BOARD OF DIRECTORS MEETING

Thursday, March 7, 2013

5:30 PM

Board of Supervisors’ Chambers
County Government Center
70 West Hedding Street
San Jose, CA 95110

AGENDA

To help you better understand, follow, and participate in the meeting, the following information is provided:

- Persons wishing to address the Board of Directors on any item on the agenda or not on the agenda should complete a blue card located at the public information table and hand it to the Board Secretary staff prior to the meeting or before the item is heard.

- Speakers will be called to address the Board when their agenda item(s) arise during the meeting and are asked to limit their comments to 2 minutes. The amount of time allocated to speakers may vary at the Chairperson's discretion depending on the number of speakers and length of the agenda. If presenting handout materials, please provide 25 copies to the Board Secretary for distribution to the Board of Directors.

- The Consent Agenda items may be voted on in one motion at the beginning of the meeting under Orders of the Day. If you wish to discuss any of these items, please request the item be removed from the Consent Agenda by completing a blue card at the public information table and handing it to the Board Secretary staff prior to Orders of the Day, Agenda Item #1.2.
• **Disclosure of Campaign Contributions to Board Members** (Government Code Section 84308)

In accordance with Government Code Section 84308, no VTA Board Member shall accept, solicit, or direct a contribution of more than $250 from any party, or his or her agent, or from any participant, or his or her agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency. Any Board Member who has received a contribution within the preceding 12 months in an amount of more than $250 from a party or from any agent or participant shall disclose that fact on the record of the proceeding and shall not make, participate in making, or in any way attempt to use his or her official position to influence the decision.

A party to a proceeding before VTA shall disclose on the record of the proceeding any contribution in an amount of more than $250 made within the preceding 12 months by the party, or his or her agent, to any Board Member. No party, or his or her agent, shall make a contribution of more than $250 to any Board Member during the proceeding and for three months following the date a final decision is rendered by the agency in the proceeding. The foregoing statements are limited in their entirety by the provisions of Section 84308 and parties are urged to consult with their own legal counsel regarding the requirements of the law.

• **All reports for items on the open meeting agenda are available for review in the Board Secretary’s Office, 3331 North First Street, San Jose, California, (408) 321-5680, the Monday, Tuesday, and Wednesday prior to the meeting. This information is available on our website, [www.vta.org](http://www.vta.org), and also at the meeting. Any document distributed less than 72-hours prior to the meeting will also be made available to the public at the time of distribution. Copies of items provided by members of the public at the meeting will be made available following the meeting upon request.**

In accordance with the Americans with Disabilities Act (ADA) and Title VI of the Civil Rights Act of 1964, VTA will make reasonable arrangements to ensure meaningful access to its meetings for persons who have disabilities and for persons with limited English proficiency who need translation and interpretation services. Individuals requiring ADA accommodations should notify the Board Secretary’s Office at least 48-hours prior to the meeting. Individuals requiring language assistance should notify the Board Secretary’s Office at least 72-hours prior to the meeting. The Board Secretary may be contacted at (408) 321-5680 or e-mail: board.secretary@vta.org or (408) 321-2330 (TTY only). VTA’s home page is on the web at: [www.vta.org](http://www.vta.org) or visit us on Facebook at: [www.facebook.com/scvta](http://www.facebook.com/scvta). *(408) 321-2300:  中文 / Español / 日本語 / 한국어 / tiếng Việt / Tagalog.*

**NOTE: THE BOARD OF DIRECTORS MAY ACCEPT, REJECT OR MODIFY ANY ACTION RECOMMENDED ON THIS AGENDA.**

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70 West Hedding St., San Jose, California is served by bus lines *61, 62, 66, 181, and Light Rail.*

(*61 Southbound last trip is at 8:55 pm for this location.)

For trip planning information, contact our Customer Service Department at (408) 321-2300 between the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m. on Saturday. Schedule information is also available on our website, [www.vta.org](http://www.vta.org).
1. CALL TO ORDER AND ROLL CALL

1.1. ROLL CALL

1.2. Orders of the Day - approve Consent Agenda (Item #7)

2. AWARDS AND COMMENDATION

2.1. INFORMATION ITEM - Recognize Franceen Weisert-Anderson, Senior Cost & Schedule Coordinator, River Oaks Administration; Rosario Enriquez, Coach Operator, Cerone Division and David Arostigui, Service Worker, Cerone Bus Division as Employees of the Month for March 2013.

2.2. INFORMATION ITEM - Recognize Maria Holman, Office Specialist II, River Oaks Administration; Stan Marshall, Coach Operator, Cerone Division; and Patricia Easley Hill, Service Worker at North Division, as Employees of the Year for 2012; and Steve Johnstone, Policy and Administrative Manager, River Oaks Division as 2012 Supervisor of the Year.

3. CLOSED SESSION

3.1. Recess to Closed Session

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

   VTA Designated Representatives
   Bill Lopez, Chief Administrative Officer
   Robert L. Escobar, Manager, Employee Relations
   Joseph Smith, Chief Financial Officer

   Employee Organizations
   American Federation of State, County and Municipal Employees (AFSCME), Local 101
   Service Employees International Union (SEIU), Local 521

B. PUBLIC EMPLOYMENT
   [Pursuant to Government Code Section 54957]
   Title of position to be filled: General Manager

3.2. Reconvene to Open Session

3.3. Closed Session Report
4. PUBLIC COMMENT

This portion of the meeting is reserved for persons desiring to address the Board of Directors on any item within the Board's jurisdiction. Speakers are limited to 2 minutes. The law does not permit Board action or extended discussion of any item not on the agenda except under special circumstances. If Board action is requested, the matter can be placed on a subsequent agenda. All statements that require a response will be referred to staff for reply in writing.

5. PUBLIC HEARING

There is no public hearing.

6. REPORTS


6.3. General Manager Report. (Verbal Report)

6.3.A. Receive an update on Caltrans District 4 Activities in Santa Clara County. (Verbal Report) (Bijan Sartipi, Director)

6.3.B. INFORMATION ITEM - Receive Silicon Valley Rapid Transit (SVRT) Program Update.

6.3.C. Receive updates regarding Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities. (Verbal Report)


6.4.A. Ad-Hoc Selection Committee

ACTION ITEM - Approve the designation of a Board of Directors Ad-Hoc Selection Committee to direct and participate in the recruitment and recommendation of a new General Manager to the full Board of Directors. The Board of Directors Ad-Hoc Selection Committee includes the following Board of Directors: Chairperson Joe Pirzynski, Vice Chairperson Ash Kalra, and Board Members Ken Yeager, Margaret Abe-Koga, and Jamie Matthews. (Verbal Report)
6.5. General Counsel - Fiduciary Training (Verbal Report)

6.5.A. Review the VTA Board Member Fiduciary Duties and Code of Ethics. (Verbal Report)

6.5.B. Review Government Code Section 84308 pertaining to Campaign Contribution Disqualifications. (Verbal Report)

7. CONSENT AGENDA

7.1. Approve the Board of Directors Regular Meeting Minutes of January 31, 2013.

7.2. ACTION ITEM - Review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2012.

7.3. ACTION ITEM - Ratify the appointments to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014 of: (1) Kristal Caidoy, representing the City of Milpitas; (2) Suzanne Sperry, representing the City of Morgan Hill; and (3) Rick Waltonsmith, representing the City of Saratoga.

7.4. ACTION ITEM - Adopt a resolution amending the bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee, as indicated, to establish a mission statement for each committee, as recommended by the Advisory Committee Enhancement (ACE) process.

7.5. ACTION ITEM - Authorize the General Manager to negotiate and execute a time and materials contract with HMH Engineers with an amount not to exceed $400,000 for a term of three years to perform Engineering Design Services, including construction support and close-out activities; and further authorize the General Manager to negotiate and execute the necessary design and construction agreements with Caltrans for implementation of the Combined Landscaping and Maintenance Project.

7.6. ACTION ITEM - Adopt the Bicycle Expenditure Program (BEP) policies.

7.7. ACTION ITEM - Adopt the revised Bicycle Expenditure Program (BEP) Evaluation Criteria.

7.8. ACTION ITEM - Authorize the General Manager to enter into a Joint Powers Agreement with the County of Santa Clara (County) and the Santa Clara Valley Water District (SCVWD) regarding the reconstruction of a segment of Montague Expressway near the intersection of South Milpitas Blvd., in conjunction with Silicon Valley Berryessa Extension (SVBX) project construction.

7.9. ACTION ITEM - Authorize the General Manager to execute Cooperative Agreements with the City of San Jose that will have the City pay VTA to construct sanitary sewer replacement and pavement improvements along Alum Rock Avenue in the amount of $3,500,000 as part of the Santa Clara/Alum Rock Bus Rapid Transit Project.
7.10. ACTION ITEM - Adopt a resolution authorizing the General Manager or the Chief Operating Officer or the Chief Congestion Management Agency Officer or the General Counsel to file and execute grant applications and agreements with the State of California for California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF) funds.

7.11. ACTION ITEM - Review and receive the former Auditor General's report on the Cash Fare Collection Process Internal Audit.

7.12. INFORMATION ITEM - Review the Monthly Legislative History Matrix.

7.13. INFORMATION ITEM - Receive the Proactive CMP Quarterly Report for October through December 2012.

7.14. INFORMATION ITEM - Receive a report on the agreement with Alameda County Transportation Commission for providing travel demand forecasting services.

7.15. INFORMATION ITEM - Receive the Ad Hoc Financial Recovery Committee update.

7.16 INFORMATION ITEM - Receive a report on the Nutritional Information Requirement for the Transit Shelter Advertising Program.

8. REGULAR AGENDA

There are no items under the Regular Agenda.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

9.2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

9.2.A. VTA Standing Committees

9.2.B. VTA Advisory Committees

9.2.C. VTA Policy Advisory Boards (PAB)

9.2.D. Joint Powers Boards and Regional Commissions

9.3. Announcements

10. ADJOURN in memory of former Committee for Transit Accessibility Member Emma Eljas.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: Employees of the Month for March 2013

BACKGROUND:

Franceen Weisert-Anderson, Senior Cost & Schedule Coordinator in the Engineering and Construction Division at River Oaks, is the Administrative Award Winner for March. Franceen has been with VTA for 11 years, and has demonstrated strong leadership skills which have led to her recent promotion. Along with being president of her technical employees union, she is a valued member of the Capital Projects Group where she negotiates with contractors and assists in writing contract change orders. She has consistently exemplified hard work, diligence and a good attitude in the performance of her assigned duties. Congratulations to Franceen Weisert-Anderson, Administrative Employee of the Month for March!

Rosario Enriquez, Coach Operator at the Cerone Division, is the Operations Award winner for March. Rosario has been with VTA for over 23 years and is regarded as a true champion by her peers. She is the definition of a caring spirit demonstrated by her consistent effort to provide a genuine, heart-warming smile for all. Rosario is known for maintaining her cheerful disposition and unlimited commitment to provide the best service possible for our passengers regardless of circumstance. She provides an outstanding example of how a truly optimistic attitude can radiate throughout the work place. Thank You and Congratulations to Rosario Enriquez, Operations Employee of the Month for March!

David Arostigui, Service Worker at Cerone Bus Division, is the Maintenance Employee of the Month for March. David has 26 years with VTA and is widely respected for his work ethic and his commitment to team work. As an excellent role model, David always goes out of his way to assist others with a consistently high level of effort and attention to detail. You can depend on David to step up and do a terrific job even when filling in for other positions such as Foreperson or Vault Puller. David starts and ends every shift with a positive attitude and a smile regardless of workload or weather conditions. Congratulations to David Arostigui, Maintenance Employee of the Month for March!

Prepared By: Denise Patrick
Memo No. 3970
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Administrative Officer, Bill Lopez

SUBJECT: 2012 Employees of the Year

FOR INFORMATION ONLY

BACKGROUND:

2012 Employees of the Year

Maria Holman, an Office Specialist II at River Oaks, is the Administration Employee of the year. Maria joined VTA in 2008 and since then has brought a positive attitude and outstanding skills to the Engineering and Construction Division. Maria supports her colleagues by accurately entering timecard data, completing electronic media setup for training classes, and preparing correspondence. Maria accurately completes her assignments and is always eager to provide assistance to others. Co-workers comment that she is flexible, always willing to contribute, and her enthusiasm makes VTA a better place to work. Congratulations to Maria Holman, Administration Employee of the Year!

Stan Marshall, Coach Operator at Cerone Division, is the Operations Employee of the year. Stan has worked at VTA for over 16 years. He is an accomplished Coach Operator earning his Million Mile Safe Driving award in January 2009. Stan also served as a Line Instructor for 3 years, utilizing his skills teach highly technical material to new operators in a non-technical manner. Stan’s positive attitude, extensive knowledge of the job and his willingness to assist his colleagues are just a few of the ways he helps create and maintain a positive VTA work environment. Congratulations to Stan Marshall, Operations Employee of the Year!

Patricia Easley Hill, Service Worker at North Division, is the Maintenance Employee of the year. Employed with VTA for over 28 years, Patricia has helped make VTA a better place to work by maintaining an upbeat attitude and being ready and willing to help out her co-workers. Patricia takes great pride in performing a variety of tasks related to maintaining the division yard and servicing the Bus or Light Rail fleet. Patricia exemplifies VTA’s value of quality job performance and is an excellent representative of VTA with her excellent customer service. Congratulations to Patricia Easley Hill, Maintenance Employee of the Year!
Steve Johnstone, Policy and Administrative Manager for the Operations Division at River Oaks, has been selected as Supervisor of the Year. Steve has been employed with VTA for more than 11 years and has demonstrated a strong commitment to VTA. His responsibilities include budget, staffing and payroll support. He has an excellent attitude and embraces his role as a team player. Steve is also a role model who always strives to make VTA a better place to work. He practices a balance-oriented leadership that entails coaching, developing and directing staff to work to their highest potential. Congratulations to Steve Johnstone, Supervisor of the Year for 2012!

Prepared By: Denise Patrick
Memo No. 3995
FOR INFORMATION ONLY

Significant BART Silicon Valley activities and progress during February 2013 include:

**Berryessa Extension Project Construction Activities**
Skanska, Shimmick & Herzog (SSH), VTA’s Design-Build contractor, continued to work in the future Berryessa Station area on the roadway bridge. In February, delivery and installation of bridge beams occurred at the location where the roadway will intersect with Berryessa Road. Installation activities occurred over a one week period, and included full nighttime closures of Berryessa Road, with some daytime lane closures and lane reconfigurations. Work to construct columns in the area of the aerial guideway is underway and MCI has resumed work to relocate their fiber optic line.

In March, relocation of a 66-inch water line is anticipated to begin. Also, demolition activities of the US REI business park are anticipated to resume. Crews will begin demolishing a second building, while continuing to crush and sort debris from the initial building that was demolished.

In the Milpitas Station area, sewer, storm and water utility relocation activities continued along Piper Dr. MCI completed their fiber optic relocation across Montague Expressway and Capitol Avenue, and PG&E power line relocations and cutovers are anticipated to be completed by the end of February.

Activities anticipated to begin in early March include PG&E’s relocation of their high pressure gas line, shoo fly construction to maintain freight rail service, and additional building demolition at the Milpitas Station site.

**Corridor Preparation Activities**
Kato Road Grade Separation work is progressing. Sidewalks on both north and south side are almost complete, and private driveways are nearing completion. With the roadbed being prepared for paving, it is still anticipated that the roadway will reopen in late March. A
community event will be held in early April to thank nearby residents and businesses for their patience.

Recent work in the Mission/Warren area included the installation of piles at Warren Ave., which will support future rail bridge structures. An upcoming weekend closure on Warren is currently planned for the weekend of March 9. The UPRR shoofly at Warren Ave. is now operating to allow for construction of the new UPRR bridge over the roadway. Deep Soil Mix (DSM) wall activities are now in full production. The contractor has started at the northeast quadrant of the area and will work clockwise.

The contractor has begun constructing embankment walls along Mission Blvd. as part of the roadway widening. In early March, the contractor will begin work on abutments and support columns for the new UPRR bridge over Mission Blvd. A traffic shift will be required to support this work.

**Residential Noise Insulation Program (RNIP)**
The RNIP Program continues to move toward completion of architectural design packages for eligible residences. VTA has advertised the construction bid package for installation of noise mitigation materials for residences included in the initial group. The initial group includes homes located closest to the first major construction activities that will take place near the future Berryessa Station. The bid opening for this first bid package is anticipated to occur in early March, with a staff recommendation for award of contract in April. Based on this schedule, the initial installation is anticipated to begin in early summer 2013.

In April, staff also anticipates bringing to the Board a contract amendment for CSDA, the RNIP architectural design firm, which will provide construction administration services during the installation of materials for all eligible residences. Services included in the amendment scope of work include tasks to ensure construction is completed per design plans and specifications, maintain homeowner satisfaction, minimize contractor and homeowner claims, and expedite resolution of unforeseen field conditions that could cause project delays.

**BART Silicon Valley Phase 2 - Environmental Services Request for Proposal (RFP)**
With construction activities underway on Phase 1 of BART Silicon Valley, preliminary project development activities are beginning for Phase 2 of the extension. An Environmental Services RFP was advertised on October 31, 2012. Proposals were submitted on January 7, 2013 and interviews occurred on January 23, 2013. Staff has evaluated the proposals for the best value to VTA and continues to negotiate the final fee. It is anticipated that a recommendation of award will be presented at the May 2, 2013 Board of Directors meeting.

If authorized, the selected firm will provide services to produce a Supplemental Environmental Impact Statement/Environmental Impact Report for the full BART extension into Santa Clara County.

**FTA Quarterly Meeting**
FTA and VTA’s most recent quarterly meeting occurred on Tuesday, February 19 at the SVBX Project Office. As part of the New Starts funding process, these meetings are held to provide a
project overview on key areas of the project, including construction, real estate, environmental, BART, and other project related activities.

As part of this meeting, FTA Region IX’s new Program Director and Program Manager were given a tour of the corridor and key project activities currently underway.

**Communications and Outreach**

BART Silicon Valley Communications and Outreach efforts for the month of February included features in print media coverage in the Milpitas Post, Contra Costa Times, Newark Patch, Marin Independent Journal, Passenger Transport and Fremont Bulletin. Broadcast media coverage was included on KPIX and CBS with a local market viewership of 245,000, and local publicity value of approximately $22,800.

Communications to inform stakeholders of construction activities:
- Postcards mailed to 800 businesses and residents
- Detour traffic advisory
- Two display ads in the Berryessa Sun for upcoming construction at Hostetter Road
- Multiple Door-to-door flier distributions in San Jose
- Daily updates of project website,
- Twitter and Facebook posts

Upcoming communications
- YouTube video of Upper Penitencia Creek mitigation (February 2013)
- Quarterly project newsletter (March 2013)
- Multi-lingual display ads for roadway impacts

Recent Presentations
- San Jose State Presentation (February 13, 2013)
- VTA BPAC Presentation (February 13, 2013)
- FTA Corridor Tour (February 19, 2013)
- PARC Metro Board Meeting (February 19, 2013)
- Bay Area Environmental Safety Group Presentation (February 20, 2013)

Prepared By: Kevin Kurimoto
Memo No. 3983
The Regular Meeting of the Santa Clara Valley Transportation Authority’s (VTA) Board of Directors was called to order by Chairperson Pirzynski at 5:33 p.m. in the Board of Supervisors’ Chambers, County Government Center, 70 West Hedding Street, San José, California.

Chairperson Pirzynski welcomed David Cortese, who is currently serving as a regular Board Member, representing Santa Clara County.

1. **CALL TO ORDER AND ROLL CALL**

1.1. **ROLL CALL**

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<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
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<tbody>
<tr>
<td>Margaret Abe-Koga</td>
<td>Board Member</td>
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<td>Xavier Campos</td>
<td>Board Member</td>
<td>Present</td>
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<td>Larry Carr</td>
<td>Alternate Board Member</td>
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<td>David Cortese</td>
<td>Board Member</td>
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<td>Jose Esteves</td>
<td>Board Member</td>
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<tr>
<td>Rose Herrera</td>
<td>Board Member</td>
<td>Present</td>
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<td>Ash Kalra</td>
<td>Vice Chairperson</td>
<td>Present</td>
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<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
<td>Absent</td>
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<td>Sam Liccardo</td>
<td>Board Member</td>
<td>Present</td>
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<td>Evan Low</td>
<td>Alternate Board Member</td>
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<td>Jamie Matthews</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Gail A. Price</td>
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<td>Donald Rocha</td>
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<td>George Shirakawa</td>
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<td>David Whittum</td>
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<td>Perry Woodward</td>
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<td>Ken Yeager</td>
<td>Board Member</td>
<td>Present</td>
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* Alternates do not serve unless participating as a Member.

1.2. **Orders of the Day**

Chairperson Pirzynski noted the meeting would be adjourned in memory of Sandra "Sandy" Eakins, former VTA Board Member, Palo Alto Mayor and Civic Activist.

Chairperson Pirzynski noted that Staff requested removal of Closed Session Agenda Item #3.1.C. Conference with Real Property Negotiators. Staff also requested deferral of the hearing for property in Agenda Item #5, identified as.
B2098, owned by Dieter Schmidt and Simin F. Schmidt, or their successors as co-trustees of the Schmidt 1980 trust dated May 5, 1980.

Chairperson Pirzynski noted that Agenda Item #8.3. Contract Award for Auditor General Services, would be heard before Agenda Item #6. He also noted that Agenda Item #7.11. Light Rail Efficiency Program Update, would be removed from the Consent Agenda and placed on the Regular Agenda.

M/S/C (Herrera/Price) to accept the Orders of the Day and approve the Consent Agenda, as amended.

2. AWARDS AND COMMENDATION

2.1. Employees of the Month for February 2013

Chairperson Pirzynski recognized Duane Garza, Light Rail Maintenance Worker, Guadalupe Maintenance Division, as Employee of the Month for February 2013. Dan Pornel, Associate Transportation Engineer, River Oaks Administration; and Dave Adamson, Coach Operator, North Division, were unable to attend.

3. CLOSED SESSION

3.1. Recess to Closed Session at: 5:39 p.m.

Vice Chairperson Kalra arrived and entered Closed Session at 5:39 p.m. Board Member Liccardo arrived and entered Closed Session at 6:02 p.m.

A. Conference with Labor Negotiators

[Government Code Section 54957.6]

VTA Designated Representatives
Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Manager, Employee Relations
Joseph Smith, Chief Financial Officer

Employee Organization
American Federation of State, County and Municipal Employees (AFSCME), Local 101

B. PUBLIC EMPLOYMENT

[Pursuant to Government Code Section 54957]

Title of position to be filled: Assistant General Manager

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
C. (Removed from the Agenda.)

Conference with Real Property Negotiators
[Government Code Section 54956.8]

Property: Sale of property located at near the intersections of Sunol and West San Carlos Streets in San Jose, California (APNs: 264-14-69, 90, 122, 130 and 131)

Agency Negotiator: Bijal Patel, Deputy Director, Property Development & Management

Negotiating Parties: Michael Van Every, Green Republic, LLLP, Michael Black, Barry Swenson Builder

Under Negotiation: Price and terms of payment

3.2. Reconvened to Open Session at: 6:15 p.m.

3.3. Closed Session Report

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

VTA Designated Representatives
Bill Lopez, Chief Administrative Officer
Robert L. Escobar, Manager, Employee Relations
Joseph Smith, Chief Financial Officer

Employee Organization
American Federation of State, County and Municipal Employees (AFSCME), Local 101

Robert Fabela, General Counsel, reported there was no reportable action taken during Closed Session.

B. PUBLIC EMPLOYMENT
[Pursuant to Government Code Section 54957]

Title of position to be filled: Assistant General Manager

Mr. Fabela reported there was no reportable action taken during Closed Session.

4. PUBLIC COMMENT

Michael Ludwig, Interested Citizen, suggested the hiring of two additional VTA Fare Inspectors and that fare inspections be conducted in the evenings and on Sundays.

Omar Chatty, Interested Citizen, advocated for replacing Caltrain with BART overtime.
5. PUBLIC HEARINGS

HEARING – NOTICE OF INTENTION TO ADOPT RESOLUTIONS OF NECESSITY

Chairperson Pirzynski stated this was a hearing regarding the intention of the Board of Directors to adopt Resolutions of Necessity (R.O.N.) for the BART Silicon Valley Berryessa Extension (SVBX) Project.

Chairperson Pirzynski reiterated that the property identified as B2098 has been deferred and will not be considered as part of the public hearing.

Bijal Patel, Deputy Director of Property Development and Management, provided a presentation highlighting the Resolutions of Necessity Hearing for the BART SVBX Project: 1) Project Map; 2) Status of Acquisition Activities; 3) Key Board Findings; and 4) R.O.N. Hearing Properties: a. R.W.L. Investment, Inc., a Corporation; b. Tuan Q. Phan and Genevieve A. Nguyen, husband and wife as joint tenants; and c. Hertz Realty, Inc., a California Corporation.

M/S/C (Herrera/Woodward) to close Hearing.

M/S/C (Kalra/Herrera) to adopt Resolutions of Necessity determining that the public interest and necessity requires the acquisition of property interests from three properties owned by: (1) R.W.L. Investment, Inc., a Corporation, located in Milpitas, California; (2) Tuan Q. Phan and Genevieve A. Nguyen, husband and wife as joint tenants, located in San Jose, California; and (3) Hertz Realty Inc., a California Corporation, located in San Jose, California, for the BART Silicon Valley Berryessa Extension (SVBX) Project. Motion approved by (12) Board Members.

Resolution No. 2013.02.01

Property ID/Assessor's Parcel Number/Owner
B3620 (APNs’ 086-37-015 and 086-37-026) owned by R.W.L. Investment, Inc., a Corporation

(Deferred)

Property ID/Assessor's Parcel Number/Owner
B2098 (APN 244-01-003) owned by Dieter Schmidt and Simin F. Schmidt, or their successors as co-trustees of the Schmidt 1980 trust dated May 5, 1980

Resolution No. 2013.02.02

Property ID/Assessor's Parcel Number/Owner
B2172 (APN 245-27-075) owned by Tuan Q. Phan and Genevieve A. Nguyen, husband and wife as joint tenants

Resolution No. 2013.02.03

Property ID/Assessor's Parcel Number/Owner
B2147 (APN 254-02-044) owned by Hertz Realty Inc., a California Corporation

The Agenda was taken out of order.
8. REGULAR AGENDA

Audit Committee

8.3. **Contract Award for Auditor General Services**

Board Member and Audit Committee Chairperson Herrera reported that the Audit Committee meeting today focused on reviewing McGladrey’s qualifications and experience to serve as VTA Auditor General. The Committee also interviewed its management team consisting of Patrick Hagan, McGladrey’s National Managing Partner for State and Local Government, who would serve as Auditor General; and Corey Saunders, McGladrey’s Director of Risk Advisory Services.

Board Member Herrera reported the panel felt that McGladrey was a very qualified and experienced firm with a demonstrated understanding of VTA’s organizational structure, diverse responsibilities and associated risk factors. The Audit Committee voted unanimously to recommend that the Board of Directors award the contract for Auditor General Services to McGladrey LLP.

Mr. Hagan provided background information on McGladrey, noting it was the fifth largest accounting/consulting firm in the country with five offices located in the State of California. He reported that McGladrey understands the direct reporting relationship to the Audit Committee and full Board, and the indirect administrative reporting responsibility to the General Manager. He noted that McGladrey would be willing to pick-up the approved Audit Program that had been in place for Fiscal 2013, and if approved, would conduct a full risk assessment to be presented to the Audit Committee at their May 2, 2013 meeting.

Board Member Herrera referenced the recommendation and noted that the base term of the contract should be corrected to reflect “29” months instead of 27 months.

M/S/C (Herrera/Woodward) to authorize the General Manager to execute a task order contract with McGladrey LLP for Auditor General services in an amount not to exceed $800,000 for the base term of twenty-nine months (through June 30, 2015). In addition, the contract also includes four optional one-year contract extensions at a maximum of $250,000 per year; execution of the one-year extensions is subject to approval by the Audit Committee.

6. REPORTS

6.1. **Citizens Advisory Committee (CAC) Chairperson's Report**

Clinton Brownley, CAC Chairperson, provided a brief report on the discussions held at the January 16, 2013, CAC meeting, noting the two new members appointed to the Committee, representing Building Owners and Managers Association Silicon Valley and Senior Citizens. He commented on the January 29, 2013, Board and Advisory Committee Leadership Meeting and thanked the Board of Directors for providing the Advisory Committee
Chairpersons and Vice Chairpersons the opportunity to periodically meet with the Board Chair, General Manager, and staff.

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

Alternate Board Member Price and PAC Chairperson provided a brief report on the discussions held at the January 17, 2013, PAC meeting. She concurred with the remarks made by Mr. Brownley regarding the January 29, 2013, Board and Advisory Committee Leadership Meeting.

6.3. **General Manager’s Report**

Michael T. Burns, General Manager, provided a report, highlighting: 1) Overall system-wide ridership up one percent in December 2012 compared to December 2011, noting the continued increases in express service and new limited service; 2) Status of the Elevator/Escalator Retrofit Project; 3) State Route 237 Express Lanes Project received the 2012 Transportation Project of the Year from the San Francisco Bay Area Institute of Transportation Engineers (ITE); 4) VTA’s Senior Mobility Guide which provides information on how to access a full-array of VTA transportation resources, and that two travel training sessions were scheduled during the month of March 2013; 5) Adoption of the Habitat Conservation Plan (HCP) by the San Jose City Council on Tuesday, January 29, 2013, noting approval was conditioned on the HCP partners agreeing to a set of new recommendations and commitments; 6) Report on Metropolitan Transportation Commission (MTC) activities contained on the dais; and 7) Nomination of Supervisor Cortese as Vice Chair of MTC, noting that voting would take place at the February 2013 meetings.

6.3.A. **BART Silicon Valley Rapid Transit (SVRT) Program Update**

Carolyn Gonot, Chief SVRT Program Officer, provided a presentation entitled, BART Silicon Valley Program Update, highlighting: 1) Upper Penitencia Creek Trail Connection Update; 2) Maintenance of Traffic and Access (MOTA); 3) Stakeholder Outreach Summary Three Tier Approach; 4) Residential Noise Insulation Program (RNIP) Update and Next Steps; and 5) SVBX Project and SVRT Program Updates/Key Activities.

Board Member Yeager thanked and commended staff for a job well done on the Penitencia Creek Trail connection.

**On order of Chairperson Pirzynski** and there being no objection, the BART Silicon Valley Rapid Transit (SVRT) Program Update was received.

6.3.B. **Metropolitan Transportation Commission (MTC) and California Transportation Commission (CTC) activities**

There was no report on MTC and California Transportation Commission (CTC) activities.
6.4. Chairperson's Report

Chairperson Pirzynski reported on the success of the January 29, 2013, Board and Advisory Committee Leadership Meeting, noting the topics of discussion. Chairperson Pirzynski expressed his appreciation to the leadership and members of the Advisory Committees for their time, effort and contributions and real dedication.

7. CONSENT AGENDA

7.1. Board of Directors Regular Meeting Minutes of January 10, 2013
M/S/C (Herrera/Price) to approve the Board of Directors Regular Meeting Minutes of January 10, 2013.

7.2. Fund Agreements with MTC for CMA Planning & Programming Funds
M/S/C (Herrera/Price) to authorize the General Manager to execute interagency fund agreements with the Metropolitan Transportation Commission (MTC) for federal funds which support VTA Congestion Management Agency (CMA) planning and programming activities.

7.3. Reprogram $326,700 in CMAQ Funds from Jackson St. Pedestrian Improvements to the West San Carlos St. Phase II Sidewalk Project
M/S/C (Herrera/Price) to reprogram $326,700 in CMAQ funds from the City of San Jose's completed Jackson St. Pedestrian Improvements project to the City of San Jose's West San Carlos St. Phase II Sidewalk project.

7.4. Santa Clara – Alum Rock Bus Rapid Transit Project Utility Rearrangement Construction Authorization
M/S/C (Herrera/Price) to authorize the General Manager to commence utility relocation construction activities for the rearrangement of facilities determined to be in conflict with the Santa Clara - Alum Rock Bus Rapid Transit Project improvements. The utility owners include Pacific Gas & Electric Company, San Jose Water Company, AT&T, and others. The estimated cost for such rearrangements is $4.9 million.

7.5. Quitclaim Deed for Bus Stop and Shelter Easement
M/S/C (Herrera/Price) to authorize the General Manager to execute the quitclaim of an existing Easement for a bus shelter and bus stop which have been relocated and now lie within public right-of-way.

7.6. Agreement for Reimbursement of County of Santa Clara’s Costs for SVBX Project Support
M/S/C (Herrera/Price) to authorize the General Manager to negotiate and execute a cooperative agreement with the County of Santa Clara (County) regarding the reimbursement of County’s staff costs to assist VTA with design
coordination, construction document development, and construction coordination in support of the BART Silicon Valley Berryessa Extension (SVBX) Project in an amount up to $985,000.

7.7. **Monthly Legislative History Matrix**

   M/S/C (Herrera/Price) to review the Monthly Legislative History Matrix.

7.8. **FY 2014 & FY 2015 Biennial Budget Assumptions**

   M/S/C (Herrera/Price) to review the Fiscal Year 2014 & Fiscal Year 2015 Biennial Budget Assumptions.

7.9. **Valley Transportation Plan 2040 - Chapters Two and Three**

   M/S/C (Herrera/Price) to review the draft of Chapters 2 and 3 of the Valley Transportation Plan (VTP) 2040.

7.10. **October 2013 VTP Highway Program Semi-Annual Report**

   M/S/C (Herrera/Price) to receive the October 2012 VTP Highway Program Semi-Annual Report.

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

   Receive an update on the Light Rail Efficiency Program.

7.12. **Real Time Information Update**

   M/S/C (Herrera/Price) to receive an update on the Real Time Information (RTI) project.

8. **REGULAR AGENDA (Continued)**

   *Transit Planning and Operations Committee*

8.1. **BRT Bus Procurement**

   Michael Hursh, Chief Operating Officer, provided an overview of the staff report.

   **Public Comment**

   Mr. Ludwig thanked VTA for purchasing the 60-foot articulated Bus Rapid Transit (BRT) buses and equipping the buses with Wi-Fi.

   Eugene Bradley, Silicon Valley Transit Users, echoed Mr. Ludwig’s comments and questioned if there was an option for VTA to purchase ten additional buses. Mr. Burns noted there was no flexibility with the contract that is being awarded tonight, but VTA has a separate initiative to purchase additional express buses over the course of next year.
M/S/C (Campos/Herrera) to authorize the General Manager to execute a contract with New Flyer of America Inc. (New Flyer) in the amount of $32,987,101 for the purchase of 29 sixty foot articulated Hybrid Diesel-Electric Bus Rapid Transit (BRT) buses and related equipment, training and support, along with the option to purchase an additional 20 buses for future BRT fleet requirements in an amount up to approximately $20,658,567 plus the Producer Price Index (PPI). The execution of the contract will be subject to compliance with the FTA pre-award requirements and the satisfactory clearance of any protests.

8.2. Guadalupe Fuel Cell Project

Tom Fitzwater, Environmental Planning Manager, provided an overview of the staff report.

Vice Chairperson Kalra commented that VTA would see significant savings in electricity costs as well as an environmental benefit due to the installation of the electricity-generating fuel cell technology at VTA’s Guadalupe Division.

M/S/C (Herrera/Woodward) to authorize the General Manager to negotiate and execute a 20-year Power Purchase Agreement with Bloom Energy Corporation and project financier Alternative Energy Development Group for an electricity-generating fuel cell technology and maintenance contract to be installed at VTA’s Guadalupe Division.

7.11. Light Rail Efficiency Program Update

John Ristow, Chief CMA Officer, provided a brief overview of the staff report.

Board Member Herrera left the meeting at 7:21 p.m.

Mr. Burns clarified that VTA has no expectation of forwarding a recommendation for a Downtown San Jose By-Pass Track to the Board of Directors at their March 7, 2013 meeting. In fact, VTA has removed the Downtown San Jose By-Pass Track improvement from the environmental review, noting there is clearly a lot more work to be conducted.

Public Comment

The following Members of the Public advocated for alternatives that do not include a Downtown San Jose By-Pass Track at St. James Park:

- Kymberli Brady, San Jose Downtown Resident’s Association
- Jack Sardegna, St. James Park Neighborhood Association
- Jill Sardegna, St. James Park Neighborhood Association
- Janis Gemenani, St. James Park Neighborhood Association
- Judy Stabile, Preservation Action Council of San Jose
- Brian Grayson, Executive Director, Preservation Action Council of San Jose
Edward Mason, Interested Citizen, expressed concern regarding the connectivity issues between light rail and bus, noting now is the opportunity to enhance connectivity by evaluating the connecting bus schedules.

Mr. Ludwig provided a handout of a post he wrote to the Silicon Valley Transit Users regarding the Winchester – Downtown San Jose trains layover in Downtown San Jose. He referenced the three options (#1, #2, and #6) that VTA should go forward with.

Mr. Bradley commented that VTA needs to provide more information on how it will make light rail more efficient and offered suggestions to increase the speed of the light rail trains.

Roland Lebrun, President, Santa Theresa/Bernal Association, expressed concern regarding the proposed plan that would affect the Santa Theresa Light Rail line and Caltrain connectivity and offered another solution.

Mr. Chatty expressed concern regarding the impacts to the significant amount of people who are being stopped by light rail trains at intersections and suggested this issue be looked at when conducting the light rail analysis.

Board Member Liccardo thanked the Members of the Public for addressing the Board of Directors regarding the preservation of St. James Park. He also thanked Mr. Burns for providing the additional security in the park and for clarifying staff’s position that there are no decisions made at this time.

Board Member Liccardo referenced the handout he provided containing comments regarding the Light Rail Efficiency Program, specifically addressing the concerns regarding implementation of a by-pass track in Saint James Park. He referenced Page 2 of the handout and requested that staff provide a written explanation of the questions frequently asked and that it be posted no later than the March 7, 2013, VTA Board of Directors meeting.

Alternate Board Member Whittum requested information on the City of San Jose’s plans to invest in St. James Park. Board Member Liccardo noted he would provide the information.

Board Member Cortese requested that staff provide the Board of Directors with the costs and ridership projections for the Light Rail Transit (LRT) system extensions (Vasona Junction and Capitol Expressway), which was studied as part of the Light Rail Systems Analysis in 2010. He also requested information on what assumptions were used for the base case scenario for the two extensions.

**M/S/C (Liccardo/Woodward)** to request that VTA staff provide a written explanation of all of the following, by no later than the date of the March 7, 2013, VTA Board of Directors meeting along with any other information requested by the Board of Directors, and that it be made available to the public:

- Whether staff has identified a preferred alternative.
• If not, which alternatives VTA staff is subjecting to further analysis, and for each alternative, the scope of the additional analysis (e.g., construction cost, ridership, feasibility of operations, etc.).
• When staff will decide on a preferred alternative.
• When the VTA Board will decide the matter.
• An explanation for the "moving target" of bypass delay durations, originally quoted by VTA staff as 5-7 minutes, and declining to a current estimate of 3.5 minutes.
• How VTA staff arrived at an increase in operational cost of $2 million for options 13 or 14, when the entire annual LRT operating cost is estimated to be less than $57.6 million for the entire system (based on Staff’s March 25, 2010 memorandum, p. 6).
• An explanation for the changing estimates of the capital cost for a bypass track Downtown, ranging from $4 million in 2010 to a figure over twice that size today.
• An explanation of the components of the estimated construction cost of $20.6 million for the platform at 4th and San Carlos, as described in Staff’s March 25, 2010 memorandum.
• The underlying studies and analyses providing the ridership estimates for the various options described on p. 7 of Staff’s March 25, 2010 memorandum, including the 2,800 new boardings for the “Downtown Loop,” and the 1,400 new boardings for the “4th Street”/San Carlos alternative.
• The extent in clear, quantitative terms to which independent system improvements, such as traffic control signal systems upgrades, or fencing along North First Street, provide adequate system efficiency improvements to meet the Board’s objectives for the Light Rail Efficiency Project.

Further, requested that staff provide the Board of Directors with the costs and ridership projections for the Light Rail Transit (LRT) system extensions (Vasona Junction and Capitol Expressway), which was studied as part of the Light Rail Systems Analysis in 2010. Also, requested information on what assumptions were used for the base case scenario for the two extensions.

On order of Chairperson Pirzynski and there being no objection, an update on the Light Rail Efficiency Program was received.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no items of Concern and Referral to Administration.

9.2. Reports from VTA Committees, Joint Powers Boards (JPB), and Regional Commissions

9.2.A. VTA Standing Committees

• Administration & Finance (A&F) Committee – January 24, 2013, Minutes were accepted as contained on the dais.
• Congestion Management Program & Planning (CMPP) Committee - January 24, 2013, Minutes were accepted as contained on the dais.

• Transit Planning & Operations (TP&O) Committee - January 24, 2013, Minutes were accepted as contained on the dais.

• Audit Committee – There was no report.

9.2.B. VTA Advisory Committees

• Committee for Transit Accessibility (CTA) – January 16, 2013, Minutes were accepted as contained on the dais.

• Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) - January 16, 2013, Minutes were accepted as contained on the dais.

• Bicycle & Pedestrian Advisory Committee (BPAC) - January 16, 2013, Minutes were accepted as contained on the dais.

• Technical Advisory Committee (TAC) – January 17, 2013, Minutes were accepted as contained on the dais.

• Policy Advisory Committee (PAC) – January 17, 2013, Minutes were accepted as contained on the dais.

9.2.C. VTA Policy Advisory Boards (PAB)

• Diridon Station Joint Policy Advisory Board – There was no report.

• Downtown East Valley PAB - There was no report.

• El Camino Real Rapid Transit PAB – There was no report.

9.2.D. Joint Powers Boards and Regional Commissions

• Peninsula Corridor Joint Powers Board – There was no report.

• Capitol Corridor Joint Powers Board – There was no report.

• Dumbarton Rail Corridor Policy Committee – There was no report.

• Metropolitan Transportation Commission (MTC) – January 23, 2013, Meeting Summary Notes were accepted as contained on the dais.

• Sunol Smart Carpool Lane Joint Powers Authority – There was no report.

9.3. Announcements

There were no Announcements.
10. **ADJOURN**

On order of Chairperson Pirzynski and there being no objection, the meeting was adjourned at 8:03 p.m. in memory of Sandra “Sandy” Eakins, former VTA Board Member, Palo Alto Mayor and Civic Activist.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Financial Officer, Joseph T. Smith

SUBJECT: Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the Period Ending December 31, 2012

Policy-Related Action: No
Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2012.

DISCUSSION:

This memorandum provides a brief discussion of significant items and trends on the attached Statement of Revenues and Expenses through December 31, 2012. The schedule has been designed to follow the same company-wide line item rollup as included in the adopted budget. The columns have been designed to provide easy comparison of actual to budget activities for the current fiscal year including year-to-date dollar and percentage variances from budget. The current staff projections of Revenues and Expenses for Fiscal Year 2013 are also included.

The following are highlights of the current Statement of Revenues and Expenses:

Revenues

Fiscal year-to-date Total Revenues (line 13) are above budget estimates by $12.6M, primarily due to favorable variances in Sales Tax based accounts, including 1976 Half-Cent Sales Tax (line 2), TDA (line 3), and Measure A Sales Tax Operating Assistance (line 4), and State Transit Assistance (STA) (line 5). This positive variance was partially offset by an unfavorable variance in Federal Operating Grants-Transfer for Capital (line 7).
Sales Tax-based revenues, including 1976 Half-Cent Sales Tax (line 2), TDA (line 3), and Measure A Sales Tax Operating Assistance (line 4), accounted for a collective surplus of $13.6M over budget estimates. Current projections for these three revenue sources for FY 2013 reflect a 6.3% increase from FY 2012 versus a budgeted increase of 5.8%. Based on current projections, there would be no year-end transfer to or from the Sales Tax Stabilization Fund.

STA (line 5) shows an increase of $0.8M over budget, reflecting an increase in the State Controllers’ estimate for STA receipts.

Federal Operating Grants-Transfer for Capital (line 7) has a negative variance of $1.7M due to an increase in the amount of Preventive Maintenance funding to be used for capital replacement.

**Expenses**

Overall, Fiscal year-to-date Total Expenses (line 44) were $7.0M below budget driven primarily by favorable variances in Materials & Supplies (line15), Other Services (line 18), Fuel (line 19), Reimbursements (line 30), and Paratransit (line 32). This positive variance was partially offset by an unfavorable variance in Labor (line 14).

Labor (line 14) shows an unfavorable variance of $2.5M due primarily to negotiated wage increases approved after the budget was adopted and increased pension costs.

Materials & Supplies (line15) and Other Services (line 18) have a combined positive variance of $2.2M generally due to reduced level of activity for unscheduled bus maintenance and major maintenance programs.

Fuel (line 19) reflects a favorable variance of $1.2M due to lower usage and per gallon costs than budgeted. Average diesel price per gallon paid year-to-date through December was $3.45 versus a budgeted price of $3.84.

Reimbursements (line 30) has a positive variance of $1.1M due to increased activity on capital programs.

Paratransit (line 32) shows a positive variance of $3.5M through the second quarter due to lower than anticipated ridership.

**Projections**

Current staff projections for the fiscal year reflect a positive Operating Balance (line 45) of $20.2M. However, at this time projected Total Expenses (line 44) are slightly higher than the Board authorized appropriation. Staff will continue to monitor expenditure levels, provide updated projections throughout the year, and bring an augmentation request, if necessary, to the Board at a later date.
SUMMARY:

Through the first six months of the year, revenues exceeded budgeted projections by $12.6M while expenses were $7.0M below budget estimates, for an overall positive variance of revenues over expenses (line 45) of $19.6M.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Administration and Finance Committee considered this item at its February 21, 2013 meeting. The committee asked for clarification on the current overage in Labor Costs. Staff responded that it is VTA’s practice to include the financial impact from current labor contracts only in the Recommended Biennial Budget and the new contracts for the three administrative bargaining units had not yet been negotiated at the time of budget adoption. When the contracts were subsequently presented to the Board for approval, the annual cost of each contract was stated and the contracts were approved with the understanding that the cost would be absorbed within the existing overall budget appropriation.

The item was approved unanimously.

Prepared by: Carol Lawson, Fiscal Resources Manager
Memo No. 3833
# SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

## STATEMENT OF REVENUES AND EXPENSES

**Fiscal Year 2013**

through December 31, 2012

(Dollars in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Category</th>
<th>Fiscal Year-to-Date Actual</th>
<th>Fiscal Year-to-Date Budget</th>
<th>Year-to-Date Variance</th>
<th>% Variance</th>
<th>FY 2013 Current Budget&lt;sup&gt;1&lt;/sup&gt;</th>
<th>FY 2013 Projection&lt;sup&gt;2&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Fares</td>
<td>19,062</td>
<td>19,204</td>
<td>(142)</td>
<td>-0.7%</td>
<td>38,415</td>
<td>38,415</td>
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<tr>
<td>2</td>
<td>1976 Half-Cent Sales Tax</td>
<td>92,748</td>
<td>84,037</td>
<td>8,711</td>
<td>10.4%</td>
<td>165,273</td>
<td>177,032</td>
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<tr>
<td>3</td>
<td>TDA</td>
<td>42,432</td>
<td>39,180</td>
<td>3,252</td>
<td>8.3%</td>
<td>77,678</td>
<td>83,834</td>
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<td>4</td>
<td>Measure A Sales Tax-Oper Asst</td>
<td>17,096</td>
<td>15,440</td>
<td>1,656</td>
<td>10.7%</td>
<td>30,365</td>
<td>32,675</td>
</tr>
<tr>
<td>5</td>
<td>STA</td>
<td>7,460</td>
<td>6,653</td>
<td>807</td>
<td>12.1%</td>
<td>13,507</td>
<td>14,921</td>
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<tr>
<td>6</td>
<td>Federal Operating Grants</td>
<td>21,065</td>
<td>20,951</td>
<td>114</td>
<td>0.5%</td>
<td>41,901</td>
<td>41,901</td>
</tr>
<tr>
<td>7</td>
<td>Less Transfer for Capital</td>
<td>(5,937)</td>
<td>(4,190)</td>
<td>(1,747)</td>
<td>41.7%</td>
<td>(8,380)</td>
<td>(11,875)</td>
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<tr>
<td>8</td>
<td>State Operating Grants</td>
<td>1,011</td>
<td>969</td>
<td>43</td>
<td>4.4%</td>
<td>1,937</td>
<td>2,141</td>
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<tr>
<td>9</td>
<td>Investment Earnings</td>
<td>719</td>
<td>476</td>
<td>243</td>
<td>51.0%</td>
<td>952</td>
<td>952</td>
</tr>
<tr>
<td>10</td>
<td>Advertising Income</td>
<td>872</td>
<td>850</td>
<td>22</td>
<td>2.6%</td>
<td>1,750</td>
<td>1,750</td>
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<tr>
<td>11</td>
<td>Measure A Repayment Obligation</td>
<td>3,073</td>
<td>3,592</td>
<td>(520)</td>
<td>-14.5%</td>
<td>11,954</td>
<td>11,954</td>
</tr>
<tr>
<td>12</td>
<td>Other Income</td>
<td>1,001</td>
<td>836</td>
<td>165</td>
<td>19.7%</td>
<td>1,673</td>
<td>1,673</td>
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<tr>
<td>13</td>
<td></td>
<td><strong>Total Revenues</strong></td>
<td><strong>200,602</strong></td>
<td><strong>12,605</strong></td>
<td><strong>6.7%</strong></td>
<td><strong>376,825</strong></td>
<td><strong>395,372</strong></td>
</tr>
<tr>
<td>14</td>
<td>Labor Costs</td>
<td>137,189</td>
<td>134,702</td>
<td>(2,487)</td>
<td>-1.8%</td>
<td>270,436</td>
<td>279,261</td>
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<tr>
<td>15</td>
<td>Materials &amp; Supplies</td>
<td>7,213</td>
<td>8,409</td>
<td>1,197</td>
<td>14.2%</td>
<td>16,816</td>
<td>16,816</td>
</tr>
<tr>
<td>16</td>
<td>Security</td>
<td>4,121</td>
<td>4,000</td>
<td>(121)</td>
<td>-3.0%</td>
<td>8,056</td>
<td>8,056</td>
</tr>
<tr>
<td>17</td>
<td>Professional &amp; Special Services</td>
<td>1,534</td>
<td>1,599</td>
<td>65</td>
<td>4.0%</td>
<td>3,537</td>
<td>3,537</td>
</tr>
<tr>
<td>18</td>
<td>Other Services</td>
<td>2,851</td>
<td>3,862</td>
<td>1,010</td>
<td>26.2%</td>
<td>7,858</td>
<td>7,858</td>
</tr>
<tr>
<td>19</td>
<td>Fuel</td>
<td>7,069</td>
<td>8,291</td>
<td>1,222</td>
<td>14.7%</td>
<td>16,606</td>
<td>14,657</td>
</tr>
<tr>
<td>20</td>
<td>Traction Power</td>
<td>1,779</td>
<td>1,908</td>
<td>129</td>
<td>6.8%</td>
<td>3,535</td>
<td>3,535</td>
</tr>
<tr>
<td>21</td>
<td>Tires</td>
<td>797</td>
<td>806</td>
<td>8</td>
<td>1.0%</td>
<td>1,611</td>
<td>1,611</td>
</tr>
<tr>
<td>22</td>
<td>Utilities</td>
<td>1,271</td>
<td>1,302</td>
<td>31</td>
<td>2.4%</td>
<td>2,604</td>
<td>2,604</td>
</tr>
<tr>
<td>23</td>
<td>Insurance</td>
<td>2,515</td>
<td>2,287</td>
<td>(227)</td>
<td>-9.9%</td>
<td>4,575</td>
<td>4,928</td>
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<tr>
<td>24</td>
<td>Data Processing</td>
<td>1,368</td>
<td>1,473</td>
<td>105</td>
<td>7.1%</td>
<td>2,934</td>
<td>2,934</td>
</tr>
<tr>
<td>25</td>
<td>Office Expense</td>
<td>142</td>
<td>159</td>
<td>17</td>
<td>10.8%</td>
<td>321</td>
<td>321</td>
</tr>
<tr>
<td>26</td>
<td>Communications</td>
<td>585</td>
<td>607</td>
<td>22</td>
<td>3.6%</td>
<td>1,215</td>
<td>1,215</td>
</tr>
<tr>
<td>27</td>
<td>Employee Related Expense</td>
<td>198</td>
<td>387</td>
<td>189</td>
<td>48.9%</td>
<td>697</td>
<td>697</td>
</tr>
<tr>
<td>28</td>
<td>Leases &amp; Rents</td>
<td>341</td>
<td>286</td>
<td>(55)</td>
<td>-19.4%</td>
<td>571</td>
<td>571</td>
</tr>
<tr>
<td>29</td>
<td>Miscellaneous</td>
<td>177</td>
<td>320</td>
<td>143</td>
<td>44.7%</td>
<td>645</td>
<td>645</td>
</tr>
<tr>
<td>30</td>
<td>Reimbursements</td>
<td>(19,587)</td>
<td>(18,491)</td>
<td>1,096</td>
<td>-5.9%</td>
<td>(36,982)</td>
<td>(36,294)</td>
</tr>
<tr>
<td>31</td>
<td></td>
<td><strong>Subtotal Operating Expense</strong></td>
<td><strong>149,563</strong></td>
<td><strong>2,342</strong></td>
<td><strong>1.5%</strong></td>
<td><strong>305,034</strong></td>
<td><strong>312,951</strong></td>
</tr>
<tr>
<td>32</td>
<td>Paratransit&lt;sup&gt;3&lt;/sup&gt;</td>
<td>9,624</td>
<td>13,172</td>
<td>3,547</td>
<td>26.9%</td>
<td>26,343</td>
<td>20,307</td>
</tr>
<tr>
<td>33</td>
<td>Caltrain&lt;sup&gt;3&lt;/sup&gt;</td>
<td>7,704</td>
<td>7,974</td>
<td>270</td>
<td>3.4%</td>
<td>15,947</td>
<td>15,456</td>
</tr>
<tr>
<td>34</td>
<td>Light Rail Shuttles&lt;sup&gt;3&lt;/sup&gt;</td>
<td>14</td>
<td>20</td>
<td>6</td>
<td>29.8%</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>35</td>
<td>Altamont Commuter Express&lt;sup&gt;3&lt;/sup&gt;</td>
<td>2,386</td>
<td>2,202</td>
<td>(184)</td>
<td>-8.4%</td>
<td>4,404</td>
<td>4,876</td>
</tr>
<tr>
<td>36</td>
<td>Highway 17 Express&lt;sup&gt;3&lt;/sup&gt;</td>
<td>69</td>
<td>102</td>
<td>32</td>
<td>31.8%</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>37</td>
<td>Dumbarton Express&lt;sup&gt;3&lt;/sup&gt;</td>
<td>0</td>
<td>226</td>
<td>226</td>
<td>100.0%</td>
<td>451</td>
<td>0</td>
</tr>
<tr>
<td>38</td>
<td>Monterey-San Jose Express Service&lt;sup&gt;3&lt;/sup&gt;</td>
<td>20</td>
<td>20</td>
<td>0</td>
<td>0.5%</td>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>39</td>
<td>Contribution to Other Agencies</td>
<td>315</td>
<td>297</td>
<td>(18)</td>
<td>-6.1%</td>
<td>594</td>
<td>594</td>
</tr>
<tr>
<td>40</td>
<td>Debt Service</td>
<td>4,574</td>
<td>5,312</td>
<td>738</td>
<td>13.9%</td>
<td>20,464</td>
<td>20,464</td>
</tr>
<tr>
<td>41</td>
<td></td>
<td><strong>Subtotal Other Expense</strong></td>
<td><strong>24,706</strong></td>
<td><strong>4,618</strong></td>
<td><strong>15.7%</strong></td>
<td><strong>68,684</strong></td>
<td><strong>62,178</strong></td>
</tr>
<tr>
<td>42</td>
<td>Operating &amp; Other Expenses</td>
<td>174,269</td>
<td>181,229</td>
<td>6,960</td>
<td>3.8%</td>
<td>375,118</td>
<td>375,128</td>
</tr>
<tr>
<td>43</td>
<td>Contingency</td>
<td>0</td>
<td>0</td>
<td>N/A</td>
<td></td>
<td>1,400</td>
<td>0</td>
</tr>
<tr>
<td>44</td>
<td></td>
<td><strong>Total Expenses</strong></td>
<td><strong>174,269</strong></td>
<td><strong>6,960</strong></td>
<td><strong>3.8%</strong></td>
<td><strong>375,118</strong></td>
<td><strong>375,128</strong></td>
</tr>
<tr>
<td>45</td>
<td>Operating Balance</td>
<td>26,333</td>
<td>6,769</td>
<td>19,565</td>
<td></td>
<td>1,707</td>
<td>20,244</td>
</tr>
</tbody>
</table>

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1 Reflects Adopted Budget approved by the Board on June 2, 2011
2 Reflects current staff projection as of January 24, 2013
3 Includes allocation of indirect costs
SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
SOURCES AND USES OF FUNDS SUMMARY
Fiscal Year 2013
through December 31, 2012
(Dollar in Thousands)

<table>
<thead>
<tr>
<th>Line</th>
<th>Description</th>
<th>FY13 Adopted Budget¹</th>
<th>FY13 Current Budget</th>
<th>FY13 Projected Actual²</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Operating Balance</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Total Operating Revenues</td>
<td>376,825</td>
<td>376,825</td>
<td>395,372</td>
</tr>
<tr>
<td>2</td>
<td>Total Operating Expenses</td>
<td>(375,118)</td>
<td>(375,118)</td>
<td>(375,128)</td>
</tr>
<tr>
<td>3</td>
<td>Operating Balance</td>
<td>1,707</td>
<td>1,707</td>
<td>20,244</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Operating Reserves Replenishment to 15% level</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>15% Year-end Operating Reserves³</td>
<td>56,268</td>
<td>56,268</td>
<td>56,268</td>
</tr>
<tr>
<td>5</td>
<td>Beginning Reserve Balance</td>
<td>(56,268)</td>
<td>(56,268)</td>
<td>(56,268)</td>
</tr>
<tr>
<td>6</td>
<td>15% Replenishment Amount</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Operating Balance Available for Capital</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Operating Balance (Line 3)</td>
<td>1,707</td>
<td>1,707</td>
<td>20,244</td>
</tr>
<tr>
<td>8</td>
<td>15% Replenishment Amount (Line 6)</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>9</td>
<td>Sales Tax Based Revenue From/(To) Sales Tax Stabilization Fund</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>10</td>
<td>Operating Balance Available for Capital</td>
<td>1,707</td>
<td>1,707</td>
<td>20,244</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Capital Program</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Total VTA Transit Capital Program⁴</td>
<td>20,277</td>
<td>48,917</td>
<td>48,917</td>
</tr>
<tr>
<td>12</td>
<td>Funding from Grants &amp; Other Sources</td>
<td>(9,492)</td>
<td>(20,317)</td>
<td>(20,317)</td>
</tr>
<tr>
<td>13</td>
<td>Local Grant Match from Debt Reduction Fund</td>
<td>(105)</td>
<td>(311)</td>
<td>(311)</td>
</tr>
<tr>
<td>14</td>
<td>Federal Operating Grants for Capital</td>
<td>(8,380)</td>
<td>(8,380)</td>
<td>(11,875)</td>
</tr>
<tr>
<td>15</td>
<td>Remaining Local Portion Needed for Capital</td>
<td>2,300</td>
<td>19,910</td>
<td>16,415</td>
</tr>
<tr>
<td>16</td>
<td>Operating Balance Available for Capital (line 9)</td>
<td>(1,707)</td>
<td>(1,707)</td>
<td>(20,244)</td>
</tr>
<tr>
<td>17</td>
<td>Local Funding From/(To) Debt Reduction Fund</td>
<td>593</td>
<td>18,203</td>
<td>(3,829)</td>
</tr>
<tr>
<td>18</td>
<td>Ending Operating Reserves</td>
<td>56,268</td>
<td>56,268</td>
<td>56,268</td>
</tr>
<tr>
<td>19</td>
<td>Operating Reserve %⁵</td>
<td>15.0%</td>
<td>15.0%</td>
<td>15.0%</td>
</tr>
</tbody>
</table>

¹ Adopted Budget approved by the Board on June 2, 2011
² Staff Projection as of January 24, 2013
³ 15% of Budgeted Operating Expenses
⁴ Includes $1.8M, $9.2M, and $17.6M augmentations approved by the Board on August 2, 2012, September 6, 2012 and January 10, 2013, respectively
⁵ Line 18 divided by Budgeted Operating Expenses
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary Sandra Weymouth

SUBJECT: Bicycle & Pedestrian Advisory Committee Appointments

ACTION ITEM

RECOMMENDATION:

Ratify the appointments to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014 of: (1) Kristal Caidoy, representing the City of Milpitas; (2) Suzanne Sperry, representing the City of Morgan Hill; and (3) Rick Waltonsmith, representing the City of Saratoga.

BACKGROUND:

The Bicycle & Pedestrian Advisory Committee (BPAC) advises the VTA Board of Directors on planning and funding for bicycle and pedestrian projects and issues. The BPAC consists of 16 voting members, one appointed by each of VTA’s Member Agencies (the 15 cities in the county and the County of Santa Clara), and one non-voting member and alternate appointed by the Silicon Valley Bicycle Coalition (SVBC). The BPAC also serves as the countywide bicycle and pedestrian advisory committee for the County of Santa Clara.

The BPAC bylaws specify that the appointment term is two years and that members may be appointed to successive terms. Committee members must live, work or both in Santa Clara County during their term. Voting members of the Committee must also be a representative of the Member Agency’s local bicycle advisory committee or, for Member Agencies without a local bicycle advisory committee, their representative must be an individual who lives or works in the local jurisdiction and is interested in bicycle or pedestrian issues. BPAC members are precluded from representing a Member Agency that is their employer.

The process to fill BPAC vacancies is that staff notifies the appointing authority of the vacancy
or approaching term expiration and provides the current membership requirements. The appointing authority then appoints one member for the designated membership position. For vacancies occurring mid-term, the bylaws specify that they be filled for the remainder of the term by the appointing authority. In both cases, the VTA Board must ratify the appointment.

DISCUSSION:

The City of Milpitas has appointed Kristal Caidoy to serve as its BPAC representative, to replace its previous representative, Aaron Faupell, who relocated out of the area.

Ms. Caidoy, who lives in Milpitas, was born and raised in that city. She earned her college degree from Palo Alto University and is currently employed with City Forest. Her career aspiration is to work as specialist for habitat and ecological restoration. She is a member of Milpitas’ Bicycle Pedestrian Advisory Commission (BPAC). She is also a member of the Sierra Club and volunteers with the Bicycle Exchange program at the Silicon Valley Bicycle Coalition. She is an avid cyclist and rides extensively on both roadways and trails. She also very interested in bicycle and pedestrian improvements, education, and outreach and attends many workshops and seminars on these subjects.

The City of Morgan Hill has appointed Suzanne Sperry to serve as its BPAC representative, filling its long-vacant position.

Ms. Sperry, born and raised in California, moved from the Monterey Peninsula to Morgan Hill almost two years ago. Her college degree and profession are in hospitality and business management and she has over fifteen years experience working and managing hotels, restaurants, airlines, and resorts. Ms. Sperry has chosen to remain out of the work force while she home-schools her children.

Ms. Sperry is a member of the Morgan Hill Parks & Recreation Committee. Her interest in bicycle, pedestrian, and trail access planning stems from her passion for cycling’s unique contribution to the areas of economic development, sustainable lifestyle, attracting human capital by promoting excellent recreation opportunities, and tourism.

Civic and community service includes American Heritage Girls, Front Sight Firearms Training Institute, and Hostelling International, where she serves as Executive Secretary of the Central California Council. She also is a member of the Community Emergency Response Team (CERT) Program that educates people about disaster preparedness for hazards and trains them in basic disaster response skills such as fire safety, light search and rescue, team organization, and disaster medical operations.

The City of Saratoga has appointed Rick Waltonsmith to serve as its BPAC representative, to replace its previous representative, Christie Cooley, who resigned due to changed work schedule and location.

Rick Waltonsmith, a resident of Saratoga since 1984, was born and raised in Seattle. He graduated from the University of Washington with a Bachelor’s of Arts degree in Mass Communications. Now retired, the majority of Mr. Waltonsmith’s work career was spent with
Siemens Optoelectronics in Cupertino, where he worked in Technical Marketing, Marketing Communications, and Product Line Management for a line of Light Emitting Diodes (LED) displays. He also worked in manufacturing management and for two start-up companies in the lasers and optoelectronics field.

Mr. Waltonsmith is a member of Saratoga’s Pedestrian, Equestrian and Bicycle Trails Advisory Committee. He is an avid bicyclist and hiker. When he worked at Siemens, he commuted by bicycle to the plant in Cupertino every day. He has ridden approximately 25 “Centuries” (riding one hundred miles in a single day) and for a short period was a racer with the United States Cycling Federation.

Civic and community service includes as a member of the Saratoga Rotary Club, where performs extensive volunteer work associated with the club.

Staff recommends that the Board ratify the appointment of these individuals due to the combination of their respective qualifications, experience, community involvement, and knowledge of bicycle, pedestrian, trails and safety issues.

**ALTERNATIVES:**

The Board could choose to not ratify any or all of these appointments.

**FISCAL IMPACT:**

There is no fiscal impact.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration & Finance Committee considered this item at its February 21, 2013 meeting as part of its Consent Agenda and approved it unanimously without comment.

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 3967
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Board Secretary, Sandra Weymouth

SUBJECT: Amendments to the Bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee Establishing a Mission Statement for Each Committee

Policy-Related Action: Yes          Government Code Section 84308 Applies: No

Resolution

ACTION ITEM

RECOMMENDATION:

Adopt a resolution amending the bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee, as indicated, to establish a mission statement for each committee, as recommended by the Advisory Committee Enhancement (ACE) process.

BACKGROUND:

The Citizens Advisory Committee (CAC) is a 17-member committee representing the residents of the various city/county groupings of the VTA Board of Directors, as well as specified community stakeholder groups with an interest in transportation. The CAC advises the Board and VTA administration on issues impacting the communities and organizations they represent. It also serves in two other functions: (1) as the ballot-specified Citizens Watchdog Committee for the 2000 Measure A Transit Improvement Program; and (2) as the 2008 Measure D ballot-specified advisory body that reviews and comments on VTA’s comprehensive transit program as part of the countywide transportation plan.

The Committee for Transit Accessibility (CTA) is a 23-member committee comprised of individuals from the disabled community, representatives from human services agencies, and one ex-officio member each representing VTA’s paratransit broker and the VTA Board of Directors.
The CTA provides guidance and perspective to the VTA Board and administration on bus and rail system accessibility issues, paratransit service, and transportation accessibility matters to help ensure complete access and mobility to all users in Santa Clara County.

The Technical Advisory Committee (TAC) is a 17-member committee comprised of one management-level staff member from each of the 15 cities and the county. In addition, the California Department of Transportation (Caltrans) has one non-voting member to provide feedback directly to the committee. The TAC advises the VTA Board and administration on technical issues related to transportation projects, programs, funding, and other policy matters while giving voice to and reconciling local and regional perspectives.

Advisory committee bylaws govern the proceedings of the committee and its meetings and must be consistent with the VTA Administrative Code. All amendments to advisory committee bylaws require VTA Board of Directors approval.

The Advisory Committee Enhancement (ACE) process, completed in 2010, engaged advisory committee members in the development of recommendations for improving the existing advisory committee process, in order to maximize the committees’ efficiency and usefulness to the VTA Board and administration. Over the course of 17 months, members developed a set of recommendations for improving communication with the Board, as well as improving and streamlining the advisory committee process in general. Included in these was having each advisory committee draft a committee mission statement to articulate its role and purpose within VTA, for inclusion in its respective bylaws. In January 2010, the Board of Directors approved these recommendations.

The process of developing mission statements for each committee, including the required modification to the respective committee’s bylaws to establish the mission statement, has been underway since completion of the ACE Process. To this end, in April 2012 the Board approved amending the bylaws for two VTA advisory committees, the Bicycle & Pedestrian Advisory Committee (BPAC) and the Policy Advisory Committee (PAC), to incorporate their respective mission statements.

**DISCUSSION:**

Attached for Board approval are the recommended modifications to the bylaws for the three remaining advisory committees, the CAC, CTA and TAC, to incorporate the mission statement for each committee. The proposed modifications to the CAC bylaws are shown on Attachment A, those for the CTA on Attachment B, and those for the TAC on Attachment C (deletions are shown in overstrike and additions are underlined).

Each committee approved the modifications to its respective bylaws to incorporate its mission statement at the following meetings: CAC on December 12, 2012; CTA on January 12, 2013; and TAC on January 13, 2013. The mission statement approved by each committee is:
CAC
The VTA Citizens Advisory Committee (CAC) provides a communication channel for transportation stakeholders and residents of the county by providing input, analysis, perspective and timely recommendations prior to VTA Board of Director action on transportation policy issues and initiatives.

CTA
The VTA Committee for Transit Accessibility provides guidance and perspective to the Board of Directors on VTA transit and transportation accessibility matters to help ensure complete access to all users in Santa Clara County, doing so by facilitating dialogue with, representing and advocating the needs of the disabled and senior communities.

TAC
The VTA Technical Advisory Committee (TAC) provides in-depth analysis, technical expertise and timely recommendations to the VTA Board of Directors regarding projects, programs, funding and other policy matters while giving voice to and reconciling local and regional perspectives.

Staff recommends ratification of the proposed bylaw modifications to incorporate the mission statements.

ALTERNATIVES:
The Board could choose to modify or not approve some or all of the proposed amendments.

FISCAL IMPACT:
There is no fiscal impact associated with these proposed amendments to the advisory committee bylaws.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:
The CAC considered the proposed modifications to its bylaws on December 12, 2012 as part of its Regular Agenda and unanimously approved them without comment.

The CTA considered the proposed modifications to its bylaws on January 16, 2013 as part of its Regular Agenda and unanimously approved them without comment.

The TAC considered the proposed modifications to its bylaws on January 17, 2013 as part of its Consent Agenda and unanimously approved them without comment.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:
The Administration & Finance Committee considered this item at its February 21, 2013 meeting as part of its Consent Agenda and approved it unanimously without comment.

Reviewed by: Robert Fabela, General Counsel

Prepared by: Stephen Flynn, Advisory Committee Coordinator
Memo No. 3909
§2.1 Mission and Duties

The CAC is an advisory committee to the Board of Directors. The mission and duties of the Committee shall be:

MISSION:

The VTA CAC provides a communication channel for transportation stakeholders and residents of the county by providing input, analysis, perspective and timely recommendations prior to VTA Board of Director action on transportation policy issues and initiatives.

DUTIES:

a. The Committee shall advise the Board of Directors on matters of VTA policy referred to the Committee by the Board or General Manager and perform such additional duties as assigned by the Board.

b. The Committee shall also serve as the Independent Citizens Watchdog Committee for the 2000 Measure A Transit Sales Tax (“2000 Measure A”) during its term (April 2006 – March 2036). As the Citizens Watchdog Committee, the Committee shall review all 2000 Measure A expenditures and shall:

   ● Public Hearings and Reports: Hold public hearings and issue reports on at least an annual basis to inform Santa Clara County residents how the funds are being spent. The hearings shall be held in full compliance with the Brown Act, with information announcing the hearings well-publicized and posted in advance.

   ● Annual Independent Audits: Direct VTA staff to commission an annual audit conducted by an Independent Auditor each fiscal year to ensure tax dollars are being spent in accordance with the intent of 2000 Measure A.

   ● Published Results of Audits and Annual reports: Direct VTA staff to publish the results of the Independent Audit and the Annual Report in local newspapers and make copies of these documents available to the public.
In its capacity as the 2000 Measure A Citizens Watchdog Committee, the Committee shall review and comment on the Independent Audits prior to their publication and release to the public.

As specified in the 2008 Measure D ballot, the 2000 Measure A Citizens Watchdog Committee further shall review and comment on a comprehensive transit program submitted by VTA.

§2.2 Limitations on Authority

Except when acting in its capacity as the Citizens Watchdog Committee as specified in the 2000 Measure A Transit Sales Tax ballot, the Committee shall serve in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. The Committee shall not have the authority to communicate externally and all communications by the Committee shall be to and through the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.
§2.1 Mission and Duties

The CTA is an advisory committee to the Board of Directors. The mission and duties of the Committee shall be:

MISSION:

The CTA provides guidance and perspective to the Board of Directors on VTA transit and transportation accessibility matters to help ensure complete access to all users in Santa Clara County, doing so by facilitating dialogue with, representing and advocating the needs of the disabled and senior communities.

DUTIES:

It shall be the duty of the Committee to perform the functions of a paratransit coordinating council and to advise the Board of Directors, the Metropolitan Transportation Commission (with Board concurrence), and staff on all matters pertaining to paratransit services in Santa Clara County. The Committee shall advise the Board of Directors and staff concerning accessibility of all VTA transit services, vehicles, equipment, facilities, programs, as well as other matters including service and program policies pertaining to accessibility for persons with disabilities, and compliance of such elements with the Americans with Disabilities Act (ADA) and other laws which pertain to access to services within VTA’s purview for persons with disabilities. The Committee shall perform such additional duties as may be assigned by the Board of Directors.

§2.2 Limitations on Authority

The Committee serves in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.
§2.1 Mission and Duties

The TAC is an advisory committee to the Board of Directors. The mission and duties of the Committee shall be:

MISSION:

The VTA Technical Advisory Committee (TAC) provides in-depth analysis, technical expertise and timely recommendations to the VTA Board of Directors regarding projects, programs, funding and other policy matters while giving voice to and reconciling local and regional perspectives.

DUTIES:

It shall be the duty of the Committee to advise the Board of Directors on major policy and technical issues related to VTA projects and programs which are referred to the Committee either by the Board or the General Manager or which are raised by the Committee upon its own initiative. It shall be the members’ responsibility to keep their respective appointing agencies informed of key issues, facilitate communication between those agencies and VTA, and to help build the consensus necessary to make policy decisions.

§2.2 Limitations on Authority

The Committee shall serve in an advisory capacity to the Board of Directors. It shall have no independent duties and no authority to take actions that bind VTA or the Board of Directors. No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member thereof shall be entitled to reimbursement for travel or other expenses except as authorized by the Board of Directors.
RESOLUTION ________________

RESOLUTION OF THE SANTA CLARA VALLEY TRANSPORTATION AUTHORITY BOARD OF DIRECTORS AMENDING THE BYLAWS FOR THE CITIZENS ADVISORY COMMITTEE (CAC), COMMITTEE FOR TRANSIT ACCESSIBILITY (CTA), AND TECHNICAL ADVISORY COMMITTEE (TAC) TO INCORPORATE EACH COMMITTEE’S RESPECTIVE MISSION STATEMENT

WHEREAS, the Advisory Committee Enhancement (ACE) process engaged advisory committee members in the development of recommendations for improving the existing advisory committee process;

WHEREAS, the Board of Directors approved the ACE Process recommendations in January 2010;

WHEREAS, one of these recommendations was to develop for each advisory committee a mission statement that articulates its purpose and role within VTA, for inclusion in its respective bylaws;

WHEREAS, the CAC, CTA and TAC all approved the changes to their bylaws incorporating the respective mission statement developed by that committee;

WHEREAS, the Board of Directors previously approved amending the bylaws for two VTA advisory committees, the Bicycle & Pedestrian Advisory Committee (BPAC) and the Policy Advisory Committee (PAC), to incorporate their respective mission statements;

WHEREAS, it is in VTA’s best interest to complete the process by establishing mission statements for the three remaining advisory committees.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Santa Clara Valley Transportation Authority does hereby amend:

• Section 2.1 -- Duties of the Citizens Advisory Committee bylaws to establish the mission statement for that committee, as set forth in Attachment A hereto.

• Section 2.1 -- Duties of the Committee for Transit Accessibility to establish the mission statement for that committee, as set forth in Attachment B hereto.

• Section 2.1 – Duties of the Technical Advisory Committee bylaws to establish the mission statement for that committee, as set forth in Attachment C hereto.
PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Transportation Authority on March 7, 2013 by the following vote:

AYES:

NOES:

ABSENT:

______________________________
Joe Pirzynski, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed, and adopted by the vote of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Date: _________________________

______________________________
Sandra Weymouth, Secretary
Board of Directors

APPROVED AS TO FORM:

______________________________
Robert Fabela
General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Congestion Management Agency Officer, John Ristow
      Chief Engineering & Construction Officer, Mark Robinson

SUBJECT: Contract with HMH Engineers for Combined Landscaping & Maintenance Project Engineering Design Services

Policy-Related Action: No  Government Code Section 84308 Applies: Yes

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to negotiate and execute a time and materials contract with HMH Engineers with an amount not to exceed $400,000 for a term of three years to perform Engineering Design Services, including construction support and close-out activities; and further authorize the General Manager to negotiate and execute the necessary design and construction agreements with Caltrans for implementation of the Combined Landscaping and Maintenance Project.

BACKGROUND:

The proposed scope of work for the Combined Landscaping and Maintenance Project originates from five existing highway improvement projects. The five highway landscaping sites are located in the cities of Milpitas, Mountain View, Palo Alto and San Jose as illustrated on Attachment A - Map of Project Locations. The project will combine landscape planting/irrigation with long-term landscape maintenance requirements and complete Plant Establishment Period (PEP)/maintenance requirements as agreed to by VTA and Caltrans working with local agencies.

The following is a listing of the sites in the project scope with a statement regarding the scope of work for each:
• I-880 HOV Widening: Years 2 and 3 PEP/maintenance (landscaping and Year 1 PEP/maintenance being provided as part of capital construction project).

• US 101 Auxiliary Lanes: Years 2 and 3 PEP/maintenance (landscaping and Year 1 PEP/maintenance being provided as part of capital construction project).

• US 101 at Tully Road, Capitol Expressway, and Yerba Buena Road Interchanges: Years 2 and 3 PEP/maintenance (landscaping and Year 1 PEP/maintenance being provided as part of US 101/Capitol Expressway/Yerba Buena Road capital construction project).

• I-880/Coleman Avenue Interchange Landscaping - Develop and implement landscaping and one-year PEP/maintenance.

• SR 237/McCarthy Boulevard Medians Landscaping - Develop and implement landscaping and one-year PEP/maintenance.

At its October 4, 2012 meeting, VTA Board of Directors approved allocation of Local Program Reserve funding from three existing highway projects (I-880 HOV Widening, US 101 Auxiliary Lanes and US 101 Tully Road/Capitol Expressway) to help establish a consolidated budget for the Combined Landscaping and Maintenance Project.

Additionally, VTA and the City of Milpitas executed a funding agreement to supplement the project budget for landscaping within the City of Milpitas for SR 237/McCarthy Boulevard median landscaping. Finally, the remaining Grant Anticipation Vehicle Revenue (GARVEE) bond and local City of San Jose funds from the I-880/Coleman Avenue Interchange Highway Improvement Project will be used for landscaping construction at that site.

The purpose of the project is to complete the replacement planting at two project sites where VTA recently completed highway improvement projects as well as to provide two additional years of PEP/maintenance at three other project sites where VTA is currently working to implement highway improvement projects funded through the State's Corridor Mobility Improvement Account (CMIA) Program that include initial planting and the first year PEP/maintenance. The total budget including construction for the project is $3.7 million. The scope of work that is the subject of this memorandum is for the selected consultant team to provide the landscape and engineering services as listed above for the five locations including the preparation of two sets of bid documents (plans, specifications and estimates) and provide bidding and construction support services. One set of bid documents will be for the federal GARVEE bond funded improvements (I-880/Coleman Ave) and the second set of bid documents will be for the remaining four sites not federally funded.

**DISCUSSION:**

On December 12, 2012, VTA issued RFP 12-18 to three pre-qualified firms from the On-Call Highway Planning and Engineering list (RFQ 11-04) to assist in preparing the plans, specifications and estimates, permitting, and provide bidding and construction support for the
two contract bid packages. The three firms were selected based on their prior involvement with the civil and landscaping design at the five sites. Evaluation criteria for the firm selection included, 1) Project Manager's Relevant Experience, 2) Key Staff Relevant Experience, 3) Work Plan/Technical Approach to the Project, 4) Proposed Schedule, and 5) Local Firm Preference.

The following three firms submitted proposals on January 9, 2013 in response to the RFP:

- Mark Thomas & Company
- URS Corporation
- HMH Engineers

A four-person review panel consisting of representatives from VTA, Caltrans, and the City of Milpitas evaluated the proposals and conducted interviews with each team on January 25, 2013. The review panel determined that HMH Engineers submitted the best overall proposal to provide the services as prescribed in RFP 12-18 based on the following reasons.

- The HMH Team excelled in providing an understanding of the project scope and required delivery approach.
- The HMH Team provides a strong project manager and team with recent successes on VTA projects that include landscaping and Caltrans approval and encroachment permitting processes.
- The HMH Team provides a one-stop shop in-house landscape architecture and engineering services.

HMH Engineers as a VTA Small Business Enterprise (SBE) will provide all engineering designs services on this contract resulting in the project being a 100% SBE project. Attachment B provides HMH Engineers contact information.

VTA staff recommends negotiations and execution of a time and materials contract with HMH Engineers to complete the landscaping engineering and bidding services with a not to exceed value of $400,000.

It is anticipated that several agreements will be required to complete the project, such as agreements with Caltrans for the design and construction phases of the projects. The agreements will establish the roles and responsibilities of VTA as project sponsor and Caltrans as oversight agency. This action by the Board of Directors would grant authority to the General Manager to negotiate and execute the needed agreements with Caltrans without the need to return to the Board of Directors for separate approval of agreements. This action by the Board of Directors would grant authority to the General Manager to negotiate and execute the needed no cost agreements with Caltrans without the need to return to the Board of Directors for separate approval of agreements.
ALTERNATIVES:

The VTA Board of Directors may choose not to award the contract, or may request modified project alternatives, which could contradict our agreement with Caltrans to complete the landscaping improvements and potentially jeopardize the viability of plantings installed during the civil construction phase.

FISCAL IMPACT:

This action will authorize up to $400,000 to perform engineering design and construction support services. There is sufficient appropriation for these expenditures in the FY13 Adopted VTP Highway Improvement Program Fund Capital Budget. Funding for this contract is provided by VTA Local Program Reserve funds, which was a separate action by the Board of Directors on October 4, 2012, as well as funding from the Cities of Milpitas and San Jose. Remaining GARVEE bond funds from the original I-880/Coleman Avenue interchange project are available for construction.

SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION:

Based on the subcontracting opportunities, a 16.25% SBE goal has been established for this Contract. The Contractor has committed to achieve 100% SBE due to their SBE certification with VTA.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Congestion Management Program and Planning Committee received a brief presentation on this item at its February 21, 2013 meeting. Member Pirzynski asked about the scope of the maintenance activities that this landscape maintenance effort would entail. Staff replied that there would be minimal litter pick-up and no graffiti removal as the focus would be on landscape maintenance. Member Campos asked if the small business enterprise (SBE) goal includes consideration of minority business opportunities. Staff answered that the SBE goal applies to small business opportunities only. An SBE goal is due to this effort being locally funded; disadvantaged business enterprise (DBE) goals are related to projects that are federally funded. The Committee unanimously supported the staff recommendation for consideration by the Board of Directors.

Prepared by: Margaret Simmons-Cross/Stuart Bussian
Memo No. 3940
Highway Projects Combined Landscape and Maintenance Locations

LEGEND

Scope:
- Red circle: 2 Year Plant Establishment Period
- Blue circle: Final Design (PS&E) & Plant Establishment Period

Locations:
1. US 101 – Capitol Expressway - Yerba Buena Interchange
2. US 101 Auxiliary Lanes – Embarcadero to Route 85
3. I-880 HOV Widening
4. Route 237 McCarthy Blvd. Medians Planting
5. I-880 – Coleman Avenue Planting

Attachment A
# ATTACHMENT B
Combined Landscaping & Maintenance Project

<table>
<thead>
<tr>
<th>Firm Name</th>
<th>Name</th>
<th>Role</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>HMH Engineers</td>
<td>William Wagner, PE</td>
<td>Project Manager</td>
<td>1570 Oakland Road</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>San Jose, CA 95131</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Adopt Revised Bicycle Expenditure Program Policies

Policy-Related Action: Yes
Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Adopt the Bicycle Expenditure Program (BEP) policies.

BACKGROUND:

The Bicycle Expenditure Program (BEP) was created by the VTA Board of Directors (Board) in August 2000 to identify and dedicate a ten-year funding stream to help implement the Countywide Bicycle Plan. The BEP project list is revised in conjunction with the Valley Transportation Plan (VTP) approximately every four years.

The BEP is governed by a set of policies adopted by the Board. The BEP policies were last revised in 2004 when the Metropolitan Transportation Commission (MTC) infused additional funding (from Congestion Mitigation and Air Quality-CMAQ) into the regional bicycle program, significantly increasing the funding available to the BEP and extending the funding horizon from 10 to 25 years. The policies were also updated to clarify and document the procedures for a project being accepted into the BEP Program and the responsibilities of project sponsors once their project is in the BEP. These policies are still in effect today and are presented in Attachment A.

On January 8, 2009 the Board adopted a revised set of Evaluation Criteria to be used when scoring potential BEP projects for the VTP. Using these criteria, the BEP project list in VTP 2035 was updated to include 81 projects within the financial constraint of $160 million of BEP funds. The BEP project list for VTP 2040 is currently under development and will be adopted in Spring 2013.
DISCUSSION:

Some of the 2004 BEP policies are outdated and new conditions need to be incorporated. In addition, revisions are needed to clarify the procedures and requirements of the program. To address these issues and to better serve the goals of promoting and supporting bike projects and multimodal travel, staff is proposing that the Board adopt the BEP Policies shown in Attachment B. If adopted, these new policies would apply to the development of the VTP 2040 BEP project list.

The following are the most significant policy changes:

A) BEP Project List Development and Update: Several interrelated issues affect the BEP Project List. In addition, Staff is proposing revisions so that related policies are grouped together.

- **Near Term vs. Long-Term Projects:** Currently BEP projects are not prioritized; all projects are considered equal regardless of number of points scored or project readiness. The 25-year horizon of the BEP makes it difficult to know which projects are /should have a near-term focus.

  **Proposed revision:** Staff recommends a restructure of the BEP Project List by dividing it into two categories. Category 1- Near-Term would have a funding timeframe of approximately 10 years (out of the 25-year horizon), similar to the initial BEP. It would include projects that are either active and/or have the highest regional or countywide significance as measured by scoring at least 50 points out of 100. These Near-Term projects would be offered priority funding consideration in all BEP funding programs. Category 2 would include the remaining BEP projects which would be eligible for BEP funding, but without priority funding consideration.

  The distinction of the two categories will help the BEP better focus on the highest priority projects and will facilitate project delivery.

- **Project List Development:** The current BEP Policies address project list development and evaluation under Policies # 4, 5, 6 and 8.

  **Proposed revision:** All policies regarding project list development and evaluation and eligible projects are incorporated into a single new Policy # 3 on BEP Project List Development and Update.

- **Minimum score:** Currently there is no minimum score to be included on the BEP project list. The projected funding cap effectively limits low scoring projects from being on the list.

  **Proposed revision:** All projects must pass a minimum score of 35 out of 100 points to be included on the BEP constrained list. If all BEP funds are not allocated, projects that did not receive a minimum score can be resubmitted as a revised project.
B) **Fund Sources:** Of the seven listed funding sources, only three are still current - Transportation Development Act (TDA) Article 3, Transportation Funds for Clean Air (TFCA), and federal funding [CMAQ and Transportation Enhancements (now part of the Transportation Alternatives Program (TAP)]. No changes are proposed for these funds. It is noted that MTC has changed how the federal flexible funds (CMAQ/TAP) for bicycle and pedestrian projects are distributed to the County-level in the latest cycle, the OneBayArea Grant Program (OBAG).

Proposed revision: Principles B and C have been rewritten to reflect the current funding scenarios.

C) **Local Match Requirement:** From its inception, the BEP requires local agencies to contribute a minimum 20% match.

Proposed revision: The requirement of local match has been removed from the BEP policies and will instead be handled on the programming side. A minimum local match is often required by the funding source and any additional local match required by VTA would be part of the programming policies.

D) **Evaluation Committee:** Historically, the BEP project evaluation committee has been made up of VTA, City staff, and BPAC members. On October 2, 2008, the BOD adopted a policy for project scoring committees which applies when projects are at the funding (programming) stage; this policy does not mention the BPAC or the BEP. There is no policy for a BEP evaluation committee which occurs at the planning stage.

Proposed revision: In order to formalize the evaluation procedure, a new policy (#4) has been added to allow for a BEP Evaluation Committee to develop the BEP Project List.

E) **Off-year Amendments:** Existing Policies # 9 and 10 have been consolidated into a single Policy (#6) to address off-year (in between VTP updates) changes to the BEP project list or BEP funding allocation. No significant revisions have been made to either policy.

**Input from VTA Committees and Project Sponsors**

In preparation for VTP 2040, the BPAC was presented with information on potential BEP policy updates on two occasions: at a May 2011 BPAC Workshop and at a July 2012 BPAC Workshop. At the July 2012 BPAC workshop, the BPAC formed a Subcommittee on OBAG and BEP Policies. This subcommittee has met four times in 2012 and members expressed their support to continue to have a BEP and a BEP Project list.

Staff also consulted with the Technical Advisory Committee's (TAC) Capital Improvement Program (CIP) Working Group. Some CIP members expressed concern that the financially-constrained BEP Project List can be restrictive when new priorities arise and asked VTA to allow more flexibility for non-BEP projects to access BEP funding. The OBAG funding structure will allow many project types to apply for funding including non-BEP bicycle projects; this provides the requested flexibility. Also current BEP policies allow for mid-cycle adjustments and staff recommends keeping this flexibility.
Potential revisions to the BEP Policies were presented to the BPAC in November, 2012. The BPAC chair expressed serious reservations about including pedestrian projects in the BEP. Several BPAC members supported the concept of two categories of BEP projects with Category 1 receiving priority funding consideration for BEP funds; however they asked that all BEP projects receive priority funding consideration for future OBAG-type funds.

Potential revisions to the BEP Policies were presented to the TAC in December 2012. Members asked for clarification on the elimination of local match and project readiness. Staff responded it wasn’t being eliminated altogether, just being deferred to the programming stage. The TAC chair said that the County supported the effort to include pedestrian projects, but asked VTA to consider a set-aside for pedestrian projects instead of having them compete for BEP funds.

VTA presented the draft VTP 2040 project lists to all Advisory Committees in 2011. The CTA suggested VTA consider funding for pedestrian access and safety projects, especially the ones that improve safety for people with mobility limitations. Staff has considered including pedestrian projects in the BEP and received mixed comments on the proposal. At this point, staff is recommending not to add pedestrian-only projects in the BEP but will consider them in the Pedestrian Program in VTP 2040.

ALTERNATIVES:

The Board may choose to reject some or all of the proposed revisions and / or suggest new policies.

FISCAL IMPACT:

There is no fiscal impact as a result of this action.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATIONS:

The Bicycle Advisory Committee (BPAC) heard this item on January 16, 2013. Some members asked questions regarding the types of projects that might not make the 35 point cut-off. The BPAC recommended approval of the BEP Evaluation Criteria.

The Technical Advisory Committee (TAC) heard this item January 17, 2013. Some members asked what the changes were to the proposed BEP Evaluation Criteria. Staff responded that the BEP criteria would be coming to the advisory committees in February. TAC voted to defer the item to the February 2013 meeting.

At the February TAC meeting, staff presented this item at the same time as the BEP Evaluation Criteria item. Member Batra asked if removing the local match requirement would hurt local agencies’ ability to fund bike projects. Member Rodriguez asked whether Cities can still submit additional projects to BEP since the first call-for-projects in 2011. Staff responded there was a supplemental call-for-projects to accommodate that but we had since closed it. However, staff would look into whether the schedule would allow some late submittals and staff would email TAC members if there is a new deadline for additional project submittal. The Committee recommended that the Board of Directors approve this item.
The Policy Advisory Committee (PAC) also heard this item at the same time as the BEP Evaluation Criteria item. The Committee did not have any comments regarding this item and recommended that the Board of Directors approve this item.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Congestion Management Program and Planning Committee heard this item at their February 21, 2013, meeting. Member Pirzynski asked for clarification with respect to the two categories of projects and the minimum points. Staff responded that the intent was to make the cities priorities within the BEP known to VTA staff, which will help with their implementation. The Committee unanimously recommended that the Board of Directors approve this item and place it on the Board of Directors' consent agenda.

Prepared by: Michelle DeRobertis
Memo No. 1766
Principles:

A. There is one single BEP project list
B. BEP funding is allocated for projects on the BEP project list.
C. The BEP includes funds originating from:
   - 100% of the 1996 Measure B Sales Tax for the Bicycle program (1996-2006);
   - 50% of the Transportation Funds for Clean Air (Program Manager) (2001-2010);
   - 25% of the Transportation Funds for Clean Air (Program Manager) (2011-2030);
   - 30% of the Transportation Development Act Article 3 (2001-2010);
   - 25% of the Transportation Development Act Article 3 (2011-2030);
   - $2.2 million of Transportation Enhancements funds (TEA-21); and
   - MTC Regional Bicycle/Pedestrian Program (Santa Clara County portion for bicycle and bicycle/pedestrian projects) (2005-2030)

Policies

1. **Start of Programming:** Project sponsors may request programming of BEP funds for imminent project phase(s) of any BEP project, at any time, on a first-come, first-served basis, subject to BEP funds available and programming schedule of the originating fund sources.

2. **Minimum match:** All BEP projects would be required to provide a minimum 20% local non-BEP match. The 11.5% local match requirement for BEP federal funds will be credited towards the 20% minimum match.

3. **Annual reporting:** All BEP projects must submit an annual project status report, in addition to any reports required by the originating fund source programs (i.e. TFCA, TDA 3, CMAQ, etc.)

4. **Financially constrained list:** The BEP project list is financially constrained based on projections of available funding for the BEP. Projections will be updated for each Triennial Review.

5. **Triennial Review:** The BEP project list would be reviewed and readopted by the VTA BPAC and the VTA Board of Directors every three years, to synchronize with the triennial update of the countywide transportation plan. During the Triennial Review, Member Agencies would be able to drop projects, propose new projects, request increases or decreases in funding allocations for existing BEP projects, or propose major project scope changes.

6. **New projects:** New projects may be proposed for the BEP list only during the Triennial Review. They would be evaluated based on the adopted Evaluation Criteria, and geographic equity, subject to the financial constraints of the BEP.

7. **Timely implementation of Programmed BEP projects:** Programmed projects are defined as BEP projects which have at least $1.00 of funding programmed to the project through VTA, (either BEP or non-BEP funding).

Programmed projects are:
(a) required to start environmental work within two years of initial programming of funds through VTA and/or
(b) are required to start construction within five years of initial programming of funds through VTA.

Justified exceptions to this requirement may be requested during the initial programming of funds through VTA. Any Programmed project which fails to meet these deadlines without pre-approved exemption will be subject to delisting and/or deprogramming from the BEP. Programmed projects are also subject to the deadline requirements of the original fund sources (i.e. Measure B, TFCA, TDA 3, CMAQ, etc).

8. **Status of Unprogrammed BEP projects**: Unprogrammed projects are defined as BEP projects which do not yet have any funds programmed to it through VTA. The status of Unprogrammed projects will be monitored through the annual reporting.

During the Triennial Review, Unprogrammed projects’ claims to their BEP allocations and/or claims for staying on the BEP project list will be evaluated by VTA (staff and BPAC) based on:

(a) progress made,
(b) regional/strategic significance of the project,
(c) BEP funding capacity, which may impacted by
   (i) allocation changes requested by Programmed BEP projects, and
   (ii) allocations for new BEP projects which rank the same or higher than the existing Unprogrammed project(s) based on the Evaluation Criteria.

9. **Requests for additional allocation**: Programmed BEP projects may request allocation increases from the BEP, subject to the following conditions:
   (a) Supporting documentation, such as engineering cost estimates, are provided for justification
   (b) Allocation increases are limited to 25% of the original total project cost
   (c) Sufficient BEP funding is available, subject to the restrictions of the original fund sources. (For example, current MTC policy for the Regional Bicycle/Pedestrian Program will not increase any allocations beyond the programmed amount.)

Unprogrammed BEP projects may update their project cost estimates to account for inflation (not to exceed 3% per year) during the Triennial Review. Unprogrammed BEP projects requesting additional allocation BEP beyond inflation adjustments will be reviewed based on the Evaluation Criteria.

10. **Off-year Amendments**: Special circumstances may warrant projects to be amended in the BEP in off years. Off-year amendments to the BEP list will be subject to:
    (a) the same technical and financial analysis required during full Triennial Review updates,
    (b) the financial constraints of the BEP,
    (c) the review and approval by the VTA BPAC and the VTA Board of Directors.

Project amendments that are not accepted during off-years may be reconsidered during the subsequent Triennial Review.
Purpose:
The Bicycle Expenditure Program (BEP) is the funding mechanism for bicycle projects in the Santa Clara Valley Transportation Plan; it was established in 2000 to help implement high quality bicycle projects, with an emphasis on those that:

- are in the Santa Clara Countywide Bicycle Plan;
- improve access to regional transit stations;
- close a critical connection/gap;
- require a high degree of multi-agency coordination; and/or
- are significant at the county/regional-level.

Principles:
A. The BEP is the Bicycle Element of the Santa Clara County Long Range Transportation Plan, the Valley Transportation Plan (VTP).

B. For federal Congestion Mitigation and Air Quality (CMAQ) funds and Transportation Alternatives Program (TAP) funds which are made available to many project types on a competitive basis, BEP projects are given priority funding consideration.

C. Funding is allocated only to projects on the BEP project list. BEP funding originates from:

- 25% of the Transportation Funds for Clean Air (TFCA) (Program Manager Funds) (2011-2040).
- 25% of the Transportation Development Act (TDA) Article 3 (2011-2040).
- Other funds the Board of Directors may elect to dedicate to the BEP.
- Metropolitan Transportation Commission (MTC) Regional Bicycle/Pedestrian Program (the Santa Clara County portion thereof) or any future MTC program to implement regional or countywide bicycle plans.

Policies:

1. Definitions:

- A BEP Project is any project on the BEP Project List.
- Programmed Projects are BEP projects which have any amount of funding programmed to the project through the VTA BEP program.
- Unprogrammed Projects are BEP projects which do not yet have any funds programmed to them through VTA BEP Program.

2. Programming: Project sponsors may request programming of BEP funds for the imminent project phase(s) of any BEP project, upon notice of a Call For Projects. Projects are subject to the eligibility criteria of the specific funding source and its programming schedule. The amount and number of projects funded in each cycle are subject to BEP funds available in that cycle.
3. **BEP Project List Development and Update:** The BEP project list will be reviewed and adopted by the VTA Board of Directors (BOD) every three to five years, to synchronize with the update of the countywide transportation plan, the VTP.

   a. **Eligible Projects:** Projects that meet the purpose of the BEP for regional and countywide significance are eligible; specific project types are:
      - Class I Bike Path.
      - Class II Bike Lane, Shoulder Widening, Cycle Track.
      - Bike/Pedestrian Bridge or Tunnel.
      - Bike Detection & other bike at-grade crossing improvements.
      - Bike Parking.
      - Bicycle Signals and signal upgrades with the primary benefits of improving Bicycle safety and mobility.

   b. **Near-Term vs Long-Term BEP Projects:** The BEP project list is divided into two categories: a Priority/Near-Term Category 1 and a Long-Term Category 2. Category 1 has a funding target of approximately 10 years (out of the 25-year horizon). It includes projects that are either Programmed BEP projects and/or have the highest regional or countywide significance as measured by having a minimum score of 50 points out of 100. These Near-Term projects are given priority funding consideration in all BEP funding programs. Priority funding consideration will be determined during the programming phase. Long-Term Category 2 includes all remaining BEP projects; which are still eligible for BEP funding but without priority funding consideration.

   c. **Financially constrained list:** Revenue projections for the BEP will be updated in conjunction with the update to the VTP. The total cost of all Category 1 projects is within the financial constrained limit while the total of the cost of the two categories may be beyond the limit. The BEP must be financially constrained as a program area.

   d. **Project List Changes** During the BEP Project List review and update, Member Agencies are able to drop projects, propose new projects, and/or propose major project scope changes to existing BEP projects. Project sponsors may also request increases or decreases in funding allocations for existing BEP projects. Unprogrammed BEP projects’ claims to their BEP allocations and/or request to stay on the BEP project list will be reevaluated on equal basis with the new projects submitted, based on the BEP Evaluation Criteria, as described below.

   e. **Evaluation of BEP Projects:** All new projects and unprogrammed BEP projects will be evaluated using the BOD-adopted BEP Evaluation Criteria by the BEP Evaluation Committee. Projects must pass a minimum score of 35 points out of 100 to be included on the BEP project list. If all of the BEP program funding is not allocated in the first round, projects that did not receive a minimum score can be resubmitted as a revised project.
Draft Bicycle Expenditure Program Policies
(to be adopted March 7, 2013)

4. **EVALUATION COMMITTEE**: The Evaluation Committee shall be made up of BPAC members, TAC members or their designees and VTA staff and should consist of five to eight members. Three to five volunteers will be recruited from the BPAC, and one to three volunteers will be recruited from the TAC, (preferably the city staff who interacts with the City/County BPAC). Depending on the number of volunteers recruited, one to three VTA staff will also be included to reach an optimum committee size of five to eight members. Members will be self-nominated up to the maximums indicated, subject to the approval of the BPAC and TAC Chairs. If the committee is geographically unbalanced, then staff may recruit additional members.

5. **TIMELY IMPLEMENTATION OF PROGRAMMED BEP PROJECTS**: Programmed projects are required to start environmental work within two years of initial programming of funds through VTA and/or are required to start construction within five years of initial programming of funds through VTA, unless the requirements of the specific fund source are more stringent. Exceptions to this requirement may be requested to VTA staff during the initial programming of funds through VTA. Any Programmed project which fails to meet these deadlines without pre-approved exemption will be subject to delisting and/or deprogramming from the BEP. Programmed projects are also subject to the deadline requirements of the original fund sources (i.e. Measure B, TFCA, TDA 3, CMAQ, etc).

6. **MID-CYCLE OFF-YEAR AMENDMENTS**
   a. **Requests for Additional Allocation**: Programmed BEP projects may request allocation increases from the BEP, subject to the following conditions:
      - Supporting documentation, such as engineering cost estimates, are provided for justification
      - Allocation increases are limited to 25% of the original total project cost
      - Sufficient BEP funding is available, subject to the restrictions of the original fund sources. (For example, current MTC policy for the Regional Bicycle/Pedestrian Program will not increase any allocations beyond the programmed amount.)
   b. **Request for New Project in the BEP**: Special circumstances may warrant new projects to be amended into the BEP in off years. Off-year amendments to the BEP project list will be subject to:
      - JUSTIFICATION of the special circumstances;
      - The same technical and financial analysis required during VTP updates;
      - The financial constraints of the BEP;
      - Scoring and minimum score required of all BEP projects;
      - The review and approval by the VTA BPAC and the VTA Board of Directors.
      
      Project amendments that are not approved during off-years may be reconsidered during the subsequent VTP Update.

7. **ANNUAL REPORTING**: All BEP projects must submit an annual project status report, in addition to any reports required by the originating fund source programs (i.e. TFCA, TDA 3, CMAQ, etc.) Reporting requirements also apply to Unprogrammed projects in order to keep VTA apprised of non BEP funding the project may have received and the progress of the BEP project.
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Bicycle Expenditure Program (BEP) Evaluation Criteria for VTP 2040

Policy-Related Action: No
Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Adopt the revised Bicycle Expenditure Program (BEP) Evaluation Criteria.

BACKGROUND:

The Bicycle Expenditure Program (BEP) was created by the VTA Board of Directors (Board) in August 2000 to identify and dedicate a ten-year funding stream to help implement the Countywide Bicycle Plan. The BEP project list is now the Bicycle Element of the Valley Transportation Plan (VTP) with a 25-year planning horizon. The list is revised approximately every four years with the update of the VTP. The BEP is governed by a set of policies adopted by the Board. The policies address the funding dedicated to the BEP, project sponsor responsibilities once they've received BEP funds and the creation of the BEP project list. The BEP policies were last revised in 2004 and proposed revisions are the subject of another item on the agenda.

With respect to the creation of the BEP project list, the Board adopted the BEP Evaluation Criteria used to select projects for inclusion on the BEP Project list. The BEP Evaluation Criteria were last revised in January, 2009 prior to evaluating potential BEP projects for the VTP 2035. The existing BEP Evaluation Criteria are presented in Attachment A.

DISCUSSION:

The update of the BEP Policies under a separate agenda item has led staff to consider changes to the BEP Evaluation Criteria in order to maintain consistency between the two. The revised BEP Policies are scheduled for Board adoption in February 2013. Staff suggests that the BEP
Evaluation Criteria also be revised to reflect these changes. The proposed BEP Evaluation Criteria are presented in Attachment B, which consist of one screening criterion which all projects must pass and seven criteria on which projects are scored based on their merit. A bonus criterion is provided for projects that incorporate design elements or concepts of the Bicycle Technical Guidelines (BTG).

Staff has prepared some revisions to the existing Criteria to improve the consistency with the revised BEP Policies and better align with the funding programs. The proposed changes fall into three areas:

1. Creating a more clear separation between the planning and the programming phases;
2. Revising Criterion #2 to better reward projects with the greatest transportation benefits in improving access to major destinations;
3. Other adjustments and clean ups.

1. **Planning vs. Programming**

   **Criterion #8 Bonus Points**

   Criterion #8 was removed. Criterion #8 currently gives projects five bonus points if the project is open 24 hours a day. Since 2008, MTC has confirmed that Congestion Mitigation and Air Quality (CMAQ) dollars cannot be spent on projects that do not remain open 24 hours a day. Otherwise projects that close at dusk or shortly afterwards do not meet the air quality and transportation purpose of the program, since the need to travel does not set with the sun. Twenty-four hour per day access has been included as one of the conditions for project sponsors to receive CMAQ funds in the programming phase.

   **Local Match/Project Readiness**

   Currently, Criterion #5 gives up to six points (out of 100) for Local Match/Project Readiness. VTA has noticed a correlation between the amount of local funds a project sponsor is willing to commit to the project, and the project sponsor’s commitment to project. However, given the 25-year timeframe of the BEP, it is very common for projects to be at early conceptual stages of development and also for the project sponsor to be uncertain as its financial commitment. Also local match is often a major consideration at the programming stage, particularly for CMAQ funds and TFCA funds. However, project readiness is still a very important measure that reflects local commitment. Therefore staff recommends changing this criterion to indicate Project Readiness only.

2. **Revision to Wording of Criterion #2**

   Criterion #2 was revised to clarify the intent is to reward projects with the greatest transportation benefits. The current wording states: “Access to schools, regional transit, Lifeline transit or to/within regional activity center.” The proposed version states “Access to major residential and/or employment centers, high ridership transit services, or schools or other important destinations.” Additional definitions were added for major destinations.

The proposed changes were discussed with a subcommittee of the Bicycle Pedestrian Advisory Committee (BPAC) and the Capital Improvement Program (CIP) Working Group of the Technical...
ALTERNATIVES
The Board may choose to adopt some of the proposed revisions or different criteria.

FISCAL IMPACT:
There is no fiscal impact as a result of this action.

ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION

The BPAC heard this item at their February 13, 2013 meeting. The BPAC BEP Subcommittee members presented two opinions on the issue of projects being open 24 hour per day vs. Closing at night, i.e. stipulating that all BEP projects should be open 24/7 versus letting it be handled at the funding stage. (CMAQ projects must be open 24/7 whereas TDA and TFCA funding do not require this.) In the end, the BPAC agreed to leave it as staff had proposed, remove the bonus points for being open 24/7, but that being open 24/7 would be considered a crucial element in scoring the project’s Transportation Benefit under Criterion 2. Other BPAC members questioned whether the Evaluation Criteria should be modified so that projects that serve schools and recreational trail projects could receive more points. Staff explained that: a) the purpose of the BEP, both historically and as proposed, is to implement regionally and countywide-significant projects, and elementary schools do not fit this definition; and b) the BEP is funded by transportation funding and, as such, recreational trails would not score well at the funding stage.

The BPAC voted unanimously to recommend approval of the BEP Evaluation Criteria with the following edits:

1. **Criterion 2- Transportation Benefit to the most number of Bicyclists:** change the word “most” to “greatest”
2. **Criterion 2- High:** Under the description, insert the words “For example” at the beginning of the second sentence, in order to clarify the meaning of the second sentence.
3. **Footnote ii:** Add “Community Colleges” to the list of the definitions of major employment centers.

At the Technical Advisory Committee (TAC) meeting, staff presented this item at the same time as the BEP Policies item. Member Batra expressed concerns about City of Santa Clara would not be able to get CMAQ funds for the trail projects. Staff explained that the opening 24 hours is a requirement of the fund sources and it is not included in this particular action. Member Chiu asked if projects in current BEP would to be reevaluated. Staff clarified that only projects that have never received BEP funding would be. Member Batra made the motion to approve staff’s recommendation with his comment made previous. The Committee approved staff’s recommendation unanimously.

The Policy Advisory Committee (PAC) also heard this item at the same time as the BEP Evaluation Policies item. Members had a lengthy discussion on the definition of “major
destination” in Footnote ii of Criterion No. 2. Most of the comments centered around the need to include schools in addition to universities, public venues and regional parks. Many members believe these locations should be included to enhance the definition as proposed. Some members also commented that the definition is confusing and can be improved. Members further discussed the purpose of the changes to Criterion No. 2 compared to the current Criteria. Member Wasserman commended staff for adding major employment centers to the definition. Member Bruins asked staff to clarify the Countywide Bicycle Plan. The Committee approved staff’s recommendation unanimously with the following modifications:

Add a new category to Footnote (ii) Major destination:
- Major activity centers, e.g., educational institutes, major recreational centers, and regional parks.

Remove “universities” and “major public venues” in the first category, major employment centers, as they are included in the new category.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION**

The Congestion Management Program and Planning (CMPP) Committee heard this item at their February 21, 2013 meeting. The Committee was presented with a revised Attachment B that incorporated the revisions suggested by the BPAC and PAC. Member Whittum asked if some cities closed their bicycle facilities. Member Pirzynski also asked for clarification on the 24-hour access issue. Staff responded that yes, some agencies close their bike trails after dark due to security issues, neighbor concerns or the fact that the trail is in a park which closes at night. Upon inquiry of Vice Chairperson Campos, staff responded that the intent is that both ends of the trip be considered (origin and destination), and that the term "residential areas" was specifically added for this reason. The Committee recommended that the Board of Directors approve this item.

Prepared by: Michelle DeRobertis
Memo No. 3897
# Proposed New Criteria Ranking and Description Points

<table>
<thead>
<tr>
<th>Proposed New Criteria</th>
<th>Ranking and Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eligibility Criteria: Regional or Countywide significance?</td>
<td>Is project in the 2008 Countywide Bicycle Plan? If not, explain its regional or countywide significance.</td>
<td>na</td>
</tr>
<tr>
<td>Eligibility Criteria: State and Federal Standards?</td>
<td>Will the project meet or exceed state and federal standards for bikeways, e.g. HDM Chapter 1000?</td>
<td>na</td>
</tr>
<tr>
<td>1. Gap Closure</td>
<td>Compare distance using nearest alternate route of similar type with distance with project. Score 1 point for each 0.25 additional distance up to a maximum of 20 pts.</td>
<td>0-20</td>
</tr>
<tr>
<td>2. Access to schools, regional transit**, lifeline transit** or to/within regional activity center***</td>
<td>High: Project is specifically designed to significantly improve access to a regional destination. Project will be within 1/2 mile in actual walking/biking distance from destination.</td>
<td>0-20</td>
</tr>
<tr>
<td></td>
<td>Medium: Project will generally enhance access to a destination. Project will be within 1 mile in actual walking/biking distance from destination.</td>
<td>13-20 pts</td>
</tr>
<tr>
<td></td>
<td>Low: Project improves upon limited existing access. Project will be beyond 1 mile in actual walking/biking distance from a regional destination.</td>
<td>7-12 pts</td>
</tr>
<tr>
<td>3. Safety</td>
<td>High: Project will address a demonstrated safety issue (e.g. collision statistics are high). Project will address safety concern with a proven or demonstrated countermeasure. Project will help bicyclists (i) cross a road with high ADT/high traffic speeds, and/or (ii) provide bicyclists a parallel route to a road with high ADT/high traffic speeds.</td>
<td>13-20 pts</td>
</tr>
<tr>
<td></td>
<td>Med: Project will improve a situation with some safety issues (e.g. some reported collisions, conflicts, near-misses, or evidence of high vehicle traffic volume or speed). Project will help bicyclists (i) cross a road with medium ADT/high traffic speeds, and/or (ii) provide bicyclists a parallel route to a road with medium ADT/medium traffic speeds.</td>
<td>7-12 pts</td>
</tr>
<tr>
<td></td>
<td>Low: Project will generally improve safety, even though there are no known problems. Project will reduce exposure/risk of conflicts between motor-vehicles and bike/pedestrians.</td>
<td>0-6 pts</td>
</tr>
<tr>
<td>4A. Community / Grassroots Support</td>
<td>Is the project supported or sponsored by a grassroots or a Non-Government Organization (NGO) as expressed by letters of support or other signs, and/or is it in a Community of Concern? (COC receives full 10 pts)</td>
<td>0-10</td>
</tr>
<tr>
<td>4B. Local Agency Support and Planning</td>
<td>Is the project in a local, county or community-based plan, such as adopted Bicycle Plans, General Plans, Capital Improvement programs, Specific Plans, Park/Trail Master Plans, and/or does it have the Local BAC endorsement?</td>
<td>0-10</td>
</tr>
<tr>
<td>5. Local Match / Project Readiness</td>
<td>High: Project can commit over 60% of the total project cost from non-BEP sources;</td>
<td>6 pts</td>
</tr>
<tr>
<td></td>
<td>Med: Project can commit between 41-60% of total project cost from non-BEP sources.</td>
<td>4 pts</td>
</tr>
<tr>
<td></td>
<td>Low: Project can commit between 21-40% of total project cost from non-BEP sources.</td>
<td>2 pts</td>
</tr>
<tr>
<td>6. Cooperation, Innovation</td>
<td>Demonstrates multi-jurisdictional cooperation****; project is innovative; has potential to be replicated elsewhere;</td>
<td>0-4</td>
</tr>
<tr>
<td>** BONUS **</td>
<td>7. BTG For Bike lane, bike path, bike bridge and/or shoulder projects, will the width meet the optimal widths of the BTG</td>
<td>0-5</td>
</tr>
<tr>
<td>8. BTG</td>
<td>Will the project be open for transportation purposes 24 hours a day?</td>
<td>0-5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>
## BEP Evaluation Criteria (Proposed 2013)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
<th>Maximum Points</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Eligibility Criteria:</strong> Regional or Countywide Significance</td>
<td>Is project in the current Santa Clara Countywide Bicycle Plan? If not, explain its regional or countywide significance.</td>
<td>na</td>
</tr>
<tr>
<td>1. Gap Closure or Barrier (i) Crossing</td>
<td>Compare travel distance using nearest alternate route of similar type to the reduced travel distance with the project. Score 1 point for each 0.25 additional distance up to a maximum of 20 points.</td>
<td>20</td>
</tr>
</tbody>
</table>
| 2. Transportation Benefit to the greatest number of Bicyclists | **High:** Project is specifically designed to significantly improve access to one or more major destinations (ii). For example, project is within 1/2 mile in actual walking/biking distance from destination. 20-30 pts  
**Medium:** Project will generally enhance access to a major destination (ii) or significantly improve access to other destinations. Project will be within 1 mile in actual walking/biking distance from destination. 9-19 pts  
**Low:** Project improves upon limited existing access. Project will be beyond 1 mile in actual walking/biking distance from a major destination (ii). 0-8 pts | |
| 3. Safety | **High:** Project will either a) address a demonstrated safety issue (e.g. collision statistics are high) and project will address safety concern with a proven or demonstrated counter-measure; b) help bicyclists cross a road with high ADT/high traffic speeds, and/or c) provide bicyclists a parallel route to a road with high ADT/high traffic speeds. 13-20 pts  
**Medium:** Project will either a) improve a situation with some safety issues (e.g. some reported collisions, conflicts, near-misses, or evidence of high vehicle traffic volume or speed) or b) help bicyclists cross a road with medium ADT/high traffic speeds, and/or (c) provide bicyclists a parallel route to a road with medium ADT/medium traffic speeds. 7-12 pts  
**Low:** Project will generally improve safety, even though there are no known problems. Project will reduce exposure/risk of conflicts between motor-vehicles and bicyclists / pedestrians. 0-6 pts | |
| 4. Community / Grassroots Support | The project has grassroots support and/or is sponsored /supported by a Non-Government Organization (NGO) as expressed by letters of support or other signs; and/or is (partially or wholly) within a Community of Concern (COC) (iii). | 10 |
| 5. Local Agency Support & Planning | The project is in a local, county or community-based plan, such as an adopted Bicycle Plan, General Plan, Capital Improvement program, Specific Plan, Park/Trail Master Plan; and/or project has the endorsement of the Local Agency BAC; and/or there is a governing board resolution of support for the project. | 10 |
| 6. Cooperation or Innovation | The project demonstrates multi-jurisdictional cooperation; and/or project is innovative and has potential to be replicated elsewhere. | 5 |
| 7. Project Readiness for Construction | Planning, environmental clearance, design and/or ROW acquisition for the project has been completed. | 5 |
| **TOTAL** | | 100 |

**BONUS**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
<th>Maximum Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. VTA Bicycle Technical Guidelines (BTG)</td>
<td>Project incorporates optimum design elements and/or optimum design concepts from the Bicycle Technical Guidelines.</td>
<td>10</td>
</tr>
</tbody>
</table>

**Notes:**

(i) Barriers include freeways, railways, rivers/creeks/streams, and major arterials.
(ii) Major destinations are:
- major employment centers, defined as major commercial districts, major employment centers, central business districts, and hospitals.
- major activity centers, e.g., educational institutions, major recreational centers, and regional parks.
- major residential, defined as those with high existing and planned numbers of residents and/or housing units.
- high ridership transit services, defined as BART, Caltrain and VTA light rail stations and/or VTA's core bus routes.
(iii) Community of Concern (COC): COC as defined by MTC; Projects in COC (partially or wholly) receive full 10 pts.

Updated 2/21/2013

Santa Clara Valley Transportation Authority
BOARD MEMORANDUM

TO:  Santa Clara Valley Transportation Authority  
     Board of Directors

THROUGH:  General Manager, Michael T. Burns

FROM:  Chief SVRT Program Officer, Carolyn M. Gonot

SUBJECT:  Joint Powers Agreement for Reconstruction of Montague Expressway in the Vicinity of the Milpitas BART Station

Policy-Related Action: No  
Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to enter into a Joint Powers Agreement with the County of Santa Clara (County) and the Santa Clara Valley Water District (SCVWD) regarding the reconstruction of a segment of Montague Expressway near the intersection of South Milpitas Blvd., in conjunction with Silicon Valley Berryessa Extension (SVBX) project construction.

BACKGROUND:

As part of the SVBX project, VTA is in the process of developing a new BART station in the City of Milpitas. The station site is along the south side of Montague Expressway, about ¼ mile west of South Milpitas Blvd. VTA also plans to construct an extension of South Milpitas Blvd. from its current terminus at Montague Expressway. The extension will run through the station site and will serve as one of the primary access routes to the station.

The County and SCVWD have been working jointly on a separate project in the same area. The County has plans to widen Montague Expressway by adding a fourth westbound through lane between I-680 and Great Mall Parkway. SCVWD is advancing a flood control project that would expand the capacity of Upper Berryessa Creek by the addition of flood walls to the existing channel. In preparation for the flood control project, SCVWD proposed construction of a new bridge along Montague Expressway, raising the elevation of the expressway by nearly seven feet. The combined project to widen and raise Montague Expressway, referred to as the Montague Reconstruction Project, partially overlaps the construction footprint of SVBX, and was expected to be in construction within approximately the same period of time as SVBX. The County and SCVWD approached VTA, requesting an arrangement by which VTA would
perform the project work in conjunction with SVBX construction, at the County’s and SCVWD’s expense.

**DISCUSSION:**

The SVBX scope includes extensive work within or adjacent to Montague Expressway, including:

- Construction of the BART guideway trench across Montague Expressway with a bridge structure supporting the roadway over BART.
- Local widening and lane modifications near the intersection with Capitol Avenue to create the station entry road for traffic arriving from the north and west.
- A new southbound right-turn lane on the northern leg of S. Milpitas Blvd. to address project traffic impacts.
- Extension of South Milpitas Blvd. from its current terminus at Montague to Capitol Avenue, converting the Montague/South Milpitas intersection from a “tee” to a full four-way intersection, with signal modifications.
- Addition of a new dual left-turn lane on westbound Montague at S. Milpitas Blvd. to serve station traffic.
- Pavement overlay work and restoration of the County’s fiber optic line to address project construction impacts.

The Montague Reconstruction project work planned by County/SCVWD comprises two key elements:

1. Widening Montague Expressway as part of the County’s long-term plan to add a fourth westbound lane (the eastbound side has already been widened to four lanes in the station area); and

2. Construction of a new bridge on Montague Expressway where it crosses Berryessa Creek, immediately adjacent to the intersection of South Milpitas Blvd. The new bridge will raise the road surface by nearly seven feet to provide required freeboard for the future Upper Berryessa Creek flood channel improvements. Because of its proximity to the bridge, a portion of S. Milpitas Blvd. will also need to be raised. Working jointly with the City of Milpitas, the partner agencies determined that the raised roadways will be constructed using retaining walls to minimize right-of-way impacts.

The County and SCVWD requested VTA to implement the Montague Reconstruction, on their behalf, in conjunction with SVBX. This request is supported by several justifications:

- The construction footprints of the two projects are partially overlapping. Both would substantially modify the intersection at South Milpitas Blvd.
- Both projects will require extensive construction phasing and traffic control in close proximity to one another.
- The target construction dates for the two projects were likely to overlap, resulting in a need for extensive coordination between contractors and agencies.
If the two projects were advanced independently, it could potentially cause prolonged inconvenience for the traveling public, in some cases possibly including re-work of newly installed improvements.

The Upper Berryessa Creek flood control project will provide direct flood protection benefits to the Milpitas BART station; therefore VTA has an interesting in facilitating that project.

VTA’s right-of-way acquisitions for SVBX involve some of the same parcels impacted by the Montague widening, creating a need for close coordination in the acquisition process.

Design work for VTA’s planned construction of the S. Milpitas Blvd. extension could not proceed without knowing whether it would connect to the existing elevation of Montague Expressway or the new, raised elevation. Therefore, VTA needed certainty regarding timing of the Montague work to protect the SVBX schedule and to proceed with design.

A combined construction contract would be expected to produce a net cost savings compared to independently carrying out two separate projects.

For these reasons, VTA staff has worked with the partner agencies to develop a framework for implementing the Montague Reconstruction as part of the Milpitas Station campus roadway phase of SVBX work. This would likely mean that the Montague Reconstruction work would be bid with station campus improvements for VTA’s SVBX Project.

To allow VTA to implement the Montague Reconstruction work, VTA has proposed a Joint Powers Agreement to define the roles and responsibilities of the various partner agencies. Government Code sections 6500 et seq. authorize public agencies to enter an agreement to jointly exercise a power(s) common to them and, under that agreement, they may delegate to one of the parties the exercise of a power or the performance of an act on behalf of all of them. In this case, each of the parties has the power to enter into an agreement for the construction or improvement of any public structure, building, road, or other public improvement of any kind under the Public Contract Code and their enabling acts. In addition, they each have the power to take by grant, purchase, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, real and personal property necessary to the full or convenient exercise of their powers. Under this Agreement, the County and SCVWD are designating VTA to exercise those powers common to them to accomplish the Montague Expressway improvements, including construction of a new bridge for the Berryessa Creek channel and crossing improvements.

The Montague Reconstruction Joint Powers Agreement incorporates the following key elements:

- Definition of the scope of work for the Montague Reconstruction, and defining it as a separate project from SVBX even if the two projects are implemented jointly.
- Identifies County as the “Program Manager.” County is responsible for completing the plans, specifications and cost estimates (PS&E), adopting the project environmental document, and acting as the acquiring agency for property acquisitions.
- Requires County to enter into a separate agreement with the City of Milpitas to address permitting and inspection requirements involving the city’s infrastructure or rights-of-way.
- Requires County and/or SCVWD to furnish all required permits and to perform required...
inspection and final acceptance of their respective facilities.

- Requires County to furnish PS&E in a timely manner so as to maintain the SVBX project schedule, in a format consistent with VTA’s PS&E.
- Requires the project to comply with any federal funding restrictions to which VTA is subject as part of its participation in the New Starts program.
- VTA will provide real estate acquisition services for the project, with costs for such services to be reimbursed by the other two parties. Because some of the acquisitions overlap with SVBX acquisitions, or are located on adjacent parcels, VTA’s Real Estate Department preferred to coordinate all negotiations using its own resources. Although VTA will conduct negotiations and prepare documents, County will act as the acquiring agency and, if condemnation is required, County will be the condemning agency.
- County will provide a construction phasing plan and Maintenance of Traffic and Access plan (“MOTA”) to VTA, to include details of required phases for staged construction and any necessary utility relocations.
- VTA will prepare construction contract documents that include the Montague Reconstruction work as separate bid items from SVBX Project elements, and would manage the construction using VTA’s SVBX construction management organization.
- VTA will provide a Project Manager, the cost of which will be treated as a project cost and charged to the partner agencies.
- Procedures for management and approval of change orders.
- Cost sharing and funding provisions (see below).
- Indemnification and insurance requirements.

Cost Sharing and Funding

Funding for the Montague Reconstruction is from several sources:

- The City of Milpitas initially provided funding and coordination of the early phase of design. However, their funding has now been depleted and the city has no further financial obligation to the Montague Reconstruction project.

- The County will provide local funding from an obligation by the City of San Jose.

- SCVWD has identified funding sources for its share of the project costs, which may include federal funding through the Corps of Engineers or local sources.

- A small percentage of the project cost responsibility rests with VTA, because the SVBX project definition includes the new right-turn lane on southbound S. Milpitas Blvd. within the limits of the Montague Reconstruction work. VTA’s share of costs would be paid from the same funding sources as other SVBX work (primarily Measure A and Federal New Starts funds).

The partner agencies are required to deposit funds with VTA in accordance with an agreed schedule, so that funding is available to VTA when it is needed.

The Agreement also provides a cost estimate for Montague Reconstruction work, including
estimated construction costs as well as associated soft costs (engineering, permitting, etc.). The responsibility for each cost line item is assigned to one of the partner agencies, or distributed among them, based on which project element gave rise to the cost. For example, all costs associated with raising the elevation of Montague Expressway (such as retaining walls and grading) are assigned to SCVWD, because that part of the work is necessitated by the flood control element. VTA’s internal costs for construction management and contract administration are treated as a project cost, to be paid by the partner agencies in proportion to their share of the total construction cost. A summary of estimated costs is presented in the following table.

Table 1: Montague Reconstruction Cost Estimate

<table>
<thead>
<tr>
<th>Item</th>
<th>County share</th>
<th>SCVWD share</th>
<th>VTA share</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Cost</td>
<td>$4,676,946</td>
<td>$7,133,017</td>
<td>$443,293</td>
<td>$12,253,256</td>
</tr>
<tr>
<td>Haz Mat Allowance</td>
<td>396,017</td>
<td>603,983</td>
<td>0</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Design &amp; Proj. Mgmt.</td>
<td>1,014,592</td>
<td>1,547,400</td>
<td>88,659</td>
<td>2,650,651</td>
</tr>
<tr>
<td>Construction Mgmt. and Const. Design Support *</td>
<td>678,157</td>
<td>1,034,287</td>
<td>64,277</td>
<td>1,776,722</td>
</tr>
<tr>
<td>Permits</td>
<td>101,459</td>
<td>154,740</td>
<td>8,866</td>
<td>265,065</td>
</tr>
<tr>
<td>ROW Cost</td>
<td>3,200,000</td>
<td>400,000</td>
<td>0</td>
<td>3,600,000</td>
</tr>
<tr>
<td>ROW Acquisition Svcs.</td>
<td>413,156</td>
<td>51,644</td>
<td>0</td>
<td>464,800</td>
</tr>
<tr>
<td>Total</td>
<td>$10,480,327</td>
<td>$10,925,071</td>
<td>$605,095</td>
<td>$22,010,493</td>
</tr>
</tbody>
</table>

* Costs for construction management and design support during construction would be distributed on the basis of total combined cost for Montague Reconstruction and SVBX Project Elements. The amount shown here is the portion attributable to the Montague project, excluding SVBX Project campus elements.

The Agreement and cost estimate provide an estimated amount to address hazardous materials mitigation. The project includes work within the Jones Chemical property, a known contaminated site. The Agreement provides that the County and SCVWD are responsible for any costs associated with soil contamination, and the County will accept title to the acquired right-of-way in the area of the contamination.

ALTERNATIVES:

The Board could choose to not authorize the Agreement. This would cause the County and SCVWD to implement the Montague Reconstruction independently, resulting in increased coordination requirements and contract interfaces for SVBX. Also, impacts to the public would likely be worse due to construction extending over a longer period and/or being less coordinated. This could also result in a delay to the Montague Reconstruction work, causing uncertainty in VTA’s design of S. Milpitas Blvd. and increasing the length of time that the Milpitas station will be subject to flood risks from Berryessa Creek. There is a potential that the overall schedule for SVBX could be negatively impacted.

FISCAL IMPACT:

Appropriation for the expenditures related to the Montague Expressway Reconstruction effort is available in the FY13 Adopted 2000 Measure A Transit Improvement Program Fund Capital
Budget. Funding for this effort will be provided by the County, SCVWD, and VTA as described in the agreement. VTA’s portion of the required funding will come from 2000 Measure A and grant funds.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee considered this item on February 21, 2013, and unanimously recommended that the Board approve the staff recommendation.

Prepared by: John Morris
Memo No. 3882
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority  
   Board of Directors  

THROUGH: General Manager, Michael T. Burns  

FROM: Chief Engineering & Construction Officer, Mark S. Robinson  

SUBJECT: Santa Clara/Alum Rock Bus Rapid Transit Project - Cooperative Agreements for Cost Sharing Between the City of San Jose and the Santa Clara Valley Transportation Authority  

Policy-Related Action: No  
Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Authorize the General Manager to execute Cooperative Agreements with the City of San Jose that will have the City pay VTA to construct sanitary sewer replacement and pavement improvements along Alum Rock Avenue in the amount of $3,500,000 as part of the Santa Clara/Alum Rock Bus Rapid Transit Project.

BACKGROUND:

The Santa Clara/Alum Rock Bus Rapid Transit (SC/AR BRT) project is included in the VTA 2000 Measure A Transit Improvement Program. The SC/AR BRT project is located in the City of San Jose and extends approximately 7.2 miles from the western terminus at the San Jose Arena (HP Pavilion) on Santa Clara Street to the Alum Rock Transit Center on Capitol Avenue and terminating at the Eastridge Transit Center (Exhibit A).

The improvements for this project include the construction of an exclusive BRT median busway with median stations along Alum Rock Avenue between Highway 101 and Capitol Avenue. To provide these improvements, the SC/AR BRT project involves a significant amount of sidewalk construction, utility relocation and pavement improvements.

When engineering was initiated for the work along Alum Rock Avenue, the roadway was owned and operated by the State of California. During the early stages of design development, the State transferred ownership of Alum Rock Avenue to the City. Included in the Alum Rock transfer agreement was a financial contribution from the State to the City for pavement and sidewalk
rehabilitation.

Also, during engineering, an analysis of the existing sanitary sewer line along Alum Rock identified that a significant portion of the existing sanitary sewer had failed and was not operating at full capacity.

**DISCUSSION:**

The SC/AR BRT project involves roadway improvements in order to provide for the proposed BRT improvements. Specifically, the project includes utility relocation, roadway widening, sidewalk construction, pavement repairs and asphalt overlay. Since the project is scheduled for construction in late 2013 and includes work identical to City rehabilitation needs, it is recommended that the SC/AR BRT project perform the City rehabilitation work at the City’s expense. This rehabilitation work is currently outside of the scope of the SC/AR BRT project.

This action will authorize the General Manager to enter into Cooperative Agreements to add the following items of work into the SC/AR BRT project:

- Remove and replace approximately 2,000 feet of sanitary sewer at a cost estimated at $800,000.
- Remove and replace failed pavement areas; install new sidewalk, curb ramps, and curb and gutter; and install associated City fiber optic conduit at a cost estimated at $2,700,000.

For this work, VTA will administer the construction with City providing inspection services and acceptance of the City improvements.

Construction is scheduled to begin in September 2013, with completion by Fall 2015.

**ALTERNATIVES:**

VTA and the City could proceed with construction of their project improvements independently. This alternative is not recommended because it would result in overall additional construction costs and would cause scheduling and access conflicts between two concurrent construction contracts. This would be avoided by a single combined construction contract.

**FISCAL IMPACT:**

There is sufficient appropriation for this expenditure in the FY13 Adopted 2000 Measure A Transit Improvement Program Fund Capital Budget. The additional work performed for the City will be funded by the City via the cost share agreements.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning & Operations Committee received a brief staff presentation on this item at its February 21, 2013 meeting. The Committee asked if the reason for constructing new curb ramps is to comply with Americans with Disabilities Act (ADA) requirements. Staff responded that there are locations where curb returns and sidewalk reconstruction is required in addition to providing ADA-compliant curb ramps. All improvements constructed on the Santa Clara/Alum Rock Bus Rapid Transit Project will be ADA-compliant. The Committee had no additional
questions and recommended the item be placed on the Consent Agenda for approval at the
March 7, 2013 Board of Directors meeting.

Prepared by: Ken Ronsse, Deputy Director
Memo No. 3955
EXHIBIT A
Location Map
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: FY12-13 California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF)

Policy-Related Action: No  Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Adopt a resolution authorizing the General Manager or the Chief Operating Officer or the Chief Congestion Management Agency Officer or the General Counsel to file and execute grant applications and agreements with the State of California for California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF) funds.

BACKGROUND:

The Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, enacted by California's voters as Proposition 1B on November 7, 2006, authorizes the issuance of nearly $20 billion in general obligation bonds for specified purposes, including grants for transit system safety, security and disaster response projects.

The State of California has appropriated $60 million in Proposition 1B funds to the FY12-13 California Transit Security Grant Program-California Transit Assistance Fund (CTSGP-CTAF). These funds are administered by the California Emergency Management Agency (Cal EMA). Funds are allocated to each eligible transit system based on a formula that considers population and relative fare revenue collections. VTA is eligible to receive $3,344,129 in this cycle.

The FY12-13 CTSGP-CTAF includes a requirement that eligible transit systems applying for funding adopt a Governing Body Resolution authorizing the submittal and execution of grant applications and agreements, certifications, assurances, and other documents as necessary to obtain financial assistance provided by Cal EMA.
DISCUSSION:

Cal EMA has allocated $3,344,129 to VTA to implement eligible transit security or safety projects. Projects eligible for these funds include the following:

(A) Capital projects that provide increased protection against a security or safety threat, including, but not limited to, the following:

(1) Construction or renovation projects that are designed to enhance the security of public transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.

(2) Explosive device mitigation and remediation equipment.

(3) Chemical, biological, radiological and nuclear explosives search, rescue or response equipment.

(4) Interoperable communications equipment.

(5) Physical security enhancement equipment.

(6) The installation of fencing, barriers, gates or related security enhancements that are designed to improve the physical security of transit stations, tunnels, guideways, elevated structures or other transit facilities and equipment.

(7) Other security and safety related projects approved by Cal EMA.

(B) Capital projects that increase the capacity of transit operators to prepare for disaster-response transportation systems that can move people, goods, emergency personnel and equipment in the aftermath of a disaster.

(C) Other allowable costs under California Government Code 16727 (a) include costs directly related to construction or acquisition, including, but not limited to, planning, engineering, construction management, architectural, and other design work, environmental impact reports and assessments, required mitigation expenses, appraisals, legal expenses, site acquisitions, and necessary easements.

In January 2013, VTA submitted grant applications to Cal EMA for the following projects: (a) CCTV Surveillance Equipment and (b) Emergency Power Generators. The final approval of funding for these projects is pending Cal EMA’s receipt of a VTA Board adopted resolution authorizing the General Manager to execute the grant application and agreement, certifications, assurances, and other necessary documents.

ALTERNATIVES:

The Board of Directors could choose not to accept the grant or select other qualifying security and safety projects. Cal EMA has final approval authority over the projects.
FISCAL IMPACT:

This action will make $3,344,129 in CTSGP-CTAF funds available for transit security projects. Appropriation for these projects will be included in the Recommended FY14 & FY15 VTA Transit Fund Capital Budget.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:

The Transportation Planning and Operations Committee considered this item on February 21, 2013, and unanimously recommended that the Board approve the staff recommendation.

Prepared by: Lorena Bernal-Vidal
Memo No. 3812
Resolution No. ______________

FY12-13 CALIFORNIA TRANSIT SECURITY GRANT PROGRAM - CALIFORNIA TRANSIT ASSISTANCE FUND (CTSGP-CTAF)

FY 2012-13 Proposition 1B 6561-0002

RESOLUTION AUTHORIZING THE SUBMITTAL AND EXECUTION OF GRANT APPLICATIONS AND AGREEMENTS, CERTIFICATIONS AND ASSURANCES AND OTHER DOCUMENTS AS MAY BE NECESSARY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE PROVIDED BY THE STATE OF CALIFORNIA EMERGENCY MANAGEMENT AGENCY

WHEREAS, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 authorizes the issuance of general obligation bonds for specified purposes, including, but not limited to, funding made available for capital projects that provide increased protection against security and safety threats, and for capital expenditures to increase the capacity of transit operators to develop disaster response transportation systems, and

WHEREAS, the California Emergency Management Agency (Cal EMA) administers such funds deposited in the Transit System Safety, Security and Disaster Response Account under the California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF), and

WHEREAS, the Santa Clara Valley Transportation Authority (VTA) is an eligible grantee for CTSGP-CTAF funding through Cal EMA, and

WHEREAS, VTA recognizes that it is responsible for compliance with all CTSGP-CTAF grant assurances, and state and federal laws, including, but not limited to, laws governing the use of bond funds, and

WHEREAS, Cal EMA requires VTA to complete and submit a Governing Body Resolution for the purposes of identifying agent(s) authorized to act on behalf of VTA to execute actions necessary to obtain CTSGP-CTAF funds from Cal EMA and ensure continued compliance with Cal EMA CTSGP-CTAF assurances, and state and federal laws.

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Transportation Authority that the General Manager or the Chief Operating Officer or the Chief Congestion Management Agency Officer or the General Counsel are hereby authorized to file and execute grant applications and agreements, certifications and assurances, and other documents as may be necessary for the purpose of obtaining financial assistance provided by the State of California Emergency Management Agency.
PASSED AND ADOPTED by the Santa Clara Valley Transportation Authority Board of Directors on March 7, 2013 by the following vote:

AYES:

NOES:

ABSENT:

________________________________
Joseph Pirzynski, Chairperson
Board of Directors

I HEREBY CERTIFY AND ATTEST that the foregoing resolution was duly and regularly introduced, passed and adopted by the vote of the Board of Directors of the Santa Clara Valley Transportation Authority, California, at a meeting of said Board of Directors on the date indicated, as set forth above.

Date: _______________

Sandra Weymouth, Board Secretary

________________________________

APPROVED AS TO FORM:

______________________________
Robert Fabela, General Counsel
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

FROM: General Manager, Michael T. Burns

SUBJECT: Auditor General Report on Cash Fare Collections Process Internal Audit

Policy-Related Action: No
Government Code Section 84308 Applies: No

ACTION ITEM

RECOMMENDATION:

Review and receive the former Auditor General's report on the Cash Fare Collection Process Internal Audit.

BACKGROUND:

The VTA Board of Directors in January 2009 approved the contract with Deloitte & Touche LLP to provide Auditor General and internal audit services to VTA.

In June 2012, the Board approved the FY 2013 Internal Audit Work Plan developed by the Auditor General. In May 2012, Deloitte & Touche LLP, in its capacity as VTA’s Internal Auditor, initiated one project from this plan: Cash Fare Collection Process Internal Audit.

In August 2012, the Board approved terminating the contract with Deloitte & Touche LLP for Auditor General and internal audit services due to non-compliance with the requirement to file Form 700, the financial disclosure forms mandated by the Fair Political Practices Commission (FPPC).

Due to the Auditor General function currently being vacant and the Board of Directors in process of selecting a replacement independent Certified Public Accounting firm to provide Auditor General services to VTA, staff will present the Auditor General’s report on the Cash Fare Collection Process Internal Audit.
DISCUSSION:
Cash fare collection is a normal and necessary function of VTA providing transit service. The primary sources of VTA cash fare revenue are: (1) bus cash fare collections; (2) cash received from sales at light rail ticket vending machines; and (3) payments received for Clipper Cards and Eco Passes. VTA fare collections through cash and checks averaged approximately $2.6 million per month for the period under review, which equates to approximately $31.4 million annually.

The purpose of the Cash Fare Collection Process Internal Audit was to: (1) assess whether key controls over the cash fare collections process have been designed and are operating effectively; (2) provide reasonable assurance that the control objectives have been met; and (3) assess whether reasonable safeguards are in place.

The scope of the internal audit covered the period from June 1, 2011 through May 31, 2012. To assess the design and operating effectiveness of the in-scope processes and controls related to cash fare collections at VTA, the Auditor General team: (1) identified key controls over the cash fare collections process through interviews with management; and (2) tested select identified key controls to assess whether they were designed and operating effectively.

In late July 2012, the former Auditor General team completed its assessment of VTA’s cash fare collection process. The results of this internal audit are presented in Auditor General Report No. 2012-05 (see Attachment A). This report describes in detail the objectives established for this audit, its scope, the approach used and the findings reached by the former Auditor General’s internal audit team. The report presents the internal audit team’s observations, the risk rating associated with each observation as well as an overall risk rating to the VTA organization, and the Auditor General’s recommendation for addressing each observation. The report also includes VTA management’s response to each observation, and the steps that have or will be taken to address the Auditor General's recommendations.

The report concluded that based on the work performed, it appears that key controls over the collection, recording, and deposit of cash fare revenue are designed and operating effectively. Moreover, the segregation of duties and safeguard controls over cash fare collections appear to be adequate. The report did not identify any specific risk areas where corrective action was recommended. The overall assessment of the relative risk exposure to VTA related to the identified internal control observations was rated as Low. Although the report did not identify any areas where corrective action was required, it did identify two opportunities to further mitigate risks around the cash fare collections process by implementing best practices.

Receipt of the report does not indicate that VTA’s Board of Directors or Audit Committee agrees with or endorses the findings. Instead, it signifies that the report was provided for their use.

FISCAL IMPACT:
There is no fiscal impact associated with acceptance of this report.

STANDING COMMITTEE DISCUSSION/RECOMMENDATION:
The Audit Committee considered this item on January 31, 2013 and without major comment unanimously recommended that the Board accept this item.
TO: Rose Herrera, Chairperson
   Audit Committee, VTA Board of Directors

FROM: Greg Thomas
   Auditor General Office

DATE: August 2, 2012

SUBJECT: Cash Fare Collections Process Internal Audit

Attached is our report for the Cash Fare Collections Process Internal Audit.

Our engagement was performed in accordance with the terms of the agreement between Santa Clara Valley Transportation Authority (“VTA”) and Deloitte & Touche LLP (“Deloitte & Touche”) for Auditor General Services, Contract No. SO9022 dated January 9, 2009 and its subsequent amendments, and in accordance with the Standards for Consulting Services issued by the American Institute of Certified Public Accountants.

This report is intended solely for the use of VTA’s Board of Directors, Audit Committee and management and is not intended to be used by anyone other than these specified parties. Recommendations for improvement are presented for management’s consideration, and management is responsible for the effective implementation of corrective action plans.

Questions or concerns should be addressed to Greg Thomas in the VTA Auditor General’s Office at: Auditor.General@VTA.org.
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I. EXECUTIVE SUMMARY

Cash fare revenue is generated by bus operations and Light Rail operations at the Santa Clara Valley Transportation Authority (VTA). The primary sources of cash fare revenue include: bus cash fare collections, cash received from sales at light rail ticket vending machines, and payments received for Clipper Cards and Eco Passes. As of April 2012, approximately 35.2 million boardings, broken down as 26.6 million bus boardings and 8.6 million light rail boardings, occurred fiscal year-to-date generating approximately $31.4 million in fare revenue.

Cash and tokens from bus operations are collected daily at three bus yards: Cerone, Chaboya, and North using an infrared device to capture cash and token count data from the new fare boxes purchased by VTA, and transfer this data real-time into the General Farebox Incorporated (GFI) tracking system. As of April 2012, bus operations have generated approximately $14.4 million in fiscal year-to-date fare revenue. Monies are vaulted into a secure storage container and subsequently transported by armed security personnel to the central Money Counting Room located at the Cerone Bus Division.

Ticket sales from Light Rail operations are monitored using the Ventek ProVend system to identify the need for servicing. The servicing team (contracted security staff under Protective Services separate from the Revenue Services team) runs a report from the Ventek ProVend system to display the status of the light rail ticket vending machine and determine whether the machine needs to be serviced for additional coin, blank tickets or deposit.

Cash and tokens from bus operations and light rail are collected, counted, re-counted and prepared for deposit daily in the Money Counting Room, a secured area with access restricted to authorized personnel. During Money Counting Room operation, which is 6:00 AM to 2:30 PM business weekdays, the Money Counting Room is monitored through video surveillance on an ongoing basis by Protective Services as well as Revenue Services management. Money Counting Room operations are also monitored by a new Senior Accountant position, to provide additional oversight to the counting and balancing activities in the Money Counting Room.

An armored car service, contracted with VTA, picks up cash deposits daily from the Money Counting Room for same day delivery to Union Bank. Cash and checks received from direct ticket sales are recorded and deposited daily by scanning and electronically transmitting checks to Union Bank for direct deposit.

System reports generated from GFI and Ventek ProVend daily along with reports from balancing activities performed in the Money Counting Room are sent to designated Revenue Services staff at VTA headquarters. Revenue Services collects the various reports and tracks and records cash by fare revenue type. A journal entry is prepared to record cash fare revenue daily in the general ledger. In addition to daily cash balancing, an overall cash reconciliation is prepared and reviewed monthly by Fiscal Resources management. Cash availability reports are submitted to the CFO for management review and presented at recurring Executive Committee Meetings.
VTA’s daily balancing activities, security controls in the Money Counting Room and elsewhere, and management’s review of cash availability help mitigate the risks around the cash fare collections process.

Key controls over the cash fare collections process were identified through interviews with management and tested to assess whether the key controls have been designed and operating effectively from the period June 1, 2011 through May 31, 2012. Based on work performed, it appears that key controls over the collection, recording, and deposit of cash fare revenue are designed and operating effectively. Moreover, the segregation of duties and safeguard controls over cash fare collections appears to be adequate.

While we did not identify any instances of non-compliance related to the areas in scope for this audit, there are two identified opportunities for improvement by implementing best practices. Management may consider implementing these recommendations to further mitigate risks around the cash fare collections process. The opportunities for management’s consideration are provided in Section IV of the report.

We would like to acknowledge VTA staff for their cooperation and professionalism throughout the process.
II. BACKGROUND, OBJECTIVE, SCOPE & APPROACH

A. Background

In June 2012, the VTA Board of Directors, following the recommendation of the Audit Committee, approved an internal audit over the cash fare collections process. The value of performing this audit was identified in both the Auditor General Office’s Fraud Risk Assessment (Auditor General Report # 2011-03 issued on October 20, 2011) and in the Auditor General’s FY 2013 Risk Assessment Refresh. The cash fare collections process is managed by the Fiscal Resources Division, Revenue Services Department, with oversight from the Deputy Director of Accounting and the Chief Financial Officer (CFO).

B. Objective

The objective of the Cash Fare Collections Process internal audit was to: (1) assess whether key controls over the cash fare collections process have been designed and are operating effectively; (2) provide reasonable assurance that the control objectives have been met; and (3) assess whether reasonable safeguards are in place.

C. Scope

The scope of the internal audit covered the period from June 1, 2011 through May 31, 2012 and included the following business processes:

- Cash fare collections
- Cash fare deposits and record keeping
- Cash fare reconciliation
- Safeguarding of assets
- Segregation of duties

These areas were discussed with key management to gain an understanding of the business processes and the associated risks.

D. Approach

To assess the design and operating effectiveness of the in-scope processes and controls related to cash fare collections at VTA, the following internal audit procedures were performed:

- Interview and perform walkthroughs with appropriate members of the VTA team involved in collecting, recording, depositing and reconciling cash fare.
- Inspect existing cash, collections and revenue policies and procedures to gain an understanding of the cash fare collections process.
• Document the cash process from collections through deposit through reconciliation including safeguarding of assets and segregation of duties to identify and evaluate risks and controls.
• On a sample basis, test key controls to determine whether they are operating effectively.
• Identify opportunities for VTA to improve internal controls effectiveness or operational efficiency.
III. RATINGS:

Risk ratings are assigned to each observation to provide VTA Management with a better understanding of the risk and potential impact of each observation. The risk rating definitions are:

- **High** – Significant control weakness presents a high likelihood of the event occurring, potentially exposing VTA to significant financial loss, business or service interruption, and/or an impact to the VTA brand or public perception. This control weakness should be addressed immediately.

- **Medium** – Significant control weakness presents a possibility the event will occur potentially exposing VTA to moderate levels of financial loss, short term disruption to operations, short term impact to VTA brand or public perception and/or not making optimal use of human or system resources. This control weakness should be addressed in the near term.

- **Low** – Control weakness, if corrected or mitigated, will further strengthen the system of internal control. Likelihood of occurrence and impact if the event did occur are rated as low.

- **Other Opportunities (No Rating)** – Opportunity to improve efficiency or profitability of operations, but does not indicate an internal control weakness.

The risk ratings resulting from the work performed are provided in the following as an estimate to help Management understand the overall risk and impacts of each individual observation.

An Overall Risk Rating has been provided to help Management understand the overall risk and impacts of the observations combined:

**Overall Risk Rating:** Low
IV. RESULTS:

Key controls over the cash fare collections process were identified and tested to assess whether the key controls have been designed and operating effectively for the specified time period. Based on test work performed, it appears that key controls over the collection, recording, and deposit of cash fare revenue are designed and operating effectively. Moreover, the segregation of duties and safeguard controls over cash fare collections appears to be adequate.

While we did not identify any instances of non-compliance related to the areas in scope for this audit, there are two identified opportunities for improvement by implementing best practices. The following section summarizes improvement opportunities identified for management’s consideration.

A. Other Opportunities

- Management should consider establishing a practice to perform unannounced observations of the Money Counting Room on a periodic basis to:
  - Observe the security controls and operations of the counting activities for compliance with procedures
  - Review the Daily Deposit Report prepared and compare the coin and bills to the register tape from the respective count machines for accuracy

- Management should consider establishing the following best practices for the Counting Money Room:
  - Employees working in this facility should be required to wear specialized clothing (without pockets) that reduces theft risk.
  - All employees within this facility should be subject to periodic, unannounced searches of their person and belongings.

- The Auditor General’s Office reemphasizes additional preventative controls related to potential fraud schemes that could be perpetrated in the Revenue Services function, outlined in the Fraud Risk Assessment Report (Auditor General Report #2011-03 issued October 20, 2011):
  - Mandatory vacations and rotations for Money Counting Room employees
  - More effective surveillance/video monitoring of Money Counting Room employees
FOR INFORMATION ONLY

BACKGROUND:

The attached Monthly Legislative History Matrix describes the key transportation-related bills that are being considered by the California State Legislature during the 2013-2014 regular session. The matrix indicates the status of these measures and any adopted VTA positions with regard to them.

DISCUSSION:

On January 10, Gov. Jerry Brown submitted his FY 2014 budget to the Legislature. In the budget, the Governor notes that significant progress has been made in addressing the state’s chronic General Fund deficits, which have exceeded $20 billion in more recent years. According to Gov. Brown, the state’s brighter fiscal picture is the result of a combination of spending cuts, primarily to health and human services, corrections and education; the realignment of some responsibilities from the state to local governments; the elimination of redevelopment agencies; a reduction in the state’s workforce; and the passage of Proposition 30, his ballot measure to temporarily raise the state sales tax and income taxes on wealthier Californians.

However, the Governor’s budget also identifies a number of risks that could significantly impact the state’s fiscal condition going forward. These risks include: (1) actions by Congress and the White House to raise the nation’s debt limit and to attack the federal government’s own budget deficit; (2) the state’s uncertain economic recovery; and (3) potential cost increases to the state resulting from the implementation of the federal Patient Protection and Affordable Care Act of 2010.

While Gov. Brown is not projecting a General Fund shortfall for FY 2014, contradicting the $1.9 billion number that was suggested by the Legislative Analyst’s Office (LAO) in its “California’s Fiscal Outlook” report, his budget emphasizes the need for the state to live within its means. His budget proposes additional money for K-12 schools and higher education, largely driven by the
new revenues from Proposition 30 and the public education spending guarantee in Proposition 98, but restrains growth in most other programs. It also recommends using $4.2 billion to begin reducing what the Governor calls the state’s “Wall of Debt,” which consists of loans, deferrals and other budgetary obligations that have accumulated over the prior decade in order to avoid deeper cuts to General Fund programs. The Governor’s budget estimates the Wall of Debt at $35 billion.

With regard to transportation, Gov. Brown’s budget includes the following:

Vehicle Weight Fee Revenues: The budget calls for transferring vehicle weight fee revenues from the State Highway Account to the General Fund to pay for debt service related to general obligation bonds that have been issued for transportation purposes. This recommendation is consistent with the complex restructuring of transportation funding sources that was originally enacted in 2010, and then reaffirmed in 2011 in order to fix a series of problems that resulted from the passage of several ballot measures in November 2010. The budget points out that debt service costs for transportation bonds are expected to grow significantly in future years, and will eventually exceed the amount of vehicle weight fee revenues that would be available to pay for them, thus creating a new General Fund obligation.

State Government Reorganization: The budget notes that the new Transportation Agency established under the Governor’s 2012 Reorganization Plan will become operational on July 1, 2013. This reorganization plan broke apart the old Business, Transportation & Housing Agency, and consolidated transportation functions into a stand-alone, cabinet-level Transportation Agency to be overseen by a Transportation Secretary. The new agency consists of Caltrans, the Department of Motor Vehicles (DMV), the California Highway Patrol (CHP), the California High-Speed Rail Authority, the California Transportation Commission (CTC), the Board of Pilot Commissioners, and the Office of Traffic Safety.

Transportation Funding: Gov. Brown’s budget references the CTC’s “2011 Statewide Transportation Needs Assessment,” which identifies $300 billion in unfunded transportation needs in California over the next decade. To begin addressing this problem, the budget recommends that the Transportation Secretary convene a working group consisting of state and local transportation stakeholders to: (1) refine the CTC’s numbers; (2) explore long-term, pay-as-you-go funding options; and (3) evaluate the most appropriate level of government to deliver high-priority investments to meet the state’s infrastructure needs.

STA: Revenues for the State Transit Assistance Program (STA) are derived entirely from the sales tax on diesel fuel. For FY 2013, STA is projected to be $415 million, which is slightly less than the $420 million that was assumed when the current-year budget was enacted last June. For FY 2014, STA is estimated at $391 million. It is important to point out the STA revenues are highly volatile and difficult to project because they derive from sales tax receipts associated with the consumption of diesel fuel. Thus, the budget typically includes an estimate, rather than a line-item appropriation for the program.

Climate Change: In FY 2013, the California Air Resources Board (CARB) began auctioning greenhouse gas emissions allowances as part of its cap-and-trade program. The first auction was held last November. Subsequent auctions are scheduled for February and May 2013. The
Governor’s FY 2014 budget acknowledges that transportation is the single largest contributor to greenhouse gas emissions in California and points out that reducing those emissions should be a top priority for the state. Based on the results of the first CARB auction, the budget projects cap-and-trade revenues at $200 million in FY 2013 and $400 million FY 2014. These numbers are significantly less than prior estimates of $1 billion annually. The budget notes that pursuant to the enactment of AB 1532 (Perez) last year, the Department of Finance will submit a three-year investment plan for cap-and-trade revenues to the Legislature as part of the FY 2014 May Revise.

High-Speed Rail: Gov. Brown’s budget highlights the progress that has been made on high-speed rail since the Legislature appropriated $8 billion in spending authority for the project as part of the FY 2013 budget, and does not recommending any further appropriations for FY 2014. Among other things, the budget notes that the California High-Speed Rail Authority is continuing to identify early “bookend” investments that will generate immediate benefits and, through blended service, enhance future high-speed rail ridership. The budget states: “Projects currently being evaluated include the electrification of the Caltrain corridor in Northern California and regional rail improvement projects, such as grade separations, in Southern California. Final selection of specific projects and lead agencies will be completed by the end of the current fiscal year.” The budget also points out that initial high-speed rail construction work is scheduled to begin in the Central Valley this summer.

Alternative Transportation Program: Gov. Brown’s budget proposes a new consolidated $134 million Active Transportation Program. While the details of this program are still unknown, it would include funding from the existing state Safe Routes to School, Environmental Enhancement and Mitigation, and Bicycle Transportation Programs, as well as from the new federal Transportation Alternatives Program established under the Moving Ahead for Progress in the 21st Century (MAP-21) surface transportation authorization bill.

Five-Year Infrastructure Plan: The Governor’s budget indicates that the Administration will release a Five-Year Infrastructure Plan later this year. The plan will outline the Administration’s priorities for the state’s major infrastructure programs, including high-speed rail and other transportation programs, water and other natural resources, higher education, and K-12 education. The budget notes that given the state’s increased General Fund debt burden, the plan will place less of a reliance on future voter-authorized general obligation bonds.

The release of Gov. Brown’s budget is the first step in what is typically a six-month process. Over the next several months, various Assembly and Senate budget subcommittees will hold hearings and begin putting together the pieces of the FY 2014 Budget Act, which is required to be approved by the Legislature by midnight on June 15. If that deadline is not met, lawmakers would begin forfeiting their pay. Most of the major decisions will be made by the Legislature after the Governor submits his FY 2014 May Revise, which will include updated revenue and expenditure estimates.

Prepared By: Kurt Evans, Government Affairs Manager
Memo No. 3342
<table>
<thead>
<tr>
<th>State Assembly Bills</th>
<th>Subject</th>
<th>Last Amended</th>
<th>Status</th>
<th>VTA Position</th>
</tr>
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<tbody>
<tr>
<td><strong>AB 14</strong>&lt;br&gt;(B. Lowenthal)&lt;br&gt;State Freight Plan</td>
<td>Requires the Business, Transportation &amp; Housing Agency to prepare a state freight plan to govern the immediate and long-range planning activities and capital investments of the state with respect to the movement of freight. At a minimum, requires the plan to include all of the following: (1) an identification of significant freight system trends, needs and issues; (2) a description of the freight policies, strategies and performance measures that will guide freight-related transportation investment decisions; (3) a description of how the state freight plan will improve the ability of California to meet the national freight goals established under the federal Moving Ahead for Progress in the 21st Century Act (MAP-21); (4) evidence of consideration of innovative technologies and operational strategies that will improve the safety and efficiency of freight movement; (5) in the case of routes on which travel by heavy vehicles is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration; and (6) an inventory of facilities with freight mobility issues and a description of the strategies that California is employing to address those issues.</td>
<td>As Introduced</td>
<td>Assembly Transportation Committee</td>
<td><strong>AB 37</strong>&lt;br&gt;(Perea)&lt;br&gt;CEQA: Record of Proceedings</td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<tr>
<td>SB 1 (Steinberg) Sustainable Communities Investment Authorities</td>
<td>Allows a city, county or special district to form a Sustainable Communities Investment Authority for a designated Sustainable Communities Investment Area. Requires a Sustainable Communities Investment Area to include only the following: (1) transit priority project areas; and (2) areas that are small walkable communities. Provides that a taxing agency participating in or approving the formation of a Sustainable Communities Investment Authority, or appointing governing board members to the authority may authorize an allocation to the authority of all or part of the tax increment revenues that otherwise would be paid to that taxing agency. Excludes school districts from participating in a Sustainable Communities Investment Authority. Allows an authority to adopt a plan for a Sustainable Communities Investment Area, which may include a provision for the receipt of tax increment funds, if the local government with land-use jurisdiction has adopted all of the following: (1) a sustainable parking standards ordinance that restricts parking in transit priority project areas to encourage public transit use to the greatest extent feasible; (2) an ordinance creating a jobs plan; (3) for transit priority project areas and small walkable communities within a metropolitan planning organization (MPO), a plan consistent with the use designation, density, building intensity, and applicable policies specified for the Sustainable Communities Investment Area in the sustainable communities strategy; and (4) within small walkable communities outside an MPO, a plan that provides a density of at least 20 dwelling units per net acre for new residential construction and a minimum floor area ratio of 0.75 for non-residential uses. If a Sustainable Communities Investment Authority includes a provision for the receipt of tax increment revenues in its plan, requires the authority to dedicate no less than 20 percent of these revenues for affordable housing purposes. Allows a state or local pension fund system to invest capital in the public infrastructure projects, and private commercial and residential developments undertaken by an authority. Allows a Sustainable Communities Investment Authority to implement a local transactions and use tax, and to issue bonds. Prohibits pledging school district property tax revenues for the repayment of bonds issued by a Sustainable Communities Investment Authority.</td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
<td></td>
</tr>
<tr>
<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
<td>Status</td>
<td>VTA Position</td>
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<tr>
<td>SB 33 (Wolk)</td>
<td><strong>Infrastructure Financing Districts</strong></td>
<td>As Introduced</td>
<td>Senate Governance &amp; Finance Committee</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Eliminates the requirement for voter approval for the creation of an infrastructure financing district, adoption of an infrastructure financing plan, and the issuance of bonds for implementing an infrastructure financing plan. Instead, provides that the legislative body of a city, at the conclusion of a public hearing, may adopt a resolution establishing an infrastructure financing district based upon a finding that: (1) the goals of the district are consistent with the city’s General Plan; and (2) the financing programs undertaken by the district are an efficient means of implementing the goals of the district. Requires a public financing authority to be created to serve as the legislative body of an infrastructure district. Requires the public financing authority to be comprised of five people, three of whom must be members of the city council or board of supervisors that established the district and two of whom must be public members. Allows for the public financing authority to adopt the infrastructure financing plan and to issue bonds by a majority vote of the authority. If an infrastructure financing plan provides for the division of taxes of any affected taxing entity, requires a public accountability committee to be created to review the actions of the public financing authority. Requires the committee to be comprised of a representative from each affected taxing entity that has agreed to the division of its taxes, a representative of the public financing authority, and one or more public members. Generally prohibits an infrastructure financing district from paying for: (1) routine maintenance; (2) repair work; (3) the costs of ongoing operations; or (4) providing services of any kind. Clarifies that an infrastructure financing district shall finance only structural and non-structural public capital facilities of communitywide significance. Allows an infrastructure financing district to finance any project that implements a transit priority project regional transportation plan (RTP), or other projects that are consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in a sustainable communities strategy. Prohibits an infrastructure financing district from providing any form of financial assistance to: (1) a vehicle dealer; (2) a big box retailer; or (3) a business entity that sells or leases land to a vehicle dealer or big box retailer that is relocating from the territorial jurisdiction of one local agency to the territorial jurisdiction of another local agency but within the same market area. Specifies that the date on which an infrastructure financing district would cease to exist would not be more than 40 years from the date the public financing authority adopted the infrastructure financing plan. Requires an infrastructure financing district to distribute an annual report to each owner of land within the district and each affected taxing entity. Requires the report to contain all of the following: (1) a summary of the district’s expenditures; (2) a description of the progress made toward the district’s adopted goals; and (3) an assessment of the status regarding completion of the district’s public works projects.</td>
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<tr>
<td>SB 110 (Steinberg)</td>
<td><strong>CTC Guidelines</strong></td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<td></td>
<td>Exempts the adoption of guidelines by the California Transportation Commission (CTC) from the rulemaking provisions of the Administrative Procedure Act. Except in the case of the State Transportation Improvement Program (STIP), specifies a process that the CTC must use when adopting guidelines. Requires the CTC to maintain a guidelines adoption file containing: (a) a summary of each objection or recommendation made with regard to a proposed guideline; and (b) an explanation of how the proposed guideline was changed to accommodate each objection or recommendation, or the reasons for making no change. Requires the CTC to include in its annual report to the Legislature a summary of its activities related to the adoption of program or policy guidelines during the previous calendar year.</td>
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<td>State Senate Bills</td>
<td>Subject</td>
<td>Last Amended</td>
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<td>SB 123 (Corbett)</td>
<td>Environmental and Land-Use Court Divisions</td>
<td>Requires the presiding judge of each Superior Court to establish an Environmental and Land-Use Division within the court to process civil proceedings brought pursuant to the California Environmental Quality Act (CEQA), as well as in the following subject areas: (1) air quality; (2) biological resources; (3) climate change; (4) hazards and hazardous materials; (5) land-use planning; and (6) water quality. By rule of court, requires the Judicial Council to: (1) identify statutes in the specified six subject areas that would be within the jurisdiction of the Environmental and Land-Use Court Divisions; and (2) establish appropriate standards and protocols for the divisions to accomplish the objectives of consistency, expediency and expertise.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
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<tr>
<td>SCA 4 (Liu)</td>
<td>Local Government Transportation Projects</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase a special tax for the purpose of providing funding for local transportation projects, if approved by a 55 percent majority vote. Requires the Legislature to define “local transportation projects” for purposes of this constitutional amendment.</td>
<td>As Introduced</td>
<td>Support</td>
</tr>
<tr>
<td>SCA 6 (DeSaulnier)</td>
<td>Initiative Measures: Funding Source</td>
<td>Calls for placing before the voters an amendment to the California Constitution to prohibit an initiative measure that would result in a net increase in state or local government costs from being submitted to the electors unless the Legislative Analyst’s Office and the Department of Finance jointly determine that the measure provides for additional revenues in an amount that meets or exceeds the net increase in costs.</td>
<td>As Introduced</td>
<td>Senate Rules Committee</td>
</tr>
<tr>
<td>SCA 8 (Corbett)</td>
<td>Local Government Transportation Projects</td>
<td>Calls for placing before the voters an amendment to the California Constitution to allow a local agency to impose, extend or increase a special tax for the purpose of providing funding for local transportation projects, if approved by a 55 percent majority vote. Requires the Legislature to define “local transportation projects” for purposes of this constitutional amendment.</td>
<td>As Introduced</td>
<td>Support</td>
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<tr>
<td>DAY</td>
<td>JANUARY</td>
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<td>JUNE</td>
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<tr>
<td>1</td>
<td>Statutes signed into law in 2012 take effect.</td>
<td>15</td>
<td>Budget must be passed by midnight.</td>
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<tr>
<td>7</td>
<td>Legislature reconvenes.</td>
<td>7</td>
<td></td>
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<tr>
<td>10</td>
<td>Budget must be submitted by the Governor to the Legislature on or before this date.</td>
<td>12</td>
<td>Last day for policy committees to hear and report bills introduced in the other house. Summer Recess begins upon adjournment, provided that the Budget Bill has been enacted.</td>
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<tr>
<td>25</td>
<td>Last day to submit bill requests to the Legislative Counsel’s Office.</td>
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<table>
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<tr>
<th>DAY</th>
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<tr>
<td>22</td>
<td>Last day for new bills to be introduced.</td>
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<tr>
<th>DAY</th>
<th>MARCH</th>
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<tbody>
<tr>
<td>21</td>
<td>Spring Recess begins upon adjournment.</td>
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<tr>
<th>DAY</th>
<th>APRIL</th>
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<tbody>
<tr>
<td>1</td>
<td>Legislature reconvenes from Spring Recess.</td>
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</table>

<table>
<thead>
<tr>
<th>DAY</th>
<th>MAY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Last day for policy committees to hear and report fiscal bills introduced in their house of origin.</td>
</tr>
<tr>
<td>10</td>
<td>Last day for policy committees to hear and report to the floor non-fiscal bills introduced in their house of origin.</td>
</tr>
<tr>
<td>24</td>
<td>Last day for fiscal committees to hear and report to the floor bills introduced in their house of origin.</td>
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<tr>
<td>31</td>
<td>Last day for bills to be passed out of their house of origin.</td>
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</table>

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<thead>
<tr>
<th>DAY</th>
<th>JUNE 2014</th>
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<tbody>
<tr>
<td>1</td>
<td>Statutes signed into law in 2013 take effect.</td>
</tr>
<tr>
<td>6</td>
<td>Legislature reconvenes.</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow


FOR INFORMATION ONLY

BACKGROUND:

VTA has two programs through which it reviews and comments on development and transportation projects occurring in and adjacent to Santa Clara County: 1) the Development Review Program which reviews environmental documents and development proposals submitted by Member Agencies; and 2) the review of Transportation Impact Analysis (TIA) reports for proposed projects meeting the Congestion Management Program (CMP) TIA Guideline requirements.

The Proactive CMP (“Proactive”) process integrates these two VTA review processes to provide comments on projects prior to approval by Member Agencies. The objectives of the Proactive CMP process include improving land use/transportation coordination, promoting alternative travel modes, and encouraging a balanced approach to addressing congestion. As part of the Proactive process, VTA produces quarterly reports on project proposals highlighting two sets of projects and types of information:

- **Projects Reviewed by VTA:** For projects or environmental documents reviewed by VTA staff under the Congestion Management Program and Development Review Program in the past quarter, relevant VTA comments are summarized.

- **Projects Approved by Local Agencies:** For projects or environmental documents approved by local agencies in the past quarter, relevant VTA comments and agency responses or conditions of approval are summarized.

DISCUSSION:

The following discussion provides a summary of the October through December 2012 Proactive CMP Quarterly Report. The summary highlights key projects and topics contained in the report, which is provided as Attachment A. The report includes a table summarizing all of the reviewed and approved projects, and a reference map showing the locations of these projects.
• VTA commented on fourteen projects through the Proactive CMP process between October and December 2012. The largest number of projects was in the City of San José, with four projects, followed by Mountain View and Santa Clara with three projects each.

• Eleven of the fourteen projects that VTA commented on involved environmental documents such as an Environmental Impact Report (EIR), Notice of Preparation (NOP), or Mitigated Negative Declaration. One of the projects involved a stand-alone TIA Notification Form and the two consisted of Site Plan reviews.

• Thirteen of the fourteen items that VTA commented on were private development projects; the remaining project was sponsored by a community college.

• Six projects which VTA previously commented on were approved by local agencies during this quarter. Projects that VTA commented on were approved in the Cities of Milpitas, Morgan Hill, Santa Clara, and San José, and Sunnyvale.

• One previously approved project in the City of San José that had a Development Agreement Amendment approved by City Council this quarter is also highlighted in this report.

Key plans and documents that VTA reviewed and commented on during the past quarter included the following:

• Clyde Avenue Office, City of Mountain View: The City of Mountain View circulated a DEIR and TIA for 385,000 square feet of office replacing 118,000 s.f. existing development on an 8.9-acre site. VTA submitted a comment letter clarifying technical issues in the TIA; supporting the Transportation Demand Management Plan included in the DEIR and recommending that the project provide Eco Passes or similar transit incentives; encouraging the City to identify ways to improve or shorten the walking routes to the NASA/Bayshore and Middlefield light rail stations; and recommending that the project applicant provide a fair share contribution towards the US 101, SR 85 and SR 237 Express Lane projects as a mitigation and avoidance measure for the project’s significant impacts on these freeways.

• 3000 Bowers Avenue Office, Santa Clara: The City of Santa Clara circulated a DEIR and TIA for 300,000 square feet of office on 7.19 gross acres. VTA submitted a comment letter clarifying technical issues in the TIA; noting that the DEIR and TIA identify Significant Cumulative Impacts to several CMP Intersections and that a Deficiency Plan could be an option to mitigate these impacts in the future; and recommending that the project adopt Transportation Demand Management (TDM) measures to reduce trips and congestion.

As noted above, six items that VTA previously provided comments on were approved during this past quarter. The following is a brief summary of key VTA comments and the local agency responses or conditions of approval on several of these items.

• 450 Montague Expressway, Milpitas: The City of Milpitas circulated a site plan for 451 multifamily residential units on a 7.98-acre site located across the street from the future
Milpitas BART station within the Transit Area Specific Plan (TASP). VTA submitted a comment letter supporting the land use intensification at these strategic site; commending the project sponsor for proposing sidewalk enhancements and recommending that the project provide continuous pedestrian connections to adjacent properties; recommending improved bicycle accommodations near the site; encouraging the project to provide the VTA Eco Passes or similar transit incentives for residents; and requesting coordination with VTA on the Berryessa Extension project. The project was approved by City Council on December 18, 2012, with Conditions of Approval including additional bicycle parking and a contribution to a new pedestrian/bicycle bridge over Montague Expressway.

- **Tuscany Apartments, Santa Clara:** The City of Santa Clara circulated a DEIR for a 133-unit multifamily building on 3.04 acres at 3715 El Camino Real. VTA submitted a comment letter supporting the intensification of land use on this site strategically located on El Camino Real. VTA also noted that the project provides improved pedestrian accommodations by removing driveways that cross the sidewalk and providing landscaping, but noted that an even greater improvement could be provided by placing landscaping between the sidewalk and automobile traffic as a buffer strip. The City responded that they would discuss these ideas with the applicant, but there are constraints on redesigning the sidewalk and landscaping, including utilities beneath the sidewalk and regional stormwater requirements that encourage permeable landscaping on the project site itself, rather than offsite as a sidewalk buffer. The project was approved by City Council on November 13, 2012.

- **600 W California Office Project, Sunnyvale:** The City of Sunnyvale circulated a TIA for 105,750 square feet net increase in office uses on an existing site. VTA submitted a comment letter supporting the land use intensification at this site near the Sunnyvale Caltrain station and Downtown Sunnyvale; recommending a sidewalk improvement to connect the site with a nearby VTA bus stop; recommending that new bicycle parking constructed by the project address the existing deficiency at the site as well as the net increase in office space; and clarifying technical issues in the TIA. The project was approved by City Council on October 30, 2012 with Conditions of Approval to construct bicycle parking spaces, fill the sidewalk gap to the VTA bus stop, and construct a new bicycle/pedestrian path to the Sunnyvale Caltrain station.

As noted above, one previously approved project in the City of San José that had a Development Agreement Amendment approved by City Council this quarter is also highlighted in this report. This type of approval is not typically routed to VTA for review, but this amendment was considered sufficiently notable by staff to warrant inclusion in this report.

- **Riverview Mixed Use, San José:** The City of San José considered a Development Agreement Amendment for this project located on a 32.6-acre site at the northwest corner of North First Street and River Oaks Parkway. The project was approved by the City of San José in 2008 for up to 1,579 dwelling units and 45,000 square feet of retail as well as a 5.2-acre public park. A subsequent Planned Development Permit Amendment reduced the number of dwelling units to 1,329 and the retail to 10,000 to 25,000 square feet. The most recent Development Agreement Amendment preserved the same amount of residential and retail, with changes to the design of the project. While the original agreement included a 12-
story high rise residential building, the developer proposed to replace this building with a mid-rise four-story building to reduce the cost of construction. City staff negotiated to increase the height of the proposed building to five stories of residential atop a 20-foot retail floor, for a total height of 80 feet, with more intensive Type III construction. Additional design features of the project include breaking up the site into smaller blocks, positioning buildings to create an urban feel along North First Street, and creating a pedestrian bulbout at the corner of North First Street and River Oaks Parkway. The Amendment also includes a $3,000,000 contribution from the developer that will allow the City to create or extend incentives for high rise development elsewhere in the city. This Development Agreement Amendment was approved by City Council on December 11, 2012.

**ADVISORY COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the Regular Agenda as an Information item at the February 2013 Citizens Advisory Committee (CAC), Bicycle and Pedestrian Advisory Committee (BPAC), Technical Advisory Committee (TAC) and Policy Advisory Committee (PAC) meetings.

At CAC, staff gave a brief presentation on this item and the Committee had no questions or comments.

At BPAC, staff gave a brief presentation on this item and the Committee had no questions or comments. County staff made a comment clarifying the street configuration of Montague Expressway.

At TAC, staff gave a brief presentation on this item and the Committee had no questions or comments.

At PAC, staff gave a brief presentation. Committee member McAlister asked staff to clarify which projects are included in the cumulative analysis and commented that as many projects as possible should be included. Committee member Mahoney asked whether there is a size threshold for a project to be included in the Proactive CMP Quarterly Report. Staff responded that there are thresholds for requiring Transportation Impact Analysis and CEQA documents, but that additional projects that fall below these thresholds are also routed to VTA at the discretion of Member Agencies. A member of the public asked a question about the threshold of significance for transportation impacts to freeways.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

This item was on the Consent Agenda at the February 21, 2013, Congestion Management Program and Planning (CMPP) Committee meeting. The Committee accepted the item as part of the Consent Agenda and had no comments or questions.

Prepared By: Robert Cunningham
Memo No. 3807
VTA Development Review Program

Proactive CMP Quarterly Report
October, November, and December of 2012
## Development Review Projects Summary

**October to December 2012**

<table>
<thead>
<tr>
<th>Map No.</th>
<th>CMP ID</th>
<th>Lead Agency</th>
<th>Project Name/Location</th>
<th>Project Description</th>
<th>Document Type</th>
<th>Comments this quarter?</th>
<th>Approved this quarter?</th>
<th>VTA Comment Topics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>MH1002</td>
<td>City of Morgan Hill</td>
<td>Hale-Signature Homes - Between Hale Avenue and Monterey Road, south of Tilton</td>
<td>Initial Study for 108 residential units on 30 acres</td>
<td>IS/MND</td>
<td>y</td>
<td></td>
<td>Pedestrian Accommodations; Potential Connection to Madrone Parkway; Bus Service</td>
</tr>
<tr>
<td>2</td>
<td>MH1204</td>
<td>Morgan Hill Unified School District</td>
<td>Borello Site Acquisition - Northeast corner of Peet Road and Mission Avenida</td>
<td>Purchase of 12.04 acres for future school site (up to 600 students)</td>
<td>IS/MND</td>
<td>y</td>
<td></td>
<td>TIA Report; Pedestrian Accommodations</td>
</tr>
<tr>
<td>3</td>
<td>MH1205</td>
<td>City of Morgan Hill</td>
<td>Diamond Creek Villas - Monterey Road, 800 feet northwest of Watsonville Road</td>
<td>130 residential units and 27,000 s.f. commercial on 9.75 acres</td>
<td>IS/MND, TIA</td>
<td>y</td>
<td></td>
<td>Pedestrian Accommodations</td>
</tr>
<tr>
<td>4</td>
<td>ML1205</td>
<td>City of Milpitas</td>
<td>450 Montague Expressway</td>
<td>451 residential units on 7.98 acres</td>
<td>Site Plan</td>
<td>y</td>
<td>y</td>
<td>Land Use; Pedestrian Accommodations; Bicycle Accommodations; Transportation Demand Management - Transit Incentives; Construction Coordination with Berryessa Extension Project</td>
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<tr>
<td>5</td>
<td>MV0802</td>
<td>City of Mountain View</td>
<td>Clyde Avenue Office</td>
<td>Rezoning and Development Review Permit to allow 385,000 s.f. office replacing 118,000 s.f. existing development on 8.9 acres</td>
<td>DEIR, TIA</td>
<td>y</td>
<td></td>
<td>Freeway Ramp Capacity Analysis; Freeway Analysis under Background Conditions; Project Trip Generation; Transportation Demand Management; Pedestrian Accommodations and Access to Transit; Freeway Impacts</td>
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<tr>
<td>6</td>
<td>MV1208</td>
<td>City of Mountain View</td>
<td>1720-1730 El Camino Real West</td>
<td>160 residential units on 2.43 acres</td>
<td>IS/MND, TIA</td>
<td>y</td>
<td></td>
<td>Land Use; Transit Incentives; Pedestrian Accommodations; Existing Traffic Volume; Intersection LOS Tables; Project Trip Generation Estimates; Existing Intersection Level Of Service</td>
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<td>7</td>
<td>MV1209</td>
<td>City of Mountain View</td>
<td>865 and 881 El Camino Real East</td>
<td>150 residential units on 2.3 acres</td>
<td>DEIR</td>
<td>y</td>
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<td>Land Use; Pedestrian Accommodations; Parking Ratio; Transit Incentives</td>
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<td>8</td>
<td>SC0807</td>
<td>City of Santa Clara</td>
<td>Great America Campus Expansion – 4301, 4401 and 4451 Great America Parkway</td>
<td>Removal of existing 118,000 s.f. office building to construct a 718,000 s.f. office building and a parking structure on 18.5 acres.</td>
<td>NOP</td>
<td>y</td>
<td></td>
<td>TIA Report; Trip Generation Assumptions; Transportation Demand Management; Freeway Analysis; Background and Cumulative Conditions; Pending Development Projects &amp; Mitigation Measures; Potential for Significant Impacts to US101; Bus Service</td>
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<tr>
<td>Map No.</td>
<td>CMP ID</td>
<td>Lead Agency</td>
<td>Project Name/Location</td>
<td>Project Description</td>
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<td>Comments Approved this quarter?</td>
<td>Comments this quarter?</td>
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<td>9</td>
<td>SC1202</td>
<td>City of Santa Clara</td>
<td>Tuscany Apartments - 3715 El Camino Real</td>
<td>133 unit multifamily apartment building on 3.04 acres</td>
<td>FEIR</td>
<td>y</td>
<td>Land Use; Pedestrian Accommodations; Bus Service</td>
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<td>SC1206</td>
<td>City of Santa Clara</td>
<td>3000 Bowers Avenue Office</td>
<td>300,000 s.f. office on 7.19 acres</td>
<td>DEIR, TIA</td>
<td>y</td>
<td>Intersection Level of Service; Freeway Ramp Capacity Analysis; Cumulative Impact Analysis; Transportation Demand Management / Trip Reduction;</td>
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<td>11</td>
<td>SC1207</td>
<td>City of Santa Clara</td>
<td>2121 Laurelwood Road Office</td>
<td>217,000 s.f. office and 4,000 s.f. retail on a 7.02-acre site</td>
<td>IS/MND, TIA</td>
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<td>Transportation Demand Management/Trip Reduction; Freeway LOS Analysis; Freeway Ramp Capacity Analysis</td>
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<td>12</td>
<td>SJ0724</td>
<td>City of San José</td>
<td>Riverview Mixed Use – Northwest corner of North 1st Street and River Oaks</td>
<td>PD Permit Amendment for design changes to project previously approved for 1,329 multifamily units and 10,000-25,000 s.f. retail</td>
<td>PD Permit Amendment</td>
<td>y</td>
<td>Development design; Bicycle and Pedestrian Accommodations</td>
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<td>13</td>
<td>SJ1206</td>
<td>City of San José</td>
<td>Harker Elementary School - 4525 Union Avenue</td>
<td>Conversion of existing children's shelter to an elementary school for 600 students</td>
<td>IS/MND, TIA</td>
<td>y</td>
<td>Bicycle and Pedestrian Programs and Bicycle Parking; Existing Intersection Volumes; Freeway Ramp Analysis</td>
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<td>14</td>
<td>SJ1208</td>
<td>City of San José</td>
<td>Rocketship School - 653 Sylvandale Avenue</td>
<td>53,588 s.f. elementary school for 600 students</td>
<td>TIA Notification Form</td>
<td>y</td>
<td>CMP Intersections; Freeway Analysis</td>
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</tr>
<tr>
<td>15</td>
<td>SJ1209</td>
<td>City of San José</td>
<td>8th Street and William Street Mixed Use</td>
<td>28 condominiums and 1,780 s.f. retail on 0.57 acres</td>
<td>IS/MND</td>
<td>y</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>SJ1210</td>
<td>City of San José</td>
<td>Race Street Terrace - Between Race Street and Grand Avenue, south of Park Avenue</td>
<td>70 attached residential units and 13,080 s.f. ground floor retail on a 2.12-acre site</td>
<td>IS/MND</td>
<td>y</td>
<td>Land Use</td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>SJEG1202</td>
<td>City of San José/Evergreen Community College District</td>
<td>Evergreen Valley College 2025 Facilities Master Plan</td>
<td>Expansion of community college to 14,850 students by 2025, 355,175 s.f. of space</td>
<td>NOP</td>
<td>y</td>
<td>TIA Report; Transportation Demand Management; Transit Incentives</td>
<td></td>
</tr>
<tr>
<td>18</td>
<td>SU1201</td>
<td>City of Sunnyvale</td>
<td>Chick Fil-A Restaurant - 550 W. El Camino Real</td>
<td>4,350 s.f. restaurant replacing an existing retail business</td>
<td>Site Plan</td>
<td>y</td>
<td>Pedestrian Accommodations</td>
<td></td>
</tr>
<tr>
<td>19</td>
<td>SU1204</td>
<td>City of Sunnyvale</td>
<td>600 W California Avenue Office Project</td>
<td>105,750 s.f. office expansion</td>
<td>TIA</td>
<td>y</td>
<td>Land Use; Pedestrian Accommodations and Access to Transit; Bicycle Accommodations; Analysis of CMP Intersections; Existing VTA Transit Service</td>
<td></td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
    Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief CMA Officer, John Ristow

SUBJECT: Agreement with Alameda County Transportation Commission (Alameda CTC) for Travel Demand Modeling Services

FOR INFORMATION ONLY

BACKGROUND:

One of the requirements of the Congestion Management Program is for the respective Congestion Management Agencies (CMAs) to develop travel demand forecasting models to be used for advanced planning of transportation facilities. VTA, as the Congestion Management Agency for Santa Clara County, has developed a Countywide Transportation Model (Model) and has staff dedicated to developing and maintaining the models and databases. The Alameda County Transportation Commission (Alameda CTC) is the Congestion Management Agency for Alameda County and has approached VTA about providing travel demand modeling support to update the Alameda Countywide models. The parties have agreed that the VTA would be compensated for providing such services in the amount of $175,000 for the update and an additional $50,000 for future on-call modeling services.

DISCUSSION:

VTA has previously entered into similar inter-agency agreements to provide travel demand modeling services to outside public agencies, including San Mateo C/CAG, Caltrain and SamTrans. The development of the Alameda CTC models by VTA staff will allow for the sharing of inputs and results that can be used in the update of the VTA Countywide models as well as enable the application of consistent methodologies between the two CMA models. This will improve the technical results of inter-county projects that are influenced by the travel markets shared by the VTA and the Alameda CTC.

Subsequent to contact by Alameda CTC, staff from both the VTA and Alameda CTC have reached an agreement on the price and services related to providing travel demand modeling services to update the Alameda Countywide models. Two agreements are envisioned - an initial
agreement specifically for the update of the Alameda CTC models and a follow on agreement to provide on-call modeling services to the Alameda CTC to be executed at a later date, most likely after January 2014.

The amount paid to the VTA would be as follows:

- Update of the Alameda Countywide Models $175,000
- Future on-call travel demand modeling services up to $50,000

The terms of the contract for the update of the models is approximately one year upon execution of the agreement. The scheduling of the contract was developed to provide ample time to implement the Alameda CTC model update within existing VTA travel demand modeling staff resources. The VTA will be entering into this Agreement with Alameda CTC under the authority granted by Administrative Code Section 9-2(b) which permits the GM to enter into contracts where VTA staff is providing services to others on at least a fully cost-reimbursable basis.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Congestion Management Programming and Planning (CMPP) Committee received this item at their February 21, 2013, meeting. Staff explained VTA will enter into an agreement to provide modeling services to the Alameda CTC for the update of the Alameda Countywide model. CMPP members commended CMA Planning staff for working with the Alameda CTC to assist in the update of their models. The Committee recommended that this item be placed on the March 7, 2013, VTA Board of Directors’ consent agenda.

Prepared By: George Naylor
Memo No. 4009
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Executive Policy Advisor, Jim Lawson

SUBJECT: Ad Hoc Financial Recovery Committee Update

FOR INFORMATION ONLY

BACKGROUND:

In December 2009, facing a multi-year budget shortfall, the Santa Clara Valley Transportation Authority Board of Directors formed the Ad Hoc Financial Recovery Committee to examine VTA's workings and find areas where the organization could cut costs and increase revenues.

Directors Don Gage, Margaret Abe-Koga and Rose Herrera comprised the committee, which was supported by a representative stakeholder group of business, labor, VTA advisory committees and other communities of interest.

For nine months, the Committee drilled down through financial documents, reviewed VTA's financial structure, listened to testimony from stakeholders and developed recommendations for the Board that addressed VTA’s long-term structural deficit beyond FY 2011 to insure the continued sustainability of transit services in Santa Clara County.

The Committee's direction was to address the Transit Operating Budget. Their recommendations specifically did not impact the Board’s policy, reaffirmed and adopted on January 8th, 2009, establishing the priority of the BART Silicon Valley Extension to Milpitas, San Jose and Santa Clara in the delivery of 2000 Measure A Projects.

The committee held bi-weekly meetings beginning in January 2010 and spent considerable time reviewing VTA's financial structure and economic projections, supported by VTA finance staff and outside consultants. After careful consideration and analysis, the committee adopted a report containing financial priorities, principles and debt reduction targets to guide VTA in becoming a more financially stable and sustainable organization. The report contains deficit reduction targets in the areas of Internal Efficiencies, Employee Expenses, Service Delivery and New Revenue. The report provided a framework for the creation of the FY 2012 and FY 2013 Budget and for addressing the ongoing, long-term structural deficit in VTA’s operating budget.
At its meeting of September 1, 2010, the Committee unanimously approved *Guidance on Operating Expenditure Priorities, Key Financial Principles and Deficit Reduction Targets*. The Stakeholders expressed their unanimous agreement with the document based upon amendments recommended by Committee Members and Stakeholders.

The recommendation was approved by the Board of Directors at their Special Meeting on October 22, 2010.

**DISCUSSION:**

Two years later, the key principles and priorities are still relevant. The attached Matrix A examines each of the items the Board adopted and what progress has been made on them thus far.

A coalition of VTA employee groups contracted with Harvey M. Rose Associates, LLC, an independent accounting firm to provide an analysis of VTA’s financial condition and recommendations for cost savings measures. These recommendations and their current status are presented as the attached Matrix B.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Administration and Finance and the Transit Planning and Operations Committees reviewed this item at their February 21, 2013, meeting. Both committees recommended this item be placed on the Board of Directors’ March 7, 2013, Consent Agenda.

Prepared By: Colleen Valles
Memo No. 4006
<table>
<thead>
<tr>
<th>Ad Hoc Financial Recovery Committee Key Principles</th>
<th>Debt Reduction Target</th>
<th>Status</th>
<th>Next steps?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 15 percent operating reserve</td>
<td></td>
<td>Operating Reserves maintained at 15%</td>
<td>Continue policy</td>
</tr>
<tr>
<td>2. Limit use of capital funding for operations</td>
<td></td>
<td>FY13 Preventive Mtc 72% Capital Replace 28%</td>
<td>On track to reach desired 35% Preventive Maintenance/65% Capital Replacement ratio in FY15</td>
</tr>
<tr>
<td>3. Control cost growth by making sure a reasonably certain funding source is identified before implementing measures that increase operating expenses.</td>
<td></td>
<td>Integral principle for budget development.</td>
<td>Continue policy</td>
</tr>
<tr>
<td>4. Achieve internal efficiencies through, for instance, eliminating unfilled budgeted positions, not filling vacant staff positions, etc.</td>
<td>$5-15 million</td>
<td>41 unfilled budgeted positions eliminated as part of the FY12 &amp; FY13 budget process.</td>
<td>Continue policy</td>
</tr>
<tr>
<td>5. Negotiate sustainable bargaining unit agreements</td>
<td>$5-13 million</td>
<td>Current AFSCME, TAEA and SEIU contracts include provisions for employees to pay a portion or all of the employee contribution to PERS (payment amount based on hire date)</td>
<td>Continue to negotiate with employee groups on contract renewal.</td>
</tr>
<tr>
<td>6. Explore the use of contracted services, comparing the cost of contractors to VTA staff, and the risk and rewards of each prospective contract.</td>
<td>$5-12 million</td>
<td>Staff reviews use of contracted services at all opportunities</td>
<td>Continue policy</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$20-40 million</td>
<td>FY12 Operating Expenditures $16.5M lower than Adopted Budget</td>
<td></td>
</tr>
<tr>
<td>Topic Area</td>
<td>Harvey Rose, LLC Recommendations and Key Comments</td>
<td>VTA Analysis</td>
<td>Staff Recommendation</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------</td>
<td>--------------</td>
<td>----------------------</td>
</tr>
<tr>
<td><strong>10Year Projections</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Reduce financial planning horizon to 5 years or less</td>
<td>MTC requires at least a 10 year time horizon for the Short Range Transit Plan</td>
<td>Retain 10 year time horizon</td>
<td></td>
</tr>
<tr>
<td>Prepare and present best-case, likely-case and worst-case projection scenarios for consideration by the Board</td>
<td>Moody’s is contracted by VTA to provide a range of forecasts, including low, most likely and high trends. The range between low and high forecasts are designed to capture 80-85% of possible outcomes across the full range of economic variables</td>
<td>• Continue to use most likely scenario for establishing targets ○ Use Committee’s deficit reduction target ranges to account for fluctuations in deficit estimates over time • Present sensitivity analyses so Board can see impact of changing assumptions regarding key variables (e.g. sales tax growth, ridership)</td>
<td>• FY12 &amp; FY13 Biennial Budget Assumption Memo presented Board with “Pessimistic”, “Most Likely”, and “Optimistic” Sales Tax Growth Assumptions.</td>
</tr>
<tr>
<td>Use of cyclical vs. constant percentage growth rates</td>
<td>Either method produces similar results</td>
<td>VTA is using Trend Forecast 1 growth rates in its December 2010 updated projections, based on recent feedback from FTA</td>
<td>• Adhering to FTA direction to use Trend Forecast</td>
</tr>
<tr>
<td><strong>Using Capital Funds for Operating Costs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FTA 5307 and 5309 funds can be used flexibly for preventive maintenance</td>
<td>Agreed, within certain parameters these FTA funds can be used for capital or operating purposes. However: • FTA 5307/5309 funds are primarily intended for capital projects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic Area</td>
<td>Harvey Rose, LLC Recommendations and Key Comments</td>
<td>VTA Analysis</td>
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<tr>
<td>------------</td>
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<td></td>
<td>Use of 100% of these funds for operating costs has been acceptable to FTA and MTC only during fiscal emergencies But continued use of these funds for operating, to the neglect of capital needs, would not be permitted (see letter from MTC dated Oct. 21st, 2010)</td>
<td>18.45% of 2000 Measure A funds are already used for operating costs Increasing the amount used for operating costs would harm VTA’s ability to deliver the Measure A capital program</td>
<td>Maintain the Board’s current policy level funding of operations from Measure A in keeping with the Recovery Committee’s recommendation.</td>
</tr>
<tr>
<td></td>
<td>No limitations on use of 2000 Measure A funds for operating costs</td>
<td>ARRA funds used to replace 25% of bus fleet with hybrids Bus fleet represents only approx. 5% of VTA’s capital assets o ARRA funds only replaced approx. 1.25% of VTA assets</td>
<td>ARRA funds were helpful, but did not address all of VTA’s asset replacement needs</td>
</tr>
<tr>
<td>Receipt of ARRA Stimulus Funds has improved VTA’s state of good repair, and reduced need for capital funds</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Reserves & Internal Service Funds**

<table>
<thead>
<tr>
<th>Workers’ Compensation Reserve:</th>
<th>VTA agrees that the Workers’ Compensation reserve should be reviewed, and that there is potential to release funds from this reserve</th>
<th>Review Workers’ Compensation reserve confidence levels as part of biennial budget development process Consider Workers’ Compensation “funding holiday” as part of biennial budget Consider making a onetime payment into</th>
<th>Workers’ Compensation confidence level set at 60% based on historic claims experience. Surplus Funds used to establish OPEB Liability Reduction Fund.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Release $11.5 Million in Surplus Funds</td>
<td>Set confidence level at 50% instead of 90%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic Area</td>
<td>Harvey Rose, LLC Recommendations and Key Comments</td>
<td>VTA Analysis</td>
<td>Staff Recommendation</td>
</tr>
<tr>
<td>------------</td>
<td>-----------------------------------------------</td>
<td>--------------</td>
<td>----------------------</td>
</tr>
</tbody>
</table>
|            |                                               | VTA agrees that the General Liability reserve should be reviewed, and that there is potential to release funds from this reserve | • Review General Liability reserve confidence levels as part of biennial budget development process  
• Consider General Liability “funding holiday” as part of biennial budget  
• Consider making a onetime payment into OPEB/Pension Funds to reduce unfunded liabilities | • General Liability confidence level set at 60% based on historic claims experience.  
• Surplus Funds used to establish OPEB Liability Reduction Fund. |
| General Liability Reserve: | • Release $4.3 Million in Surplus Funds  
• Set confidence level at 50% instead of 90% | | | |
| Compensated Absence Reserve: | • VTA’s Compensated Absence reserve represents a prudent best practice  
• “Prevailing practice” results in increasing unfunded liabilities as well as operating expenses when payments are made to employees  
• Releasing funds from this reserve would: o Produce a onetime increase in operating reserve  
 o Result in an increase in operating expenses, adding to the deficit | Retain Compensated Reserve Fund  
Review appropriate funding level in Budget Development OR  
Negotiate a “use it or lose it” approach with bargaining units | • Surplus Funds used to establish OPEB Liability Reduction Fund. |
<table>
<thead>
<tr>
<th>Topic Area</th>
<th>Harvey Rose, LLC Recommendations and Key Comments</th>
<th>VTA Analysis</th>
<th>Staff Recommendation</th>
<th>Accomplishments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pensions</td>
<td>Avoid $750,000 in interest charges by prepaying annual pension contribution to CalPERS</td>
<td>● VTA agrees with $750,000 savings estimate if it is able to prepay ● Challenge is obtaining adequate cash balances early in the fiscal year to allow prepayment</td>
<td>Present potential prepayment options during Budget Development</td>
<td>● Prepaid ATU Pension and OPEB Trust annual contributions for FY12 and FY13</td>
</tr>
<tr>
<td></td>
<td>Two-tiered pension system produces limited annual cost savings, based on experience in seven other California counties with two tiered systems</td>
<td>Savings would depend upon design of second tier, and is not dictated by experience in other counties</td>
<td>Continue to evaluate two-tiered system as one means of controlling growth of employee expenses</td>
<td>● Completed for new employees hired after Jan. 1, 2013.</td>
</tr>
</tbody>
</table>
BOARD MEMORANDUM

TO: Santa Clara Valley Transportation Authority
   Board of Directors

THROUGH: General Manager, Michael T. Burns

FROM: Chief Operating Officer, Michael A. Hursh

SUBJECT: Transit Shelter Advertising Program - Report on Nutritional Information Requirement

FOR INFORMATION ONLY

BACKGROUND:

In 1994, through a competitive procurement, VTA entered into an agreement with Clear Channel Outdoor (CCO) to implement the Transit Shelter Advertising Program throughout Santa Clara County. Clear Channel is responsible for installing, maintaining, cleaning, and repairing bus shelters in exchange for the right to sell and post advertising on 75% of the 564 shelters. VTA receives an annual administrative fee (currently $75,000 and increased annually by the Consumer Price Index) and a share of the advertising revenue (currently about $200,000/year), half of which is shared with participating jurisdictions. The original agreement had a termination date of October 31, 2010.

Jurisdictions participate through an Implementation Agreement that defines VTA, Clear Channel and participant roles and responsibilities. Current participating jurisdictions are: Campbell, County of Santa Clara, Cupertino, Gilroy, Los Altos, Los Gatos, Milpitas, Morgan Hill, Mountain View, Palo Alto, San Jose, Santa Clara, and Sunnyvale.

In February 2010, VTA issued a Request for Proposals (RFP) to continue and expand the shelter advertising program. Primarily due to advertising market conditions, restricted credit availability for capital investment, and the overall economic climate, VTA only received two proposals and both were unacceptable to the review panel. VTA staff then opened discussions and negotiations with Clear Channel on a short-term agreement extension. In October 2010 the VTA Board of Directors approved a two-year extension with modifications of certain terms including reducing by 50% the available space for advertising content and removing about two-thirds of the trash containers. These changes were in response to the weak advertising sales market and increased cost of garbage disposal during the term of the original contract. CCO also agreed to fund, up to $15,000 annually, the production and installation of public service announcements for use by VTA and the cities.
At their September 6, 2012 meeting the VTA Board of Directors approved a negotiated agreement which extended the term of the Transit Shelter Advertising Program Agreement with CCO and Implementation Agreement for the Transit Shelter Advertising Program with the participating cities, county and Clear Channel Outdoor for three years through October 31, 2015 with two option years. In this contract amendment Clear Channel Outdoor also agreed to refurbish/repaint one-third of the shelters each year and install a new custom shelter at Terminal A of the Mineta San Jose International Airport starting in May 2013.

As part of its approval, the Board also directed staff to work with CCO to come up with a way to include nutritional information for food and beverage advertisements and report back to the Board in six months on the progress or lack thereof. This information item constitutes the six month report.

In order to provide complete background on this request, staff has attached the memorandum from Director Yeager explaining his request regarding nutritional information. Also attached is a powerpoint slide that was shown at the Board meeting which depicts CCO’s healthy eating campaigns and the minutes from September 6 Board meeting on this item. Finally, also attached is a January 22 letter from Clear Channel Outdoor outlining their position on this subject.

**DISCUSSION:**
VTA Staff and senior management of CCO’s Bay Area offices have had several discussions regarding the possibility of including the requested nutritional information on the shelter advertising. We discussed how this might be accomplished, the effectiveness of doing so, the impact on advertising revenues and other efforts being made by Clear Channel regarding healthy living initiatives.

Both VTA staff and CCO appreciate and understand that community health issues and healthy eating are of great importance to our community. CCO supports key issues in our community with particular emphasis on health and education. CCO, as experts in the outdoor advertising field, maintain its position that it is not practical, nor effective, to mandate food advertisers to provide nutritional information on each of its advertisements on bus shelters. CCO believes that if food and beverage nutritional information was required then advertising revenue would decrease while still falling short of accomplishing the goal of educating the public. Never the less, staff supports CCO’s position that nutritional information should not be required for the bus shelter advertising, for the reasons explained below.

**Successful Current Program**
The current arrangement with CCO is one that benefits VTA and the cities we serve greatly. CCO assume the cost for shelter procurement, installation and maintenance including trash removal, and pays VTA and the participating jurisdictions fees from the advertising proceeds. The firms interested in selling advertising and providing a revenue share now have limited interest or ability to fund the extensive capital expenditures necessary to construct a large number of shelters. Also, maintenance costs, particularly trash collection and disposal, have risen significantly over the years. The firms would rather focus their energy on advertising sales and have the transit agency be responsible for handling shelter construction and maintenance.
Simple and Direct Advertising
Outdoor advertising, especially bus shelter advertising, is best when simple and direct with very little wording. Bus shelter advertising is designed primarily to reach people in passing automobiles. People in passing automobiles will not see the detailed nutritional information as the physical dimensions will require the writing to be too small. Adding QRC codes or the advertiser’s website address to the ads was also discussed with the intent to link to the nutritional information. This could provide passengers at the shelter with a method to get the nutritional information but would not be relevant for the vehicle traffic. CCO indicated they would discuss this with potential advertisers but could not guarantee the advertisers agreement to include it.

National Advertising
Advertising copy is carefully considered and created on a national basis with the intent of the same image and information in multiple markets for consistent branding and message. If an advertiser is required to revise copy to meet this specific local policy, the advertiser would likely move their advertising dollars to another market or medium such as billboards, posters, radio, TV or the internet. None of these alternatives have the contemplated nutritional information requirement.
We also discussed the placement of stickers onto the advertisement by CCO or VTA if advertisers did not agree to provide the nutritional information. The logistics of this are numerous including finding accurate nutritional information and then creating, printing and posting stickers on shelters. The nutrition information would be different for every ad type. Again they would be too small for vehicular traffic. This approach would likely create backlash from the advertisers and they would move their advertising dollars to other media.

Impact on Small Businesses
Smaller food businesses and restaurants would be encumbered with providing detail that might not exist or require verification, an expense and procedure unlikely to be pursued when alternative advertising means without the liability or encumbrance are readily available.

Advertising Revenue
A significant share of the total advertising dollars for shelters in the bay area for CCO is in the prepared food category. This amounts to 10% to 15% of shelter advertising, a very significant share considering profit margins. Additionally, Lamar who handles advertising on VTA’s bus and light rail fleet indicate similar percentages of ad sales for food products. Advertisers evaluating the added requirements as less desirable would move advertising dollars elsewhere, significantly impacting advertising occupancy and consequently rates, and thereby total revenue, which VTA receives a share of under the terms of the agreement with CCO. These revenues are used to offset VTA operating expenses.

CCO Healthy Eating Campaign
Clear Channel Outdoor has public service goals of supporting health and education throughout the bay area. Last year CCO provided public service advertising on billboards and shelters throughout the local area that amounted to nearly $600,000 in getting the message out for Healthy Eating. Numerous VTA shelters were included in this campaign including messaging in both English and Spanish.
**Legal Analysis**

From a legal perspective, governmental requirements for food product advertisers to include nutritional information on their advertisements falls under the category of compelled commercial speech. This could raise First Amendment free speech challenges. However, the General Counsel’s office does believe such a challenge would not have significant merit. Specifically, the United States Supreme Court has affirmed regulations that compel the disclosure of factual information as long as the disclosure requirement is rationally related to a legitimate governmental interest. Furthermore, there does not appear to be much risk that a regulation requiring nutritional information on advertisements would be pre-empted by state or federal laws relating to menu disclosures.

However, there would be some practical legal obstacles were the VTA to decide to require the disclosure of nutritional information on its Transit Shelters. First, there is no way under the current contractual arrangement to impose this requirement on CCO. Rather CCO would have to mutually agree to this change. Furthermore, even were CCO to agree to a nutritional disclosure requirement, each City or local jurisdiction that participates in the advertising program would likely need to approve the amendment (and share in lower revenues if any) in order for the requirement to be enforceable.

**Summary**

Overall, CCO with staff concurrence believes that requiring nutritional information on food and beverage advertisements should not be pursued based on the above discussion. CCO and VTA remain committed to continue their public service campaign efforts regarding Healthy Eating. Staff recommends that this issue be reconsidered when this contract is re-procured in the future.

**STANDING COMMITTEE DISCUSSION/RECOMMENDATION:**

The Transit Planning and Operations Committee reviewed this item at its February 21, 2013, meeting. The Committee unanimously recommended the item to be placed on the Consent Agenda for the March 7, 2013, VTA Board of Directors’ meeting.

 Prepared By: Jim Unites  
 Memo No. 3786
MEMORANDUM

To: Santa Clara Valley Transportation Authority
    Transit Planning and Operations Committee

From: Ken Yeager, Chair

Date: August 16, 2012

Re: Include a requirement in the Transit Shelter Advertising Program agreement with Clear Channel Outdoor (Item 6) that advertisements picturing food and beverage products also include nutrition information for the items advertised.

RECOMMENDATION:
As VTA looks at amending the Transit Shelter Advertising Program Agreement with Clear Channel Outdoor, I request that Staff work to include a requirement to post nutrition information for any food and beverage products offered for sale by the advertiser that are pictured in advertisements displayed as part of this agreement.

DISCUSSION:
Almost one in four children and over half of adults in Santa Clara County are overweight or obese. Obesity contributes to chronic diseases such as high blood pressure, heart disease, and Type 2 diabetes.

Eating out provides one-third of the calories in American’s diets. Multiple studies have linked eating out with obesity. Without clear, easy-to-use nutrition information, it is difficult to make informed and healthy choices. The federal government will soon require nutrition information at chain restaurants at the point of sale.

According to the Yale Rudd Center, the fast food industry spent more than $4.2 billion in 2009 on TV advertising, radio, magazines, outdoor advertising, and other media. Though fast food is not harmful when consumed in moderation, it is difficult to know what moderation means without nutrition information. As a responsible advertiser, VTA should assure that its ads are accompanied by information necessary for the public.

When VTA ad space is used to advertise specific food or beverage products, the ad should be accompanied by the total number of calories, total number of grams of saturated fat, total number of milligrams of sodium and total number of grams of sugar in the advertised food and or beverage product displayed. There should also be a statement in line with federal Recommended Daily Intake (RDI) guidelines that could read: "Recommended limits for a 2,000 calorie daily diet are 20 grams of saturated fat and 2,300 milligrams of sodium."
8. REGULAR AGENDA

Congestion Management Program and Planning Committee

8.1. I-280/I-880/Stevens Creek Boulevard Interchange Improvements
Mark Robinson, Chief Engineering and Construction Officer provided a brief overview of the staff report.

Board Members Kniss and Matthews thanked Chairperson Yeager for his work in support of the project.

M/S/C (Yeager/Kniss) to authorize the General Manager to execute a contract with DeSilva Gates Construction, the lowest responsive and responsible bidder, in the amount of $33,582,063, for construction of the I-280/I-880/Stevens Creek Boulevard Interchange Improvements.

8.2. OBAG Structure and Formula
John Ristow, Chief CMA Officer, provided a brief overview of the staff report and addressed Member Kniss' question regarding prerequisites for cities.

M/S/C (McHugh/Price) to approve the Santa Clara One Bay Area Grant (OBAG) Guarantee Program Distribution Structure and Formula.

Transit Planning and Operations Committee

8.3. Transit Shelter Advertising Program Agreement
Mr. Unites provided a brief overview of the staff report.

Chairperson Yeager recommended a motion directing staff to work with Clear Channel Outdoor to see what options might be available to include nutritional information on advertisements for food and beverages.

Robert Schmitt, Clear Channel Outdoor, expressed concern with the impact on revenue and provided information on Clear Channel’s work and to support a number of causes including promoting healthy eating habits.

Public Comment
Michael Ludwig, Interested Citizen, expressed concern with the design of the current shelters and requested something be put in the contract to convert shelters to non-breakable glass.

Board Member Matthews expressed concern with the motion noting the various languages needed on the ads to reach our diverse communities and the creation of policies in and around content that make it difficult to get participation from advertisers.
M/S/F (Yeager/Kniss) on a vote of 5 ayes to 3 noes to 0 abstentions to approve the contract extension and direct the General Manager to work with Clear Channel Outdoor over the next six months to come up with a way to include nutrition information for food and beverages advertised as part of the Transit Shelter Advertising Program Agreement, and report back to the Board in six months on the progress or lack thereof. If the inclusion of nutritional information is not achieved, the Board will consider other options, including the elimination of advertising of food and beverages altogether. Board Members Matthews, McHugh, and Woodward opposed.

Mr. Burns provided clarification noting there is no change to the existing conditions of the contract, but staff would explore options with Clear Channel to try and meet Chairperson Yeager’s objective.

Member Matthews noted his opposition to language in the last sentence with elimination of advertising food and beverages altogether.

Chairperson Yeager recommended a motion and removed the last sentence from the recommendation.

Member Woodward indicated opposition to the motion noting overreaching government.

Mr. Schmidt indicated Clear Channel will not be able to make necessary capital improvements until the three year contract term has been approved.

M/S/C (Yeager/Matthews) on a vote of 7 ayes 1 no and 0 abstentions to approve the contract extension and direct the General Manager to work with Clear Channel Outdoor over the next six months to come up with a way to include nutrition information for food and beverages advertised as part of the Transit Shelter Advertising Program Agreement, and report back to the Board in six months on the progress or lack thereof. Board Member Woodward opposed.

9. OTHER ITEMS

9.1. ITEMS OF CONCERN AND REFERRAL TO ADMINISTRATION

There were no Items of Concern and Referral to Administration.

NOTE: M/S/F MEANS MOTION SECONDED AND FAILED.
January 22, 2013

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY

c/o Mr. Jim Unites

Subject: Mandated Listing of Nutritional Information in Shelter Food Advertisements

It is appreciated and understood that community health issues and healthy eating specifically are of great importance to our community. Clear Channel as a policy supports key issues in our community with particular emphasis on health and education. Significantly, note in 2012, as just one facet of our public service campaigns, in the bay area CCO provided public service advertising emphasizing the importance of Healthy Eating with a campaign that included many SC VTA shelters and multiple other outdoor locations. We think this clear message and the multiple means we used to support it can have a positive effect in the community on eating habits and we feel positively about our part in that well designed creative program.

Despite our recognition that healthy eating is an important part of overall health issues in our community, as experts in this field, it is not practical, nor effective, to mandate food advertisers to provide nutritional information on each of its advertisements on bus shelters for the reasons identified in the following discussion. If this policy were to be enacted the act of attempting to force advertisers to provide detailed nutritional information will have unintended negative consequences for advertising revenue while still not accomplishing the goal of educating the public.

Please consider the following:

- Outdoor Advertising, and especially bus shelter advertising, is best when simple and direct with very little wording. Bus shelter advertising is designed to reach riders, but primarily to reach people in passing automobiles. People in passing automobiles will not see the detailed nutritional information as the physical dimensions will require the writing to be too small. No effective message could or would be conveyed to the target market.
- Advertising copy is carefully considered and created with the intent of the same image and information in multiple markets for consistent branding and message. If an advertiser is required to revise copy to meet this specific local policy, there is no doubt the advertiser will simply move their advertising dollars to another market or medium such as billboards, posters, radio, TV or the internet. None of these alternatives have the contemplated policy.
- A significant share of our Branch total advertising dollars for shelters is in the prepared food category. This amounts to 10% to 15% of shelter advertising, a very significant share of our totals. Advertisers evaluating the added requirements as less desirable than alternatives would move advertising dollars elsewhere, significantly impacting advertising occupancy, and consequently rate, and thereby total revenue. This would have a very significant adverse economic effect.
- Clear Channel Outdoor has public service goals of supporting Health and Education throughout the bay area. To reiterate, last year CCO provided advertising on billboards and shelters throughout the area that amounted to nearly $600,000 in getting the message out for Healthy Eating. If this policy were to be enacted smaller food businesses and restaurants would be encumbered with providing detail that might require testing for verification, an expense and procedure unlikely to be pursued when alternative advertising methodologies without the liability or encumbrance are readily available.

We very much appreciate our strong relationship with Santa Clara Valley Transportation Authority. We understand the importance of these issues but do not see that a policy of this type would be effective and in fact, would have significant adverse impacts not contemplated by the policy.

Sincerely,

Bruce Qualls
VP Real Estate and Government Affairs

555 12th Street, Ste 950
Oakland, CA 94607

D 510.446.7215
M 925.890.0559
clearchanneloutdoor.com
Agenda Item #8.3

English healthy eating campaigns

Spanish healthy eating campaigns
ADMINISTRATION & FINANCE COMMITTEE
Thursday, February 21, 2013

MINUTES

CALL TO ORDER
The Regular Meeting of the Administration and Finance Committee (A&F) was called to order at 12:12 p.m. by Chairperson Kalra in Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL

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<thead>
<tr>
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<tbody>
<tr>
<td>David Cortese</td>
<td>Board Member</td>
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<tr>
<td>Jose Esteves</td>
<td>Board Member</td>
<td>Present</td>
</tr>
<tr>
<td>Ash Kalra</td>
<td>Chairperson</td>
<td>Present</td>
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<tr>
<td>Perry Woodward</td>
<td>Board Member</td>
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<tr>
<td>Larry Carr</td>
<td>Alternate Board Member</td>
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<td>Johnny Khamis</td>
<td>Alternate Board Member</td>
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<tr>
<td>George Shirakawa</td>
<td>Alternate Board Member</td>
<td>NA</td>
</tr>
<tr>
<td>David Whittum</td>
<td>Alternate Board Member</td>
<td>NA</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS
There were no Public Presentations.

3. ORDERS OF THE DAY
There were no Orders of the Day.

CONSENT AGENDA

4. Regular Meeting Minutes of January 24, 2013
M/S/C (Esteves/Cortese) to approve the Regular Meeting Minutes of January 24, 2013.

5. Monthly Legislative History Matrix
M/S/C (Esteves/Cortese) to review the Monthly Legislative History Matrix.

M/S/C (Esteves/Cortese) to receive the Monthly Investment Report for December 2012.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
7. **Quarterly Purchasing Report for October 1 through December 31, 2012**

   M/S/C (Esteves/Cortese) to approve submitting a recommendation to the Board of Directors to review the Quarterly Purchasing Report for October 1 through December 31, 2012.

8. **Second Quarter FY 2013 Quarterly Report of Public Liability/Property Damage Claims Activity**

   M/S/C (Esteves/Cortese) to receive the Second Quarter FY 2013 Quarterly Report of Public Liability/Property Damage Claims Activity.

9. **Second Quarter Report of Workers’ Compensation Claims and the Transitional Work Program**

   M/S/C (Esteves/Cortese) to receive the Second Quarter Report of Workers’ Compensation Claims and the Transitional Work Program.

10. **2012 Year End Attendance Report**

    M/S/C (Esteves/Cortese) to review the 2012 Year End Attendance Report for the VTA Board of Directors, Ad-Hoc Committees, Board Standing Committees, and Board Advisory Committees.

11. **Bicycle and Pedestrian Advisory Committee (BPAC) Appointments**

    M/S/C (Esteves/Cortese) to approve submitting a recommendation to the Board of Directors to ratify the appointments to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014 of: (1) Kristal Caidoy, representing the City of Milpitas; (2) Suzanne Sperry, representing the City of Morgan Hill; and (3) Rick Waltonsmith, representing the City of Saratoga.

12. **Amendments to the bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee establishing a Mission Statement for each Committee**

    M/S/C (Esteves/Cortese) to approve submitting a recommendation to the Board of Directors to adopt a resolution amending the bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee, as indicated, to establish a mission statement for each committee, as recommended by the Advisory Committee Enhancement (ACE) process.

    Joe Smith, Chief Financial Officer and Staff Liaison, introduced Victor A. Pappalardo, Senior Assistant Counsel, to the A&F Committee. Mr. Pappalardo stated that he would be participating at the Standing Committee meetings while Robert Fabela, General Counsel, was out of the office.

**REGULAR AGENDA**

13. **Elect Standing Committee Vice Chairperson for 2013**

    Chairperson Kalra opened the nominations from the floor for the position of Administration and Finance Committee Vice Chairperson for 2013.

    Board Member Esteves nominated Board Member Cortese for the position of Administration and Finance Committee Vice Chairperson for 2013.
Member Cortese noted a schedule conflict with the starting time of VTA’s Administration and Finance (A&F) Committee and requested a time change.

Chairperson Kalra requested staff poll the A&F Committee Members to determine if the time change from 12:00 p.m. to 12:30 p.m. would be acceptable.

M/S/C (Esteves/Kalra) to close the nominations and elect Member Cortese as Administration and Finance (A&F) Committee Vice Chairperson for 2013, on a white ballot.


Carol Lawson, Fiscal Resources Manager, provided a brief overview of the staff report.

Vice Chairperson Cortese suggested that staff update all VTA Board Members including the Alternate Board Members to ensure they are aware of the labor negotiations background.

M/S/C (Cortese/Esteves) to approve submitting a recommendation to the Board of Directors to review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2012.

15. Low Income Discount Fare Analysis

Jim Lawson, Executive Policy Advisor, stated that several Board Members were asked to establish a transportation program to assist low income individuals in the community; therefore, staff hired CH2M Hill Consulting firm to conduct an analysis report.

Mr. Lawson provided an overview of the presentation entitled, “Low Income Fare Pilot Program,” highlighting: 1) Background; 2) CH2M Hill Report – October 2012; 3) CH2M Hill Report Options; 4) Metropolitan Transportation Commission Involvement; 5) Stakeholder Meeting – January 3, 2013; 6) Stakeholder Meeting Results; 7) Advisory Committee Comments; and 8) Next Steps.

Mr. Lawson commented on the Metropolitan Transportation Commission (MTC) authorization to provide funding for Transit Performance Initiative (TPI) Grants; therefore, VTA applied and awarded grant funding in the amount of $1.3 million for the low income fare pilot program. VTA’s low income fare pilot program will last 2 years; eligible participants would be charged $25 per month for the transportation pass; VTA will issue 1,000 monthly passes; utilize the Clipper Card; and the pilot project total is projected at $1,470,708 with a local share of 11.47 percent or $168,690 for the costs.

Mr. Lawson continued Board Member Sam Liccardo arranged a meeting with County Social Services, County Employment Benefits, People Acting in Community Together (PACT), Urban Habitat, and VTA to discuss the issues and challenges associated with administering the low income fare program. The results of the stakeholder meeting were extremely positive with the decision to target the Emergency Assistance Network (EAN) in Santa Clara County, consortium of religious and private organizations. The EAN is eager to take control of the pilot project and have agreed upon a project methodology and usage of the clipper card.

Mr. Lawson stated that the next steps include definition of the roles and responsibilities of the pilot project then review the project with the PACT. The Low Income Discount Fare Analysis presentation is scheduled on the February 21, 2013 Transit Planning and
Operations (TP&O) Committee then forwarded for consideration to the March 7, 2013, VTA’s Board of Directors Regular Meeting. Staff anticipates the Low Income Discount Fare Pilot Project implementation in July 2013.

Vice Chairperson Cortese noted his disappointment on the following: 1) he was not informed of the stakeholder meeting; and 2) VTA staff’s response on his “unused ECO Pass referral” was delayed. He continued that the County was interested in carrying the administrative costs of the “Unused” ECO Passes, which would have been an opportunity for VTA to receive funding on the ECO Pass contract as well as increase ridership. Vice Chairperson Cortese noted the importance for the A&F Committee to receive updates on the Low Income Discount Fare as well as the Transit Planning and Operations (TP&O) Committee.

Mr. Lawson apologized for the delay in the referral response, noting that the ECO Pass Program is still being worked on and added that staff is looking forward to working with everyone to address the issues and concerns.

Discussion ensued between the Board Members regarding the low income fare program options.

Board Member Esteves queried about the relationship between the reduction in fares and the farebox recovery. He noted the importance to define the program goals and review all the options available.

Michael T. Burns, General Manager, noted VTA will be utilizing regional funds to implement the low income fare program.

Chairperson Kalra commented on the opportunity to conduct the pilot program to assist and provide mobility access to the low income community as well as explore all viable options for the program. He noted the importance to invite all stakeholders to attend future meetings in order to have the opportunity to provide input.

On order of Chairperson Kalra and there being no objection, the Committee received an update on the Low Income Discount Fare Analysis.


Mr. Lawson provided a brief overview of the staff report.

On order of Chairperson Kalra and there being no objection, the Committee received the Ad Hoc Financial Recovery Committee update.

17. Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG)

Scott Haywood, Policy and Community Relations Manager, provided a brief verbal report, noting the One Bay Area Grant (OBAG) Program is a new regional program that establishes the policies over the transportation funding over a four year cycle while the Habitat Conservation Plan (HCP) is a regional partnership with six organizations, which provides a framework promoting the protection and recovery of natural resources including endangered species as well as streamline the permits for planned development and maintenance within the jurisdiction.

Mr. Haywood stated that at the December 13, 2012, VTA Board of Directors Regular Meeting, the Board directed staff to review both programs to determine if there was a connection between the two programs and study the impacts associated with requiring
cities to be a party of the HCP or its equivalent in order to be eligible to receive OBAG funding.

Mr. Haywood stated that staff is currently reviewing the information, noting that the report will be presented at the March 14, 2013 Policy Advisory Committee and April 4, 2013 VTA Board of Directors Regular Meeting.

**On order of Chairperson Kalra** and there being no objection, the Committee received an update on the Potential Connection between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG).

**OTHER ITEMS**

**18. Items of Concern and Referral to Administration**

There were no Items of Concern and Referral to Administration.

**19. Committee Work Plan**

Mr. Smith stated that the Substitution of Liquidity – 2008 Measure A Bonds is scheduled for the April 18, 2013 A&F Committee Meeting.

**On order of Chairperson Kalra** and there being no objection, the Committee reviewed the Committee Work Plan.

**20. Committee Staff Report**

Mr. Smith distributed the Committee Staff Report, noting the lowering of Dell Inc. Commercial Paper Short Term Rating from Prime-1 to Prime-2 based on Moody’s Investors Service, bond credit rating agency. Staff has recommended holding the security until maturity on March 13, 2013 or until security could be sold that would not result in a realized loss.

**21. Chairperson’s Report**

There was no Chairperson’ Report.

**22. Determine Consent Agenda for the March 7, 2013 Board of Directors Meeting**

**CONSENT: Agenda Item # 7.** Review the Quarterly Purchasing Report for October 1 through December 31, 2012;

**Agenda Item # 11.** Ratify the appointments to the Bicycle & Pedestrian Advisory Committee for the two-year term ending June 30, 2014 of: (1) Kristal Caidoy, representing the City of Milpitas; (2) Suzanne Sperry, representing the City of Morgan Hill; and (3) Rick Waltonsmith, representing the City of Saratoga;

**Agenda Item # 12.** Adopt a resolution amending the bylaws for the Citizens Advisory Committee, Committee for Transit Accessibility, and Technical Advisory Committee, as indicated, to establish a mission statement for each committee, as recommended by the Advisory Committee Enhancement (ACE) process;

**Agenda Item # 14.** Review and accept the Fiscal Year 2013 Quarterly Statement of Revenues and Expenses for the period ending December 31, 2012;

**Agenda Item # 17.** Received an update on the Potential Connection between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG).
23. **Announcements**

There were no Announcements.

24. **ADJOURNMENT**

On order of Chairperson Kalra and there being no objection, the Committee meeting was adjourned at 1:20 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CONGESTION MANAGEMENT PROGRAM & PLANNING COMMITTEE
Thursday, February 21, 2013
10:00 AM
MINUTES

CALL TO ORDER

The Regular Meeting of the Congestion Management Program & Planning Committee (CMPP) was called to order at 10:05 a.m. by Vice Chairperson Campos in Conference Room B-104, VTA’s River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tbody>
<tr>
<td>Xavier Campos</td>
<td>Vice Chairperson</td>
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<tr>
<td>Jamie Matthews</td>
<td>Chairperson</td>
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<tr>
<td>Joe Pirzynski</td>
<td>Member</td>
<td>Present</td>
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<td>Ken Yeager</td>
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<td>Evan Low</td>
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<td>George Shirakawa</td>
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</tr>
<tr>
<td>David Whittum</td>
<td>Alternate Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

* Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.

2. ORDERS OF THE DAY

There were no Orders of the Day.

CONSENT AGENDA

4. Regular Meeting Minutes of January 24, 2013

M/S/C (Pirzynski/Whittum) to approve the Regular Meeting Minutes of January 24, 2013.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
5. Proactive CMP Quarterly Report for October – December 2012

M/S/C (Pirzynski/Whittum) to receive the Proactive CMP Quarterly Report for October through December 2012.

REGULAR AGENDA

6. Contract with HMH Engineers for Combined Landscaping & Maintenance Project Engineering Design Services

Casey Emoto, Deputy Director, Project Development, provided the staff report.

Member Pirzynski discussed the importance of maintaining local freeways, including the landscape and litter removal. Mr. Emoto noted plants and limited litter control will be maintained by HMH Engineers for the first three years and then becomes the responsibility of the California Department of Transportation (Caltrans).

Michael T. Burns, General Manager, noted that Bijan Sartipi, Director, Caltrans District 4, would be attending the March 7, 2013, VTA Board of Directors meeting. He stated that would be a good opportunity to raise the maintenance issue.

M/S/C (Pirzynski/Whittum) to approve submitting a recommendation to the Board of Directors to authorize the General Manager to negotiate and execute a time and materials contract with HMH Engineers with an amount not to exceed $400,000 for a term of three years to perform Engineering Design Services, including construction support and close-out activities; and further authorize the General Manager to negotiate and execute the necessary design and construction agreements with Caltrans for implementation of the Combined Landscaping and Maintenance Project.

The Agenda was taken out of order.

8. Adopt Revised Bicycle Expenditure Program Policies

Ying Smith, Transportation Planning Manager, provided the staff report.

Ms. Smith reported: 1) Staff recommended dividing projects into two categories, with Category 1 projects receiving priority status due to a higher number of assigned points; 2) Staff has been working with VTA’s Bicycle Pedestrian Advisory Committee (BPAC), the cities and the County; and 3) All committees approved staff’s recommendation.

M/S/C (Whittum/Pirzynski) to approve submitting a recommendation to the Board of Directors to adopt the Bicycle Expenditure Program (BEP) policies.

7. Bicycle Expenditure Program (BEP) Evaluation Criteria for VTP 2040

A revised Attachment B handout was provided.

Member Whittum praised staff for the revised attachment.

M/S/C (Pirzynski/Whittum) to approve submitting a recommendation to the Board of Directors to adopt the revised Bicycle Expenditure Program (BEP) Evaluation Criteria.
9. **Update on Potential Connection Between the Habitat Conservation Plan (HCP) and the One-Bay Area Grant (OBAG)**

Scott Haywood, Policy and Community Relations Manager, provided the staff report.

Mr. Haywood stated staff is currently investigating this matter and will be reporting back to the CMPP at its March 21, 2013, meeting.

Member Whittum noted this item has initiated community interest and discussion. He stated his belief that there is no connection between HCP and OBAG and that an attempt to tie the HCP to OBAG funding would be a mistake.

**On order of Vice Chairperson Campos** and there being no objection, the CMPP received an update on the Potential Connection Between the Habitat Conservation Plan and the One Bay Area Grant.

10. **Agreement with Alameda County Transportation Commission (Alameda CTC) for Travel Demand Modeling Services**

George Naylor, Transportation Planning Manager, provided the staff report.

Member Pirzynski noted that having other transportation agencies acknowledge the high-skill level of VTA staff members, and seek their guidance, was very positive.

**On order of Vice Chairperson Campos** and there being no objection, the CMPP received a report on the agreement with Alameda County Transportation Commission for providing travel demand forecasting services.

**OTHER ITEMS**

11. **Items of Concern and Referral to Administration**

There were no Items of Concern and Referral to Administration.

12. **Committee Work Plan**

The Committee Work Plan was reviewed as contained in the Agenda Packet.

13. **Committee Staff Report**

John Ristow, Chief Congestion Management Agency Officer and Staff Liaison, distributed the Committee Staff Report and highlighted the following: 1)

Member Whittum referenced his attendance at the December 14, 2012, meeting of the El Camino Real Rapid Transit Policy Advisory Board. He noted: 1) The cities along the El Camino Corridor have a common issue with transportation congestion; 2) Although some of the elements are attractive, the cities along the corridor do not want dedicated lanes; and 3) In Sunnyvale, the number one rated project is bike lanes.

Vice Chairperson Campos noted the importance of building a better transportation system, now.
On order of Vice Chairperson Campos and there being no objection, the CMPP received the Committee Staff Report.

14. Chairperson's Report

There was no Chairperson’s Report.

15. Consent Agenda for the March 7, 2013, Board of Directors Meeting

CONSENT:

Agenda Item #5. Receive the Proactive CMP Quarterly Report for October through December 2012.

Agenda Item #6. Authorize the General Manager to negotiate and execute a time and materials contract with HMH Engineers with an amount not to exceed $400,000 for a term of three years to perform Engineering Design Services, including construction support and close-out activities; and further authorize the General Manager to negotiate and execute the necessary design and construction agreements with Caltrans for implementation of the Combined Landscaping and Maintenance Project.

Agenda Item #7. Adopt the revised Bicycle Expenditure Program (BEP) Evaluation Criteria.

Agenda Item #8. Adopt the Bicycle Expenditure Program (BEP) policies.

Agenda Item #10. Receive a report on the agreement with Alameda County Transportation Commission for providing travel demand forecasting services.

REGULAR: None

16. ANNOUNCEMENTS

There were no announcements.

17. ADJOURNMENT

On order of Vice Chairperson Campos and there being no objection, the meeting was adjourned at 11:04 a.m.

Respectfully submitted,

Susan E. Garcia, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER
The Regular Meeting of the Transit Planning and Operations (TP&O) Committee was called to order at 4:08 p.m. by Chairperson Liccardo in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tr>
<td>Margaret Abe-Koga</td>
<td>Vice Chairperson</td>
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<tr>
<td>Rose Herrera</td>
<td>Member</td>
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<tr>
<td>Sam Liccardo</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Donald Rocha</td>
<td>Member</td>
<td>Present</td>
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<tr>
<td>Johnny Khamis</td>
<td>Alternate Member</td>
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</tr>
<tr>
<td>Gail A. Price</td>
<td>Alternate Member</td>
<td>Present</td>
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</tbody>
</table>

*Alternates do not serve unless participating as a Member.

A quorum was present.

2. PUBLIC PRESENTATIONS
There were no Public Presentations.

3. ORDERS OF THE DAY
There were no Orders of the Day.

CONSENT AGENDA

4. Regular Meeting Minutes of January 24, 2013
M/S/C (Rocha/Khamis) to approve the TP&O Regular Meeting Minutes of January 24, 2013.

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

5. **FY12-13 California Transit Security Grant Program – California Transit Assistance Fund (CTSGP-CTAF)**

   Mike Tasosa, Senior Transportation Planner, provided an overview of the staff report.

   **M/S/C (Rocha/Price)** to approve submitting a recommendation to the Board of Directors to adopt a resolution authorizing the General Manager or the Chief Operating Officer or the Chief Congestion Management Agency Officer or the General Counsel to file and execute grant applications and agreements with the State of California for California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF) funds.

6. **Joint Powers Agreement for Reconstruction of Montague Expressway in the Vicinity of the Milpitas BART Station**

   Carolyn Gonot, Chief SVRT Program Officer, provided an overview of the staff report.

   Member Rocha requested that staff include aerial maps of the project.

   **M/S/C (Price/Rocha)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to enter into a Joint Powers Agreement with the County of Santa Clara (County) and the Santa Clara Valley Water District (SCVWD) regarding the reconstruction of a segment of Montague Expressway near the intersection of South Milpitas Blvd., in conjunction with Silicon Valley Berryessa Extension (SVBX) project construction.

7. **Santa Clara/Alum Rock Bus Rapid Transit Project – Cooperative Agreements for Cost Sharing Between the City of San Jose and the Santa Clara Valley Transportation Authority**

   Mark Robinson, Chief Engineering and Construction Officer, provided an overview of the staff report.

   **M/S/C (Khamis/Rocha)** to approve submitting a recommendation to the Board of Directors to authorize the General Manager to execute Cooperative Agreements with the City of San Jose that will have the City pay VTA to construct sanitary sewer replacement and pavement improvements along Alum Rock Avenue in the amount of $3,500,000 as part of the Santa Clara/Alum Rock Bus Rapid Transit Project.

8. **Ad Hoc Financial Recovery Committee Update**

   Jim Lawson, Executive Policy Advisor, provided an overview of the staff report.

   Alternate Member Khamis requested information on VTA’s pension tiers.

   **On order of Chairperson Liccardo** and there being no objection, the Committee received the Ad Hoc Financial Recovery Committee update.
9. **Low Income Discount Fare Analysis**

Mr. Lawson provided an overview of the presentation entitled, Low Income Fare Pilot Project, highlighting: 1) Background; 2) October 2012, CH2M Hill Report; 3) CH2M Hill Report Options, noting the Discounted Day Pass Tokens and Expansion of the UPLIFT program were the two alternatives recommended; 4) Metropolitan Transportation Commission (MTC) Involvement; 5) General Description of Low Income Fare Pilot Project; 6) January 3, 2013, Stakeholder meeting and results of meeting; 7) VTA Advisory Committee Comments; and 8) Next Steps.

Member Rocha and Alternate Member Khamis requested that staff forward the Low Income Discount Fare Analysis conducted by CH2M Hill and the costs associated with conducting the analysis to the Committee.

On order of Chairperson Liccardo and there being no objection, the Committee received an update on the Low Income Discount Fare Analysis.


Jim Unites, Deputy Director Operations, provided an overview of the staff report.

On order of Chairperson Liccardo and there being no objection, the Committee received a report on the Nutritional Information Requirement for the Transit Shelter Advertising Program.

11. **Transit Performance Reports:**

A. **Transit Operations Performance Report – Q2 FY 2013**

Joonie Tolosa, Manager, Operations Analysis Reporting & Systems, provided an overview of the staff report.

On order of Chairperson Liccardo and there being no objection, the Committee received the FY 2013 Second Quarter Transit Operations Performance Report.

B. **Report on the January 2013 Monthly Ridership and Fare Revenue Performance**

Mr. Tolosa provided a brief overview of the chart containing information on the ridership and revenue performance for January 2013.

On order of Chairperson Liccardo and there being no objection, the Committee received a report on the January 2013 Monthly Ridership and Fare Revenue Performance.

**OTHER ITEMS**

12. **Items of Concern and Referral to Administration**

Member Rocha referred to the recent controversy involving Bloom Energy Corporation and requested staff to provide a status update regarding the VTA Power Purchase Agreement with Bloom Energy Corporation.
13. **Review Committee Work Plan**

On order of Chairperson Liccardo and there being no objection, the Committee reviewed the Committee Work Plan.

14. **Committee Staff Report**

Michael Hursh, Chief Operating Officer and Staff Liaison, provided a written report, highlighting the following: 1) VTA hosted a wedding on its Historic Trolley on February 14, 2013, Valentine’s Day, noting the lucky couple chosen to renew their vows after 60 years of marriage; and 2) Successful relocation of VTA’s Downtown Customer Service Center to 55-A W. Santa Clara Street, noting the Center was opened for business.

On order of Chairperson Liccardo and there being no objection, the Committee received the Committee Staff Report.

15. **Chairperson’s Report**

There was no Chairperson’s Report.

16. **Determine Consent Agenda for the March 7, 2013 Board of Directors Meeting**

**CONSENT:**

- **Agenda Item #6.** Authorize the General Manager to enter into a Joint Powers Agreement with the County of Santa Clara (County) and the Santa Clara Valley Water District (SCVWD) regarding the reconstruction of a segment of Montague Expressway near the intersection of South Milpitas Blvd., in conjunction with Silicon Valley Berryessa Extension (SVBX) project construction.

- **Agenda Item #7.** Authorize the General Manager to execute Cooperative Agreements with the City of San Jose that will have the City pay VTA to construct sanitary sewer replacement and pavement improvements along Alum Rock Avenue in the amount of $3,500,000 as part of the Santa Clara/Alum Rock Bus Rapid Transit Project.

- **Agenda Item #8.** Receive the Ad Hoc Financial Recovery Committee update.

- **Agenda Item #10.** Receive a report on the Nutritional Information Requirement for the Transit Shelter Advertising Program.

**REGULAR:**

- **Agenda Item #5.** Adopt a resolution authorizing the General Manager or the Chief Operating Officer or the Chief Congestion Management Agency Officer or the General Counsel to file and execute grant applications and agreements with the State of California for California Transit Security Grant Program - California Transit Assistance Fund (CTSGP-CTAF) funds.

17. **ANNOUNCEMENTS**

There were no Announcements.
18. **ADJOURNMENT**

On order of Chairperson Liccardo and there being no objection the meeting was adjourned at 5:25 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Bicycle and Pedestrian Advisory Committee (BPAC) was called to order at 6:37 p.m. by Chairperson Goldstein in Conference Room B-104, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Title</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jeffrey Balfus</td>
<td>City of Monte Sereno</td>
<td>Absent</td>
</tr>
<tr>
<td>Jim Bell</td>
<td>City of San José</td>
<td>Absent</td>
</tr>
<tr>
<td>Wes Brinsfield, Vice Chair</td>
<td>City of Los Altos</td>
<td>Present</td>
</tr>
<tr>
<td>Christie Cooley</td>
<td>City of Saratoga</td>
<td>Absent</td>
</tr>
<tr>
<td>Alain Dang</td>
<td>County of Santa Clara</td>
<td>Present</td>
</tr>
<tr>
<td>Paul Goldstein, Chairperson</td>
<td>City of Palo Alto</td>
<td>Present</td>
</tr>
<tr>
<td>Melanie Hanssen</td>
<td>Town of Los Gatos</td>
<td>Present</td>
</tr>
<tr>
<td>Breene Kerr</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Thomas Muniz</td>
<td>City of Gilroy</td>
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<tr>
<td>Marc Roddin</td>
<td>City of Mountain View</td>
<td>Present</td>
</tr>
<tr>
<td>Dale Schouten</td>
<td>City of Santa Clara</td>
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</tr>
<tr>
<td>David Simons</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>City of Campbell</td>
<td>Present</td>
</tr>
<tr>
<td>James Wiant</td>
<td>City of Cupertino</td>
<td>Present</td>
</tr>
<tr>
<td>Corinne Winter</td>
<td>Ex-Officio, SVBC</td>
<td>Absent</td>
</tr>
<tr>
<td>Colin Heyne</td>
<td>Alternate Ex-Officio, SVBC</td>
<td>Present</td>
</tr>
<tr>
<td>Vacant</td>
<td>City of Morgan Hill</td>
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</tr>
<tr>
<td>Vacant</td>
<td>City of Milpitas</td>
<td>Absent</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

Chairperson Goldstein moved Agenda Item #10, Receive the Proactive CMP Quarterly Report for October through December 2012; Agenda Item #9, Conduct voting to determine the Committee’s Vice Chairperson for 2013; before and Agenda Item #8, Recommend that the Board of Directors adopt the revised Bicycle Expenditure Plan Evaluation Criteria

M/S/C (Simons/Wadler) to approve the Orders of the Day.
3. **PUBLIC PRESENTATIONS**

   Omar Chatty, Interested Citizen, discussed extending BART around the peninsula with bike ways.

4. **Committee Staff Report**

   Michelle DeRobertis, Senior Transportation Planner, discussed the regional bike share program.

   **BART Silicon Valley Berryessa Extension (SVBX) Update**

   Oxo Slayer, Transportation Planner, and Brent Pearce, Community Outreach, provided an overview of the BART-SVBX project highlighting construction activities and public outreach updates.

   **Capital Program Update**

   There was no Capital Program Update.

5. **Chairperson's Report**

   Chairperson Goldstein noted Palo Alto City Council proposed projects.

   **The Agenda was taken out of order.**

**CONSENT AGENDA**

7. **Regular Meeting Minutes of January 16, 2013.**

   M/S/C (Wiant/Wadler) to approve the Regular Meeting Minutes of January 16, 2013.

**REGULAR AGENDA**

10. **Proactive CMP Quarterly Report for October through December 2012.**

    Robert Cunningham, Transportation Planner 3, provided the staff report.

    Dawn Cameron, County staff liaison provided clarification regarding the street configuration of Montague Expressway near the ongoing construction.

    **On Order of Chairperson Goldstein** and there being no objection the Committee reviewed the proactive CMP Quarterly Report for October through December 2012.

6. **BPAC Subcommittee Reports**

   The BPAC Nominating Subcommittee reported the Committee nominated Member Brinsfield and Kerr for BPAC Vice Chairperson for 2013.
9. **Election Process for 2013 Committee Leadership: Conduct Elections**

Steven Flynn, Advisory Committee Coordinator, provided an overview of the election process.

Chairperson Goldstein opened the nominations from the floor for the position of BPAC Vice Chairperson for 2013. The BPAC Subcommittee announced that Members Brinsfield and Kerr were nominated as candidates for the office of BPAC Vice Chairperson for 2013 by the Committee members.

On a vote of 3 ayes to 7 noes to elect Member Kerr for BPAC Vice Chairperson for 2013.

On a vote of 7 ayes to 3 noes to elect Member Brinsfield for BPAC Vice Chairperson for 2013.

Member Kerr withdrew his nomination for BPAC Vice Chairperson for 2013.

Member Brinsfield was unanimously elected BPAC Vice Chairperson for 2013.

8. **Revised Bicycle Expenditure (BEP) Evaluation Plan**

Michelle DeRobertis, Senior Transportation Planner, provided an overview of the Revised Bicycle Expenditure Evaluation Plan.

Members of the Committee expressed concern with evaluation criteria and scoring used in the plan.

The BEP subcommittee expressed concern that all bike trails should be available for 24 hours a day.

**Public comment**

Omar Chatty, Interested Citizen, discussed extending BART up the peninsula & extend bike lanes up the BART corridor.

Suzanne Sperry, Interested Citizen, expressed her concern regarding open hours of bicycle and pedestrian trails and evaluation criteria. She noted thought should include the tourism industry. She noted attention should be paid to country paths and alternative funding sources.

**M/S/C (Simons/Wadler)** to recommend that the Board of Directors adopt the revised BEP Evaluation Criteria.
SANTA CLARA COUNTY BPAC AGENDA

11. **County Staff Report**

There was no County Staff Report.

OTHER

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

There was no Citizens Advisory Committee (CAC) and 2000 Measure A Citizens Watchdog Committee (CWC) Report.

13. **Local Jurisdiction Project Review Section**

On order of Chairperson Goldstein and there being no objection, the Committee received the report on the Local Jurisdiction Project Review Section.

14. **BPAC Work Plan**

On order of Chairperson Goldstein and there being no objection, the Committee reviewed the Committee Work Plan.

15. **Announcements**

There were no Announcements.

16. **ADJOURNMENT**

On order of Chairperson Goldstein and there being no objection, the meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Jacqueline Golzio, Board Assistant
VTA Office of the Board Secretary
CITIZENS ADVISORY COMMITTEE
and
2000 MEASURE A CITIZENS WATCHDOG COMMITTEE

Wednesday, February 13, 2013

MINUTES

CALL TO ORDER

The Regular Meeting of the Citizens Advisory Committee (CAC) was called to order at 4:07 p.m. by Chairperson Brownley, in Conference Room B-104, VTA River Oaks Campus, 3331 North First Street, San Jose, California.

1. ROLL CALL

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<thead>
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<tbody>
<tr>
<td>Jeremy Barousse</td>
<td>Member</td>
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</tr>
<tr>
<td>Stephen Blaylock</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Clinton Brownley</td>
<td>Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Bena Chang</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Chris Elias</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Sharon Fredlund</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>William Hadaya</td>
<td>Vice Chairperson</td>
<td>Present</td>
</tr>
<tr>
<td>Ray Hashimoto</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Roberta Hughan</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Aaron Morrow</td>
<td>Member</td>
<td>Absent</td>
</tr>
<tr>
<td>Charlotte Powers</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Connie Rogers</td>
<td>Member</td>
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</tr>
<tr>
<td>Martin Schultet</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Noel Tebo</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Mike Torres</td>
<td>Member</td>
<td>Present</td>
</tr>
<tr>
<td>Herman Wadler</td>
<td>Member</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

2. ORDERS OF THE DAY

There were no Orders of the Day.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

4. Committee Staff Report

Member Schultet took his seat at 4:10 p.m.

Greta Helm, Chief External Affairs Officer and Staff Liaison, provided a report, highlighting: 1) Successful relocation of VTA’s Downtown Customer Service Center to
55-A W. Santa Clara Street, noting the Center opened for business on Monday, February 11, 2013; and 2) VTA hosting a wedding on its Historic Trolley on February 14, 2013, Valentine’s Day, noting the lucky couple chosen to renew their vows after 60 years of marriage.

On order of Chairperson Brownley and there being no objection, the Committee received the Committee Staff Report.

5. Chairperson’s Report
Chairperson Brownley provided a report, highlighting: 1) January 29, 2013, Board and Advisory Committee Leadership meeting, noting the topics of discussion; and 2) Attended the January 31, 2013, Board of Directors meeting and reported on the January 16, 2013, CAC/CWC meeting and the January 29, 2013, Board and Advisory Committee Leadership meeting.

6. Committee for Transit Accessibility (CTA) Report
There was no CTA Report.

7. Bicycle and Pedestrian Advisory Committee (BPAC) Report
Member Wadler noted BPAC would be taking action on the following items agendized at tonight’s meeting: 1) Election for 2013 Vice Chairperson; and 2) Recommend that the VTA Board of Directors adopt revised Bicycle Expenditure Program (BEP) Evaluation Criteria.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

COMBINED CAC AND 2000 MEASURE A CITIZENS WATCHDOG COMMITTEE CONSENT AGENDAS

8. Regular Meeting Minutes of January 16, 2013
M/S/C (Wadler/Tebo) to approve the Regular Meeting Minutes of January 16, 2013.

9. Monthly Legislative History Matrix
M/S/C (Wadler/Tebo) to review the Monthly Legislative History Matrix.

2000 MEASURE A CITIZENS WATCHDOG COMMITTEE REGULAR AGENDA

There were no items for the 2000 Measure A Citizens Watchdog Committee Regular Agenda.

CITIZENS ADVISORY COMMITTEE REGULAR AGENDA

Robert Cunningham, Transportation Planner III, provided the staff report.
On order of Chairperson Brownley and there being no objection, the Committee received the Proactive CMP Quarterly Report for October through December 2012.

11. Discussion of Citizens Advisory Committee Member Suggestions for Improvement

Member Chang took her seat at 4:20 p.m.

Member Tebo reported that in addition to the Nomination Subcommittee identifying members interested in serving as the Chairperson or Vice Chairperson for 2013, the Nomination Subcommittee also asked for comments/suggestions on improving the CAC/CWC meeting process for the coming year. He noted that, for the most part, Committee Members were quite pleased and proud to serve on the Committee. Member Tebo referenced the comments/suggestions received from Committee Members in Attachment A of the Staff Report.

Chairperson Brownley indicated that during the January 29, 2013, Board and Advisory Committee Leadership meeting, VTA Board Chairperson Pirzynski reported on the communication process between the Advisory Committees and Board of Directors; providing examples of Staff Reports that are forwarded to the Board of Directors containing the Advisory Committee comments. He noted that the CAC/CWC Chairperson also has the opportunity to speak at the Board meetings for further input. Chairperson Brownley reported that the Advisory Committee Leadership also recommended that the Advisory Committees be informed of the final action taken on items in which the Committees have provided comments.

Members of the Committee made the following comments: 1) expressed the importance of the CAC/CWC Chairperson’s attendance at the Board of Directors meetings; 2) recommended that the Chairperson present the scope of the Committee’s discussions at the Board of Directors meetings; 3) thanked the Nomination Subcommittee for taking the leadership on this item; and 4) questioned if the item could be brought up again if the Committee Member who brought up some of the issues was not in attendance today.

Chairperson Brownley requested Committee Members to provide any additional comments/suggestions to him and/or staff.

On order of Chairperson Brownley and there being no objection, the Committee reviewed and discussed the suggestions for improvement provided by CAC/CWC members to the CAC Nomination Subcommittee.

12. Vasona Corridor Light Rail Transit Extension Project

Member Fredlund took her seat at 4:35 p.m.

Mark Robinson, Chief Engineering and Construction Officer, provided a brief overview of the staff report and a presentation entitled, Vasona Corridor Light Rail Transit Extension Project, highlighting: 1) Project Background; 2) Project Features; 3) Other Project Features; 4) Right-of-Way Required; 5) Environmental Review; 6) Daily Ridership; 7) Visuals of the following: a. Vasona Junction Station (existing and Phase 1 future); b. Hacienda Station (existing and Phase 2 future); and c. Tree Removal;

**Public Comment**

Omar Chatty, Interested Citizen, asked that VTA document the number of cars and number of people that will be stopped and delayed by the light rail trains and multiply that by the number of hours of delay.

Members of the Committee made the following comments: 1) cost comparison of the Vasona Light Rail Extension to past light rail extensions; 2) referenced the Metropolitan Transportation Commission (MTC) adoption of Resolution 3434 that required any new transit capital expansions to also have accompanying land uses that would support ridership and inquired if the VTA Board has looked at that type of a policy for light rail extensions; 3) inquired about the necessity and cost effectiveness of certain project features.; 4) inquired about the ridership forecasts and model used; 5) expressed concern regarding the cost of the project and limited amount of ridership and asked what were the other high priority Measure A projects the money could go towards; and 6) requested that the Committee be notified in advance of the date the VTA Board of Directors is anticipated to certify the SEIR and approve the project.

**On order of Chairperson Brownley** and there being no objection, the Committee received the Vasona Corridor Light Rail Transit Extension Project Report.

13. **Light Rail Efficiency Program Update**

Sarah Syed, Senior Transportation Planner, provided a presentation entitled, Light Rail Efficiency Project, highlighting: 1) Light Rail Transit (LRT) systems analysis background; 2) 2010 LRT system analysis study goals; 3) Existing LRT system; 4) Constraints and opportunities; 5) Partner cities seek major increase in transit use; 6) Efficiency projects transform 2017 network to serve new markets; 7) Light Rail Efficiency Project, Phase 1; 8) Rider benefits: travel times with LRT efficiency projects; 9) LRT Efficiency projects support cost-effective ridership growth; Riders will realize benefits in advance of 2017 if LRT improvements can be delivered earlier; 10) Capital investment in core system supports LRT service improvements; 11) Northern Express – Crossing the T; 12) Mountain View Double Track Phase 1 - 1400' extension of existing tail track; 13) Santa Clara Tasman Drive pocket track and light rail vehicle storage; 14) First Street speed improvements, system-wide transit signal priority; 15) New Almaden & express services; 16) San Jose turnaround track options under study; 17) Not all alternatives are equal; 18) 1st and 2nd Street options -utilize existing bus lane noted options still under consideration; and 19) Light Rail Efficiency Project - next steps.
Public Comment

Mr. Chatty inquired about the ridership projections associated with the Light Rail Efficiency Project and suggested staff to consider cross traffic congestion when conducting the light rail efficiency analysis.

Chairperson Brownley noted that staff would provide a response.

Members of the Committee made the following comments: 1) queried about the number of boardings at the Oakridge and Almaden Stations compared to the station boardings at the end of the Vasona line. Staff noted would provide a response; 2) expressed concern regarding VTA's transportation planning pertaining to the Santa Clara 49ers Stadium; and 3) expressed concern regarding the limited service to/from San Jose State University, noting service should be provided for the entire University.

Members Barousse and Powers left the meeting at 5:33 p.m.

On order of Chairperson Brownley and there being no objection, the Committee received an update on the Light Rail Efficiency Program.

COMBINED CAC AND CITIZENS WATCHDOG COMMITTEE ITEMS

14. Citizens Advisory Committee and Citizens Watchdog Committee Work Plans

On order of Chairperson Brownley and there being no objection, the Committee reviewed the Citizens Advisory Committee and Citizens Watchdog Committee Work Plans.

OTHER

15. ANNOUNCEMENTS

Member Tebo announced that former Member Bob Jacobvitz was doing well.

16. ADJOURNMENT

On order of Chairperson Brownley and there being no objection, the meeting was adjourned at 5:44 p.m.

Respectfully submitted,

Tracene Y. Crenshaw, Board Assistant
VTA Office of the Board Secretary
POLICY ADVISORY COMMITTEE
Thursday, February 14, 2013

MINUTES

On General Consensus, there being no objection, the Committee of the Whole appointed Vice Chairperson Price as Chairperson Pro Tempore.

CALL TO ORDER

The Regular Meeting of the Policy Advisory Committee (PAC) was called to order at 4:04 p.m. by Chairperson Pro Tempore Price in Conference Room B-104, Valley Transportation Authority (VTA), 3331 North First Street, San Jose, California.

1. ROLL CALL

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<tr>
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<tbody>
<tr>
<td>Rich Waterman</td>
<td>City of Campbell</td>
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<td>Michael Kotowski (Alternate)</td>
<td>City of Campbell</td>
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<tr>
<td>Orrin Mahoney</td>
<td>City of Cupertino</td>
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<tr>
<td>Rod Sinks (Alternate)</td>
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<tr>
<td>Terri Aulman</td>
<td>City of Gilroy</td>
<td>Present</td>
</tr>
<tr>
<td>Dion Bracco (Alternate)</td>
<td>City of Gilroy</td>
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<tr>
<td>Jeannie Bruins</td>
<td>City of Los Altos</td>
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<td>Megan Satterlee (Alternate)</td>
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<td>Vacant (Alternate)</td>
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<tr>
<td>Marcia Jensen</td>
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<td>Armando Gomez</td>
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<td>Julie Wiltshire</td>
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<tr>
<td>Marshall Anstandig (Alternate)</td>
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<tr>
<td>Larry Carr</td>
<td>City of Morgan Hill</td>
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<td>Rich Constantine (Alternate)</td>
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<tr>
<td>John McAlister</td>
<td>City of Mountain View</td>
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<tr>
<td>Jac Siegel (Alternate)</td>
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<tr>
<td>Gail A. Price</td>
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<td>Nancy Shepherd (Alternate)</td>
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<tr>
<td>Kansen Chu</td>
<td>City of San Jose</td>
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<tr>
<td>Teresa O’Neill</td>
<td>City of Santa Clara</td>
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<tr>
<td>Jerry Marsalli (Alternate)</td>
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<td>Howard Miller</td>
<td>City of Saratoga</td>
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<tr>
<td>Chuck Page (Alternate)</td>
<td>City of Saratoga</td>
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<tr>
<td>David Whittum</td>
<td>City of Sunnyvale</td>
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<td>Jim Davis (Alternate)</td>
<td>City of Sunnyvale</td>
<td>Present</td>
</tr>
<tr>
<td>Mike Wasserman</td>
<td>SCC Board of Supervisors</td>
<td>Present</td>
</tr>
</tbody>
</table>

A quorum was present.

On order of Chairperson Pro Tempore Price and there being no objection, the Committee received introductions from the Committee Members.
2. ORDERS OF THE DAY

Chairperson Pro Tempore Price announced the following Item would be changed from Action Item to Information Item: **Agenda Item #13.** Connection between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG).

Chairperson Pro Tempore Price announced the following Item would be heard first on the Agenda: **Agenda Item #10.** Election Process for 2013 Policy Advisory Committee Leadership: Conduct Elections.

On order of Chairperson Pro Tempore Price and there being no objection, the Committee accepted the Orders of the Day.

The **Agenda was taken out of order.**

REGULAR AGENDA


Member Miller reported on Member Price’s nomination for Chairperson for 2013 and Member Whittum’s nomination for Vice Chairperson for 2013.

On order of Chairperson Pro Tempore Price and there being no objection, the Committee accepted the Nomination Subcommittee Report.


Chairperson Pro Tempore Price noted that the Committee would accept nominations for Chairperson and Vice Chairperson from the floor.

M/S/C (Davis/Miller) to close nominations and elect Member Price as the PAC Chairperson for 2013.

M/S/C (Davis/Miller) to close nominations and elect Member Whittum as the PAC Vice Chairperson for 2013.

Chairperson Pro Tempore Price relinquished her seat as Chairperson Pro Tempore and presided as the newly elected 2013 PAC Chairperson.

3. PUBLIC PRESENTATIONS

There were no Public Presentations.

Member Jensen arrived at the meeting and took her seat at 4:08 p.m.

4. Committee Staff Report

Jim Lawson, Executive Policy Advisor and Staff Liaison, provided a brief report, highlighting: 1) Commented on the completion of the Elevator and Escalator Project; 2) VTA’s State Route (SR) 237 Express Lanes Project received the 2012 Transportation Project of the Year Award from the San Francisco Bay Area Institute of Transportation Engineers (ITE); 3) Distributed handouts on Transportation Training for Seniors; 4) Habitat Conservation Plan (HCP) was approved by the City of San Jose with conditions; 5) Caltrain update is scheduled on the March 14, 2013, PAC meeting; and 6) Commented on the El Camino Bus Rapid Transit (BRT) Scoping Meetings and the Caltrain Electrification Scoping Meetings scheduled in February 2013.

Member Whittum arrived at the meeting and took his seat at 4:12 p.m. and Alternate Member Davis relinquished his seat to Member Whittum.

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
Member Mahoney requested additional Senior Mobility Guides from staff. Mr. Lawson responded that staff would provide the handouts.

5. **Chairperson’s Report**

Chairperson Price commented on the Valentine’s Day Wedding Ceremony on VTA’s Historic Trolley at the Diridon Station in San Jose.

She reported Michael T. Burns, General Manager, is currently attending meetings with legislators to seek support for transportation projects and programs.

Chairperson Price provided an overview of the January 31, 2013 Board of Director’s Regular Meeting, highlighting: 1) Approved the purchase of 29 Articulated Buses for Bus Rapid Transit (BRT) Service; 2) Approved negotiation of a power purchase agreement with Bloom Energy for the Guadalupe Division, which is still in negotiation; and 3) Hired the new Auditor General, Patrick Hagan, of McGladrey, LLP.

**BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER**

**CONSENT AGENDA**

6. **Regular Meeting Minutes of November 8, 2012**

   M/S/C (Mahoney/Miller) to approve the Regular Meeting Minutes of November 8, 2012.

7. **Regular Meeting Minutes of January 17, 2013**

   M/S/C (Mahoney/Miller) to approve the Regular Meeting Minutes of January 17, 2013.

**REGULAR AGENDA** (continued)

8. **REGIONAL REPORTS**

   A. **Metropolitan Transportation Commission (MTC)**

      Mr. Lawson provided a brief report, highlighting: Metropolitan Transportation Commission (MTC) programmed grant funding to the following: 1) $10 million for Transit Oriented Affordable Housing (TOA); 2) $8 million in Regional Priority Development Area (PDA) and Technical Assistance; and 3) $2 million to Association of Bay Area Governments (ABAG) for research and planning activities.

   B. **California Transportation Commission (CTC)**

      There was no California Transportation Commission Report.

11. **Adopt Revised Bicycle Expenditure Program Policies**

12. **Bicycle Expenditure Program (BEP) Evaluation Criteria for VTP 2040**

   Ying Smith, Transportation Planning Manager, provided a brief overview of the staff report, stating that Attachment A is the current BEP Evaluation Criteria adopted January 8, 2009, and Attachment B is the 2013 proposed BEP Evaluation Criteria. Ms. Smith commented on revised Attachment B, noting various changes to the criteria, description, and points.

   Ms. Smith noted the BEP Evaluation Criteria for VTP 2040 was presented and approved with the revisions to Attachment B by the Bicycle and Pedestrian Advisory Committee (BPAC) and Technical Advisory Committee (TAC).
Mr. Lawson requested that the Committee defer on the following Items until staff provides revised Attachment B to the Committee: Agenda Item #11. Adopt Revised Bicycle Expenditure Program Policies and Agenda Item #12. Bicycle Expenditure Program (BEP) Evaluation Criteria for VTP 2040.

13. **Connection between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG)**

Mr. Lawson provided a brief overview on the Habitat Conservation Plan (HCP), the HCP partners, which include: Gilroy, Morgan Hill, San Jose, County of Santa Clara, Santa Clara County Water District, and VTA. Mr. Lawson noted that the HCP has been established for 10 years.

Mr. Lawson stated that the City of San Jose suggested that there is a potential relationship between the two programs and recommended that the other cities currently not participating in the HCP should have to participate in the fees associated with the HCP in order to be eligible to receive OBAG funding. Mr. Lawson reported the VTA Board of Directors directed staff to review both programs and determine if a connection existed at the December 13, 2012, Regular Meeting.

Mr. Lawson distributed informational handouts on the HCP and OBAG programs to the Committee Members for their reference. Mr. Lawson stated that staff has not determined a nexus between the two programs.

Members of the Committee expressed concern with the City of San Jose’s suggestion/recommendation and added that the North County City Grouping does not support the suggestion/recommendation.

Member Wasserman clarified that the HCP partners did not initiate the direction to determine a connection between the HCP and OBAG Programs, noting that the two programs are not tied together.

Committee Members requested that staff provide the geographic areas and contact information on the HCP. Ann Calnan, Senior Environmental Planner, distributed the HCP compact disc to interested Members of the Committee. Mr. Lawson responded the Office of the Board Secretary would email the website link with maps, key information, and complete HCP plan to the Committee.

On order of Chairperson Price and there being no objection, the Committee received the verbal report on the connection between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG).

11. **Adopt Revised Bicycle Expenditure Program Policies** (continued)
12. **Bicycle Expenditure Program (BEP) Evaluation Criteria for VTP 2040** (continued)

Ms. Smith distributed revised Attachment B and noted that the goal is to strike a balance between being too descriptive or vague to permit a framework to work within and allow room for the project sponsors. She continued the TAC Committee was satisfied and in agreement with the changes and language in the criteria and description in revised Attachment B.

Extensive discussion ensued between the Committee Members regarding the inclusion of changes under Notes: (ii) Major Destinations category in the revised Attachment B.

Members of the Committee noted the importance to add under Notes: (ii) Major Destinations to include schools and parks as well as educational institutions.
Public Comment

Omar Chatty, Interested Citizen, urged the Committee to advocate moving from Caltrain to BART, noting the importance to purchase additional train vehicles and right of way for BART.

11. Adopt Revised Bicycle Expenditure Program Policies

M/S/C (Miller/Mahoney) to recommend that the Board of Directors adopt the Bicycle Expenditure Program (BEP) policies.

12. Bicycle Expenditure Program (BEP) Evaluation Criteria for VTP 2040

Members of the Committee requested the following amendment to the recommendation: to add a new category under Notes: (ii) Major Destinations - “Major Activity Centers” to include educational institution centers, major activity recreational centers, and regional parks.

Members of the Committee requested the removal of “universities” and “major public venues” under Notes in the first category, “Major Employment Centers,” since they are included in the new category “Major Activity Centers.”

M/S/C (Miller/Whittum) to recommend that the Board of Directors adopt the revised BEP Evaluation Criteria as amended to include the following: under Notes: (ii) Major Destinations add a new category “Major Activity Centers,” to include educational institution centers, major activity recreational centers, and regional parks.

14. Low Income Discount Fare Analysis


Ms. Valles stated that the next steps include definition of the roles and responsibilities of the pilot project then review the project with the People Acting in Community Together (PACT). The Low Income Discount Fare Analysis presentation is scheduled on the February 21, 2013 Transit Planning and Operations (TP&O) Committee then forwarded for consideration to the March 7, 2013 VTA’s Board of Directors Regular Meeting. Staff anticipates the Low Income Discount Fare Pilot Project implementation in July 2013.

On order of Chairperson Price and there being no objection, the Committee reviewed the Low Income Discount Fare Analysis.


Robert Cunningham, Transportation Planner III, provided a brief overview of the staff report.

Public Comment

Mr. Chatty stressed the importance to replace Caltrain with BART, noting the transportation impacts to the community related to road congestion, service levels, and the development of toll lane projects.

On order of Chairperson Price and there being no objection, the Committee reviewed the Proactive CMP Quarterly Report for October – December 2012.
OTHER

16. Committee Work Plan

Mr. Lawson noted the update on the Caltrain Electrification is scheduled on the March 14, 2013 PAC Agenda.

On order of Chairperson Price and there being no objection, the Committee reviewed the Work Plan.

17. Announcement

Mr. Lawson stated that the Office of the Board Secretary would send an email to the Committee regarding an invitation to the new members who are interested in receiving a new member orientation to provide information on VTA and the role of the PAC Committee.

18. ADJOURNMENT

On order of Chairperson Price and there being no objection, the Committee meeting was adjourned at 6:01 p.m.

Respectfully submitted,

Michelle M. Garza, Board Assistant
VTA Office of the Board Secretary
CALL TO ORDER

The Regular Meeting of the Technical Advisory Committee (TAC) was called to order at 1:30 p.m. by Chairperson Borden in Conference Room B-104, Santa Clara Valley Transportation Authority (VTA), 3331 North First Street, San José, California.

1. ROLL CALL

<table>
<thead>
<tr>
<th>Attendee Name</th>
<th>Representing</th>
<th>Status</th>
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<tbody>
<tr>
<td>Rajeev Batra</td>
<td>Member</td>
<td>City of Santa Clara</td>
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<tr>
<td>Karl Bjarke</td>
<td>Member</td>
<td>City of Morgan Hill</td>
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<tr>
<td>Creer, Scott</td>
<td>Alternate Member</td>
<td>City of Morgan Hill</td>
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<tr>
<td>Timm Borden</td>
<td>Member</td>
<td>City of Cupertino</td>
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<tr>
<td>Todd Capurso</td>
<td>Member</td>
<td>Town of Los Gatos</td>
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<tr>
<td>Steve Chan</td>
<td>Alternate Member</td>
<td>City of Milpitas</td>
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<tr>
<td>John Cherbone</td>
<td>Member</td>
<td>City of Saratoga</td>
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<tr>
<td>Macedonio Nunez</td>
<td>Alternate Member</td>
<td>City of Saratoga</td>
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<tr>
<td>Richard Chiu</td>
<td>Member</td>
<td>Town of Los Altos Hills</td>
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<tr>
<td>Dan Collen</td>
<td>Chairperson</td>
<td>County of Santa Clara</td>
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<tr>
<td>Helen Kim</td>
<td>Member</td>
<td>City of Mountain View</td>
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<tr>
<td>Cedric Novenario</td>
<td>Member</td>
<td>City of Los Altos</td>
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<tr>
<td>Michelle Quinney</td>
<td>Member</td>
<td>City of Campbell</td>
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<tr>
<td>Jaime Rodriguez</td>
<td>Member</td>
<td>City of Palo Alto</td>
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<tr>
<td>Ray Salvano</td>
<td>Member</td>
<td>City of San José</td>
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<tr>
<td>Hans Larsen</td>
<td>Alternate Member</td>
<td>City of San José</td>
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<tr>
<td>Henry Servin</td>
<td>Member</td>
<td>City of Gilroy</td>
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<tr>
<td>Mo Sharma</td>
<td>Member</td>
<td>City of Monte Sereno</td>
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<tr>
<td>Lee Taubeneck</td>
<td>Ex-Officio Member</td>
<td>Dept. of Transportation (Caltrans)</td>
</tr>
<tr>
<td>Jack Witthaus</td>
<td>Member</td>
<td>City of Sunnyvale</td>
</tr>
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</table>

A quorum was present.

2. PUBLIC PRESENTATIONS

There were no Public Presentations.
3. **ORDERS OF THE DAY**

There were no Orders of the Day.

4. **Committee Staff Report**

John Ristow, ChiefCongestion Management Agency (CMA) Officer and Staff Liaison, reported: 1) The TAC will review the VTA/Department of Transportation (Caltrans) iT Team initiative at its March 14, 2013, meeting; 2) El Camino Real scoping meetings will be held at Santa Clara City Hall on February 21, 2013, at 8:30 a.m. and 5:30 p.m., and at Mountain View City Hall on February 28, 2013, at 8:30 a.m. and 5:30 p.m.; 3) Caltrain Electrification Program scoping meetings will be held at Palo Alto City Hall on February 28, 2013, from 6:00 p.m. to 8:00 p.m., and on March 5, 2013, in the Auditorium at VTA’s River Oaks Campus from 6:00 p.m. to 8:00 p.m.

John Sighamony reported on the Priority Development Area (PDA) Investment and Growth Strategy Workshop to be held at 10:00 a.m. on February 28, 2013, in the Auditorium at VTA’s River Oaks Campus.

5. **Chairperson's Report**

There was no Chairperson's Report.

6. **TAC Working Groups Report**

- **Capital Improvement Program (CIP)**

  Celeste Fiore, Transportation Planner III, reported the CIP Working Group met on January 22, 2013. Ruchika Aggarwal, City of Palo Alto, was elected the 2013 Chairperson.

  The CIP Working Group: 1) reviewed the BEP Evaluation Criteria for VTP 2040; and 2) participated in a One Bay Area Grant (OBAG) applications question and answer session led by VTA staff.

  The next meeting of the CIP Working Group will be held on February 26, 2013, where discussions are expected to include: 1) PDA Investment and Growth Strategy; 2) OBAG; and 3) Vehicle Emissions Reductions Based at Schools (VERBS).

- **Systems Operations & Management (SOM)**

  Eugene Maeda, Senior Transportation Planner, reported the SOM Working Group met on January 23, 2013, to: 1) continue discussions on the Transportation Impact Analysis (TIA) Guidelines; 2) review the CMP monitoring performance request for proposals (RFP), scheduled for release on February 15, 2013; and 3) receive a presentation from the City of San Jose's Traffic Incident Management Center, which is expected to be in the later part of 2013.

  The next meeting of the SOM Working Group will be held on February 27, 2013.
• Land Use/Transportation Integration (LUTI)

Robert Swierk, Senior Transportation Planner, reported the LUTI Working Group met on February 13, 2013, and discussed: 1) PDA Investment and Growth Strategy; 2) the proposed Work Plan and Scope for the TIA Guidelines, which will be brought to the TAC in spring 2013; and 3) this spring VTA is collaborating with the San José State University Urban Planning Department on an Urban Local Transportation Planning masters class, performing a survey of residents of transit-oriented developments specifically near Santa Clara County rail stations.

Member Servín took his seat at 1:39 p.m.

The next meeting of the LUTI Working Group will be held on May 8, 2013.

BUSINESS REFERRED TO COMMITTEE BY THE BOARD OF DIRECTORS/GENERAL MANAGER

CONSENT AGENDA

7. **Regular Meeting Minutes of January 17, 2013**

M/S/C (Quinney/Capurso) to approve the Regular Meeting Minutes of January 17, 2013.

REGULAR AGENDA

8. **Adopt Revised Bicycle Expenditure Program (BEP) Policies**

Ying Smith, Transportation Planning Manager, provided the staff report.

Ex-Officio Member Taubeneck took his seat at 1:45 p.m.

Member Rodriguez questioned whether the TAC member agencies had been allowed to submit additional projects to the BEP since the first call-for-projects in 2011. Ms. Smith reported that a supplemental call-for-projects had recently closed. She stated staff would notify the TAC if the project-submittal deadline could be extended.

M/S/C (Batra/Servín) to recommend that the Board of Directors adopt the Bicycle Expenditure Program (BEP) policies.

9. **BEP Evaluation Criteria for VTP 2040**

Ms. Smith provided the staff report. She reviewed revised Attachment B, which was distributed to the Committee in advance of the meeting.

Member Batra referenced the Congestion Mitigation & Air Quality (CMAQ) Improvement Program operating requirement that eligible facilities must be open

NOTE: M/S/C MEANS MOTION SECONDED AND CARRIED AND, UNLESS OTHERWISE INDICATED, THE MOTION PASSED UNANIMOUSLY.
24-hours per day. He noted that for safety purposes the City of Santa Clara’s trails are open from sunrise to sunset. Member Batra stated the City of Santa Clara’s goal to expand their park and trail system and expressed concern that due to the operating hours they may not be eligible for CMAQ funding. Ms. Smith noted the Transportation Development Act (TDA) and Transportation Fund for Clean Air (TFCA) Program do not have a 24-hour requirement. Mr. Ristow noted staff would check with the Metropolitan Transportation Commission (MTC) to clarify the 24-hour operating requirement.

M/S/C (Batra/Rodriguez) to recommend that the Board of Directors adopt the revised BEP Evaluation Criteria.

10. **Connection Between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG)**

Scott Haywood, Policy & Community Relations Manager, provided the staff report. He noted this item would be heard as an information item, with no action required by the TAC.

Mr. Haywood stated that a formal report for this item is scheduled for the March 14, 2013, TAC meeting.

Member Servín noted this item is of great importance to the City of Gilroy.

On order of Chairperson Borden and there being no objection, the TAC received an update on the Connection Between the Habitat Conservation Plan (HCP) and the One Bay Area Grant (OBAG).

11. **Proactive CMP Quarterly Report for Oct-Dec 2012**

Rob Cunningham, Transportation Planner III, provided the staff report.

On order of Chairperson Borden and there being no objection, the Committee received the Proactive CMP Quarterly Report for October through December 2012.

**OTHER**

12. **MTC Activities and Initiatives**

Mr. Ristow reported: 1) MTC is working on the Regional Transportation Plan (RTP), with the Environmental Impact Report (EIR) undergoing final stages of preparation; 2) MTC staff is tentatively scheduled to attend the May 2, 2013, VTA Board of Directors (Board) meeting to discuss the results of their analysis; 3) MTC is expanding its Express Lanes Program by 270 miles, on Interstates 880, 680 and 80, in the Northeast portion of the Bay Area; and 4) The Bay Bridge opening is scheduled for Sunday, September 1, 2013.

On order of Chairperson Borden and there being no objection, the Committee received an update on MTC Activities and Initiatives.
13. **TAC Committee Work Plan**

   On order of Chairperson Borden and there being no objection, the Committee reviewed the TAC Committee Work Plan as contained in the agenda packet.

14. **ANNOUNCEMENTS**

   There were no announcements.

15. **ADJOURNMENT**

   On order of Chairperson Borden and there being no objection, the meeting was adjourned at 1:37 p.m.

   Respectfully submitted,

   Susan E. Garcia, Board Assistant
   VTA Office of the Board Secretary