

**Members of the Board**

James Wunderman, Chair  
Monique Moyer, Vice Chair  
Jessica Alba  
Jeffrey DelBono  
Anthony J. Intintoli, Jr.

**SAN FRANCISCO BAY AREA  
WATER EMERGENCY TRANSPORTATION AUTHORITY  
BOARD OF DIRECTORS MEETING  
Thursday, January 13, 2022 at 1:00 p.m.**

**VIDEOCONFERENCE**  
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**AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. REPORT OF BOARD CHAIR **Information**
  - a. Chair's Verbal Report
4. REPORTS OF DIRECTORS **Information**

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.
5. REPORTS OF STAFF **Information**
  - a. Executive Director's Report on Agency Projects, Activities and Services
    - i. USDOL Section 13(c) Determination
    - ii. 2021 Emergency Response Exercise
  - b. Monthly Review of Financial Statements
  - c. Federal Legislative Update
  - d. State Legislative Update
  - e. Monthly Ridership and Recovery Report
6. CONSENT CALENDAR **Action**
  - a. Adopt a Resolution Regarding Remote Meetings Pursuant to Assembly Bill 361
  - b. Board Meeting Minutes – December 9, 2021

**Water Emergency Transportation Authority  
January 13, 2022 Meeting of the Board of Directors**

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7. APPROVE CONTRACT AWARD TO JACOBS FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE ALAMEDA MAIN STREET TERMINAL REFURBISHMENT PROJECT **Action**
8. APPROVE CONTRACT AWARD TO MANSFIELD OIL COMPANY FOR PURCHASE AND DELIVERY OF FUEL TO SUPPORT FERRY OPERATIONS **Action**
9. APPROVE SOLE SOURCE CONTRACT AWARD TO PACIFIC POWER GROUP, LLC FOR MAIN PROPULSION ENGINE AND REDUCTION GEAR MAINTENANCE AND OVERHAUL SERVICES **Action**
10. RECESS INTO CLOSED SESSION
  - a. Public Employee Performance Evaluation; Conference with Labor Negotiator  
Pursuant to Government Code Sections 54957(b)(1) and 54957.6  
Title: Executive Director  
Agency Designated Representatives: Jim Wunderman and Jeff DelBono
11. REPORT OF ACTIVITY IN CLOSED SESSION **Action**  
Consideration of compensation adjustment for the Executive Director. **To Be Determined**
12. 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](mailto: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](mailto:contactus@watertransit.org) or by telephone: (415) 291-3377 as soon as possible and no later than 5 days prior to the meeting and we will work to accommodate access to the meeting.

**AGENDA ITEM 1**  
**CALL TO ORDER**

**AGENDA ITEM 2**  
**ROLL CALL**

**AGENDA ITEM 3**  
**REPORT OF BOARD CHAIR**

**AGENDA ITEM 4**  
**REPORTS OF DIRECTORS**

**NO MATERIALS**

TO: WETA Board Members

FROM: Seamus Murphy, Executive Director

DATE: January 13, 2022

RE: Executive Director's Report

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

WETA is embarking on an effort to 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 by December.

January 2022 Update: Detailed work scopes for each of the six Business Plan Focus Areas are being developed and will be shared with the Board at the February meeting. Budgets and conceptual schedules for each of these work areas will also be developed. Staff anticipates consultant participation in specific focus areas.

**Main Street Ferry Terminal Refurbishment**

WETA has secured a grant from the U.S. Department of Transportation's Federal Transit Administration (FTA) for \$4,456,000 to support refurbishment of the Main Street Terminal. The construction will center on rehabilitation or replacement of key waterside elements: the float, piles, gangway and bridge structure.

January 2022 Update: Staff is recommending Jacobs Engineering as the leading candidate for construction management services for the project. A recommendation action is included in the January board agenda.

**OTHER BUSINESS****U.S. Department of Labor Section 13(c) Determination**

On October 28, 2021, the U.S. Department of Labor (DOL) reversed an earlier determination and asserted that California's Public Employees' Pension Reform Act of 2013 (PEPRA), violates federal collective bargaining rights under Section 13(c) of the Urban Mass Transportation Act of 1964. Subsequently, DOL has withheld certification of Federal Transit Administration grants intended for California transit agencies. The State has filed a motion in U.S. District Court to stay implementation of DOL's determination. WETA has not been previously impacted by this issue due to the agency having no represented public employees.

January 2022 Update: On December 20, 2021 the federal district court granted the State's motion and stayed the DOL's determination to withhold certification of grants and enjoined the DOL from failing to process and certify pending grant applications. The court set a hearing for February 11, 2022 to consider the underlying motion.

**Prop SF Treasure Island CPUC Filing**

Prop SF has filed an application with the CPUC to operate scheduled public ferry service beginning in early 2022. The service will support the first occupants in what will be a significant new development that includes housing, commercial and recreational features. WETA entered into an MOU with the Treasure Island Mobility Management Agency specifying that WETA will ultimately administer ferry service to the island. Staff is working with Prop SF to ensure that WETA support for the establishment of this new service reflects the terms of the MOU.

January 2022 Update: Prop SF has provided WETA with written assurances that any Treasure Island service will be temporary until such time as WETA determines to provide the service pursuant to the terms of WETA's MOU with TIMMA. Based on Prop SF's assurances, WETA filed a letter in support of Prop SF's application with the CPUC. The timeline for any CPUC decision is unknown at this time.

**2021 Emergency Response Exercise**

On December 14, staff participated in an emergency response exercise at the Central Bay Operations & Maintenance Facility. All staff participated. The exercise objectives included to 1) test the new emergency service planning tool that was shared with the Board in November, 2) test the new Emergency Operation Center (EOC) organization structure developed as a follow up to the 2019 exercise, and 3) evaluate staffs ability to create an Emergency Action Plan and use standard emergency (ICS) forms. The overall consensus was that the new EOC organization structure helped to even out the amount of work assigned to each EOC section and that the emergency service planning tool was very efficient at estimating passenger throughput and how many vessels and crews are needed to accomplish an evacuation request from the California Office of Emergency Services. Staff was also able to complete an Emergency Action Plan and collect feedback on the forms used. A summary report will be developed in the coming weeks along with an improvement plan to be implemented prior to the next exercise.

\*\*\*END\*\*\*

**MEMORANDUM**

**TO: Board Members**

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

**SUBJECT: Review of FY 2021-22 Financial Statements Ending November 30, 2021**

**Recommendation**

There is no recommendation associated with this informational item.

**Summary**

With five months of the Fiscal Year completed, revenue and expenditures are in line with budgeted amounts. The operating budget is 37% expended while 42% of the Fiscal Year has elapsed. Fuel costs continue to be slightly above budgeted amounts while vessel operations and maintenance are lower than budgeted. Vessel labor remains on budget. Revenues are currently on budget, however fare revenue dipped during the month of November by 19% over the prior month. November is typically a lower revenue month than the prior months due to a fewer number of service days and other seasonal changes. In addition, the end of the baseball-related ridership likely also had a negative impact. We will be bringing you a more detailed budget review after the close of our December financials (the 6-month mark) with broader analysis of cost and revenue trends.

**Financial Statements Summary:**

Operating Budget vs. Actual	Year - To - Date		Annual	
	FY2018-19 Actual	FY2021-22 Actual	FY2021-22 Approved Budget	% of FY 22 Approved Budget
<b>Revenue - Year To Date:</b>	<b>Prior YTD</b>	<b>Current YTD</b>		
Fare Revenue	\$9,819,119	\$3,268,773	8,268,000	40%
Federal - COVID-19 Relief Funds	-	7,317,515	22,069,400	33%
State Operating Assistance	-	-	450,000	0%
Bridge Toll Revenues	6,746,291	6,520,603	15,555,000	42%
Contra Costa Measure J	-	1,390,599	3,651,300	38%
Other Revenue	6,300	31,648	-	0%
<b>Total Operating Revenues</b>	<b>\$16,571,710</b>	<b>\$18,529,138</b>	<b>\$49,993,700</b>	<b>37%</b>
<b>Expense - Year To Date:</b>				
Ferry Services	\$15,771,767	17,632,292	\$46,993,700	38%
Planning & Administration	799,943	\$896,846	3,000,000	30%
<b>Total Operatings Expenses</b>	<b>\$16,571,710</b>	<b>18,529,138</b>	<b>\$49,993,700</b>	<b>37%</b>
<b>System-Wide Farebox Recovery %</b>	<b>62%</b>	<b>19%</b>		

Capital Budget vs. Actual	FY2021-22 Actual Current YTD	FY2021-22 Approved Budget	% of FY 2021-22 Approved Budget
<b>Revenue:</b>			
Federal Funds	\$162,832	\$21,720,621	0.7%
State Funds	4,685,427	21,225,184	22.1%
Bridge Toll Revenues	105,101	2,894,082	3.6%
Other Revenues	261,080	1,711,502	15.3%
<b>Total Capital Revenues</b>	<b>\$5,214,440</b>	<b>\$47,551,389</b>	<b>11.0%</b>
<b>Expense:</b>			
<b>Total Capital Expenses</b>	<b>\$5,214,439</b>	<b>\$47,551,389</b>	<b>11%</b>

The two reports that follow outline operating, administrative and capital financial activity for the month and progress against budget for the year.

**Fiscal Impact**

There is no fiscal impact associated with this informational item.

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**San Francisco Bay Area Water Emergency Transportation Authority**  
**FY 2021-22 Operating & Administration Revenues and Expenses**  
**Through the Month Ending 11/30/2021**

% of Year Elapsed 42%

	Month	Year - To - Date		Total	
	November-21	FY2018-19	FY2021-22	FY2021-22	Total
	Actual	Actual	Actual	Budget	Budget
<b>OPERATING EXPENSE</b>					
<b>FERRY OPERATIONS:</b>					
<b>Harbor Bay Ferry Service (AHBF)</b>					
Vessel Crew Labor	\$111,173		\$660,996	\$1,693,200	39.0%
Vessel Fuel	66,653		309,486	658,700	47.0%
Vessel Operations & Maintenance	44,679		145,974	673,400	21.7%
Facility Operations & Maintenance	40,371		211,355	758,600	27.9%
System Expense	57,190		266,342	897,500	29.7%
<b>Total Harbor Bay</b>	<b>\$320,067</b>	<b>\$1,450,908</b>	<b>\$1,594,153</b>	<b>\$4,681,400</b>	<b>34.1%</b>
<b>Farebox Recovery - AHBF</b>	<b>11%</b>	<b>50%</b>	<b>9%</b>	<b>15%</b>	
<b>Alameda/Oakland Ferry Service (AOFS)</b>					
Vessel Crew Labor	\$277,934		\$1,630,457	\$3,777,800	43.2%
Vessel Fuel	190,438		976,761	2,032,900	48.0%
Vessel Operations & Maintenance	55,814		294,925	992,700	29.7%
Facility Operations & Maintenance	118,268		630,284	1,262,200	49.9%
System Expense	149,731		724,373	2,387,800	30.3%
<b>Total Alameda/Oakland</b>	<b>\$792,184</b>	<b>\$5,515,255</b>	<b>\$4,256,800</b>	<b>\$10,453,400</b>	<b>40.7%</b>
<b>Farebox Recovery - AOFS</b>	<b>20%</b>	<b>65%</b>	<b>23%</b>	<b>18%</b>	
<b>Vallejo Ferry Service (Vallejo)</b>					
Vessel Crew Labor	\$355,755		\$1,822,377	\$4,427,100	41.2%
Vessel Fuel	476,094		2,346,374	\$4,817,300	48.7%
Vessel Operations & Maintenance	64,473		383,714	\$1,260,500	30.4%
Facility Operations & Maintenance	246,652		1,583,010	3,969,100	39.9%
System Expense	162,930		792,487	2,711,500	29.2%
<b>Total Vallejo</b>	<b>\$1,305,904</b>	<b>\$7,450,626</b>	<b>\$6,927,963</b>	<b>\$17,185,500</b>	<b>40.3%</b>
<b>Farebox Recovery - Vallejo</b>	<b>20%</b>	<b>68%</b>	<b>24%</b>	<b>23%</b>	
<b>South San Francisco Ferry Service (SSF)</b>					
Vessel Crew Labor	\$44,469		\$123,726	\$1,018,700	12.1%
Vessel Fuel	19,044		19,044	385,000	4.9%
Vessel Operations & Maintenance	38,285		124,077	585,300	21.2%
Facility Operations & Maintenance	39,354		200,476	709,700	28.2%
System Expense	16,640		82,988	568,600	14.6%
<b>Total South San Francisco</b>	<b>\$157,792</b>	<b>\$1,354,978</b>	<b>\$550,311</b>	<b>\$3,267,300</b>	<b>16.8%</b>
<b>Farebox Recovery - SSF</b>	<b>7%</b>	<b>33%</b>	<b>2%</b>	<b>13%</b>	
<b>Richmond Ferry Service (Richmond)</b>					
Vessel Crew Labor	\$211,230		\$1,116,093	\$2,755,300	40.5%
Vessel Fuel	123,785		593,583	1,146,700	51.8%
Vessel Operations & Maintenance	58,394		187,091	878,600	21.3%
Facility Operations & Maintenance	80,163		422,375	1,164,400	36.3%
System Expense	66,418		319,690	1,108,800	28.8%
<b>Total Richmond</b>	<b>\$539,989</b>	<b>\$0</b>	<b>\$2,638,832</b>	<b>\$7,053,800</b>	<b>37.4%</b>
<b>Farebox Recovery - Richmond</b>	<b>8%</b>	<b>0%</b>	<b>9%</b>	<b>8%</b>	
<b>Seaplane Lagoon Ferry Service (SPL)</b>					
Vessel Crew Labor	\$111,173		\$659,569	\$1,573,900	41.9%
Vessel Fuel	76,175		320,776	596,400	53.8%
Vessel Operations & Maintenance	32,203		154,205	546,500	28.2%
Facility Operations & Maintenance	40,545		208,414	618,300	33.7%
System Expense	68,834		321,269	1,017,200	31.6%
<b>Total Seaplane Lagoon</b>	<b>\$328,930</b>	<b>\$0</b>	<b>\$1,664,233</b>	<b>\$4,352,300</b>	<b>38.2%</b>
<b>Farebox Recovery - SPL</b>	<b>14%</b>	<b>0%</b>	<b>12%</b>	<b>19%</b>	
<b>Sub-Total Ferry Operations</b>	<b>\$3,444,867</b>	<b>\$15,771,767</b>	<b>\$17,632,292</b>	<b>\$46,993,700</b>	<b>37.5%</b>
<b>FAREBOX RECOVERY - SYSTEMWIDE</b>	<b>16%</b>	<b>62%</b>	<b>19%</b>	<b>18%</b>	

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**San Francisco Bay Area Water Emergency Transportation Authority**  
**FY 2021-22 Operating & Administration Revenues and Expenses**  
**Through the Month Ending 11/30/2021**

% of Year Elapsed      42%

	Month November-21 Actual	Year - To - Date		Total FY2021-22 Budget	Total Budget
		FY2018-19 Actual	FY2021-22 Actual		
<b>OPERATING EXPENSE (continued)</b>					
<b><u>PLANNING &amp; GENERAL ADMIN:</u></b>					
Wages and Fringe Benefits	\$172,339	\$490,966	\$697,552	\$1,601,600	43.6%
Services	129,697	351,606	417,194	2,054,200	20.3%
Materials and Supplies	1,019	13,934	35,689	59,800	59.7%
Utilities	1,682	18,301	9,810	43,800	22.4%
Insurance	1,307	1,200	6,536	17,100	38.2%
Miscellaneous	9,752	54,653	24,523	94,700	25.9%
Leases and Rentals	20,200	157,549	125,070	326,400	38.3%
Admin Overhead Expense Transfer	(88,742)	(288,266)	(419,528)	(1,197,600)	35.0%
<b>Sub-Total Planning &amp; Gen Admin</b>	<b>\$247,254</b>	<b>\$799,943</b>	<b>\$896,846</b>	<b>\$3,000,000</b>	<b>29.9%</b>
<b>Total Operating Expenses</b>	<b>\$3,692,121</b>	<b>\$16,571,710</b>	<b>\$18,529,138</b>	<b>\$49,993,700</b>	<b>37.1%</b>
<b>OPERATING REVENUE</b>					
Fare Revenue	\$547,933	\$9,819,119	\$3,268,773	\$8,268,000	39.5%
Federal Operating Assistance	1,596,458	-	7,317,515	22,069,400	33.2%
State Operating Assistance		-	-	450,000	0.0%
Regional - Bridge Toll	1,195,037	6,746,291	6,520,603	15,555,000	41.9%
Regional - Contra Costa Measure J	322,946	-	1,390,599	3,651,300	38.1%
Other Revenue	29,748	6,300	31,648	-	0.0%
<b>Total Operating Revenue</b>	<b>\$3,692,121</b>	<b>\$16,571,710</b>	<b>\$18,529,138</b>	<b>\$49,993,700</b>	<b>37.1%</b>

**San Francisco Bay Area Water Emergency Transportation Authority**  
**FY 2021-22 Capital Revenues and Expenses**  
**Through the Month Ending 11/30/2021**

Project Description	Nov-21 Total	Total Project Budget	Total Prior Expense	Total FY2021/22 Budget	YTD FY2021/22 Actual	Total Future Year	% of Total Project Budget Spent
<b>CAPITAL EXPENSES:</b>							
<b><u>FACILITIES:</u></b>							
<b>Operations and Maintenance Facilities</b>							
North Bay Facility Fuel System Improvement	36,983	\$530,450	\$220,680	\$309,770	\$80,574	\$0	57%
Central Bay Facility Oil System Modification	877	650,000	-	650,000	60,139	-	9%
<b>Terminal Improvement</b>							
Terminal Rehabilitation - Alameda Main Street	34,902	6,127,700	21,269	2,429,831	55,627	3,676,600	1%
Shoreside Infrastructure for All-Electric Vessel		4,760,000	-	2,002,000	-	2,758,000	0%
Passenger Float Rehabilitation - South San Francisco		908,500	-	908,500	1,448	-	0%
Terminal Dredging - Vallejo		2,787,600	-	2,787,600	-	-	0%
<b><u>FERRY VESSELS:</u></b>							
<b>Vessel Construction</b>							
New Commuter Class High-Speed Vessels - 2 each	3,785	30,082,500	18,583,816	11,498,684	2,977,171	-	72%
New All-Electric Vessel		4,300,000	-	1,834,000	-	2,466,000	0%
Replacement Vessels - MV Bay Breeze and MV Solano	694	34,600,000	3,277,919	17,825,781	52,283	13,496,300	10%
Replacement Vessel - MV Intintoli	2,133	26,446,700	-	500,000	6,972	25,946,700	0%
<b>Vessel Rehabilitation and Refurbishment</b>							
Vessel Engines Conversion - Gemini Class Vessels	1,872,906	5,982,500	61,869	3,891,431	1,891,965	2,029,200	33%
Vessel Engines Overhaul - MV Argo and MV Carina	15,593	240,000	125,730	114,270	85,607	-	88%
Vessel Engines Overhaul - MV Cetus		419,100	-	419,100	-	-	0%
Vessel Engines Overhaul - MV Hydru		419,100	-	419,100	-	-	0%
Vessel Reduction Gears Overhaul - MV Pisces		120,000	3,728	116,272	2,653	-	5%
Vessel Engines & Reduction Gears Overhaul - MV Bay Breeze		491,400	49	491,351	-	-	0%
Vessel Engines & Fuel Injectors Overhaul - MV Pyxis		613,200	-	613,200	-	-	0%
Vessel Engines & Fuel Injectors Overhaul - MV Vela		613,200	-	613,200	-	-	0%
Vessel Fuel Injectors Overhaul - MV Intintoli		127,300	-	127,300	-	-	0%
<b>Total Capital Expenses</b>	<b>\$1,967,873</b>	<b>\$120,219,250</b>	<b>\$22,295,061</b>	<b>\$47,551,389</b>	<b>\$5,214,439</b>	<b>\$50,372,800</b>	
<b>CAPITAL REVENUES:</b>							
Federal Funds	\$42,657	\$58,684,860	\$2,725,949	\$21,720,621	\$162,832	\$34,238,290	5%
State Funds	1,652,741	47,543,850	13,583,816	21,225,184	4,685,427	12,734,850	38%
Regional - Bridge Toll	40,598	9,078,490	5,298,448	2,894,082	105,101	885,960	60%
Regional - Alameda Sales Tax Measure B / BB	231,877	4,912,050	686,848	1,711,502	261,080	2,513,700	19%
<b>Total Capital Revenues</b>	<b>\$1,967,873</b>	<b>\$120,219,250</b>	<b>\$22,295,061</b>	<b>\$47,551,389</b>	<b>\$5,214,440</b>	<b>\$50,372,800</b>	

**TO: WETA Board Members**

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

**SUBJECT: WETA Federal Legislative Board Report – January 2022**

This report covers the following topics:

1. Status of Build Back Better / Additional Funding for Transit
2. Implementation of IIJA / Funding for Low Emission Ferries
3. FY22 Appropriations / Additional Funding for FTA 5307(h) Ferry Grant Program
4. WETA's Application for Funding from the FTA 5307(h) Ferry Program

### **Status of Build Back Better / Additional Funding for Transit**

Days before Congress adjourned for the holidays, Senator Joe Manchin (D-WV), who represents a critical vote in the Senate for the Build Back Better Act (BBB), went on TV to say he is a 'no' on the bill. While this was disheartening to supporters of BBB, it does not appear that Manchin's pre-Christmas "announcement" will be the last word.

In fact, hours after proclaiming that he would vote against the current iteration of the bill, Senator Manchin spoke with President Biden about programs he may be able to support. Additionally, Manchin has reportedly stayed in touch about BBB with White House staff and Congressional leaders throughout the holiday break. While things are very much in flux with BBB, there is reason to believe that some version of the bill could eventually be signed into law.

It is notable that the House-passed version of BBB includes \$9,750,000,000 for the "Affordable Housing Access Program". This is a competitive grant program that would be administered by the Federal Transit Administration (FTA) and the Department of Housing and Urban Development (HUD) and for which WETA is eligible.

### **Implementation of IIJA / Funding for Low Emission Ferries**

In addition to increases to formula programs for which WETA is eligible, the Infrastructure Investment and Jobs Act (IIJA) includes \$50 million per year FY22-FY26 (\$250 million total) to establish a pilot program to provide grants for the purchase of electric or low-emitting (methanol, natural gas, liquified petroleum gas, hydrogen, coal-derived liquid fuels, biofuels) ferries. We are seeking to provide input to the FTA as the agency develops guidance. Among other things, this guidance will determine how much of the \$250 million will go to Alaska and Cape-May Lewes, which are the only two systems that are referenced (albeit indirectly) in the legislation. Also, we have been having conversations with people at DOT and on the Hill about the status of Notices of

Funding Opportunity (NOFOs) more generally – while there is a lot of pressure on DOT to move money out the door quickly, the Department is understaffed and limited in terms of how quickly they can implement IIJA. While we expect NOFOs to be issued early in 2022, exact timing is very much unknown.

### **FY22 Appropriations / Additional Funding for FTA 5307(h) Ferry Grant Program**

Federal government agencies and departments are operating under a continuing resolution (CR) through February 18<sup>th</sup>. We remain hopeful that Congress will pass a full-year spending bill by that time, which would unlock additional funding for the FTA 5307(h) Ferry Grant Program. The House Transportation-HUD Appropriations bill includes an additional \$20 million for the 5307(h) program and the Senate version of the Transportation-HUD Appropriations bill increases funding for the 5307(h) program by \$13 million – this would be in addition to the \$30 million per year that is provided through the surface transportation bill. We will continue to advocate for the higher (House) funding level to be included in the final bill.

Note that we are also continuing to have conversations with members of the Congressional delegation and other key stakeholders on Capitol Hill about strategy for obtaining the \$1.25 billion for the FTA 5307(h) Ferry Grant Program that was supposed to be included in the IIJA but was omitted by a drafting error. Our Congressional champions continue to believe there may be an opportunity to obtain this funding through an IIJA technical corrections bill, which could be attached to a full year appropriations bill.

### **WETA's Application for Funding from the FTA 5307(h) Ferry Program**

We worked with WETA staff to secure Congressional support for WETA's application to the FTA for \$6.88M through the FTA 5307(h) Ferry Grant program for construction of two zero emission ferry boats for a new loop that will link Mission Bay, Treasure Island and Downtown San Francisco. Letters of support were sent to FTA at our request by House Speaker Nancy Pelosi, Senator Dianne Feinstein, and members of the Bay Area Congressional delegation, including Representatives Jackie Speier, Mike Thompson, Anna Eshoo, John Garamendi, Mark DeSaulnier and Barbara Lee. We are now waiting for FTA to announce funding awards, which we expect the agency to do in the coming weeks.

Respectfully Submitted,  
Peter Friedmann and Ray Bucheger



# NOSSAMAN LLP | Memorandum

**TO:** WETA Board of Directors

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

**DATE:** January 3, 2022

**RE:** January 2022 - Legislative Update

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## **Legislative Update**

Legislators reconvened for the start of the 2022 session today. Legislative musical chairs has garnered attention in recent months including changes and announcements from Bay Area legislators:

- Mia Bonta recently took over for Rob Bonta (18<sup>th</sup> Asm district – Alameda, Oakland).
- Special election to replace David Chiu who was appointed to SF District Attorney (17<sup>th</sup> district - San Francisco): primary Feb 15, special election April 19.
- Jim Frazier (11<sup>th</sup> Asm district – Antioch, Brentwood) resigned to pursue a career in the transportation sector. Special election this spring.
- Bill Quirk won't seek reelection in 2022 (20<sup>th</sup> Asm district – Hayward).
- Marc Levine is running for insurance commissioner (10<sup>th</sup> Asm district – Marin).

Bills left over from 2021 will need to pass their house of origin by the end of January. New bills for 2022 can be introduced today through February 18.

## **Funding for WETA Priorities**

We hosted several meetings during the interim with key legislators and Governor's office staff to discuss the \$37 million necessary to complete the Mission Bay Ferry Landing. We will continue to meet with legislative staff, administration stakeholders and transit stakeholders regarding the inclusion of ferries in state transit programs so all forms of transit are eligible for state funding programs.

## **2022 Legislative Preview**

As discussed in WETA's state legislative program approved by the WETA Board in December, we are working on two legislative proposals for 2022:

1. Adding ferry terminals and shore-side charging infrastructure to SB 288 (2020) which expedited CEQA for certain types of transit projects.
2. Adding ferries to existing state programs and funding sources so all forms of transit have equal access to state resources.

**MEMORANDUM**

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**TO:** Board Members

**FROM:** Seamus Murphy, Executive Director  
Kevin Connolly, Planning & Development Manager  
Ossmand Ruano, Transportation Planning Intern

**SUBJECT:** Monthly Ridership and Recovery Report

**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 lowered fares across the WETA system. 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**

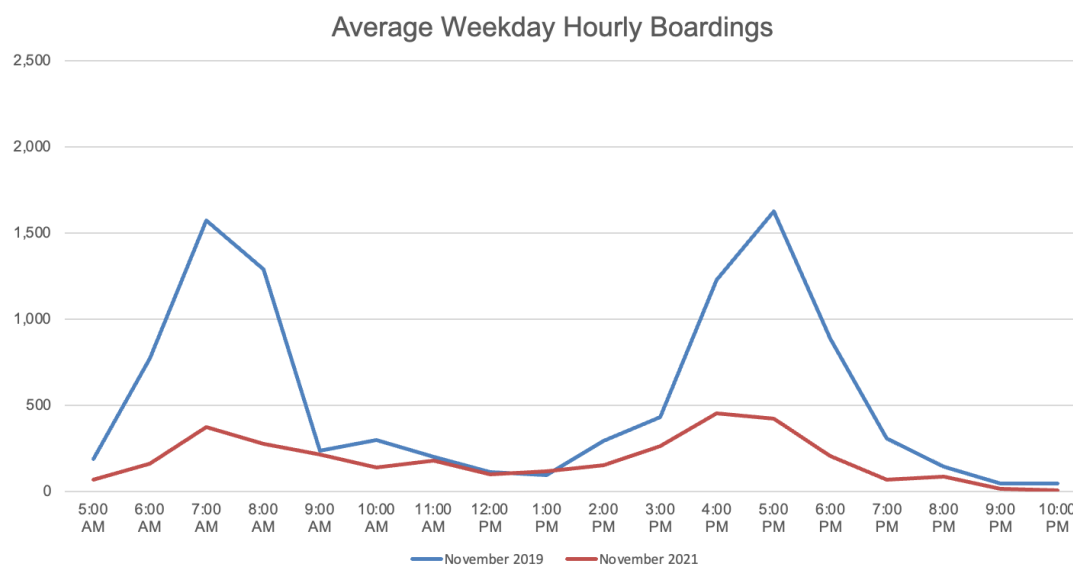
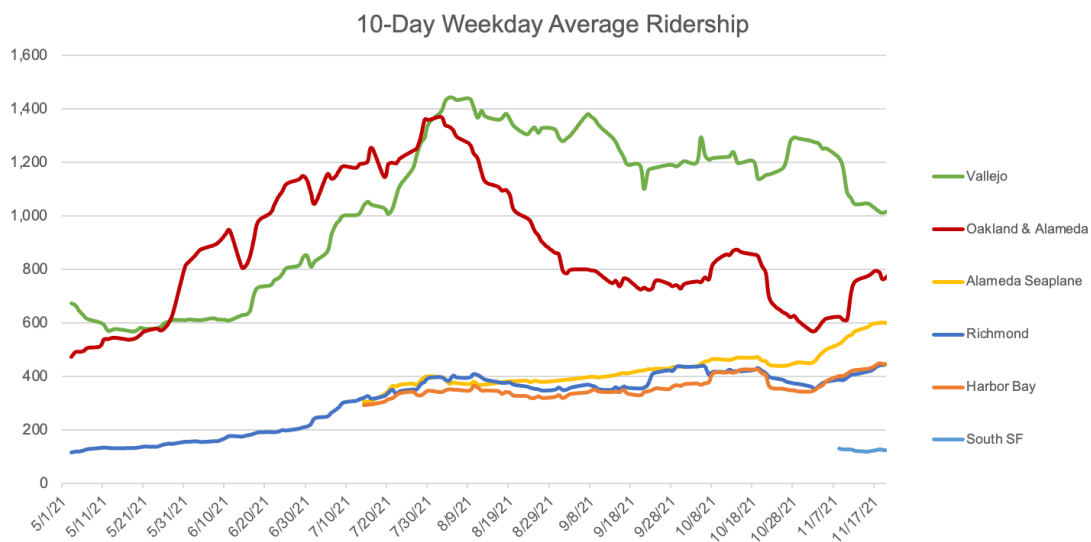
Systemwide ridership grew significantly in July as WETA launched the Plan. Ridership grew through October and the early parts of November, dropping in December potentially due to the continued impact of COVID variants, inclement weather, and the holidays. Ridership is still above WETA's budget projections and compares favorably to other regional transit operators (measured as a percent of pre-pandemic ridership).

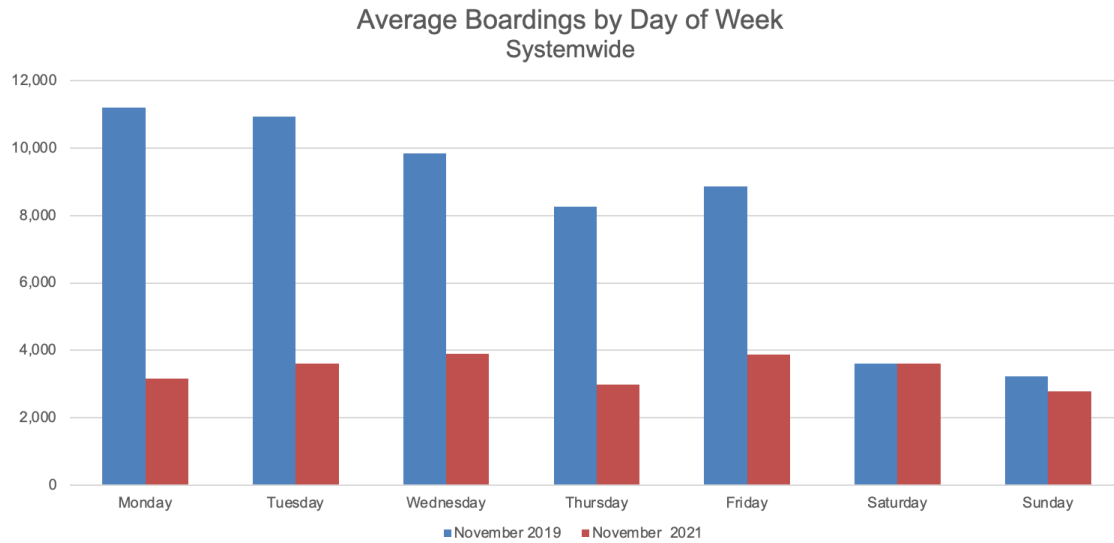
**Highlights:**

- Weekend ridership has remained particularly strong through October and November. Average Saturday ridership in November 2021 was equal to ridership in November 2019, continuing the trend of strong weekend ridership with the launch of the Plan.
- The South San Francisco route relaunched on Monday November 8<sup>th</sup> after nearly two years of suspension due to COVID. The route averaged approximately 120 boardings per day through November.
- The Oakland & Alameda, Alameda Seaplane, Richmond, and Harbor Bay routes all saw steady weekday ridership growth through the end of October and early November, dropping slightly through the end of November and early December.
- The Vallejo route remains WETA's busiest route with over 1,000 daily weekday riders.

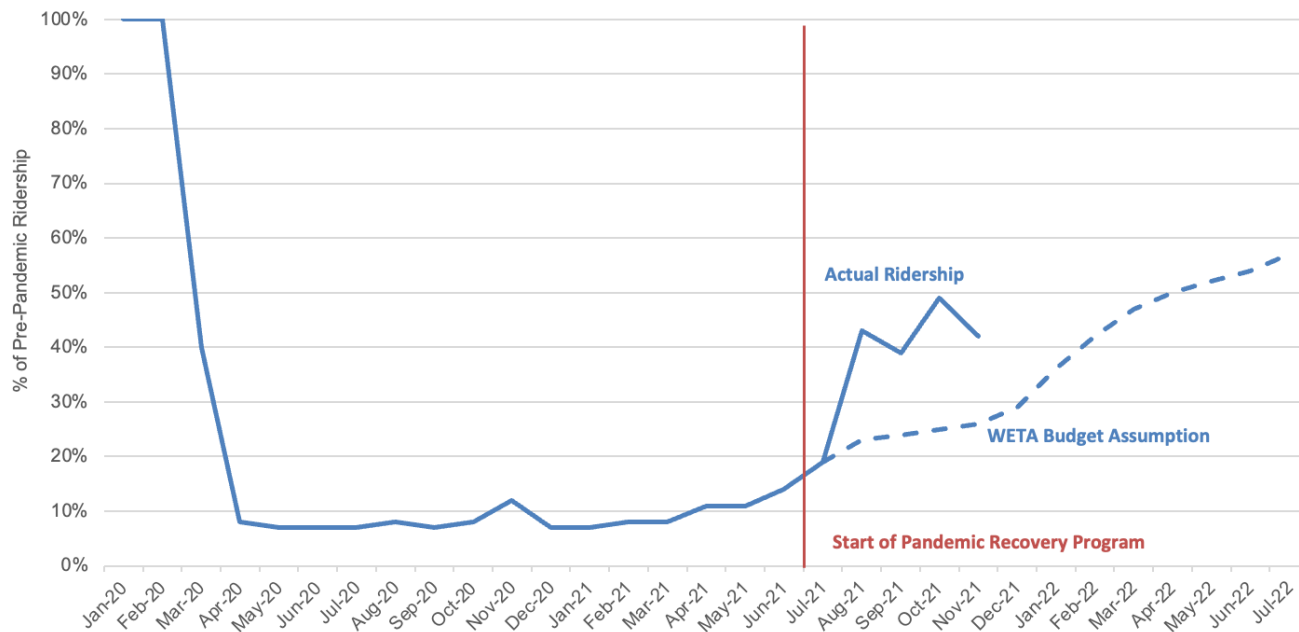
**Recommendations**

There are no proposed service adjustments at this time.

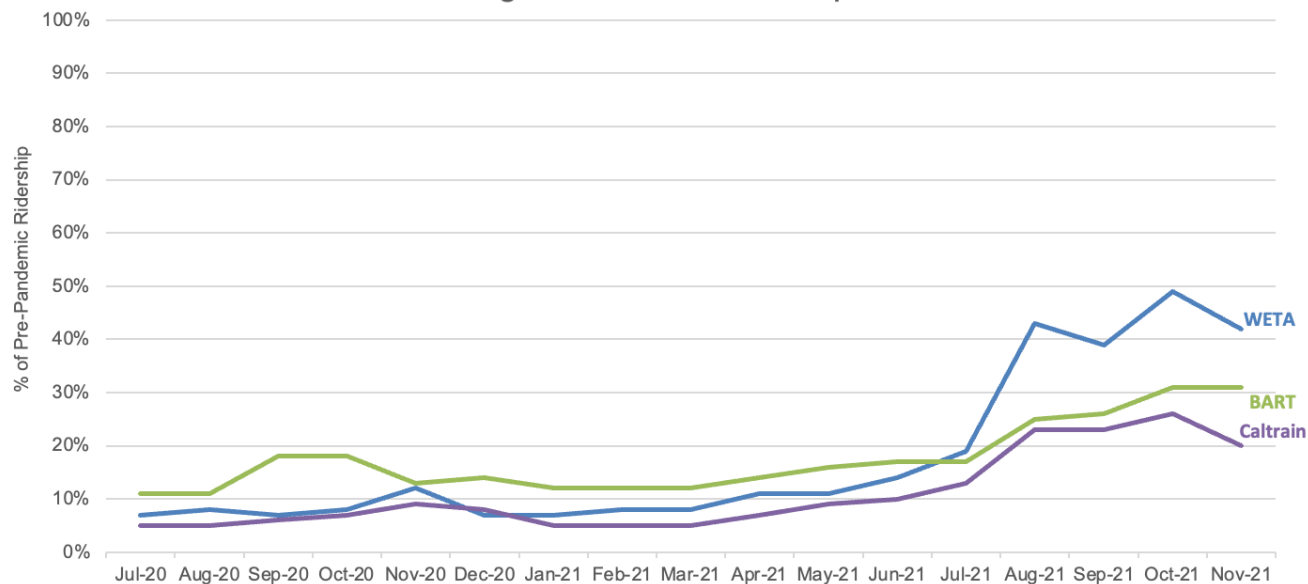




### Actual vs. Budgeted Ridership



### Regional Transit Ridership



November 2021			Oakland & Alameda*	Vallejo*	Richmond	Harbor Bay	Alameda Seaplane	South San Francisco**	Systemwide
Boardings	vs. last month	Total Passengers November 2021	35,782	32,544	11,885	8,531	11,186	1,773	101,701
		Total Passengers October 2021	45,106	40,689	11,860	8,059	9,610		115,324
		Percent change	-20.67%	-20.02%	0.21%	5.86%	16.40%		-11.81%
	vs. same month last year	Total Passengers November 2021	35,782	32,544	11,885	8,531	11,186		99,928
		Total Passengers November 2020	6,262	11,322	2,128				19,712
		Percent change	471.41%	187.44%	458.51%	-	-		406.94%
	vs. prior FY to date	Total Passengers Current FY To Date	147,775	145,866	41,804	30,564	36,042		402,051
		Total Passengers Last FY To Date	22,900	27,960	6,601	-	-		57,461
		Percent change	545.31%	421.70%	533.30%	-	-		599.69%
	Ops Stats		Avg Weekday Ridership November 2021	1,626	1,479	540	388	508	
		Passengers Per Hour November 2021	79	49	41	46	118		60
		Revenue Hours November 2021	451	668	293	185	95		1,692
		Revenue Miles November 2021	6,288	18,156	5,788	3,827	2,723	1,650	38,431
		Farebox Recovery Year-To-Date	24%	25%	9%	8%	11%		19%
		Peak hour utilization, AM – November 2021	10%	22%	19%	21%	18%	11%	17%
		Peak hour utilization, PM – November 2021	18%	30%	19%	23%	17%	10%	20%
Fuel		Fuel Used (gallons) – November 2021	53,939	134,847	35,060	18,879	21,576	5,394	269,694
		Avg Cost per gallon – November 2021	\$3.53	\$3.53	\$3.53	\$3.53	\$3.53	\$3.53	\$3.53

\* 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**

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**TO: Board Members**

**FROM: Seamus Murphy, Executive Director**

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

**Recommendation**

Adopt a 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. 2022-01**

### **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 January 13, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2022-01

\*\*\*END\*\*\*

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

*(December 9, 2021)*

The Board of Directors of the San Francisco Bay Area Water Emergency Transportation Authority met in regular session 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 1:01 p.m. He welcomed directors, staff, and meeting guests and noted that the meeting was being recorded. He advised guests about offering public comment and how guests could sign up to speak throughout the meeting.

**2. ROLL CALL**

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

**3. REPORT OF BOARD CHAIR**

Chair Wunderman reported that the Bay Area Council had hosted a webinar which included Metropolitan Transportation Commission (MTC) Executive Director Therese McMillan, Congressman Mark DeSaulnier who serves on the Committee for Transportation and Infrastructure, and HNTB Senior Vice President Darlene Gee to talk about the future of transportation, funding challenges, and opportunities. He thanked WETA Executive Director Seamus Murphy and his staff for doing a great job during a year of uncertainty. He said that he receives constant, positive feedback so that there was a lot to be proud of and looked forward to 2022.

**4. REPORTS OF DIRECTORS**

Director Intintoli thanked Mr. Murphy and Planning & Development Manager Kevin Connolly for their presentation to the Solano Transportation Authority.

Vice Chair Moyer reported that companies were not going to be returning people to the office anytime soon based on a poll of technology companies in the Bay area and worldwide. She said that she appreciated how creative, strategic, and collaborative everyone has been. She added her thanks to her colleagues for getting WETA through the year and to WETA's partners.

The Directors echoed their thanks to the WETA staff.

**5. REPORTS OF STAFF**

Mr. Murphy thanked the Directors for their kind words and the compliments to the staff.

He introduced Transportation Planner Arthi Krubanandh to talk about the Fare Coordination and Integration Study (Study) co-managed by MTC and Bay Area Rapid Transit (BART). Ms. Krubanandh shared her presentation that provided an overview and update on the Study. She stated that the primary objective of the Study was to have a fare system that improves user experience and increases ridership.

Chair Wunderman thanked Ms. Krubanandh for her presentation. He stated that the implications of the Study would be significant but that it was an important consideration for passengers.

Director Alba stated that fare integration and coordinated wayfinding are fantastic initiatives for the Bay Area for the next generation of transit riders.

In response to Director Moyer, Ms. Krubanandh clarified that the Study was anticipated to be adopted in February 2022 and that the Board would have an action item supporting participation in the program and the implementation plan.

In response to Director Alba, Mr. Murphy noted that formal action would be taken by the Boards of transit agencies that would be impacted and added that agency costs and funding would need to be considered. He said that the timeline for both the approval process and the implementation of the initial phase were not defined and that participation was voluntary.

Mr. Murphy stated that WETA would revert to the pre-pandemic fare program if the Board did not act on a new fare program. He said that WETA was expecting to propose a new fare program and that the new fares along with the ridership assumptions would be incorporated into the fiscal year 2023 budget.

The Directors expressed the challenges trying to equalize fares with other transit agencies.

Mr. Murphy said that the goal was to increase ridership and figuring out a way to subsidize the services so that revenues are not impacted by the recommendations and talked about the state budget surplus and regional ballot measure opportunities.

Mr. Murphy reported that the California Public Employees' Pension Reform Act of 2013 (PEPRA) caused the United States Department of Labor (USDOL) to withhold Federal Transit Administration (FTA) grants due to California transit agencies. The USDOL states that the pension reform law violates collective bargaining rights protected under federal law. He said that WETA is actively working on clarifying whether WETA will be impacted by this ruling since WETA does not have any represented employees directly employed by the agency and was going to make sure to do whatever it takes to avoid future impacts.

Mr. Murphy said that WETA supported private operator Prop SF's filing with the California Public Utilities Commission (CPUC) to provide publicly scheduled ferry service for Treasure Island. He stated that in accordance with the Memorandum of Understanding with the Treasure Island Mobility Management Agency (TIMMA), the developer of Treasure Island is engaged to provide the initial ferry service until WETA can take over the service.

Mr. Murphy asked WETA Legal Counsel Steven Miller of Hanson Bridgett LLP to provide a summary on WETA's statutory authority on development of water transportation on the bay.

Mr. Murphy provided an update on the South San Francisco pilot service and WETA's strategies for identifying a vessel to provide that service. He said that a summary and recommendation about how to proceed would be brought back to the Board. He noted letters received from Oyster Point employers supporting the operation of a pilot service.

Mr. Murphy provided five written reports and briefly discussed the return to in-person meetings. He said that WETA had an obligation to demonstrate the safety of public transit by taking the proper precautions and returning to in-person meetings starting in February.

He invited Mr. Connolly to provide an update from the City of Berkeley City Council working session. Mr. Connolly noted that there was a very small opposition to the Berkeley project surrounding users of recreational users of the marina. He reported that all nine council members spoke in support of the project and that the council members wanted to acknowledge the leadership of Chair Wunderman and the Board and their appreciation of the partnership.

Vice Chair Moyer thanked Chief Financial Officer Erin McGrath for her perspective and efforts on the financial statements. Ms. McGrath said that the increase in recreational users were a cause to fare revenues trending ahead of budget in response to Vice Chair Moyer. Mr. Connolly agreed with the increase in recreational and weekend riders and noted that weekend riders were in general not Clipper users and therefore, paid a higher average fare than commuters using Clipper. She thanked staff for the Berkeley report.

Mr. Connolly stated that WETA resumed South San Francisco Ferry service and launched the Alameda Short Hop during the ridership and recovery report. He said that there has been consistent growth up to Thanksgiving and a greater growth during commute times than on weekends. Lastly, he congratulated previous Transportation Planner Taylor Rutsch who accepted a position with the California High-Speed Rail Authority. Mr. Connolly acknowledged and recognized Mr. Rutsch for his contributions to WETA and the depth of all his analysis work.

Chair Wunderman thanked Mr. Rutsch for his service to WETA.

#### **PUBLIC COMMENT**

Genentech Senior Transportation Program Manager said that two letters from companies as part of the Oyster Point commuter coalition were submitted and expressed her support for the South San Francisco pilot service. She said that Genentech was planning a return to campus on January 18.

#### **6. CONSENT CALENDAR**

Director Intintoli made a motion to approve the consent calendar:

- a. Adopt a Resolution Regarding Remote Meetings Pursuant to Assembly Bill 361
- b. Board Meeting Minutes – November 4, 2021
- c. Authorize Release of a Request for Proposal for the South San Francisco Passenger Float Rehabilitation Project

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

#### **7. RECEIVE THE INDEPENDENT AUDITORS' REPORTS FOR THE FISCAL YEAR ENDING JUNE 30, 2021**

Ms. McGrath presented this item to receive WETA's annual financial reports for fiscal year ending June 30, 2021, as prepared by Maze & Associates and highlighted the importance and support provided by the COVID-19 relief funds. She acknowledged the Board and staff, and in particular, Lynne Yu for her meticulous work resulting in a clean audit and for taking the necessary steps to address the retiree benefits liability and noted that the last five years of WETA's financial statements would be accessible on WETA's website.

Ms. McGrath introduced Maze & Associates Audit Partner David Alvey to provide an overview of the audit. Mr. Alvey explained that he was responsible for making certain that the financial

statements were fairly presented and for reviewing and rendering an opinion on WETA's annual audit. He stated that there were no issues that he needed to bring to the Board's attention and congratulated WETA on its unmodified or clean audit opinion which is the highest level of assurance given.

The Directors were pleased about funding retirement commitments proactively, for receiving a clean audit, and said that it was important to continue to adequately fund retirement obligations.

Vice Chair Moyer thanked Ms. McGrath for her opening comments remarking that WETA's public audit demonstrated the critical importance of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and other federal support. She thanked Mr. Alvey and his team for his work in putting together a readable report with all its complexities.

Vice Chair Moyer made a motion to receive the 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.

#### **8. APPROVE THE WETA 2022 LEGISLATIVE PROGRAM**

Government & Regulatory Affairs Manager Lauren Gulate introduced this item and Government & Regulatory Affairs Specialist Terence Candell presented this item recommending approval of WETA's 2022 Legislative Program. He provided an overview of the program stating that the biggest change was combining the federal and state programs into one and including a regional legislative program that will share the same guiding principles and overarching goals.

Mr. Candell said that the issues covered in the 2022 Legislative Program fit within two primary categories: 1) funding opportunities and 2) legislative, regulatory, and administrative issues.

Chair Wunderman commented that legislative program was comprehensive and thoughtfully done.

Director Intintoli emphasized the importance of not only the support for the expansion of service but also for the new funding needed to operate the service.

In response to Chair Wunderman's question regarding the missing \$1.25 billion for water transit, Ms. Gulate said that WETA's federal lobbyist were hopeful that it would be addressed during the appropriations process. Mr. Murphy acknowledged WETA's labor partners for collaborating on the advocacy.

Chair Wunderman commented that water transit has historically been left out during transit discussions and reminded everyone to explore ways to include water transit. He thanked organized labor who have been influential in working with WETA on these issues.

Director Alba made a motion to approve the item.

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

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

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

## **9. WETA 2050 SERVICE VISION & BUSINESS PLAN UPDATE**

Mr. Connolly kicked off this informational item and provided an overview of the plan and the focus areas that have been identified. He noted that survey and workshop participants had placed a clear emphasis on equity to serve the broadest cross section of the Bay Area and addressing global warming and greenhouse gas emissions with the vision of WETA becoming carbon neutral within the time frame of the business plan.

CivicMakers Project Manager Mike King shared his presentation on a recap of the discovery phase and by identifying the focus areas of the project, and WETA Principal Planner Michael Gougherty provided details on the six focus areas.

CivicMakers Co-Founder & Chief Everything Officer Lawrence Grodeska expanded on the 2022 plan development timeline and the community and stakeholder engagement process.

### **PUBLIC COMMENT**

Inlandboatmen's Union Regional Director Robert Estrada expressed his concern about focus area #1 and feeling threatened by calling it a regional ferry network and not the WETA ferry network.

Mr. Gougherty explained that the intent at this point is to summarize some general assumptions of WETA responsibilities in order fulfill the service vision and that WETA would keep an open mind on how those responsibilities are staffed.

Mr. Murphy added that labor is an important stakeholder and critical to the success of the plan.

Chair Wunderman stated that he had no interest in building a system at the expense of the workforce.

The Directors thanked staff for the presentation and their hard work. They expressed their concerns about funding the project and how the project fits into the WETA system.

Vice Chair Moyer thanked the staff, CivicMakers, and the community for investing time in this effort. Her feeling was that the agency has matured and was planning for the future and not for the status quo.

Director Alba stressed the importance of continuing to forge lasting and new relationships and partnerships. She noted that the engagement process of considering stakeholder input and feedback has been inclusive.

Chair Wunderman called for public comments, and there were none. He thanked Director Alba and Vice Chair Moyer for working as a team with CivicMakers and the staff on the plan.

## **10. PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

No further public comments were shared.

With all business concluded, Chair Wunderman adjourned the meeting at 3:20 p.m.

- Board Secretary

\*\*\*END\*\*\*

**MEMORANDUM**

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**TO: Board Members**

**FROM: Seamus Murphy, Executive Director**  
**Kevin Connolly, Planning & Development Manager**  
**Chad Mason, Senior Planner/Project Manager**

**SUBJECT: Approve Contract Award to Jacobs for Construction Management**  
**Services Related to the Alameda Main Street Ferry Terminal**  
**Refurbishment Project**

**Recommendation**

Approve the following actions relative to the *Alameda Main Street Ferry Terminal Refurbishment Project* (Project):

1. Approve contract award to Jacobs of Oakland, CA for Construction Management Services for a not to exceed amount of \$430,000; and,
2. Authorize the Executive Director to enter into a contract and take any other related actions as may be necessary to support the Project.

**Background**

The Alameda Main Street Ferry Terminal (Terminal) is a high-use passenger facility that supports WETA operation seven days a week. It is important to keep all facilities in a state of good repair to support ongoing operations and safety. The waterside elements of the Terminal under WETA ownership consists of a gangway, pier, bridge structures, piles, passenger float, and ramping. The City of Alameda (City) installed the terminal in 1991 and the City completed repairs in 2007 to address the deterioration of its wooden pilings. In 2014, after the service transition to WETA, stabilization repairs were made to the pier bridge structure. Earlier this year, WETA and the City executed an amendment to the Ferry Service Operations Transfer Agreement, which transferred landside elements of the Terminal (parking lots, walkways, bike storage, and public restrooms) to the City while retaining waterside elements under WETA ownership and control. The Project scope is consistent with WETA's obligations under this agreement.

The current passenger float is a converted Navy barge estimated to be over 50 years old. In 2015, gangway and walkway improvements were made for passenger safety and boarding efficiency. The repairs to the pier bridge structure were intended to be temporary and the passenger float is at the end of its useful life. This Project will replace the pier bridge structure and passenger float. The Project may also include other improvements and modifications

On July 24, 2020, the U.S. Department of Transportation's Federal Transit Administration (FTA) announced a \$4,456,000 discretionary Passenger Ferry Grant Program award to WETA to support refurbishment of the Terminal. This funding source will support WETA's plans to ensure that the Terminal remains in a state of good repair. In developing project plans and designs, staff will take a multi-stage approach that allows major components to be built in advance of assembly at the Terminal site to minimize disruption to the Terminal and services.

Upon Board approval, Jacobs will serve as WETA's representative, providing oversight and support during the pre-construction project development, project construction, and project closeout phases. Preliminary design and permitting is underway. Staff anticipates release of a design-build construction procurement package in Spring 2022.

### **Discussion**

The Board authorized the release of a Request for Proposals (RFP) in September 2020. The RFP was ultimately released to the public in June 2021. A pre-proposal conference was held in October and was attended by nine firms. A total of two addenda were issued providing additional information, clarification, and answers to questions from proposers. Four proposals were received in response to the RFP. In accordance with procurement requirements for architect and engineering services contracts, price proposals were submitted in sealed envelopes and were not considered as part of the evaluation criteria.

After an initial review of the technical proposals, the WETA Evaluation Committee (Committee) determined that all four technical proposals were responsive to the RFP and within the competitive range. Interviews were conducted with all four proposers on December 17 and 18, 2021. After reviewing the technical proposal and conducting interviews, the Committee scored each proposer based on the evaluation criteria listed in the RFP as follows: project understanding and approach (25 points), qualifications and experience of the firm (50 points), and qualifications and experience of key personnel (25 points). The scores for each proposer are presented below.

<b>Proposer</b>	<b>Project Understanding and Approach</b>	<b>Firm's Qualifications and Experience</b>	<b>Qualifications and Experience of Key Personnel</b>	<b>Total Score</b>
<b>4Leaf</b>	20	47	23	<b>90</b>
<b>AnchorCM</b>	18	42	20	<b>80</b>
<b>Ghirardelli</b>	21	47	23	<b>91</b>
<b>Jacobs</b>	24	47	23	<b>94</b>

Based on the scores above, Jacobs was the highest-ranked proposer. The Jacobs technical proposal was particularly comprehensive and excelled in terms of the project understanding and approach. Pursuant to provisions of the RFP, after completion of the technical proposal scoring process, staff initiated negotiations with Jacobs and was able to agree upon a not-to-exceed budget of \$430,000 for the Project. Staff determined that the Jacobs' rates are fair and reasonable based on comparison to recent construction management services performed for WETA. The total cost for the services is below WETA's estimate and consistent with other construction management contracts relative to the scope of work to be performed.

WETA's overall annual Disadvantaged Business Enterprise (DBE) goal for Federal Fiscal Year 2021/22 is 0.24 percent and the Small Business Enterprise (SBE) goal is 7.5 percent for Federal Transit Administration (FTA) assisted contracts. Jacobs will self-perform the construction management work scope. The Jacobs team does not include any DBE/SBE subconsultants.

Staff recommends that the Board approve the award of a contract to Jacobs for a total not-to-exceed amount of \$430,000 to complete the Project scope of work. Pending contract award by the Board, staff anticipates issuing Jacobs a Notice to Proceed in January.

**Fiscal Impact**

The Project is included in the FY 2021/22 Capital Budget with a total project budget of \$6,127,700. This project is funded with \$4,456,000 (73%) Federal Transit Administration grant funds and \$1,671,700 (27%) Alameda Transportation Sales Tax revenues. Sufficient funds are included in the total project budget to support the award of this contract.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2022-02**

**APPROVE CONTRACT AWARD TO JACOBS FOR ALAMEDA MAIN STREET FERRY  
TERMINAL REFURBISHMENT PROJECT CONSTRUCTION MANAGEMENT SERVICES**

**WHEREAS**, the San Francisco Bay Area Water Emergency Transportation Authority (WETA) requires construction management services relative to the Alameda Main Street Ferry Terminal Refurbishment Project (Project); and

**WHEREAS**, WETA issued a Request for Proposal (RFP) for the required construction management services in October 2021; 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 Jacobs was the highest-ranked proposer; and

**WHEREAS**, after completion of the ranking process, WETA staff negotiated an agreement for the Project with Jacobs at rates determined to be fair and reasonable; and

**WHEREAS**, WETA staff recommends the Board award a contract to Jacobs for a total not to exceed amount of \$430,000; now, therefore be it

**RESOLVED**, that the Board of Directors hereby approves entering into an agreement with Jacobs for construction management services on the Alameda Main Street Ferry Terminal Refurbishment Project in an amount not to exceed \$430,000; and be it further

**RESOLVED**, that the Board of Directors authorizes the Executive Director to execute an agreement with Jacobs and 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 January 13, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2022-02

\*\*\*END\*\*\*

**MEMORANDUM**

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**TO: Board Members**

**FROM: Seamus Murphy, Executive Director**  
**Tim Hanners, Operations & Maintenance Manager**

**SUBJECT: Approve Contract Award to Mansfield Oil Company for Purchase and Delivery of Fuel to Support Ferry Operations**

**Recommendation**

Approve the following actions relative to the award of a contract for fuel and fueling services:

1. Approve contract award to Mansfield Oil Company of Gainesville, GA (Mansfield) for the purchase and delivery of diesel fuel (both ultra-low sulfur #2 diesel and renewable R-99 diesel) for North Bay and Central Bay Ferry Operations for up to three years at the estimated amount of \$36,750,000 ; and
2. Authorize the Executive Director to enter into an agreement with Mansfield and take other necessary and related actions consistent with this Board action.

**Background**

The purchase of fuel is WETA's second largest annual expenditure and represents almost 20 percent of the annual budget. In December 2016, the WETA Board of Directors awarded a five-year fuel supply contract to Mansfield following a competitive solicitation process. Over the last five years, Mansfield has provided all deliveries in a timely manner and has performed admirably during the disruptions caused by the COVID-19 pandemic. The 2016 contract expired on December 31, 2021. Since that time, WETA has been procuring fuel on a short-term basis through its operator, Blue & Gold Fleet, pending the Board's consideration of this item.

**Discussion**

Currently, all WETA ferries use ultra-low sulfur #2 diesel, commonly known as California Air Resources Board (CARB) diesel. Beginning with the arrival of the MV *Dorado* in early 2022, ferries operating out of the Central Bay facility will transition to renewable diesel fuel commonly known as R-99. The North Bay facility will continue to use CARB diesel until the Pyxis Class vessels receive EPA approval to switch fuel to R-99. Under CARB regulations, all ferry operations must transition to R-99 fuel by January 1, 2023.

The North Bay ferry service requires a delivery of 7,500 gallons of fuel every weekday to WETA's 48,000-gallon fuel tank farm. The Central Bay ferry service requires delivery of 7,500 gallons four times per week to its 48,000-gallon fuel tank farm. The overall weekly requirement is 67,500 gallons of fuel per week or approximately 3.5 million gallons of fuel per year.

This procurement will leverage a cooperative purchasing agreement to enter into a new contract with Mansfield. Under a cooperative purchasing agreement, one agency manages the competitive procurement process for a contract and then makes it available to other agencies. Here, the City of Fort Worth, Texas led a competitive solicitation that resulted in an agreement administered by OMNIA Partners Public Sector (OMNIA). The OMNIA agreement allows eligible participating agencies in the United States to use the cooperative purchasing agreement to procure fuel from

Mansfield. Both the Public Contract Code and WETA's Administrative Code allow the use of cooperative purchasing agreements like this one in order to promote economy and efficiency. Use of the OMNIA Agreement will allow WETA to enjoy the benefits of a competitive process and advantageous pricing while reducing the staff burden of managing its own procurement.

Mansfield has been a valued partner of WETA over the past five years. It has provided fuel delivery in a timely manner and has performed well despite disruptions caused by the COVID-19 pandemic. There are some key advantages to the proposed OMNIA agreement over the recently expired agreement.

First, the proposed OMNIA agreement includes favorable pricing terms. The volatile nature of fuel prices makes it difficult to predict fixed prices for ongoing fuel purchases. Instead, standard practice in the industry is to base the price of fuel on an independent market rate set by the Oil Pricing Information Service (OPIS). Under the recently expired contract, WETA paid Mansfield the San Francisco Bay Area OPIS market rate plus a fixed fee per gallon for delivery. Under the proposed OMNIA agreement, WETA will receive a \$0.0167-\$0.0584/gallon discount on the OPIS market rate (depending on the type of fuel), plus a fixed fee per gallon for delivery. Based on annual fuel consumption estimates, this represents at least \$58,450 in annual savings compared to the 2016 contract pricing.

The proposed OMNIA contract will provide additional benefits to WETA beyond pricing. Mansfield has agreed to guarantee deliveries within 24 hours of order and has also agreed to prioritize deliveries to WETA during emergencies. Mansfield will also guarantee the quality and purity of the fuel products. Should Mansfield fail to meet any of these requirements, Mansfield will be responsible for the cost of any replacement fuel or services.

In addition to providing fuel to WETA for the last five years, Mansfield is the fuel provider to numerous other Bay Area transit operators. Mansfield is based in Georgia but has an office in Southern California and contracts with over 900 fuel terminals to provide fuel services for over 6,000 customers throughout the US and Canada.

**Fiscal Impact**

The cost for fuel purchases is included in the FY 2021/22 Operating Budget in the amount of \$9,637,000.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2022-03**

**APPROVE THE AWARD OF A CONTRACT WITH MANSFIELD OIL COMPANY FOR  
PURCHASE OF FUEL FOR WETA FERRY OPERATIONS**

**WHEREAS**, the San Francisco Bay Area Water Emergency Transportation Authority (WETA) requires a new agreement for fuel and fuel delivery services; and

**WHEREAS**, both State law and WETA's Administrative Code allow the use of cooperative procurement methods in order to receive competitive pricing and maximize contract administration efficiencies; and

**WHEREAS**, in 2019 the City of Fort Worth, Texas led a competitive procurement for fuel, resulting in an agreement with Mansfield Oil Company of Gainesville, Georgia (Mansfield) which is administered by OMNIA Partners Public Sector and is available to other public agencies like WETA (the OMNIA Agreement); and

**WHEREAS**, participating in the OMNIA Agreement allows WETA to procure fuel and fueling services at favorable prices and advantageous terms; and

**WHEREAS**, staff recommends awarding a contract to Mansfield to supply WETA diesel fuel for a period of up to three years in the estimated amount of \$36,750,000; now, therefore, be it

**RESOLVED**, that the Board of Directors hereby approves an agreement with Mansfield Oil Company of Gainesville, Georgia for the supply and delivery of diesel fuel for a period up to three years in the estimated amount of \$36,750,000; and be it further

**RESOLVED**, that the Board of Directors authorizes the Executive Director to execute an agreement with Mansfield and take any other necessary and related actions consistent with this Board 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 January 13, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2022-03

\*\*\*END\*\*\*

**MEMORANDUM**

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**TO: Board Members**

**FROM: Seamus Murphy, Executive Director**  
**Tim Hanners, Operations & Maintenance Manager**

**SUBJECT: Approve Sole Source Contract Award to Pacific Power Group, LLC for Main Propulsion Engine and Reduction Gear Maintenance and Overhaul Services**

**Recommendation**

1. Approve the award of a Sole Source Contract to Pacific Power Group, LLC (PPG) in the amount of \$1,204,106 for main propulsion engine and reduction gear maintenance and overhaul services for the MV *Bay Breeze*, *Intintoli*, *Pyxis*, and *Vela*;
2. Establish a contract contingency in the amount of \$240,900, being approximately 20 percent of the contract amount; and
3. Authorize the Executive Director to negotiate and execute an agreement with PPG; issue change orders within the contract contingency if needed; and take any other required actions to support this work.

**Background/Discussion**

Four WETA vessels are in need of preventative maintenance work:

- The two MTU 16V2000 M70 main engines on the MV *Bay Breeze* have been in service since their previous completed overhauls in 2016 and are approaching their time-between-overhaul (TBO) threshold of 7,000 hours. In order to remain in compliance with the preventative maintenance schedule for these engines, they must be removed from the vessels and undergo a complete mechanical overhaul by an authorized MTU service dealer. The reduction gears on this vessel are also approaching their TBO threshold.
- The two MTU 16V4000 M73 main engines on the MV *Intintoli* will soon be approaching the end life of the diesel fuel injectors at 7,000 hours of engine run time. In order to remain in compliance with the preventative maintenance schedule and warranties for these engines, the injectors must be removed from the engines and replaced with new injectors.
- The four MTU 16V4000 M65L main engines on the MV *Pyxis* and *Vela* are approaching their 7,500 hour major maintenance interval for various subcomponent replacements.

Scope of Work and Proposed Schedule

In order to accomplish the necessary services noted above, WETA requires an authorized MTU service dealer to provide parts, labor, materials, testing, and commissioning. The necessary preventative maintenance is scheduled to occur throughout 2022 at times that minimize impacts to service schedules as follows:

- The two engines and gearboxes from MV *Bay Breeze* will be removed one at a time and a swing MTU 16V2000 M70 engine and gearbox will be installed as each engine is removed. The first engine will be removed and replaced during the vessel's biennial drydock in early 2022, the second set will be removed and replaced in late 2022 dockside at the North Bay Operations and Maintenance Facility. The engines and gears will be overhauled at PPG's facility in Kent, WA.
- The work on the MV *Intintoli* will require the vessel be out of service for one week in March 2022 to complete the fuel injector changes. This work will occur dockside at WETA's North Bay Operations and Maintenance Facility.
- The work on the MV *Pyxis* and *Vela* will require that each vessel be out of service for one week in the August to September 2022 timeframe. The work will occur dockside at WETA's North Bay Operations and Maintenance Facility.

Sole Source Discussion

There is sole source justification to award the procurement of these engine maintenance overhaul services to PPG as it is uniquely qualified to provide complete technical, engineering, logistics and service support. Only a MTU certified dealer can accomplish the scope of work needed to preserve important factory warranties. PPG is currently the sole factory-assigned dealership for WETA as determined by MTU for the provision of MTU engines, parts, and services.

PPG is well qualified to carry out this project as it has the requisite technical application experience with these engine models in terms of inspections, service, repairs, and complete engine overhauls and it has a large workforce of seasoned and experienced mechanics qualified on MTU 4000 and 2000 series engines. Further, PPG has the unique ability to complete engine overhauls in 6 weeks for Series 4000 engines and in as little as 2 weeks for a Series 2000 engine in support of WETA operational needs. PPG has an onsite dynamometer capable of testing these marine engines following complete tear down and overhaul.

PPG has provided main propulsion engine purchase and service support for WETA on several vessel procurement and repower projects in the past, including new construction of *Hydrus* Class and *Pyxis* Class vessels. PPG performs ongoing service and repair to WETA's vessels and is also the factory-assigned rep to provide sales, service and repair for Golden Gate Ferry vessels here in the San Francisco Bay Area.

Staff has conducted a cost analysis of PPG's price proposal and finds it to be fair and reasonable. PPG's pricing is within 5% of WETA's independent cost estimate and the price is in alignment with historical engine overhaul services on these families of engines.

The recommended contract authorization amount of \$1,445,000 includes a base award for engine overhaul work, transportation, testing, sea trials, and 20% percent contingency. The contingency is based on conditions found on similar engines in WETA's fleet that have recently undergone overhaul. Those conditions were characterized by greater levels of wastage and corrosion in the cooling water systems than were anticipated. That wastage negatively affected the re-use of several key engine components.

In accordance with the above analysis, staff has determined that this procurement meets the requirements for sole source procurement under federal regulations and as set forth in the WETA Administrative Code Section 502.2(E), which authorizes the agency to procure goods and services without competition under limited circumstances. Subdivision (E) of this provision allows the agency to procure items non-competitively when there is only a single source of supply available or only one contractor is qualified to provide the service or product.

**Fiscal Impact**

The cost for the required Main Propulsion Engine and Reduction Gear Maintenance and Overhaul Services is included in FY 2022/23 Capital Budget in the amount of \$1,445,000.

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2022-04**

**APPROVE SOLE SOURCE CONTRACT AWARD TO PACIFIC POWER GROUP, LLC FOR  
MAIN PROPULSION ENGINE AND REDUCTION GEAR MAINTENANCE AND OVERHAUL  
SERVICES**

**WHEREAS**, the San Francisco Bay Area Water Emergency Transportation Authority (WETA) has identified the need for the maintenance and overhaul of main propulsion engines and reduction gears on the ferry vessels *Bay Breeze*, *Intintoli*, *Pyxis*, and *Vela* in order to remain in compliance with the preventative maintenance schedule for these engines; and,

**WHEREAS**, WETA has determined that Pacific Power Group (PPG) is the MTU factory-assigned dealership for the sales, parts, and service of MTU Series 4000 and 2000 engines in the Bay Area region, and hence is the only firm able and qualified to perform the needed services; and,

**WHEREAS**, WETA has determined that engaging PPG to perform the needed services meets the requirements for a sole source procurement under federal regulations and as set forth in WETA's Administrative Code; and

**WHEREAS**, WETA has conducted a cost analysis of PPG's proposal and determined it to be fair and reasonable; now, therefore, be it

**RESOLVED**, that the Board of Directors hereby approves entering into an agreement with Pacific Power Group, LLP for the necessary maintenance and overhaul services in an amount up to \$1,204,106; and be it further

**RESOLVED**, that the Board of Directors establishes a contract contingency in the amount of \$240,900; and be it further

**RESOLVED**, that the Board of Directors authorizes the Executive Director to execute the agreement with PPG, and to issue change orders within the contingency, and to take any other required actions to support this work.

**CERTIFICATION**

The undersigned, Board Secretary, does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the San Francisco Bay Area Water Emergency Transportation Authority held on January 13, 2022.

YEA:

NAY:

ABSTAIN:

ABSENT:

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/s/ Board Secretary

2022-04

\*\*\*END\*\*\*

**SAN FRANCISCO BAY AREA WATER EMERGENCY TRANSPORTATION AUTHORITY**

**RESOLUTION NO. 2022-05**

**ADJUST COMPENSATION FOR EXECUTIVE DIRECTOR**

**WHEREAS**, the Board of Directors (Board) of the San Francisco Bay Area Water Emergency Transportation Authority (WETA) engaged Seamus Murphy as Executive Director in January, 2021; and

**WHEREAS**, pursuant to the employment agreement with Mr. Murphy, the Board conducts annual reviews of Mr. Murphy's performance as Executive Director, and may adjust Mr. Murphy's compensation based upon such annual evaluation; and

**WHEREAS**, the Board has completed a review of Mr. Murphy's performance and has determined that his performance is exemplary; and

**WHEREAS**, the Board has conducted a salary survey of similar positions and finds that a 12 percent increase which includes a 4 percent increase for cost-of-living adjustment is warranted; now, therefore, be it

**RESOLVED**, that Board of Directors has set Mr. Murphy's annual base salary as Executive Director of WETA at \$304,080 per year, effective as of the first day of the next pay period after 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 January 13, 2022.

YEA: J Alba, J DelBono, A Intintoli, M Moyer, J Wunderman

NAY: None

ABSTAIN: None

ABSENT: None

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/s/ Board Secretary

2022-05

\*\*\*END\*\*\*