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Crossing the Bay Water Transit Initiative Forum, MTI Report F-00-1

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Crossing the BayWater Transit Initiative Forum



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Mineta Transportation Institute Report

F-00-1

Crossing the Bay
Water Transit Initiative Forum

July 29, 1999

Co-Sponsored by:

The Commonwealth Club of California

and

**The Norman Y. Mineta International Institute for Surface
Transportation Policy Studies (IISTPS)**

at

San José State University

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The moderator, panelists, and those who attended the forum each deserve a thank you. Participants included

- Randy Shandobil, KTVU Political Reporter—Moderator
- Bonnie Cox, Co-Executive Director, Commonwealth Club, East Bay
- Mayor Shirley Dean, Berkeley, CA
- Rod Diridon, Executive Director, Mineta Transportation Institute
- Dr. Gloria Duffy, Chief Executive Officer, Commonwealth Club of California
- Dennis Fay, Executive Director, Alameda County Congestion Management Agency
- Russell Long, Executive Director, Bluewater Network
- Mayor Gus Morrison, Fremont, CA
- Sean Randolph, President, Bay Area Economic Forum

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FOREWARD

The Norman Y. Mineta International Institute for Surface Transportation Policy Studies (also known as the Mineta Transportation Institute) has been fortunate to receive funding, through the federal Research and Special Programs Administration (RSPA) and the California Department of Transportation (Caltrans), to conduct policy-related activities in the areas of research, education, and information-sharing to benefit the United States (U.S.) surface transportation industry.

The Commonwealth Club of California is instrumental in bringing issues to the public by hosting discussions about topics such as business, transportation, education, and technology.

The Mineta Transportation Institute teamed up with the Commonwealth Club to co-sponsor *Crossing the Bay: Water Transit Initiative Forum*. The Institute has created a one-sheet summary of the event. For those interested in reading more, we have transcribed the majority of the forum discussion.

While the Mineta Transportation Institute's focus is on surface transportation, we felt compelled to be a part of a forum on water transit because of the implications it has on commuters and other users of surface transportation. Water transit efforts, while distinct, can be a viable part of a seamless transit system.

Included in this publication is a copy of Senate Resolution No. 19, which is the adopted legislature that resolved to "make a careful study of the feasibility of expanded water transport on the San Francisco Bay."

Since the *Crossing the Bay Forum* in July of 1999, a new bill, SB428 *Transportation: San Francisco Bay Area Water Transit Authority Bill*, was proposed. The bill, approved by the Governor on October 10, 1999, repeals the authority of the Metropolitan Transportation Commission to adopt a long-range plan for implementing high-speed water transit on the San Francisco Bay. The bill creates the San Francisco Bay Area Water Transit Authority whose board of directors is tasked to prepare and adopt a San Francisco Bay area water transit implementation and operations plan, and to operate a comprehensive bay area regional public water transit system, as prescribed. A copy of the verbiage of SB428 follow is included at the end of this publication.

Rod Diridon, Executive Director—Mineta Transportation Institute

EXECUTIVE SUMMARY

This year the Commonwealth Club and IISTPS joined together to deliver information to the public about the Bay Area Water Transit Initiative. The main event was a forum, *Crossing the Bay*, held in July 1999. This publication, a transcript and summary of the July forum, is a next step in the information transfer effort.

George Dobbins of the Commonwealth Club brought together an expert panel consisting of:

- Randy Shandobil, KTVU Political Reporter—Moderator
- Bonnie Cox, California Commonwealth Club—East Bay
- Mayor Shirley Dean, Berkeley, CA
- Rod Diridon, Executive Director, IISTPS
- Dr. Gloria Duffy, Chief Executive Officer, Commonwealth Club
- Dennis Fay, Executive Director, Alameda County Congestion Management Agency
- Russell Long, Executive Director, Bluewater Network
- Mayor Gus Morrison, Fremont, CA
- Sean Randolph, President, Bay Area Economic Forum

With a public audience, the panel discussed the issues involved in the use of expanded ferry service to relieve congestion in the San Francisco Bay area.

The debate had begun years before. The Bay Area Council and the Bay Area Economic Forum held a number of symposia, interviews, and fact-finding sessions in 1996 and 1997. Their efforts, along with the efforts of Mr. Ronald H. Cowan, Chairman and CEO, Doric Group ultimately resulted in the Bay Area Water Transit Initiative.

In August of 1997 Senator Barbara Lee introduced Senate Resolution 19 (SR19). The resolution, unanimously adopted on September 8, 1997, resolved that, "it is in the best interests of the state to make a careful study of the feasibility of expanded water transport on the San Francisco Bay." It went on to resolve that, "the Senate of the State of California endorses the leadership of the Bay Area Council and the Bay Area Economic Forum in forming a Blue Ribbon Advisory Task Force to report recommendations for the improvement or expansion of water transport on the San Francisco Bay."

The Blue Ribbon Task Force, consisting of 52 top-ranking officials of various public and private groups, was formed as directed. Ronald Cowan served as Chair; Oakland Mayor Jerry Brown and San Francisco Mayor Willie Brown were Co-Vice Chairs.

After much research and analysis, the Blue Ribbon Task Force presented its recommendations in the *Bay Area Water Transit Initiative* report dated February 1999. The full text of the report can currently be found on the Bay Area Council's web site at <http://www.bayareacouncil.org/>. A summary of the initiative appears as Appendix A of this report.

For the July *Crossing the Bay* forum, Randy Shandobil, a political reporter for an Oakland television station, served as moderator. As listed above, an expert panel was brought together to discuss this controversial topic. A review of the transcript shows that the panel reflected many of the varied positions this initiative has prompted. Sean Randolph and Mayor Shirley Dean are in favor of the initiative, while Mayor Gus Morrison, and Russell Long are not. In addition, during the forum, Russell Long stated that Tom Ammiano, President of the San Francisco County Board of Supervisors has withdrawn his support. He also informed the audience that a number of environmental groups withdrew their support. The groups mentioned include the Audubon Society, the Environmental Defense Fund, the Save San Francisco Bay Association, Sierra Club and the Bluewater Network. Dennis Fay supports further analysis with an effort that would target specific corridors.

After the panelists' introductory statements, discussion ensued. Randy Shandobil steered the discussion via his own questions and questions from the audience.

The topic of Bay Area congestion is huge, the issues many. The *Crossing the Bay* forum was not intended to resolve the issues. It did, however, bring many of them to the forefront in public discussion. Concerns mentioned and issues discussed during the forum included, but were not limited to

- Congestion relief
- Cost-effectiveness
- Creation of a super authority
- Earthquake recovery
- Effectiveness
- Environmental effects
- Full vs. incremental investment and expansion
- Need for a comprehensive world-class transportation system

- Parking
- Pollution
- Port locations
- Priorities
- Role and impact of ferries
- Smooth transportation connections between modes
- Will the ferry plan work?

The major concerns appear to be regarding environmental issues and cost-effectiveness. One concern raised is that ferry pollution was alleged to be worse than automobiles and other transportation modes. This is met with the suggestion that technological advances will catch up with the plan and engine efficiency and cleanliness improved. Other concerns are the technical effectiveness and cost-effectiveness of the proposed ferry systems. Will they do the job of relieving congestion better than any other alternatives? Are there viable alternatives?

Undoubtedly, debate, analysis, and planning will continue.

INTRODUCTIONS

July 29, 1999

DR. GLORIA DUFFY:

When I was in Washington, the first thing everybody would talk about was the traffic. It was that high on everyone's consciousness. How did you get there? How long did it take? What were the particular traffic stories of that day? And I knew that the Bay Area had passed some kind of a milestone, although a negative milestone, a couple of years ago when the same thing started happening here. Everywhere you go, everybody's talking about the traffic, and in every region of the Bay Area, from the Sunol Grade, to the Bay Bridge, to the Silicon Valley where I live.

On a much less trivial level than cocktail party conversation, traffic and commuting is increasingly consuming productive work hours by the Bay Area work force. It is adding to the stress of people, their families with whom members of the work force have less time, and it is increasing pollution in the Bay Area. If we don't manage this issue adequately, we are going to find that we will ultimately drive companies away from the Bay Area, from locating in the Bay Area and that will hurt our regional economy.

We have a very unique resource here in the Bay Area, like a few other cities in the world—Hong Kong comes to mind—in that we are situated around a large body of water. We have therefore, some real possibilities for water transport across the bay.

A number of organizations are working very hard to create a plan for high-speed water transit on the bay, particularly the Bay Area Economic Forum and the Bay Area Council.

Our purpose tonight is to analyze and evaluate that plan which has been put out on the table by these organizations: Is it the best alternative for dealing with our congestion problems in the Bay Area? Is it affordable? Will it offer a net benefit in terms of dollars and environment as related to other ways of spending our transportation money and fitting our priorities? How do we get from here to there, from where we are now to implementing a plan like this? What steps are needed?

One could have predicted years ago, that we would find ourselves in this position here in the Bay Area, with regard to transit, and a few people did predict this. One of them was Rod Diridon, former Chair of MTC, ABAG, and the Santa Clara County Board of Supervisors. He has been a long-time advocate for mass transit in the Bay Area. I would like to now turn the meeting over to him, as head of the co-sponsoring organization, the Mineta Transportation Institute at San José State University. He would also like to welcome you.

ROD DIRIDON:

Thank you Dr. Duffy.

I'll be very brief and say first that it is a pleasure to have all of you here, and it is a pleasure to be here and for the Mineta Transportation Institute to be a co-sponsor.

I should note that in a bit of preparation, economic viability of a nation really depends on efficient transportation more than any other individual variable. More than 25 percent of a product's cost is associated with transportation, and it is the most controllable element of that product's cost. When you have a transportation system in a metropolitan area which begins to bog down, that jeopardizes the viability of that economic area to compete in the world market. And indeed, the Bay Area is in the process of reaching terminal gridlock rather quickly.

Our most under-utilized mode of transportation has to be water-borne transportation. We are developing mass-transportation systems. They aren't here yet, but they're in process of development. We have massive highway systems which have bottlenecks and are badly over-congested. We have those systems, but our water-borne transportation systems are just "bits and pieces," though they have the potential of carrying much, much more people and products than they are now. So if we're looking at economic viability in terms of world competitiveness and employment; if we're looking at environmental sustainability, then we have to use all of the tools in that carpenter's chest of transportation tools, and certainly water-borne transportation is one of those tools.

Sean and Shirley, Gus, Dennis and Russell, understand those tools. I think they are going to be able to guide us through a conversation today that will help us understand the application and proper use of those tools. It may be that at the conclusion of this, we will be able to come forward with some ideas that will help

policy-makers throughout the Bay Area and in Sacramento to begin developing a consensus course of action on water-borne transit for the Bay Area.

So thank you Gloria and to the Commonwealth Club for sponsoring this event. Thank you to the Bay Area Council, and the Bay Area Economic Forum for providing the background information and developing the plans.

DR. GLORIA DUFFY:

Now, let me introduce Bonnie Cox, who is the Co-Executive Director of the Commonwealth Club, East Bay, here in the East Bay. This is the first in the series of panels around the Bay Area on the high-speed water-transit plan. Bonnie will lead this discussion and introduce the moderator and panelists. Bonnie Cox.

BONNIE COX:

Thank you.

It is my pleasure to welcome everyone here on behalf of the Commonwealth Club, East Bay. I want to extend a special welcome to any new members that are joining us today. And if you are not a member of the Commonwealth Club, please take a moment to consider membership. We do have staff available to assist you with any questions you might have.

Tonight's program is being taped for later broadcast on station KALW – 91.7, which carries club programs each Friday at noon.

There are question cards on your chairs tonight which will be collected throughout the program for the question and answer period.

Tonight's program, as you know, is the first in a three-part series on the proposed Water Transit Initiative. Watch for programs in Silicon Valley and San Francisco in the early fall.

Now I'll pause for a moment as we begin taping our program for the radio broadcast.

Good-evening ladies and gentlemen, and welcome to today's meeting of the Commonwealth Club of California and the Norman Y. Mineta International Institute

for Surface Transportation Policy Studies, brought to you from the Association of Bay Area Governments' Metro Center in downtown Oakland.

I am Bonnie Cox, Co-Executive Director of the Commonwealth Club, East Bay. We invite all of our listeners here and on radio to join the Commonwealth Club on the world-wide web at www.commonwealthclub.org.

And now, it is my pleasure to introduce tonight's program.

The San Francisco Bay Area is a wonderful place to live, but it is not a fun place to commute. And the problem is only getting worse as traffic congestion is projected to increase by 250 percent in the next 20 years.

One solution to the daily grid-lock currently being "floated" does indeed involve water.

The Bay Area Water Transit Initiative proposes a dramatic increase in ferry service on San Francisco Bay and an authority to supervise it. A bill is currently moving through the State Legislature, and with us today are some of the key people grappling with the issues related to water transit.

Panelists

Sean Randolph is President of the Bay Area Economic Forum, a non-profit, public-private partnership of business, government, academic, labor, and community leaders. The Forum works to foster a dynamic and competitive economic environment, and to enhance the overall quality of life in the San Francisco Bay Area. He is one of the creators of the Water Transit Initiative.

Our next panelist, Shirley Dean, was elected Mayor of Berkeley in 1994, and was re-elected in 1998. She is a member of the Water Transit Task Force, and is actively involved in a wide range of commissions and partnerships in the East Bay, many of which are related to transportation issues.

Gus Morrison describes himself as Fremont's first recycled mayor, since he served two terms between 1985 and 1989 prior to his current occupation of the office which began in 1994. He has also served on many transportation committees, including the Association of Bay Area Governments Regional Planning Committee.

Dennis Fay is currently the Executive Director of the Alameda County Congestion Management Agency, which was created in response to voter approval of Proposition 111 in 1990. He has 30 years of experience in the transportation field.

Our final panelist is Russell Long, Executive Director of the Blue Water Network, which fights against pollution from watercraft and works with the Environmental Protection Agency to reduce pollution.

Now I would like to turn our program over to our moderator, Randy Shandobil, Political Reporter for KTVU-Fox, Channel 2. Mr. Shandobil has covered every type of event, from the O.J. Simpson trial, to the Unibomber, and has won numerous awards, including six Emmys.

Randy.

RANDY SHANDOBIL:

Thank you, Bonnie.

One of the unfortunate realities of life in the Bay Area is that one of the things that makes it such a wonderful place to live is the same thing that makes it such a terrible place to commute—the water. Because of the bay, and because San Francisco is a peninsula, there are only a few ways in and out, and we all know that those few ways are often very slow ways.

Another unfortunate reality about life in the Bay Area is that another one of those things that makes it such a wonderful place to live could be in jeopardy. By big-city standards, we have pretty good air quality here, but can it last if congestion gets much worse?

So tonight we are here to discuss the pros and cons of what on the surface seems to be a very attractive alternative—a new fleet of ferries. Sounds like a dream-come-true—a magic cruise across the Bay beats a jam at the toll plaza any day, right? Well, it's not that simple, and we're about to hear why.

We'll have some opening remarks starting with Mr. Randolph.

OPENING REMARKS

SEAN RANDOLPH:

Thank you very much, Randy.

Let me give you just five minutes on the initiative, what thinking went behind it, and exactly what the contents of the proposal are.

About two years ago, the California State Senate asked the Bay Area Council and the Bay Area Economic Forum to organize and manage a task force that would come up with recommendations for a new water transit system for San Francisco Bay. That led to the creation of the Bay Area Transit Task Force that had about 50 members drawn from a range of civic leaders: city council members, county supervisors, water transit operators, environmentalists, and recreational boaters. It was a very, very inclusive process designed to draw-in every point of view that could be brought into this issue.

That task force held deliberations for a period of about one year, maybe 14 months. Its own meetings were public forums that anybody could participate in and observe. There were seven open forums for public comment, held throughout the Bay Area in different parts of the region. There were consultations with civic officials, transit operators, and a wide range of interested individuals. The result of that was a recommendation that was released last April 28 to create a Bay Area Water Transit Authority that would be tasked with the job of coming up with more detailed analysis.

The analysis was to include environmental impact reviews, analysis of technology, and analysis of the market demand for different kinds of routes, that would lead to a next phase of actual implementation and building of such a system.

There was legislation, which you just heard, making its way through the state legislature to do exactly that.

The report also laid out the conceptual design of that system. For that we had the assistance of consulting engineers working on the project. The basic approach that the task force took, was that this program needed to operate from critical mass. In other words, it would not do to do an incremental approach, add a route here, add a route there, expand service some on existing lines at the margins. The goal of this

project is to have a significant impact on regional congestion and on regional mobility, and to take a very significant number off of roads and bridges and put them on the water.

The plan involves two phases:

Phase 1, which is what we call “Critical Mass”—the point you reach that level of impact on mobility—would involve 20 to 30 terminals, including terminals going to the airports and the ball park, and a fleet of up to 70 vessels of various configurations, depending on the routes. It would cover about 440 passenger miles within the region and would move 15 to 20 million passengers per year. That would be built, conceptually by 2010.

By 2020, the proposal foresees a full build-out of this system with 35 to 40 terminals, up to 120 vessels—again of different types—that would move 25 to 30 million passengers per year. The performance criteria built into the proposal were to

- 1) relieve congestion and impact regional mobility—which is why we’re talking about critical mass and not an incremental approach at the margins,
- 2) to protect environmental quality, which means to build this in an environmentally responsible way, and
- 3) to support smart growth and sustainable development of the region.

There are other side benefits, which aren’t the core of the systems, but which are very, very important to recognize.

One is emergency preparedness. We know that there will be another earthquake in this area someday. When that happens, we also know that no matter what we do, roads and bridges will go out. We also can have confidence that ferries are going to continue to operate whatever happens to the roads and bridges. And it could be the core of the emergency preparedness system in the future.

We know that worked in Kobe and their earthquake, so there are side benefits to this kind of system that are extremely important.

We compared this system to other systems in Sydney and Seattle, Hong Kong, and Vancouver to derive success factors. What would make this be successful? I am happy to go on and describe what those success factors are.

We estimate that the cost of this would be somewhere between \$680 million and \$2 billion. The difference is because we don't know what the impacts are going to be for environmental statements. There are lots of things. How many vessels? What kind of technology? There is a wide range of variables. But at an upper level, we're projecting about \$2 billion.

That is a lot of money, but we consider this to be on balance, a very cost-effective environmental investment in transportation infrastructure, because if you look at rebuilding the east span of the Bay Bridge, that is costing \$1.3 billion. It adds nothing to regional transportation mobility. It cost almost \$1 billion to rebuild the Cypress Freeway, and \$1.5 to add eight miles of BART to the airport. All of those are things that need to happen.

So with that, we think that it is good investment from that stand point. MTC projects a 250 percent increase in congestion in the coming years, and 100,000 hours of lost productivity. We think the region needs a balanced system and that water transit will take us a long way toward that goal.

RANDY SHANDOBIL:

Berkeley Mayor Dean, your opening remarks.

MAYOR SHIRLEY DEAN:

I want to speak briefly about the broad opportunities that are presented by the Water Transit Task Force report.

As the Bay Area has continued to attract more and more people, traffic congestion is the number one issue of concern for all residents. In spite of a lot of words, plans and some action, traffic has continued to get worse and worse.

I remember, not so very long ago, when I could get off work at about five o'clock, and get to an eight o'clock San Francisco Opera performance with no difficulty. I can't do that anymore. It is clear we have a real problem.

The I-80 Freeway is one of the most congested freeways in the Bay Area. That freeway and others line the San Francisco Bay. That signals to me that at least part

of the congestion could be alleviated by water transit, which is clearly under-utilized for both transporting passengers and freight.

Not so very long ago in the 1930s, ferries on San Francisco Bay transported an astounding 50 million passengers. Over the years, we lost sight of a transportation systems that included water transit and light rail to San Francisco. It was a good system, we used it, and it worked for us, but we turned our future over to the private automobile.

So today, instead of a broad vision about transportation, we have a series of reports—unconnected agencies squabbling over the few dollars that are available, and uncertainty over the future. We have a lot of hope, but no real plan.

I regret having to say that, because of the good intentions of most of the people that are concerned about transportation. However, I do not see a vision, nor the will to abandon traditional turf so that we can truly work together to reduce the 100,000 hours of wasted productivity that we experience each and every day while we wait in our cars stuck in traffic, spoiling our heritage with bad air and urban sprawl.

The Water Transit Plan offers an unprecedented opportunity to put back the missing link in a comprehensive transportation system. It offers, also, the opportunity to address creating a seamless system of transportation throughout the Bay Area.

Hong Kong with its 6.5 million population, carries 30 million passengers every year. The Bay Area, with 6.6 million population, carries 3.5 million passengers per year. Water transit is needed to complete a system which includes freeways, local roads, bridges, buses, light rail, bicycles, heavy rail, and pedestrians. Not only do we need all of it, we need to move from one mode to the other in a seamless manner. We need this not only because it makes sense for our future, but because of the environment and the economy. Providing transportation to the core cities of the San Francisco Bay Area is essential if we are to retain jobs here and prevent further sprawl.

We need water transit because this is earthquake country and we know that there is more than a 67 percent chance of a 7.0 or greater magnitude earthquake that will devastate this area within the next few years. Water transit may be the only transportation system that won't fall down.

We need the hard analysis that has been called for, for the economic, and environmental side of this plan. But in the criticisms that I have heard of the plan, I must say that no one has ever said, “Don’ t have ferries.”

But what we need to do now is shift the conversation, not to stop water transit, but to start talking about

- 1) creating a comprehensive transportation system that includes water transit;
- 2) weaving that system into a seamless whole; and
- 3) increasing the dollars for transportation so that all parts of the system are adequately funded. It makes no sense to pit one against the other and to compete one against the other.

Thank you.

RANDY SHANDOBIL:

Thank you Mayor Dean. Let’ s move on to Fremont’ s Mayor Gus Morrison.

MAYOR GUS MORRISON:

Thank you.

I’ m required by law that each time I talk I should remind you that last week, Fremont was judged the best place in the country to raise a child.

It was named that because Fremont people are employed, they have goods jobs, they have benefits, and are employed in the Silicon Valley. For lots of people at this end of the Bay Area, the Silicon Valley is something that's somewhere south of the San Mateo Bridge, they do something down there, but we’ re not really sure what that is. But it is the economic engine that drives this economy.

I agree with Shirley and much of what she said. The problem that I see is that the question was the wrong question to start with—“Should the Bay Area have a world-class ferry system?” Sure, I agree with that. “Should the Bay Area have a world-class transportation system that includes ferries?” That’ s the question that should be answered. Not the ferries, but should it be a world-class transportation system?

Shirley said that I-80 is so congested that she can't get to the opera in San Francisco. But she has the option of taking BART to get there.

In Fremont, if I was to go to the San Jose Center for Performing Arts or to see the Sharks, I don't have an option but my automobile. I don't have BART, I don't have ferry, I don't have anything.

In Berkeley on I-80 at Ashby, there are 240,000 cars a day and there are twelve lanes. I-880 in Fremont has six lanes and gets 180,000 cars a day—two-thirds the traffic and half the lanes. So if Berkeley is bad, come down to Fremont some afternoon!

I pointed out at one public hearing that it's like the emperor has no clothes. A lot of people worked very hard to put a program together, and nobody challenged the assumptions. Like the Abilene paradox, the crisis of agreement. Nobody wants to challenge, because the other people want to go on. The problem with the system that's here, is that it separates ferries from all other transportation systems; it develops a funding source for them when we need funding for everything else.

Two billion dollars would complete BART from Fremont to the Diridon Station in San Jose. It would provide jobs with an economic benefit to people here who need jobs that pay \$12 to \$15 an hour. The ferry system proposed either ignores or under-serves half the population of the Bay Area south of the Hayward–San Mateo Bridge. It stops in Palo Alto. There's a stop proposed at Moffett Field, but that ends up in the golf course where the ammunition bunkers are and goes through the San Francisco Bay National Wildlife Refuge to get there, and it only brings 400 people at a time to an economy that has 800,000 jobs projected for 2010.

The problem is that it was designed to serve the San Francisco–Oakland axis, which is the old axis of the economy here, and doesn't recognize the new axis. It would compete mostly with BART and automobiles. I got on BART to come here. I knew when I got to BART that I was going to be here in 38 minutes at the most. I don't know how long it would have taken in the car, and I don't know how long I would have had to wait for a ferry.

People moving around need transportation that they know is going to be reliable, safe, and comfortable. To compare it to the Puget Sound in Seattle—there aren't any bridges across the Sound. You either have to go around or get on a ferry and it's an hour ferry ride from Seattle to Bremerton. I've done that.

One of the problems Mr. Sean Randolph pointed out was that it takes a critical mass to make it work, after we have spent \$2 billion, and we don't know if it's going to work before we spend the money.

I think we need to complete the transportation system of the whole Bay Area dealing with priorities first and luxuries last.

Thank you.

RANDY SHANDOBIL:

Thank you, Mayor.

Dennis Fay, your thoughts?

DENNIS FAY:

I guess I'm the token bureaucrat here today. What I have to do first is tell you what my Board's position is, then I'll explain why they got to that position.

The Alameda County Congestion Management Board took a position that said they support expansion of the existing ferry services, but through incremental investment; and that further study of the Bay Area Council's and Economic Forum's proposal and business plan regarding water transit is necessary, before creating an operating entity.

Another item was that members of the Water Transit Authority must be locally elected officials, appointed by the Boards of Supervisors and the City Selection Committees in the nine Bay Area counties, the theory being that those folks would be more accountable locally.

Then lastly, that the business plan that would be developed as a result of any further study must be consistent with the Regional Transportation Plan—the concept of it being included as part of a comprehensive system, not as an entity by itself.

Well, how did we get to this position? Here are some of the questions we asked and answered.

- 1) What has changed since ferries were a dominant and significant transportation mode in the Bay Area?

- 2) Is it likely the proposed Water Transit system will significantly relieve congestion in the Bay Area as has been suggested by the proponents?
- 3) What is the impact on existing transit ridership and financing in the Bay Region?
- 4) Proponents are also suggesting a Bay Area authority to operate the system that is one Bay Area-wide authority. Does this “bigger is better” concept apply to ferries? How will we pay for this?
- 5) And lastly, if a new revenue source is necessary to pay for it, what other programs can we make with that new revenue source in addition to some incremental expansions in ferry services?

Let me start by talking about what has changed since the ferry systems were significant in the Bay Region.

Could I have the first slide please?

The Bay Area population is more than four times the population it was in 1930.

Alameda and San Francisco counties, in 1930, represented 70 percent of the Bay Area’s population. Not so today.

The slide you see here shows those changes. In 1930, San Francisco represented forty percent of the Bay Area’s population. Now it’s just over 10 percent of the Bay Area’s population.

Santa Clara County is the biggest county in terms of population in the Bay Region today.

The population of the East Bay alone—Alameda and Contra Costa—is three times the population of the City and County of San Francisco.

Commuting patterns have changed accordingly.

Let’s just take Alameda County as an example. I have the data for that. Sixty-seven percent or two-thirds of Alameda county residents commute to jobs in Alameda County. The next biggest destination is not San Francisco, it is Santa Clara County.

Twelve percent of our residents go to Santa Clara County. San Francisco is third at nine percent; fourth is Contra Cost County with six percent. Similar patterns exist throughout the Bay Region. This explains how commuting has changed, just by looking at this population chart.

The next chart, by Caltrans published for 1998, shows the 10 most congested spots in the Bay Region. If you look at it carefully and have knowledge of the proposal that was put forward for the ferry system, you' ll see that it is probably only the I-80 corridor, (as mentioned earlier by Mayor Dean), and the 101 corridor in Marin, that have any potential of having the ferry system provide any kind of relief in that corridor.

Given a vastly changed Bay Area, with congestion growing outside the travel markets that can be served by ferries, it doesn' t seem likely that the water transit system can, as has been proposed, significantly relieve congestion in the bay region. It seems to us that a more modest proposal targeted at selected corridors would be useful. And that is what one of the challenges would be of any further studies—to figure out what those corridors might be.

What about the impact on existing transit operators? It is reasonable to assume that some of the water transit system patrons will come from carpools and existing transit services, especially in the Bay Bridge corridor where AC Transit and BART represent over 50 percent of all commuters in the peak period. Any diversion from carpools and other transit will reduce the system' s contribution to congestion relief. Furthermore, any diversion from existing transit operators will erode their revenue stream and potentially further weaken their financial situation. This is something that needs further analysis of the potential impacts associated with this particular proposal.

RANDY SHANDOBIL:

Russell Long

RUSSELL LONG:

For many years, Americans have had a love affair with the ferry. Not only do ferries relieve our frayed nerves after sitting in bumper-to-bumper traffic, but conventional wisdom says they also relieve congestion and air pollution by getting us out of our gas-guzzling cars.

Most people still think that ferries are as clean as tall ships on the Fourth of July. Members of the Bay Area Water Transit Task Force are almost certainly being affected by the myth of the clean ferry. But despite their good intentions to reduce Bay Area traffic congestion, the Task Force has neglected to study the tremendous air pollution and safety impacts these ferries will create. Blue Water Network did.

We discovered that even the most modern ferries operating today are ten times more polluting per passenger than contemporary cars, and 23 times more polluting than diesel transit buses. Ferries also create six times more Greenhouse gases than buses.

We ran these numbers by the Bay Area Air Quality Management District this week, and their staff has told me that their initial analysis shows that our comparisons are accurate. We were actually very shocked and saddened by these results. After all, ferries are an elegant way to go to work, and are the only legal way to have a drink while you are going home.

But the bottom line is that California automobiles have become far cleaner in the past quarter century, emitting only six percent of the smog-forming pollutant that they used to. Buses too have become a lot cleaner. And frankly, ferries will probably never get close to cars or buses because it takes a lot more energy to push a boat through the water than a wheeled vehicle through the air.

In addition, ferries use a dirtier type of diesel fuel than buses, spewing massive amounts of cancer-causing particulates and sulfur emissions upon passengers and crew, and also in port areas, which are often inhabited by low-income and racially diverse people. The task force hasn't even looked at these problems of environmental justice.

Adding to these woes, even San Francisco's Harbor Safety Committee, a government group filled with marine industry experts, expresses concern of the increased risk of collisions with other vessels possibly leading to an oil spill in the bay.

Windsurfers and kayakers should be worried about collisions too, since it is tough for a high-speed ferry skipper to make out a small craft when spray is hitting the windshield at almost 50 miles per hour. I know I wouldn't want to be fishing on a

foggy day knowing I could instantly become sushi when a ferry confuses me with a white cap. Freighters and cruise ships have a 15 mile per-hour-speed limit for a very good reason.

In addition to air pollution safety problems, high-speed ferries also create huge wakes that erode shorelines, causing damage to sensitive wetlands and wildlife habitats, and endangering threatened mammals such as sea lions. The new high-speed catamaran ferry in Seattle, the Chinook, has already caused so much shoreline damage that just this week the courts ordered it to slow down from 34 to 12 knots in several areas. That has caused commute times from Bremerton to Seattle—the same route that Gus took—to go up from 35 minutes to almost an hour. The slow-down has actually made some of the old ferries faster than the high-speed boats.

To add to the problems, studies conducted by the Netherlands' government showed that the diesel engines used by ferries dump the cancer-causing chemical dioxin, into the water. Dioxin is 300 times more toxic than DDT.

Finally, ferries will create significant noise pollution and diesel fumes that will annoy marine enthusiasts and shoreline residents, destroying one of the last truly peaceful natural areas in the San Francisco Bay Region.

Our main focus is not congestion, but it is interesting to note that in the past fifty years, according to the MTC, commute times of the nine county Bay Area have ranged from 21 to 27 minutes. Currently, it is 26 and a half minutes. So it is not completely clear to me that there is a congestion problem.

But just for a second, let's say there is.

The Task Force claims the ferry system will one day be able to carry 25 million passengers a year. That's a tiny fraction of all commuter trips per year, actually, just .28 percent. So if you multiply that against the commute time of 26.5 minutes, that means the \$2 billion ferry systems will save commuters an average of 4.5 seconds getting to and from work. Certainly, there must be a better alternative for mass transit.

To paraphrase Louis Mumford, "Adding a high-speed ferry system to relieve road congestion, is like loosening your belt to save weight." While it might make you feel

better, it makes no sense, especially if it means adding to the destruction of environment too.

We believe the proposed ferry system needs a full environmental review, and we're calling on Senator Perata to delay the bill until the Air and Water boards, the U.S. Coast Guard, and the Harbor Safety Committee, all take a closer look at the environmental impacts.

Until that happens, the support of all the environmental organizations who sat on the task force has been withdrawn. This includes the Environmental Defense Fund, the Audubon Society, and the Save San Francisco Bay Association. These associations raised many concerns over the past year that they feel were ignored. The Sierra Club and Blue Water Network join them in withdrawing our support.

FORUM DISCUSSION

RANDY SHANDOBIL:

Let's start with a question on the issue of pollution, since it seems to be the most clear and easily identifiable problem that people can relate to.

Cars for decades polluted badly, but people didn't ban cars, they worked on improving auto emission releases. What about the idea of bringing in ferries, because it is perceived that they are needed, and working on lowering emissions over the years?

Mr. Randolph, do you have any thoughts on that?

SEAN RANDOLPH:

Yes. We're also very concerned, and have been from the outset about the environmental impact of this kind of a system, as I mentioned before. Effects on the environment have been built-in from the very first moment this idea was developed as a key criterion. These issues of the environmental effects—whether it's wake, or water pollution—are ones that have been considered by the Task Force.

We have some doubts about the assumptions behind the Blue Water Task Force analysis. And so we questioned their results. But if we accept for a moment that these current marine diesel engines are more polluting than land-based diesel engines, the fact remains that diesel engines for buses have improved dramatically in the last 10 years; the amount of emissions from them has been lowered tremendously.

The Blue Water group compares those systems and hypothetical CNG base systems against existing diesel technology on the water. I don't see any reason not to expect that over the next five to ten years, we would see an improvement in the lowering of emissions from marine diesel. Right now they are not regulated. There will be standards for marine diesel. And while it may not ever be quite as clean as bus diesel, we expect to have tremendous improvements in those technologies.

RUSSELL LONG:

We have been working with the EPA on the marine regulations, which they are currently developing.

First of all, they are not slated to go into effect until the year 2006.

Secondly, they only reduce emissions by a very small amount. The standards are still going to be three to four times higher than that of current on-road diesel such as transit buses and trucks. That is our first concern.

In a former incarnation, I was an America's Cup Skipper, and I spent a lot of my life on the water. I am the first person to endorse boats and the use of them. And I have tried very hard to try to come up with a scenario where ferry emissions can be reduced so significantly that they would approach that of automobiles. I've given up hope that they will approach that of buses, because frankly, I think that is going to be impossible.

There's a great deal of technological progress that is going to have to be made before we even get to the point of bringing it close to that of an automobile on a per passenger basis. That is because we would have to go in the direction of CNG—of natural gas—and that's going to be a big design hurdle to overcome for the engineers. There has never been a CNG vessel before; we have only put them in motor boats.

RANDY SHANDOBIL:

Another environmental question I'll throw out there for anyone to answer: to take a ferry, you have to park a car. And if there are going to be parking lots near ferries, one presumes one of those parking lots will have to be on or near wetlands. How do you address those concerns that you have to park a lot of cars to have a real impact?

MAYOR SHIRLEY DEAN:

We debated this issue a lot. I am a little disappointed to hear about environmental support being withdrawn, because at every meeting that I attended, any environmental objection that was raised by groups that attended those meetings we responded to and said that certain places were not appropriate for ferries. Port Sonoma for example, was deleted from the plan over the objections of people,

because of environmental concerns. So we did respond at every turn to every objection that was raised by the environmental groups.

On the issue of parking lots, we do not anticipate large parking lots. We said that if there is a parking lot, it would be priced accordingly—that is, it would cost a lot of money to park your car there; for example, not like what BART does, where parking is free and encourages people to take the automobile to BART.

What we don't want are parking lots. So the system includes the possibility of feeder buses that would pick people up from points around the city, maybe even your own home, and take you to the ferry on a regular route. That is the phase two system, an entirely built-out system which has the higher price tag.

I would also like to add that if a terminal is proposed in a particular city, it is at that point where we know the specifics of what will be with the terminal—whether there will be parking or not parking, or where the terminal will be located—it is at that point that the EIR, a full environmental impact is done. We will know how often the ferry will be there; we will know what kind of boat it will be, how many times it would come in, how fast it will be going, etc. Then we could do a very specific EIR and know all of the impacts, and know whether you want to go ahead with that particular location and that particular scenario.

RANDY SHANDOBIL:

We've got a lot of questions here.

Mayor Dean, you've raised the issue of feeder buses. We have a lot of questions from people in the audience about already not being enough feeder systems for BART, and that BART is less convenient than it might be because of that.

Certainly that is the case with the ferries that exist now. There is already at least an impression that many of the ferry services are under-utilized, currently in part because there is a lack of an adequate feeder system.

So how do we address that? How do you make sure that there are easy ways to get to and from ferry terminals, and that if the ferry terminal is in downtown San Francisco, what good does that do you if you work in the city center? Anyone want to take that on?

SEAN RANDOLPH

I can answer part of that.

One of the key factors in the success of any ferry system is intermodal connection—so it's the transit time from your home to your destination, not just your time on the water.

As Mayor Dean said, we do not expect that most of the people coming to these ferries are going to drive. In fact, the proposal foresees that approximately 50 percent of the people traveling by ferry arrive other than by automobile. Some may come by foot; some may come by bicycle. But connecting buses that would take you from your door or from your neighborhood, deposit you at the ferry dock to walk on the boat and you leave. It's essential that in any location where a ferry would be operating, that there be an arrangement worked out, a seamless connection between the existing land site transit operator and the ferry systems at that terminal. If there are non-existing services, then it could be that the Authority may need to operate its own feeder service just as Golden Gate Transit does today.

RANDY SHANDOBIL:

That's counting on a lot of things working out just right, isn't it? The bus is five minutes late, and you miss the ferry.

SEAN RANDOLPH:

I've been riding the ferry for 11 years now out of Marin County, and aside from the quality of the trip, which you really can't beat—the ferries feed into the Sausalito terminal; they feed into the Larkspur terminal; and the number of days when anybody has missed a ferry out of Sausalito since I've been there can be counted on a couple of hands. It's close to a seamless connection.

The fact is that, we know that those connections work and that the demand is there. Since the new high-speed ferry started operating out of Larkspur earlier this year, those ferries go out at capacity. They even go out early. You can't get a space in the parking lot, so people better take a bus in if they want to be on those ferries. So we know the demand is there. We need more feeder buses to keep those ferries moving.

RUSSELL LONG:

We're very concerned that those 50 percent figures are not going to hold up. And right now I think we're seeing a lot more drivers than simply 50 percent taking mass transit. We have a great number of people who are taking their cars to the ferry and leaving them there. In fact we even have people who are reverse-commuting, for example, from Pinole to Vallejo, in order to catch the ferry. So the emissions have to be added on to the ferry side of the equation.

I just did a quick calculation, on the wetlands question; if you have 68,000 riders per day, which is what this ferry service is proposing, and even if 50 percent of them are taking feeder lines to the ferry, you still have a need for 34,000 parking spaces around the Bay Area. I just did some quick division, and that winds up being the equivalent of 5,000 football fields. That is an awful lot of space that we are going to be giving away to parking for these terminals.

I believe there were suggestions made during this past year, that these terminals be located close to residential neighborhoods so that people would not have parking there, and therefore be forced to take mass transit to get to the ferry. But in fact, those suggestions were ignored, and the current scenario is that we are going to need a great deal of parking.

SEAN RANDOLPH:

I should say that on the wetlands issue, that every potential site for this system was evaluated on a scale of one to four. One being the most benign, four being a severe environmental impact. And our environmental members of the task force participated in that, and the Point Reyes National Bird Observatory Task Force participated in that survey.

The environmental community, as Mayor Dean indicated, communicated that those sites that were identified as having the most severe impact should not even be on the map of the proposed system. There were many people who wanted them on the map for transit reasons. Against the better judgement of many task force members, we elected to take those off the map as a sign of good faith that we respected the views and wanted to be inclusive of the environmental community's concerns.

So what Russell was saying about the environmental members of the task force withdrawing their support, is really a source of tremendous concern, since in fact, we have more than bent over backwards to accommodate any legitimate point of

view that was raised. Certainly every terminal location would be developed in consultation with the local government authority. We wouldn't do anything that they did not approve of, and no site has been proposed that would utilize wetlands. In fact, sites were taken off the map because they would affect wetlands.

RANDY SHANDOBIL:

I have a question from the audience. I think this would be best directed at Mayor Morrison.

“Wasn't San Mateo and Santa Clara County's decision to opt out of the BART system a monumental faux pas, and doesn't that figure in some of your opening remarks? And what should be done with that? And how does that factor in with the ferry system?”

MAYOR GUS MORRISON:

All of us are blessed with 20-20 hindsight. I can't think of anything I don't know how to do better today than I did 20 years ago.

When BART was decided in the early 60s, Santa Clara County was an agricultural county. They grew plums, prunes, and pears. They were the—“Garden of Hearts' Delight,” was the movie that was filmed in the thirties. They could not have envisioned what was going to happen today in Santa Clara County. I went to work at Lockheed in 1958 in the middle of onion fields, everything around us was onions and tomatoes.

So they made a decision that they didn't need BART at that time. And looking back today, you say, “that was a mistake.” But it wasn't in 1960. San Mateo County was quite similar.

In those days I lived in San Francisco and I commuted from San Francisco to Lockheed. The freeway ended at Palo Alto, and it was a four-lane road with left turns the rest of the way down. I was able to commute from the Army Street on-ramp on 101 down to Lockheed in 35 minutes in the morning—and never break the speed limit.

The decisions they made then are the decisions they made, and you can't fault them. We need to fix that today.

BART to the airport and then to Milbrae is an easy shot down to the county line. Makes more sense to me to build the light rail to San Jose, and then tie it to two BART lines going up to Oakland and to San Francisco, than it does to build high-speed rail all the way up to San Francisco.

We should never look back. We should always be looking forward.

MAYOR SHIRLEY DEAN:

I think that Gus ought to have his two BART lines and light rail and all the rest. That doesn't mean we shouldn't have ferries. Those are two different things.

Everyday there are the decisions that should have been made in 1960; everyday we have to understand that we do have to look back, as well as look forward. If we make the wrong decisions, we will continue these problems that we see today.

We talk about sustainability, and we talk about what that means in increasing density in this area and curtailing sprawl. We have to do that.

You can look at Hong Kong, with its subway and its ferry system—they don't have acres and acres of parking lots, and we shouldn't either. But that doesn't mean that we shouldn't have ferries. Because it's an available transportation system that we need to have, along with light rail, heavy rail, buses, and all the other forms of transportation that we will need. And if we miss the boat on this one, then we will be left standing there alone.

RANDY SHANDOBIL:

A question for Mr. Fay. You may have been getting to this before I cut you off.

How does the cost of ferries per passenger compare to other mass transit? And on that same line of thinking, how do the subsidies per passenger compare?

DENNIS FAY:

There is a chart (handout) showing existing ferry services. In some cases, ferry services show very favorably against existing transits services. Most particularly, the Alameda–Oakland ferry. That is about the same subsidy per passenger as AC or BART. On the other hand, the Harbor Bay Ferry, which also operates out of a part of Alameda, has a very high cost per passenger. And the Larkspur ferry is quite high per passenger.

If you look at this chart you can see that there appears to be a U-shaped curve. It seems to indicate that maybe bigger isn't better, that as you go with more and more patrons, you see the costs or the subsidy per patron coming down, but at a certain point, it starts going back up again. Again, that is something that needs to be looked at carefully.

The agency's view is that some ferry services probably are quite cost-effective—others aren't. What we need to do is find those places where it is cost-effective.

RANDY SHANDOBIL:

I have several questions from the audience directed toward Mr. Long. I guess they're questioning your motives.

Some of the questions ask, "Aren't you really just trying to protect the bay for people with money who have sailboats and have leisure time?"

And another suggests, "Are you on the payroll of General Motors?," in that limiting ferry service, in the view of this audience member, perpetuates the need of automobiles.

RUSSELL LONG:

Well, I think I've made the comment recently that I honestly believe it might make more sense to try to keep our congestion and pollution on the roads, and to confine it to one place, rather than spreading it out until every square foot of San Francisco Bay and the bay region is congested. I just don't think it makes a great deal of sense to have so many ferries at such high rates of speed creating potential for collision, and all kinds of environmental impacts.

The other question was, what is my motivation for this thing? I honestly believe that there are going to be a great deal of environmental impacts that people are not looking at today.

I was talking to a gentleman that was a plaintiff in a lawsuit against the Washington State Ferry Corporation. He claims that the new high-speed ferry that makes the Bremerton/Seattle route is causing tremendous damage because of these very large wakes that come and hit the shoreline and destroy a lot of homeowners' properties. And I asked him if he could be more specific in describing what he was actually seeing when he saw these waves hit, and he said, "You know, it's funny. We've measured the waves from these catamarans, and they're very small out on the open

water. But as they approach the shore, they have such velocity behind them, so many Jules of energy behind these things, that they actually rear-up and smash the sea walls with tremendous amounts of steam. And that is causing significant damage. As far as I'm concerned, the old ferries which had bigger wakes out on the open ocean hit with much less impact, and we'd much prefer to see those."

So I just think that there are a lot of issues like this that we need to be concerned about that are not being properly addressed.

RANDY SHANDOBIL:

And again, looking forward, you don't see the technology wizards of the world can come up with a better, more efficient, environmental-friendly vessel?

RUSSELL LONG:

I don't think that we should abandon the notion of a ferry, or a ferry system. I think there may be ways to arrive at a place where we have relatively clean ferries compared to an automobile. But if we're going to propose a ferry system where we're actually talking about increasing the pollution of the Bay Area relative to a bus system, then, let's do it consciously. Let's not sweep it under the rug and ignore that we may be increasing air pollution in the Bay Area after the 25 years of hard-won gains that we've all worked for.

RANDY SHANDOBIL:

Another audience question about government oversight, the government agency, that would run water transit:

"Do we need yet another super-government agency to ensure a 'coordinated and cooperative' transportation system?"

SEAN RANDOLPH:

We've proposed creating a Bay Area Transit Authority because there is no other entity within the Bay Area Region that is equipped and qualified today to operate a regional transportation system of this nature. Because again, we're not talking about a route here or a route there. The key to the concept is the expansiveness, that it will reach not just the San Francisco corridor, but almost every part of the bay. It will have to deal with many, many jurisdictions in negotiations and conversations about the siting of terminals. It will have to have some focused, coordinated strategy for the design of the terminals and ferries.

For example, if there were to be an earthquake, you don't want to have 30 different kinds of vessels and 20 different standards of terminals where a vessel can't get to a terminal. You want to have certain standardized criteria where you can deploy vessels almost anywhere very quickly. So there's a certain degree of standardization involved.

The fact is, it is such a large undertaking with so many other transit operations to integrate with, so many jurisdictions, that no existing agency can do the same thing. We believe that you need to have an authority to provide the integration and the strategic development to bring-off a project of that scale.

RANDY SHANDOBIL:

A question from the audience that I'll direct to the two mayors.

“What political forces are marshaled for and against the ferry proposal? Where do Mayor Willie Brown, Mayor Jerry Brown, Mayor Gonzales, and Governor Davis stand?”

Do you know?

MAYOR SHIRLEY DEAN:

I have no idea where Mayor Gonzales stands. But both Mayors Willie Brown and Jerry Brown were actually co-chairs of the Water Transit Task Force and have spoken in favor of it. The governor appears to be in favor of ferries. I'm not sure if he's in favor of any particular plan, but he has spoken out in favor in general of ferry transportation.

GUS MORRISON:

Ron Gonzales, when he came into office, was asked to serve as a co-chair and declined.

SEAN RANDOLPH:

I might add that, in the case of Ron Gonzales, he has expressed his support for the project and for the initiative, but that he made certain commitments to his constituents when he was elected that he feels more compelled to focus upon right now. But we do believe that he is sympathetic to the initiative.

RUSSELL LONG:

I should probably jump in here and add that Tom Ammiano has withdrawn his support.

RANDY SHANDOBIL:

I may have missed this—so excuse me if I'm asking a repetitive question—but on the issue of funding, I presume—and nod your head if I'm correct—that at least some of the money would have to come from the state?

SEAN RANDOLPH:

The bill that is now before the Assembly, having gone out of the Senate, we believe that it would take about \$18 million over a two-year period to fund the authority.

Again, that is not to build the system, that is to staff it and give the resources to conduct the environmental impact analyses—to analyze the technologies, and work with local jurisdictions on siting.

Once you get to the actual construction of it, it would have to come from a variety of sources . . . I would anticipate state and federal.

But the task force, being a volunteer group, is only able to go so far in researching all the options—that really would be one of the things that the new authority would be tasked to come up with.

RANDY SHANDOBIL:

Well, I'm up in Sacramento a lot. It's certainly the impression I get, seeing that most Assembly members and most state senators are from the more heavily populated areas of Southern California, that a lot of them are getting a little tired—they say—of approving money for the Bay Area for bridges, for this, for that. I'm just wondering if you can really count on the votes being there to get the money you would need from the state.

SEAN RANDOLPH:

We have made it very successfully through the State Senate, and there is no reason to believe that we couldn't successfully negotiate our way through the Assembly as well.

RANDY SHANDOBIL:

Another question from the audience.

“In its final configuration, there will be a very large mixture of vessels on the bay. How will all the disparate vessels be maintained? How will it all work when visibility is poor or non-existent—fog on the bay? Are we talking about a wide variety of different types of vessels? When you’re up to speed and you have all those vessels on the bay at the same time and the fog socks the bay in, is there a potential hazard there?”

MAYOR SHIRLEY DEAN:

Well, certainly there is a potential hazard; there is a potential hazard if you didn’t have very many boats on the bay.

But it is anticipated that there may be a variety of sizes of boats. What we are considering are lanes for the ferry boats. There are devices for the boat which tell you if you are going collide with something; those would be installed, and all of that would have to be worked out so that those are manageable problems. We feel the technology exists, particularly the lanes for the ferry boats to travel in.

RANDY SHANDOBIL:

Here’s a question getting back to the parking issue.

“What about using the closed naval bases for ferry ports? Parking is already available.”

SEAN RANDOLPH:

That’s one that I am happy to take up, because the Bay Area Economic Forum has been very involved in the issue of base conversion.

We think that this a tremendous opportunity for the Bay Area, and that these facilities are nowhere close to reaching their potential—and will not be for many years—but they have tremendous possibilities to contribute to the economy of the area from a business and residential standpoint too.

We think that many of these bases are ideal locations for water transit. They have lots and lots of land. There are about 11,000 dry acres of land looking for development on these bases. I think all but one of the bases that are closed in the

region are located on San Francisco Bay. One of the things they need though, is a catalyst for development—ferry terminals on the base.

I don't think it's just because it is on a former base with a huge parking lot, but there is more space available with those spaces. If you have a ferry terminal there, it becomes a node for development that could stimulate additional retail, commercial, and housing development on the bases. The transportation links to get into the terminals will stimulate the development of road access from the bases into the surrounding communities. By linking the bases by water virtually to the rest of the Bay Area, we believe it will be a tremendous stimulus to accelerate the development of those bases commercially for residential purposes again, which would be a tremendous benefit for the bases, the surrounding communities, and then for the region at the end.

RANDY SHANDOBIL

But not as huge parking lots?

SEAN RANDOLPH

Not as huge parking lots, no.

RANDY SHANDOBIL

Mr. Rudolph, you talked earlier about having the need to start with a "critical mass," but obviously there would have to be some place that would get service first. Which communities and which commuters would be given the highest priority? Which ferry terminal would open first and would you prioritize that?

SEAN RANDOLPH

At the moment it is prioritized. Phase I includes the terminals we think are most likely for development in the initial 10-year period which is basically the ones with the highest current of potential market demand. Vallejo, existing routes in Marin County, Larkspur, Sausalito, San Francisco, there would be what we would term probably recreational routes that would serve the Golden Gate National Recreation Area, but also Pac Bell Park, Mission Bay, down to South San Francisco, Redwood City, Moffett Field, Oakland, Alameda, Berkeley, Albany—I'm probably leaving some out, but there would be approximately 18 sites on the proposed Phase I.

There are also proposed cargo sites, which is important also from the South Bay perspective. There's a lot of interest from the air cargo community and from the

airports in having water transit as an option for moving light packages. In other words, there are hundreds and hundreds of trucks that move out of airports every day on the roads and bridges for Federal Express and people like that, but get jammed on the roads. And there is an issue of the packages arriving on time. If they don't arrive on time it backs up the whole national transportation system as they try to move their flight schedules to get in early to get the packages delivered. So we anticipate that there would be throughout the bay--but probably initially two or three, including Moffett Field - terminals that would be dedicated to light cargo and package delivery that would be a major benefit for the South Bay.

But I think when we get once again to the commuter terminals, that's really going to be up to the local jurisdiction. The authority would engage early on in a discussion with every jurisdiction where likely terminals will be located. Probably starting with the Phase I group and engage in a discussion - how much do they want it? The authority would conduct much more detailed market demands analyses, analyses of the economics of serving that particular community. And frankly, if a community said "we really want a terminal now, and we're ready to go, and we've got the land, and we want to help you build it," that a flight which might have been in the Phase II category can very well go to the top of the list of Phase I.

RANDY SHANDOBIL

Unfortunately, we're almost out of time, so what I would like to do now is ask each of you to offer any concluding thoughts you have on the ferry plan or objections with the ferry plan, and let's work now in reverse order, starting with Mr. Long.

RUSSELL LONG

Well, as I mentioned before, I think the most important thing right now is that the bill that's being proposed by Don Perata, SB428, be delayed until the next legislative term. And the reason for that is that we need to conduct further environmental studies by the Air Resources Board, by the state water county, excuse me, the Regional Water County Control Board and others to ensure that we're not going to create additional environmental problems in the Bay Area that have not been addressed thus far by the task force. And my very serious concern is that if the proposal goes forward as is, I believe it's essentially a mandate for the governor to appoint pro-ferry interests to a bureaucracy whose sole task it is to get the ferry system up and running. I do not believe that the environmental effects will be studied to the extent that they need to ensure that we are not going to create further harm to the environment if the San Francisco Bay Area. Thank you.

RANDY SHANDOBIL

Mr.Fay.

DENNIS FAY

Well, as with everything in transportation, it's all about money. How much is it going to cost to build this; where's the revenue going to come from? If it comes from existing sources, it's going to compete with things that probably you in the audience, both here and the listening audience, will be interested in seeing develop—BART extensions, expansions of AC transit and so on. If it comes from a new revenue source, even that new revenue source has alternative uses. It could be used for any number of those things. We have a huge seismic retrofit bill coming up for BART, seven or eight hundred million dollars. Where's that going to come from? Substantially, a toll increase has been suggested by the proponents. Part of that could be used for making sure that BART doesn't fall down in the next earthquake. So it's about tradeoffs and about money in terms of how you use it. And what I would like to leave you with is this statement by Peter Brokard, who is a noted management consultant. He says the first policy, in the foundation of all others, is to abandon yesterday. So one of the questions is, are the ferries yesterday or the future?

RANDY SHANDOBIL

Thank you. Mayor Morrison.

GUS MORRISON

There is a lady in Fremont named Grace Draper, who was asked about converting a library to a museum - and Grace was about 85 - and she said she was in Texas and she said "that museum for what?" "Well, so we can have all our stuff in the past." And she said, "Honey, there is only today and maybe tomorrow."

So we're looking at forgetting the past, we're looking at a system that as proposed, from listening to what has been said here today, raises more questions than answers. From my perspective, from the city of Fremont's perspective, we need to complete the transportation system of the Bay Area, and that included ferries where appropriate, but not out of context with the whole system. We need to have a transportation system that works, with one or maybe two agencies. This business of 24 different transportation agencies in the Bay Area "un-collaborating" and adding another one makes no sense to us. So, I think in the long run, we ought to take all this energy and get prodded to changes built to fund transportation systems rather than a little piece of it.

RANDY SHANDOBIL

Thank you, Mayor Morrison. Mayor Dean.

SHIRLEY DEAN

I think that we need to go ahead to establish the authority that will be key for the hard analysis, both economic and environmental analysis. I don't think that we should put one ferry on the bay until that analysis is completed and that the public has a long period of time to comment and to make sure that it is a full and complete analysis. I think that when this is done we will know far more, but we will not know this until we create authority and get on with the plan. We need to create a comprehensive transportation system, I agree with Mayor Morrison on that. It should include water transit and we need to weave that into the scene as a whole, as I've said. We also need to have more money for public transportation, not compete over the few available dollars that are there now. We need the authority however to operate a water transit system because we don't have—you're not going to eliminate—AC Transit operating for example, or BART operating, and that's what the authority would do for water transit. We do need an overall planning agency that will be effective and make this a comprehensive whole so that the intermodal connections occur.

RANDY SHANDOBIL

Finally, Mr. Randolph.

SEAN RANDOLPH

I agree with Gus Morrison in that we need an integrated, comprehensive transit system in the region, which we do not have now. And we believe that the ferry system has the potential to become the spine of that system by using the bay and integrating with all the existing land-based systems, and it would be the job of the new authority to define how to do that, and do all the work, and do the environmental analyses.

When I think about the views that are expressed in oppositions to the system, the impression that I come away with at the end is status quo: Let's not rock the boat, let's go through the existing institutional authorities, but if you want to go through those authorities, everybody's at the table getting a little extra money, everybody's going to want a piece of it, and you get no vision. And the other criticism suggested, well, we just need to use more buses, more cars. That all takes us back to our road system and our bridge system, and in effect, we're not going to build any more bridges in the Bay Area, and except for cleaning up a few bottlenecks, we're not

gonna build more highways. So water transit is the only undeveloped option available to us and I would just ask you if the status quo is serving us now? Are we better off with what we're doing now than we would be with the water transit system, and with MPCs projecting a 250 percent increase in congestion by 2020? By playing incrementally a little bit here, a little bit there, will the status quo serve us in the future? I don't believe so, I think we need water transit.

RANDY SHANDOBIL

Thank you. To the audience members who submitted questions that I didn't have time to get to, I apologize. And getting back to something we said in the beginning, the expanded ferry service plan on the surface sounds like a dream come true, and it very well may be. But obviously we could see tonight that it's not quite that simple because there are a lot of questions that do need to be answered. So, on behalf of the Commonwealth Club of California and the Mineta Institute for Surface Transportation Studies, I want to thank Dennis Fay, Executive Director of the Alameda County Congestion Management Agency; Sean Randolph, President of the Bay Area Economic Forum; Shirley Dean, Mayor of Berkeley; Gus Morrison, Mayor of Fremont; and Russell Long, Executive Director of the Blue Water Network for sharing your thoughts on the proposed increase in ferry service on San Francisco Bay. I'm Randy Shandobil, with KTVU-Fox 2, thank you for listening, this meeting is adjourned.

THANK YOU TO ALL THE FORUM PARTICIPANTS

ABBREVIATIONS, ACRONYMS, AND TERMS

101	California State Highway 101; runs north and south the length of California, ranging from immediately along the coastline to approximately 20 to 30 miles inland
ABAG	Association of Bay Area Government
Abilene Paradox	Crisis of agreement; Video and article by Jerry Harvey that explores group dynamics. The crisis evolves with a tendency of groups to make decisions and take actions that aren't necessarily supported by their individual members
AC Transit	Alameda County Transit
BART	Bay Area Rapid Transit—A medium-rail system that operates throughout various locations in the Bay Area
Bay (the)	The Bay at San Francisco, California
Bay Area	The San Francisco, California Bay Area
Bay Area Council	A council concerned with business development in the Bay Area, private, not-for-profit
Bay Bridge	The San Francisco-Oakland Bay Bridge
Bluewater Network	An organization whose mission is to protect "oceans, lakes, and waterways for all living creatures."
Caltrans	California Department of Transportation; for further information, see http://www.caltrans.ca.gov on the World Wide Web
Caltrans New Technology and Research Program	for further information, see http://www.caltrans.ca.gov on the World Wide Web
CNG	Compressed Natural Gas
DOT	United States Department of Transportation
East Bay	Alameda and Contra Costa Counties

EIR	Environmental Impact Report
EPA	Environmental Protection Agency
I-80	U.S. Interstate Highway 80; runs west to east from San Francisco, CA to Reno, NV
I-880	California State Highway 880; runs north and south from San Jose to Oakland
Institute (the)	Within the context of this document, The Norman Y. Mineta International Institute for Surface Transportation Policy Study, a.k.a.: “IISTPS” or the Mineta Transportation Institute
KALW – 91.7	Bay Area radio station non-commercial public radio station in San Francisco.
Kobe	Kobe, Japan. Site of a 7.2 earthquake on Jan. 17, 1995
KTVU	Fox Channel 2 San Francisco Television Station
MTC	San Francisco Bay Area Metropolitan Transportation Commission
RSPA	Research and Special Programs in the U.S. Department of Transportation; a department of DOT
Sharks	San Jose's National Hockey League Team
Silicon Valley	The Santa Clara Valley and its surrounding area; the area south of the San Francisco, California, Peninsula; primarily located in the South Bay, though the definition is somewhat flexible and can include any nearby area where semi-conductor or computer-related enterprises exist, from as far north as Marin County, south and west as Watsonville, and east as Livermore
SR19	Senate Resolution 19—Relative to San Francisco Bay Water Transport; Senate, California Legislature—1997–98 Regular Session
State Legislature	California State Legislature, Sacramento, CA

RELATED LITERATURE

Bay Area Council, *Bay Area Water Transit Initiative: Charting the Course*. February 1999. <http://www.bayareacouncil.org/>

Russell Long, Ph.D., Executive Director, *Bay Area Transit Options Emission Report*. Bluewater Network, July 8, 1999–revised July 21, 1999. <http://www.earthisland.org/bw/>

Russell Long, Ph.D., "There's no ferry godmother to solve Bay Area car crisis," *San Francisco Examiner*, July 28, 1999.

SB 428, Perata. Transportation: San Francisco Bay Area Water Transit Authority, introduced by Senator Don Perata
<http://www.sen.ca.gov/>

Senate Resolution 19, authored by former Senator Barbara Lee.
<http://www.leginfo.ca.gov/bilinfo.html>

TEXT OF SENATE RESOLUTION NO. 19**Introduced by Senator Lee**

Relative to San Francisco Bay Water Transport.

WHEREAS, San Francisco Bay area residents rank transportation as the region's number one problem according to surveys by the Bay Area Council; and

WHEREAS, San Francisco Bay area residents spend 90,000 hours per day sitting in traffic congestion; and

WHEREAS, The cost of this congestion is estimated to cost \$841,000 per day in lost time and resources; and

WHEREAS, The cost of building freeways now exceeds \$32 million per mile; and

WHEREAS, The economic cost of idling car engines amounts to \$300 million annually in damage to health, property, and plant life; and

WHEREAS, The San Francisco Bay area's efforts to maintain state and federal air quality standards rely, in part, upon vehicular emission reductions; and

WHEREAS, In 1921, the three largest ferry operators on the San Francisco Bay carried nearly 50 million passengers across the bay; and

WHEREAS, The San Francisco Bay is a vastly underutilized resource for travel; and

WHEREAS, Military base closures, new developments in the national and state parks, and the transportation needs of airports in the region create potentially significant new water transport opportunities; and

WHEREAS, Eighty-two percent of San Francisco Bay area residents are in favor of expanded ferry service according to the most recent Bay Area Council poll; now, therefore, be it

Resolved by the Senate of the State of California, That it is in the best interests of the state to make a careful study of the feasibility of expanded water transport on the San Francisco Bay; and be it further

Resolved, That the Senate of the State of California endorses the leadership of the Bay Area Council and the Bay Area Economic Forum in forming a Blue Ribbon Advisory Task Force to report recommendations for the improvement or expansion of water transport on the San

Francisco Bay; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the Bay Area Council and the Bay Area Economic Forum.

Senate Resolution No. 19 read and adopted by the Senate September 9, 1997

TEXT OF SENATE BILL 428**Introduced by Senator Perata****February 16, 1999**

An act to add Title 7.10 (commencing with Section 66540) to, and to repeal Section 66519 of, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 428, Perata. Transportation: San Francisco Bay Area Water Transit Authority.

(1) Existing law authorizes the Metropolitan Transportation Commission to develop and adopt a long-range plan for implementing high-speed water transit on the San Francisco Bay.

This bill would repeal the authority of the commission to adopt a long-range plan for implementing high-speed water transit on the San Francisco Bay. The bill would create the San Francisco Bay Area Water Transit Authority, and would require the board of directors of the authority to consist of 11 members to be appointed and selected, as specified. The bill would prescribe the terms of the directors on the board. The bill would require the board to employ a chief executive officer and a general counsel and to convene a community advisory committee and a technical advisory committee. The bill would require the board to prepare and adopt a San Francisco Bay area water transit implementation and operations plan, and to operate a comprehensive bay area regional public water transit system, as prescribed. The provision of the water transit plan would not become operative until the Legislature, by statute, approves the plan. The bill would prescribe related matters with regard to the powers and duties of the authority.

The bill would impose a state-mandated local program by imposing those duties on the authority.

The bill would require the commission to cooperate with the authority to prepare the plan by performing certain functions. The bill thereby would create a state-mandated local program by imposing additional duties upon the commission.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

SECTION 1. Section 66519 of the Government Code is repealed.

SEC. 2. Title 7.10 (commencing with Section 66540) is added to the Government Code, to read:

TITLE 7.10. SAN FRANCISCO BAY AREA WATER TRANSIT AUTHORITY

66540. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this title.

(a) "Authority" means the San Francisco Bay Area Water Transit Authority created by Section 66540.1.

(b) "Board" means the board of directors of the authority.

(c) A "public water transit operating agency" is any general purpose local government or special district that operates or sponsors water transit, including, but not limited to, those water transit services provided under agreement with a private operator.

66540.1. There is hereby created the San Francisco Bay Area Water Transit Authority.

66540.2. (a) The authority shall be governed by a board comprised of eleven members as follows:

(1) Eight of the members shall be appointed as follows:

(A) Four members shall be appointed by the Governor.

(B) Two members shall be appointed by the Senate Committee on Rules.

(C) Two members shall be appointed by the Assembly Committee on Rules.

(2) (A) Except as provided in subparagraph (B), three members shall be members of the community advisory committee established under Section 66540.14, and shall be selected by, and serve at the pleasure of, that committee.

(B) For the first eight-year term only, the governing board of any public water transit operating agency that provided service prior to June 30, 1999, that is not represented by one of the two locally elected officials specified in paragraph (2) of subdivision (b) may designate a person who is or will be its representative on the

community advisory committee to be a member of the board. The person designated under this subparagraph shall be appointed, immediately upon designation, to not more than one eight-year term, concurrently, on the board and the community advisory committee.

(b) (1) From his or her appointees, the Governor shall designate one member as the president of the board and one member as the vice president of the board.

(2) The six remaining members of the board appointed pursuant to paragraph (1) of subdivision (a) shall consist of a representative from the maritime industry, a representative from the transit industry, a biological resource specialist, two locally elected officials, and a representative from the public at large who is a regular user of the water transit services of the authority. For the first eight-year term only, one of the locally elected officials shall represent a public water transit operating agency that provided service prior to June 30, 1999.

(c) Each member of the board shall be a resident of a county in the region described in Section 66502.

(d) In making the appointments, the appointing authorities shall make every effort to ensure that the board is geographically balanced, but only to the extent consistent with the requirements of this title.

(e) Each member shall have one vote, except that the president of the board shall have two votes if there is a tie vote and the member representing the community advisory committee has not yet been appointed as required under paragraph (2) of subdivision (a).

(f) No local jurisdiction or public water transit operating agency may have more than one representative on the board of the authority.

66540.4. The initial terms of the appointed directors shall be eight years.

66540.6. Upon the expiration of the eight-year terms described in Section 66540.4, two directors shall be appointed to serve until February 1, 2010, two directors shall be appointed to serve until February 1, 2011, and four directors shall be appointed to serve until February 1, 2012.

66540.8. (a) A director may be compensated at the rate of one hundred dollars (\$100) per day for performance of his or her duties. The compensation authorized under this subdivision may not be for more than five days in any month.

(b) A director shall be compensated for his or her necessary, actual expenses incurred in the discharge of his or her duties.

66540.10. The board shall employ a chief executive officer who shall have charge of administering the affairs and responsibilities of the authority, subject to the policy direction of the board. The chief executive officer, subject to the approval of the board, shall oversee the hiring of employees necessary to carry out the functions of the authority.

66540.12. The board shall employ a general counsel, responsible for managing the legal affairs of the authority, and the board may employ additional legal staff, contract for private legal counsel, and contract with state agencies for legal services.

66540.14. Not later than six months from the date of the first meeting of the board, the chief executive officer, with the advice and consent of the board, shall convene a community advisory committee to assist and advise the board in carrying out its functions. The community advisory committee shall meet on a regular basis. The community advisory committee shall include one member representing each local jurisdiction in which a water transit terminal exists or is proposed, and one member representing each special district providing public water transit services. Unless appointed under subparagraph (B) of paragraph (2) subdivision (a) of Section 66540.2, the members shall be appointed by the county board of supervisors and the city council of each county or city in which a water transit terminal is located or is proposed to be located, with one member appointed by the Golden Gate Bridge Highway and Transit District. The community advisory committee shall appoint one of its members to the board.

66540.16. (a) Not later than six months from the date of the first meeting of the board, the chief executive officer, with the advice and consent of the board, shall convene a technical advisory committee to assist and advise the board in carrying out its functions. The technical advisory committee shall meet on a regular basis. The technical advisory committee shall consist of members representing local, regional, state, and federal agencies, operating ground transportation agencies, and operating water transit services.

(b) Additional members shall include at least one member who represents each of the following interests: fish and wildlife, recreational boating, private environmental protection entities, business, real estate development, architecture, urban planning, private sector vessel operators, and organized labor, as well as the public at large.

66540.18. The board shall properly notice and conduct its meetings in accordance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

66540.20. (a) The authority shall prepare and adopt a San Francisco Bay Area

Water Transit Implementation and Operations Plan. The plan shall include all appropriate landside, vessel, and support elements, operational and performance standards, and policies. In preparing the plan, the authority shall review and consider, in addition to other materials and information, the findings presented in the document entitled "San Francisco Bay Area Water Transit Initiative," dated February 1999, and prepared by the Bay Area Council and the Bay Area Economic Forum, and shall include, but need not be limited to, all environmental standards and conditions set forth in that initiative. The adoption of the plan shall be subject to public hearings in all nine San Francisco Bay area counties, and shall be reviewed by the Metropolitan Transportation Commission. A copy of the plan shall be submitted to the Legislature. The authority shall accomplish programmatic environmental impact reports in connection with the adoption of the plan, as required under Division 13 (commencing with Section 21000) of the Public Resources Code. The plan shall not be implemented until the Legislature by statute approves the plan.

(b) The plan shall investigate and provide for terminal locations throughout the San Francisco Bay area.

(c) The authority shall consult with the Metropolitan Transportation Commission in preparation of the plan. The commission shall provide input and data in response to the authority's requests in a responsive and timely manner. The authority shall submit the plan to the commission for review and comment not later than 90 days prior to the date the plan is submitted to the Legislature. The commission shall prepare and transmit comments on the plan to the authority not later than 90 days after the date the plan is submitted to the commission for review. The authority shall include any comments received from the commission when submitting the plan to the Legislature.

(d) In compliance with subdivision (c), the Metropolitan Transportation Commission shall do all of the following:

(1) Provide the authority with relevant data and analytical criteria for the evaluation of cost-effectiveness of alternative forms of transit, high-occupancy vehicle lane expansion, or other transportation investments in the corridors that potentially would be served by the authority.

(2) Collaborate with the authority in updating the water transit demand model to include travel forecasting on each of the proposed water transit corridors.

(3) Collaborate with the authority in the development of feeder system proposals.

(4) Identify all necessary and appropriate steps required to coordinate the water transit system with other elements of the San Francisco Bay area transportation network.

(e) The primary focus of the authority and the plan shall be to provide new or expanded water transit services and related ground transportation terminal access services that were not in operation as of June 30, 1999. The authority shall seek to cooperatively involve in the implementation planning and operations all existing water transit services and related ground transportation agencies in whose jurisdictions existing or planned water transit terminals are located. The authority shall operate in good faith to avoid negatively impacting water transit services and related ground transportation terminal access services in existence as of June 30, 1999. The authority may not request an allocation of any funds that were available to the Metropolitan Transportation Commission for allocation on June 30, 1999, including the revenues dedicated from state-owned bridges to ferry services as of June 30, 1999, and revenues derived continuously from sources in the amounts and manner as specified in law in effect as of June 30, 1999.

(f) The authority may not operate water transit services that are scheduled at the same time, from the same origin, and to the same destination as publicly sponsored services, if those public services were in operation as of June 30, 1999. The authority shall provide ferry services at only those terminals in which docking rights have been obtained with the consent of the owner of those rights.

(g) Following approval by the Legislature, by statute, of the plan, the authority shall negotiate in good faith, as described below, with public sponsors of existing water transit services and related ground transportation terminal access services to provide services in the approved plan that would expand or augment existing services in their service district, as defined by law, or in plans of the Metropolitan Transportation Commission that existed and were in effect as of June 30, 1999. Good faith negotiations shall include all of the following steps:

(1) Notification by certified mail from the authority to the public sponsor of existing water transit services or related ground transportation terminal access services, hereafter referred to as the notified agency, setting forth the specific services to be negotiated, including performance standards and conditions and cost reimbursement available according to the plan approved by the Legislature.

(2) A period of 30 days from receipt of the notification required under paragraph (1) for the notified agency to declare in writing to the authority by certified mail their intent to negotiate in good faith. If the notified agency does not so declare in writing

to the authority within 30 days, the notified agency shall be deemed not interested in negotiating for the service and the authority may announce a competitive bid process or take actions to directly operate the service if the board of directors of the authority makes a public finding that the action is in the public interest.

(3) A period of 90 days from declaration of intent to negotiate by the notified agency for the authority and notified agency to negotiate in good faith to reach agreement.

(4) The authority and notified agency, by mutual agreement, may extend the period for good faith negotiations.

(5) Notwithstanding the procedure described in subdivision (h), if at the end of 90 days or the mutually agreed-upon extension period for negotiations, the authority and the notified agency have not reached agreement for operation of the service, the authority may announce a competitive bid process. The notified agency may participate in that competitive bid process.

(h) If at the conclusion of the good faith negotiations process there is a dispute between the authority and the notified agency as to the impact of proposed new services on existing services, the matter shall be submitted to the Metropolitan Transportation Commission for resolution pursuant to Section 66516.5 of the Government Code. The Metropolitan Transportation Commission shall make a determination based on the demand model adopted by the authority as to whether the proposed new service will have a minor or major impact on services existing as of June 30, 1999. A minor impact means an impact that reasonably and potentially diverts less than 15 percent of the passengers using services that were in existence as of June 30, 1999. A major impact means an impact that reasonably and potentially diverts 15 percent or more of the passengers using services that were in existence as of June 30, 1999. If the proposed new service will have a major impact, the authority may not operate a water transit service in that location without mutual agreement between the authority and the notified agency. If the proposed new service will have a minor impact, the authority may initiate service according to the procedures contained in subdivision (g).

66540.22. The San Francisco Bay Area Water Transit Implementation and Operations Plan shall include all of the following:

(a) A detailed description of the high-speed water transit system, including, but not limited to, all routes to be operated and terminals to be served during the 10-year period following funding of the authority. The description may include phasing of the routes to be served and terminals to be constructed.

- (b) An adopted demand model based upon ridership surveys conducted throughout the region and an updated demand model developed by the Metropolitan Transportation Commission.
- (c) A water transit demand analysis, based upon the demand model, of the demand forecast and cost-effectiveness for the water transit system as a whole and for each corridor to be served.
- (d) Architectural design criteria and standards for terminals and landside facilities to meet the performance objectives and operational criteria. The architectural design criteria and standards for terminals shall be developed in cooperation with the community advisory committee and in consultation with local jurisdictions that are prospective hosts of terminals for the water transit system.
- (e) An intermodal plan to connect water transit services with other modes of transportation and public transit, including, but not limited to, cooperative arrangements with existing public transit services and new intermodal services. The intermodal plan shall be developed in cooperation with the community advisory committee, the technical advisory committee, and existing ground transportation agencies.
- (f) A feasibility analysis and proposal for the use of new technologies and alternative fuels in marine engines and ground transportation intermodal services, to the extent feasible, to minimize air emission and water pollution impacts from the system operations. The analysis shall be conducted in cooperation with the Bay Area Air Quality Management District, the Regional Water Quality Control Board, and the Bay Conservation and Development Commission.
- (g) A plan for monitoring air emissions and water impacts that is mutually agreed upon by the authority and the entities listed in subdivision (f).
- (h) Design specifications for vessels, consistent with the architectural design criteria and standards for the terminals and landside facilities and the feasibility analysis to minimize air emission impacts.
- (i) A plan for acquiring the requisite vessels, including, but not limited to, a proposed request for proposals, that incorporates the design specifications and seeks to support shipbuilding and fleet maintenance within the region to the extent possible.
- (j) A plan for ensuring safety of vessel operations traveling on the San Francisco Bay. The plan shall be developed in cooperation with the California Maritime Academy and the United States Coast Guard.

(k) A systemwide regional programmatic environmental impact report and study of the plan, consistent with the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.). The report shall include an independent evaluation conducted by the Bay Area Air Quality Management District to assess the air quality impacts of the complete water transit system, as set forth in the San Francisco Bay Area Water Transit Implementation and Operations Plan, in comparison to transporting the same number of people over the same distance by motor vehicles and other modes of transportation.

(l) An overall funding and financing plan based upon the detailed description of the water transit system and demand analysis, including, but not limited to, acquisition and construction phasing.

(m) A projection of capital and cash-flow requirements, including, but not limited to, costs for vessels and associated maintenance facilities, terminals and associated land use costs, and costs for feeder vehicles and associated maintenance facilities.

(n) A projection of operating costs and revenues, including, but not limited to, projected patronage, fare structure, and fare revenues for water transit and feeder services.

(o) A proposal for ongoing operating financial support.

(p) An analysis of the cost-effectiveness of the water transit system in comparison to other options for mobility and disaster relief and recovery. The analysis shall be prepared in cooperation with the Metropolitan Transportation Commission.

66540.23. Notwithstanding any other provision of law, the authority may not operate the water transit system until the plan has been approved by the Legislature by statute.

66540.24. The authority shall operate a comprehensive San Francisco Bay area regional public water transit system, that includes water transit terminals, feeder buses, and any other transport and facilities supportive of the system. The primary focus of the authority shall be the provision of services through the development and operation of a comprehensive water transit system.

66540.26. (a) The authority shall plan for, coordinate, and effect the delivery of feeder bus services that serve the water transit terminals. The plans shall be coordinated with local public transit operators.

(b) For the purposes of carrying out subdivision (a), the authority may do all of the following:

(1) Enter into agreements with public transit operators for the provision of feeder transit services that offer direct linkages to the water transit system.

(2) Own rolling stock, and operate feeder bus lines and other forms of feeder transportation, as needed, that offer direct linkages to the water transit system.

(3) Contract with public, private, nonprofit, and for-profit franchisees for the purpose of providing feeder transportation services that offer direct linkages to the water transit system.

(4) Take any other actions necessary and proper to ensure that feeder transportation services are provided.

66540.28. The authority may accept, through purchase of fee, conveyance of title, long-term lease, or other means deemed appropriate, the vessels, terminals, maintenance and support facilities, and other assets of public water transit providers.

66540.30. The authority shall, in coordination with local public agencies, construct, acquire, develop, jointly develop, own, maintain, operate, and lease property and facilities which are elements of the operations of the San Francisco Bay area water transit service, including terminals, parking, maintenance and administration facilities.

66540.32. The authority may enter into agreements for the joint use or joint development of any property rights, including air rights, owned by the authority.

66540.34. The authority shall set fares for travel on the water transit system that it operates, and define and set other fares and fees for services related to the water transit system without the approval of the Public Utilities Commission.

66540.36. The authority may acquire real or personal property, through negotiation, purchase, lease, or gift.

66540.38. The authority may exercise the power of eminent domain within the region described in subdivision (b) of Section 66540.2, except in areas of national park lands, to take any property necessary, incidental, or convenient to carry out the purposes of the authority. In the event that the power of condemnation is exercised, the authority shall duly notify the local jurisdiction in which the property is sited and the special district that owns the facility, and shall exercise the power of eminent domain only with the formal consent of that jurisdiction. Eminent domain can be exercised only if the authority, the affected local jurisdiction, and the special

district each approves its use by a two-thirds vote.

66540.40. The authority may acquire, own, lease, construct, and operate water transit vessels and equipment, including, but not limited to, real and personal property, and equipment, and any facilities of the authority, except those facilities providing access to national parks.

66540.42. The authority may select franchisees, which may be private or public, for those operating elements of the water transit system and related facilities of the authority.

66540.44. The authority may enter into contracts with public, private, and nonprofit entities for the provision of services and materials necessary to carry out its purposes.

66540.46. The authority shall prepare and implement annual operating budgets for the operation of the San Francisco Bay area water transit system, associated terminals, and related feeder transit and support services.

66540.48. The authority shall contract with an independent certified public account for an annual audit of the financial records and books of the authority. The accountant shall submit a report of the audit to the board and the board shall make copies of the report available to the public.

66540.50. The authority may apply for and receive grants from any and all state and federal agencies.

66540.52. The authority may solicit and accept gifts, fees, grants, or allocations from other public and private entities.

66540.54. The authority may sue and be sued.

66540.56. The authority may issue revenue bonds.

66540.58. The authority may incur bonded indebtedness and receive and manage a dedicated revenue source.

66540.60. The authority may deposit or invest any moneys of the authority in banks or financial institutions in the state in accordance with state law.

66540.62. The authority shall prescribe a method of securing employees, and shall adopt rules and regulations governing the employment of employees including the establishment of a retirement system. If the authority determines that it is in the best interests of the employees of the authority, the authority may enter into a contract with the Public Employees' Retirement System.

66540.64. The authority may create, oversee, and terminate special advisory committees.

66540.68. The authority is subject to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and the National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.).

66540.70. The authority shall not exercise the power to levy any tax or to seek that authority for any purposes.

66540.72. The authority shall be funded through appropriations made under the annual Budget Act.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

PRE-PUBLICATION REVIEW

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