



Office of the City Manager

Date: November 21, 2016

To: Honorable Mayor and Members of the City Council

From: *DWR* Dee Williams-Ridley, City Manager

Re: Small-Scale Ferry Service at Berkeley Waterfront

This report updates Council on the development of both a one-year pilot and a more permanent Small-Scale Ferry Service (SSFS) at the Berkeley Waterfront. The one-year pilot program will begin in February of 2017. Six months into the pilot, the City will begin developing a Request for Proposal (RFP) process that is scheduled to begin in February of 2018.

Background

The Berkeley Waterfront currently has twenty (20) charter fishing and tour boats that operate out of the Marina. Seventeen (17) of these boats operate year-round and three (3) are seasonal. Seventy (70) percent of these boats are slip holders. All provide privately-scheduled charter boat service. Per the Marina Ordinance, charter boats pay the City \$35 dollars per event plus \$1 per passenger. To operate as a charter boat in the Berkeley Marina requires a City of Berkeley Charter Boat permit.

On September 29, 2016 the California Public Utilities Commission (CPUC) approved two vendors, Tideline and Prop SF, to operate SSFS in the San Francisco Bay. This approval means that these companies can offer regularly-scheduled ferry service at predetermined rates from one Bay Area location to another. Tideline and Prop SF have been approved by the CPUC to operate scheduled and unscheduled service to and from Berkeley, as detailed below.

Table 1 - CPUC-Approved Conditions for Small-Scale Ferry Service in/out of Berkeley

Carrier	Scheduled		Unscheduled	
	Fare	Route	Fare	Route
Tideline	\$25/round trip; or \$18.75/round trip for monthly 20-ride pass	SF-Berkeley	\$80/round trip; or \$50 between any 2 points served	Between SF, Marin & East Bay
Prop SF	\$10/each way; plus \$5 for bicycle	SF-Berkeley	n/a	n/a

To operate as a SSFS provider to and from Berkeley requires both CPUC and City of Berkeley approval.

Discussion

Over the past three months, the City has been developing a permit process that allows CPUC-approved ferry service providers to start service immediately, but also allows the City the time to analyze the potential effects that SSFS service may have on parking, traffic, facilities, noise, slip holders and other users of the Waterfront.

Both Tideline and Prop SF will receive a cover letter and City of Berkeley Ferry Service permit application next week (see attached). The City will negotiate schedules with both vendors in anticipation of starting SSFS by February 1, 2017. If other vendors receive CPUC approval, they can apply to be part of the pilot program. There will be no cost for the City of Berkeley application process. However each SSFS provider will pay the City \$35 dollars per event, plus the \$1 per passenger fee per the City's adopted Fee Schedule for charter boats.

The pilot program will involve some adjustments to parking limitations in two Waterfront parking lots. Lots J/K and L/M will be converted to 4-hour use lots (see attached map) and slip holders of these docks will receive annual passes that allow them to park without limitations. These changes will temporarily ensure that slip holders and the numerous small business operators in the direct vicinity have sufficient parking for their customers.

Six months into the pilot program, the City will begin an RFP process that should result in a more long-term agreement between one or more CPUC-approved vendors. The goal of this process will be to provide the best possible service to Berkeley residents, while ensuring that the City facilities can be adequately maintained and that SSFS is compatible with current Waterfront uses. As part of this process, the City will hire a parking and traffic engineer to study Waterfront use patterns and impacts and will provide more permanent recommendations for all Waterfront parking lots.

Attachments

- 1: Small-Scale Ferry Service Permit Application and Cover Letter
- 2: Berkeley Waterfront Parking Lot Map

Cc: Jovan Grogan, Deputy City Manager
Ann-Marie Hogan, City Auditor
Scott Ferris, Director, Parks, Recreation & Waterfront
Phil Harrington, Director, Public Works
Mark Numainville, City Clerk
Matthai Chakko, Assistant to the City Manager, Public Information Officer



Parks Recreation & Waterfront Department

Date: November 21, 2016
To: Tideline Marine Group and Prop SF
From: Scott Ferris
Director, Parks Recreation & Waterfront Department

Subject: New Berkeley Small-Scale Ferry Service Permit Application

The City of Berkeley welcomes you to apply for a permit to provide small-scale ferry services out of the Berkeley Marina. We appreciate your partnership over the past several months as we have worked to enable small-scale ferry service for our community in both the short-term and the long-term. We are excited about the potential for a new transportation service for our residents that further engages them with the Berkeley Waterfront.

Our plan is two-fold. At this time, we invite you to participate in our one-year pilot program. The aim of this pilot program is to observe the operations of small-scale ferry services, and evaluate their benefits and impacts to the City's Marina, waterfront, infrastructure, and residents.

After this one-year pilot, which is anticipated to extend through January 2017, the City will evaluate whether a long-term program for small-scale ferry service would be beneficial to the City, and if so, what type of agreement is appropriate. To prepare for this, the City may release a request for proposals to Small-Scale Ferry Service (SSFS) operators interested in operating out of the Berkeley Marina. The City may also request additional data from the operators to assist in evaluating the service.

We encourage you to complete the attached application to provide small-scale ferry service at the Berkeley Marina. Please note that all small-scale ferry service operators who wish to operate a Charter Boat as a Vessel Common Carrier at the Berkeley Marina must receive a SSFS Permit prior to operations. This is in accordance with the requirements contained in Berkeley Municipal Code (BMC) Section 6.20.330 "Charter Vessels."

The new Small-Scale Ferry Service Permit incorporates several requirements, including the provision of standard information about the business and vessel(s), all state and federal required inspection and vessel certifications, and insurance. It also requires that the provision of daily trip information to the Marina Office regarding the number of passengers on board your vessel, as well as monthly payments to the City of Berkeley Marina Office accompanied by the summary backup information.

Please complete the attached Small-Scale Ferry Service Permit and provide all required documents to the Berkeley Marina office by December 15, 2016. Failure to operate without an executed Permit will constitute a violation under BMC Section 6.20.330 "Charter Vessels." Please note that this pilot program and the associated permits are terminable at any time at the discretion of the City of Berkeley.

For any questions about this process, please contact Ms. Alexandra Endress, Waterfront Manager, at (510) 981-6737 or aendress@cityofberkeley.info.

Thank you,

Scott Ferris
Director, Parks Recreation & Waterfront

Attachment: Berkeley Marina Small-Scale Ferry Service Permit Application



City of Berkeley Marina
 Parks Recreation and Waterfront Department
 201 University Ave.
 Berkeley, CA 94710
 Email: marina@cityofberkeley.info
 Phone: (510) 981-6740 | Fax: (510) 981-6745

Small Scale Ferry Service Permit

Instructions: Complete this permit form accurately, attach all required materials and submit it to the City of Berkeley (City) Marina.
Important: This Permit is not valid until signed by an authorized agent of the City. | This is a pilot program beginning in February, 2017 and terminating in January, 2017. The program and any associated permits may be terminated at will by the City of Berkeley. | This permit and the requirements herein may be amended at the discretion of the City. Please review this six page document in its entirety, including the list of required materials, requirements of Small Scale Ferry Services, and agreements and certifications prior to applying.

Small Scale Ferry Service Information

Applicant Information

Prefix	First	M.I.	Last	Suffix	Telephone
Street Address			City	State	Zip Code
Mailing Address (Leave Blank if Same)			City	State	Zip Code
County of Legal Residence	Driver's License#	State of Issue	Date of Birth	SS#	

Business Information

Check here if same as **Applicant Information** above

Business Name (include Doing Business As name if applicable:			County		Telephone
Business Address	City	State	Zip	Fax Number	
Website URL			Email Address		
City of Berkeley Business License # _____					

Emergency Contact Information

Insurance Information: Applicants shall possess and maintain minimum insurance coverage while conducting a Small-Scale Ferry Service, as explained on the following pages.

Insurance Company	Policy Number	Exp.
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Vessel Information

Vessel Name	Make/ Model	LOA	Capacity	Registration CF or Doc#	Exp. Date
1					
2					
3					

United States Coast Guard Captains License

License #	Exp. Date	Comment



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Small Scale Ferry Service Permit

Page 2 of 5

Required Materials:

All Small Scale Ferry Service Permit Applicants shall provide evidence of the following for each vessel, as applicable. Please attach all required materials, in order, to the back of this sheet once completed.

Required Information	Included: [official use only]	Satisfactory [official use only]
1. Vessel Common Carrier approval from the California Public Utilities Commission (CPUC).	<input type="checkbox"/>	<input type="checkbox"/>
2. Vessel Registration or Documentation from an authorized government entity (i.e. Vessel Registration from the California Department of Motor Vehicles);	<input type="checkbox"/>	<input type="checkbox"/>
3. Business License from the City of Berkeley pursuant to Berkeley Municipal code (BMC) 6.20.330B;	<input type="checkbox"/>	<input type="checkbox"/>
4. Certificate of Inspection (COI) from the United States Coast Guard (USCG) pursuant to 46 CFR §176.100;	<input type="checkbox"/>	<input type="checkbox"/>
5. Captains License(s) for all boat captains and skippers authorized to captain your vessel, such as a Masters license for inspected vessels or Operator of Uninspected Passenger Vessel (OUPV) license for six-pack charters from the USCG pursuant to 46 CFR §15.401	<input type="checkbox"/>	<input type="checkbox"/>
6. Proof of Insurance pursuant to the requirements listed herein;	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Insurance Policies shall include all of the following:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Commercial general liability with a minimum of \$2,000,000;	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Salvage/wreckage removal;	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Pollution control;	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> All endorsement documents shall include the following declarations:	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> The "City of Berkeley" shall be shown as additionally insured;	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Any right to subrogation shall be waived;	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Any cancellation of insurance may not take effect unless a thirty day notice has been issued to the City;	<input type="checkbox"/>	<input type="checkbox"/>
7. Schedule. Please attach your desired schedule for services in tabular form, and indicate the vessel name and capacity anticipated for each trip. Please also include a separate copy of the approved schedule authorized by the CPUC, and indicate whether your proposed schedule differs in any way.	<input type="checkbox"/>	<input type="checkbox"/>
8. Statement of Intent. Please explain how you intend to operate your Small Scale Ferry Service out of the Berkeley Waterfront. Include information about your booking process, marketing, your targeted number of passengers and trips per day, your rates, your anticipated number of passengers, anticipated trips during weekdays and weekends each month; any notes on how your anticipated operations and trips may change, increase, or decrease, throughout various months of the year. Additionally, please provide any other information about your proposed service that may have an impact, positive or negative, on the City of Berkeley, the Berkeley Waterfront, and the Berkeley Marina.	<input type="checkbox"/>	<input type="checkbox"/>



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Small Scale Ferry Service Permit

Page 3 of 5

Requirements of Small-Scale Ferry Service Permittees at Berkeley Marina:

The following are requirements of all Small-Scale Ferry Service Permittees at the Berkeley Marina.

1. **Permit Required.** A Small-Scale Ferry Service shall not operate in or via the Berkeley Marina without a Charter Permit.
2. **Compliance with Laws.** A Small Scale Ferry Service Permittee shall ensure that the service operates in compliance with all applicable provisions of federal, state, and city laws, ordinances, and regulations, including the Vessel Common Carrier authorization issued by the CPUC.
3. **American's with Disabilities Act Compliance.** Compliance with the Americans with Disabilities Act is required. Permittee may be asked to demonstrate compliance at the request of the Waterfront Manager.
4. **Insurance.** A Small Scale Ferry Service Permittee shall maintain and provide to the City of Berkeley Marina up-to-date proof of current commercial general liability insurance naming the City as additional insured in an amount not less than two million dollars. This amount and the requirements herein are subject to adjustment by the City of Berkeley. Insurance must include required declaration or endorsement pages that demonstrate the following to the satisfaction of the City of Berkeley: Commercial general liability with a minimum of \$2,000,000; Pollution control and salvage/wreckage removal; the City of Berkeley shall be shown as additionally insured; any right to subrogation shall be waived; and any cancellation of insurance may not take effect unless a thirty day notice has been issued to the City.
5. **Timely Payments:** A Small Scale Ferry Service Permittee shall submit timely payment of all fees and taxes required by City of Berkeley ordinances.
6. **Fees Due:** Small Scale Ferry Service Permittees shall pay the Charter Boat Fee adopted by the City of Berkeley City Council on July 1, 2015, as amended from time to time. Currently, this fee is set at \$35 per event and \$1 per passenger.
7. **Monthly Payment and Reporting:** Small Scale Ferry Service Permittee's shall submit payments and reports on a monthly basis no later than the seventh day of the following month. For example, payment and reports for the month of January are due on or before February 7th. Accompanying each payment shall be a completed "SSFS Report Form, available in hard copy and digital copy from the Marina office and attached herein.
8. **Required Trip and Passenger Reporting:** All Small-Scale Ferry Services that depart from the City of Berkeley Marina are required to report the vessel name and number of passengers aboard the vessel prior to departing the dock. This shall be done via an email to charterboats@cityofberkeley.info or a voicemail to (510) 981-6740. Passenger reporting is a requirement of the City of Berkeley Small Scale Ferry Service Permit and as well as the USCG, pursuant to 46 CFR 185.504.
9. **Operations:** The Permittee required to operate in accordance with the CPUC Vessel Common Carrier requirements under this Permit. Vessel Common Carrier is defined by Public Utilities Code Section 211(b),
10. **Furnishing of Current Documents:** It shall be the responsibility of the Small Scale Ferry Service Permittee to ensure that the City of Berkeley Marina office is provided with current versions of all required materials, noted above and required as a part of this Permit.



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Small Scale Ferry Service Permit

Small Scale Ferry Service Permit - Applicant Agreement and Certification:

1. I understand that this Small Scale Ferry Service Permit is a part of a short term pilot program by the City of Berkeley, and that the program and this permit are terminable at will at the discretion of the City of Berkeley.
2. I understand that this permit is not valid until signed by the City of Berkeley.
3. I understand that the City of Berkeley reserves the right to amend this form, this permit, and the requirements as needed pursuant to (BMC) Berkeley Municipal Code 6.20.020 and BMC Section 6.20.330.
4. I certify that I have read, understand, and agree to abide by all requirements of this Permit, the applicable provisions of all federal, state, and local regulatory organizations, City of Berkeley Municipal Code Chapter 6.20, and all regulations promulgated thereto.
5. I certify that I am operating in good standing with all federal, state, and local regulatory agencies. I certify that I am not currently under any government agency (i.e. USCG, California Department Fish and Wildlife, California Department of Toxic Substance Control, California Department of Alcoholic Beverage Control, City of Berkeley, or similar governing agency) investigation, license or permit revocation or suspension, and that there are no other violations, legal or administrative proceedings pending that would disqualify me from obtaining this permit.
6. I agree that if I make any false statement as to any fact required as a prerequisite to the issuance of this permit, this permit is void and will be surrendered.
7. I understand that it is my responsibility to ensure that the City has current, up to date documentation associated with this Permit.
8. I certify that the information in this document and attached hereto is true and correct to the best of my knowledge, information, and belief. I understand that the City may revoke my Permit and/or Permit to Berth if I have made material misstatements or omissions in this application, or if I fail to comply with all of the above.
9. This permit may be revoked pursuant to BMC Section 6.20.330, at any time for failure to provide current documents to the Marina Office, for failure to adhere to state, federal, or local regulations, for poor conduct, or pursuant to BMC Section 6.20.020.

Applicant Signature:	Date:
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City of Berkeley Authorization [Official Use Only, to be completed by City of Berkeley Staff]:

Authorized passenger loading and unloading locations:

Conditions of Approval (may attach additional sheets if necessary):

Permittee is authorized to operating as a Vessel Common Carrier, as defined by Public Utilities Code section 211(b), subject to conditions established by the Waterfront Manager.

Waterfront Manager (print name):	Signature:
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Permit Number:	Date Issued:
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Small Scale Ferry Service Report Form

Vessel Name: _____

Date	Time of Departure/Arrival	# of Passengers	Event Fee Subtotal	Passenger Fee Subtotal	Subtotal to Marina
TOTAL	(total events)	(total passengers)	(total event fees)	(total passenger fees)(total monthly payment)	Total Due:



Berkeley Waterfront: Planned Parking Changes - February 2017

