to support access to ferry service at the marina if this plan moves forward. He added that master planning efforts for South Berkeley would also be ongoing throughout this process.

Mr. Gougherty emphasized that the feasibility study was a planning function only, to identify if WETA could proceed with the project. If the project was deemed infeasible, he said, by either WETA or the City of Berkeley, the MOU would end with no further obligation from either party. He added that Berkeley staff would drive the public participation process with WETA as a support partner.

It was agreed that an important objective of the project would be to limit parking at the future terminal, and instead increase other modes of access with public transit, the West Berkeley shuttle, and pedestrian and bicycle access improvements.

Director Josefowitz said he felt the information provided for this item did not present a fair and balanced view of the factors under consideration. He emphasized that much of the land near the Berkeley

shoreline will never be developed because of a 1913 State land agreement, and he said that numerous other development sites in Berkeley were legally contentious or already in litigation. He said the Board should not get people's hopes up for a site that will just result in more inertia. Director Josefowitz said the Bay Area has serious housing and transportation problems that will not be addressed by building a terminal in an area where no housing or employment can be built. He emphasized that he was in favor of looking at ferry service in Berkeley in an area where residential and commercial development has a chance of happening, but said he cannot support the idea being considered in the current shoreline location because nothing will ever be built there.

Vice Chair Wunderman said he understood and appreciated Director Josefowitz's concerns and agreed that they were important considerations. He thanked the Mayor and City of Berkeley staff for their work and partnership with WETA in moving forward to determine if water transportation makes sense for Berkeley. Vice Chair Wunderman said he had attended the opening of the new Bayer facility in Berkeley that morning, and that he had also received a commitment from Wareham Development that shuttle service to the waterfront would be increased to support future ferry service. He said he felt that a ferry terminal built at the current Golden Gate Fields location might be ideal. Mr. Gougherty said that the first site study had determined that location to be prohibitive for ecological reasons.

Director Intintoli noted that the Board will not get answers to the important questions being raised about the feasibility for a terminal and ferry service in Berkeley unless the study happens. He said those answers will be crucial to Directors in the consideration process. Director DelBono said he agreed, and that while he also agreed with Director Josefowitz about his concerns, he too wants answers. He said there are going to be many questions about potential ferry service in the South Bay also, and a study to answer those important questions will be crucial to that process just as this study was crucial for Berkeley.

Chair Breckenridge said she would like the study to include surveying the major employers in Emeryville to find out if their employees would go to Berkeley to take a ferry instead of going to Oakland. She added that emergency response capabilities and potential in Berkeley should also be included, and she noted that the Berkeley/Albany shoreline is an important asset with an expanse of open space that could provide an ideal staging area for the Bay Area in the event of emergency or disaster.

Mr. Gougherty explained that the many things mentioned by Directors, including whether or not any of the initial environmental work that had been done can be leveraged for the current study and clarity on emergency response capabilities potential in Berkeley, would all be included in the study. He noted that local market assessment was a key component of the study scope. Director Josefowitz said he would also like to see zoning details for future development and land use potential in the City of Berkeley, especially near the terminal, included in the feasibility study. Mr. Gougherty said that in addition to the work that will be done by the consultant who will be performing the primary technical aspects of the study, that there would be considerable work done by the City of Berkeley and by WETA staff with assistance from the engineering firm GHD.

### **PUBLIC COMMENTS**

Mayor Arreguin said it was important to not view the shoreline location in isolation, and instead as a crucial transportation link for the entire city of Berkeley. He said the City was working on a San Pablo Avenue development plan and part of that process is to creatively identify how to get people from the City across the highway to the shoreline. He noted that the City was working with Caltrans on that process. Mayor Arreguin said the waterfront is going to look very different in ten or fifteen years because of the shoreline redevelopment, and he emphasized that there was great economic opportunity in Berkeley. He said ferry service would be a fundamental piece of the shoreline's surrounding development.

Vice Mayor Susan Wengraf said many areas of Berkeley were extremely vulnerable to wildfires and that her constituents were very keen on WETA's emergency response mandate. She said Berkeley would continue to be a job growth city, and she thanked Directors for their support and partnership.

CEO of HOVR California Felix Sargent said HOVR was a hovercraft consultancy and could prepare information for the Board on the viability of utilizing hovercraft for Berkeley at different locations. He said there were many interesting and promising sites along the Berkeley shoreline for hovercraft utilization, especially at the foot of Gilman Street and on the McLaughlin East Shore. Mr. Sargent said hovercraft should be included in the scope of the Berkeley study and offered that if the item could be tabled until the next meeting HOVR could bring back details of what to include in the study scope to support hovercraft use. He said that this information could be included as a separate proposal for the study.

Director of Operations & Policy for the Bay Planning Coalition Emily Loper urged Directors to include travel from Berkeley to Bay Area job centers other than the San Francisco Ferry Building in the feasibility study. She said Mission Bay, Redwood City, and South San Francisco were all important, growing job centers not currently well served by public transportation. Ms. Loper emphasized that as WETA continues to build its system out, including all of the places people are commuting to and from will be a key objective.

Vallejo Planning Commissioner Kathleen Diohep said that the last mile information that would be gathered in the process of this feasibility study will provide much needed information that can be utilized elsewhere throughout WETA's current and future system. Mr. Lam said travel to and from the terminal will be a key piece of the study, and Mr. Gougherty confirmed that the study scope was comprehensive enough to include the last mile as well as all of the other questions raised other than including specific vessel types for a future service and including multiple additional site considerations.

Jerry Bellows of MARAD said he was on the Board when the first Berkeley study was done and he remembered that the marina location had been decided upon because the other options were too difficult to access. He added that since routes will be considered in the official hovercraft study that WETA will also be doing, that those findings may tie in to the Berkeley feasibility study. Mr. Bellows further noted that Berkeley had already built a lot of new housing at University Avenue and other areas near the marina and had plans to build a lot more. He emphasized that Berkeley was already committed to building at least as much housing as the City of Alameda has committed to build at WETA's planned Seaplane Lagoon terminal. He urged Directors to move forward with the MOU to support the study.

Steven Buss and Laura Foote of YIMBY Action urged Directors to vote no on the MOU because they felt there was not enough development opportunity on the Berkeley waterfront to support public ferry service.

Director Josefowitz thanked all speakers at the meeting and especially the Mayor and Berkeley City staff. He reiterated that while he wants to see ferry service in Berkeley, he still has grave concerns about the potential for development around the proposed site. Director Josefowitz said he planned to vote no on moving forward with the Berkeley study.

Ms. Rannells emphasized that staff wants to deliver the right work product. She said the robust conversation had been very helpful, and she thanked Directors and speakers.

Director Intintoli made a motion to approve the item.

Director DelBono seconded the motion and the item passed 4-1.

Yeas: Breckenridge, DelBono, Intintoli, Wunderman. Nays: Josefowitz. Absent: None.

Chair Breckenridge recessed the meeting from 3:16 p.m. to 3:21 p.m.

Director Josefowitz left the meeting at 3:21 p.m. and returned at 3:26 p.m.

#### **8. APPROVE FISCAL YEAR 2019/20 OPERATING AND CAPITAL BUDGET**

Ms. Rannells introduced the item and noted that the \$111 million budget was made up of about \$50 million for operations and about \$60 million for capital needs. She said that the budget represented a baseline to support what WETA was already doing with its current staff, and she noted that the budget did not include any new RM3 funds but did include Regional Measures 1 and 2 and local available monies. Ms. Rannells said the budget also included enough funding for several planning studies that will enable the Board and staff to better define and plan a future that includes RM3 funding. She said her current understanding regarding the threat to RM3 is that clarity on the lawsuits was expected by the end of June, and that the Metropolitan Transportation Commission (MTC) planned to work on how best to allocate the funding throughout late summer and into early fall. Ms. Rannells said that if all goes well, WETA could begin requesting RM3 funding allocations as early as October 2019. She added that a lot of work will be needed to set up those agreements, including working with MTC and Directors to make determinations about how the funding will be best utilized.

Finance & Administration Manager Lynne Yu presented the item to approve WETA's Fiscal Year 2019/20 Operating and Capital Budget, including the annual staff pay schedule. She provided an overview of the proposed budget's operating and capital components and welcomed questions.

Vice Chair Wunderman asked if the budget included staff to support robust community outreach and engagement throughout the Bay Area. Ms. Rannells said that WETA's current staffing is limited and reiterated that the proposed budget did not include the use of RM3 funds. She said she looks forward to working with the Directors in the coming months to determine a staffing structure for WETA once RM3 funds are available.

Chair Breckenridge said that vessel decisions will need to be made by the end of the year to support the current planned timelines for Mission Bay and Treasure Island and that those projects will require quite a bit of additional staff work also. Ms. Rannells said staff plans to return to the Board in the coming months with a detailed vessel plan that will include small vessels and green vessel opportunities.

Vice Chair Wunderman made a motion to approve the item.

Chair Breckenridge seconded the motion and the item unanimously passed.

Yeas: Breckenridge, DelBono, Intintoli, Josefowitz, Wunderman. Nays: None. Absent: None.

#### **9. OPEN TIME FOR PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

Mr. Bellows said Maritime Day was on May 22. He encouraged everyone to learn about the celebration's events and participate in or attend some of the planned activities.

Chair Breckenridge said additional time could be needed for the June Board meeting for a closed meeting item discussion regarding performance. Directors Josefowitz and DelBono said they will not be available to attend the July 11 Board meeting.

All business having been concluded, the meeting was adjourned at 3:46 p.m.

- Board Secretary

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