



TRANSIT PLANNING & OPERATIONS COMMITTEE

Thursday, May 15, 2003

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:35 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 discussed the Guadalupe Light Rail Platform Retrofitting Project.

Mr. Wightman suggested that the light rail at the Great Mall open early.

3. ORDERS OF THE DAY

There were no Orders of the Day.

CONSENT AGENDA

Barbara Rhodes, Committee for Transit Accessibility (CTA) Member and Elderly and Disabled Advisory Committee, addressed the Committee and noted that she did not receive her Agenda Packet. She requested that the Agenda be read to her and expressed concern regarding receiving Agenda items in a timely manner. Vice Chairperson Cortese suggested that a member of staff read the Agenda to Ms. Rhodes.

4. Minutes of April 17, 2003

M/S/C (Gonzales/Mossar) to approve the Minutes of April 17, 2003.

5. Vasona Light Rail Project – Group 1 Light Rail Station Finishes

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 Stacy & Witbeck, Inc. (SWI), the lowest responsible bidder, in an amount of \$5,098,657, for construction of the Group 1 Vasona Light Rail Project Station Finishes contract contingent upon completion of federal Transportation Improvement Program (TIP) approval. This contract is 35 percent federally funded.

6. Vasona Light Rail Project – Group 2 Light Rail Station Finishes and Park-and-Ride

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 Stacy & Witbeck, Inc. (SWI), the lowest responsible bidder, in an amount of \$9,575,625, for construction of the Vasona Light Rail Project Group 2 Station Finishes and Park-and-Ride contract contingent upon completion of federal Transportation Improvement Program (TIP) approval. This contract is 60 percent federally funded.

7. Capitol Park and Ride Lot and Parking Facilities

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 O.C. Jones & Sons, Inc., the lowest responsible bidder, in an amount of \$1,791,519, for construction of the Capitol Park and Ride Lot and Parking Facilities Project.

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

8. **Vasona Light Rail Project – Southwest Expressway Pedestrian Improvements**

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 Sposeto Engineering, Inc., the lowest responsible bidder, in an amount of \$727,947, for construction of the Vasona Light Rail Project Southwest Expressway Pedestrian Improvements. This contract is 88 percent federally funded.

9. **Vasona Light Rail Project – Route 17 Underpass and Hamilton Avenue Overcrossing 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 in the amount of \$6,453,520 with Stacy & Witbeck/R.M. Harris Joint Venture, the lowest responsible bidder, for construction of the Vasona Light Rail Project Route 17 Underpass and Hamilton Avenue Overcrossing. This contract is 34 percent federally funded.

10. **Community Oriented Design Enhancements (CODE) Projects for the Milpitas Segment of the Tasman East Light Rail Project**

M/S/C (Gonzales/Mossar) to approved submitting a recommendation to the Board of Directors to approve the final designs for artist John Okulick's entry railings and safety fence art panels, artist Ries Niemi's sculptural seating elements and artist Adam Zawadzki's paving for the Tasman East Light Rail Project.

11. **Agreement Between VTA and the City of San Jose for Collection, Maintenance and Repair Services of Civic Litter Modules**

M/S/C (Gonzales/Mossar) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute an Agreement between VTA and the City of San Jose authorizing VTA staff to perform collection, maintenance and repair services of approximately 800 Civic Litter Modules located throughout the City of San Jose for a one-year term, July 1, 2003 through June 30, 2004, for a fixed sum of \$189,993.

12. **Radio System Maintenance Contract Extension**

M/S/C (Gonzales/Mossar) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to extend the current contract with Motorola Incorporated (Motorola) for maintenance and repair of radio communication equipment not covered under existing warranties for an additional two years, from May 2003 through April 2005, at an estimated cost of \$75,000 for each year for a total estimated contract amount of \$150,000.

13. Community Oriented Design Enhancements (CODE) Program Update – March 2003 – April 2003

M/S/C (Gonzales/Mossar) to receive and file the Community Oriented Design Enhancements (CODE) Program Update – March – April 2003.

14. Report on the Capitol Light Rail Project for the Month of April 2003

M/S/C (Gonzales/Mossar) to receive and file the Report on the Capitol Light Rail Project for the Month of April 2003.

15. Report on the Tasman East Light Rail Project for the Month of April 2003

M/S/C (Gonzales/Mossar) to receive and file the Report on the Tasman East Light Rail Project for the Month of April 2003.

16. Report on the Vasona light Rail Project for the Month of April 2003

M/S/C (Gonzales/Mossar) to receive and file the Report on the Vasona Light Rail Project for the Month of April 2003.

17. Joint Powers Board Monthly Status Report

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

18. Committee for Transit Accessibility Report

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

19. Monthly Legislative Report

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

REGULAR AGENDA

20. Service Reduction Plan Update

Mike Aro, Service & Operations Planning Deputy Director, reported that the Service Reduction Plan has been posted on VTA's website and letters have been sent to the Members of the Technical Advisory Committee indicating that VTA would be conducting a presentation at their respective cities regarding the Service Reduction Plan. He noted that brochures would be available soon to be placed on bus and light rail.

Mr. Aro provided a visual display of the graph entitled "Bus and Light Rail Annual Vehicle Hours and Riders" and provided an overview. He noted that VTA implemented a five percent service reduction in July 2002, a nine percent service reduction in April 2003. Mr. Aro reported that VTA is proposing another 21 percent service reduction and noted that once the service reduction is implemented, VTA would be operating at a 1981 service level.

Mr. Aro noted that the proposed Transit Service Reduction Plan would be presented to the community in June 2003, forwarded to the Committees in July 2003 and forwarded to the full Board of Directors in August 2003. He noted the changes would be implemented in October 2003.

Mr. Aro provided visual displays of maps entitled "VTA Regular Bus Routes by Type" and provided an overview, highlighting routes eliminated and routes modified due to the implemented reduction in service and proposed reduction in service.

Mr. Aro provided a visual display of a map entitled "Service Coverage" and provided an overview, highlighting elimination of service and service to be kept.

Ms. Rhodes queried about the proposed service reductions for Routes 13, 64, and 63. Mr. Aro noted that the specifics are located on VTA's website and information regarding the service reductions was provided to the CTA at their meeting held on May 7, 2003.

Mr. Aro provided a visual display of a map entitled "Bus Service Reductions" and provided an overview, highlighting discontinued routes, headway changes, routing changes, and hours of service modifications.

Member Gonzales queried if staff could provide a breakdown showing when VTA customers aboard light rail and bus per hour per day. He noted in the future it

would be helpful to have some type of scale/order of magnitude. Mr. Aro noted the information would be provided in the report.

On order of Chairperson Valerio, there being no objection, the Service Reduction Plan Update was discussed.

21. Caltrain FY 2003-04 & FY 2004-05 Operating and Capital Budget Allocations

Scott Buhner, Chief Financial Officer, reported that the staff recommendation in the Budget Assumption was that the Caltrain Operating Budget needed to retain the same level of contributions from VTA. He noted that the Peninsula Corridor Joint Powers Board (JPB) staff has complied and developed a budget that holds VTA's contribution at the levels that are in the current year's budget.

Mr. Buhner reported that last year VTA was able to come up with its local match. He noted that this year VTA made a recommendation that it would not provide local match, but VTA did work with the Caltrain staff and came up with a funding strategy where VTA would be able to swap Federal funds in lieu of the local match. VTA is also proposing to follow this same strategy for FY 05.

Vice Chairperson Cortese queried about how this budget was developed considering VTA's budgetary concerns. He discussed VTA's contribution to the Joint Powers Authority (JPA) and queried as to how well VTA's interests are represented in terms of the development of the JPA budget. Peter M. Cipolla, General Manager, reported that VTA worked with Caltrain and was informed that it was capped.

Vice Chairperson Cortese expressed concern regarding the following Key Assumption included in the budget proposal: "Implementation of Caltrain Express (Baby Bullet) service, an increase of up to 10 one-way weekday trains in March of 2004", and noted it gives an impression that service is being added. He noted this raises the issue, for VTA's constituency, as to why we are contributing to the implementation of new Caltrain service when we are financially struggling.

Upon query of Vice Chairperson Cortese, Mr. Cipolla noted that the cap was benchmarked at last year's levels. Mr. Buhner noted that the operating subsidy that VTA is providing has been at the same level of funding for three consecutive years.

Member Gonzales expressed concern regarding the Caltrain Express (Baby Bullet) and noted staff should be looking at level of service, frequency of trains and types of customers to be served.

Member Gonzales expressed concern about one-time funds being used for increased service.

Member Gonzales noted that Caltrain service is an inter-county partnership, rich with history. He recommended that future reports to the VTA Board of Directors include a historical overview of the relationship between and among all the parties involved in the JPA.

Vice Chairperson Cortese recommended that staff prepare a letter from the VTA Board of Directors formally conveying a message that memorializes VTA's financial condition as indicated through the Ad Hoc Financial Stability Committee process.

Chairperson Valerio requested that staff forward the Committee's concerns to the Administration and Finance (A&F) Committee.

Ms. Rhodes expressed concern regarding the lack of accessibility at the BART Caltrain Millbrae Station. She, also, noted VTA should reconsider bringing BART to San Jose due to its financial crisis.

On order of Chairperson Valerio, there being no objection, the recommendation to approve \$14,105,000 and \$14,387,000 for FY 2003-04 and FY 2004-05 to provide Santa Clara Valley Transportation Authority's (VTA's) share of Caltrain operating support; and further, approve in concept VTA's use of \$1,486,000 Federal Section 5309 funds in lieu of the local match requirement for FY 2003-04 capital support was discussed.

22. Altamont Commuter Express Cooperative Service Agreement and FY 2003-04 and FY 2004-05 Budget Allocations

Frank Sharpless, Transportation Policy and Program Manager, noted that the item has been forwarded to the TP&O and Congestion Management Program and Planning (CMPP) Committees as a discussion item and would be forwarded to the A&F Committee as an action item.

Mr. Sharpless reported that the Altamont Commuter Express (ACE) service started in October 1998, providing service on the commuter rail line between San Joaquin County through Alameda County and Santa Clara County with three trains operating in the morning and evening. The ACE service was instituted under the structure of a Joint Exercise of Powers Agreement (JEPA) that was entered into between VTA, the Alameda County Congestion Management Agency (ACCMA) and the San Joaquin Regional Rail Commission (SJRRC).

Mr. Sharpless reported that given that the SJRRC had invested \$48 million of their local Measure K funds to acquire the equipment and initiate track improvements

and initial trackage rights with Union Pacific Railroad (UPRR), they were selected as the managing agency for the term of the initial JEPA, which was a 36-month Agreement beginning at the date of service. The Agreement was limited to that period of time due to the uncertainty regarding the success of attracting ridership, the ongoing ability of Member Agencies to fund that ridership and the practicality of establishing a fairly non-conventional Joint Powers Authority where the powers will not necessarily be joint given the previous financial investment by the SJRRC.

Mr. Sharpless reported that subsequent to the original Agreement and the success of the service over time, with the expiration of the JEPA approaching, Member Agency staff pulled together and started negotiating an extension of the Agreement. He reported that meetings were held periodically over a two-year period to identify issues, changes in economic conditions and ridership. In September 2002, it became apparent that all parties had similar objectives it was agreed by all parties that further work on developing a new JEPA should be suspended until a facilitator was brought on board to attempt to resolve the outstanding issues.

Mr. Sharpless reported that a facilitator was brought on board and an initial Agreement was reached that the best approach would be a Cooperative Service Agreement approach not a JEPA approach. Mr. Sharpless noted the advantages of having a Cooperative Service Agreement and noted that the SJRRC supports the Cooperative Service Agreement.

Mr. Sharpless reported that a new Agreement is being drafted and some basic objectives have been identified for the Agreement. He provided a report on the basic principles VTA has identified for the development of a Cooperative Agreement. He reported that each year ACE would prepare a service plan identifying the schedules, fares, stops, and the cost of the service, noting that ACE would use a baseline budget figure. He referred to VTA's 2003 Budget and noted that VTA's contribution is \$2.5 million. The contribution would be inflated by the Bay Area Consumer Price Index, which would be presented to the VTA Board of Directors for consideration and approval. VTA has advised ACE and ACCMA of the baseline and that the VTA Board of Directors would have the flexibility each and every year to provide that level of funding or less funding.

Mr. Sharpless noted that ACE has held a series of meetings and it has been determined that a new structure would be the best approach for all three parties involved.

Mr. Sharpless directed attention to the Board Memorandum, Attachment A, Proposed Elements of an ACE Cooperative Service Agreement.

Mr. Sharpless directed attention to the following information contained in the Board Memorandum under the heading entitled Recommendation: "continued

VTA funding of ACE commuter rail service in the amount of \$3,960,000 in Fiscal Year 2003-04 and \$4,034,000 in Fiscal Year 2004-05. He noted of the \$3,960,000 amount, VTA's actual out-of-pocket contribution is \$2.45 million and the remaining \$1.5 million is the total cost of running the shuttle network out of the Great America Station of which ACE funds out of Transportation Fund for Clean Air (TFCA) grant funds, employer local match, and ACE member contributions. Mr. Sharpless referred to the amount of \$4,034,000 in Fiscal Year 2004-05 and noted VTA's out-of-pocket contribution would be \$2.52 million.

Mr. Sharpless noted if a consensus is reached on the new Agreement by all parties the Agreement would become effective July 1, 2003, the start of the ACE fiscal year. Once the new Agreement is in effect, the ACE JEPAs would then expire. If a consensus is not reached, an additional extension to the current JEPAs would be necessary to continue ACE service until a new Agreement has been executed.

Member Gonzales referred to the boardings per county numbers and queried if the SJRRC staff currently assembles the numbers, if VTA reviews the numbers, and what is included to protect all three parties involved. Mr. Sharpless noted that the ACE staff does a daily train-by-train, station-by-station report of how many people travel into the County and sends the report to VTA everyday. He noted that every February or March, ACE conducts an annual count and bases the future contribution up to this point on that.

Member Gonzales noted VTA should reserve the right to audit all financial reports.

Upon query of Member Mossar, Mr. Sharpless provided a report on future ACE shuttle funding.

Member Mossar cautioned the new contractual relationship that would allow the Alameda County Congestion Management Agency (ACCMA) to have members on the SJRRC.

Chairperson Valerio clarified that the item would be an action item at the A&F Committee Meeting.

Member Mossar cautioned that VTA remains in control of its funding for ACE.

On order of Chairperson Valerio, there being no objection, the recommendation to authorize the General Manager to execute a Cooperative Service Agreement with the San Joaquin Regional Rail Commission and the Alameda County Congestion Management Agency for continued VTA funding of Altamont Commuter Express (ACE) commuter rail service in the amount of

\$3,960,000 in Fiscal Year 2003-04 and \$4,034,000 in Fiscal Year 2004-05 was discussed.

23. Phase III Paratransit Service Business Practices Improvement Plan & Premium Service Pricing

George Tacké, Accessible Services Manager, reported that VTA is now in the proposal stages of the Phase III Paratransit Service Business Practices Improvement Plan. He noted that the original proposals in Phase III includes modifications to VTA's account balance policy, implementation of Americans With Disabilities Act (ADA) service area and hours, and a transition to curb-to-curb service. He noted the annual savings associated with the proposals is approximately \$1,440,000.

Mr. Tacké reported that the proposals were presented to the Committee for Transit Accessibility (CTA) on April 9, 2003, and CTA endorsed the proposed account balance policy and proposed ADA service area and hours. In regards to the ADA service area and hours, CTA recommended that the affected customers be notified 12 months in advance of implementation. Mr. Tacké noted that CTA did not endorse the curb-to-curb service proposal.

Mr. Tacké reported that the proposals were presented at five public meetings the week of April 28, 2003. He noted that in general the public had some concerns about the service area, but was very strongly in opposition to the proposed curb-to-curb service. There were minimal comments pertaining to the account balance policy.

Mr. Tacké reported that in response to the public feedback as well as comments received from VTA Board of Directors, VTA developed alternate proposals. Instead of discontinuing service for customers who are either being picked up are going to destinations outside of the ADA service area, VTA would charge a surcharge. VTA is recommending \$6 per trip or two times the one-way fare. VTA is proposing to continue to offer door-to-door escort services and a surcharge of \$1.50 per trip is proposed. The total annual savings associated with the alternate proposal is approximately \$755,000. The total savings for Phase III of the Paratransit Service Business Practices Improvement Plan with the alternate proposals would be approximately \$975,000 annually.

Mr. Tacké reported that at the May 7, 2003 CTA Meeting, staff advised CTA that the surcharges for ADA service area and door-to-door escort were going to be proposed and presented to the VTA Standing Committees. He noted CTA was concerned

Member Gonzales queried about the ECO Pass Program proposal and queried if VTA has attempted to poll or survey existing large ECO Pass customers to

determine whether or not VTA would lose a number of employers due to the proposed increase in the ECO Pass Program, due to lack of service and the financial impact to VTA. He noted the need to understand the elasticity of the ECO Pass Program. Mr. Cipolla noted that ECO Pass Program proposal would be discussed under Item #24., Fare Modifications for FY 2003-2004.

Vice Chairperson Cortese referred to the chart entitled Attachment C – Fare Modification Proposal for Existing Categories and Optional Door-to-Door & Service Area Surcharges, and queried to what extent could people mix and match fares at a level beyond the proposed surcharges listed on the chart. Vice Chairperson Cortese recommended that staff create an option for providing door-to-door escort service at just one end of the trip as opposed to both, depending on customer needs. He recommended that it be considered and noted would like to discuss the issue further at the Board of Directors Meeting.

Vice Chairperson Cortese expressed concern regarding the clarity of the information regarding Yellow Cab Company contained in the Board Memorandum.

Aaron Morrow, CTA Member and Disability Advisory Commission for the City of San Jose, addressed the Committee and noted his support for VTA staff and stakeholders for coming up with an alternative to the Americans with Disabilities Act (ADA) curb-to-curb service. He noted from a personal view, that he does not have a problem with raising the fares, either on paratransit or charging a surcharge, if the service stays where it is. Mr. Morrow noted that VTA currently offers a premium service and it is one of the best services he has seen. He noted that VTA is facing harsh budget times and recommended that VTA continue to look at every option.

Maryjane Naughten, CTA Member, addressed the Committee and expressed concern regarding the proposed curb-to-curb service. She noted that the service would be a hardship for many people, the disabled as well as the elderly and persons with Alzheimer's. Ms. Naughten expressed concern for persons on a fixed income due to the proposed escorting charge for door-to-door service and the proposed fare increases.

Ms. Rhodes noted that she has not heard anyone ask VTA to prove that they are going to save \$400,000 to \$700,000 by going from door-to-door to curb-to-curb. She expressed concern of the time that would be lost when going to the curb-to-curb service if the driver cannot find the customer or the customer cannot find the driver. Ms. Rhodes expressed concern regarding the impact to the elderly and disabled and noted that VTA is a public service organization and should focus on improving fixed route service, bus stops and safety.

Member Gonzales requested that the item be submitted without a recommendation, but a clear understanding that the TP&O Committee neither supported nor opposed the staff proposal. The Committee is, therefore, forwarding the item without prejudice to the Board of Directors.

Ms. Rhodes expressed concern that she did not get the TP&O Agenda until yesterday and did not receive a full TP&O packet. She expressed concern regarding the amount of time it takes to retrieve items from VTA's website.

M/S/C (Gonzales/Mossar) to submit without a recommendation, but a clear understanding that the TP&O Committee neither supported nor opposed the staff proposal. The Committee is, therefore, forwarding the item without prejudice to the Board of Directors to adopt Phase III of the Paratransit Service Business Practices Improvement Plan, which includes modifications to the minimum account balance policy, implementation of the Americans with Disabilities Act (ADA) defined service area and hours, a modified door-to-door/curb-to-curb program, and premium service pricing.

24. Fare Modifications for FY 2003-2004

Member Gonzales referred to the ECO Pass Program and requested that staff conduct a sample polling of the not just the large companies, but also the private and public sector organizations to determine the financial impact to VTA if companies were to drop the Program due to the proposed fare increase for the Program. Member Gonzales noted the need to understand the elasticity of the ECO Pass Program.

Chairperson Valerio referred to the businesses in the City of Sunnyvale and noted their concerns regarding the potential increase in the ECO Pass Program.

Member Mossar, also, noted the concerns of Stanford University due to the proposed increase in the Eco Pass Program.

Chairperson Valerio clarified that the item is for Committee discussion only and would be an action item at the A&F Committee.

Mr. Buhner directed attention to Attachment C – FY 04 Fare Alternatives, Revised Staff Recommendation and provided an overview.

Member Gonzales left the meeting at 6:08 p.m.

Vice Chairperson Cortese directed attention to the general public comment cards, optional information section, and expressed concern that VTA whites out the information before it is presented to the Committee Members. He expressed concern that it is very difficult to recognize the constituents' residency. Vice

Chairperson Cortese stated he has been informed by VTA staff in the past that copies of the public comment cards which includes all of the information provided by the constituent, could be requested and noted this request has been done in writing and by phone.

Ms. Rhodes referred to the proposed increase in the ECO Pass Program and expressed concern regarding the impact to individuals who do not live in large facilities or do not work due to a disability. She suggested that VTA's marketing money be used to help underwrite student costs.

On order of Chairperson Valerio, there being no objection, the recommendation to: 1) Adopt a finding that a fare increase is necessary to meet operating expenses and to fund capital projects necessary to maintain service within the existing service area, while maintaining minimum required financial reserves; 2) Invoke a Statutory Exemption under CEQA, P.R.C. §21080(b)(8) and CEQA Guidelines Section 15273(a) (Rates, Tolls, Fares and Charges) for the purpose of modifying and increasing fares; and 3) Adopt a resolution establishing new rates and fares for VTA bus, light rail, and paratransit services effective August 1, 2003 was discussed.

25. FY 2003-04 and FY 2004-05 Recommended Biennial Budget

Mr. Buhner noted that the Budget was discussed at the April 25, 2003 Board of Directors Workshop. He made reference to the discussions regarding Phases III and IV of the Paratransit Service Business Practices Improvement Plan, capping of the Caltrain and ACE contributions, and other significant assumptions used to balance the Budget.

Member Mossar recommended that staff address the criticisms and rumors about top-heavy management, overpaid staff and contracting services out. Mr. Cipolla noted that the issue of reductions would be discussed in Closed Session.

On order of Chairperson Valerio, there being no objection, a resolution approving the FY 2003-04 and FY 2004-05 Recommended Biennial Budget was discussed.

26. North Division Construction Completion Contract Award

Jack Collins, Chief Construction Officer, directed attention to the revised Board Memorandum reflecting Vitton Construction as the lowest responsible bidder and contract amount.

Mr. Collins noted that the recommendation is contingent upon Vitton Construction meeting the 15 percent Small Business Enterprise (SBE) goal.

Mr. Collins noted the Board Memorandum would be modified showing the commitment on the SBE participation.

M/S/C (Cortese/Mossar) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract in the amount of \$3,536,000 with Vitton Construction, the lowest responsible bidder, for the North Division Construction Completion Project.

The Committee recommended that the item be placed on the June 5, 2003 Board of Directors Consent Agenda.

27. Paratransit Eligibility Appeals Program Contract

Mr. Tacké reported that in November 2002, the Board of Directors approved Phase II of the Paratransit Service Business Practices Improvement Plan. One of the proposals, which was approved, was to implement a Paratransit Eligibility Appeals Program. The Program would allow staff to conduct an administrative review. If the administrative review is not conclusive of an appeal for a person who has been denied paratransit eligibility, staff has the option of completing a functional assessment by an independent team comprised of various healthcare professionals.

Mr. Tacké reported that on February 16, 2003, VTA issued a Request for Proposal and that VTA received the following two proposals on March 26, 2003: 1) NovaCare Outpatient Rehabilitation of California, Inc. and 2) EK Health Service, Inc. On April 8, 2003, VTA conducted interviews and based on the final scoring, VTA recommends that the Appeals Program contract go to NovaCare Outpatient Rehabilitation of California, Inc.

Ms. Rhodes noted that she made a request to get a copy of the Request For Proposal and proposals by the companies for her review. She noted that she also requested a copy of the proposal pertaining to the Eligibility Certification Program. Ms. Rhodes referred to the Board Secretary's Office and noted that she needs access to information in order to give feedback. Vice Chairperson Cortese requested that staff provide copies of the RFPs to Ms. Rhodes prior to the June 5, 2003 Board of Directors Meeting.

Chairperson Valerio noted that the information requested by Ms. Rhodes would be provided to her prior to the June 5, 2003 Board of Directors Meeting.

Mr. Morrow noted his support for NovaCare Outpatient Rehabilitation of California, Inc. He noted he has worked with NovaCare in the past and noted NovaCare was thorough from a customer service standpoint.

M/S/C (Cortese/Mossar) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute a contract with NovaCare Outpatient Rehabilitation of California, Inc., for the operation of the Paratransit Eligibility Appeals Program. The term of the contract is for three years beginning July 1, 2003, with two one-year options, at a cost of \$50,400 for the first year, \$52,080 for the second year and \$53,760 for the third year. Option years four and five are \$55,642 and \$57,590, respectively. Further requested that staff provide copies of the RFPs to Ms. Barbara Rhodes prior to the June 5, 2003 Board of Directors Meeting.

OTHER ITEMS

28. Draft 1996 Measure B Program Revenue and Expenditure Plan for FY 2004

Mr. Collins noted that the Draft 1996 Measure B Program Revenue and Expenditure Plan for FY 2004 would be discussed at the June 6, 2003 Joint Workshop Meeting with the County Board of Supervisors and VTA Board of Directors.

On order of Chairperson Valerio, there being no objection, the Draft 1996 Measure B Program Revenue and Expenditure Plan for FY 2004 was received and filed.

29. FY 2003 Third Quarter Performance Report

On order of Chairperson Valerio, there being no objection, the FY 2003 Third Quarter Performance Report was received and filed.

30. Committee Work Plan

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

31. Committee Staff Report

James E. Pierson, Planning and Development Director and Staff Liaison, recommended that the Committee consider the staff recommendation to cancel the June 19, 2003 Transit Planning & Operations (TP&O) Committee Meeting. Mr. Pierson noted that there would not be a July 2003 Board of Directors Meeting.

Chairperson Valerio noted assuming no July 2003 Board of Directors Meeting, it is suggested that the June 19, 2003 TP&O Committee Meeting not be held and that the information be published.

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

32. Chairperson's Report

Chairperson Valerio thanked staff and the community for their participation in today's meeting.

33. Determine the Consent Agenda for June 5, 2003 Board Meeting

CONSENT: Item #5. Authorize the General Manager to execute a contract with Stacy & Witbeck, Inc. (SWI), the lowest responsible bidder, in an amount of \$5,098,657, for construction of the Group 1 Vasona Light Rail Project Station Finishes contract contingent upon completion of federal Transportation Improvement Program (TIP) approval. This contract is 35 percent federally funded; **Item #6.** Authorize the General Manager to execute a contract with Stacy & Witbeck, Inc. (SWI), the lowest responsible bidder, in an amount of \$9,575,625, for construction of the Vasona Light Rail Project Group 2 Station Finishes and Park-and-Ride contract contingent upon completion of federal Transportation Improvement Program (TIP) approval. This contract is 60 percent federally funded; **Item #7.** Authorize the General Manager to execute a contract with O.C. Jones & Sons, Inc., the lowest responsible bidder, in an amount of \$1,791,519, for construction of the Capitol Park and Ride Lot and Parking Facilities Project; **Item #8.** Authorize the General Manager to execute a contract with Sposeto Engineering, Inc., the lowest responsible bidder, in an amount of \$727,947, for construction of the Vasona Light Rail Project Southwest Expressway Pedestrian Improvements. This contract is 88 percent federally funded; **Item #9.** Authorize the General Manager to execute a contract in the amount of \$6,453,520 with Stacy & Witbeck/R.M. Harris Joint Venture, the lowest responsible bidder, for construction of the Vasona Light Rail Project Route 17 Underpass and Hamilton Avenue Overcrossing. This contract is 34 percent federally funded; **Item #10.** Approve the final designs for artist John Okulick's entry railings and safety fence art panels, artist Ries Niemi's sculptural seating elements and artist Adam Zawadzki's paving for the Tasman East Light Rail Project; **Item #11.** Authorize the General Manager to execute an Agreement between VTA and the City of San Jose authorizing VTA staff to perform collection, maintenance and repair services of approximately 800 Civic Litter Modules located throughout the City of San Jose for a one-year term, July 1, 2003 through June 30, 2004, for a fixed sum of \$189,993; **Item #12.** Authorize the General Manager to extend the current contract with Motorola Incorporated (Motorola) for maintenance and repair of radio communication equipment not covered under existing warranties

for an additional two years, from May 2003 through April 2005, at an estimated cost of \$75,000 for each year for a total estimated contract amount of \$150,000; **Item #26.** Authorize the General Manager to execute a contract in the amount of \$3,536,000 with Vitton Construction, the lowest responsible bidder, for the North Division Construction Completion Project; and, **Item #27.** Authorize the General Manager to execute a contract with NovaCare Outpatient Rehabilitation of California, Inc., for the operation of the Paratransit Eligibility Appeals Program. The term of the contract is for three years beginning July 1, 2003, with two one-year options, at a cost of \$50,400 for the first year, \$52,080 for the second year and \$53,760 for the third year. Option years four and five are \$55,642 and \$57,590, respectively.

REGULAR: Item #23. Adopt Phase III of the Paratransit Service Business Practices Improvement Plan, which includes modifications to the minimum account balance policy, implementation of the Americans with Disabilities Act (ADA) defined service area and hours, a modified door-to-door/curb-to-curb program, and premium service pricing.

34. Announcements

There were no Announcements.

35. Adjourn

On order of Chairperson Valerio, there being no objection, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Board of Directors