



## CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE

Thursday, May 18, 2006

### MINUTES

#### 1. CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:38 a.m. by Chairperson Kniss in Room 157, County Government Center, 70 West Hedding Street, San Jose, California.

#### ROLL CALL

##### Members Present

Liz Kniss, Chairperson  
Dennis Kennedy

##### Members Absent

Nora Campos, Vice Chairperson  
Cindy Chavez

##### Alternates Present

None

##### Alternates Absent

Pete McHugh  
Al Pinheiro  
Ken Yeager

\* Alternates do not serve unless participating as a Member.

**A quorum was not present and a Committee of the Whole was declared.**

#### 2. PUBLIC PRESENTATIONS

Jerry Grace, Interested Citizen, noted that he is pleased to come to the CMPP Meeting. He inquired about the method of communication between Caltrain partners.

Member Kennedy took his seat at 10:40 a.m.

#### 3. ORDERS OF THE DAY

There were no Orders of the Day.

## CONSENT AGENDA

### 4. Minutes of February 16, 2006

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole deferred the Minutes of February 16, 2006.

### 5. Minutes of April 20, 2006

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole deferred the Minutes of April 20, 2006.

### 6. Monthly Legislative Report for April 2006

Kurt M. Evans, Government Affairs Manager, reported that the contracts for the federal and state lobbyists expire by the end of 2006 and will be out for bid.

Mr. Evans noted that Governor Arnold Schwarzeneger signed the \$20 billion State Infrastructure Bond last Tuesday. This bond will appear on the November 2006 ballot.

Chairperson Kniss noted that it is important that everyone has an understanding that the November 2006 bond package is for four different areas.

Mr. Evans noted that the four areas are transportation, levees/flood control, education, and affordable housing. There is also \$6 billion for parks and recreation that is not part of the package.

Mr. Evans noted that the focus of the discussion at the state level is now shifting to the budget process. The Governor came out with the "May Revision" to the State budget last Friday that includes the most recent revenue and expenditure projections by the Department of Finance. There are about \$6 to \$7 billion additional revenues and the Governor is proposing to use those monies to build up the State Budget Reserves and pay off some loans.

Mr. Evans briefly discussed the key transportation budget issues. The Governor proposed to use public transportation account revenues over the next 10 years to pay for a portion of the transportation infrastructure bonds. Four billion of public transportation account revenues are proposed to be used as debt service on the transportation infrastructure bond. That proposal makes the infrastructure bond a bad deal for transit and intercity rail as the transit money would be used to pay back the bonds in an amount equal to the funding that transit would receive through the bonds. Historically, all debt service in bonds are covered by the General Fund. Mr. Evans noted that the transportation community and some of the Legislature have expressed their opposition to this proposal.

Mr. Evans noted that the general fund has an outstanding \$2.3 billion loan that needs to be repaid to transportation by Fiscal Year (FY) 2008-09. The Governor proposed to pay \$920 million of the \$2.3 billion in FY 2007 and further proposed that the remaining \$1 billion be paid through tribal gaming revenues. This proposal is problematic as the bill that authorized paying the \$1 billion through the use of bonds backed by tribal gaming revenues has been challenged in court. The Governor also proposed using the \$150 million tribal payments in FY 2007 to repay a portion of that \$1 billion remaining loan to transportation. Mr. Evans noted that the transportation community is supporting and carefully watching this proposal. Mr. Evans advised that the Committee Legislative leaders want the budget out of the Legislature by June 15, 2006.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole received the Monthly Legislative Report for March 2006.

**7. Congestion Management Program Financial Audit, Fiscal Year 2005**

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole reviewed the Congestion Management Program Financial Audit, Fiscal Year 2005.

**8. Proactive CMP Reviewed and Approved Projects Quarterly Status Report January through March 2006**

Chairperson Kniss expressed concern that the Flea Market, Evergreen, and Santa Clara East sites in San Jose appear to have density challenges. She noted that she is interested to hear feedback from CMPP Members that are representatives of the City of San Jose. She noted that the issue is very important, as the transportation projections and cost effectiveness of the BART Project is dependent on the densities of these sites.

Carolyn M. Gonot, Chief Development Officer, noted that staff is meeting with the City of San Jose and developers regarding the projects mentioned. She added that these are the types of comments that the group is trying to work through. She noted that staff also has to look into the zoning applications for these sites.

Member Kennedy suggested that this item be brought back when Vice Chairperson Campos and Member Chavez are present and allow some time to discuss issues.

Chairperson Kniss noted that density is a challenge because developers prefer building large homes as it provides better return on investment compared to high-density housing. She stated that it is up to the City of San Jose to strategize how to encourage developers to improve and increase densities, thus, ensuring that the transportation investments that are planned for those sites are cost-effective and worthwhile. Chairperson Kniss noted that it is a big problem for VTA as much of the ridership of VTA projects are predicated on those San Jose development projects. She added that although VTA cannot make land-use decisions, it is heavily dependent on the density and delivery of those developments.

Michael T. Burns, General Manager, noted that Chairperson Kniss' concerns are important discussions for VTA's transportation investments. He noted the importance of linking transportation and land use.

David Miller, Commercial Development Manager, noted that the City of San Jose has an aggressive schedule but has not yet circulated the Environmental Impact Report (EIR) for the Flea Market site. He noted that the long-term view of land-use is also based on market cycles, developers, and the seller of the land.

Member Kennedy noted that the role of VTA is to coordinate planning and transportation. He noted that the projects mentioned are critical projects along the BART Project Right-of-Way. He stated his interest in hearing comments of the City of San Jose's representatives regarding the issue, what they are trying to accomplish and what they would like to see. He noted that the VTA Board should be aware of that as well.

Ms. Gonot stated that the BART Policy Advisory Board (PAB) had been presented with station to station planning areas. Cities have also come to the PAB to provide presentations. She noted that staff could provide a presentation about the Berryessa site and any other, if the Committee wishes to do so.

Jim Lawson, Government Affairs Manager, stated that VTA staff has been meeting with City of San Jose staff and added that increasing density in these transit corridors is their goal.

Mr. Burns suggested including in a future agenda the stationary development planned around the BART Project. He noted that this issue is a bigger discussion and involves more areas than the ones mentioned.

Ms. Gonot advised the Committee that VTA is in the process of doing a Joint Development Opportunity Study that will look into each planning area along the BART Project and the long-term market. Ms. Gonot noted that staff could bring this information to the Committee as well.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole reviewed the Proactive CMP Reviewed and Approved Quarterly Status Report for January through March 2006.

## **REGULAR AGENDA**

### **9. FY 2007 Lifeline Transportation Program**

Ms. Gonot stated that the Metropolitan Transportation Commission (MTC) created the Lifeline Transportation Program under their Regional Transportation Plan to fund projects for low-income communities and provide access to transportation. The subcommittee of the Joint Lifeline Transportation Committee reviewed and scored the

seven applications that were submitted. Four of those applications are recommended for full funding, two for partial funding, and one was not recommended due to the small grant dollar amount request.

Ms. Gonot noted that the top four programs recommended for full funding are fairly established programs. The two recommended for partial funding include VTA's Community Partnership, Transit Pass Program, which was a response to the RIDE Task Force recommendation; and Gilroy's Pedestrian Bridge, the only capital project that requested \$770,900.

Member Kennedy commented that he did not see a project from South County Collaborative in the list. Ms. Gonot responded that the South Bay Collaborative did not forward a specific project. However, the Senior Transportation Program under Outreach specifically targeted areas that were listed in the Community-Based Transportation Plan (CBTP), including Gilroy as well as East San Jose.

Kat Mereigh, Management Analyst, added that the South County Collaborative was part of the process that developed two of the recommendations out of the Gilroy Plan, the subsidized transit pass and the Gilroy pedestrian bridge.

Ms. Gonot explained the next steps, noting that after approval by the VTA Board and County Board of Supervisors, the programs will be submitted to MTC. MTC will then look at all the submitted programs from nine counties and match these projects to the different funding sources. Ms. Gonot stated that there may be slight modifications to the programs as different funding sources have different funding eligibility requirements. For example, VTA is heavily Job Access Reverse Commute (JARC) funded. JARC was earmarked in the past but because of the new federal legislation, MTC will allocate those funds by formula based on the low-income population of counties.

Upon inquiry of Member Kennedy, Mr. Evans explained that Congress, through the Transportation Equity Act for the 21st Century (TEA-21), originally created JARC for the reverse commute program, to help people access jobs, and help the state and local jurisdictions deal with some of the welfare reform legislation. After the program was created, Congress earmarked monies to the annual appropriations process where VTA, in partnership with the County, sought funding for the guaranteed ride program. Mr. Evans stated that when the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) was passed in 2005, Congress turned JARC from a discretionary earmark program to a formula-based program that will be allocated to the different regions throughout the country.

Mr. Evans noted that the Lifeline Transportation Program funding is comprised of federal Congestion Mitigation Air Quality (CMAQ), JARC, and State Transit Assistance (STA) funds. There is also a new program called the New Freedom Program that will fund transportation programs for those who have specialized needs. Mr. Evans concluded that since there are different types of funding sources for the Lifeline Transportation

Program, there are different eligibility requirements that programs have to meet and MTC must match the appropriate funding source with the program.

Member Kennedy stated that the South Bay Collaborative provided him a list of issues but he does not see them addressed in the Lifeline Transportation Program. He is concerned that there seems to be a “disconnect”.

Ms. Gonot replied that this could be attributed to the timing of the application process. She stated that other counties also had the same problem. At the time of the application, the studies were not yet completed, thus, issues and projects were not put forward. Ms. Gonot added that MTC has stipulated that the Lifeline Transportation Program be administered as a demonstration program for three years and there may be changes after that timeframe.

Upon inquiry of Member Kennedy, Ms. Gonot stated that some counties asked MTC to delay the application process and the Call for Projects. The Congestion Management Agency (CMA) directors requested MTC to delay this new program for a year because all counties, with the exception of Solano County, do not have a Countywide Plan.

Mr. Burns reiterated to the Committee that the Lifeline Transportation Program’s schedule is completely driven by MTC. He noted that Member Kennedy’s issue is being addressed through the program submitted by Outreach.

Member Kennedy stated that he will request the South County Collaborative to directly forward to VTA staff the list of issues and projects that was provided to him.

Mr. Grace noted that he is very interested in hearing this report. He stated that MTC has other plans.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the programming of FY 2007 Lifeline Transportation Program funds.

**10. FY 2007 Transportation Development Act Article 3 Project Priorities**

John Sighamony, Transportation Planner, noted that VTA distributes this fund through a 70/30 share. The 70 percent share goes to the guaranteed portion where cities receive funding based on population. The 30 percent share goes to the projects in the Countywide Bicycle Expenditure Program (BEP). Mr. Sighamony noted that the revised Attachment A lists all the projects.

Mr. Sighamony noted that there is one request for the BEP funds from the City of Sunnyvale for the Borregas Avenue Bicycle and Pedestrian Bridge project in the amount of \$440,000. As a result, there would be a balance of \$160,000 this cycle for the BEP portion.

The guaranteed portion has approximately \$1.4 million available for this cycle and there is an unprogrammed balance of approximately \$95,000. This amount becomes a carryover for next year.

Mr. Sighamony noted that the City of Sunnyvale's Java Drive Sidewalks Project is now ready for construction but it is short of funding. The City received a TDA advance last year (2005/06) therefore it is not entitled to receive its full share of guaranteed funds. VTA is proposing that the city's repayment of \$86,000 in TDA funds from the previous year be postponed to the FY 2007/08 cycle, in order for the project to be constructed this year. The City of Sunnyvale will instead forgo FY 2007/08 Guarantee Funds up to \$86,000 to pay back their loan. The Town of Los Gatos is requesting an advance of \$29,250 to complete their College Avenue Parkway Repairs Project.

Ms. Sighamony added that the City of Sunnyvale is also requesting an advance of \$70,000 for the Francis Street Transit Mall Pedestrian Enhancements and \$69,997 for the Hendy Avenue Pedestrian and Bicycle Access projects.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve project priorities for the FY 2007 Countywide Transportation Development Act Article 3 Program.

**11. Freeway Litter Control and Landscape Maintenance Program – Final Report**

Chairperson Kniss recommended that the Final Report for the Freeway Litter Control and Landscape Maintenance Program be submitted to the full Board.

**On order of Chairperson Kniss, there being no objection**, the Committee of the Whole submitted without recommendation to the Board of Directors to adopt the Final Report of the Litter Control and Landscape Maintenance Program and its recommendations, including visual standards and initiation of a demonstration project, and formation of an oversight committee.

**12. Recommended FY 06-07 Congestion Management Program Work Program and Budget**

Ms. Gonot noted that this is an annual practice required by the Joint Powers Agreement where the preliminary Congestion Management Program Work Program, budget and fees schedule are forwarded to Member Agencies for review and comment.

Stephen Flynn, Senior Management Analyst, noted that the Advisory Committees reviewed and approved this item with the exception of Policy Advisory Committee Member Brodsky.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole approved submitting a recommendation to the Board of Directors to approve the Recommended FY 06-07 Congestion Management Program Work Program and Budget.

## **OTHER ITEMS**

### **13. Gilroy Community-Based Transportation Plan**

Ms. Mereigh provided a PowerPoint Presentation entitled the “Gilroy Community - Based Transportation Plan (CBTP).” Ms. Mereigh noted that the CBTP is the first of its kind in Santa Clara County and took a year to complete. To provide background, Ms. Mereigh stated that MTC conducted an environmental justice report in 2001 and identified Gilroy as one of the 25 communities to receive a community-based transportation plan.

Ms. Mereigh noted that the CBTP process allowed community members to participate in the process of identifying transportation needs and creating possible transportation solutions for low-income residents. The whole process is unique as it is community driven, it garners community input in transportation decision-making process, provides collaboration opportunity, and enables local advocacy. The elements of the CBTP include description of the project area, strategies for public involvement, assessment of needs, and proposal generation. The plan lists the recommended projects and programs, preliminary analysis, potential partnerships, and potential funding sources.

Ms. Mereigh discussed in detail the public involvement strategy that was used. The strategy included a project working committee that is involved in every stage of the process. The committee was composed of community stakeholders, VTA, various agencies, MTC, members of the City of Gilroy, South County Collaborative, Gilroy Chamber of Commerce, Gilroy Economic Development Corporation, and Outreach. Ms. Mereigh noted that VTA came to the community to ensure and ease participation. Ms. Mereigh noted that VTA invested back to communities and local agencies and residents were hired for outreach activities.

The months of public outreach and discussions resulted in 26 separate transportation proposals and proposed an implementation timeline of near-term (implemented within three years), mid-term (implemented within three to six years), and long-term (implemented within seven or more years) for project implementation. These recommendations are focused on services, infrastructure, policies, and options for affordable transportation.

The next steps in the process will include distributing the report to stakeholders, identifying program champions, and pursuing funding opportunities. Staff will present a progress report in early Fall 2006. Staff will also begin a CBTP for East San Jose.

Member Kennedy inquired whether the list of recommendations and projects from the CBTP missed the window of opportunity for the Lifeline Transportation Program.

Ms. Mereigh responded that at the time that the Lifeline Transportation Program was launched, the CBTP was not yet completed. However, two of the proposals in the CBTP did receive full funding through Lifeline. She added that there are still funding opportunities available for these projects that came about through the CBTP.

Member Kennedy suggested that VTA staff meet with him and representatives from Gilroy and South County Collaborative offline to discuss how to move forward with transportation program recommendations and potential funding sources.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole reviewed the Gilroy Community-Based Transportation Plan.

**14. Progress Report on Joint Development at Capitol Light Rail Station and West San Carlos Sites**

Mr. Miller noted a correction on page 1 of 3 of the memorandum to reflect December 9, 2004 instead of 2005. Mr. Miller stated that staff wanted to provide a status report on the Joint Development Program. Mr. Miller noted that the developers that submitted proposals for both West San Carlos and Capitol Light Rail Station Park and Ride lot sites are listed on page 1 of the memorandum. Mr. Miller added that staff also looked into an excess property of approximately 5.4 acres in Downtown San Jose near the West San Carlos site.

Mr. Miller reported that an evaluation team comprised of VTA and City of San Jose staff was created to review and score the proposals with the Commercial Development Manager and consultants from the Economic and Planning Systems. On May 10, 2006, the panel determined that the proposals must meet certain categories, including income, ridership, and urban design qualities. At the same meeting, the panel determined that the Republic Properties and Green Valley Corporation ranked the highest for the West San Carlos site. Mr. Miller noted that staff will come back to the Board at its Committee of the Whole meeting in July 2006 and subsequently to the full the Board in August 2006 for the final ranking and approval of a selected developer and alternative selected developer, if appropriate. On the Capitol site, Mr. Miller noted that the proposals did not qualify.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole received a Progress Report on Joint Development at Capitol Light Rail Station and West San Carlos sites.

**15. Draft 1996 Measure B Program Revenue and Expenditure Plan for FY 2007**

Jack Collins, Chief Construction Officer, noted that the VTA Board of Directors and the Santa Clara County Board of Supervisors will meet on June 2, 2006, their annual joint meeting to review, consider, and adopt the 1996 Measure B Revenue and Expenditure Plan for Fiscal Year 2007. Page 13 of the draft report shows a \$16 million ending balance for FY 2007. This is a result of \$7.7 million revenues from sales tax, approximately \$1.7 million revenues from interest income, and \$2.1 million savings from highway and rail projects that VTA managed.

Mr. Collins provided a status update on the three outstanding 1996 Measure B Caltrain Projects illustrated on Page 21. These projects are: Caltrain – San Martin Station Parking Access, Caltrain – California Avenue Pedestrian Underpass, and Caltrain – Palo Alto Pedestrian Underpass.

Upon inquiry of Member Kennedy, Mr. Lawson confirmed that VTA staff is working with the San Martin Planning Group regarding the Caltrain - San Martin project.

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole reviewed the Draft 1996 Measure B Program Revenue and Expenditure Plan for FY 2007.

**16. Items of Concern and Referral to Administration**

There were no Items of Concern and Referral to Administration.

**17. Committee Work Plan**

**On order of Chairperson Kniss**, there being no objection, the Committee of the Whole reviewed the Committee Work Plan.

**18. Committee Staff Report**

There was no Committee Staff Report.

**19. Chairperson's Report**

There was no Chairperson's Report.

**20. Determine Consent Agenda for June 1, 2006 Board of Directors Meeting**

**CONSENT: Agenda Item #7.**, Review the Congestion Management Program Financial Audit, Fiscal Year 2005; **Agenda Item #8.**, Review the Proactive CMP Reviewed and Approved Quarterly Status Report for January through March 2006; **Agenda Item #10.**, Approve project priorities for the FY 2007 Countywide Transportation Development Act (TDA) Article 3 Program; and **Agenda Item #12.**,

Approve the Recommended FY 06-07 Congestion Management Program Work Program and Budget.

**REGULAR:** **Agenda Item #11.**, Adopt the Final Report of the Litter Control and Landscape Maintenance Program and its recommendations, including visual standards and initiation of a demonstration project, and formation of an oversight committee; and **Agenda Item #13.**, Review the Gilroy Community-Based Transportation Plan.

**Determine Consent Agenda for June 15, 2006 Special Board of Directors Meeting**

**CONSENT:** None

**REGULAR:** **Agenda Item #9.**, Approve the programming of FY 2007 Lifeline Transportation Program funds.

**21. Announcements**

There were no Announcements.

**22. ADJOURNMENT**

**On order of Chairperson Kniss**, there being no objection, the meeting was adjourned at 12:05 p.m.

Respectfully submitted,

Elaine F. Baltao, Board Assistant  
VTA Board of Directors