



BOARD OF DIRECTORS MEETING

Thursday, April 1, 2010

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 Liccardo at 5:30 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San Jose, California.

1. ROLL CALL

Attendee Name	Title	Status
Margaret Abe-Koga	Vice Chairperson	Present
Marshall Anstandig	Alternate Board Member	Absent
Nora Campos	Alternate Board Member	Absent
Dean Chu	Ex-Officio Board Member	Present
Don Gage	Board Member	Present
Rose Herrera	Board Member	Absent
Ash Kalra	Board Member	Present
Liz Kniss	Board Member	Present
Rich Larsen	Board Member	Present
Sam Liccardo	Chairperson	Present
Jamie Matthews	Alternate Board Member	Present
Pete McHugh	Alternate Board Member	Absent
Chris Moylan	Board Member	Present
Chuck Page	Board Member	Present
Nancy Pyle	Board Member	Present
Chuck Reed	Board Member	Present
George Shirakawa	Alternate Board Member	Absent
Perry Woodward	Board Member	Present
Ken Yeager	Ex-Officio Board Member	Present

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. RECESS TO CLOSED SESSION at 5:29 p.m.

Member Reed arrived at 5:39 p.m. and entered into Closed Session.
 Member Moylan arrived at 6:10 p.m. and entered into Closed Session.
 Alternate Member Matthews left Closed Session at 6:11 p.m.

- Conference with Real Property Negotiators

[Government Code Section 54956.8]

Property: Vacant land owned by VTA and located at Lick Avenue near Pepitone Avenue and Goodyear Street, San Jose, California, comprised of approximately 3.5 acres

Agency negotiator: Bijal Patel, Deputy Director, Property Development and Management

Negotiating parties: City of San Jose; Ed Shikada, Assistant City Manager

Under negotiation: Price and terms of payment

RECONVENED TO OPEN SESSION at 6:14 p.m.

3. CLOSED SESSION REPORT

Kevin Allmand, General Counsel, reported there was no reportable action taken during Closed Session.

4. ORDERS OF THE DAY

Chairperson Liccardo moved the following Item from the Consent Agenda to the Regular Agenda: **Agenda Item #19**, Authorize the General Manager to execute a contract with Parsons Transportation Group to complete conceptual engineering for the El Camino Bus Rapid Transit (BRT) Project. The contract shall be for a period up to three years and for a total value not to exceed \$4,850,000.

M/S/C (Kniss/Abe-Koga) to accept the Orders of the Day.

5. AWARDS AND COMMENDATIONS

Employees of the Month for April 2010 and Supervisor of the Quarter

Chairperson Liccardo recognized and presented an award to Suzanne Walaszek, Management Analyst, River Oaks Administration; and Paul Felix, Coach Operator, Chaboya Division, as Employees of the Month for April 2010; and Ken Ronsse, Deputy Director - Construction, Engineering and Construction Division, as Supervisor of the Quarter for the second quarter of 2010.

Mike Cisneros, Overhaul and Repair Mechanic, Cerone Maintenance Division, was not able to attend.

6. PUBLIC PRESENTATIONS

Adrian Ramirez, Interested Citizen, expressed concern about the coordination between Outreach and the current bus service schedule.

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

Joyce Weissman, Interested Citizen, presented a petition requesting implementation of a new weekday southbound trip on Line 63 leaving downtown San Jose around 10 p.m.

Arthur Keller, Interested Citizen, requested to receive information about Eco Pass pricing. He noted the pricing information will be used for grant application for Gunn High School in Palo Alto

Alice Frayne, Interested Citizen, requested to change the schedule of the Board of Directors meetings from Thursday to Saturday.

Eugene Bradley, Interested Citizen, expressed appreciation for the General Manager's response and quick action in updating Light Rail signs with proper fares.

James Whightman, Interested Citizen, inquired about the status of the Airport People Mover project. He suggested extending Light Rail to the San Jose airport, and have airport shuttle service Light Rail stations.

7. REPORT FROM THE GENERAL MANAGER

Michael T. Burns, General Manager, provided a brief report highlighting the following:

- Ridership for February 2010 continues to go on a downward trend. Overall weekday ridership is down 6.5 percent, bus ridership down 5.8 percent, and light rail ridership down 8.6 percent.
- Fare revenue is ahead of the budget resulting from fare increase implemented October 2009. we are convening internal discussions to encourage more people to ride transit.
- On March 20, 2010, VTA staff participated in the fire, life safety drill at the Winchester Town Track. The goal to familiarize first responders with VTA light rail vehicles and safety concerns was achieved. The secondary goal to practice evacuation with special needs population was also achieved.
- Governor Schwarzenegger signed the Transportation Funding Swap Legislation. The following elements of the legislation are pertinent to VTA: 1) one time appropriation of \$400 million to the State Transit Assistance (STA) Fund for fiscal years 2010 and 2011, VTA will receive \$15.5 million; and 2) expectation to have an annual program that will provide STA with \$350 million, VTA will be receiving \$13.5 million.
- Receipt of funding combined with actions taken by staff and internal efficiencies gets VTA close to cover the budget deficit in the current budget cycle. There will be no more proposals to reduce service or raise fares in the near term.

8. REPORT FROM THE CHAIRPERSON

Michael T. Burns, General Manager, provided an introduction about the Design Build approach that staff is exploring to accelerate the Silicon Valley Rapid Transit (SVRT) project, reduce cost, and share risk. He stressed the importance of meeting the aggressive SVRT project schedule in order to receive a full funding grant agreement from the Federal Transit Administration (FTA).

Carolyn Gonot, Chief Development Officer, Lisa Fabish of Booz, Allen and Hamilton, and Liz Rao of HNTB and former Assistant General Manager at Denver RTD, in charge

of the T-REX project, provided two PowerPoint presentations highlighting the following: 1) background information about Design Build; 2) review of the Design Build approach for the SVRT project; and, 3) lessons learned and transit experience on project delivery.

The first PowerPoint presentation was entitled, “Silicon Valley Berryessa Extension Contract Delivery Strategy.”

Slide 1

**Silicon Valley Berryessa Extension
Contract Delivery Strategy**

April 1, 2010

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation 1

Slide 2

Definitions and origins for each delivery method

- **Design/Bid/Build (DBB)**
 - the traditional project delivery method,
 - the owner retains a designer to furnish complete design services,
 - advertises and awards a separate construction contract,
 - owner is responsible for the details of design and warrants the quality of the construction documents to the construction contractor, and
 - can be traced back to the Brooks Act of 1972
- **Design/Build (DB)**
 - project delivery method in which the owner procures design and construction services in the same contract from a single legal entity,
 - the DB entity is liable for all design and construction costs,
 - provides a firm-fixed price (FFP) proposal, and
 - introduced was Intermodal Surface Transportation Efficiency Act (1991) and explicitly authorized for use on federal projects in the Federal Acquisition Reform Act (1996)

Note: TCR Report 132: A Guidebook for the Evaluation of Project Delivery Methods

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation 2

Slide 3

VTA has the authority to award Design/Build contracts using a “best value” criteria

California Public Contract Code (PCC) affords VTA the authority to award a design/build contract under best value criteria

- **PCC Section 20209.6**
 - Use of the design build process will accomplish one of the following objectives:
 - Reduce project costs
 - Expedite project completion
 - Provide design features not achievable through the design/bid/build method
- **PCC Section 20209.8**
 - Authorizes a transit district to award a design-build contract to the responsible bidder whose proposal is determined to be the best value

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation 3

Slide 4

DB allows construction to begin prior to the completion of design

DESIGN/BID/BUILD: DESIGN - 100% → CONSTRUCTION

DESIGN/BUILD: DESIGN → CONSTRUCTION (overlapping)

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation 4

Slide 5

Additional differences between delivery methods

	Design/Bid/Build	Design/Build
Cost	<ul style="list-style-type: none"> ➢ Design is completed so the contractor can bid on unit prices rather than total price, which removes some uncertainty ➢ Generally awarded on a “low-bid” basis 	<ul style="list-style-type: none"> ➢ Performs well with budget restriction because it reduces the potential of cost overruns due to fewer claims and delays. ➢ Can provide owner with a “best-value” FFP contract earlier in the design phase
Schedule	<ul style="list-style-type: none"> ➢ No significant room for schedule compression ➢ Schedule growth tends to be larger 	<ul style="list-style-type: none"> ➢ Greater flexibility in the schedule due to one entity which leads to faster schedule delivery and less schedule growth
Risk Management & Allocation	<ul style="list-style-type: none"> ➢ Risks and rewards are easy to understand, but disputes arise over authority, responsibility, and quality due to multiple points of accountability ➢ Owner retains additional construction costs resulting from design errors 	<ul style="list-style-type: none"> ➢ Risk of conflict between the design and construction contractors is transferred to the DB contractor ➢ Single point of accountability for design and construction makes risk allocation simpler ➢ Over allocation of risk (to the contractor) can increase necessary contingency & insurance costs which will be transferred to the owner through bid

Note: TCR Report 132: A Guidebook for the Evaluation of Project Delivery Methods

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation 5

Slide 6

The risk assessment provides an analysis of cost and schedule implications for a DB Contracting Strategy

- **Factors considered in the SVBX Comparative Risk Assessment include, but are not limited to...**
 - potential owner engineering risks
 - potential contractor engineering risks,
 - project definition (Level of Design),
 - consolidation of the civil and systems contracting packages,
 - status & schedule or agreements, city, utility relocation, & ROW,
 - the FFGA schedule

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation 6

Slide 7

The risk analysis forecasts a \$147M savings in pre-mitigated Risk Adjusted Cost

- **\$85M in reduction in the Base Cost Estimate**
 - Lower Project/Construction Management Oversight costs
 - Shorter schedule duration
- **\$62M in reduced Cost Risk**
 - Allocation of risk to the DB contractor

Note: Pre-mitigation risk adjusted cost, based on simulation of the required 70% confidence level.

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation  7

Slide 8

The risk analysis forecasts a 12-mo savings in pre-mitigated Risk Adjusted Schedule

- **6 month reduction in the Project Schedule**
 - Overlapping project phases and activities
 - Optimal use of resources
- **6 month reduction in Schedule Risk**
 - Allocation of risk to the DB contractor

Note: Pre-mitigation risk adjusted schedule, based on simulation of the required 70% confidence level.

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation  8

Slide 9

The changes in Cost and Schedule Risk are a result of the allocation of risk

- **Under design-build, several risks can be shared, transferred or avoided**
- **The guiding principle is that every individual risk should be possessed by the group that can best handle it**
- **DB Contractor is best able to manage:**
 - Design & Construction integration/Interface risks
 - Guideway & Station construction risks

Note: "SVBT Comparative Risk Assessment Report" provides greater detail into risk scoring, risk allocation and methodology.

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation  9

Slide 10

Results Assessment Summary



- **\$147M in Risk Adjusted Cost Savings**
 - \$85M lower Base Cost Estimate
 - \$62M reduction in Cost Risk
- **12 month savings in Risk Adjusted Schedule**
 - 6 month shorter Project Schedule
 - 6 month reduction in Schedule Risk
- **The Risk Profile shifts – Management Risks are the key**
 - Multiple design and construction risks are transferred to the contractor
 - Management risks are incurred by VTA but are easily mitigated if action is taken quickly
 - New opportunities arise and can be exploited if action is taken quickly
- **Applying lessons learned from other agencies can aid Project Leaders in mitigation of management risks**

April 1, 2010 SVBX Contract Delivery Strategy – Board Presentation  10

Ms. Fabish concluded that the risk assessment evaluation showed the Design Build delivery approach could reduce the base cost of the project by \$85 million and shorten the schedule by six months. Ms. Fabish also noted that cost and schedule risk are also reduced. Design Build can accomplish the project’s goals within a fixed price.

The second PowerPoint presentation was entitled, “Denver – T-REX Design/Build and Program Management – Lessons Learned.”

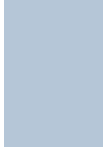
Slide 1


Denver – T-REX Design/Build and Program Management – Lessons Learned

April 1, 2010

Presentation to the VTA Board



A Joint Project of the Colorado Department of Transportation (CDOT) and the Denver Regional Transportation District (RTD)





Slide 2

T-REX Design/Build Project Lessons Learned

Project Facts

- CDOT/RTD co-managed
- DB Contractor Kiewit
- Total Budget - \$1.67 B
 - \$879m - LRT
 - 19 miles
 - 13 stations
 - \$795m – highway
 - 1 and 2 lane widening
 - Interchange/bridge replacements
- Completed in 2006, 2 years ahead of schedule

Slide 3

T-REX Design/Build Lessons Learned

1. Establish Project Goals

- Minimize inconvenience to the public
- Complete the project at or under budget of \$1.67 billion
- Provide a quality project
- Meet or beat the opening date of June 30, 2008

Actions to achieve goals:

- Partnering/Buy-in kept team, D/B contractor, executives focused
- Project decisions tied to goals - need to be monitored
- Assigning risk to the party best suited to handle risk
- Pro-active public information campaign

HNTB

Slide 4

T-REX Design/Build Lessons Learned

2. Develop a Well-Defined Design Build Contract

- "Best Value" RFQ/RFP – allow sufficient preparation time
- Involve experienced legal and consultant professionals
- Industry review of RFP
- Allow bidders to propose alternative concepts, VE savings shared
- Determine appropriate design levels for project elements

3. Establish a Proactive Project Management Approach

- Staff training in D/B approach, staff oversight role
- Delegation to Project Directors, staff within budget
- Partnering/co-location – Owner and PM staff, Executive level, FTA, FHWA, Contractor – "Right Partners" - no claims; 3rd Party Stakeholders included
- Escalation ladder for disputes –Zero claims

HNTB

Slide 5

T-REX Design/Build Lessons Learned

4. Analysis and Assignment of Project Risks

- "The entity best able to manage a risk should be assigned the risk."
- Identifying and assigning risks elements (Owner and/or D-B Contractor) prior to RFP and Post-RFP- Risk matrix
- Involving potential bidders in risk assessment process
- Identifying shared Risk elements
- Active Risk Management - avoided schedule delays and change orders
- ISO-9001 compliance Program
- Early coordination of utility relocation and right-of-way
- Timely execution of IGAs/MOUs

HNTB

Slide 6

T-REX Design/Build Lessons Learned

5. Early Planning for Utility Relocation and Right-of-Way

- Utility relocation – "Quality "A" SUE, VE, early communications with utility owners and agreements, state legislation, task force, budget savings -\$10 million
- Right-of-way – Early identification, dedicated ROW Experts, Independent Real Estate assistance

6. Establish and Monitor Project Budget

- Multiple, independent cost estimating prior to the RFP
- Clear definition of base project; stakeholder's enhancements externally funded
- Established and maintained cost control procedures, weekly CCB meetings, Director approval of changes
- Developed cost control tools to forecast impact of changes
- Small contingency levels – required management trending report

HNTB

Slide 7

T-REX Design/Build Lessons Learned

7. Implement a Quality Management Approach

- QA/QC Program using ISO-9000 Standards
- Created an integrated project requirements database, from EIS document, to design specs, to integrated testing
- QA responsibility with D/B Contractor and Owner in the verification/audit role, project acceptance
- QMP from Contractor was a requirement in RFP
- Strict follow-up on "exceptions"

8. Contract Management

- Active Change Control Board; retain experienced Contract Manager
- Delegate change order responsibility to PM to facilitate decision-making
- Recognition of workload for staff in managing change orders

HNTB

Slide 8

T-REX Design/Build Lessons Learned

9. Public Information

- PI Program required as a criteria in DB contractor selection process
- Co-location of Owner and Contractor's PI teams to create "unified-approach"
- Branding "T-REX " used logo used for all public information
- Provided information on web site and 24-hour hotline
- Outreach to businesses, residents; notification on road closures

HNTB

Slide 9

T-REX Design/Build Lessons Learned

Summary of Key Lessons Learned

- Set Project Goals Up Front
- Establish Adequate Time to Develop Design-Build RFP and Requirements
- Realistic Risk Assignment and Sharing
- Pro-active Public Information Process
- Active Management of Contract and Budget

HNTB

Ms. Rao concluded that for large, complex projects using T-REX as an example, Design Build is favorable. Design Build offers price certainty and shifting of risks to the

contractor. She summarized lessons learned from the T-REX project noting five key lessons learned: 1) set project goals up front; 2) establish adequate time to develop Design-Build RFP and requirements; 3) realistic risk assessment and sharing; 4) proactive public information process; and, 5) active management of contract and budget.

Board Member Moylan inquired about the comparison between Design Bid Build versus Design Build approach and related cost and risk benefits.

Ms. Rao noted the following benefits of utilizing the Design Build approach: 1) price certainty because of a fixed contract amount for the entire project; and, 2) integration of design and construction brings out private sector expertise on technical concepts and value engineering.

Board Member Larsen inquired about the possibility of getting a fixed price bid with an unfinished design and any impact to flexibility of the project.

Ms. Rao provided the following strategies to have cost savings and best project design: 1) conduct multiple independent estimates on the full course of construction; 2) on the Request for Proposal (RFP) and Request for Quotation (RFQ), instruct contractors to bid on both the design and construction of the project; and, 3) approve alternative concepts for the project early in the process.

Board Member Pyle asked about quality assurance for the project.

Ms. Rao responded that in Denver, for the T-REX project, they adopted a formal quality management program. The program was used as a standard for contractors to adhere to. She added the program also had an audit function to oversee the progress of the project.

Board Member Kniss inquired about the cost benefit of using the Design Build approach.

Ms. Rao responded that on small simple projects, the Design Bid Build approach is likely more favorable. On large complex projects, especially those with a Full Funding Grant Agreement from FTA that require additional oversight, she recommended the Design Build approach for two reasons: 1) price certainty; and, 2) shifting risk from the agency to the contractor.

9. Report from the Ad-Hoc Financial Recovery Committee

Board Member Gage provided an update about on the recommendations by the Ad-Hoc Financial Recovery Committee: 1) approval to conduct support polling for SB 83; 2) examine fare media and address Eco Pass concerns; 3) assistance from ballot measures; 4) eliminate routes that does not meet productivity standards; 5) involve communities to provide funding for additional service; 6) create policies that would have control on benefit structure; and, 7) re-examine contracted services.

Board Member Gage requested staff to agendize the Ad-Hoc Financial Recovery Committee recommendations on a future Administration and Finance Committee Agenda for further discussion.

10. Citizens Advisory Committee (CAC) Chairperson's Report

Charlotte Powers, CAC Chairperson, reported the independent audit of Measure A funds has been completed and will be presented to the Committee at its next meeting. The Citizens Watchdog Committee (CWC) public hearing has been scheduled on May 12, 2010 at the Board of Supervisors Chambers. Gary Richards, a recent Tranny Award recipient and Mercury News Columnist, will be visiting the CAC at its next meeting. Members of all the Advisory Committees were invited to join the CAC for Gary's presentation.

11. Policy Advisory Committee (PAC) Chairperson's Report

Chairperson Liccardo commented the PAC report was contained on the dais.

CONSENT AGENDA

12. Board of Directors Regular Meeting Minutes of March 4, 2010

M/S/C (Gage/Pyle) to approve the Board of Directors Regular Meeting Minutes of March 4, 2010.

13. Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the Period Ending December 31, 2009

M/S/C (Gage/Pyle) to review and accept the Fiscal Year 2010 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2009.

14. Committee for Transit Accessibility Appointments

M/S/C (Gage/Pyle) to approve the reappointment of Dilip Shah (2010-2011) and the appointments of Jeffrey S. Ovetz (2010-2011) and Vicci Smith (2010-2011) to the Committee for Transit Accessibility (CTA) for specified two-year terms, representing persons with disabilities.

Approve the reappointments of the Council on Aging Silicon Valley (2010-2011), City of San Jose Senior Citizens Commission (2010-2011), and the appointment of DeAnza Students Unlimited (2010-2011) to the CTA for specified two-year terms.

15. Citizens Advisory Committee Appointments

M/S/C (Gage/Pyle) to take the following actions on appointments to the Citizens Advisory Committee:

- (1) Conditionally appoint Aaron Morrow to the position representing Pedestrians pending Board adoption of amendments to the Citizens Advisory Committee bylaws establishing a representative position from the Committee for Transit Accessibility; and submit this appointment to the Board of Directors for ratification; and

- (2) Ratify the appointment of Bena Chang to represent the Silicon Valley Leadership Group.

16. Background Checks Resolution

M/S/C (Gage/Pyle) to adopt a Background Checks Resolution that will allow VTA to obtain criminal background information about job applicants from federal, as well as state records; and will provide greater flexibility in evaluating an applicant's suitability for employment in accordance with Equal Employment Opportunity laws and guidelines.

17. 2010 TFCA Program Manager Fund

M/S/C (Gage/Pyle) to approve the programming of FY 2010/11 Transportation Fund for Clean Air Program Manager (TFCA 40%) funds to projects.

18. 2009 CMP Monitoring & Conformance Report

M/S/C (Gage/Pyle) to approve the Draft 2009 Monitoring and Conformance Report.

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

Authorize the General Manager to execute a contract with Parsons Transportation Group to complete conceptual engineering for the El Camino Bus Rapid Transit (BRT) Project. The contract shall be for a period up to three years and for a total value not to exceed \$4,850,000.

20. Fiscal Year 2009 Comprehensive Annual Financial Report for the Santa Clara Valley Transportation Authority, and the Santa Clara Valley Transportation Authority Amalgamated Transit Union Pension Plan Report

M/S/C (Gage/Pyle) to review and receive the audited Comprehensive Annual Financial Report for the Santa Clara Valley Transportation Authority, and the Santa Clara Valley Transportation Authority Amalgamated Transit Union Pension Plan Report for Fiscal Year 2009.

21. Audited Santa Clara Valley Transportation Authority Retirees' Other Post Employment Benefits (OPEB) Trust Financial Report for Fiscal Year 2009

M/S/C (Gage/Pyle) to review and receive the Audited Financial Report for Fiscal Year 2009 of the Santa Clara Valley Transportation Authority Retirees' Other Post Employment Benefits Trust (Trust).

22. Strategic Finance Assessment-Capital Projects

On order of Chairperson Liccardo and there being no objection, the Strategic Finance Assessment-Capital Projects was received.

23. Transit Shelter Advertising Program

On order of Chairperson Liccardo and there being no objection, the Transit Shelter Advertising Program was received.

24. April 2010 Service Changes

On order of Chairperson Liccardo and there being no objection, the April 2010 Service Changes was received.

25. Zero Emission Bus Demonstration Program Final Report

On order of Chairperson Liccardo and there being no objection, the Zero Emission Bus Demonstration Program Final Report was received.

26. SVRT Soft Cost Internal Audit

On order of Chairperson Liccardo and there being no objection, the SVRT Soft Cost Internal Audit was received.

REGULAR AGENDA

27. Funding Agreements with City of San Jose to Provide \$4 Million in 2000 Measure-A Funds for the Airport People Mover

John Ristow, Chief CMA Officer, provided background information noting Airport People Mover as a Measure A project. He stated funding the \$4 million is included in the current budget. Approval of this Item will execute funding arrangements necessary for the City of San Jose to act as the lead agency to move the project forward.

Hans Larsen, Acting Director of Transportation, City of San Jose, provided a PowerPoint presentation highlighting the following: 1) Automated Transit Network (ATN); 2) ATN video simulation; 3) ATN potential routing; 4) HSR-Airport connectivity; 5) ATN project status; 6) Pod Car interest is growing; and, 7) International Pod Car Conference.

Board Member Reed commented the ATN is more cost effective compared to the initial Airport People Mover project. He stressed the ATN at Heathrow Airport should be examined to determine any software or system problems.

Mr. Larsen explained the ATN has the capability to deliver a higher quality of service compared to the initial Airport People Mover project at half or one third its cost.

Board Member Kalra commented on ATN's ability to expand to major destinations in downtown San Jose and its opportunity to have public and private partnership to secure funding. He suggested the Diridon Station be a base project for the ATN because it is a key connector to other transit systems. He also inquired on the cost to use the system.

Mr. Larsen stated that being a Measure A funded project, it is specified that it should be built in the airport area. However, there are ongoing discussions at the Diridon Station Joint Policy Advisory Board and with the High Speed Rail staff to augment the scope of the project and explore a Diridon Station connection. He added the project also has the opportunity to get State and Federal funding. Regarding the cost for the users, he stated a fare will be established.

Board Member Larsen inquired if assessments were made to determine its ridership. He also inquired about the funding for the project.

Mr. Larsen responded ridership study for the ATN will be part of the scope of work that will start next year. Regarding funding, he noted 50 percent will be funded by Measure A and the other 50 percent by the City of San Jose. The City of San Jose aims to get State and Federal funding as well as private partnership to fund the project. He noted funding strategy to deliver the complete project will be evaluated.

Public Comment:

Michael Ludwig, Interested Citizen, expressed his support for the Airport People Mover project.

Ross Signorino, Interested Citizen, expressed his support for the project. He stressed on the low cost of the ATN and the technological improvements of pod cars.

M/S/C (Gage/Abe-Koga) to authorize the General Manager to execute the necessary funding agreements with the City of San Jose to provide up to \$4 Million in Measure A funds for the Airport People Mover project.

28. Senate Bill 83 – Implementation Actions

Scott Haywood, Policy and Community Relations Manager, provided a brief overview of SB 83 highlighting the following: 1) requires a simple majority voter approval; 2) flat fee on motor vehicles registered within the county; 3) statute requires an expenditure plan and nexus study; and, 4) the fee is expected to raise \$14 million per year.

Board Member Larsen suggested conducting a study that will exempt carpool lane users from the registration fee.

Kevin D. Allmand, General Counsel, explained that according to the statute, all vehicles paying registration are subject to the vehicle registration fee.

Board Member Pyle inquired about the five percent cost from the fee revenue.

Mr. Haywood responded the five percent cost will cover administrative costs. He noted staff needs to assess this and determine an appropriate cost.

Board Member Reed expressed his support for SB 83 and noted on the opportunities the registration fee will generate. He suggested staff work with the City of San Jose staff who will also conduct polling at the same period.

Chairperson Liccardo suggested fashioning the polling to determine how SB 83 will be recognized by the public given that numerous measure will be included in the ballot.

John Ristow, Chief CMA Officer, noted voter approval rate was high on similar polling conducted by other organizations.

Public Comment:

Michael Ludwig, Interested Citizen, expressed his support for SB 83. He suggested revenues from registration fee be used to expand the bus system, and to incorporate the benefits of the fee in the polling to inform the public.

Ross Signorino, Interested Citizen, expressed concern about the registration fee and related it to the current economic crisis.

M/S/C (Pyle/Abe-Koga) to Recommend that the VTA Board of Directors approve the following tasks relating to SB 83:

1. Authorize the expenditure of up to \$30,000 to perform polling in order to determine the feasibility of placing a \$10 vehicle registration fee on the ballot for residents of Santa Clara County.
2. Authorize the development of an expenditure plan to detail the programs and projects that would be developed through the potential vehicle registration fee.
3. Return to the Board in mid 2010 with the draft expenditure plan and the polling results to determine whether or not to place the vehicle registration fee on the November 2010 ballot.

29. Reprogramming Tier II American Reconstruction and Recovery Act Funds

Public Comment:

Eugene Bradley, Interested Citizen, expressed his support and encouraged the Board to re-program ARRA funding to preventive maintenance and operations.

M/S/C (Kniss/Pyle) to re-program \$12.25 million in ARRA funding to VTA Preventive Maintenance and Operations.

Board Member Reed left the meeting at 8:06 p.m.

19. El Camino Bus Rapid Transit (BRT) – Conceptual Engineering Contract Award Authorization

Board Member Larsen noted the discussions raised at the March 18, 2010 Transit Planning and Operations Committee meeting: 1) use the same contractor working on the Santa Clara-Alum Rock BRT project; and 2) inform the Board about the amount of the contract.

Public Comment:

Michael Ludwig, Interested Citizen, expressed support for the project, and provided suggestions to improve the service and route of the BRT.

M/S/C (Kniss/Page) to authorize the General Manager to execute a contract with Parsons Transportation Group to complete conceptual engineering for the El Camino Bus Rapid Transit (BRT) Project. The contract shall be for a period up to three years and for a total value not to exceed \$4,850,000.

OTHER ITEMS

30. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

Chairperson Liccardo requested that unfunded liabilities be agendaized at a future meeting for further discussion and to develop a strategy to address them.

31. MONTHLY LEGISLATIVE HISTORY MATRIX

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

32. REPORTS (UNAPPROVED MINUTES) FROM STANDING COMMITTEES

A. Administration and Finance Committee

On order of Chairperson Liccardo and there being no objection, the March 18, 2010, Administration and Finance (A&F) Committee Meeting Cancellation Notice was accepted as contained in the Agenda packet.

B. Congestion Management Program and Planning Committee

On order of Chairperson Liccardo and there being no objection, the March 19, 2010, 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 Liccardo and there being no objection, the March 18, 2010, Transit Planning and Operations (TP&O) Committee Minutes were accepted as contained in the Agenda packet.

D. Audit Committee

On order of Chairperson Liccardo and there being no objection, the March 4, 2010, Audit Committee Minutes were accepted as contained in the Agenda packet.

33. REPORTS (UNAPPROVED MINUTES) FROM ADVISORY COMMITTEES

A. Committee for Transit Accessibility (CTA)

There was no Committee for Transit Accessibility meeting scheduled for February.

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

On order of Chairperson Liccardo and there being no objection, the March 10, 2010, 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 Liccardo and there being no objection, the March 10, 2010, Bicycle & Pedestrian Advisory Committee (BPAC) Minutes were accepted as contained on the dais.

D. Technical Advisory Committee (TAC)

On order of Chairperson Liccardo and there being no objection, the March 11, 2010, Technical Advisory Committee (TAC) Minutes were accepted as contained in the Agenda packet.

E. Policy Advisory Committee (PAC)

On order of Chairperson Liccardo and there being no objection, the March 11, 2010, Policy Advisory Committee (PAC) Minutes were accepted as contained in the Agenda Packet.

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

A. Peninsula Corridor JPB

On order of Chairperson Liccardo and there being no objection, the April 1, 2010, Summary Notes from the Peninsula Corridor Joint Powers Board were accepted as contained on the dais.

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 Liccardo and there being no objection, the March 4, 2010, Summary Notes from the Metropolitan Transportation Committee Meeting were accepted as contained on the dais.

E. Sunol Smart Carpool Lane Joint Powers Authority

On order of Chairperson Liccardo and there being no objection, the March 8, 2010, Summary Notes from the Sunol Smart Carpool Lane Joint Powers Authority Governing Board were accepted as contained on the dais.

35. 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

There was no report from the Silicon Valley Rapid Transit Corridor & BART Warm Springs Extension PAB.

C. Downtown East Valley PAB

There was no report from the Downtown East Valley PAB.

36. ANNOUNCEMENTS

Chairperson Liccardo announced that Vice Chairperson Abe-Koga was selected as one of fifty Women with Influence in the Silicon Valley by the San Jose/Silicon Valley Business Journal.

37. ADJOURNMENT

On order of Chairperson Liccardo and there being no objection, the meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Michael Diaresco, Board Assistant
VTA Office of the Board Secretary