



BOARD OF DIRECTORS MEETING

August 2, 2007

MINUTES

1. CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority's (VTA) Board of Directors was called to order by Chairperson Chu at 5:40 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

2. ROLL CALL

Members Present

David Cortese
Dean J. Chu, Chairperson
Don Gage
Liz Kniss, Vice Chairperson
Laura Macias
Greg Sellers
Forrest Williams
Ken Yeager, Ex-Officio

Members Absent

Nora Campos
Breene Kerr
Sam Liccardo
Chuck Reed
Dolly Sandoval

Alternates Present

Kathleen King
Pete McHugh
Roland Velasco

Alternates Absent

Dominic Caserta
Judy Chirco

* Alternates do not serve unless participating as a Member.

A quorum was present.

3. ADJOURNED TO CLOSED SESSION at 5:41 p.m.

A. Conference with Real Property Negotiator
[Government Code 54956.8]

Property: Block bounded by North First Street, North Market Street, Santa Clara Street and West St. John Street located in downtown San Jose.

Negotiator for VTA: Roberta Notrangelo, Manager of Real Estate

Negotiating parties: The Mitchell Family, Owners, acting through an exclusive listing by CB Richard Ellis.

Under negotiation: Price and terms of payment.

- B.** Public Employee Performance Evaluation
[Government Code Section 54957]

Title: General Manager

RECONVENED TO OPEN SESSION at 6:05 p.m.

4. CLOSED SESSION REPORT

- B.** Public Employee Performance Evaluation
[Government Code Section 54957]

Title: General Manager

Board Member Gage noted that after discussing the General Manager's performance with the Board, the Board Negotiating Committee will present a recommendation for salary adjustments for the Board's approval at its next meeting.

- A.** Conference with Real Property Negotiator
[Government Code 54956.8]

Property: Block bounded by North First Street, North Market Street, Santa Clara Street and West St. John Street located in downtown San Jose.

Negotiator for VTA: Roberta Notrangelo, Manager of Real Estate

Negotiating parties: The Mitchell Family, Owners, acting through an exclusive listing by CB Richard Ellis.

Under negotiation: Price and terms of payment.

Suzanne Gifford, General Counsel, noted that there was no reportable action taken during Closed Session.

5. (Deferred)

Approve the recommendation of the Board Negotiating Committee to grant an increase to the salary of VTA General Manager Michael T. Burns, effective July 1, 2007.

6. ORDERS OF THE DAY

Chairperson Chu acknowledged that a representative from the Transportation Agency for Monterey County (TAMC) in Salinas was in attendance at this meeting and would present information on Rail Service between Santa Clara and Monterey Counties under Agenda Item #28., Authorize the Chair to send a letter of support for the Transportation Agency for Monterey County's (TAMC) proposed rail service extension to Pajaro, Castroville, and Salinas. He requested that Agenda Item #28. be heard after Agenda Item #11. Public Presentations.

M/S/C (Macias/Williams) to accept the Orders of the Day.

7. AWARDS AND COMMENDATIONS

Employees of the Month for June, July, and August 2007

Vice Chairperson Kniss arrived at 6:10 p.m. and
Alternate Board Member McHugh relinquished his seat.

Chairperson Chu recognized and presented awards to the following Administration recipients: 1) Maria Martinez, Office Specialist II, River Oaks for June 2007; 2) Gino Spadafore, Senior Lead Construction Inspector in the Construction Division for July 2007; and 3) Gail Collins, Senior Transportation Planner, Marketing and Public Affairs Department, River Oaks for August 2007.

Chairperson Chu recognized and presented awards to the following Operations recipients: 1) Susan Barth, Coach Operator at North Operations for June 2007; and 2) Angela Snell, Coach Operator at Cerone Operations for July 2007. Larry Brownell, Coach Operator at North Operations for August 2007 was unable to attend and will receive his award at the August 30, 2007 Board meeting.

Chairperson Chu recognized and presented awards to the following Maintenance recipients: 1) Rachel Pratti, Senior Track Worker at Guadalupe Maintenance for June 2007; 2) Pat Smith, Transit Mechanic, at Cerone Maintenance for July 2007; and 3) Steve Maloon, Transit Mechanic at Cerone Maintenance for August 2007.

Chairperson Chu recognized and presented an award to Steve Rogers, Maintenance Supervisor, Cerone Operations, as Supervisor of the Quarter for the third quarter of 2007.

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

8. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, provided a report, highlighting: 1) VTA service provided at the downtown San Jose Independence Day activities; 2) VTA introduction of Community Bus service to the residents of Morgan Hill at the City's parade; 3) VTA light rail ridership for Independence Day totaled 51,920 riders, representing a 30.4 percent increase in ridership compared to last year; 4) VTA ridership for the 2007 San Jose Grand Prix weekend was over 308,000, which was 12.6 percent above a normal weekend and 2.3 percent above last year; 5) VTA support at the 2007 San Jose Grand Prix event; 6) VTA will be taking over the DASH Service on August 6, 2007, which is consistent with VTA's Agreement with the Amalgamated Transit Union (ATU) for Community Bus Operations; and 7) VTA's Overall ridership increased 1.4 percent in June 2007 compared to June 2006.

9. REPORT FROM THE CHAIRPERSON

Chairperson Chu noted that he was pleased to announce that he has appointed Director Sam Liccardo to serve as the VTA representative to the Caltrain Central Equipment Maintenance and Operations Facility (CEMOF) Monitoring Committee. The CEMOF Monitoring Committee is an Advisory Committee established by the City of San Jose City Council in cooperation with Caltrain. The primary responsibility of the Committee members is to provide ongoing communication with the community regarding the design, implementation, and operation of the maintenance facility. The Committee is comprised of seven members, one each representing the Arena, College Park, Garden Alameda and Shasta-Hanchett Park neighborhood associations, Caltrain, City of San Jose and VTA.

Chairperson Chu noted that Director Liccardo has graciously agreed to accept this appointment since this facility impacts his council district and he has indicated a great interest in the activities of this Committee. Chairperson Chu expressed his appreciation for the dedication of Director Liccardo's time and effort and willingness to serve on this very important Committee.

Chairperson Chu noted that he was pleased to announce that VTA will hold the Opening Ceremony for the Highway 87 HOV Lane Project on August 15, 2007. Mrs. Joan Platt, widow of Lewis Platt, former Chief Executive Officer (CEO) of Hewlett Packard, is expected to attend the event. Chairperson Chu indicated that there are plans to name a segment of Highway 87 in Santa Clara County for Mr. Platt, because of his outstanding leadership on transportation issues.

10. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Chairperson's Report

Martin Schuler, Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Chairperson, provided a report on the 2000 Measure A CWC's Annual Report for FY 2006. He provided a report, highlighting: 1) the 2000 Measure A ballot specified that the CAC was to serve as the independent Citizens Watchdog Committee (CWC) for the 2000 Measure A Program; 2) CAC assumed its duties as the CWC at the commencement of 2000 Measure A tax collection on April 2, 2006; 3) CWC's responsibilities are specified by the ballot measure; 4) CWC initiated its first review of Measure A financial records and statements in early 2007;

5) CWC conducted a public hearing on April 11, 2007 to receive input from the community; 6) CWC adopted the following determination: “ it is the conclusion of the CWC that, for Fiscal Year 2006, 2000 Measure A tax dollars were spent in accordance with the intent of the measure”; 7) the conclusion will be included in the inaugural CWC Annual Report and the Annual Report will be published during August 2007 in several general circulation newspapers covering VTA’s service area; and 8) CWC will undertake its review of the Fiscal Year 2007 Measure A financial records and statements starting in January 2008.

11. PUBLIC PRESENTATIONS

Ross Signorino, Interested Citizen, announced the good news he heard on the radio that ridership on Bus Line 522 has increased 20 percent. He congratulated VTA staff on the improved ridership. Mr. Signorino suggested that VTA send a memo to its bus drivers requesting that they should stop running red lights.

Alan Christenson, Interested Citizen, suggested that VTA take a proactive stance on resources and global warming instead of retracting its services as intended in the Comprehensive Operations Analysis (COA). Mr. Christenson noted that moderate modifications could be done to the Highway 101 Express to increase ridership. He suggested that VTA consider a stop at De Anza and Foothill College and commented that Line 23 is a “nightmare” from De Anza College through San Antonio.

James Wightman, Interested Citizen, suggested that advertising for the San José Grand Prix and its prices be conducted during the month of June. He suggested that Line 180 go to Great America in March 2008. Mr. Wightman queried about the effective date for the light rail platform station. Michael T. Burns, General Manager, noted that the date for the Southline Retrofit Project is uncertain at this time and the funding is still being reviewed.

John Rolland, Vice President of the American Federation of State, County, and Municipal Employees (AFSCME) Local 101, VTA Chapter, expressed concern regarding the negotiations between VTA and AFSCME. He expressed concern that VTA has been in negotiations with AFSCME represented employees for over four years, and the Union has been without a contract during that period. AFSCME has been at the bargaining table with VTA since October 2006. Mr. Rolland expressed concern regarding the request to split their bargaining unit. He noted that on August 10, 2007, AFSCME and VTA will meet with the State Mediator. Mr. Rolland commented that he cannot understand why the Board is approving actions that keep morale and productivity at an all time low.

Linda Dittes, Business Agent for AFSCME, representing the Administrative Supervisory Bargaining Unit, commented that it is not AFSCME’s practice to negotiate publicly with the Board. She expressed concern that AFSCME has been at the bargaining table since October 18, 2006, and the employees have been without a contract for over four years.

Ms. Dittes noted that the employees have bargained in good faith, yet they have been unable to come to a tentative agreement. Ms. Dittes noted that the issue on the table still remains and divides their bargaining unit, which was the original position of VTA when AFSCME won the election some four years ago.

CONSENT AGENDA

Chairperson Chu noted that at the request of a public speaker, the following Agenda Item was removed from the Consent Agenda and placed on the Regular Agenda: **Agenda Item #24.**, Adopt Resolution to execute a Workforce Investment Act (WIA) Service Provider Subgrant in the amount of \$282,907 with the Sacramento Employment and Training Agency (SETA), a Joint Powers Agency and WIA One-Stop Operator, to fund a Maintenance Career Ladder Training Program under the Workforce Investment Act. The California Labor and Workforce Development Agency's Employment Development Department provided these WIA funds for the purpose of establishing and conducting a pilot Maintenance Career Ladder Training Program.

Board Member Williams commented on **Agenda Item #17.**, Authorize the General Manager to execute a contract with Pacific States Environmental, Pacific Contractors Inc., the lowest responsible bidder, in the amount of \$634,604 for contaminated soil stockpiling, demolition of six (6) buildings and installation of security fencing for property acquired from the Union Pacific Railroad located at the Newhall Yard. Also, in lieu of the 15 percent change order contingency delegated to the General Manager, authorize a contingency amount of \$200,000 for additional contaminated material excavation work, if necessary. Board Member Williams expressed concern for the homes in the area and stressed the importance for VTA to conduct due diligence when moving the contaminated soil.

M/S/C (Gage/Kniss) to approve the Consent Agenda, as amended.

12. Minutes of the Regular Board of Directors' Meeting of June 7, 2007

M/S/C (Gage/Kniss) to approve the Minutes of the Regular Board of Directors' Meeting of June 7, 2007.

13. Minutes of the Special Board of Directors' Meeting of June 21, 2007

M/S/C (Gage/Kniss) to approve the Minutes of the Special Board of Directors' Meeting of June 21, 2007.

BOARD OF DIRECTORS COMMITTEE OF THE WHOLE (COW)
--

14. Bicycle and Pedestrian Advisory Committee Appointments

M/S/C (Gage/Kniss) to ratify the appointment to the Bicycle & Pedestrian Advisory Committee to the non-voting position representing the Silicon Valley Bicycle Coalition of Corinne Winter as the member and Jerri-Ann Meyer as the alternate member. The appointments are for the term ending June 30, 2008.

15. **Legislative Positions**

M/S/C (Gage/Kniss) to adopt a support position for SB 286 (Lowenthal).

16. **Valley Transportation Plan, I-880/Coleman Avenue Interchange Construction Contract Amendment**

M/S/C (Gage/Kniss) to authorize the General Manager to amend the I-880/Coleman Avenue Interchange Construction contract with FCI Constructors Inc./Pavex Joint Venture by an amount of \$800,000 for a new contract amount of \$51,599,485.

17. **Hazmat Soil Removal, Demo Buildings and Install Fences at Newhall Yard Site**

M/S/C (Gage/Kniss) to authorize the General Manager to execute a contract with Pacific States Environmental, Pacific Contractors Inc., the lowest responsible bidder, in the amount of \$634,604 for contaminated soil stockpiling, demolition of six (6) buildings and installation of security fencing for property acquired from the Union Pacific Railroad located at the Newhall Yard. Also, in lieu of the 15 percent change order contingency delegated to the General Manager, authorize a contingency amount of \$200,000 for additional contaminated material excavation work, if necessary.

18. **Contract Award for Construction of San Martin Parking and Roadway Expansion Project**

M/S/C (Gage/Kniss) to authorize the General Manager to execute a contract with Granite Rock Company DBA, Pavex Construction Division, the lowest responsible bidder, in the amount of \$957,613 for the construction of the San Martin Parking and Roadway Expansion Project improvements.

19. **Right-of-Way Engineering and Survey Services for VTA Rail, Highway and Facilities Projects**

M/S/C (Gage/Kniss) to authorize the General Manager to execute contracts and future options for Aerial Photography, Right-of-Way Engineering and Survey Services with the following seven firms: 1) Towill, Inc.; 2) BKF Engineers; 3) HMH Engineers; 4) Geomatic Transportation Services, Inc.; 5) TY Lin International; 6) David Evans and Associates, Inc.; and 7) Rail Surveyors and Engineers. Contracts will be limited to no more than seven years in duration, and the total amount of all contracts shall not exceed \$11,500,000.

20. **Cooperative Agreement with Caltrans for Environmental, Design, Right-of-Way, Construction and Landscaping Phases of Valley Transportation Plan (VTP) 2030 and Corridor Mobility Improvement Account (CMIA) Highway Projects**

M/S/C (Gage/Kniss) to authorize the General Manager to execute Cooperative Agreements with the California Department of Transportation (Caltrans), covering environmental, design, right-of-way, construction and landscaping phases of projects.

21. **Contract Amendment with Parsons Transportation Group (PTG) for Final Design and Construction Support Services for Route 237/880 Interchange Highway Planting Project**

M/S/C (Gage/Kniss) to authorize the General Manager to amend the contract with Parsons Transportation Group for final design and construction support services of the Interstate 880/State Route 237 Highway Planting Project, increasing the approved contract value by \$360,000 for a new total contract value of \$6,155,139 and extending the contract term through December 31, 2009.

22. **Monterey to San Jose Express Memorandum of Understanding**

M/S/C (Gage/Kniss) to authorize the General Manager to amend the Memorandum of Understanding with Monterey-Salinas Transit (MST) and the Capitol Corridor Joint Powers Authority (CCJPA) to continue operation of the Monterey to San Jose Express for two years at a cost not to exceed \$35,000 per year. Further, authorize the General Manager to propose continued funding for this service in future biennial budgets and, with budget approval, enter into any subsequent amendments.

23. **FY 2006 Transit Security Grant Program**

M/S/C (Gage/Kniss) to adopt Resolution No. 07.08.14 authorizing the submittal and execution of grant applications and agreements, certifications and assurances and other documents as necessary to obtain federal financial assistance in the amount of \$1,186,349 provided by the US Department of Homeland Security Office of State and Local Government Coordination and Preparedness Office of Domestic Preparedness (ODP) under the FY2006 Transit Security Grant Program for security enhancements at various locations.

24. **(Removed from the Consent Agenda and placed on the Regular Agenda.)**

Adopt Resolution to execute a Workforce Investment Act (WIA) Service Provider Subgrant in the amount of \$282,907 with the Sacramento Employment and Training Agency (SETA), a Joint Powers Agency and WIA One-Stop Operator, to fund a Maintenance Career Ladder Training Program under the Workforce Investment Act. The California Labor and Workforce Development Agency's Employment Development Department provided these WIA funds for the purpose of establishing and conducting a pilot Maintenance Career Ladder Training Program.

ADMINISTRATION AND FINANCE COMMITTEE

There were no items submitted for the Consent Agenda by the Administration and Finance Committee.

CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE

There were no items submitted for the Consent Agenda by the Congestion Management Program and Planning Committee.

TRANSIT PLANNING AND OPERATIONS COMMITTEE

There were no items submitted for the Consent Agenda by the Transit Planning and Operations Committee.

REGULAR AGENDA

24. Maintenance Career Ladder Training Program

Ed Dolores, Business Agent for VTA's Maintenance Department, Amalgamated Transit Union (ATU) Local 265, thanked Michael Hursh, Deputy Director of Bus and Rail Operations; Dan Smith, Chief Operating Officer; and Russ Anderson, Training Director, for all their efforts in seeking the funding for the training program and for working diligently with the Joint Workforce Investment Committee. He also thanked Tom Fink for all his efforts, noting that Mr. Fink conceived the idea of the Joint Workforce Investment Committee.

M/S/C (Gage/Kniss) to adopt Resolution No. 07.08.15 to execute a Workforce Investment Act (WIA) Service Provider Subgrant in the amount of \$282,907 with the Sacramento Employment and Training Agency (SETA), a Joint Powers Agency and WIA One-Stop Operator, to fund a Maintenance Career Ladder Training Program under the Workforce Investment Act. The California Labor and Workforce Development Agency's Employment Development Department provided these WIA funds for the purpose of establishing and conducting a pilot Maintenance Career Ladder Training Program.

The Agenda was taken out of order.

OTHER ITEMS

28. Rail Service to Monterey County

Debra L. Hale, Executive Director of Transportation Agency for Monterey County (TAMC), addressed the Board and requested that VTA send a Letter of Support to the Federal Transit Administration (FTA) for their project to extend rail service from the current terminus in Gilroy down to Salinas. Ms. Hale distributed a packet providing

information on the project. The CEQA document has been approved, and TAMC has just submitted its federal environment document and alternatives analysis to FTA.

Ms. Hale reported that the project proposal is to extend the existing trains that go to Gilroy down to Pajaro, Castroville, and Salinas. Ms. Hale noted that there is a very strong economic connection between Monterey County and Santa Clara County. The proposal is to have two trains, two round trips per day, and moving up to four round trips per day as ridership merits. This would add 2,000 daily boardings onto the line. Ms. Hale noted that the planned start of operations date is 2011 and the total capital project cost is \$100 million. The Federal Government would pay more than half of the project cost and part of that comes from the bus funds and rail new starts funds. TAMC has secured over \$30 million of state funding. Ms. Hale noted the project benefits, highlighting: 1) will help bring workers to jobs; 2) help to meet new air quality goals; and 3) help support bringing additional rail frequencies to Santa Clara County.

Ms. Hale noted that TAMC was pleased to have received support letters from the Cities of San José, Gilroy, Morgan Hill, and the Silicon Valley Leadership Coalition. She noted that TAMC is also on the County of Santa Clara Board of Supervisors' Agenda asking for a letter of support.

Board Member Gage commented that this particular issue has been a goal of his for a long time. He commented that it is really important as transportation becomes a regional issue that the four counties, Monterey, Santa Clara, San Benito, and Santa Cruz work together to try to get their share of the transportation funding.

Ex-Officio Board Member Yeager echoed Board Member Gage's comments. He noted that Board Members Gage, Williams, and he are on the Caltrain Joint Powers Board and are all very much in support of the project.

Board Member Sellers noted that the City of Morgan Hill is on record in support of the project and looks forward to working closely with TAMC.

M/S/C (Kniss/Gage) to authorize the Chair to send a letter of support for the Transportation Agency for Monterey County's (TAMC) proposed rail service extension to Pajaro, Castroville and Salinas.

REGULAR AGENDA (continued)

<p style="text-align: center;">BOARD OF DIRECTORS COMMITTEE OF THE WHOLE (COW) CHAIRPERSON'S REPORT – (See Agenda Item #31.A.)</p>

There were no items submitted for the Regular Agenda by the Board of Directors Committee of the Whole (COW).

<p style="text-align: center;">ADMINISTRATION AND FINANCE COMMITTEE CHAIRPERSON'S REPORT – (See Agenda Item #31.B.)</p>
--

25. **Amendments to the Policy Advisory Committee Bylaws Proposed by the Policy Advisory Committee**

Board Member Cortese noted the Board discussion and deferral of the item in June 2007. He indicated that as part of the request for deferral, he had asked for an opportunity to meet with Policy Advisory Committee (PAC) Chairperson Christopher Moylan, to seek alternatives to address the quorum issue.

PAC Chairperson Moylan noted that PAC had two requests: 1) to define the quorum based on the actual membership rather than the hypothetical full membership; and 2) to restore the number of votes required to pass any motion from “majority of total authorized membership” to “majority of quorum.” He indicated that at the direction of the Board of Directors, he met with Board Member Cortese and also with the four Board Members who had concerns with the motion to grant PAC’s first request presented at the June 7, 2007 Board meeting. PAC Chairperson Moylan indicated that based on the discussions held, PAC’s first request has been revised as follows: “Amend the quorum requirement from the presence of nine members to a majority of the appointed members or seven whichever is larger.” PAC Chairperson Moylan recommended that PAC’s second request be deferred to the August 30, 2007 Board of Directors meeting.

Vice Chairperson Kniss commended both PAC Chairperson Moylan and Board Member Cortese on all their efforts. She expressed amazement that this issue has taken such a long period of time to resolve and that one of her concerns has been that persons attend committee meetings if they feel they have an impact. Vice Chairperson Kniss noted her discussion with the General Manager, Michael T. Burns, regarding the issue and indicated that the intent is that the PAC will have more of an impact. She noted the importance of the Board realizing the value and purpose of PAC.

PAC Chairperson Moylan expressed his appreciation for Board Member Kniss’ comments and noted that the comments echoed some of the remarks made by PAC members. He referred to PAC’s revised version of the first request and noted it would help the PAC conduct business and those jurisdictions that have chronic vacancies would no longer be able to prevent PAC from bringing recommendations to the Board.

M/S/C (Macias/Kniss) to approve in concept the following revised amendment to the Policy Advisory Committee (PAC) bylaws proposed by the PAC: “Amend the quorum requirement from the presence of nine (9) members to a majority of the appointed members or seven (7) whichever is larger.”

By consensus, the Board of Directors accepted PAC Chairperson Moylan’s recommendation to defer PAC’s second request to the August 30, 2007 Board meeting: “Change the votes required to pass an item from “majority of total authorized membership” to “majority of quorum.”

Board Member Cortese thanked PAC Chairperson Moylan for his cooperation and also thanked the Board of Directors for giving him and Mr. Moylan an opportunity to have a little more dialogue. He noted that additional discussions will be held prior to the August 30, 2007 Board meeting to resolve the remaining issues.

PAC Chairperson Moylan thanked the Board of Directors on behalf of PAC.

Suzanne Gifford, General Counsel, noted that the item would be brought back to the Board of Directors at their August 30, 2007 Board of Directors meeting and would be placed on the Consent Calendar for the technical approval because there may be changes required to the Administrative Code.

Board Member Williams commented that the item was discussed extensively and that he wanted to make sure that something is put into place. For example, some form of a resolution by the respective individual's council stating that the individual does not want to participate, so that in the future when issues arise, and the individual has not had a chance or did not participate that it was by choice. Board Member Williams commented that individuals who sign up should be in attendance because it was a commitment.

Upon query of PAC Chairperson Moylan, Jim Lawson, Government Affairs Manager, reported that VTA staff will bring PAC's second request back to the August 30, 2007 Board meeting for consideration. He indicated that staff would also submit at the same meeting the specific language necessary to incorporate into the PAC bylaws and, if necessary, into the VTA Administrative Code the quorum modification conceptually approved by the Board at today's meeting. He pointed out that for the quorum modification to have significant impact, consideration should be given to amending the PAC bylaws voting requirement. Although changing the quorum will enable PAC to meet as a committee with fewer than nine members present, unless the voting requirement is changed, PAC will still be required to have nine affirmative votes to pass a motion.

Vice Chairperson Kniss thanked PAC Chairperson Moylan for all his hard work.

Board Member Macias left the meeting at 7:00 p.m.

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #31.C.)**

There were no items submitted for the Regular Agenda by the Congestion Management Program and Planning Committee.

**TRANSIT PLANNING AND OPERATIONS COMMITTEE
CHAIRPERSON'S REPORT – (See Agenda Item #31.D.)**

26. Downtown East Valley Capitol Expressway Light Rail Project Final Supplemental Environmental Impact Report

Tom Fitzwater, Environmental Planning Manager, directed attention to the presentation entitled, "Downtown East Valley Transit Improvement Plan, Capitol Expressway Light Rail Final Supplemental Environmental Impact Report (Final SEIR)." He noted that the presentation covered the following four areas: 1) Project Background; 2) Recommended Project Changes; 3) Final SEIR; and 4) Board Action.

Mr. Fitzwater provided a presentation, highlighting: 1) Project History; 2) Approved Project; 3) Changes to the Approved Project; 4) Key Environmental Milestones; 5) Summary of Impacts-Transportation; 6) Summary of Impacts-Noise and Vibration; 7) Draft SEIR-Summary of Public Comments.

Mr. Fitzwater noted that staff is asking the VTA Board of Directors to: 1) Certify the Final EIR; 2) Adopt Findings of Fact and Statement of Overriding Considerations; 3) Adopt the Mitigation Monitoring and Reporting Plan; and 4) Approve the Recommended Changes to the Light Rail Project.

Board Member Gage expressed concern regarding the change in zoning and that the corridor is already impacted with Level "F" service. He commented that even if the two High Occupancy Vehicle (HOV) lanes are removed and \$334 million is spent on a light rail system, there still would be Level "F" service. Board Member Gage asked how placing a light rail system in the area is going to have a positive effect on the area.

Vice Chairperson Kniss directed attention to the residential image contained on the presentation slide entitled, "Approved Project," and expressed concern regarding a light rail system being placed in a very residential area. She expressed concern regarding the proposed removal of the HOV lanes/extra lanes that already contributes to the Level "F" quality. Vice Chairperson Kniss expressed concern regarding the zoning change and noted that there has been a rather dramatic change in the area. She queried about the criteria used to determine the placement of a light rail system in the corridor.

Mr. Fitzwater noted that the Project Purpose is to improve transit service; make transit an attractive alternative to the car; enhance regional connectivity; accommodate future travel demand; improve regional air quality; improve access to employment, education, medical, and retail centers; and support local economic and land use development goals. He stated that the traffic analysis that was provided in the environmental document is based on general plans and the general plans still show growth in that area. The project is also designed to turn Capitol Expressway more into an urban boulevard than essentially a freeway as it acts today.

Vice Chairperson Kniss expressed concern about the substantial amount of money being spent on the project and queried about the date of determination to proceed with the project. Mr. Fitzwater noted that the Downtown East Valley (DTEV) Capitol Expressway Project was in the Expenditure Plan and was part of 2000 Measure A. The VTA Board approved the Capitol Expressway Final Environmental Impact Report (EIR) in May 2005, noting that the project had some modifications as VTA moved into the preliminary engineering stage.

Board Member Cortese noted that he has been tracking the project for the entire six and half years that he has been on the VTA Board. He indicated that the VTA Board adopted the project as a preferred investment strategy based on the criteria established by the Board. The project was placed on the 2000 Measure A list, because it was the project that met significant criteria established by the Board for where investments should occur.

Board Member Cortese noted that the current ridership in the area is the highest in the County of Santa Clara. There was an attempt through the Evergreen planning process to convert some industrial property to residential, which would have added about 1,000 homes to the current population of residential in this area within a 3-mile radius of approximately 27,000 housing units. He stated this is not a low-density area, and it will be a transit oriented development (TOD) site of 85 acres immediately adjacent to Eastridge. The negotiations for changing the General Plan to accommodate TOD at this point are ongoing. He stated that continued growth is to be anticipated much like the rest of the county and in this part of the city. It is anticipated the Association of Bay Area Governments (ABAG) projections will be accommodated, and the commitment to put housing in the area is consistent with Metropolitan Transportation Commission (MTC) Resolution 3434.

Board Member Cortese stated that he has served on the DTEV Policy Advisory Board (PAB) for six and a half years, along with former Vice Mayor Chavez, Council Member Nora Campos, Supervisor Pete McHugh, and Supervisor Blanca Alvarado. The PAB was very concerned about the HOV lane issue and asked staff to come up with alternatives to try to salvage the HOV lanes or even one lane worth of right of way, so that the project could dedicate at least one HOV lane northbound in the mornings where there is quite a bit of commute traffic. He stated that staff came back with a dilemma in that they could create enough right of way only by the use of eminent domain and additional right of way acquisition. The PAB asked if there were any other alternatives, such as to dramatically reduce pedestrian sidewalks and eliminate landscaping along the expressway, that would provide for an additional lane; however, the alternatives were not very feasible; therefore, he would be willing to support certifying the Supplement EIR.

Board Member Cortese stated that he served on the County Expressway PAB and the County Expressway PAB adopted a study at the time which acknowledged that the HOV lanes were put in temporarily and that this was a light rail corridor. He noted that the study recommended significant capital improvements but these improvements have not been implemented due to lack of funding. He indicated that staff along with local elected officials will need to work to find funding for the needed improvements in the future.

Board Member Williams referred to the removal of the HOV lane and queried if VTA has considered looking at other lane alternatives. Michael T. Burns, General Manager, noted that VTA looked at a whole series of options with regard to the HOV lanes. He noted that Board Member Cortese has accurately described the impacts of keeping the HOV lanes. He stated that it could be accomplished by taking property or by changing the whole concept of the project, which is going to a boulevard concept as opposed to an expressway concept, but those are the sacrifices that are required. He stated that the issues raised are very valid issues and in transportation planning, particularly with these kinds of projects with a lot of public input, a lot of time elapses between when certain decisions are made and the projects actually get built.

Mr. Burns stated that he recommends that the Board certify the Supplement EIR, since it is to confirm the work that has been done to date on the environmental side, and there will be several further actions by the Board before the project goes into construction. He further recommended the Board direct staff to re-evaluate and consider the questions that

have been raised by the Board prior to coming back to the Board for some further action that advances the project.

Board Member Williams commented that the City of San José is preparing to go through a 2040 General Plan review that could potentially impact the project, and he would support the recommendation made by the General Manager.

(Gage/Cortese) to approve the changes to the Downtown East Valley (DTEV) Capitol Expressway Light Rail Project (Project) through the following actions: 1) Certify that the Final Supplemental Environmental Impact Report (SEIR): a] meets the requirements of the California Environmental Quality Act (CEQA); b] represents the independent judgment of the Santa Clara Valley Transportation Authority (VTA) as the Lead Agency; and c] was presented to the VTA Board of Directors for review and consideration; 2) Adopt: a] Findings of Fact; and b] Statement of Overriding Considerations; 3) Adopt a Mitigation Monitoring and Reporting Program; and 4) Amend the Capitol Expressway Light Rail Project as described in the Final SEIR. Further, directed staff to re-evaluate and review the questions raised by Board Members at the August 2, 2007 Board of Directors meeting prior to coming back to the Board of Directors for further action that advances the project.

Ex-Officio Board Member Yeager left the meeting at 7:30 p.m.

27. Presentation on the Comprehensive Operations Analysis (COA)

Kevin Connolly, Transportation Planning Manager, provided a status report on the public outreach activities related to the Comprehensive Operations Analysis (COA). The COA is scheduled to conclude with the adoption of a revised Bus Service Operating Plan at the August 30, 2007 Board of Directors meeting. This will be the culmination of 18 months of analysis and public outreach that has taken place with the general public, VTA Committees and Board of Directors. The public outreach activities will continue into the week of August 6, 2007, with public meetings on August 7, 2007 at the Martin Luther King, Jr. Library in downtown San Jose at 3:00 p.m. and 6:00 p.m. Mr. Connolly noted that VTA will start its proposed final round of meetings with the VTA Committees the week of August 6, 2007. He indicated that at the public and VTA Committees, VTA staff will present a revised Bus Service Operating Plan proposal, noting that the revised proposed Plan was released the week of July 30, 2007. VTA posted the revised proposed Plan on its website and prepared informational brochures.

Mr. Connolly indicated that the revised proposed Plan contains 39 discreet changes from the first draft proposal that was presented in April 2007. The revised proposed Plan similar to the original proposal relies on analysis conducted for the study in the areas of transit market potential and service effectiveness. It also incorporates new policy developed with the Board of Directors that sets standards for ridership and cost effectiveness for all of VTA services. Mr. Connolly noted that if adopted, new services will go into effect on January 14, 2008. VTA will use the fall months to conduct detailed scheduling, operator sign-ups, and provide the public with information. Part of that

information is really a promotion campaign and a marketing of what VTA considers to be a brand new service model at VTA.

Mr. Connolly indicated that the goal of VTA's outreach program has been to disseminate a very complex set of information and a high volume of information to as wide an audience as possible and then provide as much opportunity as possible for public input. The first draft proposal was released to the public in May 2007 through the use of 15,000 service change brochures that were distributed widely in public places and placed on VTA vehicles. VTA created a COA web page as well as an e-mail address. VTA conducted 12 presentations to City Councils and the County of Santa Clara Board of Supervisors and conducted 10 public meetings throughout the County of Santa Clara. Mr. Connolly noted that VTA will be providing a compact disc (CD) that contains over 800 individual responses/inputs from the general public at the August 2007 VTA Committee and Board of Directors meetings.

On order of Chairperson Chu, there being no objection, a presentation on the Comprehensive Operations Analysis (COA) was received.

OTHER ITEMS (continued)

28. (Moved up on the Agenda)

Authorize the Chair to send a letter of support for the Transportation Agency for Monterey County's (TAMC) proposed rail service extension to Pajaro, Castroville, and Salinas.

29. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

30. MONTHLY LEGISLATIVE HISTORY MATRIX

On order of Chairperson Chu, there being no objection, the Monthly Legislative History Matrix was accepted as contained in the Agenda Packet.

31. SUMMARY MINUTES FROM STANDING COMMITTEES

A. Board of Directors Committee of the Whole

On order of Chairperson Chu, there being no objection, the July 19, 2007 Summary Minutes was accepted as contained in the Agenda packet.

B. Administration and Finance Committee

On order of Chairperson Chu, there being no objection, the June 21, 2007 and July 19, 2007 Notices of Cancellation were accepted as contained in the Agenda packet.

C. Congestion Management Program and Planning

On order of Chairperson Chu, there being no objection, the June 21, 2007 and July 19, 2007 Notices of Cancellation were accepted as contained in the Agenda packet.

D. Transit Planning and Operations Committee

On order of Chairperson Chu, there being no objection, the June 20, 2007 and July 18, 2007 Notices of Cancellation were accepted as contained in the Agenda packet.

32. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

On order of Chairperson Chu, there being no objection, the June 13, 2007 and July 11, 2007 Minutes were accepted as contained in the Agenda packet.

B. Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC)

On order of Chairperson Chu, there being no objection, the June 13, 2007 Notice of Cancellation and July 11, 2007 Minutes were accepted as contained in the Agenda packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

On order of Chairperson Chu, there being no objection, the June 13, 2007 Minutes and July 11, 2007 Notice of Cancellation were accepted as contained in the Agenda packet.

D. Technical Advisory Committee (TAC)

On order of Chairperson Chu, there being no objection, the June 14, 2007 Notice of Cancellation and July 12, 2007 Summary Minutes were accepted as contained in the Agenda packet.

E. Policy Advisory Committee (PAC)

On order of Chairperson Chu, there being no objection, the June 14, 2007 and July 12, 2007 Notice of Cancellations were accepted as contained in the Agenda packet.

33. REPORTS FROM JOINT POWERS BOARDS (JPBs) & REGIONAL COMMISSIONS

Chairperson Chu advised the Board of Directors that the Reports from the Joint Powers Boards (JPBs) & Regional Commissions were placed in front of them on the dais.

- A. **Peninsula Corridor JPB**
- B. **Capitol Corridor JPB**
- C. **Dumbarton Rail Corridor Policy Committee**
- D. **Metropolitan Transportation Commission (MTC)**

34. REPORTS FROM VTA POLICY ADVISORY BOARDS (PABs)

A. **Vasona Light Rail PAB**

There was no report from the Vasona Light Rail PAB.

B. **Silicon Valley Rapid Transit Corridor PAB**

There was no report from the Silicon Valley Rapid Transit Corridor PAB.

C. **Downtown East Valley PAB**

On order of Chairperson Chu, there being no objection, the June 4, 2007 Minutes were accepted as contained in the Agenda packet.

D. **Highway PAB – South**

There was no report from the Highway PAB - South.

E. **I-680 Sunol SMART Carpool Lane Policy Advisory Committee**

On order of Chairperson Chu, there being no objection, the I-680 Sunol SMART Carpool Lane Policy Advisory Committee Report of July 20, 2007, was accepted as contained on the dais.

35. ANNOUNCEMENTS

There were no Announcements.

36. ADJOURNMENT

On order of Vice Chairperson Chu, there being no objection, the meeting was adjourned at 7:40 p.m.

Respectfully Submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Board of Directors