



TO: VTA Board of Directors

THROUGH: Michael Burns  
General Manager

FROM: Donald A. Smith, Jr.  
Chief Operating Officer

DATE: February 10, 2010

SUBJECT: Public Comments, February 4, 2010 Board Meeting

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#### **Mr. Michael Ludwig – Bus Announcements**

Mr. Michael Ludwig addressed the Board of Directors during the Public Comment section of the February Board Meeting. He reported that there are too many automatic announcements on our buses and that they are often confusing.

VTA includes announcements that are designed to meet requirements under the Americans with Disabilities Act by announcing upcoming stops, destinations and major cross streets; improve Security Awareness such as attentiveness to unattended packages; improve safety for passengers who retrieve their bikes from the front racks of the buses; or to speed passenger boarding by reminding them to have their fares ready upon boarding the bus. All of these announcements have a purpose rooted in either legal requirements, public safety or to improved system efficiency.

While not everyone who boards VTA buses benefit from every announcement, there are those who do. VTA constantly reviews the announcements that are played on the buses, and updates them as needed to ensure they are pertinent.

#### **Mr. David Aranda – RV Parking at Chaboya Division**

Mr. David Aranda, a Chaboya Division Coach Operator, addressed the Board of Directors during the Public Comment section of the February Board Meeting. He reported that VTA recently implemented a new policy regarding employees who park their recreational vehicles (RVs) in VTA parking lots. This policy allows eligible employees to obtain a permit to park their RVs in VTA parking lots during their work weeks. He reported that VTA recently changed its policy and will only allow RV parking at the Cerone and North Divisions. He recommended establishing a committee to discuss this matter.

## MEMORANDUM

**TO:** Santa Clara Valley Transportation Authority  
Board of Directors

**FROM:** Kurt Evans, Government Affairs Manager  
Santa Clara Valley Transportation Authority

**DATE:** February 15, 2010

**SUBJECT:** Weekly Legislative Update: Week of February 8, 2010

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### **FEDERAL**

**Congressional Agenda:** President Barack Obama implored Senate Democrats to stay aggressive in pushing their agenda despite the loss of one vital seat, and sharpened his challenge to congressional Republicans in an attempt to put an emboldened opposition on the spot. Speaking to his party's senators at their strategy conference, the President reminded Democrats that they still hold a 59-41 majority in the Senate, one shy of the 60 votes needed to overcome GOP delaying tactics. Democrats lost a "super majority" when Republican Scott Brown won in a special election upset in Massachusetts. The loss of this seat, held for decades by the late Sen. Edward Kennedy, dealt a severe blow to the President and Senate Democrats, forcing them to scale back some of their legislative objectives, such as remaking the U.S. health care system. Democrats now want to focus on creating jobs for Americans and other economic issues that resonate with the voters in an attempt to avoid big losses and possibly control of Congress in the November mid-term elections.

The strategy session came as part of a broad outreach effort by President Obama—to his party, his political opposition and the American public—as he seeks to get his agenda back on track. Yet the President used particularly harsh language toward Republicans, part of a deliberate strategy to be more combative with the opposition party. He chided GOP senators for, in his view, trying to "gum up the works" and routinely using filibuster delaying tactics. He said Democratic senators in 2009 had to cast more votes to overcome filibusters than were needed in the 1950s and 1960s combined. "That's 20 years of obstruction packed into just one," he commented. "We've got to finish the job on health care. We've got to finish the job on financial regulatory reform. We've got to finish the job, even though it's hard."

**Debt Ceiling:** By a vote of 217-212, the House approved legislation to raise the debt ceiling in order to keep the federal government afloat for about another year as it borrows more than 40 cents of every dollar it spends on defense, health care, human services, education, the environmental, and other programs. The increase in the cap on federal borrowing to \$14.3 trillion was designed by Democratic congressional leaders to ensure that rank-and-file members would not have to vote again for another increase before facing re-election in November. Passage of the bill sends it to President Obama, who

will sign it to avoid a first-ever default on U.S. obligations. Thirty-seven House Democrats, mostly from GOP-leaning districts, voted against the measure. So did every Republican, even though they routinely supported prior increases in the borrowing cap when their party controlled Congress and when Republican George W. Bush was President. Earlier Senate approval on a party-line tally was only possible because Massachusetts Republican Scott Brown had yet to assume office.

To help win passage of the debt ceiling bill, House Democratic leaders also proposed new budget rules that are designed to curb the annual deficit, which is projected to hit a record \$1.56 trillion in the current fiscal year. Approved by the House by a 233-187 vote, the new rules require future spending increases or tax cuts to be paid for with either reductions to other programs or equivalent tax increases. If the rules are broken, the White House Budget Office would force automatic cuts to programs such as Medicare, farm subsidies and unemployment insurance. Current rules lack such teeth and have routinely been waived over the past few years at a cost of about \$1 trillion. The so-called “pay-as-you-go” rules have been a mantra for conservative “Blue Dog” Democrats in the House, who refused to vote for raising the debt ceiling without them.

**Distracted Driving:** The U.S. Department of Transportation (DOT) issued a policy prohibiting drivers of interstate buses and trucks over 10,000 pounds from sending text messages on hand-held devices while operating their vehicles. Under the policy, the prohibition is effective immediately. Interstate bus and truck drivers who text while driving commercial vehicles may be subject to civil or criminal penalties.

Transportation Secretary Ray LaHood has been campaigning against texting and cell phone use while driving ever since he was appointed to his post by President Obama. According to DOT, research by the Federal Motor Carrier Safety Administration indicates that drivers who send and receive text messages take their eyes off the road for an average of 4.6 seconds out of every 6 seconds while texting. At 55 miles per hour, this means that the driver is traveling the length of a football field without looking at the road. While LaHood acknowledged that enforcing restrictions on texting and cell phone use by drivers will be difficult, he urged the wireless industry to work with public officials to come up with a solution.

DOT and safety advocates also have joined forces to create FocusDriven, an organization to campaign against cell phone use and texting while driving. The organization will be modeled after Mothers Against Drunk Drivers, which has successfully lobbied for tougher drunken driving laws. Meanwhile, Democratic Sens. Charles Schumer of New York and Robert Menendez of New Jersey have introduced legislation to prod states to pass laws banning texting by all drivers. The bill would reduce federal highway aid by 25 percent to states that do not enact such bans.

## **STATE**

**State Budget:** California’s leaders have been looking to Washington, D.C., for money that they contend is owed to the state as a matter of law and fairness, but President Obama’s recommended FY 2011 budget would give California only \$1.5 billion of the \$6.9 billion that Gov. Arnold Schwarzenegger and legislative leaders are seeking to help balance the General Fund. The Governor has warned of the wholesale elimination of health and human services programs if the federal government is not forthcoming with the money.

The \$1.5 billion that California would receive under the President's budget plan is part of \$25 billion that the White House has proposed for all 50 states. It represents an extension in an increase of the amount of money that the federal government reimburses states for Medicaid expenses, which was part of the American Recovery and Reinvestment Act (ARRA). California leaders have asked for the extension for Medicaid (known as Medi-Cal in the state), along with extensions in other ARRA programs that were not included in the President's budget recommendations. For example, they want \$1 billion that they believe is owed to the state because of a federal error, money for foster care and special education, and a full reimbursement of the cost to incarcerate illegal immigrant felons.

**Greenhouse Gas Emissions:** The oil and trucking industries have sued to block California's new carbon fuel regulations, contending that the rules will raise costs but do little to reduce greenhouse gas emissions. In a lawsuit filed in U.S. District Court in Fresno, they also charged that the state's "low carbon fuel standard" is unconstitutional. While not as well known as AB 32, the state's landmark climate change legislation, the low carbon fuel standard is an important element of California's attempt to fight global warming. It says transportation fuels must reduce their "carbon intensity," starting next year. It not only targets the carbon content of a fuel, but also examines the amount of carbon emitted to produce the fuel and haul it to its destination. The California Air Resources Board (CARB), which adopted the standard last spring, believes it would save billions of dollars by reducing oil consumption, and encouraging new biofuels and electric vehicle technologies. This is the second big lawsuit challenging the fuel standard. Earlier, agricultural groups and the Renewable Fuels Association, a national ethanol lobby, sued the state in December, also in U.S. District Court in Fresno.

## **REGIONAL**

**Metropolitan Transportation Commission (MTC):** At its February 12 meeting, MTC's Planning Committee approved committing \$10 million in regional Transportation for Livable Communities money to establish a land acquisition and land banking financing fund. The purpose of this fund would be to maximize the production of affordable housing near public transit stations. MTC's financial contribution would be leveraged at a ratio of at least three-to-one by various forms of grants that would be raised by the fund manager. The money would be spent in Priority Development Areas on projects that have the greatest potential to deliver affordable housing. MTC staff reported that similar funds have been established in other large metropolitan areas throughout the United States over the last six years. Together they have raised millions in new revenues from foundations, public agencies, program-related investment funds, and commercial lenders to support the development of affordable housing. The full commission will consider this item at its February 24 meeting.

**NOTE:** Also contributing to this report were Steve Palmer with Van Scoyoc Associates; Mark Watts with Smith, Watts & Company; and Scott Haywood, VTA's Policy and Community Relations Manager.

## MEMORANDUM

**TO:** VTA Board of Directors

**FROM:** Michael T. Burns  
General Manager

**DATE:** February 17, 2010

**SUBJECT:** TIGER Grants Awarded

Earlier today the U.S. Department of Transportation (DOT) announced the award of \$1.5 billion in competitive grants for transportation infrastructure projects under the Transportation Investment Generating Economic Recovery Discretionary Grant Program (TIGER). This new program, created by the American Recovery and Reinvestment Act (ARRA), provides funding for highway, bridge, public transit, port infrastructure, and freight rail projects of national, regional or metropolitan significance. Under the provisions of ARRA, no state could receive more than 20 percent of the \$1.5 billion total (or \$300 million), and the DOT was required to distribute the grants equitably among urban and rural areas. DOT received more than 1,400 applications, with total funding requests totaling close to \$60 billion—this is 40 times the \$1.5 billion funding available under the program.

VTA and BART partnered in submitting a \$50 million request for the BART Hayward Yard Expansion Project, a critical component of the BART to Silicon Valley project. Expanding the Hayward Yard is necessary to provide storage for the rail cars needed to serve the initial phase of the extension of BART to Silicon Valley (Berryessa Extension). Notwithstanding the numerous benefits of this important project, in terms of stimulating employment and economic activity, it was not selected for TIGER funding.

California was awarded four grants totaling \$130 million. Two of the awards went to Northern California projects: (1) \$46 million for the Doyle Drive Project in San Francisco; and (2) \$30 million for the California Green Trade Corridor/Marine Highway Project, which consists of using waterways and barges to move freight between the Ports of Oakland, West Sacramento and Stockton.

On February 1, 2010, VTA issued a notice advising all VTA Operations staff that, effective April 1, 2010, no RVs will be permitted in the Chaboya parking lot. This change is due to limited parking at Chaboya, VTA's largest operating division, for staff, trainees (on-going and new-hires), and visitors.

Transportation Supervisor Dave Collura, who oversees the RV parking permit program for Protective Services, contacted Mr. Aranda to discuss his concerns. Mr. Collura offered to start a working group to discuss RV parking issues with concerned employees.

## MEMORANDUM

**TO:** VTA Board of Directors

**FROM:** Michael T. Burns  
General Manager

**DATE:** February 17, 2010

**SUBJECT:** Oakland Airport Connector

MTC has announced that \$70 million in ARRA transit formula funding, which was originally committed to the BART Oakland Airport Connector (OAC) Project, would be reallocated to Bay Area public transit operators, including VTA. This reallocation will prevent the region from missing a critical March 5 deadline to obligate the funds, thereby reducing the risk that we lose the money to some other state. VTA's share of the \$70 million is approximately \$12 million. MTC made the decision to reallocate funds following the Federal Transit Administration (FTA) raising concerns about BART's compliance with Title VI of the Civil Rights Act as it relates to the construction and operation of the OAC, and the lack of sufficient time available to satisfy the concerns raised within the funding obligation deadlines. We are evaluating the feasibility of using this additional stimulus funding to support transit service as well as our hybrid bus purchase.

We will provide you with more information on this award as details become available.

February 18, 2010

Mr. Eugene Bradley  
Santa Clara VTA Riders Union

Dear Mr. Bradley:

At the February Board of Directors Meeting, you requested clarification regarding the difference between the \$120 million Jobs for Main Street Act 2010 (Jobs Act) funds requested by the Santa Clara Valley Transportation Authority (VTA) and the total amount of all Santa Clara County projects presented to the VTA Board of Directors on February 4, 2010.

Metropolitan Transportation Commission (MTC) tasked VTA to assemble a list of potential projects for funding from the State of California's estimated portion of those funds (should Congress and the President enact the bill), subject to limitations: projects must be able to execute a contract within 90 days, while following all existing Federal requirements; use the American Recovery and Reconstruction Act (ARRA) Tier I amounts as a target (for VTA, that was roughly \$47 million); and assume that the delivery and use rules that applied to ARRA will apply to this bill as well, such as a 10 percent limit on operations.

VTA staff very quickly consulted with the cities and County and compiled a preliminary list of highway and transit projects that added up to \$120 million, well over our ARRA targets. Under Transit Projects, there are various categories such as transit operating assistance, preventive maintenance, and hybrid bus purchase. VTA's list prioritized Preventive Maintenance and Operations, up to the target amount, then added the other potential projects.

The Highway Project list includes a Local Streets and Roads Rehabilitation line item for \$26,460,000. The Local Streets and Roads Rehabilitation listing consists of the cities and County's roadway repair and enhancement projects. These are not VTA projects and are excluded from the requested \$120 million. If the Jobs Act is funded, VTA will have the opportunity to adjust the project list to match the available amounts in part because the preliminary list was made flexible.

Mr. Eugene Bradley  
February 18, 2010  
Page 2 of 2

You also commented on two Operations related items, light rail vehicle cash fare signage and the possible expansion of the Adopt-A Stop Program to include light rail stations. With regard to your observation about light rail fare media information, there are rider information posters at some light rail stations that display the requirement to have valid fare media along with other information. The posters depict VTA passes, tokens and cash. This is a simple graphic and is meant to show that cash and tokens are used to purchase VTA fare media. We consistently evaluate the effectiveness of our customer information and will consider your comments as we move forward.

You also suggested expanding the Adopt-A-Stop program to include light rail stations, which may have some merit in the future. We are concerned, however, about safety around live tracks and other issues that may impact our ability to institute such a program.

I hope you find this information helpful.

Sincerely,

Michael T. Burns  
General Manager

cc: VTA Board of Directors