

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

Wednesday, May 11, 2011

**5:30 PM**

**2000 Measure A Citizens Watchdog Committee (CWC) Public Hearing Agenda Item #9  
begins at 6:00 PM (TIME CERTAIN)**

***PLEASE NOTE CHANGE IN MEETING TIME AND LOCATION***

Board of Supervisors' Chambers  
County Government Center  
70 West Hedding Street  
San Jose, CA

**AGENDA**

**CALL TO ORDER**

- 1. ROLL CALL**
- 2. ORDERS OF THE DAY**
- 3. PUBLIC PRESENTATIONS:**

This portion of the agenda is reserved for persons desiring to address the Committee on any matter not on the agenda. Speakers are **limited to 2 minutes**. The law does not permit Committee action or extended discussion on any item not on the agenda except under special circumstances. If Committee action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

- 4. Receive Committee Staff Report. (Verbal Report) (Helm)**
- 5. Receive Chairperson's Report. (Verbal Report) (Powers)**

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

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

6. Approve the Regular Meeting Minutes of April 13, 2011.
7. ACTION ITEM – Recommend that the Board of Directors adopt a support position for SB 310 (Hancock), which provides more options to cities and counties for encouraging developers to undertake transit-oriented development projects.
8. INFORMATION ITEM - Review the Monthly Legislative History Matrix.

**2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR  
AGENDA**

9. ACTION ITEM - Conduct, as part of the May 11, 2011 Citizens Advisory Committee/Citizens Watchdog Committee meeting, the 2000 Measure A Citizens Watchdog Committee (CWC) public hearing to receive input from the public on the 2000 Measure A Program, its expenditures, the results of the CWC's annual independent compliance audit, and on 2000 Measure A Program reports.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

10. INFORMATION ITEM - Receive the Proactive CMP Quarterly Report for January through March 2011.
11. ACTION ITEM - Recommend that the Board of Directors approve the operational procedures related to setting of the hours of operations and the protocol for calculating the toll rates for the SR 237/I-880 Express Connectors project.

**COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

12. INFORMATION ITEM - Review the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans. (Powers)

**OTHER**

13. ANNOUNCEMENTS

**14. ADJOURN**

In compliance with the Americans with Disabilities Act (ADA), those requiring accommodations or accessible media for this meeting should notify the Board Secretary's Office 48 hours prior to the meeting at (408) 321-5680 or e-mail: board.secretary.@vta.org, (408) 321-2330 (TTY only). VTA's Homepage is located on the Web at: <http://www.vta.org/> or visit us on Facebook <http://www.facebook.com/scvta>.

All reports for items on the open meeting agenda are available for review in the Board Secretary's Office, 3331 North First Street, San Jose, California, (408) 321-5680, the Friday, Monday, and Tuesday prior to the meeting. This information is available on VTA's website at <http://www.vta.org> and also at the meeting.

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

Wednesday, April 13, 2011

**MINUTES**

**CALL TO ORDER**

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:36 p.m. by Chairperson Powers, Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

**1. ROLL CALL**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>
Jeremy Barousse	Member	Present
Stephen Blaylock	Member	Present
Clinton Brownley	Member	Present
Bena Chang	Member	Present
Chris Elias	Member	Present
William Hadaya	Member	Present
Ray Hashimoto	Member	Absent
Roberta Hughan	Member	Present
Robert Jacobvitz	Vice Chairperson	Present
Bruce Liedstrand	Member	Present
Aaron Morrow	Member	Present
Charlotte Powers	Chairperson	Present
Sally Probst	Member	Present
Connie Rogers	Member	Present
Martin Schulter	Member	Present
Noel Tebo	Member	Present
Herman Wadler	Member	Present

**A quorum was present.**

**2. ORDERS OF THE DAY**

There were no Orders of the Day.

**3. PUBLIC PRESENTATIONS**

There were no Public Presentations.

**4. Committee Staff Report**

Greta Helm, Chief External Affairs Officer and Staff Liaison, reported on: 1) Earth Day

celebrations; 2) the Drive Less Challenge; 3) the Joint Advisory Committee Budget Workshop to be held on Monday, May 9, 2011; 4) the calendar of community meeting locations for the FY2012 & FY2013 VTA Biennial Budget meetings; and 5) the proposed Committee Clipper tour around the San Francisco Bay Area on July 13, 2011.

Members Jacobvitz, Hadaya and Wadler took their seats at 4:39 p.m.

Scott Haywood, Senior Policy Analyst, provided an update on Caltrain.

Member Chang reported on the Silicon Valley Leadership Group's (SVLG) Caltrain town hall meetings and noted the SVLG is looking at financing options and for dedicated funding sources.

**On order of Chairperson Powers** and there being no objection, the Committee Staff Report was received.

**5. Chairperson's Report**

Chairperson Powers encouraged the committee members to attend the Board Workshop on April 22, 2011. She then reported on her attendance at a Valley Transportation Plan (VTP) 2040 Plan community meeting.

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

**COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG  
COMMITTEE (CWC) CONSENT AGENDAS**

**6. Minutes of March 9, 2011**

M/S/C (Wadler/Hadaya) to approve the Regular Meeting Minutes of March 9, 2011.

**7. (Removed from the Consent Agenda and placed on the Regular Agenda.)**

Review the updated Monthly Legislative History Matrix.

**8. Bill Position: AB 147 (Dickinson)**

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 147 (Dickinson), which expands the existing eligible uses of developer impacts fees to include public transit, bicycle and pedestrian facilities.

**9. Bill Position: SB 383 (Wolk)**

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for SB 383 (Wolk), which addresses issues related to the implementation of the state's Local Government Renewable Energy Self-Generation Program.

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

**10. Bill Position: AB 31 (Beall)**

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 31 (Beall), which authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations.

**11. Bill Position: AB 1308 (Miller)**

M/S/C (Wadler/Hadaya) to recommend that the Board of Directors adopt a support position for AB 1308 (Miller), which provides that revenues in the Highway Users Tax Account (HUTA) are to be continuously appropriated and available for expenditure regardless of whether a state budget has been enacted for the new fiscal year.

**2000 MEASURE A CITIZENS WATCHDOG COMMITTEE (CWC) REGULAR AGENDA**

**7. Monthly Legislative History Matrix**

**On order of Chairperson Powers** and there being no objection, the Committee reviewed the updated Monthly Legislative History Matrix.

**12. Compliance Audit Report on FY10 2000 Measure A Program Revenues and Expenditures**

Craig Boyer, Certified Public Account, Macias, Gini and O'Connell (MGO), provided an overview of the 2000 Measure A Transit Improvement Program Independent Accountant's Report on Compliance Examination and Budgetary Comparison Schedule for the Fiscal Year Ended June 30, 2010, and noted that for fiscal year ended June 30, 2010, VTA spent the Measure A Funds in compliance with the 2000 Measure A ballot.

Members of the Committee expressed concern over the repayment of borrowed Measure A funds should VTA not receive the anticipated future State Transportation Improvement Program (STIP) funds. They inquired whether a formalized obligation for repayment had been established. Joe Smith, Chief Financial Officer, reported that via two separate actions the Board authorized: 1) the borrowing of the 2000 Measure A funds; and 2) the repayment of 2000 Measure A funds, with interest, via the STIP funds.

Mr. Smith noted copies of the two referenced board memos would be provided to the Committee. He then suggested to the Committee that the two board actions be included as part of MGO's audit report.

Members of the Committee expressed the need for a back-up reimbursement plan should the anticipated STIP funds not be distributed.

M/S/C (Morrow/Tebo) to receive and accept the audit report from Macias, Gini & O'Connell, the Citizens Watchdog Committee's independent compliance auditor, on the compliance audit of Fiscal Year 2010 (FY10) 2000 Measure A revenues and expenditures.

**13. Determine Date and Location of CWC Public Hearing**

Stephen Flynn, Senior Management Analyst, corrected the date of the hearing listed in the agenda packet to May 11, 2011.

**M/S/C (Hadaya/Morrow)** to satisfy the requirements of Measure A, approve the following: 1) Conduct the CWC annual public hearing on May 11, 2011, in combination with the monthly Citizens Advisory Committee (CAC)/CWC meeting; 2) Hold the combined hearing and CAC/CWC meeting in the Board Chambers at the County of Santa Clara Government Center (70 West Hedding Street); and 3) The CAC/CWC general meeting will start at 5:30 p.m., and the CWC public hearing will commence at 6:00 p.m.

**14. Publication Strategy for Combined Public Hearing and Compliance Audit Results**

Mr. Flynn provided a advertising strategy handout entitled *2000 Measure A Citizens Watchdog Committee Potential Expanded Publication Strategy Combination Public Hearing Announcement & Results of Independent Audit on FY 2010 April/May 2011*.

**M/S (Tebo/Schulter)** to accept the recommended advertising strategy listed on the handout and to add the Mercury News and the Spanish and Vietnamese language newspapers.

Members of the Committee discussed the various options presented on the handout and suggested ways for committee members to advertise the public hearing.

Members Elias and Rogers recommended amending the motion to: 1) add the Spanish and Vietnamese language newspapers; 2) remove the duplicate listing of the Almaden Times; and 3) not utilize the San Jose Mercury News

**M/S/C (Tebo/Schulter)** to satisfy the 2000 Measure A requirement that the Citizens Watchdog Committee publicly notice the public hearing it conducts and also that it publicize the results of the annual independent audit in local newspapers, approve the following: 1) The content and format of the combined summary notice for publication in local newspapers notifying the public of the Citizens Watchdog Committee's public hearing on May 11, 2011 and the results of the independent compliance audit of the FY 2009 Measure A financial schedule and records; 2) The content and format of the combined notice for placement on VTA's website notifying the public of the Citizens Watchdog Committee's public hearing on May 11, 2011, and the results of the independent compliance audit of the FY 2010 Measure A financial schedules and records; 3) to accept the recommended advertising strategy listed on the handout and: a) to add the Vietnamese and Spanish language newspapers; b) to remove the duplicate listing of the Almaden Times; and c) to not utilize the San Jose Mercury News; and 4) Employing alternate methods in addition to publication in local newspapers and posting on VTA's website to notifying the public on the public hearing and the results of the compliance audit, as amended

**NOTE: M/S/C MEANS MOTION SECONDED.**

**15. BART Silicon Valley Project Update**

Bernice Alaniz, Deputy Director Marketing and Public Affairs, provided a PowerPoint presentation highlighting: 1) BART Silicon Valley Program Activities; 2) Corridor Preparation; 3) Phase 1: Berryessa Extension; 4) Berryessa Extension Stations; 5) Future Connections; 6) Milpitas Station; 7) Berryessa Station; 8) Agency Coordination Efforts; 9) Communication and Outreach; 10) Design Build Procurement; 11) Berryessa Extension Key Milestones; 12) Related Projects; and 13) SVBX Project Schedule.

Members of the Committee questioned whether the planned development around the Milpitas station would be pedestrian friendly. Ms. Alaniz stated information on modal access to the station would be provided to the Committee.

Members of the Committee requested that the PowerPoint presentation for this item be sent to them electronically.

**On order of Chairperson Powers** and there being no objection, the Committee received the BART Silicon Valley Project Update.

**CITIZENS ADVISORY COMMITTEE REGULAR AGENDA**

**16. Valley Transportation Plan (VTP) 2040 Initial Project Lists**

Ying Smith, Transportation Planning Manager, provided the staff report.

A revised *Preliminary Financially Unconstrained Project List* was provided to the Committee.

Members of the Committee expressed concern that the current VTP 2040 plan does not contain enough information on transit. They noted the VTP 2040 plan lacks vision. They stressed that a 30-year plan should start with a vision of what is really needed and then list all possibilities in order to accommodate the future population growth.

Members of the Committee stated the Metropolitan Transportation Commission (MTC) needs to provide more time for the local agencies to prepare the information. Ms. Smith stated the Committee is presently being asked to approve the first project list, not the plan, and that additional projects can be added to the initial list after MTC's April 29, 2011, deadline. She noted there will be many other opportunities to continue the conversation, as well as to submit ideas, prior to the final plan deadline in April 2013.

**M/S/C (Schulter/Hadaya)** on a vote of 13 Ayes, 1 No, and 0 abstentions to recommend that the Board of Directors adopt the Valley Transportation Plan (VTP) 2040 initial project list for submittal to Metropolitan Transportation Commission (MTC). The Committee understands this list is a starting point, with many good projects identified, but we have serious concerns that there are elements within the document that are not complete and that there is a lack of vision with regard to transit. Member Liedstrand opposed.

**M/S/C (Wadler/Jacobvitz)** to request that the Board authorize this Committee to establish a subcommittee among its members to address the Committee's concerns on the

VTP 2040 vision. Members Schuler, Blaylock, Tebo, and Chairperson Powers volunteered to be part of the subcommittee.

17. (Deferred to a future Citizens Advisory Committee (CAC) Meeting)

**On order of Chairperson Powers** and there being no objection, the Committee deferred receiving a report on the Express Bus Business Plan.

## **COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS**

18. **Citizens Advisory Committee and Citizens Watchdog Committee Work Plans**

**On order of Chairperson Powers** and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

## **OTHER**

19. **ANNOUNCEMENTS**

There were no Announcements.

20. **ADJOURNMENT**

**On order of Chairperson Powers** and there being no objection, the meeting was adjourned at 7:19 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant  
VTA Office of the Board Secretary



Date: April 27, 2011  
 Current Meeting: May 11, 2011  
 Board Meeting: June 2, 2011

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Citizens Advisory Committee

**THROUGH:** General Manager, Michael T. Burns

**FROM:** Chief External Affairs Officer, Greta Helm

**SUBJECT:** Bill Position: SB 310 (Hancock)

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**Policy-Related Action:** Yes

**Government Code Section 84308 Applies:** No

## ACTION ITEM

### RECOMMENDATION:

Recommend that the Board of Directors adopt a support position for SB 310 (Hancock), which provides more options to cities and counties for encouraging developers to undertake transit-oriented development projects.

### BACKGROUND:

In 2008, SB 375 (Steinberg) was enacted into law. This complex piece of legislation put in place a framework for cutting vehicle miles traveled as one strategy for reducing greenhouse gas emissions from the transportation sector. In general, it requires metropolitan planning organizations (MPOs) in California to include a “sustainable communities strategy” in their respective regional transportation plans (RTPs). Under the provisions of SB 375, this strategy must consist of development patterns and transportation measures designed to achieve regional greenhouse gas emission reduction targets assigned to the MPO by the California Air Resources Board (CARB). In addition, SB 375 requires the allocation of regional housing needs assessment (RHNA) shares to cities and counties to be consistent with a particular region’s sustainable communities strategy. Finally, it provides California Environmental Quality Act (CEQA) incentives for certain types of transit-oriented development projects-called “transit priority projects” in the legislation-in order to: (a) encourage local governments to undertake their planning activities in a manner that is consistent with its region’s sustainable communities strategy; and (b) entice developers to build high-density projects near public transit stations.

SB 310 seeks to strengthen the limited incentives that SB 375 put in place to encourage developers to undertake transit priority projects. Specifically, SB 310 creates the Transit Priority

Project Program, and allows a city or county to participate in the program by adopting an ordinance to that effect. Under the provisions of the bill, if a city or county elects to participate in the program, it must offer a developer a guaranteed density bonus and access to a streamlined local permit process of 90 days if the developer's project meets 12 specified requirements. These requirements include:

- Ensuring that 20 percent of developed housing units are affordable or, alternatively, paying a fee commensurate with the associated costs to a local affordable housing fund.
- Providing tenants on-site bicycle storage, recycling receptacles and 10-year public transit passes.
- Providing construction workers prevailing wage for residential projects consisting of more than 100 units.
- Constructing buildings according to Leadership in Energy and Environmental Design (LEED) Gold standards.
- Providing an onsite car-sharing program or, alternatively, paying a fee to provide the car-sharing offsite.
- Renting parking spaces separately from residential units.
- Creating open space onsite or, alternatively, paying into a local open space fund.

If the transit priority project is located within an infrastructure financing district (IFD), SB 310 allows property tax increment revenues from the IFD to be used to reimburse the developer for permit processing fees or to offset additional expenses incurred by the developer in constructing affordable housing units.

Finally, this legislation allows a city or county to create an IFD and obtain access to tax increment financing and bonding authority without holding an election. However, all other requirements in existing law with regard to an IFD would still apply. For example, every local agency that would contribute its property tax revenues to the IFD must approve the plan, and tax increment revenues cannot be diverted to the IFD from school districts, community colleges and county offices of education.

### **DISCUSSION:**

SB 310 builds upon the incentives that were established by SB 375 to encourage transit-oriented development. First, the bill offers developers a guaranteed density bonus and access to a streamlined local permit process for transit priority projects to go along with the CEQA exemptions that were provided in SB 375. Second, SB 310 removes one step in the cumbersome

IFD process, potentially making it easier than under current law for a city or county to create an IFD. In turn, this would open the door for a city or county to offer additional incentives to developers to pursue transit priority projects because SB 310 allows for IFD property tax increment revenues to be used to reimburse developers for their permit expenses and affordable housing costs. Therefore, we recommend that the Board of Directors support this legislation.

**ALTERNATIVES:**

The Board of Directors could decide to adopt a position for SB 310 that is different from the one being recommended, or could opt to take no position on this bill at this time.

**FISCAL IMPACT:**

There is no fiscal impact associated with this recommendation.

Prepared by: Kurt Evans, Government Affairs Manager  
Memo No. 2791



Date: April 29, 2011  
 Current Meeting: May 11, 2011  
 Board Meeting: June 2, 2011

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Citizens Advisory Committee

**THROUGH:** General Manager, Michael T. Burns

**FROM:** Chief External Affairs Officer, Greta Helm

**SUBJECT:** Monthly Legislative History Matrix

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### FOR INFORMATION ONLY

#### **BACKGROUND:**

For your information, I am attaching our Monthly Legislative History Matrix, which describes the key transportation-related bills that are being considered by the California State Legislature during the 2011-2012 session. It indicates the status of these measures and any adopted VTA positions with regard to them.

#### **DISCUSSION:**

With Gov. Jerry Brown suspending his efforts to negotiate a bipartisan budget deal with Republican lawmakers, it is unclear what will happen next in Sacramento. In March, the Governor signed budget trailer bills that addressed an estimated \$11.2 billion of the state's \$26.6 billion General Fund deficit. The savings were achieved largely through cuts to health and human services programs, and higher education, as well as through the diversion of money from voter-created programs for mental health and childhood development to the General Fund. Still on the table are the Governor's proposals that would: (a) eliminate redevelopment agencies; (b) shift the responsibility for some state programs to local governments; (c) roll back some corporate tax breaks; and (d) ask the voters to extend temporary increases in sales, income and vehicles taxes that are scheduled to sunset at the end of June.

For several months, Gov. Brown searched for GOP votes to put the tax extensions on the ballot before they expire. Four Republicans -- two in the Assembly and two in the Senate -- are needed to reach the two-thirds majority that is required to qualify the extensions for the ballot. However, the process broke down when Senate Republican leaders presented a list of 53 different demands. The Governor said these demands went too far.

Gov. Brown and the Legislature still need to address a \$15.4 billion General Fund deficit, and

many options in the realm of spending cuts and fund transfers have been exhausted. While a June special election to ask the voters to extend the temporary tax increases is out of the question, the Governor and Democratic legislative leaders have not abandoned their desire to solve most of the remaining deficit with additional tax revenues. Republicans, however, continue to express their opposition to taxes.

In the case of transportation, arguably the biggest budget issue was resolved when Gov. Brown signed AB 105. This legislation includes several key provisions that address the impacts of Propositions 22 and 26 on last year's transportation funding swap. First, AB 105 re-enacts the swap's increases in both the gas tax and the diesel sales tax in order to prevent Proposition 26 from eliminating billions in revenues for state highways, local streets/roads and public transit. Second, it taps vehicle weight fees, rather than the gas tax, as the revenue source for making debt service payments on transportation-related general obligation bonds, allowing the state to realize the General Fund savings that were anticipated from the swap. This switch became necessary because Proposition 22 prohibits the use of gas tax revenues for general obligation bond debt service. Finally, AB 105 makes the necessary statutory revisions to ensure that: (a) the distribution of revenues from the swap's 17.3-cent gas tax increase will achieve the same fiscal results that were anticipated for state highways and local streets/roads when the swap was enacted; and (b) the State Transit Assistance Program (STA) reaches a minimum funding level of \$350 million per year as contemplated by the swap.

While the budget hangs in limbo, policy and fiscal committees in both the Assembly and Senate continue to hold hearings on legislation. Some of the key transportation-related measures are as follows:

AB 31 (Beall): One of more than 30 bills dealing with the subject of high-speed rail, AB 31 authorizes the cities and counties in the Central Valley that have an approved high-speed rail station to prepare and adopt a master plan for development of the area surrounding their stations. Status: Assembly Local Government Committee. VTA Position: Support.

AB 57 (Beall): This bill makes several adjustments to the governing board of the Metropolitan Transportation Commission (MTC). Under current law, the mayor of San Francisco is able to appoint one voting member to the commission. AB 57 adds two voting seats to the commission to be appointed by the mayors of San Jose and Oakland from the membership of their respective city councils. The legislation also provides that no more than three voting members of the commission may be residents of the same county. Status: Assembly Appropriations Committee. VTA Position: Support.

AB 145 (Galgiani): This legislation calls for creating the Department of High-Speed Trains within the Business, Transportation & Housing Agency to assume the responsibility for planning, constructing and operating the state's proposed high-speed train system. Under the provisions of AB 145, the High-Speed Rail Authority would continue to exist, but its role would be limited to providing policy guidance to the new department regarding the development and implementation of the system. Status: Assembly Transportation Committee. VTA Position: None.

AB 147 (Dickinson): Sponsored by the California State Association of Counties (CSAC), AB 147 expands the existing eligible uses of developer impacts fees to include public transit, bicycle and pedestrian facilities. Status: Assembly Local Government Committee. VTA Position: Support.

AB 441 (Monning): This bill requires the California Transportation Commission (CTC) to include health and health equity factors, strategies, goals, and objectives in its guidelines for the preparation of regional transportation plans (RTPs). Status: Assembly Appropriations Committee. VTA Position: None.

AB 485 (Ma): Sponsored by the Bay Area Rapid Transit District (BART), AB 485 is a reintroduction of prior unsuccessful legislation that would allow for the use of infrastructure financing districts to implement a transit village development plan. Status: Assembly Floor. VTA Position: Support.

AB 650 (Blumenfield): Sponsored by a coalition of five environmental groups led by the Environmental Defense Fund and TransForm, AB 650 establishes the Blue Ribbon Task Force on Public Transportation for the 21st Century to make recommendations to the Governor and Legislature on how to develop, implement and fund a comprehensive, well-coordinated and fully functioning public transit system in California. Status: Assembly Appropriations Committee. VTA Position: Support.

AB 892 (Carter): This measure permits Caltrans to continue to participate in a federal pilot program that allows certain states to assume the responsibilities of the Federal Highway Administration (FHWA) under the National Environmental Policy Act (NEPA). Specifically, AB 892 extends provisions in existing law until January 1, 2019, that authorize Caltrans to consent to the jurisdiction of the federal courts with regard to the assumption of FHWA's responsibilities under NEPA and that waive the state's Eleventh Amendment protection against lawsuits brought in federal court for as long as Caltrans participates in the pilot program. Status: Assembly Transportation Committee. VTA Position: None.

AB 1105 (Gordon): This bill allows VTA to convert the entire length of existing carpool lanes on U.S. 101 between Morgan Hill and Redwood City to express lanes, rather than having to stop the express lanes at the San Mateo County line. Status: Assembly Appropriations Committee. VTA Position: Sponsor.

AB 1134 (Bonilla): Sponsored by the Self-Help Counties Coalition, AB 1134 clarifies that Caltrans cannot require local and regional agencies to reimburse the department for its costs related to reviewing and approving a project study report for a state highway improvement project, if the project is in an adopted RTP, a voter-approved county sales tax measure expenditure plan or other voter-approved transportation program. Status: Assembly Appropriations Committee. VTA Position: Support.

AB 1229 (Feuer): Sponsored by the Los Angeles Metropolitan Transportation Authority (LA Metro), AB 1229 increases the limitation on the ability of the Treasurer's Office to issue federal highway grant anticipation notes (GARVEE bonds) from 15 percent to 25 percent of the total

amount of federal transportation funds deposited into the State Highway Account for any consecutive 12-month period within the preceding 24 months. This bill also calls for reserving 40 percent of the state's GARVEE bond capacity to fund projects proposed by regional transportation planning agencies (RTPAs) where the RTPAs would use their regional shares of federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds to cover the principle and interest of the GARVEE bonds. Status: Assembly Transportation Committee. VTA Position: None.

AB 1308 (Miller): This measure provides that Highway User Tax Account (HUTA) revenues are to be continuously appropriated and available for expenditure regardless of whether a state budget has been enacted for the new fiscal year. Status: Assembly Appropriations Committee. VTA Position: Support.

SB 310 (Hancock): This legislation seeks to strengthen the limited incentives that SB 375 (Steinberg) put in place to encourage transit-oriented development. It allows cities and counties to offer developers a guaranteed density bonus and access to a streamlined local permit process for so-called "transit priority projects" that meet specified requirements. In addition, SB 310 allows cities and counties to use property tax increment revenues from an infrastructure financing district to reimburse the permit expenses and affordable housing costs incurred by a developer pursuing a transit priority project. Status: Senate Governance and Finance Committee. VTA Position: Recommendation to support.

SB 383 (Wolk): This bill seeks to increase access to the state's Local Government Renewable Energy Self-Generation Program and to make it more economical for local government entities to pursue renewable energy by removing the program's current financial obstacles. Status: Senate Energy, Utilities and Communications Committee. VTA Position: Support.

SB 468 (Kehoe): Although targeted at the I-5 North Coast Corridor Project in San Diego County, SB 468 would have statewide implications. The legislation imposes new requirements that would make it more difficult for Caltrans to construct capacity increasing state highway projects in coastal zones. Status: Senate Transportation and Housing Committee. VTA Position: None.

SB 582 (Emmerson): Sponsored by MTC, SB 582 authorizes a metropolitan planning organization (MPO) to adopt a regional commute benefit ordinance that requires employers operating within the jurisdiction of the MPO to offer their employees one of the following commute benefits: (1) the option to pay for their transit, vanpooling or bicycling expenses with pre-tax dollars; (2) a transit or vanpool subsidy; or (3) a free shuttle or vanpool operated by or for the employer. Status: Senate Transportation and Housing Committee. VTA Position: None.

SB 867 (Padilla): A second financing bill sponsored by LA Metro, SB 867 allows the California Transportation Financing Authority to issue non-refundable tax credit bonds for transportation capital improvement projects. Status: Senate Transportation and Housing Committee. VTA Position: None.

Prepared By: Kurt Evans, Government Affairs Manager  
Memo No. 2798

**LEGISLATIVE HISTORY**  
**2011 – 2012 State Legislative Session**  
**April 25, 2011**

**State Assembly Bills**

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 3</b> (Miller) Motor Vehicles: Confidential Home Addresses	As part of its vehicle registration renewal process, requires the Department of Motor Vehicles (DMV) to provide a person who requests a confidential home address with any outstanding notices of toll evasion violations that appear in the person's record with the department. Requires the DMV to refuse to renew the registration of a vehicle if: (a) the processing agency has filed or electronically transmitted to the department an itemization of unpaid toll violations; (b) the DMV has mailed a notice of toll evasion violations to the person; and (c) the person has not paid the penalty.	4/14/11	Assembly Appropriations Committee	
<b>AB 14</b> (Wieckowski) Fremont Redevelopment Agency	Authorizes the Fremont Redevelopment Agency to adopt a redevelopment plan for a project area encompassing or surrounding the New United Motor Manufacturing, Inc., (NUMMI) automobile plant and the Warm Springs Bay Area Rapid Transit (BART) Station. Sets forth alternative conditions that cause blight for purposes of adopting this redevelopment plan. Authorizes the Fremont Redevelopment Agency to use tax increment revenues derived from the project area to assist in funding school facilities that will serve the future residents of the project area. Upon the request of the agency, allows the city of Fremont to impose a higher maximum school facilities development impact fee with respect to residential developments in the project area than what is provided for under existing law.	As Introduced	Assembly Housing and Community Development Committee	
<b>AB 16</b> (Perea) High-Speed Rail: Rolling Stock and Equipment Purchases	Requires the California High-Speed Rail Authority to make every effort to purchase high-speed train rolling stock and related equipment manufactured in the state, consistent with federal and state laws.	As Introduced	Assembly Transportation Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 31</b> (Beall) High-Speed Rail: Local Master Plans	<p>Establishes the High-Speed Rail Local Master Plan Pilot Program. Authorizes the cities and counties in the Central Valley that have an approved station for California's high-speed rail system to participate in the pilot program. Authorizes the planning agency of each participating jurisdiction to prepare and adopt a master plan for development of the areas surrounding its high-speed rail station. Allows the high-speed rail master plan to include incentives for encouraging investment and coherent growth in the areas surrounding the high-speed rail system. Authorizes each participating jurisdiction to collaborate with the California Air Resources Board (CARB) to develop incentives to encourage development while concurrently reducing greenhouse gas emissions. Requires a participating jurisdiction to prepare an environmental impact report (EIR) for its high-speed rail master plan in accordance with the California Environmental Quality Act (CEQA). Allows a participating jurisdiction that prepares and adopts a high-speed rail master plan to finance any publicly owned facility or amenity necessary to implement the plan through an infrastructure financing district. Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed to implement a high-speed rail master plan. Prohibits the formation of this type of infrastructure financing district unless the city or county has prepared an EIR that provides that the base population density within the area covered by the high-speed rail master plan has increased. Exempts development projects within the area covered by the infrastructure financing district and consistent with the high-speed rail master plan from CEQA for the 10 years following the start of construction of the first building. Requires a transit village development plan utilizing an infrastructure financing district to do all of the following: (1) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; (2) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed; and (3) include either an increased stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits. In preparing its sustainable communities strategy pursuant to SB 375, allows a metropolitan planning organization (MPO) to consider the high-speed rail system, any high-speed rail station established within the region, and any associated effects of either that bears relation to the sustainable communities strategy.</p>	3/24/11	Assembly Local Government Committee	Support
<b>AB 41</b> (Hill) High-Speed Rail Authority: Conflicts of Interest	<p>Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.</p>	As Introduced	Senate Rules Committee	
<b>AB 57</b> (Beall) Metropolitan Transportation Commission: Governance	<p>Adds two seats to the Metropolitan Transportation Commission (MTC) as follows: (1) one appointed by the mayor of San Jose from the San Jose City Council; and (2) one appointed by the mayor of Oakland from the Oakland City Council. Prohibits more than three members of MTC from being residents of the same county.</p>	2/2/11	Assembly Local Government Committee	Support

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 58</b> (Galgiani) High-Speed Rail Authority: Staffing and Reporting Requirements	For purposes of managing and administering the ongoing work of the California High-Speed Rail Authority in implementing the state's proposed high-speed train project, allows the Governor, upon the recommendation of the authority's executive director, to appoint up to six additional officers who would: (a) be exempt from civil service; and (b) serve at the pleasure of the executive director. Limits the Governor's authority in this regard to the following positions: (1) chief program manager; (2) regional director; (3) chief financial officer; and (4) director of risk management and project controls. Requires the High-Speed Rail Authority to conduct a salary survey to determine the compensation for the executive director and these additional officers, and requires their salaries to be established by the authority and approved by the Department of Personnel Administration. Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state's proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority's 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority's 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks.	3/16/11	Assembly Transportation Committee	
<b>AB 76</b> (Harkey) High-Speed Rail: Proposition 1A Bonds	Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A to the amount contracted as of January 1, 2012.	As Introduced	Assembly Transportation Committee	
<b>AB 133</b> (Galgiani) High-Speed Rail: Federal Funds	Upon appropriation by the Legislature, requires any federal funds made available to California for high-speed rail purposes to be used for preliminary engineering, project-level environmental work, mitigation, final design, and construction for any of the following corridors: (1) San Francisco to San Jose; (2) Merced to Fresno; (3) Fresno to Bakersfield; and (4) Los Angeles to Anaheim.	As Introduced	Assembly Transportation Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 145</b> (Galgiani) High-Speed Rail Authority and Department of High-Speed Trains	<p>Creates the Department of High-Speed Trains within the Business, Transportation and Housing Agency. Requires the California High-Speed Rail Authority to establish policies directing the development and implementation of high-speed train service that is fully integrated with the state's existing intercity rail and bus network, consisting of interlinked conventional and high-speed train lines and associated feeder buses. Further specifies that the intercity network in turn shall be fully coordinated and connected with commuter train lines and urban transit systems developed by local agencies, through the use of common station facilities wherever possible. Requires the Department of High-Speed Trains to implement those policies. Requires the authority to do all of the following: (1) select the routes of the high-speed train system; (2) serve as the governing board of the Department of High-Speed Trains; (3) adopt criteria for the awarding of franchises; and (4) set fares or establish guidelines for the setting of fares. By October 1 of each year, requires the authority to adopt and submit to the Governor and the Legislature a high-speed train program that would cover a period of six fiscal years. Requires the program to include a listing of all capital improvement projects that are expected to require an appropriation in the annual Budget Act, including federal, state, local, and private funds, during the following six fiscal years. Requires the director of the Department of High-Speed Trains to be appointed by the Governor. Specifies that the authorization and responsibility for planning, constructing and operating a high-speed passenger train service in California is exclusively granted to the department. Requires the department to do all of the following: (1) conduct engineering and other studies related to the selection and acquisition of rights-of-way, and the selection of a franchisee; (2) evaluate alternative high-speed train technologies, systems and operators, and select an appropriate high-speed train system; (3) award franchises consistent with criteria adopted by the authority; (4) select a proposed franchisee, a proposed route and proposed terminal sites; (5) prepare a detailed financing plan, including any necessary taxes, fees or bonds to pay for the construction of the high-speed train network; (6) enter into contracts for the design, construction and operation of high-speed trains; (7) acquire rights-of-way through purchase or eminent domain; (8) subject to the approval of the authority, issue debt secured by pledges of state funds, federal grants or project revenues; (9) enter into cooperative or joint development agreements with local governments or private entities; (10) relocate highways and utilities; (11) plan, construct and operate the high-speed train system, or enter into contracts for the planning, construction or operation of the system; (12) acquire, sell and lease passenger rolling stock, power units and associated equipment; and (13) acquire, lease, design, construct, and improve track lines and related facilities. Subject to the approval of the authority, allows the department to contract with Caltrans to perform project design and engineering services, including construction inspection services.</p>	3/16/11	Assembly Transportation Committee	
<b>AB 147</b> (Dickinson) Building Permit Fees	<p>Allows a local agency to require the payment of a fee as a condition of approving a final map or issuing a building permit for purposes of defraying the actual or estimated cost of constructing pedestrian, bicycle, public transit, or traffic-calming facilities.</p>	4/4/11	Assembly Local Government Committee	Support

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 148</b> (Smyth) Local Government: Ethics Training	Includes compensation setting guidelines under the definition of “ethics laws.” Requires a local agency to post the ethics training records of all of its elected members on its Internet Web site and to submit a copy of the records to the Controller’s Office. Requires a local agency that has adopted a written attendance compensation policy or written reimbursement policy to post that policy on its Internet Web site and to submit a copy of that policy to the Controller’s Office.	4/14/11	Assembly Local Government Committee	
<b>AB 277</b> (Galgiani) High-Speed Rail: Power Needs	By May 1, 2012, requires the California Research Bureau to develop and submit to the Legislature and the California High-Speed Rail Authority an energy consumption profile that includes: (a) a forecast of the power needs of the state’s proposed high-speed train system; and (b) an analysis of, and any recommendations for identifying, a carbon-free baseload power supply to be available and operational at the time the high-speed train system commences operation.	4/7/11	Assembly Utilities and Commerce Committee	
<b>AB 292</b> (Galgiani) High-Speed Rail: Agricultural Land	Requires the California High-Speed Rail Authority to develop a policy that addresses the preservation of farmland in agricultural areas where high-speed rail lines are proposed for construction. In developing this policy, requires the authority to give consideration to all of the following: (1) displacement or disruption of water wells; (2) displacement or disruption of water irrigation systems; (3) loss of revenues from future crops when determining land valuations associated with land acquisition for high-speed rail lines; and (4) loss of value to property in cases where a high-speed rail line crosses farmland on a diagonal, rendering the remaining farmland compromised or unusable. Based on this policy, requires the authority to develop, adopt and implement a farmland preservation and mitigation plan.	3/7/11	Assembly Transportation Committee	
<b>AB 294</b> (Portantino) Design-Sequencing Contracts	Until January 1, 2015, allows Caltrans to award design-sequencing contracts for the design and construction of not more than five transportation projects. Defines “design-sequencing” as a method of contracting that enables the sequencing of design activities to permit each construction phase to commence when design for that phase is complete, instead of requiring design for the entire project to be completed before commencing construction.	As Introduced	Assembly Appropriations Committee	
<b>AB 296</b> (Skinner) Cool Pavements Research and Implementation Act	By January 1, 2015, requires Caltrans to adopt, by regulation, a Cool Pavements Handbook that details metrics, testing protocols, standards, and best practices for cool pavement alternatives that mitigate the heat island effect (HIE) of all traditional hardscape surfaces. Requires Caltrans to implement one or more cool pavement pilot projects, with the goal of completing those projects no later than January 1, 2018. Beginning January 1, 2018, directs Caltrans to require a state paving project to include a cool pavement surface that complies with the Cool Pavements Handbook for not less than 75 percent of the total project pavement surface area.	3/31/11	Assembly Natural Resources Committee	
<b>AB 333</b> (Grove) Global Warming Solutions Act: Unemployment	Requires the California Air Resources Board (CARB) to exempt from any emissions reduction requirements adopted pursuant to the Global Warming Solutions Act of 2006 an emissions source located within a county that on January 1, 2012, has an unemployment rate of 7 percent or greater, until that county’s unemployment rate drops below 7 percent for six consecutive months.	As Introduced	Assembly Natural Resources Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 343</b> (Atkins) Redevelopment Plans: Environmental Goals	Requires a redevelopment plan to consider and identify strategies for how redevelopment projects would help attain climate, air quality and energy conservation goals, or applicable regional greenhouse gas emission reduction targets.	As Introduced	Assembly Housing and Community Development Committee	
<b>AB 356</b> (Hill) Public Works Projects: Local Hiring Policies	Exempts any public works project that is funded in whole or in part with state funds from a policy imposed by a local agency that mandates that any portion or percentage of project work hours be performed by local residents. Prohibits any local agency from mandating that any portion or percentage of work on a public works project be performed by local residents if any portion of that project will take place outside the geographic boundaries of the local agency.	As Introduced	Assembly Business, Professions and Consumer Protection Committee	
<b>AB 365</b> (Galgiani) High-Speed Rail Contracts: Small Business Participation	Imposes various penalties for certain unlawful actions on the part of entities that have obtained classification from the California High-Speed Rail Authority as a small business enterprise, microbusiness or disabled veteran business enterprise.	4/14/11	Assembly Appropriations Committee	
<b>AB 381</b> (Alejo) Caltrans	Makes non-substantive, technical changes to provisions in current law regarding the administration of Caltrans.	As Introduced	Assembly Desk	
<b>AB 385</b> (Harkey) High-Speed Rail: Investment Grade Analysis	Requires the California High-Speed Rail Authority to approve and submit to the Department of Finance, its independent peer review group and the Legislature an investment grade analysis for the corridor, or usable segment thereof, for which it is proposing to invest Proposition 1A bond proceeds.	3/25/11	Assembly Transportation Committee	
<b>AB 426</b> (B. Lowenthal) Fare Evasion and Passenger Misconduct: Civil Administrative Penalties	Allows the Los Angeles Metropolitan Transportation Authority (LA Metro) and the Southern California Regional Rail Authority (Metrolink) to enact and enforce an ordinance providing that a person who is cited for fare evasion and various passenger misconduct violations be offered an opportunity to resolve the citation by completing a process that imposes only an administrative penalty enforced in a civil proceeding. Allows any civil administrative penalties collected by LA Metro and Metrolink pursuant to such an ordinance to be deposited in their general funds.	3/31/11	Senate Rules Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 427</b> (J. Perez) Proposition 1B Bonds: Public Transit Safety	Makes several statutory changes to how the Transit System Safety, Security, and Disaster Response Account under Proposition 1B is administered by the California Emergency Management Agency (Cal-EMA). Specifically, allows intercity and commuter rail operators to receive funding under the formula portion of the account. Requires an entity eligible to receive an allocation of formula funds under the account to submit a document, within 45 days of the Controller's Office making the list of eligible recipients public, to Cal-EMA indicating the entity's intent to use its funds. Requires Cal-EMA to notify a regional transportation planning agency (RTPA) if formula funds under the account allocated to an entity within its region are not being used. Requires Cal-EMA to allocate such funds to the RTPA if the latter provides notification, within 30 days, of its intent to distribute the funds within its region. Allows Cal-EMA to reallocate the funds on a competitive basis to an eligible entity in a different region of the state if such notification is not received.	3/29/11	Assembly Transportation Committee	
<b>AB 441</b> (Monning) Regional Transportation Plans: Health Issues	Requires the California Transportation Commission (CTC) to include health and health equity factors, strategies, goals, and objectives in its guidelines for the preparation of regional transportation plans (RTPs). Requires the Office of Planning and Research to develop guidelines for cities and counties to include in their local general, specific or regional plans health and health equity factors, goals, strategies, and objectives that would improve: (a) community health status; (b) opportunities for recreational and physical activities; (c) the availability of retail food establishments offering fresh produce; (d) health-promoting transportation systems; (d) social networks, capital and civic participation; and (e) economic and community development.	3/24/11	Assembly Appropriations Committee	
<b>AB 471</b> (B. Lowenthal) High-Speed Rail Authority: Inspector General	Creates an Office of the Inspector General within the California High-Speed Rail Authority. Requires the authority to appoint an inspector general to prepare independent reports and audits relating to high-speed rail.	As Introduced	Assembly Transportation Committee	
<b>AB 485</b> (Ma) Use of Infrastructure Financing Districts for Transit Villages	Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds if the district is being proposed to implement a transit village development plan. Requires a transit village development plan utilizing an infrastructure financing district to do all of the following: (1) use at least 20 percent of all revenues derived from the infrastructure financing district to increase, improve and preserve the supply of low- and moderate-income affordable housing in the district for a period of at least 55 years for rental housing and 45 years for owner-occupied housing; (2) replace dwelling units at an affordable housing cost when specified dwelling units are destroyed or removed; and (3) include either an increased stock of affordable housing or live-travel options for transit-needy groups as one of its five demonstrable public benefits. Declares the intent of the Legislature that the development of transit village development districts throughout the state be environmentally conscious and sustainable, and that related construction meet or exceed the requirements of the California Green Building Standards Code.	As Introduced	Assembly Floor	Support

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 492</b> (Galgiani) High-Speed Rail: Job Creation	To the extent permitted by federal and state law, authorizes the California High-Speed Rail Authority to consider the creation of jobs in California when awarding major contracts, or when purchasing high-speed trains and related equipment and supplies.	As Introduced	Assembly Transportation Committee	
<b>AB 512</b> (Gordon) Local Government Renewable Energy Self-Generation Program	Under the state's Local Government Renewable Energy Self-Generation Program, increases the cap on the generating capacity of an eligible renewable generating facility from one megawatt to five megawatts.	As Introduced	Assembly Appropriations Committee	
<b>AB 516</b> (V. Perez) Safe Routes to School	In awarding grants to local government agencies, including school districts, under the Safe Routes to School Program, requires Caltrans, as part of the rating process, to consider: (a) the benefit of a particular project to a low-income school; and (b) the use of a public participation process by the project sponsor.	4/13/11	Assembly Appropriations Committee	
<b>AB 551</b> (Campos) Public Contracts: Prevailing Wage Requirements	Increases the monetary penalties assessed to contractors and subcontractors on public works projects for violations of the state's prevailing wage laws. Makes a contractor or subcontractor on a public works project who is found to have committed two or more separate willful violations of the state's prevailing wage laws within a three-year period ineligible to bid on or be awarded a contract for a public works project, or to perform work as a subcontractor on a public works project for a period of up to three years.	As Introduced	Assembly Judiciary Committee	
<b>AB 605</b> (Dickinson) CEQA: Greenhouse Gas Emission Reduction Targets	Requires the Office of Planning and Research to prepare and adopt guidelines to do all of the following: (1) determine the statewide averages for trip generation and vehicle miles traveled for various types of projects; (2) determine the projected trip generation and vehicle miles traveled that a project might have; (3) establish the percentage reduction in the projected trip generation and vehicle miles traveled of a project as compared to the average for trip generation and vehicle miles traveled for the project type that would assist a region in meeting its greenhouse gas emission reduction targets; and (4) develop a list of mitigation measures that a project may incorporate to reduce the project's anticipated trip generation and vehicle miles traveled. Specifies that a project that either: (a) meets or exceeds the percentage reduction in trip generation and vehicle miles traveled established by the Office of Planning and Research; or (b) incorporates mitigation measures from the list developed by the Office of Planning and Research shall not be required to consider the transportation-related impacts of the project in an environmental document prepared pursuant to the California Environmental Quality Act (CEQA).	As Introduced	Assembly Natural Resources Committee	
<b>AB 607</b> (Brownley) Public Transit Buses: Using Illuminated Signs for Advertising	Until January 1, 2017, authorizes a pilot program that would allow buses operated by the city of Santa Monica's public transit system to be equipped with illuminated signs that display advertising, subject to certain conditions.	4/13/11	Assembly Transportation Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 615</b> (B. Lowenthal) High-Speed Rail Authority: Property-Related Issues	Exempts the California High-Speed Rail Authority from the following: (a) various statutory provisions related to the acquisition and disposal of property requiring the approval of the Department of Finance; (b) securing the approval of the Department of Finance or the state Public Works Board when expending funds appropriated for capital outlay purposes; and (c) securing the approval of the Department of General Services when acquiring an easement or right-of-way. Prohibits the Department of General Services from: (a) granting easements across the property of the High-Speed Rail Authority; and (b) maintaining an inventory of the property owned by the authority. Allows the High-Speed Rail Authority to negotiate, in the name of the state, access to rights-of-way that it owns.	As Introduced	Assembly Transportation Committee	
<b>AB 650</b> (Blumenfield) Blue Ribbon Task Force on Public Transportation	Establishes the Blue Ribbon Task Force on Public Transportation for the 21 <sup>st</sup> Century. Requires the task force to be comprised of 12 specified members to be appointed jointly by the Senate Rules Committee and the speaker of the Assembly by March 31, 2012. Requires the task force to issue a written report to the Governor and the Legislature by March 31, 2013. Requires the report to contain findings and recommendations relating to the following: (1) the current state of California's public transit system; (2) best practices based on a review of public transit systems worldwide; (3) the level and types of public transit needed to meet the goals of equity of accessibility and ease of use; strong and sustainable local and statewide economies; and environmental and public health, including reduced greenhouse gas and pollutant emissions; (4) the estimated cost of creating the needed public transit system in the near, mid and long terms; (5) potential sources of funding to sustain the system's needs, as well as requirements and methods for attaining that funding; and (6) suggested scenarios for phasing in transit development. Requires the task force to contract with consultants for expert research, analysis and advice, and to draft the written report. Requires Caltrans to provide administrative staffing to the task force. Appropriates \$750,000 from the Public Transportation Account to accomplish the purposes of the task force.	3/31/11	Assembly Appropriations Committee	Support
<b>AB 676</b> (Torres) State Transportation Improvement Program	Specifies that State Transportation Improvement Program (STIP) funds can be used for the study of, and the development and implementation of, capital improvement projects.	As Introduced	Assembly Transportation Committee	
<b>AB 710</b> (Skinner) Infill and Transit-Oriented Development: Parking Requirements	Prohibits a city or county from requiring more than one parking space per residential unit and more than one parking space per 1,000 square feet of commercial or other non-residential space for a residential or mixed-use residential project located in a transit intensive area, or subject to an adopted downtown area plan, neighborhood plan or redevelopment project area.	As Introduced	Assembly Housing and Community Development Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 716</b> (Dickinson) Prohibition Orders: Sacramento RTD and Fresno Area Express	Indefinitely extends provisions in existing law that allow the Sacramento Regional Transit District and the Fresno Area Express to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for committing certain acts of passenger misconduct. Clarifies existing law to make it a misdemeanor if a person enters or remains on any transit-related property that is used to provide public transportation by rail or passenger bus without permission, or whose entry, presence or conduct on the property interferes with, interrupts or hinders the safe and efficient operation of a transit-related vehicle or facility.	4/12/11	Assembly Transportation Committee	
<b>AB 812</b> (Ma) Recycled Asphalt	Requires Caltrans to increase the allowable amount of recycled asphalt pavement used in its projects to 50 percent, unless the department determines that using the material is not practical, cost effective or appropriate on a given application.	As Introduced	Assembly Transportation Committee	
<b>AB 845</b> (Ma) Proposition 1A: Commuter and Urban Rail Funds	With regard to the \$950 million in Proposition 1A funds that are available for capital improvements to commuter rail lines and urban rail transit systems, requires the guidelines adopted by the California Transportation Commission (CTC) to determine the funding share for each eligible commuter rail and urban rail transit recipient by using the distribution factors gathered from the most current available data in the National Transit Database of the Federal Transit Administration (FTA). Requires the CTC to accept from each eligible recipient a priority list of projects up to the target amount expected to be available for the recipient. Requires the matching funds provided by the recipient to be from "non-state" funds, which are defined as local, federal and private funds, as well as state funds available to the recipient that are not subject to allocation by the CTC.	As Introduced	Assembly Transportation Committee	
<b>AB 890</b> (Olsen) CEQA Exemption: Roadway Improvements	Exempts from the California Environmental Quality Act (CEQA) roadway improvement projects undertaken by a city or county within an existing road right-of-way.	3/29/11	Assembly Natural Resources Committee	
<b>AB 892</b> (Carter) Caltrans: NEPA Delegation	Until January 1, 2019, permits Caltrans to continue to participate in a federal pilot program that allows certain states to assume the responsibilities of the Federal Highway Administration (FHWA) under the National Environmental Policy Act (NEPA). Specifically extends provisions in existing law that authorize Caltrans to consent to the jurisdiction of the federal courts with regard to the assumption of FHWA's responsibilities under NEPA and that waive the state's Eleventh Amendment protection against lawsuits brought in federal court for as long as Caltrans participates in the pilot program.	4/16/11	Assembly Transportation Committee	
<b>AB 952</b> (Jones) High-Speed Rail Authority: Gift Ban and Revolving Door Provisions	For purposes of the Political Reform Act, prohibits a Board member or an employee of the California High-Speed Rail Authority from being the recipient of any gift. Prohibits a Board member or an employee of the authority from appearing before the authority on behalf of, or in any way representing, any individual, private entity or public entity for three years after separation from the authority.	As Introduced	Assembly Transportation Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 953</b> (Jones) High-Speed Rail: Ridership Study	Provides that no funds from Proposition 1A shall be available to the California High-Speed Rail Authority for construction of the state's proposed high-speed train system until adequate environmental studies are completed based on a new ridership study that uses an acceptable ridership evaluation methodology. Requires the authority to contract with the Institute of Transportation Studies at the University of California at Berkeley to complete a revised ridership study, using the ridership methodology of the institute. Requires the authority to use that ridership study as the basis for subsequent environmental studies. Requires the authority to reconsider its adoption of the optimal high-speed rail route based both on the new ridership study and the ridership methodology.	As Introduced	Assembly Transportation Committee	
<b>AB 995</b> (Cedillo) CEQA: Transit-Oriented Development	By July 1, 2012, requires the Office of Planning and Research to prepare and submit to the Legislature a report containing recommendations for expedited environmental review for transit-oriented development under the California Environmental Quality Act (CEQA).	As Introduced	Assembly Natural Resources Committee	
<b>AB 1068</b> (Ma) Proposition 1B Bonds: Waterborne Transit	Allows any regional public waterborne transit agency that received an allocation of funding under Proposition 1B's Transit System Safety, Security, and Disaster Response Account prior to June 30, 2011, to have four, rather than three, fiscal years to expend the money.	As Introduced	Assembly Transportation Committee	
<b>AB 1086</b> (Wieckowski) Alameda County: Transactions and Use Taxes	Until January 1, 2014, allows the County of Alameda to adopt an ordinance imposing a transactions and use tax for the support of countywide transportation programs at a rate that would, in combination with all other such taxes imposed in the county, exceed the state's limit of 2 percent, subject to the following conditions: (1) the governing board of the local government entity proposing the transactions and use tax adopts the ordinance imposing the tax by the appropriate voting approval requirement; and (2) the ordinance is submitted to the county's electorate on the November 6, 2012, general election ballot and is approved by a two-thirds majority.	4/4/11	Assembly Revenue and Taxation Committee	
<b>AB 1092</b> (B. Lowenthal) High-Speed Rail Authority: Biannual Report to the Legislature	Beginning March 1, 2012, requires the California High-Speed Rail Authority to report biannually to the Legislature on the development and implementation of the state's proposed high-speed rail project. Requires the report to include all of the following: (1) a summary describing the overall progress of the project; (2) the baseline budget for all project phase costs, by segment or contract, beginning with the authority's 2009 Business Plan; (3) the current and projected budget, by segment or contract, for all project phase costs; (4) expenditures to date, by segment or contract, for all project phase costs; (5) a comparison of the current and projected work schedule and the baseline schedule contained in the authority's 2009 Business Plan; (6) a summary of the milestones achieved during the prior year and milestones expected to be reached in the coming year; (7) any issues identified during the prior year and actions taken to address those issues; and (8) a thorough discussion of various risks to the project and steps taken to mitigate those risks.	As Introduced	Assembly Transportation Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 1097</b> (Skinner) Public Transit Projects: Buy America Bidding Preference	Requires the secretary of the Business, Transportation & Housing Agency to specifically authorize a state or local agency receiving state funds for public transit purposes to provide a bidding preference to a bidder who meets or exceeds Buy America requirements applicable to federally funded public transit projects.	4/7/11	Assembly Transportation Committee	
<b>AB 1099</b> (B. Lowenthal) Commercial Motor Vehicles: Emission Standards	Effective January 1, 2012, requires the Department of Motor Vehicles (DMV) to refuse registration for a commercial motor vehicle that is of a 1996 or older model year, and that requires a Class A or B commercial driver's license to operate.	4/6/11	Assembly Transportation Committee	
<b>AB 1105</b> (Gordon) VTA: Express Lanes	Authorizes the Santa Clara Valley Transportation Authority (VTA) to develop and implement express lanes along the U.S. 101 corridor in San Mateo County, subject to the concurrence of the City/County Association of Governments of San Mateo County.	4/13/11	Assembly Appropriations Committee	Sponsor
<b>AB 1134</b> (Bonilla) Caltrans: Project Study Reports	Requires project study reports prepared for state highway projects to include a cost estimate, schedule, and other information deemed necessary to form a sound basis for the commitment of future state funding and project delivery. For a state highway project that is in an adopted regional transportation plan (RTP), a voter-approved county sales tax measure expenditure plan or other voter-approved transportation program, provides that Caltrans' costs for review and approval of the applicable project study report shall be at the department's expense. For other projects, requires the local entity performing the work to reimburse Caltrans for the costs of reviewing and approving the report. Allows a local entity to prepare a project study report at its own expense if Caltrans cannot complete it in a timely manner. Requires Caltrans to prepare draft revised guidelines for the preparation of project study reports and to submit those guidelines to the California Transportation Commission (CTC) by July 1, 2012. Requires the CTC to adopt final guidelines by October 1, 2012.	3/21/11	Assembly Appropriations Committee	Support
<b>AB 1164</b> (Gordon) High-Speed Rail Authority: Senate Confirmation of Board Members	Requires the Governor's appointments to the California High-Speed Rail Authority to be confirmed by the Senate.	4/7/11	Assembly Transportation Committee	
<b>AB 1206</b> (Galgiani) High-Speed Rail Contracts: Small Business Enterprise Program	Requires the California High-Speed Rail Authority to adopt a Small Business Enterprise Program as part of contracts to be awarded by the authority relative to the development and construction of the state's proposed high-speed train system.	3/30/11	Assembly Transportation Committee	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AB 1215</b> (Blumenfield) Motor Vehicles: Electronic Processing of Vehicle Registrations	Beginning July 1, 2012, requires a new motor vehicle dealer to use electronic programs provided by the dealer's first-line service provider to register any vehicle sold or leased, and to disclose any document processing, electronic registration or transfer fees. Establishes the amounts of those fees that may be charged to the purchaser or lessee of the vehicle.	As Introduced	Assembly Judiciary Committee	
<b>AB 1229</b> (Feuer) GARVEE Bonds	Increases the limitation on the ability of the Treasurer's Office to issue federal highway grant anticipation notes (GARVEE bonds) from 15 percent to 25 percent of the total amount of federal transportation funds deposited into the State Highway Account for any consecutive 12-month period within the preceding 24 months. Reserves 40 percent of GARVEE bond capacity to fund projects proposed by regional transportation planning agencies (RTPAs) to be repaid using their regional shares of federal Surface Transportation Program (STP) and/or Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds. Provides that an RTPA may not commit more than 50 percent of its regional share of STP and CMAQ funds for payment of annual debt service for GARVEE bonds. Requires the California Transportation Commission (CTC) to approve an RTPA's project proposal for GARVEE bonds.	4/11/11	Assembly Transportation Committee	
<b>AB 1308</b> (Miller) Highway Users Tax Account	Provides that in any year in which the Budget Act has not been enacted by July 1, funds in the Highway Users Tax Account (HUTA) are continuously appropriated and may be encumbered until the Budget Act is enacted.	As Introduced	Assembly Appropriations Committee	Support
<b>AB 1332</b> (Donnelly) Abolishment of CARB	Abolishes the California Air Resources Board (CARB), and transfers its authority, duties, power, purposes, responsibilities, and jurisdiction to the California Environmental Protection Agency (CalEPA).	As Introduced	Assembly Natural Resources Committee	
<b>ACA 4</b> (Blumenfield) Local Governments: Special Taxes	Calls for placing before the voters an amendment to the California Constitution to allow a local agency to incur indebtedness in the form of general obligation bonds, if approved by its electorate by a 55 percent majority, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public. Creates an exception to the 1 percent limit for property tax assessments if the revenues are being used to pay bonded indebtedness, approved by a 55 percent vote, to fund the construction, reconstruction, rehabilitation, or replacement of: (1) public improvements, including improvements to transportation infrastructure, streets, highways, sewer systems, water systems, wastewater systems, and park and recreation facilities; and (2) facilities or buildings used primarily to provide sheriff, police or fire protection services to the public.	As Introduced	Assembly Desk	

State Assembly Bills	Subject	Last Amended	Status	VTA Position
<b>AJR 5</b> (B. Lowenthal) Transportation Revenue Sources: Vehicle Miles Traveled	Requests the President and Congress to consider and enact legislation to conduct a study regarding the feasibility of the collection process for a transportation revenue source based on vehicle miles traveled in order to facilitate the creation of a reliable and steady transportation funding mechanism for the maintenance and improvement of surface transportation infrastructure.	3/29/11	Senate Transportation and Housing Committee	

## State Senate Bills

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 14</b> (Wolk) Performance-Based Budgeting	Beginning in FY 2015, requires the budget submitted by the Governor to the Legislature to be developed pursuant to performance-based budgeting for each state agency and department. When preparing their individual budgets, requires state agencies and departments to use performance-based budgeting methods that make it clear to policymakers and the public the value and results of existing operations and proposed changes. Requires agency and departmental budgets to identify and update all of the following: (1) the mission and goals of the agency or department; (2) the activities and programs focused on achieving those goals; (3) performance metrics that reflect desired outcomes for existing and proposed activities, and a targeted performance level for the following year; (4) prior-year performance data and an explanation of deviation from previous-year targets; (5) proposed changes in statute, including the creation of incentives or the elimination of disincentives that could improve outcomes or hold down costs; and (6) a description of the impacts and consequences to the current recipients or beneficiaries of a program proposed for modification or elimination. Requires the Joint Sunset Review Committee to establish a process, schedule and deadline for reviewing the performance of all state programs at least once every 10 years.	3/17/11	Senate Budget and Fiscal Review Committee	
<b>SB 15</b> (DeSaulnier) State Budget Process	Requires the budget submitted by the Governor to contain itemized statements; provisional language; performance measurement standards for state agencies and programs; recommended state expenditures; and a projection of anticipated state revenues, including revenues anticipated to be available on a one-time basis. Requires the budget to contain an estimate of the total resources available for state expenditures recommended for the budget year and the succeeding fiscal year. If expenditures exceed revenues, requires the Governor to recommend reductions in expenditures or the sources from which additional revenues should be provided, and to include an estimate of the long-term impact that these recommendations would have on the state's economy. Requires the Governor to submit a five-year capital infrastructure and strategic growth plan together with the budget. If the Governor's budget proposes: (a) to create a new state program or agency, or to expand the scope of an existing state program or agency, resulting in a net increase in state costs; or (b) to reduce a state tax resulting in a net decrease in state revenues, requires the proposal to be accompanied by a statement identifying state program reductions or sources of additional state revenues in an amount that is equal to or greater than the net increase in state costs or net decrease in state revenues. Declares the intent of the Legislature to establish an oversight process for evaluating and improving the performance of all state programs, whether managed by the state or local agencies.	As Introduced	Senate Budget and Fiscal Review Committee	
<b>SB 22</b> (La Malfa) High-Speed Rail: Proposition 1A Bonds	Reduces the amount of general obligation bond debt authorized pursuant to Proposition 1A to the amount contracted as of January 1, 2012.	3/24/11	Senate Transportation and Housing Committee	

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 28</b> (Simitian) Electronic Wireless Communications Devices	Requires the driver's license examination administered by the Department of Motor Vehicles (DMV) to include a test of an applicant's understanding of the distractions and dangers of handheld cell phone use and text-messaging while operating a motor vehicle. Prohibits a person from riding a bicycle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner. Also prohibits a person from riding a bicycle while using an electronic wireless communications device to write, send or read a text-based message. Increases the penalties for violating the current prohibitions in state law against using wireless telephones and text-messaging while operating a motor vehicle. Requires a portion of the fines collected for these violations to be allocated to the Office of Traffic Safety for an education program on the dangers of cell phone use and text-messaging while driving.	4/14/11	Senate Appropriations Committee	
<b>SB 29</b> (Simitian) Automated Traffic Enforcement Systems	Requires the installation of signs at all locations where an automated, camera-based traffic enforcement system is operating. Prior to installing such a system after January 1, 2012, requires the governmental agency to make and adopt a finding of fact establishing that the system is needed at a specified location for reasons related to safety. Prohibits a governmental agency from considering revenue generation, beyond cost recovery, when determining whether to install or operate an automated traffic enforcement system.	4/5/11	Senate Appropriations Committee	
<b>SB 31</b> (Correa) Local Government: Lobbyist Registration	Enacts a comprehensive framework for regulating entities that lobby local government agencies, including registration and reporting requirements. Requires each local government agency to create a commission to implement and enforce the provisions of the bill.	3/23/11	Senate Elections and Constitutional Amendments Committee	
<b>SB 46</b> (Correa) Public Agencies: Compensation Disclosure	Until January 1, 2019, specifies that every person, except a candidate for public office, who is required by state law to file a statement of economic interests must, as part of that filing, include a disclosure form that provides compensation information for the preceding calendar year. By October 1, 2011, requires the Controller's Office to adopt emergency regulations to implement this bill, including the format of the compensation disclosure form. Requires the form to provide for the disclosure of the following information: (1) the agency's cost for a person's annual salary or stipend; (2) the agency's cost to provide benefits to a person, including deferred compensation or defined benefit plans; (3) the agency's reimbursement payments to a person for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties; and (4) the agency's cost to provide a person with any other monetary or non-monetary perquisites of office. By July 1, 2012, requires the Controller's Office to recommend to the Governor and the Legislature methods for compiling the information contained on compensation disclosure forms in one or more publicly accessible data bases. If an agency maintains an Internet Web site, requires the following information to be posted: (1) the information contained on employee compensation disclosure forms; and (2) its written policy for reimbursement of actual and necessary expenses to employees in the performance of official duties.	4/6/11	Senate Governance and Finance Committee	

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 50</b> (Correa) High-Speed Rail Authority: Conflicts of Interest	Adds members of the Board of Directors of the California High-Speed Rail Authority to those specified offices who must publicly identify a financial interest giving rise to a conflict of interest or potential conflict of interest, and recuse themselves accordingly.	As Introduced	Senate Elections and Constitutional Amendments Committee	
<b>SB 125</b> (Emmerson) Chronic Toll Evaders	Authorizes a law enforcement officer to impound, or cause to be impounded, a vehicle registered to a chronic evader of toll payments until all outstanding tolls and all required penalties are paid to the issuing agency.	3/14/11	Senate Transportation and Housing Committee	
<b>SB 126</b> (Steinberg) CTC Guidelines	Exempts the adoption of guidelines by the California Transportation Commission (CTC) from the rulemaking provisions of the Administrative Procedure Act. Except in the case of the State Transportation Improvement Program (STIP), specifies a process that the CTC must use when adopting guidelines. Requires the CTC to maintain a guideline adoption file containing: (a) a summary of each objection or recommendation made with regard to a proposed guideline; and (b) an explanation of how the proposed guideline was changed to accommodate each objection or recommendation, or the reasons for making no change. Requires the CTC to include in its annual report to the Legislature a summary of its activities related to the adoption of program or policy guidelines during the previous calendar year.	As Introduced	Senate Appropriations Committee	
<b>SB 214</b> (Wolk) Infrastructure Financing Districts: Voter Approval	Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan.	As Introduced	Senate Governance and Finance Committee	
<b>SB 223</b> (Leno) Local Vehicle Assessments	Authorizes counties and San Francisco to impose a voter-approved local vehicle assessment at a rate not to exceed 2 percent of the market value of each motor vehicle or trailer coach registered within their respective jurisdictions for general revenue purposes if: (a) the board of supervisors approves an ordinance to that effect by a two-thirds vote; and (b) the assessment is approved by a majority vote of the electorate. Specifies that the bill is not to be construed to supplant any funds that the state apportions to counties and San Francisco, including those apportioned under the Vehicle License Fee Law.	As Introduced	Senate Governance and Finance Committee	

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 241</b> (Cannella) CEQA Litigation Protection Pilot Program of 2011	Establishes the California Environmental Quality Act (CEQA) Litigation Protection Pilot Program. Requires the Business, Transportation & Housing Agency to select 25 projects for each calendar year between 2012 and 2016 to participate in the program. For a project to qualify for the program, requires the lead agency to certify that the environmental impact report (EIR) for the project will be certified within 12 months. In selecting projects for the program, requires the Business, Transportation & Housing Agency to consider the following: (1) the number and quality of jobs that would be created by the project; (2) the amount of the capital investment made by the project; and (3) a balance between projects sponsored by public and private entities. Provides that a lead agency's decision to certify an EIR or to adopt a mitigated negative declaration based on an initial study for a project selected to participate in the pilot program is not subject to judicial review.	As Introduced	Senate Environmental Quality Committee	
<b>SB 310</b> (Hancock) Transit Priority Project Program	Eliminates the requirement for voter approval for the formation of an infrastructure financing district, adoption of an infrastructure financing district plan, and the issuance of bonds for implementing an infrastructure financing district plan. Establishes the Transit Priority Project Program. Requires a city or county that elects to participate in the program to adopt streamlined permitting procedures for development projects that meets 12 specified requirements. If a development project takes advantage of the streamlined permitting procedures and is located entirely within an infrastructure financing district, allows the district to reimburse the developer for any permit expenses incurred or to offset additional expenses incurred in constructing affordable housing units.	3/24/11	Senate Governance and Finance Committee	
<b>SB 316</b> (Emmerson) Meal Periods: Transportation Industry	Specifies that the provisions in the Industrial Welfare Commission's wage order pertaining to meal periods do not apply to an employee in the transportation industry.	As Introduced	Senate Labor and Industrial Relations Committee	
<b>SB 328</b> (Kehoe) Eminent Domain: Conservation Easements	Revises the state's Eminent Domain Law to establish requirements for the acquisition of property subject to a conservation easement.	As Introduced	Senate Judiciary Committee	
<b>SB 383</b> (Wolk) Local Government Renewable Energy Self-Generation Program	Makes a number of changes to the state's Local Government Renewable Energy Self-Generation Program. Allows the local governmental entity to designate the benefiting account, rather than having this designation be mutually agreed upon by the local governmental entity and an electrical corporation. Deletes the requirement that the benefiting account receive service under a time-of-use rate schedule and, instead, requires that the bill credit be calculated based on the bundled electricity rate charged the benefiting account, with differing calculations depending on whether the benefiting account receives service pursuant to a time-of-use rate schedule, a single bundled rate, or fixed rates with different rates charged for different tiers of usage. Increases the cap on the generating capacity of an eligible renewable generating facility from one megawatt to 20 megawatts. Eliminates the requirement that the eligible renewable generating facility be owned by or operated by the local governmental entity, or be located on property under the control of the local governmental entity.	3/31/11	Senate Energy, Utilities and Communications Committee	Support

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 468</b> (Kehoe) Capacity Increasing State Highway Projects: Coastal Zones	Imposes requirements on Caltrans with respect to proposed capacity increasing state highway projects in coastal zones, as follows: (1) requires Caltrans to collaborate with local agencies through which the proposed project traverses, the California Coastal Commission, and the applicable countywide or regional transportation planning agency to identify how the proposed project will achieve traffic congestion reduction goals without compromising the unique features of the coastal zone; (2) requires other proposed state highway and local street/road projects that are parallel to the proposed project to be included in the environmental analysis for the proposed project; (3) prohibits the proposed highway project from proceeding to construction until the service and facilities investment program of any public transit service in the corridor is complete; (4) prohibits the proposed project from proceeding to construction until a program to mitigate any effects of additional traffic on local facilities within the coastal zone is implemented; (5) allows for the construction of multiple projects in a proposed program of projects in a corridor if the projects demonstrate an overall reduction in vehicle miles traveled; and (6) requires the environmental consequences of each proposed highway project constructed as part of a program of projects to be monitored to ensure that the benefits from mitigation in the project's environmental documents are achieved.	3/29/11	Senate Transportation and Housing Committee	
<b>SB 517</b> (A. Lowenthal) High-Speed Rail Authority: Organizational Structure	Places the California High-Speed Rail Authority within the Business, Transportation and Housing Agency. Requires the secretary of the Business, Transportation and Housing Agency to propose an annual budget for the authority. Requires the Governor's appointments to the authority to be confirmed by the Senate. Vacates the current membership of the authority, and provides for the appointment or reappointment of members as of January 31, 2012, for staggered terms. Requires members of the authority to have specified experience in order to be appointed. Requires the executive director of the authority to be confirmed by the Senate. Prohibits the employment agreement for the executive director from being executed without Senate confirmation. Enacts various conflict-of-interest provisions applicable to members of the authority and its staff.	As Introduced	Senate Transportation and Housing Committee	
<b>SB 535</b> (De Leon) Global Warming Solutions Act: Communities Healthy Air Revitalization Trust	Requires a minimum of 10 percent of the fee revenues generated under the California Global Warming Solutions Act of 2006, other than revenues collected by the California Air Resources Board (CARB) for administrative purposes, to be deposited into the California Communities Healthy Air Revitalization Trust. Upon appropriation by the Legislature, requires the revenues in the trust to be used: (a) solely in the most impacted and disadvantaged communities in the state; and (b) to fund programs or projects that reduce greenhouse gas emissions or mitigate the direct health impacts of climate change, through competitive grants, loans or other funding mechanisms.	3/24/11		
<b>SB 545</b> (Anderson) California's Transportation Needs	Declares the intent of the Legislature to enact a bill enabling the state to examine efficiency in administering solutions to California's transportation needs.	As Introduced	Senate Rules Committee	

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 580</b> (Wolk) State Park Land	Prohibits land acquired for the state park system through public funds, gifts or bequests from being disposed of or used in a way that is incompatible with park purposes without the substitution of other land. In the event that land cannot be acquired to fully meet the substitution eligibility criteria, allows the state Park and Recreation Commission to approve a combination of substitute park land and monetary compensation, if certain conditions are met. Provides that the commission may consider requests only if it determines that all practical alternatives that avoid the proposed disposal or use of park land for incompatible purposes have been considered.	3/29/11	Senate Appropriations Committee	
<b>SB 582</b> (Emmerson) Regional Commute Benefit Ordinances	Authorizes a metropolitan planning organization (MPO) jointly with the local air quality management district to adopt a regional commute benefit ordinance that requires employers operating within the common jurisdiction of the MPO and the air quality management district with 20 or more employees to offer those employees one of the following three commute benefits: (1) the option to pay for their public transit, vanpooling or bicycling expenses with pre-tax dollars; (2) a subsidy to offset an employee's monthly cost of commuting by public transit or vanpool; or (3) a free or low-cost shuttle or vanpool operated by or for the employer. Subject to the approval of the MPO, allows an employer to offer a commute benefit that is different from the three specified in the bill. At its option, allows an MPO to have the regional commute benefit ordinance apply solely to employers with 50 or more employees, rather than to employers with 20 or more employees.	3/29/11	Senate Transportation and Housing Committee	
<b>SB 693</b> (Dutton) Public-Private Partnership Agreements	Clarifies that Caltrans' delegation authority to cities and counties in existing law includes the ability to utilize public-private partnership agreements for transportation projects.	4/13/11	Senate Transportation and Housing Committee	
<b>SB 733</b> (Price) High-Speed Rail Authority Contracts: Local Workforce and Small Business Participation Strategies	In awarding contracts for the construction of California's proposed high-speed rail system with state or federal funds, requires the California High-Speed Rail Authority to develop a strategy, in conjunction with the Employment Development Department (EDD), to ensure that at least 25 percent of the project workforce used at each authority worksite is from the local workforce. Requires the authority to include in its business plan, or as an addendum to that plan, the following: (1) its local workforce strategy; and (2) a strategy for ensuring the participation of California-certified small businesses in contracts awarded by the authority with state or federal funds during all phases of the high-speed rail project.	4/14/11	Senate Transportation and Housing Committee	
<b>SB 734</b> (Price) High-Speed Rail Authority Contracts: Small Business Participation Goals	Establishes a 25 percent small business participation goal for all contracts awarded by the California High-Speed Rail Authority that are financed with Proposition 1A bond proceeds.	As Introduced	Senate Transportation and Housing Committee	

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 735</b> (Price) High-Speed Rail Authority Contracts: Use of Local Workers	In awarding contracts for the construction of the state's proposed high-speed rail system, provides that the California High-Speed Rail Authority must do the following: (1) require that 25 percent of the workforce used at each worksite be from the local workforce; and (2) grant an additional contract price preference of 2.5 percent of the bid amount to qualified state-certified microbusinesses that are local to a worksite.	As Introduced	Senate Transportation and Housing Committee	
<b>SB 739</b> (Lowenthal) Ports: Infrastructure Needs	Beginning January 1, 2012, requires the ports of Long Beach, Los Angeles and Oakland to assess their infrastructure and air quality improvement needs, including projects that improve the efficiency of the movement of cargo, and that reduce the congestion impacts and pollution associated with the movement of cargo. Requires these assessments to include the total costs of the infrastructure and air quality improvements, possible funding options for these projects, and estimated timelines for their implementation. Requires each port to provide its assessment to the Legislature by July 1, 2012.	As Introduced	Senate Transportation and Housing Committee	
<b>SB 749</b> (Steinberg) High-Speed Rail Authority: Senate Confirmation of Board Members	Requires the Governor's appointments to the California High-Speed Rail Authority to be confirmed by the Senate.	As Introduced	Senate Transportation and Housing Committee	
<b>SB 767</b> (Harman) Vehicles: Radio Frequency Identification Technology	Authorizes a local governmental entity to participate in a local traffic safety program that uses radio frequency identification technology in order to aid law enforcement efforts; promote environmental initiatives, including congestion mitigation; and enhance revenue collections of unpaid fines and penalties.	As Introduced	Senate Transportation and Housing Committee	

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 800</b> (Hancock) Voluntary Greenhouse Gas Emission Offset Program Fund	<p>Creates the Voluntary Greenhouse Gas Emission Offset Program Fund. Requires revenues received by the state on a voluntary basis from the federal government, individuals, businesses, organizations, industry, or other sources for the mitigation of climate change impacts related to greenhouse gas emissions to be deposited into the fund. Upon appropriation by the Legislature, allows the money in the fund to be expended by the Natural Resources Agency through a competitive grant process for all of the following purposes: (1) projects that reduce greenhouse gas emissions pursuant to protocols approved by the California Air Resources Board (CARB); (2) projects to protect public trust resources and natural systems from unavoidable impacts of climate change; and (3) urban greening projects, including urban forestry projects. Requires all approved projects to involve collaboration with the California Conservation Corps, local conservation corps, non-profit conservancy organizations, urban forestry non-profit organizations, or other non-profit organizations. Requires all projects to have an education and skills development component in order to further education or employment opportunities. Upon appropriation by the Legislature, requires money in the fund to be directed by the Natural Resources Agency to the California Conservation Corps and local conservation corps for the planting and maintenance of trees and plants in accordance with the protocols established by CARB as having mitigating effects on global warming, or other identified projects consistent with protocols adopted by CARB. By January 1, 2013, requires the Natural Resources Agency to do all of the following: (1) adopt guidelines for the distribution of revenues deposited into the Voluntary Greenhouse Gas Emission Offset Program Fund; and (2) develop strategies for the sale of voluntary greenhouse gas emission offsets by the state.</p>	As Introduced		
<b>SB 851</b> (Anderson) Highway Construction	<p>Declares the intent of the Legislature to enact a bill that would address the need for highway construction.</p>	As Introduced	Senate Rules Committee	
<b>SB 862</b> (A. Lowenthal) Southern California Goods Movement Authority	<p>Creates the Southern California Goods Movement Authority. Requires the authority to establish a priority list of infrastructure and air quality improvement projects related to the movement of port-related cargo and port operations in Southern California.</p>	4/4/11	Senate Transportation and Housing Committee	
<b>SB 867</b> (Padilla) Build California Bonds	<p>Allows the California Transportation Financing Authority to issue Build California Bonds, the proceeds of which would be used for transportation capital improvement projects. Provides that bondholders would be entitled to non-refundable tax credits against their personal income tax or corporate tax liability. Provides for the authority to enter into financing agreements with participating local transportation authorities for the purpose of financing or refinancing transportation projects. Limits the principal amount of bonds to be issued by the authority to \$5 billion over a five-year period commencing January 1, 2012.</p>	As Introduced	Senate Transportation and Housing Committee	

State Senate Bills	Subject	Last Amended	Status	VTA Position
<b>SB 907</b> (Evans) Master Plan for Infrastructure Financing and Development Commission	<p>Creates the Master Plan for Infrastructure Financing and Development Commission. Specifies that the mission of the commission is to develop and recommend a plan and process to identify, finance, build, and maintain the infrastructure necessary to meet the needs of Californians from the present to the year 2050. At a minimum, requires the plan to include: (a) the type, distribution and priority for developing infrastructure projects, and a measurable process to implement the plan; and (b) a process to periodically adjust the type, distribution and priority of infrastructure projects in the coming years to meet changing circumstances. States the intent of the Legislature that the commission provide a long-term plan and strategy to meet California's infrastructure needs, and a prioritized plan that meets those needs by doing all of the following: (1) project population, social and economic trends through 2050; (2) utilize the projections to identify the type and distribution of the infrastructure that is needed to meet California's social, economic and resource needs through 2050; (3) assess the state's capital needs for infrastructure projects through 2050, including opportunities to access private capital to augment or complement public financing; (4) assess the availability of private and public funds, including the status and fiscal value of dedicating future revenues to specific construction and maintenance, to support jointly sponsored projects throughout the period from the present to 2050; and (5) recommend a financing plan for the state's capital needs through 2050, with a priority plan for each five-year interval, including evaluation and recommendations of various financing methods that are feasible and may be of benefit to the state and local governments, as well as to private entities partnering with the state to implement the strategy. Requires the commission to submit its final report to the Governor and the Legislature by December 1, 2013. Requires the commission to be dissolved within 30 days after the issuance of its final report.</p>	4/11/11	Senate Governance and Finance Committee	
<b>SB 910</b> (A. Lowenthal) Bicycles: Passing Distances	<p>Requires the driver of a motor vehicle overtaking a bicycle that is proceeding in the same direction to pass to the left at a safe distance, at a minimum clearance of 3 feet and at a speed not exceeding 15 miles per hour faster than the bicycle, without interfering with the safe operation of the overtaken bicycle.</p>	3/25/11		

**CALIFORNIA STATE LEGISLATURE  
2011 Regular Session Calendar**

<b>DAY</b>	<b>JANUARY</b>
1	Statutes signed into law in 2010 take effect.
3	Legislature reconvenes.
10	Budget must be submitted by the Governor to the Legislature on or before this date.
21	Last day to submit bill requests to the Legislative Counsel's Office.

<b>DAY</b>	<b>FEBRUARY</b>
18	Last day for new bills to be introduced.

<b>DAY</b>	<b>MARCH</b>
	No Deadlines.

<b>DAY</b>	<b>APRIL</b>
14	Spring Recess begins upon adjournment.
25	Legislature reconvenes from Spring Recess.

<b>DAY</b>	<b>MAY</b>
6	Last day for policy committees to hear and report fiscal bills introduced in their house of origin.
13	Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house of origin.
27	Last day for fiscal committees to hear and report to the floor bills introduced in their house of origin.

<b>DAY</b>	<b>JUNE</b>
3	Last day for bills to be passed out of their house of origin.
15	Budget must be passed by midnight.

<b>DAY</b>	<b>JULY</b>
8	Last day for policy committees to hear and report bills introduced in the other house.
15	Summer Recess begins upon adjournment, provided that the budget bill has been enacted.

<b>DAY</b>	<b>AUGUST</b>
15	Legislature reconvenes from Summer Recess.
26	Last day for fiscal committees to hear and report to the floor bills introduced in the other house.

<b>DAY</b>	<b>SEPTEMBER</b>
2	Last day to amend bills on the Assembly and Senate floors.
9	Last day for each house to pass bills. Interim Recess begins at the end of this day's session.

<b>DAY</b>	<b>OCTOBER</b>
9	Last day for the Governor to sign or veto bills passed by the Legislature before September 9, and in his possession after September 9.

<b>DAY</b>	<b>JANUARY 2012</b>
1	Statutes signed into law in 2011 take effect.
4	The 2011-2012 regular legislative session reconvenes.



Date: April 29, 2011  
 Current Meeting: May 11, 2011  
 Board Meeting: N/A

## **BOARD MEMORANDUM**

**TO:** Santa Clara Valley Transportation Authority  
 2000 Measure A Citizens Watchdog Committee

**THROUGH:** General Manager, Michael T. Burns

**FROM:** Chief External Affairs Officer, Greta Helm

**SUBJECT:** Conduct CWC Public Hearing

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**Policy-Related Action:** No

**Government Code Section 84308 Applies:** No

## **ACTION ITEM**

### **RECOMMENDATION:**

Conduct, as part of the May 11, 2011 Citizens Advisory Committee/Citizens Watchdog Committee meeting, the 2000 Measure A Citizens Watchdog Committee (CWC) public hearing to receive input from the public on the 2000 Measure A Program, its expenditures, the results of the CWC's annual independent compliance audit, and on 2000 Measure A Program reports.

### **BACKGROUND:**

In November 2000, Santa Clara County voters approved Measure A, a 30-year half cent sales tax devoted to transit projects. The Measure A ballot specified that, among other duties, the Citizens Watchdog Committee (CWC) must review all 2000 Measure A expenditures, have an independent audit conducted each fiscal year, hold public hearings and issue reports at least annually to inform Santa Clara County residents on how the funds are being spent, and publish the results of the independent audit and the annual report in local newspapers.

### **DISCUSSION:**

To fulfill its responsibility, at its April 2011 meeting the Citizens Watchdog Committee voted to conduct its public hearing on Wednesday, May 11, 2011 at 6:00 p.m., in combination with the monthly Citizens Advisory Committee CAC/CWC meeting. The hearing is being conducted in the Board of Supervisors' Chambers at the County of Santa Clara Government Center, 70 West Hedding Street.

## Purpose

The public hearing provides residents with an opportunity to share their views, opinions, and concerns with the CWC on the 2000 Measure A Program and expenditures, the results of the annual independent audit, and on 2000 Measure A Program reports.

The CWC will combine the input received at the hearing with information and data received from the independent compliance audit and other sources to render a conclusion on whether 2000 Measure A tax dollars are being spent in accordance with the intent of the measure.

## Public Notice

- The public notice announcing the hearing was published in late April/early May 2011 in the following general circulation newspapers in VTA's service area:

- Ø *The Metro*
- Ø *El Observador* (Spanish/Hispanic)
- Ø *Thoi Bao* (Vietnamese)
- Ø *Philippines Today* (Tagalog)
- Ø *Korea News* (Korean)
- Ø *Sing Tao* (Chinese)
- Ø *Milpitas Post*
- Ø *Morgan Hill Times*
- Ø *Gilroy Dispatch*
- Ø *Santa Clara Weekly*
- Ø *Mountain View Voice*
- Ø *Palo Alto Weekly*
- Ø *Los Altos Town Crier*
- Ø *Evergreen Times*
- Ø Silicon Valley Community Newspapers (West San Jose, Rose Garden, Cupertino, Los Gatos, Saratoga, Almaden, Sunnyvale, Cambrian, Campbell)

In addition, the public announcement was:

- Ø Posted on VTA's website.
- Ø Included in the May edition of *Take-One*, the customer newsletter available on VTA buses and light rail.
- Ø Distributed to libraries and other public buildings throughout Santa Clara County
- Ø Placed as an online network ad for a two-week period (4/28 - 5/12) on *Yahoo* and the *San Jose Mercury News*.
- Ø Posted on public access channel CreaTV San Jose.
- Ø Posted to *Facebook* and mentioned via *Twitter*.
- Ø Announced via email to GovDelivery subscribers and to past attendees of VTA public meetings and forums.

- Ø Provided to *Mr. Roadshow, San Jose Mercury News* columnist Gary Richards.
- Ø Provided to CWC members for distribution to their stakeholder groups, community, civic, charitable and trade organizations, and friends and neighbors.
- The public notice specified the hearing time, location and purpose. It also indicated how written comments could be submitted, that sign language services would be provided at the meeting, and how to request additional interpreter services. It further indicated that detailed program information could be accessed both on VTA's website and at specified VTA facilities and public libraries.
- The notice published in newspapers referred the public to VTA's website for more information. The detailed version on VTA's website provided additional information and explanation, including a brief history of the 2000 Measure A Program, a listing of the projects contained in the ballot, photographs or renderings of some of the projects, and a description of the CWC's roles, responsibilities and limitations.

### **The Hearing Process**

- The CWC chairperson formally opens the hearing, describing its purpose. At its conclusion, the chairperson formally closes the hearing, at which time normal the Committee resumes its normal business.
- The Committee receives input from the public at the hearing but does not debate nor engage in extended discussion with speakers or other CWC members. Committee members may ask brief questions to clarify a statement or issue. If readily available or easily answered, the Committee or staff may provide brief answers to a speaker's question. All other questions will be referred to staff to provide a written response from the Committee.
- All speakers will be requested to fill out a blue speaker's card and to verbally state their name for the record. Speakers will be limited to providing comments on 2000 Measure A Program-related issues only.

### **Following the Hearing**

- The transcript of the proceedings prepared by a court reporter and an audio recording of the hearing will be available to the public within a reasonable timeframe following the hearing.
- The Committee will develop its conclusion on whether 2000 Measure A tax dollars are being spent in accordance with the intent of the measure, which is contained in its Annual Report.
- The CWC's findings will be published in local newspapers. The newspaper notice will also indicate that the detailed Annual Report is available and how to access it on VTA's website.
- The Committee will determine a publication strategy for informing the public of its findings and the availability of its Annual Report, both via the required ads in local newspapers as well as other methods. Each succeeding year, the Committee has utilized increasingly innovative and cost-effective ways of informing the public. This has included:
  - Ø Informational signs on VTA vehicles and facilities;
  - Ø Fliers distributed to libraries and other public buildings in the county;
  - Ø Informational postings on CreaTV San Jose;

- Ø Inclusion in *Take One*; and
- Ø Email announcements to GovDelivery subscribers and also past attendees of VTA public meetings and forums.

**ALTERNATIVES:**

There is no alternative since the 2000 Measure A ballot mandates that the CWC hold a public hearing at least annually.

**FISCAL IMPACT:**

There is no fiscal impact.

Prepared by: Stephen Flynn, Sr. Management Analyst  
Memo No. 2669



Date: April 20, 2011  
 Current Meeting: May 11, 2011  
 Board Meeting: June 2, 2011

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Citizens Advisory Committee

**THROUGH:** General Manager, Michael T. Burns

**FROM:** Chief CMA Officer, John Ristow

**SUBJECT:** Proactive CMP Quarterly Report for Jan. - Mar. 2011

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### FOR INFORMATION ONLY

#### **BACKGROUND:**

VTA has two programs through which it reviews and comments on development and transportation projects occurring in and adjacent to Santa Clara County: 1) the Development Review Program which reviews environmental documents and development proposals submitted by Member Agencies; and 2) the review of Transportation Impact Analysis (TIA) reports for proposed projects meeting the Congestion Management Program (CMP) TIA Guideline requirements.

The Proactive CMP (“Proactive”) process integrates these two VTA review processes to provide comments on projects prior to approval by Member Agencies. The objectives of the Proactive CMP process include improving land use/transportation coordination, promoting alternative travel modes, and encouraging a balanced approach to addressing congestion. As part of the Proactive process, VTA produces quarterly reports on project proposals highlighting two sets of projects and types of information:

- **Projects Reviewed by VTA & VTA Comments:** For projects reviewed by VTA staff under the Congestion Management Program and Development Review Program in the past quarter, relevant VTA comments are summarized.
- **Projects Approved by Local Agencies & Agency Responses:** For projects approved by local agencies in the past quarter, relevant VTA comments and the agency responses are summarized.

## DISCUSSION:

The following discussion provides a summary of the January through March 2011 Proactive CMP Quarterly Report. The summary highlights key projects and topics contained in the report, which is provided as Attachment A. The report includes a table summarizing all of the reviewed and approved projects, and a reference map showing the locations of these projects.

- VTA commented on 19 projects through the Proactive CMP process between January and March 2011. The largest number of projects was in the City of Morgan Hill (5 projects), followed by the City of San Jose (4 projects). The volume of projects circulated to VTA for review was up by more than 50% compared to the first quarter of 2010.
- Nine of the 19 projects involved environmental documents such as an Environmental Impact Reports (EIR), Notice of Preparation (NOP), or Mitigated Negative Declaration. One of the projects involved a stand-alone TIA report, and the remainder involved other documents such as rezoning requests, site plans or bus stop plans.
- Fifteen of the 19 items that VTA commented on were for private development projects, while 4 items were public improvements (such as parks, schools, or public works projects), and one was a citywide General Plan Update.
- Three projects which VTA had previously commented on were approved by local agencies during this quarter. These include a the Master Plan for the new Martial Cottle State/County Park; a new commercial/industrial subdivision east of US 101 and north of SR 152 in Gilroy; and flood control and drainage improvements in Wrigley and Ford Creeks in Milpitas..

Key projects and plans that VTA reviewed and commented on during the past quarter included the following:

- **South Plaza Office Development, Los Altos:** The City of Los Altos has conducted a Downtown Parking Plaza Opportunity Study to explore the potential of using existing parking plazas for public-private development that would bring more people downtown. Among the recommendations of the study was to use the South Parking Plazas in the Downtown for office development while providing replacement and new public parking. In January 2011, the City circulated an NOP for a Draft EIR for the South Plaza Office Development. VTA provided comments supporting the proposed land use intensification, suggesting areas of transportation and air quality analysis, and suggesting that the City consider Transportation Demand Management (TDM) measures and the potential for a linkage to VTA's Bike Sharing Pilot Program.
- **General Plan Update and San Antonio Center Precise Plan Amendments/Development, Mountain View:** The City of Mountain View is in the process of developing a comprehensive update of its General Plan to a horizon year of 2030, and in January 2011 released the NOP for the Draft EIR for the General Plan Update. The General Plan Update to date includes a strong emphasis on sustainability, multimodal transportation and focused development along with preservation of existing neighborhoods. It focuses growth primarily

in several Change Areas including El Camino Real, North Bayshore, San Antonio Center, and East Whisman. City staff has engaged VTA over the course of the General Plan update process, and VTA staff provided input on the NOP based on discussions with City staff. VTA's comments on the NOP offered support for the City's overall approach, and provided suggestions about areas of analysis for the DEIR both citywide and in several of the Change Areas.

During the past quarter, the City also circulated the Draft and Final EIR for proposed amendments to the San Antonio Center Precise Plan and a development project proposed for a 16-acre portion of the Center which would replace approximately 222,000 square feet of existing retail with 311,000 square feet of retail and 350 multifamily housing units. In comment letters on these documents, VTA staff expressed support for the overall project concept, but encouraged the City to continue to work with the developer to improve the internal pedestrian pathways and the pedestrian environment along the project's frontages, particularly along El Camino Real.

- **Sun Garden Retail Development, San Jose:** This quarter, the City of San Jose circulated the NOP for a Draft EIR as well as the TIA report for the Sun Garden Redevelopment project, which would construct up to 282,000 square feet of retail space on 19.75 acres near Monterey Road and Alma Avenue. VTA's comments on these documents focused on land use & site design, transit service & bus stops, pedestrian access to transit, and bicycle accommodations. The project proposes to construct a new signalized intersection on Monterey Road along the site frontage, which would allow vehicular access but also facilitate pedestrian crossings of Monterey Road and access to nearby bus stops.

As noted above, three items that VTA previously provided comments on were approved during this past quarter. The following is a brief summary of key VTA comments and the local agency responses on these items.

- **Martial Cottle State Park General Plan / County Park Master Plan:** A Master Plan is being prepared for a new combined State/County Park on 256 acres of agricultural land south of Branham Lane and west of Snell Avenue, in an unincorporated area bounded by the City of San Jose. VTA commented on the Draft EIR for the Master Plan in October 2010 and emphasized the thorough consideration given to pedestrian and bicycle circulation and access to transit in the Master Plan and environmental process; encouraged the State and the County to maintain 24/7 access on a route through the park and to the nearby Blossom Hill light rail station; and requested bus stop improvements and consideration of pedestrian crossing improvements on Snell Avenue near the proposed park entrance. The County of Santa Clara issued the Final EIR for the project in January 2011 and in its response to VTA's comments noted that the County will coordinate with the City of San Jose on pedestrian crossings near the park entrance (near an existing VTA bus stop) as well as on the design the trail system within the park.
- **Rancho San Ysidro-Machado Subdivision, Gilroy, Santa Clara:** In March 2010, the City of Gilroy circulated an Draft EIR for a 17-lot commercial/industrial subdivision on 59.7 acres east of US 101 and north of SR 152. VTA provided comments in May 2010 and focused on pedestrian & bicycle accommodations and roadway mitigations measures for the project.

The City circulated the Final EIR in October 2010 which acknowledged VTA's comments on bicycle and pedestrian accommodations within the project and confirmed that the proposed roadway mitigation measures such as changes to the intersection of Monterey Road & Tenth Street will not eliminate pedestrian and bicycle accommodations at these locations.

- **Wrigley-Ford Creek Maintenance Project, Milpitas:** The City of Milpitas recently circulated an Initial Study/Mitigated Negative Declaration for flood control channel maintenance work on Wrigley Creek and Ford Creek in Milpitas. VTA provided comments encouraging coordination between the City and VTA on permitting and construction, noting the relationship of this project to the Right-of-Way (ROW) plans for the BART extension project. The City responded to VTA's comments by acknowledging the potential coordination effort and stating that the City will contact VTA on any necessary coordination when the preliminary plans are completed. This is just one example of the frequent, ongoing coordination occurring between VTA and the local agencies in Santa Clara County on the Silicon Valley Rapid Transit (SVRT) project.

Prepared By: Robert Swierk  
Memo No. 2894

**VTA Development Review Program**

**Proactive CMP Quarterly Report**  
**January, February and March of 2011**

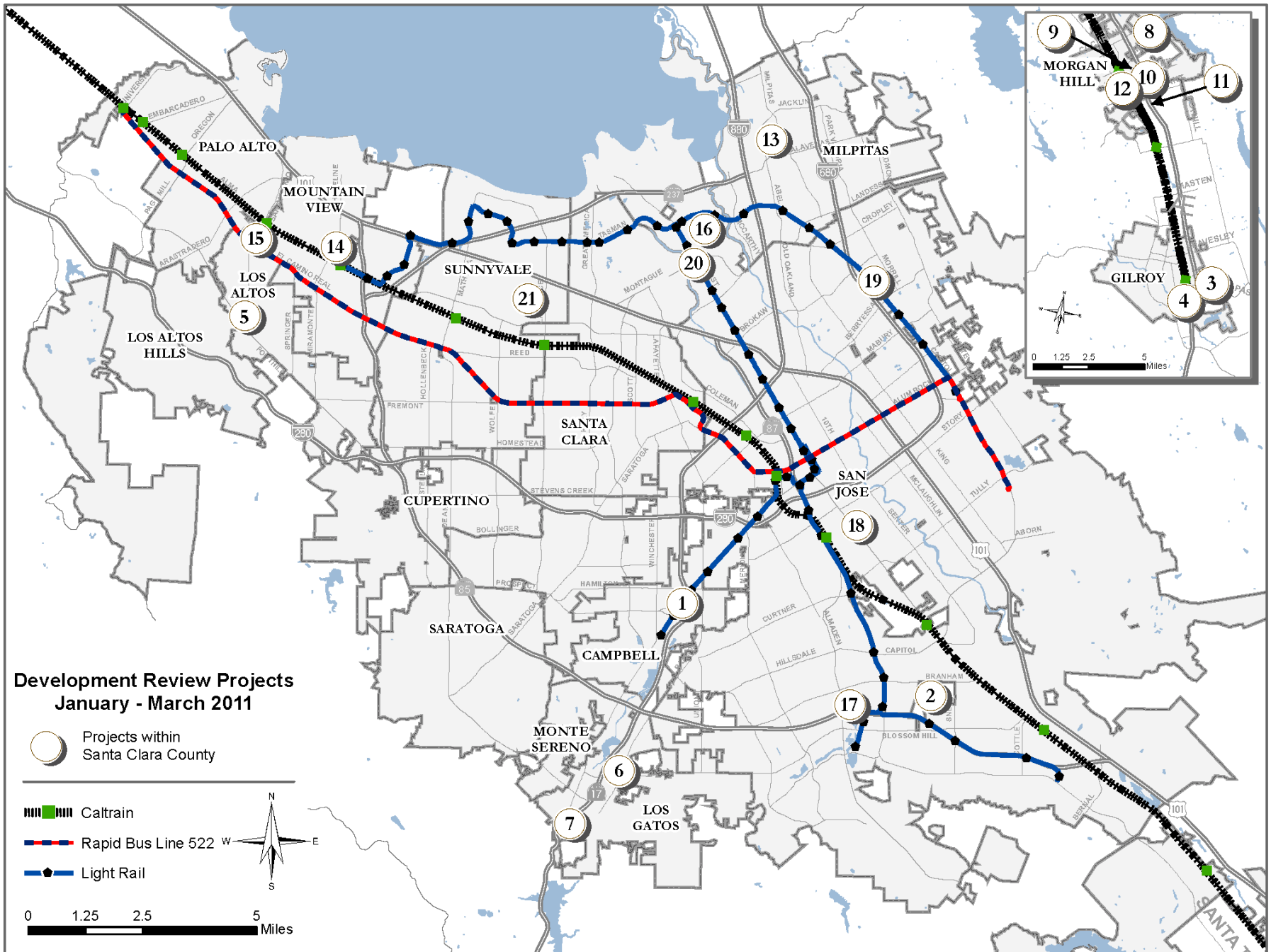
## Development Review Projects Summary

January - March 2011

Map No.	CMP ID	Lead Agency	Project Name/Location	Project Description	Doc. Type	Comments this quarter?	Approved this quarter?	VTA Comment Topics
1	CM1101	City of Campbell	580 El Patio Drive	Two lot residential subdivision on 0.47 acre	Tentative Parcel Map	Y		Proximity to Vasona Light Rail Transit (LRT) corridor
2	CO1001	County of Santa Clara	Martial Cottle Park State Park General Plan/County Park Master Plan /Bounded by SR85, Chynoweth, Snell, and Branham	State Park General Plan and County Park Master Plan for creation of new 256-acre State/County Park	FEIR		Y	Transportation and circulation – consideration of alt. modes, Description of existing conditions, access to Blossom Hill LRT station, Bus service and accommodations, Trail system - design
3	GI0505	City of Gilroy	Rancho San Ysidro-Machado Subdivision/ East of US101, North of SR152	Creation of a 17-lot commercial/industrial subdivision on a 59.7-acre site	FEIR		Y	Pedestrian & bicycle accommodations, Roadway mitigation measures, Description of existing transit
4	GI1103	City of Gilroy	Oak Creek	Tentative Map for 213 residential units on 25.6 acres	Tentative Map	Y		Transportation Impact Analysis (TIA) report, Pedestrian & bicycle accommodations
5	LA1101	City of Los Altos	South Plaza Office Development	GP land use designation and zoning change to allow up to 200k sf office, replacing surface parking	NOP	Y		Land use, TIA report, Transportation & air quality analyses - TDM, Bike Sharing Pilot Program
6	LG0703	Town of Los Gatos	Los Gatos Blvd. and Blossom Hill Rd. Development	Construction of 47 single-family units, 10 senior units, and 2 comm. bldgs. on 4.49 ac	Initial Study/ Mitigated Neg. Dec.	Y		Land use mix & site design, Transportation analysis - pedestrian & bicycle accommodations
7	LG1003	Town of Los Gatos	Dittos Lane Apartments	Construction of 32 affordable apartment units on 1.58 acres	DEIR	Y		Land use, Transportation analysis – transit incentives, bicycle accommodations
8	MH0702	City of Morgan Hill	San Sebastian Homes	Construction of 244 single-family homes on 120 acres	Zoning Amendment	Y		Transportation Impact Analysis (TIA) report
9	MH1003	City of Morgan Hill	CVS Pharmacy @ Dunne / SW corner of Walnut Grove Dr. and	GP Amendment and Rezoning for a 16,813 sf drug store	Other	Y		Transportation Impact Analysis (TIA) report, Pedestrian accommodations

Map No.	CMP ID	Lead Agency	Project Name/Location	Project Description	Doc. Type	Comments this quarter?	Approved this quarter?	VTA Comment Topics
			Dunne Ave.					
10	MH1005	City of Morgan Hill	Condit – UCP / Northeast corner of San Pedro Ave. and Condit Rd.	GP Amendment and Zoning Amendment for single family-high residential on 19.4 acres	Other	Y		Transportation Impact Analysis (TIA) report
11	MH1101	City of Morgan Hill	Juan Hernandez-Health Trust / Intersection of US 101 and Tennant Avenue	GP Amendment and Zoning Amendment for Commercial on 17.98 acres	Other	Y		Transportation Impact Analysis (TIA) report
12	MH1102	City of Morgan Hill	Red Jasper / West side of Monterey Road, north of Cosmo Ave.	Zoning Amendment and Dev. Agreement for 38 housing units, 26,000 sf retail on 2.9 ac	Other	Y		Land use & site design, Transportation Impact Analysis (TIA) report
13	ML1101	City of Milpitas	Wrigley-Ford Creek Maintenance Project	Flood control channel maintenance project within the Wrigley Creek and Ford Creek drainage system	Initial Study/ Mitigated Neg. Dec.	Y	Y	Coordination on permitting and construction between City and VTA, relationship to VTA's BART extension C700 ROW plans
14	MV0902	City of Mountain View	General Plan Update 2030 / Citywide	Update of the Mountain View General Plan to the year 2030	NOP	Y		Support for overall approach; Transportation network & land use assumptions; Consistency with VTA travel demand model; North Bayshore & El Camino Real Change Areas; Impacts on transit bus travel times; Moffett Boulevard Area
15	MV0905	City of Mountain View	San Antonio Center / 455 San Antonio Road at El Camino Real	Amendments to the San Antonio Center Precise Plan, plus project to demolish 222k sf retail and replace it with 311k sf retail and 350 housing units on 16 acres	DEIR, Revised site plan/FEIR (2 sets of comments)	Y		<i>Comments on DEIR:</i> Land use, Trip generation & reductions, Sidewalks & ped. paths, TDM measures, Bicycle accommodations, Bus stops & service, Transp. analysis - freeway segments <i>Comments on Rev. Site Plan/FEIR:</i> General/land use, Internal ped. environment & access to transit, Ped. env. on perimeter roadways

Map No.	CMP ID	Lead Agency	Project Name/Location	Project Description	Doc. Type	Comments this quarter?	Approved this quarter?	VTA Comment Topics
16	SC1101	Santa Clara Unified School District	Agnews East School Site / Zanker Rd., btw/ Center Rd. and River Oaks Parkway (in City of San Jose)	K-12 school for 2,800 students on 57 acres	NOP	Y		Transportation Impact Analysis (TIA) report, Ped. accommodations and access to transit
17	SJ1005	City of San Jose	Almaden-Chynoweth Retail Center / NE corner of Almaden Expway and SR 85	Draft Supplemental EIR for 400,000 sf of commercial on 43 acres	NOP	Y		Transportation Impact Analysis (TIA) report; Pedestrian, bicycle and transit analysis
18	SJ1101	City of San Jose	Sun Garden Retail Project / East side of Monterey Rd. south of Alma Avenue	Up to 282,300 sf of new retail buildings on 19.75 acres	NOP, TIA (2 sets of comments)	Y		<i>Comments on NOP:</i> Land use & site design, TIA report, Transit analysis <i>Comments on TIA:</i> Freeway analysis, CMP intersections, Freeway ramp analysis, Pedestrian facilities, Bus service, Bicycle accommodations:
19	SJ1102	City of San Jose	Sierra Road Townhomes / NE corner of N. Capitol Ave. and Sierra Rd.	Zoning change for 96 townhomes on 4.3 gross acres	Other	Y		Transit service, Bus stops
20	SJ1104	City of San Jose	Montague-First Bus Stop Relocation / West side Montague Expway, West of N. First Street	Relocation of bus stop on Montague due to Montague Expressway Widening Project	Other	Y		Bus stop location, Pedestrian access & sidewalks
21	SU1101	City of Sunnyvale	Fiore Towns / 995 Stewart Drive	Special Development Permit and Tentative Map for 161 townhomes on existing MS/ITR property of 8.53 gross acres	Other	Y		Transportation Impact Analysis (TIA), Site design & pedestrian accommodations



## PROACTIVE QUARTERLY STATUS REPORT

### GLOSSARY

A	Agriculture Zoning District	MM	Mitigation Measure
ABAG	Association of Bay Area Governments	MND	Mitigated Negative Declaration
ABC	Across Barrier Connections	MTC	Metropolitan Transportation Commission
AC	Acre(s)	MVHDR	Multifamily Very High Density Residential
ACE	Altamont Commuter Express	ND	Negative Declaration
A(PD)	Planned Development Zoning District	NOI	Notice of Intent
BART	Bay Area Rapid Transit	NOP	Notice of Preparation
BMPs	Best Management Practices	NPDES	National Pollution Discharge Elimination System
BRT	Bus Rapid Transit	PCC	Portland Concrete Cement
BTG	Bicycle Technical Guidelines	PDR	Planned Development Rezoning
CDT	Community Design & Transportation	PE	Preliminary Engineering
CG	Commercial General Zoning District	PPOS	Public Park/Open Space
CI/C	Combined Industrial/Commercial	PTG	Pedestrian Technical Guidelines
CMP	Congestion Management Program	PUD	Planned Urban Development
CSA	Construction Staging Area	R&D	Research & Development
CUP	Conditional Use Permit	R-M	Multi-Family Residential Zoning
CWC	Citizen Watchdog Committee	ROW	Right-Of-Way
DASH	Downtown Area Shuttle	RVHD	Residential Very High Density
DC	Downtown Commercial Zoning District	RZ	Rezoning
DEIR	Draft Environmental Impact Report	SAR	Site and Architectural Review
DSM	Deep Soil Mix	SCVWD	Santa Clara Valley Water District
DU/AC	Dwelling Units Per Acre	SDP	Site Development Permit
EIR	Environmental Impact Report	SF	Square Foot
ER	Environmental Review	SFR	Single Family Residences
FAR	Floor Area Ratio	SPA	Specific Plan Amendment
FEIR	Final Environmental Impact Report	SPRR	Southern Pacific Railroad
FTF	Future Transit Facility	SVRT	Silicon Valley Rapid Transit
GPA	General Plan Amendment	SVRTC	Silicon Valley Rapid Transit Corridor
HDR	High Density Residential	SWPPP	Storm Water Pollution Prevention Program
HI	Heavy Industrial	TCE	Temporary Construction Easement
HOV	High-Occupancy Vehicle	TCR	Transit Corridor Residential (20+Dwelling Units/Acre in the City of San Jose)
HSR	High-Speed Rail	TDM	Transportation Demand Management
IP	Industrial Park	TIA	Transportation Impact Analysis
IS	Initial Study	TIA NF	Transportation Impact Analysis Notification Form
ITR	Industrial to Residential	TM	Tentative Map
ITS	Intelligent Transportation System	TOD	Transit-Oriented Development
LI	Light Industrial	UB	Utility Box
LRT	Light Rail Transit	UPRR	Union Pacific Railroad
LU/TD	Land Use/Transportation Diagram		
MCR	Monitoring and Conformance Report		
MDR	Medium Density Residential		



Date: April 29, 2011  
 Current Meeting: May 11, 2011  
 Board Meeting: June 2, 2011

## BOARD MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
 Citizens Advisory Committee

**THROUGH:** General Manager, Michael T. Burns

**FROM:** Chief CMA Officer, John Ristow

**SUBJECT:** SR 237/I-880 Express Connectors Operational Procedures

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**Policy-Related Action:** Yes

**Government Code Section 84308 Applies:** No

## ACTION ITEM

### RECOMMENDATION:

Recommend that the Board of Directors approve the operational procedures related to setting of the hours of operations and the protocol for calculating the toll rates for the SR 237/I-880 Express Connectors project.

### BACKGROUND:

The Silicon Valley Express Lanes Program (formerly referred to as the High Occupancy Toll Lanes Program) has been under development since 2003 when the Santa Clara Valley Transportation Authority (VTA) Board of Directors' Ad Hoc Financial Stability Committee requested a presentation from staff on High Occupancy Toll (HOT) Lanes and their potential benefits and opportunities in Santa Clara County.

At its December 2008 meeting, the VTA Board of Directors approved the Silicon Valley Express Lanes Program (Program) for the implementation of toll operations within high occupancy vehicle (HOV) lanes. The Program (Attachment A) includes implementing a roadway pricing system on SR 237 to allow the use of unused capacity in the carpool lanes to provide congestion relief. This means that conversion from carpool lane operations to express lane operations would expand use of these lanes to fee paying commuters. The fee would change dynamically in response to existing congestion levels and available capacity in the express lanes.

The Program has been undertaken to provide long-term mobility benefits and to provide another funding stream for transportation improvements. Specifically, the primary objectives of the Program are the following:

1. Provide congestion relief through more effective use of existing roadways;
2. Provide commuters with a new mobility option; and
3. Provide a new funding source for transportation improvements including public transit.

SR 237 is the first corridor under the Program where VTA is implementing Express Lanes. The existing carpool lane segment on SR 237 extends between I-880 in Milpitas and Mathilda Avenue in Sunnyvale. The first phase of the SR 237 Express Lanes project is the SR 237/I-880 Express Connectors project which is a conversion of direct carpool-to-carpool connectors to Express Connectors at the SR 237/I-880 interchange (Attachment B).

The morning commute direction from southbound I-880 to westbound SR 237 has peak delays of about 10 minutes at the interchange of the two freeways resulting in long back-ups onto the I-880 mainline. The same situation exists in the opposite direction in the evening commute due to the ramp metering on the connector ramp.

The total project cost is \$11.3 million and is funded by \$2.7 million of American Recovery and Reinvestment Act (ARRA) funds, \$3.96 million of federal Value Pricing Pilot Program (VPPP) funds (\$760,000 VPPP FY06 and \$3.2 million VPPP FY09) and \$4.64 million of local funds. This project is scheduled to open for traffic in the fall of 2011.

The SR 237/I-880 Express Connectors project operational procedure recommendations takes into consideration experience from the I-680 Express Lane which was the Bay Area's first Express Lane opened for service in September 2010.

### **DISCUSSION:**

This memorandum is divided into two parts:

1. An explanation as to how the different aspects of the express lanes implementation would operate including facility design, the electronic toll system and operational practices;
2. Recommendations on operational procedures for the SR 237/I-880 Express Connectors project that require VTA Board of Directors approval.

### **Facility Design**

Attachment B shows the roadway elements of the SR 237/I-880 Express Connectors project. In the southbound I-880 to westbound SR 237 direction, traffic heading to the Express Lanes would first see advance signing of the Express Lanes one mile ahead of the facility, followed by the price of the toll one-half mile ahead. Express lane users would need to have a FasTrak transponder in their vehicle as tolls would be collected via these transponders much in the same way that tolls are collected on Bay Area bridges. There would be no toll booths and stopping to pay tolls would not be required. The California Highway Patrol (CHP) would enforce express lane operations through visual inspection and enforcement beacons which signal valid transactions to the officers. This is similar to enforcement methods used for the I-680 Express Lane.

## Access

The Express Lanes would be separated from the General Purpose (GP) lanes by a solid painted stripe buffer similar to carpool lane operations in Southern California. Any vehicle crossing of the painted stripe buffer is a traffic violation.

In the I-880 southbound to SR 237 westbound direction, the Express Lanes project stretches from approximately Dixon Landing Road on I-880 to Lawrence Expressway on SR 237 with conventional carpool lanes continuing from Lawrence Expressway to east of Mathilda Avenue. The Express Lanes segment with the buffer separation between the GP lane and the Express Lanes will start north of the direct connector on I-880 and end west of the North First Street off-ramp (see red segment on Attachment B).

The painted buffer separation as designed would not allow Express Lanes users to exit at Zanker Road or North First Street. Traffic operations analysis showed that if exiting motorists are allowed the ability to enter or exit the Express Lanes at these locations, the freeway mainline operations would be impacted and significant congestion would occur.

Solo occupant vehicles would be required to transition out of the Express Lanes to GP lanes between west of the North First Street off-ramp and Lawrence Expressway (see yellow segment on Attachment B). Eligible carpoolers who use the Express Lanes would be able to continue past the transition zone and remain in the carpool lane past Lawrence Expressway.

In the SR 237 eastbound direction to I-880 northbound direction, the Express Lanes project stretches from approximately North First Street on SR 237 to Dixon Landing Road on I-880 with conventional carpool lanes continuing northbound on I-880. The Express Lanes segment with the buffer separation between the GP lane and the Express Lanes will start west of Zanker Road on-ramp and end north of the direct connector (see red segment on Attachment B).

The painted buffer separation as designed would not allow motorists to enter into the express lane from Zanker Road. Analysis showed that if the ability to weave across lanes to the express lane were accommodated, the freeway mainline operations would be impacted and significant congestion would occur.

Solo occupant vehicles would be required to transition out of the Express Lane to the GP lanes north of the direct connector on I-880 after merging with the I-880 carpool lane. Eligible carpoolers who use the Express Lanes would be able to continue past the transition zone seamlessly on the northbound I-880 carpool lane.

## Signage

The signage for the SR 237/I-880 Express Connectors would be similar to that being installed for the I-680 Express Lane. The signage meets the requirements set forth in the Manual on Uniform Traffic Control Devices (MUTCD). The MUTCD is the national standard for all traffic control devices, including traffic signs, pavement markings, signals and other devices used to regulate, warn or guide traffic.

## **Electronic Toll System**

### VTA Toll Data Center

The Toll Data Center (TDC) where primary Express Lanes tolling data processing, storage and reporting would take place would be housed at the VTA River Oaks Administrative offices. Data communications between the TDC and Bay Area Toll Authority (BATA) would be accomplished via secure on-line sites. The Caltrans Traffic Management Center (TMC) would be also included in the systems communication network to facilitate transfer of traffic and video data. The TDC would also interface with tolling zone controllers in the field via real-time connections. A wireless communications system also would be available between the in-field toll zone equipment and the TDC at River Oaks via equipment on the radio tower at the VTA Cerone yard.

### BATA Back-Office Operations

BATA would be responsible for collection and processing of tolls similar to the services provided for existing Bay Area bridges and the I-680 Express Lane. Collection would entail tracking of vehicles through the Express Lanes system. The toll rate based on the time of the trip would appear as a single transaction on the customer's statement. There would be weekly reconciliation and auditing of transactions between BATA and VTA.

Although the FasTrak transponder itself is free, a user would have to deposit \$20 if the registered account is replenished by a cash/check payment. If the user would register to an account that is automatically replenished by credit card, the \$20 deposit will be used as part of the toll balance. The business rules would be similar to those employed for Bay bridge transponder users. Each customer would be sent a regular monthly billing statement on-line showing all trip transactions for the prior period. The statement may be requested by the customer in hard copy via mail for an additional administrative and processing fee.

BATA would be responsible for FasTrak marketing, account management, administration of toll collection and audit functions that comprise the components of revenue generation for the Express Lanes.

Auditing functions would be addressed within a performance monitoring plan and through an agreement between BATA and VTA to preserve the integrity of the financial arrangements. To the extent possible, many aspects of the auditing roles and process would follow protocols already established on Bay bridges and administered by BATA. BATA would maintain an ongoing audit program that includes performance of tolling infrastructure, collection, account management and revenue disbursement through quarterly reporting and an annual report of operations.

## **Operational Practice**

### Customer Service

The BATA FasTrak Customer Service Center would act as the customer service center for the SR 237/I-880 Express Connectors project. BATA through their service contractor will include customer service representatives trained to respond to Express Lanes patrons, modifications to their customer service software to accommodate Express Lanes toll charges, and a process for

responding to disputes, and marketing support.

### Maintenance

Express Lanes roadway operations and maintenance requires Caltrans to provide regular maintenance (lane pavement, structures, lighting, signage and markings) similar to what is already provided for carpool lanes. Additional requirements beyond the regular maintenance level can be identified via an agreement with costs for additional services reimbursed by VTA Express Lanes toll revenue.

Maintenance related to tolling equipment and enforcement systems would be covered under the system integrator contract. The system integrator is the contractor that provides the tolling equipment, traffic monitoring, communication and toll calculation software and toll data center. The system integrator contract will include a warranty period (typically for the first year) after which VTA would have the option to either staff this activity or renew the maintenance contract with the system integrator.

### Incident Management

Incident management would be addressed as per current practices with Caltrans, CHP and BATA to coordinate a response to the incident. CHP and Caltrans typically address incident management jointly with the help of BATA's freeway service patrol when necessary.

### Enforcement

CHP will provide enforcement of the facility. The following would be typical of the proposed enforcement procedures:

- A CHP officer would visually check the number of occupants in the vehicle that passes
- If it is a solo driver, the officer would use the transaction indicator beacon to assess if the driver has a valid transponder read signifying the correct payment of toll
- If there is an invalid transponder read, the vehicle would be pursued to confirm the number of occupancy in the vehicle
- If it is a solo driver with a transponder, the officer would use the handheld reader device to check when the transponder was last used or if the transponder battery is dead
- If there was a violation, a citation would be issued

VTA will sign an agreement with CHP for enforcement based on the number of officer-hours required for enforcement on a yearly basis.

### **Operational Procedures**

The following are two key operational procedures that require VTA Board consideration and approval.

### Approval for Setting The Hours of Operation

At this time, staff is still in consultation with Caltrans and will have a recommendation at the meeting. There are two current options under consideration with the final decision requiring approval from the Bay Area HOV Committee (consisting of Caltrans, MTC and CHP).

The two options for hours of operation are:

1. 5 am to 7 pm during weekdays. This would be similar to I-680 Express Lane hours of operations (5 am to 8 pm). The choice to end the hour of operations at 7 pm is to match the adjacent carpool hours of operations which also end at 7 pm.
2. Closely matches existing carpool lane hours of 5 am to 9 am and 3 pm to 7 pm during weekdays with the exception for SR 237 westbound direction where the morning peak period hours would be extended from 5 am to 10 am. Extending the hours of operations to 10 am helps to provide travel time reliability where currently there is congestion on both the general purpose lanes and the carpool lane beyond 9 am when the hours of operation for carpool lane ends.

### Approval for Setting The Protocol for Calculating The Toll Rate

All existing eligible carpool lane users would be allowed to use the Express Lanes free of charge while solo drivers would have to pay a toll electronically using the same FasTrak transponder system used by Bay Bridge and I-680 Express Lane motorists.

The proposal is for the toll rate to change dynamically to ensure maintaining the Express Lanes traffic at an average travel speed of at least 45 miles per hour (mph). As the congestion level increases on the Express Lanes, the toll rate would correspondingly increase to ensure 45 mph traffic is maintained. A message sign with toll rate information would be located about one-quarter to one-half mile upstream of the Express Lanes to inform motorists of the prevailing toll rate for using the Express Connector.

Staff recommends that the toll rate be set through the use of a dynamic pricing algorithm. The dynamic pricing would help to regulate demand within the Express Lanes to maintain 45 mph operations. The dynamic pricing mechanism would operate to maximize throughput in the Express Lanes rather than to maximize revenue. Similar to the I-680 Express Lane, it is recommended that a minimum toll rate of \$0.30 be established with no maximum toll rate.

For the I-680 Express Lane, the average daily peak period toll rate is about \$3. Based on travel conditions and the motorists' willingness to pay, toll rates have reached about \$7 to \$8 during peak demand surges. The system operator, Alameda County Transportation Commission report (ACTC) reports on toll trends on a regular basis.

### **ALTERNATIVES:**

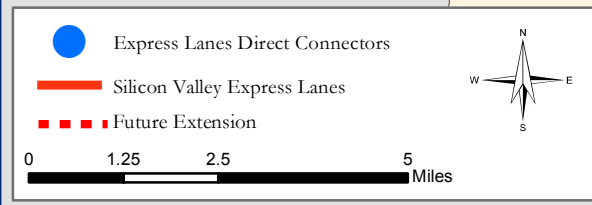
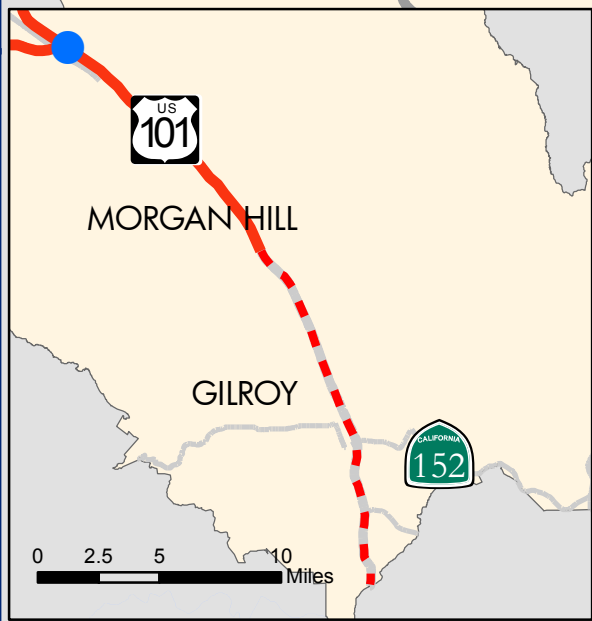
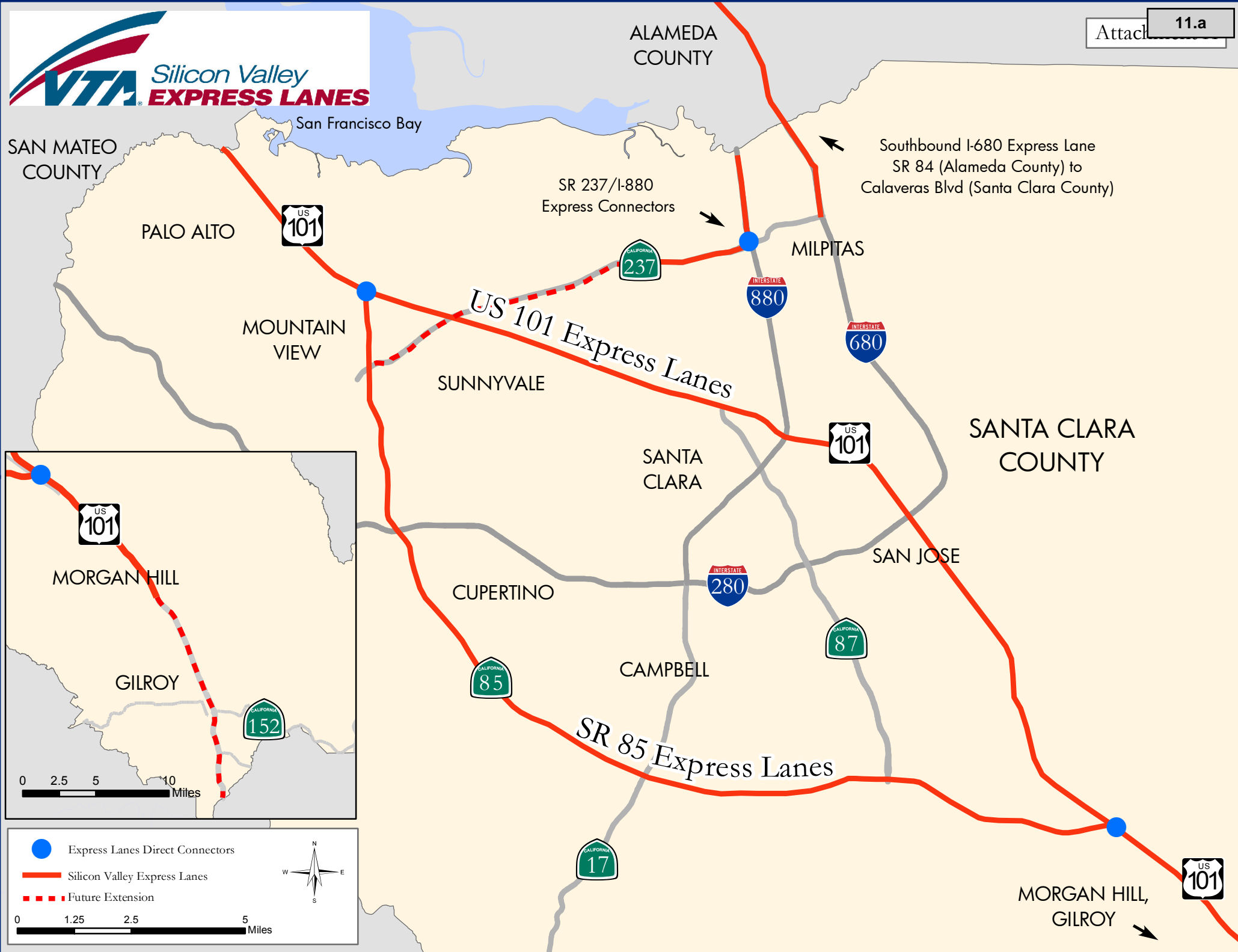
The VTA Board of Directors can choose to establish different hours of operations and different

toll rate strategies from those recommended by staff.

**FISCAL IMPACT:**

This action is required in order to establish operational procedures for the implementation of SR 237/I880 Express Lane project. The hours of operation and protocol for calculating the toll rate will have a direct impact on the toll revenue for the program. The tolls collected will offset operating costs and provide a new funding source for transportation improvements including public transit.

Prepared by: Murali Ramanujam  
Memo No. 2074



# SR 237 Express Lanes



**Advance Express Lane Sign**

**Toll Rate Sign**

**Express Lanes Ends**

**Start Buffer Striping**

**Toll Reader**

**CCTV and Pole**

**Buffer Zone**  
  
 No Merging  
**Transition Zone**  
  
 Merging

## Santa Clara County

