



**CITIZENS ADVISORY COMMITTEE  
and  
2000 MEASURE A WATCHDOG COMMITTEE**

Wednesday, December 13, 2006

**MINUTES**

**1. CALL TO ORDER**

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:37 p.m. by Chairperson Schuler in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

**ROLL CALL**

**Members Present**

Stephen Blaylock, Vice Chairperson  
Don Burnett  
Chris Elias  
Ray Hashimoto  
Roberta Hughan  
Margaret Okuzumi

**Members Present**

Charlotte Powers  
Sally Probst  
Connie Rogers  
Martin Schuler, Chairperson  
Laura Stuchinsky  
Noel Tebo

**Members Absent**

Ellen Fletcher  
Robert Jacobvitz  
Gaye Morando

**Members Absent**

Irene Hsu  
Luis Mendez

**A quorum was present.**

**2. PUBLIC PRESENTATIONS**

There were no Public Presentations.

**3. Committee Staff Report**

Jim Lawson, Government Affairs Manager and Staff Liaison, introduced new staff members Daniel Murillo, Assistant Board Secretary and Michael Diaresco, Board

Assistant. Mr. Lawson provided construction project updates including the Route 152 BII's completion and the reopening of the Convention Center Station on December 22, 2006. He reported that VTA is providing the Historic Trolley Service in Downtown San Jose for the Holiday Season. On December 9, 2006, VTA partnered with Toys for Tots and the Marine Corps for the very successful 11<sup>th</sup> Annual Stuff the Bus Toy Drive at San Jose's Christmas in the Park.

Member Okuzumi took her seat at 4:40 p.m.

Mr. Lawson stated that VTA would provide free rides on New Year's Eve from 7 p.m. until 3:59 a.m. the following morning. He advised the Committee that the Board of Directors' Regular Meeting is scheduled on December 14, 2006 at 9:00 a.m. and at that meeting, the Board will take action on the "No Smoking Policy" that CAC recommended.

Member Tebo noted that there has been great improvement to the schedule of the Vasona Light Rail Line since he complained last year. He noted that the current schedule is great because it accommodates people who watch or attend late Downtown San Jose events such as the San Jose Repertory.

#### **4. Chairperson's Report**

Chairperson Schulter welcomed the new staff members. He advised the Committee that he would not attend the January 2007 meeting due to a schedule conflict.

He referred to the Board Memorandum for the December 14, 2006 Regular Board of Directors Meeting entitled "Technical Advisory Committee (TAC) Recommendations on Playing a More Vital Role in Interacting With and Advising the Board of Directors." He noted that the memo is about enhancing committee effectiveness and relationship, the need to review items, get items in a timely manner and provide better input, and some of the issues and concerns he raised at previous CAC meetings.

Mr. Lawson stated that TAC formed a Subcommittee to discuss and form the recommendations noted in the Board Memorandum. Chairperson Schulter advised that at some point CAC may be doing similar work.

### **BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/ GENERAL MANAGER**

### **COMBINED CAC AND 2000 MEASURE A WATCHDOG COMMITTEE CONSENT AGENDAS**

#### **5. Minutes of November 8, 2006**

Member Okuzumi referred to Page 6 of 8, second to the last paragraph, and clarified that her inquiry was about VTA's existing Community Design Guidelines.

Member Elias took his seat at 4:45 p.m.

M/S/C (Probst/Burnett) to approve the Minutes of November 8, 2006.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.

## **CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

### **6. Nominating Committee Report for Chair and Vice Chair Elections**

Member Stuchinsky reported that Chairperson Schulter has agreed to be nominated for Chairperson and Member Jacobvitz has agreed to be nominated for Vice Chairperson for 2007.

Member Stuchinsky and Chairperson Schulter expressed their appreciation to current Vice Chairperson Blaylock for his service to CAC. Member Stuchinsky stated that Vice Chairperson Blaylock has indicated that his schedule for 2007 will be very busy, which prevents him from vying for either Chairperson or Vice Chairperson for 2007.

Stephen Flynn, Senior Management Analyst, noted that Members of the Committee may still nominate for the Chairperson and Vice Chairperson seats until the nominations are closed prior to the elections at the January 2007 CAC meeting.

**On order of Chairperson Schulter**, there being no objection, the Nominating Committee Report for Chair and Vice Chair Elections was received.

Member Stuchinsky thanked the other members of the Nominating Committee, Members Hashimoto and Probst, for their time and effort.

### **7. Citizens Advisory Committee Attendance Subcommittee Report and Recommendation**

Member Tebo stated that during the past year, Committee Members have expressed concern regarding the CAC Attendance Policy. An ad hoc Subcommittee of the CAC was established to review the policy in light of other agencies and Boards. The current policy states that if a Member is absent for four meetings in any 12-month period, the seat is automatically vacated. He noted concern that the current attendance policy is too simple. Although the Subcommittee feels that the policy should stay to impose a penalty to those Members who do not regularly attend meetings, the Subcommittee recommends a slight change since there were Members who wished to remain active on the Committee but had some pressing issues (i.e. maternity leave, illness, etc.) that made them miss four or more meetings in a 12-month period.

Member Tebo directed attention to Attachment A, and stated that the proposed Attendance Policy states "A member is allowed to be absent from three regular Committee meetings in any 12-month period. The position shall automatically be vacated upon a fourth absence unless a waiver is granted by the Committee Chairperson." Member Tebo emphasized that the temporary waiver should only be for significant reasons. The Committee Chairperson will be the responsible for granting or denying the temporary waiver request. He added that if the request is denied, the Member can appeal to the full Committee and the decision will be made by vote. Member Tebo explained

the rationale for the proposed policy, stating that the exception will allow for the Committee to retain experienced Members.

Chairperson Schulter thanked the Subcommittee for their work. He noted the difficulty and the tedious process of filling a vacant seat in CAC. He expressed support for the proposal, as it is important for the Committee Members to have continuity, especially now that they are also the 2000 Measure A Watchdog Committee.

Member Rogers thanked the Subcommittee for their “thoughtful” job and noted that the Subcommittee has addressed the concerns.

Member Elias thanked the Subcommittee for their work. He requested clarification on what should be included in the waiver request and expressed concern about the protection of privacy of the Member, specifically private medical information being part of a public record.

Member Tebo explained that the Subcommittee discussed privacy. He noted that as a “public committee/body” there should be a justifiable and significant reason for the request for waiver. He clarified that Members will not be required to disclose private medical information but rather provide a simple/general explanation of the nature of the need to be absent for more than four times.

Chairperson Schulter expressed that as a Chairperson, he would not expect CAC Members to disclose detailed medical condition but would rather take the Member’s request in good faith.

Upon inquiry of some Members, Mr. Lawson explained the process for adopting the Subcommittee’s recommendation, noting that the item should be agendaized at a future CAC Meeting to reflect the change in the CAC bylaws, then to the Board of Directors for approval.

Member Tebo stated that the Subcommittee welcomes more suggestions from other Members.

Member Stuchinsky thanked Mr. Flynn for all his support and diligent work involved in the Subcommittee.

Chairperson Schulter directed staff to agendaize the recommendation of the Subcommittee to a future CAC Agenda.

**On order of Chairperson Schulter**, there being no objection, the Citizens Advisory Committee Attendance Subcommittee Report and Recommendation was discussed.

**8. Revised Scoring Criteria for Transportation Fund for Clean Air Program Manager Fund**

Bill Hough, Transportation Planner, provided a brief background on the item, noting that the Transportation Fund for Clean Air Program (TFCA) comes from the \$4 vehicle registration surcharge. He explained that the changes to the criteria are based on the 10-year experience of administering this Program. Mr. Hough clarified that the changes

will not have any impact on the Bicycle Expenditure Program (BEP) of the TFCA and would only apply to the competitive part of the Program. The recommended changes are: 1) Increase the value of Cost Effectiveness criteria from 15 to 30 points; 2) Rename “Project Effectiveness” criterion to “Community Benefits,” revise the component metrics to more effectively measure project performance, and increase the value of the criterion from 40 to 50 points; 3) Increase local match from 15 to 20 points; 4) Eliminate the “Multi Agency/Public-Private Partnership” criterion; and 5) Encourage timely completion of projects by including a prior delivery record element in the project scoring criteria.

Member Hughan inquired about the Air District’s feedback on the changes. Mr. Hough responded that VTA has an on-going dialogue with the Air District and noted that the policies of the Air District would supercede VTA Policy.

Upon inquiry of Member Powers regarding Recommendation #5, Mr. Hough explained that the grant award would occur prior to the funding agreement. He explained that although the “timely completion” is currently not an issue, it could be a potential problem in the future. Mr. Hough added that the proposed rule is reasonable, which suggests that a project sponsor should be ineligible for funding if they have five or more projects greater than two years old on the Air District’s annual “Less than 100 percent Complete” list.

Member Okuzumi commented that the proposed changes are logical. She stated that the community benefits should be more spelled out so that the model would be better understood by Agencies and members of the public. Mr. Hough explained that what is presented today is merely a summary and the details that Member Okuzumi is speaking about will be included in the Call for Projects.

Member Probst commented that the proposed changes make it easier for agencies to respond to. She inquired about the five communities of concern. Mr. Hough responded that it was the Metropolitan Transportation Committee (MTC) that developed the five communities of concern for Santa Clara County.

Member Burnett commented that there should be good narrative about cost effectiveness as it would be a nice lead-in for the whole process. Mr. Hough responded that the Call For Projects would include those details. Member Burnett commented that overall, it is a tremendous improvement to the Program.

**M/S/C (Rogers/Burnett)** to review and recommend that the VTA Board of Directors modify the criteria used to evaluate and select projects for the Transportation Fund for Clean Air Program Manager Fund.

## **9. Transit Sustainability Policy**

Kevin Connolly, Transportation Planning Manager, explained that the first Service Design Guideline Packet that was mailed out last week lacked some of the graphics. He directed attention to the Service Design Guideline Packet on the table and noted that this draft is the most recent and complete one.

Mr. Connolly explained that the Transit Sustainability Policy (TSP) is a policy that is intended to provide a framework to new and existing transit investment and matching the market with the best type of service. TSP has two components: Goals and Core Principles (adopted by the Board of Directors in October 2006) and Service Design Guidelines (SDG). SDG is also comprised of two components: Performance Standards (criteria and threshold for each mode) and Design Guidelines (guidelines used in designing service).

The TSP essentially becomes a four step process that includes: project or study area definition; ridership and operations analysis; recommendations and approvals based on the policy, and; implementation. Mr. Connolly discussed the next steps, noting that staff intends to bring the TSP for Board of Directors adoption at their January 2007 meeting. After its approval, staff intends to use the policy and guidelines to evaluate existing and future project including Downtown East Valley (DTEV) Project.

Member Burnett commented that the term "Transit Sustainability" is confusing and noted that it should be named "Service Design Policy." Member Tebo inquired why VTA insists on using the term "sustainability."

Mr. Connolly explained that the term "Transit Sustainability" is not meant to be an environmental term but rather as a fiscal term. Transit Sustainability implies using monies and investing wisely to be able to sustain the transit system in Santa Clara County.

Upon inquiry of Member Tebo, Mr. Connolly clarified that included in the TSP are guidelines, performance standards, benchmarks and thresholds.

Member Tebo inquired if the standards were based on VTA's current experience or based on many different transit agencies. He expressed concern that the numbers seem to be arbitrary.

Mr. Connolly stated that the numbers are not arbitrary and added that the SDG document explains the methodology used to come up with the numbers. He further explained that some of the numbers were based on VTA experience and others were based on industry experience such as systems that are comparable to VTA.

Member Stuchinsky referred to Pages 5 and 6 of the Transit Sustainability Policy, and expressed concern on the statement "there is no minimum standard for existing rail lines" and inquired about the options for poor performing stations. Mr. Connolly stated that under performing stations will be subject to evaluation.

Member Tebo inquired about the relationship between the TSP's thresholds/standards, operating costs and farebox recovery. He further inquired if the operating costs and farebox recovery were considered in the creation of the thresholds. Mr. Connolly responded "no" as the Board adopted policy of 20 to 25 percent farebox recovery ratio was too high and would not be achievable in the next couple of years. However, Mr. Connolly explained that the document and the policy were designed in a such a way

that there will be opportunities to revisit the thresholds and farebox recovery ratio after service and ridership are improved.

Member Stuchinsky stated that recognizing that the 20-25 percent farebox recovery ratio is high, she inquired about the current level and the strategies that VTA intends to use to achieve that goal. Mr. Connolly responded that currently, VTA's farebox recovery ratio is around 14 percent and added that the Committee will be presented that information in January 2007, when the Committee discusses the Comprehensive Operations Analysis (COA).

Members HUGHAN and ROGERS left the meeting at 5:30 p.m.

Member Powers inquired if there are potential conflicts within the SDG. Mr. Connolly explained that staff is doing diligent work to ensure that there will be no conflicts between the SDG. He added that the first utilization of the SDG will be a test and will determine the conflicts, if any. Mr. Connolly reiterated that the policy and document were designed with flexibility and corrections could be made, when necessary.

Member Powers suggested that staff put dates on the draft to make it more clear which ones are the most accurate.

Member Elias commended staff for the improvements of the TSP since the time it was originally presented.

**On order of Chairperson Schulter**, there being no objections, the Transit Sustainability Policy was reviewed.

## **2000 MEASURE A WATCHDOG COMMITTEE REGULAR ITEMS**

### **10. Independent Auditor Status Report**

Susan Stark, Controller, reported that the auditors have completed the fieldwork and internal staff is currently writing the report. The auditor will review the report to ensure that the numbers are in compliance. The financial report will be presented at the January 2007 CAC meeting and the auditor will be present to explain the report. She encouraged the Members to raise their questions and concerns at the January 2007 meeting.

**On order of Chairperson Schulter**, there being no objections, the Independent Auditor Status Report was received.

### **11. & 12. Downtown East Valley Project Status Report and Status Report on Capitol Expressway LRT Project - Final Design**

Mr. Connolly introduced Ken Ronsse, Design & Construction Manager and Project Manager of Capitol Expressway LRT Project. Mr. Connolly provided a PowerPoint Presentation entitled “Downtown East Valley (DTEV) Transit Improvement Plan – Project Status December 2006.”

Mr. Connolly noted that the DTEV corridors include four projects: Capitol Expressway, Nieman Boulevard, Santa Clara/Alum Rock, and Monterey Highway. Mr. Connolly provided brief overview on Capitol Expressway Light Rail including the project cost (\$334.3 million), completion date (2012), estimated ridership in 2025 (2,124 average weekday), and project status. He also discussed the project features with map illustrations of at-grade and aerial stations. He also presented a graphic of the Multi-modal Urban Boulevard Concept for Capitol Expressway, where it showed that landscaping is an important aspect of the project.

Mr. Connolly provided project overview for the Nieman Boulevard Light Rail Project, highlighting that it is 0.8-mile extension, \$165.5 million project cost, completion date of 2017 and 449 average weekday ridership projection by 2025. Mr. Connolly noted the project status and highlighted that there are unresolved issues with Arcadia Development, Evergreen Visioning Process.

Upon inquiry of Member Stuchinsky regarding densities, Mr. Connolly stated that the densities assumes the future densities of Association of Bay Area Governments (ABAG) 2005. Mr. Connolly reiterated that upon approval of the TSP, this will be the first project to be evaluated.

Member Tebo referred to the Nieman Extension and inquired about the rationale for considering the project even with the high cost and low projected ridership. Mr. Connolly stated that there is a long project history and stated that the reason why it was considered with the Capitol Extension was due to the fact that at the time, the Evergreen Project was moving forward and there was supposed to be very high density.

Member Elias commented that if the ridership is not there, why should VTA make an investment. Mr. Connolly stated that those types of questions will be addressed by SDG and the COA efforts.

Mr. Connolly discussed the Santa Clara/Alum Rock Transit Corridor Project Overview and noted that there are two alternatives under consideration: Single Car LRT and the Bus Rapid Transit. Mr. Connolly briefly explained the difference between two options in terms of cost, ridership, completion date, and project status. Mr. Connolly highlighted that there will be updates to the Environmental document, there will be forum for discussion of alternatives in 2007, and anticipated Board Action will be in the Fall 2007 or Spring 2008.

Mr. Connolly provided an update on the Santa Clara/Alum Rock Bus Rapid Transit Project and noted that the Enhanced Bus is being replaced by Bus Rapid Transit. He presented a map of the proposed stations.

Member Stuchinsky inquired about the value from changing from BRT to LRT. Mr. Connolly stated that it will depend on the conditions at the time. He noted that one of the trade-offs between BRT and LRT is capacity, where LRT has more capacity compared to BRT.

Upon inquiry of Member Tebo about Single Car Light Rail on the Santa Clara/Alum Rock Transit Corridor, Mr. Connolly explained that given the restrictions and the conditions of the corridor, it is only allowing Single Car Light Rail.

He also provided a project overview on the Monterey Highway Bus Rapid Transit, highlighting that it is a 9.6-mile corridor from Santa Teresa LRT Station to Downtown San Jose Diridon Station.

**On order of Chairperson Schulter**, there being no objection, the Downtown East Valley Project Status Report and Status Report on Capitol Expressway LRT Project - Final Design were received.

## **COMBINED CAC AND 2000 MEASURE A WATCHDOG COMMITTEE ITEMS**

### **13. CAC Work Plan and 2000 Measure A Watchdog Committee Work Plans**

Mr. Lawson noted that the following items will be added to the future CAC work plan: auditor's report, election of the Chair and Vice Chair, and revisions to the CAC bylaws.

Mr. Flynn stated that at some point the Committee may want to schedule a workshop for the Committee to discuss the audit results.

Member Okuzumi requested to put a date on the item for future consideration entitled "Evaluate Using Current Independent Auditor for FY 2007."

Member Stuchinsky requested that the COA be put back on the CAC agenda prior Board Consideration for approval.

**On order of Chairperson Schulter**, there being no objection, the Committee reviewed the CAC and 2000 Measure A Watchdog Committee Work Plans.

### **14. Announcements**

Member Probst talked about the 41 different regions in the United States about Transit Oriented Development from the Center for Transit Oriented Development. She requested that the information be forwarded to other Committee Members.

Vice Chairperson Blaylock complimented General Manager Michael T. Burns, for writing a thank you letter to those who have served in the RIDE Task Force.

Member Burnett reported that the City of Cupertino City Council has approved proceeding with the Bicycle and Pedestrian Bridge at Mary Avenue.

Member Tebo stated that he attended a two-day seminar regarding Personal Rapid Transit that was sponsored by the City of Santa Cruz. He expressed his disappointment for not seeing transit technologies in VTA plans and added that he did not see any VTA representative in the seminar.

Mr. Lawson assured the Committee that VTA is working closely with other transit agencies. However, he noted that based on VTA's financial situation, VTA is endeavoring to do its best with the current equipment and technology.

**15. ADJOURNMENT**

**On order of Chairperson Schulter**, there being no objection, the Meeting was adjourned at 6:08 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant  
VTA Board of Directors