

## Congestion Management Program & Planning Committee

Thursday, April 16, 2009

### MINUTES

#### CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:02 a.m. by Chairperson Liccardo in Conference Room B-104, Valley Transportation Authority, River Oaks Campus, 3331 North First Street, San José, California.

#### 1. ROLL CALL

Attendee Name	Title	Status
Rose Herrera	Member	Present
Nancy Pyle	Member	Present
Yoriko Kishimoto	Vice Chairperson	Present
Sam Liccardo	Chairperson	Present
Nora Campos	Alternate Member	N/A
Chris Moylan	Alternate Member	N/A

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

**A quorum was present.**

#### 2. PUBLIC PRESENTATIONS:

There were no Public Presentations.

#### 3. ORDERS OF THE DAY

An addendum to the agenda was added:

##### 4.1 CLOSED SESSION

Conference with Labor Negotiators

##### 4.2 CLOSED SESSION REPORT

M/S/C (Pyle/Herrera) to approve the Orders of the Day.

#### 4. RECESSED TO CLOSED SESSION at 10:03 a.m.

Conference with Real Property Negotiators  
[Government Code Section 54956.8]

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

Property: 10,616 parcel owned by VTA at the intersection of North First and St. James Streets in downtown San José, CA

Negotiators for VTA: Bijal Patel, Deputy Director, Property Development & Management  
Negotiators for Santa Clara County Courthouse: Judge Loftus

Under negotiation: Price and terms of payment for sale of Property

#### **4.1 CLOSED SESSION**

Conference with Labor Negotiators

[Government Code Section 54957.6]

VTA Designated Representatives:

Joseph Smith, Chief Financial Officer

Bill Lopez, Chief Administrative Officer

Robert L. Escobar, Human Resources Manager

Employee Organizations:

American Federation of State, County and Municipal Employees (AFSCME)

Amalgamated Transit Union (ATU), Local 265

Service Employees International Union (SEIU), Local 521

Transportation Authority Engineers and Architects Association (TAEA), Local 21

**RECONVENED TO OPEN SESSION at 10:45 a.m.**

#### **4.2 CLOSED SESSION REPORT**

There was no reportable action taken during Closed Session.

### **CONSENT AGENDA**

#### **5. Minutes of March 19, 2009**

M/S/C (Kishimoto/Pyle) to approve the Minutes of March 19, 2009.

### **REGULAR AGENDA**

#### **6. (Deferred to the May 21, 2009, CMPP Meeting)**

Adopt the 2009 Bicycle Expenditure Program Project List as shown in Attachment A.

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, stated the Technical Advisory Committee (TAC) deferred this item to its May 14, 2009, meeting due to priority changes and format revisions required by four cities and the County. He recommended CMPP defer this item until its May 21, 2009, meeting.

Member Herrera noted a City of San José project was missing from the list and requested this item be deferred.

Chris Augenstein, Deputy Director, Planning, provided a PowerPoint Presentation on the VTA Bike Program & 2009 Bicycle Expenditure Program (BEP) highlighting: 1) Accomplishments - Status of 2006 BEP Projects; 2) Completed Projects (18); 3) Camden Bike Bridge Replacement and Extension of Los Gatos Creek Train (Mozart - San Tomas); 4) Almaden Expressway Shoulder and Pedestrian Improvements Between Ironwood and Koch; 5) Uvas Creek Class 1 Trail Connection to Gilroy Sports Park; 6) Homer Avenue Undercrossing of Caltrain Tracks; 7) River Oaks Bridge over Guadalupe River; 8) Fully Funded Projects (7) In Design or Under Construction; 9) San Tomas Aquino / Saratoga Creek Trail (Hwy 237 - city limits); 10) Mary Avenue Bicycle/Pedestrian Overcrossing at I-280; 11) Borregas Avenue Bicycle/Pedestrian Overcrossings at US 101 and SR 237; 12) Bicycle Project Planning & Development Process; 13) Planning - 2009 BEP Process; 14) Funding Allocation - 2009 BEP Process; 15) Next Steps - 2009 BEP; and 16) Next Steps - Project Delivery.

Vice Chairperson Kishimoto noted great progress had been made and expressed her enthusiasm for the completed projects.

Vice Chairperson Kishimoto questioned regarding project development funding. Mr. Ristow stated the \$160 Million is an estimate over a 25-year period. He noted VTA and MTC will be working to increase bicycle project funding over the next four-year period.

Member Herrera expressed enthusiasm for what she deemed a very exciting Bicycle Program. She confirmed with staff the Thompson Creek Trail Project has been included on the final list of projects submitted.

Member Pyle expressed her appreciation for a well written report. She congratulated staff, noting the City of San José was recently chosen as one of the most walkable cities in the United States.

Vice Chairperson Kishimoto questioned a bike-friendly designation for the County. Michelle DeRobertis, Senior Transportation Planner, stated an application was in process and would be submitted for the year 2010.

Chairperson Liccardo questioned the Bike Share Program. Mr. Augenstein stated a capital project has not been established for the bike share program. He noted a pilot program study is underway.

Chairperson Liccardo questioned the project scoring. Mr. Augenstein noted projects currently underway will not be rescored.

Chairperson Liccardo praised staff for the high-quality work on completed projects.

**On order of Chairperson Liccardo** and there being no objection, the Committee deferred this item to the May 21, 2009, CMPP meeting.

**7. CMP Local Transportation Model Consistency Guidelines Update**

George Naylor, Principal Transportation Planner, provided an update on the CMP Local Transportation Model Consistency Guidelines.

Mr. Naylor reported the updated guidelines have been reviewed by the Systems Operations and Management (SOM) Working Group of the Technical Advisory Committee (TAC).

**M/S/C (Herrera/Pyle)** to adopt the updated Congestion Management Program - Local Transportation Model Consistency Guidelines.

**8. HOT Network Legislative Framework**

John Ristow, Chief CMA Officer and Staff Liaison, reported on the Metropolitan Transportation Commission's (MTC's) sponsored legislation, AB 744 (Torrico), to establish authority for the 800-mile Bay Area Regional Express Lane Network.

Member Herrera noted the final bill language had not been included in the memo. Mr. Ristow stated the recently received language was under review by staff.

Kevin Allmand, General Counsel, stated he reviewed the AB 744 language and noted revisions will be necessary to ensure net corridor revenue is returned to the corridor.

Mr. Ristow reported gross revenues will be applied to construction and conversion of existing HOVs. He stated VTA and other CMAs should have the authority to direct gross revenue fund distribution.

Michael T. Burns, General Manager, noted one of the main tenets of the regional concept, and the CMAs use of the Bay Area Toll Authority (BATA) as the primary agency, is BATA would take a large percentage of the risk by issuing the bonds for construction of the HOT Lanes for this regional network.

Chairperson Liccardo questioned regarding BATA issuing bonds rather than VTA. Mr. Ristow stated one benefit of a regional or enterprise system is their ability to include all of the corridors in a better financing structure using existing, unallocated bridge toll revenues as a backing to get lower bond rates. He noted bridge tolls already pledged to bonds, for bridges under construction, cannot be used.

Mr. Burns noted: 1) Capital is required to build the HOT Lanes; 2) Debt issued will be secured by the revenues the HOT Lanes will generate; and 3) BATA has an additional source of security in the unallocated bridge tolls allowing them access to a lower bond rate.

Member Pyle expressed concern with regard to enforcement of HOT Lanes. She noted solo drivers are taking advantage of the current system. Mr. Ristow reported enforcement will be managed through a combination of manual enforcement, with an increased CHP presence, and rapidly-advancing technology.

Members Herrera and Liccardo questioned regarding increasing VTA's number of seats on the MTC Board, noting the percentage of revenue contributed should correlate with the level of Board representation.

Vice Chairperson Kishimoto questioned regarding future forecasted revenues. Mr. Ristow stated VTA has suggested MTC align VTA's \$2.1 Billion in forecasted Express Lane System revenues against the Measure A Program. He noted as corridors develop, and actual revenue is generated, the VTA Board should have the ability to direct which projects will benefit.

Vice Chairperson Kishimoto questioned regarding Corridor Investment Plan (CIP) approval. Mr. Ristow stated a 10-20 year CIP would be: 1) developed/coordinated with any existing corridor partner; 2) adopted by the Board; and 3) sent to BATA.

Vice Chairperson Kishimoto stated her support for this plan is contingent on the inclusion of clean air goals within the network operating standards.

Chairperson Liccardo expressed concern over long-range capital needs and bond obligations. He noted under AB 2032 Santa Clara County has authority to operate in two corridors: 1) 85/101 and 2) 237 Express Connector. He then noted the importance of ensuring VTA has the ability to direct fund disbursement.

The CMPP requested staff include specific language within the motion to: 1) Provide further explanation of the enterprise financing concept provided through Bay Area Toll Authority (BATA); 2) Include clean air goals, which meets State adopted emission requirements, as one of the objectives of the Express Lane Program; 3) Ensure the role of Congestion Management Agency (VTA) includes authority to develop and approve corridor implementation and corridor investment plans; and 4) Describe Santa Clara County representation options for the Regional Express Lane Program.

**M/S/C (Herrera/Pyle)** to endorse the Regional High Occupancy Toll (HOT) Network legislative framework for AB 744 (Torrico) as proposed by the Metropolitan Transportation Commission (MTC) and as amended by the staff recommendation described in the memorandum with specific language added to: 1) Provide further explanation of the enterprise financing concept provided through Bay Area Toll Authority (BATA); 2) Include clean air goals, which meets State adopted emission requirements, as one of the objectives of the Express Lane Program; 3) Ensure the role of Congestion Management Agency (VTA) includes authority to develop and approve corridor implementation and corridor investment plans; and 4) Describe Santa Clara County representation options for the Regional Express Lane Program.

**9. SR 237/I-880 Express Connectors - Amendment to Design Contract**

John Ristow, Chief CMA Officer and Staff Liaison, defined the SR 237/I-880 Express Connectors as the implementation stage of the Express Lane Program approved by the Board at its December 11, 2008, meeting.

Michael T. Burns, General Manager, noted staff would undertake preliminary work related to preparation of a benefit/cost analysis prior to finalizing on the implementation of the project.

**M/S/C (Pyle/Herrera)** to authorize the General Manager to amend the contract with Parsons Brinkerhoff for design services for the SR 237/I-880 Express Connectors project through final design and implementation. The amendment will increase the approved contract by \$1,715,315 for a revised contract value not to exceed \$2,000,000.

## **OTHER**

### **10. Regional Transit-Oriented Bike Share Pilot Program Update**

**On order of Chairperson Liccardo** and there being no objection, the Committee received the Bike Sharing Pilot Program Update.

### **11. Review Draft CMP Work Program**

**On order of Chairperson Liccardo** and there being no objection, the Committee reviewed the draft Fiscal Year 2010 Congestion Management Work Program.

### **12. Items of Concern and Referral to Administration**

There were no Items of Concern and Referral to Administration.

### **13. Committee Work Plan**

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

### **14. Committee Staff Report**

John Ristow, Chief CMA Officer and Staff Liaison, reported: 1) Borregas Avenue Bicycle Bridge Grand Opening Ceremony is scheduled for April 22, 2009, at 10:30 a.m. in Cupertino; 2) Mary Avenue Bicycle Footbridge Grand Opening Ceremony is scheduled for April 30, 2009, at 3:00 p.m. in Cupertino; 3) A VTA Board Workshop is scheduled for April 24, 2009, to discuss FY10 and FY11 Budget; 4) High Speed Rail Authority's environmental scoping periods closed for both the San Jose-Merced and San Jose-San Francisco segments on April 6, 2009, with stakeholder coordination meetings scheduled beginning May 2009; 5) On April 22, 2009, the Metropolitan Transportation Commission (MTC) is scheduled to approve programming the second round of American Recovery and Reinvestment Act (ARRA) funding resulting in an additional \$5 Million for Santa Clara County Cities/County local streets projects and \$6 Million for the SR237/I-880 Express Connector Project; 6) MTC is scheduled to consider approval of the 2009 Regional Transportation Plan - Transportation 2035 on April 22, 2009; 7) VTA will be the host agency for the California Transportation Commission's July 8-9, 2009, meeting at San José City Hall; 8) Community Design and Transportation (CDT) Capital Grants release will be in Summer 2009, with projects due in Fall 2009; and 9) Lifeline Transportation Program Second Cycle Release, in Spring 2009, is due May 4, 2009.

### **15. Chairperson's Report**

There was no Chairperson's Report.

**16. Determine Consent Agenda for May 7, 2009, Board of Directors Meeting**

**CONSENT:**

**Agenda Item #7,** Adopt the updated Congestion Management Program - Local Transportation Model Consistency Guidelines.

**Agenda Item #9,** Authorize the General Manager to amend the contract with Parsons Brinkerhoff for design services for the SR 237/I-880 Express Connectors project through final design and implementation. The amendment will increase the approved contract by \$1,715,315 for a revised contract value not to exceed \$2,000,000.

**REGULAR:**

**Agenda Item #8,** Endorse the Regional High Occupancy Toll (HOT) Network legislative framework for AB 744 (Torrico) as proposed by the Metropolitan Transportation Commission (MTC) and as amended by the staff recommendation described in the memorandum with specific language added to: 1) Provide further explanation of the enterprise financing concept provided through Bay Area Toll Authority (BATA); 2) Include clean air goals, which meets State adopted emission requirements, as one of the objectives of the Express Lane Program; 3) Ensure that the role of Congestion Management Agency (VTA) includes authority to develop and approve corridor implementation and corridor investment plans; and 4) Describe Santa Clara County representation options for the Regional Express Lane Program.

**17. ANNOUNCEMENTS**

There were no Announcements.

**18. ADJOURNMENT**

**On order of Chairperson Liccardo** and there being no objection, the meeting was adjourned at 12:02 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant  
VTA Board of Directors