



Community Working Group Meeting

Date of Meeting: November 17th, 2021 (4:00 p.m. to 5:30 p.m.)

Location: Zoom

Attendees:

Santa Clara CWG Members in Attendance	Downtown-Diridon CWG Members in Attendance	28th Street/Little Portugal CWG Members in Attendance
David Cajigas, Jonathon Evans, Jack Morash, Luke De Vogelaere, John Urban, and Ana Vargas-Smith	Fred Buzo, Elizabeth Chien-Hale, Jim Goddard, Scott Knies, Adina Levin, Chris Morrisey, Bert Weaver, and Alan Williams	Ricardo Agredano, Carlos Diaz, Terry Christensen, Helen Masamori, Bill Rankin, Silvia Scandar Mahan, and Davide Vieira
Members not in Attendance	Members not in Attendance	Members not in Attendance
Christian Malesic, Curtis Leigh, and Ron Miller	Carol Austen, Jeffrey Buchanan, Larry Clark, Charlie Faas, Dana Grover, and Derrick Seaver	Connie Alvarez, Elma Arredondo, Dee Barragan, Danny Garza, Matt Gustafson, Chris Patterson-Simmons, Eric Thacker, and Justin Triano

Other Speaker Attendees: Bernice Alaniz (VTA), Doug Moody (VTA), and Erica Roecks (VTA)

Project Team in Attendance: Joseph Clayton (VTA), Kristen Mei (VTA), Adriano Rothschild (VTA), and Gabriela Newell (VTA)

Project Team not in Attendance: N/A

Meeting Agenda:

- Welcome and Introductions
- Follow-up Items
- Phase II Update & 2021 Review
- Station Access & Circulation
- Look Ahead to 2022
- CWG Member Report Out
- Next Steps

Follow-Up Items:

- Use of penalties within contracts
- VTA protections for non-performance of major contractors
- Status of Phase I ridership
- Items missing and in need of changes within agreements
- Platform accessibility at Santa Clara Station
- Pedestrian access between the tunnel to Caltrain and the Santa Clara BART platform
- City Hall/SJSU & Fountain Alley entrances from 2007 EIR
- Bus service between Santa Clara Station and the Airport

Comments, Issues and Questions	Response
Follow-Up Items	
In the wayfinding guidelines, is the team working with MTC for integrated transit wayfinding that is moving forward at a regional level?	Yes, we are working in accordance with the MTC wayfinding guidelines.
When is the next opportunity to meet in person?	We are currently tracking health orders and hope sometime next year we can go back to have a couple meetings in person.
Why don't the contracts use penalties?	Penalties are not allowable on FTA projects per public policy. However, we do have liquidated damages in Contract Package 2 (CP2) to discourage non-compliance with several potential contract issues, including meeting schedules, unauthorized substitution of key personnel, etc.
What protections does VTA have for non-performance of major contractors?	Finding the contractor in breach of contract is often an effective deterrent. Additionally, we do have a Payment Bond in the amount of 100% of the Contract Price that guarantees the contractor's payment to subcontractors and material suppliers, and a Performance Bond in the amount of 50% of the Contract Price that guarantees the contractor's performance on the contract. The amount of the Performance Bond is greater than the maximum potential loss at any time during the Contract to ensure the contractor or their Surety will perform.
What is the status of the Phase I ridership?	In October 2021, the Milpitas Station averaged 531 riders each weekday, while Berryessa/North San Jose Station averaged 727 weekday riders.

Phase II Updates & 2021 Review	
<p>If FTA really thinks this is \$9B project not a \$7B project, when does the project get right sized with a budget that produces a project that emphasizes lasting quality? We fear a project that is already value engineering out quality.</p>	<p>The FTA did a probabilistic calculation on top of VTA's cost estimates. VTA's cost estimates were at a very early stage of engineering (less than 15% design complete). We've since advanced the project significantly and are closer to 30% design. The more we advance the project and start getting in bids, especially the bids for the CP2 package (65% of this project), we'll have a much better idea of what the actual cost will be. So, while the FTA added this contingency and risk, much of this was added because of the early level of design. We've already made efforts and have advanced the project in a way to reduce risks. As we advance this, we will be continuing to look at other identified risks and methods to reduce and eliminate them. That's why we have two years to advance this project and get a more certain cost estimate.</p>
<p>Project staff reported to VTA Board in early November that the Stations RFP will not be released in February as you showed today.</p>	<p>We're looking at the possibility of pushing that out because of underground work that is happening on CP2, and there may not be time constraints for issuing in February. We don't have definitive date yet, hence why chart is not updated yet.</p>
<p>How may the Infrastructure Investment and Jobs Act recently passed by Congress benefit VTA's BART Silicon Valley Phase II Project?</p>	<p>The Expedited Project Delivery (EPD) Pilot Program has a funding cap of 25% of the project's costs. The additional funding provided by this legislation could mean there's a possibility of other federal funding for the project.</p>
<p>How will the eminent domain process that you're undertaking at the 28th Street/Little Portugal Station impact the project's schedule?</p>	<p>We've scheduled those properties based on need and urgency. Given the lengthy process, we've allowed for that in the schedule. Because we're delivering from west to east, station work will occur a little bit later. We don't foresee any types of delay based on the procurement schedule.</p>
<p>What is included in the cooperative agreements?</p>	<p>The cooperative agreements are different for each entity. For the cities, cooperative agreement 1 refers to what the city is reviewing and includes the elements leading up to the procurement process, such as reviewing documents and specifications as part of the contact. Cooperative agreement 2 begins once contractors are on board and are in the process of reviewing subsequent plans, overarching guidelines for how the project and cities will interact to advance project activities.</p>
<p>What is missing from the agreements which need additional changes?</p>	<p>The Master Agreement provides the general provisions for interaction and cooperation between VTA and third</p>

	parties for preliminary engineering, final design, and construction of the project. Cooperative agreements serve to further define the provisions, terms, and conditions of the project.
Will VTA inform the CWGs of other eminent domain proceedings? For instance, we read in newspaper about the Swenson take for Downtown San José Station, and it is our understanding other takes are needed for the second portal, etc.	All real estate items go to VTA's Board. We can follow that and present those updates to the CWGs.
Station Access & Circulation	
If stations are designed with only two escalators, what if one breaks down? Those stations are deep.	Stations will also include elevators and stairs.
Will E St. James Street be closed to westbound through traffic?	In coordination with the City of San José, we have heard long-term plans to close E St. James Street to vehicular traffic but maintain access for bikes and pedestrians.
How long will eminent domain impact project schedules? What kind of impacts do you foresee on the overall project? Eminent Domain should always be a last resort. Why isn't VTA giving developers an opportunity to present superior station entrance designs integrated into their buildings (total six station entrances Downtown alone)?	By law, VTA is required to follow a process that includes obtaining an independent appraisal. This is then presented as an offer to the owner based on the appraisal with hopes of resolving the matter. Litigation is a last resort but may be necessary in some instances if VTA is unable to resolve the matter with the property owner. The Project schedule has considered the potential for Eminent Domain. Properties are schedule based on need and urgency. Because we're delivering from west to east, station work will occur a little bit later. We don't foresee any types of delay based on that procurement schedule. When it is determined that real estate may be required, VTA hires an independent licensed appraiser to determine the Fair Market Value of the proposed acquisition. The appraisal typically occurs after environmental clearance and after the engineering team confirms the property is required along with the boundaries and nature of the needed property interest(s). The appraisal will subsequently be reviewed by an independent review appraiser. VTA will then prepare an offer based on just compensation (fair market value, as defined under California law) and present the offer to the property owner. The property owner can accept the offer or

	<p>make a counter-offer to VTA. If the property owner desires to hire his/her own appraiser, VTA will reimburse the owner for his/her costs for the appraisal up to \$5,000.</p> <p>If VTA and the property owner agree on the purchase price and other terms and conditions, a contract will be signed between the parties, and escrow will be opened. During escrow, issues affecting the title will need to be resolved. Upon close of escrow, the property owner will be paid the agreed upon purchase price, and the property will be conveyed to VTA. If the properties cannot agree, VTA Real Estate will seek VTA Board authority to file an eminent domain.</p>
<p>VTA verbally promised an acre of plaza space at 28th Street/Little Portugal Station. What are we getting?</p>	<p>The exact dimensions of the station plaza are not yet defined though the current layout shows approximately 30k-40k sq.ft. (just short of an acre) near the station. VTA will be kicking off their 28th Street/Little Portugal Design Development Framework effort, which will further plan the site and is expected to include a community plaza separate from the station plaza described as part of this access work.</p>
<p>What is the walk distance between BART and Caltrain at the Diridon BART Station and the Santa Clara Station?</p>	<p>The Diridon Station entrance on Cahill Street will be approximately 200 feet (approximately 50 seconds) from the planned north entrance of the future Diridon Station. The walk distance between Santa Clara BART and Caltrain Stations will be approximately 300 feet (approximately 1 minute 15 seconds).</p>
<p>For Downtown San José Station, many BART customers will come from generators on south side of Santa Clara Street (SJSU, City Hall, convention center, etc.). The only access to the station is from north side of Santa Clara Street, requiring many BART riders to cross Santa Clara Street at grade. This is not consistent with the design of major subway stations around the world that typically provide station access from both sides of a major street.</p>	<p>Platforms are stacked at Downtown San José and Diridon Stations. Due to this, platforms are only possible on one side. Entrances were places on the same side as platforms. For Downtown San José, the entrances are on the north side of Santa Clara Street, and for Diridon Station they are on south side. More information will be provided in a future meeting.</p> <p>A southern entrance is not part of this project, but the project is accommodating for a future connection which could be advanced as a separate project.</p>
<p>How many car parking spaces are proposed for Santa Clara Station?</p>	<p>Approximately 500 shared parking spots.</p>
<p>Why is access to the at-grade Santa Clara platform via an elevated concourse?</p>	<p>Since BSVII approval in 2018, VTA shifted the Santa Clara BART station to be co-located with the Newhall Maintenance Facility within the VTA-owned property. The design team looked at several configuration</p>

	<p>options including locating the concourse underground, an end loading ground level concourse, and above ground concourse. To accommodate all of the essential elements for an operational BART station and maintenance facility, the station concourse is elevated, providing access across the BART storage tracks.</p>
<p>Explain the pedestrian access from the west side of the Caltrain tracks utilizing the pedestrian undercrossing to the Santa Clara BART station.</p>	<p>BART patrons gain access to boarding platforms from the concourse that includes fare gates. Patrons accessing the west side of the BART station from the existing undercrossing (1) will pass a bicycle storage facility (2) and use elevators and stairs (3) up to the elevated concourse (4). Patrons will enter the fare gates and travel down to the station platforms (5) via elevator, escalators, or stairs. This is a consistent approach throughout the BART system based on BART Facility requirements.</p>
<p>Where is the parking structure located at the Santa Clara Station?</p>	<p>The parking garage will be located at the south east section of the site plan between the Caltrain tracks and future Champions Way with the ramp planned to tie in where Champions Way curves.</p>
<p>What is the estimated transfer time for BART to Caltrain at Santa Clara and Diridon Stations?</p>	<p>We do not have this level of detail yet.</p>
<p>What happened to the City Hall/SJSU & Fountain Alley entrances cleared in the 2007 EIR?</p>	<p>The 2007 EIR included potential entrances for two Downtown San José Station alternatives: East and west alternatives. These entrances were developed for the tunnel configuration at the time, which was the twin-bore tunneling methodology. The 2018 Final SEIS/SEIR also includes clearance of entrances on the south side of Santa Clara Street, including Fountain Alley and Market Street for the 'west alternative', and a site east of City Hall for the 'east alternative'. However, these entrances are feasible only under the twin-bore configuration, which was still being considered at the time of the Final SEIS/SEIR. With the selection of the single-bore tunnel design with stacked track configuration, station entrances are only possible on one side of the street. VTA selected the 'west' downtown station alternative over the 'east' based on stakeholder and agency input. While included in the Final SEIS/SEIR, the entrances on the south side of Santa Clara Street are not part of the BSVII Project as defined by the Federal Transit Administration's Record of Decision (ROD) that must</p>

	be adhered to in order to remain eligible for federal funding.
Why is there no bus service planned between Santa Clara Station and the Airport?	VTA's Route 60 provides airport access from the Santa Clara Transit Center as well as from the existing bus stop on Coleman Avenue south of Brokaw Road. The Santa Clara BART Station will be connected via the existing pedestrian undercrossing to the Santa Clara Transit Center that includes Caltrain as well as VTA buses.
Is BART is no longer attempting to be part of the Diridon Integrated Station Concept (DISC)?	Five agencies have joined together to prepare and fund the Diridon Integrated Station Concept Plan: California High Speed Rail Authority, Caltrain, the City of San Jose, Santa Clara Valley Transportation Authority, and the Metropolitan Transportation Commission. These Partner Agencies signed a Cooperative Agreement that establishes a framework for the preparation and implementation of the Concept Plan. BART, as a future operator, is involved as a stakeholder and will continue to be involved as the plan progresses. VTA will provide an at-grade connection to the future intermodal Diridon Station from its Diridon BART Station. Because this project is on a different timeline from the DISC, the project is being advanced independently but with close coordination with the DISC partners.
How do the underground stations meet the BART guidelines given they have a single elevator access to the platform?	Multiple elevators are being provided at each station.
Look Ahead to 2022	
Will be the meeting recording be available?	Meeting recordings are available on request. Meeting summaries are published at VTA.org/bart
When is the final JCL Consulting report available and did VTA edit out any mention of a Business Interruption Fund (BIF) from the report?	More information will be presented at the small business task force meeting and a future CWG meeting.
Similar to LA Metro, will the BIF program be included in the JCL report?	We are still working on the report with JC's team. Nothing is finalized with it.
It said the boring machine would be built at the west portal. Will boring go west to east?	That is the current plan - though the Contractor for Contract Package 2 will be finalizing design as well as construction means and methods. Starting at the West Portal allows us to use Newhall Yard for muck extraction and treatment.

<p>San Jose is thinking about an airport connector. Is that related to any bus services serving the stations?</p>	<p>The Airport-Diridon-Stevens Creek Connector effort is a collaboration between the Cities of San José, Santa Clara, and Cupertino with VTA to discuss potential solutions that could provide “grade-separated mass transit infrastructure and operations at significantly lower cost than traditional transit projects” between Mineta San José International Airport, Diridon Station, and the Stevens Creek corridor. The effort started in 2019 with the release of a Request for Information. Twenty-six proposals were submitted. The partners are now developing a Request for Proposals.</p> <p>However, there are no additional bus stops or transit services planned to connect to the other BART stations.</p>
<p>CWG Member Report Back</p>	
<p>Alum Rock Business Network (ABN) has been actively working in our neighborhood to build a better community and more vibrancy. One of the bigger events that ABN was involved in was the Altar Walk, a cultural tradition for the Day of the Dead celebration. In cooperation with the School of Arts and Culture at Mexican Heritage Plaza, we worked in partnership to coordinate a three-block activation. This had the involvement of many businesses lending their areas and parking lots, for several different music stations, cultural performances, and bands. We’re looking forward into ways to bring more of a cultural identity to our area.</p>	<p>Comment noted.</p>
<p>Old Quad Neighborhood Association has concerns about connectivity between BART and Caltrain station, the parking structure, and the number of stairs.</p>	<p>Comment noted.</p>

Next CWG Meeting: February 16, 2022, 4:00 PM, Zoom

Prepared by: Kristen Mei (VTA)
Concurred by: Joe Clayton (VTA)

Distribution: CWG Members
Project Team
City & Public Agency Staff
Distribution List