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

Thursday, September 3, 2020 at 1:30 p.m.

VIDEOCONFERENCE

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AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. REPORT OF BOARD CHAIR

- a. Chair's Verbal Report

Information

4. REPORTS OF DIRECTORS

Directors are limited to providing information, asking clarifying questions about matters not on the agenda, responding to public comment, referring matters to committee or staff for information, or requesting a report to be made at another meeting.

Information

5. REPORTS OF STAFF

- a. Executive Director's Report on Agency Projects, Activities and Services
b. Monthly Review of Financial Statements
c. Federal Legislative Update
d. State Legislative Update
e. Monthly Ridership and Recovery Report

Information

6. CONSENT CALENDAR

- a. Board Meeting Minutes – September 3, 2020
b. Approve Amendment to Clipper Memorandum of Understanding with the Metropolitan Transportation Commission and Bay Area Transit Operators

Action

7. ADOPT THE REGIONAL TRANSIT OPERATOR HEALTH AND SAFETY PLAN

Action

**Water Emergency Transportation Authority
September 3, 2020 Meeting of the Board of Directors**

- | | |
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| 8. <u>APPROVE AMENDMENT TO AGREEMENT WITH BLUE & GOLD FLEET, L.P. FOR OPERATION AND MAINTENANCE OF FERRY SERVICES</u> | Action |
| 9. <u>APPROVE STATE AND FEDERAL LEGISLATIVE PROGRAMS FOR 2021</u> | Action |
| 10. <u>STATUS REPORT ON THE MISSION BAY FERRY LANDING PROJECT</u> | Information |
| 11. <u>SET A PUBLIC HEARING TO RECEIVE COMMENTS ON WETA'S PROPOSED CLIPPER START MEANS-BASED DISCOUNTED FARES</u> | Action |
| 12. <u>PUBLIC COMMENTS FOR NON-AGENDA ITEMS</u> | |

ADJOURNMENT

All items appearing on the agenda are subject to action by the Board of Directors. Staff recommendations are subject to action and change by the Board of Directors.

CHANGES RELATED TO COVID-19

Consistent with Governor Gavin Newsom's Executive Order N-25-20, effective immediately and until further notice, meetings will be conducted through virtual participation to promote social distancing and reduce the chance of COVID-19 transmission.

PUBLIC COMMENTS WETA welcomes comments from the public.

If you know in advance that you would like to make a public comment during the videoconference, please email BoardOfDirectors@watertransit.org with your name and item number you would like to provide comment on no later than 15 minutes after the start of the meeting. During the public comment period, speakers will be allotted no more than 3 minutes to speak and will be heard in the order of sign-up. Said time frames may be extended only upon approval of the Board of Directors.

Agenda Items: Speakers on individual agenda items will be called in order of sign-up after the discussion of each agenda item.

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.

Upon request, WETA will provide written agenda materials in appropriate alternative formats to individuals with disabilities. In addition, WETA will arrange for disability-related modifications or accommodations including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please send an email with your request to: contactus@watertransit.org or by telephone: (415) 291-3377 as soon as possible and no later than 5 days prior to the meeting and we will work to accommodate access to the meeting.

AGENDA ITEM 1
CALL TO ORDER

AGENDA ITEM 2
ROLL CALL

AGENDA ITEM 3
REPORT OF BOARD CHAIR

AGENDA ITEM 4
REPORTS OF DIRECTORS

NO MATERIALS

TO: WETA Board Members

FROM: Nina Rannells, Executive Director

DATE: September 3, 2020

RE: Executive Director's Report

CAPITAL PROJECT IMPLEMENTATION UPDATE**Two New Commuter Class Vessels**

This project will construct two mid-size high-speed passenger vessels with the versatility to support WETA's diverse system of routes and facilities constrained by vessel size and water depth. In March 2018, the Board approved a contract award to Glosten for construction management services to support vessel construction. In October 2018, the Board approved a contract award to Mavrik Marine Inc. for construction of an initial vessel and in December 2019 approved construction of a second, optional vessel.

Keel laying and construction of the first vessel, MV *Dorado*, commenced on December 18, 2018. Full hull weld-out is complete and the superstructure is painted. Insulation, plumbing, and wiring work is in process, and propulsion components are being prepared for installation. Launch and sea trials are scheduled for November. Final delivery to San Francisco is anticipated in December 2020. Construction of the second vessel will begin in late summer 2020 and is expected to be completed in summer 2021. These build schedules have been impacted by the COVID-19 pandemic and local shelter-in-place orders. Approximately 70% of the workforce is available and working; morning and evening work shifts are being utilized to maintain physical distancing.

MV *Bay Breeze* and MV *Solano* Vessel Replacement

Both vessels have met the requirements qualifying for Federal Transit Administration (FTA) replacement funds. These 320-passenger replacement vessels will have minimal environmental impact, advanced Tier 4 emission controls, shallow draft, and low wake features. On February 13, the Board authorized release of a Request for Proposals (RFP) for the MV *Bay Breeze* replacement vessel construction. On February 13, the Board authorized a construction management services award to Aurora Marine Design. On March 12, the Board authorized staff to solicit proposals for the MV *Solano* replacement as a part of a single, combined solicitation with the MV *Bay Breeze* replacement project. The Board also authorized amending the construction management contract for the increased project scope. On April 20, an RFP was released for the project and on May 4 a pre-bid meeting was held with 50 attendees representing 8 shipyards. On July 29, eight proposals were received. Staff anticipates being in a position to recommend award of a contract for this project at the October Board meeting.

Mission Bay Electric Vessel and Terminal Charging infrastructure

On April 21, the California State Transportation Agency (CalSTA) announced an award of \$9.06 million for an all-electric ferry and related infrastructure for new Mission Bay Ferry service. The project includes design and construction of one new all-electric vessel and related shoreside charging infrastructure at the Mission Bay and Downtown San Francisco Ferry Terminals. The Mission Bay ferry service is a critical 2.6-mile extension service between the Downtown San Francisco and Mission Bay Ferry Terminals that will improve the reach of existing ferry routes

from Alameda, Oakland, Richmond, and Vallejo. Staff has started preliminary work developing technical specifications and procurement documents. The Transit and Intercity Rail Capital Program (TIRCP) grant funds must be approved by the California Transportation Commission prior to the project being eligible for reimbursement. Staff will work with CalSTA to secure required approvals in the coming months once a schedule for the new Mission Bay Ferry terminal is better known.

Harbor Bay Fender Piling Installation

The Harbor Bay Ferry Terminal is located at an exposed location on the eastern shore of San Francisco Bay. This project involves the installation of two pilings with fendering at the dock. Project benefits include softer motions while docking, less wear and tear on the vessels, and increased service life of existing fenders. The proposed mooring pile fenders would also improve the ability to land WETA's larger vessels at this facility. Permits are in the review process and expected to be delivered in time to implement this project during the in-water work window. An Invitation for Bids was released on May 19, and a contract was awarded to Power Engineering Construction Company (Power Engineering) at the July 16 Board meeting. Work is anticipated for late September during the permitted work window.

Downtown San Francisco Ferry Terminal Expansion Project

This project will expand berthing capacity at the Downtown San Francisco Ferry Terminal in order to support new and existing ferry services to San Francisco. The project also includes landside improvements needed to accommodate expected service expansion, increases in ridership, and to support emergency response capabilities. The construction contractor for the project is Power Engineering and construction management services are being provided by CH2M Hill which was acquired by Jacobs Engineering.

Project construction began in February 2017 and is now complete with the exception of permanent electrical service. Work on the electrical connection began mid-July and is anticipated to be complete by November 2020. The construction fence was removed the morning of August 12 and the plaza is now open to the general public. Staff collaborated with the Port of San Francisco to unveil the project using social media and video and print press releases including project footage and statements from San Francisco Mayor London Breed, Senator Scott Wiener, and Assemblymember David Chiu. Staff will continue to seek opportunities for positive coverage of the project completion. Staff will provide a project overview at the Board meeting highlighting this new WETA facility and regional asset.

SERVICE DEVELOPMENT UPDATE

Mission Bay Ferry Landing

The Port of San Francisco (Port) has conducted feasibility and design studies in partnership with WETA staff for a future Mission Bay ferry landing. A project Memorandum of Understanding (MOU) between the Port and WETA was adopted by the Board in January 2017, establishing roles and responsibilities for the joint development of this project. The environmental document, final design, and permitting are now complete.

In April 2019, the Port requested that WETA commit \$25 million of its future Regional Measure 3 (RM3) funds to support terminal construction, estimated at the time to cost approximately \$40 million, in order to fully fund project construction. The Board authorized the Executive Director to enter into an MOU and a resolution for a Letter of No Prejudice (LONP) at the February 2020 Board meeting. On March 25, 2020, the Metropolitan Transportation Commission (MTC) approved the LONP request. Adoption of the MOU by the San Francisco Port Commission has yet to be scheduled for consideration. On March 11, 2020, the Port released Invitations for Bids for both dredging and site preparation. The Port awarded the contract at its April 28 Commission meeting. Dredging and site preparation began in August 2020. The balance of the terminal construction activities were previously scheduled to begin in 2020; however, due to the

pandemic, the Port has identified new financial challenges for the project and deferred the construction schedule out to 2020. Port and WETA staff will provide an update on the project at the September meeting.

Oakland Athletics Howard Terminal Stadium Proposal

WETA staff has met on a few occasions with the Oakland Athletics organization (Athletics) and the Howard Terminal stadium development team. WETA submitted a comment letter during the scoping phase for the anticipated Environmental Impact Report (EIR) identifying terminal capacity limitations at the existing Jack London Square Ferry Terminal in Oakland for consideration during the EIR process. The Athletics are currently assuming that existing commute-period ferry service will satisfy the demand from San Francisco.

Alameda Seaplane Lagoon Ferry Terminal

In April 2016, the Board and Alameda City Council adopted an MOU defining a future service concept for western Alameda and identifying the terms and conditions under which a new Seaplane Lagoon ferry service would be implemented.

The transfer of property from the City of Alameda (Alameda) to the development team - Alameda Point Partners (APP) - included a \$10 million contribution toward the Seaplane Lagoon Ferry Terminal. Alameda previously secured \$8.2 million from the Alameda County Transportation Commission for the terminal and has recently committed \$2 million from City general funds. In September 2018 the Board authorized a commitment of \$2 million to the project to close a funding gap and keep the project on schedule for construction. The Board and Alameda City Council adopted an Operating Agreement in December 2019 that supports transfer of the terminal waterside assets to WETA upon completion. On July 22, the United States Coast Guard (USCG) conducted the Seaplane Lagoon Terminal security inspection and found no deficiencies. Alameda and APP completed construction in August 2020 and the new terminal is ready for operations.

Staff has developed a marketing and outreach plan, branded "Seaplane Shift" to support the new Seaplane Lagoon service and related changes to the Alameda/Oakland estuary services. The campaign plan was revised in the wake of the COVID-19 crisis and the modified campaign was launched in May 2020. Outreach to passengers continues despite the uncertainty around the timing of launch of Seaplane Lagoon service. Staff has prepared a minor route rebrand timed to coincide with the Seaplane Shift to ensure passenger clarity around the differences between service out of Seaplane Lagoon (commute-focused) and the Main Street Alameda Ferry Terminal (off-peak, through Oakland).

Redwood City Ferry Terminal

WETA prepared a draft Redwood City ferry terminal site feasibility report in 2012 to identify site opportunities, constraints, and design requirements, and better understand project feasibility and costs associated with the development of a terminal and service to Redwood City. During the summer of 2016, staff from the Port of Redwood City (Port), WETA, and Redwood City met to redefine a ferry project and pursue feasibility study funds to move the project toward implementation.

In March 2020, the Port, Redwood City, and WETA approved entering into a project MOU that defines agency roles and responsibilities for working together to advance the feasibility study and potential future terminal planning and development. Redwood City is leading the effort to prepare a Financial Feasibility Study and Cost Benefit Analysis Report for the Redwood City ferry terminal construction and service utilizing \$450,000 in San Mateo County Measure A transportation sales tax funds and has entered into an agreement with the San Mateo County Transportation Authority to develop and adopt the Feasibility Study and Business Plan. The study, which kicked off at a February 2019 meeting with a consultant team and staff from the

Port, Redwood City, and WETA, is expected to be completed in September 2020. Final draft study results are anticipated to be shared at the October 2020 Board meeting.

Berkeley Ferry Terminal

The proposed Berkeley service will provide an alternative transportation link between Berkeley and downtown San Francisco. In July 2019, the City of Berkeley (Berkeley) and WETA executed an MOU to proceed with the planning phase of this project which will include a study to evaluate the feasibility of constructing a dual-use pier facility at or near the Berkeley Municipal Pier that would serve as both a ferry terminal and public access space. Upon completion, the findings of the study will be presented to the Board and City Council for consideration, consistent with the terms of the MOU. Berkeley has contracted with GHD to support the study which is expected to require 18 months to complete. WETA and Berkeley are involved in feasibility study activities, including evaluation of landside and waterside options for developing a terminal at the existing recreational pier site on the Berkeley waterfront. The first round of public workshops was moved to an on-line platform in June with subsequent rounds of outreach anticipated in the fall.

Treasure Island Ferry Service

WETA has worked with City of San Francisco staff for 10+ years to support development of the Treasure Island ferry terminal and service in conjunction with the City of San Francisco's efforts to develop the island. This project - which will be implemented by the Treasure Island Development Authority (TIDA), the San Francisco County Transportation Authority (SFCTA) acting in its capacity as the Treasure Island Mobility Management Authority (TIMMA), and the developer – has committed to implementing new ferry service between Treasure Island and downtown San Francisco consistent with the 2011 Treasure Island Transportation Implementation Plan.

Staff from SFCTA/TIMMA provided an update on the project and the transportation plan at the February and April 2019 Board meetings, indicating that they hoped to advance the start of ferry service to 2021. More recently, as confirmed in a January 2020 update to the Board, SFCTA/TIMMA staff has indicated that they anticipate being able to support launch of a new public Treasure Island ferry service in July 2023. They previously indicated that they were working toward a toll measure for TIMMA Board consideration in summer 2019, but this work has been deferred to 2020. In the meantime, the developer began construction of the ferry terminal in September 2019. Staff has been coordinating review of the terminal under construction with the Treasure Island developer to ensure that WETA vessels will be able to land at this terminal. In May, the SFCTA staff proposed conducting a consultant analysis of ferry service for Treasure Island and select portions of the San Francisco waterfront. WETA staff has reviewed the scope of the proposed study and is expecting to participate in this effort.

SYSTEM PLANS/STUDIES

Hovercraft Feasibility Study

This study will broadly consider the feasibility of operating hovercraft on San Francisco Bay as part of the WETA water transit system. A Hovercraft Stakeholder Committee was assembled, comprised of hovercraft industry representatives, advocates from Bay Area public policy groups, environmental organizations, and maritime industry representatives to guide the study. Staff also convened a Hovercraft Technical Advisory Committee to review and provide input on preliminary results of the study. On September 5, 2019 the Board authorized a contract award to AECOM, and staff has subsequently executed a professional services agreement for the study. The initial task for the consultant team was to review the 2011 WETA Hovercraft Feasibility Study and update areas such as technology, environmental performance, and costs. Those draft results were reviewed by staff and returned to the consultants for finalization. WETA staff and consultants hosted Technical Advisory and Stakeholder Advocacy Workshops on February 26 to give local jurisdictions and interested stakeholders a chance to provide feedback

to the study team and give input on the direction of the study. Staff presented an overview of the initial work at the March 12 meeting. The second round of committee meetings held the week of May 11 included a conversation about narrowing down the top routes for further analysis. The consultant provided an update to the Board at the June meeting highlighting the list of top routes for further analysis. Staff and the consultant have begun meeting with the cities included in the final routes to review initial ridership modeling findings. The next committee meetings will be held in late August to discuss the ridership modeling results and a more detailed environmental analysis of potential terminal locations.

MTC's Blue Ribbon Transit Recovery Task Force

The Metropolitan Transportation Commission has created a Blue Ribbon Transit Recovery Task Force (Task Force) to guide the future of the Bay Area's public transportation network as the region adjusts to new conditions created by the COVID-19 pandemic. The Task Force, chaired by MTC Commissioner and Solano County Supervisor Jim Spering, includes other local elected officials as well as advocates for people with disabilities; representatives from the state Senate and Assembly; the California State Transportation Agency; transit operators; business and labor groups; and transit and social justice advocates. The Task Force members were formally appointed at the Commission's May 27 meeting. While WETA does not have a direct seat on the Task Force, Chair Wunderman is a participant through his role at the Bay Area Council.

Bay Area transit operators have worked collaboratively to form several working groups focused on the areas of financial sustainability, public health and safety, service and operations planning and communications in order to support the Task Force's work and discussions. WETA staff is regularly participating in these working groups.

Initial work of the Task Force included developing a recommendation for expedited distribution of federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Phase 2 funds which was approved by MTC on July 22. In addition, the transit operators worked to develop a Public Health on Transit Plan, which was presented to the Task Force at their June 28 and July 20 meetings, that provides a common, scalable set of guidelines and best practices to protect the health of riders and transit workers in the region as we continue to operate during the pandemic. Staff has included an item to adopt this regional plan at the September Board meeting.

The remaining work of the Task Force will be to submit a Bay Area Public Transit Transformation Action Plan to the Commission by mid-2021 for its consideration and possible adoption. The Plan will describe the actions needed to reshape the region's transit system into a more connected, more efficient, and more user-focused mobility network across the entire Bay Area and beyond. In support of this work, the transit operators, through the service and operations planning subgroup – are collaborating to develop regional operating concepts that emphasize network connectivity as systems begin to adjust service in response to and in anticipation of returning transit ridership demand. The next Task Force meeting is scheduled to take place on September 14, 2020.

EMERGENCY RESPONSE ACTIVITIES UPDATE

WETA's enabling legislation directs the agency to provide comprehensive water transportation and emergency coordination services for the Bay Area region. The following emergency response related activities are currently underway:

- The Bay Ferry V, scheduled for November 16-22 and hosted by Golden Gate Ferry in cooperation with United States Coast Guard (USCG) Sector San Francisco (SF) and other local, state, and federal first responders and emergency managers, has officially been cancelled until further notice due to the COVID-19 pandemic. This exercise was scheduled to count toward the USCG Vessel Mutual Aid Plan (VMAP) exercise

requirement. Staff will work with Blue & Gold Fleet and USCG Sector SF to get an extension for completion of the VMAP exercise requirement.

- Response to COVID-19: WETA has partially activated its Emergency Operations Center in response to COVID-19 by staffing the Public Information Officer (PIO) and Liaison positions. As the pandemic has become our new normal, this work has largely been integrated into our normal staff roles.
- Staff has submitted an application to request reimbursement from the Federal Emergency Management Agency (FEMA) for costs associated with electrostatic disinfecting of vessels and facilities and for the purchase of personal protective equipment. WETA spent \$175,620 on these costs from late February through June 30. If approved, FEMA will reimburse WETA 75% of eligible costs. Staff plans to submit another application for reimbursement of COVID-19 related costs in the fall or winter.
- In addition to seeking reimbursement from FEMA for COVID specific expenses, WETA has worked to request resources from federal and state agencies to help offset expenses for Personal Protective Equipment for frontline staff. WETA has been fortunate to receive the resources listed below from the California Office of Emergency Services (Cal OES), the Federal Transit Administration (FTA), and the Maritime Administration (MARAD):
 - Cal OES provided:
 - 126 gallons of hand sanitizer
 - 3,600 cloth masks
 - 4,000 disposable masks
 - 80,000 vinyl gloves
 - FTA provided 5,000 cloth masks
 - MARAD provided 3,000 cloth masks

One surprising note that should be shared is the speed at which we were able to receive our most recent request of 80,000 vinyl gloves, which were in short supply. The resource request was submitted to Cal OES on the afternoon of August 7 and the gloves were delivered to WETA's Central Bay Operations & Maintenance Facility on the morning of August 17. We are grateful to our many partners in helping to ensure that we are fully stocked with necessary protective equipment during this time.

OPERATIONS REPORT

WETA Operations and COVID-19 Preventive Measures

Since March 17, WETA has offered limited Vallejo and Alameda/Oakland peak-period service to San Francisco on weekdays during the shelter-in-place orders. This included two morning and two afternoon trips between Vallejo and San Francisco and three morning and three afternoon trips between Alameda/Oakland and San Francisco. Staff has closely monitored ridership capacity to meet demand while adhering to social distancing guidelines. Vallejo ridership experienced a steady average increase of 26 percent on its peak trips between May and June and has remained at this average level in July. In response to increasing ridership levels between May and June, two additional peak-period morning and afternoon trips were added in Vallejo on June 15. Service was also resumed in Richmond on June 15 providing three morning and three afternoon peak-period trips between Richmond and the Ferry Building. No changes have been made to Alameda/Oakland service.

Crews and boats are rotated into service to maintain fleetwide operational readiness. In the North Bay and Central Bay, eight crews continue to operate the daily service. Stand-by crews

remain onsite performing vessel and facility maintenance, training, and exercising with a focus on vessel and crew regulatory compliance, cleaning, and maintaining operational availability for back-up service as needed.

WETA is committed to passenger safety and continues to follow local and state public health orders as they are released to prevent the spread of the virus and to ensure ridership confidence. In keeping with the recently adopted Passenger and Crew Safety Plan and Communications Campaign, passengers are required to wear protective masks or face coverings to ride the ferry and hand sanitizer is available on each vessel. Passengers are reminded through on-board messaging of the social distancing and personal protective equipment requirements. WETA has established passenger distancing measures on vessels with seat markers to identify available seating and seating that is not to be used. Additionally, to ensure social distancing requirements at all active ferry terminals in the system, markers have been placed in areas of passenger queuing to reflect the six-foot distance needed to safely board and disembark.

The health and safety of our crews is also a top priority. COVID-19 Prevention Guidelines for employees and the public are posted at each facility and on each vessel. Staff is closely monitoring local and state public health orders and making updates to its operational guidelines as applicable. Vessel crews are required to self-screen (including temperature checks) before reporting to work. All crews have been provided with personal protective equipment such as face masks and gloves. Crews are required to wear protective masks while on duty and are limiting the number of passengers onboard to maintain social distancing guidelines.

As part of the coordinated efforts to slow the spread of COVID-19, WETA's service contractor, Blue & Gold has implemented extensive vessel and terminal cleaning protocols with increased frequency with special attention to disinfecting all high-touch hard surfaces such as Clipper readers, handrails, arm rests, door handles, seat trays, stairwells, tabletops, restrooms, and all fixtures in the pilot house. Vessel fogging is administered at the end of each shift on in-service vessels.

Monthly Operating Statistics - The Monthly Operating Statistics Report for July 2020 is provided as ***Attachment A***.

KEY BUSINESS MEETINGS AND EXTERNAL OUTREACH

On August 12, Nina Rannells attended the Bay Area Council's Water Transit Subcommittee meeting.

On August 14, Nina Rannells attended the Regional Fare Integration Task Force meeting.

On August 14, Nina Rannells attended the Clipper Executive Board meeting.

OTHER BUSINESS

Clipper START

The regional means-based fare pilot program, Clipper START, was launched on July 15, 2020. This program offers discounted transit rides to eligible low-income adults on participating transit systems in the Bay Area during the pilot period. The participating transit systems are comprised of four of the large transit operators in the region - Bay Area Rapid Transit (BART), Caltrain, Golden Gate Bridge, Highway and Transportation District (GGBHTD), and the San Francisco Municipal Transportation Agency (SFMTA). In late June, MTC announced that they had identified a path forward to expand the pilot program to include additional Bay Area operators and had opened the program up for greater participation.

At the July 16 meeting, the Board took action to request participation in this program offering a 50% discount from WETA's adult cash fare. MTC has granted this request and is working to create the final details of the expansion pilot together for Commission consideration. In total, it is anticipated that 18 additional Bay Area transit operators will join the pilot program as a part of this expansion effort. In the coming months, staff will bring forward further WETA actions to support program implementation in order to meet MTC's anticipated start date of January 2021.

Regional Measure 3

In June 2018 Bay Area voters approved Regional Measure 3 (RM3) which raises Bay Area bridge tolls by \$3 over a six-year period starting with a \$1 increase on January 1, 2019, followed by additional \$1 increases in January 2022 and January 2025.

Since its passage, RM3 has been challenged by two lawsuits in the Superior Court of the City and County of San Francisco including the *Howard Jarvis Taxpayers Association, et al v. The Bay Area Toll Authority and the California State Legislature* and *Randall Whitney v. MTC*. These cases were dismissed by the Court on April 23 and June 11, 2019, respectively. A Notice of Appeal was filed by each plaintiff and these two appeal cases were consolidated on October 9, 2019. The appellants' consolidated opening brief was filed on October 29, 2019. The respondents' consolidated opposition brief was filed on December 19, 2019. The appellants' reply brief was filed in January 2020. The Court of Appeal held a hearing on May 26 for the two cases. On June 29, 2020, the Court of Appeal issued its opinion in the two pending cases (*Howard Jarvis Taxpayer Association and Randall Whitney*) challenging the validity of RM3, the toll increase for the seven state-owned Bay Area bridges that was approved by the voters in 2018 by a 55 percent majority. The Court unanimously affirmed the trial court's decision that such a toll is not a tax. The appellate court concluded that the RM3 toll increase falls within the California Constitution's exception from the definition of "tax" for "a charge imposed for entrance to or use of state property." The appellate court found that the Legislature, in passing Senate Bill 595, had the power to impose a regional toll increase conditional upon approval of the region's voters. The court determined that voter approval by a two-thirds majority vote did not apply.

On July 8, the plaintiffs filed a petition for rehearing before the Court of Appeal, which was denied on July 13. The plaintiffs filed a petition for review with the California Supreme Court on August 10. The timeline for the California Supreme Court to decide whether to review the case is 60 days, but they can extend it by an additional 30 days, in the court's discretion.

On January 1, 2019 BATA began collecting the first dollar of the approved toll increase. Toll revenues collected are being placed into an escrow account and will not be allocated to project sponsors until the lawsuits are settled. MTC staff has prepared general guidelines for RM3 program administration that the Commission adopted in December 2019. Staff will work with MTC to ensure that we are positioned to secure toll measure funds when they are available.

PROPSF California Public Utilities Commission Filing

On October 11, WETA filed a response to an application by PROPSF, LLC to amend its certificate of public convenience and necessity (CPCN) to allow PROPSF to add unscheduled, prearranged vessel common carrier service between points in San Francisco, Marin, the Peninsula, and the East Bay, establish rates therefore, and a zone of rate freedom (ZORF) of 20% for both scheduled and unscheduled services. By way of background, in 2016, PROPSF obtained a CPCN from the California Public Utilities Commission (CPUC) to provide scheduled vessel common carrier service for service routes between San Francisco, Berkeley, Emeryville, and Redwood City. At the same time, another operator, Tideline Marine Group (Tideline), obtained a CPCN to provide vessel common carrier authority for both scheduled (landings in San Francisco, Berkeley, and Emeryville) and unscheduled, prearranged service (landings in San Francisco, Marin County, and the East Bay). WETA filed a response to the applications,

stating its position that private operators can contribute to the development of a better water transportation system, but regulation is necessary to ensure that the private operators do not interfere with WETA's operations. PROPSF seeks to amend its 2016 CPCN to add authorization to provide unscheduled, prearranged vessel common carrier service, which it characterizes as similar to the authority granted to Tideline in 2016.

WETA's response reiterated the position expressed in the previous proceeding that while small-scale water taxi operations have limited potential to affect WETA's operations, the potential for disruption to WETA's operations grows as water taxi service increases in scale. WETA's response requests that the CPUC consider further environmental review and analysis of unscheduled, prearranged service as the scope and frequency of such service intensifies and to consider the further definition or parameters for unscheduled, prearranged service by private operators as to avoid interference with WETA's operations. WETA's response also recaps WETA's statutory mandate to plan, operate, and manage a comprehensive water transportation system in the San Francisco Bay and WETA's interest in a regulatory approach that is consistent with that mandate. PROPSF has replied to WETA's response asserting that no further California Environmental Quality Act (CEQA) review should be required at any point, that its proposed service will not affect WETA's operations and proposes a broad definition of unscheduled, prearranged service.

The CPUC held a pre-hearing conference on February 4 to determine whether a hearing will be necessary and, if so, on what issues. On March 2, the CPUC Commissioner assigned to this case issued a scoping memo that specified several issues for further briefing, which include 1) the impacts of the proposed service on public ferry services; 2) whether the CPUC should impose conditions on the service; and 3) whether further CEQA review is necessary. WETA submitted an opening brief on March 20, and a reply to PROPSF's opening brief on March 30. Staff will continue to monitor this proceeding and applications to operate similar service consistent with prior Board direction.

END

Attachment A

Monthly Operating Statistics Report July 2020

		Alameda/ Oakland	Harbor Bay [†]	Richmond [‡]	South San Francisco [†]	Vallejo	Systemwide
Vs: last month	Total Passengers July 2020	6,034		1,358		9,649	17,041
	Total Passengers June 2020	4,378		679		6,912	11,969
	Percent change	37.83%		100.00%		39.60%	42.38%
Vs: same month last year	Total Passengers July 2020	6,034		1,358		9,649	17,041
	Total Passengers July 2019	152,153	31,596	17,453	12,462	113,387	327,051
	Percent change	-96.03%	-100.00%	-92.22%	-100.00%	-91.49%	-94.79%
Vs: prior FY to date	Total Passengers Current FY To Date	6,034		1,358		9,649	17,041
	Total Passengers Last FY To Date	152,153	31,596	17,453	12,462	113,387	327,051
	Percent change	-96.03%	-100.00%	-92.22%	-100.00%	-91.49%	-94.79%
Ops Stats	Avg Weekday Ridership July 2020	262		59		420	741
	Passengers Per Hour July 2020	56		11		27	29
	Revenue Hours July 2020	107		120		363	590
	Revenue Miles July 2020	1,458		2,174		10,244	13,876
	Farebox Recovery Year-To-Date	5%		1%		7%	5%
	Cost per Available Seat Mile – July 2020	\$1.36		\$0.91		\$0.26	\$0.44
	Average peak hour utilization, AM – July 2020	10%		4%		12%	9%
	Average peak hour utilization, PM – July 2020	12%		5%		14%	10%
	Fuel Used (gallons) – July 2020	21,222		8,515		74,467	104,204
	Avg Cost per gallon – July 2020	\$1.76		\$1.76		\$1.72	\$1.73

[†] Service suspended on the Harbor Bay and South San Francisco routes due to COVID-19 effective March 17.

[‡] Richmond service operated 12 days in June 2020.

MEMORANDUM

TO: Board Members

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

SUBJECT: Monthly Review of FY 2020/21 Financial Statements for One Month
Ending July 31, 2020

Recommendation

There is no recommendation associated with this informational item.

Summary

This report provides the attached FY 2020/21 Financial Statements for one month ending July 31, 2020.

Operating Budget vs. Actual

	Prior Actual	Current Budget	Current Actual
Revenues - Year To Date:			
Fare Revenues	\$2,535,194	\$174,117	\$127,685
Federal - CARES Act	-	1,270,116	1,612,572
Bridge Toll Revenues	1,011,967	1,738,425	612,084
Contra Costa Measure J	262,263	299,042	410,401
Alameda Measure B/BB	-	130,108	-
Alameda Tax & Assessment	-	322,142	-
Other Revenues	1,960	-	-
Total Operating Revenues	\$3,811,384	\$3,933,950	\$2,762,742
Expenses - Year To Date:			
Planning & Administration	\$139,749	\$250,000	\$236,580
Ferry Services	3,671,635	3,683,950	2,526,163
Total Operations Expenses	\$3,811,384	\$3,933,950	\$2,762,742
System-Wide Farebox Recovery %	69%	5%	5%

Capital Actual and % of Total Budget

	YTD Actual	% of FY 2020/21 Budget
Revenues:		
Federal Funds	\$62,172	
State Funds	237,308	
Bridge Toll Revenues	88,679	
Other Revenues	11,054	
Total Capital Revenues	\$399,212	1.19%
Expenses:		
Total Capital Expenses	\$399,212	1.19%

Fiscal Impact

There is no fiscal impact associated with this informational item.

END

San Francisco Bay Area Water Emergency Transportation Authority
FY 2020/21 Statement of Revenues and Expenses
For One Month Ending 7/31/2020

% of Year Elapsed 8%

	Jul-20 Actual	Year - To - Date			Total FY2020/21 Budget	% of Total Budget
		FY2019/20 Actual	FY2020/21 Budget	FY2020/21 Actual		
OPERATING EXPENSES						
<u>FERRY OPERATIONS:</u>						
<u>Harbor Bay FerryService (AHBF)</u>						
Purchased Transportation	\$11,582	\$186,902	\$178,792	\$11,582	\$2,145,500	0.5%
Fuel - Diesel & Urea	-	49,609	41,058	-	492,700	0.0%
Other Direct Operating Expenses	25,604	40,467	70,975	25,604	851,700	3.0%
Admin Overhead Expense Transfer	-	8,263	10,692	-	128,300	0.0%
Total Harbor Bay	\$37,186	\$285,242	\$301,517	\$37,186	\$3,618,200	1.0%
<i>Farebox Recovery - AHBF</i>	0%	52%	4%	0%	4%	
<u>Alameda/Oakland Ferry Service (AOFS)</u>						
Purchased Transportation	\$610,929	\$841,477	\$638,958	\$610,929	\$7,667,500	8.0%
Fuel - Diesel & Urea	37,423	183,338	135,308	37,423	1,623,700	2.3%
Other Direct Operating Expenses	120,825	73,563	197,100	120,825	2,365,200	5.1%
Admin Overhead Expense Transfer	21,555	33,631	33,758	21,555	405,100	5.3%
Total Alameda/Oakland	\$790,733	\$1,132,009	\$1,005,125	\$790,733	\$12,061,500	6.6%
<i>Farebox Recovery - AOFS</i>	5%	81%	4%	5%	4%	
<u>Vallejo FerryService (Vallejo)</u>						
Purchased Transportation	\$840,216	\$977,006	\$851,117	\$840,216	\$10,213,400	8.2%
Fuel - Diesel & Urea	128,280	473,032	319,733	128,280	3,836,800	3.3%
Other Direct Operating Expenses	171,057	133,220	239,317	171,057	2,871,800	6.0%
Admin Overhead Expense Transfer	27,895	25,383	37,292	27,895	447,500	6.2%
Total Vallejo	\$1,167,448	\$1,608,640	\$1,447,458	\$1,167,448	\$17,369,500	6.7%
<i>Farebox Recovery - Vallejo</i>	7%	78%	7%	7%	7%	
<u>South San Francisco FerryService (SSF)</u>						
Purchased Transportation	\$15,206	\$198,421	\$145,567	\$15,206	\$1,746,800	0.9%
Fuel - Diesel & Urea	-	36,733	23,475	-	281,700	0.0%
Other Direct Operating Expenses	18,027	32,522	39,833	18,027	478,000	3.8%
Admin Overhead Expense Transfer	-	3,617	1,483	-	17,800	0.0%
Total South San Francisco	\$33,234	\$271,292	\$210,358	\$33,234	\$2,524,300	1.3%
<i>Farebox Recovery - SSF</i>	0%	37%	1%	0%	1%	
<u>Richmond FerryService (Richmond)</u>						
Purchased Transportation	\$439,179	\$297,354	\$282,258	\$439,179	\$3,387,100	13.0%
Fuel - Diesel & Urea	15,014	43,157	48,942	15,014	587,300	2.6%
Other Direct Operating Expenses	37,160	29,800	54,825	37,160	657,900	5.6%
Admin Overhead Expense Transfer	3,085	4,141	3,283	3,085	39,400	7.8%
Total Richmond	\$494,438	\$374,452	\$389,308	\$494,438	\$4,671,700	10.6%
<i>Farebox Recovery - Richmond</i>	1%	30%	1%	1%	1%	
<u>Seaplane Lagoon FerryService (SPL)</u>						
Purchased Transportation	\$0	\$0	\$215,608	\$0	\$2,587,300	0.0%
Fuel - Diesel & Urea	-	-	33,183	-	398,200	0.0%
Other Direct Operating Expenses	3,124	-	67,325	3,124	807,900	0.4%
Admin Overhead Expense Transfer	-	-	14,067	-	168,800	0.0%
Total Seaplane Lagoon	\$3,124	\$0	\$330,183	\$3,124	\$3,962,200	0.1%
<i>Farebox Recovery - SPL</i>	0%	0%	5%	0%	91%	
Sub-Total Ferry Operations	\$2,526,163	\$3,671,635	\$3,683,950	\$2,526,163	\$44,207,400	5.7%
<i>FAREBOX RECOVERY - SYSTEMWIDE</i>	5%	69%	5%	5%	5%	
<u>PLANNING & GENERAL ADMIN:</u>						
Wages and Fringe Benefits	\$152,846	\$119,332	\$156,225	\$152,846	\$1,874,700	8.2%
Services	99,862	57,598	146,358	99,862	1,756,300	5.7%
Materials and Supplies	-	388	3,117	-	37,400	0.0%
Utilities	2,618	2,392	4,408	2,618	52,900	4.9%
Insurance	582	1,046	2,333	582	28,000	2.1%
Miscellaneous	1,044	2,120	5,433	1,044	65,200	1.6%
Leases and Rentals	32,163	31,908	32,700	32,163	392,400	8.2%
Admin Overhead Expense Transfer	(52,535)	(75,035)	(100,575)	(52,535)	(1,206,900)	4.4%
Sub-Total Planning & Gen Admin	\$236,580	\$139,749	\$250,000	\$236,580	\$3,000,000	7.9%
Total Operating Expenses	\$2,762,742	\$3,811,384	\$3,933,950	\$2,762,742	\$47,207,400	5.9%
OPERATING REVENUES						
Fare Revenue	\$127,685	\$2,535,194	\$174,117	\$127,685	\$2,089,400	6.1%
Federal Operating Assistance	1,612,572	-	1,270,116	1,612,572	15,241,400	0.0%
Regional - Bridge Toll	612,084	1,011,967	1,738,425	612,084	20,861,100	2.9%
Regional - Contra Costa Measure J	410,401	262,263	299,042	410,401	3,588,500	11.4%
Regional - Alameda Measure B/BB	-	-	130,108	-	1,561,300	0.0%
Regional - Alameda Tax & Assessment	-	-	322,142	-	3,865,700	0.0%
Other Revenue	-	1,960	-	-	-	0.0%
Total Operating Revenues	\$2,762,742	\$3,811,384	\$3,933,950	\$2,762,742	\$47,207,400	5.9%

San Francisco Bay Area Water Emergency Transportation Authority
FY 2020/21 Statement of Revenues and Expenses
For One Month Ending 7/31/2020

Project Description	Jul-20 Total	Total Project Budget	Total Prior Expense	Total FY2020/21 Budget ¹	Total FY2020/21 Expense	Total Future Year	% of Total Project Budget Spent
CAPITAL EXPENSES:							
<u>FACILITIES:</u>							
Terminal Construction							
Downtown Ferry Terminal Expansion - South Basin	\$233,210	\$98,965,000	\$94,792,877	\$4,172,123	\$233,210	\$0	96%
Operations and Maintenance Facilities							
Ron Cowan Central Bay Operations & Maintenance Facility	2,058	64,932,400	64,348,080	584,320	2,058	-	99%
North Bay Facility Improvement - Fuel System	3,091	530,450	-	530,450	3,091	-	1%
Terminal Improvement							
Install Mooring Piles - Harbor Bay Terminal ²	3,301	446,500	59,927	386,573	3,301	-	14%
Terminal Rehabilitation - Engineering & Design Main Street	-	395,000	-	395,000	-	-	0%
Shoreside Infrastructure for All-Electric Vessel	-	4,760,000	-	2,002,000	-	2,758,000	0%
<u>FERRY VESSELS:</u>							
Vessel Construction							
New Commuter Class High-Speed Vessels - 2 vessels	2,040	30,082,500	11,758,345	12,063,155	2,040	6,261,000	39%
Vessel Replacement - M/V Bay Breeze & MV Solano	25,865	34,600,000	251,717	9,158,283	25,865	25,190,000	1%
New All-Electric Vessel	-	4,300,000	-	1,834,000	-	2,466,000	0%
Vessel Rehabilitation and Refurbishment							
Vessel Engine Overhaul - M/V Argo and M/V Carina	-	240,000	125,730	114,270	-	-	52%
Vessel Engine & Reduction Gear Overhaul - MV Pisces	-	525,200	-	525,200	-	-	0%
Vessel Engine & Reduction Gear Overhaul - MV Bay Breeze	-	491,400	-	491,400	-	-	0%
Vessel Engine & Reduction Gear Overhaul - MV Peralta	57,591	1,400,000	-	1,400,000	57,591	-	4%
<u>CAPITAL EQUIPMENT / OTHER:</u>							
Purchase Service Vehicles	72,056	101,000	28,125	72,875	72,056	-	99%
Total Capital Expenses	\$399,212	\$241,769,450	\$171,364,802	\$33,729,648	\$399,212	\$36,675,000	
CAPITAL REVENUES:							
Federal Funds	\$62,172	\$51,564,388	\$22,526,082	\$8,958,203	62,172	\$20,080,103	44%
State Funds	237,308	151,516,501	120,501,312	18,148,032	237,308	12,867,157	80%
Regional - Bridge Toll	88,679	31,123,284	27,100,555	965,562	88,679	3,057,166	87%
Regional - Alameda Sales Tax Measure B / BB	7,753	2,489,727	16,926	1,802,228	7,753	670,573	1%
Regional - Alameda TIF / LLAD / HBBPA	3,301	446,500	59,927	386,573	3,301	-	14%
Regional - San Francisco Sales Tax Prop K	-	1,400,000	1,160,000	240,000	-	-	83%
Other - Proceeds from Sale of End-of-Life Vessels	-	3,229,050	-	3,229,050	-	-	0%
Total Capital Revenues	\$399,212	\$241,769,450	\$171,364,802	\$33,729,648	\$399,212	\$36,675,000	

¹ FY2020/21 Budget includes adjustments to reflect actual FY2019/20 expenditures.

² On 7/16/20, Board approved project budget increase of \$195,000, bringing total project budget from \$251,500 to \$446,500.

TO: WETA Board Members

FROM: Peter Friedmann, WETA Federal Legislative Representative
Ray Bucheger, WETA Federal Legislative Representative

SUBJECT: WETA Federal Legislative Board Report – September 2020

This report covers the following topics:

1. Will Congress Pass Another COVID Relief Bill?
2. Will Transit be Included in the Next COVID Relief Bill?
3. Possible Funding for Maritime Transportation in the Next COVID Relief Bill
4. Surface Transportation Reauthorization / Funding for WETA

Will Congress Pass Another COVID Relief Bill?

Congressional leaders from the House and Senate have remain deadlocked with the White House since talks broke down several weeks ago. While President Trump responded to the breakdown in talks with a series of Executive Orders covering a number of items that have been under discussion including federal unemployment benefits, deferral of payroll taxes, extension of the federal eviction moratorium, and deferral of student loan payments, it does not appear these orders will be hugely effective at propping up the economy, and the pressure to pass additional legislation will likely remain.

Given this pressure to act, people are hopeful a deal can come together in September, after Congress returns from its August recess. However, the politics of getting a COVID relief package through the House and Senate will likely be even more difficult in September, given that it will only be weeks before a highly consequential election. With that being said, we are continuing to seek out opportunities to provide support to WETA so that we are positioned to obtain additional funding should a legislative package come together.

Will Transit be Included in the Next COVID Relief Bill?

We are continuing to advocate for additional funding for transit in the next COVID relief bill, similar to the \$25 billion that was included in the CARES Act. As previously reported, the House-passed HEROES Act includes \$15.75 billion in additional transit funding. While the COVID relief bill introduced by Senate Majority Leader Mitch McConnell (R-KY) does not include transit funding, Senate Minority Leader Chuck Schumer (D-NY) has made transit funding a top priority. Ultimately, the likelihood of additional transit funding will likely depend on the size of any COVID relief bill sent to the President – if the bill contains closer to the \$1 trillion that Senate Republicans are seeking, it is unlikely that transit funding will be included; however, if the bill is closer to the \$3 trillion that Democrats are seeking, then there is a good chance transit funding will be included.

Possible Funding for Maritime Transportation in the Next COVID Relief Bill

Among other things, we are advocating for \$3.5 billion in supplemental appropriations for maritime transportation interests – including ferries – in next COVID package and seeking passage of the Maritime Transportation System Emergency Relief Act (MTSERA). MTSERA would provide a mechanism for the U.S. Maritime Administration (MARAD) to flow money to maritime interests in time of emergency and the supplemental appropriations could be used by maritime interests – including public ferry systems – for operating expenses, including

“emergency response; cleaning; sanitization; janitorial services; staffing; workforce retention; paid leave; procurement and use of protective health equipment, testing, and training for employees and contractors; debt service payments; infrastructure repair projects; and other maritime transportation system operations.”

Surface Transportation Reauthorization / Funding for WETA

The FAST Act, which provides funding for transit, highway, bridge, rail, freight, and intermodal projects, expires on September 30. We expect the House and Senate to extend current law, likely into 2021, when Congress returns after the August recess. If that is the case, we will continue advocating for additional funding for the Federal Highway Administration (FHWA) ferry formula program and the Federal Transit Administration (FTA) discretionary grant program in the next Congress – or sooner, if it appears that Congress is going to develop a COVID stimulus bill after the election.

Regardless, of the legislative vehicle, the House-passed surface transportation bill will serve as the foundation for any future legislation. As previously reported, thanks to our advocacy, the House-passed bill increases funding for the FHWA formula program from \$80 million/year to \$120 million/year and the bill more than doubles funding for the FTA grant program.

Respectfully Submitted,

Peter Friedmann and Ray Bucheger



NOSSAMAN LLP | Memorandum

TO: WETA Board of Directors

FROM: Nossaman LLP - Nate Solov
Jennifer M. Capitolo & Associates – Jennifer Capitolo

DATE: August 24, 2020

RE: August / September 2020 - Legislative Update

Legislative Update

Today the legislature begins the last week of session. Several hundred pending bills must be passed and sent to the Governor by August 31. The Governor will have until September 30 to sign or veto legislation. The General Election will be held on November 3 and the Legislature will reconvene for the 2021 session on December 7, 2020 at which time new legislation can be introduced.

CA Transit Association Funding Request - \$3.1 Billion

The CA Transit Association continues to advocate for \$3.1 billion in federal funding in addition to the CARES Act funding already received. Letter excerpt: "This emergency funding would address critical funding needs at transit agencies statewide, to prevent devastating permanent reductions of transit services and ensure public transportation is still a viable option for communities most in need."

CA Without Transit PR Campaign: The Transit Association also launched a PR campaign to inform lawmakers about COVID-19 funding impacts to transit agencies and to support the \$3.1 billion request. Information on this effort can be found online at: <https://caltransit.org/advocacy/lawmakers-must-act-to-save-local-public-transit/>.

Cap and Trade Program

So far, the legislature has deferred action on the Cap and Trade Expenditure plan, and it is unlikely they will vote on a plan prior to August 31. The most recent auction was held on August 18. Based on preliminary results the state will receive an estimated \$474 million in revenue from the auction, which is substantially more than the \$25 million the state received during the May 2020 auction. Auction revenues are deposited in the Greenhouse Gas Reduction Fund (GGRF), 65% of which is used to fund continuously appropriated programs including High Speed Rail, Affordable Housing and Sustainable Communities, Transit and Intercity Rail Capital, Low Carbon Transit Operations, and Safe and Affordable Drinking Water. The remaining GGRF funds are available as discretionary funding to support other state programs.

2020 Legislative Watch

Several bills were introduced in February that would have impacted WETA; however, many of them are no longer moving forward this year because of bill limitations due to COVID-19.

Senate Bill 288 is still moving forward. This bill exempts specified toll lane, transit, bicycle, and pedestrian projects from the California Environmental Quality Act (CEQA) and extends the sunset of the CEQA exemption for bicycle transportation plans from 2021 to 2030. CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use and projects for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use. SB 288 would additionally exempt from the requirements of CEQA certain projects related to bus rapid transit and regional rail services on public rail or highway rights of way.

WETA had previously worked with Senator Wiener's office to ensure that ferry terminals were included in the bill's CEQA streamlining provisions but Senate Bill 288 was recently amended to remove ferry terminals from the list of transit related projects that would be given CEQA exemptions due to the complexity of ferry terminal projects and potential environmental impacts on waterways and adjacent natural lands.

California Transportation Commission

On August 13, the California Transportation Commission (CTC) allocated more than \$1.6 billion for transportation projects throughout the state, including about \$1.3 billion for State Highway Operation and Protection Program (SHOPP) projects, Caltrans' "fix-it-first" program aimed at preserving the condition of the State Highway System. The CTC also approved more than \$118 million in funds for rail and mass transit projects, including freight, intercity rail, and bus services. This allocation expands access to public transportation and helps reduce greenhouse gas emissions and traffic congestion. This investment includes \$77 million for the Trade Corridor Enhancement Program, which is dedicated to projects that enhance the movement of goods along corridors with high freight volume by making improvements to state highways, local roads, freight rail systems, port facilities, and truck corridors. In addition, the CTC approved nearly \$14 million for 17 projects that will improve bicycle and pedestrian overcrossings, repair sidewalks and bike lanes, and provide safer routes to school for children.

The CTC is the regulatory body that will allocate the \$9.06 million Transit Intercity Rail Program (TIRCP) grant for the Mission Bay all-electric ferry that WETA was awarded earlier this year.

On August 14, the Governor appointed Michele Martinez to the Commission, replacing Lucy Dunn, whose term expired in February. Also, the Commissioners elected Hilary Norton as chair.

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Kevin Connolly, Planning & Development Manager
Taylor Rutsch, Transportation Planner

SUBJECT: Monthly Ridership and Recovery Report

Background

The WETA Ferry Service Recovery Plan (Plan) states that ferry service will restart at minimum levels to match expected reduced demand. Modifications in service will generally follow state guidelines for reopening the economy and subsequent changes in demand. The Plan calls for a monthly evaluation of ridership demand together with other measures relating to how the Bay Area is responding to the COVID-19 health crisis. The Monthly Ridership and Recovery Report presents a status report of the WETA system along with anticipated service adjustments for the upcoming weeks.

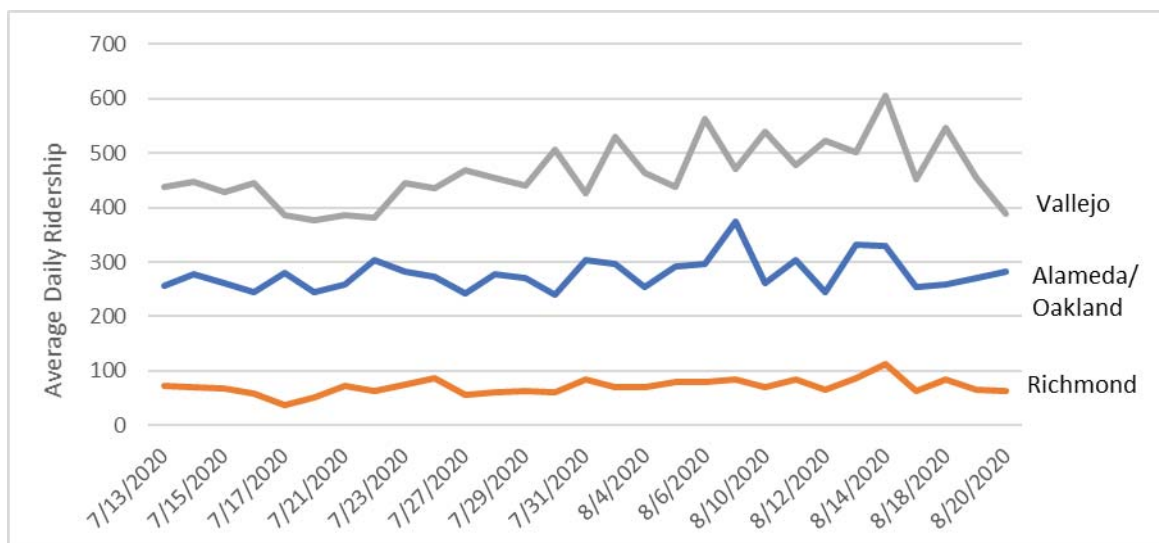
Discussion

1. Ridership and Forecasting

Systemwide

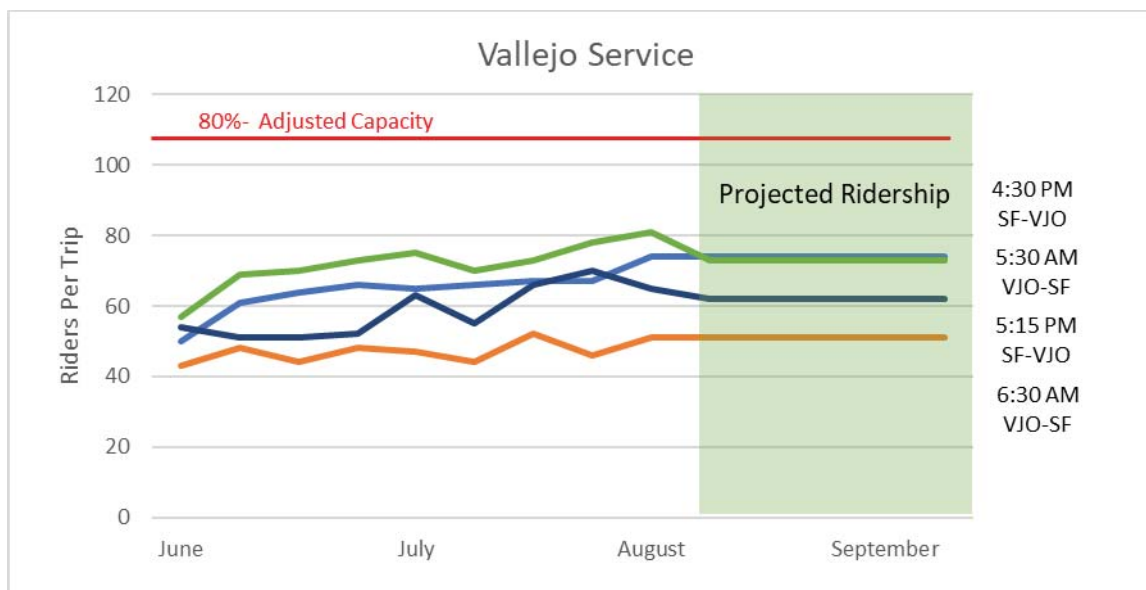
Systemwide average daily ridership increased from 741 in July to 863 in August, a 16% increase. However, ridership has been static or experiencing a downward trend in the second half of the month, particularly during the week of beginning August 17 when the Bay Area was struck by wildfires. Vallejo was impacted the hardest as it is closest to the fires. Overall, occupancy has not approached the 80 percent threshold on most trips.

Alameda/Oakland trips have experienced low ridership in the later morning departures with early morning and 5:30 p.m. departures showing the highest ridership levels. The Richmond service continues to see stagnant ridership. Vallejo has healthy ridership in the early morning departures at 5:30 a.m. and 6:30 a.m.



Vallejo

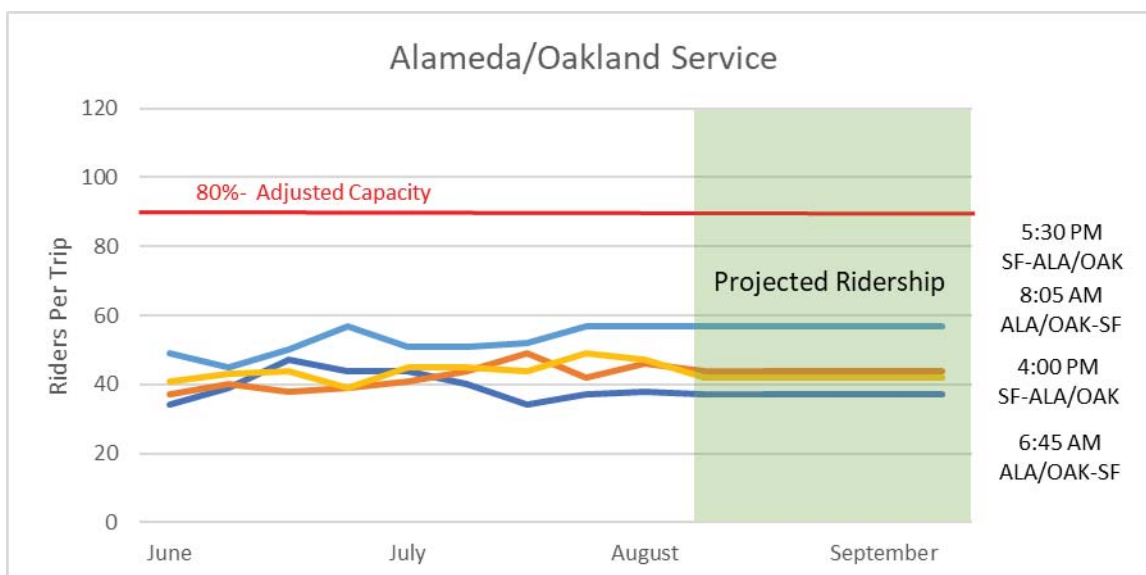
After a strong month of June, Vallejo ridership has remained static in July and remained stable despite a recent decline in August. While the Vallejo outlook at the beginning of July was forecasting the need for additional service by mid-August, that date has now been pushed out due to lower ridership projections. Vallejo ridership is now projected to remain unchanged, based on its rolling ridership average.



*Adjusted capacity assumes the vessels will be limited to 25% capacity due to social distancing requirements

Alameda/Oakland

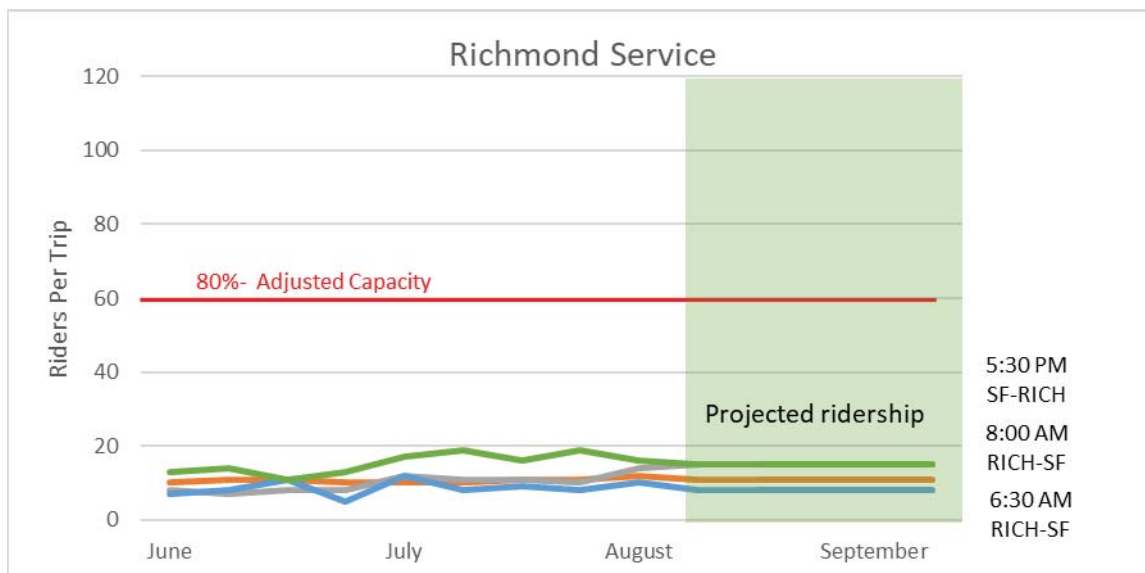
Alameda/Oakland ridership has experienced a similar pattern as Vallejo, with ridership either unchanged or slightly lower over the second half of August. The Alameda/Oakland service does not have any trips that are currently at risk of reaching the adjusted capacity threshold over the next two months. Alameda/Oakland ridership is projected remain the same, based on its rolling ridership average.



*Adjusted capacity assumes the vessels will be limited to 25% capacity due to social distancing requirements

Richmond

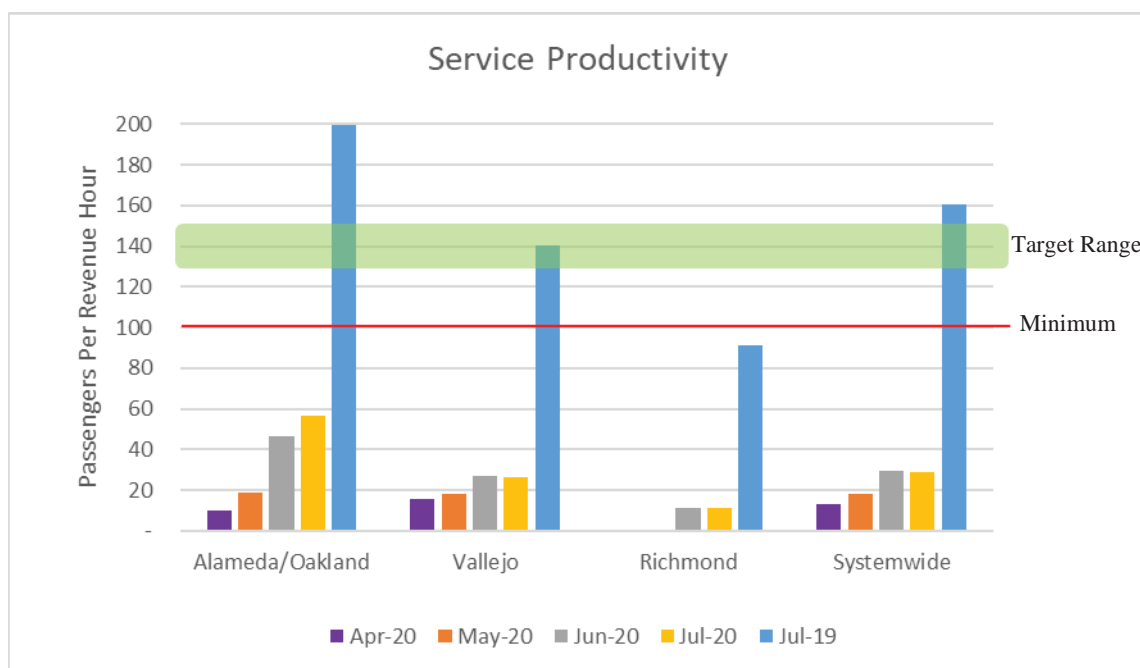
Richmond ridership has remained flat throughout August. Because Richmond only restarted in June and ridership was at modest levels, there is not an immediate concern that capacity limits will be reached. Smaller vessels are currently in service in Richmond and the terminal has the capability of receiving larger vessels such as those in the Hydrus or Pyxis classes. Richmond ridership is now projected to remain the same, based on its rolling ridership average.



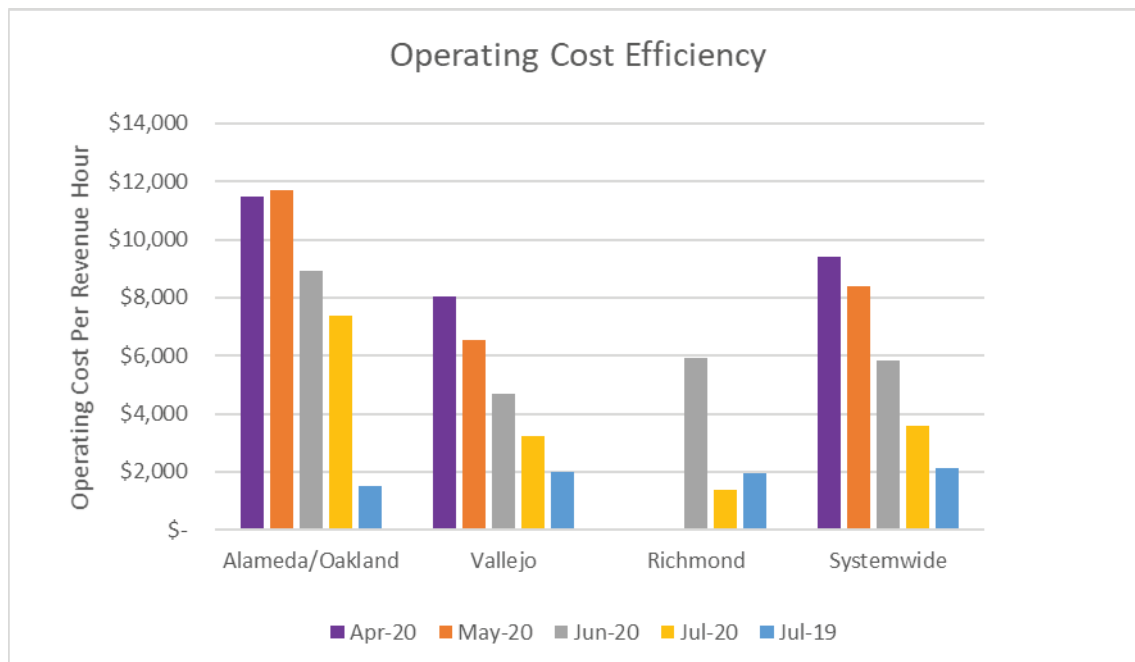
*Adjusted capacity assumes the vessels will be limited to 25% capacity due to social distancing requirements

2. Service Productivity and Efficiency

Systemwide passengers per revenue hour decreased from 29 in May to 28 in June. The decrease can be attributed to Richmond running for the full month of July, while it ran for only half the month of June. The increased revenue hours result in lower passenger per hour.



Systemwide operating cost per revenue hour decreased by 38% from June to July.



3. Regional Context

Over the last 14 days California had 111,920 new COVID-19 cases compared to the previous two weeks, a 21% increase. The Bay Area also had a significant amount of new cases. The Governor has placed every Bay Area county on a state Watch List, given the rapidly increasing infection and hospitalization rates. The table below shows how each of WETA's service areas are impacted.

County	14-Day Change Total (Positive Cases)	14-Day Change % (Positive Cases)
Alameda	3,724	31%
Contra Costa	3,533	42%
San Francisco	1,535	23%
San Mateo	1,727	20%
Solano	1,057	28%

BART and WETA ridership remained generally the same from July to August 2020. WETA had been keeping pace with these other two transportation system indicators but has experienced comparatively weaker growth since June.

Agency	% of normal ridership/traffic levels August 2020
WETA	8%
BART	11%
BATA Bridges (7-total)*	80%
*Bata traffic data for August not yet available	

4. Outlook and Recommendations

Ferry ridership has remained even over the past eight weeks with occasional increases or decreases due to outside factors such as smoke from wildfires or Friday night riders. The larger health context in the Bay Area is indicating that the virus is not dissipating and plans for opening the economy have not moved to the next stage. Schools in the region are also opening this month but mainly following remote learning practices given the region's health status.

Given recent trends and the available capacity on all three active services, staff recommends no change to service levels in Alameda/Oakland, Vallejo, and Richmond. Staff also recommends that commuter services at Seaplane Lagoon, South San Francisco and Harbor Bay remain suspended until indicators improve for ferry demand and the larger Bay Area economy.

END

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

(August 6, 2020)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session via videoconference consistent with California Governor Gavin Newsom's Executive Order N-25-20 to ensure social distancing and help mitigate the transmission of COVID-19.

1. CALL TO ORDER – BOARD CHAIR

Chair James Wunderman called the meeting to order at 1:31 p.m. He welcomed staff and meeting guests and noted that the meeting was being recorded. Chair Wunderman also advised how guests could sign up to speak to Directors throughout the meeting.

2. ROLL CALL

Chair Wunderman, Director Jessica Alba, Director Jeffrey DelBono, Director Anthony Intintoli, and Director Monique Moyer were in attendance.

3. SPECIAL ORDER OF BUSINESS

Chair Wunderman presented this special order of business in recognition of the 50th anniversary of the launch of Golden Gate Ferry Service and welcomed meeting guests Golden Gate Bridge, Highway and Transportation District (GGBHTD) Board of Directors President Barbara Pahre of Napa County, General Manager Dennis Mulligan, and Ferry Division Deputy General Manager Jim Swindler. Chair Wunderman introduced WETA Executive Director Nina Rannells to present this special award.

Ms. Rannells said she had the pleasure of working for the GGBHTD for 12 years and had worked with President Pahre, Mr. Mulligan, and Mr. Swindler. She said the guests and GGBHTD inspired ferry service in the Bay Area by starting the Golden Gate Ferry service 50 years ago in Sausalito. She read a WETA resolution to acknowledge and celebrate the momentous occasion.

Ms. Rannells said WETA appreciated the partnership of GGBHTD and noted that Mr. Swindler had shared a wealth of knowledge with WETA when it started and began growing its ferry services. She congratulated the guests on their 50th birthday, wished them many more years of successful service, and said it was her hope that GGBHTD and WETA will weather the current pandemic challenges and continue to flourish. She introduced President Pahre who thanked WETA Directors and staff for the thoughtful and beautiful resolution which, she added, would be displayed prominently in the GGBHTD offices. She said GGBHTD would continue its work in partnership with WETA and she thanked Directors and staff for recognizing GGBHTD's birthday.

Mr. Mulligan echoed President Pahre's comments and thanked WETA Directors and staff for the recognition. He said we are all in this pandemic crisis together and as we move forward, we will continue to focus on moving passengers across the San Francisco Bay to help reduce traffic congestion on the Bay Area's highways and bridges.

Chair Wunderman thanked the guests for their comments, service, and work and said what they have done was no small thing. He said the GGBHTD has led the way on ferry service and has inspired

WETA. He said WETA was pleased to celebrate the success of GGBHTD ferry service today, the opportunity to grow ferry service in the Bay Area was great, and that he looked forward to continuing those efforts in partnership with the GGBHTD. Chair Wunderman thanked the guests for making time to speak with Directors.

Director Moyer thanked the guests for their fortitude through good and bad times and their vision to stay the course. She asked the guests to celebrate this momentous occasion with their staff and crews and said she expected the GGBHTD would be celebrating again after another 50 years.

Chair Wunderman called for public comments on this special order of business and there were none.

Director Moyer made a motion to approve the item.

Director Intintoli seconded the motion and the resolution passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

4. REPORT OF BOARD CHAIR

Chair Wunderman reported on his work on the Metropolitan Transportation Commission's (MTC) Blue Ribbon Transit Recovery Task Force (Task Force) and said he felt the Task Force's work of distributing the balance of the federal Coronavirus Aid, Relief, and Economic Recovery (CARES) Act funds amongst Bay Area transit agencies had gone well. Chair Wunderman said the Task Force and Bay Area public transit operators were now focused on developing a common safety plan for people returning to public transit during the COVID-19 pandemic. He noted that as the economy begins to recover, the public can expect to see a major communications campaign to encourage people to choose transit over single-occupancy vehicles.

Chair Wunderman said that in the future, the Task Force will be looking at areas of opportunity across all agencies to increase transit efficiency and equity. Chair Wunderman said that the Task Force Chair, Jim Sperling, and members are committed to this important work. He noted that as a member of the Task Force, he represented Bay Area Employers because of his work with the Bay Area Council and water transit because of his WETA work.

Chair Wunderman introduced and welcomed WETA's newest Director, Jessica Alba from Stanford University, who was attending her first WETA Board meeting today. He noted that Director Alba had been appointed to the WETA Board by California Speaker of the Assembly Anthony Rendon with encouragement from Assemblymembers David Chiu, Rob Bonta, Kevin Mullin, and others.

5. REPORTS OF DIRECTORS

Director Alba thanked Chair Wunderman and said she was delighted to join the WETA Board. She said she had received an extremely warm welcome from the Board and WETA staff for which she was especially grateful during this difficult time, especially for transportation agencies.

Director Alba said she had been impressed with WETA's rapid response to the pandemic in March and its planning efforts to manage each of the recovery phases that lie ahead throughout the next year. She said she was also impressed with WETA's financial stability and its ability to make wise decisions to assure the agency is providing safe services for its operator and crews, its staff, and its passengers. Director Alba said the last few decades of WETA's work reflect an impressive journey, and she looks forward to participating in making strategic decisions about service expansion, innovation, new technology, and service sustainability.

Director Alba explained that she was a Sustainable Transportation Planner and that she has primarily worked in the private sector for the last 20 years. She said she has focused on all transportation modes with an emphasis on, and passion for, improving transit accessibility and equity for all. She said that water transit was of interest due to the barrier of expensive transportation infrastructure for other transportation modes, the asset of the San Francisco Bay, and the promise of innovative opportunities in new technology such as hybrid vessels.

Director Alba said she looks forward to working with WETA to identify how to best provide water transit to support seamlessly public transit services. She noted her thanks to Speaker Rendon for entrusting her in her new WETA Director role, and Assemblymembers Chiu, Bonta, and Mullin for their support for her appointment.

Director Intintoli welcomed new Directors Alba and Moyer and said it has been a long time since WETA has had a full Board and he was very much looking forward to working with them both.

Director DelBono also welcomed and congratulated Directors Alba and Moyer and said he was also pleased to have a full Board again.

Director Moyer welcomed Director Alba and said that she has had numerous opportunities throughout her career to work with transportation experts and she believes the Board expertise is well-matched with that of the WETA staff. She said she looked forward to a very bright future for WETA as soon as the current difficulties and challenges have passed.

6. REPORTS OF STAFF

Ms. Rannells provided her written report to Directors and welcomed questions. She said staff would be officially opening WETA's new Downtown San Francisco Ferry Terminal Expansion Project on August 12. Ms. Rannells said that WETA Public Information & Marketing Manager Thomas Hall had created a video and press release to share to announce and celebrate the opening and said he was working with the Port of San Francisco and San Francisco Mayor's Office and others on the event.

Ms. Rannells reported that the Clipper START program had launched on July 15 with the initial five transit operators. She noted that MTC had accepted WETA's proposal to participate with a 50% discount off cash fares and said that WETA's participation was anticipated to begin in January.

Ms. Rannells reported that the plaintiffs in the Regional Measure 3 legal challenges had until August 10 to file a petition for the case to be heard by the California Supreme Court.

Ms. Rannells noted that WETA's year-end FY 2019/20 expenditures were \$42 million, which is \$9 million under budget. She attributed this reduced spending to the swift service and cost reductions made when the COVID-19 virus pandemic hit the Bay Area in March. She further noted that efforts to reduce spending beginning in March were responsible for the stable financial position WETA was in for this current fiscal year. She said that despite the service cuts beginning in March, WETA achieved a 44% farebox recovery for the year due to the robust health of the system prior to the pandemic.

Ms. Rannells reminded the Board that staff has been working with Bay Area transit operators to develop a common plan for the safe return of customers to public transit, as previously discussed by Chair Wunderman. She noted that as a part of MTC's action to approve the final federal CARES Act funds, MTC asked Bay Area transit operators to formally support implementation of this regional plan and reporting and communications effort. Ms. Rannells said that she expects to bring an item on this plan to the Board in September.

Ms. Rannells said Mr. Hall had created a video on WETA's safety precautions and cleaning efforts to assure passenger safety at its facilities and onboard its vessels and that the video can be viewed on WETA's website. She then introduced Planning & Development Manager Kevin Connolly to provide information on WETA's ridership.

Mr. Connolly shared two slides with Directors and noted that over the last six weeks, WETA ridership has been holding steady with no real meaningful increase or decrease. He said that from April to May, ridership grew about 30% on the peak trips and from May to June, it grew about another 30%. Mr. Connolly said that since the middle of June to the end of July, the rate of growth has been about 1%.

Mr. Connolly said that because WETA was adequately serving rider demand and ridership has been relatively stable, staff recommended no change to WETA's current services. It was noted that current ridership demand represented about 4% of normal trips for this time of year.

Chair Wunderman called for public comments on the ridership report and there were none.

Ms. Rannells introduced Peter Friedmann and Ray Bucheger of Lindsay Hart, LLP to provide Directors with an update on WETA's federal relations efforts.

Mr. Friedmann said that Congress has acted on unprecedented major legislature with subsequent sign-off by the White House over the last six months. Mr. Friedmann said there has been unprecedented spending of more than \$5 trillion to address the COVID-19 pandemic crisis. He noted that this could not have happened without Nancy Pelosi and Donald Trump working together. Mr. Friedmann said a lot of the COVID-19 relief funding has flowed to MTC, and it was expected that more money would be coming to help mitigate the damage caused by the pandemic.

Mr. Friedmann said he was grateful to be working in a non-partisan sector in the current partisan environment because doing so helped secure Federal Transit Administration (FTA) Ferry Grant Program funds in the amount of \$4.456 million to refurbish WETA's Alameda Ferry Terminal and helped repurpose previously earmarked federal funding. He said he was hopeful that there will be another large transportation bill sometime later this year and that he and Mr. Bucheger were working on increasing that funding for transit and specifically for ferries, since ferries have been underfunded among all transportation modes. Mr. Friedmann said work was underway to develop a larger caucus on Capitol Hill to support and argue for this. He then introduced Mr. Bucheger.

Mr. Bucheger reminded the Board of the two primary federal programs dedicated to ferry funding; a formula program through the Federal Highway Administration (FHWA) and a competitive grant program administered by the FTA. He said the FTA grant program was the origin of the \$4.456 million grant to upgrade WETA's Alameda Ferry Terminal, and he noted that this was the amount WETA had requested for the project. Mr. Bucheger said this was the sole grant awarded to an agency in California this year and that two of the reasons the grant was received were that the project was a good one and that the application had been very well done. Mr. Bucheger added that given the highly competitive environment for relatively few available funds, another primary reason WETA received this grant was political support. He said that he and Mr. Friedmann had worked with Ms. Rannells to secure letters of support from Speaker Nancy Pelosi, Senator Dianne Feinstein, Congressman John Garamendi, and Congresswoman Barbara Lee in whose district the terminal can be found.

Mr. Bucheger said that Congressman Garamendi had been and continues to be a tremendous friend of WETA, and ferries generally, in his support of the WETA Alameda Terminal project and his leadership to help increase funding for ferries in the next surface transportation bill.

Mr. Bucheger said that in addition to pursuing new funding, Mr. Friedmann and he have been working to ensure that WETA will have access to funding that had been previously earmarked for the agency and its projects in the past. He noted the extensive ongoing work with Senator Feinstein over the last several years to advocate for language in the annual transportation appropriations bill to give the United States Department of Transportation (DOT) the authority to repurpose funding previously appropriated for specific projects. Mr. Bucheger said that because of this language addition to the bill, WETA will be able to use more than \$1 million previously earmarked in FY2008 and FY2009.

Mr. Bucheger said that quite a bit of funding had come to WETA through the FHWA formula program and the FTA competitive grant program. He explained that both programs were oversubscribed and, compared to other forms of transit, underfunded, and that he and Mr. Friedmann have been working for the last several years to increase the available funding in both programs. Mr. Bucheger noted that the programs were authorized through the current surface transportation bill called the FAST Act, which expires on September 30, 2020, and that congress would need to reauthorize all programs run by the DOT.

Mr. Bucheger said that due to persistent lobbying over the past few years, the House version of the new surface transportation bill will increase funding for the FHWA formula program from \$80 million to \$120 million annually and will more than double the FTA discretionary grant program funding from \$30 million to more than \$60 million in FY2022. He said the FTA program funding will increase each fiscal year to more than \$63 million in FY2025. Mr. Bucheger noted that this doubling of the available federal funding, if enacted in the final reauthorization bill, would double the limit WETA can request.

Mr. Bucheger said he remained hopeful that the partnership between the Speaker and the President will continue for COVID-19 relief efforts but that there seemed to be little cooperation on the current COVID-19 relief bill. He noted that a big part of the disagreement was on the amount of spending. Mr. Bucheger said the \$3.2 trillion House-passed Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act contains \$15.75 billion for transit agencies but that the Senate bill does not contain any additional funding for transit. He said that after weeks of intense meetings and negotiations, little progress had been made.

Mr. Bucheger said that Speaker Pelosi is a huge transit funding advocate as is Senator Chuck Schumer from New York. He said if Congress can come together on a comprehensive COVID-19 bill with trillions of dollars in funding, his sense is that there likely will be some additional transit funding.

Mr. Bucheger said that he and Mr. Friedmann have also been working closely with Chairman Pete DeFazio and other members of the House Transportation and Infrastructure Committee since March on legislation that materialized about a month ago called the Maritime Transportation and Security Emergency Relief Act (MTSERA). He said the MTSERA will give the Maritime Administration the authorization to provide funding to transportation agencies in times of emergency, including the COVID-19 pandemic emergency.

Mr. Bucheger said efforts continued to increase funding to \$3.5 billion in the next COVID-19 bill for all transportation modes which can be used for COVID-19 related reasons including debt service, staffing, security, and infrastructure. He said this would be money WETA could use if efforts are successful. Mr. Bucheger noted that this has been discussed with the Bay Area delegation and will

only materialize if the funding makes it into the next relief bill if Congress is able to come together to support a large spending package.

Chair Wunderman thanked Mr. Friedmann and Mr. Bucheger for their extensive, valuable, and encouraging report, their successes on behalf of WETA, and their continuing efforts in a difficult environment. He said their mastery of the work and their relationship-building has been incredible and was greatly appreciated by Directors.

Director DelBono expressed his gratitude for Mr. Friedmann's and Mr. Bucheger's ongoing work.

Chair Wunderman suggested that WETA invite Congressman Garamendi to speak at a WETA Board meeting since he has been such a strong WETA advocate. He said it would be wonderful to thank him and to learn about his perspective on these matters. Mr. Bucheger said he would likely be happy and willing to do so.

Chair Wunderman called for public comments on the legislative report and there were none.

7. CONSENT CALENDAR

Director Intintoli made a motion to approve the consent calendar:

- a. Board Meeting Minutes – July 16, 2020

Chair Wunderman called for public comments on the Consent Calendar and there were none.

Director Moyer seconded the motion and the consent calendar carried unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

Chair Wunderman commended the Board Secretary on WETA's Board meeting minutes.

8. APPROVE CONTRACT AWARD TO KL2 CONNECTS LLC FOR EXECUTIVE SEARCH SERVICES TO ASSIST WITH RECRUITMENT OF EXECUTIVE DIRECTOR

Chair Wunderman presented this item to approve a contract award to KL2 Connects LLC (KL2) for executive search services to assist with the recruitment of a WETA Executive Director. He said the timing of this Item was notable since this meeting was the first time in a long time WETA has had a full Board. Chair Wunderman noted that the search for a new Executive Director was the biggest decision the Board has had to make in a long time and that replacing Ms. Rannells will not be easy. Because of this, he added, WETA would be working with an executive search agency to assist in the search.

Chair Wunderman explained that he had been working with his fellow Board member, Director DelBono, WETA legal counsel Madeline Chun and Steven Miller from Hanson Bridgett, and Ms. Rannells to identify the best agency of those who had responded to a Request for Proposals released several weeks ago. He explained that he and Director DelBono had narrowed down the proposals to three of the seven received, had conducted interviews with those three, and had agreed that KL2 was the best option to help in the search for WETA's next leader.

Chair Wunderman explained that KL2 had impressed Director DelBono and him with their flexibility to support the search and that their pricing was reasonable for this work and compared to some of the other proposals. He added that the real work will begin after contract award because the Board will need to clarify where it wants to take the agency to be able to identify who it wants to lead it.

Director DelBono said he had also been impressed with KL2, and he noted that one of the principals had previously worked for the GGBHTD and that the firm had ties to the Bay Area. He added that he also valued the firm's commitment to spend quality time with each Director to discuss goals and their outlook for the search.

Director Intintoli thanked Chair Wunderman and Director DelBono for their efforts in this process.

Director Moyer echoed these sentiments and inquired about the diversity inclusion aspect of the search. She thanked Ms. Rannells for the long lead time before her departure.

Director Alba echoed these sentiments and thanked Chair Wunderman and Director DelBono for their efforts.

Chair Wunderman said KL2 will produce a pool of candidates for consideration versus one or two people. He noted that several principals of the firm used to work at transportation agencies, so they have access to a large network of potential candidates. Director DelBono said KL2 had a history of placing diverse, qualified candidates at other agencies which had also impressed him.

PUBLIC COMMENT

KL2 Partner John Bartosiewicz thanked Directors for their comments and said he and his colleagues will do a really good job for them.

Director Intintoli made a motion to approve the item.

Director Moyer seconded the motion and the item passed unanimously.

Yeas: Alba, DelBono, Intintoli, Moyer, Wunderman. Nays: None.

Chair Wunderman said the Board would hold a Special Meeting of the Board in the near future to meet with KL2 and discuss plans for the Executive Director search.

9. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Chair Wunderman called for public comments on non-agenda items and there were none.

With all business concluded, Chair Wunderman adjourned the meeting at 2:33 p.m.

- Board Secretary

END

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Kevin Connolly, Planning & Development Manager

SUBJECT: Approve Amendment to Clipper Memorandum of Understanding with the Metropolitan Transportation Commission and Bay Area Transit Operators

Recommendation

Approve Amendment No. 2 to the Amended and Restated Clipper Memorandum of Understanding with the Metropolitan Transportation Commission and other participating Bay Area transit operators and authorize the Executive Director to execute the amendment and take any other related actions to support this work.

Background/Discussion

Clipper is the regional automated fare payment system for public transit operators and passengers in the San Francisco Bay Area. The Amended and Restated Clipper Memorandum of Understanding (Clipper MOU) by and among the Metropolitan Transportation Commission (MTC) and the 22 transit operators (Operators) participating in the Clipper program provides the framework for the joint oversight and operation of the system. The Clipper MOU became effective on February 19, 2016. Amendment No. 1 was approved by the WETA Board on September 7, 2017.

Amendment No. 2 extends the term of the Clipper MOU through February 2026 and updates the regional cost-sharing agreement between MTC and the Operators for Clipper operations and maintenance (O&M) consistent with MTC's contracts with Cubic for the remaining years of the current Clipper system and for the development of the Next Generation Clipper system, which is expected to fully launch in 2023.

MTC is responsible for the capital costs of the current and Next Generation Clipper programs. MTC and the Operators share responsibility for the O&M costs based on a formula set forth in the Clipper MOU. Amendment No. 2 adds the following new formulas for cost sharing:

1. Fixed monthly O&M costs for the Clipper mobile application shall be split 50%/50% between MTC and the Operators. Each operator's share would then be determined 50% based on its percentage of unique cards used and 50% on its percentage of fee-generating transit transactions.
2. Fixed monthly O&M costs for Next Generation Clipper equipment shall be split 50%/50% between MTC and the Operators. Each operator's share would then be determined by percentage of cards used and 50% on its percentage of fee-generating transit transactions.
3. MTC shall pay for 100% of the pass-through fees associated with the conversion of physical Clipper cards to virtual mobile cards.

4. On-going pass through fees associated with the use of virtual mobile cards shall be split 50%/50% between MTC and the Operators. Each operator's share would then be determined based on its percentage of unique cards used.

Fiscal Impact

Assuming pre-COVID-19 ridership levels, O&M costs for the Clipper mobile application, Clipper Next Generation equipment, and associated fees for the use of virtual cards are estimated to be an additional \$36,000 annually for WETA. These expenses will be included in the FY 2020/21 operating budget and future operating budgets.

END

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2020-35

**APPROVE AMENDMENT TO CLIPPER MEMORANDUM OF UNDERSTANDING WITH THE
METROPOLITAN TRANSPORTATION COMMISSION
AND BAY AREA TRANSIT OPERATORS**

WHEREAS, Clipper is the automated fare payment system for intra-and inter-operator transit trips in the San Francisco Bay Area that has been implemented and is currently being operated by 22 transit operators (Operators) throughout the region; and

WHEREAS, the Metropolitan Transportation Commission (MTC) extended a contract with Cubic Transportation Systems, Inc. (Cubic) for the current Clipper card-based fare payment system through November 2, 2024; and

WHEREAS, MTC entered into a contract in September 2018 with Cubic to design, develop, test, install, transition, and operate and maintain the Clipper Next-Generation account-based fare payment system; and

WHEREAS, in February 2016, an Amended and Restated Clipper Memorandum of Understanding (Clipper MOU) was developed between MTC and the Operators, which has since been amended once; and

WHEREAS, Amendment No. 2 to Clipper MOU adds the following new formulas for cost sharing:

1. Fixed monthly O&M costs for the Clipper mobile application shall be split 50%/50% between MTC and the Operators. Each operator's share would then be determined 50% based on its percentage of unique cards used and 50% on its percentage of fee-generating transit transactions.
2. Fixed monthly O&M costs for Next Generation Clipper equipment shall be split 50%/50% between MTC and the Operators. Each operator's share would then be determined by percentage of cards used and 50% on its percentage of fee-generating transit transactions.
3. MTC shall pay for 100% of the pass-through fees associated with the conversion of physical Clipper cards to virtual mobile cards.
4. On-going pass through fees associated with the use of virtual mobile cards shall be split 50%/50% between MTC and the Operators. Each operator's share would then be determined based on its percentage of unique cards used.

WHEREAS, staff has recommended amending the Clipper MOU with MTC and Operators to include these changes, which will cost an estimated additional \$36,000 per year; now, therefore, be it

RESOLVED, that the Board of Directors hereby approves Amendment No. 2 to Clipper MOU with the Metropolitan Transportation Commission and Bay Area Operators; and be it further

RESOLVED, that the Board of Directors authorizes the Executive Director to execute the amendment and take any other related actions to support this work.

CERTIFICATION

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on September 3, 2020.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2020-35

END

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Keith Stahnke, Operations & Maintenance Manager
Lauren Gularte, Program Manager/Analyst

SUBJECT: Adopt the Regional Transit Operator Health and Safety Plan

Recommendation

Adopt the regional transit operator health and safety plan *Riding Together: Bay Area Healthy Transit Plan*.

Background

The Metropolitan Transportation Commission (MTC) recently formed the Blue Ribbon Transit Recovery Task Force (Task Force) to assist in providing a regional understanding the scale of the crisis facing all Bay Area transit systems and to guide its regional response through expedited distribution of federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds. As a part of approving the final distribution of the CARES Act funds, the Task Force and MTC requested transit operators to develop and adopt a regional health and safety plan to ensure that there is consistency across all operators regarding the baseline mitigations implemented on transit to prevent the spread of COVID-19.

WETA, in partnership with our contract operator Blue & Gold Fleet, L.P. (Blue & Gold), has been proactive in our response to COVID-19 since the shelter-in-place orders were established in March. On June 4, WETA adopted our own six-point Passenger and Crew Safety Plan which outlines the mitigations that WETA and B&GF have put into place to ensure the health and safety of our crews and passengers since the pandemic started. The new regional health and safety plan considered for adoption as a part of this agenda item would complement, and not replace, WETA's Passenger and Crew Safety Plan.

Discussion

Bay Area transit operators have worked together in recent months to develop *Riding Together: Bay Area Healthy Transit Plan* (Plan), provided as **Attachment A**, which codifies baseline transit-related safety and health mitigations to be applied across the region's transit network. This plan sets clear guidelines for public transit providers and employees regarding workplace safety and health and provides transit customers with consistent expectations as they move across Bay Area transit systems. The development of the Plan included extensive research on U.S. and international efforts to stop the spread of the virus, a review of relevant guidelines from the American Public Transit Association (APTA), and collaboration with regional leaders, transit workers, paratransit providers, rider advocates, public health experts, and others.

The Plan is aligned with the State Pandemic Resilience Roadmap and identifies mitigation strategies specific for public transportation providers, employees, and customers aimed at preventing the spread of COVID-19. It is a living document and the approach and mitigations may change and adapt as research around COVID-19 evolves, as performance against this Plan is achieved, and/or as the COVID-19 situation in California changes.

The Plan applies to Bay Area public transportation providers including rail, bus, ferry, paratransit, demand response, and micro-transit and flows down to contract operators. The mitigations in the Plan reflect the current understanding of the COVID-19 virus and the two most prevalent methods of person-to-person transmittal: through respiratory droplets produced when an infected person coughs, sneezes, or talks or by touching a surface or object that has the virus on it and then touching the mouth, nose, or eyes.

Customer-facing health and safety mitigations in the Plan include:

- **Face Coverings:** Require face masks for passengers and workers. Some transit operators will provide face coverings as capabilities allow.
- **Physical Distancing:** Manage capacity to support social distancing and communicate social distancing requirements (at least 3-feet) with face coverings to safely ride transit to customers.
- **Hand Hygiene:** Provide information if hand-washing stations or hand sanitizer dispensers are available to customers.
- **A Quiet Ride Campaign:** Communicate and promote the “Quiet Ride” campaign to customers, asking riders to minimize talking, singing, or other verbal activities that might facilitate the spread of COVID-19.
- **Cleaning and Disinfecting:** Clean and disinfect in-service vehicles daily with an emphasis on high touch areas. Use EPA- “List N” disinfectants with an elevated focus on vehicles that may have carried an infected rider. Coordinate with public health officials if reports of potentially-infected, known, or confirmed infected persons utilize the public transit system.
- **Ventilation:** Maximize fresh air on vehicles and facilities based on ventilation options. Confirm maintenance on ventilation equipment and ensure systems offer peak performance.
- **Touchless Fares:** Public outreach to encourage the use of all touchless fare payment options to customers, such as Clipper or mobile payment devices.

Transit employee health and safety mitigations in the Plan include:

- **Wellness Assessment:** Develop and implement a COVID-19 health assessment protocol for employees prior to accessing transit facilities or vehicles.
- **Personal Protective Equipment (PPE):** Supply workers with PPE including face masks (unless exempt). Perform job hazard analysis to identify potential exposure possibilities and provide PPE in line with risk.
- **Physical Distancing:** Determine common space capacities, stagger work hours, encourage eating outside and other social distancing tactics, enforce face covering requirements for all common spaces.
- **Employee Infection/Contact Tracing:** Track employee movements and assignments and document, trace, and report potential exposures. Notify employees potentially exposed and provide options for testing, quarantine, and return to work.

Due to our early action in this area and consistent with our Passenger and Crew Safety Plan, WETA and Blue & Gold have already implemented the Plan mitigations on the San Francisco Bay Ferry system with the exception of the Quiet Ride Campaign which will be implemented soon.

In addition to implementing the above mitigation strategies, the Plan provides a framework for operators to collect, share, and report data in an effort to be accountable and build confidence in the Bay Area public transportation system. WETA staff has worked in consultation with Blue & Gold to develop a process to collect the required information which relate to compliance with face mask requirements, vehicle capacity restrictions, and contact tracing. Transit operators and the Task Force are continuing to work together to create a dashboard to capture and display the data so that it is available to the public.

The Plan also outlines communication strategies and key messages to broaden awareness of the cooperative strategies and health mitigations adopted by Bay Area transit operators. Bay Area transit operators will launch a unified communications campaign in the coming months, in coordination with MTC, to build confidence in the Bay Area's public transit system for current and returning riders as the Bay Area eases out of the stay-at-home orders.

Fiscal Impact

There is no fiscal impact associated with this item.

END

Riding Together: Bay Area **Healthy Transit Plan**





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Due to the changing conditions and growing body of knowledge about the pandemic, this plan may be updated and or modified.



To our Customers, Employees and Partners

The COVID-19 Pandemic has been a massive strain for everyone. And it presents transit systems with a historic set of challenges, including the need to adjust protocols and procedures to ensure a safe operating environment for everyone.

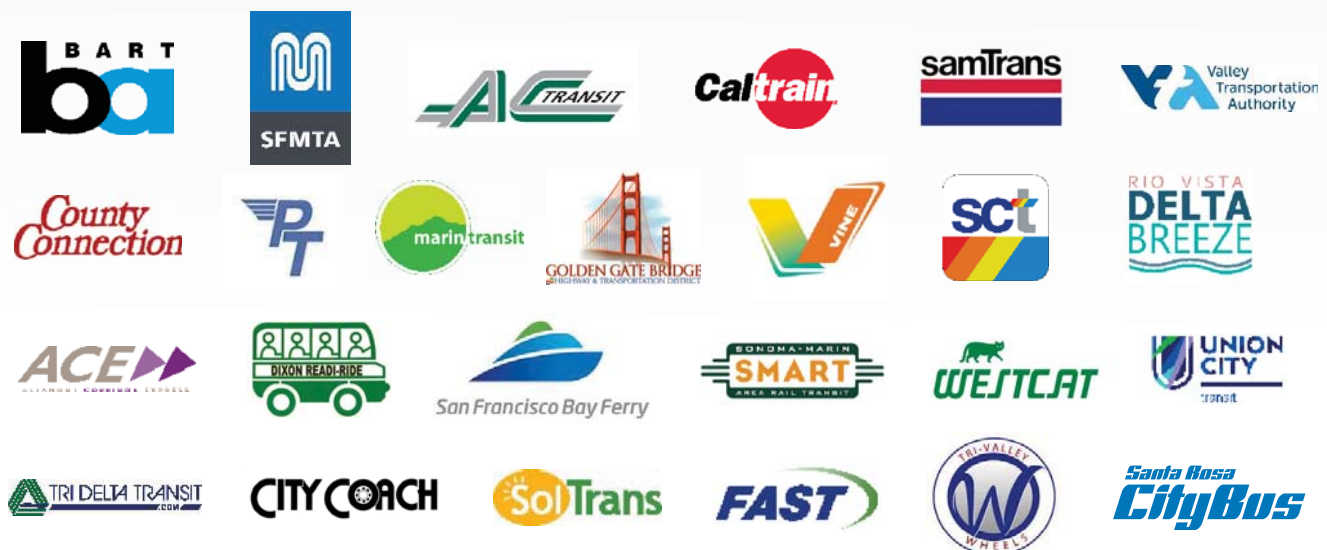
Collectively, we as the transit operators in the nine Bay Area counties, have joined forces to initiate research, study U.S. and international efforts, and review information from the American Public Transportation Association (APTA), to develop common commitments and expectations for employees and passengers in our Bay Area transit systems. From this work, we developed ***Riding Together—Bay Area Healthy Transit Plan***. Development of our plan has additionally included collaboration with regional leaders, transit workers, paratransit providers, rider advocates, public health experts, and others.

As we are all guided forward by our State and local leadership toward business resumption, we view the safety of our employees and passengers as job number one. This plan serves as a tool for us, providing common commitments that have been set in place for our employees, our current passengers, and those who will be returning to transit.

This is a plan we own. A plan we will report on. And a plan that we will modify to the fluctuating nature of this pandemic. Furthermore, we are committed to the success of this plan, and look forward to a partnership with our customers and the shared responsibility for reducing transmission by properly wearing face coverings and meeting other expectations.

We are all in this together. We look ahead to serving our customers as well as teaming with them to work through this challenging time that faces everyone.

Bay Area Transit Operators





1.0 Plan Overview

Bay Area Public Transportation Providers (Appendix A) have collectively developed a cohesive health and safety plan—this plan—to bring the region’s public transportation providers together around transit-related health and safety standards and mitigations. This plan will provide guidance for the mitigations to be consistently applied across the network to best serve essential workers currently riding transit and help the Bay Area ease out of the COVID-19 pandemic stay-at-home order. While county-specific guidance may vary, these minimum standards give transit customers consistent expectations across all Bay Area public transportation operations and identify mitigations for public transportation providers and employees regarding workplace health and safety. Although many of the public transportation providers have their own individual plans or measures in place, this plan clarifies the responsibilities of public transportation customers and public transportation providers across the Bay Area in implementing the health and safety minimum requirements and mitigations and recommends communication strategies and key messages to promote health and safety awareness.

The guidelines in this plan reflect current understanding of the COVID-19 virus and the most prevalent methods of person-to-person transmittal:¹

- ➔ Between people who are in close contact with one another (within about 6 feet) through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. COVID-19 may be spread by people who are not showing symptoms.
- ➔ By touching a surface or object that has the virus on it and then touching the nose, mouth or eyes.

Plan Purpose

- Identify consistent health and safety standards for public transportation customers to do and public transportation providers to implement as the Bay Area eases out of the COVID-19 stay-at-home order.
- Clarify expectations and responsibilities of transit customers and transit providers.
- Recommend communication strategies and key messages to promote public transportation customer and provider compliance with and support for mitigations.

Scope of Plan

- Applies to Bay Area public transportation providers listed in Appendix A (non-aviation) including rail, bus, ferry, paratransit, demand response and micro-transit.
- Limited to COVID-19 recovery efforts and mitigations.
- Covers public transportation services provided both directly by the public transportation providers and those provided under contract.
- Flows down mitigations from public transportation providers to contractors, as needed.

KEY TERM

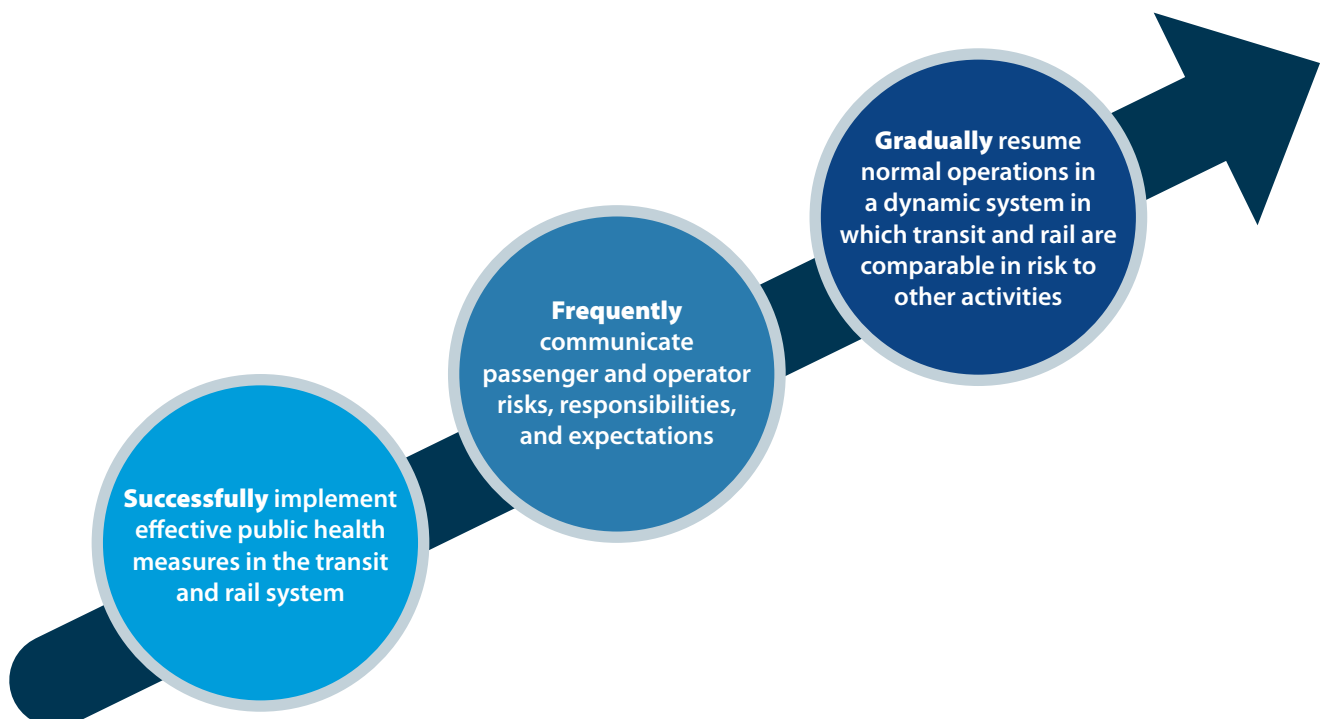
* **Mitigations:** Actions or practices that public transportation customers and providers, including employees, collectively take to slow the spread of COVID-19. Mitigations help the Bay Area’s public transportation network operate safely as the region eases out of the COVID-19 stay-at-home order.

The identified mitigations are based on US and international health agency guidance from the California Department of Public Health (CDPH), the US Centers for Disease Control and Prevention (CDC) and the World Health Organization (WHO). The application of the mitigations is informed by US and international transit industry guidance including guidance from the American Public Transportation Association (APTA 2020a; APTA 2020b; APTA 2020c), the CDPH (CDPH 2020a), a survey of 21 Bay Area public transportation providers regarding current COVID-19 health and safety practices and coordination with Bay Area public health representatives. See Section 7 for reference documents. In August 2020, APTA implemented its National Transit Recovery Commitment Program. Participating agencies (members) of APTA may display the program seal on vehicles and facilities. This new program from APTA is designed to support public transit agencies implement individualized policies for health agency guidance, cleaning, sharing of information, and other healthy best practices for passengers and employees.

This is a living plan and is based on current, known COVID-19 transmittal factors and disrupters of those transmittal factors (mitigations), and the current COVID-19 situation and public health response in the Bay Area and California.

This plan may change and adapt as research around COVID-19 evolves, as performance against this plan is achieved and/or as the COVID-19 situation in California changes. This plan currently anticipates that with continued compliance with California-mandated face covering requirements, physical distancing recommendations may change over time to allow for increased vehicle capacity to serve more Bay Area customers, while still complying with epidemiological research and transit best practice. Using the current guidelines and mitigations in this plan confirms that Bay Area public transportation providers are following public health recommendations while balancing the need to move toward increased capacity service.

This plan's approach is consistent with a Safety Management System approach that evaluates and balances risk recognizing society's need for and value of public transportation. The Federal Transit Administration requires, as part of the Public Transportation Agency Safety Plan final rule, the evaluation of safety risks and the application of mitigations to reduce risks as part of a transportation provider's Agency Safety Plan. This regional COVID-19 plan is consistent with managing risks associated with this pandemic to gradually move to resume capacity and service.





2.0 Alignment with State Pandemic Resilience Roadmap

California is currently in **Stage 2** of the state's Pandemic Resilience Roadmap (CDPH 2020b), allowing specific lower risk sectors to open and modified school programs and child care to resume.

Indicators to modify the Stay-at-Home Order include:

- ➔ **Ability to test, contact trace, isolate, and support the exposed**
- ➔ **Ability to protect those at high risk for COVID-19**
- ➔ Surge capacity for hospitals and health systems
- ➔ Therapeutic development to meet the demand
- ➔ **Ability of business, schools, and childcare facilities to support physical distancing**
- ➔ Determination of when to reinstitute measures like Stay-at-Home



There are nine counties that are represented in the Bay Area Transportation Providers: Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco. As of August 2020, all the nine counties were being monitored for data that does not meet indicator objectives (CDPH 2020c).

Public transportation providers have impacts or supporting roles on the emboldened bullets in the above list. Committing to support contact tracing where appropriate, protecting high-risk persons during travel and supporting physical distancing are all part of this plan and support the ability of the state to modify the Stay-at-Home order and provide for further re-opening. At Stage 3, counties may choose to move forward at their own pace, relaxing orders, which can impact the demand for public transportation. By supporting the community indicators, transportation providers will demonstrate partnership and community-mindedness, allowing for the easing of restrictions and the ability to increase capacity in a safe and moderated way.

3.0 Health and Safety Risk and Public Transportation Benefits

Public transportation, like other businesses, has had to weigh risks of providing equitable transportation service against health and safety risks. The Federal Transportation Administration requires public transportation providers to identify, evaluate and manage risks for the best outcome to the public and to those who provide the services. The societal benefits of providing affordable transportation exceed any risks presented by public transportation related to COVID-19. This plan seeks to minimize further risks related to COVID-19.

As with other safety hazards, the most effective measures are layered for maximum results. Layering good hand hygiene, face coverings, ventilation, physical distancing, cleaning and disinfecting, limited time exposure, as well as, passenger personal accountability provide for a safer environment than only one or two of the mitigation measures alone. The Bay Area transportation providers are committing to layering safety measures along with passenger personal accountability to keep public transportation available for essential workers who are keeping the Bay Area in business and for others as the region emerges from the current conditions. **Using other prevention measures in combination with social distancing, such as wearing a mask, will modify the threshold of Social Distancing, and thus enable to increase the occupancy rate of the trains. (UIC2020)**

4.0 Health and Safety Mitigations

Public transportation customers and providers and their employees can all help keep California on a path to continue safely reopening and remaining open by following several key health and safety mitigations. Each health and safety mitigation is based on US or international public health recommendations. This plan includes mitigations for customers and providers to implement for a healthy Bay Area transit system.

Paratransit and demand response is discussed in Section 5, Paratransit, Demand Response and Vulnerable Populations.

4.1 Customer Facing Mitigations



Face Coverings

The CDC is advising the use of simple cloth face coverings to slow the spread of COVID-19 and help people who may have the virus and do not know it from transmitting it to others (CDC 2020a).

Additionally, on June 18, 2020, the State of California required people in the state to wear face coverings when they are in certain situations including the following related to public transportation operations for both customers and employees (CDPH 2020d):

- ⊕ Inside of, or in line to enter, any indoor public space.
- ⊕ Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle.
- ⊕ Engaged in work, whether at the workplace or performing work off-site, when interacting in-person with any member of the public, working in any space visited by members of the public, regardless of whether anyone from the public is present at the time, working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities, and in any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- ⊕ Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended and maybe required based on local guidance.
- ⊕ While outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible.

Customer Responsibilities

Public transportation customers are expected to bring and properly wear their own face coverings when accessing public transportation services and facilities to comply with the State of California's order.

Public Transportation Provider Responsibilities

To support compliance with the State of California order, all public transportation providers require the proper use of face coverings on their systems, including in facilities, for all passengers over the age of 2 years, unless the customer is exempt per the State of California order.

Public transportation providers will:

- ⊕ Remind passengers of the face covering requirements.
- ⊕ Have the right to refuse to carry anyone not wearing a face covering, unless the person is exempt.
- ⊕ Communicate the requirement in transit vehicles and facilities noting the state requirement for face coverings for transit customers and employees.
- ⊕ Require employees to adhere to face covering requirements.



- ➔ Develop, implement and communicate to employees a process for equitable face-covering compliance strategies. At a minimum, to protect bus operators or others in direct contact with public, provide de-escalation options and support if conflict ensues.
 - Optionally, as a de-escalation technique, provide or make available face-coverings, as capabilities allow, at defined locations (from staff or for sale such as vending machines).
 - Consider other de-escalation techniques and inform operators of their options, such as dealing with face coverings in a similar manner as fare payment.

Paratransit and demand response face coverings is discussed further in Section 5, Paratransit, Demand Response and Vulnerable Populations.

Physical Distancing



COVID-19 is thought to spread mainly from person-to-person, between people who are in close contact with each other and through respiratory droplets produced when an infected person coughs, sneezes or talks (CDC 2020b). The World Health Organization and multiple European transportation agencies are using a 1 meter (approximately 3 feet) minimum requirement for physical distancing when face coverings are worn.

The CDC currently advises 6 feet, however, it should be noted that face coverings were not encouraged or mandated by CDC when the 6-foot distancing metric was introduced. Where practicable, Bay Area public transportation providers will provide for a minimum 3-foot physical distancing metric, coupled with mandatory, properly worn face coverings.

Customer Responsibilities

Public transportation customers are expected to remain a minimum of 3 feet or optimally 6 feet, as practicable, from others not in their households when in stations, transit facilities or in vehicles, in addition to complying with the facial covering requirement.

If assistance is required from the operator or other staff, the customer will allow the operator to manage the securement in the safest manner possible for both passenger and operator.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Communicate to their customers the physical distancing minimum standards for safely riding public transportation.
- ➔ Manage capacity, as possible, to provide spacing to achieve the 3-foot physical distancing minimum requirement.
- ➔ Evaluate disability device securement and advise operators how to manage securement practices to reduce risk to all parties.

Paratransit and demand response physical distancing is discussed further in Section 5, Paratransit, Demand Response and Vulnerable Populations.

Hand Hygiene



Good hand hygiene can help slow the spread of COVID-19. This includes washing hands with soap and water for at least 20 seconds or using an alcohol-based hand sanitizer containing at least 60 percent alcohol (CDC 2020a).

Customer Responsibilities

Public transportation customers should bring hand sanitizer or disinfecting wipes to clean their hands before and after using public transportation and after contact with potentially contaminated surfaces or use hand washing facilities, as available.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Provide information if hand-washing stations or hand sanitizer dispensers are available to customers.

A Quiet Ride Campaign



Droplets expelled through talking, singing, and other verbal activities are known to contribute to virus dispersion (CNN 2020; NEJM 2020). Bay Area public transportation providers will temporarily adopt the “Quiet Ride” communication campaign, requesting passengers minimize talking, singing or other verbal activities while riding public transportation to slow the spread of COVID-19. Necessary verbal activities, such as requesting a stop, are not precluded.

Customer Responsibilities

- ➔ Reduce talking, singing, or other verbal activity to the extent possible while in public transportation facilities and on vehicles.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Communicate and promote the “Quiet Ride” campaign to customers.

Vehicle and Facility Conditions – Cleaning and Disinfecting



Cleaning and disinfecting surfaces reduces the risk of infection by removing potential contamination. To restore passenger confidence and provide for a healthy environment, vehicles and facilities must be cleaned and disinfected more frequently than pre-COVID-19 practice. If not already doing so, public transportation providers will implement cleaning and disinfecting on a more frequent schedule than pre-COVID-19 practices and will follow APTA-recommended practices (APTA 2020a; APTA 2020b).

Customer Responsibilities

- ➔ Customers must stay at home when they are sick in order to slow the spread of COVID-19, evaluating their own symptoms or exposure.
- ➔ Customers will dispose of tissues or other potentially contaminated materials in trash cans.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Daily clean and disinfect in-service vehicles, factoring in the level of use, with an emphasis on high-touch areas.
- ➔ Provide elevated cleaning if a vehicle is reported to have carried an infected or potentially infected person. Reports could come from a public health agency, customer report or employee observation of a person displaying symptoms.
- ➔ Use EPA-List N disinfectants applied through methods outlined in the APTA standard or EPA/CDC recommendations.
- ➔ Coordinate with public health officials if reports of potentially-infected,² known or confirmed infected persons utilized the public transportation system.

Paratransit and demand response cleaning is discussed further in Section 5, Paratransit, Demand Response and Vulnerable Populations.

²Potentially-infected (person) is defined as a person who is observed to exhibit COVID-19 symptoms or has been recommended by a medical professional to undergo COVID-19 testing or quarantine.



Vehicle and Facility Conditions – Ventilation



Increased air flow can provide for a healthier environment for transit customers and employees (CDC 2020e; APTA 2020a). On some vehicles, such as buses and light rail vehicles, doors are frequently opened to allow passengers to board or exit. Other vehicles have less frequent door cycling and are more dependent on the vehicle heating ventilation and air conditioning (HVAC) system. Buses and ferries may have windows that open, allowing additional ventilation. Where feasible, public transportation providers will increase ventilation in vehicles and in facilities.

Customer Responsibilities

Customers will not close windows that are open without consulting the operator or other public transportation employee.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Maximize fresh air in vehicles and facilities, based on ventilation options, and other factors such as climate or air quality.
- ➔ Confirm maintenance is performed on ventilation systems in vehicles and station facilities and that the systems function at peak-performance.
- ➔ Use the highest MERV-rated filter appropriate for the HVAC system in vehicles and facilities, as feasible.
- ➔ Provide guidance to operators or other public transportation employees regarding the opening of windows and doors, including direction if other health hazards such as air quality issues arise.



Touchless Fares

Reducing cash fare payments reduces touch and virus transmittal potential and can reduce the need for face-to-face transactions.

Customer Responsibilities

- ➔ Public transportation customers should use touchless fare options, when possible, to include Clipper cards or online or mobile ticketing.
- ➔ If using cash fare, have correct fare ready for payment on boarding to minimize exposure to others boarding.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Communicate all touchless fare payment options to customers.
- ➔ Encourage use of touchless fare payments, as feasible, while still allowing for cash options.

Paratransit and demand response touchless fares is discussed in Section 5, Paratransit, Demand Response and Vulnerable Populations.

4.2 Transit Employees Mitigations

Keeping employees safe and well is critical for the operation of Bay Area public transportation providers. The following minimum standards apply to public transportation employees. Employees should adhere to company requirements and be assured that other employees will also adhere to requirements and be held responsible.

Employee COVID-19 Assessments

Assessing employee wellness is part of evaluating fitness for duty. During the COVID-19 pandemic, additional COVID-19 assessments can support whether employees are ready for work and minimize the risk of spreading COVID-19 to others around them. It is critical to understand that many people who have COVID-19 are asymptomatic and may not know that they are infected. Also, note that temperature scan results can be unreliable. Some temperature instruments only test skin temperature which can be impacted by external climate or human activity. Also, normal human temperature can range from 97° to 100° F, so a fever cannot be assumed based on a slight elevation in temperature. Staff training also factors into the reliability of a temperature scan.

Employee Responsibilities

Employees will cooperate with the employer-developed protocols for COVID-19 assessment and provide facts when completing any requested assessments.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Develop and implement a COVID-19 assessment protocol for employees prior to accessing transit facilities or vehicles. The COVID-19 assessment may consist of a self-assessment, questionnaire or temperature scan or other activities that provide information about whether it is safe to be at work.
- ➔ Develop, implement and communicate a policy for employees around the COVID-19 assessment protocol including expectations of those who may be prevented from working based on the COVID-19 assessment.
- ➔ Provide for employee health privacy in any COVID-19 screening activity.

Personal Protective Equipment



Personal protective equipment (PPE) is inclusive of face coverings, face shields, and gloves. As per the State of California order, face coverings are required for all in work place settings (CDPH 2020d). Some job categories may require different PPE than other job categories. Public transportation providers are recommended to perform some type of job hazard analysis (JHA) to determine specific hazards or exposure possibilities and base PPE allocation on that assessment.

Employee Responsibilities

Employees will wear the combination of PPE defined for their job requirements to safeguard themselves and others while in the work environment. If any portion of the PPE defined for an employee's job requirements cannot be complied with, the employee is responsible for alerting their employer and cooperating with the development of alternatives to provide for a healthy working environment, as feasible.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ➔ Determine and supply minimum levels of PPE, including the required face coverings (unless exempt).
- ➔ Perform some type of job hazard analysis to determine specific hazards or exposure possibilities and base PPE allocation on that assessment. These can be broad categories based on exposure (for example, public facing duties or job duties that require close proximity to other employees or passengers). Positions at a higher risk for exposure, such as mechanics or right-of-way maintainers who work in pairs to perform tasks or bus operators, should be considered for higher levels of PPE.



- ➔ Provide supervision and oversight to confirm compliance and develop protocols for non-compliance.
- ➔ Identify any spaces where face coverings are not required (e.g. private offices), as allowed by local health guidance.
- ➔ Communicate requirements to all employees.
- ➔ Develop and implement a policy to manage employees who do not or cannot comply with the increased or changed PPE requirements.

Physical Distancing



Physical distancing is one of the primary mitigation measures, in addition to face coverings, recommended by the public health agencies to minimize the risk of COVID-19. There are several factors that are currently considered in transmitting the infection. Both time and space are being evaluated, with exposures of greater than 15 minutes or closer than 3 feet both factors related to transmission (WHO 2020a; WHO 2020b). Public transportation providers will consider distancing, facial coverings and time in their employee physical distancing requirements.

Employee Responsibilities

Employees will comply with physical distancing requirements and facility modifications. If employees cannot comply with physical distancing requirements or function with facility modifications, employees must alert their employer and discuss alternatives to support a safe work environment.

Public Transportation Provider Responsibilities

Public transportation providers should evaluate the following spaces and put into practice measures to manage physical distancing. Where work duties allow, provide for virtual work to reduce exposure of employees. Providers should evaluate facility capacity and develop a plan for all job categories to assess remote work, staggered shifts and other strategies to alleviate crowding that would challenge physical distancing.

Common Spaces

Common spaces include, but are not limited to, vestibules, restrooms, break rooms, lunchrooms, conference rooms, shared workspaces and operator report areas.

Public transportation providers will:

- ➔ Determine common space capacity based on space size and configuration and define limits.
- ➔ Stagger work hours and breaks to spread use of space.
- ➔ Encourage eating outside, at desks, or at physically-distanced spacing, as possible.
- ➔ Enforce face covering requirements for all common spaces.
- ➔ Communicate expectations for physical distancing in common spaces.
- ➔ Clean and disinfect common spaces regularly, using EPA-List N disinfectant materials.
- ➔ Remove or provide for cleaning of recreational equipment (pool tables, ping pong tables, or other) that might encourage close proximity or provide cleaning for high touch potential.
- ➔ Enforce physical distancing requirements for meetings or group activities, reducing in-person participation, encouraging virtual participation, utilizing larger meeting spaces or moving meetings outside, as possible.

Vertical Transport

Vertical transport includes elevators or stairs, areas that have the potential to place persons in close proximity within enclosed spaces.

Public transportation providers will:

- ⊕ Either limit capacity of elevators or ensure exposure time is less than 15 min.
- ⊕ Encourage stair use, as possible, to reduce elevator congestion.
- ⊕ Consider allocating one elevator for vulnerable persons who may be at higher risk of life-threatening COVID-19 complications, as needed.

Work Space Modification

Public transportation providers should evaluate work spaces for each job category to either allow for physical spacing or the placement of temporary or permanent shielding.

Public transportation providers will:

- ⊕ Provide dividers in group work spaces or provide additional space.
- ⊕ Provide protection for bus operators utilizing minimum 6-feet physical distancing between operator and passengers or protective measures to include permanent or temporary shields, rear door boarding, if available, elevated PPE and/or elimination of seating within close proximity.
- ⊕ Provide station agent or other field staff with shielding or elevated PPE.
- ⊕ Provide individual work equipment or provide sanitation materials for cleaning between employee use.

Infected Employees/Contact Tracing



Public transportation providers will track employees who access transit facilities or equipment, as feasible. If an employee reports an infection, or possible contact with an infected person, public transportation providers should document and maintain records of what other employees may have come into contact with the exposed or infected employee and notify other employees. Public transportation providers should inform employees if the provider is notified from a customer contact or other notification, that an infected person has been in a specific vehicle or facility. Public transportation providers should report any confirmed infections to the appropriate public health agency.

Employee Responsibilities

Employees will inform their employer if they test positive for COVID-19, have been exposed to someone confirmed to have COVID-19 or suspect exposure to COVID-19. Employees will not report to work under these conditions and will abide by public health requirements for infected or exposed persons.

Public Transportation Provider Responsibilities

Public transportation providers will:

- ⊕ Record which employees are in facilities or vehicles at any time.
- ⊕ Notify other employees if they have been possibly exposed to a suspected COVID-19-positive person to allow them to take appropriate action.
- ⊕ If notified that a confirmed or suspected-positive person has traveled on a specific trip or bus, if possible to determine, the operator will be notified and provided options for reporting, testing, quarantine and return to work.
- ⊕ Define policies specific to handling any reported health information, notification processes and rights and responsibilities of infected or quarantined employees who miss work.





5.0 Paratransit, Demand Response and Vulnerable Populations

This section adds additional detail to applicable minimum mitigations described in Section 4.1 and 4.2. Paratransit providers and customers should review Sections 4.1 and 4.2 in addition to Section 5 for minimum mitigations related to physical distancing, touchless fare, hand hygiene, and ventilation which all have applicability to paratransit transportation.

Face Coverings



The population of customers utilizing paratransit service may have a higher likelihood of being exempt from the face coverings requirement due to other health issues. This provides for additional potential exposure of other passengers and operators.

Customer Responsibilities

Customers must wear face coverings unless exempt and should inform the paratransit provider if unable to wear a face covering to allow for additional protective measures, as feasible.

Paratransit Provider Responsibilities

If informed that a specific customer cannot wear a face covering, additional spacing between customers should be allowed (6-feet) and, if possible, the space should be disinfected after the customer is transported.

Physical Distancing



As per fixed route service, a minimum of 6-feet physical distancing should be maintained between operator and passengers and 3-feet between passengers. Aides or family members are considered part of the passenger household unit.

Customer Responsibilities

Customers should maintain a minimum of 3-feet physical distance from those not within their household unit. Customers exempt from face covering requirements should attempt to increase the physical distancing to 6-feet, as possible.

Paratransit Provider Responsibilities

Capacity on vehicles should allow for maintaining a minimum of 3-feet physical distancing between customers/household units, as feasible, with additional space allowed if face coverings are not possible.

Vehicle Condition - Cleaning and Disinfecting



Cleaning and disinfecting surfaces in the paratransit or demand response sector is important as these customers are frequently more vulnerable due to underlying health conditions and may be more likely to be exempt from the face covering requirement. Often this population has limited alternative transportation choices. Paratransit providers should have heightened concern to maintain clean and disinfected vehicles servicing these customers (APTA 2020a).



Paratransit Provider Responsibilities

- ➔ Daily clean and disinfect in-service vehicles, factoring in the level of use, with an emphasis on high-touch areas.
- ➔ Spot clean high touch areas during service hours, as possible with passenger loads, with additional attention after carrying passengers who are exempt from face covering requirements.
- ➔ Elevate cleaning if a vehicle is reported to have carried an infected or potentially-infected person.
- ➔ Use EPA List N disinfectants applied through methods outlined in the APTA standard or CDC/EPA recommendations.

Employee Personal Protective Equipment and Supplies



A paratransit or demand response operator is one specific position that will require different level of PPE from other job categories, as most are required to work in close proximity to customers to secure or otherwise assist customers as part of their job duties.

Paratransit Provider Responsibilities

- ➔ Review the level of contact required of their demand response operators and provide elevated PPE if exposure is elevated. Considerations should include face shields or eye protection and face coverings, gloves, spray or wipe-on disinfectant, and hand sanitizer or sanitizing wipes.

Passenger COVID-19 Wellness Screening



Most demand response service has some type of advanced scheduling ability, with follow-up reminders or communication. This is an opportunity to ask passengers to self-assess their wellness as an additional safeguard to other passengers and the operator.

Customer Responsibilities

Customers will review their own COVID-19 wellness and exposure and schedule trips based on the review. If exposed or symptomatic, customers should advise the paratransit provider to determine alternate transportation options or to allow the provider to schedule or arrange travel in the safest manner possible.

Paratransit Provider Responsibilities

- ➔ Review scheduling protocols and, as possible, include a simple self-assessment questionnaire which would indicate to the potential passenger if they should continue with their ride or cancel or arrange alternate transportation due to any symptoms or exposure.

The assessment should consider the following areas of review:

- Exposure to persons with confirmed case of COVID-19 in the past 14 days.
- New symptoms such as fever, cough, fatigue, shortness of breath, chills or muscle aches. Note that the list of symptoms continues to evolve with the most recent found at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.
- ➔ Develop protocols and inform schedulers and staff regarding proper handling of customer reports of exposure or infection. Options might include providing ride as a single passenger (unit), arranging for alternate transportation, advising of other transportation options or denying ride based on direct threat.

Contact Tracing



Paratransit providers have customer information that could be used to support contact tracing. If a passenger has likely come into contact with an infected person through their paratransit use, that customer, as well as the public health agency, should be contacted and provided information of the potential contact.

Customer Responsibilities

If a customer using paratransit services, subsequently tests positive or develops symptoms and is presumed to be positive, the customer will notify the paratransit provider to allow follow up with other potentially exposed persons.

Paratransit Provider Responsibilities:

- ➔ Provide information either directly or through the public health agency if an exposure is reported.
- ➔ Notify the operator and provided options for reporting, testing, quarantine and return to work.
- ➔ Allow for appropriate quarantine of operator or other staff, as advised by the public health agency.



6.0 Communication Strategies and Key Messages

Goals:

- Reinforce the State of California order requiring facial coverings.
- Encourage behaviors that reduce potential exposure of customers and employees while riding or working in the Bay Area transit systems.
- Increase passenger and public awareness of individual responsibilities and actions for healthy practices in public spaces, transit vehicles and transit facilities.
- Increase public confidence in and support for using transit as the Bay Area emerges from the COVID-19 stay-at-home order.
- Broaden public awareness of cooperative strategies and health mitigations adopted by Bay Area transit operators.
- Coordinate communications efforts to promote public transportation customer and provider compliance with and support for mitigations.

Strategies:

- Inform transit customers and employees of the plan's identified and implemented minimum safety and health mitigations for public transportation as the Bay Area eases out of the COVID-19 stay-at-home order, and more transit services phase in.
- Inform transit agency customers and employees of cooperative expectations and responsibilities of riding and working in the Bay Area's transit systems.
- Coordinate agencies' existing and forthcoming customer research data to refine distribution channels and messaging as conditions warrant.
- Leverage key messages as a call to action for healthy practices while using and working in transit systems.
- Deliver key messaging and approaches to agencies so they may augment and adapt to individual agency communications efforts to passengers and employees.
- Encourage customer compliance and cooperation in behaviors and mitigations for healthy use of public transit as the Bay Area emerges from the COVID-19 stay-at-home order.

Tactics:

- Distribute key messages in multiple and or cooperative communications channels of individual transit agencies. And, when possible, agency communications teams will utilize uniform message structure as well as cooperative scheduling, information and events throughout the Bay Area.
- Echo a partnership with the public in all messaging—operators view customers as partners in this effort and plan.
- Build on the behavioral and social foundations and common-sense practices already established in grocery stores and other essential businesses.
- Leverage and load Bay Area agencies' owned, earned and paid media channels with essential and uniform messages at key service resumption times.
- Distribute key messages via applicable business and employer communications channels.
- Share information and key messages with media as well as elected and community stakeholders.
- Work with paratransit providers for special communication needs for both operators and passengers.
- Deliver messaging in a variety of equitable channels to reach LEP travelers.
- Utilize simple graphics and minimal text to convey key messages.

Target Markets:

- Current transit customers and transit dependent travelers
- Previous transit customers who paused commuting during the COVID-19 stay-at-home order
- Occasional transit riders
- Bay Area residents
- Transit agency employees
- Paratransit customers and providers
- Schools, colleges and universities
- Bay Area businesses and employers

Transit Agency Customers

Face coverings - California requires people in the state to wear face coverings outside of their homes.



Properly worn face coverings are mandatory.

Physical distancing - The World Health Organization and multiple European transportation agencies are using a 1 meter (approximately 3 feet) minimum requirement for physical distancing when face coverings are worn.



Give others space to keep everyone healthy. Plan your trip and avoid crowded vehicles.

Keep hands clean - Frequent hand washing can help minimize the spread of COVID-19.



Wash hands before and after your trip. Carry hand sanitizer with you.

A quiet ride - Talking, singing, and other verbal activities increase the risk of COVID-19 transmission.



Reduce the spread – minimize talking when possible.

Cleanliness - Cleaning and disinfecting surfaces reduces possible COVID-19 transmission. Vehicles and facilities are cleaned and disinfected frequently.



We're frequently cleaning and disinfecting our vehicles, stations, workspaces, and high-touch areas to keep everyone healthy.

Ventilation - Increased air flow can provide for a safer environment for customers and employees in the transit.



We're keeping the air flowing to help keep everyone healthy.

Touchless fares - Minimizing of cash for fares helps reduce risk of COVID-19 transmission.



Using electronic payment can help reduce the spread of COVID-19. Please check with your provider for details.

Testing - Keeping everyone safe and healthy is a priority.



Don't ride if you are sick. If you feel you have been exposed to COVID-19, get tested. Contact your health provider or local public health department.

Personal protective equipment (PPE) -

PPE is inclusive of face coverings, face shields, and gloves. Per CA requirement, face coverings are required for all in a workplace setting. PPE requirements may differ for employees based on job category.



We're providing employee protective equipment and modifications to protect our employees and keep passengers healthy.

Transit Agency Employees

Employee wellness assessments - Assessing employee wellness is part of evaluating fitness for duty during the COVID-19 pandemic.



Agencies have employee wellness assessments in place to protect our employees and passengers.

Personal protective equipment (PPE) -

PPE is inclusive of face coverings, face shields, and gloves. Per CA requirement, face coverings are required for all in a work place setting. PPE requirements may differ for employees based on job category.



We're providing PPE such as face coverings, face shields, and gloves to our employees. PPE requirements may differ based on job category.

Physical distancing - The World Health Organization and multiple European transportation agencies are using a 1 meter (approximately 3 feet) minimum requirement for physical distancing when face coverings are worn.



Give others space to keep everyone healthy.

Contact tracing - If an employee reports an infection or possible contact with an infected person, transit providers should maintain records of what other employees may have come into contact. Transit agencies should report any confirmed infections to the appropriate public health agency.



We have an employee contact tracing program in place to keep our employees safe and healthy.

Testing - Public transit workers are deemed essential and have been given priority testing. We encourage testing of employees who have symptoms or think they may have been exposed to COVID-19.



Don't come to work if you are sick. If you feel you have been exposed to COVID-19, get tested. Contact your healthcare provider or local public health department.

Paratransit Agency Customers

Face coverings - California requires people in the state to wear face coverings outside of their homes.



Properly worn face coverings are mandatory.

Touchless fares - Minimizing of cash for fares helps reduce risk of COVID-19 transmission.



Using electronic payment can help reduce the spread of COVID-19. Please check with your provider for details.



Recommended Messaging Approach and Channels

Sharing information and consistent messaging will help ensure a successful implementation of this plan. While individual agencies have separate policies, facilities, services and communications methods, it is recommended to feature the key messages from this plan in prominent communications channels. Communication is critical for a successful implementation for everyone that interacts with the transit system. With shared and uniform messages in place, passengers traveling across providers will experience consistency in expected conduct and environment.

Communication Channels – Owned

- ➔ Agency Website – Prominently feature the key message points and information on frequently-used landing pages, customer/fare pages and microsites, employee intranet, and media pages as well as a link to healthytransitplan.com. Site analytics should be used to monitor.
- ➔ Share and post co-produced information video on agency websites and social media platforms.
- ➔ Social Media Platforms – Post key message points at times recognized for highest engagement. Add applicable key messages in engagement and individual messages. Utilize applicable video clips as aligned with key messages.
- ➔ Other Digital Communications - Frame key plan messages in customer-facing newsletters, blogs and/or e-blasts.
- ➔ On-vehicle/Station and Stop Monitors – Add key messages.
- ➔ Customer Service Call Centers/Touch Points – Add key messages to customer touch points such as call center floodgates or hold messages as well as any open customer service and or ticket windows. And, encourage integration of key message points, when applicable, into responses to customer inquiries.
- ➔ Post distancing and entry/exit modifications on vehicle floors and ceilings.
- ➔ On vehicle signage – Post key messages on vehicles and applicable boarding/fare gate areas and ticket vending equipment, points of entry, customer ticketing and service areas.
- ➔ Publish messages on shared revenue advertising space within or outside vehicles.
- ➔ Add applicable information to on-location rerouting notices.

Communication Channels – Earned

- ➔ News release(s) – as planned by the Communications Team
- ➔ Media advisory – as planned by the Communications Team
- ➔ Cooperative media event – as planned by the Communications Team
- ➔ Information video – as planned by the Communications Team
- ➔ B-roll – as planned by the Communications Team
- ➔ Op Ed – as planned by the Communications Team
- ➔ Suggesting a Reddit AMA (Ask Me Anything) – featuring key moderators/participants
- ➔ Suggesting a cooperative letter or simplified MOU with agencies to show collaboration

Communication Channels – Paid

- ➔ Consider/explore use of paid/boosted posts on social media channels.
- ➔ Explore options for cooperative advertising options in/around stations: Out-of-home including in-station, on-vehicle and geo-fenced ads served to mobile users within proximity to key stations.

Communication Channels – Community Outreach and Stakeholder Outreach

- ➔ Meet with and engage community leaders for best approach to reaching communities of color, lower-income, and Limited English Proficiency (LEP) populations as well as share materials and key messages.
- ➔ Engage customer advocacy groups and individuals.
- ➔ Share ADA compliant and remediated materials from websites with paratransit partners.
- ➔ Distribute key message point to business and employer groups.
- ➔ Distribute information to Clipper and 511 for cooperative announcement, and encourage integration of key message points, when applicable, into online customer engagement responses.
- ➔ Distribute and or post information at open community center locations.
- ➔ Share key information and message points to Board members and executive teams.
- ➔ Share key information and message points to agency community and passenger working groups.

Employee Communications

Distribute key message points in cooperation with human resources and union representatives at key points:

- ➔ Building entry and exit points
- ➔ Newsletters/eblasts
- ➔ Offices, breakrooms, shops, gyms and other facilities
- ➔ Team calls and huddles
- ➔ Dispatch and scheduling areas





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Appendix A

Bay Area Transportation Provider Participants

- Altamont Commuter Express (ACE)
- Alameda-Contra Costa Transit District (AC Transit)
- Caltrain
- Central Contra Costa Transit Authority (CCCTA)
- City of Dixon Redit-Ride
- County Connection
- Eastern Contra Costa Transit Authority (Tri Delta)
- Fairfield and Suisun (FAST)
- Golden Gate Bridge, Highway and Transportation District (GGBHTD)
- Livermore Amador Valley Transit Authority (LAVTA)
- Marin Transit
- Napa Valley Transportation Authority (VINE)
- Petaluma Transit
- Rio Vista Delta Breeze
- SamTrans
- San Francisco Bay Area Rapid Transit (BART)
- San Francisco Municipal Transportation Agency (SFMTA)
- Santa Rosa CityBus
- Santa Clara Valley Transportation Authority (VTA)
- Solano County Transit (SolTrans)
- Sonoma County Transit
- Sonoma-Marín Area Rail Transit (SMART)
- Tri-Valley Wheels
- Union City Transit
- Vacaville City Coach
- Water Emergency Transportation Authority (WETA)
- Western Contra Costa Transit Authority (WestCAT)

Appendix B

Assessing Plan Effectiveness and Reporting for Accountability

Data collection and accountability is an important component of assessing plan effectiveness and to monitor if adjustments need to be instituted to meet the goals of the plan. This plan provides a framework for Bay Area transportation operators to collect, share and report data, and be accountable to each other as well as provide information to the public to build confidence in the Bay Area public transportation system. It is important to note that public transit operators are primarily accountable to the health guidance issued and updated by county public health officers pursuant to changes in State guidance.

As the administrators of this plan, each Bay Area public transportation provider will report on the metrics outlined in Table 1. This data and any related actions will be updated monthly, shared with the Metropolitan Transportation Commission (MTC) as requested, and be publicly accessible on the following website: healthytransitplan.com.

Each transportation provider will:

- Define an individual agency process to gather data listed in Table 1, allowing for an agency-specific statistically valid percent sample of data gathering across modes, across facilities and vehicles.
- Define who, within each public transportation provider is responsible to manage and report the data and report the data as individual agencies.

Table 1 identifies metrics to support management of this safety and health plan.

Table 1. Safety and Health Plan Metrics

Common Commitments	
All Agencies	
State mandated and properly-worn face coverings	✓
Safe distancing and capacity	✓
Daily cleaning	✓
Sharing data between agencies	✓
Paratransit	
Contact outreach if reported infected customer	✓
Individual Agency Commitments	
Strategic, Plans and Processes	
Plan/process for transportation provider facility staffing (% of occupancy)	✓
Communication strategy and reporting on posted, verbal, email and social distancing communications to include non-English language – internal and external	✓
Individual Agency Metrics	Timing
Customer Facing	
Estimate of face covering compliance – random statistically significant sample across modes, including facilities and vehicles Goal: 95% compliance (allows for non-exempt) Critical metric as the closer physical distancing assumed in this plan is based on face covering compliance, in addition to other measures	Agency data Reported monthly to dashboard
Estimate of vehicle capacity - random statistically significant sample across modes Goal: Estimate of vehicle capacity to allow for physical distancing	Agency data Reported monthly to dashboard
Employee Facing	
Percent (%) of internal contact tracing completed if confirmed infected employee Goal: 100% of confirmed employees	Agency data Reported monthly to dashboard
Estimated compliance across employee groups for face coverings Goal: 100% (exempt employees counted as compliant)	Agency data Reported monthly to dashboard

Riding Together: Bay Area **Healthy Transit** Plan

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2020-36

ADOPT THE REGIONAL TRANSIT OPERATOR HEALTH AND SAFETY PLAN

WHEREAS, like other Bay Area transit systems, the health of riders and transit workers continues to be WETA's number one priority; and

WHEREAS, despite an unprecedented loss of ridership due to the COVID-19 pandemic, many riders continue to depend on Bay Area systems for essential travel; and

WHEREAS, survey data increasingly suggests that the majority of riders will return to transit when allowed to do so; and

WHEREAS, the COVID-19 pandemic has presented transit systems with a historic set of challenges, including the need to adjust protocols and procedures to ensure a safe operating environment; and

WHEREAS, since the start of the pandemic, transit systems have collaborated with each other and with regional leaders, transit workers, rider advocates, public health experts, and others to create the *Riding Together: Bay Area Healthy Transit Plan*, which outlines a baseline set of measures that transit systems will implement to protect riders and workers; and

WHEREAS, the *Riding Together: Bay Area Healthy Transit Plan* provides guidance in the areas of vehicle disinfecting, physical distancing, face coverings, touchless payments, ventilation, employee personal protective equipment, testing, contact tracing, and employee wellness assessments; and

WHEREAS, the *Riding Together: Bay Area Healthy Transit Plan* will coexist and complement system specific plans developed by individual transit agencies; and

WHEREAS, the *Riding Together: Bay Area Healthy Transit Plan* is a living document and is intended to evolve as transit agencies continue to monitor rider and employee health on their systems and collaboratively take steps to respond to changing conditions; and

WHEREAS, WETA has previously implemented mitigation strategies to fight against COVID-19 including heightened cleaning and disinfecting protocols and social distancing measures consistent with the *Riding Together: Bay Area Healthy Transit Plan*; and

WHEREAS, WETA has codified its mitigation measures in the six-point Passenger and Crew Safety Plan adopted by WETA on June 4, 2020; and

WHEREAS, the *Riding Together: Bay Area Healthy Transit Plan* does not replace WETA's Passenger and Crew Safety Plan but provides a regional complement to WETA's program in place; now, therefore, be it

RESOLVED, that the Board of Directors hereby adopts *Riding Together: Bay Area Healthy Transit Plan*; and be it further

RESOLVED, that WETA supports the implementation of the *Riding Together: Bay Area Healthy Transit Plan* on San Francisco Bay Ferry and throughout the Bay Area to keep transit riders and workers healthy during the COVID-19 pandemic; and be it further

RESOLVED, that through the method established for transit system reporting of health metrics related to the COVID-19 pandemic, WETA will report monthly on WETA's performance in aligning with the baseline health measures set forth in the *Riding Together: Bay Area Healthy Transit Plan*.

CERTIFICATION

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on September 3, 2020.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2020-36

END

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Keith Stahnke, Operations & Maintenance Manager

SUBJECT: Approve Amendment to Agreement with Blue & Gold Fleet, L.P. for Operation and Maintenance of Ferry Services

Recommendation

Approve Amendment No. 9 to Agreement No. 11-011 with Blue & Gold Fleet, L.P. for the operation and maintenance of ferry services extending the term of the agreement by an additional two years through December 31, 2023 and authorize the Executive Director to negotiate and execute the amendment and take any other related actions to support this work.

Background

On October 6, 2011, the San Francisco Bay Area Water Emergency Transportation Authority (WETA) awarded a contract to Blue & Gold Fleet, L.P. (Blue & Gold), for the operation and maintenance of WETA's ferry services beginning January 1, 2012. This contract award was the result of a comprehensive, competitive procurement process in accordance with WETA's procurement policies and consistent with the Federal Transit Administration requirements and best practices for procurement. The contract was the result of negotiations following a thorough cost and price evaluation to ensure that the contract price was fair and reasonable.

The initial contract term was for five years, ending on December 31, 2016, with the option to extend the agreement for an additional five years (for a total of up to ten years), to be exercised at the sole discretion of WETA. At the May 5, 2016 meeting, the Board approved Amendment No. 5 to extend the agreement for five years ending on December 31, 2021.

As a result of the COVID-19 pandemic, WETA ridership and service levels have been drastically reduced. Throughout this crisis, Blue & Gold has been a great partner for WETA, accommodating the need for system reductions and offering flexibility in contracting. Developing, publishing, and undertaking a competitive procurement process for a comprehensive agreement like the Blue & Gold contract takes at least a year, possibly longer. In addition, given the upcoming transition of the Executive Director, now may not be the right time for staff to invest the significant amount of time necessary to implement a new competitive process for this vital operations agreement.

Accordingly, at the special March 19, 2020 meeting, the Board directed staff to develop a proposal for extending the Blue & Gold contract to maintain system operating continuity during these uncertain times.

Discussion

Service Delivery and Performance

When the Blue & Gold contract was first awarded, WETA was responsible for three ferry services carrying approximately 1.4 million riders a year. As one of its early tasks, Blue & Gold successfully integrated the Harbor Bay Ferry service, previously operated by Harbor Bay Maritime, into its overall operation integrating existing crews, vessels, and facilities into its organization and operation. Shortly thereafter, Blue & Gold worked in close partnership with WETA to launch the South San Francisco service, providing maritime expertise in establishing the route and successfully delivering this new service. Blue & Gold worked with WETA staff to launch the Richmond ferry service in January 2019 and is prepared to begin ferry service at Seaplane Lagoon when a start date is determined.

During the contract period to date WETA's services have grown to six routes including Seaplane Lagoon. Prior to the onset of the COVID-19 pandemic in March 2020, WETA carried over 3.2 million riders annually. Blue & Gold has proven to be an extremely active, positive and supportive partner, working closely with WETA staff to consider new ways to deliver quality, cost-competitive services to WETA and its customers. Blue & Gold's efforts to support and improve WETA's services as the system has developed include activities such as:

- Contributed its expertise and support for construction of all WETA vessels, new terminals, and maintenance and operations facilities.
- Supported Clipper implementation and ongoing operation on WETA ferry routes.
- Worked collaboratively to develop new operating schedules that support efforts to interline crews and vessels to maximize operational and cost efficiencies.
- Provided customer service representatives at terminals, as needed, to improve the customer experience.
- Established web-based ticketing for Giants services and a pop-up ticket office at Jack London Square to sell tickets during busy periods.
- Responded on short notice to requests to provide enhanced or modified service to existing service schedules.
- Repeatedly demonstrated the ability to quickly and successfully respond to major operational challenges such as BART service suspensions, Transbay Bridge and BART tube closures, World Series celebrations, Super Bowl 50, the America's Cup, and most recently, the COVID-19 pandemic.

In mid-February 2020, Blue & Gold implemented safety and cleaning protocols in response to COVID-19. Blue & Gold issued a company policy memo informing crews of the virus and preventive measures to be taken regarding crew safety, vessel cleanliness, and efforts to slow the spread of the virus. Blue & Gold has been very responsive in working with WETA to implement enhanced preventive measures to ensure crew and passenger confidence and safety, and to prepare for the recovery phase when riders return to work and begin to resume use of public transportation. Enhanced measures to safeguard its employees and passengers continue to ensure WETA is able to provide reliable, safe transportation services.

WETA staff has found Blue & Gold staff to be extremely responsive and positive to work with. The company's management team has extensive experience, is highly qualified, and has developed a thorough understanding of WETA and its specific issues and needs. Customer feedback over the years has been overwhelmingly positive regarding the professionalism of vessel crew members and customer service representatives.

Contract Terms

Blue & Gold is responsible for the daily operation and management of WETA's ferry transit system, which includes vessel operations and preventative maintenance and repair, equipment and facilities management, terminal operations, personnel management, communications, dispatching and notification systems, fueling vessels, ticket sales, fare collection, and provision of on-board services such as food and beverage services.

Compensation for this work is in the form of pre-negotiated *Fixed Fees*, *Direct Costs*, and *Pass-Through* costs. Blue & Gold labor rates included in the direct cost formula are based upon negotiated pay and benefit rates with their two unions, International Organization of Master, Mates & Pilots (MM&P) and Inlandboatmen's Union of the Pacific (IBU), that apply to both Blue & Gold private and WETA contract service workers.

Staff have identified a number of provisions in the contract that would benefit from revision to better align the contract with WETA's current practices and changes that have occurred over time. These administrative revisions will be included in the amendment, in addition to the contract term extension.

Conclusion

Based on WETA's overwhelmingly positive experience working with Blue & Gold, and in light of the uncertainties in the short term future, staff recommends that the Board authorize the Executive Director to amend the contract to extend the term of the contract by an additional two years through December 31, 2023 and to implement administrative revisions to various provisions in the contract to ensure consistency with current practices and needs and to improve efficiency of contract administration.

Fiscal Impact

The fiscal impact of this contract is dependent upon the level of services requested and operated. Costs for the services in the extension period, beginning January 1, 2022, will be included in future year budgets.

END

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2020-37

**APPROVE AMENDMENT TO AGREEMENT WITH BLUE & GOLD FLEET, L.P.
FOR OPERATION AND MAINTENANCE OF FERRY SERVICES**

WHEREAS, on October 6, 2011, the WETA awarded a contract to Blue & Gold Fleet, L.P. (Blue & Gold) for the operation and maintenance of WETA's ferry services beginning January 1, 2012; and

WHEREAS, the contract award was the result of a comprehensive, competitive procurement process in accordance with WETA's procurement policies and consistent with the Federal Transit Administration requirements and best practices for procurement; and

WHEREAS, the contract was the result of negotiations following a thorough cost and price evaluation to ensure that the contract price was fair and reasonable, and

WHEREAS, the initial contract term was for five years, ending on December 31, 2016, with the option to extend the agreement for an additional five years (for a total of up to ten years), to be exercised at the sole discretion of WETA; and

WHEREAS, May 5, 2016, the Board approved an amendment extending the agreement for five years ending on December 31, 2021; and

WHEREAS, Blue & Gold is responsible for the daily operation and management of WETA's ferry transit system, which includes vessel operations and preventative maintenance and repair, equipment and facilities management, terminal operations, personnel management, communications, dispatching and notification systems, fueling vessels, ticket sales, fare collection, and provision of on-board services such as food and beverage services as a part of this contract; and

WHEREAS, over the life of the contract, Blue & Gold has proven to be an extremely active, positive and supportive partner, working closely with WETA staff to consider new ways to deliver quality, cost-competitive services to WETA and its customers; and

WHEREAS, as a result of the COVID-19 pandemic, WETA ridership and service levels have been drastically reduced in recent months; and

WHEREAS, Blue & Gold has worked closely and cooperatively with WETA to accommodate the need for system changes, reductions, and flexibility in contracting as a result of the pandemic; and

WHEREAS, on March 19, 2020, the Board directed staff to develop a proposal for extending the Blue & Gold contract to maintain system operating continuity during these uncertain times; and

WHEREAS, staff supports extending the contract for an additional two years to provide time for the operating environment to settle and to develop a future approach to contracting service once this has happened; and

WHEREAS, WETA now wishes to extend the term of the agreement two years through December 31, 2023 and to implement administrative revisions to various provisions in the contract to ensure consistency with current practices and needs and to improve efficiency of contract administration; now, therefore, be it

RESOLVED, that the Board of Directors hereby approves Amendment No. 9 to Agreement No. 11-011 with Blue & Gold Fleet, L.P. extending the term of the agreement two years through December 31, 2023 with administrative amendments; and be it further

RESOLVED, that the Board of Directors authorizes the Executive Director to negotiate and execute the amendment and take any other such related actions necessary to support this change.

CERTIFICATION

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on September 3, 2020.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2020-37

END

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Lauren Gularte, Program Manager/Analyst

SUBJECT: Approve State and Federal Legislative Programs for 2021

Recommendation

Approve WETA 2021 State and Federal Legislative Programs.

Discussion

Staff has worked with our state and federal legislative representatives, Nossaman LLP (Nossaman) and FBB Federal Relations/Lindsay Hart, LLP (FBB Federal Relations), respectively, to develop state and federal legislative programs for 2021. These programs establish the principles that will guide WETA's legislative and regulatory advocacy efforts during the calendar year, including the second half of the 2020-2021 State legislative session and 117th Congress. They are intended to be broad enough to cover the wide variety of issues that are likely to be considered during that time and flexible enough to allow WETA to respond swiftly and effectively to unanticipated developments. Adoption of these programs will provide our state and federal delegation and transportation partners with a clear statement of WETA's priorities and will provide a guide for staff and our consultants in carrying out our legislative efforts.

While similar to the legislative program for 2020, this year's program will likely be affected by the global COVID-19 pandemic and will focus on increasing funding opportunities to help offset associated funding losses and will include limited in person advocacy and outreach efforts due to social distancing protocols.

The legislative programs are structured to guide WETA's actions in support of the following general objectives:

- Raise the profile of WETA with state and federal policymakers
- Increase funding opportunities
- Minimize regulatory burdens on WETA projects

Both programs identify specific legislative initiatives and describe a set of policy strategies to achieve the selected objectives. To support the programs, Nossaman and FBB Federal Relations have developed a variety of public engagement strategies including direct engagement with policymakers and relevant agencies as well as coalition-based engagement to build awareness about specific issues. The State Legislative Program for 2021 is provided as **Attachment A** and the Federal Legislative Program for 2021 is provided as **Attachment B** to this report.

As a part of their ongoing legislative program work, Nossaman and FBB Federal Relations will actively monitor legislative and regulatory activity and identify issues or bills that WETA should be aware of that are consistent with or in opposition to WETA's legislative program. WETA staff will review these bills and determine the appropriate action to take in supporting or further discussing the bills and any recommended positions if the legislation falls within the scope of the adopted Legislative Program. If

legislation falls outside of the scope of the adopted Legislative Program, staff will consult with the Board Chair and, ultimately, bring an item to the Board to discuss as necessary. Nossaman and FBB Federal Relations will communicate any relevant bills or actions taken in their monthly state and federal legislative reports submitted to the Board.

Fiscal Impact

There is no fiscal impact associated with approving the State and Federal Legislative Programs for 2021.

END

ATTACHMENT A

2021 State Legislative Program San Francisco Bay Area Water Emergency Transit Authority

Purpose

Legislative and regulatory actions have the potential to significantly benefit the San Francisco Bay Area Water Emergency Transit Authority's (WETA) programs and services. They also have the potential to present serious challenges that threaten the WETA's ability to meet ferry service demands.

The 2021 State Legislative Program establishes the principles that will guide the WETA's legislative and regulatory advocacy efforts through the 2021 calendar year, including the second half of the 2020-2021 State legislative session. The program is intended to be broad enough to cover the wide variety of issues that are likely to be considered during that time and flexible enough to allow WETA to respond swiftly and effectively to unanticipated developments.

While similar to the legislative program for 2020, this year's program will likely be affected by the global COVID-19 pandemic, with a focus on increasing funding opportunities to help offset the funding losses due to the pandemic and an understanding that advocacy and outreach efforts will be limited or conducted virtually due to social distancing requirements.

Objectives

The 2021 State Legislative Program is organized to guide WETA's actions and positions in support of three primary objectives:

- Raise WETA's profile with the State Legislature and Administration.
- Maintain and enhance funding opportunities to support WETA's programs and services.
- Seek a regulatory environment that streamlines project delivery and maximizes WETA's ability to meet ferry service demands.

Issues

The 2021 State Legislative Program is structured to fit within three primary categories including:

- Funding Opportunities and Challenges
- Transportation Projects
- Legislative, Regulatory and Administrative Issues

Within these categories are a detailed list of specific legislative initiatives and corresponding set of policy strategies.

Should other issues surface that require WETA's attention, actions will be guided by the three policy objectives listed above. If needed, potential action on significant issues that are unrelated to these policy goals will be brought to the WETA Board Members for consideration.

Advocacy Process

Throughout the legislative session, WETA's state legislative representatives will recommend positions on legislative proposals. WETA staff will review and confirm the recommended positions, if the legislation falls within the scope of the adopted Legislative Program. If legislation falls outside of the scope of the adopted Legislative Program, staff will confer the Board Chair. Legislative representatives will communicate the position to the relevant entity (such as the bill author, agency, or coalition). WETA's state legislative representatives will indicate positions and status for relevant pending bills on each monthly legislative report.

Public Engagement Strategies

WETA staff and legislative consultants will employ a variety of public engagement strategies to support the 2021 State Legislative Program, including:

- Direct Engagement
WETA's state legislative representatives will engage policy makers directly, submit correspondence and provide public testimony that communicates and advances the WETA's legislative priorities and positions. Direct engagement shall include but not be limited to the Governor's Office, the State Legislature, California State Transportation Agency, California Transportation Commission, California Department of Transportation, California Air Resources Board, Bay Conservation and Development Commission, California Office of Emergency Services, California Public Utilities Commission, California Energy Commission, and the California Department of Housing and Community Development.
- Coalition-based Engagement
Engage local and regional stakeholders to build awareness about specific issues and participate in local, regional, and statewide coalitions organized to advance positions that are consistent with the 2021 Legislative Program. Coalitions include but are not limited to Metropolitan Transportation Commission, Bay Planning Coalition, California Transit Association, California Emergency Services Association, Passenger Vessel Association, Bay Area Council and others with the similar interests.
- Media Engagement
Build public awareness and communicate WETA's legislative priorities by issuing press releases, organizing media events, and use social media.

State and Regional	
Funding Opportunities and Challenges	
Issue / Background	Strategy
<p>Transit Funding - COVID – 19 Impacts</p> <p>WETA, along with other public transit providers, have been hit hard by COVID-19 with ridership significantly down as people work from home resulting in a significant revenue loss. Public transit is the backbone of the Bay Area economy and a thriving public transit system must be part of the short term and long-term plan for economic recovery.</p>	<ul style="list-style-type: none"> • Support local, regional, and statewide efforts to provide relief funding for transit agencies financially affected by the COVID-19 pandemic. • Support efforts to seek emergency response-specific funding to support WETA's efforts to maintain trained crews on standby to serve in an emergency.
<p>SB 1 Gas Tax Funding</p> <p>In 2017, the State enacted SB 1, which, when fully implemented, will provide more than \$700m per year for public transit. This is the largest increase in dedicated transit funding in more than 40 years.</p> <p>Complimentary to SB 1 is ACA 5 (passed by voters in June 2018) which will protect new and existing sources of transit funding from future diversions by the Legislature.</p>	<ul style="list-style-type: none"> • Support State funding allocation requests for investments that benefit the WETA's programs and services. • Protect against the elimination or diversion of any State or regional funds that support WETA. • Work with statewide transit coalitions to identify and advance opportunities for funding that would support WETA's priorities.

<p>Cap-and Trade Revenues – Greenhouse Gas Reduction Fund</p> <p>In 2012, the State began implementing the cap-and-trade market-based compliance system approved as a part of the California Global Warming Solutions Act of 2006 (AB 32). Since the program began selling allowances, the program has generated billions of dollars. In 2014, legislation was enacted creating a long-term funding plan for cap-and-trade which dedicates 60 percent of cap-and-trade revenues to transportation. The remaining 40 percent is subject to annual appropriation through the state budget process. In 2017, the legislature extended the program from 2020 to 2030.</p> <p>WETA is eligible for funding through the Low Carbon Transit Operations Program and the Transit and Intercity Rail Capital Program. Each program’s requirements, oversight, and competitiveness vary. The programs require a certain percentage of funds be expended in state defined “disadvantaged communities” (as defined by CalEnviroScreen).</p>	<ul style="list-style-type: none"> • Work with the Administration to secure the appropriation of cap-and-trade revenues to support WETA. Example: greening the fleet. • Support legislation and regional action that makes a broad array of the WETA’s emissions-reducing projects, programs and services eligible for investment. • Work to direct additional revenues to WETA programs, including efforts to secure funding from the remaining discretionary funds.
<p>Emergency Response Funding</p> <p>WETA’s enabling legislation directs the agency to provide comprehensive water transportation and emergency coordination services for the Bay Area region, although no operating funds have ever been received by WETA for this planning and coordination.</p>	<ul style="list-style-type: none"> • Advocate for funding to allow WETA to achieve the requirements in their enabling legislation to effectively carry out the responsibilities detailed in WETA’s Emergency Response Plan. • As necessary, coordinate efforts with partner organizations including but not limited to CalOES, Federal Emergency Management Agency, US Coast Guard, the Port of Oakland and the Port of San Francisco.

<p>RM3 Funding and Implementation</p> <p>In June 2018, 55% of Bay Area voters passed Regional Measure 3 to increase toll revenues to support transit and traffic relief infrastructure improvements. Senate Bill 595 was passed by the Legislature and signed into law by Gov. Brown in fall 2017 which authorized the regional ballot measure. It contained a spending plan for the toll revenue including \$300 million in capital funds to support construction of WETA vessels, terminals and facilities and an operating subsidy of up to \$35 million annually.</p> <p>Since its passage RM3 has been challenged by two lawsuits. On January 1, 2019 the Bay Area Toll Authority began collecting the first dollar of the approved toll increase. Toll revenues collected are being placed into an escrow account and will not be allocated to project sponsors until the lawsuits are settled.</p>	<ul style="list-style-type: none"> • Work with MTC and legislators, if necessary, to ensure that RM3 funding is provided to WETA as soon as possible.
<p>Miscellaneous local, state and federal funding</p> <p>Work to support WETA in securing new funds as new opportunities arise.</p>	<ul style="list-style-type: none"> • Support innovative local and regional funding options that will provide financial support for agency projects and services. • Advocate for funding sources that would assist WETA in obtaining funds for sustainability initiatives including long-term resource efficiency of facilities and equipment, renewable fuels and greenhouse gas reductions. • Ensure the administration process for WETA's TIRCP \$9 million grant for Mission Bay is free of complications.

Transportation Projects	
Issue / Background	Strategy
<p>Expanded Service:</p> <ul style="list-style-type: none"> • Mission Bay Terminal • Treasure Island Ferry Service • WETA Strategic Plan Projects 	<ul style="list-style-type: none"> • Work with legislators to pursue potential budget funding for planning or construction of future terminal and vessel projects. • Work with local jurisdictions that are considering new sales tax measures or have local measure revenue available to help with expansion planning or construction.
<p>Service Studies:</p> <ul style="list-style-type: none"> • Zero emission infrastructure blueprint study • Zero-emission vessels studies/demonstrations 	<ul style="list-style-type: none"> • Work with partners in the region to bring environmental, business, community, and transportation stakeholders together to enhance, support and advocate for alternative modes of service delivery and efforts to transition to zero emission vessels.
<p>Transit Oriented Development:</p> <p>Transit oriented development projects are an important part of the broad transit system to help support ridership. MTC's transit-oriented development policy considers regional funding for transit expansion projects on having enough people living near the proposed new transit station to support ridership. The policy sets minimums for the average number of existing and/or permitted housing units within a half-mile of each station along the expansion corridor. The minimum station area housing requirements for ferry is 750 units.</p>	<ul style="list-style-type: none"> • Advocate for policies that promote transit-oriented development in ways that will compliment ferry services. • Support the State's GHG reduction goals by supporting transit-oriented development. • Support state funding for incentives and streamlining processes for transit-oriented development.

Legislative, Regulatory and Administrative Issues	
Issue / Background	Strategy
<p>General</p> <p>Every year a variety of legislation or regulatory action is pursued that would affect regulations governing transportation-related service operations, administration, planning and project delivery. In addition, opportunities exist to reform or update existing regulations that are outdated or can be improved to address potential burdens on transportation agencies without affecting regulatory goals.</p>	<ul style="list-style-type: none"> • Support opportunities to remove barriers to, and improve the ability to conduct, safe, efficient transportation operations, administration, planning and project delivery, including alternative project delivery methods that provide flexibility to the agency. • Oppose efforts to impose unjustified and burdensome regulations or restrictions on the WETA's ability to conduct efficient transportation operations, administration, planning and project delivery efforts.
<p>Legislative Delegation</p> <p>As a regional agency created by the state legislature, WETA is fortunate to have numerous legislators from the Bay Area that serve in capacities that impact transportation funding, legislation and oversight. It will be important to raise and renew awareness of WETA with legislators through meetings, site visits, tours, etc.</p>	<ul style="list-style-type: none"> • Meet with delegation members and key lawmakers to inform them of the benefits: ridership had doubled since 2012, 94% of passengers rate service as excellent or good, new boats and expanded service on the way. • As a commute-focused system, WETA ridership has been hard-hit by the pandemic and slowed economy and resulting changes to workplace travel. Inform the delegation as to this impact and the unique pressure on WETA to maintain its trained crews in order to be prepared and available to meet its emergency response mandate.
<p>San Francisco Bay Conservation and Development Commission (BCDC)</p> <p>The complexity of the BCDC process creates time delays in the development of ferry projects. A modernized BCDC process would minimize unnecessary delays.</p>	<ul style="list-style-type: none"> • Explore opportunities to modernize the BCDC process, without compromising the effectiveness of the review as an environmental protection policy.
<p>California Air Resources Board (CARB)</p> <p>The CARB is currently developing amendments to the Commercial Harbor Craft Regulation. The regulations set standards to reduce toxic and criteria emissions to protect public health. CARB expects the new regulations to be fully implemented by the end of 2022.</p>	<ul style="list-style-type: none"> • Advocate for updates that balance compliance with cost and ability to implement and availability of technology.

ATTACHMENT B

2021 Federal Legislative Program San Francisco Bay Area Water Emergency Transportation Authority

Purpose

The 2021 Federal Legislative Program establishes the principles that will guide the San Francisco Bay Area Water Emergency Transportation Authority's (WETA) legislative advocacy efforts through the 2021 calendar year and position WETA to effectively advocate for much needed funding for ferry boats and terminals.

There may be multiple opportunities in 2021 to increase the amount of funding available through federal grant programs that benefit public ferry systems, including through possible legislation to 1) respond to the economic and health care crisis caused by the COVID-19 pandemic; 2) provide long-term stimulus to the economy beyond the public health emergency; and / or 3) reauthorize surface transportation legislation. Whether Congress takes up a single bill covering all three, or instead takes up multiple pieces of legislation, funding could be made available to cover operations expenses (similar to the funding included in the CARES Act) and / or to provide funding to make additional investments in ferry boats and land-side infrastructure.

Even if Congress provides additional funding for public ferry systems, the amount of money will continue to be limited, and grant programs will continue to be oversubscribed. In other words, there will continue to be a high level of competition for funding, and as a result, it will continue to be important for WETA to actively seek support from the Congressional delegation.

While similar to the legislative program for 2020, this year's program will likely be affected by the global COVID-19 pandemic. Not only will there be a focus on increasing funding opportunities to help offset the funding losses due to the pandemic (in addition to seeking additional funding for traditional grant programs), there will also be an understanding that advocacy and outreach efforts will be more reliant on virtual interactions due to social distancing protocols, including by email, text, phone and video chat.

Objectives

The 2021 Federal Legislative Program is organized to guide WETA's actions and positions in support four primary objectives:

- Increase overall levels of funding for federal grant programs utilized by WETA and position the agency to effectively compete for existing and new grant funds;
- Minimize regulatory burdens on WETA projects;
- Facilitate advocacy for WETA by labor union allies, shipyards, WETA suppliers, locally elected officials and other WETA advocates;

- Maintain a high level of support amongst members of the California Congressional delegation and other key members of Congress that represent states where shipyards and other WETA suppliers are located.

Issues

The Federal Legislative Program is structured to fit within three primary categories:

- Funding Opportunities and Challenges;
- Legislative and Regulatory Issues;
- Political Support.

Within these categories are a detailed list of specific initiatives and corresponding set of policy strategies. Should other issues surface that require WETA's attention, actions will be guided by the three policy objectives listed above.

Advocacy Process

FBB Federal Relations will continue to coordinate coalition building and lobbying activities in Washington, D.C. with WETA staff, and will continue to provide a monthly update to the Board on outreach activities, strategy and results. Federal and state lobbyists should coordinate on identifying locally elected officials that can support Washington, D.C. initiatives.

Public Engagement Strategies

Working with WETA staff, FBB Federal Relations will employ a variety of public engagement strategies to support the 2021 Legislative Program, including:

- Direct Engagement
Maintain a high level of engagement with members of the California Congressional delegation, other members of Congress, key Congressional Committees and relevant federal agencies through regular briefings by FBB and WETA staff and Board members. Direct engagement may be limited to virtual means as a result of social distancing requirements and shelter in place orders due to the global pandemic.
- Coalition-based Engagement
Continue to direct activities of the Public Ferry Coalition (while also working to grow Coalition membership) to increase funding for all public ferry systems. Expand the coalition of entities that will benefit from additional federal funding for WETA, including labor union allies, shipyards, suppliers and other WETA partners, and ensure their effective engagement with members of Congress. Work with state lobbyists to grow support for federal agenda amongst locally elected officials.
- Media Engagement
Any press releases, media events, and social media posts that are used to promote WETA priorities amongst state and local politicians can be used to the same effect with the Congressional delegation and other key stakeholders in Washington, D.C.

Federal	
Funding Opportunities and Challenges	
Issue / Background	Strategy
<p>Increase Funding for the Federal Highway Administration (FHWA) Construction of Ferry Boats and Ferry Terminal Facilities Formula Program (FBP)</p> <p>The FAST Act changed the original FBP formula to one that is more favorable to WETA. Congress is unlikely to make further changes to the formula, hence we are focused on increasing the level of funding for the FBP, which is currently \$80 million annually.</p> <p>The <i>primary</i> legislative vehicle for increasing the level of funding for the FHWA FBP is the next surface transportation bill, which will replace the FAST Act, which will likely be extended into 2021. Committees of jurisdiction are the Senate Environment and Public Works (EPW) Committee and the House Transportation and Infrastructure (T&I) Committee.</p>	<ul style="list-style-type: none"> • Target leadership for Senate EPW and House T&I committees. • Coordinate outreach to EPW and T&I Committees by members of the California Congressional delegation. • Work with Public Ferry Coalition members, organized labor, and other WETA advocates, to encourage key Senators and House members to advocate for additional funding. • Seek additional funding for this program through any other available legislative vehicle, including possible COVID legislation and/or an infrastructure/stimulus bill. • Build upon successful advocacy in 2020 – the surface transportation bill passed by the House Transportation and Infrastructure (T&I) Committee and then incorporated into the House-passed infrastructure bill increased funding for the FHWA FBD to \$120 million/year. Additionally, the surface transportation bill passed by the Senate Environment and Public Works (EPW) Committee increased funding for the program to \$90 million/year.
<p>Increase Funding for the Federal Transit Administration (FTA) Passenger Ferry Grant Program</p> <p>The Passenger Ferry Grant program provides competitive funding for projects that support passenger ferry systems in urbanized areas. Currently, only \$30 million is available annually for projects around the entire country. We are seeking to increase the level of funding for this program.</p> <p>The <i>primary</i> legislative vehicle for increasing the level of funding for the FTA Passenger Ferry Grant program is the next surface transportation bill, which will replace the FAST Act, which will likely be extended into 2021. Committees of jurisdiction are the Senate Banking Committee and the House Transportation and Infrastructure (T&I) Committee.</p>	<ul style="list-style-type: none"> • Target leadership for Senate Banking and House T&I Committees. • Coordinate outreach to Banking and T&I Committees by members of the California Congressional delegation. • Work with Public Ferry Coalition members, organized labor, and other WETA advocates, to encourage key Senators and House members to advocate for additional funding. • Seek additional funding for this program through any other available legislative vehicle, including possible COVID legislation and/or an infrastructure/stimulus bill. • Build upon successful advocacy in 2020 – the surface transportation bill passed by the House Transportation and Infrastructure (T&I) Committee and then incorporated into the House-passed infrastructure bill more than doubled the amount of money available through the FTA Passenger Ferry Grant program.

<i>Issue / Background</i>	<i>Strategy</i>
<p>Emergency Funding for Operations Budget Shortfalls Due to COVID-19 Pandemic</p> <p>The CARES Act provided \$25 billion for public transit formula operating and capital grants “to prevent, prepare for, and respond to COVID-19.” The funding was distributed by the Federal Transit Administration (FTA). Additional funding may be needed to cover future shortfalls.</p>	<ul style="list-style-type: none"> • Advocate for additional transit funding as part of a future COVID-19 legislative package.
<p>Repurpose Unspent Earmarks</p> <p>WETA obtained funding (earmarks) for ferry service from Berkeley to downtown San Francisco through the annual appropriations process FY08 (\$642,346), FY09 (\$475,000) and FY10 (\$1,000,000). This funding could not be utilized at the time or re-allocated due to program restrictions limiting the use of funds for construction. Language has been included in the annual appropriations bills to allow earmark recipients to repurpose unspent earmarks if those funds are more than ten years old (a length of time that was decided by Congressional leadership).</p>	<ul style="list-style-type: none"> • Work with Congressional delegation to ensure future appropriations bills contain similar language so that all of WETA’s unspent earmarks can be repurposed.
<p>Annual Federal Transit Administration (FTA) Passenger Ferry Grant Program Funding Opportunities</p> <p>The Passenger Ferry Grant program provides competitive funding for projects that support passenger ferry systems in urbanized areas. There is approximately \$30 million available through this program annually.</p>	<ul style="list-style-type: none"> • Work to identify possible projects for FY21 funding. • Seek letters of support and phone calls from the Congressional delegation for WETA’s next grant application. • Engage labor union allies and other WETA advocates to provide support for WETA grant application.
<p>BUILD Grants</p> <p>The Better Utilizing Investments to Leverage Development, or BUILD Grant program (previously known as the TIGER Grant program), provides funding for large infrastructure projects, including transit projects.</p>	<ul style="list-style-type: none"> • Assess the viability of WETA project application for BUILD Grant funding. • Identify possible projects for which to seek funding. • Seek letters of support and phone calls from the Congressional delegation for any WETA grant application. • Engage labor union allies and other WETA advocates to provide support for any WETA grant application.

<i>Issue / Background</i>	<i>Strategy</i>
<p>Funding for Emergency Response</p> <p>The Transit Security Grant Program is an annual competitive grant program through the Department of Homeland Security and the Federal Emergency Management Agency (FEMA) which funds transportation infrastructure security activities WETA is an eligible recipient of this program.</p>	<ul style="list-style-type: none"> • Identify possible projects for which to seek FEMA grant program funding. • Seek letters of support and phone calls from the Congressional delegation for any WETA grant application. • Engage labor union allies, regional first responder agencies, and other WETA advocates to provide support for any WETA grant application.
<p>General Funding Levels for Surface Transportation Bill</p> <p>The amount of additional funding that Congress can allocate for the FHWA and FTA programs is tied to the overall level of funding that Congress provides for the next surface transportation bill. Current funding is insufficient to support existing transportation programs; new funding will be needed in order to grow current programs and make new investments. The traditional funding method for surface transportation has been the federal motor fuels excise tax (aka, the gas tax), which is deposited into the Highway Trust Fund (HTF). Legislation that would increase the gas tax is meeting significant resistance in Congress, and there is a lack of consensus on other potential funding mechanisms.</p>	<ul style="list-style-type: none"> • Support efforts to encourage members of Congress to vote in favor funding mechanisms that will result in increased funding for the surface transportation bill. • Provide frequent updates to WETA as overall funding levels for the surface transportation bill are directly correlated to additional funding for the FHWA formula and FTA Passenger Ferry Grant programs.
<p>Avoiding Cuts to Transit Funding</p> <p>The "Rostenkowski" rule (Sec. 9503(e)(4) of the Internal Revenue Code of 1986) requires the Treasury secretary to withhold transit money from states and transit agencies if the amount of unfunded transit authorizations exceeds projected Highway Trust Fund receipts for the next four years. The FY20 Transportation Appropriations bill included a year-long waiver of the "Rostenkowski" rule in order to avert a \$1.2 billion cut to transit programs in FY20 given that unfunded mass transit authorizations for fiscal 2020 would be \$27 billion but only \$26 billion was projected in revenues between 2021 and 2024.</p>	<ul style="list-style-type: none"> • Support legislation that would waive the Rostenkowski rule for FY21. • Provide frequent updates to WETA on status of such a waiver.

Legislative and Regulatory Issues	
Issue / Background	Strategy
<p>Permitting</p> <p>Any WETA project on the water requires permits from over a dozen regulatory agencies. Several federal agencies review such permits sequentially and not concurrently adding months and sometimes years to project timelines and associated cost for time spent managing the permit review process.</p>	<ul style="list-style-type: none"> Analyze the time required to obtain permits from federal agencies on past WETA projects and determine whether this timeframe delayed the project completion. Identify strategies to streamline the federal permitting review process. Work with the Congressional delegation to seek resolution of any specific issues that are causing delay to important projects.
Political Support	
<p>California Congressional Delegation</p> <p>WETA has received tremendous support from the California Congressional delegation. Furthermore, three Bay Area House members sit on the House Transportation and Infrastructure (T&I) Committee and all three are on the Highways and Transit subcommittee, which controls funding levels for the FHWA and FTA grant programs. WETA is also a constituent of the Speaker of the House, who has a long history of supporting WETA initiatives.</p>	<ul style="list-style-type: none"> Continue meetings with California Senators and House members and staff, on a regular basis to provide updates on WETA, and work to ensure these members prioritize WETA initiatives. Continue meeting with staff for Congressional committees with jurisdiction over FHWA and FTA, including the Senate Environment and Public Works (EPW) Committee, Senate Banking Committee and the House Transportation and Infrastructure (T&I) Committee. As permissible given pandemic-related social-distancing requirements, organize meetings in Washington, D.C. for WETA staff and Board members for meetings with the Congressional delegation. <ul style="list-style-type: none"> Meetings should also include other key members of Congress, relevant Congressional committees, labor union allies based in Washington, D.C. and key federal agencies.

<p>Coalition Building – Public Ferry Coalition</p> <p>Many years ago, we came together with the lobbyist for Washington State Ferries to create the Public Ferry Coalition. Members of this informal coalition include: WETA, Washington State, Alaska, Staten Island, Maine, North Carolina and Cape May-Lewes. Members of the coalition have worked together to advocate for additional funding for public ferry systems and for policies that similarly affect all public ferry systems. By working with public ferry systems from other states, we are able to effectively leverage the support of members of Congress from outside California and therefore multiply WETA's political clout.</p>	<ul style="list-style-type: none"> • Continue coordinating with members of the Public Ferry Coalition to increase overall levels of funding available to public ferry systems and to lobby on issues that affect all public ferry operators. • Work to grow the Public Ferry Coalition to include other public ferry operators from other states, so as to increase the political clout of the coalition. • Continue to coordinate with Golden Gate's government affairs team. While Golden Gate is not a member of the Public Ferry Coalition, their priorities are generally aligned with WETA.
<p>Coordination with Labor Unions</p> <p>Members of the International Longshore and Warehouse Workers Union (ILWU), and its Inland Boatman's Union (IBU) and the Masters Mates and Pilots (MMP) union benefit from additional federal funding for WETA – additional ferry boats and terminals often means additional jobs for their members. As a result, the Washington, D.C. representatives for these unions have proven to be strong allies as we seek additional funding for public ferry systems. We are able to increase the “intensity” of support from the Bay Area Congressional delegation through our partnership with these labor unions.</p>	<ul style="list-style-type: none"> • Continue coordinating with these labor unions on efforts to increase overall levels of funding available to public ferry systems.
<p>Leveraging Shipyards</p> <p>WETA has utilized multiple shipyards in Washington state, employing constituents of key members of the Washington Congressional delegation that sit on key Congressional committees. By connecting shipyard jobs in Washington with ridership growth in San Francisco, we have been able to expand WETA's political clout beyond the Bay Area.</p>	<ul style="list-style-type: none"> • Continue coordinating with relevant shipyards to leverage the political clout of members of Congress outside of California and increase Congressional support for WETA priorities before the Senate EPW and Banking Committees, and House T&I Committee.

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2020-38

APPROVE STATE AND FEDERAL LEGISLATIVE PROGRAMS FOR 2021

WHEREAS, staff has worked with our state and federal legislative representatives, Nossaman LLP (Nossaman) and FBB Federal Relations/Lindsay Hart, LLP (FBB Federal Relations), respectively, to develop state and federal legislative programs for 2021; and

WHEREAS, these programs establish the principles that will guide WETA's legislative and regulatory advocacy efforts during the calendar year, including the second half of the 2020-2021 State legislative session and 117th Congress; and

WHEREAS, the programs are intended to be broad enough to cover the wide variety of issues that are likely to be considered during that time and flexible enough to allow WETA to respond swiftly and effectively to unanticipated developments; and

WHEREAS, adoption of these programs will provide our state and federal delegation and transportation partners with a clear statement of WETA's priorities and will provide a guide for staff and our consultants in carrying out our legislative efforts; now, therefore, be it

RESOLVED, that the Board of Directors hereby approves the state and federal legislative programs for 2021.

CERTIFICATION

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on September 3, 2020.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2020-38

END

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Kevin Connolly, Planning & Development Manager

SUBJECT: Status Report on the Mission Bay Ferry Landing Project

Recommendation

There is no recommendation associated with this informational item.

Background

A ferry terminal located in the Mission Bay neighborhood of San Francisco has been included in redevelopment plans for the area dating back to 2004. WETA has worked closely with the Port of San Francisco (Port) in recent years to support study and development of the Mission Bay Ferry Landing (MBFL) project. The MBFL is included in WETA's 2016 Strategic Plan and Metropolitan Transportation Commission's (MTC) Plan Bay Area and was identified as a prominent near-term expansion terminal in WETA's advocacy efforts related to the development of the Regional Measure 3 (RM3) toll measure initiative.

In January 2017, WETA and the Port entered into a MBFL Memorandum of Understanding (MOU) that established a framework for development of a future MBFL to support expansion of WETA's regional ferry services. This agreement identified how WETA and the Port would coordinate planning, design, and entitlement activities along with advocacy for project funding. As detailed in the MOU, the Port was identified as the project lead for project development and construction and WETA committed to provide staff participation and assistance with this effort.

At the January 9, 2020 meeting, WETA and Port staff provided the Board with a status report of the terminal development efforts and funding plan. The funding plan identified multiple sources required to fully fund the terminal construction, including a \$25 million commitment from RM3 Ferry Enhancement Program funds available to WETA. Although RM3 funds are not available for allocation due to the legal challenge to the measure, MTC - as the administrator of RM3 funds - has developed a process for issuing a Letter of No Prejudice (LONP) to project sponsors who wish to advance project construction with local funds now and remain eligible for reimbursement with RM3 funds if and when they become available in the future. Based on MTC staff direction, staff from WETA and the Port agreed on a Supplemental MOU that defined the terms and conditions necessary for WETA to submit a request to MTC for an LONP for \$25 million with the assumption that the Port carried the financial risk if RM3 funding never became available. The Supplemental MOU assumed the Port would proceed with construction activities immediately in 2020 with a target opening of January 2022.

At the February 2020 meeting, the WETA Board approved the use of \$25 million of RM3 funds for the project, supported requesting an LONP for these funds from MTC and approved entering into the proposed Supplemental MOU with the Port. In March 2020, MTC approved WETA's LONP request. However, the San Francisco Port Commission has not yet considered or adopted the

Supplemental MOU to date as COVID-19 has disrupted much of the Port Commission's business planned for the year.

The Port has since revised the project timetable due to funding constraints arising from the budget impacts of COVID-19. While project-related dredging activities are proceeding on schedule and have begun in the area of the future terminal, the previous assumption that the Port would initiate construction prior to the resolution of RM3 legal challenges is no longer the case given the financial impacts to the City and Port from COVID-19. As a result, the Port cannot start construction until the \$25 million from RM3 is available and a new funding gap of \$12 to \$15 million is addressed. The revised project timetable assumes the remainder of the MBFL work will be scheduled to take place in the 2022 in-water work window (i.e., June – November 2022). A revised completion date is estimated to be spring of 2023.

Discussion

The construction delay for the MBFL project affects two related initiatives led by WETA. The Pier 48 1/2 Temporary Mission Bay Terminal was installed in the Mission Bay area and served sports events and concerts beginning in November 2019. The installation was always intended to be temporary and therefore, relied on WETA equipment – float, gangway, and piles – that is normally housed in Vallejo for use of dredging events in Vallejo and elsewhere in the WETA system. The Pier 48 1/2 concept assumed that WETA's equipment would be returned to Vallejo by July 2021 in time for the next scheduled dredging of the Vallejo terminal and would remain in Vallejo. Regulatory permits, a property license agreement, and a three-party MOU between WETA, the Port, and Golden Gate Ferry all reflect this hard deadline. Staff from the Port and WETA have already begun working cooperatively to determine the best path forward for an extension of the temporary terminal.

The second initiative is WETA's plans to construct a zero-emission battery-electric vessel and infrastructure for use in providing planned Mission Bay Ferry service to the new terminal. This project received a \$9 million in Transit and Intercity Rail Capital Program (TIRCP) grant award from the California State Transportation Agency (CalSTA) earlier this year. The grant application assumed the original schedule for the MBFL project. WETA will work with CalSTA to modify the project delivery schedule based upon the adjusted MBFL construction schedule ultimately developed by the Port.

Staff from the Port of San Francisco will provide a status report on the MBFL project at the September WETA Board meeting.

Fiscal Impact

There is no fiscal impact associated with this informational item.

END

MEMORANDUM

TO: Board Members

FROM: Nina Rannells, Executive Director
Kevin Connolly, Planning & Development Manager
Arthi Krubanandh, Transportation Planner

SUBJECT: Set a Public Hearing to Receive Comments on WETA's Proposed Clipper START Means-Based Discounted Fares

Recommendation

Set a public hearing, to take place as a part of the October 1, 2020 WETA Board meeting, to receive public comments on the proposed new Clipper START means-based discounted fares.

Background

In May 2018, the Metropolitan Transportation Commission (MTC) approved the framework for a 12- to 18-month pilot program to implement a means-based fare program known as Clipper START. This program was structured to offer discounted transit rides to eligible low-income adults on a limited number of the region's transit systems in order to test the program concept and operation. The Clipper START pilot will allow adults who live in the Bay Area and whose annual earnings are up to 200 percent of the federal poverty level to qualify for fare discounts. The program will provide either a 20 or 50 percent discount to qualified passengers, depending upon the transit system's individual discount and will require riders to use Clipper for their fare payment.

In July 2020, MTC and the participating operators, including Bay Area Rapid Transit (BART), Caltrain, Golden Gate Bridge, Highway and Transportation District (GGBHTD), and the San Francisco Municipal Transportation Agency (SFMTA), launched Phase I of the Clipper START pilot program.

In June 2020, MTC staff announced that they had developed a path forward to expand the Clipper START pilot program to include more transit operators in the near future and requested that operators communicate their agency's interest in participating in the program as soon as possible. MTC's expanded Clipper Start pilot program (Phase II) is structured to build upon the Phase I pilot and offer either a 20 or 50 percent discount off of an operator's Clipper fare, as determined by the operator. Similar to the Phase I pilot, MTC offered to subsidize up to 10 percent of the fare discount with regional funds. Participating operators are required to fund the balance of the discount offered.

At the July 16, 2020 meeting, the WETA Board expressed support for participating in the Clipper START program and stated an initial preference to participate with a 50 percent discount off of WETA's adult cash fares in order to offer economically disadvantaged passengers with a deep discount that is in line with WETA's discount for Youth and Senior passengers. MTC has accepted WETA's request to offer this proposed discount.

Discussion

WETA's process for establishing and formally adopting new fares involves publishing information about the proposal, seeking public input – including through a public hearing process – and, ultimately, Board action to adopt the proposed fares.

WETA's proposed Clipper START fares provide a 50 percent discount off of WETA's adult cash fare and would apply to low-income adults who are eligible to participate in the program. The proposed fares for this program are listed below by route:

Proposed Clipper START Fares

Service Route	Proposed Fare
Alameda/Oakland Ferry Service	\$3.60
Harbor Bay Ferry Service	\$3.70
Seaplane Lagoon Ferry Service	\$3.60
Richmond Ferry Service	\$4.60
South San Francisco Ferry Service	\$4.70
South San Francisco-Harbor Bay	\$4.70
Vallejo Ferry Service	\$7.50

The Clipper START discounted fare program is anticipated to be available to WETA passengers beginning as early as November 2020.

Staff requests that the Board take action to set a public hearing to receive comments on the proposed Clipper START fares at the next regularly-scheduled WETA Board meeting on October 1, 2020, as a part of the public input process prior to establishing these new fares. Information about the proposed fares and how to comment in person, or in writing, will be posted on WETA's website and through notice on WETA vessels. In addition, staff will reach out to inform customers about the proposal through WETA's BayAlerts information system.

Fiscal Impact

There is no fiscal impact associated with setting a public hearing on this proposal.

END