



## **TRANSIT PLANNING & OPERATIONS COMMITTEE**

Thursday, January 16, 2003

### **MINUTES**

#### **1. CALL TO ORDER**

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:34 p.m. by Chairperson Valerio in Room 106, San Jose City Hall, 801 North First Street, San Jose, California.

#### **ROLL CALL**

##### **Members Present**

David Cortese, Vice Chairperson  
Ron Gonzales  
Dena Mossar  
Manuel Valerio, Chairperson

##### **Members Absent**

Francis LaPoll  
Ken Yeager

**A quorum was present.**

#### **2. PUBLIC PRESENTATIONS**

James Wightman, Interested Citizen, addressed the Committee and noted that VTA should place train crossing signs at light rail intersections.

Upon query of Mr. Wightman, Jack J. Collins, Chief Construction Officer, noted that the start date of the platform retrofit project for the low-floor light rail vehicles is scheduled for February 2003.

#### **3. ORDERS OF THE DAY**

There were no Orders of the Day.

#### **CONSENT AGENDA**

##### **4. Minutes of December 19, 2002**

**M/S/C (Gonzales/Mossar)** to approve the Minutes of December 19, 2002.

**5. Noise Mitigation for Capitol and Tasman East Light Rail Projects**

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with the lowest responsible bidder, Pencon Corporation, in the amount of \$536,460, for construction of the second phase of Noise Mitigation on the Capitol and Tasman East Light Rail Projects.

**6. Amendment of Contract with General Design Consultant for the Vasona Light Rail Project**

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract amendment with Parsons Brinckerhoff Quade & Douglas (PBQ&D) for additional work and design support services during construction on the Vasona Light Rail Project in an amount not to exceed \$1,850,000 for a new contract amount of \$31,695,275, and to extend the contract term through November 30, 2005.

**7. Vasona Light Rail Project Amendment to the Woz Way to San Jose Diridon Station Construction Contract**

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the total authorized funding for the R & L Brosamer, Inc., civil construction contract from Woz Way to San Jose Diridon Station by an amount of \$1,675,000 to fund rail rehabilitation and Community Oriented Design Enhancement (CODE) change orders for a new contract amount not to exceed \$15,809,267. This contract is 74 percent federally funded.

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

**8. Contract Amendment for the Downtown East Valley Project**

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to amend the contract with Korve Engineering, Inc., in an amount not to exceed \$501,702, for a new contract value not to exceed \$3,859,911, and extend the term of the contract for one year to complete the Conceptual Engineering for the Downtown East Valley Project in support of the environmental compliance process.

**9. Pressure Wash Systems Maintenance**

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to exercise the two remaining one-year options of the existing contract with Kleen-Rite Pressure Washers, extending the contract through March 31, 2005 for pressure washer preventive maintenance and repair services. The value of the two option years will not exceed \$73,000 for the fourth option year and \$74,000 for the fifth option year for a total contract amount of \$320,000 for the five-year term of the contract.

**10. Agreement to Allow Level 3 Communications, LLC to Lease Spare Conduit Along the Guadalupe Light Rail Corridor**

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a five-year agreement with an option to renew for three additional five-year periods with Level 3 Communications, LLC, a Delaware Limited Liability Company, for conduit space along a portion of the Guadalupe light rail corridor, between the Children's Discovery Museum and the Santa Teresa Light Rail Stations.

**11. Bus Radiator and Repair or Recore Contract**

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with The Radiator Doctor, Inc., the lowest responsive and responsible bidder, for the repair and refurbishment of VTA's bus radiators. The term of the contract is for one year with four one-year options at a cost of \$65,670 for the first year. Option years two, three, four and five are \$67,640, \$69,670, \$71,760 and \$73,910 respectively. The total amount of the contract will not exceed \$348,650 for the five-year period.

**12. Community Oriented Design Enhancements (CODE) Program Update – November – December 2002**

**M/S/C (Gonzales/Mossar)** to receive and file the Community Oriented Design Enhancements (CODE) Program Update – November – December 2002.

**13. Report on the Capitol Light Rail Project for the Month of December 2002**

**M/S/C (Gonzales/Mossar)** to receive and file the Report on the Capitol Light Rail Project for the Month of December 2002.

**14. Report on the Tasman East Light Rail Project for the Month of December 2002**

**M/S/C (Gonzales/Mossar)** to receive and file the Report on the Tasman East Light Rail Project for the Month of December 2002.

**15. Report on the Vasona light Rail Project for the Month of December 2002**

**M/S/C (Gonzales/Mossar)** to receive and file the Report on the Vasona Light Rail Project for the Month of December 2002.

**16. Joint Powers Board Monthly Status Report**

**M/S/C (Gonzales/Mossar)** to receive and file the Joint Powers Board Monthly Status Report.

**17. Committee for Transit Accessibility Report**

**M/S/C (Gonzales/Mossar)** to receive and file the Committee for Transit Accessibility Report.

**18. Monthly Legislative Report**

**M/S/C (Gonzales/Mossar)** to receive and file the Monthly Legislative Report.

**REGULAR AGENDA**

**19. Elect a Vice Chairperson for 2003**

Chairperson Valerio opened the nominations from the floor for the position of Vice Chairperson of the TP&O Committee for 2003.

**M/S/C (Mossar/Gonzales)** to close the nominations and elect Member David Cortese as Vice Chairperson for 2003, on a white ballot.

**The Agenda was taken out of order.**

## **OTHER ITEMS**

### **24. Committee Staff Report**

Vice Chairperson Cortese took his seat at 4:42 p.m.

Michael P. Evanhoe, Chief Development Officer, provided a report on the major impacts on transportation by the proposed State Budget.

## **REGULAR AGENDA (continued)**

### **20. Cost Sharing Agreement with the East Side Union High School District**

Mr. Collins provided a brief overview of the Cost Sharing Agreement with the East Side Union High School District.

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a cost sharing agreement with the East Side Union High School District (ESUHSD) for the relocation of their employee parking lot as a part of the Capitol Light Rail Project.

### **21. Facilities Improvement Program Controls and Construction Management Consultant Contract Amendment**

Mr. Collins provided an overview of the Facilities Improvement Program Controls and Construction Management Consultant Contract Amendment.

**M/S/C (Gonzales/Cortese)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute an Amendment to the Agreement with Carter Burgess for program controls and construction management for the Facilities Improvement Program, increasing the approved contract amount by \$1,600,000 for a new value not to exceed \$10,600,000 and extending the contract duration through June 30, 2004.

## **22. Fiscal Emergency Service Reduction Plan**

Frank T. Martin, Chief Operating Officer, reported that due to the continuing downturn of the economy, unemployment and decrease in ridership, VTA is recommending an approximately nine percent reduction in bus and light rail service. VTA is proposing that a three percent service reduction be implemented in April 2003, and the remaining six percent service reduction would be implemented at a later time pending an on-going assessment of VTA's financial situation. Mr. Martin noted that VTA held 13 public meetings as well as a California Environmental Quality Act (CEQA) public hearing.

Mike Aro, Service and Operations Planning Deputy Director, provided a report on VTA's financial situation. He reported that 80 percent of VTA's operating revenues are generated from sales tax. He reported that the sales tax has been declining every quarter for the last six quarters. Mr. Aro noted that as unemployment increases, ridership decreases.

Mr. Aro directed attention to the Fiscal Emergency Service Reduction Plan and provided an overview, highlighting: 1) Part A – Items Being Removed from the Plan; 2) Part B – Items to be Implemented April 2003; and 3) Part C – Items on Hold Pending On-Going Financial Assessment.

Member Mossar expressed concern about public comments received regarding the potential service reductions on Line 88 - Veterans Hospital to Louis & Meadow.

Vice Chairperson Cortese expressed concern regarding the proposed recommendation, noting that the recommendation does not clearly state the recommended action. He expressed concern regarding receiving public input prior to implementation of future potential service reductions. Mr. Aro noted that a public hearing process would be held prior to implementation of the remaining six percent service reduction.

Member Gonzales expressed concern about how VTA's financial situation is communicated to the public and media.

Member Gonzales expressed concern regarding the strategy for implementing the proposed service reductions and the impact to VTA's budget deficit.

Member Gonzales requested that staff provide the Administrative Overview, as provided to the Ad Hoc Financial Stability Committee at their meeting of January 15, 2003, to VTA's Board of Directors at their meeting of February 6, 2003..

**M/S/C (Gonzales/Mossar)** to approve submitting a recommendation to the Board of Directors to consider Fiscal Emergency Service Reduction Plan: Receive staff responses to public comments made during the California Environmental Quality Act (CEQA) comment period for the Fiscal Emergency Service Reduction Plan; Adopt a finding that there is a fiscal emergency, as defined by Public Resources Code (P.R.C.) §21080.32(d)(2), caused by failure of VTA revenues to adequately fund VTA services, programs and facilities; Invoke a Statutory Exemption under CEQA, P.R.C. §21080.32 and CEQA Guidelines Section 15285 (Transit Agency Responses to Revenue Shortfalls) for the purpose of implementing the Fiscal Emergency Service Reduction Plan; Approve the service modifications included in the Fiscal Emergency Service Reduction Plan, which could potentially mean a combined reduction in bus and light rail services of approximately nine percent; and, Authorize staff to implement approximately three percent of the Plan in April 2003, and defer further implementation of the remainder of the Plan pending an on-going assessment of VTA's financial situation.

## **OTHER ITEMS (continued)**

### **23. Committee Work Plan**

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

### **25. Chairperson's Report**

There was no Chairperson's Report.

### **27. Announcements**

There were no Announcements.

### **26. Determine the Consent Agenda for February 6, 2003 Board Meeting**

**CONSENT: Item #5.** Authorize the General Manager to execute a contract with the lowest responsible bidder, Pencon Corporation, in the amount of \$536,460, for construction of the second phase of Noise Mitigation on the Capitol and Tasman East Light Rail Projects; **Item #6.** Authorize the General Manager to execute a contract amendment with Parsons Brinckerhoff Quade & Douglas (PBQ&D) for additional work and design support services during construction on the Vasona Light Rail Project in an amount not to exceed \$1,850,000 for a new contract amount of \$31,695,275, and to extend the contract term through

November 30, 2005; **Item #7.** Authorize the General Manager to amend the total authorized funding for the R & L Brosamer, Inc., civil construction contract from Woz Way to San Jose Diridon Station by an amount of \$1,675,000 to fund rail rehabilitation and Community Oriented Design Enhancement (CODE) change orders for a new contract amount not to exceed \$15,809,267. This contract is 74 percent federally funded; **Item #8.** Authorize the General Manager to amend the contract with Korve Engineering, Inc., in an amount not to exceed \$501,702, for a new contract value not to exceed \$3,859,911, and extend the term of the contract for one year to complete the Conceptual Engineering for the Downtown East Valley Project in support of the environmental compliance process; **Item #9.** Authorize the General Manager to exercise the two remaining one-year options of the existing contract with Kleen-Rite Pressure Washers, extending the contract through March 31, 2005 for pressure washer preventive maintenance and repair services. The value of the two option years will not exceed \$73,000 for the fourth option year and \$74,000 for the fifth option year for a total contract amount of \$320,000 for the five-year term of the contract; **Item #10.** Authorize the General Manager to execute a five-year agreement with an option to renew for three additional five-year periods with Level 3 Communications, LLC, a Delaware Limited Liability Company, for conduit space along a portion of the Guadalupe light rail corridor, between the Children's Discovery Museum and the Santa Teresa Light Rail Stations; **Item #11.** Authorize the General Manager to execute a contract with The Radiator Doctor, Inc., the lowest responsive and responsible bidder, for the repair and refurbishment of VTA's bus radiators. The term of the contract is for one year with four one-year options at a cost of \$65,670 for the first year. Option years two, three, four and five are \$67,640, \$69,670, \$71,760 and \$73,910 respectively. The total amount of the contract will not exceed \$348,650 for the five-year period; **Item #20.** Authorize the General Manager to execute a cost sharing agreement with the East Side Union High School District (ESUHSD) for the relocation of their employee parking lot as a part of the Capitol Light Rail Project; and **Item #21.** Authorize the General Manager to execute an Amendment to the Agreement with Carter Burgess for program controls and construction management for the Facilities Improvement Program, increasing the approved contract amount by \$1,600,000 for a new value not to exceed \$10,600,000 and extending the contract duration through June 30, 2004.

**REGULAR: Item #22.** Consider Fiscal Emergency Service Reduction Plan: Receive staff responses to public comments made during the California Environmental Quality Act (CEQA) comment period for the Fiscal Emergency Service Reduction Plan; Adopt a finding that there is a fiscal emergency, as defined by Public Resources Code (P.R.C.) §21080.32(d)(2), caused by failure of VTA revenues to adequately fund VTA services, programs and facilities; Invoke a Statutory Exemption under CEQA, P.R.C. §21080.32 and CEQA Guidelines Section 15285 (Transit Agency Responses to Revenue Shortfalls) for the purpose of implementing the Fiscal Emergency Service Reduction Plan; Approve the service modifications included in the Fiscal Emergency Service Reduction Plan, which

could potentially mean a combined reduction in bus and light rail services of approximately nine percent; and, Authorize staff to implement approximately three percent of the Plan in April 2003, and defer further implementation of the remainder of the Plan pending an on-going assessment of VTA's financial situation.

**28. Adjourn**

**On order of Chairperson Valerio**, there being no objection, the meeting was adjourned at 5:21 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant  
VTA Board of Directors