

BOARD OF DIRECTORS MEETING

Thursday, January 8, 2009

MINUTES

CALL TO ORDER

The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Sandoval at 5:36 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

The Agenda was taken out of order.

2. Roll Call

Attendee Name	Title	Status	Arrived
David Casas	Board Member	Present	
Dominic Caserta	Board Member	Present	
Dean Chu	Ex-Officio Board Member	Present	
Don Gage	Board Member	Present	
Rose Herrera	Board Member	Present	5:42 PM
Ash Kalra	Board Member	Present	
Yoriko Kishimoto	Board Member	Present	
Liz Kniss	Board Member	Absent	
Nancy Pyle	Board Member	Present	
Chuck Reed	Board Member	Present	
Greg Sellers	Board Member	Present	
Ken Yeager	Ex-Officio Board Member	Absent	
Sam Liccardo	Vice Chairperson	Present	
Dolly Sandoval	Chairperson	Present	

* Alternates do not serve unless participating as a Member.

A quorum was present.

1. ADMINISTER OATHS OF OFFICE to newly appointed Board Members

Deborah Harrington, Board Secretary, administered the Oath of Office to newly appointed Board Member Ash Kalra, representing the City of San José.

3. RECESSED TO CLOSED SESSION at 5:40 p.m.

- A.** Anticipated Litigation--Conference with Legal Counsel Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Three cases)

B. (Deferred to the February 5, 2009, Board Meeting.)

Public Employee Performance Evaluation

[Government Code Section 54957]

Title: General Manager

On order of Chairperson Sandoval and there being no objection, the Public Employee Performance Evaluation was deferred to the February 2009 Board of Directors Meeting.

Member Herrera arrived at 5:42 p.m.

Deborah Harrington, Board Secretary, administered the Oath of Office to newly appointed Board Member Rose Herrera, representing the City of San José.

Member Herrera entered into Closed Session at 5:44 p.m.

RECONVENED TO OPEN SESSION at 6:00 p.m.

4. CLOSED SESSION REPORT

- A.** Anticipated Litigation--Conference with Legal Counsel Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Three cases)

There was no reportable action taken during Closed Session.

5. ORDERS OF THE DAY

Chairperson Sandoval reported a change in the Board Agenda: Effective February 2009 Public Presentations will follow Awards and Commendations on the Agenda.

Chairperson Sandoval stated the Regular Board meeting will begin at 6:00 p.m., unless the time required for Closed Session extends beyond 6:00 p.m. She noted the Regular Board meeting will not begin prior to the scheduled 6:00 p.m. start time.

M/S/C (Reed/Pyle) to accept the Orders of the Day.

6. AWARDS AND COMMENDATIONS

The Agenda was taken out of order.

B. Commendation for Assembly Member John Laird

John Laird was honored for his six years of distinguished public service to Santa Clara County as a member of the California State Assembly.

M/S/C (Pyle/Kishimoto) to adopt Resolution of Commendation No. 2009.01.01 for Assembly Member John Laird.

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

C. (Deferred to February 5, 2009, Board Meeting)

Resolution of Commendation for Assembly Member Sally Lieber.

D. Employees of the Month for December 2008 and January 2009 and Supervisor of the Quarter

Mitsuno Baurmeister, Human Resource Analyst, introduced and highlighted the efforts of the Employees of the Month for December 2008, January 2009, and the Supervisor of the Quarter for the first quarter of 2009.

Chairperson Sandoval recognized and presented awards to: 1) Phyllis Maggiore, Secretary in the Facilities Maintenance Department at River Oaks, as the Administrative Employee of the Month for December; 2) Diana Hermone, North Division Coach Operator, as the Operations Employee of the Month for December; 3) Neil Baker, Facilities Worker at Chaboya Division, as the Maintenance Employee of the Month for December; 4) Sandra Thomas, Office Specialist II in the Employee Services Department at River Oaks, as the Administrative Employee of the Month for January; 5) Oscar Edwards, Cerone Division Coach Operator, as the Operations Employee of the Month for January; 6) Gil Hirsch, Facilities Worker at Guadalupe Division, as the Maintenance Employee of the Month for January; and 7) Bill Capps, Deputy Director, Operations, as the Supervisor of the Quarter for the first quarter of 2009.

A. Commendation for Outgoing Board Member David Cortese

Chairperson Sandoval recognized and presented a commendation to outgoing Board Member David Cortese for his seven years of service as a VTA Board Member.

M/S/C (Pyle/Kishimoto) to adopt Resolution of Commendation No. 2009.01.02 for Outgoing Board Member David Cortese.

7. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, welcomed the two new VTA Board Members, noting staff will schedule an orientation with them in the near future.

Mr. Burns reported on a continued and strong performance in ridership, with an increase of 11 percent from November 2007 to November 2008. A status report will be provided to the Board on a regular basis.

The State budget and stimulus package at the federal level are both very fluid, therefore details are limited. The total anticipated State budget deficit for the next 18 months is \$42 billion. A package of mid-year budget revisions was passed by the State Legislature in December and vetoed by The Governor on January 6, 2009. At the end of December the Governor announced his own budget proposal, encompassing an 18-month period. The Governor has included a stimulus initiative as part of his budget proposal, largely the advancement of infrastructure bonds, which staff will continue to watch and report on.

VTA, its advocates and representatives, will be working to preserve as much transportation funding as possible.

The proposed Federal Stimulus Package, a priority of the President-elect, is expected to be completed in the mid-to-late February timeframe.

VTA has been working with State, stakeholder agencies, cities and the county to coordinate a process for project-funding distribution.

Mr. Burns reported on a memo in front of each Board member and on the back table for the Public, clarifying the action on **Agenda Item #20**, Silicon Valley Rapid Transit New Starts Candidate Project Funding Plan. He noted the Board is not being asked to approve a project, allocations, or appropriations of funds. The Board is being asked to approve a funding plan for an operable BART segment in Santa Clara County, which is consistent with the Metropolitan Transportation Commission's condition as part of the Resolution 3434 Strategic Plan to release the funding for the Warm Springs Extension.

Eugene Bradley, representing SCVTARU, raised a concern that previously-approved projects may be delayed in order for VTA to qualify for federal stimulus funds.

8. REPORT FROM THE CHAIRPERSON

Chairperson Sandoval defined 2009 as a year of challenges and opportunities. Despite very serious economic problems, the voters of Santa Clara County gave VTA an overwhelming vote of confidence with the passage of Measure B. VTA must also continue to earn the trust the voters have placed in it. VTA will be resubmitting the New Starts Program application to Washington. Staff will ensure VTA is seen as one of the most competitive organizations for funding. Board members must ensure our federal representatives are doing their part by educating them on the need for the \$750 million federal funding.

Chairperson Sandoval noted the eight cent sales tax the voters passed in November will not be collected unless the federal share for this project is committed. Santa Clara County and its northern partners have a unique opportunity to facilitate investment and make the High Speed Rail (HSR) Project a reality. Caltrain's right-of-way, an early HSR investment, will be an important benefit to both Caltrain and to the commuters in Santa Clara County. Staff projects receipt of \$35 million less state-revenue funds than originally planned. VTA has been both conservative and strategic with public money. The continual loss to operating and capital budgets will need to be addressed. VTA will ensure its outstanding bond and indebtedness is prudently managed through its hiring of an auditor general and by improving its financial infrastructure. A planned comprehensive look at the rail system will allow VTA to ensure it is providing the most effective and efficient rail transportation service.

Chairperson Sandoval expressed her commitment to a Customer Service Initiative and encouraging staff to seek input and crucial feedback from its broadest group of clients. VTA is now providing documentation, when possible, via compact disks in its effort to support a Green Initiative. In an effort to improve its own infrastructure, the Board will be addressing the governance issue this year.

Chairperson Sandoval welcomed the new Board members, stated she was looking forward to working with the entire Board, and thanked the members in advance for all of the hard work they will be putting forth in 2009.

Eugene Bradley, representing SCVTARU, expressed concern about budgetary comments made by then Vice Chairperson Sandoval at the December Board meeting. Chairperson

Sandoval noted those were her personal comments, confirming with Mr. Bradley no action had been taken following those comments.

Ross Signorino, Interested Citizen, praised Chairperson Sandoval for her decision to move Public Comments near the beginning of the Agenda.

Chairperson Sandoval referred the Board to the recommended appointments to Board Standing Committees for 2009.

M/S/C (Caserta/Reed) to approve appointments to Board Standing Committees for 2009.

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

Noel Tebo, CAC Chairperson for 2008 and newly re-elected Chairperson for 2009, provided a report regarding the CAC Meeting of December 10, 2008, highlighting the following: 1) The Citizens Advisory Committee is growing into their new role as the Citizens Watchdog Committee; 2) An independent auditor was hired to help fulfill the CWC mission regarding the third year Measure A expenditures as mandated by the voters. The process is beginning and the audit will be performed this coming year; 3) The CAC/CWC is actively participating in the Advisory Committee Enhancement program to refine their role as an effective Citizens Advisory Committee; and 4) The CAC/CWC has begun working on the 2009 goals and objectives.

10. Policy Advisory Committee (PAC) Chairperson's Report (Moylan)

Christopher Moylan, PAC Chairperson for 2008, provided a report regarding the PAC Meeting of December 11, 2008. The PAC: 1) prepared a mission statement; 2) are up-to-speed on Saratoga's local transportation needs and priorities; 3) recommended approval of the VTP 2035 Plan; and 4) recommended the multi-modal design approach used for the US 101/Tully Road interchange project.

Chairperson Moylan noted the PAC elected Margaret Abe-Koga of Mountain View as Chairperson and Chuck Page of Saratoga as Vice Chairperson for 2009.

CONSENT AGENDA

Chairperson Sandoval noted Interested Citizens requested to comment on **Agenda Item #18**, VTA Contribution to Caltrain Capital Projects & Approval of a Cooperative Agreement with the Peninsula Corridor Joint Powers Board.

Member Kishimoto requested the following Agenda Items be removed from the Consent Agenda and placed on the Regular Agenda: **Agenda Item #20**, Silicon Valley Rapid Transit New Starts Candidate Project Funding Plan and **Agenda Item #24**, FY 2009-2018 Mini Short Range Transit Plan (SRTP).

Member Reed noted he would abstain on the Consent Agenda.

Members Liccardo and Caserta noted they would abstain on **Item #29**, Freight Railroad Relocation - Contract Award for Construction of Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation.

11. Regular Meeting and Workshop Minutes of December 11, 2008.

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to approve the Board of Directors Regular Meeting and Workshop Minutes of December 11, 2008. Member Reed Abstained.

12. Contract Award for Auditor General Services

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to authorize the General Manager to execute a Task Order Contract with Deloitte & Touche, LLP to provide Auditor General Services for a two-year period in the amount of \$350,000. Additionally authorize the General Manager to execute three additional one year contract options for \$175,000 per year subject to approval by the Audit Committee. Member Reed Abstained.

13. Independent Auditor's Report on the VTA's Procurement Card Program Agreed-Upon Procedures for the Fiscal Year Ended June 30, 2008

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to review and receive the Independent Auditor's Report on the agreed-upon procedures performed on VTA's Procurement Card for the fiscal year ended June 30, 2008 (FY2008). Member Reed Abstained.

14. Audited Santa Clara Valley Transportation Authority Retiree's Other Post Employment Benefits (OPEB) Trust (Trust) Financial Report for Fiscal Year 2008

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, for VTA Board of Directors acting as the Trustees of the Santa Clara Valley Transportation Authority Retirees' Other Post Employment Benefits (OPEB) Trust (Trust) review and receive the audited financial report for Fiscal Year 2008. Member Reed Abstained.

15. Citizens Advisory Committee Appointment

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to recommend the Board of Directors ratify the nomination of Peter Skinner to the Citizens Advisory Committee representing the Silicon Valley Leadership Group. Member Reed Abstained.

16. Extra-Help RFP Contract Approval

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to authorize the General Manager to execute contracts with seven (7) temporary employment agencies for three years, with two one-year options to extend, in an amount not to exceed \$300,000 per year. The agencies are: AppleOne Employment Services; CoreTechs, Inc.; CornerStone Staffing Solutions, Inc.; Global Infotech Corporation; Josephine's Personnel Services, Inc.; Robert Half International, Inc.; and Venturi Staffing Partners, Inc. Member Reed Abstained.

17. Extension of DBE/SBE Certification Contract with Hayden J. Lee Consultants, Inc.

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to authorize the General Manager to extend the contract with Hayden J. Lee Consultants, Inc. (HJL Consultants) to perform Small Business Enterprise (SBE) and Disadvantaged Business Enterprise (DBE) certification services, contract monitoring, progress reports and compliance services associated with DBE/SBE participation on VTA contracts for an additional 12 months in an

amount not to exceed \$191,040, for a new total contract total of \$940,040. Member Reed Abstained.

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

Authorize the General Manager to execute a cooperative agreement with the Peninsula Corridor Joint Powers Board (JPB) for contributions of: 1) up to \$11.6 million of Measure A funds for Santa Clara Station and San Jose Diridon Station improvements; and 2) up to \$600,000 of Measure A funds for Caltrain capital planning efforts.

19. State Local Partnership Program Contribution to BART Warm Springs Extension Project

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to approve the contribution of State Local Partnership Program of \$8 million and its funding match from 2000 Measure A Program of \$8 million for the BART Warm Springs Extension project. Member Reed Abstained.

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

Reaffirm the Board's commitment to the Silicon Valley Rapid Transit Corridor project (BART to Milpitas, San Jose, and Santa Clara); and approve a funding plan (Exhibits C and D) for the federal New Starts Candidate project as an assurance for the BART Warm Springs Extension project.

21. Proactive CMP Reviewed and Approved Development Quarterly Status Report

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to receive the Proactive CMP Reviewed and Approved Project Quarterly Status Report. Member Reed Abstained.

22. STIP PPM Fund Transfer Agreement with Caltrans

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to adopt Resolution No. 2009.01.03 authorizing the General Manager to execute fund transfer agreements with the State of California Department of Transportation (Caltrans) for four fiscal years from 2009 to 2012 for the State Transportation Improvement Program Planning, Programming and Monitoring Program. Member Reed Abstained.

23. Revised BEP Evaluation Criteria

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to adopt the revised Bicycle Expenditure Plan Evaluation Criteria as described in Attachment D. Member Reed Abstained.

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

Adopt the FY 2009-2018 Short Range Transit Plan (SRTP).

25. Multi-Modal Design Practices and Principles

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to recommend the Board of Directors direct staff to follow the multi-modal design approach on all future roadway improvement projects as feasible, including projects within the State right of way. Member Reed Abstained.

26. Regional Transit-Oriented “Bike Share” Program

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to direct staff to conduct a Bike Sharing Pilot program as described in the recommendations outlined in the attached memorandum. Member Reed Abstained.

27. Countywide Expressway Study - 2008 Update

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to endorse the Santa Clara County Countywide Expressway Study. Member Reed Abstained.

28. Freight Railroad Relocation – Utility Relocation Agreement with Alameda County Transportation Authority and City of Fremont

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to authorize the General Manager to execute a Utility Relocation Agreement with Alameda County Transportation Authority and the City of Fremont for the purpose of relocating conflicting utilities for the Mission Warren Truck Rail Program. The utility relocation agreement will be for \$24.3M, of which VTA’s share is not to exceed \$7.8M. Member Reed Abstained.

29. Freight Railroad Relocation - Contract Award for Construction of Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation

M/S/C (Pyle/Gage) on a vote of 8 Ayes, 0 Noes and 3 Abstentions, to authorize the General Manager to execute a contract with Gordon N. Ball, the lowest responsible bidder, in the amount of \$15,242,004 for the construction of the Berryessa Creek Crossing, Abel Street Seismic Retrofit, and UPRR Railroad Relocation. Members Caserta, Liccardo and Reed Abstained.

30. FY 2007 Transit Security Grant Program - Base

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to adopt Resolution No. 2009.01.04 authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive \$1,517,185 from the U. S. Department of Homeland Security's FY2007 Transit Security Program (Base). Member Reed Abstained.

31. FY2007 Transit Security Grant Program-Supplemental

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to adopt Resolution No. 2009.01.05 authorizing the General Manager to submit and execute grant applications and agreements, certifications, assurances, and other documents as necessary to receive \$949,079 from the U. S. Department of Homeland Security's FY2007 Transit Security Program (Supplemental). Member Reed Abstained.

32. Program Augmentation for Transportation Planning and Mass Transit Studies

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to augment the total value of contracts permitted under the previously approved Transportation Planning and Mass Transit Studies on-call list from \$6,000,000 to \$7,000,000. Member Reed Abstained.

33. 2009 Board of Directors Meeting Calendar

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to approve the 2009 Board of Directors Meeting Schedule. Member Reed Abstained.

34. Facilities Program - Inaugural Semi-Annual Progress Report - September 2008

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to receive information on the Facilities Program - Inaugural Semi-Annual Progress Report. Member Reed Abstained.

35. RIDE Task Force Annual Update

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to review the annual RIDE Task Force Update. Member Reed Abstained.

36. January 2009 Service Changes

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to receive information on January 2009 Transit Service Changes. Member Reed Abstained.

37. Annual Transit Service Plan - Information

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to receive information on 2009 Annual Transit Service Plan. Member Reed Abstained.

38. VTP Highway Program Semi-Annual Report - October 2008

M/S/C (Pyle/Gage) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to receive the VTP Highway Program Semi-Annual Report. Member Reed Abstained.

REGULAR AGENDA

39. Real-Time Information (RTI) Project

Michael T. Burns, General Manager, introduced the RTI Project and reported: 1) This a direction the industry is taking to provide customers with transit arrival information in real time; 2) VTA staff has worked several years to reach this point; 3) Eighty percent of the funding has been secured through federal and regional sources; 4) In addition to the customer benefit, the system will provide real time vehicle location information to Operations; and 5) By fitting in with the 511 system, the RTI project provides a regional benefit.

Gary Miskell, Chief Information Officer, provided a PowerPoint presentation detailing: 1) RTI Project Goals; 2) Sign Display Functionality; 3) Smart Traveler Plus Web; 4) Voice Solution; and 5) RTI Budget and Funding.

Member Sellers questioned PDA applications for the RTI system. Mr. Miskell noted passengers can set-up and receive automatic texts informing them of late transit arrivals. He noted, for planning travel via multiple-transit systems, the 511 system would be the best solution for the rider. Within the VTA system, logging onto VTA.org website, or calling the Interactive Voice Response (IVR) system, would be the right solution for the rider.

Member Pyle expressed her enthusiasm and support for the RTI Project, predicting a huge demand for this technology.

Member Kishimoto expressed her enthusiasm and support for the RTI Project, noting its potential to help VTA meet the challenges of serving lower-density communities.

Member Liccardo noted RTI will open up an extraordinary opportunity for VTA to reach a new segment of the population. He expressed concern regarding the \$450,000 ongoing costs per year and questioned whether staff had looked into any private partnerships for advertising to pay these ongoing costs. Mr. Miskell stated the signs were advertising-capable, noting the geographic location would determine whether advertising could be sold. He noted staff has considered the idea and will look further into it as the process moves forward.

Michael Ludwig, Interested Citizen, extended his thanks and praise to VTA for initiating the RTI system and questioned the timing for implementation. Mr. Miskell stated the steps for this project, during the anticipated 18-month process, are: 1) detail and design from January through July; 2) initial procurement; and 3) deployment to begin in the late-July timeframe and extending out through the year 2010.

Eugene Bradley, representing SCVTARU, expressed his appreciation for the implementation of this much-needed service.

M/S/C (Pyle/Caserta) to:

1. Adopt the Initial Project Report for Regional Measure 2 (RM2) funds for the Real-Time Information Project (attached as Exhibit A);
2. Adopt Resolution No. 2009.01.06 authorizing the General Manager to execute and submit an allocation request for the RM2 funds from the Metropolitan Transportation Commission (MTC) for the Real-Time Information Project, (attached as Exhibit B) in the amount of \$2,530,000; and
3. Authorize the General Manager to execute a contract with ACS Inc., (Affiliated Computer Services) to build the Real-Time System in an amount not to exceed a total of \$5,100,000.

40. Fiscal Year 2008 Comprehensive Annual Financial Report for the Santa Clara Valley Transportation Authority and the Santa Clara Valley Transportation Authority Amalgamated Transit Union Pension Plan Report

Joseph Smith, Chief Financial Officer, introduced Leonard Danna, CPA, Partner, Vavrinek, Trine, Day & Company, LLP, the firm responsible for conducting an audit of VTA finances for the fiscal-year ended June 30, 2008.

Mr. Danna stated his company's role was to audit the financial statements prepared by VTA staff members. He reported their findings were unqualified, with no issues, and there were no audit adjustments made. Mr. Danna noted the report was previously presented to the Audit Committee where questions were presented and fully vetted.

M/S/C (Gage/Sellers) to review and receive the audited Comprehensive Annual Financial Report for the Santa Clara Valley Transportation Authority, and the Valley Transportation Authority Amalgamated Transit Union Pension Plan Report for Fiscal Year 2008.

41. Valley Transportation Plan (VTP) 2035 Plan Adoption

John Ristow, Chief Congestion Management Agency Officer, introduced the VTP 2035 Plan as a culmination of two years of hard work by the city staff, county staff, advisory committees, VTA staff and the Board.

Chris Augenstein, Deputy Director, Planning, presented a PowerPoint presentation on the VTP 2035 Plan. The Plan builds on the VTP 2030 Plan adopted by the Board of Directors in February 2005 and tracks with the Metropolitan Planning Commission's (MTC) Regional Transportation Plan (RTP). The Final VTP 2035 document consists of 5 primary chapters containing: 1) Plan setting, vision, goals and objectives; 2) Fund projections and a description of the VTP capital investments, services, and planning activities; 3) Land-use, partnership, and Climate protection programs to continue and expand VTA's involvement in livability initiatives and better link transportation and land use decision-making; 4) Near-term implementation tasks and transportation studies to be undertaken; and 5) Strategic Plan element.

VTP 2035 Program Areas are: 1) Transit; 2) Highways; 3) Expressways; 4) Local Streets and County Roads; 5) Pavement; 6) Local Transportation Projects and Enhancements; 7) Sound Mitigation; 8) Landscape & Graffiti / Trash Removal; 9) Transportation Systems Operations and Management; 10) Bicycle; and 11) Community Design & Transportation (CDT) Program.

Chairperson Sandoval expressed her appreciation to VTA's staff for their efforts. Mr. Augenstein acknowledged the efforts of project planners John Sighamony and Adam Burger.

Member Sellers noted, although acknowledging Mr. Augenstein had mentioned in his presentation they were being addressed, his local committee had found the minor inconsistencies between the appendices and the CMP section.

Member Casas requested information on the methodology used to quantify the improved air quality. Mr. Augenstein stated the factors used, vehicle-miles traveled and vehicle-hours traveled, are provided by the Air Quality Board. He noted MTC's use of the Peavley Factors factor in improvements in technology. Although not shown in the plan, when staff utilizes the Peavley Factors, a significant reduction is seen in carbon dioxide and other air pollutants.

Member Kishimoto acknowledged staff's efforts and their great job of introducing many new programs. She expressed concern with regard to the Plan's current and projected emission levels.

M/S/C (Pyle/Caserta) on a vote of 10 Ayes, 1 No and 0 Abstentions, to approve the Valley Transportation Plan 2035 (VTP 2035) as Santa Clara County's long-range countywide transportation plan. Member Kishimoto voted No.

18. VTA Contribution to Caltrain Capital Projects & Approval of a Cooperative Agreement with the Peninsula Corridor Joint Powers Board

Yolanda Reynolds, Interested Citizen, spoke on the need to improve air quality, find a better way for bicyclists to use Caltrain, and urged the Board to electrify Caltrain.

Kathryn Mathewson, representing VIVA Foundation, expressed concern over the toxic properties in diesel fuel, encouraged a reduction in the use of diesel trains and buses, and urged the Board to electrify Caltrain.

Marshall Woodmansee, Interested Citizen, strongly encouraged both improvement in air quality and the electrification of Caltrain.

Tessa Woodmansee, Interested Citizen, expressed concern there is a lack of support of the electrification of Caltrain and encouraged a reduction in diesel emissions in order to meet federal guidelines for air quality.

Michael T. Burns, General Manager, noted staff has requested funding from the funding partners for the electrification of Caltrain. In addition to the Measure B passing in November, the High Speed Rail (HSR) Bond also passed. VTA has held discussions with Caltrain regarding the need for coordination with the HSR project, specifically on the electrification project, before additional steps are taken. VTA is not suggesting the electrification be delayed.

Vice Chairperson Liccardo, referencing Ms. Reynolds' comment on Caltrain bicycle accessibility, directed attention to Item 26 on today's consent calendar wherein the Board is directing staff to conduct a Bike Sharing Pilot Program.

M/S/C (Gage/Caserta) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to authorize the General Manager to execute a cooperative agreement with the Peninsula Corridor Joint Powers Board (JPB) for contributions of: 1) up to \$11.6 million of Measure A funds for Santa Clara Station and San Jose Diridon Station improvements; and 2) up to \$600,000 of Measure A funds for Caltrain capital planning efforts. Member Reed Abstained.

20. Silicon Valley Rapid Transit New Starts Candidate Project Funding Plan

Member Kishimoto requested clarification for what a "yes" vote on this item means. Kevin Allmand, General Counsel, stated this is approval of the funding plan for an operable BART segment as required by the Metropolitan Transportation Commission Resolution 3434.

Member Kishimoto questioned what obligation the signing of this plan would have for future VTA boards. Mr. Allmand stated this is a plan only and does not obligate future Boards.

Member Kishimoto questioned whether VTA could be sued if the Warm Springs Extension was completed and VTA was unable to proceed with the Santa Clara County extension. Mr. Allmand stated VTA could not be sued based upon the approval of the plan.

Member Kishimoto acknowledged, with the two-thirds passage of Measure B, BART is a high priority for the voters. She then reminded the Board of its obligation to follow a process, noting the Environmental Impact Study (EIS) has not been completed.

Member Kishimoto expressed concern whether there will be resources left for VTA's share of the Caltrain Electrification project. Mr. Burns defined the planning process for the Measure A projects as a dynamic, continually-changing process. The direction from the Board is to deliver on all Measure A projects. Determining the budget, having a mid-term and long-term view of what is and is not available will be part of the process as a whole.

Member Kishimoto expressed her strong support for Caltrain and Caltrain Electrification.

Member Casas, as a point of clarification, asked staff to reissue the memo with the appropriate text for the record so there is no lack of understanding.

Michael Ludwig, Interested Citizen, acknowledged the passage of Measure B and stressed the importance of completing this project without going over budget.

Chairperson Sandoval restated the motion to replace the language “New Starts Candidate Project” to “an operable BART segment in Santa Clara County.”

M/S/C (Gage/Pyle) on a vote of 9 Ayes, 1 No and 1 Abstention, to reaffirm as amended the Board’s commitment to the Silicon Valley Rapid Transit Corridor project (BART to Milpitas, San Jose, and Santa Clara); and approve a funding plan for an operable BART segment in Santa Clara County as an assurance for the BART Warm Springs Extension project. Member Kishimoto voted No. Member Reed Abstained.

24. FY 2009-2018 Mini Short Range Transit Plan (SRTP)

Member Kishimoto requested clarification in regard to figures within the SRTP Plan.

Member Casas confirmed with Mr. Burns that Member Kishimoto may provide questions to staff in advance of the meetings and staff will then report back to the Board.

M/S/C (Kishimoto/Sellers) on a vote of 10 Ayes, 0 Noes and 1 Abstention, to adopt the FY 2009-2018 Short Range Transit Plan (SRTP). Member Reed Abstained.

OTHER ITEMS

42. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

43. MONTHLY LEGISLATIVE HISTORY MATRIX

There was no Monthly Legislative Matrix.

44. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Sandoval and there being no objection, the December 18, 2008, Administration and Finance (A&F) Committee Minutes were accepted as contained on the dais.

B. Congestion Management Program and Planning Committee

On order of Chairperson Sandoval and there being no objection, the December 18, 2008, Congestion Management Program and Planning (CMPP) Committee Minutes were accepted as contained in the Agenda Packet.

C. Transit Planning and Operations Committee

On order of Chairperson Sandoval and there being no objection, the December 18, 2008, Transit Planning and Operations (TP&O) Committee Minutes were accepted as contained in the Agenda Packet.

45. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

On order of Chairperson Sandoval and there being no objection, the December 10, 2008, Committee for Transit Accessibility (CTA) 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 Sandoval and there being no objection, the December 10, 2008, Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Minutes were accepted as contained in the Agenda Packet.

C. Bicycle & Pedestrian Advisory Committee (BPAC)

On order of Chairperson Sandoval and there being no objection, the December 10, 2008, Bicycle and Pedestrian Advisory Committee (BPAC) Minutes were accepted as contained on the dais.

D. Technical Advisory Committee (TAC)

On order of Chairperson Sandoval and there being no objection, the December 11, 2008, Technical Advisory Committee (TAC) Minutes were accepted as contained in the Agenda Packet.

E. Policy Advisory Committee (PAC)

On order of Chairperson Sandoval and there being no objection, the December 11, 2008, Policy Advisory Committee (PAC) Minutes were accepted as contained on the dais.

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

A. Peninsula Corridor JPB

There was no report from the Peninsula Corridor JPB.

B. Capitol Corridor JPB

There was no report from the Capitol Corridor JPB.

C. Dumbarton Rail Corridor Policy Committee

There was no report from the Dumbarton Rail Corridor Policy Committee.

D. Metropolitan Transportation Commission (MTC)

On order of Chairperson Sandoval and there being no objection, the December 17, 2008, Summary Notes from the Metropolitan Transportation Commission (MTC) were accepted as contained on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

There was no report from the Sunol Smart Carpool Lane Joint Powers Authority.

47. 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 & BART Warm Springs Extension PAB

On order of Chairperson Sandoval and there being no objection, the October 15, 2008, Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB Minutes were accepted as contained on the dais.

C. Downtown East Valley PAB

On order of Chairperson Sandoval and there being no objection, the December 4, 2008, Downtown East Valley PAB Minutes were accepted as contained in the Agenda Packet.

D. Highway PAB South

There was no report from the Highway PAB South.

48. PUBLIC PRESENTATIONS

Eugene Bradley, representing SCVTARU, expressed appreciation for the Chairperson moving the Public Presentations to the beginning of the agenda.

Tim L. Ranz, Interested Citizen, expressed concern over a driver's inability to properly deploy a wheelchair lift. Mr. Ranz provided staff with the driver's badge number, bus number, and the bus route. Michael T. Burns, General Manager, noted staff would investigate the situation and report back to him.

Michael Ludwig, Interested Citizen, expressed appreciation for the Chairperson moving the Public Presentations to the beginning of the agenda for people who take the bus.

49. ANNOUNCEMENTS

50. ADJOURNMENT

On order of Chairperson Sandoval and there being no objection, the meeting was adjourned at 8:03 p.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Board of Directors