

Congestion Management Program & Planning Committee

Thursday, May 21, 2009

MINUTES

CALL TO ORDER

The Regular meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:06 a.m. by Vice Chairperson Kishimoto 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

John Ristow, Chief Congestion Management Agency (CMA) Officer and Staff Liaison, introduced Kathleene Paul, Senior Assistant Counsel, representing the General Counsel.

Mr. Ristow referenced the Advisory Committee Supplemental Report handout. He noted Advisory Committee comments have been summarized for each CMPP agenda item.

CONSENT AGENDA

4. Minutes of April 16, 2009

M/S/C (Pyle/Herrera) to approve the Minutes of April 16, 2009.

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

5. **Proactive Development Review Program Enhancements and Quarterly Report**

On order of Vice Chairperson Kishimoto and there being no objection, the Committee received the Proactive Development Review Program Enhancements and Quarterly Report.

6. **Programmed Project Monitoring - Quarterly Report**

On order of Vice Chairperson Kishimoto and there being no objection, the Committee received the Programmed Project Monitoring - Quarterly Report.

REGULAR AGENDA

7. **Fare Increase Proposal**

Joseph T. Smith, Chief Financial Officer, noted the proposed fare increase will generate approximately \$4 - \$5 million in annual fare revenue, a key strategy element in VTA's attempt at managing sales tax revenue loss.

James Unites, Deputy Director Operations Planning, provided a handout entitled Paratransit Service Modifications Update - Fiscal Years 2010 and 2011.

Chairperson Liccardo took his seat at 10:13 a.m.

Modifications to original proposal: 1) Service modifications and fare increase effective January 1, 2010; 2) All premium services priced at four times base paratransit fare (\$16); and 3) Phase One of the advanced trip scheduling will be delayed from October 1, 2009 to January 1, 2010.

Premium services: 1) No change to same day and subscriptions services current policies; 2) Space available basis: 1 per day; 3) No scheduled pickup and open return for same trip; 4) Trip performed before 8:00 p.m.; 5) 90 minute pickup window (changed from current 70 minute); 6) No change to current second vehicle policy; 7) Service Area Surcharge assessed on travel to or from areas outside 3/4 mile ADA boundary - 1 mile beyond limit; 8) Discontinue South County service area surcharge exemption; and 9) Discontinue service beyond hours and days of fixed route service.

Mr. Unites noted these policy changes are embedded within the budget and would be adopted as part of the budget with an effective date of January 1, 2010.

On order of Chairperson Liccardo and there being no objection, the Committee received the Fare Increase Proposal.

8. **Review Recommended Biennial Budget for Fiscal Years 2010 and 2011**

Joseph T. Smith, Chief Financial Officer, provided a handout entitled Recommended Biennial Budget Update - Fiscal Years 2010 and 2011, including: 1) Updates from Draft Recommended VTA Transit Fund; 2) Updates From Draft Recommended VTA Transit Fund Revised Sources & Uses; 3) Updates from Draft Recommended 2000 Measure A; 4) Updates from Draft Recommended 2000 Measure A Revised Sources & Uses; 5) Updates from Draft Recommended Congestion Management Agency; 6) Updates from Draft Recommended Congestion Management Agency Revised Sources & Uses;

7) Updates from Draft Recommended VTP Highway Program; 8) Updates from Draft Recommended Revised Appropriation Summary; and 9) Outreach and Next Steps.

Michael T. Burns, General Manager, noted the current use of reserves to absorb the local agencies' increase on the Congestion Management Agency Budget. Mr. Burns stated VTA will not be able to provide assistance after FY10 unless new funding sources are found.

Mr. Burns discussed the phased approach VTA is taking with the Capitol Light Rail Project. He noted Light Rail funding will be used for advanced Light Rail work performed during the Bus Rapid Transit (BRT) Project. Staff continues to seek federal funding to support both the Capitol Expressway Project and the Vasona Light Rail Extension. An environmental process has been implemented to qualify the Vasona Light Rail Extension for federal grant funds.

Mr. Burns noted VTA is looking to balance the budget through fares, savings through the employee labor budget, and the use of reserves. A contribution increase in the Amalgamated Transit Union (ATU) retirement program has reduced VTA's operating reserves to just below six percent. VTA does not want the operating reserves to drop below five percent.

Member Pyle complimented Chairperson Sandoval on her recent letter to the students of San José State University regarding the fare increase.

Member Herrera expressed her appreciation with regard to the Capitol Expressway Light Rail Project to staff, Mr. Burns, and to Ken Ronsse, Deputy Director, Construction, for phasing the project.

Member Herrera questioned State Transportation Improvement Program (STIP) funds. John Ristow, Chief CMA Officer and Staff Liaison, stated the funds are programmed for FY10 and FY11.

Member Herrera referenced a letter provided as a handout from Santa Clara County Supervisor Dave Cortese, addressed to CMPP Chairperson Liccardo and General Manager Burns, and restated Supervisor Cortese's question whether the budgeted amount would cover the entire cost of improvements. Mr. Ristow stated a detailed response to Supervisor Cortese's letter would be provided at the next Policy Advisory Board meeting.

Vice Chairperson Kishimoto expressed concern over reduced service and increased rates in the lightly-served areas and suggested using Americans with Disabilities Act (ADA) funding as a supplement. Jim Unites, Deputy Director Operations, stated paratransit service is available once riders are inside the service area. He noted Outreach had developed programs for both senior and job-commute transportation. Mr. Burns noted Outreach has provided accommodations to people outside the services area.

Vice Chairperson Kishimoto questioned the potential of borrowing funds on future revenue to support operations. Mr. Smith stated VTA would not borrow funds to support operations. Mr. Burns noted the potential for service changes should the economy not improve.

Vice Chairperson Kishimoto questioned the ATU increase. Mr. Burns stated the ATU increase is reflected in the expenses under labor, with an assumption for labor savings from ATU that would offset the increase.

Vice Chairperson Kishimoto questioned timing regarding labor negotiations and budget adoption. Mr. Burns stated the Board would be adopting a budget with a labor-savings target should negotiations not have been completed prior to the June 4, 2009, Board meeting.

Chairperson Liccardo and Member Herrera expressed their appreciation to staff for their efforts with regard to the Highway 101 interchange at Capitol Expressway/Yerba Buena.

Chairperson Liccardo questioned the likelihood of recovering the 18.25 percent ATU pension contribution within the market. Mr. Smith noted it would require a very good market.

Mr. Hudda reported, factoring in all losses, the original actuarial analysis listed a contribution rate of almost 21 percent. He stated the 18.25 percent reflects the Pension Board's proactive approach of expanding the smoothing corridor to amortize the loss over a five-year period.

Chairperson Liccardo questioned the accelerated obligation reduction of \$1 million on the Dumbarton Rail Corridor. Mr. Burns stated, with work ongoing, VTA is setting aside funds for its portion.

Chairperson Liccardo thanked staff for their effort to locate private funding to ensure the People Mover becomes a reality.

On order of Chairperson Liccardo and there being no objection, the Committee reviewed the Recommended Biennial Budget for Fiscal Years 2010 and 2011.

9. Adopt 2009 Bicycle Expenditure Program (BEP) Project List

Chris Augenstein, Deputy Director, Planning, noted, per the Technical Advisory Committee's (TAC's) request, five cities and the County submitted projects to be added back to the BEP Project List. Mr. Augenstein reported VTA was able to accommodate all projects submitted through: 1) receipt of additional funds; 2) funds freed-up through receipt of RF Funds for a City of Campbell project; and 3) through reductions in city requested allocation amounts.

Mr. Augenstein expressed his appreciation to Ying Smith and Michelle DeRobertis for their hard work on this project.

Member Herrera expressed her appreciation for staff's efforts. She defined the trail projects as a new type of highway providing both functional and recreational usage.

Chairperson Liccardo expressed his appreciation to staff, noting the huge impact projects on this list could have.

M/S/C (Herrera/Pyle) to approve submitting a recommendation to the Board of Directors to adopt the 2009 Bicycle Expenditure Program project list as shown in Attachment A.

Member Herrera left the meeting at 10:58 a.m.

10. 2008 Monitoring and Conformance Report

Adam Burger, Transportation Planner, provided a brief overview of the 2008 Monitoring and Conformance Report.

Chris Augenstein, Deputy Director, Planning, reported, through Mr. Burger's efforts, freeway historical trends from 1997 forward are available on the VTA website.

Vice Chairperson Kishimoto questioned whether the percentage of houses and jobs near transit were included in the report. Mr. Augenstein noted the information would be provided in the final report.

M/S/C (Kishimoto/Pyle) to approve submitting a recommendation to the Board of Directors to approve the Draft 2008 Monitoring and Conformance Report.

11. HCP Cost Allocation and Budget Approval

Tom Fitzwater, Transportation Planning Manager, Environmental Resource Planning, provided a brief overview of the Habitat Conservation Plan (HCP) cost allocation.

Member Pyle questioned the levels of contribution. Mr. Fitzwater reported Santa Clara County, City of San José, Water District and VTA all pay equal shares, with Morgan Hill and Gilroy each paying one-half share.

Vice Chairperson Kishimoto questioned the timeline. Ken Schreiber, Contract Program Manager for the County of Santa Clara, noted the County is the administrator for the Habitat Plan. He stated the schedule includes: 1) a second administrative draft on June 1; 2) a public review draft issued late 2009; 3) public review 1st quarter 2010; 4) adoption of the Habitat Plan by the end of 2010; 5) state and federal permits received early 2011; 6) formation of an implementing entity by mid-2010; and 7) an implementing entity taking control of the Habitat Plan by 2011.

Chairperson Liccardo questioned backfill for public agency contributions. Mr. Schreiber stated he is not aware of any plans to backfill contributions.

M/S/C (Pyle/Kishimoto) to approve submitting a recommendation to the Board of Directors to approve the cost allocation and budget for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan.

12. Execution of Purchase, Possession and Use Agreements for Various Highway Projects and Blossom Hill Road Pedestrian Overcrossing Project

John Ristow, Chief CMA Officer and Staff Liaison, reported, as with past practice, this item would provide the General Manager authorization to execute real property acquisition agreements required for specific highway projects, where the purchase price equals the statutory offer of just compensation established for the parcel, or where the negotiated purchase price does not exceed \$150,000.

Member Pyle pointed out the benefits of this action in light of land prices and the current economy.

Vice Chairperson Kishimoto questioned the total estimated value of properties to be

acquired for these projects. Roberta Notrangelo, Manager, Real Estate and Project Administration, stated staff would provide this information prior to the June 4, 2009, Board meeting.

Vice Chairperson Kishimoto questioned whether staff would provide a report to the Board for transactions approved by the General Manager. Mr. Ristow noted staff will continue its process of reporting all such transactions to the Board.

Vice Chairperson Kishimoto recommended approval include an amendment that any individual acquisition exceeding \$2 million will be brought to the Board for approval.

M/S/C (Kishimoto/Pyle) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute real property acquisition agreements required for specific highway projects listed below, where the purchase price equals the statutory offer of just compensation established for the parcel, or where the negotiated purchase price does not exceed \$150,000, and with the exception that when any acquisition exceeds \$2,000,000, it will require separate Board approval. Further, authorize the General Manager to execute possession and use agreements for these projects. The specific highway projects include the following:

- US 101 Improvements (I-280 to Yerba Buena Road)
- US 101 Auxiliary Lanes - State Route 85 to Embarcadero Road
- I-880 HOV Lane Widening (SR 237 to US 101)
- I-280/I-880/Stevens Creek Boulevard Improvements
- Blossom Hill Road Pedestrian Overcrossing

13. Lifeline Transportation Program- Supplemental Call for Projects -Cycle 2

Celeste Fiore, Transportation Planner, provided a brief overview of the Lifeline Transportation Program's supplemental call for projects.

Ms. Fiore reported: 1) in 2005, the Metropolitan Transportation Commission (MTC) established the interim Lifeline Transportation Program to fund projects that result in improved mobility for low-income residents of the nine San Francisco Bay Area counties; 2) in January 2006, the VTA Board of Directors authorized the General Manager to execute a Cooperative Agreement with the County of Santa Clara to develop and administer the Lifeline Transportation Program in Santa Clara County. This agreement established a Joint Lifeline Transportation Committee (JLTC) to solicit, review and recommend projects to the VTA Board, the County Board of Supervisors and MTC; and 3) in June 2008, MTC evaluated and resolved to continue the interim Lifeline Program with MTC Resolution 3860.

Staff requests the Board approve funding for the projects listed in Attachment A.

Marcella Rensi, Transportation Planning Manager, reported on a VTA proposed project submitted while two VTA staff members were on the scoring committee. County counsel is currently reviewing the scoring for this item. The item will remain on the Board schedule unless it is not approved.

M/S/C (Pyle/Liccardo) to approve submitting a recommendation to the Board of Directors to approve the programming of FY 09/10/11 Lifeline Transportation Program funds as described in the memorandum and as presented in Attachment A.

14. FY 2009/10 TDA3 Project Priorities

Bill Hough, Transportation Planner, provided a brief overview of the FY 2009/10 TDA3 Project Priorities. He noted the Transportation Development Act (TDA) funds are derived from a 1/4-cent of the State's general sales tax. Article 3 of the TDA makes a portion of these funds available for use on bicycle and pedestrian projects.

Mr. Hough reported each year the Metropolitan Transportation Commission (MTC), as the programmer for TDA Article 3 funds, requests the Congestion Management Agency in each Bay Area county coordinate and submit program funding priorities for their respective counties.

M/S/C (Kishimoto/Pyle) to approve submitting a recommendation to the Board of Directors to adopt a resolution approving the project priorities for the FY2009/10 Countywide Transportation Development Act Article 3 Program as shown in Attachment A.

15. Transfer of Easement Parcels for SR 152/156 Project

John Ristow, Chief CMA Officer and Staff Liaison, provided a brief overview of the transfer of easement parcels for the SR 152/156 Project.

M/S/C (Pyle/Kishimoto) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute grants of fee parcels and utility easements for the SR 152/156 Interchange Improvement Project, at no cost, to Caltrans, the County of Santa Clara and various utility companies.

16. Review CMP Work Program

John Ristow, Chief CMA Officer and Staff Liaison, provided a brief overview of the CMP Work Program.

Mr. Ristow noted considerable discussion on this item was held within both the Technical Advisory Committee (TAC) and the Policy Advisory Committee (PAC). Staff answered all questions put forth by these committees and the TAC and PAC unanimously approved this item.

Vice Chairperson Kishimoto expressed her pleasure over newly incorporated elements within the CMP Work Program.

Vice Chairperson Kishimoto questioned station planning for BART and the Peninsula's High Speed Rail. She encouraged better station planning as well as a better integration into the communities. Mr. Ristow noted, although station planning is not covered within the actual CMP Work Program, staff is addressing all of these elements within multiple divisions.

Vice Chairperson Kishimoto questioned regarding smart parking policies. Chris Augenstein, Deputy Director, Planning, reported staff will be taking a comprehensive look at parking as an update to the Community Design and Transportation Manual.

Vice Chairperson Kishimoto encouraged staff to look into the Air District's coordination of a Bay Area wide stimulus fund for an Electric Car Program.

Vice Chairperson Kishimoto encouraged staff to develop a fully-comprehensive integrated model for biking and walking, per SB375. Mr. Ristow noted staff will be very involved with modeling over the next few years.

Mr. Augenstein reported VTA already has the best model, by far, in the Bay Area for biking and walking. He noted the modeling for SB375 is probably the biggest unknown component.

Mr. Augenstein stated a lot of work still needs to be done to determine what meaningful role models can play with regard to implementing the intent of SB375. He noted the work VTA has done to date puts VTA ahead of the game.

M/S/C (Pyle/Kishimoto) to approve submitting a recommendation to the Board of Directors to approve the Fiscal Year 2010 Congestion Management Work Program.

OTHER

17. Silicon Valley Express Lanes Program Update

John Ristow, Chief CMA Officer and Staff Liaison, provided a brief overview of the Silicon Valley Express Lanes Program.

Vice Chairperson Kishimoto questioned regarding express buses. Mr. Ristow stated a highway based express bus concept study is underway.

On order of Chairperson Liccardo and there being no objection, the Committee received information on the Silicon Valley Express Lanes Program.

18. Items of Concern and Referral to Administration

There were no Items of Concern and Referral to Administration.

19. Committee Work Plan

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

20. Committee Staff Report

John Ristow, Chief CMA Officer and Staff Liaison, reported: 1) VTA celebrated installation of Cerone Bus Facility's Skyline solar array on May 15; 2) VTA and Santa Clara Valley Water District celebrated the ground breaking in Milpitas for the Freight Rail Relocation and Berryessa Creek Projects on May 8, clearing the way for BART to Silicon Valley; 3) VTA's Line 522 Rapid Bus project is a finalist for the California Transportation Foundation's 2009 TRANNY awards; 4) The High Speed Rail Authority Board and the Peninsula Corridor Joint Powers Board's (Caltrain) jointly approved Memorandum of Understanding places overall responsibility of corridor management with Caltrain staff; 5) The Metropolitan Transportation Commission (MTC) approved programming Tier II ARRA funding, resulting in an additional \$5 million for Santa Clara County/Cities local street projects, \$6 million for SR237/I-8800 Express Connector Project, and is considering an additional estimated \$2.7 million for VTA transit bus procurement; 6) The Federal Highway Administration approved a \$32 million Value

Pricing Program grant for the Route 237/880 Express Connectors Project; 7) VTA has been recommended to receive \$1.75 million in Lifeline Transportation Program funds for hybrid bus procurement; 8) MTC approved the 2009 Regional Transportation Plan - 2035 on April 22; and 9) VTA is the host agency for the California Transportation Commission's July 8-9 meeting at San José City Hall.

21. Chairperson's Report

There was no Chairperson's Report.

22. Determine Consent Agenda for June 4, 2009, Board of Directors Meeting

CONSENT:

Agenda Item #5, Receive the Proactive Development Review Program Enhancements and the Quarterly Report.

Agenda Item #6, Receive the Proactive Development Review Program Enhancements and Quarterly Report.

Agenda Item #9, Adopt the 2009 Bicycle Expenditure Program Project List.

Agenda Item #10, Approve the Draft 2008 Monitoring and Conformance Report.

Agenda Item #11, Approve the cost allocation and budget for the Santa Clara Valley Habitat Conservation Plan/Natural Community Conservation Plan.

Agenda Item #12, Authorize the General Manager to execute real property acquisition agreements required for specific highway projects listed below, where the purchase price equals the statutory offer of just compensation established for the parcel, or where the negotiated purchase price does not exceed \$150,000, and with the exception that when any acquisition exceeds \$2,000,000, it will require separate Board approval. Further, authorize the General Manager to execute possession and use agreements for these projects. The specific highway projects include the following:

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- I-880 HOV Lane Widening (SR 237 to US 101)
- I-280/I-880/Stevens Creek Boulevard Improvements
- Blossom Hill Road Pedestrian Overcrossing

Agenda Item #13, Approve the programming of FY 09/10/11 Lifeline Transportation Program funds as described in the memorandum and as presented in Attachment A.

Agenda Item #14, Adopt a resolution approving the project priorities for the FY2009/10 Countywide Transportation Development Act Article 3 Program as shown in Attachment A.

Agenda Item #15, Authorize the General Manager to execute grants of fee parcels and utility easements for the SR 152/156 Interchange Improvement Project, at no cost, to Caltrans, the County of Santa Clara and various utility companies.

Agenda Item #16, Approve the Fiscal Year 2010 Congestion Management Work Program.

Agenda Item #17, Receive information on the Silicon Valley Express Lanes Program.

23. ANNOUNCEMENTS

There were no Announcements.

24. ADJOURNMENT

On order of Chairperson Liccardo and there being no objection, the meeting was adjourned at 11:42 a.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Board of Directors