

Members of the Board

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

Thursday, September 1, 2022 at 1:00 p.m.

Port of San Francisco

Pier 1

San Francisco, CA

Face masks strongly recommended for in-person participation.
and

Videoconference

Join WETA BOD Zoom Meeting

<https://us02web.zoom.us/j/89718217408>

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AGENDA

1. CALL TO ORDER

2. ROLL CALL/PLEDGE OF ALLEGIANCE

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
i. *Sea Change* update
ii. September Transit Month Activities
b. Monthly Review of Financial Statements
c. Federal Legislative Update
d. State Legislative Update
e. Monthly Ridership and Recovery Report
f. Chase Center Ferry Service Survey Summary

Information

6. CONSENT CALENDAR

- a. Adopt Resolution Regarding Remote Meetings Pursuant to Assembly Bill 361
b. Board Meeting Minutes – August 17, 2022
c. Authorize Release of a Request for Proposal for Marketing and Public Relations Services
d. Authorize Release of a Request for Proposal for Community Outreach Services
e. Authorize Filing Applications for FY 2021/22 through FY 2023/24 Federal Transit Administration Formula Program Funds to Support Various Capital Projects

Action

**Water Emergency Transportation Authority
September 1, 2022 Meeting of the Board of Directors**

7. APPROVE CONTRACT AWARD TO SHAW YODER ANTWH SCHMELZER & LANGE FOR THE PROVISION OF STATE LEGISLATIVE REPRESENTATION SERVICES

Action

8. WETA ADVERTISING POLICY

Action

9. COMMUNITY OUTREACH PROGRAM REPORT

Information

10. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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 AB 361, codified in Government Code Section 54953, this meeting will be conducted through an internet-based service option. The public is invited to participate via the link provided at the top of this agenda.

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. Comments will also be accepted in real time. 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/PLEDGE OF ALLEGIANCE

AGENDA ITEM 3
REPORT OF BOARD CHAIR

AGENDA ITEM 4
REPORTS OF DIRECTORS

NO MATERIALS

TO: WETA Board Members

FROM: Seamus Murphy, Executive Director

DATE: September 1, 2022

RE: Executive Director's Report

PLANS, STUDIES & INITIATIVES**2050 WETA Service Vision and Business Plan**

This effort will create a long-term plan for the expansion of regional ferry service and emergency water transportation response capabilities on San Francisco Bay. The plan will include definition of a 2050 service vision and corresponding business plan that will inform WETA planning, budget, and operational decisions as it is phased in over time. The plan will be developing work products in six focus areas shared with the Board at the December 2021 meeting. The business plan will be developed throughout the calendar year 2022 and is anticipated to be finalized in the first half of calendar year 2023.

September 2022 Update: The WETA Board participated in a workshop for the Business Plan on August 17, providing input in areas related to service vision, future economic growth and WETA financial capacity. That input will be incorporated into information generated by advisory committees and an general survey to inform upcoming analysis.

OTHER BUSINESS**Metropolitan Transportation Commission Tour**

On August 11, WETA provided a tour for sixty staff in MTC's Programming and Allocations department on WETA's newest vessel, the MV Dorado. The tour included a briefing on WETA's current operations, the agency's plan to transition to zero emissions as well as an overview of the future Downtown San Francisco, Treasure Island and Mission Bay zero emission ferry service.

Transit Month

The San Francisco Transit Riders Union and Seamless Bay Area have partnered to produce the 7th annual Bay Area Transit Month in September. WETA is sponsoring the celebration and will participate in two events. On September 16, the Executive Director will participate in Transit CEO Ride-Along and Summer Social, which involves general managers meeting up to ride together on multiple transit operators including San Francisco Bay Ferry before hosting a social event at a transit-themed establishment in Oakland. On September 23, WETA is hosting a [Ferry Pub Crawl](#) featuring three ferry rides, trivia and prizes. The event is open to public and will include a non-alcoholic itinerary option.

Grant and Funding Initiatives

On July 7, WETA was awarded \$14.9 million in the 2022 round of TIRCP funding for WETA's electric ferry and infrastructure projects between Downtown San Francisco, Treasure Island and Mission Bay. This amount is added to the \$9.06 million that was awarded as part of the 2020 grant cycle. While the original grant was envisioned in the FY 2022-23 budget, these additional funds are not yet included. On August 24, WETA staff met with CalSTA staff to plan for the next steps of combining the two awards into one combined grant plan with allocation actions at the California Transportation Commission later this fall. In conjunction with this effort, WETA staff are also working toward a complimentary application for funding from the FTA 5307 Passenger Ferry Grant/Electric or Low-Emitting Ferry Pilot Program in order to plan for electric ferry service in more locations. This application would request \$25.9 million to

install on-site battery energy storage systems on six existing floats in the cities of Oakland, Alameda and Downtown San Francisco to help facilitate the agency's shift to zero emission ferries.

END

MEMORANDUM

TO: Board Members

**FROM: Seamus Murphy, Executive Director
Erin McGrath, Chief Financial Officer**

SUBJECT: Review of FY 2022-23 Financial Statements Ending July 31, 2022

Recommendation

There is no recommendation associated with this informational item.

Financial Statements Summary

This report provides a summary of the first month of activity against the Fiscal Year 2022-23 approved budget. This and subsequent reports for the operating budget provide a comparison against the same point in time in the prior fiscal year 2021-22. Revenue and expense for the month were \$4.8 million which is within anticipated amounts at this point in the year.

Operating Budget vs. Actual	Year - To - Date		Annual	
	FY2021-22 Actual Prior YTD	FY2022-23 Actual Current YTD	FY2022-23 Approved Budget	% of FY 23 Approved Budget
Revenue - Year To Date:				
Fare Revenue	\$819,951	\$1,101,573	\$ 11,228,927	10%
Federal - COVID-19 Relief Funds	1,345,326	2,193,872	27,223,251	8%
Bridge Toll Revenues	1,346,831	1,230,962	18,250,000	7%
Contra Costa Measure J	232,056	309,110	3,709,330	8%
Other Revenue	-	1,000	1,300,000	0%
Total Operating Revenues	\$3,744,165	\$4,836,517	\$ 61,711,508	8%
Expense - Year To Date:				
Ferry Services	\$3,605,560	\$ 4,651,422	\$58,311,508	8%
Planning & Administration	138,605	185,095	3,400,000	5%
Total Operations Expenses	\$3,744,165	4,836,517	\$61,711,508	8%
System-Wide Farebox Recovery %	23%	24%		

Capital Budget expenses, as shown in the chart below, are \$1.2 million for the year-to-date.

Capital Budget vs. Actual	FY2022-23 Actual Current YTD	FY2022-23 Approved Budget	% of FY 2022-23 Approved Budget
Revenue:			
Federal Funds	\$402,761	\$25,171,292	2%
State Funds	702,153	10,379,421	7%
Bridge Toll Revenues	94,389	7,142,670	1%
Other Revenues	47,365	4,091,525	1%
Total Capital Revenues	\$1,246,668	\$46,784,908	3%
Expense:			
Total Capital Expenses	\$1,246,668	\$46,784,908	3%

The financial reports attached show the more detailed operating, administrative, and capital activity for the month of July, year-to-date amounts against budget for the fiscal year, and historical comparisons of operating expense against the prior year.

Investment Report

In order to comply with Government Code § 53607, this report contains the monthly balances held in both the Local Agency Investment Fund (LAIF) and our commercial bank. The total balance in these two institutions is \$22,435,102.

Fiscal Impact

There is no fiscal impact associated with this informational item.

END

San Francisco Bay Area Water Emergency Transportation Authority
FY 2022-23 Operating & Administration Revenue and Expense
Through the Month Ending 7/31/2022

% of Year Elapsed 8%

	Month Jul-22 Actual	Year - To - Date		Total FY2022-23 Budget	Total Budget
		FY2021-22 Actual	FY2022-23 Actual		
OPERATING EXPENSE					
FERRY OPERATIONS:					
Harbor Bay Ferry Service (AHBF)					
Vessel Crew Labor	\$110,555	\$145,304	\$110,555	\$1,551,680	7%
Vessel Fuel	101,956	\$58,574	101,956	1,087,800	9%
Vessel Operations & Maintenance	42,418	\$27,452	42,418	542,008	8%
Facility Operations & Maintenance	62,142	\$42,780	62,142	793,813	8%
System Expense	55,677	\$48,270	55,677	779,790	7%
Total Harbor Bay Farebox Recovery - AHBF	\$372,748	\$322,381	\$372,748	\$4,755,091	8%
	14%	9%	14%	11%	
Alameda/Oakland Ferry Service (AOFS)					
Vessel Crew Labor	\$389,415	\$383,074	\$389,415	\$4,999,858	8%
Vessel Fuel	291,303	\$184,091	291,303	2,797,200	10%
Vessel Operations & Maintenance	130,593	\$89,381	130,593	1,185,911	11%
Facility Operations & Maintenance	173,086	\$128,495	173,086	2,329,236	7%
System Expense	162,515	\$143,434	162,515	2,798,211	6%
Total Alameda/Oakland Farebox Recovery - AOFS	\$1,146,912	\$928,476	\$1,146,912	\$14,110,416	8%
	30%	29%	30%	23%	
Vallejo Ferry Service (Vallejo)					
Vessel Crew Labor	\$440,339	\$356,655	\$440,339	\$4,482,632	10%
Vessel Fuel	655,432	\$435,125	655,432	\$7,303,800	9%
Vessel Operations & Maintenance	69,323	\$63,162	69,323	\$1,506,018	5%
Facility Operations & Maintenance	283,412	\$321,621	283,412	3,373,394	8%
System Expense	179,676	\$149,090	179,676	2,872,318	6%
Total Vallejo Farebox Recovery - Vallejo	\$1,628,183	\$1,325,654	\$1,628,183	\$19,538,162	8%
	33%	34%	33%	27%	
South San Francisco Ferry Service (SSF)					
Vessel Crew Labor	\$85,231	\$79,257	\$85,231	\$1,206,862	7%
Vessel Fuel	72,826	\$0	72,826	777,000	16%
Vessel Operations & Maintenance	36,451	\$23,100	36,451	464,549	5%
Facility Operations & Maintenance	59,272	\$42,376	59,272	708,666	13%
System Expense	31,240	\$32,722	31,240	464,576	1%
Total South San Francisco Farebox Recovery - SSF	\$285,019	\$177,455	\$285,019	\$3,621,653	8%
	6%	0%	6%	8%	
Richmond Ferry Service (Richmond)					
Vessel Crew Labor	\$306,357	\$224,560	\$306,357	\$3,275,769	9%
Vessel Fuel	203,912	\$108,781	203,912	2,175,600	9%
Vessel Operations & Maintenance	54,888	\$34,296	54,888	697,397	8%
Facility Operations & Maintenance	117,545	\$85,713	117,545	1,676,668	7%
System Expense	72,495	\$66,026	72,495	1,248,762	6%
Total Richmond Farebox Recovery - Richmond	\$755,198	\$519,377	\$755,198	\$9,074,196	8%
	9%	9%	9%	8%	
Seaplane Lagoon Ferry Service (SPL)					
Vessel Crew Labor	\$138,603	\$132,094	\$138,603	\$1,724,089	8%
Vessel Fuel	131,086	\$50,207	131,086	1,398,600	9%
Vessel Operations & Maintenance	68,070	\$45,672	68,070	605,118	11%
Facility Operations & Maintenance	59,700	\$40,840	59,700	793,966	8%
System Expense	65,902	\$63,404	65,902	1,001,157	7%
Total Seaplane Lagoon Farebox Recovery - SPL	\$463,362	\$332,217	\$463,362	\$5,522,930	8%
	16%	10%	16%	18%	
Sub-Total Ferry Operations (Ongoing)	\$4,651,422	\$3,605,560	\$4,651,422	\$56,622,448	8%
FAREBOX RECOVERY - Systemwide	24%	23%	24%	20%	

(continued on next page)

San Francisco Bay Area Water Emergency Transportation Authority
FY 2022-23 Operating & Administration Revenue and Expense
Through the Month Ending 7/31/2022

% of Year Elapsed

8%

	Month Jul-22 Actual	Year - To - Date		Total FY2022-23 Budget	Total Budget
		FY2021-22 Actual	FY2022-23 Actual		
OPERATING EXPENSE (continued)					
Hydrogen Demostration Project					
Vessel Crew Labor		Not Applicable		\$440,460	0%
Vessel Fuel				417,400	0%
Vessel Operations & Maintenance				37,500	0%
Facility Operations & Maintenance				8,700	0%
System Expense				785,000	0%
Total Hydrogen Demonstration	\$0	\$0	\$0	\$1,689,060	0%
Sub-Total Ferry Operations (All)	\$4,651,422	\$3,605,560	\$4,651,422	\$58,311,508	8%
PLANNING & ADMINISTRATION:					
Wages and Fringe Benefits	\$155,659	\$136,765	\$155,659	\$1,775,164	9%
Professional & Other Services	67,320	44,110	67,320	2,466,660	3%
Information Tech., Office, Supplies	907	1,614	907	78,000	1%
Utilities	345	3,797	345	44,700	1%
Insurance	3,314	1,306	3,314	18,829	18%
Dues, Memberships, Misc.	13,448	3,636	13,448	95,000	14%
Leases and Rentals	19,845	26,101	19,845	250,431	8%
Admin Overhead Expense Transfer	(75,743)	(78,724)	(75,743)	(1,328,784)	6%
Sub-Total Planning & Gen Admin	\$185,095	\$138,605	\$185,095	\$3,400,000	5%
Total Operating Expense	\$4,836,517	\$3,744,165	\$4,836,517	\$61,711,508	8%
OPERATING REVENUE					
Fare Revenue	\$1,101,573	\$819,951	\$1,101,573	\$11,228,927	10%
Federal Operating Assistance	2,232,021	1,345,326	\$2,232,021	27,223,251	8%
Regional - Bridge Toll	1,192,813	1,346,831	1,192,813	18,250,000	7%
Regional - Contra Costa Measure J	309,110	232,056	309,110	3,709,330	8%
Other Revenue	1,000		1,000	1,300,000	0%
Total Operating Revenue	\$4,836,517	\$3,744,165	\$4,836,517	\$61,711,508	8%

San Francisco Bay Area Water Emergency Transportation Authority
FY 2022-23 Capital Revenue and Expense
Through the Month Ending 7/31/2022

Project Description	Jul-22 Total	Total Project Budget	Prior Year Expense	Total FY2022-23 Budget	Year-To-Date FY2022-23 Actual	Total Future Year	% of Total Project Budget
CAPITAL EXPENSES:							
FACILITIES:							
Operations and Maintenance Facilities							
North Bay Facility Fuel System Improvement		\$530,450	\$320,152	\$100,000	\$0	\$110,298	60%
Central Bay Facility Oil System Modification	\$ 2,072	383,968	373,268	10,700	2,072	-	98%
Terminal Improvement							
Terminal Rehabilitation - Alameda Main Street	27,556	8,535,014	507,257	4,943,465	27,556	3,084,292	6%
Shoreside Infrastructure for All-Electric Vessel		5,184,685	124,685	1,924,685	-	3,135,315	2%
Passenger Float Rehabilitation - South San Francisco	202,640	908,500	9,995	858,500	202,640	40,005	23%
Terminal Dredging - Vallejo - Surveys & Permitting		113,000	-	113,000	-	-	0%
Terminal Reconfiguration - Vallejo		550,000	-	550,000		-	0%
Central Bay Terminal Expansion		550,000	-	550,000		-	0%
Passenger Float Rehabilitation - Pier 9		1,362,000	-	1,362,000		-	0%
FERRY VESSELS:							
Vessel Construction							
New Commuter Class High-Speed Vessels - (Two)	164,836	30,082,500	23,881,477	3,925,652	164,836	2,275,371	80%
Electric Vessels - Expansion - (Two)		9,000,000	-	2,800,000	-	6,200,000	0%
Replacement Vessels - MV Bay Breeze and MV Solano	11,705	36,002,382	4,493,045	12,491,614	11,705	19,017,723	13%
Replacement Vessel - MV Intintoli	13,920	26,446,700	62,794	4,000,000	13,920	22,383,906	0%
Replacement Vessel - MV Mare Island		26,500,000	-	2,650,000		23,850,000	0%
Vessel Rehabilitation and Refurbishment							
Vessel Engines Conversion - Gemini Class Vessels	560,485	5,524,100	3,089,137	2,434,963	560,485	-	66%
Vessel Engines Overhaul - MV Cetus		434,564	-	434,564	-	-	0%
Vessel Engines Overhaul - MV Hydrus		354,600	-	354,600	-	-	0%
Vessel Engines & Gears Overhaul - MV Bay Breeze	263,454	491,400	140,768	210,277	263,454	140,355	82%
Vessel Fuel Injectors Overhaul - MV Intintoli		127,300	23,855	31,888	-	71,557	19%
Test Engine Components Replacement - MV Pyxis		315,000	-	315,000		-	0%
Test Engine Components Replacement - MV Vela		250,000	-	250,000		-	0%
Vessel Mid-Life Refurbishment - MV Gemini		4,488,000	-	4,488,000		-	0%
Vessel Engine Overhaul - MV Intintoli		356,000	-	356,000		-	0%
Vessel Engine Midlife Overhaul - MV Argo		563,000	-	563,000		-	0%
Vessel Engine Midlife Overhaul - MV Mare Island		132,000	-	132,000		-	0%
Vessel Waterjet System Upgrade - Pyxis Class Vessels		600,000	-	600,000		-	0%
General Diesel Particulate Filter Demonstration Project		335,000	-	335,000		-	0%
Total Capital Expenses	\$1,246,668	160,120,163	33,026,433	46,784,908	1,246,668	\$80,308,822	
CAPITAL REVENUES:							
Federal Funds	\$402,761	\$86,969,449	\$4,172,330	\$25,171,292	\$402,761	\$57,625,827	5%
State Funds	702,153	43,413,075	22,155,000	10,379,421	702,153	10,878,653	53%
Regional - Bridge Toll	94,389	23,765,525	5,435,371	7,142,670	94,389	11,187,484	23%
Regional - Alameda Sales Tax Measure B / BB	47,365	5,972,114	1,263,732	4,091,525	47,365	616,858	22%
Total Capital Revenues	\$1,246,668	\$160,120,163	\$33,026,433	\$46,784,908	\$1,246,668	\$80,308,822	

San Francisco Bay Area Water Emergency Transportation Authority
July 31, 2022 Investment Report

	Jul-22
Bank of America (Checking)	\$1,065,994
Bank of America (Prop 1B)	4,641,182
Bank of America (Measure B/BB)	6,802,776
Local Agency Investment Fund (LAIF)	9,925,150
Total	\$22,435,102

TO: WETA Board Members

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

SUBJECT: WETA Federal Legislative Board Report – September, 2022

This report covers the following topics:

- Seeking Support for WETA's FTA Grant Application
- Congressman Garamendi Preparing to Introduce Public Ferry Legislation

Seeking Support for WETA's FTA Grant Application

We are working with WETA staff to obtain political support from members of Congress, labor unions, business groups, and other key stakeholders for the agency's request to the Federal Transit Administration (FTA) for funding to install on-site battery energy storage systems on six existing floats in the cities of Oakland, Alameda and Downtown San Francisco to help facilitate the agency's shift to zero emission ferries. In support of the Justice40 initiative, 60% of the locations included in this project are located directly in Disadvantaged Communities (DACs) and all the terminal locations have adjacent DACs which will benefit from the conversion of an existing diesel transit system to a zero-emission option and the resulting reduction of pollution.

WETA is seeking \$25,920,000 through the FTA Electric and Low Emission Ferry Program (Low-No Ferry Program) and 5307(h) Passenger Ferry Grant Program, which have been combined by FTA for purposes of this Notice of Funding Opportunity (NOFO). While WETA's request is relatively large compared to the \$85.5 million available through these two programs for FY22, the request amount recognizes that FTA may ultimately award more than the \$85.5 million highlighted in the NOFO. As discussed in our last report, FTA indicated in the NOFO that the agency may award additional funding made available to the program prior to the announcement of project selections. In addition, FTA has a record of awarding funding for two fiscal years after requesting applications for only a single year of funding. Should the amount of money awarded by FTA not exceed the stated amount of \$85.5 million, the project is scalable – in other words, FTA could award a lesser amount if additional funding is not made available.

Congressman Garamendi Preparing to Introduce Public Ferry Legislation

Congressman John Garamendi is preparing to introduce the "*Ferry Service Expansion Act*" the week of September 6th. This legislation was developed in consultation with WETA and has been endorsed by the Public Ferry Coalition (which is an informal

coalition that WETA created years ago to advocate for funding for public ferry systems) and various public ferry operators from around the country, as well as the Bay Area Coalition, Red and White Fleet – San Francisco Cruises, Marine Engineers' Beneficial Association; International Organization of Masters, Mates & Pilots; Maritime Institute for Research and Industrial Development (MIRAID); and the Inlandboatmen's Union of the Pacific.

Senator Patty Murray (D-WA) is preparing to introduce the Senate version of the *Ferry Service Expansion Act*.

This legislation would:

- Increase the funding levels for the Federal Highway Administration's (FHWA) Ferry Boats and Ferry Terminal Facilities Formula (Grant) Program and the Federal Transit Administration's (FTA) Passenger Ferry (Competitive) Grant Program.
- Make public projects for "hovercraft" ferries/facilities eligible under the Surface Transportation Block Grant program.
- Make permanent the more attractive federal cost share under the FHWA program for the replacement or retrofit of diesel-powered ferries that substantially reduce emissions.
- Provide \$1.25 billion for passenger ferry grants to urbanized areas, correcting the omission of this funding from the 2021 Bipartisan Infrastructure Law.

While we will be seeking to have this legislation enacted as soon as possible, there may not be an opportunity to do so in the near term. In the meantime, this legislation will serve as a means of gaining additional political support for WETA priorities. To that end, WETA is working with other members of the Public Ferry Coalition to encourage other members of Congress to sign onto the legislation as co-sponsors. By starting this process now, we will be able to maximize our ability to obtain support from a larger and more diverse set of members of Congress, which will put us in a position of strength the next time there is an opportunity to seek passage of this legislation.

Respectfully Submitted,
Peter Friedmann and Ray Bucheger

TO: WETA Board of Directors

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

DATE: August 23, 2022

RE: August - September - Legislative Update

Legislative Update

As mentioned in our most recent report, legislative measures are being taken up on the Senate and Assembly floors. The legislature will meet through August 31 when session adjourns for the year. All bills will need to be sent to Governor Newsom by August 31 then the Governor will have until September 30 to sign or veto bills. The general election will be held November 8 then the new legislative session begins on December 6 at which time all new legislators will be sworn in and new bills can be introduced.

WETA is monitoring the following bills:

1. SB 922 (Wiener) - CEQA streamlining for zero emission transit projects - includes shore-side charging infrastructure for ferries. This bill is an extension of SB 288 (2020). It passed the Assembly and Senate and is pending the Governor's signature.
 - On August 24, we submitted a letter urging Governor Newsom to sign the bill.
2. AB 2807 (Bonta) – Clarifies that ferries are eligible to apply to existing state programs providing funding for transit providers to transition their fleets from diesel to zero emission vehicles. WETA is co-sponsoring this bill. It was held in the Senate Appropriations Committee. We will continue to work with parties to move this bill forward next session.
3. SB 917 (Becker) – Directs the Metropolitan Transit Commission (MTC), in coordination with regional transit agencies, to develop and adopt a connected network; develop a standardized regional mapping and wayfinding system; establish open data standards; and requires regional transit agencies to adopt a system of local and regional transit service transfers. The bill authorizes MTC to withhold certain state public transit funding from transit agency that does not comply with these requirements This bill was held in Assembly Appropriations Committee.
4. AB 1919 (Holden) – Creates a 5-year pilot program giving transit agencies the option to offer free youth transit passes to all persons under 25 years of age pending appropriation of funds by the legislature. This bill is pending the Governor's signature.

Federal Funding Request

We are working with legislative offices to secure signatures from assemblymembers and senators in support of the Federal Transit Administration Passenger Ferry Grant Program application for funding to install on-site battery energy storage systems on six existing floats in the cities of Oakland, Alameda and Downtown San Francisco to help facilitate the agency's shift to zero emission ferries.

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Kevin Connolly, Planning & Development Manager
Gabriel Chan, Transportation Planner

SUBJECT: Monthly Ridership and Recovery Report – July 2022

Background

The WETA Pandemic Recovery Plan (Plan) began on July 1, 2021 with the enhancement of the Vallejo, Oakland & Alameda, and Richmond routes, the restart of the suspended Harbor Bay route, and the launch of the new Alameda Seaplane route. The following weekend also marked the relaunch of weekend service on the Vallejo, Oakland & Alameda, and Richmond routes. The South San Francisco service was relaunched in November 2021.

The Plan enhanced service during midday and weekend periods in an effort to meet changing demands from regular commuters and recreational riders. Lower fares, more in line with parallel transit options such as BART or Transbay buses, is an additional feature of the Plan. Future 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

Systemwide ridership grew significantly in July 2021 as WETA launched the Plan. Ridership grew through October and November, dropping through the winter due to the impact of the Omicron COVID variant. Ridership numbers saw steady growth through late February and March. Ridership in the final quarter of fiscal year 2022 came in above WETA's budget projections and continues to compare favorably to other regional transit operators (measured as a percent of pre-pandemic ridership). Beginning in March 2022, the system saw the largest increases in ridership since the start of the pandemic thanks to significant increases in weekday peak-hour ridership as more employers began implementing return-to-office plans. The agency finished Fiscal Year 2022 with about 50% of 2019 pre-pandemic annual ridership. On a monthly basis, WETA is outperforming BART's ridership recovery by a margin of nearly 2:1.

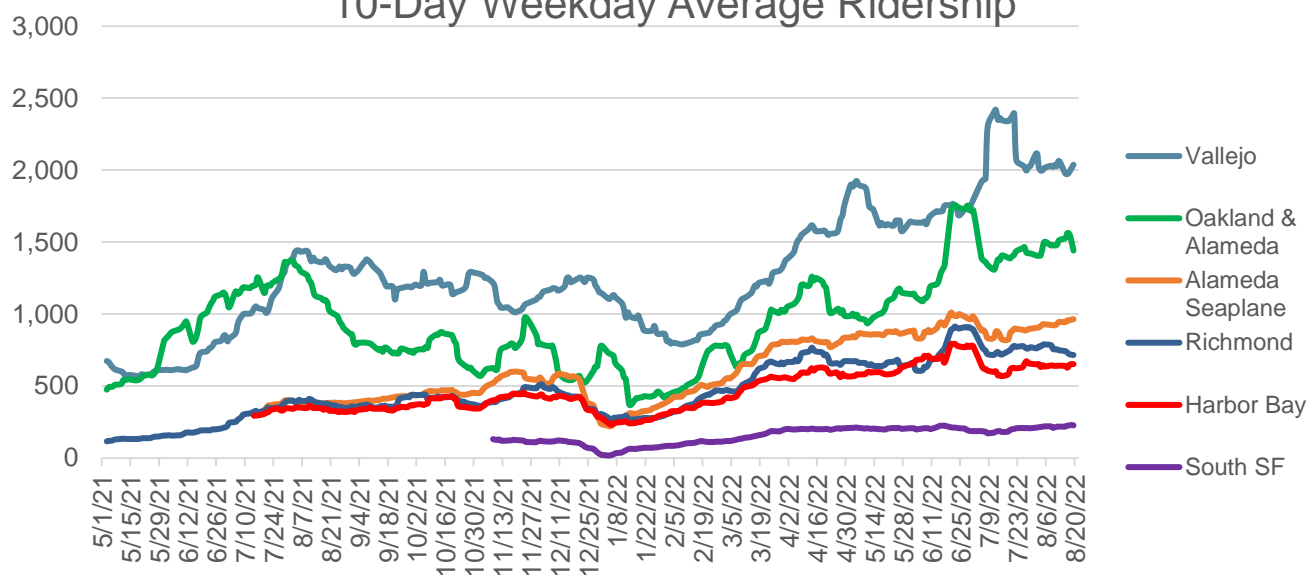
Highlights:

- Weekend ridership has stayed strong since implementing the Plan. Average weekend ridership is comparable to weekday ridership.
- Systemwide boost in June ridership due to large events in San Francisco (Warriors parade and Pride weekend).
- The Vallejo and Oakland/Alameda routes continue to perform well on weekends with peak occupancy approaching 60% and 70% respectively.
- The Warriors continued success helped keep Chase Center special event ridership high with about 470 riders on service days.
- July ridership recovery dipped 2%--consistent with BART & Caltrain. However, WETA ridership remains 20% above projections made earlier this calendar year.

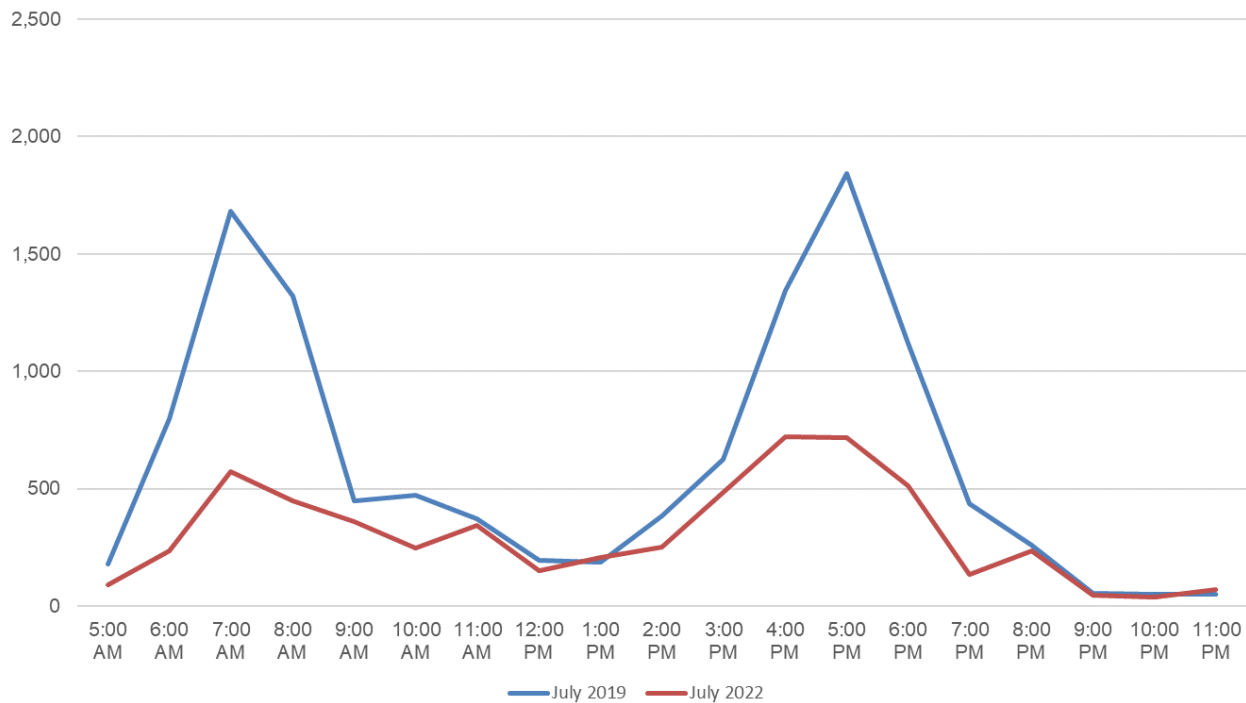
Recommendations

There are no proposed service adjustments at this time. Weekend service has been enhanced on peak summer weekends in an effort to avoid leave-behinds and impacts to the overall schedule. Staff will be considering weekend adjustments and other enhancements for an anticipated fall service change. Additionally, staff will develop new short-term FY23 ridership projections based on FY22 actuals as those numbers are finalized.

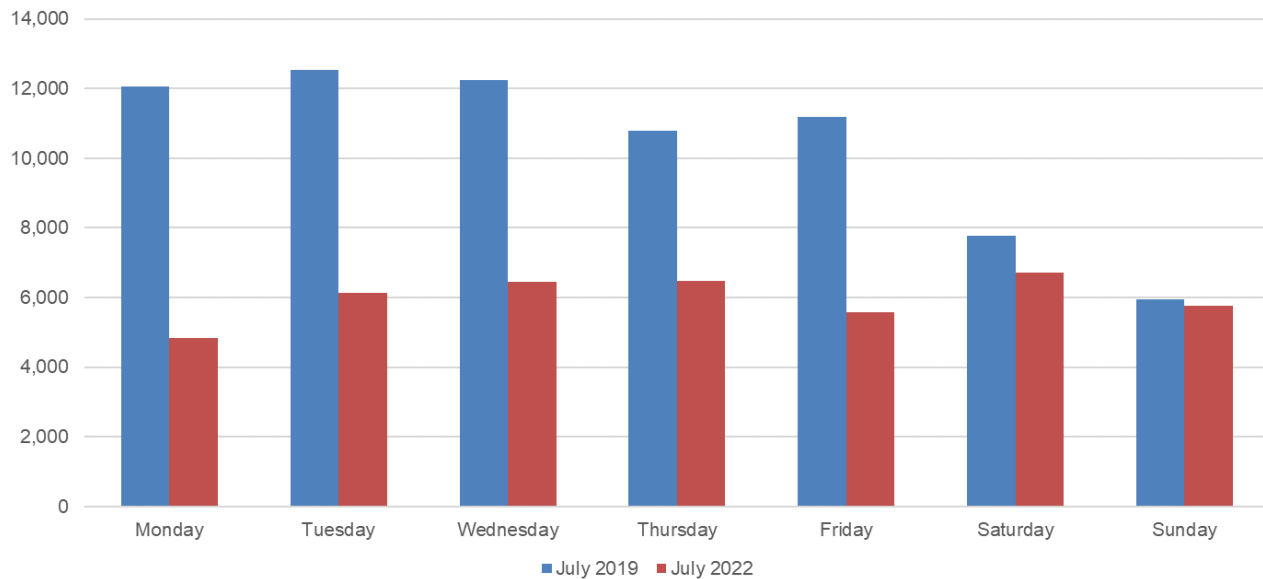
10-Day Weekday Average Ridership



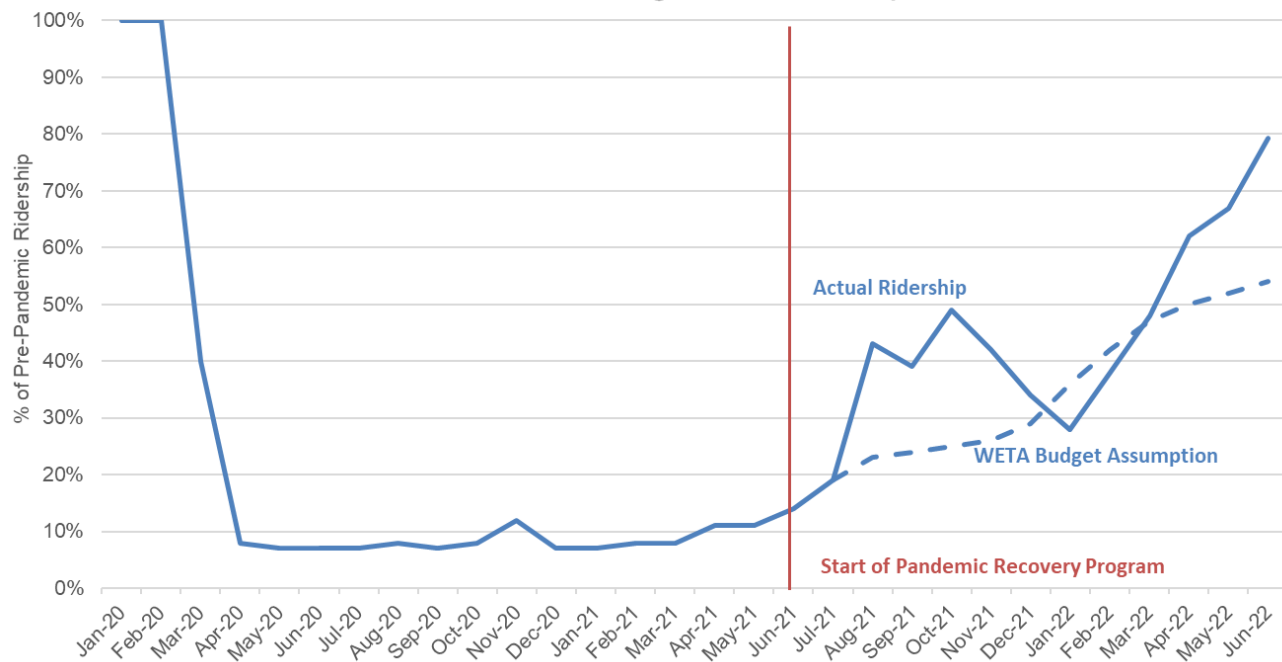
Average Weekday Hourly Boardings



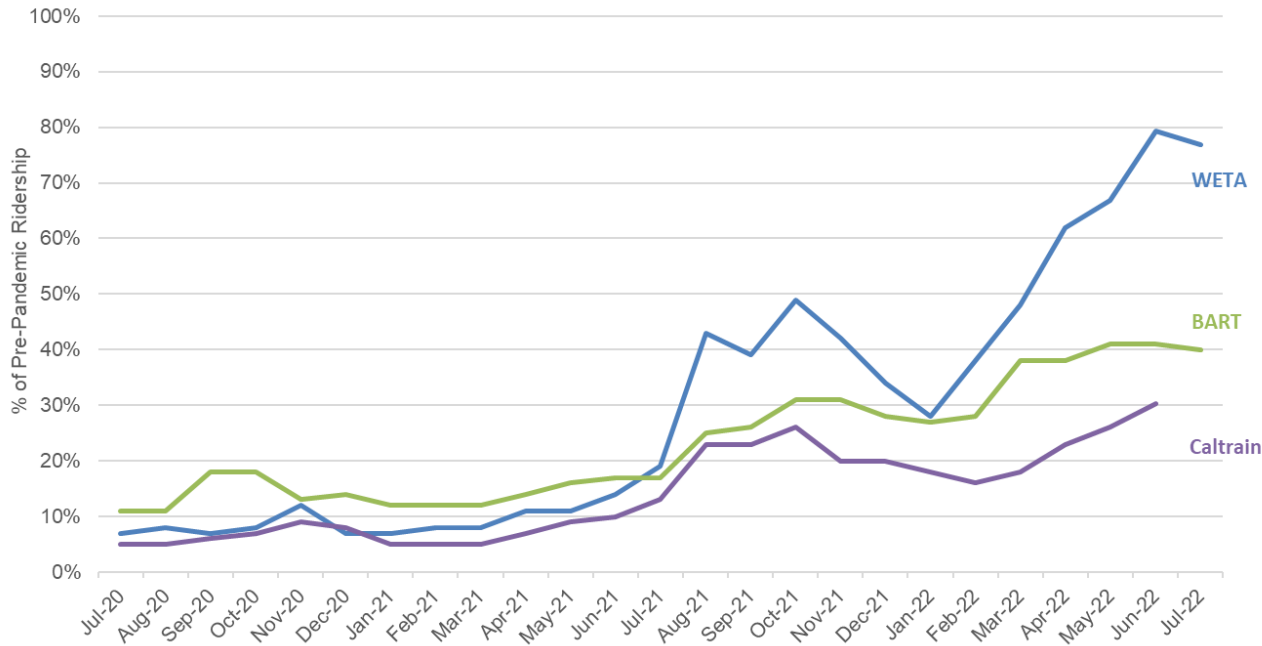
Average Boardings by Day of Week
Systemwide



Actual vs. Budgeted Ridership



Regional Transit Ridership



Note: Monthly Caltrain Ridership Recovery data is published up to two months later.

Monthly Operating Statistics Report

July 2022			Oakland & Alameda*	Vallejo*	Richmond	Harbor Bay	Alameda Seaplane	South San Francisco**	Systemwide	
Boardings	vs. last month	Total Passengers July 2022	62,747	63,900	19,078	12,240	17,224	3,867	179,056	
		Total Passengers June 2022	58,316	64,035	22,412	15,759	21,036	4,597	186,155	
		Percent change	7.60%	-0.21%	-14.88%	-22.33%	-18.12%	-15.88%	-3.81%	
	vs. same month last year	Total Passengers July 2022	62,747	63,900	19,078	12,240	17,224	2,187	177,376	
		Total Passengers July 2021	51,571	46,095	10,816	7,046	7,702		123,230	
		Percent change	21.67%	38.63%	76.39%	73.72%	123.63%		43.94%	
	vs. prior FY to date	Total Passengers Current FY To Date	62,747	63,900	19,078	12,240	17,224	3,867	179,056	
		Total Passengers Last FY To Date	58,316	64,035	22,412	15,759	21,036		181,558	
		Percent change	7.60%	-0.21%	-14.88%	-22.33%	-18.12%		-1.38%	
	Ops Stats	Avg Weekday Ridership July 2022		2,988	3,043	908	583	820	184	8,526
		Passengers Per Hour July 2022		138	84	57	68	99	31	88
		Revenue Hours July 2022		455	759	333	181	173	123	2,024
Revenue Miles July 2022		6,373	20,491	5,975	3,732	2,860	2,145	41,577		
Farebox Recovery Year-To-Date		30%	33%	9%	14%	16%	6%	24%		
Peak hour utilization, AM – July 2022		13%	30%	30%	27%	23%	18%	24%		
Peak hour utilization, PM – July 2022		33%	44%	28%	37%	24%	13%	30%		
Fuel	Fuel Used (gallons) – July 2022		62,999	141,747	44,099	22,050	28,349	15,750	314,994	
	Avg Cost per gallon – July 2022		\$4.62	\$4.62	\$4.62	\$4.62	\$4.62	\$4.62	\$4.62	

* Includes special event ridership to/from Oracle Park and/or Chase Center

** Service suspended on the South San Francisco route until November 2021

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Thomas Hall, Public Information & Marketing Manager

SUBJECT: Chase Center Ferry Service Survey Summary

Recommendation

There is no recommendation associated with this informational item.

Background

WETA began operating Chase Center ferry service in October 2019 utilizing the agency's emergency float installed at Pier 48.5 in the Mission Bay neighborhood of San Francisco. From October 2019 through March 2020, WETA provided service to Pier 48.5 connecting directly to the Oakland and Main Street Alameda ferry terminals before and after all Golden State Warriors home games and concert events at Chase Center. The Pier 48.5 Ferry Terminal is located an approximately 12-minute walk from the arena.

In February 2020, due to variable but overall low ferry ridership, WETA began considering discontinuing ferry service for concert events effective July 2020. Service for Warriors games was recommended to continue due to strong ridership.

In March 2020, due to the COVID-19 crisis emerging, all events at Chase Center were canceled. Public access to events resumed in April 2021. Due to continued capacity restrictions for social distancing on transit under local public orders, WETA did not offer service for the limited number of Warriors' games with fans present the remainder of that season. WETA resumed its full service for Warriors games in October 2021 and saw healthy ridership throughout the season.

In order to improve service and gain valuable information about passengers, WETA conducted a targeted opt-in digital survey in July 2022. The survey was sent to subscribers of WETA's Warriors ferry service email list as well as all passengers who purchased Chase Center ferry tickets online during the 2021-22 season. WETA received 278 completed responses.

Discussion

Here are the top line survey results.

Why game attendees chose the ferry over other transportation modes

1. Convenience (208 respondents)
2. Comfort (161)
3. Fun experience (158)
4. Timing/schedule (120)
5. Cost compared to other options (110)

All other options were selected by 20% or less of respondents. Other listed options included: safety; availability of guaranteed seats; availability of pre-game concessions.

Ferry alternatives: How passengers said they'd get to games without the ferry

1. Car by myself or with friends/family: 42%
2. Non-ferry transit: 37%
3. Wouldn't attend games: 9%
4. Ride hail (Uber/Lyft): 9%
5. Other: 3%

Sentiment on specific aspects of Warriors ferry service (1-5 scale, 5 best)

- The experience on the ferry itself: 4.5
- Boarding the ferry pre-game: 4.4
- Ticket purchasing experience: 4.3
- Queuing and boarding post-game: 4.1
- Cost of Service: 4.0
- Concessions: 3.8
- Traveling between Pier 48.5 and Chase Center: 3.7

Service schedule

For pre-game arrival times:

- 60% said they were just right
- 39% said they were too late
- <1% said they were too early

For post-game departure times:

- 70% said they were just right
- 21% said they were too early
- 9% said they were too late

Miscellaneous questions

- 70% of those who rode Warriors ferry service have used the ferry for other reasons in the past year
 - 46% rode regular ferries 1-5 times in the past year
 - 13% rode 6-20 times
 - 11% rode 21+ times
 - 30% have not rode regular ferries in the past year
- For those Warriors ferry service riders who have rode regular ferries in the past year, their ride purpose was:
 1. Recreation including shopping or Giants games: 76%
 2. Work, school or medical appointment: 28%
 3. Just for the ferry ride: 14%
- Origin Cities (48 total origination cities listed)
 1. Alameda (31%)
 2. Oakland (21%)

3. Berkeley (6%)
4. Walnut Creek (5%)
5. San Leandro (3%)
6. Richmond (3%)

WETA plans to operate Chase Center ferry service for the 2022-23 Warriors season with the same fares and schedules as used in 2021-22. While WETA cannot adjust the pre-game ferry arrival time without adding significant new crew expenses or significantly disrupting other routes' schedules, to address concerns from a minority of passengers about arriving at the arena later than desired, WETA will connect with staff from the Warriors and the San Francisco Metropolitan Transportation Agency (SFMTA) regarding opportunities and availability of shuttle service between the Pier 48.5 terminal and the arena for mobility-limited passengers. When complete, WETA's planned terminal at Mission Bay will provide more direct access to the venue.

For the 2021-22 season, all Chase Center ferry service tickets will be able to be purchased directly on the San Francisco Bay Ferry website and in the new San Francisco Bay Ferry app. WETA plans for preseason and regular ferry tickets to be available for purchase by the end of August.

Fiscal Impact

There is no fiscal impact associated with this informational item.

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director

SUBJECT: Adopt Resolution Regarding Remote Meetings Pursuant to Assembly Bill 361

Recommendation

Adopt resolution authorizing the WETA Board to meet remotely pursuant to the provisions of AB 361.

Background/Discussion

In March 2020, the Governor of California issued several executive orders in response to the COVID-19 pandemic suspending portions of the Ralph M. Brown (Brown) Act to allow Board members to participate remotely in Board meetings without complying with the Brown Act's restrictions on such remote attendance. (Executive Order N-25-20 and N-29-20)

The Governor's executive order that specifically waived certain requirements of the Brown Act expired on September 30, 2021. On September 16, 2021, the Governor signed Assembly Bill (AB) 361 into law, effective on October 1, 2021. AB 361 amends the Brown Act to allow legislative bodies to meet remotely without complying with traditional teleconference meeting rules, provided there is a state of emergency and either (1) state or local officials have imposed or recommended measures to promote social distancing or (2) the legislative body determines by majority vote that meeting in person would present imminent risks to the health and safety of attendees.

The Governor-declared state of emergency continues to be in effect and both state and local officials continue to recommend measures to promote physical distancing. WETA's Board meetings therefore are in accordance with AB 361's requirements.

In order to qualify for AB 361, the Board must, within 30 days of its first meeting under AB 361, and every 30 days thereafter, make findings that it has reconsidered the circumstances of the state of emergency and that either or both (a) the state of emergency continues to directly impact the ability to meet safely in person and/or (b) state or local officials continue to impose or recommend measures to promote social distancing.

The Executive Director recommends that the Board adopt these findings with the understanding that the Board would need to approve a similar resolution every 30 days if it wishes to continue to meet under AB 361's requirements for teleconference Board meetings.

Fiscal Impact

There is no fiscal impact associated this recommendation.

END

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2022-36

FINDINGS PURSUANT TO AB 361 TO CONTINUE REMOTE PUBLIC MEETINGS

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for a broader spread of COVID-19; and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, the California Department of Public Health and the Department of Industrial Relations have imposed or recommended measures to promote social distancing, and the San Francisco Public Health Department continues to recommend measures to promote social distancing in combination with other safety precautions when activities occur in shared indoor spaces to mitigate the risk of COVID-19 transmission; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 into law as urgency legislation that went into effect on October 1, 2021, amending Government Code Section 54953 of the Brown Act to allow legislative bodies to continue to meet remotely without conforming to Brown Act teleconferencing rules if the legislative body holds a meeting during a proclaimed state of emergency, and if state or local officials have imposed or recommended measures to promote social distancing; now, therefore, be it

RESOLVED that the Board of Directors has considered the circumstances of the State of Emergency and finds that:

- a. The factors triggering the State of Emergency continue to directly impact the ability of the members of the Board and members of the public to meet safely in person; and
- b. state or local officials continue to recommend measures to promote social distancing; and be it further

RESOLVED, that the Board of Directors will reconsider the circumstances of the state of emergency and revisit the need to conduct meetings remotely within 30 days of the adoption of this resolution.

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 1, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2022-36

END

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

(August 17, 2022)

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session at the WETA Central Bay Operations & Maintenance Facility at 670 W Hornet Ave, Alameda, CA and via videoconference consistent with AB 361 as codified in Government Code Section 54953.

1. CALL TO ORDER

Chair James Wunderman called the meeting to order at 10:01 a.m.

2. ROLL CALL

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

Chair Wunderman led the Pledge of Allegiance. He welcomed directors, staff, and meeting guests and noted that the meeting was being conducted in person and by videoconference and was being recorded. He advised guests about offering public comment and how guests could sign up to speak throughout the meeting.

3. ADOPT RESOLUTION MAKING FINDINGS PURSUANT TO ASSEMBLY BILL 361 TO HOLD REMOTE PUBLIC MEETINGS

This item recommended adopting a resolution making findings pursuant to AB 361 to hold remote public meetings.

Vice Chair Moyer made a motion to adopt Resolution No. 2022-31 approving this item.

Chair Wunderman called for public comments, and there were none.

Director Intintoli seconded the motion, and the item passed unanimously.

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

4. BUSINESS PLAN WORKSHOP

Chair Wunderman stated that the Business Plan Workshop would include discussions on planning, policies, funding, and strategies to carry out the 2050 WETA Service Vision.

Planning & Development Manager Kevin Connelly introduced the item and the project team of staff and consultants noting that the focus of the workshop was primarily in two areas: service planning and vision as well as financial capacity. Mr. Connolly shared the group presentation outlining the goals of the workshop, the project timeline and milestones, and the six focus areas that were identified: regional ferry network, community connections, emergency response, environmental stewardship, financial capacity, and organizational capacity.

Principal Planner Michael Gougherty summarized the outreach and provided an abbreviated version of information that was presented to the stakeholders. CivicMakers Co-founder Lawrence Grodeska provided reports from feedback received from the business and community advisory groups, and CivicMakers Project Manager Mike King provided an overview of bayferry2050.org and responses

received from the website survey. Transportation Planner Gabriel Chan reported on the county working groups of city and county staff from Alameda, Contra Costa, San Francisco, San Mateo, and Solano counties.

Before continuing the discussion, Mr. Gougherty acknowledged and thanked the stakeholders that have participated in the business plan meetings and offered to address questions.

The Directors recognized the need for additional funding for the vision beyond what is outlined in WETA's 2016 Strategic Plan. Mr. Gougherty reminded the Board that WETA's Strategic Plan preceded Regional Measure 3 (RM3) and suggested that like the Strategic Plan, the Business Plan be used for advocacy work to obtain new funding.

The Directors asked for clarification on farebox recovery under RM3. The Directors agreed that the vision should be ambitious and include information gathered from stakeholders recognizing that the plan would be updated every few years.

Chair Wunderman said to think about how the ferry service could contribute to the overall greater economy of the Bay Area and to think harder about how WETA can leverage and promote the benefits offered by shoreline developments.

Mr. Gougherty thanked the Board for their feedback and continued his presentation on service vision development on the network expansion concepts on proposed terminals and routes and how variable factors used in the scenario planning process would help determine futures based upon the transit policy and travel behavior.

Mr. Gougherty credited Fehr & Peers for coming up with the future terms and took a moment to respond to questions.

Mr. Connolly continued the presentation on the financial capacity analysis and noted that the future scenarios assumed the availability of RM3. He stated that the next step would be a full evaluation of the network expansion concepts.

The Directors thanked the team for the presentation and the conversations.

PUBLIC COMMENT

Hercules Vice Mayor Alexander Walker-Griffin thanked WETA for the presentation and extended an invite to the Directors for a Hercules tour.

Golden Gate Bridge, Highway and Transportation District Claims Administrator Karen Buchanan was grateful to be part of the Community Advisory Group and applauded WETA's efforts for the future visioning of ferry service.

San Jose State University Assistant Professor of Urban Planning and Community Advisory Group member Gordon Douglas reminded everyone about the need for resiliency and redundancy from an emergency preparedness standpoint.

Benicia Community Advisory Group member Terry Scott spoke about population shifts into more remote areas and offered his assistance.

Executive Director Seamus Murphy stated that leveraging funding opportunities will be essential to implementing a service vision and added that strategies will be developed to determine the priority of the expansion opportunities.

5. RECESS

Chair Wunderman adjourned the first part of the agenda at 12:15 p.m. stating that the meeting would reconvene at 1:00 p.m.

6. CALL TO ORDER/ROLL CALL

Chair James Wunderman called the meeting to order at 1:03 p.m.

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

7. REPORT OF BOARD CHAIR

Chair Wunderman thanked Directors Moyer and Alba for their leadership and Mr. Murphy, his staff, and the consultants for their work on the business plan.

8. REPORTS OF DIRECTORS

The Directors thanked staff for their work and presentation on the business plan.

9. REPORTS OF STAFF

Mr. Murphy shared his presentation and findings on zero-emissions from his trip to Scandinavia. Chair Wunderman thanked Director Alba for helping to organize the trip.

Public Information & Marketing Manager Thomas Hall provided an update on the passenger experience upgrade with the launch of Anchor Operating System's integrated ticketing system and app. He recognized and thanked the WETA and Blue & Gold Fleet staff for their involvement in deploying the new system.

The Directors thanked Mr. Hall for the update and recognized the team's accomplishment for seamlessly moving to the new ticketing system.

Mr. Murphy asked WETA attorney Katherine Tsou from Hanson Bridgett LLP to provide an update on the RM3 litigation. Ms. Tsou stated that the California Supreme Court's decision in *Zolly v. City of Oakland* did not address the legal issues directly related to the case challenging the RM3 tolls and therefore, did not resolve the RM3 case. She said that she anticipates that the Court will order briefing to begin for the RM3 case soon and a decision may be expected in about a year.

Mr. Murphy invited WETA State Legislative Representatives Nate Solov from Nossaman LLP and Jennifer Capitolo from Jennifer M. Capitolo & Associates to provide an update on bills and funding work and successes.

Mr. Murphy provided five written reports and offered to answer questions.

Chair Wunderman called for public comments, and there were none.

10. CONSENT CALENDAR

Director Intintoli made a motion to approve the consent calendar:

- a. Board Meeting Minutes – June 2, 2022

Chair Wunderman called for public comments on the consent calendar, and there were none.

Vice Chair Moyer seconded the motion, and the consent calendar carried unanimously.

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

11. APPROVE REVISIONS TO FISCAL YEAR 2023 BUDGET AND SALARY SCHEDULE

Chief Financial Officer Erin McGrath presented this item recommending that the Board approve revising the Fiscal Year (FY) 2023 Operating and Capital Budgets and the FY 2023 Salary Schedule.

Ms. McGrath stated that the item accomplished the following four things:

- Provided additional funding to account for the Blue & Gold Fleet labor negotiations that were completed after the FY 2023 budget was approved,
- Adjusted WETA salaries commensurate with the cost of living adjustment (COLA) given to the Blue & Gold Fleet crews,
- Upgraded the WETA grants position from Grants Administrator to Grants Manager, and
- Adjusted the capital budget to account for a cash flow error.

Director Intintoli made a motion to adopt Resolution No. 2022-32 approving this item.

Chair Wunderman called for public comments on the consent calendar, and there were none.

Vice Chair Moyer seconded the motion, and the item passed unanimously.

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

12. APPROVE REVISIONS TO THE ADMINISTRATIVE CODE TO CLARIFY THE EXECUTIVE DIRECTOR'S AUTHORITY TO UPDATE AND MAINTAIN THE HUMAN RESOURCES GUIDE

Mr. Murphy presented this item recommending adopting a resolution approving revisions to the Administrative Code clarifying that the Executive Director has the authority to update and maintain the Human Resources Guide consistent with the policies established by the Board.

Director Alba made a motion to adopt Resolution No. 2022-33 approving this item.

Chair Wunderman called for public comments, and there were none.

Director Intintoli seconded the motion, and the item passed unanimously.

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

13. APPROVE CONTRACT AWARD TO DAKOTA CREEK INDUSTRIES, INC. FOR THE MV PYXIS GENERATOR DIESEL PARTICULATE FILTER DEMONSTRATION PROJECT

Operations & Maintenance Manager Timothy Hanners presented this item recommending the following actions:

1. Approve contract award to Dakota Creek Industries, Inc. (DCI) for the MV *Pyxis* Diesel Particulate Filter (DPF) Demonstration Project in the amount of \$300,000; and
2. Approve a contract contingency in the amount of \$30,000; and
3. Authorize the Executive Director to negotiate and execute an agreement with DCI and take any other related actions to support this work.

Mr. Hanners noted that DCI was the only respondent, so he had reached out to several yards about their reasons for not responding. The other yards stated that they declined to submit a proposal because this is a high risk project that has never been done before, and the total value of the project is low.

Mr. Hanners stated that DPFs are very effective at reducing particulate matter by up to 85 percent.

Director Alba made a motion to adopt Resolution No. 2022-34 approving this item.

Chair Wunderman called for public comments, and there were none.

Director Intintoli seconded the motion, and the item passed unanimously.

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

14. APPROVE SOLE SOURCE CONTRACT AWARD TO PACIFIC POWER GROUP, LLC FOR MAIN ENGINE PREVENTATIVE MAINTENANCE SERVICES

Mr. Hanners presented this item recommending the following actions:

1. Approve the award of a Sole Source Contract to Pacific Power Group, LLC (PPG) in the amount of \$1,747,479 for main propulsion engine maintenance services for the MV *Cetus*, *Hydrus*, *Argo*, *Intintoli*, and *Mare Island*; and
2. Approve a contract contingency in the amount of \$87,374; and
3. Authorize the Executive Director to negotiate and execute an agreement with PPG and take any other required actions to support this work.

Mr. Hanners reminded the Board that PPG is the MTU engine authorized dealer on the West Coast to carry out the warranty for repairs and failed equipment as the justification for the sole source. He explained that he had reached out to other companies in similar situations and had reviewed quotes from previous work to determine whether the price is within range and engineer's estimates.

Director Intintoli made a motion to adopt Resolution No. 2022-35 approving this 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. Absent: None.

15. VALLEJO TERMINAL RECONFIGURATION UPDATE AND AUTHORIZATION TO RELEASE A REQUEST FOR PROPOSAL FOR ENVIRONMENTAL REVIEW AND PERMITTING SERVICES

Mr. Connolly presented this item recommending authorizing the release of a Request for Proposal (RFP) for environmental review and permitting services for the Vallejo Terminal Reconfiguration Project.

Mr. Connolly credited Senior Planner/Project Manager Chad Mason for coming up with the creative solution and potential design that would be a permanent fix to avoid future dredging costs and service disruption. He shared his presentation including the dredging history, cost, and reconfiguration goals.

Director Intintoli made a motion to approve this item.

PUBLIC COMMENT

City of Vallejo Planning and Development Services Director Christina Ratcliffe thanked WETA for reaching out and the early heads up in involving the city. She clarified that the work had not started on the waterfront master plan.

Ms. McGrath stated that funding for dredging came through the federally funded Transit Capital Priorities Program coordinated through the Metropolitan Transportation Commission (MTC).

Vice Chair Moyer seconded the motion, and the item passed unanimously.

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

16. UPDATE ON FARE COORDINATION AND INTEGRATION STUDY
INSTITUTIONAL/EMPLOYER PASS PILOT PROGRAM

Transportation Planner Arthi Krubanandh presented this informational item about the two-year pilot program that went into effect on August 15, 2022.

The pilot will be implemented on Clipper (Clipper BayPass) and will provide unlimited rides on all participating Bay Area transit systems, including WETA. The pilot will be implemented in two phases:

- Phase 1: Focus on four educational institutions namely, UC Berkeley, San Francisco State University, Santa Rosa Junior College, and San Jose State University, and three affordable housing properties on the mid-Peninsula. About 50,000 passes were distributed to select students from these educational institutions and to the residents of the mid-peninsula housing properties. Phase 1 launched on August 15, 2022.
- Phase 2: Extend focus to employers in transit-concentrated locations such as downtown San Jose, San Francisco, and Oakland. This phase is expected to launch in early 2023.

Director Alba commented that with the exception for Sonoma State, only 25 percent of the students at each university will receive the pass and the other 75 percent will have to manage with current pass options. She noted that this program is an opportunity to analyze and assess the impact to ridership and revenue.

17. 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 2:49 p.m.

- Board Secretary

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Thomas Hall, Public Information & Marketing Manager

SUBJECT: Authorize Release of Request for Proposals for Marketing and Public Relations Services

Recommendation

Authorize release of a Request for Proposals (RFP) for Marketing and Public Relations Services.

Background

WETA has historically contracted with outside consultants to provide marketing and public relations services. WETA last sought proposals from firms for these services in 2017. At that time, the Board of Directors authorized the Executive Director to award contracts to three firms:

- MacKenzie Communications
- Robert Anthony Strategic Marketing & Design
- Civic Edge Consulting

WETA has contracted with these agencies to perform work to support WETA's marketing and public relations efforts over the past five years. The contracts authorized by the Board in 2017 capped annual payments to each firm in the amount of \$350,000 with one-year terms that could be extended on annual basis for up to five total years. Contracts under this authorization took effect in January 2018.

WETA has extended the contracts for MacKenzie Communications and Robert Anthony Strategic Marketing Design the maximum number of years, and these contracts will expire on December 31, 2022.

To support ongoing marketing and public relations activities, WETA is seeking authorization to begin a new procurement process with hopes of new contracts taking effect on January 1, 2023.

Discussion

WETA reviewed its use of marketing and public relations services under the approved contracts and crafted the RFP to ensure maximally effective consulting assistance going forward.

To that end, evaluation of the proposals will be based on the following criteria:

- **Project Understanding and Approach:** Proposer's understanding of the services; proposer's proposed approach to providing the services and working

- with WETA staff; organization chart of proposed team; and staffing plan (20% of score).
- **Proposer's Qualifications and Experience:** Proposer's qualifications to perform the services; proposer's relevant experience performing work that is the same or similar to the services, including the scope and dollar value of prior projects completed and proposer's references; and sufficiency of proposer's financial strength, resources and capabilities to perform the services (40% of score).
- **Qualifications and Experience of Key Personnel:** Key personnel's qualifications to perform the services and key personnel's relevant experience performing work that is the same or similar to the services (30% of score).
- **Cost Proposal:** Reasonableness of billing rates (10% of score).

The services expected to be performed by selected proposers on a task order basis include:

- Plan, develop and execute multi-channel, multi-lingual marketing campaigns based on specific WETA-directed objectives as it pertains to increasing ridership, brand affinity and awareness of San Francisco Bay Ferry and any other WETA services.
- Provide creative services to support campaigns and other WETA marketing and public information initiatives including but not limited to creative development, design, copywriting, scriptwriting, video production, audio production and website development.
- Coordinate with WETA-contracted vendors and other vendors for production and delivery of collateral materials.
- Provide media buying services for print, digital, radio and out-of-home channels.
- Plan and execute marketing and public information events including ribbon cuttings, press conferences, groundbreakings and other celebrations.
- Provide ongoing media relations, media monitoring and crisis communications support.
- Provide support for social media management and monitoring.
- Advise WETA staff on trends and changes in the advertising, marketing and public relations industries relevant to WETA objectives and brand positioning.

Pending future Board authorization, WETA proposes the contracts awarded as a result of this procurement have a base term of 3.5 years with two 2-year extensions at WETA's discretion for a maximum contract length of 7.5 years, expiring no later than June 30, 2030. Because of the nature of these services, consistent support from firms familiar with WETA's brand, messaging, image standards and philosophy is highly beneficial for efficient and cost-effective performance. This proposed contract structure would also move this work onto a fiscal year basis, which is conducive to WETA's budgeting cycle.

Fiscal Impact

Issuance of this RFP does not commit WETA to an expenditure of funds. The approved Fiscal Year 2022-23 budget includes \$342,500 for marketing and public relations services. Staff expects to return to the Board with a recommendation for contract award in December 2022.

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Thomas Hall, Public Information & Marketing Manager

SUBJECT: Authorize Release of Request for Proposals for Community Outreach Services

Recommendation

Authorize release of a Request for Proposals (RFP) for Community Outreach Services.

Background

As reported to the Board in November 2021, WETA entered into contracts with BrandGOV Outreach (BrandGOV) and Next Steps Marketing (NSM) following a solicitation offered under the Executive Director's authority. Over the course of Fiscal Year 2021/22, the two firms conducted community outreach programs on behalf of WETA, with BrandGOV conducting activities in Vallejo and NSM conducting activities in Richmond, Oakland and Alameda. WETA's current contract with NSM includes community outreach services focused on Oakland and Alameda through October 2022.

Additional information on WETA's Community Outreach Program can be found in the Community Outreach Program Report that will be presented later in the meeting.

Discussion

WETA is seeking authorization to begin a new procurement process with hopes of new contracts taking effect on January 1, 2023.

Pending Board authorization, WETA proposes the contracts awarded as a result of this procurement have a base term of 3.5 years with two 2-year extensions at WETA's discretion for a maximum contract length of 7.5 years, expiring no later than June 30, 2030.

Evaluation of the proposals will be based on the following criteria:

- **Project Understanding and Approach:** Proposer's understanding of the services; proposer's proposed approach to providing the services and working with WETA staff; organization chart of proposed team; and staffing plan (40% of score).
- **Proposer's Qualifications and Experience:** Proposer's qualifications to perform the services; proposer's relevant experience performing work that is the same or similar to the services, including the scope and dollar value of prior projects completed and proposer's references; and sufficiency of proposer's financial strength, resources and capabilities to perform the services (30% of score).

- **Qualifications and Experience of Key Personnel:** Key personnel's qualifications to perform the services and key personnel's relevant experience performing work that is the same or similar to the services *(20% of score)*.
- **Cost Proposal:** Reasonableness of billing rates *(10% of score)*.

Contracts offered under the RFP would engage selected proposers in the following tasks:

- Plan and execute targeted multilingual and culturally sensitive outreach campaigns at the neighborhood or community level to raise awareness of San Francisco Bay Ferry service and initiatives through WETA's service area.
- Plan and execute campaigns to raise awareness of programs that increase equitable access to the ferry system and WETA's procurement and employment opportunities.
- Build partnerships with community-based organizations and neighborhood groups to leverage existing networks and events to broadly raise awareness of San Francisco Bay Ferry service.
- Develop opportunities to highlight ferry service and WETA's positive impact on the community through neighborhood/community newsletters and other communication channels.
- Build community awareness of WETA's discount programs, including those benefitting lower-income residents.
- Plan and execute partner outreach campaigns with local employers, industry associations, merchant associations and labor organizations to enhance awareness of San Francisco Bay Ferry service and increase stakeholder interest in WETA activities.
- Adhere to WETA brand guidelines and coordinate with WETA staff and consultants on visual representation of the WETA and San Francisco Bay Ferry brands.

Fiscal Impact

Issuance of this RFP does not commit WETA to an expenditure of funds. The approved Fiscal Year 2022-23 budget includes \$100,000 for marketing and public relations services, \$30,000 of which is currently committed under contract. Staff expects to return to the Board with a recommendation for contract award in December 2022.

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Erin McGrath, Chief Financial Officer

SUBJECT: Authorize Filing Applications for FY 2021/22 through FY 2023/24 Federal Transit Administration Formula Program Funds to Support Various Capital Projects

Recommendation

Authorize Fiscal Year (FY) 2021/22 through FY 2023/24 Federal Transit Administration (FTA) Section 5307 Urbanized Area, and Section 5337 State of Good Repair (together referred to as FTA Formula Program) grant funding requests to support various capital improvement projects, commit the necessary local match, assure completion of the projects, and take other necessary actions to support securing these funds.

Background

WETA utilizes federal formula funding for preventive maintenance, repair, and replacement projects to keep the fleet and infrastructure in good working order. The Metropolitan Transportation Commission (MTC) is responsible for programming FTA Formula Program funds to eligible transit operators in the San Francisco Bay Area region through their Transit Capital Priorities (TCP) Process and Criteria programming guidelines. Once these funds are programmed by MTC and annual program funds are appropriated by Congress, individual project sponsors can secure these funds through grant applications and execution of grant funding agreements directly with FTA.

Discussion

Consistent with MTC's TCP programming guidelines, WETA is eligible for the use of FTA Formula Program funds for the projects and the funding amounts as shown in Table 1. These projects are contained in WETA's FY 2022/23 Capital Budget and the FY 2019/20 to FY 2028/29 Short Range Transit Plan:

Table 1: FY2021/22 through FY2023/24 FTA Funding Program

Project Title	FY2021/22 FTA Funds	FY2022/23 FTA Funds	FY2023/24 FTA Funds	Total Local Match	Total Project
Ferry Vessel Replacement - MV Mare Island	\$21,157,300	\$0	\$0	\$5,289,330	\$26,446,630
Ferry Channel Dredging	\$2,455,920	\$0	\$2,605,500	\$1,265,360	\$6,326,780
Ferry Vessels Major Component Rehabilitation	\$2,410,560	\$4,273,500	\$8,285,000	\$3,742,270	\$18,711,330
Ferry Vessels Mid-Life Refurbishment	\$3,590,000	\$3,697,700	\$3,929,200	\$2,804,230	\$14,021,130
Passenger Floats Rehabilitation	\$1,089,600	\$0	\$2,067,000	\$789,150	\$3,945,750
Total	\$30,703,380	\$7,971,200	\$16,886,700	\$13,890,340	\$69,451,620

Staff has begun preparation of the required grant materials and requests Board approval to submit WETA's FY 2020/21 through FY 2023/24 FTA Formula Program of Projects to MTC and FTA. This programming process represents the first step in securing funds to support these necessary capital rehabilitation and replacement projects scheduled for implementation over the next several years.

Fiscal Impact

This item would provide up to \$55,561,280 in FY 2021/22 through FY 2023/24 FTA Formula Program funds to support the implementation of the various ferry capital improvement projects. These capital projects are included in WETA's FY 2022/23 Capital Budget and the FY 2019/20 to FY 2028/29 Short Range Transit Plan.

END

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2022-37

AUTHORIZE FILING APPLICATIONS FOR FEDERAL TRANSIT ADMINISTRATION FORMULA PROGRAM FUNDING FOR VARIOUS FERRY CAPITAL PROJECTS AND COMMITTING THE NECESSARY LOCAL MATCH FOR THE PROJECTS AND STATING THE ASSURANCE OF SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY TO COMPLETE THE PROJECTS

WHEREAS, Congress establishes the funding for the Federal Transit Administration (FTA) programs through authorizing legislation that amends Chapter 53 of Title 49 of the U.S. Code. On November 5, 2021, Congress passed the Infrastructure Investment and Jobs Act (H.R. 3684), known as the Bipartisan infrastructure Law (BIL); and

WHEREAS, the BIL authorizes up to \$108 billion to support federal public transportation programs; and

WHEREAS, pursuant to the BIL, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Federal Transit Administration (FTA) Section 5307 Urbanized Area, or Section 5337 State of Good Repair (collectively, FTA Formula Program) grants for projects must submit an application first with the appropriate metropolitan transportation planning organization (MPO) for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the designated MPO for the nine-county Bay Area; and

WHEREAS, San Francisco Bay Area Water Emergency Transportation Authority (WETA) is an eligible project sponsor for FTA Formula Program; and

WHEREAS, WETA wishes to submit grant applications to MTC for funds from the FY 2021/22 through FY 2023/24 FTA Formula Program for the following projects: Ferry Vessel Replacement, Ferry Channel Dredging, Ferry Vessels Major Components Rehabilitation, Ferry Vessels Mid-Life Refurbishment, and Passenger Floats Rehabilitation; and

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of necessary local matching funds of at least of 20% for FTA Formula Program funds; and
- 2) that the sponsor understands that the FTA Formula Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with FTA Formula Program funds; and
- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) that the sponsor understands that FTA Formula Program funds must be obligated within three years of programming, or the project may be removed from the program;

now, therefore, be it

RESOLVED by the Board of Directors that WETA is authorized to execute and file applications for funding under the FTA Formula Program for up to \$55,561,280 for Ferry Vessel Replacement, Ferry Channel Dredging, Ferry Vessels Major Components Rehabilitation, Ferry Vessels Mid-Life Refurbishment, and Passenger Floats Rehabilitation; and be it further

RESOLVED that the Board of Directors, by adopting this resolution, does hereby state that:

- 1) WETA will provide up to \$13,890,340 in local matching funds; and
- 2) WETA understands that the FTA Formula Program funding for these projects is fixed at \$55,561,280, and that any cost increases must be funded by WETA from local matching funds, and that WETA does not expect any cost increases to be funded with FTA Formula Program funds; and
- 3) Ferry Vessel Replacement, Ferry Channel Dredging, Ferry Vessels Major Components Rehabilitation, Ferry Vessels Mid-Life Refurbishment, and Passenger Floats Rehabilitation will be built as described in this resolution and, if approved, for the amount shown in the MTC Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated within three years of programming; and
- 5) WETA will comply with FTA requirements and all other applicable Federal, state and Local laws and regulations with respect to the proposed projects; and be it further

RESOLVED, that WETA is an eligible sponsor of projects in the program for FTA Formula Program; and be it further

RESOLVED, that there is no legal impediment to WETA making applications for FTA Formula Program funding; and be it further

RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed projects, or the ability of WETA to deliver such projects; and be it further

RESOLVED, that WETA agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it further

RESOLVED that a copy of this resolution will be transmitted to MTC prior to MTC programming the FTA Formula Program funded projects in the TIP; and be it further

RESOLVED that MTC is requested to support the application for the projects described in the resolution and to program the projects, if approved, in MTC's TIP.

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 1, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2022-37

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Lauren Gulate, Government & Regulatory Affairs Manager

SUBJECT: Approve Contract Award to Shaw Yoder Antwih Schmelzer & Lange for the Provision of State Legislative Representation Services

Recommendation

Approve contract award for state legislative representation services to Shaw Yoder Antwih Schmelzer & Lange (SYASL) in the amount of \$222,000 for a three-year term beginning October 1, 2022, with the option to extend the contract for up to a total of seven years and authorize the Executive Director to negotiate and execute a contract and to exercise the option to extend the term if deemed in WETA's best interest.

Background

State legislative representation services required by WETA include assisting and advising WETA about positions on relevant legislation, policies, and regulations; building and maintaining relationships with, and enhancing awareness about WETA programs and services with key State decision makers; and developing and implementing legislative and regulatory strategies that will enhance WETA's ability to fulfill its mission and ensure continued state financial and legislative support for the organization and its programs. WETA has utilized the firm Nossaman LLP to provide state legislative services since 2019 for a three-year term. In an effort to periodically competitively bid professional service contracts for ongoing services, the Board directed staff to advertise this professional service for competitive bid at the February 2022 meeting.

Discussion

A Request for Proposal (RFP) for state legislative representation services was released on June 24, 2022, and was posted on WETA's website, sent to firms on our mailing list, and sent to 94 lobbying and public relations firms registered on the Bonfire procurement system. Proposals were due on July 28, 2022. The RFP required proposers to be located in Sacramento and to have knowledge, interest and experience in the areas of public transportation, emergency response and maritime operations, and to be familiar with state funding opportunities and regulatory agencies associated with these functions.

Three firms submitted proposals in response to the RFP including Khouri Consulting, Nossaman LLP, and SYASL. All firms submitted the required materials and were deemed to be responsive.

An Evaluation Committee, made up of WETA staff as well as an outside representative, was established to review and score the proposals. The evaluation criteria for the proposal review, as established in the RFP, considered project understanding and approach, qualifications and experience of the firm, qualifications and experience of key personnel and price.

The evaluation team reviewed and independently scored the proposals. No interviews took place as there was a consensus highest ranked proposer. The combined results of the evaluation are summarized below:

Evaluation Criteria	Total Points	Khoury	Nossaman	SYASL
Project understanding and approach	30	23.7	24.3	28.3
Proposer's qualifications and experience	25	22.7	22.7	24.3
Qualifications and Experience of Key Personnel	25	24.7	24	24.7
Cost	20	16.2	20	17.5
Total	100	87.2	91	94.8

Based on the review of proposals the Evaluation Committee recommends award of a contract for state legislative services to the firm of SYASL.

SYASL is located in Sacramento and has been at the center of transportation advocacy for decades and provides a range of services to local government entities, non-profits, and corporate clients. The firm has years of legislative experience and specializes in lobbying transportation, public transit, local government, land use, housing, port & goods movement, procurement, and infrastructure issues. SYASL has a record of achievement and significant success in the enactment, defeat, or amendment of legislation for their clients, as well as assisting their clients with securing funds through state & federal grant programs and the annual state budget process. In addition, SYASL provides management support for the California Transit Association and through that role regularly serves as policy experts to the State Legislature, Governor's Administration, United States Congress and a variety of other agencies, departments and commissions.

SYASL's proposal included a well-rounded team of seasoned staff to monitor and report on legislation of interest to WETA, keep WETA apprised of ongoing legislative developments, undertake direct advocacy on behalf of WETA, coordinate and cooperate with other organizations, assist WETA with its external legislative communications and identify state funding opportunities for WETA. Matt Robinson and Michael Pimentel will serve as project managers for WETA and will have the primary responsibility for managing the SYASL team to meet WETA's objectives. In advancing WETA's legislative, regulatory, and funding priorities, Matt Robinson and Michael Pimentel will divide responsibilities between themselves based on their subject matter expertise and the strength of their relationships to decisionmakers relevant to WETA's priorities. The SYASL team also includes two support lobbyists, Andrew Antwih and Alchemy Graham, as well as a legislative aide to support WETA in a wide range of specialized areas and provide extra capacity to the team.

Consistent with the RFP, staff recommends an initial contract term of three years with an option to extend the contract for up to a total of seven years. As proposed, the services would be provided for a fixed annual fee of \$72,000 in the first 2 years increasing to \$78,000 beginning on October 1, 2024, for a total of \$222,000 for the initial 3-year term. The combined cost of the four option years is \$330,000.

Fiscal Impact

Sufficient funds are included in the FY 2022/23 Operating Budget to support year one of this contract. Funds to support additional years of work will be included in future year annual operating budgets.

END

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2022-38

**APPROVE CONTRACT AWARD TO SHAW YODER ANTWIH SCHMELZER & LANGE
FOR THE PROVISION OF STATE LEGISLATIVE REPRESENTATION SERVICES**

WHEREAS, WETA is in need of state legislative representation services; and

WHEREAS, On June 24, 2022, WETA issued a Request for Proposals (RFP) for state legislative representation services; and

WHEREAS, in accordance with the RFP and WETA's Administrative Code, WETA established an evaluation committee that reviewed all proposals received by the RFP's due date; and

WHEREAS, based on the evaluation criteria in the RFP, the evaluation committee determined Shaw Yoder Antwih Schmelzer & Lange (SYASL) was the highest-ranked proposer; and

WHEREAS, SYASL's price proposal is in the fixed amount of \$220,000 for a three-year term, with options for an additional four years at the combined fixed price of \$330,000; and

WHEREAS, the Executive Director recommends the Board award a contract to SYASL for a fixed amount of \$220,000 over a three-year term, with options for an additional four years at the combined fixed price of \$330,000; now, therefore, be it

RESOLVED, that the Board of Directors hereby approves entering into an agreement with Shaw Yoder Antwih Schmelzer & Lange for state legislative representation services in the amount of \$220,000 for a three-year term, with options for an additional four years at the combined fixed price of \$330,000; and be it further

RESOLVED, that the Board of Directors authorizes the Executive Director to execute an agreement with SYASL, to exercise any options for extension if deemed in WETA's best interest, and to take any other necessary actions consistent with this action.

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 1, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2022-38

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Thomas Hall, Public Information & Marketing Manager

SUBJECT: WETA Advertising Policy

Recommendation

Adopt the proposed WETA Advertising Policy (Policy) and authorize the Executive Director or his designee to take actions necessary to implement the Policy, including entering into advertising agreements consistent with the Policy.

Background

In recent years, businesses have frequently reached out to WETA regarding opportunities for paid advertising on board ferries. Onboard and terminal-based advertising is common among local public transit operators and can be a significant revenue stream for larger operators. Given decreased revenue due to the COVID-19 pandemic, WETA is exploring new revenue opportunities including advertising on its properties, primarily onboard ferries. The agency's Advertising Policy will govern the sale and use of advertising space on or in WETA facilities.

There are several potential opportunities for paid advertising on the WETA system. In recently constructed and retrofitted vessels WETA deployed electronic displays to better communicate with passengers. Messages displayed on the screens include safety information, service changes, promotions, and passenger conduct reminders. WETA staff currently manages content in-house with graphic design and technical assistance support from outside consultants. WETA also supports mutual information sharing with public agency partners, including cities and counties in WETA's service area. On a limited basis, WETA has worked with non-profit organizations to highlight potential ferry-related events and destinations. Under the policy, these displays would be made available for onboard advertising in addition to these other functions. The policy would also allow future consideration of opening up advertising on WETA's digital assets and landside signage at terminals, which may be attractive to potential advertisers.

Discussion

Several factors require consideration in launching an advertising policy for a public agency. Primary among these is ensuring that advertising displayed on WETA property does not discourage San Francisco Bay Ferry ridership, an essential objective and revenue driver for the agency. In developing the proposed Policy (Attachment A), WETA staff and legal counsel considered advertising policies from other public transit agencies and paid special attention to the list of "Excluded Advertising" topics, which are covered in Section III of the Policy. Notable items on the Excluded Advertising list include false or misleading advertising, obscenity, advertising for several items prohibited on the WETA system, including weapons and tobacco products, and religious and political topics.

Another important consideration in structuring an advertising policy for a public agency is to ensure a viewpoint-neutral environment while protecting First Amendment rights. WETA does not intend to create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements. The proposed Policy therefore is limited to commercial advertising (except for advertising that promotes WETA and/or its services), defined as advertising for the sole purpose of promoting a business or selling products, goods, or services. The proposed Policy excludes political advertisements, which are defined as advertisements containing political speech referring to, expressing, or advocating opinions or positions on a particular ballot question, initiative, petition, referendum, law, candidate, political party or social issue, including any advertisement referring to or depicting a candidate for public office in any context.

Unlike some other transit agency advertising policies, the proposed Advertising Policy allows advertising of alcoholic beverages, provided that the advertising does not otherwise contain content that constitutes Excluded Advertising. The Bay Area has a rich community of craft brewers and distillers, and WETA sells alcoholic beverages on ferries through its third-party concessionaire.

Permitted Advertising, as defined in Section II of the Policy, will be allowed in specific locations onboard ferries, as determined by WETA. If, after implementing the Policy, staff determines additional locational restrictions on certain types of Permitted Advertising are necessary, such as limiting alcoholic beverages advertising to the immediate vicinity of the concessions bar, staff will return to the Board of Directors with a proposed amendment to the Policy.

At genesis, WETA intends that its advertising program will be limited to onboard opportunities and managed in-house by WETA staff using the existing content management system and displays. Pending adoption of the proposed Policy, staff will post the Policy, an advertising application, and rate sheet to the WETA website and solicit advertisers with an intent to begin advertising on October 1, 2022. Rates will be set to generate interest and based on rates offered by comparable public transit operators.

Depending on the success of the program, WETA may pursue advertising management services to maximize revenue. This could include upgrades to onboard electronic displays to allow for automated location-based advertisements, among other improvements. Procurement of any advertising management services or other program improvements will be conducted in accordance with the WETA Administrative Code. Staff will update the Board of Directors on significant advertising program developments.

Fiscal Impact

There are no costs associated with this resolution. Given current ridership levels and a lack of historical data on potential revenue, WETA does not have a reasonable estimate of potential advertising revenue to be earned by the agency for Fiscal Year 2022/23 or beyond. If the Policy is approved, realized advertising revenue to date will be reported in midyear budget updates to the Board of Directors.

END

Attachment A – Proposed WETA Advertising Policy

[PROPOSED]

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

ADVERTISING POLICY

The San Francisco Water Emergency Transportation Authority (WETA) is engaged in the sale of advertising in and upon WETA ferries, currently consisting of: (1) video screens within ferries; (2) poster, decal, and wrap spaces on the interior and exterior of ferries; and (3) concession areas of WETA ferries. This Advertising Policy (Policy) applies to all of WETA's current advertising sales and will apply to any future expansion of WETA's advertising sales, including advertising sales involving or on WETA property and within WETA's digital media (website, social media accounts, and newsletter).

I. PURPOSE

The purpose of this Policy is to clearly define the use of WETA's revenue-generating advertising and promotion spaces throughout WETA's ferries, facilities, publications, website, and social media accounts (each an "Advertising Location," and collectively the "Advertising Locations"). It is WETA's intention to allow advertising revenue generation, while protecting WETA's San Francisco Bay Ferry brand.

WETA recognizes that, as a public transit agency, members of the public may associate advertising messages displayed on WETA property with WETA services. Therefore, WETA acknowledges that it must ensure advertising does not negatively impact the ridership and safety of its passengers. Advertisements that are potentially offensive, controversial, disrespectful, harmful, or promote activities that are not permitted on WETA's ferries, could discourage people from riding WETA's ferries and also compromise the safety and comfort of WETA's passengers, employees, and contractors. Moreover, the acceptance of such advertisements could undermine WETA's goal of generating revenue by making it more difficult for WETA to attract and retain passengers. WETA also recognizes that, as a public agency, WETA must balance its interests with free speech rights under the First Amendment.

WETA will make Advertising Locations available for limited types of advertising (Permitted Advertising). By allowing limited types of advertising, WETA does not intend to create a public forum for public discourse or expressive activity or to provide a forum for all types of advertisements. All advertising shall be subject to this uniform, viewpoint-neutral Policy.

WETA will not permit the types of advertising defined below as Excluded Advertising. By prohibiting Excluded Advertising, WETA's intention is to: (1) maintain a professional advertising environment that maximizes advertising revenues, does not conflict with other WETA contracts, and minimizes interferences with or disruption of its ferry system; (2) maintain an image of neutrality on political, religious or other issues that are not the subject of Commercial Advertising, as defined below, and are the subject of public debate and concern; and (3) continue to build and retain ferry ridership.

II. PERMITTED ADVERTISING

The display of Permitted Advertising on or within WETA's Advertising Locations is intended only to supplement fare revenue and other income that funds WETA's operations, and to promote WETA's ferry operations. WETA desires that its passengers not be subject to advertisements containing material relating to political, religious, or issue advocacy about which public opinion

can be widely divergent and which some passengers may, therefore, find offensive. If passengers are so offended, it could affect the ridership and revenue of WETA adversely. Further, Excluded Advertising could negatively impact the safety of WETA's passengers. In order to realize the maximum benefit from the sale of space, advertising must be managed in a manner that will procure as much revenue as practicable, while ensuring that the advertising is of a type that: (1) does not discourage the use of the ferry system; (2) does not diminish WETA's reputation in the communities it serves, the good will of its customers or the established San Francisco Bay Ferry brand; (3) does not promote activities which are prohibited on WETA's ferries; and (4) is consistent with the principal purposes of providing safe and efficient public transportation.

To attain these objectives, the WETA's Board of Directors has established the following regulations governing advertising. Permitted Advertising cannot contain displays or messages that are Excluded Advertising, as defined below in Section III.

Permitted Advertising includes advertising in the following categories:

1. Commercial Advertising. Commercial Advertising is advertising for the sole purpose of promoting a business or selling products, goods or services. It does not include advertising that both promotes a business or offers to sell products, goods or services and also conveys a political or religious message, or issue advocacy, and/or expresses or advocates opinions or positions related to any of the foregoing.
2. Operations Advertising. Operations Advertising is advertising that promotes WETA or its services.
3. Promotions and Partnerships Advertising. Promotions and Partnerships Advertising is advertising that provides added value to WETA through a promotion or partnership with an outside organization. Promotions and Partnerships Advertising must indicate that the promotion or offer is specifically designed for WETA passengers. Promotions and Partnerships Advertising must be approved by the Marketing Manager and must not contain Excluded Advertising.
4. Cross-Promotional Advertising. Cross-Promotional Advertising is advertising used on an occasional basis, when space is available, where WETA participates in cross-promotional opportunities that offer a direct reciprocal opportunity to promote use of WETA's ferries. Cross-Promotional Advertising must be approved by WETA's Marketing Manager and must provide an equivalent or greater value in cross-promotional benefits in the form of advertising space or editorial space. Cross-Promotional Advertising must be approved by the Marketing Manager and must not contain Excluded Advertising.

III. EXCLUDED ADVERTISING

Advertising cannot be displayed or maintained on Advertising Locations if the advertisement contains one or more of the following categories of Excluded Advertising:

1. False, misleading, deceptive or relates to an illegal activity.
2. Advocacy of violence or crime.
3. Infringement of copyright, service mark, title or slogan.
4. Defamatory or likely to hold up to scorn or ridicule a person or group of persons.

5. Unauthorized Endorsement.
6. Obscene (i.e., patently offensive sexual material lacking literary, social, artistic and/or political value, that appeals to the prurient interest of a person of average sensibilities), pornographic, or advertises a sexually oriented business as that term is defined in California Government Code Section 65850.4(b).
7. Images, copy or concepts that actively denigrate public transportation or the services provided by WETA.
8. Tobacco, cannabis, firearms (including ammunition) or other substances and items prohibited on WETA's ferries.
9. Religious.
10. Political.
11. Anything in the determination of WETA, the Coast Guard, or a law enforcement agency that poses an identifiable threat to the security of WETA's passengers, employees, contractors, or members of the public.

For purposes of this policy, the following definitions apply:

Unauthorized Endorsement advertisements are defined as advertising that implies or declares that WETA endorses a product, service, point-of-view, event or program. The prohibition against endorsements does not apply to advertising for a service, event or program for which WETA is an official sponsor, co-sponsor, partner or participant.

Religious advertisements are defined as advertisements that contain any direct or indirect reference to religion, or to any religion, or to any deity or deities, or which includes the existence, nonexistence or other characteristics of any deity or deities, or to any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion. This prohibition shall include the depiction of text, symbols, or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion.

Political advertisements are defined as advertisements that contain political speech referring to a particular ballot question, initiative, petition, referendum, law, candidate, political party or social issue or expresses or advocates opinions or positions on any of the foregoing. This prohibition includes any advertisement referring to or depicting a candidate for public office in any context.

IV. ADMINISTRATION AND ENFORCEMENT OF POLICY

A. Review by Marketing Manager

The Marketing Manager will review all advertisements and supporting information for compliance with this Policy. If it is determined that an advertisement is not a Permitted Advertising, the Marketing Manager will make a written determination notating the specific standard or standards that have not been met.

B. Notification to Advertiser

Upon a determination by the Marketing Manager that an advertisement does not comply with this Policy, WETA will send prompt, written notification to the advertiser of the rejection of the advertisement, including a copy of this Policy and the written determination of the Marketing Manager.

C. Appeal to the Executive Director

The Marketing Manager's determination that an advertisement does not comply with this Policy may be appealed to WETA's Executive Director. The appeal must be submitted in writing to the Marketing Manager within ten (10) calendar days of receipt of the Marketing Manager's denial notification. The Executive Director will allow the advertiser and Marketing Manager to present any argument or evidence they wish to offer. The Executive Director's decision shall be final.

D. Incorporation into Advertising Management Contracts

Any future advertising management contracts executed by WETA will incorporate this Policy.

SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY

RESOLUTION NO. 2022-39

APPROVE ADOPTION OF AN ADVERTISING POLICY

WHEREAS, in an effort to generate revenue for WETA, WETA is considering selling advertising in and on WETA facilities, in particular on board WETA ferries; and

WHEREAS, a proposed advertising policy will exclude advertising that (a) is false, misleading, deceptive, or relates to an illegal activity; (b) advocates violence or crime; (c) is an infringement upon copyright or other intellectual property rights; (d) is defamatory; (e) states or implies the endorsement of a product, service, or event by WETA (unless WETA is an official sponsor, co-sponsor, partner, or participant in the service or event); (f) is obscene or pornographic; (g) promotes tobacco, cannabis, firearm-related products, or any other substance and item prohibited on WETA ferries; and (h) in the determination of WETA, the Coast Guard, or a law enforcement agency poses an identifiable threat to the security of WETA's passengers, employees, contractors, or members of the public; and

WHEREAS, while the main purpose of engaging in advertising is to generate revenue, WETA also seeks to ensure the safe use of its facilities and to shield its passengers from exposure to controversial advertisements while using WETA service; and

WHEREAS, a proposed advertising policy will be viewpoint-neutral and will exclude religious and political advertising; and

WHEREAS, the Executive Director recommends that WETA adopt an advertising policy; now, therefore, be it

RESOLVED, that the Board of Directors hereby approves adoption of the Advertising Policy attached to this resolution and presented to the Board on this date, which will be applicable to all forms of advertising on or in WETA facilities.

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 1, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

/s/ Board Secretary

2022-39

END

MEMORANDUM

TO: Board Members

FROM: Seamus Murphy, Executive Director
Thomas Hall, Public Information & Marketing Manager

SUBJECT: Community Outreach Program Report

Recommendation

There is no recommendation associated with this informational item.

Background

As reported to the Board in November 2021, WETA entered into contracts with BrandGOV Outreach (BrandGOV) and Next Steps Marketing (NSM) following a solicitation offered under the Executive Director's authority. Over the course of Fiscal Year (FY) 2021/22, the two firms conducted community outreach programs on behalf of WETA, with BrandGOV conducting activities in Vallejo and NSM conducting activities in Richmond, Oakland and Alameda. WETA's existing contract with NSM includes community outreach services focused on Oakland and Alameda through October 2022. Pending authorization from the Board, WETA plans to conduct a procurement for community outreach services and intends to award one or more multi-year contracts to take effect in January 2023.

Prior to the work done in FY22, WETA had not undertaken a comprehensive community outreach program in several years. The purpose of the community outreach program is to engage in ongoing two-way conversation with residents and stakeholders in the service area to develop and maintain strong local support of ferry service, receive actionable feedback on community needs and opportunities, and build mutually beneficial relationships between organizations. Particular attention is focused on bringing underrepresented groups into the conversation. These efforts are complementary to broader marketing and media outreach.

For WETA, this work is focused on meeting with individuals and organizations, primarily non-riders, to share information on WETA initiatives with particular attention to the Pandemic Recovery Program (PRP) and the regional means-based fare discount program, Clipper START.

Discussion

WETA worked with BrandGOV and NSM to build the foundation of a new community outreach program, including relevant multi-lingual collateral to support on-site tabling at pre-existing events and in spaces where audiences WETA was most interested in reaching already were. The firms also developed brief surveys to easily collect information on awareness of WETA initiatives and the transportation choices of those contacted. Those completing surveys typically received a voucher for two complimentary ferry rides in exchange for their time.

In total, WETA was represented at 50 in-person outreach events in FY22 with more than 5,000 informational pieces shared, the majority of those in-person. This includes more than 1,000 information pieces in Spanish or Chinese.

Events and locations where the firms performed this type of outreach included:

- Farmers' markets in Vallejo, Richmond and San Francisco
- The Richmond Emergency Food Pantry
- Vallejo's Juneteenth celebration
- Faith centers in South Vallejo
- Affordable and senior housing communities in Vallejo

The firms also performed digital outreach apart from WETA's typical digital marketing efforts to generate survey responses and drive engagement. Through in-person and digital outreach, more than 400 vouchers were distributed to community members.

In Vallejo, BrandGOV organized a May lunchtime networking event hosted on board an in-service ferry to connect cross-divisional WETA staff to leaders of community organizations doing vital work on the topics of food insecurity, support for the unhoused community, and workforce development. Staff from Solano County Health and Human Services also participated. The focus of the event was to identify opportunities for WETA and the organizations to collaboratively support Vallejo residents and the ferry service.

NSM conducted merchant walks in Oakland and Richmond to raise awareness of the PRP and San Francisco Bay Ferry service. NSM also developed a door hanger program in Alameda and Richmond to provide relevant information in neighborhoods near ferry terminals.

The most high-profile element of the FY22 community outreach program was the Richmond Ferry Fest on June 11, hosted by WETA and produced by NSM in partnership with Richmond Promise and the Craneway Pavilion. The event was the first of its kind for WETA, bringing the community together to celebrate San Francisco Bay Ferry service with a focus on drawing awareness to service availability and lower fares under PRP and generating community goodwill for the ferry system. Richmond was chosen as the site of the first Ferry Fest due to the current availability of year-round weekend ferry service and the especially significant fare decrease included in the PRP.

As reported in the Executive Director's Report in August 2022, more than 2,000 attended the Richmond Ferry Fest, with nearly 1,500 taking advantage of a free sightseeing ferry ride. NSM arranged for a DJ, emcee (Richmond poet laureate David Flores), and for roughly a dozen community organizations to table at the event, including Rich City Rides, the Rosie the Riveter WWII Home Front National Historical Park and the Point Richmond Business Association. Bike East Bay hosted a youth bicycle safety rodeo on site, and the Craneway Pavilion arranged for food trucks and their own Assemble Marketplace to have various dining options for attendees. KCBS Radio broadcasted live from the event all day, and Contra Costa County Supervisor John Gioia offered remarks.

In a separate item on today's agenda, the Board will consider authorizing release of a Request for Proposals for community outreach services. As a result of this procurement process, staff plans to seek Board approval of one or more multi-year contracts at the

December 2022 meeting, with work to begin in January 2023. The work plan for the remainder of FY23 will be similar to work reported in this memo, with the addition of outreach to neighborhood organizations, labor unions, merchant groups, major employers, and industry associations.

Fiscal Impact

There is no fiscal impact associated with this informational item.

END