

**ATTACHMENT A**

**Mission Bay Ferry Landing Project**

**Memorandum of Understanding for the Planning, Design, Entitlement and Funding**

~~December 9, 2016~~~~December 9, 2016~~~~December 8, 2016~~~~December 5, 2016~~

**Term, Parties**

General	This Memorandum of Understanding (“ <b>MOU</b> ”) is for the Planning, Design, Entitlement and commitment to secure capital funding and establishes the framework for development of a future Mission Bay Ferry Landing.
Project	The Mission Bay Ferry Landing is a new project to be built in the vicinity of the eastern terminus of 16 <sup>th</sup> Street. The facility will include but not be limited to a landing float able to accommodate two vessels, a gangway, fixed pier, control gate and necessary dredging and debris removal.
Term	This MOU shall commence on __, 2017 and shall remain in effect until the Mission Bay Ferry Landing is completed and is operational.
Parties	<p>This MOU is between the San Francisco Bay Area Water Emergency Transportation Authority (“<b>WETA</b>”) and the City and County of San Francisco (“<b>City</b>”) acting by and through the San Francisco Port Commission (“<b>Port</b>”).</p> <p>WETA was established in 2008 as the successor agency to the Water Transit Authority with a mission to consolidate and operate certain existing publicly operated ferry services on San Francisco Bay, expand new routes, and coordinate ferry services in the event of an emergency.</p> <p>The Port has jurisdiction over the property in and around the Mission Bay Ferry Landing.</p>

**WETA System Expansion**

WETA System Expansion Policy	<p>On June 4, 2015 the WETA Board of Directors adopted a System Expansion Policy to serve as a framework for evaluating the feasibility of new ferry projects. This MOU has been developed based on this framework and it is the intent of the Port and WETA to further develop a future ferry service to and from the Ferry Landing consistent with WETA’s System Expansion Policy.</p> <p>The WETA System Expansion Policy requires that full capital and operating funding be secured for an operating period of up to 10 years as a prerequisite for executing a project specific memorandum of understanding. While the City and Port have secured a portion of the necessary planning and design funding needed for a terminal design of the Mission Bay Ferry Landing, the City and Port have not secured the necessary funding to construct the Mission Bay Ferry Landing. This</p>
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	<p>MOU will outline how the Port and WETA will coordinate on the planning, design, entitlement and securing funds necessary to construct the Mission Bay Ferry Landing.</p> <p>Once funding, entitlements and construction of the Mission Bay Ferry Landing is secured, WETA and the Port will execute a second agreement covering WETA operations of the same. This MOU therefore only covers the planning period through construction of the Mission Bay Ferry Landing Project.</p>
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**General Principles**

Coordination	Port and WETA agree to coordinate their efforts in planning for the Mission Bay Ferry Landing Project.
Planning	The planning process will result in Port and WETA staff recommendations for the Mission Bay Ferry Landing Project that will be subject to approval by the WETA Board and the Port Commission in their independent discretion.
Design	The Port will undertake the design and environmental review and construction permitting process for the Mission Bay Ferry Landing Project.
Construction Funding	Federal, state, regional or local funding for transit capital and operations may become available during the term of this MOU. WETA commits to collaborating and coordinating with the Port to pursue capital funding for the Mission Bay Ferry Landing. The Parties agree to work collaboratively to support one another in seeking and securing ferry grant funds (e.g. TIGER, <u>local and</u> regional transportation measures, etc.) to support delivery of the Mission Bay Ferry Landing Project. Such support may include, but will not be limited to: application support letters, provision of ridership data, operating or capital cost information or other technical information required by funders, and WETA Board or Port Commission resolutions in support of one another’s funding applications.

**Planning, Design Environmental Clearance and Cost**

Planning	Port will lead with assistance from WETA to embark on a coordinated and mutually supportive planning process that will include technical analyses, public outreach and participation, environmental analysis and preparation of appropriate documents under the California Environmental Quality Act (CEQA), National Environmental Protection Act (NEPA), and other studies and supporting documents needed to permit construction (i.e. for U.S. Army Corps of Engineers, Regional Water Quality Control Board, interagency Dredged Materials Management Office). All environmental review relating to the Mission Bay Ferry Landing Project will be based on common sources of technical analyses performed as part of the CEQA and NEPA review processes to the maximum extent legally feasible.
Public Process:	All interaction with the public as part of CEQA and NEPA review and other outreach will be managed by the Port with assistance from WETA. This

	coordination includes public notices, scoping meetings, public review hearings, public comment periods and neighborhood advisory groups.
Environmental Review	The City will be the lead agency for the environmental review consistent with the California Environmental Quality Act.
Contracting	The Port will contract for professional planning services, conceptual and final architectural / engineering design services, architectural / engineering services during construction phase and environmental review for the Mission Bay Ferry Landing Project.
Cost	The Port will pay 100% of the planning, design and environmental review cost for the Mission Bay Ferry Landing Project components.

### Mission Bay Ferry Service and Operation Planning

Service Strategy Upon Completion of Construction of Mission Bay Ferry Landing	<p>The Parties' intend that upon completion of the Mission Bay Ferry Landing Project, ferry service to and from the Mission Bay Ferry Landing will be operated by WETA.</p> <p>The Mission Bay Ferry Landing Project will be constructed as soon as possible after necessary permits and regulatory approvals have been approved and 100% of funding for the construction has been secured. Once the construction of the Mission Bay Ferry Landing is completed, it is anticipated that the Port will enter into a lease <u>or other use agreement</u> for the facility and land and water areas to WETA for facility operations and maintenance.</p> <p>WETA anticipates that it will initially serve the Mission Bay Ferry Landing as indirect service from the North Bay and East Bay during commute times and as ridership grows, it may serve it through direct service from its other facilities. WETA also anticipates providing direct service at the Mission Bay Ferry Landing for special events at the proposed Golden State Warriors Arena in Mission Bay or other nearby locations.</p> <p>Non-WETA vessel operators will be permitted to call on the Mission Bay Ferry Landing provided they do not interfere with regularly scheduled WETA service and sign WETA's standard landing rights agreement, which includes payment of a fee for use of the facility.</p>
Emergency Response and Recovery	<p>In the event of a natural disaster or disruptive regional event ("<b>Casualty Event</b>"), WETA ferries may be called upon by the California Office of Emergency Services (Cal OES) to provide service from the Mission Bay Ferry Landing for both emergency response and recovery after the Casualty Event.</p> <p>In the immediate aftermath of a Casualty Event, Cal OES will determine how to allocate regional transportation resources including ferries. While it will be a state and regional decision as to how this asset will be used, the Mission Bay Ferry Landing will be an asset in the WETA emergency network.</p>

	In the weeks and months following a Casualty Event as the Bay Area recovers, ferry service will be a critical component of the regional transit network. It can be quickly operationalized at terminals like the Mission Bay Ferry Landing. Decisions regarding funding and asset deployment during the recovery phase following a Casualty Event will also likely take place at the state and regional level.
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WETA and the Port of San Francisco have entered into this Memorandum of Understanding as of the last date set forth below.

**San Francisco Bay Area Water  
Emergency Transportation  
Authority**

**City and County of San  
Francisco, acting by and through  
the San Francisco Port  
Commission**

By: \_\_\_\_\_

Nina Rannells  
Executive Director

By: \_\_\_\_\_

Elaine Forbes  
Executive Director

**Reviewed:**

**Reviewed:**

**Dennis J. Herrera  
City Attorney**

By: \_\_\_\_\_

Stanley S. Taylor III  
Legal Counsel to Authority

By: \_\_\_\_\_

Grace Park  
Deputy City Attorney