

**TRANSPORTATION COMMISSION MINUTES – DRAFT
SPECIAL MEETING
October 17, 2007**

Chair Knox White called the Transportation Commission to order at 7:30 p.m.

1. **ROLL CALL** – Roll was called and the following recorded.

Members Present:

John Knox White
Michael Krueger
Robert McFarland (arrived 7:45 p.m.)
Robb Ratto
Eric Schatmeier
Nielsen Tam

Members Absent:

Srikant Subramaniam

Staff Present:

Lisa Goldman, Deputy City Manager
Obaid Khan, Supervising Civil Engineer
Barry Bergman, Transportation Coordinator

2. 2. City of Alameda Ferry Program: Discussion of Senate Bill 976. *Outcomes:*
Review SB 976 and receive public comment.

Lisa Goldman, Deputy City Manager, provided background information on SB 976 (Ferry legislation), which was signed by Governor Schwarzenegger on Friday, October 12, and was passed in the last days of the legislative session in September. It replaced the current San Francisco Bay Area Water Transit Authority with a new agency known as the Water Emergency Transportation Authority (WETA). She noted that it would be charged with operating a comprehensive regional water transit system, and would coordinate the emergency activities of all water transportation and related facilities within the Bay Area. She noted that they will coordinate the Alameda/Oakland Ferry Service, the Harbor Bay Ferry Service and the Vallejo ferries under one agency. The Golden Gate Ferry would not be affected by this legislation. She noted that they would appoint a new five-member board for the WETA; the WTA currently has an 11-member board, including Mayor Johnson and the Mayor of Vallejo. The new board would include three appointees by the Governor, one from the Senate Rules Committee, and one from the Speaker of the Assembly. The new board would start meeting no later than April of next year, and would have until January of 2009 to develop a transition plan for running the ferry systems. They would have another six months to develop an emergency operations plan.

Ms. Goldman advised that the City Council discussed this issue at the October 2 meeting, and noted that there would be some clean-up legislation because the bill as passed was somewhat vague. Among the items to be presented by the City for the clean-up legislation were:

1. To ensure that current service levels for Alameda ferries would be maintained or enhanced for at least seven years;
2. Future fare increases would be consistent with historical trends for the Alameda ferry services;

She noted that while some Measure B funding was included in the budget, Alameda was fortunate that their boats, terminals and parking lots did not have a lot of City money in them. The City believed that it should be able to be reimbursed the money it had put into these assets, which would be approximately \$1.2 million; in comparison, Vallejo has approximately \$150 million invested in its ferry system. She noted that the City would ask for a seat on the new WETA board. The City would like the WETA to pick up the quarterly rider satisfaction surveys to ensure they were providing adequate service. The City would also like the WETA to prepare an analysis of the on-time performance of the ferries, as well as provide reports to the City Council on how the ferry service is doing. If there were any proposed fare or schedule changes, the City would like them to bring those proposals forward in Alameda with a public hearing. The City would also like the WETA to work with the master developer for Alameda Point to ensure that ferry services would be able to serve that new development once it is operational.

She noted that the City would work with the staffs of Senators Perata and Torlakson in the next several months to discuss the interests of the City and the ridership in the new legislation.

Commissioner Schatmeier expressed concern about the lack of local representation in the new legislation. He inquired whether the clean-up legislation would ensure local representation on this new board.

Ms. Goldman noted that she did not know the timing of the new Board appointments before the clean-up legislation has a chance to move forward. She noted that the State legislature has recessed for the year, and that the new WETA Board must hold its first meeting by April 2008.

Commissioner Krueger noted that the stated goal of this legislation was to merge all the ferry services into a single agency to better address a disaster or terrorist attack. He noted that it was strange that the Golden Gate ferry has been specifically excluded without much explanation, and whether there was any plan to fold it into the WETA, and inquired why that occurred.

Ms. Goldman replied that she did not have an answer for that question, which was raised when they read the final version of the bill.

Rachel Weinstein, District Director for Senator Perata, noted that the Golden Gate Ferry was separate under State law because they were voter approved and created; they did not receive any State money. She added that it would be best to have all of the ferry services coordinated under one agency, and noted that they were still working on incorporating that service into the plan.

Commissioner Krueger noted that in that case, the urgency of the message had not gotten through, and he supposed that it was related to some of the negative reaction expressed with respect to this plan.

A discussion of the legislative process with respect to this bill ensued.

Commissioner Schatmeier asked about the origin of the ferry consolidation plan.

Alicia Trost, Press Secretary to Senator Perata, summarized the sequence of events initiated by Senator Perata's request for a report, and noted that the full report was on the Bay Area Council's website. She noted that an extensive hearing had been held at the San Francisco Ferry Building, and that every elected official in the Bay Area had been invited to that hearing. She added that while the bill was amended greatly in the final days of the legislative session, it had not been pushed through at the last minute. She noted that copies of the proceedings at the Ferry Building can be made available to the Commissioners, and added that experts had flown in to testify about evacuation after Hurricane Katrina.

Commissioner McFarland inquired whether it would be possible to use the existing system, and to develop a response plan for the time when the emergency may occur.

Ms. Trost noted that the goal was to put the services under one umbrella, and noted that there was no legal precedent in terms of the controlling authority of the water space in the event of an emergency. She added that identifying the legal authority was the impetus for creating WETA.

Commissioner McFarland noted that by that logic, all the Bay Area transit agencies should be consolidated as well.

Ms. Trost noted that the WTA, not being the direct service provider, would not be eligible for transit monies out of Proposition 1-B, which the WETA would be.

In response to an inquiry by *Commissioner McFarland* regarding the role of the PUC and how they regulate the ferries after this transition, *Ms. Trost* replied that she did not have that information, and would provide an answer at a later time.

Mr. Ernest Sanchez, Ferry Manager, replied that the CPUC did not have any authority concerning the Golden Gate ferry service because they were a transit operator. The City's two ferry services contracted with two private operators (Blue & Gold and Harbor Bay Maritime) were regulated by the CPUC; that was the area of oversight by the CPUC.

Chair Knox White noted that there were significant concerns regarding language changes associated with money, as well as consolidation of services into a regional body. He noted that the changes in the Board's makeup and distribution of monies was of more concern than disaster readiness.

Ms. Trost noted that without the Prop 1-B money, she was concerned that the bridge tolls would have to be raised considerably. She would ask Senator Torlakson for further information. She noted that the Senate Rules Committee would confirm all of the Governor's appointees, which was another opportunity for the Transportation Commission and Senator Perata to ensure that Alameda's interests were represented.

Open public hearing.

Patrick Robles noted that he worked as a ferry deckhand, and added that both the ferry riders and the operators had little information about the changes that were occurring. He looked forward to receiving more direct information than what he had seen in the media. He wished to remind everyone that the ferry service was about people who depend on the ferries for safe passage to work or other activities. He was also concerned about the existing crew and other employees maintaining their positions.

Janet Jones noted that she was a daily commuter on the ferry, and had been taken aback by this proposal. She was very pleased with the ferry and used it frequently. She noted that if there are any problems, the Coast Guard was available for disaster relief, and often rode alongside the passengers. She understood that the staff members were trained for disaster preparedness. She considered the ferry to be an economical, safe and environmentally friendly mode of transportation. She was concerned about the quality of service if the State were to take over its operation. She found BART and Muni to be unsatisfactory modes of transportation by comparison and did not see any reason to change the ferry operation.

Mary Ellen Smith noted that she rode the Harbor Bay Ferry frequently, and was a very happy ferry rider. She inquired about the effects on the riders themselves, and whether there would be any fare increases. She would like to know where the money would go.

Maxine Young noted that she rode the Harbor Bay Ferry, and in reading the legislation, did not see a commitment to run the transit system as an integral part of the Bay Area's transit system. She noted that the legislation generally addressed emergency situations. She was concerned that after the new agency took over, it may decide that Alameda did not need the ferry.

Carrie Boger noted that she rode both ferries four times a week, and noted that it was a crucial transportation mode for her. She inquired whether she would be able to get back home in the event of an emergency, or whether her ferry would be diverted elsewhere. She was also concerned about changes in schedules, as well as whether routes would be cut to accommodate the subsidized funding. She noted that if there were major changes with the ferry, she and her family would move back to San Francisco.

Howard Smith noted that he lived in Harbor Bay, and added that he was concerned about the clean-up legislation. He was also concerned about enhancements, and noted that the parking lot filled up quickly. He believed that more riders would be captured if all-day and weekend service were to be offered.

Susan Decker, Alameda Transit Advocates, echoed the comments made by the previous speakers. She noted that ATA recognized that ferries were an important everyday part of the transportation system, not just for emergencies. She inquired who would be responsible for disbursing information about the ferries.

Close public hearing.

Commissioner Schatmeier expressed concern about this legislation and the way it was passed. He noted that it appeared to him like it was hurried through without public input, and that the motives differed from those that were touted in the media publicity. He would have preferred to see a more fully realized bill that had been developed by consensus, rather than a bill that needed to be cleaned up. He was very concerned about the consolidation proposal. He noted that since the mayor represents Alameda on the WTA board, Alameda residents may indicate their ferry-related concerns to the mayor and have them brought to the appropriate authorities. He was very concerned about who would be appointed to the new board, and hoped that it would be local representation. He noted that he had not voted for any members of the Bay Area Council. He recalled the role the ferries played following the Loma Prieta earthquake in 1989, and noted that because people pulled together, and bureaucracies did not take over, that was an effective disaster response. He would like to see coordinated and better emergency access, which could have been accomplished with the existing structure if properly organized.

Commissioner Ratto inquired whether the meeting at the Ferry Building was a public meeting where public comment had been taken. *Ms. Weinstein* replied that it was a public meeting, and noted that copies of the meeting notes were available. *Commissioner Ratto* noted that he was disappointed that clean-up legislation had to be enacted. He acknowledged Councilmember DeHaan and the Deputy City Manager in the audience, and urged City Council and City staff to work as diligently as possible with the legislators for as many years of commitments as they could get. He noted that the ferries were an integral part of this community, and hoped that Senator Perata and the committee members would take the ferry service seriously.

Commissioner Tam inquired whether the Commission would receive feedback on the legislation. *Ms. Trost* replied that there was legal language written into the bill that identified a year-long open process that stated that the Authority needed to work with the local agencies, “specifically those that run already existing water transit systems.” There was also a 45-day public process of receiving local input. She added that it would have several hearings through several Commissions, the State Senate and Assembly, and that the hearings would be bi-partisan. She encouraged the Commissioners to come to the hearings, and added that Senator Perata was very specific in stating that the local input from Alameda and Vallejo would be vital in ensuring this program worked. She ensured that it was not a hostile takeover, but that the goal was to make a more efficient system for the ferry riders.

Ms. Trost noted that they had heard many concerns from the Commissioners and the public about any cuts to service, increased fares, and staffing issues. She noted that SB 976 contained language stating, “priorities should be given to ensuring continuity in the program services and activities of existing public transportation ferry services.” She believed there was also language about protecting staff, and added that the Senator’s intent was to enhance service, not cut it.

Commissioner Krueger noted that with respect to Regional Measure 2, he understood the intent to increase service and to increase funding through Proposition 1-B, as well as to consolidate and respond in a disaster. He noted that some of the language choices were puzzling to him, with respect to the Alameda-Oakland and Harbor Bay Ferry was changed to Transbay Ferries. He was disappointed that there was not an answer for that, and inquired why the language had been changed. He did not want the Regional Measure 2 funds to be diverted away from what Alamedans voted for, which he viewed as a betrayal. *Ms. Trost* noted that she did not have an answer for that question because she had never been asked it before. She emphasized that she would be able to find that information for *Commissioner Krueger*.

Ms. Weinstein noted that in response to *Chair Knox White’s* question, the term length of each Board member was six years.

Commissioner McFarland believed that the end users of this ferry system had not been well-informed by the State throughout this year-long process.

In response to an inquiry by *Chair Knox White* whether the City-owned boats would be able to be sold for their full value, and whether the partial payment of the boats by grants would affect that sale, *Staff Sanchez* replied that the City owned four boats, all of which were acquired using public (State or federal) funds. If the boats were to be sold, the City would be required to repay a portion of the money back to the granting agency; a portion would return to the City as well. He added that the *Encinal* and the *Peralta* were purchased with grants with a local match, half paid by the City of Alameda and half paid by the Port of Oakland.

Chair Knox White noted that there was considerable disappointment with this process,

and that it was unfortunate that the first public hearing in Alameda about taking over these ferries occurred after the law was signed into being. He wanted to ensure that while the clean-up legislation process was proceeding, that it is remembered that more money had been spent than specific grants that could have been used elsewhere than the ferry, and that the City does not lock itself into that number early on. He added that depending on the term limits bill, Senator Perata would not be in the Senate indefinitely, and the City did not know who would be in charge. He believed that in the event of a Tom McClintock governorship, the ferry services may be in jeopardy; the head of the Senate Rules Committee, the head of the Assembly, and the Governor all may come from Orange and Riverside Counties. He did not believe that, in that case, they may not be concerned with ferry service in Alameda. He believed that during the clean-up language process, the two services being rolled into the new body should have seats on the Board. He agreed with *Commissioner Schatmeier's* question why it needed to change, and it may be that 11 people were too many.

Chair Knox White noted that with respect to the sustaining services, Regional Measure 2 had language for money for Alameda services, in order to increase and enhance the services. He recalled Mr. Smith's comment that the voters of the Bay Area passed that measure, and he believed the clean-up language and plans going forward should acknowledge that. He noted that this was not the continuation of service until three years afterwards, and added that this measure, passed three years ago, was being changed even before money had been distributed. He believed there should be some agreement regarding long-term maintenance service, and did not believe anyone expected the service to run empty all day and all night. He believed there should be some good-faith assurances with respect to maintaining service, which may be difficult if Alameda were to be written out of the funding.

Chair Knox White stated that he had not heard anyone disagree with the need for a regional emergency plan, and added that Alameda was an island city that had no lifeline-rated links to Oakland. According to Caltrans, all the bridges and tubes connecting Alameda to Oakland will go down in a major earthquake. He added that there was no money to fix that, and noted that the ferry was the only lifeline to Oakland. He noted that Alameda was the only large island community in the Bay Area, and must have a priority for emergency service.

Chair Knox White understood that there was a public hearing at the ferry building, and that the issues most critical to Alameda were not the focus of that meeting. He was surprised to see the comment made by Senator Perata in the newspaper, stating that 'no one should have been blindsided, and that they all knew it was coming.' He noted that he made a number of calls, and discovered that they didn't know these discussions were occurring until four days before the vote. He believed the residents of Alameda deserved a better outcome. He hoped that Senator Perata would hold a hearing in Alameda once the clean-up language was written, so that the people affected by the change could give input in Alameda, rather than having to travel to Sacramento.

Commissioner Ratto concurred with *Chair Knox White's* comments, and he understood

that the hearings would be in Sacramento; he would like to have a local public forum so residents could address these issues. He noted that it was a great imposition for the average working person to have to go to Sacramento to participate in the process. He suggested that the terms be staggered so there would not be a total turnover, and would like there to be some institutional memory in that process. *Ms. Weinstein* noted that she would investigate that possibility.

In response to an inquiry by *Chair Knox White* regarding the items that required follow-up, *Ms. Weinstein* replied that she would forward the answers to the Commission's questions as an off-agenda item.

Commissioner Krueger agreed with the previous comments, and believed that staff's recommendations for the clean-up language were very good. When the clean-up language is created, he would like to see a road map for the consolidation to include the Golden Gate Ferry. He believed it would be disingenuous to have the push for a single, consolidated agency, and to cut Golden Gate Ferry out of it. If an exception for Alameda could not be made, he would like an explanation for why the Golden Gate Ferry could be excluded. He thanked the Senator's staff for attending.

Staff Khan noted that he had a communication related to a special program launched by AC Transit and Chevron. The first meeting would be held Tuesday, October 23, at 10:00 A.M. He noted that he would be attending the meeting and recommended that one person from the Transportation Commission attend as well.

3. Adjournment: 8:55 P.M.