

# BOARD OF DIRECTORS MEETING

January 3, 2008

## 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 Kniss at 5:35 p.m. in the Board of Supervisors' Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

### 2. ADMINISTER OATHS OF OFFICE

Maria Marinos, Board Secretary, administered the Oath of Office to newly appointed Board Members David Casas, representing City of Los Altos; Nancy Pyle, representing the City of San José; and Dominic Caserta, representing the City of Santa Clara.

### 3. ROLL CALL

#### Members Present

David Casas  
Dominic Caserta  
Dean J. Chu, Ex-Officio  
Don Gage  
Liz Kniss, Chairperson  
Nancy Pyle  
Chuck Reed  
Dolly Sandoval, Vice Chairperson  
Greg Sellers  
Forrest Williams  
Ken Yeager, Ex-Officio

#### Members Absent

Nora Campos  
Yoriko Kishimoto  
Sam Liccardo

#### Alternates Present

None

#### Alternates Absent

Dave Cortese  
Kathleen King  
Bob Livengood  
Pete McHugh

\* Alternates do not serve unless participating as a Member.

**A quorum was present.**

### 4. ORDERS OF THE DAY

There were no Orders of the Day.

## **5. AWARDS AND COMMENDATIONS**

### **A. Employees of the Month for January 2008**

Vice Chairperson Sandoval recognized and presented Thang Tran, Mail Messenger, River Oaks Administration; and Cirilo Paredes, Coach Operator, Chaboya Division, as Employees of the Month for January 2008. Steve Holt, Transit Mechanic, Chaboya Maintenance, was unable to attend.

### **B. Resolution for Retiring VTA Employee Sherry Wilkins**

Vice Chairperson Sandoval recognized and presented award to Sherry Wilkins, Material Resource Scheduler, for 30.6 years of service.

Michael T. Burns, General Manager, recognized the family of Ms. Wilkins.

**M/S/C (Gage/Caserta)** to adopt a Resolution of Commendation No. 08.01.01 recognizing Sherry Wilkins, Materials Resource Scheduler, for 30.6 years of service.

## **6. Policy Advisory Committee (PAC) Chairperson's Report**

Chris Moylan, Policy Advisory Committee (PAC) Chairperson, provided a report highlighting the following recommendations: 1) High Occupancy Toll (HOT) lane projects that passed on a vote of six ayes to four noes; 2) Implementation of the Screening Program that passed on a vote of nine ayes to two noes; 3) Criteria for the Local Streets and County Roads Program; 4) Caltrain Service Upgrades for Safety Improvements; 5) Not to combine PAC and Technical Advisory Committee (TAC) nor have the City Managers serve as the alternates to PAC; and 6) Restructure County Governance to address high amount of turn-over by the Board of Directors.

Mr. Moylan distributed and provided a brief report about the PAC attendance.

## **7. REPORT FROM THE GENERAL MANAGER**

Michael T. Burns, General Manager, welcomed new and returning Board Members. He noted that 2008 would involve a lot of decision-making and he looks forward working with the Board of Directors.

Mr. Burns reminded the Board of Directors about the Board Summit Meeting on February 1, 2008 at 1:30 p.m.

Mr. Burns reported on the success of the extra and free transportation service during New Year's Eve. He noted that the ridership decreased compared to last year.

Mr. Burns reported that staff has made special preparations for the upcoming storm including: 1) Senior staff available onsite; 2) Extra coverage for power and overhead personnel; 3) Longer shifts for road call staff; 4) Tested generators and prepared supplies; 5) Discontinued non-essential training; and 6) Availability of extra Transportation Staff.

Mr. Burns provided an update regarding the Caltrain Joint Powers Board (JPB) labor dispute that involves Amtrak.

Mr. Burns provided a report on Implementation of the New Service Plan on January 14, 2008 and highlighted the following: 1) Completed schedule for 74 bus routes; 2) Operators signed up for shifts; 3) Hired new operators; 4) Coordinated route changes with connecting operators; 5) Completion of 3,000 bus stop changes; 6) Installation of new maps to 700 locations; 7) Issued new service change brochures on Buses and Light Rail coaches; 8) Distribution of 41 route specific flyers; 9) Updated Bus and Light Rail System internal announcements regarding the service change; 10) 800 ambassador shifts that communicates the change to riders; 11) Major advertising on the radio, television, local and ethnic publications, e-mail, direct mail, and internet; 12) Conducted 44 Trip Planning Sessions; 13) Launched the new VTA Website; and 14) Updated the Google Trip Planning Program.

Mr. Burns noted the revised Resolution on Agenda Item #18.

## **8. REPORT FROM THE CHAIRPERSON**

### **Approve Appointments to Board Standing Committees for 2008**

**M/S/C (Gage/Sandoval)** to approve appointments to Board Standing Committees for 2008.

Chairperson Kniss provided a report highlighting: 1) New Service Plan; 2) Positive feedback for VTA was received from the Palo Alto Daily News; 3) 2000 Measure A long-term plan; 4) Governance issues; 5) Audit Committee; 6) Valley Transportation Plan (VTP) 2035; and 7) Continuous support to the Regional Transportation System.

Chairperson Kniss recommended the following changes to VTA Board Meeting Agenda: 1) Board meetings should end by 8:30 p.m.; 2) Move the Closed Session Item to the beginning of the Agenda to start at 5:30 p.m. and the Regular Board of Director's meeting to start at 6:00 p.m.; 3) Actions from the Standing Committees be included in the Board of Director's packet; 4) Items removed from the Consent Agenda will be discussed at the end of the Regular Agenda; 5) Public Presentations be moved to the end of the Agenda; 6) Make important Agenda Items time certain; 7) Produce sense minutes; and 8) Formation of an Executive Committee.

## **9. PUBLIC PRESENTATIONS**

Bob Shaw, Interested Citizen, expressed concern regarding transportation issues facing VTA.

Eugene Bradley, Interested Citizen, expressed concern regarding Customer Service Department's process of handling complaints. He requested for a written notice regarding Customer Service Department's policy on following up and returning calls of complainants.

Michael Wilhelmi, Interested Citizen, expressed concern regarding the posting of "Happy Holidays" on head-signs of Buses and Light Rail coaches.

Tom Fink, Political Director, Amalgamated Transit Union (ATU) Local 265, expressed appreciation to all the parties involved in the contract negotiations between VTA and ATU. He expressed appreciation to Chairperson Kniss for facilitating the communication between VTA and ATU.

## **CONSENT AGENDA**

### **10. Minutes of the Regular Board of Directors' Meeting of December 13, 2007**

M/S/C (Sellers/Pyle) to approve the Minutes of the Regular Board of Directors' Meeting of December 13, 2007.

### **11. Bicycle and Pedestrian Advisory committee Appointments**

M/S/C (Sellers/Pyle) to ratify the appointments of Chris Fernandez representing County of Santa Clara and Cheryl Bunnell representing the City of Milpitas to the Bicycle and Pedestrian Advisory Committee (BPAC) for the term ending June 30, 2008.

### **12. Appointments to the Committee for Transit Accessibility (CTA)**

M/S/C (Sellers/Pyle) to approve nominations to fill vacancies on the Committee for Transit Accessibility (CTA) for a two-year term beginning January 1, 2008.

### **13. Resolution to Authorize the General Manger to Execute Grant-Related Agreements with the California Department of Transportation for Federal and State Funds**

M/S/C (Sellers/Pyle) to adopt a Resolution No. 08.01.02 authorizing the General Manager to execute – with the California Department of Transportation (Catrans) – all Master Agreements, Program Supplement Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto and all other necessary agreements and documents to accept and use Federal and State funds.

**14. Fund Transfer Agreements with Caltrans for Fiscal Years 2008 and 2009 State Transportation Improvement Program Planning, Programming and Monitoring Program**

M/S/C (Sellers/Pyle) to adopt a Resolution No. 08.01.03 authorizing the General Manager to execute fund transfer agreements with the State of California Department of Transportation for fiscal years 2008 and 2009 State Transportation Improvement Program (STIP) Planning, Programming and Monitoring Program.

**15. Proactive CMP Reviewed and Approved Projects Quarterly Status Report July through September 2007**

M/S/C (Sellers/Pyle) to receive the Proactive CMP Reviewed and Approved Projects Quarterly Report July through September 2007.

**16. Revised Scoring Criteria for the Local Streets & County Roads (LS&CR) Program**

M/S/C (Sellers/Pyle) to approve the modification of criteria used to evaluate and select projects for the Local Streets & County Roads (LS&CR) Program.

**17. Review and Screening of Candidate Locations for Noise Reduction Projects**

M/S/C (Sellers/Pyle) to approve a countywide review and screening of candidate locations for noise reduction projects on freeways and expressways, and approve the use of up to \$400,000 in Congestion Management Program budget to implement the screening program.

**18. Resolution for a 2008 State Transportation Improvement Program (STIP) Application for the San Jose Airport People Mover Project**

M/S/C (Sellers/Pyle) to adopt a Resolution No. 08.01.04 certifying that VTA is an eligible and responsible sponsor for the San Jose Airport People Mover Project in the State Transportation Improvement Program and authorize the General Manager to submit applications for Regional Transportation Improvement Program (RTIP) funding for this project.

<b>TRANSIT PLANNING AND OPERATIONS COMMITTEE</b>
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**19. Heating Ventilation and Air Conditioning Replacements at Guadalupe Division**

M/S/C (Sellers/Pyle) to authorize the General Manager to execute a contract with Kinetics Mechanical Service Incorporated, the lowest responsible and responsive bidder, for the replacement of five heating ventilation and air conditioning (HVAC) units and the addition of one unit heater at the Guadalupe Light Rail Division in the amount of \$394,679.

**20. Contract Award for Rail Rehabilitation – Downtown Transit Mall Project**

M/S/C (Sellers/Pyle) to authorize the General Manager to execute a contract with Stacy & Witbeck, Inc., the lowest responsible bidder, in an amount of \$1,791,940 for the construction of the Rail Rehabilitation – Downtown Transit Mall Project. This contract is 80 percent federally funded.

**21. Hazmat Soil Loading, Transport and Disposal from Newhall Yard Site**

M/S/C (Sellers/Pyle) to authorize the General Manager to execute a contract with Pacific States Environmental Contractors, Inc., the lowest responsible bidder, in the amount of \$1,190,872 for contaminated soil transportation and disposal from VTA's Newhall Yard site to a State permitted landfill site. Also, authorize a contingency amount of \$300,000 for additional contaminated soil disposal, if necessary, in lieu of the 15 percent change order contingency delegated to the General Manager.

**22. Contract Amendment ARUP LTD – Bus Rapid Transit (BRT) Strategic Plan**

M/S/C (Sellers/Pyle) to authorize the General Manager to: 1) amend the contract with ARUP LTD to develop a Bus Rapid Transit (BRT) Strategic Plan to study candidate BRT corridors identified in VTA's long-range plan; increase the approved contract value by \$440,000 for a new total contract value of \$1,540,000; and 2) extend the term of the contract through October 3, 2010.

**ADMINISTRATION AND FINANCE COMMITTEE  
NOTE: THE A&F COMMITTEE DID NOT MEET IN DECEMBER 2007**

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

**CONGESTION MANAGEMENT PROGRAM AND PLANNING (CMPP) COMMITTEE  
NOTE: THE CMPP COMMITTEE DID NOT MEET IN DECEMBER 2007**

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

**REGULAR AGENDA**

**23. 2008 State Legislative Program**

Jim Lawson, Senior Policy Advisor, reported the highlights of VTA's 2008 State Legislative Program:

- Monitor the development of bills related to the implementation of Proposition 1B by the Legislature;

- Support the full transfer of gasoline sales tax revenues from the General Fund to the Transportation Investment Fund (TIF) pursuant to Proposition 42;
- Support the efforts of the California Transit Association to develop a consensus on a constitutional amendment to permanently protect gasoline sales tax “spillover” revenues for public transportation purposes;
- Ensure that any previous loans from the various state transportation accounts to help with prior-year General Fund deficits are repaid in full;
- Support legislative proposals and policies that ensure that adequate levels of funding are available;
- Support legislative proposals and policies that enhance the ability of local project sponsors and Caltrans to effectively manage and expedite the delivery of transportation projects;
- Work with the California Transit Association and other rail transit operators in the state to streamline the public rail transit safety oversight programs of the California Public Utilities Commission (CPUC);
- Oppose legislative proposals and policies that would take away any amount of State Transportation Improvement Program (STIP);
- Continue to participate in the Silicon Valley High-Speed Rail coalition;
- Support legislative proposals and policies that encourage transit-oriented development;
- Ensure that any legislation to implement AB 32 (Nunez), the Global Warming Solutions Act of 2006, is structured in a way that assists the Bay Area in achieving its own greenhouse gas emissions and mobility goals;
- Monitor the implementation of the California Air Resources Board’s Urban Transit Bus Fleet Rule.

Board Member Casas asked for examples of local Intelligent Transportation Systems. Mr. Lawson responded that Intelligent Transportation System that provides information on traffic condition is being installed along US-101. He added that plans to install them throughout the Bay Area are underway.

**M/S/C (Gage/Caserta)** to approve the 2008 State Legislative Program for the Santa Clara Valley Transportation Authority (VTA).

**24. Regional Measure 2 Funds for Translink® Ticket Vending Machine Integration**

Bill Lopez, Chief Administrative Officer, provided a brief background regarding Translink® Ticket Vending Machine Integration for VTA and Caltrain. He noted that staff is requesting a second allocation for \$6,882,201 from MTC for the Design and Construction phases. He reported that the allocation of \$6,882,201, together with the previous allocation of \$150,000, brings the total funding request to \$7,032,201, as authorized by the TransLink Management Group.

Ex-Officio Board Member Yeager commented that the Translink® Ticket Vending Machine Integration have issues that need to be resolved. He added that its completion and total project cost are currently undetermined.

Michael T. Burns, General Manager, commented that the Translink System is sponsored by MTC and the contract to lead the project was awarded to ERG. He discussed the regional significance of the project and noted that Board action is required for MTC to release funding for the project.

Mr. Burns reported on the functions of the Translink Card: 1) Could be used on any transit system; 2) Use to pay for parking meters and garages; and 3) Use for retail transactions.

Chairperson Kniss asked to examine a prototype of the Translink® Ticket Vending Machine.

Board Member Williams asked to receive a breakdown on how the funding for the Translink System would be utilized. Mr. Lopez responded that staff is working with consultants to identify the detailed costing and hardware requirements for the project.

**M/S/C (Gage/Williams)** to request an allocation of \$6,882,201 from the Metropolitan Transportation Commission (MTC) for work to be performed for the TransLink® Ticket Vending Machine Integration project, as stated in the Initial Project Report (IPR).

## **25. Caltrain Service Upgrades – Safety Improvements**

Michael T. Burns, General Manager, reported that Caltrain Service Upgrades – Safety Improvements represent a comprehensive plan of safety projects throughout the Caltrain corridor, primarily at grade crossings and pedestrian crossings. He noted the following funding sources: 1) Federal; 2) State; 3) Infrastructure Bonds; and 4) 2000 Measure A. He expressed the importance of the safety projects to support the improvements on Caltrain.

Mr. Burns commented that staff is studying the possibility of immediate implementation of the projects as recommended by Committee Members.

Board Member Sellers clarified that two of the identified Streets should be changed into Avenues.

**M/S/C (Gage/Williams)** to approve the list of projects for the Caltrain Service Upgrades – Safety Improvements Project.

## **26. Construction Contract Amendment, River Oaks Bicycle and Pedestrian Bridge**

Mark Robinson, Acting Chief Engineering and Construction Officer, provided a brief background report on the River Oaks Bicycle and Pedestrian Bridge. He noted the following recommendations: 1) Approve the settlement reached with Stevens Creek Quarry, Inc. for a total amount of \$500,486; 2) Amend construction contract by \$352,000; and 3) Authorize a \$250,000 increase in appropriation to the River Oaks Bicycle and Pedestrian Bridge Project in the VTP Highway Program.

**M/S/C (Gage/Sellers)** to approve the settlement reached with Stevens Creek Quarry, Inc. to resolve the Government Code Claim on the River Oaks Bicycle and Pedestrian Bridge construction contract in the total amount of \$500,486 which includes release of retention in the amount of \$148,486 and additional payment in the amount of \$352,000. Authorize the General Manager to amend the construction contract by \$352,000 for a new contract amount of \$2,142,096. This exceeds the currently approved Board authorized contract authority by \$97,651. Additionally, to fund the settlement and associated administrative costs, authorize a \$250,000 increase in appropriation to the River Oaks Bicycle and Pedestrian Bridge Project in the VTP Highway Program. This appropriation will increase the project budget from \$3,322,000 to \$3,572,000.

**TRANSIT PLANNING AND OPERATIONS COMMITTEE  
CHAIRPERSON'S REPORT – (See Agenda Item #29.C.)**

**27. Palo Alto Community Transit Study Final Recommendation**

Chris Augenstein, Transportation Planning Manager, acknowledged the following VTA staff and representatives from local jurisdictions for their involvement in the study: 1) Kevin Connolly, Transportation Planning Manager; 2) Ying Smith, Senior Transportation Planner; 3) Bill Capps, Service Planning Manager; 4) Kermit Cuff, Transportation Service Development Specialist; 5) Gail Collins, Senior Transportation Planner; 6) Gayle Likens, Transportation Project Manager, City of Palo Alto; 7) Board Member and Palo Alto Mayor Kishimoto; 8) SamTrans Staff; 9) Staff of the Marguerite Shuttle; and 10) Caltrain Staff.

Mr. Augenstein provided a PowerPoint presentation entitled, Palo Alto Community Transit Study, that highlighted the following: 1) Project Timeline; 2) Transit Competitive Origins; 3) Transit Competitive Destinations; 4) Workshop, Team Meeting Input; 5) Recommendation for July 2008 Implementation; 6) Recommendation; 7) Palo Alto City Council Action; and 8) Future Study.

Penny Ellson, Interested Citizen, addressed the Board of Directors and expressed appreciation for providing school commute service to Gunn, Terman, Jordan, and JLS. She made the following recommendations: 1) Conduct a study to provide a train station connection; 2) Not to cut operating hours; 3) Community Bus Service passes; 4) Work with staff to promote the changes to the bus service; and 5) Collect data on people 18 years and under.

Eugene Bradley, Interested Citizen, expressed concern regarding the following: 1) Connection to SamTrans at the Palo Alto Transit Center; and 2) Attachment of public comments.

Steve Emslie, Interested Citizen, expressed appreciation for the valuable data gathered from the study and for the modified Community Bus Line 88.

Vice Chairperson Sandoval commended the elected officials, staff and concerned parents from the City of Palo Alto for working with VTA staff to improve the bus service. She also expressed appreciation to VTA staff.

**M/S/C (Sandoval/Sellers)** to approve the modification to the existing Community Bus Line 88 starting in July 2008 to serve both Midtown and South Palo Alto, provide additional peak period frequency and expand service to Gunn High School; further, approve the deletion of Community Bus Line 89 and reinvest the service hours into the modified Community Bus Line 88.

**ADMINISTRATION AND FINANCE COMMITTEE**

**NOTE: THE A&F COMMITTEE DID NOT MEET IN DECEMBER 2007**

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

**CONGESTION MANAGEMENT PROGRAM AND PLANNING COMMITTEE**

**NOTE: THE CMPP COMMITTEE DID NOT MEET IN DECEMBER 2007**

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

## **OTHER ITEMS**

### **28. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION**

There were no Items of Concern and Referral to Administration.

### **29. SUMMARY MINUTES FROM STANDING COMMITTEES**

#### **A. Administration and Finance Committee**

**On order of Chairperson Kniss**, there being no objection, the December 20, 2007 Summary Minutes were accepted as contained in the Agenda packet.

#### **B. Congestion Management Program and Planning**

There was no report from the Congestion Management Program and Planning Committee.

#### **C. Transit Planning and Operations Committee**

**On order of Chairperson Kniss**, there being no objection, the December 20, 2007 Summary Minutes were accepted as contained in the Agenda packet.

**30. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES**

**A. Committee for Transit Accessibility (CTA)**

Eugene Bradley, Interested Citizen, referenced a letter from Commodore C.C. Hutchinson that expresses concern regarding loading oversized scooters on Buses and Light Rail coaches.

Vice Chairperson Sandoval directed staff to address the issues raised by Eugene Bradley.

**On order of Chairperson Kniss**, there being no objection, the December 12, 2007 Minutes were accepted as contained in the Agenda packet.

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

There was no report from the Citizens Advisory Committee and 2000 Measure A Citizens Watchdog Committee.

**C. Bicycle & Pedestrian Advisory Committee (BPAC)**

There was no report from the Bicycle & Pedestrian Advisory Committee.

**D. Technical Advisory Committee (TAC)**

There was no report from the Technical Advisory Committee.

**E. Policy Advisory Committee (PAC)**

There was no report from the Policy Advisory Committee.

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

Chairperson Kniss 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)**

**32. 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**

There was no report from the Downtown East Valley PAB.

**D. Highway PAB – South**

There was no report from the Highway PAB – South.

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

There was no report from the I-680 Sunol SMART Carpool Lane Policy Advisory Committee.

**33. ADJOURNED TO CLOSED SESSION at 7:02 p.m.**

**A. Conference with Labor Negotiators  
[Government Code Section 54957.6]**

VTA Designated Representatives:

Jerry Mikolajczyk, Chief Financial Officer

Bill Lopez, Chief Administrative Officer

Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

Amalgamated Transit Union (ATU)

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

Title: General Counsel

**RECONVENED TO OPEN SESSION at 8:05 p.m.**

**34. CLOSED SESSION REPORT**

**A. Conference with Labor Negotiators  
[Government Code Section 54957.6]**

VTA Designated Representatives:

Jerry Mikolajczyk, Chief Financial Officer  
Bill Lopez, Chief Administrative Officer  
Robert Escobar, Manager, Office of Employee Relations

Employee Organization:

Amalgamated Transit Union (ATU)

Chairperson Kniss noted that there was no reportable action taken during Closed Session.

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

Title: General Counsel

Chairperson Kniss noted that there was no reportable action taken during Closed Session.

**35. ANNOUNCEMENTS**

There were no Announcements.

**36. ADJOURNMENT**

**On order of Chairperson Kniss**, there being no objection, the meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Michael Diaresco, Board Assistant  
VTA Board of Directors