

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

(September 3, 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 1:30 p.m. He welcomed directors, 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 DeBono, Director Anthony Intintoli, and Director Monique Moyer were in attendance.

3. REPORT OF BOARD CHAIR

Chair Wunderman reported on the general economy, employment, and trends of the Bay Area and their impacts on transit and ridership. He stressed the importance of continuing and reinforcing safety practices to assure the public that public transportation will be around and that it will be safe when they return.

4. REPORTS OF DIRECTORS

Director Moyer added that she has heard that people are wanting to return to the office and that layoffs continue as companies react. She expressed her support on reports of the movement of people getting back to the office and her appreciation of WETA's marketing efforts.

5. REPORTS OF STAFF

Executive Director Nina Rannells provided five written reports to Directors, noted the addition of Item 11 about the Clipper START public hearing, offered to answer any questions, and stated that staff would be speaking further on some of the items.

Ms. Rannells said that since the celebration of WETA's new Downtown San Francisco Ferry Terminal Expansion Project (DFTX) was canceled, she asked Planning & Development Manager Kevin Connolly to provide a visual presentation of DFTX which officially opened on August 12. Mr. Connolly shared a timeline and rendering comparison presentation starting in July 2017 through August 2020 with the Directors. He noted that this project was delivered within budget and on time and was the third federally funded Construction Manager at Risk project. He stated that the success of the project was the working relations and partnerships with the Port of San Francisco (Port), Power Engineering, and Roma Design and the tolerance and flexibility of the passengers. He commended Senior Planner/Project Manager Mike Gougherty for leading the project with assistance from other WETA staff.

Chair Wunderman thanked Mr. Connolly for the presentation and for the thought and execution put into the project.

Ms. Rannells introduced Nossaman LLP state legislative representatives Jennifer Capitolo and Nate Solov who provided their written report and updated Directors on the end of the legislative session. Ms. Capitolo stated that COVID-19 and other issues kept a significant amount of work from being accomplished compared to years past and that there has been talk about having a special session. With the bills that have passed, the Governor has until September 30 to sign or veto them.

Nate Solov added that 400 bills had passed the legislature and are pending with the Governor. He stated that if a special session was not called then the new session would start on December 7 after the November 3 election. Mr. Solov pointed out the transportation related bills that had recently passed – AB 107 which would allow agencies to use more state funding for capital and operating expense than would normally be allowed, SB 288 which provides for regulatory relief, flexibility, and exemptions for bus and rail projects, and SB 1351 which provided for a \$5 billion revenue bond to advance state highway operation and protection program projects. He added that the California Transportation Commission issued \$1.6 billion for state transportation projects. He further stated that the Cap-and-Trade expenditure compromise had not been resolved due the uncertainty of auctions and actions have been deferred on these discretionary revenues until the legislature returns in December.

Chair Wunderman commented that WETA had issues meeting California Air Resources Board (CARB) requirements and inquired about the status. Ms. Rannells responded that CARB issued proposed concepts to extend and expand emission regulations for marine craft. Ms. Rannells stated that WETA provided written comments to CARB and has participated in several meetings with CARB staff to discuss WETA's comments and concerns. Ms. Rannells noted that, as she understood it, CARB would be issuing proposed regulations in the coming months and anticipated adopting a set of final regulations in mid-2021. She added that WETA has worked on emissions reduction proactively and was interested in a working in partnership with CARB but that it was her opinion that the proposed concepts are not appropriate to require of a public transit and emergency response operating system.

Chair Wunderman offered his assistance and noted his relationships with CARB Board Members Supervisor John Gioia and Chair Mary Nichols. Mr. Solov commented that he has a working relationship with CARB and that the Board of Directors likes to hear directly from impacted agencies on pending regulations. He suggested setting up videoconferences to educate CARB about WETA's unique circumstances and offered his assistance.

Chair Wunderman stated that WETA takes cars off the road to improve air quality and this should be seen as a reasonable mitigation in addition to WETA's investment in expensive, leading-edge equipment including an electric ferry. Ms. Rannells accepted Chair Wunderman's assistance in working with CARB.

Ms. Rannells asked Mr. Connolly to provide an update on the Monthly Ridership and Recovery Report. He noted the decline in August ridership were attributed to factors such as the pandemic, smoke in the air which affects construction jobs, and the typical week before the start of the school year. He stated that the current service level is more than sufficient to handle capacity and demand.

Ms. Rannells noted that her report was complete and offered to answer any questions.

Ms. Moyer congratulated Mr. Connolly for his leadership and his staff, WETA, and its corporate partners for the completion of the DFTX in partnership with the Port of San Francisco.

Chair Wunderman added that he appreciated the comprehensiveness and level of detail regarding all of the active projects in the written Executive Director's Report and found them very helpful.

6. CONSENT CALENDAR

Director Intintoli made a motion to remove Item 6b from the consent calendar.

Director Intintoli made a motion to approve the consent calendar:

- a. Board Meeting Minutes – August 6, 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.

- b. Approve Amendment to Clipper Memorandum of Understanding with the Metropolitan Transportation Commission and Bay Area Transit Operators

Ms. Rannells responded to a question from Director Intintoli that the annual \$36,000 was on the high end since it was fee-based amount and that the amount would be less since WETA was operating at 6 percent.

Director Intintoli made a motion to approve the item.

Chair Wunderman called for public comments and there were none.

Director DelBono seconded the motion and the item passed unanimously.

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

7. APPROVE ADOPT THE REGIONAL TRANSIT OPERATOR HEALTH AND SAFETY PLAN

Program Manager/Analyst Lauren Gularte presented this item recommending that the Board adopt the regional transit operator health and safety plan *Riding Together: Bay Area Healthy Transit Plan* that she provided to the Directors.

Ms. Gularte explained that as a part of approving the final distribution of the Coronavirus Aid, Relief, and Economic Security (CARES) Act funds, the Metropolitan Transportation Commission (MTC) and its recently formed Blue Ribbon Transit Recovery Task Force (Task Force) requested that transit operators 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. She further stated that this regional health and safety plan would complement and not replace WETA's adopted Passenger and Crew Safety Plan.

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.

Director Intintoli made a motion to approve the item.

Chair Wunderman called for public comments and there were none.

Director Alba seconded the motion and the item passed unanimously.

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

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

Operations & Maintenance Manager Keith Stahnke presented this item recommending approval of 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.

Mr. Stahnke stated that Blue & Gold Fleet, L.P. (Blue & Gold) was awarded the operations and maintenance of ferry services after a comprehensive, competitive procurement process in October 2011 for services beginning January 1, 2012 with an option to extend the agreement for an additional five years for a total of ten years which was approved in May 2016 extending the agreement through December 31, 2021. He noted, as further explained in the written report, that Blue & Gold has been an outstanding partner to WETA in numerous ways as the agency and its ferry services have grown and developed.

Director DelBono expressed his concern that two years was a short time.

Director DelBono made a motion to approve the item for further discussion. Director Alba seconded the motion.

In response to a question from Chair Wunderman, WETA General Counsel Steven Miller confirmed that the extension period could be modified, as suggested by Director DelBono, as the item was agendized as a contract extension.

Ms. Rannells stated that WETA staff was comfortable and supportive of a longer extension period for all of the reasons noted in the written report.

Chair Wunderman asked for comment from Blue & Gold Fleet (Blue & Gold) President Patrick Murphy.

PUBLIC COMMENT

Mr. Murphy stated that Blue & Gold was supportive of an extension and the longer extension will provide continuity for navigating through difficult times and job security for its skilled labor force. He added that it would be helpful for their operation to not to have to focus time and attention on responding to an RFP at this time. He thanked the Board for the work that they have done since March when the pandemic started to provide stability for the workforce. He reminded the Board that Blue & Gold was the operator for ferry services under the City of Alameda since 1991 and the City of Vallejo since 1994 before becoming the official WETA operator.

Director DelBono made an amended motion to extend the agreement for five years.

Chair Wunderman commented that bidding the project would be good but now was not the time. He added that he has never heard a complaint and has consistently received positive comments about Blue & Gold and the trusted partnership during this time was valuable.

Ms. Rannells confirmed that the bidding process would be costly in time and resources and that Blue & Gold was a stellar organization with whom WETA had a good, working relationship.

PUBLIC COMMENTS

Masters, Mates & Pilots Regional Representative Captain Ezra Hunter thanked the Board, WETA, and Blue & Gold and supported the five-year extension.

Hans Korve agreed with Chair Wunderman's comment about bidding the contract and suggested providing a policy to clarify the process for future bidding opportunities on this contract.

Inlandboatmen's Union Regional Director Robert Estrada supported the five-year extension.

Mr. Miller confirmed that the five-year extension would extend the contract to December 2026.

Director Alba thanked Director DelBono for suggesting the five-year extension and Blue & Gold for their flexibility in working with the WETA.

Chair Wunderman confirmed that the longer extension was a good idea for stability and to allow time to get through the pandemic and plan for a future RFP process.

Director Alba seconded the amended motion and the item passed unanimously.

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

9. APPROVE STATE AND FEDERAL LEGISLATIVE PROGRAMS FOR 2021

Ms. Gulate presented this item recommending approval of WETA's 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 WETA's state and federal delegation and transportation partners with a clear statement of WETA's priorities and will provide a guide for staff and WETA's consultants in carrying out its legislative efforts.

Ms. Rannells asked the Board to let staff know about specific legislation that they would like developed.

Chair Wunderman reminded the Board that WETA had requested funding from the State through the Governor's office early on in the pandemic and noted that WETA has an emergency response mission that remains unfunded and asked Director DelBono to speak about it. Director DelBono said that he would like to see legislation that would allow WETA access to Cal OES or other emergency response funding during a state or national emergency and explained how that worked in the fire service and how it would possibly work for WETA.

Chair Wunderman added that planning for response to an emergency was unfunded and that he would like to see funding for emergency preparedness work as well.

Ms. Rannells confirmed that the Board wanted legislation that would provide funding for WETA's legislative mandate for emergency response planning and activation.

Director Moyer suggested working with the Public Ferry Coalition to seek legislation to enhance credits for corporations subsidizing employee use of public transit to help increase ridership.

PUBLIC COMMENT

Mr. Solov thanked the Board for their comments, feedback, and ideas and said he would work with staff, WETA's legislative delegation and state agencies to further develop these items so that any related legislation could be introduced next session.

Chair Wunderman said that he would work with Bay Area Council members on the transit credits issue and felt that they would be supportive. He thanked WETA's legislative representatives for their work.

Director Moyer made a motion to approve the item.

Director Intintoli seconded the motion and the item passed unanimously.

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

10. STATUS REPORT ON THE MISSION BAY FERRY LANDING PROJECT

Mr. Connolly introduced this informational item on the status of the Mission Bay Ferry Landing Project and the effect that the pandemic has had on the project.

Mr. Connolly introduced the staff from the Port of San Francisco (Port) - Project Manager Shannon Cairns, Chief Harbor Engineer Rod Iwashita, Marine Operations Specialist Dominic Moreno, and Executive Director Elaine Forbes.

Ms. Cairns presented this informational item covering the background of the project, project funding, and plan and schedule, and Mr. Connolly provided the update on the interim landing at Pier 48 ½ and the zero-emission battery electric vessel, both of which are impacted by the extension of the Mission Bay Ferry Landing (MBFL) project.

Chair Wunderman expressed his concern about the current year delay and the unknown funding sources from the revised budget increase. Ms. Cairns shared her project funding slide which reflected unsecured funds - \$25 million from Regional Measure (RM) 3, a private \$4 million contribution from University of California, San Francisco (UCSF), and a potential SB 1 grant for which the Port has applied.

Ms. Forbes stated that the Port was trying to be creative and provide cash flow when RM3 funds were tied up in litigation and had originally allocated \$25 million as a loan from the Port's capital budget. She reminded the Board that this project includes three components: the landside improvements which includes sea rise level preparation, the waterside improvements which include environmental remediation and a soil cap, and the ferry landing and noted that funds spent to date were from the Port and the City of San Francisco.

Chair Wunderman said he appreciated the partnership with the Port and wanted to commit to making this project a priority. He suggested that the Port convene a working group to include city departments, WETA Board members, and other interested parties to develop a plan for moving this important project forward.

Ms. Forbes agreed that this would be a good idea, welcomed the participation of WETA, and agreed to convene the working group.

Director Intintoli asked about the float that was used to support Vallejo dredging that was being used at Pier 48 ½ as a part of the temporary Mission Bay ferry terminal. Ms. Rannells noted that there is a scheduled dredging in Vallejo next year and that the spare float now at Pier 48 ½ would be needed to support this work. She indicated that staff was working to address this and other issues related to the temporary Mission Bay ferry terminal. She added that she appreciates Ms. Forbes' partnership in convening a working group to discuss funding opportunities and agreed with Chair Wunderman about the importance of the project.

Chair Wunderman asked Director Moyer to serve on the working group because of her experience at the Port and other life experiences. Director Moyer stated that she was passionate about the project, the importance of it, had intended to volunteer, and accepted Chair Wunderman's invitation.

Director Moyer asked if the RM3 monies were being escrowed and earning interest. Ms. Rannells explained that MTC has RM3 monies in their bank and that, historically, any interest earned would not be shared by MTC but used to offset the cost of the overall RM3 program. Chair Wunderman agreed that WETA should find out what the interest would be on the funds now.

Director Moyer restressed the importance of the project as a key pilot project for working in shallow water and wanting to streamline the permitting process.

Chair Wunderman wondered if something could be done legislatively for streamlining the permitting process. Chair Wunderman added that WETA was pulled out of SB 288, a fast track California Environmental Quality Act (CEQA) process for mass transportation projects.

PUBLIC COMMENT

UCSF Government Relations Director Aimee Alden thanked WETA and the Port for their ongoing commitment to the project and said that the ferry is an integral part of UCSF's transportation plan.

Chair Wunderman thanked Ms. Alden for her comment and acknowledged the importance of UCSF and the community services and the research it provides.

11. SET A PUBLIC HEARING TO RECEIVE COMMENTS ON WETA'S PROPOSED CLIPPER START MEANS-BASED DISCOUNTED FARES

Transportation Planner Arthi Krubanandh presented this item recommending setting a public hearing, to take place as a part of the October WETA Board meeting, to receive public comments on the proposed new Clipper START means-based discounted fares.

Director DeBono said he wanted to hear more about the outreach and access to this program and suggested notifying specific communities about the program.

Ms. Rannells explained that information on the proposed Clipper START fare and WETA's participation in this regional initiative was posted on WETA's website and that there would be public outreach and a public hearing before adoption of the fares at the October meeting. She said that staff would include general program information and outreach plans and efforts as a part of the October action item to establish WETA's Clipper START fare for this program.

Director Moyer suggested reaching out to several agencies such as the San Francisco Foundation and the use of community newsletters.

Chair Wunderman noted that the Bay Area Council was working with MTC regarding regional communication on transportation recovery and a part of this work is directed towards an equity strategy.

Chair Wunderman called for public comments and there were none.

Director Moyer made a motion to approve the item.

Director DelBono seconded the motion and the item passed unanimously.

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

12. 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 3:59 p.m.

- Board Secretary

END